

**REGULAR MEETING**

**AGENDA**

**April 14, 2014**

- 1. Roll Call
- 2. Pledge of Allegiance to the Flag
- 3. Public Forum (5 min. limit each speaker)
- 4. Meeting Notice
- 5. Reading of the Record
- 6. Reports:
  - a. City Manager’s Report
  - b. City Attorney’s Report
  - c. Other Official’s Report
  - d. Mayor’s Report
- 7. Licenses and Permits:
  - a. Lodging House License – Captain Lindsey House (Postponed from 03/10/14)
  - b. Liquor License – Primo Restaurant
  - c. Liquor License – Rockland Café
  - d. Liquor & Entertainment Licenses – The Pearl Restaurant
  - e. Liquor License – Lobsterman’s Restaurant
  - f. Liquor License – L & H Burgers
  - g. Liquor & Entertainment Licenses – Archers on the Pier
  - h. Liquor License – Brass Compass Café
  - i. Liquor License – Sunfire Mexican Grill
  - j. Liquor License – Roselyn Seafood

- 8. Resolves:
  - #17 Commendation – Lloyd Daniels (32 Yrs. of Service) City Council
  - #18 Commendation – Raymond Athearn (50 Yrs. of Service) City Council
  - #19 Accepting Donations – Library & Recreation City Manager
  - #20 Appointment of Republican Election Clerks Mayor Pritchett
  - #21 Appointment to BOAR – J. Billington Mayor Pritchett
  - #22 Appointment of Warden & Ward Clerk Mayor Pritchett

- 9. Ordinances in Final Reading and Public Hearing:
  - #7 Purchase & Sales Agreement Amendment – S. Hale Councilor Hebert
  - #8 Zoning Map Amendment – Broad/Grace/Grace St. Place Area Mayor Pritchett

- 10. Ordinances in First Reading:
  - #26 Chapter 13, Section 13-103 Public Art (Postponed 02/10/14) Councilor Dickerson
  - # 6 Chapter 15, Section 15-147 Snow Disposal (Postponed 2/10/14) Councilor MacLellan-Ruf
  - #10 Chapter 19, Sections 19-302 & 19-309 Container Restaurants Councilor MacLellan-Ruf
  - #11 Zoning Amendment – Remove Harbor Park from TAAOZ Councilor MacLellan-Ruf

- 11. Orders:
  - #39 Adopting Art Display Policy (Postponed from 03/10/14) Councilor Hebert
  - #21 Authorizing Retention of Massachusetts Counsel City Manager
  - #22 Temporary Street Closure – Lobster Festival Parade Councilor Hebert
  - #23 Temporary Street Closure – Farnsworth Museum Annual Gala Councilor Hebert
  - #24 Authorizing Tax Abatement – Assessment Error City Manager
  - #25 Study of Zoning & Public Infrastructure, Park/Payne Area Councilor Hebert
  - #26 Authorizing RFPs – Public Art Displays City Manager
  - #27 Temporary Street Closure & Fee Waiver – Summer Solstice Councilor Hebert
  - #28 Authorizing Boundary Agreement – Sea View Cemetery Mayor Pritchett

12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:07 p.m.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Valerie Hooper, 181 North Main Street, spoke concerning dog issues and people not cleaning up after their dogs. She warned of health risks from exposure to dog wastes and urged all dog owners to clean up after their dogs. She also spoke concerning the condition of Snow Marine Park and suggested a committee be formed to keep the park clean.

- Gordon Page, Executive Director of Rockland Main Street, Inc., spoke in support of Order #27 authorizing the closure of Main Street and waiver of fees for the annual Summer Solstice celebration. He said that this has become a popular community event and urged the Council to support it.

Hearing no other speakers, the public forum was closed.

**Meeting Notice:** It was noted that this meeting had been given proper notice.

**Reading of the Record:** Reading of the Record was waived, and the Record of previous Council meetings were deemed approved, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk's office at during regular business hours.

**Reports:**

a. City Manager's Report: The City Manager reported on the following issues:

- The required paperwork for the City to participate in MDOT's Municipal Partnership Initiative Program to received funding for repairs to Old County Road has been submitted to MDOT.

- The RFP's for the short-term lease of 31 Lisle Street have been received with one RFP being submitted. That RFP was rejected, however, as it do not conform to the specifications of the RFP. The applicant was asking for a long-term lease arrangement rather than the May-October arrangement specified in the RFP. The Manager said that he will be seeking input from the Council on what it would like to do with this property; ie: sell or lease.

- The audit report for FY 2013 has been completed and will be distributed to the Council on Friday (04/18/14). Presentation of the FY 2013 Audit will take place at the April 28<sup>th</sup> meeting prior to the Council's budget review work session.

- With Fire Chief Charles Jordan's retirement coming up May 1<sup>st</sup>, Assistant Chief Adam Micelli has agreed to fill in as Acting Fire Chief.

- The Manager announced that he will be on vacation from April 16-22, and that the City Clerk will be Temporary City Manager in his absence.

Councilor Hebert asked if the City has received any information on the borings taken on Old County Road. The City Manager said that he has not received that information as yet, but expects to any day.

b. City Attorney's Report: The City Attorney stated that, other than matters already transmitted to the Council, he had nothing further to report.

c. Other Official's Report: Councilor MacLellan-Ruf announced that she will be on vacation as well, and that she will need to depart from this meeting by at 8:00 p.m. to make her flight. She said that she will be returning on April 22<sup>nd</sup>.

d. Mayor's Report: Mayor Pritchett reported that the Council will be meeting on April 23, 2014 for final reading of Ordinance Amendment #9, the Bond Ordinance for repairs to Old County Road, and for the presentation of the FY 2015 Municipal Budget. The Mayor also reported that FEMA held a meeting on the Flood Mapping project, and that staff will be preparing recommendations on several appeals for the Council to consider at a later date.

**Licenses and Permits:**

a. Lodging House License – Captain Lindsey House (Postponed from 03/10/14)

- b. Liquor License – Primo Restaurant
- c. Liquor License – Rockland Café
- d. Liquor & Entertainment Licenses – The Pearl Restaurant
- e. Liquor License – Lobsterman’s Restaurant
- f. Liquor License – L & H Burgers
- g. Liquor & Entertainment Licenses – Archers on the Pier
- h. Liquor License – Brass Compass Café
- i. Liquor License – Sunfire Mexican Grill
- j. Liquor License – Roselyn Seafood

A public hearing was opened. Hearing no speakers for or against any of these license applications, the public hearing was closed.

Councilor Hebert moved to grant all of the above licenses.

Vote: 5 for.

**Resolves:**

#17 Commendation – Lloyd Daniels

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Lloyd M. Daniels is hereby commended and congratulated for 32 years of dedicated service to the City of Rockland with the Rockland Police Department.

**AND**, be it further Resolve that a Plaque and Certificate of Commendation be presented to Officer Daniels as a token of the City’s appreciation for his service on the occasion of his retirement, and the Council wishes him well in his future endeavors.

Sponsor: City Council

Originator: City Council

Councilor Hebert moved passage and said that he has known Office Daniels for many years and has worked with him on many special projects. He said that he always found Officer Daniels courteous, professional and ever-helpful, and always appreciated working with him. He said that he knew Officer Daniels would prefer to continue his career with the Police Department but health issues prevent that. He wished Officer Daniels well in his future endeavors.

Councilor Dickerson said that she hoped Officer Daniels would have a happy retirement, and said that it is an honor to be able to commend such a long-serving City employee. She said it speaks well of the dedication of City employees when the Council gets to commend so many long-serving employees.

Councilor MacLellan-Ruf thanked Officer Daniels for his service.

At this time, without objection from the Council, the Rules were suspended to allow Police Chief Bruce Boucher to say a few words about Officer Daniels and to present him with a certificate and his retired badge number.

The Council then went back into Regular Session for the vote on Councilor Hebert’s motion for passage.

Vote: 5 for.

Mayor Pritchett then presented a Plaque and a Certificate of Commendation to Officer Daniels.

#18 Commendation – Raymond Athearn

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Raymond C. Athearn is hereby commended and congratulated for 50 years of dedicated service to the City of Rockland with the Public Works and Solid Waste Departments.

**AND**, be it further Resolve that a Plaque and Certificate of Commendation be presented to Mr. Athearn as a token of the City’s appreciation for his service.

Sponsor: City Council

Originator: City Council

Councilor moved passage.

Councilor MacLellan-Ruf congratulated Mr. Athearn on his longevity and said that she has always found him most helpful in her interactions with him.

Councilor Hebert said that he does not remember a time when Mr. Athearn was not with the City. He said he believed that Mr. Athearn may be the longest serving full-time employee of the City. He said that he appreciates all that Mr. Athearn has done over the years.

Councilor Dickerson said that she was astounded when she hear that Mr. Athearn had been with the City for 50 years. She said that was rare these days. She said that the City is lucky to have such dedicated employees.

Vote: 5 for.

Mayor Pritchett then presented a Plaque and Certificate of Commendation to Mr. Athearn.

#19 Accepting Donations – Library & Recreation

**WHEREAS**, the Friends of the Rockland Public Library donated \$1,526.69 for 123 books, \$119 for children’s audio books, and \$81.86 for the Summer Reading Program, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Rockland Elks Lodge #1008 donated \$500 to the Rockland Public Library for the Summer Reading Program, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Rockland Historical Society donated \$2,000 to the Rockland Public Library to assist in paying the cost of utilities at the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Roger Woodbury, Morrill, Maine, donated the book *Mists of Adriana, Book II*, estimated value \$14.99, to the Rockland Public Library to be added to the Library’s collection; and

**WHEREAS**, the Beta Sigma Phi Sorority donated \$200 to the Rockland Recreation Department to pay the cost of one child to attend the Summer Camp for two weeks, to be receipted into the Recreation Department Program Revenue Account (#10063-03145) and the same expended from the Recreation Department Program Expenditure Account (#10063-05014),

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City gratefully accepts these donations and directs that letters of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

Councilor Isganitis moved passage and said it is always nice to thanks those who make donations to the City.

Vote: 5 for.

Without objection from the Council the Rules were suspended to allow Beta Sigma Phi Sorority President Brenda Harrington to present he check to Recreation Director Rene Dorr.

The Council went back into Regular Session and continued with the agenda.

#20 Appointment of Republican Election Clerks

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the following persons, duly elected as Republican Election Clerks at the Rockland Republican Caucus held on March 1, 2014, are hereby appointed as Election Clerks for the City of Rockland for a term of two years:

Linda Bodner, 5 Woodland Road  
Wayne Gray, 67 Lawn Avenue  
James M. Kalloch, 41 North Main Street

Sponsor: Mayor Pritchett  
Originator: City Clerk

Councilor Dickerson moved passage.

Vote: 5 for.

#21 Appointment – Board of Assessment Review (J. Billington)

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointment by the Mayor of Joanne Billington, 29 Admontem Avenue, to the Board of Assessment Review, to fill a vacancy on that Board, is hereby confirmed. Mrs. Billington shall serve until that term expires in 2016.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor Isganitis moved passage and thanked Mrs. Billington for her willingness to continue to serve on several different boards and committees.

Vote: 5 for.

#22 Appointment of Acting Warden and Ward Clerk – June 10 2014 Elections

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Teisha Hufnagel, 11 Robinson Street, is hereby appointed as the acting Election Warden for the June 10, 2014 Elections; and

**BE IT FURTHER RESOLVED THAT** Chelsea Avirett, 10 Fulton Street, is hereby appointed as the acting Ward Clerk for the June 10, 2014 Elections.

Sponsor: Mayor Pritchett  
Originator: City Clerk

Councilor Dickerson moved passage.

Vote: 5 for.

**Ordinances in Final Reading and Public Hearing:**

#7 Authorizing Purchase and Sales Agreement Amendment – S. Hale (242 Old County Road)  
(See pages 113 & 114 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Hebert moved passage.

Vote: 5 for.

The amendment will become effective May 14, 2014.

#8 Zoning Map Amendment – Broad Street, Grace Street Place, Grace Street  
(See page 114 & 115 for text)

A public hearing was opened with Sumner Kinney, owner of 43 Broad Street asked that his property not be included in this zoning amendment, explaining that this property is a multi-family home and he feels that it is more valuable in the Commercial 2 zone.

Hearing no other speakers, the public hearing was closed.

Councilor Isganitis moved passage and moved to amend Ordinance Amendment by deleting the following:

~~❖—At 43 Broad Street (Tax Map 20 A 28), change the zone from Commercial 2 Zone to Residential Zone A; and~~

Councilor Hebert asked that the Rules be suspended so that he could ask Code Enforcement Officer John Root some questions. Without objection from the Council, the Rules were suspended.

Councilor Hebert asked Mr. Root if multi-family residences are allowed in the Residential A Zone.

Mr. Root said that they are not, only 1 and 2 family structures are allowed in the Residential A Zone.

Councilor Hebert then asked if the lot at 43 Broad Street met the requirements of the Commercial 2 Zone.

Mr. Root said that the lot does not meet all of the setback requirements of the C2 zone.

Councilor Hebert then asked if this was a stand-alone parcel or was the use in conjunction with another parcel.

Mr. Root said that it was a stand-alone parcel.

The Council went back into Regular Session with Councilor Hebert saying that he was unaware of the situation with 43 Broad Street, and did not want to create a non-conforming use by changing the zoning classification.

Councilor Dickerson said that the proposed use for which the zone change was being contemplated would be allowed in the Residential B Zone, but that would create a spot zoning issue. She said this proposal butts a C2 zone up against an A zone, which does not seem to be the best solution.

Councilor Isganitis noted that regardless of which zone 43 Broad Street is placed in, it will be non-conforming. He said removing it from this zoning amendment will maintain the current status. He also noted that this parcel is abutted by the C2 zone, therefore there is no "spot zoning" issue.

Councilor Hebert said that he was okay with the amendment, as it seems to be the least problematic for the parcel and does not increase the non-conformity of the lot. He then said that the COMPS Commission is going to be looking at the zoning along the Park Street corridor so it makes sense to leave the zoning as it is and see what the COMPS Commission comes up with.

Councilor Dickerson said that she did not have a problem with leaving Mr. Kinney's parcel zoned C2 will create a situation where the house next door will be zone Residential A. She said the City needs to determine what direction it wants to go in this area, and said that she could not figure out why it was zoned C2 to begin with.

Vote on amendment: 5 for.

Vote as amended: 5 for.

The Ordinance will become effective May 14, 2014.

### **Ordinances in First Reading:**

#26 Chapter 13, Sec, 13-103 Parks Commission; Curating Public Art (Postponed from 02/10/14)

(See page 48 for text)

It was noted that this Ordinance Amendment had been postponed until this meeting, and had been given a motion for passage at the October 16, 2013 Regular Meeting.

Councilor Hebert said with all the discussions surrounding this issue, it has been suggested that this measure be voted down in favor of another to be voted on later in this meeting (Order #26, below).

Vote: 0 for, 5 opposed.

Motion Defeated.

#6 Chapter 15, Section 15-147 Dumping Snow in Harbor Prohibited (Postponed from 02/10/14)

(See page 106 for text)

It was noted that this Ordinance Amendment had been postponed until this meeting, and had been given a motion for passage at the February 10, 2014 Regular Meeting.

Councilor Hebert moved to postpone Ordinance Amendment #6 until the July 14, 2014 Regular Meeting to give staff time to develop recommendations for alternate disposal sites.

Councilor MacLellan-Ruf asked if this delay would affect the City's snow removal for next winter.

Councilor Hebert said if this amendment is considered in July, it could be effect by September if the Council choses to adopt it.

Vote: 4 for, 1 opposed.

(Dickerson)

Ordinance Amendment #6 was postponed until the July 14, 2014 Regular Meeting.

#10 Chapter 19, Sections 19-302 & 19-309 Exemption Container Restaurants & Food Wagons from Certain Zoning Regulations

### **THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTIONS 19-302, Definitions, and 19-309, Exceptions and Exemptions, BE AMENDED AS FOLLOWS:**

#### **Sec. 19-302 Words and Phrases Defined**

#### **ADD, ALPHABETICALLY:**

**Container Restaurant.** A prefabricated, mobile shipping or storage container converted for use as a take-out or eat-in restaurant.

**Food Wagon.** A small bus, truck, or other vehicle, or stand, trailer, or other small mobile structure outfitted for selling or for serving light meals and snacks to the public. The term "food wagon" does not include push carts that are removed daily or vehicles selling food from the street in accordance with Chapter 15, Article I, Section 15-109.

#### **Sec. 19-309 Exceptions and Exemptions**

1. Special Classes. No building may be erected, altered, or used, and no land may be used, for any of the following special use classes in the Residential A and AA zones. In other zones, the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located within 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.

- A. Cemetery;
- B. Municipal use (not otherwise provided for);
- C. Public utility use (other than as provided by Section 19-304(3)(B));
- D. Stables, public; saddle horses for hire;
- E. Transformer stations;
- F. Wind power generation equipment;
- G. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.

2. Seasonal Container Restaurants & Food Wagons.

A. Exemption From Certain Standards. In the Downtown and Tillson Avenue Area Overlay Zones, container restaurants and food wagons having total floor areas of fewer than 350 sq. ft. and utilized for less than six months / calendar year shall be exempt from the following standards, where applicable:

- (1) Architectural and/or Design Standards;
- (2) Space and Bulk Standards;
- (3) Maximum front setbacks; and
- (4) Buffering and Screening performance standards.

B. Planning Board Review.

(1) No person, corporation, or other legal entity may place, construct, add to, or use any seasonal container restaurant or food wagon without first applying for and obtaining approval of the same from the Planning Board, pursuant to Chapter 16, Article II, applying the following standards and requirements in Chapters 16 and/or 19, in addition to applicable building code, life safety, and fire prevention requirements:

- (a) Provisions for parking and vehicular and pedestrian circulation, except in the Downtown Parking District;
- (b) Lighting standards;
- (c) On-site restrooms for customers of restaurants with inside seating, and restroom availability for all employees;
- (d) Water supply and wastewater disposal;

(e) Landscaping in accordance with Section 19-316(H)(3). Other landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use outside its fixed perimeter.

- (f) The use of exterior speakers or other audible devices to play music, communicate with customers, or other

purposes shall be strictly prohibited.

Container restaurants and food wagons having total floor areas of 350 sq. ft. or more, and/or that are utilized for six months or more are subject to full site plan review and approval pursuant to Chapter 16, Article II.

(2) Food wagons in Buoy and Harbor Parks and at the Middle Pier shall be exempt from Planning Board Review.

(3) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) shall be removed from the site to another location where storage of such containers and wagons is authorized when not in use for two or more consecutive weeks.

(4) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) may not begin service to the public prior to 6:00 AM nor continue service after 9:00 PM, except during events for which the nearest street is closed pursuant to Order of the City Council, in which instances the hours of operation may be extended to the close of the event.

Sponsor: Councilor MacLellan-Ruf  
Originator: Councilor MacLellan-Ruf

Councilor MacLellan-Ruf moved passage.  
A public hearing was set for May 12, 2014 at 7:00 p.m.

Vote: 5 for.

#11 Zoning Map Amendment – Removing Harbor Park Area from Tillson Avenue Area Overlay Zone

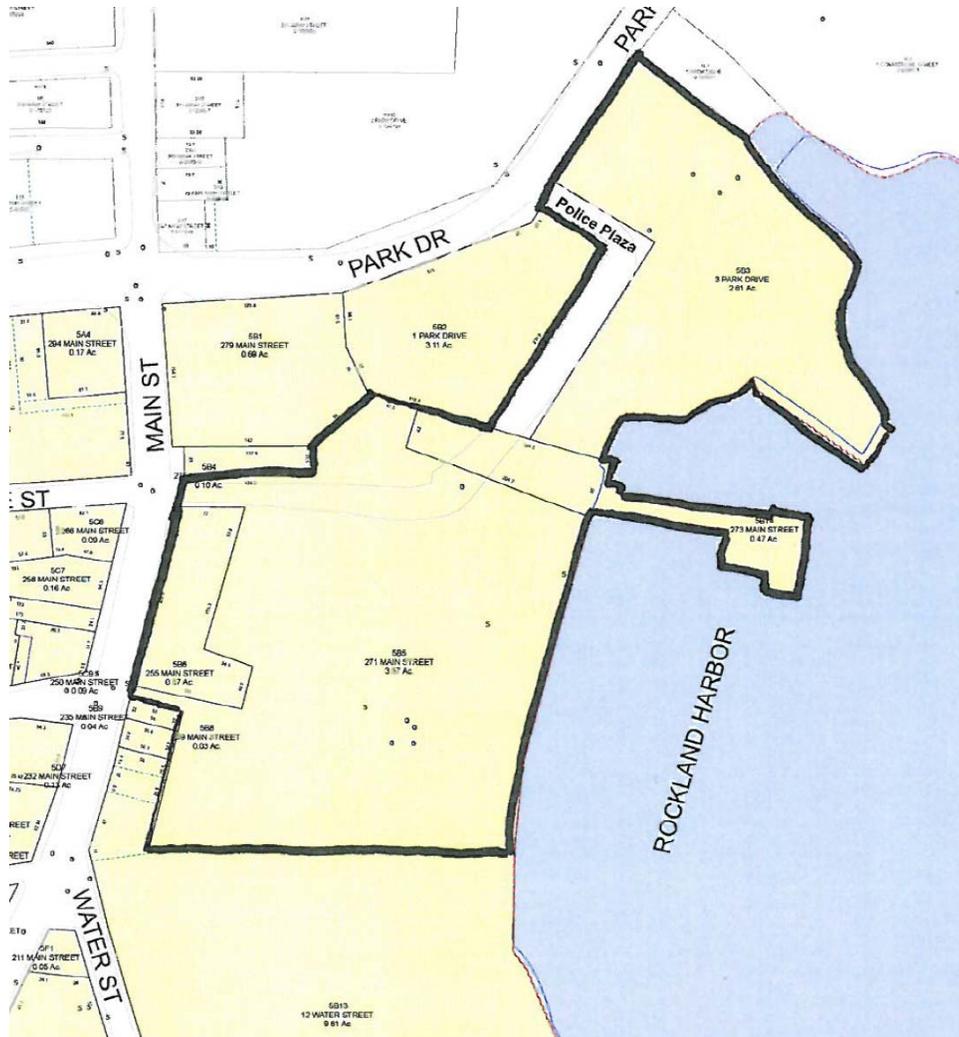
**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the Official Zoning Map of the City of Rockland be amended as follows:

<u>Address*:</u>	<u>Tax Map:</u>	<u>Deed Reference:</u>	<u>Withdraw From:</u>	<u>Remains:</u>
3 Park Drive	5-B-3	0423 / 448	TAAOZ	WF-2
Non-WF-2 Portion of 255 Main Street	5-B-6	1995 / 078	TAAOZ	DT
271 Main Street	5-B-5	0312 / 067	TAAOZ	DT & WF-2
273 Main Street	5-B-14	2140 / 204	TAAOZ	WF-2

\* The zone boundaries are intended to follow parcel boundary lines where applicable.

Sponsor: Councilor MacLellan-Ruf  
Originator: Code Enforcement Officer



Councilor MacLellan-Ruf moved passage.

Councilor Hebert said that he was ok with supporting this amendment as it would exempt development on the City's property in this area from the design standards of the TAAOZ.

Vote: 5 for.

A public hearing was set for May 12, 2014 at 7:00 p.m.

**Orders:**

#39 Adopting Criteria for the Review and Placement of Public Art (Postponed from 03/10/14)

(See pages 48 & 49 for text)

It was noted that this Order had been postponed until this meeting, and that the Order received a motion for passage at the October 16, 2013 Regular Meeting.

Councilor Hebert said that this order was the companion piece to Ordinance Amendment #26 that was defeated earlier. He said that this order also should be defeated as well.

Vote: 1 for, 4 opposed.

(MacLellan-Ruf, Pritchett, Hebert, Isganitis)

Motion for Passage Defeated.

At this time, as stated earlier, Councilor MacLellan-Ruf left the meeting (8:00 p.m.).

#21 Retention of Massachusetts Counsel

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized, in consultation with the City Attorney, to retain competent Massachusetts counsel, at a contingency fee of no greater than 25% plus costs, to seek recovery of the City’s judgments against Rockland Lobster Co., LLC and Antonio Bussone in Massachusetts, where Mr. Bussone resides and maintains his assets.

Sponsor: City Manager  
 Originator: City Attorney

Councilor Hebert moved passage.

Vote: 4 for.

#22 Authorizing Temporary Street Closure – Lobster Festival Parade

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Rockland Festival Corporation is hereby authorized to close Main Street on Saturday, August 2, 2014 to hold the Annual Maine Lobster Festival Parade. The Festival Corporation shall be responsible for setting up for and cleaning up after this event, coordinating with the Rockland Fire and Police Departments for any necessary public safety and/or traffic control measures, and shall provide proof of liability insurance to the City prior to holding this event.

Sponsor: Councilor Hebert  
 Originator: Rockland Festival

Councilor Hebert moved passage.

Vote: 4 for.

#23 Authorizing Temporary Street Closure – Farnsworth Museum Summer Gala

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Farnsworth Art Museum is hereby authorized to close Museum Street on Friday, July 11, 2014 to hold its annual Summer Gala substantially in conformance with the attached Special Events Application and any additional requirements deemed advisable by City staff. The Farnsworth Art Museum shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event. The serving or consumption of alcohol on Museum Street is prohibited.

Sponsor: Councilor Hebert  
 Originator: Farnsworth Art Museum

Councilor Isganitis moved passage.

Vote: 4 for.

#24 Authorizing Tax Abatement – Assessment Error (Belyea Estate)

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to abate FY 2012 and FY 2013 taxes on properties located at 266 & 268 Pleasant Street (Tax Map #57-A-3 and 57-A-4) totaling \$1,466.88, owned by the Estate of John Belyea, to correct an assessment error whereby the properties were assessed on incorrect acreages, as follows:

<b>266 Pleasant St.</b>			<b>268 Pleasant St.</b>	
<b>Year</b>	<b>Acres</b>	<b>Land Assm't</b>	<b>Acres</b>	<b>Land Assm't</b>
FY 2012	2.00 ac	\$53,800	1.44 ac	\$28,200
FY 2013	2.00 ac	\$53,800	1.44 ac	\$28,200
FY 2014	2.00 ac	\$53,800	1.44 ac	\$28,200
FY 2015	.81 ac	\$24,700	.48 ac	\$18,900
<b>Assm't Difference</b>		<b>\$29,100</b>		<b>\$ 9,300</b>

<b>Tax Difference to be abated by Council.</b>				
<b>Year</b>	<b>Mill Rate</b>	<b>Tax Amount</b>	<b>Mill Rate</b>	<b>Tax Amount</b>
FY 2012	.01878	\$ 546.50	.01878	\$ 174.65
FY 2013	.01942	\$ 565.12	.01942	\$ 180.61
<b>Total Tax Abatement</b>		<b>\$1,111.62</b>		<b>\$ 355.26</b>

Sponsor: City Manager  
 Originator: City Assessor

Councilor Isganitis moved passage.

Vote: 4 for.

#25 Authorizing Study of Zoning & Public Infrastructure – Park St./Payne Ave. Corridor

**WHEREAS**, the western entrance, or gateway, to the City of Rockland via U.S. Route #1 from the Thomaston town line to Main Street is comprised of Park Street and Payne Avenue, and

**WHEREAS**, the Council seeks to identify zoning adjustments or public infrastructure changes that could help foster improvements to or redevelopment of parcels along this corridor in a manner that would enhance the economic vitality and aesthetic appeal of this gateway to the City, and

**WHEREAS**, the City has completed for Camden Street, which is the northern Gateway to the City, the initial stages of a re-visioning process, including the adoption of values and objectives that apply to this type of high traffic, high visibility corridor via Resolve #'s 8 and 9, adopted February 11, 2013; and

**WHEREAS**, many of the questions, challenges and opportunities including improving pedestrian access, reducing curb cuts, incentivizing shared parking and improving the public corridor identified in the Camden Street project may apply to the Park Street and Payne Avenue area, and

**WHEREAS**, the mix of commercial and transitional businesses zones abutting residential zones along Camden Street are largely the same as the zones along the Park Street and Payne Avenue corridor on the southern side of the City, and

**WHEREAS**, Comprehensive Planning Commission, in consultation with the Economic Development Advisory Committee, is in the process of reviewing these zones as a part of the Camden Street project, and

**WHEREAS**, the Citizens' Institute on Rural Design (CIRD) provides both grants and in-kind technical support for Cities and towns with populations under 50,000 to be used for planning purposes that include siting new growth and redeveloping older areas effectively as well as developing contextually sensitive design guidelines;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, City Council directs the Comprehensive Planning Commission, in consultation with city staff and other committees, where relevant, to review both land use zoning along the Park St./Payne Ave. area as well as the public corridor itself and make recommendations to Council to address the points raised above in this order, and

**THAT**, the City Manager is authorized to develop and sign all documents needed to apply for and carry out a Citizens' Institute on Rural Design grant that would aid this planning effort if awarded to the City

Sponsor: Councilor Hebert  
Originator: Councilor Hebert

Councilor Hebert moved passage.

Vote: 4 for.

#26 Authorizing Request for Proposals – Public Art Displays

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized and directed to solicit proposals for the display of art at the locations established therefor in Winslow-Holbrook Memorial Park, Ferry Terminal Park, and Sandy Beach Park. The City Manager shall consult with the Parks Commission in identifying appropriate items for display, and for that purpose the Commission shall elicit public comment regarding the proposals from non-members at a duly noticed public meeting of the Commission. The City Attorney shall prepare license agreements with the selected artists for review and approval by the City Council.

Sponsor: City Manager  
Originator: City Manager

Councilor Isganitis moved passage.

Councilor Dickerson said that she thought the Council was going to be considering something from the Parks Commission on establishing a sub-committee to assist in the review of these applications. She said this order does not seem to reflect what was talked about at the workshops.

Mayor Pritchett said that the Parks Commission does not need Council approval to establish a sub-committee. He also said that this Order was emailed to the Council on Tuesday.

Councilor Dickerson noted that there was no one from the Parks Commission in attendance at this meeting, and said that she did not want to see the momentum gained on this issue peter out.

The City Manager said that the intent of this order is to bring in outside groups to assist in the review of the proposal for art displays, however, the Parks Commission, at their own request, will not be making the final decision on what pieces of art will be displayed. He said the City Attorney will prepare license agreements with the individual artists for Council consideration.

Councilor Dickerson asked if the Commission was going to establish the sub-committee that was discussed at the workshop.

The City Manager said he could not answer that question, but did say that input from the public will be part of the review process.

Councilor Hebert said that the memo from the Parks Commission was simply to show how such a committee would be constituted if the Council chose to go in that direction. He said the Council decided to start small and deal only with the four locations that the City have. He said this Order provides the Parks Commission with outside expertise to review the applications and make recommendations to the City Manager to bring to the Council for approval. He said this is a good starting point, and that the City can build from here.

Councilor Isganitis added that the suggestion from the Parks Commission to which Councilor Dickerson was referring was for an amendment to Ordinance Amendment #26 which the Council defeated earlier at this meeting. He said that the wishes of the Parks Commission are not being ignored, the Council is just moving in a slightly different direction. He said it makes sense to move slowly and adjust the process as necessary.

Councilor Dickerson said that she will not support this Order as written as it does not capture the spirit of what was discussed at the workshops. She said that there needs to be more clarity of the structure needed for public participation in the process. She also said that the Parks Commission should have the authority to determine what is placed in any City park, and that there needs to be a clear process established.

Mayor Pritchett said that any City board or commission has the authority to recruit participation by anyone.

Vote: 3 for, 1 opposed.

