

RECONVENE BUDGET WORK SESSION**May 22, 2013**

The Budget Work Session recessed on May 20, 2013 to this date was reconvened by the Mayor with the following present: Mayor William Clayton, Councilors Larry Pritchett, Eric Hebert and Frank Isganitis, City Manager Smith, City Attorney Beal, and Finance Director Tom Luttrell.

Councilor Elizabeth Dickerson was excused from attending this meeting.

The Council resumed its review of the proposed FY 2014 Municipal Budget. The meeting was once again recessed by the Mayor, at 8:35 p.m. until May 29, 2013 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 29, 2013****Resolve #36 Authorizing Expenditure of Funds – Rankin Street Sewer Repairs**

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal.

Councilor Elizabeth Dickerson was excused from attending this meeting.

Pledge of Allegiance to the Flag: All presents joined in the Pledge of Allegiance to the Flag.

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

Resolve #36 Authorizing Expenditure of Funds – Rankin Street Sewer Repairs**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

THAT the City Manager is hereby authorized to expend funds from the Prior Year Encumbrances for Sewers and Lindsey Brook account (#10000-02530) for sewer line repairs on Rankin Street.

Sponsor: City Manager

Originator: City Manager

Councilor Pritchett moved passage.

The City Manager explained that a sewer line on Rankin Street that runs parallel to Lindsey Brook has failed and is leaking sewage into the brook. He said these funds are needed to make the necessary repairs to the line.

Councilor Hebert asked how many feet of line is involved in this repair.

The City Manager said approximately 20 feet needs to be replaced.

Councilor Hebert asked what caused the failure of the line.

The City Manager said that the failure was probably caused by a flaw in the design of the line. He said the line was laid across a culvert, and failed at that location allowing roots to grow into the line and clogging it.

Councilor Hebert then asked if the new camera system was being used.

The City Manager said that the full system is not yet online, as the camera is on back-order. However, a smaller camera is currently being used, but when deployed it could not get through this area. He said that was when they know there was a problem.

Councilor Isganitis said that the water company is scheduled to do some work in that area, and asked about the timing of that work.

The City Manager said that the water company's work is scheduled for sometime this summer, and the work on this line would be scheduled to coincide with the work of the water company.

Councilor Pritchett asked if the culvert would be replaced at the same time.

The City Manager indicated that it would.

Councilor Pritchett then asked where these funds were coming from.

The City Manager asked that the Council suspend the Rules to allow Finance Director Tom Luttrell to explain. Without objection from the Council, the Rules were suspended.

Mr. Luttrell explained that a fund was established in 1998 for future sewer and Lindsey Brook repairs and improvements, and that the fund currently has a balance of \$115,300.

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

Vote: 4 for.

The Council then went into informal session for a discussion with representatives from O'Hara Corporation on its request for the de-authorization of a small portion of the federal navigation channel in the north end of the harbor. It was explained that their fishing activities in that area encroach on a buffer zone for the channel and would like a portion of the channel de-authorized so that they can continue their operations.

With the above discussion completed, and with no further business to come before the City Council, the meeting would adjourned without objection from the Council at 7:05 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

RECONVENE BUDGET WORK SESSION**May 29, 2013**

The Budget Work Session recessed on May 20, 2013 to this date was reconvened by the Mayor with the following present: Mayor William Clayton, Councilors Larry Pritchett, Eric Hebert and Frank Isganitis, City Manager Smith, City

Budget Work Session continued:

May 29, 2013

Attorney Beal, and Finance Director Tom Luttrell.
Councilor Elizabeth Dickerson was excused from attending this meeting.

The Council resumed its review of the proposed FY 2014 Municipal Budget. The meeting was once again recessed by the Mayor, at 8:30 p.m. until June 5, 2013 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

June 3, 2013

Liquor & Entertainment Licenses – Cafe Miranda (Postponed)
Resolve #37 Support for Partial Navigation Channel De-Authorization
Set Agenda for June 10, 2013 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 William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, 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:

- Louise McLellan Ruf – representing the Chair of the Harbor Management Commission who was not able to attend this meeting. She said that the Commission review the matter concerning the de-authorization of portion of the federal navigation in the north end of Rockland Harbor, and recommended that the Council support de-authorization of that portion of the channel but at the same time request re-authorization of another portion of the same channel. She said that the Commission did not support these matters being pursued separately. She then said that there seems to have been a breakdown in communications between the City Council and the Harbor Management Commission once again, and that this was not an isolated incident and was not accidental. She said the Harbor Management Commission does not have its own agenda and bases its recommendations to the Council on what is best for all involved.

Hearing no other speakers, the public forum was closed.

Liquor & Entertainment Licenses – Cafe Miranda (Postponed)

It was noted that this license application received a public hearing at the May 13, 2013 Regular Meeting.
Councilor Pritchett moved to grant the licenses. Vote: 5 for.

Resolve #37 Support for Partial Navigation Channel De-Authorization

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

WHEREAS, in or about 1956, the U.S. Army Corps of Engineers laid out a federal navigation channel in Rockland Harbor, and in or about 1958 commenced the dredging of the channel, all as part of the Federal Navigation Project (“FNP”); and

WHEREAS, the federal navigation channel in Rockland Harbor has, since its inception, included a northern segment to serve water-dependent business activities in the North End of the harbor, including – historically – the lime industry, shipping, fishing, and related marine services; and

WHEREAS, since the designation of the federal navigation channel, the local economy has undergone dramatic changes, including the decline of lime burning and export, and of ground fishing, resulting in commensurate changes to the use of waterfront facilities in the North End that are served by the federal navigation channel; and

WHEREAS, O’Hara Corporation, d/b/a O’Hara Lobster Bait, has for over 65 years been engaged in fishing for and processing bait for Maine lobstermen, which today includes an important facility in the North End, at 35 Front Street in Rockland, where approximately 40% of the state’s bait for lobster fishing is unloaded, processed, and shipped; and

WHEREAS, O’Hara Corporation’s current and necessary practice of berthing its bait trawlers stern-on is in potential conflict with the buffer zone imposed adjacent to the federal navigation channel in the North End; and

NOW, THEREFORE, the Rockland, Maine, City Council hereby resolves as follows:

THAT, the City of Rockland, Maine, City Council strongly supports the proposed de-authorization of a small portion of the federal navigation channel, as shown on the attached Schedule A, in the pending Water Resources Development Act; and

THAT, the City Manager is directed to present this Resolve to and communicate the sentiments and wishes expressed herein to the Maine Congressional Delegation, the Secretary of the Army, and the U.S. Army Corps of Engineers.

Sponsor: City Council
Originator: City Manager

Councilor Pritchett moved passage.

Councilor Dickerson said that O’Hara Corporation has been operating at this location for many years, why has this become an issue now.

The City Manager explained that O’Hara applied to the Army Corp of Engineers for a permit to expand their operation at this

locations, and it was discovered at that time that they were encroaching on the buffer zone for the navigation channel. He said that this was the solution to the problem that O’Hara Corporation would like the City to pursue. He said this de-authorization would not change the current use patterns of that section of the channel. He also said that they have received letters of support from other businesses in the North End.

On the matter of a lack of communication with the Harbor Management Commission, the City Manager said that the Commission discussed this matter and forwarded a memo and resolve to the Council for its consideration. He said that the information on this matter was available and had been disseminated.

Councilor Dickerson asked if the Federal government was ok with this, or are they being asked to review the matter.

The City Manager said that the Council is acting on a resolve supporting limited de-authorization which will have to be supported by the Army Corps of Engineers.

Councilor Pritchett said that it is misleading to call this a de-authorization of the channel, when it is actually de-authorization of a small portion of the turning basin (approximately ¼ of the basin). He said this action would not effect navigation at all in the channel itself. He said the Army Corps of Engineers will make a recommendation to Congress on whether this de-authorization should be included in the Navigation Act that is before Congress.

Councilor Hebert said that all of these questions had been addressed at the workshop the Council held at its last meeting, and agreed with Councilor Pritchett that only a small portion of the turning basin would be de-authorized. He said the precipitating factor was that O’Hara wanted to expand its bait fish operation at its current location. When the application for a permit for that expansion was submitted, it was discovered that the operation was encroaching on the buffer zone adjacent to the turning basin. He then said that a reference was made that the Council was not listening to the taxpayers, but reminded everyone that O’Hara Corporation is a taxpayer as well. He also said that other location businesses have expressed support for this as well. He said that the Council is not playing favorites; rather it is attempting to assist a local business. He said that he was somewhat surprised that the Harbor Management Commission did not receive notice of the workshop that the Council held, but said that the Council was aware of the Commission’s desire to have the two issues linked. He said that the problem with linking the two issues is timeframe involved in each of the matter. He said the de-authorization of the small section of the channel is something that could take place fairly quickly, but the re-authorization of the northern part of the channel could take years. He said O’Hara needs this to happen now.

Councilor Isganitis noted that up until 1956, the waters of the north end of Rockland Harbor had not been charted, but had been used for many years prior to that for the various industries along the waterfront, and that the turning basin was created for the lime industry. He said that the City is in no way taking away the ability of anyone to use the navigation channel, and that this request will not impact the actual channel in any way. He also noted that this proposal has received support from other area businesses. He also said that he supports separating the two issues to get done what O’Hara needs done to expand its operation, while at the same time working toward an improvement to the existing channel that could benefit the other users of the channel.

Councilor Dickerson said that she is aware of what it will take to get these done. She said that she hopes that they will get a favorable recommendation and that the federal government will pay any costs associated with these issues.

