

MANAGER'S REPORT
City Council Meeting @ 7 p.m.
Tuesday, October 5, 2010

TO: Mayor Walter Ash Jr. and Honorable Members of Belfast City Council

FROM: Joseph J. Slocum, City Manager

DATE: Friday, October 1, 2010

Agenda items:

Consent Business Agenda:

10-A-1 Appointing a voting Reprehensive for the Maine Municipal Conference on October 12th 2010.

Traditionally Belfast gets to vote on changes in bylaws and other significant issues relating to the organization of the Maine Municipal Association. There will be an organizational meeting as part of the upcoming MMA Conference. We need to appoint a representative and an alternative representative to cast these votes on behalf of the City.

I respectfully request that you appoint me to be the voting representative and Denise Beckett, Belfast City Clerk as the alternate representative. The Conference will be held Tuesday, October 12th and Wednesday the 13th. They offer many training and informational programs which are open to municipal employees and elected officials. We have placed information on this in your mail. If any Council member is interested in attending please get a hold of Jennika Lundy, the Administrative Assistant to the City Manager at 338-3370 ext 10 and we will take care of the registration arrangements.

10-A-2 Approval of the City Managers recommendation to appoint Daniel Stanicki as a Belfast reserve patrol officer.

Mr. Stanicki has over two decades of valuable law enforcement experience and has recently moved to the area. He has agreed to help us as one of our reserve patrol officers. Reserve officers are people we call upon to help fill in when we have full time officers out because of vacations, sick time, training requirements, etc. They help the City save money because we can pay them straight time rather than have a full time officer fill in at overtime rates.

We ask you appoint Daniel Stanicki as a Belfast reserve patrol officer.

Itemized Agenda

10-B Update on Coastal Walkway project: Time line discussion and possible authorization to Review Committee to negotiate a consulting contract with Richardson and Associates.

We have a Review Committee helping the City select and work with a design consultant on the Coastal Walkway that we wish to construct from the Boathouse to the Footbridge. Aside from City Planner Wayne Marshall and Economic Development Director Thomas Kittredge the Review Committee includes

Council Members Roger Lee and Marina DeLune, Harbor Committee Chair Mike Rauch, Design Review Committee member Dominic Mercandante, Parks and Recreation Commission members Carol Good and Cathy Gleeson, and Hiking, Biking and Pedestrian Committee Chair Marti Packer.

This group has conducted interviews and selected a preferred consultant Richardson and Associates. They are now in the process of working within State requirements to negotiate a consultant contract with Richardson and Associates. We are bound to follow this State process because the State is putting \$250,000 into this project.

Wayne Marshall will be asking for Council Approval to permit this Review Committee to negotiate a fee for this Consultant in an amount not to exceed a certain value. He has attached more detail on this on a memo in your packet.

This Review Committee is also involved with the City's other consultant, MRLD Associates, who is helping the City develop an updated Master Plan for the Waterfront and the Downtown area. We have pursued this updated Master Plan because it is very clear that during the next 15 years there will be significant developments on both public and private property along our Waterfront and these developments will have a significant effect on existing City owned land, the Harbor and the Downtown area. While some may understandably question this likelihood based upon the history of the Stinson Development and the current State of the economy, I can assure everyone that this is too beautiful a Harbor, too delightful a downtown and too desirable a City for these resources not to attract significant investment and change over the next 15 years. The truth is that we are regularly dealing with real investors or potential developers who see an economic downturn, a vacant building or a failed project as an opportunity for future growth. The Master Plan will help staff and the Community make sure that the change which is coming will fit what great community wants.

We have separate consultants for the Coastal Walkway Project and the Waterfront and Downtown Master Plan because the State's process of selecting consultants and working out agreements is onerous and financially impracticable for the City. Having said that we are indeed coordinating between both efforts to make sure they fit together.