(Dickerson)

#### #27 Authorizing Temporary Street Closure and Fee Waiver – Summer Solstice Celebration

### **IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Rockland Main Street Inc. is hereby authorized to close Main Street, between Park Street and Summer Street, from 4:00 p.m. to 9:00 p.m., with parking along Main Street to be prohibited beginning at 1:00 p.m. to allow for set up, on Saturday, June 21, 2014 to hold the 13<sup>th</sup> Annual Summer Solstice Celebration. The Organizers shall be responsible for setting up for and cleaning up after the event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event. Any fees associated with this event are hereby waived.

Sponsor: Councilor Hebert

Originator: Summer Solstice Committee

Councilor Hebert moved passage.

Vote: 4 for.

#### #28 Authorizing Boundary Agreement – Seaview Cemetery

### **IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into a Boundary Line Confirmation Agreement, substantially in compliance with the attached, with Timothy and Linda Pinkham of Camden, Maine, to establish and confirm the common boundary line which divides the Seaview Cemetery property located on Warrington Street in the Town of Rockport (Rockport Tax Map #1, Lot 180 - owned by the City of Rockland), and the adjacent Pinkham property (Rockport Tax Map #1, Lot 120).

Sponsor: Mayor Pritchett

Originator: Rockland Cemetery Association

Councilor Isganitis moved passage.

The City Attorney explained that this agreement simply clarifies the boundary between the City’s property in the Seaview Cemetery and the property of Timothy and Linda Pinkham. Vote: 4 for.

At this time, Councilor Dickerson asked that the Rules be suspended so that she could respond to a comment from the public concerning the dumping of snow in the harbor and why the City was looking to end the practice. Without objection from the Council, the Rules were suspended.

Councilor Dickerson said that the practice of dumping snow in the harbor was not environmentally sound because of the pollution contained in the snow, and that the buildup of sand from years of dumping snow will require the City to dredge an area adjacent to the Fish Pier which will cost the City a substantial amount of money. And there is also a loss of revenue at the Fish Pier because that berthing site cannot be used until the area is dredged.

Mayor Pritchett added that DEP will only issue a permit for the dumping of snow in the harbor if there is no other viable alternative. He said the City is now looking into possible alternate sites for snow disposal.

Councilor Isganitis added that the DEP permit places limitations on the time after a snow storm that snow can be dumped into the harbor in an attempt to minimize the amount of pollution that gets mixed in with the snow. He said that there is an economic component to such dumping with the cost of dredging at the Fish Pier. He said the City is exploring possible alternate dumping sites.

The Council then went back into Regular Session with Councilor Hebert making motion to adjourn. Without objection from the Council, the meeting was adjourned at 8:35 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**April 23, 2014**

- Ordinance Amendment #9 Bond Ordinance – Old County Road Repairs
- Order #29 Calling Election and Placing Question on Ballot – Bond Ordinance #9
- Presentation – Thorndike Parking Area Improvement Project Final Design
- Presentation – FY 2015 Municipal Budget

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Eric Hebert arrived at 6:32 p.m.

All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** There were no speakers for the public forum.

**Ordinance Amendment #9 Bond Ordinance – Old County Road Repairs**

(See page 124 for text)

Prior to opening the public hearing, and without objection from the Council, Mayor Pritchett suspended the Rules to get a project update from engineer Andrew Hedrich from Gartley and Dorsky. Mr. Hedrich updated the Council on the bore tests which indicated that the road base did not meet MDOT standards and all but a small portion of the road base will need to be reconstructed as part of this project. Mr. Hedrich also touched on the proposed improvements to the drainage in the area, which included routing storm water into the sanitary sewer at Cedar Street as a temporary fix for the drainage in that area. Water Pollution Control Facility Director Terry Pinto objected to this proposal, even on a temporary basis, citing that the City is going to be under a consent agreement from DEP to separate all storm water from the sanitary sewer throughout the City, and strongly urged the Council to consider other options for handling the storm water in this area. Mr. Hedrich responded that the storm water is already going into the sanitary sewer at this location. The proposal would simply clean out whatever is there to make the flow more efficient. He said that they would not be adding any storm water to the system.

With the discussion complete, the Council went back into Special Session and Mayor Pritchett opened a public hearing on Ordinance Amendment #9.

- Susan Dates, 204 Rankin Street, said that she uses Old County Road to get to work, and was very concerned that the project would get hung up on storm water management and the Council would lose sight of the desperate need for repairs to the road. She also said if the City waits too long to authorize this project, it could lose the MDOT funding to another

municipality that is ready to move forward with its project. She said that the concerns expressed by Mr. Pinto can be addressed in the design phase.

- Steve Carroll, 326 Old County Road, said he has lived on that road for most of his life and has seen it change over the years. He said that the City is talking about borrowing \$1.6 million dollars that the taxpayers are going to have to pay back. He said he has been pleading with the City Council to stop spending money, and that the taxpayers cannot afford to borrow any more money. He said that the City has no "Plan B" in case the voters reject the borrowing. He said that the City needs to do determine what it can do now to at least slow the deterioration of the road any further, such as having public works ditch the sides of the road and direct the water into the quarries. He said that the solution is not to borrow more money. The Council needs to listen to the public rather than the consultants.

- David Tetreault, 56 Old County Road, said that he has been working with Councilor Dickerson on Old County Road for about 4 years, and everyone agrees that something needs to be done to improve the road. But, he said, the condition of the road is not the only issue that needs to be addressed. He said the volume of truck traffic and the speed at which traffic moves along that road make it a very dangerous situation for those who live on that road. He said that any plan for improvements to this road need to include safety measures as well.

- Jesse Henry, Lakeview Terrace, asked for clarification on what section of Old County Road would be repaired under this bond, how the State determines what the specifications should be for this road, and why the road has not been posted for weight limits. Mr. Henry was told that the section of Old County Road to be repaired under this bond was the area from Maverick Street to Thompson Meadow Road; that the State uses a formula to determine road specifications based on an axle count of traffic volume; and that the State has determined that the road base is sufficient to handle the current traffic volume and does not meet the criteria for posting a weight limit.

- Steve Carroll said that the State has determined that the road does not meet the criteria for posting a weight limit, but the boring test results indicate that the road base does not meet current MDOT standards.

The City Manager said that he would be revisiting the weight limit question with MDOT.

Hearing no other speakers, the public hearing was closed.

Councilor Isganitis moved passage.

Councilor Dickerson said that taking large trucks off of Old County Road sounds like a good idea, but there are State and federal laws that deal with commerce and the use of public highways that does not allow for such a prohibition. However, with the new information about the road base to take to the State, they have the authority to restrict the weight on the road. She said it could make a difference.

Councilor MacLellan-Ruf said it is the public that will make the decision on the bond, but said she believed that it is the State's ethical responsibility to fix this road. She said that it is a state road that has not been maintained, and that the taxpayers need to be heard. She said that alternatives need to be explored that do not hit up the taxpayers for \$1.6 million dollars. She said that the State keeps saying that they don't have the money to repair this road; well the City does not have the money either. She said that the system in place is not working. She said that not \$1 of DOT's \$10 million budget went to the City of Rockland, while roads in Rockport, Thomaston and Warren were all repaired last year. She said that the City has a serious storm water management issues coming down the pike that is likely to cost the taxpayers a significant amount of money. She said that the City needs to look at alternatives for this road.

Councilor Dickerson said that she would not support this proposal at this time. She said that there comes a time when the State has to take responsibility for those things for which it is responsible. She said that the State has been having trouble getting bond money out to address infrastructure issues, even though the State bonds at a lower rate than other states and repays those bonds in a shorter amount of time. She said that bonds are being withheld at the Executive level and suggested that the City wait until the November elections to see if there is a change in the political climate in Augusta. She said that it sets a bad precedent to continue to allow the State to pass these costs onto the municipalities. She said that she does not want to give the State the green light to continue to raid aid to education and municipal revenue sharing, and to hold the State responsible for costs that it should be covering.

Councilor Isganitis said that he was not aware that any of the Transportation Bond monies had been earmarked for repairs to Old County Road. He also said that Rockland made an agreement with the State in the 1950 to be in the Urban Compact, and along with the agreement came responsibilities for maintenance and upkeep of this road that the City has not fulfilled. He said that the State has created the Municipal Partnership Initiative Program as a way to assist municipalities like Rockland to address needs that the City cannot pay for by itself. He said that this question will be decided by the voters, and he wanted to make sure the voters have complete and accurate information before making that decision. He said that the State is willing to partner with the City to get this road fixed, and the City should take advantage of that program.

Councilor Dickerson said that the roads in Warren and Thomaston were listed as a higher priority than Old County Road, but suggested with the new bore testing data showing that the road base does not meet DOT standards, it may make a difference in how this road is viewed at the State level. She also said the political climate may be changing in the near future as well.

Councilor Hebert said that all the rhetoric being thrown around on this matter is not helpful. He said that everyone agrees that Old County Road is in terrible shape, but the question is how to fix it. He said if it was a major capital project, the State

would be responsible for paying the costs, but the State maintains that it is not such a project. He said that DOT has many project, but limited funds, and has to prioritize what projects they can do. He said that the State does not prioritize roads based on condition of the road, rather the roads' importance to the region. He said that Old County Road is classified as a Tier 4 road, but DOT only has enough funding to do projects on Tier 1 and 2 roads. He said the bottom line is that the State is not going to fix Old County Road, ever, regardless of whose "responsibility" it is. He said that the State has come up with a plan where they are willing to at least share the cost of these repairs, and this is the only way that this road is going to get fixed. He added that regardless of who is "responsible" for doing the work, don't lose sight of the fact that it is all taxpayer money. He also said that "Plan B" is that the road does not get fixed. He said that this road is in such a condition that a "quick fix" will not work. He said that the City needs to spend the money and do it right. He said sometimes borrowing is necessary to get done what needs to be done, but ultimately it is the voters who will make the final decision. He said that he would definitely support sending this measure to the voters because this road needs to be fixed.

Vote: 3 for, 2 opposed.  
(Dickerson, MacLellan-Ruf)

The Bond Ordinance will become effective upon approval by the Voters.

**Order #29 Calling Election and Placing Question on the Ballot – Bond Ordinance**

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** a Special Municipal Election shall be held on June 10, 2014 in conjunction with the State Primary Election and the RSU #13 Budget Validation Referendum Election for the voters of the City to cast their ballots for the following Bond Question pursuant to Charter Section 513(2), and after due notice and hearing being held on April 23, 2014 on such Bond Ordinance:

**BOND ORDINANCE**

Shall the Ordinance entitled "**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$1,600,000 TO ACT AS MATCHING FUNDS FOR THE MAINE DEPARTMENT OF TRANSPORTATION'S MUNICIPAL PARTNERSHIP INITIATIVE PROGRAM TO FINANCE THE COST OF RECONSTRUCTION, REPAIRS, NECESSARY STORM WATER IMPROVEMENTS AND RESURFACING OF A SECTION OF OLD COUNTY ROAD, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO**" be adopted?

**AND**, it is further Ordered that the polls at the Rockland Recreation Center/Community Building shall be opened at 8:00 a.m. and closed at 8:00 p.m. on Election Day.

Sponsor: City Council  
Originator: City Council

Councilor Hebert moved passage and moved to amend Order #29 to read as follows:

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** a ~~Special~~ Regular Municipal Election shall be held on ~~June 10, 2014~~ November 4, 2014 in conjunction with the State ~~Primary~~ Gubernatorial Election and the RSU #13 Budget Validation Referendum Election for the voters of the City to cast their ballots for the following Bond Question pursuant to Charter Section 513(2), and after due notice and hearing being held on April 23, 2014 on such Bond Ordinance:

**BOND ORDINANCE**

Shall the Ordinance entitled "**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$1,600,000 TO ACT AS MATCHING FUNDS FOR THE MAINE DEPARTMENT OF TRANSPORTATION'S MUNICIPAL PARTNERSHIP INITIATIVE PROGRAM TO FINANCE THE COST OF RECONSTRUCTION, REPAIRS, NECESSARY STORM WATER IMPROVEMENTS AND RESURFACING OF A SECTION OF OLD COUNTY ROAD, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO**" be adopted?

**AND**, it is further Ordered that the polls at the Rockland Recreation Center/Community Building shall be opened at 8:00 a.m. and closed at 8:00 p.m. on Election Day.

Councilor Hebert said that there are still a number of issues that need to be addressed, and the City needs more time to get the most accurate information possible, as it could affect the amount of the bond. He said postponing this bond question until the November election will give the City time to more thoroughly vet the matter, and will not affect the start of the project as it was not scheduled to begin until 2015 anyway.

Vote on amendment: 5 for.

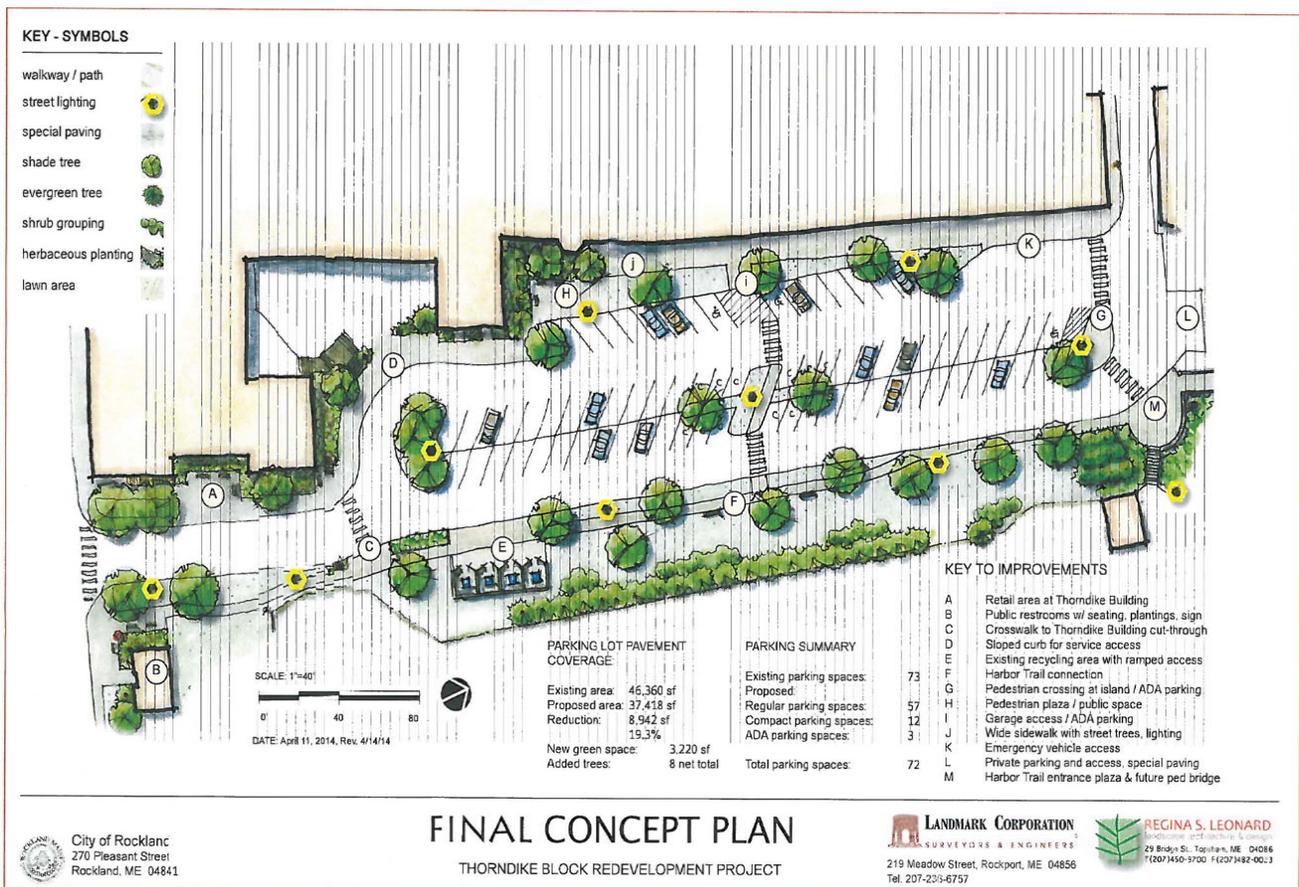
Vote as amended: 5 for.

At this time, Mayor Pritchett declared a 5 minute recess.

The meeting was reconvened at 8:30 p.m.

Special Meeting continued:

**Presentation – Thorndike Parking Area Improvement Project, Final Concept Plan.** The Council went into informal session for a presentation by Regina Leonard from Landmark Corporation, Water Pollution Control Facility and project manager Terry Pinto, and Community Development Director John Holden, of the final concept plan for the Thorndike Park Area Improvement Project, as presented below:



It was noted that the plan was for the complete project, but the available funding from the Communities for Maine Futures grant will only accomplish a portion of this plan.

**Presentation – FY 2015 Municipal Budget.** Acting City Manager Tom Luttrell presented the proposed FY 2015 Municipal Budget to the City Council and gave the following Budget Message:

I am pleased to present for your review and consideration the City of Rockland’s Proposed Budget for Fiscal Year 2015. This budget holds the City’s portion of the mil rate at \$8.89 per thousand or zero percent over fiscal year 2014. This has proven to be no easy task as we were faced with a 3.45% decrease in non-property tax revenue or a loss of \$135,280. The largest deficit in revenues is derived from the use of the undesignated fund balance. During FY14 we used \$321,500 to help offset the tax burden and this year we are only proposing to use \$100,000 from undesignated and another \$38,000 from the Van Baalen TIF.

Appropriations have been contained as we reduced expenditures by \$135,033 or 0.7%. The appropriations budget reflects a 3% raise for all employees, 20% increase in the Maine State Retirement rate and an estimated 10% increase in health insurance premiums. The Decorative Street Light lease will expire in August 2014; the proposed budget reflects 8 months savings in the lease payment. The most significant savings are from not filling vacant positions such as the Assistant to the City Manager, a Reference Librarian and the Fire Chief. I am proposing to take the first six months of the fiscal year and study the position of Public Safety Director. If council accepts this idea, we will create a job description and review the make up of the Police and Fire Departments to make sure we have the right structure in place to run both departments with one individual.

The Transfer Station continues to support itself and add funds to the closure account. The budget reflects an increase in both the tonnage for commercial haulers and sticker fee. Both increases reflect the true cost of operating the Transfer Station. The commercial fee goes from \$110 to \$132 per ton and the sticker goes from \$65 to \$143.

The Waste Water Treatment Facility is experiencing a 6% increase in appropriations which results in a 3% rate increase. The EMS Fund budget continues to perform well, yielding sufficient funds to continue the apportioned cost to the general fund.

In summary, we have delivered a zero percent city tax increase. The City must continue to invest in Rockland’s future, maintain its assets and infrastructure and support essential public services. The City must continue to pursue and invest in economic development initiatives and leverage local funds to obtain even greater amounts of State and Federal funds that will enable the City to meet its goals.

As Acting City Manager, I am very fortunate to work with talented and dedicated City employees who consistently deliver high quality public services to the citizens of Rockland. I want to thank them for the sacrifices they show during the budget process and throughout the year. I believe this is a responsible budget with realistic revenue estimates and accurate appropriation requests that reflect the needs of the City. I now turn the proposed budget over to the elected officials.

With no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:56 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**April 28, 2014**

Presentation – FY 2013 Municipal Audit

Budget Review Schedule as follows:

4/28 – Fire & EMS

4/30 – Police & Depts. A-Code

5/7 – Solid Waste & Community Development – Executive

5/14 – Public Works & Depts. F-G

5/19 – Sewer & Depts. H-L

5/21 – Depts. M-U & CIP Update

5/28 – Review & Preliminary Adoption

(NOTE: Departments scheduled for review on any given date are subject to change)

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

Councilor Eric Hebert was excused from attending this meeting.  
Councilor Elizabeth Dickerson did not attend this meeting.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, then following persons spoke on the following issues:

- Leah Ann Fuller, 15 Brewster Street, spoke in opposition to the proposed hotel at 250 Main Street, saying that the design did not fit with the surrounding architecture and that the proposed building is too tall.

- Debby Atwell, 81 Pleasant Street, also spoke in opposition to the proposed hotel at 250 Main Street, saying that there are still several questions concerning the proposal that need to be answered, such as valet parking, and the height of the building and its effect on the water view-shed.

The City Attorney noted that the Planning Board has accepted the application for this project as complete, and will hold a public hearing on May 20<sup>th</sup> to receive input from the public on the proposal.

Hearing no other speakers, the public forum was closed.

**Presentation of the FY 2013 Municipal Audit:** The FY 2013 Municipal Audit and findings were presented to the Council by James W. Wadman, CPA, and associates Kelly Bowden and Wanese Lynch. Areas discussed included the following:

A. *SUMMARY OF AUDITOR'S RESULTS*

1. The auditor's report expresses an unqualified opinion on the general purpose financial statements of the City of Rockland.
2. Reportable conditions relating to the audit of the financial statements are reported in the *Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards*.
3. No instances of noncompliance material to the financial statements of the City of Rockland were disclosed during the audit.
4. Two reportable conditions relating to the audit of the major federal award programs are reported in the *Report on Compliance with Requirements Applicable to Each Major Program and Internal Control Over Compliance in Accordance with OMB Circular A-133*.
5. The auditor's report on compliance for the major federal award programs for the City of Rockland expresses an unqualified opinion on all major federal programs.
6. Audit findings that are required to be reported in accordance with Section 510(a) of OMB Circular A-133 are reported in Part C of this schedule.
7. The programs tested as major programs include:
  - CDBG Cluster, CFDA #14.228.
8. The threshold for distinguishing Types A and B programs was \$300,000.
9. The City of Rockland was not determined to be a low-risk auditee.

B. *FINDINGS – FINANCIAL STATEMENT AUDIT*

**2013-01 RECONCILIATION OF ACCOUNTS RECEIVABLE**

*Criteria:* Accounts Receivable need to be reconciled to the general ledger to ensure accurate financial records.

*Condition:* Accounts receivable for loans were not reconciled to the activity in the general ledger for June 30, 2013 balances. Loans receivable for individuals were kept but not reconciled to the activity posted to accounts.

*Effect:* Failure to reconcile balances to the activity posted allows errors and adjustments to go uncorrected, and inaccurate and incomplete financial records.

*Recommendation:* We recommend that the City's loan balances be reconciled with the activity posted to the general ledger accounts.

*Management's Response:* Management .....

### **2013-02 RECONCILIATION OF GRANT FUNDS**

*Criteria:* The City has a separate fund to account for grants. All activity should be recorded in this fund and reconciled.

*Condition:* Prior year grant receivables were not reversed and current year grant receivables were not recorded. Grant expenditures were charged to incorrect accounts and incorrect funds. Some transfers to the grants were not recorded. Police grants were recorded in both the grant fund and the general fund.

*Effect:* Inaccurate and incomplete financial records and additional time required to determine the ending balances for the grants.

*Recommendation:* We recommend that the City post all grant activity in the grant fund. We also recommend the City make sure prior year receivables are reversed and current year receivables are recorded.

*Management's Response:* The Finance Department reconciles cash and expenditures in each grant. Finance will work with the individuals responsible for the grants to make sure all info is received and set up in the grant fund.

### **2013-03 EMERGENCY MEDICAL FUND**

*Criteria:* Emergency medical accounts receivable variances need to be finalized.

*Condition:* The City and current outside billing company continue to have issues with receipt variances and previous issues not being resolved. Receipts for the current year were accounted for with the exception of receipts for old balances still being outstanding. There are issues with the aged trial balance having variances from one month to another. Duplicate old accounts receivable need to be removed and the old list should be reviewed for collectability.

*Effect:* Inaccurate and incomplete financial records.

*Recommendation:* We recommend that the City follow up on prior issues with the billing company and request that the duplicate balances included in the aged trial balance be taken care of. We also recommend that the City request monthly statements from the billing company and follow up on reports if not provided timely. Management should review the large list of old outstanding balances due and determine a course of action to eliminate them.

*Management's Response:* Finance .....

### **2013-04 FINANCIAL STATEMENT PREPARATION**

*Criteria:* Based on auditing standards, inadequate design of internal control over the preparation of the financial statements being audited is deemed to be a material weakness in the internal control structure.

*Condition:* Due to financial and time constraints to effectively prepare and evaluate the audited financial statements and detect material misstatements in those financial statements, the board and management approved the auditors to prepare the financial statements.

*Effect:* The auditor prepared financial statements are deemed to be a material weakness.

*Recommendation:* The board and management understand and take responsibility for the financial statements.

*Management's Response:* Management concurs with the finding.

C. *FINDINGS AND QUESTIONED COSTS – MAJOR FEDERAL AWARD PROGRAMS AUDIT*

**2013-05**

Major Program: CDBG Cluster  
CFDA#14.228  
Federal Agency: Housing and Urban Development

*Criteria:* Davis Bacon Act.

*Condition:* During the course of our test work, we selected 12 contracts for testing and noted 1 instance in which the installation of windows by a general contractor did not comply with Davis Bacon Act. There were no certified payrolls submitted to the City.

*Questioned Costs:* N/A.

*Effect:* The employees working on the construction project may not have been paid prevailing wage rates based on Davis Bacon Act.

*Recommendation:* We recommend the City establish a procedure to ensure that all contracts comply with the Davis Bacon Act. If the contract is exempt from the Davis Bacon Act, the City should provide documentation for proof of the exemption.

*Management's Response:* Management concurs with the finding and will make sure that all contracts comply with the Davis Bacon Act. Management also concurs that proper documentation will be kept for proof of exemption.

**2013-6**

Major Program: CDBG Cluster  
CFDA#14.228  
Federal Agency: Housing and Urban Development

*Criteria:* Per OMB A-133, the single audit report for fiscal year 2011 must be submitted by March 31, 2012 and the single audit report for fiscal year 2012 must be submitted by March 31, 2013.

*Condition:* The single audit report for June 30, 2011 and 2012 was not submitted before the deadline.

*Questioned Costs:* There are no questioned costs identified.

*Effect:* The City cannot be considered a low-risk auditee.

*Recommendation:* We recommend the City implement recommendations given for all other findings in order to make the City's internal control more effective and the audit process more efficient in order to meet the filing deadline.

*Management's Response:* Management concurs with the condition. Management believes an earlier start date for audit would prevent this in the future.

With the audit presentation complete, the Council then began its review of the proposed FY 2015 Municipal Budget, beginning with the Fire and EMS Department.

With the above departmental budget review completed, the meeting was recessed until Wednesday, April 30, 2014, at which time the Council will review the budget proposals from the Police Department and Departments A through Code. Without objection from the Council, the meeting was recessed at 8:45 p.m.

## RECONVENE BUDGET WORK SESSION

April 30, 2014

The Budget Work Session recessed on April 28, 2014 to this date was reconvened by the Mayor with the following present: Mayor Larry Pritchett, Louise MacLellan-Ruf, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Eric Hebert was excused from attending this meeting, and Councilor Elizabeth Dickerson arrived at 6:35 p.m.

Without objection from the Council, the Rules were suspended to allow for public comment. The following person spoke on the following issues:

- Sandra Schramm, 16 Broad Street, spoke in opposition to the proposed hotel at 250 Main Street, saying that the height and design of the building are not in keeping with the surrounding architecture and would be a detriment to the area. She said that she was not opposed to development of that site as long as it blended in with the surrounding area.

- Amy Files, 35 Pleasant Street, also spoke in opposition to the proposed hotel at 250 Main Street, expressing concerns about the proposed height of the building and the impact the proposal would have on area traffic and parking. She also expressed concerns about the difficulty the public has in accessing information on this project.

Hearing no other speakers, the Council began its review of the proposed FY 2015 Municipal Budget with a review of the budget proposals from the Police Department, and departments A to Harbor (excluding Community Development and Contributions).

With the scheduled reviews completed, the meeting was once again recessed by the Mayor, at 8:20 p.m., until May 7, 2014 at 6:30 p.m. at which time the Council will continue its review of the proposed budget.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## SPECIAL MEETING

## AGENDA

May 5, 2014

Workshop – Kimball Lane Right of Way  
Set Agenda for May 12, 2014 Regular Meeting

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:42 p.m.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Ron Huber, 148 Broadway, spoke in opposition to the proposed hotel at 250 Main Street, saying the development should be harmonious with its surroundings and this proposal did not fit it with the neighborhood.

- Gordon Page, Executive Director of Rockland Main Street, Inc., spoke in support of a proposal amendment to the City's Parking Ordinance that would make the parking space near the intersection of Main Street and Tillson Avenue a legal space.

- Debby Atwell, 81 Pleasant Street, spoke in opposition to the proposed hotel at 250 Main Street, saying that the City should listen to the public and take steps to protect the neighborhood from a development that does not fit in that neighborhood.

Hearing no other speakers, the public forum was closed.

At this time, Mayor Pritchett asked Code Enforcement Officer John Root to address some questions raised about the allowed height of buildings in the Downtown Zone (which zone includes the parcel at 250 Main Street). Mr. Root said that the 65 foot allowed height has been in effect at that location since 1983 when that area was part of the Commercial C Zone. In

Special Meeting continued:

May 5, 2014

1996, after updating the Comprehensive Plan, the Downtown Zone was developed and instituted to replace the Commercial C Zone in this area, but the height allowance remained the same.

**Workshop – Kimball Lane Right of Way:** The Council held a workshop with City Attorney Beal, Pollution Control Facility Director Terry Pinto, and Community Development Director John Holden on the Kimball Lane Right of Way, to determine the disposition of the right of way. Mr. Pinto informed the Council that there is a sewer line that runs through this right of way, and anything that is done with the right of way should include an easement to allow access to that line for maintenance or replacement. It was determined that staff would contact the abutting property owners to discuss agreements to meet the needs of the property owners and of the City, with respect to the Thorndike Parking Area Improvement Project.

**Set Agenda for May 12, 2014 Regular Meeting:** The Council then set the agenda for the May 12, 2014 Regular Meeting. The following communications were discussed:

- a. Letter from Leslie Mulhearn – Resignation from Board of Assessment Review and Personnel Board. The resignation was accepted and the Manager was directed to send a letter of thanks to Mrs. Mulhearn for her service.
- b. Letter from Daniel Bookham – Old County Road Repairs. The letter was accepted and placed on file.
- c. Letter from Carole Martin – Old County Road Repairs. The letter was accepted and placed on file.
- d. Letter from David Tetreault – Old County Road Repairs. The letter was accepted and placed on file.
- e. Letter from Kenneth Pride – Resignation from Personnel Board. The resignation was accepted and the Manager was directed to send a letter of thanks to Mr. Pride for his service.
- f. Letter from the Rockland Festival Corporation – Fee Waiver Request, use of City Parks for Lobster Festival. Councilor Hebert will sponsor an Order to be placed on the May 12, 2014 Regular Meeting agenda to authorize the fee waiver.
- g. Letter from Walter Johnson – Zone Change Request at 6 High Street. Councilor Hebert will sponsor a zone change amendment to be placed on the May 12, 2014 Regular Meeting agenda to address this request.

With the agenda set, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:56 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE BUDGET WORK SESSION**

**May 7, 2014**

The Budget Work Session recessed on April 30, 2014 to this date was reconvened by the Mayor with the following present: Mayor Larry Pritchett, Louise MacLellan-Ruf, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

Councilor Eric Hebert arrived at 6:32 p.m. and Councilor Elizabeth Dickerson arrived at 6:45 p.m.

Budget Work Session Reconvened:

May 7, 2014

With no persons wishing to address the Council at this meeting, the Council proceeded to review the budget proposals from the Community Development and Solid Waste Departments.