Councilor Pritchett said that there are two basic issues here. He said the Coast Guard maintains aids to navigation, and this proposal will have no effect on those. The other issue is dredging of the federal channel. He said the area being considered for de-authorization is not currently being used. Also, he said there is no documentation that what people have been calling the “old” channel was ever a federal navigation channel. He said before the City proceeds with a request to get this “old” channel authorized or re-authorized, it needs to gather information on why it should be authorized, who it would benefit, and who is going to pay any costs associated with that authorization.

Councilor Isganitis said that it is always frustrating when the Council does not follow the recommendation of one of its boards, but there is no ill-will here. He said the input from all the City’s boards is valuable to the Council.

Vote: 5 for.

The Council then went into Informal Session for a presentation from Rockland Main Street, Inc., concerning gateway and vehicular directional signage throughout the City.

With the above presentation complete, the Council then set the agenda for the June 10, 2013 Regular Meeting. No communications were considered.

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 8:17 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

RECONVENE BUDGET WORK SESSION

June 5, 2013

The Budget Work Session recessed on May 20, 2013 to this date was reconvened by the Mayor with the following present: Mayor William Clayton, Councilors Larry Pritchett, Elizabeth Dickerson, Eric Hebert and Frank Isganitis, City Manager Smith, City Attorney Beal, and Finance Director Tom Luttrell.

The Council resumed its review of the proposed FY 2014 Municipal Budget and agreed by consensus to present the following proposed budget to the public at a public hearing to be held on June 24, 2013 at 7:00 p.m.:

		Proposed 2014 Budget
		Budget Summary
8	General Fund Tax	\$ 319,818
11	Legislative	5,538

12	Executive	246,985
13	Assessment	171,110
14	Finance	579,110
15	Legal	107,315
16	City Clerk	200,534
18	General	76,520
19	City Hall	34,925
25	Engineering	25,000
30	Dispatch – Communications	184,218
31	Police	1,980,550
32	Fire	1,562,450
34	Municipal Fish Pier	90,440
35	Lights and Hydrants	629,635
36	Code Enforcement	203,211
37	Community Development	118,920
41	Public Works	1,586,624
51	Health (Contributions)	20,000
52	General Assistance	71,863
61	Harbor & Waterfront	180,963
62	Library	594,711
63	Recreation	368,900
71	Unclassified Fringe Benefits	90,000
72	Unclassified Other	184,734
81	Total Debt Service	1,190,914
91	Intergovernmental	8,579,882
	TOTAL GROSS BUDGET	\$ 19,404,870
	Less Non-Property Tax Revenues	(3,939,391)
	NET BUDGET, GENERAL FUND	\$ 15,465,479
	Capital Improvements Fund	-0-
	Sewer Fund	\$ 3,737,938
	Transfer Station Fund	\$ 1,795,572
	Emergency Medical Service Fund	\$ 632,292

With review of the proposed FY 2014 Municipal Budget completed, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:39 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

June 10, 2013

Presentation of the FY 2012 Municipal Audit

The meeting was called to order by the Mayor, at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Dickerson arrived at 7:50 p.m.

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

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

Presentation of the FY 2012 Municipal Audit: The Council went into informal session for the presentation of the FY 2012 Municipal Audit by James Wadman & Associates.

At 7:00 p.m., this meeting was recessed to allow the Council to begin the Regular Monthly Meeting, as required by the Code.

REGULAR MEETING

AGENDA

June 10, 2013

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, Amusement Device & Lodging House – Navigator (Postponed)
 - b. Lodging House License – Berry Manor Inn
 - c. Liquor and Entertainment Licenses – In Good Company
8. Resolves:

#38 Accepting Donations	City Manager
#39 Accepting Grant Funds	City Manager
#40 Authorizing Expenditures – Deficits in Capital Projects	City Manager
#41 Authorizing TAN Borrowing	City Manager
9. Ordinances in Final Reading and Public Hearing:

#12 Chapter 18, Article I Utility Facilities; Location Permits	Councilor Hebert
#13 Chapter 15, Section 15-116 Encumbrance Permits	Councilor Pritchett
#14 Authorizing Quit Claim Deed – Reconveyance of 14 State St.	Mayor Clayton
#15 Authorizing Quit Claim Deed – Reconveyance of 59 Broadway	Mayor Clayton
#16 Authorizing Quit Claim Deed – Sale of 328 Limerock St.	Mayor Clayton
10. Ordinances in First Reading:

#17 Chapter 2, Section 2-1307 Handicapped Pkng Fine; Private Lots	Councilor Isganitis
---	---------------------
11. Orders:

#14 Authorizing Outdoor Service of Alcohol – Fog Bar/Lulu's	Councilor Pritchett
#15 Authorizing Street Closure & Fee Waiver – Summer Solstice	City Council
#16 Setting Due Dates & Interest Rate – 2014 Taxes	City Council
#17 Authorizing Fee Waiver – Use of Parks – Lobster Festival	City Council
#18 Authorizing Street Closure – Roller Derby Demonstration	City Council
#19 Authorizing Outdoor Service of Alcohol – Waterworks	Councilor Isganitis
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 William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:50 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:

- Hal Perry, 25 State Street, spoke concerning two dilapidated house across the street from his home and asked the City to finally do something about them.

- Rodney Lynch, 123 Summer Street, spoke on a number of issues concerning recent improvements in the downtown area:

The trees added as part of the Downtown Revitalization project need to have grates installed around the trunks rather than simply putting mulch there.

The paving project currently taking place seems to have leveled out the raised crosswalk on Main Street. For it to be effective in calming traffic, the height needs to be more pronounced.

The grass esplanade between Summer Street and Rankin Street needs attention as the grass does not seem to be taking hold.

At Winslow-Holbrook Memorial Park, grass is beginning to grow between the bricks.

The grass parking area and pathways at Sandy Beach Park need maintenance.

- Tim Carroll, representing the Rockland Festival Corporation, asked the Council to support their request for a waiver of the park rental fees for the Lobster Festival. He said the waiver of these fees allows the Festival Corporation to do what it was meant to do, provide funding for various projects throughout the region.

Hearing no other speakers, the public forum was closed.

At this time, Councilor Pritchett moved to take Order #17, Authorizing Fee Waiver for the Festival Corporation, out of order. Without objection from the Council, it was so ordered.

Order #17 Authorizing Fee Waiver – Park Rental Fees for the Lobster Festival

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 2013 Maine Lobster Festival are hereby waived. 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: City Council
Originator: Rockland Festival Corp.

Councilor Hebert moved passage.

Vote: 4 for.

At this time, Councilor Pritchett moved to take Order #18, Authorizing Street Closure – Frost Gallery Roller Derby Demonstration, out of order. Without objection from the Council, it was so ordered.

Order #18 Authorizing Street Closure – Roller Derby Demonstration

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Jonathan Frost, of Jonathan Frost Gallery and Frame Shop, is hereby authorized to close a portion of Winter Street, just east of the entrance to the Dowling Walsh Gallery parking lot to just west of the driveway into and out of the Key Bank parking lot, on Friday, July 5, 2013 from 4:45 p.m. to 8:00 p.m. to hold a Roller Derby demonstration in conjunction with the “Roses, Romance and Roller Derby” show at the Gallery. Mr. Frost shall be responsible for setting up for and cleaning up after this event, coordinating with the 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 the event.

Sponsor: City Council
Originator: Jonathan Frost

Councilor Hebert moved passage.

Councilor Pritchett said this is another example of the exciting and creative activities that are taking place on Main Street, and that he hoped the Council would support this request.

Vote: 4 for.

At this time, Councilor Hebert moved that the Regular Meeting be recessed to complete the presentation and discussion of the FY 2102 Municipal Audit. Without objection from the Council, the Regular Meeting was recessed at 7:15 p.m.

RECONVENE SPECIAL MEETING

June 10, 2013

The Special Meeting called for the presentation and discussion of the FY 2012 Municipal Audit that was recessed earlier was reconvened at 7:15 p.m. and the discussion of the FY 2012 Audit continued.

When the above discussion was completed, Councilor Hebert moved to adjourn the Special Meeting. Without objection from the Council, the meeting was adjourned at 8:05 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

RECONVENE REGULAR MEETING

June 10, 2013

The June 10, 2013 Regular Meeting of the City Council was reconvened at 8:05 p.m. with the following members present: Mayor William Clayton, Councilors, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal, and the order of the agenda was continued:

Reports:

a. City Manager’s Report: The City Manager reported on the following matters:

- The paving work on Main Street in on schedule to be completed on time.
- The paving around the raised crosswalk has been scraped back the asphalt around the crosswalk and will re-pave to make the approach more pronounced in an attempt to make the crosswalk the appropriate height.
- The City is continuing to re-set curbing on Union Street and Camden in conjunction with the State paving project.
- The unsafe portions of the skate park have been removed and repairs have been made to the remaining portions. There has been good feedback from the stakeholders in this matter and a meeting to plan future improvements will be scheduled. The Manager said that funds for improvements to the park will be raised through grants that will be written by the users of the park and through donations solicited by the users. He said that no City funds will be used.

The grass in the parking area at Sandy Beach Park is beginning to take hold and he hopes to be able to open the area to parking in the next couple of weeks.

Councilor Hebert said that the paving project on Main Street is supposed to be done by June 30th, but asked if there were any safety issues for the Summer Solstice Celebration scheduled for June 22nd.

The City Manager said that they should be done with Main Street by then so there should be no safety issues. If they are not done by then, steps will be taken to make sure there are no issues.

Councilor Isganitis noted that the asphalt curbing on the west side of Union Street has been removed, and asked what the plan was for this area.

The City Manager said that the old asphalt curbing will be replaced with new asphalt curbing.

b. City Attorney's Report: The City Attorney reported on the following matters:

- In response to comments made by Mr. Perry during the public forum, one of the properties to which he was referring was the subject of Ordinance Amendment #14, Reconveyance of 14 State Street. He said the property is in a state of disrepair, and was acquired by the City on automatic foreclosure of a tax lien in March of this year. He said that the property is being reconveyed to the previous owner who has stated that the property will be sold. However, the property may not be occupied until such time as the code violations are corrected.