As part of that coordination, the Review Committee on the Coastal Walkway is recommending that the City consider adjusting its proposed timeline for construction of the Coastal Walkway from the Spring of 2011 to the Fall of 2011 in order to let the Master Plan get in front of this parallel effort so that what is designed and specified to contractors fits better with the overall Master Plan. Wayne Marshall's attached memo further discusses this and some Review Committee members will be at the Tuesday night meeting to discuss this issue with the Council in person.

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10-C Accept bids for the Public Works Loader as submitted with postponement to a future meeting on actually awarding the bid.

We planned in the budget this year to replace an aging public works loader. We put the matter out to bid and received multiple bids, which are included in your packet. We are NOT ready to make a recommendation on which bid to select. We need to spend time reviewing the documents and the actual equipment – including trying it out- before asking you to make an actual award.

We simply need a motion to accept the 7 bids as presented at this time.

10 –D Discussion and possible action on awarding two bids to replace two sub-surface septic disposal systems under the Small Community Grant Program.

The Council may recall that we received a \$9,000.00 grant from the state to help us financially assist people with low incomes in repairing their defective septic systems.

We also have an additional \$11,017.74 in the septic system reserve account which is the money left over from the former grants that we received for the same purpose. We recently put two more projects out to bid for two separate families (Crosby and Noble).

Secondly, we recommend that the City award to Scott Pelletier and Daughters the contract on the Crosby project for \$8,965.00 with our share being \$2,241.25.

Finally, we ask that you award to Scott Patten Construction the contract for the Noble project at a cost of the city \$4850.00.

The City share is governed by income guidelines. Funds for each of these awards come from the Capital Projects account for septic replacement administered by the Planning Department.

10-E Further discussion on providing a preference for local businesses in awarding bids.

At last meeting, council member Marina Delune recommended that we consider giving a slightly better opportunity for Belfast businesses to secure City contracts. While there is no legal requirement that the City put anything out to competitive bid, we do have a policy of putting things out to a competitive bid if they are likely to cost in excess of \$4,000.00.

The City's existing policy reads:

"Whenever possible and wherever substantially similar responses to bid requests are received, bidders who are residents of Belfast shall receive preferential consideration, not to exceed 5% or \$250 (whichever is less)."

Council member Delune suggested that we consider eliminating the \$250.00 differential and rely solely on a 5% difference between the local bidder and the non-local bidder.

After some discussion, Council member Baker suggested a minor amendment, which I drafted as possible replacement language as follows:

"Whenever possible and whenever substantially similar responses to bid requests are received from both out-of-town businesses and in-town businesses, the city shall attempt to show some preferential consideration for the in-town business by allowing them secure the contract if they are first within 5% of the lowest bidder and secondly are also willing to match the lowest bidders price."

Council Members tabled further discussion on this issue to this meeting to provide additional time to reflect on this proposal.

10F- Further discussion on future uses and protections of city owned range ways and rights-of-way to the water

By my count, we presently have at least six separate groups who are looking at our Range ways and rights-of-ways to the water. They are:

1. Waterfall arts: They are interested in the display of natural art designs along various trails and hiking opportunities in Belfast. They have met with at least two neighborhoods to date and received fairly positive responses.
1. Belfast Hiking, Biking and Pedestrian Committee. They are interested primarily in making sure access is identified and available for hiking and pedestrian opportunities.
2. Belfast Parks and Recreation Commission: They have several interests; some clear and some unknown, which are in need of being cleared up.

The Commission is clearly interested in preservation, signage and maintenance. They are working with Waterfall Arts on the Art display requests. I believe Jim Bell may have sent a letter to abutters of these access points that talks about a 15-foot wide path on these access points but I have yet to see a copy. I do not know whether the Commission sees these Range Ways and Rights-of-Way as Parks- places which one day could be appointed with garbage cans, benches, picnic tables, landscaping. It is also not clear to me that Parks and Recreation has anything to do with these areas which are legally Rights-of-Way which like all other streets is usually the province of the Public Works Department. Under our code of ordinances the Commission only has jurisdiction over Range Ways.