With the above reviews completed, the Mayor recessed the meeting until May 14, 2014 at 6:30 p.m. at which time the Council will continue its review of the proposed FY 2015 Municipal Budget.

A TRUE COPY

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**May 12, 2014**

**Executive Session** - Pursuant to Title 1, Maine Revised Statutes, Section 405(6)(F); Title 22, Maine Revised Statutes, Section 4306; Title 26, United States Code, Section 6103; and Title 5, Maine Revised Statutes, Section 13119-A(2), which requires the City to preserve the confidentiality of applicants’ financial statements and tax returns, the Rockland City Council will convene in executive session to hear an application for financial assistance from the City’s Katherine B. Haines Fund

Special Meeting continued:

May 12, 2014

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:35 p.m.

**Public Forum:** There were no speakers for the public forum.

**Executive Session:** Councilor Hebert moved that pursuant to Title 1, Maine Revised Statutes, Section 405(6)(F); Title 22, Maine Revised Statutes, Section 4306; Title 26, United States Code, Section 6103; and Title 5, Maine Revised Statutes, Section 13119-A(2), which requires the City to preserve the confidentiality of applicants’ financial statements and tax returns, the Rockland City Council convene in executive session to hear an application for financial assistance from the City’s Katherine B. Haines Fund. Vote: 4 for.

The Council entered Executive Session at 6:31 p.m.

The Council came out of Executive Session at 6:55 p.m. and adjourned without objection from the Council.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## REGULAR MEETING

## AGENDA

May 12, 2014

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager’s Report
  - b. City Attorney’s Report
  - c. Other Official’s Report
  - d. Mayor’s Report
7. Licenses and Permits:
  - a. Liquor & Entertainment Licenses – Rock Harbor Pub & Brewery
  - b. Liquor & Entertainment Licenses – Rock City Café
  - c. Liquor, Entertainment & Amusement Device Licenses – Myrtle Street Tavern
  - d. Liquor & Entertainment Licenses – Café Miranda
  - e. Lodging House License – Navigator Motor Inn
  - f. Retail Sale of Alcohol – Rockland Farmer’s Market
8. Resolves:
 

#23 Commendation – Charles Jordan	City Council
#24 Accepting Donations – Library	City Manager
#25 Appointments – Boards, Commissions and Committees	Mayor Pritchett
9. Ordinances in Final Reading and Public Hearing:
 

#10 Chapter 19, Sections 19-302 & 19-309 Container Rests.	Councilor MacLellan-Ruf
#11 Zoning Map Amendment – Harbor Park Area / TAAOZ	Councilor MacLellan-Ruf
10. Ordinances in First Reading:
 

#12 Chapter 19, Section 19-304 Res. B Zone Regs. – Parking Lots	Councilor Hebert
#13 Chapter 17, Section 17-801 Main Street Parking	Mayor Pritchett
#14 Chapter 19, Section 19-302 Accessory Apartment Parking Req.	Mayor Pritchett
#15 Zoning Map Amendment – 6 High Street	Councilor Hebert
11. Orders:
 

#30 Authorizing License Agreement – Lawrence St. Ext.	Councilor Hebert
#31 Authorizing Temp. Street Closure – Blues Festival Club Crawl	City Council

#32 Authorizing Camden St. Project Grant For Engineering Services	Mayor Pritchett
#33 Authorizing Allocation & Expenditure – Fisher TIF Funds	City Manager
#34 Authorizing Accept & Admin Agent – Healthy Main St Grant	City Manager
#35 Authorizing Reserve Fund Expenditure – Sewer Reserve	City Manager
#36 Authorizing Fee Waiver – Use of Parks – Lobster Festival	Councilor Hebert
#37 Authorizing Expenditure of TIF Funds – Storm Water Separation	City Manager
#38 Setting Polling Times – June 10, 2014 Election	City Clerk

12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Chuck Kruger, Presidential of the Rockland Festival Corporation, spoke in support of the Council granting a fee waiver to the Corporation for use of Harbor Park for the Lobster Festival (Order #36, this agenda), said that while he understood the need for the City to keep costs at a minimum, he pointed out the difference between use of City property by for-profit organizations such as the Blues Festival and Boats, Home & Harbors, and a non-profit organization such as the Festival Corporation. He also noted that the Festival Corporation returns the majority of its revenues to the area communities each year. He also noted that the Festival Corporation was recognized just last year by the City Council for its positive influence on the local economy.

- Alice Knight, 147 Talbot Avenue, said that she has had a long-time association with the Lobster Festival, and supported the waiving of the fees for use of the parks. She said that the Lobster Festival has put the City on the map, and that more than 1,000 volunteers work tirelessly to make the Festival the premiere event of the summer. She said that the Festival Corporation gives thousands of dollars to area communities each year, and urged the Council to support the fee waiver for the Festival Corporation.

- John Jeffers, 15 Tea Street, also spoke in support of the fee waiver for the Festival Corporation, saying that the Festival relies on thousands of volunteers who come from all over Knox County to put on the Lobster Festival. He also said that the money that the Festival gives back to the community helps pay for services that the City would otherwise have to pay for, and that even if the money does not go directly to the City, there is still a benefit to the City.

- Zander Shaw, 39 Pleasant Street, thanked the Council for its consideration of Ordinance Amendment #12 to eliminate parking lots as a conditional use in the Residential B Zone. He said that this will protect residential neighborhoods, and is in keeping with the City's Comprehensive Plan.

Hearing no other speakers, the public forum was closed.

**Meeting Notice:** It was noted that this meeting had been given proper notice.

**Reading of the Record:** Reading of the Record was waived, without objection from the Council, and the Record previously transmitted to the Council was deemed accepted. Anyone wishing to review the Record may do so at the City Clerk's Office at Rockland City Hall during regular business hours.

**Reports:**

a. City Manager's Report: The City Manager reported on the following issues:

- Pollution Control Facility Director Terry Pinto has distributed pamphlets to the Council to facilitate the Council's review of the Wastewater budget at its next budget review session scheduled for Monday (5/19).

- The Manager said that he toured Old County Road and staff is looking for ways to alleviate some of the water problems to perhaps slow further deterioration of the road until the voters take action on the proposed bond ordinance in November.

- Staff is looking at the Union Street sidewalks to determine what needs to be done to repair them.
- With Memorial Day approaching, the City is will be hanging the planters and work has begun on sprucing up the various islands throughout the City.

b. City Attorney's Report – Other than matters already communicated to the Council, the City Attorney had nothing further to report.

c. Other Official's Report: None.

d. Mayor's Report: Mayor Pritchett reminded that Council that its budget review session will continue on Wednesday (5/14) with a review of the budget proposals for Solid Waste, Harbor and Public Works, and on Monday (5/19) for a review of the Wastewater budget proposal. He said the budget review session begin at 6:30 p.m.

**Licenses and Permits:**

- a. Liquor & Entertainment Licenses – Rock Harbor Pub & Brewery
- b. Liquor & Entertainment Licenses – Rock City Café
- c. Liquor, Entertainment & Amusement Device Licenses – Myrtle Street Tavern
- d. Liquor & Entertainment Licenses – Café Miranda
- e. Lodging House License – Navigator Motor Inn
- f. Retail Sale of Alcohol – Rockland Farmer's Market

A public hearing was opened. Hearing no speakers for or against any of the license applications, the public hearing was closed.

Councilor Hebert moved to grant all of the above licenses.

Vote: 5 for.

**Resolves:**

#23 Commendation – Charles D. Jordan, Jr.

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Charles D. Jordan, Jr. is hereby commended and congratulated for 25 years of dedicated service to the City of Rockland with the Rockland Fire Department, 15 years on the Call Division and 10 years as Chief.

**AND**, be it further Resolve that a Plaque and Certificate of Commendation be presented to Chief Jordan as a token of the City's appreciation for his service on the occasion of his retirement, and the Council wishes him well in his future endeavors.

Sponsor: City Council

Originator: City Council

Councilor Hebert moved passage.

Mayor Pritchett read, then presented, a letter from Senator Susan Collins to Chief Jordan commending him for his service.

Councilor Hebert said that a good department head needs technical expertise, financial know-how, political skills, and pragmatism, all of which Chief Jordan have in spades. He said that he was sorry to see Chief Jordan go, but wished him noting but the best for his future.

Councilor Dickerson said that she was incredibly proud of the Rockland Fire Department as a whole, and declared that the City has the best. She recounted the reaction to a cold-water death in Rockland some years ago, the department responded by emphasizing cold water rescue training. She said the department continues to show great caring for the community, and that is due to Chief Jordan's leadership. She thanked him for his service and wished him well.

Councilor Isganitis, noting the firefighters standing in the back of the Council Chambers, said that Chief Jordan's legacy is standing in this room, and those whom he touched over the years, and the department that he leaves behind. He said that the City is better off having had Chief Jordan and wished him well.

Mayor Pritchett said that the Fire Department over the years has emphasized fire prevention as much as fire suppression, and that Chief Jordan has spearheaded those efforts.

Councilor MacLellan-Ruf thanked Chief Jordan for his service, and said that she spent some time at the department and was impressed with the pride with which Chief Jordan spoke of “his” department and “his” staff. She noted that he always used the term “we” when talking about the department.

Councilor Hebert said that they are always hearing about how professional the members of the department are when dealing with the public, and their caring and compassion in obviously stressful situations. He said a lot of that comes from Chief Jordan.

Vote: 5 for.

Mayor Pritchett then presented Chief Jordan with a Certification of Commendation and a Plaque as a token of the City’s appreciation for his service.

At this time, without objection from the Council, Mayor Pritchett took Ordinance Amendment #12, in first reading, out of order.

**Ordinance Amendment #12 Chapter 19, Section 19-304 Residential B Zone Regulations – Parking Lots**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, SUBSECTION (3), Residential Zone “B” BE AMENDED AS FOLLOWS:**

**Sec. 19-316(3) RESIDENTIAL ZONE “B”**

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

<b>RESIDENTIAL ZONE “B” PERMITTED USES</b>	
(1)	One-family dwellings, two-family dwellings, multi-unit dwellings
(2)	Accessory Apartments
(3)	Home Occupation, Level 1 and Level 2, or a home occupation similar in scale and impact to a Level 1 or Level 2 Home Occupation
(4)	Churches, convents
(5)	Flag Lots
(6)	Golf courses, parks, playgrounds, municipal recreation use
(7)	Trailer parks
(8)	Accessory uses customarily incident to other permitted uses

B. Conditional Uses

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant’s expense, at least 7 days prior to consideration of the conditional use by the Planning Board. Eff: 09/09/09

<b>RESIDENTIAL ZONE “B” CONDITIONAL USES</b>	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line

(6)	Farming
(7)	<p><del>Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions:</del></p> <p><del>(a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception.</del></p> <p><del>(b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation.</del></p> <p><del>(c) No parking spaces shall be rented for profit.</del></p> <p><del>(d)</del>(a) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business. Eff: 10/12/94</p>
(78)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(89)	Schools and Day Care Facilities
(940)	Quasi-Public Uses
(1044)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(1142)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility.

C. Prohibited Uses

<b>RESIDENTIAL ZONE "B" PROHIBITED USES</b>	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited

\* \* \*

Sponsor: Councilor Hebert  
Originator: Councilor Hebert

Councilor Isganitis moved passage and echoed what Mr. Shaw said during the public forum. He said that the message from the community is clear that the Residential B Zone should not allow just a parking lot that is not on the same parcel as a permitted commercial use.

Councilor Hebert said that this issue came to light with the proposal by Cabot Lyman to use a parcel in the Residential B Zone as a parking area for his employees. He said that this provision was originally created to help out Fisher Engineering, when they were located on the waterfront, to provide sufficient parking for their employees. He said that this allowance is no longer needed and it is a good idea to get rid of it.

Vote: 5 for.

A public hearing was set for June 9, 2014 at 7:00 p.m.

At this time, and without objection from the Council, Mayor Pritchett took Order #32 out of order.

**Order #32 Authorizing Camden Street Project Grant for Engineering Services**

**WHEREAS**, the City's Economic Development Advisory Committee (EDAC) worked for eighteen months to develop both a vision for and options to enhance economic activity along Camden Street in a manner that builds on Rockland's community values and strengths; and

**WHEREAS**, On January 13, 2014, the City Council accepted the reports from EDAC illustrating redevelopment concepts for four segments along Camden Street; and

**WHEREAS**, modifying the public corridor in ways that would support current and future vehicle traffic through the corridor while enhancing bicycling and pedestrian activity and improving the overall streetscape were key components of EDAC's overall recommendations to strengthen economic activity in the Camden Street Corridor; and

**WHEREAS**, EDAC voted unanimously on February 27, 2014 to recommend that the City proceed with planning steps to enhance the public corridor along Camden Street; and

**WHEREAS**, having an engineer evaluate the identified potential improvements including resetting curbs, adding median strips, widening sidewalks, improving pedestrian crossings, adding bicycle lanes, and reconfiguring intersections is the next essential step; and

**WHEREAS**, to the extent the City hopes to make improvements in the public corridor along Camden Street, or to any subsurface utilities, that work needs to be done either ahead of or in tandem with Maine Department of Transportation repaving; and

**WHEREAS**, MeDOT has recently made available \$25,000 planning grants that can be utilized for engineering services on corridor projects that would enhance economic activity;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the City Council accepts EDAC's recommended priorities on which to focus in the public corridor along Camden Street and directs EDAC to continue its work with staff accordingly, and

**THAT**, Acting City Manager Luttrell is directed to apply for MeDOT PPI Grant funds to provide technical analysis and, subject to Council review, final designs for recommended options, and

**THAT**, Acting City Manager Luttrell is authorized up to expend up to \$25,000 in matching funds from the Undesignated Fund Balance Capital Improvement Account (#40000-02970) for this phase of the Camden Street project and to execute any documents needed to apply for this grant and execute this grant if awarded to the City.

Sponsor: Mayor Pritchett  
Originator: EDAC

Councilor Hebert moved passage.

Vote: 5 for.

At this time, and without objection from the Council, Mayor Pritchett took Order #34, Authorizing Acceptance and Serving as Administrative Agent for Rockland Main Street, Inc. Health Maine Implementation Grant.

**Order #34, Authorizing Acceptance and Serving as Administrative Agent for Rockland Main Street, Inc. Health Maine Implementation Grant**

**WHEREAS**, the City is a partner and collaborates regularly with Rockland Main Street, Inc. as part of a comprehensive community economic development program; and

**WHEREAS**, the City has in the past served as fiscal and administrative agent on behalf of Rockland Main Street, Inc.; and

**WHEREAS**, Rockland Main Street, Inc. assists the City and its plans for the continued development of the Rockland Harbor Trail; and

**WHEREAS**, Rockland Main Street, Inc. has previously secured a Healthy Maine Partnership grant of \$5,000 to support the production of a Harbor Trail Map, additional trail signs, bike racks and other activities; and

**WHEREAS**, Rockland Main Street, Inc. has asked that the City serve as administrative and fiscal agent as it implements the activities in its Healthy Maine grant;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City accepts the role of fiscal and administrative agent on behalf of Rockland Main Street, Inc. for the implementation of its 2013-14 Healthy Maine Streets grant and the Community Development Department shall, with guidance from Rockland Main Street, Inc. assist and coordinate with the Ad Hoc Rockland Harbor Trail Committee to complete the projects outlined in its grant.

Sponsor: City Manager  
Originator: Community Development Director

Councilor Dickerson moved passage.

Vote: 5 for.

At this time, and without objection from the Council, Mayor Pritchett took Order #36 Authorizing Fee Waiver – Rockland Festival Corporation, out of order.

**Order #36 Authorizing Fee Waiver – Rockland Festival Corporation**

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the park rental fees for use of Harbor Park, Buoy Park and Mildred Merrill Park by the Rockland Festival Corporation to hold the 2014 Maine Lobster Festival are hereby waived as follows:

Setup – 7 days (1 day excused) @ \$250 per day	\$ 1,500.00
Lobster Festival – 5 days @ \$2,500 per day	\$12,500.00
Tear down – 2 days (1 day excused)@ \$250 per day	<u>\$ 250.00</u>
Total	\$14,250.00

The Rockland Festival Corporation shall be responsible for paying any real costs incurred by the City for service provided in support of the Lobster Festival.

Sponsor: Councilor Hebert  
Originator: Rockland Festival Corp.

Councilor Hebert moved passage and said that this is not a new issue. He said that the waiver of the fees for the Festival Corporation has come under scrutiny recently, but it’s not the Festival’s fault. He said that the City traditionally has waived the fees for the Festival in recognition of everything that the Festival does for the community. He said that the Festival is a huge economic generator, and he views the fee waiver as an investment in that generator. He hoped that the other Councilors would see it that way too and go along with that investment. He said that Rockland has become a tourist destination, and that the Festival is a part of that. He said the Festival is a huge draw to the City, and regardless of where you travel, Rockland and the Festival are known. He said that he recognizes that this is a sensitive issue, but urged the Council to continue waiving the fees so that the Festival Corporation can continue to do all of the good work that it has done over the years. He also said that the Festival Corporation goes through a budget process much the same as the City is currently doing, and they have to know what their expenses are going to be. He said it is not fair to only give them three-month’s notice that the fees are not going to be waived.

Councilor Dickerson said that to her the solution was simple. She said that the City would charge the fee of \$14,250, and the Festival Corporation would simply subtract that amount from any donations that it makes. She said that the City needs to have determination over how its money is spent and on what for the benefit of the community as a whole, rather than waiting to see what if any funds are donated to the City and for what purpose.

Councilor MacLellan-Ruf said that she loves the Lobster Festival, but when she was on the Harbor Management Commission, the commission would not waive the fees for use of the Parks. She said that decision was left up to the City Council. She said that to be consistent she would support the decision of the Harbor Management Commission to not waive the fees. She also said that she agreed with Councilor Dickerson and that this would take care of the political quagmire that the Festival Corporation would find itself in about how much to donate to whom and for what purpose. She said that the City would get its fees, and the Festival Corporation would have control over its funds. She also said that the volunteers would continue to support the Lobster Festival because they are committed to the event. She said that for them it is not about the money.

Councilor Isganitis commended the Festival Corporation for its philanthropy over the years, but said that the Council represents 7,300 constituents and must do what is in the best interest of the majority. He said that as much as the City appreciates the donations over the years, the City needs to have the fiscal stability of the fees. He also said that he has spoken with a number of volunteers who have expressed the fact that it does matter to them if the City charges the fees for use of the parks, making this decision that much more difficult. He said that Rockland is the Festival and the Festival is Rockland, and he hoped that a compromise would come out of this relationship. He said that the City’s policy allows for four events to have exclusive use of the parks per year, and the fees are instituted to compensate the public for its loss of access to the parks for those events. He also said that this is not coming as a surprise to the Festival Corporation as this matter has been discussed over the past few months.

Vote: 1 for, 4 opposed.

(Dickerson, MacLellan-Ruf, Pritchett, Isganitis)  
Motion Defeated.

At this time, and without objection from the Council, Mayor Pritchett took Ordinance Amendment in First Reading #13 out of order.

**Ordinance Amendment #13 Chapter 17, Section 17-801 Parking Prohibition – Main Street  
THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, SECTION 17-801  
Schedule I, Parking Prohibitions, BE AMENDED AS FOLLOWS:**

**Sec. 17-801 Schedule I. Parking Prohibitions**

Parking is prohibited at all times upon the following streets or parts thereof:

Street	Area Affected
20. Main	M. East side beginning approximately <del>forty (40)</del> <u>twenty-nine (29)</u> feet south of the intersection with Tillson Avenue and extending to the intersection of Tillson Avenue.

Sponsor: Mayor Pritchett  
Originator: City Manager

Councilor MacLellan-Ruf moved passage.  
A public hearing was set for June 9, 2014 at 7:00 p.m.

Vote: 5 for.

The order of the agenda was then resumed.

**Resolves:**

#24 Accepting Donations – Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$2,392.19 for 184 books, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Olga Hamilton, of Goose Creek South Carolina, donated \$100 to the Rockland Public Library in memory of her husband Stephen K. Hamilton, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Paul Charbonneau, of Rockport, Maine, donated a book of his poems, *Back to the Light*, to be added to the Library’s collection; and

**WHEREAS**, the Rockland Public Library Endowment Association (RPLEA) donated \$630 to the Rockland Public Library for directional signage, and \$1,297.18 for Ebsco magazine subscription service, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City gratefully accepts these donations and directs that letters of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

Councilor Isganitis moved passage.

Vote: 5 for.

#25 Appointments to Boards, Commissions and/or Committees

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointments by the Mayor of the following persons to the following Boards, Commissions and/or Committees for the terms listed are hereby confirmed:

- William Clayton, 95 Acadia Drive, Board of Assessment Review (2014)
- Anthony Coyne, 41 Highland Street, Energy Committee (2015)
- Robin Jordan, 1 Walker Place, Personnel Board (2016)
- Patricia Moran Wotton, 261 Park Street, Personnel Board (2016)
- Charles Jordan, Jr., 1 Walker Place, Planning Board (2016)

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor Isganitis moved passage and thanked all who serve on the City's Boards, Commissions and Committees. He then asked if there were other applications for appointments still pending.

The Mayor said that he is still reviewing applications and will bring more forward in the future.

Vote: 5 for.

**Ordinances in Final Reading and Public Hearing:**

#10 Chapter 19, Section 19-302 & 19-309 Exempting Container Restaurants & Food Wagons from Certain Zoning Regulations

(See pages 130 – 132 for text)

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor MacLellan-Ruf moved passage.

Mayor Pritchett noted a memorandum from the Comprehensive Planning (COMPS) Commission asking the Council to postpone action on this amendment to give them more time to review the matter.

Without objection from the Council, the Rules were suspended to allow Code Enforcement Officer John Root to address this issue.

Mr. Root said that this proposal came about when it was determined that these types of establishments would be required to meet the design standards in the "DT" Zone and the Tillson Avenue Area Overlay Zone (TAAOZ), which would be extremely difficult for these kinds of establishments. He said that the COMPS Commission brought up several issues during its review that it would like more time to address. He also said that the one application for a container restaurant in the TAAOZ has withdrawn the application for this season.

The Council went back into Regular Session with Councilor Hebert making a motion to postpone Ordinance Amendment #10 until the September 8, 2014 Regular Meeting. He said that there is no immediate need to address this issue, and postponement would give the Council a chance to get through the budget review, and give COMPS time to address the issues that it has raised. He said that there is plenty of time to have something in place in time for next summer.

Councilor Isganitis said that he wondered about the necessity of all of this, considering that such carts are personal property and not real estate. He said that he would like to see this proposal move forward. He said that COMPS could still address its concerns and the Council could make amendments to the proposal at a later date if necessary. He said that instituting this exemption was the right thing to do.

Councilor MacLellan-Ruf said that she would like to hear from the Commission, and that she respects what the Commission and Mr. Root have to say. She said that there is ample time to review this proposal.

Vote: 3 for, 2 opposed.  
(MacLellan-Ruf, Isganitis)

Ordinance Amendment #10 was postponed until the September 8, 2014 Regular Meeting.

At this time, and being one of Councilors voting on the prevailing side, Councilor Dickerson moved to reconsider the vote to postpone Ordinance Amendment #10. Councilor Dickerson expressed concern if an applicant turned up with a proposal for this year that they would not be allowed to proceed.

Councilor Isganitis said that there were still vendor spaces available at Harbor Park through the Harbor Management Commission where such a stand or cart could be placed if someone shows interest this year. He explained that the next

Ordinance Amendment (#11) removed that area of Harbor Park from the TAAOZ thereby removing the requirement that such stands or cart meet the design standards.

Vote: 3 for, 2 opposed.  
(Pritchett, Hebert)

Because a motion to reconsider requires four votes to be carried, the motion was defeated and Ordinance Amendment #10 remained postponed until the September 8, 2014 Regular Meeting.

#11 Zoning Map Amendment – Removing Harbor Park Area from TAAOZ

(See page 132 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

The amendment will become effective June 11, 2014.

**Ordinances in First Reading:**

#14 Chapter 19, Section 19-302 Accessory Apartment Parking Requirements

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTIONS 19-302, Definitions, BE AMENDED AS FOLLOWS:**

**Accessory Apartment:** A second dwelling unit within or attached to a single-family residence. The accessory apartment shall not be considered an additional dwelling unit for purposes of the minimum lot size zoning standards. The accessory apartment will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

- a. The principal unit and the accessory apartment shall remain under common ownership and one of the units shall be owner-occupied at all times.
- b. The accessory apartment shall not alter the basic character of the building as a single-family dwelling.
- c. ~~One (1) driveway shall service both dwelling units.~~ Off-street parking for both units must be provided with two (2) on-site spaces for the principal dwelling unit and one (1) on-site space for the accessory apartment. Impervious surface area of the driveways shall be minimized to the greatest extent practical and still meet the parking requirements.
- d. The accessory apartment shall include its own kitchen, three (3) fixture bath, and no more than one (1) bedroom. The floor area of the apartment must be at least four hundred and twenty-five (425) square feet and cannot exceed eight hundred (800) square feet and thirty-three (33) percent of the floor area of the existing home.
- e. The accessory apartment shall comply with all applicable codes and ordinances.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor Isganitis moved passage and said it just occurred to him that this proposal could impact number of curb cuts, speed limits, and the like. He asked that COMPS look at those issue when it reviews this amendment between first and second reading.

Councilor Hebert said that while he agrees with the concept of Councilor Isganitis' concerns, such effects would be more likely in a commercial area. He said this proposal targets more residential areas and may not have a great an effect as Councilor Isganitis may think.

Vote: 4 for, 1 opposed.  
(Isganitis)

A public hearing was set for June 9, 2014 at 7:00 p.m.

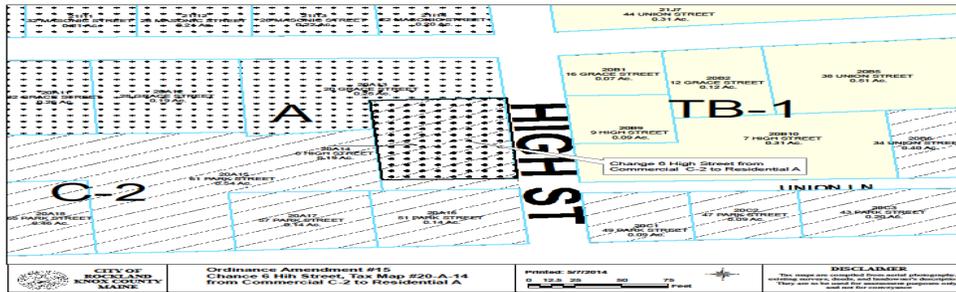
#15 Zoning Map Amendment – 6 High Street

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

- ❖ At 6 High Street (Tax Map 20-A-14), change the zone on the entire parcel from Commercial 2 Zone to Residential Zone A. The zone line is intended to follow the parcel lines.

Sponsor: Councilor Hebert  
Originator: Code Enforcement Officer



Councilor Hebert moved passage.

Councilor Isganitis asked if this would create a non-conforming lot, and was told that it would not.

Vote: 5 for.

A public hearing was set for June 9, 2014 at 7:00 p.m.

**Orders:**

#30 Authorizing License Agreement – Lawrence Street Extension Right of Way

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into a license agreement with David Ober, substantially in compliance with the attached agreement, which grants to the Licensee a non-exclusive license to place, replace, maintain, and use stairs, a parking area for one vehicle, egress to and from the same, and landscaping, all to serve the single-family home currently located at 85 Main Street (Tax Map 10-E-10), which are wholly or partially located in the Lawrence Street Extension right-of-way. The improvements authorized herein are subject to the review and approval of the Rockland Code Enforcement Officer or his designee, including, where applicable, after the fact review and approval, which approval shall not unreasonably be withheld.

Sponsor: Councilor Hebert  
Originator: Code Enforcement Officer

**LICENSE AGREEMENT**

**THIS AGREEMENT** by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and David L. Ober, an individual residing at 39 Pond Lane, Appleton, Rockland, Maine (the "Licensee"), is effective May 13, 2014.

**WHEREAS**, the Licensee owns land and a rental, single-family house at 85 Main Street in Rockland, Maine (Tax Map #10-E-10) (the "Property"); and

**WHEREAS**, on November 9, 1988, the Rockland Zoning Board of Appeals granted former Community Development Director Dake Collins, on behalf of Loren Young, the then-owner of the Property, a variance from the side yard [setback] requirements "so that a 19 ft. by 42 ft. single-family dwelling can be constructed" on the Property; and

**WHEREAS**, a certificate evidencing said variance was filed on the Knox County Registry of Deeds in Book 1316, Page 128; and

**WHEREAS**, a house was subsequently constructed on the Property, the south wall of which is situated with no setback, at the northern line of the Lawrence Street Extension right-of-way; and

**WHEREAS**, stairs serving an entrance to the house were constructed and remain located entirely within the Lawrence Street Extension; and

**WHEREAS**, the parking area for vehicles on the east side of the Property is not large enough for a vehicle, and tenants of necessity park their vehicle(s) partially within the Lawrence Street Extension; and

**WHEREAS**, the Licensee, the current owner of the Property under deed of Charles W. Collins to the Licensee, dated July 7, 2003, and filed on the Knox County Registry of Deeds in Book 3020, Page 247, seeks formal permission from the City to maintain and to permit his tenants to use the said stairs and parking area,

**NOW, THEREFORE**, in consideration of the mutual covenants of the parties hereto as follows:

**1. Grant of License.** The City grants to Licensee a non-exclusive license to place, replace, maintain, and use stairs, a parking area for one vehicle, egress to and from the same, and landscaping, all to serve the single-family home currently located on the Property, within five feet of the southerly boundary line of the Property, as shown on the attached Exhibit A (the "License Premises"). The improvements authorized herein are subject to the review and approval of the Rockland Code Enforcement Officer or his designee, including, where applicable, after the fact review and approval, which approval shall not unreasonably be withheld;

**2. Term.** Unless the Licensee shall default, or the City terminate this Agreement, the Term of this License Agreement shall be ten (10) years, commencing on May 15, 2014, and terminating at midnight on May 14, 2024; provided, however, that this License Agreement may be renewed for one additional, ten-year term upon the mutual, written agreement of the City and Licensee.

**3. Termination.** Notwithstanding the foregoing, this License Agreement shall terminate ninety (90) days following the earlier of (A) written notice by Licensor terminating this License Agreement any time after the City Manager, in his sole discretion, determines that (1)(a) the use of the License Premises poses an unreasonable risk to the public or City personnel or equipment and that (b) no alternative remedy is reasonably available; (2) the construction, reconstruction, or realignment of Lawrence Street Extension requires the temporary or permanent termination of Licensee's use and occupancy of the License Premises; (3) Licensee conveys the Property to another party; and/or (4) Licensee defaults under any term or condition of this Agreement. Within ninety days of the effective date of termination of this Agreement, Licensee or its successor shall cause the removal of any improvements located within right-of-way, except as the parties may otherwise agree, in a signed writing;

**4. Fee.** There shall be no fee owed to the City for the permissions granted herein during the initial term of this License Agreement;

**5. Restrictions.** Licensee may not pave or place any other impervious surface on any portion of the License Premises. Licensee may not place or allow the placement of any improvements, storage containers, personal property, or item except entrance stairs, reasonable lighting of the same, and one registered and inspected motor vehicle within the License Premises. Licensee shall not undertake or permit any use of the License Premises that are not accessory to or reasonably incidental occupancy of the Property as a single-family home.

