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City of Belfast
SPECIAL CITY COUNCIL MEETING
Belfast City Hall – Council Chambers
Thursday, August 12, 2021
6:30 P.M.

Due to the ongoing public health crisis, participants are strongly encouraged to take part by remote means using Zoom. Meetings will stream live on the City website at www.cityofbelfast.org, air live on BEL TV and on Belfast Community Radio WBFY 100.9.

Those who wish to attend the meeting in person may do so. Masks will be required for all in-person attendees *this is subject to change based on CDC recommendations*. Specific meeting procedures will be determined by the Mayor at the time of the meeting and may include distancing measures, restrictions on number of attendees in the meeting room or mask recommendations.

CITY OF BELFAST
Special Meeting

1) Call to order

2) Present: Mayor Eric Sanders; Councilors Mary Mortier, Neal Harkness, Brenda Bonneville, Michael Hurley, Paul Dean, and City Manager Erin Herbig.

3) Adoption of the agenda

City Manager Erin Herbig requested to add item **10) C** Consideration of a Resolution and Order Regarding Meetings of City Boards and Committees.

Councilor Dean, seconded by Councilor Bonneville, made a motion to adopt the agenda, as amended. This motion was approved, 5-0.

4) Agenda:

A. Public hearing on possible Condemnation regarding the Notice of Intent to Condemn Real Property Interests as posted on August 4, 2021, pursuant to 30-A MRS 3101 and 23 MRS 3021 et seq.

Attorney Bill Kelly presented and walked through the Condemnation Order and the proposed Legislative Findings (Schedule D).

City Manager Erin Herbig noted that Council received 79 emails and 0 postal mail, by the noon deadline the day of the Special Council meeting and were submitted to the Council as part of the Public Hearing.

Mayor Sanders asked for proponents and opponents.

1. Paul Bernacki of Belmont encouraged Council not to rush this decision.
2. Alan Cohen of Winterport suggested Council look back at the history of Belfast and the current economy, and expressed concerns that this may do harm to the beauty of Belfast.
3. Andrew Plesner of Standish, owns property in Belfast discussed support of possible condemnation and thanked Council for working to bring more jobs to his hometown of Belfast.
4. Dave Perkins of Lincolnville discussed that fishing has taken place at Eckrote property and that he believes that part of this land is Northport land.
5. David Smith of Belfast made a brief statement about what eminent domain is and feels that Belfast is making a big mistake if they move forward with it.
6. Dick Swain of Belfast discussed that he believes it would be a mistake to use eminent domain and requested that Council give it more time.
7. Jeffrey Mabee of Belfast discussed with Council that he believes the land belongs to him and his wife, until it is proven in court otherwise. Discussed the offer he made to the City regarding a permanent easement.
8. Geff Phlemlin of Belfast discussed his belief that State and Federal Environmental Agencies don't like to take risks which is why they have the permitting process they do. He supports the City process.
9. Glenn Montgomery of Belfast is neutral regarding Nordic but discussed concerns that the City may have moved too fast, but that he believes that the Council and Mayor are doing what they believe is best for Belfast.
10. Jeffery Bast of Northport/Bayside discussed concerns with possible adverse effect to the water, feels this project is not worth the risk.
11. Karen Emmery-Estey of Maine thanked Council for their diligence and discussed her support for the project and the positive impact she believes it will have on Belfast and surrounding towns.

12. Karen Shagas of Belfast expressed feeling that eminent domain is a big mistake and inquired about what research the Council has done.

13. Kathy Hayes of Belmont spoke in favor of this project and turned it over to Diane Braybook.

14. Diane Braybook of Belfast thanked Council for all they have done and read quotes from others who have supported this project over the years but do not come to these hearings.

15. Lily Peil of Belfast respectfully opposed and discussed many concerns with Nordic coming to Belfast.

16. Ron Huber of Belfast opposed, requesting that Council decline eminent domain.

17. Seth Thayer of Northport and owns property in Belfast spoke in support of Council's decision to move forward with eminent domain.

18. Steve Byers of Waldo expressed concerns that eminent domain is used by powerful people to get what they want.

19. Susan Stone of Belfast expressed that she is opposed to use of eminent domain and spoke on behalf of the water and the land as they have a voice in this project.