- Questions were raised about the fine for violation of the disabled parking regulations, and State law specifies that the fine for such violations are \$200 to \$500, with the municipality deciding what fine to impose. He added that Ordinance Amendment #17 is being proposed to bring the fine for violation of the disabled parking regulations in private parking areas into conformance to the City's other parking regulations.

c. Other Official's Report: Councilor Dickerson reported that the Legislature has reached agreement on a biennial budget for the State of Maine. She also reported that the bill she sponsored that gives municipalities the option to adopt an ordinance to return any excess proceeds from the sale of tax-acquired property to the previous owner.

Councilor Hebert reminded that public that the RSU #13 Budget Validation Referendum Election was taking place on June 11, 2013 with the polls at the Recreation Center being open from 8:00 a.m. to 8:00 p.m.

d. Mayor's Report: Mayor Clayton reported that the Beach Clean-up project was very successful with more than 50 people working to remove nearly 13 tons of debris removed from city beaches.

Mayor Clayton also commented that a wish made by his daughter that he did not need to attend anymore budget meetings drove home the point that it takes a lot to serve on the City Council, and that Councilors work very hard on all issue that come before this body.

Licenses and Permits:

- a. Liquor, Entertainment, Amusement Device & Lodging House – Navigator (Postponed)
- b. Lodging House License – Berry Manor Inn
- c. Liquor and Entertainment Licenses – In Good Company

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

Councilor Hebert moved to grant all of the licenses.

Vote: 5 for.

At this time, Councilor Pritchett moved to take Order #14, Authorizing Outdoor Service of Alcohol – Fog Bar/Lulu's, out of order. Without objection from the Council, it was so ordered.

Order #14 Authorizing Outdoor Service of Alcohol – Fog Bar/Lulu's**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

THAT the Fog, Inc., located at 328 Main Street, is hereby authorized to serve alcoholic beverages in a roped-off area adjacent to the rear of 328 Main Street abutting Oak Street substantially in compliance with the application submitted herewith and incorporated herein by reference. Access to this area shall be restricted from other public areas and shall be monitored at all times by an employee of Fog, Inc. to ensure compliance with all applicable State laws and local Ordinances.

Sponsor: Councilor Pritchett

Originator: Fog, Inc.

Councilor Pritchett moved passage.

Councilor Isganitis expressed concern about the hours of operation and that this area would be open until 1:00 a.m. He said that there are residents in that area that could be disturbed by this activity.

Councilor Dickerson said that the service of alcohol is regulated by State Statutes and the Statutes dictate that service ends at 1:00 a.m. She said that is the same everywhere, and the City may not have the authority to restrict that time.

Councilor Hebert said that there is nothing before the Council at this time that regulates the hours of operation of this activity. He also said that there are no local ordinances that are more restrictive than State law on the hours when alcohol may be served either inside or outside. Absent that, he said it would be unfair to limit this one business.

Vote: 5 for.

The order of the agenda was then resumed.

Resolves:

- #38 Accepting Donations

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland hereby gratefully accepts the following donations from the following individuals and/or organizations for the stated purposes:

- From Ralph Eldridge, 10 Eliza Steele Drive, Rockland, Maine, a State of Maine Flag to the Rockland Fire Department.
- From Thomaston Recycling, Thomaston, Maine, \$300.00 in support of the Beach Clean-up project. Fund to be received into the Miscellaneous Revenue Account (#18-03245) and expended from the City Hall Supplies Account (#18-06001).

Regular Meeting, Resolve #38 continued:

June 10, 2013

- From the First Universalist Church, 345 Broadway, \$400.00 in support of City services provided to the Church. The funds shall be received into the City's Payment in Lieu of Taxes Account (#10008-03102).
- From the Friends of the Rockland Public Library, funds for 83 children's books valued at \$1,041.75. The funds for this donation shall be received into the Library Revenue Donations Account (#10062-03147) and expended from the Library Restricted Donation Expenditure Account (#10062-07003).
- From the Rockland Public Library Endowment Associations, funds for the subscriptions to 34 periodical titles valued at \$1,224.05. The funds for this donation shall be received into the Library Revenue Donations Account (#10062-03147) and expended from the Library Restricted Donation Expenditure Account (#10062-07003).

AND, be it further Resolved, that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 5 for.

#39 Accepting Grant Funds

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the following grant funds received during Fiscal Year 2013 are hereby accepted:

Department	From	Date Received	Amt.	Program
Police	State of Maine	11/06/2012	\$1,601.40	Underage Drinking
Police	State of Maine	05/20/2013	\$3,324.98	Underage Drinking
Police	State of Maine	12/11/2012	\$4,906.00	Impaired Driving
Police	State of Maine	04/25/2013	\$2,238.92	Impaired Driving
Police	State of Maine	02/27/2013	\$1,406.96	Drive Sober
Police	State of Maine	11/06/2012	\$1,484.28	ATV Grant
Police	State of Maine	02/04/2013	\$ 441.97	ATV Grant
Fire	State of Maine	11/13/2012	\$5,532.26	EMPG Grant

Sponsor: City Manager
Originator: City Manager

Councilor Isganitis moved passage.

Vote: 5 for.

#40 Authorizing Expenditures – Deficits in Capital Projects

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to make the following expenditures to eliminate deficits in the following projects:

- \$16,600 from the Undesignated Fund Balance Account (#40000-02970) to eliminate the deficit in the Library Gutter project
- \$5,512 from the Ambulance Purchase Account (#50000-07050) to eliminate the deficit in the 2012 Ambulance purchase.

Sponsor: City Manager
Originator: City Manager

Councilor Hebert moved passage.

Vote: 5 for.

#41 Authorizing Tax Anticipation Note Borrowing

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

VOTED: That, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, the Director of Finance is hereby authorized and empowered to borrow money from time to time during the fiscal year ending June 30, 2014, singly or in series, in an amount or amounts not exceeding \$1,500,000 at any one time outstanding, in anticipation of the collection of receipts from taxes, such borrowing to be evidenced by the issuance of the City's tax anticipation notes (the "Notes").

VOTED: That the Notes shall be issued in an amount not to exceed \$1,500,000 and that the interest rate (not to exceed 7.0% per annum), maturities, and denominations for the Notes shall be established by the Director of Finance following his solicitation of bids. Notes, and any extensions, renewals, or replacements thereof, shall be signed by the Director of Finance and countersigned by the Mayor, attested to by the Clerk, and shall be payable on or before June 1, 2014, out of money raised by taxation during the fiscal year ending June 30, 2014, and shall contain such terms and provisions, not inconsistent herewith, and be in such form as shall be approved by the officers and officials signing the same, which approval shall be conclusively evidenced by their execution thereof.

VOTED: That the Director of Finance be, and hereby is authorized to prepare and distribute a Notice of Sale of the

City, or other suitable document for use in soliciting bids from financial institutions.

VOTED: That the Director of Finance be and hereby is authorized to designate the Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

VOTED: That the Director of Finance be and hereby is authorized to covenant with the purchaser of the notes, on behalf of the City and for the benefit of the holders of the notes, that the City shall take whatever steps, including filing any reports and rebating any excess earnings, as may be required by federal law, and shall refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain exempt from federal income taxes.

VOTED: That the officers executing the notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City and for the benefit of the holders of the notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

VOTED: That the Director of Finance, Mayor, and Clerk be and hereby are authorized and empowered on behalf of the City to undertake all such acts and things and execute and deliver all such documents and certificates as may be necessary or convenient in connection with the issuance, sale, execution, and delivery of the notes.

VOTED: That if the Director of Finance, Mayor, or Clerk are for any reason unavailable to approve and execute the notes or any related documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself/herself performed such act.

Sponsor: City Manager
Originator: Finance Director

Councilor Hebert moved passage.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#12 Chapter 18, Article I Utility Facilities and Permits

(See pages 266-268 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 Hebert moved passage and said that he was pleased to see this amendment coming forward and hoped that the Council would support it. He said poles in the wrong locations have been a pet peeve of his for years.

Councilor Dickerson said this amendment was wonderful, but asked if there were any provisions for coordination with other utility companies if work on one is necessary that could affect others in the same location.

Councilor Hebert said this amendment was more specific to above-ground utilities rather than underground ones.

The City Manager said that the owner of the utility that needs to be accessed would be responsible for any damage to other utilities, whether it be the City or any other company. He said this amendment creates a review process moving forward for future location permits, and well as the ability to look back at existing locations to determine if they were appropriately permitted. It will give the City a tool to use in cleaning up problem areas.

The City Attorney said that this ordinance does address all manner of utility facilities, but the more specific regulations with regards to underground facilities will be addressed in an update to the street excavation ordinance that will be coming to the Council in the near future.

Vote: 5 for.

The amendment will become effective July 10, 2013.

#13 Chapter 15, Section 15-116 Encumbrances in Streets; and Permits Therefor

(See pages 268-269 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 Pritchett moved passage.

Councilor Hebert said that he will support this amendment, but was not in love with it. He said that the City should encourage people to take care of their properties and did not want this to become a hindrance to property owners making improvements. He said he wanted to make sure that the Manager stresses to staff to make this process as painless as possible. He said the intent of this amendment is to make sure such work is done in a safe manner.

Councilor Pritchett said that he has the same concerns as Councilor Hebert, but admitted that the City currently has no guidelines in place to regulate this activity. He said this amendment seems to be intended to be as painless as possible.

Councilor Dickerson noted that a permit would be required if the scaffolding was to remain in place for more than one day, but did not see a time limit on the permit.