**6. Construction; Maintenance; Default.** Licensee shall be fully and solely responsible for the construction and/or costs of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensee shall maintain the License Premises in a safe and presentable condition throughout the Term or Terms of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof. In the event of any default under this Agreement by Licensee, or any failure of Licensee to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensee shall, at Licensee's sole expense, cure such default or failure to comply within thirty (30) days. Nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

**7. Indemnification; Hold Harmless.** Licensee hereby agrees and undertakes to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the construction of the installation(s) authorized herein, or their maintenance as required of Licensee herein. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

**8. Miscellaneous.**

A. This License Agreement is contractual, and is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

Councilor Hebert moved passage.

Vote: 5 for.

#31 Authorizing Temporary Street Closure – Blues Festival Club Crawl

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the organizers of the North Atlantic Blues Festival are hereby authorized to close Main Street, from Park Street to Talbot Avenue, from 8:00 p.m. on July 12, 2014 to 1:00 a.m. on July 13, 2014, to hold the annual "Club Crawl" in conjunction with the North Atlantic Blues Festival. Establishments offering live entertainment in conjunction with the "Club Crawl" shall be limited to those within the area stated above. The organizers shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event.

Sponsor: City Council  
Originator: Paul Benjamin

Councilor Isganitis moved passage.

Vote: 5 for.

#33 Authorizing Allocation and Expenditure of Funds from Fisher TIF to Support Economic Development Program

**WHEREAS**, the City has amended its Tax Increment Financing (TIF) District and Development Program for Fisher Engineering; and

**WHEREAS**, the State Department of Economic and Community Development has approved said amendment; and

**WHEREAS**, the Fisher TIF Development Program allows for expenditure of municipal TIF funds for the purpose of supporting the City economic development program; and

**WHEREAS**, the Community Development Department (Department) has outlined and actively pursued a Community Economic Development Program; and

**WHEREAS**, the Economic Development Advisory Committee has reviewed and provided input to the Community Economic Development Program; and

**WHEREAS**, the Department has continued to implement portions of said Program to encourage expansion of existing business, attraction of new business and investment, and other projects to support those efforts;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to expend up to \$11,000 funds from the Fisher TIF Municipal Program to continue the economic development program.

Sponsor: City Manager  
Originator: Community Development Director

Councilor Isganitis moved passage.

Vote: 5 for.

#35 Authorizing Reserve Fund Expenditure – Sewer Renewal & Replacement Reserve

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to expend up to \$25,000 from the Sewer Renewal and Replacement Reserve Account (#10000-01668) to cover any unexpected costs associated with the GBT drain line and splitter box valve repair project.

Sponsor: City Manager  
Originator: Pollution Control Director

Councilor Isganitis moved passage.

Vote: 5 for.

#37 Authorizing Funding for Storm Water Separation and Disposal – Winter, Main, Elm, Oak and Orient Streets; and Streetscape Improvements on Winter Street

**WHEREAS**, on March 10, 2014, the City Council authorized an application to the Department of Economic & Community Development for a Community Development Block Grant (CDBG) Downtown Revitalization Program grant to fund storm water separation and streetscape improvements in downtown Rockland, and reserved Tillson Avenue Area (Downtown) TIF District funds to cover the City's match therefor; and

**WHEREAS**, while such grant application is pending, and in the event such application is not successful, the City nonetheless needs to proceed with engineering without further delay, including the retention of Wright-Pierce to study and design storm water separation and disposal in Winter, Main, Elm, Oak, and Orient Streets, and the retention of Gartley & Dorsky Engineering & Surveying to design streetscape improvements in Winter Street, and with construction (1) first of storm water separation and disposal in Winter Street, (2) second, streetscape improvements in Winter Street, and (3) third, storm water separation in Main, Elm, Oak, and/or Orient Streets,

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the City hereby appropriates up to \$100,000 from the Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) from the FY 2014 Development Program, and \$95,000 from the FY 2014 Tillson Avenue Area (Downtown) TIF Development Program and \$105,142 from the FY 2015 Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) to fund the requisite engineering for the aforesaid storm water separation and disposal, and streetscape improvements, and for the construction of the same to the extent such project costs allow.

Sponsor: City Manager  
Originator: Community Development Director

Councilor Hebert moved passage and noted that this order had not been discussed at the agenda-setting meeting, and asked the City Manager to explain the order.

The City Manager explained that when the Council authorized use of these TIF funds as a match for a grant at last month's meeting, the funds were tied to the City receiving the grant. He said that this order would allow the City to use those funds to make necessary improvement even if the City is not awarded the grant. He added that the funds can still be used as a match for the grant should the City be awarded that grant.

Councilor Hebert asked if the \$300,142 being authorized by this Order would complete the project from design through construction.

The City Manager said that the City could only do the complete project if it is awarded the grant. He said that these funds would allow the City to do the work on Winter Street regardless of whether it receives the grant.

Councilor Hebert asked what the cost would be of the project.

The City Manager said that he does not have any concrete numbers at this time since the project is still in the design phase.

Councilor Isganitis said that the City needs to do the improvements on Winter Street to facilitate the CMCA project. He added if the City receives the grant, it will be able to do more of the project. The City Manager added that the City needs to address storm water separation throughout the City, so it makes sense to address the issue anytime construction is being done. Vote: 5 for.

#38 Setting Polling Times – June 10, 2014 Primary Election

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** a Special Municipal Referendum Election shall be held on June 10, 2014, in conjunction with the State Primary Election, for the voters of the City of Rockland to cast their votes on the RSU #13 Budget Validation Referendum Question.

**AND**, it is further ordered that the polls at the Rockland Recreation Center/Community Building, 61 Limerock Street, Rockland, Maine, shall be opened at 8:00 a.m. and closed at 8:00 p.m. on June 10, 2014 for said Elections.

Sponsor: City Clerk  
Originator: City Clerk

Councilor MacLellan-Ruf moved passage. Vote: 5 for.

With no other business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:52 p.m.

A TRUE COPY. ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE BUDGET WORK SESSION**

**May 14, 2014**

The Budget Work Session recessed on May 7, 2014 to this date was reconvened by the Mayor with the following present: Mayor Larry Pritchett, Louise MacLellan-Ruf, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilors Eric Hebert and Elizabeth Dickerson arrived at 6:40 p.m.

The following persons addressed the Council on the following issues:

- David Myslabodski, 53 Broad Street, spoke in support of the City charging the fees for use of City property to the Lobster Festival, saying that the City needs to collect all of the fees to have a predictable budget. He said that the Council did what was in the best interest of the City as a whole.

- Dale Hayward, 162 North Main Street, cited statistics from the Rockland Festival Corporation’s tax returns to show that the imposition of the \$14,250 fee by the City for use of the City’s property for the Lobster Festival did not present a financial hardship on the Festival Corporation. He said that the Council did the right thing by charging the fees.

The Council then revisited its review of the Solid Waste budget proposal, and then reviewed the budget proposals for Harbor and Waterfront, and Public Works.

With the above reviews completed, the Mayor recessed the meeting at 8:30 p.m. until May 19, 2014 at 6:30 p.m. at which time the Council will continue its review of the proposed FY 2015 Municipal Budget.

A TRUE COPY ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE BUDGET WORK SESSION**

**May 19, 2014**

The Budget Work Session recessed on May 14, 2014 to this date was reconvened with the following present: Chairman Pro Tempore Eric Hebert, Elizabeth Dickerson, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

Budget Review continued:

May 19, 2014

Mayor Larry Pritchett and Councilor Louise MacLellan-Ruf were excused from attending this meeting.

There were no speakers for the public comment portion of the meeting.

The Council received a presentation from Wright-Pierce Engineers on the scope of work of a proposed analysis of the City's sewer and storm water collection system, which is part of a consent order from the Maine Department of Environmental Protection.

The Council then reviewed the proposed budget for the Water Pollution Control Department (Sewer).

With the above review completed, the meeting was recessed at 8:30 p.m. until May 21, 2014 at 6:30 p.m. at which time the Council will continue its review of the proposed FY 2015 Municipal Budget.

A TRUE COPY

ATTESTED: \_\_\_\_\_ City Clerk

## **RECONVENE BUDGET WORK SESSION**

**May 21, 2014**

The Budget Work Session recessed on May 19, 2014 to this date was reconvened by the Mayor with the following present: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

The following persons addressed the Council on the following issues:

- John Grondin, 1 Rankin Street, stated that he was a visually impaired resident and expressed concerns about the compliance with the Americans with Disabilities Act of the proposed lighting on the sidewalk at the hotel project at 250 Main Street. He also expressed concern about crosswalk signals throughout the City that are designed for both visually and hearing impaired persons.

Mr. Grondin then spoke in support of the Council's decision not to waive the fees for use of City property for the Lobster Festival, saying that the Council did its job in representing all of the residents of Rockland.

- Amy Files, 39 Pleasant Street, spoke of the importance to the public of transparency in the process of review matters such as the proposed hotel at 250 Main Street. She said that while she was pleased that the Planning Board was requiring that a traffic study be done in conjunction with the proposed hotel project, but questioned the appropriateness of having the applicant do the study. She asked the Council to authorize the City to undertake the study to ensure fair and impartial results.

- Sandra Schramm, 16 Broad Street, also spoke concerning the proposed hotel project at 250 Main Street, expressing concern over the dialogue between the Planning Board Chair and the developer, Mr. Lyman. She said that Mr. Lyman has said that he feels he has done everything that the Planning Board has asked, and didn't understand why approval was not forthcoming. She also said that the Planning Board has accepted the application as complete, but the plans have changed substantially several times since the application was originally filed. She said that when the plans changes, the application process should start over again.

She then commented on the traffic study that the Planning Board is requiring the applicant to perform, saying that having the applicant do the study does not resonate with those looking for fairness and due process. She also said that the study needs to be done during an event such as the Blues Festival to ensure it takes into account traffic issues surrounding such events.

Ms. Schramm also commented on the parking situation connected with the project. She acknowledged that because this project is within the Downtown Zone, no off-street parking is required. However, she said parking for this project is going to be a problem, even if the developer provides off-site valet parking. She said those guests not wanting to have their car parked more than a quarter-mile away will park on side street creating a situation similar to the problems experiences on Granite Street and Talbot Avenue with overflow parking from the Ferry Terminal.

- David Myslabodski, 53 Broad Street, also spoke concerning the proposed Hotel at 250 Main Street, saying that the new design plans were only made available last Friday, and there has not been sufficient time for the public to review and make comments on these revisions. He said that the future of this neighborhood is at stake, and the concerned residents are simply asking that due process be followed. He also said that the letter of the City Code and the spirit of the City's Comprehensive Plan must be followed as well.

Budget Review continued:

May 21, 2014

- Doug Curtis, Jr., 111 Summer Street, spoke concerning the Council’s decision not to waive the park rental fees for the Lobster Festival, saying that while he disagrees with the decision, he hoped that the Council and the Festival Corporation would come together and work out a compromise that would be acceptable to everyone concerned. He said that the Council should look at all the good things that the Festival Corporation does for the community, and consider the trickle-down effect that denial of the waiver will have. He said that he hoped the Council would re-think its vote and consider alternatives.

The Council then revisited the budget proposals for the Fire Department, Police Department, Public Works, and the Harbor and Waterfront Department. The Council then reviewed the proposed FY 2015 Capital Improvement Plan (CIP).

With the above review completed, the meeting was recessed at 8:30 p.m. until May 28, 2014 at 6:30 p.m. at which time the Council will continue its review of the proposed FY 2015 Municipal Budget.

A TRUE COPY

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE BUDGET WORK SESSION**

**May 28, 2014**

The Budget Work Session recessed on May 21, 2014 to this date was reconvened by the Mayor with the following present: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:35 p.m.

The following persons addressed the Council on the following issues:

- David Myslabodski, 53 Broad Street, spoke concerning what he called a disturbing development at the most recent Planning Board meeting where the City Attorney told the Board that it should not take any public comment. He said the timing of this “gag order” seems highly suspicious considering there were several members of the public present who wished to express their opposition to the proposed hotel project at 250 Main Street. He asked the Council to look into this matter and reverse this “gag order”.

- Maggie Trout, 77 Broadway, spoke concerning a variety of budgetary issues, ranging for the amounts spent on flowers and baskets to the fee increases proposed for the Solid Waste Disposal Facility. She urged the Council to consider spending carefully to ensure that the taxpayers are getting the best value for their tax dollars.

Mayor Pritchett responded to the comments made by Mr. Myslabodski by explaining that the City Attorney cautioned the Planning Board about accepting comment on an application that was not before the Board, and for which the applicant was not present. He said that the Board accepted comment from the public but did not discuss the application and ensured that the applicant received copies of what was said.

The Council then revisited the budget proposal for the Solid Waste Department. The City Manager was directed to come back to the Council with a proposal to transition from the current sticker system to a pay as you throw system for consideration by the Council at its June Regular meeting. The Council then reviewed the proposed budgets for Intergovernmental, the Legal Department, Legislative (during with monies for the Coast Guard City Committee were discussed), Lights and Hydrants, the Fish Pier Department, and the Recreation Department.

With the above reviews completed, the meeting was recessed at 8:30 p.m. until June 4, 2014 at 6:30 p.m. at which time the Council will continue its review of the proposed FY 2015 Municipal Budget.

A TRUE COPY

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**June 2, 2014**

- Order #39 Authorizing Placement of Banner – Lobster Boat Races
- Order #40 Authorizing Public Art Display – *Follow the Shirts*
- Workshop – DT Zone & Tillson Ave Overlay Zone Design Standards Amendments
- Workshop – Downtown TIF Credit Enhancement Agreement Policy

Workshop – Pay As You Throw Waste Disposal Program  
Set Agenda for June 9, 2014 Regular Meeting

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:35 p.m.

**Pledge of Allegiance:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Zander Shaw, 39 Pleasant Street, spoke in support of the proposal to limit height of buildings in the Downtown Zone south of Park Street to 50 feet. He also supports the efforts to clarify the design standards in the Downtown Zone and the Tillson Avenue Area Overlay Zone.

- Amy Files, 39 Pleasant Street, also spoke in support of the proposed height restriction in the Downtown Zone. She also said that she was alarmed by the seemingly new rule put forth by the Planning Board that public comment would not be taken on issues if that particular issue was not in front of the Board. She said it feels as though the public is being stifled.

- David Myslabodski, 53 Broad Street, said that he understands the concerns expressed by the City Attorney about people commenting on proposal when the applicant is not present and thus would not have access to such comments. He said that he agreed that timely access to Planning Board records is important not only to developers, but the public is well, which is why all Planning Board meetings should be recorded so that there is no question about what was said by whom at any given meeting.

Mr. Myslabodski then spoke regarding proposed amendment to the design standards in the Downtown Zone, expressing concern that the Planning Board is given too much latitude in granting relief from strict compliance with the standards. He said that this could only result in spot zoning, and cited the Planning Board's actions on the CMCA project and the hotel project that it is currently reviewing as examples of such latitude.

- Barry Faber, 73 Willow Street, then spoke concerning the process that took place during the discussion of the Solid Waste budget. He said that the initial discussion focused on the appropriate sticker fees, per ton fees and how much could be put into the landfill closure account, but quickly turned into how fast a pay as you throw program could be instituted. He questioned why this discussion was being held just days before adoption of the budget. He said that the City has a contract with those residents who have already purchased a dump sticker for the coming year, and arbitrarily changing the terms now would amount to a breach of that contract. He said that the Council is acting irresponsibly and that the process has lacked transparency, and that the pay as you throw disposal system cannot be legally mandated until May of 2015, when the sticker already purchased expire.

- Alexis Immarino, a local artist, spoke in support of Order #40 that will allow here to erect an art display of shirts on June 6<sup>th</sup> in conjunction with the First Friday Art Walk that will lead people from Main Street up Limerock Street to the Recreation Center where a Pop Up Art Gallery will be installed.

- Gordon Page, Executive Director of Rockland Main Street, Inc., read a letter from RMS President Paul Benjamin outlining the various activities of Rockland Main Street and its efforts to promote Rockland's downtown, and requested continued funding support from the City.

Hearing no other speakers, the public forum was closed.

**Order #39 Authorizing Placement of Banner – Lobster Boat Races**

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Rockland Lobster Boat Race Committee is hereby authorized to hang a banner across Main Street near the intersection with Limerock Street from June 3, 2014 through June 16, 2014 to promote the Lobster Boat Races schedule for June 15, 2014. Any costs associated with the hanging of this banner shall be borne by the Rockland Lobster Boat Race Committee.

Sponsor: Mayor Pritchett  
Originator: Rockland Lobster Boat Race Com.

Councilor Hebert moved passage.

Councilor MacLellan-Ruf asked if this banner would interfere with the *Follow the Shirts* art display.

The City Manager said that it would not.

Councilor Isganitis asked what method of attachment would be used for this banner and has the appropriate permissions been secured.

The City Manager said that the banner would be strung over Main Street from building to building near the Limerock Street intersection as has been done in the past. He said that the Race Committee is aware that permission from the building owners is required before the banner is erected.

Councilor Isganitis asked if there was a minimum height for this kind of banner placement.

Councilor Dickerson said that there is already a wire in place.

Mayor Pritchett said this is the same as has been done in the past.

Vote: 5 for.

#### **Order #40 Authorizing Public Art Display – *Follow the Shirts***

#### **IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the organizers of the third annual *Follow the Shirts* are hereby authorized to install a display of art, consisting of decorated long-sleeve shirts sewn together at the cuffs and hung from a clothes line, from Main Street along Limerock Street to the Rockland Recreation Center on June 6, 2014 in conjunction with the First Friday Art Walk, to lead people to a Pop Up Art Gallery to be installed at the Recreation Center. The shirts may be attached to trees, sign posts and fences as anchors, but may not be attached to utility poles. The shirts shall be taken down no later than the evening of June 7, 2014.

Sponsor: Mayor Pritchett  
Originator: Alexis Iammarino

Councilor Isganitis moved passage.

Councilor Hebert asked that the Rules be suspended so that he could ask Ms. Iammarino a question. Without objection from the Council, the Rules were suspended.

Councilor Hebert noted that attaching anything to utility poles is not allowed, and asked how the display would be strung along Limerock Street to the Recreation Center.

Ms. Iammarino explained that the display would be strung by affixing it to whatever was available along the route, and to stakes where there was nothing else. She also said that the display would be strung along the right side of Limerock Street for the most part, and would be strung so as not to interfere with any crosswalks or sidewalks.

The Council went back into Special Session for a vote on Councilor Isganitis' motion for passage.

Vote: 5 for.

**Workshop: Downtown Zone and Tillson Avenue Area Overlay Zone Design & Architectural Standards.** The Council went into informal session for a workshop on proposed amendments to the Design and Architectural Standards for the Downtown Zone and the Tillson Avenue Area Overlay Zone. The focus of these proposed amendments was to address an apparent disconnect between the intent of these standards and their actual effect, as brought to light by certain recent events. The effects of these amendments are intended to tighten up the standards and to clarify their application to specific proposals. The Council directed that the proposed amendments be sent to the Planning Board, Comprehensive Planning Commission and the Economic Development Advisory Committee for review, and then a workshop between those boards and the Council will be scheduled.

**Workshop: Pay As You Throw Solid Waste Disposal.** The Council then held a workshop on the proposal brought forward by staff for the implementation of the Pay As You Throw Solid Waste Disposal system as requested by the City Council at its Budget Review Session on 05/28/14. The City Manager presented the following recommendations:

On May 28, 2014, Council gave the direction for Staff to develop an ordinance amendment to encompass a Pay As You Throw operation at the Transfer Station. Staff met and has come up with the following recommendations for this program.

Start Date – We recommend the roll out of the Pay As You Throw should coincide with the expiration of the current residential stickers. The current sticker that is now on sale at the Transfer Station expires May 1, 2015; therefore the program

is proposed to start on May 2, 2015. From May 2, 2015, on, municipal solid waste may only be disposed at the facility in specially marked/ colored bags, or on a scaled, per-ton basis. The City will continue to issue resident permits and stickers; however, they will serve only to document the holder's right to access the facility, and to dispose recyclable materials, yard waste etc.: bags, or disposal per-ton, will be required for municipal solid waste.

Rates – Transitioning to this new program will result in the loss of revenue in FY 2015 that would have been realized by sticker sales in the spring. So as to avoid a budget deficit, we are recommending that on July 1, 2014, the fees for municipal solid waste disposal be set to reflect and cover the full cost of municipal solid waste disposal. Thus, the residential permit fee to be \$135 per year until it is phased out on 4/30/2015 (we expect few sales of permits after July 1). Resident permit fees will no longer be charged after 5/1/2015. The Commercial Hauler per ton fee for MSW will be increased to \$125 per ton, to cover actual costs and avoid a deficit. Similarly, the fee per bag is as follows: 12 gallon \$0.75 each, 22 gallon \$1.50 each and 33 gallon \$2.25 each.

In looking over the rate structure, staff tried to accomplish a fee that equalized both the commercial and residential fee. This was accomplished by setting the residential fee at \$135 and the commercial fee at \$125 per ton. The price per bag equates out to the \$135 residential fee. By adopting this rate structure, you need to understand that during FY2015 the Transfer Station will not be funding the closure reserve or the capital equipment reserve; these monies have been used to offset the loss in revenue from the sale of stickers. However, using the cost-based approach should keep the Solid Waste Department out of the red.

It was also noted that the actual fees would not appear in the Ordinance Amendment that establishes the PAYT Program, but would be set by Order of the City Council when it acts on the Solid Waste Disposal Fee Order.

With the above workshop completed, Mayor Pritchett declared a 5 minute recess at 9:00 p.m.

The meeting was reconvened by the Mayor at 9:05 p.m. and the agenda was continued.

**Workshop: Downtown TIF Credit Enhancement Agreement Policy.** Community Development Director John Holden made the following presentation to the Council concerning the Downtown TIF District and Development Plan currently under review by the Department of Economic and Community Development:

The only reason this has surfaced is due to the current technical review of the Downtown TIF Amendment by the Maine Department of Economic and Community Development (DECD).

To assist in the preparation for the Workshop I offer the following points.

- After a public hearing, a number of Council meetings, and input from REDAC, Council approved the Amendment to Downtown TIF District Development Program. That Amendment allows for Credit Enhancement Agreements in the TIF.
  - A CEA is the instrument that allows the City to return new tax revenues generated as a result of private investment (and thus new assessed value) back to the developer or owner of the property. CEA's are often used by the private developer or owner to help finance the new investment.
  - A CEA is separate from the allowable municipal uses of the TIF funds, focused on public infrastructure improvements.
- The City has a TIF Policy established in 2008 that establishes procedures and considerations for any CEA (as part of any TIF) across the City. The Policy includes CEA requests in the Downtown District. The Downtown Development Program (as amended) references the TIF Policy.
- Under its technical review of the TIF Amendment, DECD has stated that the terms of any future CEA that may be considered within the Downtown District must be stated in the amended Development Program or in the case of Rockland, the City TIF Policy.
- The TIF Policy allows for and describes most conditions whereby the City Council may consider a CEA request ("application"). However, it does not state the percentage of new tax revenue that may be returned to the developer or owner on an annual basis that the Council may consider. DECD has stated that Statue requires that those terms be stated in the Policy.

My recommendation is to update the TIF Policy to clarify that the City Council **may** consider terms of a CEA that include **up to** 100 percent of the **new** taxes generated by a project be returned to the developer or owner. This does not mandate that City Council must do so but only that it may negotiate terms from zero to 100 percent on an annual basis. All requests for CEA's must be made to Council and are subject to negotiation and are approved at the sole discretion of the Council.

**Set Agenda for June 9, 2014 Regular Meeting:** The Council then set the agenda for the June 9, 2014 Regular Meeting. The following communications were discussed:

a. Letter from Daniel Bennett – Property Boundary Issue, West Meadow Road. Mr. Bennett was asking for the City's assistance in addressing a boundary issue whereby City ownership of a small parcel of land between Mr. Bennett's land and West Meadow Road leaves his property with no road frontage. The City Attorney was asked to investigate the matter and recommend the appropriate remedy to the Council.

b. Letter from the Rockland Cemetery Association – Tolman Cemetery Maintenance. The Cemetery Association informed the Council that it has performed approximately \$2,184.00 worth of maintenance to Tolman Cemetery, and wished to donate that labor to the City. The Council accepted the communication and directed that a letter of thanks be sent to the Cemetery Association in recognition of its efforts.

With the agenda set, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:35 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## **RECONVENE BUDGET WORK SESSION**

**June 4, 2014**

The Budget Work Session recessed on May 28, 2014 to this date was reconvened by the Mayor with the following present: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

The following persons addressed the Council on the following issues:

- David Myslabodski, 53 Broad Street, thanked Mayor Pritchett for attending the most recent Planning Board meeting and reminding the Board of the tradition in Rockland of accepting public comment at all meetings. He then expressed concerns about the public process followed by the Planning Board beginning with its review and subsequent approval of the CMCA project on Winter Street through its review of the proposed hotel at 250 Main Street. He said that the citizens of Rockland deserve transparency in the public process, and he felt that the process has been flawed.

- The following persons spoke in support of funding and staffing at the Library and re-instituting the position of Reference Librarian, which was proposed for elimination in the City Manager's budget proposal:

- Phyllis Merrian, 72 Mechanic Street
- Megan Field, South Thomaston
- Ena Bezberodkov, 61 Talbot Avenue
- Eleanor Richardson, 22 Mechanic Street
- Barbara Bibro, 20 Gurdy Street
- Justin Duncan, 12 Center Street
- Carol Maines, 186 North Main Street
- Debbie Atwell, 81 Pleasant Street
- Edward Miller, 17 Katahdin Avenue
- Peter Proeller, 57 West Meadow Road
- Thomas Putnam, 37 Jameson Point Road
- Jonathan Frost, 68 Masonic Street
- Patti Luchetti, 10 Ingraham Lane
- Kendall Merriam, 72 Mechanic Street

- Joan Smith, 42 Masonic Street
- Peter Richardson, 22 Mechanic Street
- Patty King, 22 Masonic Street
- Regina Rooney, Pleasant Street
- Warren Bodine, 19 Traverse Street
- Nikki Maounais, 16 Maverick Street
- Brian Harden, 19 Traverse Street
- Katherine Farrell, 7 Pacific Street
- Susan St. John, Owls Head
- Steven Seekins, St. George
- Leah Hefner, 24 Main Street
- Martin Schindler, Talbot Avenue
- Anne Mahoney, 31 Ocean Street

The Council then reviewed the budget proposals for the Library (during which the Council agreed to add funding for the Reference Librarian position back into the budget), Contributions, a final review of the Solid Waste budget, and a discussion of Waste Water Fees. The Council then adopted a preliminary budget for publication for the public hearing and final adoption scheduled for June 30, 2014 as follows:

		<b>Proposed 2014 Budget</b>
		<b>Budget Summary</b>
8	General Fund Tax	\$ 351,773
11	Legislative	5,538
12	Executive	177,564
13	Assessment	173,260
14	Finance	584,263
15	Legal	109,014
16	City Clerk	208,264
18	General	82,750
19	City Hall	34,317
25	Engineering	25,000
30	Dispatch – Communications	188,970
31	Police	1,954,190
32	Fire	1,536,756
34	Municipal Fish Pier	101,601
35	Lights and Hydrants	610,001
36	Code Enforcement	215,849
37	Community Development	133,980
41	Public Works	1,554,379
51	Health (Contributions)	30,500
52	General Assistance	72,017
61	Harbor & Waterfront	193,738
62	Library	571,284
63	Recreation	371,153
71	Unclassified Fringe Benefits	89,000

72	Unclassified Other	200,140
81	Total Debt Service	1,190,914
91	Intergovernmental	8,780,708
	<b>TOTAL GROSS BUDGET</b>	\$ 19,546,923
	Less Non-Property Tax Revenues	(3,830,104)
	<b>NET BUDGET, GENERAL FUND</b>	\$ 15,716,819
	Capital Improvements Fund	\$ 404,500
	Sewer Fund	\$ 3,888,352
	Transfer Station Fund	\$ 1,615,064
	Emergency Medical Service Fund	\$ 596,040

With the above reviews completed, and the preliminary budget adopted, the meeting was adjourned without objection from the Council at 10:10 p.m..

A TRUE COPY

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**June 9, 2014**

**Executive Session** – Pursuant to Title 1, Maine Revised Statutes, Section 405(6)(F); Title 22, Maine Revised Statutes, Section 4306; Title 26, United States Code, Section 6103; and Title 5, Maine Revised Statutes, Section 13119-A(2), which requires the City to preserve the confidentiality of applicants’ financial statements and tax returns, the Rockland City Council will convene in executive session to hear an application for financial assistance from the City’s Katherine B. Haines Fund

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson was absent from this meeting.

**Public Forum:** There were no speakers for the public forum.

**Executive Session:** Councilor Hebert moved that, pursuant to Title 1, Maine Revised Statutes, Section 405(6)(F); Title 22, Maine Revised Statutes, Section 4306; Title 26, United States Code, Section 6103; and Title 5, Maine Revised Statutes, Section 13119-A(2), which requires the City to preserve the confidentiality of applicants’ financial statements and tax returns, the Rockland City Council convene in executive session to hear an application for financial assistance from the City’s Katherine B. Haines Fund.  
Vote: 4 for.

The Council entered Executive Session at 6:31 p.m.  
The Council recessed the Executive Session at 6:58 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**REGULAR MEETING**

**AGENDA**

**June 9, 2014**

1. Roll Call
2. Pledge of Allegiance to the Flag

- 3. Public Forum (5 min. limit each speaker)
- 4. Meeting Notice
- 5. Reading of the Record
- 6. Reports:
  - a. City Manager’s Report
  - b. City Attorney’s Report
  - c. Other Official’s Report
  - d. Mayor’s Report
- 7. License and Permits:
  - a. Liquor & Entertainment Licenses – In Good Company
  - b. Lodging House License – Berry Manor Inn
  - c. Liquor License – Blackboard Deli
  - d. Liquor License – Claw’s Inc.
  - e. Liquor & Entertainment Licenses – Hill’s Seafood
  - f. Municipal Approval for Alcohol on Vessel – “Stella D. Mare”

8. Resolves:  
 #26 Accepting Donations City Manager

9. Ordinances in Final Reading & Public Hearing:  
 #12 Chapter 19, Section 19-304 Res. B Zone Regs – Parking Lots Councilor Hebert  
 #13 Chapter 17, Section 17-801 Main Street Parking Space Mayor Pritchett  
 #14 Capter. 19, Section 19-302 Accessory Apartment Parking Mayor Pritchett  
 #15 Zoning Map Amendment – 6 High Street Councilor Hebert

10. Ordinances in First Reading:  
 #23(‘13) Bond Ordinance – Public Works Garage (Postponed 03/10/14) City Council  
 #16 Chapter 19, Section 19-304 DT Zone Height Regs. Councilor Dickerson  
 #17 Chapter 14, Article I Pay Per Bag Waste Disposal System Councilor Isganitis

11. Orders:  
 #28(‘13) Declaration of Official Intent – Bond Ord (Postponed 03/10/14) City Council  
 #41 Setting Due Dates & Interest Rate – FY 2015 Taxes City Council  
 #42 Authorizing License Agreement – Use of Sea Scout Bldg. City Manager  
 #43 Authorizing Expenditure of TIF Funds – Rockland Main Street City Council  
 #44 Authorizing Grant Application & Expend. – Lerner Foundation Mayor Pritchett  
 #45 Authorizing Grant Application & Expend. – Coastal Com Grant Councilor Hebert  
 #46 Authorizing Grant Application & Expend. – N. Border Regional Councilor Hebert  
 #47 Authorizing Grant Application & Expend. – Planning Grant Councilor MacLellan-Ruf  
 #48 Authorizing Sewer Collection System Study Mayor Pritchett  
 #49 Amendment to TIF Policy City Manager

12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:10 p.m.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Valarie Hooper, 181 North Main Street, thanked the City for constructing the public rest rooms, saying that they are greatly needed and greatly appreciated. She then spoke concerning her efforts to get people to clean up after their dogs. She said that people want her to stop, but said that she is not going to stop. She said it is the law, and that the law needs to be enforced.