3. Belfast City Council: The City Council is the ultimate decision maker on the uses of these resources, any regulations that could apply to these resources and what to do about encroachments upon these resources.
4. Neighbors: Each Range way or right-of-way has a surrounding neighborhood of one character or another. The people who live in the vicinity of these access points to the

water have a strong interest in respecting their preservation but they also do not want them become impediments to their neighborhood.

They are concerned about parked cars, benches, picnic tables, hours of access, garbage, noise, buffers and directional signage that reroutes regional traffic to their neighborhood.

5. There are many other citizens who are not in the neighborhoods abutting these access points to the water but whom nevertheless feel very strongly that these access points be marked, preserved and protected for themselves and our citizens of the future.

The Council has made it clear that they wish to have the neighborhoods engaged in the dialog before decisions are made.

Waterfall Arts, working with the Parks and Recreation Commission have already met with two neighborhoods about the singular issue of locating nature based art sculpture at those locations. They have received positive responses but face questions about larger issues that only the City Council can answer as to the City's future intentions, planned uses, potential regulation, noise, parking, encroachment etc. There appears to be interest in the Art proposal but there is also concern about the uncertainty in the City's overall plan for these areas in the future. Neighbors especially do not want to respond in part if it will mean something more onerous in the future. They are looking for a comprehensive proposal or plan.

Given all the potential interest in play I suggest a collective process. We could have one collective work session/public hearing – inviting everyone to present their perspective on each of these locations.

This is a better way to proceed than to have one or two groups meet with isolated pockets of neighbors. In those meetings the general public doesn't really get to participate.

I have and will continue to encourage anyone who wishes to write out their concerns about a particular Range way or right-of-way or about these resources in general to do so. I am collecting that input and making it available to anyone who is addressing any portion of the issues involving these resources.

People have concerns and there is confusion on what our process is going to be and how it will affect their interest. If we are not going to have garbage cans and or picnic tables then we need to say that as clearly as possible as soon as possible. Etc. If the Parks Commission is going to have jurisdiction on the Rights of Way to the water, then we need to amend our Ordinance.

A single public hearing on all Range-ways and Rights-of-Way to the water can expedite resolution and clarify future intent.

To date, the only decisions made have been to identify these access points, preserve written records relating to them, surveying them and marking them. People from many perspectives are concerned where this is all going and I think we need to have this process to help answer those concerns.

Given current schedules and priorities, I would suggest we set this public hearing up after the election.

10G- Discussion on a policy for use of metal detectors on city property

A gentleman who wishes to use his metal detector on City property looking for odds and ends has recently contacted me. I have dealt with this in other municipalities in the past. Some people are concerned about potential City valuables disappearing. Others are concerned about digging being done on City land and leaving either a mess or an unsafe condition behind.

To the best of my knowledge the City does not have a policy on this. I recommend that we either ban the practice or refer all requests to City Parks and Recreation director Jim Bell, and give him the authority to identify those using these metal detectors so that he can monitor them and make sure they don't leave our property in a damaged condition.

I have not brought this to the Parks and Recreation Commission because there is City property that could be impacted by this that has nothing to do with City parks.

That's about it for now.

This year more than 400 American municipalities and 32 Governors joined together by issuing proclamations declaring October as Dating and Domestic Violence awareness month. We should all be struck by the volume and scope of this massive cultural problem. How many terrible incidents have we read about in the newspapers in just the last 6 months? How many will we never hear about and yet we will nevertheless see its effects on our children or the faces that pass us every day? Can we go a single day without becoming aware of another horrible and life changing incident happening somewhere in our region? We spend a lot of taxpayer money in Belfast addressing this in our schools, in our law enforcement and in our social services. Money won't fix this- only a cultural change can. We need to talk about it, and against it all the time. The message needs to be played relentlessly that domestic violence or dating violence is never ever right and is never ever going to be acceptable. Cultural change does not happen without the vast majority of that culture making a decision and playing a part in that change. I apologize for the soapbox comment but this is one I just can't let go. I hope everyone has a great and safe weekend- but I also hope that each of us will do everything we can to turn this awful level of domestic violence around. Thanks.