20. Zafra Whitcomb of Belfast discussed not personally being a fan of the use of eminent domain and is on the fence weather this is the proper course of action. He also discussed disappointment with verbal abuse from opponents of the project and the spread of misinformation.

21. Jamie Phillips, President of the Friends of the Harriet Hartley Conservation Area, opposed the use of eminent domain as it would be against the constitution and the law and is only being used to give Nordic what they want.

22. Amy Grant of Belfast showed photos on her cell phone of both the Eckrote and Mabee families fishing on the flats and discussed concerns that private property is being used for a private companies gain.

23. Mike Samway of Florida, who rents in Bayside, discussed memories of chicken guts in the bay and is concerned that Nordic will have a negative impact on our environment.

24. Kim Tucker of Lincolnville, and the Attorney representing Jeffery Mabee, discussed that it would be unconstitutional to take her clients property and that they feel the City is only doing this to allow Nordic to run pipes through the tidal flats. Warned the Council they will be in a lawsuit if they move forward with eminent domain tonight.

25. Debbie Smith of Belfast is appalled by Councils decision tonight as she believes that if they are resorting to eminent domain it shows a lack of confidence in the process.

26. Christopher Groden of Belfast provided the Council with the perspective of the fish and that if this project moves forward they will be enslaving fish which is cruel.

27. Debra Capwell of Belfast inquired about cost associated with this decision, such as litigation and the park construction and maintenance and inquired about who will pay for these cost.

28. Jane Giles of Belfast read a letter from the residents of Tozier St. who are opposed to the use of eminent domain and concerned that there was not more of an opportunity for the abutters to provide Council feedback.

29. Waldon of Belfast discussed concerns that Council would be stealing land to give to Nordic and that no one will want to go to this proposed park.

30. Jim Merkel of Belfast spoke on behalf of the Sierra Club who are requesting that Council oppose the use of eminent domain.

31. Francis Pan of Belfast feels that although the Council feels this is in the best interest for Belfast that it is in fact illegal and unethical and that she believes what the City is giving up outweighs what the City will be losing.

32. Christopher Hyke of Belfast informed Council that they will be taken to court if they move forward with eminent domain.

33. Jim Campbell of Belfast encouraged Council to look at opinions of others.

34. Jonathan Fulford of Belfast discussed concerns with the City's lack of review of climate impact.

35. Rachel Herbener of Belfast discussed concerns that this project will have on the City's carbon footprint.

36. Doug Miska of Bayside, Board member of the Friends of Harriet Hartley Conservation Area, requested that everyone take a breath and encouraged Council not to use eminent domain.

Mayor Sanders declared the hearing closed.

B. Deliberations and possible action to approve and issue a Condemnation Order of real property interests, waive second reading requirement, and pay damages pursuant to 30-A MRS 3101 and 23 MRS 3021 et seq.

Councilors thanked the public for participating in the Public Hearing and for those who reached out to speak to them on the matter leading up to the meeting.

Councilors took time to discuss their reasons for voting in favor of eminent domain.

Councilor Harkness, seconded by Councilor Hurley, made a motion that the Belfast City Council now Resolves, Orders and Appropriates the adoption of the Condemnation Order, that the sums appropriated be paid according to the Condemnation Order to those property owners from whom real property interests are hereby condemned, that the City Council waive second reading of the appropriation as authorized by Article II Section 11(d) of the Belfast City Charter, and that the City take the necessary steps described in 23 MRS 3023 and 3024 to complete the taking by eminent domain process. This motion was approved, 5-0.

C. Consideration of a Resolution and Order Regarding Meetings of City Boards and Committees.

City Manager Erin Herbig read the Resolution and Order Regarding Meetings of City Boards and Committees.

Councilor Hurley urged the public to continue to get vaccinated if you have not yet.

Councilor Harkness, seconded by Councilor Bonneville, made a motion to accept the Resolution and Order Regarding Meetings of City Boards and Committees, effective immediately. This motion was approved, 5-0.

5) Adjourn

Councilor Harkness, seconded by Councilor Hurley, made a motion to adjourn the meeting at 10:25 p.m. This motion was approved, 5-0.

HEREBY CERTIFY THAT THE ABOVE
IS A TRUE COPY OF INFORMATION
ON THE RECORD WHICH IS IN MY
OFFICIAL CUSTODY

ATTEST



AMANDA CUSHMAN, BELFAST MAINE