The City Attorney said that time limit on the permit would depend on the scope of the work and when the property owner felt that the work would be complete. He said the permit includes a start and end date, but would be tailored to fit the needs of the property owner.

Councilor Dickerson then noted that the amendment allows for the adoption of a graduated fee schedule for this permit.

The City Attorney said that the provision simply allows the Council to institute a fee at some point in the future if it feels it is necessary. He said no fee is included in this action and staff is not proposing that a fee be established at this time.

The City Manager added that the purpose of this amendment is not to generate revenue. He said the intent is to ensure safety of the public and access to businesses. He said it also empowers property owners to do work to their buildings and gives guidance to building owners. He said it also said it keeps contractors accountable to finish the work on time.

Councilor Isganitis said that this amendment is creating an expectation with building owners and contractors on how the City expects them to behave. It also allows for enforcement to maintain safe conditions for the public.

Vote: 5 for.

The amendment will become effective July 10, 2013.

#14 Authorizing Quit Claim Deed – Reconveyance of 14 State Street

(See page 269 for text)

A public hearing was opened with Hal Perry, 25 State Street, saying that he hoped that the City would keep a close eye on this property to make sure what the previous owner says she is going to do with the property actually happens.

Hearing no other speakers, the public hearing was closed.

Councilor Isganitis moved passage.

Councilor Hebert said that he wanted to assure Mr. Perry that there are enough safeguards built into the reconveyance agreement to address the concerns stated. Vote: 5 for.

The Ordinance will become effective July 10, 2013.

#15 Authorizing Quit Claim Deed – Reconveyance of 59 Broadway

(See page 270 for text)

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

Councilor Pritchett moved passage. Vote: 5 for.

The Ordinance will become effective July 10, 2013.

#16 Authorizing Quit Claim Deed – Sale of 328 Limerock Street

(See page 270 for text)

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

Councilor Isganitis moved passage. Vote: 5 for.

The Ordinance will become effective July 10, 2013.

Ordinances in First Reading:

#17 Chapter 2, Section 2-1307 Disabled Parking on Private Off-Street Areas

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, SECTION 2-1307 Handicapped Parking on Private Off-Street Areas, BE AMENDED AS FOLLOWS:

Sec. 2-1307 ~~Handicapped~~ Disabled Parking on Private Off-Street Areas

Pursuant to Maine Law, the owner of private off-street parking may enter into an agreement with the city, acting by and through its Police Department, for the policing of parking stalls and spaces dedicated for ~~handicapped disabled~~ persons' vehicles for violation of which the registered owner of such an illegally parked vehicle shall be fined ~~fifty (\$50)~~ two hundred (\$200) dollars, which penalty shall be paid to the city. There shall be adjacent to and visible from each such ~~handicap disabled~~ parking space a posted sign consisting of a profile view of a wheelchair with occupant in white with blue background and bearing the following: "Handicapped parking: special plates required. Unauthorized vehicles are subject to fine."

Sponsor: Councilor Isganitis

Originator: Police Chief

Councilor Hebert moved passage. Vote: 5 for.

A public hearing was set for July 8, 2013 at 7:00 p.m.

Orders:

#15 Authorizing 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 Lindsey Street, from 3:00 p.m. to 8:00 p.m., with parking along Main Street to be prohibited beginning at 12:00 p.m. to allow for set up, on Saturday, June 22, 2013 to hold the 13th 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: City Council

Originator: Summer Solstice Committee

Councilor Hebert moved passage. Vote: 5 for.

#16 Setting Due Dates and Interest Rate – FY 2014 Taxes

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the taxes for the fiscal year ending June 30, 2014 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, 2014 shall be September 27, 2013 for the first installment of such taxes, and March 7, 2014 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 27, 2013 on the first installment of such taxes remaining unpaid after that date, and from March 7, 2014 on the second installment of such taxes remaining unpaid after that date.

Regular Meeting, Order #16 continued:

June 10, 2013

Active Tax Club members enrolled prior to October 1, 2013 will have until December 31, 2013 to pay their first installment of taxes before interest would be charged on any unpaid balance, and until June 30, 2014 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 Pritchett moved passage.

Vote: 5 for.

#19 Authorizing Outdoor Service of Alcohol – Waterworks

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Waterworks Restaurant, located at 7 Lindsey Street, is hereby authorized to serve alcoholic beverages in the parking lot at 7 Lindsey Street, substantially in compliance with the application submitted herewith and incorporated herein by reference on July 14, 2013 for the North Atlantic Blues Festival Club Crawl only. Access to this area shall be restricted from other public areas and shall be monitored at all times by an employee of Waterworks to ensure compliance with all applicable State laws and local Ordinances.

Sponsor: Councilor Isganitis
Originator: Vicki Fales/CJS Corp.

Councilor Isganitis moved passage.

Vote: 5 for.

With no further business to come before the City Council, the meeting was adjourned without objection from the Council at 9:06 p.m.

A TRUE COPY. ATTESTED: _____ City Clerk

ELECTION RESULTS RSU#13 BUDGET VALIDATION REFERENDUM June 11, 2013

Question	YES	NO
#1 Budget Validation	46	93
#2 Continue Validation Referendum	95	42

Total Voter Turnout: 139 out of 4,861 registered voters (2.8%)

A TRUE COPY. ATTESTED: _____ City Clerk

SPECIAL MEETING**AGENDA****June 24, 2013**

Public Hearing/Resolve #42 FY 2014 Municipal Budget Adoption
Order #20 Authorizing Fee Schedule Amendment – Land Use & Inspection Fees
Order #21 Authorizing Fee Schedule Amendment – Water Pollution Control Fees
Order #22 Authorizing Fee Schedule Amendment – Solid Waste Disposal Fees

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:06 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:

- Ted Cowan, 157 Talbot Avenue, said that he appreciated the hard work that the Council does, but reminded them that the State and Country are facing dire straits financially and the situation is just going to get worse and worse each year. He said that holding the line of taxes is not good enough, and that spending needs to be cut. He said that the real inflation rate is up to 10%, regardless of what the government and media report, and that the citizens cannot afford anymore increases in taxes.

Hearing no other speakers, the public forum was closed.

Resolve #42 FY 2014 Municipal Budget Adoption**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

THAT, after due notice and public hearing being held, the budget for the fiscal year ending June 30, 2014 is hereby adopted as follows:

		FY 2014 Budget
8	General Fund Tax	\$ 319,818
11	Legislative	5,538
12	Executive	246,985
13	Assessment	171,110
14	Finance	579,110
15	Legal	107,315
16	City Clerk	200,534
18	General	76,520
19	City Hall	34,925
25	Engineering	25,000
30	Dispatch – Communications	184,218
31	Police	1,980,550
32	Fire	1,562,450
34	Municipal Fish Pier	90,440
35	Lights and Hydrants	629,635
36	Code Enforcement	203,211
37	Community Development	118,920
41	Public Works	1,586,624
51	Health (Contributions)	20,000
52	General Assistance	71,863
61	Harbor & Waterfront	180,963
62	Library	594,711
63	Recreation	368,900
71	Unclassified Fringe Benefits	90,000
72	Unclassified Other	184,734
81	Total Debt Service	1,190,914
91	Intergovernmental	8,579,882
	TOTAL GROSS BUDGET	\$ 19,404,870
	Less Non-Property Tax Revenues	(3,939,391)
	NET BUDGET, GENERAL FUND	\$ 15,465,479
	Capital Improvements Fund	-0-
	Sewer Fund	\$ 3,737,938
	Transfer Station Fund	\$ 1,795,572
	Emergency Medical Service Fund	\$ 632,292

The same is now hereby appropriated for the fiscal year ending June 30, 2014, 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, 2014.

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 \$15,465,479 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 Stephen Carroll, 526 Old County Road, commented that the City Council seems to be unaware of the financial crisis facing Federal, State and local governments, and seemed to be happy with a flat budget. He said that the taxpayers cannot afford to tread water, and that he believed that the City's budget could be trimmed by \$1 million dollars. He said that the City Council has made no significant changes to the budget that the City Manager proposed,

raising the question of why we needed a City Council in the first place. He said it was time for the Council to take a leadership role and take the necessary action to lower the tax burden on the property owners.

- Ted Cowan, 157 Talbot Avenue, said that he hoped that the City has "war gamed" financial crisis scenarios and has a plan of what it will do when the banks close and the money stop flowing. He said this crisis is coming and the City needs to pay attention to the global situation. He said that dark days are coming and the City needs to be ready.

Hearing no other speakers, the public hearing was closed.

Councilor Pritchett moved passage and said that there is a cloud hanging over this budget with regards to municipal revenue sharing. He said that currently, there is more revenue sharing included in this budget than the City will receive, based on the actions of the Legislature. However, he suggested that before the Council gets bogged down in a discussion of this issue, it should address any other issues that Councilors may have on the budget.

Councilor Dickerson spoke in opposition to the proposed increase of the residential solid waste disposal permit from \$65 per year to \$72 per year, saying that she would prefer the fee to remain at its current level and make up the difference in revenue in some other area of the Solid Waste budget. She then asked the City Manager if other sources of revenue were considered for the Solid Waste budget.

The City Manager said that the permit fees were calculated based on increased fees for the City to dispose of its waste at the PERC facility.

Councilor Dickerson said that she would prefer to see the permit fee remain the same and for the City to consider other alternatives that would encourage citizens to reduce the amount of waste that the City ultimately send to PERC.

Councilor Pritchett said that he too has the same hesitancy in raising the transfer station permit fee. He also said that reducing the amount of waste sent to PERC does not necessarily result in a dollar for dollar reduction in costs because of contractual obligations with PERC.