- Linda Athearn, 422 Broadway, also spoke concerning the dog waste issue, and wondered why the City Council will not support their efforts to get the word out that it is the law to clean up after your dog. She said that it is a serious problem and a health concern. She said that there needs to be more enforcement of the laws that are on the books, and vowed to continue her efforts to inform the public of the law and to encourage compliance. She also singled out one City Council member that she said is not following this law.

- David Myslabodski, 53 Broad Street, spoke concerning Ordinance Amendment #16, this agenda, noting that it was the same proposal as was presented to the City Council in 2010 to limit the height in the Downtown Zone south of Park Street and Park Drive to 50 feet. He said it was odd that no one seems to know the outcome of that 2010 amendment, and did not understand how the City Council could not follow up on such an important amendment.

- Amy Files, 39 Pleasant Street, spoke in support of Ordinance Amendment #16 to limit the height of buildings in the Downtown Zone south of Park Street and Park Drive to 50 feet, saying that 65 feet is too tall for this area, and the Comprehensive Plan calls for protection of the residential neighborhood in this area. She also suggested that language be added to the amendment that would require the Planning Board to consider the scale and compatibility of a proposed structure with the surrounding existing structures.

- Sandra Schramm, 16 Broad Street, spoke concerning the proposed hotel at 250 Main Street, saying that she did not know why the Planning Board considers the application for this project complete when the plans for this project have changed extensively on numerous occasions. She said that she believed that each time the plans for the project are changed, the application process should begin again. She said that the Planning Board should delay action on this application until several outstanding questions are addressed, including the Main Street parking issue, sidewalk ADA compliance, and the valet parking issues, noting that the developer only has a letter of intent from DOT to lease property for the developer to use as off-site valet parking. She also said that the traffic study being required by the Planning Board should be done during the summer while the various festivals are taking place.

- John Grondin, 1 Rankin Street, and a member of the City's Parks Commission, said that he has been working hard to get picnic tables donated to the City, and noted that three local companies have donated picnic tables already and that he is hoping more are in the offing. He also thanked Recreation Director Rene Dorr and Public Works Director Greg Blackwell for their efforts in beautifying the City's parks. He also thanked Councilor MacLellan-Ruf for her support of the efforts of the Parks Commission.

- Michael Lane, 54 Waldo Avenue, spoke in opposition to the proposal to establish a pay as you throw disposal system at the City's Solid Waste Disposal Facility, saying that the voters rejected an attempt to institute a similar program in 2006 by a 2-1 margin. He said that the public has spoken on this issue, but the Council does not seem to be listening. He said that there is no reason for the Transfer Station to be "self-sufficient", and that it make sense to pay for waste disposal through taxes. He said that there are many families in this City that are struggling to get by, and any unexpected increase in fees such as this will be devastating to those families. He said under this system there is no incentive to manage costs at the solid waste facility. He said the City can just keep passing costs on to the users.

Councilor Dickerson asked to be allowed to ask Mr. Lane a few questions. Without objection from the Council, permission was granted.

Councilor Dickerson asked Mr. Lane if he would prefer to pay the \$143 sticker fee rather than pay per bag.

Mr. Lane said that he would not "prefer" it but would be willing to do so.

Councilor Dickerson then said that there is no correlation between what someone pays for taxes and the amount of waste that they dispose of, and that she believed that it made more sense for some people to pay per bag rather than purchase a sticker. She asked Mr. Lane if he thought it made more sense to pay for waste disposal through taxes.

Mr. Lane said that the poor are going to pay a larger percentage of their income to throw their trash away. He also said that those who cannot pay that amount will throw their trash wherever it is convenient for them to do so.

Mayor Pritchett asked the City Manager how much of the costs at the Solid Waste Disposal Facility are paid for through taxes.

The City Manager said that no tax dollars have gone to support solid waste operation for the past 4 to 5 years. He said that the Council switched to a user fee-based system at that time.

- Debbie Atwell, 81 Pleasant Street, spoke in support of the proposal that would limit building heights to 50' in the Downtown Zone south of Park Street, thanking the Council for supporting this proposal. She said that the neighbors of the proposed hotel project at 250 Main Street are looking at a change to their neighborhood that they cannot seem to stop. She said that the public has a right to enjoy the public streets and sidewalks. She said that this hotel will fundamentally change

the residents' enjoyment of those streets and sidewalks. She said that the proposed hotel is too large and is not in keeping with the scale and character of the surrounding neighborhood.

Valerie Hooper asked what the height was of the building that was torn down to make room for this proposed hotel. Councilor Hebert said it was approximately 2 ½ stories.

Hearing no other speakers, the public forum was closed.

**Meeting Notice:** It was noted that this meeting had been given proper notice.

**Reading of the Record:** Reading of the Record was waived, and the Record previously transmitted to the Council deemed accepted, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk's Office at Rockland City Hall during regular business hours.

**Reports:**

a. City Manager's Report: The City Manager reported on the following issues:

- The public restrooms on Tillson Avenue have opened.
- RFP's for public art displays were opened, with only two being received. Those two were from the artists whose pieces are currently being displayed. The manager said that they would continue to reach out to try and get the other art pad filled. The Manager also said that one of the artists whose work is displayed at Ferry Terminal Park has expressed interest in donating that piece of art to the City. He said more information on that will be coming to the Council soon.
- The City will be partnering with the State for a PPI Grant for the Camden Street project.
- The sidewalk repairs on Union Street between Museum Street and Oak Street should be completed before the July 4<sup>th</sup> Holiday.
- A student intern from Trekkers will be spending the week at the City visiting the various departments and learning how things are done in the City.

Councilor Dickerson noted that the sidewalks surround the Warren Street playground are in very poor condition with utility poles in the middle of them. She asked if there was anything that could be done to address this situation. The City Manager said that he would look into the matter and contract Central Maine Power and the other utility companies to discuss the situation.

b. City Attorney's Report: The City Attorney said other than those matters already transmitted to the Council, he had nothing further to report.

Mayor Pritchett noted that the City Attorney had researched the question about the 50 foot height restriction ordinance mentioned during the public comment session and asked the City Attorney to give a brief explanation of what happened with that proposal.

The City Attorney explained that the proposal for the 50 foot height restriction in the Downtown Zone south of Park Street and Park Drive originated from the COMPS Commission and was sent to the Council in December of 2010. The Council held a workshop on the matter in January 2011 and at that time decided not to move the proposed height restriction forward, and the matter never appeared on a Council agenda for action.

Councilor Dickerson then asked the City Attorney about a concern expressed by a resident on the use of Main Street parking for the proposed hotel and asked if the City was in a position to offer that to the developer.

The City Attorney said that the applicant had discussed requesting the City to place a parking time limit on the spaces adjacent to the proposed hotel. He said that if such a request is made, that request would come to the Council for consideration.

c. Other Official's Report: None.

d. Mayor's Report: Mayor Pritchett reported that June 10, 2014 is Election Day in the City with the State Primary Election and the RSU #13 Budget Validation Referendum Election being held. Polls at the Recreation Center will be opened from 8:00 a.m. to 8:00 p.m.

Also on June 10, 2014, Rockland Main Street, Inc. will be hold its annual Mid-Coast Has Talent show at the Strand Theatre beginning at 6:00 p.m.

On June 21, 2014, Rockland Main Street, Inc., will be holding the annual Summer Solstice Celebration on Main Street.

The Council will be meeting on June 30, 2014 at 7:00 p.m. for the public hearing and final adoption of the City's FY 2015 Municipal Budget and other related fee orders. There is still time to contact a member of Council should any members of the public have questions or concerns about the proposed budget.

**License and Permits:**

- a. Liquor & Entertainment Licenses – In Good Company
- b. Lodging House License – Berry Manor Inn
- c. Liquor License – Blackboard Deli
- d. Liquor License – Claw's Inc.
- e. Liquor & Entertainment Licenses – Hill's Seafood
- f. Municipal Approval for Alcohol on Vessel – "Stella D. Mare"

A public hearing was opened. Hearing no speakers for or against any of the applications, the public hearing was closed. Councilor Hebert moved to grant all of the above licenses. Vote: 5 for.

**Resolves:**

#26 Accepting Donations – Recreation Department & Parks Commission

**WHEREAS**, Rockland Savings Bank donated \$3,119.27 to the Rockland Recreation Department for the purchase and installation of a new Scoreboard, to be receipted into the Recreation Department Miscellaneous Revenue Account (#10063-03250) and the same expended from the Recreation Department Building Repair and Maintenance Account (#10063-05035); and

**WHEREAS**, Lowe's Home Improvement Center in Thomaston, Maine, EBS Hardware in Rockland, and Dunkin Donuts in Rockland each donated a picnic table to the Parks Commission, with a total value of \$363.00;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City gratefully accepts these donations and directs that letters of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

Councilor Hebert moved passage. Vote: 5 for.

**Ordinances in Final Reading and Public Hearing:**

#12 Chapter 19, Section 19-304 Residential B Zone Regulations – Parking Lots

(See pages 145-146 for text)

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

A public hearing was opened with Amy Files, 39 Pleasant Street, speaking in favor of this amendment. She thanked the Council for supporting this measure to protect residential neighborhoods.

Hearing no other speakers, the public hearing was closed.

Councilor Isganitis moved passage.

Councilor Dickerson noted that the Comprehensive Planning Commission (COMPS) recommended deleting the last subparagraph of section (7), and made a motion to amend Ordinance Amendment #12 as follows: "~~Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business~~".

Councilor Hebert noted that the language prohibits the assignment of the special exceptions, and asked if the language is removed, would that then allow the assignment of the special exception.

The City Attorney said that would be governed by the Non-Conformance Ordinance.

Without objection from the Council, the Rules were suspended to allow Code Enforcement Officer John Root to comment on this issue.

Councilor Hebert asked Mr. Root if the Council takes this language out, would it be inadvertently allowing parking lots to continue.

Mr. Root said that if the parking lot is existing, it would be allowed to continue as a non-conforming use, but would not be allowed to be expanded or otherwise altered.

Councilor Dickerson moved to withdraw her amendment. Without objection from the Council, it was so ordered.

Councilor Hebert then asked if the language is left in the Code, it would prohibit the assignment of the special exception, but if it is removed, would the special exception be assignable if the business is sold.

The City Attorney said that this language is problematic as written. He said that it is not a "special exception", it is a "conditional use". He also said that that you don't "assign" a conditional use. He said if a business or property is sold, the use can continue or not based on other provisions of the Code. He said it is not a right that is assigned in a bill of sale at a closing. He added that this language is not particularly helpful or accurate to describe either the use that is allowed as a conditional use of what happens to it at the sale of the business or property. He said that language could be crafted that would require such conditional sue to be discontinued at the sale of the business or property.

The Council went back into Regular Session with Councilor Hebert saying in light of the comments of the City Attorney that this language is not particularly helpful, that he moves to amend Ordinance Amendment #12 as follows: delete subparagraph 7(d) "~~Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business~~".

Councilor Dickerson said that it may or may not be a good idea to delete this language, but suggested that action on the amendment be postponed so that the Council could get additional information.

Councilor Hebert said that it makes sense to get rid of this language if it is not helpful as written. He said that staff could then bring something back to Council to revisit the issue if necessary.

The City Attorney added that any existing uses would be allowed to continue to exist whether this language is in the ordinance or not.

Vote on amendment: 3 for 2 opposed.

(Dickerson, MacLellan-Ruf)

Vote as amended: 5 for.

The amendment will become effective July 9, 2014.

#13 Chapter 17, Section 17-801 Schedule I – Main Street Parking Space

(See page 148 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Hebert moved passage.

Vote: 5 for.

The amendment will become effective July 9, 2014.

#14 Chapter 19, Section 19-302 Accessory Apartments Parking Standards

(See page 150 for text)

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

A public hearing was opened with Karen Thompson, 2 Purchase Street, speaking in opposition of the amendment, saying that in-town residential lots are densely packed and allowing multiple driveways to accommodate accessory apartments will only encourage homeowners to create additional driveways in already space-challenged yard space. She added that not only would this ruin the landscaping between neighbors, but also disintegrate the fabric of residential neighborhoods making them resemble mixed-use residential and commercial areas.

Seth Thompson, 2 Purchase Street, also spoke in opposition to this amendment, saying that this will only encourage homeowners to split up single-family homes for long-term and seasonal rental.

Hearing no other speakers, the public hearing was closed.

Councilor Hebert moved passage.

Councilor Dickerson said that she would not support this amendment for the reasons stated by the persons speaking during the public hearing.

Councilor Hebert said that he sympathized with the concerns expressed, but said that this kind of apartment isn't a rental unit in the traditional sense. He said it is meant for so-called "in-law" apartments, and is rather limited in scope. He said it gives the alternative of a second driveway rather than one wide driveway, which could be even more disruptive to neighbors.

Councilor Dickerson asked that the Rules be suspended so that she could ask Code Enforcement Officer John Root a question. Without objection from the Council, the Rules were suspended.

Councilor Dickerson asked Mr. Root if there was a limit on the width of driveways.

Mr. Root said that maximum allowed width of a driveway is 30 feet, and there must be at least 50 feet between two driveways on the same lot. Given these restrictions, Mr. Root said that this provision would only benefit corner lots or lots that front on two streets. He said that most in-town lots would not be able to meet there requirements and therefore would not be able to take advantage of this provision.

The Council went back into Regular Session with Councilor Isganitis saying that the language in this Ordinance does not preclude

non-related third party renters.

Councilor Hebert said that the requirement is 3 spaces; however those fit on the lot is fine. He said not many lots are going to be able to meet the 50-foot requirement between driveways, so the scope of the effect of this amendment will be very limited.

Vote: 3 for, 2 opposed.  
(Dickerson, MacLellan-Ruf)

The amendment will become effective July 9, 2014.

#15 Zoning Map Amendment – 6 High Street  
(See page 150 for text and map).

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Hebert moved passage.

Vote: 5 for.

The amendment will become effective July 8, 2014.

**Ordinances in First Reading:**

#23-13 Bond Ordinance – Public Works Garage  
(See page 21 for text)

It was noted that this Ordinance Amendment had been postponed until this meeting, and that it had received a motion for passage at the August 26, 2013 Meeting.

As discussed at the Agenda-Setting meeting, the Council decided to vote this Bond Ordinance down and come back with a new proposal at a later date.

Vote: 0 for, 5 opposed.  
Motion Defeated.

#16 Chapter 19, Section 19-304 Downtown Zone Height Regulations

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, BE AMENDED AS FOLLOWS:**

**Sec. 19-304 Zone Regulations**

**14. Downtown Zone “DT” Regulations.**

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-14

**"DT" ZONE**

	COMMERCIAL AND MIXED USE
MINIMUM FLOOR AREA PER DWELLING	200 sq. ft. per dwelling
MAXIMUM BUILDING HEIGHT	Either 65 feet or 5 stories <u>north of the center line of Park Street and Park Drive; either 50 feet or 4 stories south of the center line of Park Street and Park Drive to Central Park.</u>

Sponsor: Councilor Dickerson  
Originator: Councilor Dickerson

Councilor Isganitis moved to indefinitely postpone Ordinance Amendment #16, saying that the COMPS Commission, Planning Board and Economic Development Advisory Committee are already reviewing the other standards in the Downtown and Tillson Avenue Area Overlay Zones, and it only makes sense to have this be part of that review.

Councilor Hebert said that postponing indefinitely essentially kills a proposal unless someone brings it back to Council, so he was in favor of that motion. He said this proposal is in first reading, and if passed will go to the COMPS Commission for review before final reading. He said if it is felt that more review is necessary, the Council could postpone the proposal at that time.

Councilor Dickerson asked Councilor Isganitis to withdraw his motion to indefinitely postpone this proposal and follow through with Councilor Hebert’s suggestion. She said this will accomplish what Councilor Isganitis wants to do.

Councilor Isganitis said that he would be willing to alter his motion to postpone indefinitely to postpone Ordinance Amendment #16 until the August 11, 2014 Regular Meeting, and made a motion to do so. He said he wanted to see this proposal sent to COMPS, EDAC and the Planning Board to be reviewed with the other Design Standards for the Downtown Zone and the Tillson Avenue Area Overlay Zone. He said it only makes sense to do these as a single package, not piecemeal. He said that this is an important enough issue to make sure that the Council gets it right the first time.

Councilor Hebert said that this is a precedent that recent Councils have been tending toward, to get things "right" in First Reading. He said that he did not believe that was necessary. He said that the time when issues should be voted down in first reading are when the Council doesn't wish to proceed with the issues, which is quite rare, or when there is just a big chunk of information missing and the Council wants staff to gather additional information before proceeding. He also said that the process can be slowed after first reading if the Council feels additional work is necessary on an issue. He said that he cannot see any issues that need to be resolved before this proposal goes through first reading, and still do what Councilor Isganitis wants to do. He said if necessary, the process can be slowed down in final reading.

Councilor MacLellan-Ruf said that she did not support postponing this proposal.

Vote: 2 for, 3 opposed.  
(Dickerson, MacLellan-Ruf, Hebert)  
Motion to Postpone Defeated  
Vote: 3 for, 2 opposed.  
(Isganitis, Pritchett)

A public hearing was set for July 14, 2014 at 7:00 p.m.

#17 Chapter 14, Article I Municipal Solid Waste Facility; Pay-Per-Bag System for Disposal of Municipal Solid Waste

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewers, Drains and Solid Waste, ARTICLE I, Municipal Solid Waste Facility, Collection, and Recycling, BE AMENDED AS FOLLOWS:**

**Sec. 14-103 Definitions**

1. Acceptable Wastes. Wastes that the City of Rockland is authorized by applicable law, regulation, and/or permit to accept for disposal or transfer at the Rockland Solid Waste Facility.

2. Attendant. "Attendant" means an individual, generally an employee of the City of Rockland, who is authorized to supervise and direct the day-to-day disposal of wastes and recyclable material at the Rockland Solid Waste Facility.

3. Commercial Hauler. A commercial hauler is a person or entity engaged in transporting municipal solid waste, construction and demolition debris, recyclable material, and/or other acceptable wastes from any source to the Rockland Solid Waste Facility for a fee or other consideration.

4. Commercial Waste. "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial, or special wastes.

5. Commercial or Residential Refuse/Recyclables Collector. "Commercial or Residential Refuse / Recyclables Collector" means a person or entity engaged in collecting for processing or disposal municipal solid waste, construction and demolition debris, recyclable material, and/or other acceptable wastes in the City of Rockland for a fee or other consideration.

6. Compost. "Compost" is "Compost" means a residual that has undergone a composting process.

7. Composting. "Composting" means the biological decomposition and stabilization of organic matter under controlled aerobic conditions of high temperature.

8. Construction and Demolition Debris. "Construction and Demolition Debris" is defined in 38 M.R.S. § 1303-C, and means debris resulting from the construction, remodeling, repair, and demolition of structures. It includes, but is not limited to, building materials, asphalt, wall board, pipe, metal conduits, mattresses, household furniture, fish nets, rope, hose, wire and cable, fencing, carpeting and underlay; it excludes asbestos and other special wastes.

9. Demolition Debris. *See* Construction and Demolition Debris.

10. DEP. The Maine Department of Environmental Protection, or other federal or state governmental department or agency having applicable regulatory authority.

11. Director. "Director" means the Director of the Rockland Solid Waste Facility, or his designee.

12. Disposal. "Disposal" is defined in 38 M.R.S. § 1303-C, and means the discharge, deposit, injection, dumping,

spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land or water so that the hazardous or solid waste, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any water, including ground waters.

13. Handle. "Handle" is defined in 38 M.R.S. § 1303-C, and means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

14. Hazardous Waste. "Hazardous Waste" is defined in 38 M.R.S. § 1303-C, and means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S. § 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent thereof may have value or other use or may be sold or exchanged does not exclude it from this definition.

15. Inert Fill. "Inert Fill" means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other solid or liquid waste, and which are not derived from an ore mining activity.

16. Maine Solid Waste Laws. "Maine Solid Waste Laws" means all the laws of the State of Maine relating to the management of solid waste. It includes the "Maine Hazardous Waste, Septage and Solid Waste Management Act," Subchapters I and IA (38 M.R.S. §§ 1301, *et seq.*); 38 M.R.S. §§ 417 and 420; the Three Hundred Foot Law (38 M.R.S. § 421); the Waste Discharge Law (38 M.R.S. §§ 413, *et seq.*); and 38 M.R.S. § 591.

17. M.R.S. "M.R.S." means the Maine Revised Statutes.

18. Municipal Solid Waste. "Municipal Solid Waste" means solid waste emanating from domestic and normal commercial sources. Municipal solid waste does not include wastes removed from, or not introduced to, these waste streams and which are regulated as a "residual" under Chapter 567 of the Department of Environmental Protection's Regulations.

19. Non-Hazardous Waste. "Non-Hazardous Waste" means any solid waste, sludge or septage that is not a hazardous waste.

20. Person. Any individual, association, partnership, firm, corporation or other organization.

21. Processing Facility. "Processing Facility" means any structure, machine, device, system, or combination thereof, other than collection or transfer vehicles and incinerators, intended or operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing includes shredding, baling, mechanical or magnetic separation, composting or other techniques to reduce or otherwise change the nature of solid waste. Processing may also include recovering reusable or recyclable materials.

22. Recyclable Material. "Recyclable Material" means any raw or processed material that can be recovered from a waste stream for reuse.

23. Recycling. "Recycling" means the separating, collecting, and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product.

24. Rockland Solid Waste Facility. "Rockland Solid Waste Facility" means the City of Rockland solid waste facility located at 400 Limerock Street (Tax Map 82-B-1), including any structure, container, or combination of land area, structures, or containers owned, leased, or used by the City, or operated by the City, and used for storing, salvaging, processing, reducing, composting, incinerating, and disposing of wastes.

25. Sludge. "Sludge" is defined in 38 M.R.S. § 1303-C, and means any non-hazardous solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply filtration or treatment plant, or wet process air pollution control facility, or any other waste having similar characteristics and effect, but does not include industrial discharges that are point sources subject to permitting under Section 402 of the Federal Water Pollution Control Act (the "Clean Water Act"), as amended (33 U.S.C. §§ 1251, *et seq.*).

26. Solid Waste. "Solid Waste" is defined in 38 M.R.S. § 1303-C, and means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

27. Solid Waste Facility. "Solid Waste Facility" means a waste facility used for the handling of solid waste. It includes any land area, structure, container, or combination of land area, structures, or containers used for storing, salvaging, processing, reducing, composting, incinerating, and disposing of wastes at or for such facility.

28. Solid Waste Disposal Facility. "Solid Waste Disposal Facility" is defined in 38 M.R.S. § 1303-C, and means any

solid waste facility used for the incineration, landfilling, or other final placement of solid waste.

29. Special Waste. "Special Waste" as defined in 38 M.R.S. § 1303-C, and means any non-hazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination, thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling:

- A. Oil, coal, wood and multifuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from non-hazardous chemical spills and clean-up of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media residue;
- J. Shredder residue; and
- K. Other waste designated a special waste by the Board of Environmental Protection.

30. Storage. "Storage" means the placement or containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such waste.

31. Transfer Station. "Transfer Station" means any waste facility constructed and managed for storage and/or processing and placement of municipal solid waste in large containers or vehicles for movement to another waste facility.

32. Unacceptable Wastes. Unacceptable Wastes include the following, unless and except as allowed by DEP permit:

- A. Liquid waste, sludge, or septage;
- B. Motor vehicles and other motorized equipment;
- C. Hazardous waste, including any waste with inherent properties that make it dangerous to manage by ordinary means including, but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes, and other wastes defined as hazardous by the State of Maine, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§ 6901, *et seq.*), as amended, or other federal, state, or local laws, regulations, orders, or other action promulgated or taken with respect thereto;

- D. Dead bodies or animals or portions thereof, or pathological wastes;
- E. Asbestos;
- F. Offensive substances, such as sewage, sludge and special wastes; and
- G. Special wastes.

33. Universal Wastes. "Universal Wastes" means any Cathode Ray Tubes ("CRTs") such as televisions, computer monitors, and other display devices; rechargeable batteries; fluorescent and HID (high intensity discharge) lamps or lamps containing hazardous materials; mercury-containing thermostats, mercury-containing thermometers, and mercury-containing devices such as manometers and switches; and totally enclosed, non-leaking lamp ballasts not bearing the label "NO PCBs."

34. Waste Facility. "Waste Facility" as defined in 38 M.R.S. § 1303-C, and means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical, or solid waste, sludge, or septage. A land area or structure shall not become a waste facility solely because:

- A. It is used by its owners for disposing of septage from his residence;
- B. It is used to store (for 90 days or less) hazardous waste generated on the same premises;
- C. It is used by individual homeowners or lessees to openly burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under 12 M.R.S. § 9321.
- D. It is used by its residential owner to burn highly combustible domestic household trash such as paper, cardboard cartons, or wood boxes, when such burning is permitted by statute or ordinance.

35. White Goods. "White Goods" means large appliances, including, but not limited to, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners.

36. Wood Wastes. "Wood Wastes" means brush, stumps, lumber, bark, woodchips, shavings, slabs, endings, slash, and sawdust, which are not mixed with other solid or liquid waste.

37. Yard Waste. "Yard Waste" is "Yard waste" means grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.

**Sec. 14-104 Waste Disposal; Flow Control**

No person may dispose of Municipal Solid Waste, Construction and Demolition Debris, or other Acceptable Wastes in Rockland except at a licensed solid waste facility in conformance with applicable law. All municipal solid waste generated in Rockland must be disposed of at either (A) the Rockland Solid Waste Facility, or (B) the Penobscot Energy Recovery Company in Orrington, Maine ("PERC"), designated as a component of and credited to the City of Rockland's disposals of municipal solid waste at that facility. On and after May 2, 2015, any person disposing municipal solid waste other than recyclable material, yard waste, construction and demolition debris, special wastes, white goods, wood wastes, universal wastes, and hazardous wastes shall do so only (1) in disposal bags designated by the Director for use for the disposal of municipal solid waste at the Facility and purchased at an authorized retailer or other facility, or (2) at the per-ton disposal fee as determined by scale or visual inspection by authorized personnel. The fees for purchasing disposal bags, disposing acceptable wastes by the ton, and for other authorized disposals at the Rockland Solid Waste Facility shall be established by Order of the City Council. No person may dispose of Unacceptable Wastes in Rockland except as may be permitted by the Maine Department of Environmental Protection.

\* \* \*

**Sec. 14-111 Permits; Administration**

1. Permits. Admittance to and use of the Rockland Solid Waste Facility shall be limited to residents of and owners of property in Rockland; Rockland businesses; licensed commercial or residential refuse/recyclables collectors; authorized transporters of construction and demolition debris; and other users that qualify for a permit as set forth herein. The Director or his designee shall issue permits to authorized users, and shall be responsible for assuring users' compliance with the scope of such permits. Permit fees ~~may~~ shall be established by Order of the City Council. As a means of user control, the Director may distribute vehicle stickers to authorized users, which shall be affixed to the user's vehicle, as specified by the Director. Permits shall be valid only for the vehicle the registration numbers of which are listed on the permittees' vehicle stickers, where applicable. The Director may deny access to and use of the Rockland Solid Waste Facility to any person who fails to display a valid permit, sticker, or other pass to the Facility.

A. Resident Permits. Resident Permits shall be available to residents of Rockland and contracting communities. No person may use a Resident Permit to dispose of wastes or other materials not generated at the residential property associated with such Resident Permit.

B. Commercial Permits. Commercial Permits shall be available to the owners or managers of multi-family residential properties in Rockland, and to businesses and institutions located in Rockland, whether for-profit or non-profit.

C. Recycling Permits. Recycling Permits issued prior to May 2, 2015, shall authorize such permittees be available to Rockland residents and businesses who do not purchase a Resident or Commercial Permit but who wish to dispose of recyclable material, municipal solid waste on a pay-per-bag basis, and/or other acceptable wastes at the rates or fees for the same in the Rockland Solid Waste Facility Fee Order, through May 1, 2015. Recycling Permits shall not be issued after May 1, 2015, and their use shall be entirely discontinued effective July 1, 2015.

D. Seasonal Permits. Owners of seasonal, rental residential property in Rockland may obtain one Seasonal Permit per year for each dwelling, camp, cottage, or other rental dwelling unit situated on the property. Seasonal Permits are not available to inns, bed and breakfast establishments, motels, hotels, or other short term accommodations.

E. Commercial Hauler Permits. Commercial Hauler Permits shall be available to persons engaged in the collection of municipal solid waste and recyclables for a fee or other consideration, and who are licensed pursuant to Section 14-112. Only municipal solid waste collected from within Rockland, and/or from within communities that have entered into an Inter-Local Agreement with Rockland, shall be deposited at the Rockland Solid Waste Facility. Holders of Commercial Hauler Permits shall be allowed to enter the Facility during the hours that the Facility is open to the general public, and at such other times as the Director may allow, provided that they shall reimburse the City for any additional costs the City may incur for admitting the Commercial Hauler to the Facility outside normal operating hours.

F. Non-Resident Contractor Waste Disposal Permit. Non-Resident Contractor Waste Disposal Permits shall be available, upon application to the Director, to any person engaged in the business of general contractor, or any other type of building contractor, whose business is located outside the City of Rockland for the disposal of construction and demolition debris generated in the City of Rockland at the Rockland Solid Waste Facility.

G. Non-Resident Landscape Contractor Waste Disposal Permit. Non-Resident Landscape Contractor Waste Disposal Permits shall be available, upon application to the Director, to any person engaged in the business of Landscape Contractor whose business is located outside the City of Rockland for the disposal of lawn and landscaping debris (such as grass cuttings, brush, branches, limbs, and similar types of debris) generated in Rockland at the Rockland Waste Facility. No person shall use a Non-Resident Landscape Contractor Waste Disposal Permit to dispose of any other type of waste, or landscaping debris from outside Rockland, at the Facility. Landscape Contractors who do not wish to purchase the annual permit may obtain a Temporary General Permit as provided herein to dispose of landscaping debris generated in Rockland as part of such permittee's landscaping business.

H. Temporary General Permit. The Director may issue, from time to time and upon application and payment of the appropriate fee and a deposit, a Temporary General Permit for admittance to the Rockland Waste Disposal Facility to any person or business for the disposal of waste generated in Rockland. Such permits shall be of limited duration, not to exceed seven days, which limitation shall be stated upon the permit. Temporary General Permits must be returned to the Director at the Rockland Solid Waste Facility within seven (7) days of their expiration, or the permittee's deposit therefor shall be forfeited. Arrangements for an extension of a Temporary General Permit must be made with the Director or his designee prior to the permit's expiration; however, in no case shall a Temporary General Permit be extended for a time period exceeding a total of twenty-one (21) days.

2. Administration.

A. Validity. Permits shall be valid only during the period indicated thereon, or for such other period as the City Manager shall determine.

B. Suspension; Revocation. The City Manager shall give notice temporarily suspending or revoking a permit upon the occurrence of one or more of the following:

(1) The permittee violates any federal or state law or regulation, or any Rockland ordinance, order, rule, or regulation governing the collection, transportation, or disposal of waste; or

(2) The permittee violates any Rockland ordinance, order, rule, or regulation governing the Rockland Solid Waste Facility; or

(3) The permittee is issued a permit on the basis of his residency or conduct of business in Rockland and ceases to be a resident of Rockland or to own or operate the business in Rockland, as may be applicable; or

(4) Other good or sufficient cause.

Such notice of suspension or revocation shall state the bases for the suspension or revocation and, with respect to suspensions, the duration of the suspension.