The City Manager said that the proposed increase to the disposal permit fee constituted a 13¢ per week increase to those who choose to purchase the permit. He said for those who do not produce a lot of trash may find that the pay per bag option is more cost effective for them. He reiterated that the proposed increase in the fee was driven by costs increases at PERC. However, he said that he would be happy to take a comprehensive look at the fee structure for this facility, if the Council wishes.

Councilor Isganitis said that a tiered pay per bag system is already in place with the three different sized bags available at different prices, so the alternatives that Councilor Dickerson is looking for already exist. He said that the reality is that the City is playing catch up from many years of subsidizing the operation at the transfer station. He said that this is not an undue burden on the taxpayers.

Councilor Hebert said that he too was irritated by the proposed increase in the permit fee, even though it was only \$7 per year. He said this fee was a new idea to residents when it was instituted just a couple of years ago, and was designed to more accurately reflect the cost of waste disposal. He said this was not one part of the operation subsidizing another. He said that the proposed increase would raise approximately \$9,500 toward the cost of waste disposal, but believed that cost could be absorbed in the operational budget for that facility. He said he would like to see the permit fee remain at \$65 and the additional disposal costs absorbed in the budget. He said the result would be that \$9,500 less would be put into the Landfill Closure Reserve at the end of the year, and it would provide at least some comfort to the residents.

Councilor Hebert moved to amend Resolve #42 by reducing the Solid Waste/Transfer Station Fund by \$9,583, the intent being that the disposal permit fee remains at \$65 and the amount to be put into the Landfill Closure Account be reduced by \$9,583.

Councilor Pritchett said that he was willing to support the budget as proposed when it was believed that there would be no increase to the tax rate on the City's side. However, with potential increases coming in the near future, Councilor Pritchett said that he would prefer that the permit fee remain the same for at least one more year.

Councilor Isganitis said that the Council was just kicking the can down the road, and that this would only result in a larger increase to the fee in the future. He said better to do it incrementally in smaller amount than one large increase. He added that the City is going to need to come up with millions of dollars to close the landfill in just a few short years, and they need to begin planning for that now. He also noted that the increase was only \$7 per year.

Councilor Dickerson said that this is a very difficult year and that anything the Council can do to help will be felt by the residents.

Councilor Pritchett said that the decrease in revenues that will result from this amendment will be taken from the landfill closure account, but that the City will still be putting \$180,000 into that account. He said he was comfortable doing this at this time, but noted that the budget will be revisited once it is known what the State will be doing. He said that he would like to have options to review at that time.

Councilor Hebert said that he understood Councilor Isganitis' frustration, but said with regards to the landfill closure issues, that if the revenue does not come in, that means the volume of waste did not come in and the life of the facility is extended somewhat. He said this really is not a big deal.

Councilor Isganitis said that he believes that this proposal is hurting rather than helping.

Vote on amendment: 3 for, 2 opposed.

(Clayton, Isganitis)

Councilor Dickerson said that the City does not know what the actual shortfall from the State will be, but it has been estimated to be approximately \$300,000. She asked the City Manager if he was prepared to make \$300,000 in cuts to this budget.

The City Manager said that without policy direction from the Council, he dares not propose such wholesale changes in the operational structure of the City.

Councilor Dickerson said that she was not comfortable discussing such administrative matters, but said that the citizens cannot sustain any more tax increases.

Councilor Pritchett said if the Council is looking to have a meaningful discussion about changes to the budget, it needs to have input from the Manager to make such policy decisions.

The City Manager said that he wanted to clarify that the City delivered on its promise not to increase the tax burden on its citizens by coming in with a budget that held the City's tax rate at a zero increase. He said any increase contemplated at this point is the direct result of a cost shift from Augusta onto the property tax payers. He said if the City Council wants to absorb this cost shift, it will result in cuts to services, which means cuts in personnel. He said it will take the elimination of at least 5 full-time employees to make up that shortfall, and most City department cannot sustain the loss of one employee. He said

Special Meeting, Resolve #42 continued:

June 24, 2013

that there is the potential to increase revenues in some departments, but that is not going to happen overnight. He also said that it was not fair for the State to expect the property taxpayers to cover this cost shift, and if the Council chooses to consider such structural changes, the result will be a great impact to the services that the City is able to provide.

Councilor Pritchett said that he appreciated that job that the Manager and staff did on the budget, and his desire to look at restructuring is not meant as a criticism. He said it is popular to point fingers and lay blame as to who is at fault, but they have to look at how to solve the problem. He said that the Council needs options to consider.

Councilor Isganitis asked the City Manager what the impact to the taxpayers would be if the Council chose not to absorb the cost shift from the State.

The City Manager said that passing the cost shift on to the taxpayers would result in an addition of 35¢ to the mil rate which would be a tax increase of \$65 on a home valued at \$185,000.

Councilor Isganitis said that significant cuts to services would hurt, and the Council should not consider such cuts unless it hears an overwhelming outcry from the public that that is what they want. He said this situation is being thrust upon the City by the State, but before reacting, the Council needs to hear from the public and plan for the future.

Special Meeting, Resolve #42 continued:

June 24, 2013

Councilor Hebert said if the Council adopts this budget as it is currently proposed, it will not reflect the reality of the situation. He asked what the Council would need to do should it need to change the budget in the near future.

The City Manager said that the Council has a few options, but essentially what would need to happen would be to adopt this budget and then act on another document to amend this budget if necessary, after due notice and hearing.

Councilor Hebert said that the City does not know what the State is ultimately going to do, so making amendments to this document really doesn't make sense. He said that the best thing to do would be for the Council to adopt this budget and then revisit it at a later date if further amendments are needed.

The City Manager said that at a minimum the Council can expect a reduction in State Revenue Sharing of \$280,000.

Councilor Pritchett said that the Council needs to give some direction to the Manager to provide options for the Council to discuss when it comes back and revisits this budget after it finds out what the State is going to do.

Councilor Hebert then moved to further amend Resolve #42 by increasing Health by \$10,500 for a new total of \$30,500. He said this proposal is intended to provide funding for the service organizations that assist the neediest of our citizens. He said these are not large organizations that have multiple funding sources. These are mostly grass-roots organizations that provide services to those who will go hungry without them. He said this proposal would add a total of \$1 to the average taxpayer's tax bill, and urged his fellow Councilors to support this amendment.

Councilor Pritchett said that while he shares the concerns expressed by Councilor Hebert, and appreciates the value of the services that these organizations provide, at the end of the day he did not feel this is what the City should be funding given the current economic climate. He said that he would not support this amendment.

Councilor Dickerson pledged that she would donate half of her City Council salary to this line item, and challenged her fellow Councilors to do the same.

Councilor Isganitis said that he shared the same concerns as Councilor Pritchett, and added that piling more costs back onto the taxpayer will create more of a need for these kinds of services, but did not feel it was an appropriate use of the City's funds. He said that there are other sources of funding in the community for these organizations, and cited the money that Pies on Parade has raised over the years.

Councilor Pritchett asked the City Manager what the increase was to the General Assistance budget.

The City Manager said that the General Assistance budget is being funded at the same level as last year.

Vote on amendment: 2 for, 3 opposed.

(Pritchett, Clayton, Isganitis)

Motion Defeated.

Councilor Hebert said that he was disappointed at the lack of public attendance during the budget process, saying it would be nice to have feedback on what the Council is doing. He also said that he disagrees with the speaker who said that the Council did not show leadership in the process. He said the Council showed leadership by maintaining services to the best degree possible with an increase in the tax rate. He applauded the City Manager and staff for bringing a zero increase budget to the Council. He said that he was tired of finger-pointing, but said that Federal and State government have more ways to tax that the City and seemingly have no accountability for continually shifting costs to the property taxpayers. He said that the State has been doing this for the last 20 years, and it is not fair to the property taxpayers, but objections from municipalities have fallen on deaf ears. If tourism is the basis for the State and local economies, the State should allow municipalities to institute a local option sales tax to help pay for services provided to tourists. He said that he will support this budget as proposed, but was not looking forward to revisiting it once it is known what will happen at the State level.

Councilor Dickerson said that the economy is based on tourism, and the State budget passed by the Legislature does include an increase to the sales tax, if the Legislature is able to override the Governor's veto. She said the proposed State budget is a bipartisan document, highlighting the need for everyone to work together to get the job done. She said that no one wanted to see municipal revenue sharing cut, but they needed to bring a document forward that was workable. She said that what needs to be determined is just which services government should provide and how best to pay for them.

Councilor Pritchett said that, no criticism intended to past City Councils, the mil rate for the City has steadily increased over the past 10-15 years, and the question that needs to be asked is whether the City has the correct balance of services provided to revenues generated. He said that people simply cannot afford anymore tax increases and the City needs to find that balance. He said this is not a problem created by this Council, but it is a problem that this Council must address.

Councilor Isganitis commended the City Manager and staff for presenting a zero increase budget without fundamental changes to the structure of City government to the Council for consideration. He said that the City does not have a spending problem, it has a revenue problem precipitated by the State not holding up its end of the deal. He said the State has a spending problem and is using the City's money to fill its budget gap. He said this process is not over as the Council will have to revisit the budget once it is known exactly what the State intends to do. He urged the public to contact the members of Council and let them know their thoughts on reduction of services.

Vote as amended: 4 for, 1 opposed.

(Dickerson)

The FY 2014 Municipal Budget, as amended, was adopted as follows:

		FY 2014 Budget (as amended)
8	General Fund Tax	\$ 319,818
11	Legislative	5,538
12	Executive	246,985
13	Assessment	171,110
14	Finance	579,110
15	Legal	107,315
16	City Clerk	200,534
18	General	76,520
19	City Hall	34,925
25	Engineering	25,000
30	Dispatch – Communications	184,218
31	Police	1,980,550
32	Fire	1,562,450
34	Municipal Fish Pier	90,440
35	Lights and Hydrants	629,635
36	Code Enforcement	203,211
37	Community Development	118,920
41	Public Works	1,586,624
51	Health (Contributions)	20,000
52	General Assistance	71,863
61	Harbor & Waterfront	180,963
62	Library	594,711
63	Recreation	368,900
71	Unclassified Fringe Benefits	90,000
72	Unclassified Other	184,734
81	Total Debt Service	1,190,914
91	Intergovernmental	8,579,882
	TOTAL GROSS BUDGET	\$ 19,404,870
	Less Non-Property Tax Revenues	(3,939,391)
	NET BUDGET, GENERAL FUND	\$ 15,465,479
	Capital Improvements Fund	-0-
	Sewer Fund	\$ 3,737,938
	Transfer Station Fund	\$ 1,785,989
	Emergency Medical Service Fund	\$ 632,292

Order #20 Authorizing Fee Schedule Amendment – Land Use & Inspection Fees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Land Use Permit & Inspection Fee Schedule adopted by the City Council June 14, 2010 and amended June 13, 2011, is hereby further amended as follows effective July 1, 2013:

**Land Use Permit & Inspection Fees
Adopted 06/14/10; Amended 06/13/11**

Building Permit Fees:		All fees rounded to the nearest dollar.
Residential (1 and 2 family dwellings)		
Application Fee (non-refundable)	\$40 \$50 except for residential fences; \$25 \$35	
Permit Fees	Cost in addition to Application Fees	

	(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) ¹	\$.22 <u>\$.24</u> per square foot of total floor area (excluding unfinished non-daylight basements and uninhabitable attics) ²
Renovations and repairs involving structural alterations	\$3.00 <u>\$3.30</u> per \$1000 value of construction ³
Residential garages, sheds and other accessory buildings ⁴	\$.18 <u>\$.20</u> per square foot of building footprint.
Decks, porches, stairs, ramps, etc.	\$.15 <u>\$.17</u> per square foot
Fences (residential only)	\$25 <u>\$35</u> flat fee
Flag Lots (requiring PB review)	\$100
Flag Lots (not requiring PB review)	\$ 50
Home Occupation (not requiring Planning Board (PB) review)	\$50 <u>\$60</u> (plus any fees required above)
Home Occupation (requiring PB review)	\$125 <u>\$135</u>
¹ Additions such as dormers calculated by area of room(s) affected	
² It is assumed that all habitable areas will eventually be finished.	
³ Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
⁴ 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.	
Non-Residential & Multi-family (3 or more units)	
Application Fee (non-refundable and in addition to permit fee)	\$75 <u>\$85</u>
Permit Fees	Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)
New construction or additions, including decks, platforms, ramps and accessory buildings	\$.25 <u>\$.28</u> 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 ⁵	\$5.00 <u>\$5.50</u> per \$1000 value of construction ⁶ or \$25 minimum
Change of Use (not requiring Planning Board review)	\$100 (plus any fees for additions or renovations required above)
Fences	Application fee <u>\$85</u>
⁵ Alterations that affect Building Code and/or Life Safety Code aspects of construction (i.e. change in floor layout, new doors, new equipment, etc.)	
⁶ Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
Other Fees: (Both residential and non-residential. No application fee)	
Contract/Conditional Zoning Application	\$750
Demolition Permit	\$50 <u>\$60</u> plus deposit as provided in Section 4-304(c)
Demolition Escrow, pursuant to Ch. 4, Art. VI, Sec. 4-603(3)	<p>A. Structures not on foundations</p> <p>(1) 501-1000 feet \$ 200.00</p> <p>(2) Each additional 500 square feet \$ 100.00</p> <p>B. Structures with foundations</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>
Driveway Permit	\$30 <u>\$40</u>
Electrical Permit	\$40 <u>\$50</u> plus \$1 per fixture outlet
Floodplain Permit Fees:	
New Structure or Substantial Improvements	<u>\$50</u>
Minor Development	<u>\$25</u>
Multi-Family Dwelling Re-inspection Fee	\$100
Moving of Building Fee (City Council approval required if over public street)	\$50 <u>\$60</u> plus cost public safety services if needed (traffic direction)
Plumbing Permit	\$6 per fixture with a minimum fee of \$54 <u>\$64</u>
Pod & Temp Storage Containers	<u>\$25</u>
Sign Permit	\$50 <u>\$60</u> for the first sign plus \$25 for each additional sign
Sewer Connection	\$50 <u>\$60</u>
Sidewalk Display Permit	<u>\$10</u> per year
Sidewalk Tables & Chairs Permit	<u>\$25</u> per table
Street Excavation Permit Fee (see Ch. 15, Art. IV)	\$50 <u>\$60</u>
Site Plan Review	
Pre-application meeting	\$50 <u>\$60</u>
New Buildings and additions	\$200 <u>\$210</u> plus \$.03per square foot of total floor area. Maximum combined fee: \$700
Fabric Structures requiring Planning Board review in	Residential: \$50; Commercial: Same as New Building (above)

accordance with 4-604	
Change of Use (if PB review is required)	\$125 <u>\$135</u> for uses requiring less than 15 parking spaces, otherwise \$175 <u>\$185</u>
Home Occupation (requiring PB review)	\$125 <u>\$135</u>
Public Hearing Fee	\$100 <u>\$110</u>
Revisions to Approved Plan	\$100
Subdivision Review	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	\$50 <u>\$60</u>
Public Hearing Fee	\$100 <u>\$150</u>
Preliminary Plan, all but one lot fronting existing street ⁷	\$150 <u>\$160</u> plus \$50 <u>\$60</u> per lot or per dwelling unit ⁸
Final Plan, all but one lot fronting existing street ⁹	\$50 per lot or per dwelling unit
Preliminary Plan, with new street(s) creating lot frontage ⁹ or serving multiple homes on commonly owned land	\$100 <u>\$160</u> plus \$100 <u>\$110</u> per lot or per dwelling unit
Final Plan, with new street(s) creating lot frontage ⁸	\$50 per lot or per dwelling unit
Amendment to property line(s), or other revisions in approved subdivision (not creating new lots) ¹⁰	\$100 <u>\$110</u>
⁷ Permits one flag (rear) lot.	
⁸ Commonly owned land or duplex, \$50 each dwelling.	
⁹ Streets which are likely to be accepted by the City. Not access drive to multi-family dwelling.	
¹⁰ Scaled back PC review, but must be recordable plan.	
Zoning Board of Appeals	
Administrative appeals and variances	\$150 <u>\$160</u>
Special class or temporary structure	\$100 <u>\$200</u>
Renewal of temporary structure (for one additional year)	\$50 <u>\$60</u>

Sponsor: City Manager
 Originator: City Manager

Reading of the Order was waived, without objection from the Council.

Councilor Pritchett moved passage and said that these changes to the Code fees bring the fees more into line with the costs of the services.

Councilor Hebert said that he struggled with this proposal. He said the he understands the rationale behind the increase, but does not want the fees to discourage economic development. He said that there is a public necessity to having codes, as they serve to ensure safety, and some of the costs for that should be borne by the taxpayers. He said that these are modest changes and seems to strike a good balance.

Councilor Pritchett said that he too had some reservations about this proposal, but the fees are in line with those charged by other similar-sized communities.

Vote: 5 for.

Order #21 Authorizing Fee Schedule Amendment – Water Pollution Control Facility

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the fee schedule for the Water Pollution Control Facility, as amended, is hereby further amended as follows, effective July 1, 2013:

POLLUTION CONTROL FACILITY FEES

As Amended 06/14/10; 06/13/11; 07/02/12

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
Minimum Charge	
Residential and Commercial	Usage 1,000 cubic feet per ERU Rates First 1,000 cubic feet: \$39.63 <u>\$40.62</u> 1,001 cubic feet and above: \$4.73 <u>\$4.85</u> per 100 cubic feet
Industrial Minimum Charge	Usage 30% of monthly flow, BOD, and TSS in Industrial User’s current Wastewater Discharge Permit. Rates \$2.23 <u>\$2.29</u> per 1,000 gallons permitted (monthly) \$85.52 <u>\$87.66</u> per 100 pounds BOD permitted (monthly) \$115.26 <u>\$118.14</u> per 100 pounds TSS permitted (monthly)

Monthly Charge	Monthly charges will be based on actual flows and BOD and TSS loadings discharged.
Billing Charge	\$3.95 per bill/\$1.50 per duplicate bill
Return Check Fees	\$30.00 <u>\$35.00</u> charged to account for handling
Septage Discharge Fee	\$120 per gallon <u>\$150.00 per 1000 gallons minimum of \$75.00</u>
Recreational Vehicle Dump Fee With assistance	\$15.00 <u>\$18.00</u>
Private Sewage System (Septic System) Connection Permit	As per Department of Health and Human Services Subsurface Wastewater Program
Sewer Connection Permit Residential/Commercial Connection Permit Industrial Connection Permit	\$50.00 \$50.00
Inflow And Infiltration Development Charge	\$2.58 <u>\$2.64</u> per gallon
Reserve Capacity Charge	\$2,374.00 <u>\$2,400.00</u> per ERU
Industrial Permit Application Fee	Less than 1,000 gallons: \$300 <u>of Actual Cost +10% minimum \$300.00.</u> Between 1,000 and 50,000 gallons: \$500 <u>of Actual Cost +10% minimum \$500.00.</u> Between 50,000 to 150,000 gallons: \$1,000 <u>of Actual Cost +10% minimum \$1,000.00</u> More than 150,000 gallons: \$3,000 <u>of Actual Cost +10% minimum \$3,000.00.</u> Appeal: \$150.00
Industrial User Inspection Fee	Actual Cost with a \$150.00 minimum charge
Decision Appeal Fee	\$150.00
Interest Charge	Same rate as set annually by Order of the City Council for past due taxes

1.0 MINIMUM CHARGE FEE

Fees

A. Residential Minimum Charge

The cost for treatment of residential wastewater shall be based on both a fixed minimum charge and on water consumption. Water consumption shall be per hundred cubic feet of water used, based on the water meter at each residential location as recorded by the Aqua Maine water company, and according to the schedule in the following table.