C. Appeal. Any person may appeal the suspension or revocation of his permit to the City Council, in a writing filed with the City Clerk within thirty (30) days of the date of the notice suspending or revoking such person's permit. Upon public hearing, the City Council may affirm, reverse, or modify the suspension or revocation.

Sponsor: Councilor Isganitis

Originator: City Council

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

Councilor Hebert moved passage.

Councilor Dickerson asked if the actual costs associated with this program would be established in a separate order.

The City Attorney said that the fee order for Solid Waste Disposal Fees will be presented to the Council for consideration at the June 30, 2014 Budget Adoption Meeting.

Councilor Dickerson said that at \$2.25 per bag, a family that uses just 2 bags a week will spend \$234 per year to dispose of their trash. If a family uses 4 bags per week, that family will pay \$468 per year to dispose of its trash. She said these are ridiculous amounts of money, and noted that the sticker fee would increase from \$65 to \$143. She said that this is a disaster and asked the other members of Council if they had any ideas on how to improve this situation.

The City Manager said that he could not comment on what the cost may be to individual homeowners, but said that the large

bags will be 33 gallon bags, and that the Solid Waste Director believes that most people will use one of these bags per week. He also said that this new policy will encourage people to do more recycling.

Councilor Isganitis said that the Council has more information on this subject than the general public, and said that the waste being talked about here does not get disposed of in the landfill. He said this waste is transported to PERC and these fees are calculated to cover the actual cost of the disposal of that trash. He also said that there has been misuse of the current system because it did not place any limits on the amount of trash one could dispose of using their dump sticker. He said this system will control the vessel in which trash is brought to the Transfer Station.

Councilor MacLellan-Ruf said that there has been a lot of anger about this proposal, and she understands why the fees need to be what they are. She said that there have not been a lot of people coming to the meetings talking about this proposal, and she believed that this will not increase littering in the City. She did say, however, that she was concerned about the effect this proposal will have on families, especially those with small children. She said this proposal will encourage recycling, but the City makes money off of those recycled items. She said that she did not know if that was equitable.

Councilor Hebert said that the comments on this proposal have been interesting, and some have been inaccurate. He said that the Transfer Station is run efficiently, and that the City pays PERC nearly \$500,000 per year to dispose of its trash and that cost will be going up. He said that the more you insulate the public from the true costs, the less they realize what those costs are. He said that solid waste disposal is one of those City services where costs are identifiable, and under this system you pay for the amount of trash that you throw away, a true user-based system. He said that most people bring the 13 gallon bags to the Transfer Station and don't realize that they don't throw away as much as they think they do. He said that most people will use one 33 gallon bag per week. He said that it doesn't make sense to charge for certain City services such as police or fire protection, but solid waste disposal is one service where the costs can be calculated reasonably accurately. He said if the taxpayers foot the entire bill for solid waste disposal, that system does not pick up a number of users such as non-profit organizations that do not pay taxes. He said that one of the positive effects of this measure will be to increase recycling rates.

Councilor Dickerson then commended on the apportioned costs charged to the Solid Waste Department by the General Fund, saying that the Solid Waste Department does not need that much administrative support from City Hall and questioned why this fee was being charged.

The City Manager said that all special revenue funds are charged an apportioned cost to cover the administrative services provided to those funds by the general fund.

Councilor Dickerson asked what services the Solid Waste Department uses that would justify a cost of \$96,000.

The City Manager explained that all of the billing, collection, and accounting for the department are done by the Finance Department, and other services are provided by other departments as well.

Councilor Isganitis said that he understood where Councilor Dickerson was coming from, but said that the department is paying for services provided by other departments, which is a totally appropriate fee to charge. He then said that Mr. Lane mentioned that ability to pay should be considered when talking about how to fund solid waste disposal as an argument for having waste disposal paid for through property taxes. Taking that logic to another step, a person on a fixed income would then be paying a larger portion of the costs and those who do not pay taxes would be paying nothing. He said that this proposal makes people responsible for paying the cost of disposing of the trash that they bring to the facility.

Councilor Dickerson said that she did not disagree about how costs are paid, but felt that it may be better for the general fund to charge the special revenue funds for services actually rendered rather than some arbitrary number.

Vote: 4 for, 1 opposed.

(MacLellan-Ruf)

A public hearing was set for July 14, 2014 at 7:00 p.m.

At this time, and without objection from the Council, Mayor Pritchett took Order #42, Authorizing License Agreement – Use of Sea Scout Building, out of order.

#### **#42 Authorizing License Agreement – Use of Sea Scout Building**

#### **IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into a license agreement with Breakwater Kayak, LLC and the Sail Power & Steam Museum for use of the Sea Scout Building (so-called) at Snow Marine Park in substantial compliance with the terms and conditions of a license agreement attached hereto.

Sponsor: City Manager  
Originator: City Manager

## LICENSE AGREEMENT

**THIS LICENSE AGREEMENT** by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and The Sail, Power, And Steam Museum, a non-profit corporation with its principal place of business at 73 Mechanic Street in Rockland, Maine (the "Museum") and Breakwater Kayak Company, LLC, a limited liability company with a place of business at 5 Park Drive in Rockland, Maine ("Breakwater Kayak"), is effective June 10, 2014, if duly executed by each party.

**WHEREAS**, the City owns an approximately 880 square foot unoccupied wood-framed structure, formerly occupied by the Sea Scouts, together with accessible entrance ramp, deck, stairs, and patio, at Snow Marine Park, 51 Mechanic Street, Rockland, Maine (the "Sea Scout Building"); and

**WHEREAS**, the Museum owns and operates the Sail, Power & Steam Museum at 73 Mechanic Street, in Rockland, and seeks to rent additional, nearby premises to house Museum-related activities; and

**WHEREAS**, Breakwater Kayak operates a sea kayak tour business on Rockland Harbor, and seeks waterfront premises as a base of operations; and

**WHEREAS**, the Museum and Breakwater Kayak have collaborated and propose to rent and share the Sea Scout Building for the 2014 summer season,

**NOW, THEREFORE**, in consideration of the promises and undertakings set forth herein, the parties hereto do agree as follows:

**1. Grant of License.** The City of Rockland grants a license to the Museum and Breakwater Kayak (collectively, the "Licensees") to occupy and use the Sea Scout Building and patio, between June 10, 2014, and September 30, 2014, subject to the terms and conditions set forth herein;

**2. License Premises.** The License Premises shall consist of the Sea Scout Building, the ramp, deck, and stairs serving the building, and a rectangle of contiguous land, within the following limits as measured from the Sea Scout Building foundation:

To the North: 8 feet;  
To the East: to the Sharp's Point South, LLC property line;  
To the South: 45 feet, including patio; and  
To the West: 8 feet.

**3. Fee.** The Museum and Breakwater Kayak shall pay to the City a monthly fee of \$400.00 (the "Fee") for their use of the License Premises. The Licensees shall pay the first month's rent, pro-rated to June 10, 2014 (\$264.00) prior to entering into possession of the License Premises. Licensees shall pay the subsequent, monthly fee, in cash or as an immediately-negotiable instrument, on or before the first day of the month for which it is due, at Rockland City Hall, 270 Pleasant Street, Rockland, Maine. The Museum and Breakwater Kayak shall be jointly and severally liable for the full amount of the Fees owed to the City.

**4. Deposit.** The Museum and Breakwater Kayak shall pay to the City a deposit of \$400.00, prior to entering into possession of the License Premises. The City shall return the deposit to Licensees, in the respective amounts it was paid by each Licensee to the City, no later than October 30, 2014, unless Licensees, or one of them, shall have caused damage to the structure beyond reasonable wear and tear, or if Licensees shall have failed to quit the License Premises broom clean, in which instance(s) the City shall return to Licensees the balance remaining after deducting from the Deposit the City's actual cost(s) to repair or clean the premises. Licensees may be held liable for any damage to the License Premises in an amount in excess of the Deposit, in an action that may be filed by the City in Maine District Court in Rockland or the Knox County Superior Court;

**5. Utilities.** Licensees shall be solely responsible for any all utility charges incurred during or in connection with their use of the License Premises, including without limitation water and sewer charges, and electricity. Licensees shall obtain the City Manager's prior written approval prior to installing any additional utilities at the License Premises;

**6. Use.** The Museum may use the License Premises for storage and classes. Breakwater Kayak may use the License Premises for kayak and stand up paddle board tours, rentals, and storage;

**7. Term.** Except upon the occurrence of an Event of Default, the Term of this License Agreement shall be from June 10, 2014, to September 30, 2014;

**8. Conditions.** Such license and use of the License Premises shall be subject to and limited by the following

conditions:

A. Licensees may not sublet or otherwise permit the use or occupancy of the License Premises, or any portion thereof, by any third party;

B. Licensees may not play, show, or operate any audio or visual device, and may not store any items, outside the Sea Scout Building on City property;

C. Licensees may not serve and shall prohibit the consumption of alcoholic beverages in or around the License Premises;

D. Licensees may not place or maintain any container (other than closed containers for solid waste storage), shed, outbuilding, storage rack (except one kayak storage rack), or tables and chairs (except within the patio) on the exterior of the License Premises;

E. Licensees shall be responsible for the repair of any damage that occurs within the License Premises during the term of this License Agreement;

F. Licensees shall secure and maintain liability insurance covering occurrences within the License Premises in amounts not less than \$1,000,000/occurrence and \$2,000,000/ aggregate, and shall cause the City to be named therein as an additional insured. Licensee shall cause an original certificate of such insurance to be submitted to the City prior to Licensee's use of the License Premises. Licensee shall keep current such liability insurance coverage throughout the term of this License Agreement. The City shall secure and maintain property insurance for the License Premises;

G. Licenses shall not make or permit any construction, reconstruction, demolition, or other activity affecting or altering the condition of the License Premises without the prior written consent of the City. Any improvements to or in the License Premises by, on behalf of, or with the permission of a Licensee shall become the property of the City, without cost and free and clear of any lien or other encumbrance or claim;

H. Licensees shall not cause or permit any Hazardous Material to be brought upon, kept at or in, or used in or about the License Premises by either Licensee or their agents, employees, contractors, or invitees. Licensees shall not discharge, leak, or emit, or permit to be discharged, leaked, or emitted, any material into the atmosphere, ground, sewer system, or any body of water, if that material (as is reasonably determined by the City, or any other governmental authority) does or may pollute or contaminate the same, or may adversely affect the health, welfare, or safety of persons, whether located on the License Premises, or elsewhere, or the condition, use, or enjoyment of the License Premises or any other real or personal property. Hazardous materials are those identified as hazardous pursuant to 38 M.R.S. § 1303(C)(15) and 06-096 C.M.R. ch. 850, § 3(A)(3); and

I. Nothing herein is intended nor shall be deemed to grant to a Licensee or any other party any property or other right, title, or interest in the real and personal property subsumed within the License Premises. Nor does the grant of the permissions set forth in the License Agreement establish any precedent for or subsequent right to the renewal of such license and/or permissions in the future;

**9. Signage.** Subject to the City's pre-approval as to size, materials, content, and other matters regulated under the Rockland Code of Ordinances, Licensees shall have the right to place up to two signs at the Premises: one sign on up to two sides of the Sea Scout Building.

The City shall have the right to review and pre-approve each sign with respect to its size, placement, materials, and content, and applicable zoning ordinances and private restrictions. The City may refuse consent to any proposed signage that is in the City Manager's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate for the License Premises. Licensees shall repair all damage to the License Premises resulting from the removal of signs installed by a Licensee.

**10. Costs; Maintenance.** Licensees shall maintain the License Premises, and Licensees' property therein, in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof;

**11. Indemnification; Hold Harmless.** Licensees shall indemnify the City, and shall protect and hold the City harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this License in connection with any claim, loss, or damage arising from or connected with the permissions granted to Licensee herein, and/or from Licensees' acts or omissions in or relating to her use of the License Premises. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

**12. Default.** Licensees shall be in Default if one of Licensees breaches any term or condition of this License Agreement, or fails to make a payment when or in the amount due. Each such breach or failure to make payment shall constitute a separate Event of Default;

**13. Termination.** The City may terminate this License Agreement prior to the expiration of the Term, without notice, if, in the sole discretion of the City Manager, the City determines that any Licensee is in Default, or shall have

violated any applicable law, regulation, or rule (“cause”). Cause shall include, but not be limited to, Licensee’s service of alcohol or allowance of the consumption of alcohol within the License Premises. In the event of the termination of this License Agreement by the City Manager for cause, no part of the Fee shall be refunded to Licensees, notwithstanding anything to the contrary herein.

In the event of such termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensee shall cease upon the effective date of such termination; Licensees shall, with or without order or other notice to that effect, and at Licensees’ sole expense, remove or cause to be removed all of Licensees’ property from the License Premises, and Licensee shall immediately cease any use of such License Premises;

**14. Miscellaneous.**

A. This License Agreement is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensees acknowledge for themselves, their, members, directors, officers, agents, successors, and assigns, that they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon the Licensees, jointly and severally, and their successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

Councilor Hebert moved passage.

Vote: 5 for.

The order of the agenda was then resumed.

**Orders:**

#28-13 Adopting Declaration of Official Intent – Public Works Garage Bond Ordinance (Postponed from 03/10/14)  
(See pages 23-24 for text)

It was noted that this Order had been postponed until this meeting, and that the Order had received a motion for passage at the August 26, 2013 Meeting.

Vote: 0 for, 5 opposed.  
Motion for Passage Defeated.

#41 Setting Due Dates and Interest Rate – FY 2015 Taxes

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the taxes for the fiscal year ending June 30, 2015 shall be paid in two installments of one half (½) each; and

**THAT** the due dates for the taxes for the fiscal year ending June 30, 2015 shall be September 26, 2014 for the first installment of such taxes, and March 6, 2015 for the second installment of such taxes; and

**THAT** the Director of Finance and the Tax Collector are hereby authorized and directed to charge interest at a rate of 7.00% per annum from September 26, 2014 on the first installment of such taxes remaining unpaid after that date, and from March 6, 2015 on the second installment of such taxes remaining unpaid after that date.

Active Tax Club members enrolled prior to October 1, 2014 will have until December 31, 2014 to pay their first installment of taxes before interest would be charged on any unpaid balance, and until June 30, 2015 to pay their second installment of taxes before interest would be charged on any unpaid balance. Tax Club members who have an outstanding balance after those dates shall be charged interest on that balance at the rate of 7.00% per annum retroactive to the applicable due date.

Sponsor: City Council  
Originator: Tax Collector

Councilor Isganitis moved passage.

Vote: 5 for.

#43 Authorizing Expenditure of TIF Funds – Rockland Main Street, Inc.

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized expend \$30,000 from the FY 2015 Downtown TIF District funds to support Rockland Main Street Inc. in its efforts to protect and enhance the economic vitality of Downtown Rockland.

Sponsor: City Council  
Originator: Rockland Main Street, Inc.

Councilor Isganitis moved passage.

Vote: 5 for.

#44 Authorizing Acceptance and Expenditure of Grant Funds – Lerner Foundation

**WHEREAS**, The City Community Development together with interested citizens and arts organizations has initiated a program to identify the cultural and artistic assets in the Community; and

**WHEREAS**, The Emanuel & Pauline A. Lerner Foundation wishes to support the initiation of that program in the amount of \$15,000 to support leadership and arts forum and a series of community meetings to gather community input on the cultural assets of the community;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to accept funds from the Emanuel & Pauline A. Lerner Foundation.

Sponsor: Mayor Pritchett  
Originator: Community Development Director

Councilor Hebert moved passage.

Councilor Dickerson asked that the Rules be suspended to allow Community Development Director John Holden to address this issue. Without objection from the Council, the Rules were suspended.

Mr. Holden explained that these funds would be used to collect input from the public on what are the important cultural assets of the City to be used in the creation of a cultural plan for the City.

The Council went back into Regular Session for the vote on Councilor Hebert's motion for passage.

Vote: 5 for.

#45 Authorizing Application and Expenditure of Fund for Coastal Communities Grant Program 2015

**WHEREAS**, The Public Landing (Pier) serves as a critical public access point to Rockland Harbor and is an integral part of Harbor Park; and

**WHEREAS**, The City has plans for the redesign and improvement of Harbor Park; and

**WHEREAS**, The Public Landing (Pier) is a component and integral to the plans for improvements at Harbor Park; and

**WHEREAS**, Public Landing is in need of improvements itself; and

**WHEREAS**, Plans for improvements to Harbor Park will require attention to future design, engineering and a portion of the improvements necessary at the Public Landing; and

**WHEREAS**, the Maine Coastal Communities Grant Program may fund up to \$50,000 with a 25% match for planning, engineering and improvements to public piers in order to ensure sustainable vibrant coastal communities and improving public access;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager or designee is hereby authorized to submit and if successful execute a grant proposal to the Coastal Communities Program in an amount up \$35,000 and use up to \$7,000 from the Downtown Tax Increment Financing District Municipal Revenue Account in FY 2016 as match.

Sponsor: Councilor Hebert  
Originator: Community Development Director

Councilor Hebert moved passage and asked that the Rules be suspended to allow him to ask a question of Community Development Director John Holden. Without objection from the Council, the Rules were suspended.

Councilor Hebert noted that some monies have already been spent on this project for engineering and asked if any of those funds could be used as a match for this grant.

Mr. Holden said that those funds could not be used as part of the match for this grant.

The Council went back into Regular Session for a vote on Councilor Hebert's motion for passage.

Vote: 5 for.

#46 Authorizing Application and Expenditure of Funds for Northern Border Regional Commission Grant 2015

**WHEREAS**, the City has accepted the Harbor Trail Plan by Resolve #80 dated October 12, 2011; and

**WHEREAS**, said Plan calls for Harbor Trail along the Harbor Park; and

**WHEREAS**, The Harbor Trail Plan is consistent with preliminary designs approved by the Harbor Park Redesign Committee that include improvements and creation of a Boardwalk across Harbor Park; and

**WHEREAS**, the improvements to Harbor Trail and Harbor Park Boardwalk support the economic development in the Downtown by providing direct path to the Downtown District to and from the downtown to Snow Marine Park; and

**WHEREAS**, the Harbor Park Redesign Committee has met and previously endorsed an application to the Land and Water Conservation Fund (November 13, Order 46) for funding of an initial design and construction of the first segment of a Boardwalk; and

**WHEREAS**, the Northern Border Regional Commission may fund up to \$250,000 towards a project with a 20% matching requirement projects that support transportation infrastructure, basic public infrastructure, and those that promote tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager or designee is hereby authorized to submit and if successful execute a grant proposal to the Northern Border Regional Commission in an amount up \$250,000 and dedicate up to \$105,350 from the Downtown Tax Increment Financing District Municipal Revenue Account in FY 2016 as match.

Sponsor: Councilor Hebert  
Originator: Community Development Director

Councilor Hebert moved passage.

Vote: 5 for.

#47 Authorizing Application and Expenditure of Funds for Shore and Harbor Planning Grant Program 2015

**WHEREAS**, The City operates and manages the Rockland Fish Pier in support of the local and regional fishing community and economy; and

**WHEREAS**, Improvements will be necessary to the Fish Pier including dredging along its sides; and

**WHEREAS**, A written estimate to survey the Pier and the necessary dredging location has been secured for \$4,500; and

**WHEREAS**, Other project costs may be considered for improvements and making use of new technologies to reduce odor, fish nuisance, or other newer equipment such as but not exclusively new hoists, may require additional engineering budgeted at \$5,500 and

**WHEREAS**, the Fish Pier Reserve Account (#10000-01776) has a balance of \$70,000; and

**WHEREAS**, the Maine Coastal Program, Shore and Harbor Planning Grants provide up to \$20,000 with 25% local match;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager or designee is hereby authorized to submit and if successful execute a grant proposal to the Shore and Harbor Planning Grant Program in an amount up to \$10,000 and use up to \$5,000 from the Fish Pier Reserve account as match.

Sponsor: Councilor MacLellan-Ruf  
Originator: Community Development Director

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

#48 Authorizing Storm Water & Waste Water Collection System Study

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into an agreement with Wright-Pierce Engineers of Topsham, Maine, to conduct a comprehensive study of the City's sanitary sewer and storm water collection system. Funding for Phase I of this study shall come from the City's FY 2015 General Fund and Wastewater operational budgets.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Reading of the Order was waived, without objection from the Council.

Councilor Isganitis moved passage and moved to amend Order #48 by substituting the following language:

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT, WHEREAS**, the City of Rockland has over 35 miles of wastewater collection lines, at least a third of which also serve as a combined wastewater and storm water collection system; and

**WHEREAS**, approximately 50% of the total volume treated each year at the City's wastewater treatment facility is storm water runoff and groundwater infiltration flowing into the City's wastewater collection system; and

**WHEREAS**, the combination of groundwater infiltration and direct storm water discharge to the City's wastewater collection system results in both peak flow rates and total volumes that strain the capacity of the City's wastewater treatment facility; and

**WHEREAS**, the cost of treating storm water runoff is currently being borne solely by homeowners and businesses in their quarterly wastewater bills; and

**WHEREAS**, only 1/3 of the City's aging wastewater collection system has been rehabilitated and failures in the sewer lines routinely cause problems for both residents and businesses; and

**WHEREAS**, the City has at least 13 miles of separated, and largely undocumented, storm water lines with over 90 direct storm water discharges to the Lindsey Brook system; and

**WHEREAS**, the City has documented cases of parts of Lindsey Brook flowing into the City's wastewater collection system as well as wastewater overflowing into Lindsey Brook; and

**WHEREAS**, the U.S. EPA and the Maine Department of Environmental protection have directed the City to address both combined sewer related challenges at the City's wastewater treatment facility and water quality problems in Lindsey Brook; and

**WHEREAS**, an essential first step in that process is determining the condition of the City's wastewater collection system, where excess groundwater and storm water is entering the City's wastewater system, and how best to manage storm water runoff;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the City Council authorizes the City Manager to proceed with the initial 18 to 24 month phase of GSI mapping, wastewater and storm water flow monitoring, inflow and infiltration evaluation, plus storm water and wastewater hydraulic modeling as presented to Council by staff and Wright Pierce in a work session on May 19, 2014; and

**THAT**, the City Council recognizes the City Manager will be directing related General Fund and Wastewater Treatment resources including, but no limited to, GIS mapping, lab analysis of stream samples, and sewer line inspection work toward this project’s tasks and costs; and

**THAT**, in addition, the City Council also authorizes the City Manager to expend the following amounts from listed reserve accounts for this project:

20000-01679	Sewer Reserve Capacity Fee	\$ 50,000
10000-02530	CIP Bond Sewers & Lindsey Brook (1998)	\$115,774
40000-07402	Lindsey Brook Rehab	\$ 40,000

**AND THAT**, the City Manager is authorized to execute all contracts needed to carry out this phase of the wastewater and storm water project; and

**THAT**, the City Council recognizes that the City Manager will be bringing back to Council specific remediation projects for funding authorization as problems are identified; and

**THAT**, the City Manager is directed to provide quarterly updates to Council beginning no later than September 2014 on this important work.

Sponsor: Mayor Pritchett  
Originator: Pollution Control Director

Councilor Hebert asked how the Manager planned on dealing with emergencies that arise during the mapping process. The City Manager said that they will be addressed within the funds approved, if available, if not there are other monies that could be used if the Council approves such funding.

Vote on amendment: 5 for.  
Vote as amended: 5 for.

#49 Authorizing Amendment to the City’s TIF Policy

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City’s Tax Increment Financing Policy, adopted by the City Council pursuant to Order #26-99 dated April 12, 1999, and amended by Order #1-08 dated January 8, 2008, is further amended as follows:

**CITY OF ROCKLAND  
TAX INCREMENT FINANCING POLICY**

Overview

The Legislature has authorized municipalities to implement Tax Increment Financing (“TIF”) to capture and utilize rising real property tax receipts as an economic development tool. A tax increment is an increase in tax receipts that is forecast to result from development, or from ~~the gradual~~ rise in assessed value within a designated development district. Municipalities may utilize tax increments from designated development districts to grant credit enhancements to property owners (through a Credit Enhancement Agreement); to reimburse developers for certain, specified development project costs; or to fund municipal economic development activities, including qualified public infrastructure.

Purpose

The purpose of this Tax Increment Financing Policy is to establish guidelines for applicants (developers or property owners) seeking a Credit Enhancement Agreement (CEA) ~~for as part of a TIF Districts~~, and to set parameters for TIF Districts initiated by the City of Rockland for economic development purposes. Notwithstanding anything to the contrary in this

policy, the Rockland City Council may entertain and ~~grant-establish~~ any TIF ~~District and Development Program application~~ that complies with state law and that is found to be consistent with the growth and land use policies set forth in the City of Rockland Comprehensive Plan and any applicable district plan. By statute, the adoption and amendment of any TIF is subject to review and approval by the State of Maine Department of Economic Development.

#### TIF Districts

The City of Rockland may from time to time create one or more ~~TIF development-Development Districts~~ for the purpose of capturing anticipated growth in the tax base within the district to fund authorized public infrastructure improvements, as follows:

1. The City Council may establish a TIF District following a public hearing and upon making a finding that the TIF District will contribute to the economic growth or well-being of the City of Rockland or to the betterment of the health, safety, or welfare of the inhabitants of Rockland;
2. The City Council shall delineate the geographic bounds of the TIF District, upon the recommendation of the Economic Development Advisory Committee; set the maximum amount by which tax increments shall be captured; and determine whether to issue one or more bonds to fund approved expenditures of the captured tax increments;
3. The City Council shall adopt a ~~development-Development program-Program~~ that includes a financial plan and identifies the types of improvements to be financed in whole or in part by tax increment financing generated from within the TIF District; and
4. The City Council shall establish the duration of the TIF District, which may not exceed the statutory limit.

The City Council may, following a public hearing, amend the ~~development-Development program-Program~~; adjust the geographic delineation of the TIF District; amend or supplement the improvements or programs to be financed by tax increment financing generated from within the TIF District; and/or adjust the percentage and/or dollar amount by which tax increments are to be captured to fund such improvements or programs.

#### Private-~~TIF~~Credit Enhancement Application Guidelines

To the full extent authorized by law, the City of Rockland may utilize tax increment financing to facilitate private development. The following shall guide the City's review of applications for economic development assistance in the form of tax increment financing:

- ~~38. TIFs for individual developments shall be accomplished by a binding, written agreement with the owner of the property to be developed or rehabilitated (usually referred to as "Credit Enhancement Agreement"), and may be funded by credit enhancements granted to the owner, or by the proceeds of a municipal bond issued for that purpose and collateralized by the property owner's grant of a security interest to the City of Rockland;~~
2. Applications for TIFs shall be reviewed, approved, or denied by the City Council, on a case-by-case basis. The grant or denial of a TIF for one property owner or developer shall not serve as binding or compelling precedent for subsequent TIF applications;
- ~~39. TIFs for individual developments shall be accomplished by a binding, written agreement with the owner of the property to be developed or rehabilitated (usually referred to as "Credit Enhancement Agreement"), and may be funded by credit enhancements granted to the owner, or by the proceeds of a municipal bond issued for that purpose and collateralized by the property owner's grant of a security interest to the City of Rockland;~~
3. City Council shall establish, after review of the request for a Credit Enhancement Agreement (CEA) and any necessary due diligence or negotiations warranted, the annual terms of any CEA. City Council has sole discretion on the agreed upon terms of any CEA. City Council may consider any range of terms it deems appropriate and in the best interest of the City including up to 100 percent of the new taxes generated as a result of the project to be returned to the owner or developer annually.

4. The City Council shall determine the length of the Credit Enhancement Agreement, which in no event shall exceed ~~fifteen years~~the maximum term allowable by law;
5. Credit Enhancement Agreements shall ordinarily require the property owner to reimburse the City of Rockland for all tax credits or reimbursements or bond payments advanced by the City in the event the property owner discontinues the use of the property for which the TIF was granted prior to the expiration of the Credit Enhancement Agreement, unless the property owner conveys the property to another party that also contracts to continue the subsidized use of the property or to compensate the City in the event of its discontinuance;
6. Every property owner or developer that is granted a ~~TIF-CEA~~ by the City Council shall be encouraged to seek any state funding or reimbursements made available by the state for real and/or personal property tax reimbursements, job creation and training credits, or other purposes;
7. ~~TIF-CEA~~ applicants shall reimburse the City for its legal and/or other technical review or other expenses incurred by the City in reviewing the application, whether or not the application is granted;
8. The City may require ~~TIF-CEA~~ recipients, annually so long as the TIF continues, ~~shall to~~ pay the City a TIF administration fee that shall be the greater of \$1,000 or 1% of the TIF grant to compensate the City for its work and expenses associated with administering and assuring compliance with the Credit Enhancement Agreement;
9. The City Council shall consider the following approval criteria when reviewing a ~~TIF-CEA~~ application, without limiting the use of additional or substitute criteria or requirements.
  - \* Whether the development proposal is consistent with, and shall advance the growth and land use policies of, the City of Rockland Comprehensive Plan and any applicable district plan;
  - \* Whether the property is located within a City of Rockland or State of Maine development district;
  - \* Whether the development will create permanent, full time jobs at living wages and with health insurance and other benefits, or will enable the retention of such jobs that will be lost but for the proposed development;
  - \* Whether the development will result in the redevelopment or rehabilitation of a blighted property;
  - \* Whether the development will result in optimal land use patterns, including multi-story, mixed use, and/or Leadership in Energy and Environmental Design (“LEED”) certified structures; on-site power generation; and/or the minimization of single-tiered surface parking;
  - \* Whether the development includes the construction or improvement of public infrastructure or other amenities (in addition to sidewalks and street trees) which have utility beyond the property to be benefited by the TIF, including but not limited to streets, parking structures, water and sewer mains, vehicular and/or pedestrian traffic signalization or other improvements, etc.;
  - \* Whether the development is not financially feasible without tax increment financing, and the grant of tax relief is justified by development costs unique to the siting of the development in Rockland that would not be experienced if the development were to be undertaken in another community in the vicinity;
  - \* Whether any business to be sited at the developed or rehabilitated property shall cause financial or job loss at a competing business in Rockland or in the immediate vicinity of Rockland; and
  - \* Whether the proposed development will broaden the tax base of the City and improve the general economy of the City and region;

A TIF applicant’s compliance with one or more of the approval criteria shall not obligate the City Council to grant the application.

10. Successful TIF applicants shall be responsible for complying fully with all applicable zoning restrictions, subdivision and/or site plan conditions of approval, and building, property maintenance, and other state and local code requirements.

**State Law Reference:** 30-A M.R.S. §§ 5221, *et seq.*

Sponsor: City Manager

Originator: Community Development Director

Reading of the Order was waived, without objection from the Council.

Also without objection from the Council, the Rules were suspended to allow Community Development Director John Holden to address this issue.

Mr. Holden explained that the only real change in this document is to allow the capture of up to 100% of added value in credit enhancement agreements (CEA).

The Council went back into Regular Session with Councilor Hebert making a motion for passage.

Councilor Dickerson said that she would not support this measure. She said that she understands that TIFs and CEAs are allowed by law, but she does not support them philosophically.

Councilor MacLellan-Ruf said that she agreed with Councilor Dickerson, and felt that 100% capture should not even be an option.

Councilor Hebert said that the only thing that the Council is doing in this document is establishing a range. He said establishing a range for 0% to 100% would give the Council the most flexibility when considering CEAs in the future. He said this does not tie the Council to any particular number.

Councilor Dickerson said that may all be true, but it send the message that 100% is an option, and it is possible for developers to hold the City hostage by saying they won't proceed with a project unless they get 100%. She said that developers will ask for as much as they can get. Councilor Dickerson then moved to postpone Order #49 until the August 11, 2014 Regular Meeting.