Typical residential unit is defined as that in which water use ranges from zero (0) to three hundred (300) gallons per day (on a maximum day basis) or zero (0) to two hundred fifty (250) gallons per day (on a maximum month basis).

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.

Cost Per Equivalent Residential Unit
Usage 1,000 cubic feet per ERU per billing quarter
Rates First 1,000 cubic feet: \$39.63 <u>\$40.62</u> dollars 1,001 cubic feet and above: \$4.73 <u>\$4.85</u> per 100 cubic feet

Any residence that does not presently have a water meter shall install one that is approved by Aqua 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.

Description of Unit	Unit Measure	Equivalent	Minimum
---------------------	--------------	------------	---------

		Units	ERUs
Residences (Single-Family) Apartments (Single home, converted) Apartments (Complex, built as) Mobile Homes and Parks	(Each)	(1.0)	(1.0)
	Per Apartment	0.5	2.0
	Per Apartment	1.0	2.0
	Per Dwelling Unit	1.0	2.0
Motels & Hotels	Without kitchen units	Per Unit	0.25
	With kitchen units	Per Unit	0.35
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	-
	With kitchen	Each	-
Office Use	Up to 5,000 square feet	1.0	
	Per 1,000 square feet thereafter	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	
	For first 10 children	0.2	2.0
	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	
	Per three water fixtures thereafter	1.0	2.0
Supermarkets (over 5,000 sq feet)	Per water fixture and drain	1.0	10.0
Bank	Up to 5,000 square feet	1.0	
	Per 1,000 square feet thereafter	0.25	2.0
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	
	Per 1,000 square feet thereafter	0.25	2.0
Bars and Cocktail Lounges (Without restaurant)	One to fifty seats	1.0	
	Each additional 15 seats (or portion thereof)	1.0	2.0
Bowling Alley	Per lane	0.4	2.0
Schools	Per 50 full-time students and faculty	1.0	
	Per 100 part-time students and faculty	1.0	2.0

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 Aqua 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:

Flow = 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: ~~\$2.23~~ \$2.29 per 1,000 gallons permitted (monthly)

BOD Unit Cost: ~~\$85.52~~ \$87.66 per 100 pounds BOD permitted (monthly)

TSS Unit Cost: ~~\$115.26~~ \$118.14 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:

$$\frac{\text{Total Man-hours}}{8 \text{ hours}} * \frac{30 \text{ gallons}}{\text{day} \cdot \text{user}} = \frac{\text{gallons}}{\text{day}}$$

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. 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, shall be liable to the City of all costs incurred by the City as a result of the discharge plus 10 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 +10% 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	\$2.23 \$2.29 per 1,000 gallons discharged
BOD	\$85.52 \$87.66 (per 100 pounds treated)
TSS	\$115.26 \$118.14 (per 100 pounds treated)

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 competed 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	\$2.23 \$2.29 per 1,000 gallons discharged
BOD	Tier 1: \$85.52 \$87.66 (per 100 pounds treated) Tier 2: 5% in excess of Tier 1 limit ¹ Tier 3: 5% in excess of Tier 2 limit ²

TSS	Tier 1: \$115.26 <u>\$118.14</u> (per 100 pounds treated) Tier 2: 5% in excess of Tier 1 limit ¹ Tier 3: 5% in excess of Tier 2 limit ²
-----	--

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.

2.0 BILLING CHARGE

Fee: Cost per bill issued: \$3.95 / \$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: ~~\$0.120 per gallon~~ \$150.00 per 1,000 gallons, min. \$75.00

Fees for discharge of holding tank wastewater from recreational vehicles shall be: ~~\$15.00~~ \$18.00

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 ~~\$2.58~~ \$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 ~~\$2,374.00~~ \$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:	\$300 <u>Actual Cost +10% minimum \$300.00</u>
Users requesting between 1,000 and 50,000 gallons:	\$500 <u>Actual Cost +10% minimum \$500.00</u>
Users requesting between 50,000 to 150,000 gallons:	\$1,000 <u>Actual Cost +10% minimum \$1,000.00</u>
Users requesting more than 150,000 gallons:	\$3,000 <u>Actual Cost +10% minimum \$3,000.00</u>

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
Category A: Enforcement Responses Based on U.S. EPA Guidance	
A. Illegal Discharge	
1. Discharge without Permit	
a. User not aware of need; no damage to WPCF	\$100 to \$300
b. User not aware of need; damage to WPCF.	\$300 to \$5,000 Plus Actual Cost
c. Failure to apply continues after notice by WPCF.	Initial fine plus \$100 per day until application is received
2. Discharge with Expired Permit- Failure to apply for Permit renewal.	\$100 fine plus \$100 per day until application is received
B. Discharge Permit Violations	
1. Isolated exceedance, not SNC.	\$100 to \$300
2. Isolated exceedance, SNC	\$300 to \$500
3. Damage to WPCF or environment	\$5,000 plus Actual Cost
4. Frequent, not SNC.	\$300 to \$500
5. Frequent, SNC.	\$500 to \$1,000
C. Sampling, Monitoring, and Reporting Violations	
1. Reporting Violations	
a. Report improperly signed, first offense	\$50
b. Report improperly signed, repeat offense	\$100
c. Late report; isolated and minor	\$25
d. Report more than 30 days late	\$50
e. Late report; frequent offense	\$100
f. Failure to report spill or changed discharge; no harm	\$50
g. Failure to report spill or changed discharge; harm	\$100 plus Actual Cost
h. Repeat failure to report spills	\$100 to \$300
i. Falsification	\$100
2. Failure to Monitor Correctly	
a. First offense	\$100 to \$300
b. Recurring failure to monitor	\$300 to \$500
3. Improper Sampling, evidence of Intent	
4. Failure to Install Equipment	
a. Delay < 30 days	\$50 per day
b. Delay > 30 days	\$100 per day
c. Recurring; violation of Administrative Order	\$500 to \$1,000
5. Compliance Schedules	
a. Missed by < 30 days, will not affect final date	\$50 per day
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
d. Recurring; violation of Administrative Order	\$500 to \$1,000
D. Other Permit Violations	
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	\$300 to \$500
b. Results in harm	\$5,000 plus Actual Cost
E. Violations Discovered During Inspection	
1. Denial of Entry	\$500
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.	\$5,000 plus Actual Cost
c. Recurring; violation of Administrative Order	\$500 to \$1,000
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. Facility-Specific Enforcement Responses	
A. Illegal Discharge	
1. Intentional Discharge without Permit	\$1,000 to \$2,500 plus \$250 per day until corrected
2. Discharge with expired Permit	\$100 to 300
B. Discharge Permit Violations	
1. WPCF was informed; no damage.	\$100 to \$500
2. WPCF was informed; damage.	\$300 to \$5,000 plus Actual Cost
3. WPCF was not informed.	\$1,000 plus Actual Cost
C. Spill Incidents	
1. Single instance	\$100 per violation
2. Repeated spills by same user	\$250 per violation
Other	
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: City Manager

Councilor Pritchett moved passage.
Councilor Hebert said this increase troubled him the most. He said he was going to look for alternate ways to balance this budget without an increase in the fees until he heard about the re-licensing issues. Given the work that is going to need to be done to secure re-licensure of the facility, he said he would reluctantly support this order.
Councilor Pritchett said that it was important for this facility to be able to perform capital work within its operating budget because of the limited ability for the City to borrow funds for capital improvements. He said the reserve funds need to be funded so that they have the ability to fix something if it breaks.
Vote: 5 for.

Order #22 Authorizing Fee Schedule Amendment – Landfill/Transfer Station

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Landfill/Transfer Station Fee Schedule adopted by the City Council July 12, 2012, and amended July 9, 2012, is hereby further amended as follows:

LANDFILL/TRANSFER STATION FEES

Adopted 07/12/10; Amended 07/09/12

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)	\$28.00 <u>\$30.00</u> per ton
Processed C&DD (non-prepay volume rate)	\$30.00 <u>\$32.00</u> per ton
Unprocessed C&DD (volume contractual rate)	\$35.50 <u>\$39.00</u> per ton
All other C&DD (other than mixed loads)	\$40.00 <u>\$41.00</u> per ton
Mixed Loads (items other than building materials mixed into the load)	\$55.00 <u>\$56.00</u> per ton

Furniture:

Small Furniture Items	\$3.00 per item
Larger Furniture Items (sofa, couch, mattress, box spring, etc)	\$5.00 per item

Green Wastes:

Residents	no fee
Commercial	\$65.00 per ton

Special Wastes:

Bulky Special Waste	\$55.00 per ton
Other Special Waste (ie. 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

Items to be Discarded:

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	\$5.00 each or \$10.00 per cubic yard
Brush (less than ½ cubic yard per day)	no fee
Brush (over ½ 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)	\$0.25 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	\$1.00 each per pound
Liquid Mercury	Call DEP

MISCELLANEOUS

Scale Use (incidental, at user's request):

Per weighing \$15.00 each time

Landscape Material:

Woodchips \$20.00 per cubic yard
 Compost \$0.50 per 5 gallons or \$20.00 per cubic yard

PERMIT AND LICENSE FEES

Resident Permit

Per Bag Fee:
 12 gallon bags \$0.50 each
 22 gallon bags \$1.00 each
 32 gallon bags \$1.50 each

Commercial Permit ~~\$405.00~~ \$110.00 per ton

Recycling Permit \$0 per year

Seasonal Permit ~~\$65.00~~ \$72.00

Commercial Hauler (disposal) ~~\$405.00~~ \$110.00 per ton
 Commercial Hauler License Fee \$250.00 per year

Non-Resident Contractor Permit (each job) \$20.00 permit fee and
~~\$405.00~~ \$110.00 per ton

Non-Resident Landscape Contractor Permit ~~\$65.00~~ \$72.00 per year

Temporary General Permit ~~\$405.00~~ \$110.00 per ton

PENALTIES

Failure to Separate Recyclable Material \$15.00 per bag

Sponsor: City Manager
 Originator: City Manager

Councilor Pritchett moved passage and asked what the implications would be of postponing this order until the July 1, 2013 agenda-setting meeting.
 The City Manager said that there would be no implications of such a postponement since the new fees were not intended to take effect until July 1st anyway.
 Councilor Isganitis asked how this order would need to be amended to reflect the amendment that was made to the budget keeping the permit fee at \$65.
 Councilor Pritchett moved to postpone Order #22 until the July 1, 2013 Agenda-Setting Meeting so that staff could determine exactly what changes would need to be made to this order to reflect the budget amendment.
 Councilor Dickerson said that a councilor can state the intent of an amendment to make sure what they intend is what actually happens.
 Councilor Isganitis said he understood what Councilor Dickerson was saying, but wanted to make sure that the Council was making the correct decision. He said asked if the questions could be answered by next Monday.
 The City Manager said staff could provide the Council with the clarification necessary to amend this Order accordingly.
 Councilor Pritchett said that the calculation of the fees for these permits are linked, and that the Council needs to know if there would be an effect on any of the other permit fees. Vote: 5 for
 Order #22 was postponed until the July 1, 2013 Agenda-Setting Meeting.

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 8:50 p.m.

A TRUE COPY. ATTESTED: _____ City Clerk

SPECIAL MEETING AGENDA July 1, 2013

Order #22 Amending Landfill/Transfer Station Fee Schedule (Postponed)
 Discussion – Public Restrooms
 Set Agenda for July 8, 2013 Regular Meeting
 Executive Session pursuant to 1 M.R.S. § 405(6)(C) – Property Disposition

Special Meeting continued:

July 1, 2013

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, 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, 326 Old County Road, spoke to the Council concerning the possible loss of up to \$280,000 in revenue sharing funds from the State and said that the City needed to reduce costs to make up for this loss rather than pass it on to the tax payers. He said that 60% of the City's budget was made up of salaries and benefits for City employees, and cited some totals for various positions, saying that the average citizen does not make as good a wage.

- Jay Sawyer, a sculptor from Warren, spoke to the Council concerning his desire to loan a sculpture to the City for display on City property. He said because of its ties to the railroad, he would like to see the sculpture placed at Sandy Beach near the existing railroad tracks, but said he was willing to work with the City on finding the best location.

Hearing no other speakers, the public forum was closed.

Order #22 Amending Landfill/Transfer Station Fee Schedule (Postponed)

(See pages 294-296 for text)

It was noted that this Order had been postponed until this meeting, and that it had been given a motion for passage.

Councilor Hebert asked that the Rules be suspended to hear from Solid Waste Director David St. Laurent on what needed to be changed in this Order to reflect the amendment made to the budget on June 24, 2013. Without objection from the Council, the Rule were suspended.

Mr. St. Laurent said that only the Residential and Seasonal permit fee would need to be left at \$65.00 per year to match the amendment made to the budget.

Councilor Isganitis asked how many seasonal and how many residential permits are issued annually.

Mr. St. Laurent said that there is actually no difference between the two, they are listed as separate permits because when the fee schedule was adopted, there were two different permits listed in the Solid Waste Ordinance. He said this was a holdover from that Ordinance provision. He also said that most seasonal residents use the pay as you throw option rather than the annual permit.

Councilor Pritchett said that the fee is back calculated from the tonnage fee, and asked how changing these fees would effect that calculation.

Mr. St. Laurent said that 75% of the municipal solid waste brought to the facility is handled by commercial waste haulers who will pay \$110 per ton. The remaining 25% is brought in by the general public. The fee is calculated as an average cost per permit.

Councilor Pritchett said that under this scenario, residents using a commercial hauler will be paying a higher rate for waste disposal than those who bring their waste to the facility themselves.

Councilor Hebert asked Mr. St. Laurent if the recycling rates between residents and commercial haulers differ.

Mr. St. Laurent said it was hard to say. He said that some residents that use commercial hauler do their own recycling and bring the materials to the facility, while others have the hauler recycle for them.

The Council went back into Special Session with Councilor Pritchett making a motion to amend Order #22 by leaving the Residential Permit at \$65.00 per year, as follows: "Residential Permit ~~\$65.00~~ ~~\$72.00~~ \$65.00 per year"

Councilor Hebert asked Councilor Pritchett if he intended his amendment to extend to the "Seasonal Permit" as well.

Councilor Pritchett said he did not intend to include "Seasonal Permit" in his motion.

Councilor Dickerson said she liked the idea of leaving this fee where it currently is, but warned the Council that in light of budgetary concerns they need to keep a close eye on budgetary matters. She said people are struggling, and under this proposal people using commercial haulers will be paying a higher rate for waste disposal.

Councilor Pritchett said that he intends to offer another amendment to address that situation, but these are separate matters that should be considered separately.

Vote on amendment: 3 for, 2 opposed.

(Clayton, Isganitis)

Councilor Pritchett moved to further amend Order #22 by changing the fee for Commercial Hauler fee from \$110 per ton back to \$105 per ton, as follows: "Commercial Hauler (disposal) ~~\$105.00~~ ~~\$110.00~~ \$105.00 per ton"

Councilor Pritchett said that these fees are derived in tandem, and did not want to create a dichotomy between the people that use commercial haulers and those who bring their waste to the facility themselves.

Councilor Hebert asked that the Rules be suspended once again so that he could ask Mr. St. Laurent what the difference was between "Commercial Permit" and "Commercial Hauler (disposal)" fees.

Mr. St. Laurent said that this was an attempt to be consistent. In reality, what it meant was that everyone that drives over the scales are charged the same fee. He also said that the effect on the budget of this reduction would be a reduction in revenues of \$27,299. He said this reduction would come out of the Landfill Closure Account, reducing that total to \$172,000 from the original proposed amount.

Councilor Pritchett withdrew his motion to amend. He then moved to amend Order #22 by changing all of the "\$110.00" fees back to "\$105.00".

Councilor Isganitis said that he was opposed to this proposal. He said that the Council is considering taking another \$27,000 out of the budget on top of the \$10,000 that they have already taken out, and they still need to consider how to fill a \$280,000 hole.

Councilor Hebert said that the previous amendment to the budget accounts for \$9,500, so an additional amendment would need to be made to account for this proposal. He said that the City should attempt to keep the fees for waste disposal as even as possible, but had mixed feelings about this amendment.

Councilor Pritchett reminded the Council that Solid Waste is not part of the General Fund, and the only impact of these amendments would be the amount of money that is put into the Closure Account at the end of the year. He said this has no effect on the taxpayers, and he agreed with Councilor Hebert that the disposal fees should be as even as possible.

Councilor Isganitis said that the Council has already taken \$9,500 out of the Closure Account, and now it is being proposed that another \$27,000 be taken out. He said this is kicking the can down the road as far a closure of the landfill is concerned.

Special Meeting, Order #22 continued:

July 1, 2013

He said that it is not unreasonable to ask a household to pay an additional \$7 per year to dispose of their trash. He also said that there is always the pay per bag option if someone so chooses.

Vote on amendment: 1 for, 4 opposed.
(Dickerson, Clayton, Hebert, Isganitis)
Motion Defeated.

Councilor Dickerson said that the City is sailing into uncharted waters, and that they need to listen very closely to the citizens and discuss with each other to make changes to these fees if it is necessary. She said that there are several areas of the Solid Waste budget that she has concerns about.

Councilor Pritchett said that the fees should be made to as realistically as possible reflect the cost of disposal without kicking the can down the road. He said that the City made a dramatic change in the way solid waste costs are managed a couple of years ago, and he was not prepared to increase those fees at this time. He also said that the City is in the ball park with the Closure Account, but does need to keep a close eye on the situation.

The City Manager said that the current fee schedule is rather cumbersome, and that staff will be looking in the future at ways to simplify the fee schedule by combining fees were possible.

Vote as amended: 4 for, 1 opposed.
(Clayton)

At this time, the Council went into informal session and held a discussion with Jay Sawyer on the loan and placement of his sculpture. The Council directed the City Manager to explore the matter and report to the Council at a later date.

The Council then held an informal discussion with Water Pollution Control Facility Director Terry Pinto on the location and construction of public restrooms on the property of the Water Pollution Control Facility near then entrance of the Thorndike Parking Lot off of Tillson Avenue.

With the above discussions complete, the Council then set the agenda for the July 8, 2013 Regular Meeting. The following communications were considered:

- Letter from Michael McNeil – Resignation from Planning Board. The letter was accepted, place on file, and the City Manager was directed to send a letter of thanks to Mr. McNeil for is service to the City.

- Letter from Pinney Beebe-Center – Resignation from Economic Development Committee. The letter was accepted, placed on file, and the City Manager was directed to send a letter of thanks to Ms. Beebe-Center for her service to the City.

Executive Session pursuant to 1 M.R.S. § 405(6)(C) – Property Disposition: Councilor Pritchett moved that the City Council enter into an Executive Session pursuant to 1 M.R.S § 405(6)(C) that allows the Council to discuss the disposition of public property.

Vote: 5 for.

The Council entered Executive session at 8:11 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 8:37 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

GO TO BOOK #40