Vote: 3 for, 2 opposed.

(Hebert, Isganitis)

Order #49 was postponed until the August 11, 2014 Regular Meeting.

Councilor Isganitis asked what the Council hoped to accomplish by postponing this order.

Mayor Pritchett said it would give an opportunity to view how CEAs are structured and look at a narrower set of options.

Without objection from the Council, the Rules were once again suspended to allow Mr. Holden to comment.

Mr. Holden said that State rules require that a percentage range be included in any TIF Development Plan or Policy.

Councilor Dickerson said that the City should compare what other towns do in their policies.

Councilor Isganitis said that what is being talked about is the time value of money. He said it makes sense to do a 100% capture for the last 5 years of a TIF. He said this offers the Council the most latitude when considering TIFs and CEAs. He said that he hoped this measure would come back to the Council with a range of up to 100%.

The Council then went back into Regular Session with Councilor Hebert making a motion to add Resolve #27, appointment to COMPS Commission, to the agenda.

Vote: 5 for.

#### **Resolve #27 Appointment to COMPS Commission – A. Ackor**

#### **BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointment by the Mayor of Adam S. Ackor, 486 Old County Road to the Comprehensive Planning Commission to fill a vacancy on the Commission is hereby confirmed. Mr. Ackor shall serve until that term expires in 2016.

Sponsor: Mayor Pritchett

Originator: Mayor Pritchett

Councilor Hebert moved passage.

Councilor Isganitis thanked Mr. Ackor for agreeing to serve on this important commission.

Vote: 5 for.

At this time, Councilor Dickerson said that she arrived after the dog waste issue was mentioned during the public forum, but has received feedback from constituents on how these two particular individuals are pursuing this matter. She said that there have been tensions with the manner in which these individuals interact with other dog owners. She also said that she

understood that they called out Councilor MacLellan-Ruf and accused her of not following the law. She said had she been here, she would have asked that the speakers be instructed to refrain from personal attacks.

Councilor Hebert said that he didn't really understand what it was that they were talking about, but said the broader question that needs to be asked is what if anything the Council can do on this issue.

Councilor Isganitis also expressed confusion about the comments being made from the podium, first speaking about Councilor MacLellan-Ruf's husband and then saying something about Councilor MacLellan-Ruf speaking for her. He said it was all very convoluted.

Councilor MacLellan-Ruf said that her first interaction with these two individuals was in defense of two senior citizens who were being harassed about cleaning up after their dogs. She said that she told them that it was ok to ask people to clean up after their dog if they see something wrong taking place, but it is not ok to confront people in a threatening way who are not doing anything wrong. She said that she brought this matter to the attention of the Police Department and the Mayor at the time, and since that interaction, these two individuals began harassing her. She said she again reported their behavior to the Police Department and the Mayor at the time, but the harassment has not stopped. She added that these two individuals have been allowed to act inappropriately at City Council Meetings whenever she speaks, or whenever someone says something with which they do not agree. She said that she was feeling harassed, all because she stood up for senior citizens and other conscientious dog walkers. She feels that she has been targeted, and that this is unacceptable behavior.

Councilor Isganitis asked what the Council could do to address this issue. He said that the comments at tonight's meeting took on a vigilante tone that has not been heard before, that if the City won't support them they will do it on their own. He said that the City has two departments that are charged with enforcement of the code, the Code Enforcement Office and the Police Department. He said that he did not want to dismiss the passion that these two individual obviously have for this matter, but something needs to be done before a confrontation escalates to violence. He said this matter cannot be ignored.

Mayor Pritchett said that there is a difference between informing someone of the regulations and having citizens turning into enforcement officers, something that the City does not condone. He asked the City Manager if he has addressed this issue with the Police Department or anyone else.

The City Manager said that he has not received any specific complaints on this issue and has not addressed the matter with any other department, but urged any citizen who feels threatened to contact to the Police Department.

Councilor Dickerson said if these individuals are going to take matters into their own hands, perhaps the best thing the Council can do is direct the City Manager to instruct the Police Department to address what is considered appropriate behavior with these two individuals.

With no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:54 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE EXECUTIVE SESSION**

**June 9, 2014**

The Council reconvened the executive session called June 9, 2014 , pursuant to Title 1, Maine Revised Statues, Section 405(6)(F); Title 22, Maine Revised Statutes, Section 4306; Title 26, United States Code, Section 6103; and Title 5, Maine Revised Statues, Section 13119-A(2), which requires the City to preserve the confidentiality of applicants' financial statements and tax returns, to continue its review of an application for financial assistance from the City's Katherine B. Haines Fund. The Council re-entered Executive Session at 9:55 p.m.

The Council came out of Executive Session and with no further action taken, adjourned at 10:30 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**June 30, 2014**

- Resolve #28 Public Hearing/Adoption of FY 2015 Municipal Budget
- Ordinance in First Reading #18 Lease-To-Own CIP Equipment
- Order #51 Amending & Adopting Pollution Control Facility Fees

Order #52 Amending & Adopting Solid Waste Disposal Fees  
 Order #53 Adopting Land Use & Inspection Fees  
 Order #54 Amending & Adopting Harbor & Waterfront Fees  
 Order #55 Authorizing Cost of Living Salary Adjustment – Attorney & Clerk

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Steve Carroll, 526 Old County Road, spoke concerning the City's proposed budget, saying that holding the line on spending was not good enough. He said that the City needs to cut millions of dollars out of its budget, citing huge expenses that are coming such as the closure of the landfill, the City's storm water and wastewater collection system, and repairs to Old County Road. He said that the taxpayers cannot afford to continue with the status quo. He said that costs need to be cut as well as the City's spending.

- Adele Faber, 73 Willow Street, spoke concerning what she saw as mismanagement at the Solid Waste Disposal Facility, giving a series of examples of what she maintains were evidence of contracts and action of the City that resulted in the loss of millions of dollars that could have gone to ease the burden on the residents of Rockland. She said that now the Council is pushing the pay per bag disposal system to cover up those losses.

Hearing no other speakers, the public forum was closed.

**Resolve #28 Public Hearing/Adoption of FY 2015 Municipal Budget and Authorizing Appropriations and Tax Assessment**

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, after due notice and public hearing being held, the budget for the City of Rockland for the fiscal year ending June 30, 2015 is hereby adopted as follows:

		FY 2015 Budget
8	General Fund Tax	\$ 351,773
11	Legislative	5,538
12	Executive	177,564
13	Assessment	173,260
14	Finance	584,263
15	Legal	109,014
16	City Clerk	208,264
18	General	82,750
19	City Hall	34,317
25	Engineering	25,000
30	Dispatch – Communications	188,970
31	Police	1,954,190
32	Fire	1,536,756
34	Municipal Fish Pier	101,601

35	Lights and Hydrants	610,001
36	Code Enforcement	215,849
37	Community Development	133,980
41	Public Works	1,554,379
51	Health (Contributions)	30,500
52	General Assistance	72,017
61	Harbor & Waterfront	193,738
62	Library	571,284
63	Recreation	371,153
71	Unclassified Fringe Benefits	89,000
72	Unclassified Other	200,140
81	Total Debt Service	1,190,914
91	Intergovernmental	8,780,708
	<b>TOTAL GROSS BUDGET</b>	\$ 19,546,923
	Less Non-Property Tax Revenues	(3,830,104)
	<b>NET BUDGET, GENERAL FUND</b>	\$ 15,716,819
	Capital Improvements Fund	\$ 404,500
	Sewer Fund	\$ 3,888,352
	Transfer Station Fund	\$ 1,615,064
	Emergency Medical Service Fund	\$ 596,040

The same is now hereby appropriated for the fiscal year ending June 30, 2015, and said amounts are declared not to be in excess of the estimated revenues from taxation and sources other than taxation for the fiscal year ending June 30, 2015.

**AND, BE IT FURTHER RESOLVED**, that the Assessor of the City of Rockland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed thereon, to the aggregate amount of \$15,716,819 and in accordance with the provisions of the Statutes of Maine in such cases made and provided make perfect lists under his hand of such assessments and commit the same to the Finance Director of the City of Rockland.

Sponsor: City Council  
Originator: City Council

A public hearing was opened with Steve Carroll, 526 Old County Road, saying that the Council continually encourages the public to attend the budget work session and let their feelings be known, however, he said he did not believe that was time well spent. He said he has made many suggestions over the years on common-sense ways to reduce spending, but they seem to have fallen on deaf ears. He said that there has been lots of talk about consolidating services and cutting costs, but nothing has been done. He said that the City needs to cut millions of dollars out of this budget to give relief to the taxpayers. He said that a 0% increase does no good.

- Brian Harden, 19 Traverse Street, spoke neither for nor against the proposed budget, but instead said that he understood the difficulties faced by the Council when developing a budget. He said that tasked in may even harder when the City

already knows that school costs are going up, that Revenue Sharing from the State is going down, and that the State won't do anything to assist service centers by allowing them to institute certain service fees. He said that the Council has done the best job that it could to provide the citizens with the services that they demand. He said that he, for one, is glad to know that the City services are there when needed. He said that he was glad he did not have to work on this budget, and resents anyone who says millions of dollars should be cut out of a budget that is not that many millions to begin with. He commended the Council for a job well done and urged passage of the budget.

Hearing no other speakers, the public hearing was closed.

Councilor Hebert moved passage and moved to amend Resolve #28 as follows: "Intergovernmental, increase by \$19,113 to \$8,799,821."

The City Manager explained that the figure in the budget was an estimate of school costs. He said when the City received the actual amount after the RSU #13 budget was adopted, the figure was \$19,113 higher than estimated.

Vote on amendment: 5 for.

Councilor Dickerson asked that the Rules be suspended to have a discussion of the change in the City's valuation. Without objection from the Council, the Rules were suspended.

The City Manager said that initial calculations appeared to show a \$3 million dollar loss in total valuation of the City, mostly because of the loss in value of Wal-Mart and the change of the Strand Theatre to a non-profit organization. However, the actual loss of value is closer to \$8 million because of a loss of approximately \$4 million in personal property taxes. He asked City Assessor Dennis Reed to explain the reasons for this loss of value.

Mr. Reed explained that a recent ruling by the State of Maine exempted a number of items that had previously been taxable as personal property. He also said that a sharp increase in the number of applications for the State personal property reimbursement program (known as BETE) also resulted in a significant loss of personal property valuation.

Mayor Pritchett asked if the valuation figure would change prior to commitment of taxes.

Mr. Reed said that there could be some fluctuation, but felt that it would not be significant.

The Council went back into Special Session with the City Manager saying that the effect that this will have is to increase the mil rate from the anticipated \$20.02 to \$20.16.

Councilor Dickerson then asked the City Manager to comment on the consolidation of services and department functions.

The City Manager said that functions at City Hall have been consolidated because of the loss of a full-time position, that of the Assistant to the City Manager. He said those functions have been picked up by other staff at City Hall, namely the City Attorney. He also said that the Fire Chief position has been consolidated with the Police Chief position to form a single Public Safety Director.

Councilor Isganitis asked the City Manager to comment on the money approved earlier for a study of the Police Department operations.

The City Manager said that a study will be undertaken by the Maine Chiefs of Police Association of the operation of the Rockland Police Department, which will result in a new operations policy manual for the department. He said that a similar study will be done for the Fire Department in the future.

Vote as amended: 3 for, 2 opposed.  
(Dickerson, MacLellan-Ruf)

The FY 2015 Budget, as amended, reads as follows:

		FY 2015 Budget
8	General Fund Tax	\$ 351,773
11	Legislative	5,538
12	Executive	177,564
13	Assessment	173,260
14	Finance	584,263
15	Legal	109,014
16	City Clerk	208,264
18	General	82,750
19	City Hall	34,317

25	Engineering	25,000
30	Dispatch – Communications	188,970
31	Police	1,954,190
32	Fire	1,536,756
34	Municipal Fish Pier	101,601
35	Lights and Hydrants	610,001
36	Code Enforcement	215,849
37	Community Development	133,980
41	Public Works	1,554,379
51	Health (Contributions)	30,500
52	General Assistance	72,017
61	Harbor & Waterfront	193,738
62	Library	571,284
63	Recreation	371,153
71	Unclassified Fringe Benefits	89,000
72	Unclassified Other	200,140
81	Total Debt Service	1,190,914
91	Intergovernmental	<b>8,799,821</b>
	<b>TOTAL GROSS BUDGET</b>	<b>\$ 19,566,036</b>
	Less Non-Property Tax Revenues	(3,830,104)
	<b>NET BUDGET, GENERAL FUND</b>	<b>\$ 15,735,932</b>
	Capital Improvements Fund	\$ 404,500
	Sewer Fund	\$ 3,888,352
	Transfer Station Fund	\$ 1,615,064
	Emergency Medical Service Fund	\$ 596,040

### Ordinance Amendment #18 Authorizing Lease To Own CIP Equipment

#### THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

**THAT**, pursuant to Charter Section 702(c), and Chapter 2, Section 2-105 of the City Code, the City Manager is hereby authorized to solicit competitive bids and to enter into a Lease-to-Own contract, having a term of no more than five years, in a total principal amount not to exceed \$404,500, for the acquisition of the following, approved capital equipment:

- Thermal Camera (Fire)
- 2 Police Cruisers
- 4 Video Units for Police Cruisers
- Plow for Loader (Public Works)
- Line Paint Machine (Public Works)
- 14-yard Dump Truck with Plow and Sander (Public Works)

- Compactor (Public Works)
- 3 Defibrillators (EMS)

**AND, THAT** the City Manager is authorized to execute on behalf of the City of Rockland such documentation as may reasonably be necessary to secure such funding, including a lease agreement for and a grant of a security interest in the property and equipment thus financed.

Sponsor: City Council  
 Originator: City Manager

Councilor Isganitis moved passage.

Councilor Dickerson asked if the video units for the police cruisers were something that was really needed.

The City Manager said that it is common for police cruisers to be equipped with video units, and the videos often help when cases get to court.

Councilor Dickerson then asked what the cost of the units was.

The City Manager said that the cost of the 4 units is \$20,800, but added that he hoped that the City would be receiving a grant to cover that cost.

Councilor Dickerson then asked if the plow for the loader was needed this year.

The City Manager said that the current plow is beyond repair and a new one is required to meet snow removal needs.

Councilor Dickerson asked what the cost of the plow would be.

The City Manager said that the cost of the plow is estimated to be \$15,000.

Councilor Dickerson then asked about the line painting machine.

The City Manager said that the current machine is 12 years old and in need of replacement. He added that the cost of the new machine is estimated to be \$7,500.

Councilor Dickerson then asked about the dump truck, noting that the cost was estimated to be \$182,500.

The City Manager said that this truck would replace a 7-yard dump truck and would be able to more efficiently move snow.

Councilor Dickerson then asked about the compactor.

The City Manager said that the current compactor the City has is small and contributes to the problem with settling in trenches when road construction is necessary. He said the larger compactor will address that issue.

Councilor Dickerson then asked if the video units are going to be paid for through a grant, why are they listed in this ordinance.

The City Manager said that they are listed as approved CIP equipment, but no funds are included for them in the total approved amount of this ordinance.

Vote: 4 for, 1 opposed.  
 (Dickerson)

A public hearing was set for July 14, 2014 at 7:00 p.m.

**Order #51 Amending and Adopting Water Pollution Control Facility Fees**

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, effective July 1, 2014, the fee schedule for the Water Pollution Control Facility be amended and adopted as follows:

**POLLUTION CONTROL FACILITY FEES**

**GENERAL**

All references to the City of Rockland’s Sewer Use Ordinance shall be understood to mean the version of this document that has most recently been passed and adopted by the City Council of the City of Rockland, Maine. Similarly, all references to the Enforcement Response Plan shall be understood to mean the current version of this document, incorporated by reference into the most recently adopted Sewer Use Ordinance.

**CHARGES AND FEES AT A GLANCE**

Type of Charge	Current Value
<b>Minimum Charge</b>	
<b>Residential and Commercial</b>	Usage 1,000 cubic feet per ERU
	Rates First 1,000 cubic feet: <del>\$40.62</del> <b>\$41.84</b> 1,001 cubic feet and above: <del>\$ 4.85</del> <b>\$5.00</b> per 100 cubic feet



Equivalent Residential Units (ERUs) are a method of defining the wastewater generated by a commercial or multi-family user location as a function of the water use in specific processes or by specific users at that location. These ERUs are developed as a ratio of the commercial or multi-family residential unit to a single-family residence. The Equivalent Residential Unit (ERU) for a single family home is 1.0. Minimum Usage shall be 1,000 cubic feet per ERU per billing quarter.

The ERU for single homes converted into apartments shall be defined as 0.5 ERU per dwelling unit. The ERU for multi-family homes (i.e., duplex) shall be defined as 1.0 ERU per dwelling unit. The ERU for a building built as an apartment complex shall be 1.0 ERU per dwelling unit. The ERU for a mobile home shall be 1.0 per unit.

<b>Cost Per Equivalent Residential Unit</b>	
Usage	1,000 cubic feet per ERU per billing quarter
Rates	First 1,000 cubic feet: <del>\$40.62</del> <u>41.84</u> dollars
	1,001 cubic feet and above: <del>\$4.85</del> <u>5.00</u> per 100 cubic feet

Any residence that does not presently have a water meter shall install one that is approved by Maine Water Company (if the residence receives public water) or by the WPCF (if the residence has a private water source [i.e., a well]).

**B. Commercial Minimum Charge**

The cost for treatment of commercial wastewater shall be based on both a fixed minimum charge and on water consumption. Water consumption shall be per thousand cubic feet of water used, based on the water meter at each commercial location as recorded by the Aqua Maine water company.

Minimum Usage shall be 1,000 cubic feet per ERU per billing quarter. The ERUs applicable to commercial establishments in the City of Rockland are defined in the following table. The ERU applicable shall be the Minimum ERU (as shown) or the calculated ERU, whichever is greater.

<b>Description of Unit</b>	<b>Unit Measure</b>	<b>Equivalent Units</b>	<b>Minimum ERUs</b>
Residences (Single-Family)	(Each)	(1.0)	(1.0)
Apartments (Single home, converted)	Per Apartment	0.5	2.0
Apartments (Complex, built as)	Per Apartment	1.0	2.0
Mobile Homes and Parks	Per Dwelling Unit	1.0	2.0
Motels & Hotels Without kitchen units	Per Unit	0.25	2.0
With kitchen units	Per Unit	0.35	2.0
Bed and Breakfasts and Rooming Houses w/o kitchens in the individual rooms	Per Unit Plus one full unit for kitchen	.25	2.0
Churches and Service Clubs Without kitchen	Each	-	1.0
With kitchen	Each	-	2.0
Office Use	Up to 5,000 square feet Per 1,000 square feet thereafter	1.0 0.25	2.0
Medical Office	Per exam room	0.25	2.0
Dentist Office	Per chair	1.0	2.0

Veterinary Office or Facility	Per exam room	0.25	2.0
Hospital	Per bed	0.5	2.0
Nursing Home	Per bed	0.5	2.0
Day Care	Each <i>plus</i>	1.0	2.0
	For first 10 children	0.2	
	Per child thereafter	0.1	
Personal Care (Beauty Salon/Barber)	Per chair	0.5	2.0
Restaurant (including Fast Food)	For every table over 10	0.1	2.0
Drive In Restaurant	Per parking space over 25	0.25	2.0
Food and Drug Retail Store	One to three water fixtures	1.0	2.0
	Per three water fixtures thereafter	1.0	
Supermarkets (over 5,000 sq feet)	Per water fixture and drain	1.0	10.0
Bank	Up to 5,000 square feet	1.0	2.0
	Per 1,000 square feet thereafter	0.25	
Movie Theaters	Per seat	0.05	2.0
Laundry	Per washing machine	1.0	2.0
Dry cleaner	Each	-	2.0
Car Wash	Per bay	1.0	2.0
Service Station	Each	-	2.0
Retail Sales & Service	Up to 5,000 square feet	1.0	2.0
	Per 1,000 square feet thereafter	0.25	
Bars and Cocktail Lounges (Without restaurant)	One to fifty seats	1.0	2.0
	Each additional 15 seats (or portion thereof)	1.0	
Bowling Alley	Per lane	0.4	2.0
Schools	Per 50 full-time students and faculty	1.0	2.0
	Per 100 part-time students and faculty	1.0	

In the event that a commercial establishment does not fall into one of these classifications *or* if categorization in one of these classifications would result in inequitable treatment cost, the WPCF has the discretion to determine the ERU that is most applicable.

Any commercial establishment that does not presently have a water meter shall install one that is approved by Maine Water Company (if the establishment receives public water) or by the WPCF (if the establishment has a private water source [i.e., a well]).

### C. Industrial Minimum Charge and Monthly Charges

#### *Minimum Charge*

Charges for the treatment of industrial wastewater shall be based on operation and maintenance costs of the WPCF. Permitted monthly flow shall be used in conjunction with permitted Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) values (both in pounds per month) to minimum charges. "Flow" (in thousands of gallons) and "Permitted" BOD and TSS (in pounds) are as defined in the industrial user's Permit. The formula used to calculate the industrial user's Minimum Charge is as follows:

$$\text{Industrial Minimum Charge} = 30\% * (\text{Monthly Permitted Flow} * \text{Flow Unit Cost}) + \\ (\text{Monthly Average Permitted BOD} * \text{BOD Unit Cost}) + \\ (\text{Monthly Average Permitted TSS} * \text{TSS Unit Cost})$$

*For permits containing only maximum daily allowances for any parameter, minimum monthly charge for that parameter shall be as follows:*

$$\text{Flow} = \text{fixed monthly cost allocated to flow times maximum daily flow allowance divided by}$$

***PCF maximum daily design flow capacity***

***BOD = fixed monthly cost allocated to BOD times maximum daily BOD allowance divided by PCF maximum daily design BOD capacity***

***TSS = fixed monthly cost allocated to TSS times maximum daily TSS allowance divided by PCF maximum daily design TSS capacity***

Where unit costs are as defined below

- Flow unit cost: ~~\$2.29~~ 2.38 per 1,000 gallons permitted (monthly)
- BOD Unit Cost: ~~\$87.66~~ 91.17 per 100 pounds BOD permitted (monthly)
- TSS Unit Cost: ~~\$118.14~~ 122.87 per 100 pounds TSS permitted (monthly)

Domestic wastewater generated by industrial users shall be calculated according to the number of workers at the facility. Dividing total man-hours by 8-hours results in the number of domestic users at the industrial facility. Domestic wastewater generated by the industrial facility is 30 gallons per day per domestic user. This is represented as follows:

$$\frac{\text{Total Man-hours}}{8 \text{ hours}} * 30 \text{ gallons} = \frac{\text{gallons}}{\text{day} \cdot \text{user} \cdot \text{day}}$$

The Minimum Charge for treatment of residential and commercial wastewater (see A and B of this section) shall be applied to gallons per day of domestic wastewater from industrial facilities, using a conversion rate of 1,000 gallons = 156 cubic feet.

***Monthly Charges***

All industrial users are required (by virtue of their Industrial Wastewater Discharge Permit) to install a non-settable totalizer (i.e., flowmeter) to monitor wastewater actually discharged to the Rockland WPCF. Each industrial user is required to report actual total daily and monthly flow, as measured by this device, to the Rockland WPCF on a monthly basis. Users are also required to report actual discharges of BOD and TSS to the Rockland WPCF. Treatment charges for actual flows and loadings discharged by an industrial user to the Rockland WPCF are calculated on a monthly basis as described in the following sections.

***Industrial User Sulfur Fee***

Industrial users (IU) shall pay a monthly sulfur fee in order to cover the cost of chemical treatment of PCF sludge. The fee shall be based on monthly total sulfur analysis carried out by the IU, and actual chemical expense for the month plus 15%. Each IU share of the cost shall be based on a mass balance ratio between individual IU sulfur loading and total sulfur loading for the month. Therefore, the individual IU monthly fee shall be calculated as follows:

$$\text{Individual IU Sulfur Fee} = \frac{\text{Individual IU Sulfur Contribution (lbs)}}{\text{Total IU Sulfur Contribution (lbs)}} * \text{Actual Treatment Chemical Expense (\$)}$$

***Expense Recovery***

Any discharger who discharges any waste that ~~interferes with the Pollution Control Facility's treatment process,~~ requires additional treatment or chemical additives, shall be liable to the City for all costs incurred by the City as a result of the discharge plus ~~40~~ 15 percent. This includes any costs associated with additional treatment measures that are deemed necessary to ensure continued compliance with the State and Federal discharge requirements.

Sampling and Laboratory Analysis Fee: Actual cost +~~40~~ 15% minimum of \$250.00.

***Industrial Users with Tier One Discharge Limits***

The cost per pound for removal of BOD and TSS from industrial wastewaters for users holding "Tier One" Permit limits (i.e., Daily Maximum and Monthly Average loading limits) for these parameters shall be competed according to the schedule shown below:

Parameter	Unit Cost: Industrial
Flow	<del>\$2.29</del> <u>2.38</u> per 1,000 gallons discharged
BOD	<del>\$87.66</del> <u>91.17</u> (per 100 pounds treated)

TSS	\$ <del>118.14</del> <u>122.87</u> (per 100 pounds treated)
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*Industrial Users with Three-Tier Discharge Limits*

The cost per pound for removal of BOD and TSS from Industrial wastewaters for users holding “three-tier” permit limits (i.e., three tiers of loading limits) for these parameters shall be computed according to the schedule shown below. The definitions of the three tiers shall be as defined in the most recent Permit issued to that user.

Parameter	Unit Cost: Industrial
Flow	<del>\$2.29</del> <u>2.38</u> per 1,000 gallons discharged
BOD	Tier 1: <del>\$87.66</del> <u>91.17</u> (per 100 pounds treated) Tier 2: 5% in excess of Tier 1 limit <sup>1</sup> Tier 3: 5% in excess of Tier 2 limit <sup>2</sup>
TSS	Tier 1: <del>\$118.14</del> <u>122.87</u> (per 100 pounds treated) Tier 2: 5% in excess of Tier 1 limit <sup>1</sup> Tier 3: 5% in excess of Tier 2 limit <sup>2</sup>

Note 1- The Tier 2 surcharge shall be applied to loadings that exceed Tier 1 loading limits. The additional surcharge shall apply to each 100 pounds (or fraction thereof) of loading that exceeds the Tier 1 limits as calculated by the difference between the actual discharged loading and the permitted Tier 1 loading.

Note 2- The Tier 3 surcharge shall be applied to loadings that exceed Tier 2 loading limits. The additional surcharge shall apply to each 100 pounds (or fraction thereof) of loading that exceeds the Tier 2 limits as calculated by the difference between the actual discharged loading and the permitted Tier 2 loading.

Residential, Commercial or Industrial discharge of groundwater and/or stormwater to the Sanitary Sewer System shall be charged based on the industrial rates.

**2.0 BILLING CHARGE**

Fee: Cost per bill issued: ~~\$3.95~~ 4.20 / \$1.50 per duplicate bill

**3.0 OPERATION AND MAINTENANCE FEES**

Fee: Current Operations and Maintenance Fees are included in the charge based on water consumption.

**4.0 SEPTAGE DISCHARGE FEES**

Fee: The fee for septage discharge shall be three times the Minimum Charge for treatment of domestic wastewater, as calculated on a per gallon basis and as defined in Section 1.0. For purposes of conversion, a volume of 100 cubic feet is equivalent to 748 gallons.

Septage Discharge Fee: ~~\$0.12~~ 0.16 per gallon, ~~\$150.00~~ 160.00 per 1,000 gallons, min ~~\$75.00~~ 100.00

Fees for discharge of holding tank wastewater from recreational vehicles shall be: \$18.00 20.00

Fees for discharge of holding tanks from travel/coach buses shall be \$65.00.

**5.0 PRIVATE SEWAGE DISPOSAL SYSTEM CONNECTION PERMIT AND INSPECTION FEE**

Fee: This applies to the connection of any new on-site subsurface wastewater disposal system (i.e., septic system). Private Sewage System Connection Permit: As per Department of Health and Human Services Subsurface Wastewater Program.

**6.0 SEWER CONNECTION PERMIT AND INSPECTION FEE FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL USERS**

Fee: Residential or Commercial Connection Permit: \$50.00  
 Industrial Connection Permit: \$50.00

**7.0 INFLOW AND INFILTRATION DEVELOPMENT CHARGE**

Fee: The unit cost shall be equal to **\$2.64** per gallon of estimated inflow or infiltration from the new development.

**8.0 RESERVE CAPACITY CHARGE**

Fees: The Reserve Capacity Charge is shall be a one-time charge, due at the time of connection *or* at the time capacity is reserved, whichever comes first. This fee is \$2,400.00 per ERU as defined previously in Section 1.0.

The Monthly Reserve Capacity Maintenance Charge has been incorporated into the Minimum Charges described in Section 1.0.

**9.0 INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION REVIEW FEE**

Fee: Fees for review of new Permit Applications shall be based on the flow requested in the application. All flows below are on a Maximum Daily basis.

Users requesting less than 1,000 gallons:	Actual Cost + <del>10%</del> <b>15%</b> \$ <del>300</del> <b>400</b> minimum
Users requesting between 1,000 and 50,000 gallons:	Actual Cost + <del>10%</del> <b>15%</b> \$ <del>500</del> <b>750</b> minimum
Users requesting between 50,000 to 150,000 gallons:	Actual Cost + <del>10%</del> <b>15%</b> \$ <del>1,000</del> <b>1,500</b> minimum
Users requesting more than 150,000 gallons:	Actual Cost + <del>10%</del> <b>15%</b> \$ <del>3,000</del> <b>4,000</b> minimum
Appeal of Renewed Permit	\$ 150.00 or Actual Cost

**10.0 NEW INDUSTRIAL USER FACILITY INSPECTION FEE**

Fee: Facility Inspection Fee: Actual Cost or minimum of \$150.00

**11.0 DECISION APPEAL FEE**

Fee: Decision Appeal Fee \$150.00

**12.0 FINES AND PENALTIES**

Fines and Penalties: Fines and penalties shall be issued based on the following schedule and at the discretion of the WPCF's Pretreatment Coordinator.

Type of Non-Compliance*	Fine or Penalty
<b>Category A: Enforcement Responses Based on U.S. EPA Guidance</b>	
A. Illegal Discharge	
1. Discharge without Permit	
a. User not aware of need; no damage to WPCF	<del>\$100 to \$300</del> <b>\$150 to \$500</b>
b. User not aware of need; damage to WPCF.	<del>\$300 to \$5,000</del> <b>\$500 to \$7,500</b> Plus Actual Cost

c. Failure to apply continues after notice by WPCF.	Initial fine plus \$100 <del>200</del> per day until application is received
2. Discharge with Expired Permit- Failure to apply for Permit renewal.	\$100 <del>250</del> fine plus \$100 <del>150</del> per day until application is received
<b>B. Discharge Permit Violations</b>	
1. Isolated exceedance, not SNC.	\$100 to \$300 <del>150 to 350</del>
2. Isolated exceedance, SNC	\$300 to \$500 <del>350 to 550</del>
3. Damage to WPCF or environment	\$5,000 <del>7,500</del> plus Actual Cost
4. Frequent, not SNC.	\$300 to \$500 <del>450 to 750</del>
5. Frequent, SNC.	\$500 to \$1,000 <del>750 to 1,500</del>
<b>C. Sampling, Monitoring, and Reporting Violations</b>	
<b>1. Reporting Violations</b>	
a. Report improperly signed, first offense =	\$50 <del>100</del>
b. Report improperly signed, repeat offense	\$100 <del>150</del>
c. Late report; isolated and minor	\$25 <del>50</del>
d. Report more than 30 days late	\$50 <del>150</del>
e. Late report; frequent offense	\$100 <del>250</del>
f. Failure to report spill or changed discharge; no harm	\$50 <del>250</del>
g. Failure to report spill or changed discharge; harm	\$100 <del>1,000</del> plus Actual Cost
h. Repeat failure to report spills	\$100 to \$300 <del>250 to 500</del>
i. Falsification	\$100 <del>1,000</del>
<b>2. Failure to Monitor Correctly</b>	
a. First offense	\$100 to \$300 <del>150 to 350</del>
b. Recurring failure to monitor	\$300 to \$500 <del>400 to 600</del>
3. Improper Sampling, evidence of Intent	\$300 to \$500 <del>1,000</del>
<b>4. Failure to Install Equipment</b>	
a. Delay < 30 days	\$50 per day <del>100 per day</del>
b. Delay > 30 days	\$100 per day <del>150 per day</del>
c. Recurring; violation of Administrative Order	\$500 to \$1,000 <del>1,000 to 1,500</del>
<b>5. Compliance Schedules</b>	
a. Missed by < 30 days, will not affect final date	\$50 per day <del>100 per day</del>
b. Missed by >30 days, will affect final date but user shows cause	\$100 per day
c. Missed by >30 days, will affect final date, not justified	\$100 per day plus \$100 to \$300 <del>500 to 1,000</del>

d. Recurring; violation of Administrative Order	\$500 to \$1,000 <u>1,000 to 2,500</u>
<b>D. Other Permit Violations</b>	
1. Diluted Wastestream	
a. Initial violation	\$100
b. Recurring violation	\$500
2. Failure to Mitigate Noncompliance	
a. Does not result in harm	\$300 to \$500
b. Results in harm	\$5,000 plus Actual Cost
3. Failure to Properly Operate Facility	
a. Does not result in harm	<del>\$300 to \$500</del> <u>500 to 1,000</u>
b. Results in harm	<del>\$5,000</del> <u>7,500</u> plus Actual Cost
<b>E. Violations Discovered During Inspection</b>	
1. Denial of Entry	
	<del>\$500</del> <u>750</u>
2. Illegal Discharge	
a. No harm to WPCF or environment	\$1,000 to \$2,500 plus \$50 per day until corrected
b. Causes harm; evidence of intent/ neglect.	<del>\$5,000</del> <u>7,500</u> plus Actual Cost
c. Recurring; violation of Administrative Order	<del>\$500 to \$1,000</del> <u>1,000 to 2,500</u>
3. Improper Sampling	
a. Unintentional wrong location	\$100 per occurrence
b. Unintentional sample type	\$100 per occurrence
c. Unintentional sample technique	\$100 per occurrence
4. Inadequate Recordkeeping	
a. Incomplete or missing	\$100 per violation
b. Recurring	\$250 per violation
5. Failure to Report Additional Monitoring	
a. Found during inspection	\$100 per violation
b. Recurring	\$250 per violation

<b>B. Facility-Specific Enforcement Responses</b>	
<b>A. Illegal Discharge</b>	
1. Intentional Discharge without Permit	<del>\$1,000 to \$2,500</del> <u>2,500 to 5,000</u> plus \$250 per day until corrected
2. Discharge with expired Permit	<del>\$100 to 300</del> <u>250 to 500</u>
<b>B. Discharge Permit Violations</b>	
1. WPCF was informed; no damage.	<del>\$100 to \$500</del> <u>250 to 750</u>
2. WPCF was informed; damage.	<del>\$300 to \$5,000</del> <u>500 to 7,500</u> plus Actual Cost
3. WPCF was not informed.	<del>\$1,000</del> <u>2,500</u> plus Actual Cost
<b>C. Spill Incidents</b>	

1. Single instance	\$ <del>100</del> <u>250</u> per violation
2. Repeated spills by same user	\$ <del>250</del> <u>500</u> per violation
<b>Other</b>	
Level J: Civil Action (legal action taken)	\$1,000 to \$5,000 plus Actual Cost
Level K: Criminal Action (legal action taken)	WPCF discretion plus Actual Cost

\*- Types of Non-Compliance are as defined in the City’s Enforcement Response Plan.

**13.0 RECOVERY OF COSTS**

Fee: Actual, as defined above.

Sponsor: City Manager  
 Originator: Pollution Control Director

Councilor Hebert moved passage and asked that the Rules be suspended so that he could ask Pollution Control Director Terry Pinto some questions. Without objection from the Council, the Rules were suspended. Councilor Hebert asked if the fines listed in this Order were dictated by so other entity. Mr. Pinto said that the fines themselves are not dictated by another entity, but if the City does not have fines in place for violations, DEP or EPA could fine the City for those violations. Councilor Dickerson asked if the rates for residential and commercial users should be separated. Mr. Pinto explained that the rates are calculated based on the strength of the waste to be treated. He said that the strength of the waste from residential and commercial users is the same, so the rate applied to that waste should be the same. The actual bill is based on water usage, which may or may not be higher for a commercial versus a residential user. The Council went back into Special Session for a vote on Councilor Hebert’s motion for passage.  
 Vote: 5 for.

**Order #52 Amending and Adopting Solid Waste Disposal Fees**

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, effective July 1, 2014, the fee schedule for the City’s Solid Waste Disposal Facility be amended and adopted as follows:

**SOLID WASTE DISPOSAL FACILITY FEES**

**ITEMS TO BE DISPOSED OF IN LANDFILL:**

**Construction & Demolition Debris (C&DD) Rockland Residents and Approved Sources:**

½ cubic yard per day	no fee
½ to 3 cubic yards	\$20.00 per yard
Processed C&DD (pre-pay volume rate)	\$31.00 per ton
Processed C&DD (non-prepay volume rate)	\$33.00 per ton
Unprocessed C&DD (volume contractual rate)	\$40.00 per ton
All other C&DD (other than mixed loads)	\$42.00 per ton
Mixed Loads (items other than building materials mixed into the load)	\$57.00 per ton

**Furniture:**

Small Furniture Items	\$3.00 per item
Larger Furniture Items (sofa, couch, mattress, box spring, etc)	\$5.00 per item

**Yard Green Wastes:**

Residents	no fee
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Commercial \$65.00 per ton

**Special Wastes:**

Bulky Special Waste \$55.00 per ton  
 Other Special Waste  
 (i.e. dredge spoils, algefiber-associated wastes, etc.) \$75.00 per ton  
 Inert Fill  
 Analytical testing as determined on a case by case basis \$0

**ITEMS ACCEPTED AT TRANSFER STATION**

**Municipal Solid Waste:**

Per Bag:

12 gallon bags \$0.75 each  
22 gallon bags \$1.50 each  
33 gallon bags \$2.25 each

Per Ton:

\$115.00, from 07/01/14 through 05/01/15;  
\$125.00, from 05/02/15 on

**~~Items to be Discarded~~ Separately:**

Tires (off rim) \$1.50 each  
 Tires (on rim) \$3.00 each  
 Wooden Pallets \$1.00 each or \$55.00 per ton  
 Car Batteries \$2.00 each  
 White Goods \$10.00 each  
 Appliances with Refrigerant \$20.00 each  
 Consumer Electronics  
 (anything with a cord & plug) \$3.00 each

~~Bulky Plastic cubic yard~~

~~\$5.00 each or \$10.00 per~~

Brush (less than 1/2 cubic yard per day) no fee  
 Brush (over 1/2 cubic yard) \$2.00 per cubic yard  
 Metal no fee  
 Cardboard no fee  
 Paper no fee  
 Tin Cans no fee  
 No. 2 Plastic no fee

**UNIVERSAL WASTE**

**Universal Waste to be Recycled:**

Fluorescent Lamps (straight) \$0.05 per linear foot  
 Fluorescent Lamps (other intact) \$0.25 each  
 Fluorescent Lamps (broken) Call DEP  
 High Intensity Discharge Lamps \$0.50 each  
 PCB Lamp Ballasts (intact) \$0.25 each  
 CRT's & TV's \$10.00 per unit  
 Batteries containing mercury \$1.00 each per pound

Devices containing mercury  
Liquid Mercury

\$1.00 each per pound  
Call DEP

**MISCELLANEOUS**

**Scale Use (incidental, at user's request):**

Per weighing

\$15.00 each time

**~~Landscape Material:~~**

~~Woodehops~~

~~\$20.00 per cubic yard~~

~~Compost~~

~~\$0.50 per 5 gallons or~~

~~\$20.00 per cubic yard~~

**PERMIT AND LICENSE FEES**

Resident Permit

~~\$135.00~~ ~~\$65.00~~ per year if purchased on or before 04/30/15, which fee shall permit MSW disposals through 05/01/15; no fee thereafter

Per Bag Fee:

~~12-gallon bags~~

~~\$0.50 each~~

~~22-gallon bags~~

~~\$1.00 each~~

~~32-gallon bags~~

~~\$1.50 each~~

Commercial Permit

~~\$no fee~~ ~~110.00 per ton~~

Recycling Permit

\$0 per year (to be discontinued on 05/01/15)

Seasonal Permit

~~\$135.00~~ ~~72.00~~ per year if purchased on or before 04/30/15, which fee shall permit MSW disposals through 05/01/15; no fee thereafter

~~Commercial Hauler (disposal)~~

~~\$110.00 per ton~~

Commercial Hauler License Fee

\$250.00 per year

~~Non-Resident Contractor Permit (each job)~~

~~\$20.00 per job permit fee and \$110.00 per ton~~

Non-Resident Landscape Contractor Permit

\$72.00 per year

Temporary General Permit

~~no fee~~ ~~\$110.00 per ton~~

**PENALTIES**

Failure to Separate Recyclable Material

\$15.00 per bag

Violations of Rockland Code Chapter 14, Article I, are subject to permit suspension or revocation, and/or other penalties set forth in Sec. 14-113

**SALES OF MATERIALS**

**Landscape Material:**

Woodchips	\$20.00 per cubic yard
Compost	\$0.50 per 5 gallons or \$20.00 per cubic yard

Sponsor: City Manager  
Originator: Solid Waste Director

Councilor Hebert moved passage.

Councilor Isganitis asked that the Rules be suspended so that he could ask Solid Waste Director David St. Laurent some questions. Without objection from the Council, the Rules were suspended.

Councilor Isganitis asked Mr. St. Laurent noted that this proposal discontinued the recycling permit when the disposal system switched to all pay per bag as of May 1, 2015. He asked what would happen to people who just wanted to dispose of recyclable materials.

Mr. St. Laurent said that the City will still be issuing permits to residents for admission to the facility, and that there would be no charge for that permit.

Mayor Pritchett asked what the rationale was for making this change in the permits.

Mr. St. Laurent explained that the recycling permit was used to differentiate between the different uses at the facility; ie, Municipal Solid Waste (MSW) disposal vs recycling. He said that there is no need for different permits once the pay per bag system is initiated; all that is necessary is a single permit to allow access to the facility for residents.

Councilor Isganitis said, partially in response to comments made during the public forum, that the City has taken a conservative approach in instituting the pay per bag system to honor the dump stickers that were already purchased, noting that the new system would not take effect until the current stickers expire May 1, 2015. He also said that the City could charge whatever fee it chooses for the disposal of construction and demolition debris, but if that fee is not competitive the City will not reach its revenue goals.

Mr. St. Laurent added that revenues from the landfill used to subsidize MSW disposal, but the City does not do that anymore. He also said that many statement made during the public forum were inaccurate and distorted. He said the City commissioned a study of the landfill and accelerated filling was one of the options recommended to address the odor issues. The Council at the time choose to follow that recommendation and contracted with outside firms to bring in construction and demolition debris to meet the accelerated fill goal. When the economy tanked, one of those firms went bankrupt and let a rather large debt to the City uncollectable. He added that the other firm that went bankrupt did not own the City any money for material deposited at the landfill, and under its reorganization is making payments to satisfy its guaranteed fees to the City.

Councilor Isganitis asked how the rates in Camden were calculated.

Mr. St. Laurent said that they do not accept much waste from outside vendors, and that the Mid-Coast Solid Waste Co-Op, of which Camden is a member along with other area towns, is subsidized by those member towns. He added that the City's Solid Waste Facility has been paying for itself for the last 7 years by covering other expenses at the facility with excess revenues from the landfill operation. This, however, has limited the amount of funds transferred into reserve for eventual closure of the landfill. Over the past 7 years the facility has begun transitioning to a C & D processing facility, the water quality surrounding the facility has improved, and the odor issues have improved significantly. He said that this is a 7 acre site with all kinds of MSW dumped into the quarry since the 1930's. He said he and his staff continually work to improve the facility.

Councilor MacLellan-Ruf said that there are clearly problems with this proposal, but she did not know how to fix them. She said the City needs to move forward and figure out how to get where we need to get. She added that the City needs to look at all of its fees for services.

Mr. St. Laurent said that if you look at the solid waste disposal rate structure around the state, all are pretty similar and the City is not out of line with these fees.

Councilor MacLellan-Ruf said that she was still concerned with the effect this fee will have on larger families with small children, but said that she did not have the answer.

Mr. St. Laurent said that paying for what you throw away is the fairest way to pay the cost of MSW disposal, but added that the fairest way is not always the kindest. He said that was a policy decision.

Councilor Dickerson asked if any of these new pay per bag or per ton disposal fees include any costs associated with the landfill.

Mr. St. Laurent said that the costs of each operation at the facility are broken down to the level where even the electrical supply is metered separately. He said that all costs for the operation of the transfer station are separated from all costs of the operation of the landfill, and that the MSW disposal fees are calculated on what it actually costs to dispose of MSW only. He added that excess revenues from the landfill used to subsidize operations at the transfer station which kept the MSW disposal costs artificially lower. He reiterated that these fees are in line with what other communities charge for disposal of MSW.

Mayor Pritchett asked Mr. St. Laurent if staffing at the Transfer Station has been reduced.

Mr. St. Laurent said that there were seven members of the staff when he began working for the City, and that number is down to 6 currently. However, he added that he and his staff handle double the material that was handled previously. He said they work very hard to make that operation as efficient as possible.

Mayor Pritchett said that if this order is passed, the sticker fee of \$135 will become effective as of July 1, 2014. He noted that the fee was originally proposed to be \$143. He asked how the per bag fees and the per ton fees compared.

Mr. St Laurent said that the \$143 sticker fee was calculated as the cost of disposal of a household's trash on average.

Councilor Dickerson said that she vehemently opposed accepting waste from outside vendors, saying that the City didn't know what was in those loads and that the materials disposed of in the landfill could have been toxic. She said that economic times are tough, and the City did not realize the revenues that it has anticipated. She said that some of the vendors that the City contracted with went bankrupt, leaving the City holding the bag for large sums of money. She said that she opposed the contracts to outside vendors believing that it was not the right direction for the City, but the rest of the Council at the time decided to proceed. She said that she was thankful that the City was slowing things down at the landfill, but lamented the fact that it took so long to get here. She said that a lot of the problems faced by the City have been handed to the City, mostly from the State, and that revenues from the landfill have gone to cover other expenses. She said that the only way to do this is to pay what the actual cost of disposal is. She said that she did not agree with the resident permit, but does agree with pay as you throw. She also said that there have been many people comment that they would rather pay the \$143 resident permit than pay by the bag, which they estimate will cost them \$200+. She also added that she did not want to see the City move to single stream recycling either.

Mr. St. Laurent said that statements made that someone would have to pay upwards of \$900 per year for trash disposal if this proposal were to be adopted are rather erroneous. He said for someone to reach that level, they would have to dispose of more than 400 bags per year, or nearly 8 bags per week. He said that would average six tons of trash per year, when the national average is one ton. He added why should the City make it easier to throw that much trash away.

Councilor Dickerson said that a house that throws away two bags a week will spend \$234 per year for those bags. She said that a lot of people throw away more trash than that.

Councilor Isganitis asked if the only materials being disposed of in the landfill was construction and demolition debris.

Mr. St. Laurent said that was correct, and that the materials are clearly defined and are not toxic.

Councilor Isganitis said that the haulers have to attest to what is in each load, and that it was an insult to staff to say that they do not know what is being dumped in the landfill.

Mr. St. Laurent said that under the rules of the State, each load is inspected and random tests are done to ensure that no unacceptable wastes are being deposited in the landfill. He added that most of the materials deposited at the landfill under the disposal contracts came from northern Maine. He said it simply did not make economic sense to truck waste in from out of state to a point in northern Maine and then truck it from there to the Rockland landfill. He also said that this type of waste is tracked and reported to DEP. However, he said that there are no rules in place that would prohibit the City from accepting waste from out of state. He said that it was the decision of the City no to accept out of state waste. He said that the City follows all of the rules that it is required to follow, and that the City is audited and inspected by DEP to ensure compliance with the rules.

Mayor Pritchett added that the citizens seem to be co-mingling landfill and transfer station operations when each operation is separate. He also said that this proposal will allow the City to stop accepting outside waste.

Councilor Dickerson said that the problem is that gypsum board is considered an acceptable waste, and that it emits toxic gases as it decomposes.

The Council went back into Special Session of a vote on Councilor Hebert's motion for passage.

Vote: 3 for, 2 opposed.

(Dickerson, MacLellan-Ruf)

#53 Adopting Land Use and Inspection Fees

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, effective July 1, 2014, the fee schedule for Land Use Permits and Inspections shall be adopted as follows:

**Land Use Permit & Inspection Fees**

<b>Building Permit Fees:</b>	<b>All fees rounded to the nearest dollar.</b>
<b>Residential (1 and 2 family dwellings)</b>	
<b>Application Fee</b> (non-refundable)	\$50 except for residential fences; \$35
<b>Permit Fees</b>	<b>Cost in addition to Application Fees</b> (Beginning work without a permit subject to double permit fee)

New construction or addition that creates habitable floor area, other than attached or unattached accessory buildings and decks (see below) <sup>1</sup>	\$ .24 per square foot of total floor area (excluding unfinished non-daylight basements and uninhabitable attics) <sup>2</sup>
Renovations and repairs involving structural alterations	\$3.30 per \$1000 value of construction <sup>3</sup>
Residential garages, sheds and other accessory buildings <sup>4</sup>	\$.20 per square foot of building footprint.
Decks, porches, stairs, ramps, etc.	\$.17 per square foot
Fences (residential only)	\$35 flat fee
Flag Lots (requiring PB review)	\$100
Flag Lots (not requiring PB review)	\$ 50
Home Occupation (not requiring Planning Board (PB) review	\$60 (plus any fees required above)
Home Occupation (requiring PB review)	\$135
<sup>1</sup> Additions such as dormers calculated by area of room(s) affected)	
<sup>2</sup> It is assumed that all habitable areas will eventually be finished.	
<sup>3</sup> Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
<sup>4</sup> For habitable spaces above or within accessory structures (i.e. game rooms, office, bedrooms, etc.) fees are calculated as new construction creating habitable floor area.	
<b>Non-Residential &amp; Multi-family (3 or more units)</b>	
<b>Application Fee</b> (non-refundable and in addition to permit fee)	\$85
<b>Permit Fees</b>	<b>Cost in addition to Application Fees</b> (Beginning work without a permit subject to double permit fee)
New construction or additions, including decks, platforms, ramps and accessory buildings	\$.28 per square foot of total floor area (excluding unfinished/unoccupied non-daylight basements and uninhabitable attics)
Renovations and/or repairs involving structural alterations and alterations requiring Code Office plans review <sup>5</sup>	\$5.50 per \$1000 value of construction <sup>6</sup> or \$25 minimum
Change of Use (not requiring Planning Board review)	\$100 (plus any fees for additions or renovations required above)
Fences	\$85
<sup>5</sup> Alterations that affect Building Code and/or Life Safety Code aspects of construction (i.e. change in floor layout, new doors, new equipment, etc.)	
<sup>6</sup> Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
<b>Other Fees:</b> (Both residential and non-residential. No application fee)	
<b>Contract/Conditional Zoning Application</b>	\$750
<b>Demolition Permit</b>	\$60 plus deposit as provided in Section 4-304(c)
<b>Demolition Escrow, pursuant to Ch. 4, Art. VI, Sec. 4-603(3)</b>	<p><b>A. Structures not on foundations</b></p> <p>(1) 501-1000 feet \$ 200.00</p> <p>(2) Each additional 500 square feet \$ 100.00</p> <p><b>B. Structures with foundations</b></p> <p>(1) Volume up to 200 cubic yards \$ 600.00</p> <p>(2) Volume up to 400 cubic yards \$1,100.00</p> <p>(3) Volume up to 600 cubic yards \$1,500.00</p> <p>(4) Volume up to 800 cubic yards \$1,800.00</p> <p>(5) Volume up to 1000 cubic yards \$2,000.00</p> <p>(6) Volume up to 2000 cubic yards \$3,500.00</p>
<b>Driveway Permit</b>	\$40
<b>Electrical Permit</b>	\$50 plus \$1 per fixture outlet

<b>Floodplain Permit Fees:</b>	
<b>New Structure or Substantial Improvements</b>	\$50
<b>Minor Development</b>	\$25
<b>Multi-Family Dwelling Re-inspection Fee</b>	\$100
<b>Moving of Building Fee</b> (City Council approval required if over public street)	\$60 plus cost public safety services if needed (traffic direction)
<b>Plumbing Permit</b>	\$10 per fixture with a minimum fee of \$64
<b>Pod &amp; Temp Storage Containers</b>	\$25
<b>Sign Permit</b>	\$60 for the first sign plus \$25 for each additional sign
<b>Sewer Connection</b>	\$60
<b>Sidewalk Display Permit</b>	\$10 per year
<b>Sidewalk Tables &amp; Chairs Permit</b>	\$25 per table
<b>Street Excavation Permit Fee</b> (see Ch. 15, Art. IV)	\$60
<b>Site Plan Review</b>	
Pre-application meeting	\$60
New Buildings and additions	\$210 plus \$.03per square foot of total floor area. Maximum combined fee: \$700
Fabric Structures requiring Planning Board review in accordance with 4-604	Residential: \$50; Commercial: Same as New Building (above)
Change of Use (if PB review is required)	\$135 for uses requiring less than 15 parking spaces, otherwise \$185
Home Occupation (requiring PB review)	\$135
Public Hearing Fee	\$110
Revisions to Approved Plan	\$100
<b>Subdivision Review</b>	For projects involving one lot with multi-family dwellings (apartments) where both Site Plan and Subdivision Review are required, only Site Plan Review fees shall apply.
Pre-application meeting	\$60
Public Hearing Fee	\$150
Preliminary Plan, all but one lot fronting existing street <sup>7</sup>	\$160 plus \$60 per lot or per dwelling unit <sup>8</sup>
Final Plan, all but one lot fronting existing street <sup>9</sup>	\$50 per lot or per dwelling unit
Preliminary Plan, with new street(s) creating lot frontage <sup>9</sup> or serving multiple homes on commonly owned land	\$160 plus \$110 per lot or per dwelling unit
Final Plan, with new street(s) creating lot frontage <sup>8</sup>	\$50 per lot or per dwelling unit
Amendment to property line(s), or other revisions in approved subdivision (not creating new lots) <sup>10</sup>	\$110
<sup>7</sup> Permits one flag (rear) lot.	
<sup>8</sup> Commonly owned land or duplex, \$50 each dwelling.	
<sup>9</sup> Streets which are likely to be accepted by the City. Not access drive to multi-family dwelling.	
<sup>10</sup> Scaled back PC review, but must be recordable plan.	
<b>Zoning Board of Appeals</b>	
Administrative appeals and variances	\$160
Special class or temporary structure	\$200
Renewal of temporary structure ( for one additional year)	\$60

Sponsor: City Manager

Originator: Code Enforcement Officer

Councilor Hebert moved passage.

Vote: 5 for.

#54 Amending and Adopting Harbor and Waterfront Fees

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:****THAT**, effective July 1, 2014, the fee schedule for the Harbor & Waterfront Department shall be amended and

adopted as follows:

**HARBOR & WATERFRONT FEES**

**VESSEL MOORING PERMITS:**

- Residents: 60.00 per year for a mooring site designed for a 30' vessel or less PLUS \$1.75 per foot of designed mooring site exceeding 30'.
- Non-Residents: \$80.00 per year for a mooring site designed for a 30' vessel or less PLUS \$1.75 per foot of designed mooring site exceeding 30'.
- Rental and Service Moorings: \$120.00 per year for a mooring site designed for 30' vessel or less PLUS \$1.75 per foot of designed mooring site exceeding 30'.
- Late Fees: \$30.00 late fee per mooring permit.

**PRIVATE USE DOCKING:**

Public Landing:

- Floating docks: All vessels shall pay \$5.00 per hour beyond the initial two (2) hours.  
Overnight docking \$2.00 per foot for vessels under 50 feet (including all appendages) and \$2.50 per foot for vessels over 50 feet.  
Visiting school (non-profits, educational institutions) ships shall pay \$1.00 per foot per night.
- Visiting cruise ships: Shall pay \$2.50 per foot, per day and a service fee of \$175.00 per visit.
- Dinghy floats: \$50.00 per season for Rockland Residents  
\$175.00 per season for Non-Residents  
\$5.00 per day; up to two hours without charge.

Snow Marine Park:

- Dinghy Storage: \$20.00 per season for Rockland Residents  
\$100.00 per season for Non-Residents  
\$5.00 per day.

Middle Pier Winter Dockage:

\$300.00 per month for vessels less than thirty feet, \$400.00 per month for vessels 30 feet or greater in length.

Municipal Mooring Rentals:

	May 15 – Oct 15	Oct 16 - May 14
Daily	\$30.00	Not Available
Weekly	\$155.00	Not Available

**PUBLIC AMENITIES:**

- Electricity \$2.00/per hr
- Showers \$2.00
- Water \$3.00 per day \$30.00/season

**SNOW MARINE PARK BOAT LAUNCHING FACILITIES:**

Private Users:	Daily use:	\$5.00
	Annual pass:	\$20.00 Rockland Resident \$40.00 Non-resident
Commercial User:	Daily use:	\$25.00
	Annual pass:	\$250.00

**COMMERCIAL VESSEL USE OF MUNICIPAL PIERS:**

Dockage Fees:

\$50.00 per foot per season, \$200.00 deposited with application

Wharfage for vessels that book their use of a City facility on or before October 31, 2013, for visits to such facility on or before October 31, 2014:

- Vessels owned by residents of Rockland: \$1.00 per passenger
- Vessels owned by non-residents shall pay \$2.00 per passenger
- Vessels requiring a USCG approved secure facility: ~~\$5.00~~ **\$3.00** per passenger; with a Port Development Fee of ~~\$2.00~~ **\$4.00** per passenger

Launch Service Vessels:

\$50.00 per summer.

Utilities:

- May 15<sup>th</sup> to October 15<sup>th</sup> - \$450.00 per month.
- October 16<sup>th</sup> to May 14<sup>th</sup> - Electricity as metered, minus \$35.00/month for overhead lighting.

Boat Charter Companies:

\$50.00 per boat per visit.

**UTILIZATION OF MUNICIPAL WATERFRONT PROPERTIES:**

Harbor Park only:	\$1,400.00 per day
Harbor Park and Buoy Park:	\$2,250.00 per day
Buoy Park only:	\$850.00 per day
Mildred Merrill Park only:	\$250.00 per day
All Three:	\$2,500.00 per day
Snow Marine Park:	\$500.00 per day
Extra set-up days	\$250.00 per day
Vendor relocation reimbursement:	\$400.00 per event
Recurrent Park Use	\$300.00 per season.

If use of the docks at the Public Landing is also desired for an event, the rate shall be \$0.50 per foot of dock space utilized per day.

**UTILIZATION OF MUNICIPAL WATERFRONT PROPERTIES BY FOOD VENDOR:**

Buoy Park:	\$3,000.00 per season
Snow Park/Johnson Park:	\$1,500.00 per season

**BICYCLE, SCOOTER AND KAYAK RENTAL VENDOR/TRIP ORGANIZER:**

The seasonal fee for such use is \$500.00.

**DEPARTMENT PERSONNEL SERVICES:**

Marine Events:  
\$200.00/day.

Sponsor: City Manager  
Originator: Harbor Master

Councilor Isganitis moved passage.

Councilor MacLellan-Ruf said that service areas is where Rockland in incredibly strong, and the Council should look at all of the fees charged for various services and consider gradual increases to take some of the burden off of the taxpayers. She said that the Harbor has changed, and that there is a growing cruise ship industry in the City. She said that the Council needs to make sure that it is paying for the pressures it places on the City's resources.

Councilor Dickerson asked if Councilor MacLellan-Ruf felt that this change did what she was looking for.

Councilor MacLellan-Ruf said that she was satisfied with this changes for this year, but would like to Council to look at fees

City-wide for the future.

Vote: 5 for.

#55 Authorizing Cost of Living Salary Adjustments – City Attorney & City Clerk

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to make the following cost of living salary adjustments for the City Attorney and the City Clerk, effective July 1, 2014.

City Attorney Full-Time Payroll:	\$2,321.86
City Clerk Full-Time Payroll:	\$1,589.03

Sponsor: City Council  
Originator: City Council

Councilor Hebert moved passage.

Councilor MacLellan-Ruf said this was difficult because they are talking about two individuals with whom the Council works very closely, but if the City is going to look at itself as a business, it needs to consider that everywhere people are losing time, jobs, etc. She said that the City cannot just go on with business as usual, and that COLA's should not be automatic. She said that she understands that there are union contracts to consider, but the Council needs to set the tone that these kinds of things need to be reviewed more closely.

Councilor Hebert said that singling out two employees from everyone else is not fair. He said that the Council just got done going through exactly what Councilor MacLellan-Ruf is suggesting in the budget process. He said that this is not the right place to make that stand.

Councilor MacLellan-Ruf said that she understands what Councilor Hebert is saying, but said that the Council needs to start somewhere. She said this is a starting point going into a new round of union negotiations. She said that the Council needs to do something to begin controlling costs and one place to start is looking at salaries.

Councilor Hebert said that the City has already done that. He said that six years ago, the Council did union contracts with 0% salary increases, and recently restructured how health insurance is paid for. He said that the Council has been doing exactly what Councilor MacLellan-Ruf is suggesting.

Mayor Pritchett said that salary adjustments in the past have been tied to the Council's annual review of these two employees. He said it is up to the Council to decide if it wants to continue that practice.

Councilor Isganitis said that he left the corporate world because of this kind of thinking. He said it is now called "Human Resources" because they want people to think that they care about the employees. He said the Council needs to consider the opportunity costs associated with this action. He said to defeat \$3000 in a \$15 million dollar budget to compensate two individuals at the same levels as everyone else in the City make no sense. He also objected to the scrutinization of these two individual above all other employees in a public forum. He said the Council should consider what the cost would be to replace these two employees if they choose to leave. He said this was not a reward, it was simply the cost of living increase that all other City employees received. He said that these two are valued employees and should be compensated equitably.

Councilor Dickerson said that she does not disagree with anything said, but philosophically cannot support this order when the people who will be paying the bills are struggling to put food on the table. She said she historically has not supported salary increases, but said that it was nothing personal.

Special Meeting, Order #55 continued:

June 30, 2014

Councilor MacLellan-Ruf said that she has the utmost respect for everyone that works for a municipality, but moved to postpone Order #55 until the August 11, 2014 Regular Meeting. She said that she wanted to have some time to think about this proposal.

Councilor Hebert said he was not strongly compelled to postpone this Order. He said if this was a merit pay increase, that would be different and a different process would be followed. He said that this is a salary adjustment in keeping with the what all other City employees received. He said that postponing this order serves no purpose.

Vote: 3 for, 2 opposed.  
(Hebert, Isganitis)

Order #55 was postponed until the August 11, 2014 Regular Meeting.

With no other business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:37 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk