

RESOLVE #R-2011-1 AUTHORIZING PURCHASE OF A NEW CRUISER AND VIDEO SYSTEM

Whereas, the 2010 Capital Improvement Plan calls for the purchase of a new police cruiser; and,

Whereas, \$31,500 was included in the 2010 Capital Improvement Plan for the purchase of a new police cruiser and in-car video system; and,

Whereas, bids were requested and received as follows for the new cruiser:

Quirk Ford of Augusta (Ford) (In stock)	\$23,090
Less trade-in	<u>\$840</u>
Total	\$22,250

Quirk Ford of Augusta (Chev)	\$22,508
Less trade-in	<u>\$840</u>
Total	\$21,668

Darlings Ford (Ford) (8 week delivery)	\$22,946
Less trade-in	<u>\$750</u>
Total	\$22,196

Whereas, Sean Geagan, Police Chief has recommended the contract be awarded to Quirk Ford of Augusta in the amount of \$22,250; and,

Whereas, only one quote was requested for a Watchguard video in-car system in the amount of \$5,020; and,

Whereas, only one quote was obtained for the video in-car system because the other police cruisers are equipped with the same model and it is the request of the Police Department that all the cameras be the same model:

Whereas, there are other costs associated with the purchase of a new cruiser which include striping, removing the equipment from the old cruiser and installing it in the new cruiser, purchasing a siren box, switch panel and console which totals \$1,910:

Be it resolved by the Bucksport Town Council in town council assembled that the contract for the purchase of a new Ford 2010 police cruiser be awarded to Quirk Ford of Augusta in the amount of \$22,250 considering the trade-in is allowed.

Be it further resolved that the Police Department be authorized to expend an amount not to exceed \$6,930 for the purchase of a new Watchguard video in-car system, to stripe the new cruiser, to remove the equipment from the old cruiser and reinstall it in the new cruiser and to purchase and install a new siren box, switch panel and console.

Be it further resolved that the cost of all the above purchases be paid for from Police Equipment Reserve Account.

Acted on July 8, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**CONSIDER RESOLVE #R-2011-2 AUTHORIZING PURCHASE OF A NEW
SIDEWALK V-PLOW**

Whereas, the 2010 Capital Improvement Plan (CIP) calls for the purchase of a new sidewalk V-plow to fit on the existing MT Tractless sidewalk plow; and,

Whereas, only one quote was requested since H.P. Fairfield is the only local dealer for the MT Tractless; and,

Whereas, the quote for a new five position folding V-plow is \$5,495; and,

Whereas, \$6,000 was budgeted for this purchase in the CIP:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to purchase a new five position folding V-plow for the MT Tractless sidewalk plow be awarded to Howard P. Fairfield, LLC in the amount of \$5,495.

Be it further resolved that the cost of this purchased be charged to the Highway Equipment Reserve Account.

Acted on July 8, 2010

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-3 AUTHORIZING THE PURCHASE OF A WOOD
CHIPPER**

Whereas, the 2010 Capital Improvement Plans calls for the purchase of a new wood chipper for use by the Highway Department; and,

Whereas, quotes were received as follows:

Vender	Unit	Price
Hammond Tractor Co.	Brush Bandit 200 XP	\$32,505
	Brush Bandit 150 XP (demo)	\$21,500
Nortax	Morbark Twister 12	\$28,830
Chadwick-BaRoss	Woodsman 730	\$33,800
Dorr Equipment Co.	Salsco 813 XT	\$40,611
Howard P. Fairfield, LLC	Altec DC1317HP	\$39,923

Whereas, \$20,000 was budgeted in the CIP for this purchase; and,

Whereas, the Public Works Director has recommended that the Town Council award the contract to Hammond Tractor Company in the amount of \$21,500 for the Brush Bandit 150X, demo; and,

Whereas, the unit is not new but only has 275 hours of use against a 2000 hour manufacturer's warrantee and the price is close to the CIP budgeted amount:

Be it resolved by the Bucksport Town Council in town council assembled that the bid for a wood chipper be awarded to Hammond Tractor Co. in the amount of \$21,500 for a demo, model Brush Bandit 150 XP.

Be it further resolved that the price of this purchase be charged to Highway Equipment Purchase.

Acted on July 8, 2010

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-4 AUTHORIZING IMPROVEMENTS TO RECREATION
FACILITIES**

Whereas, the 2010 Capital Improvement Plan calls for resealing the tennis court and filling in the cracks and repairing the cracks on the basketball court; and,

Whereas, quotes have been requested and received from one company Advantage Tennis in the amount of \$3,500 for the resealing of the tennis court and \$15 per linear foot for crack repair; and,

Whereas, it is estimated that there are 300 linear feet of cracks to be filled at the tennis court at an estimated cost of \$4,500, and,

Whereas, it is estimated that there is 60 linear feet of cracks to be filled on the basketball court at an estimated cost of \$900:

Whereas, \$8,500 was included in the CIP to fill cracks and seal the tennis court and \$1,000 included to fill cracks at the basketball court:

Be it resolved by the Bucksport Town Council in town council assembled that the Recreation Director be authorized to engage the firm Advantage Tennis and to expend an amount not to exceed \$8,500 to fill the cracks and reseal the tennis court and \$1,000 to fill the cracks at the basketball court.

Be it further resolved that the cost of these repairs be charged to the Recreation Facility Reserve.

Acted on July 8, 2010

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

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**RESOLVE #R-2011-5 AUTHORIZING AMENDMENT TO THE CONTRACT
FOR ENGINEERING SERVICES FOR THE SILVER LAKE BOAT LANDING
IMPROVEMENTS**

Whereas, the Bucksport Town Council previously approved a contract with Millett Associates to explore options available to provide parking for boaters using the Silver Lake Boat Landing; and,

Whereas, the areas designated for study included property owned by Verso located west of the landing, property located across the landing, and property located across the bay from the existing landing; and,

Whereas, since the preliminary review of the sites noted above has been completed, one additional area has been identified, located east of the landing and owned by the town, which may be suitable as an additional option for parking; and,

Whereas, Millett Associates has proposed for an additional fee of \$3,900 to complete a survey and preliminary plans for the area, and,

Whereas, this study is necessary in order to address all permitting requirements:

Be it resolved by the members of the Bucksport Town Council in town council assembled that the contract with Millett Associates to provide engineering services to complete improvements to the Silver Lake Boat Landing be amended to include an area east of the boat landing and owned by the Town for a cost of \$3,900.

Be it further resolved that the cost be charged to the Silver Lake Reserve Account.

Acted on July 8, 2010

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-6 AUTHORIZING EXPENDITURE FROM THE
WATERFRONT RESERVE FOR ELECTRICAL IMPROVEMENTS**

Whereas, improvements have to be made to the electrical service at the town dock; and,

Whereas, an estimate has been received in the amount of \$1,915 from Electrical Services Inc.; and,

Whereas, the work needs to be completed before the festival is held on July 24, 2010:

Be it resolved by the Bucksport Town Council in town council assembled the contract with Electrical Services to complete electrical improvements at the town dock in the amount of \$1,915 be authorized.

Be it further resolved that the cost of this improvement be paid for from the Waterfront Reserve Account.

Acted on July 8, 2010

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-7 AUTHORIZING BALANCES TO BE CARRIED
FORWARD**

Be it resolved by the Bucksport Town Council in town council assembled that the following account balances be carried forward or transferred:

Transfer \$1,870 from Moorings & Docking Fees (56-7008) to Waterfront Reserve Account (570-03)

Transfer \$1,437.35 from Animal Fees (51-2203) to Animal Shelter Reserve (570-14)

Transfer 22.8% of the adjusted balance in Solid Waste (531) to Designated Fund Balance

Acted on July 8, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-8 APPROVING TOWN COUNCIL GOALS FOR THE
PERIOD 7-1-2010 TO 6-30-2011**

Whereas, the Bucksport Town Council chooses to set goals for the town council for the period 7-1-2010 to 6-30-2011; and,

Whereas, the list of goals is as follows:

1. Pursue installation of natural gas in the compact area of Bucksport and the industrial park
2. Explore the feasibility of a biomass facility to support the energy needs of RSU#25 or businesses in the industrial park
3. Explore the option of providing financial support for energy improvements for property owners (The PACE Program)
4. Review and approve a five year Capital Improvement Plan for the period 7-1-2011 to 6-30-2016
5. Review employee benefits to determine cost efficiencies
6. Participate in the negotiation of employment contracts for all bargaining units and non-contractual employees
7. Pursue redevelopment and use of the Jed Prouty Inn including ownership by the town if the private sector does not respond in time
8. Explore the feasibility of burying the overhead lines in the downtown area
9. Consider applying for an Enterprise Grant to complete improvements in the Downtown area as identified in the Downtown Plan
10. Pursue funding to reconstruct Route 46 from Route 1A to an area one-half mile north of Hancock Pond
11. Pursue repairs and renovations to the School St. Fire Station
12. Select an engineer to begin the preliminary plans for secondary treatment
13. Continue to work towards the development of phase two of the industrial park
14. Pursue plans to improve and expand the Miles Lane Trail and to connect the trail system with the waterfront walkway
15. Consider applying to Department of Conservation for funds to improve and expand the Miles Lane Trail
16. Consider applying for a CDBG to address storm drain issues in the Miles Lane drainage area
17. Continue to pursue plans for improvements to the Silver Lake Boat Landing and to obtain a forest management plan for all Silver Lake property owned by the Town of Bucksport
18. Explore the feasibility of establishing a work program for the elderly in lieu of property taxes
19. Consider applying for a 2011 Housing Assistance CDBG to provide financial assistance for housing improvements for low and moderate income families and rental properties located in the compact area for owners and landlords, particularly energy related
20. Continue to pursue development of housing opportunities with services for elderly regardless of income
21. Pursue installing pooper scooper bag dispensers along Main Street and waterfront

22. Pursue installation of a traffic light at Hannaford's exit
23. Pursue funding for a part-time programmer for Bucksport Performing Arts Center
24. Pursue funding for improvements to the Bucksport Performing Arts Center
25. Encourage apartment living downtown
26. Pursue development of a TIF District to encourage development in the downtown
27. Pursue development of a Historic District to encourage improvements to historic buildings or buildings of historic value located in the compact area
28. Pursue an onsite meals program for the elderly
29. Pursue Co-Operative Associations with surrounding communities, RSU #25 and agencies
30. Explore the feasibility of developing of a comprehensive early childhood education and day care program
31. Participate in the RSU #25 Facility Study Committee
32. Revise Town Council rules to reflect town committee structure and review Town Council by-laws
33. Pursue opportunity for citizens to pay for some municipal services electronically
34. Explore assistance for the aging population enabling them to stay in their own homes/assisted living/nursing home
35. Continue to have discussion with Verso how the town may assist to maintain the Bucksport operation as a viable operation for future years
36. Explore the feasibility with the Recreation Committee of an after school program

Be it resolved by the Bucksport Town Council in town council assembled that the list of goals noted above be adopted and implemented during the period 7-1-2010 to 6-30-2011.

Acted on July 8, 2010

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Gardner Commons- All proposed improvements funded by the 2009 Housing Assistance CDBG have been completed.

Senior Study- The only remaining item that has not been completed is whether or not it is feasible to establish a meal site that is supported by an on site cook. Mary Jane Bush and I will be pursuing that issue with the Superintendent of School and the Executive Director for Child and Family Opportunities. All other issues identified in the report have been explored and in many cases implemented.

Energy Improvements- All energy improvements identified by the energy audit report for municipal facilities having a payback of less than five years have been addressed.

Industrial Park - The subdivision plan for Phase II has been submitted to the CEO and the application will be submitted by the end of this week. The CEO will then distribute the plan so that it can be reviewed by the department heads. The goal is to have the Planning Board begin the review process at their August meeting.

**ORDINANCE TO AMEND CHAPTER 2 ADMINISTRATION, ARTICLE 2
PERSONNEL RULES AND REGULATIONS**

Shall an ordinance be adopted entitled “Amendment to Chapter 2 Administration, Article 2 Personnel Rules and Regulations” for the purpose of amending Section 1, Subsection 1.7 Non-Discrimination and Affirmative Action to include sexual orientation among the list of non-discrimination categories.

1.7 NON-DISCRIMINATION AND AFFIRMATIVE ACTION

The Town shall administer and implement these Rules and Regulations in a manner that shall not discriminate unlawfully against any person because of race, color, religion, sex, national origin, age, sexual orientation or physical or mental disability. Furthermore, the Town shall take affirmative action to enhance the opportunities for minority group members, where they may be underutilized.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-9 ACCEPTING GRANT FROM MAINE DEPARTMENT OF
TRANSPORTATION REGARDING IMPROVEMENTS TO THE TOWN DOCK**

Whereas, the Town applied for a Small Harbor Improvement Program grant in the amount of \$53,060 from Maine Department of Transportation (MDOT) to complete repairs to the town dock; and,

Whereas, the improvements include installation of (2) twelve inch H-piles and (2) eight inch guide poles that will secure the float system to the town dock, and cleaning and painting the four existing pile clusters; and,

Whereas, the Bucksport Town Council committed \$22,740 from the Waterfront Reserve Account as local funds towards the project; and,

Whereas, MDOT has notified the town that the grant request has been approved:

Be it resolved by the Bucksport Town Council in town council assembled that the SHIP grant approved in the amount of \$53,060 by MDOT be accepted and the funds used to complete improvements to the town dock consisting of installing (2) twelve inch H-piles and (2) eight inch guide poles that will secure the float system to the town dock, and cleaning and painting of the four existing pile clusters.

Be it further resolved that the Town Manager be assigned the responsibility of administering the grant program in accordance with the program requirements and the local share in the amount of \$22,740 be funded from the Waterfront Reserve Account.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-10 AUTHORIZING APPLICATION TO THE MAINE FOREST SERVICE FOR A GRANT TO PREPARE A FOREST MANAGEMENT PLAN FOR THE SILVER LAKE PROPERTIES

Whereas, the Town owns two separate parcels of land that were purchased in recent years located along the shoreline of Silver Lake; and,

Whereas, the first parcel is referred to as Lot 9 of Tax Map 5 consisting of approximately 88 acres of land of which 85 acres are forested with mixed growth and the second parcel is referred to as Lot 14 of Map 5 consisting of 67 acres of land of which 12 acres are open space while the remaining acreage is forested with mixed growth; and,

Whereas, the town proposes to hire a licensed forester to prepare a forest management plan in accordance with Maine Forest Service WoodsWISE standards for the properties; and,

Whereas, the town solicited proposals from licensed foresters who are eligible to write Conservation Activity Plans (CAPs) and received three proposals which will be reviewed by the members of the Conservation Committee; and,

Whereas, the highest cost of the proposals received is \$4,000; and,

Whereas, Maine Forest Service is requesting applications from interested entities for the 2010 Project Canopy USDA Forest Service – Urban and Community Forestry Grant; and,

Whereas, a forest management plan for a community forest is an eligible cost; and,

Whereas, the grant program requires a 50% local match; and,

Whereas, the members of the Conservation Committee recommend to the town council that a forest management plan be considered for the Silver Lake properties:

Be it resolved by the Bucksport Town Council in town council assembled that an application be submitted to the Maine Forest Service for a 2010 Project Canopy USDA Forest Service –Urban and Community Forestry Grant in the amount of \$2,000 to be used to complete a forest management plan for the Silver Lake properties.

Be it further resolved that the local share not to exceed \$2,000 be raised from the Silver Lake Reserve Account.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-11 AUTHORIZING APPLICATION TO BUREAU OF
PARKS AND LANDS**

Whereas, the town proposes improvements to Miles Lane Trail which includes removing the dead trees along the trail and extending the trail an additional 2,200 feet; and,

Whereas, grant funds not to exceed \$35,000 are available through the Bureau of Parks and Lands for trail development and improvements; and,

Whereas, the local share must be a minimum of 20% of the project cost; and,

Whereas, the grant application must be submitted on or before November 5, 2010:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to file a grant application with the Bureau of Parks and Lands for a grant to assist with the development and improvement to the Miles Lane Trail.

Be it further resolved that local share be generated from in-kind contributions and an appropriation from the Recreation Facility Reserve Account, an amount to be determined at a future town council meeting.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-12 AUTHORIZING WRITE-OFF FOR AGED ACCOUNTS
RECEIVABLE**

Be it resolved by the Bucksport Town Council in town council assembled that aged accounts receivables for ambulance service in the amount of \$6,535.11 for the period 4-1-2009 to 6-30-2009, be written off.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-13 APPROVING CERTIFICATION FOR URBAN/RURAL
INITIATIVE PROGRAM**

Whereas, in order for the town to receive FY-11 Urban-Rural Initiative Program (URIP) funds the town must certify that Urban Initiative funds will be used only for maintenance or improvement to public roads and Rural Initiative funds will be used only for capital improvement of public roads; and,

Whereas, the town is scheduled to receive \$7,428 in Urban Initiative funds and \$60,096 for Rural Initiative funds for this fiscal year; and,

Whereas, the Town of Bucksport has designated all Urban and Rural Initiative funds for capital improvements:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to sign the 2010-2011 Urban-Rural Initiative Program Certification form.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-14 AUTHORIZING ACCEPTANCE OF GRANT FROM
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A SMALL
COMMUNITY GRANT**

Whereas, the town has applied and received notice from the Maine Department of Environmental Protection that a grant in the amount of \$12,000 has been approved as part of the 2010 Small Community Grant Program; and,

Whereas, the town has an additional \$3,351 of available grant money from previous awards that can be used in conjunction with the 2010 grant award; and,

Whereas, the funds will be utilized to replace private subsurface disposal system that are currently malfunctioning and whose owner or owners are not capable of financing the improvement in part or in its entirety:

Be it resolved by the Bucksport Town Council in town council assembled that the town accept the grant in the amount of \$12,000 from the Maine Department of Environmental Protection to be used to pay for the replacement of private malfunctioning subsurface disposal system(s).

Be it further resolved that the program be administered by the Code Enforcement Officer in accordance with program rules and regulations.

Acted On July 29, 2010

Yes 7 No 0

Attested by Kathy Downes, Town Clerk

AMENDMENT TO APPENDIX A TOWN CHARTER, ARTICLES 4 AND 6

Shall an ordinance be introduced entitled "Amendment to Appendix A Town Charter, Articles 4 and 6", for the purposes of amending language in Article 4 relating to the term, removal and annual evaluation of the town manager and to change language so that Article 4 is gender neutral; and to repeal Article 6, Department of Education, since all educational responsibilities were transferred by vote of the citizens to Regional School Unit #25 effective 7-1-2009.

Article 4 Town Manager

SEC. 4.01 Town Manager; Qualifications

The Town Council shall appoint a Town Manager for ~~an indefinite~~ **a definite** term and fix ~~his~~ **the Manager's** compensation. The Manager shall be appointed on the basis of his/**her** executive and administrative qualifications. ~~He~~ **The manager** need not be a resident of the Town or State at the time of his/**her** appointment but may reside outside the Town while in office only with approval of the Council. No Councilman shall receive such appointment during the term for which ~~he~~ **the Manager** shall have been elected, nor within one (1) year after the expiration of his/**her** term, nor shall any member of the Town Council act in that capacity.

SEC. 4.02 Removal of Town Manager

The Town Council may remove the Manager **from office in accordance with the following procedures:** ~~for cause by a majority vote of its members.~~

(1) The Council shall adopt by affirmative vote of a majority of all its members file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal. A copy of the resolution shall be delivered promptly which shall be delivered to the Manager. within ten (10) days of its filing with the Town Clerk. The Council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager's salary be affected until the final resolution of removal has been adopted.

(2) The Manager may within twenty (20) days of receiving the resolution reply in writing and may request a public hearing, which shall be held by the Council not earlier than ten (10) days after the request is filed nor later than thirty (30) days after the request. After the public hearing or at the expiration of the time permitted the Manager to request the public hearing, if no such request is made, the Council may by majority vote adopt or reject the resolution of removal. The Council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager's salary be affected until the final resolution of removal has been adopted.

SEC. 4.03 Absence of Town Manager

By letter filed with the Town Clerk, the Manager shall designate, subject to approval of the Town Council, a qualified resident to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or his/her disability shall cease. In the event of failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until he/she shall return or his/her disability shall cease.

SEC. 4.04 Powers and Duties of the Town Manager

The Town Manager shall be the chief administrative ~~officer~~ official of the Town. ~~He~~ The Manager shall be responsible to the Town Council for the administration of all town affairs placed in his- that person's charge by or under this Charter.

~~He~~ The Manager shall have the following powers and duties:

1. ~~He~~ The Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.
2. ~~He~~ The Manager shall attend Council meetings, except when his/her removal is being considered, and shall have the right to take part in discussions but may not vote.
3. ~~He~~ The Manager shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by ~~him~~ the Manager or by officers subject to his/her direction and supervision are faithfully executed.
4. ~~He~~ The Manager shall prepare and submit the annual budget and a five (5) year capital improvement program to the Council.
5. ~~He~~ The Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.
6. ~~He~~ The Manager shall make such other reports as the Council may require concerning the operations of town departments, offices and agencies subject to his/her direction and supervision.
7. ~~He~~ The Manager shall keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as ~~he~~ the Manager deems desirable.
8. ~~He~~ The Manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the Council, and the Council may by ordinance adopt them with or without amendment.
9. ~~He~~ The Manager shall perform such other duties as are specified in this Charter or may be required by the Council.

SEC. 4.05 Annual Review

The Town Council shall annually review with the Manager his or her performance as such and said review shall be conducted so as to remove, alleviate or

prevent problems in the relationship of the Manager to the Council in the exercise of their respective powers and duties.

Article 5 Special Administration

SEC. 5.01 Tax Assessors

The assessor of taxes shall be (1) one in number appointed by the Town Council. He/she shall hold office for a term of (2) two years or until his/her successor is appointed and qualified. The present board shall remain in office until December 31, 1988.

SEC. 5.02 Board of Assessment Review: Appointments, Vacancies

There shall be a board of assessment review to consist of three (3) members who shall be appointed by the Town Council for a term of three (3) years, except that of those first appointed one (1) shall be for a term of two (2) years and one (1) for a term of one (1) year. The majority of the whole number of the board shall be a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the Council for the unexpired term.

SEC. 5.03 Board of Assessment Review: Powers, Duties

The board of assessment review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the Town Assessor.
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. Adopt regulations regarding the procedure of assessment review.

SEC. 5.04 Planning Board

There shall be a Town Planning Board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

SEC. 5.05 Comprehensive Plan

There shall be a comprehensive plan for the development of the Town of Bucksport as provided by law.

Article 6—Department of Education

~~SEC. 6.01 School Committee~~

~~The department of education shall be administered by a five (5) member school committee. At the first election under this Charter, one (1) member shall be elected. The four (4) members of the present school committee with the longest~~

~~unexpired terms on the day of the election shall serve on the new school committee. The five (5) members of the new school committee shall designate by lot two (2) members to serve for three (3) years, two (2) members to serve for two (2) years, and one (1) member to serve for one (1) year. Thereafter regular elections of members of the school committee to fill the positions of those whose terms expire shall be held on the first Tuesday after the first Monday of November, and all members shall be elected for a term of three (3) years. The terms of members of the school committee shall begin the 2nd Monday of January after their election and upon their induction.~~

SEC. 6.02 Qualifications

~~Members of the school committee shall be qualified voters of the Town and shall reside in the Town during their terms of office. They shall hold no office of employment or profit under this Charter or ordinance. A committee member shall forfeit his office if he lacks at any time during his office any qualifications of the offices prescribed by this Charter or by law, or upon final conviction of a felony.~~

SEC. 6.03 Vacancy

~~If for any reason a vacancy shall exist in the membership of the school committee, it shall be filled by a majority vote of the school committee until the next municipal election excepting a vacancy created by a recall election which vacancy shall be filled as specified in the recall provision.~~

SEC. 6.04 Organization, Qualification, Quorum

~~The school committee shall meet for organization at 7:00 P.M. on the first Wednesday in January, excepting when the first Wednesday in January falls on a holiday, then on the second Wednesday in January, and at said meeting the members elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a justice of the peace. The majority of the whole number of the school committee shall be a quorum and they shall elect their own chairman.~~

SEC. 6.05 Powers and Duties

~~The school committee shall have all the powers conferred and shall perform all the duties imposed by law upon school committees in regard to the care and management of the public schools of the Town. The school committee shall prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools; and at least forty five (45) days before the beginning of the budget year, the school committee shall furnish copies of such estimates to the Manager.~~

SEC. 6.06 Report

~~The department of education shall annually prepare a report of the affairs, conditions and a five (5) year capital improvement program for the schools for the Town of Bucksport. This report shall be published in conjunction with the Town Manager's report.~~

SEC. 6.07 School Budget Format for Approval

The budget format for approval of the Department of Education budget shall be prepared by specific line categories according to the following format:

- ~~—Instructional salaries and fringe benefits for all programs~~
- ~~—Administrative salaries and fringe benefits for all programs~~
- ~~—Operation and maintenance of plant salaries and fringe benefits~~
- ~~—All other salaries and fringe benefits~~
- ~~—Operation and maintenance of buildings other than salaries~~
- ~~—Instructional cost other than salaries~~
- ~~—Debt Service~~
- ~~—Capital Improvements~~
- ~~—Transportation~~
- ~~—All other costs.~~

SEC. 6.08 Budget Authority

~~Once the Town Council has approved the Department of Education's budget, such line appropriations shall be expended under the direction and control of the Board of Education, but no such appropriation shall be exceeded except by consent of the Town Council. The Board of Education shall not have the authority to transfer funds between line item categories without prior approval of the Town Council. The Town Council may delete, reduce or approve the requested appropriation for each line item category.~~

Article 6 is repealed in its entirety since all educational responsibilities were transferred to Regional School Unit (RSU) #25 effective July 1, 2009 as a result of a vote of the citizens held on January 27, 2009.

AMENDMENT TO APPENDIX K, LAND USE

Shall an ordinance be introduced titled “Amendment to Appendix K, Land Use,” such ordinance being for the purpose of exempting decks and open porches from complying with the minimum front setback in the R1 and R2 Districts. The ordinance shall read as follows:

Section 14 DIMENSIONAL STANDARDS

14.9.4 MINIMUM FRONT SETBACK (See also Section 14.5)

DISTRICTS	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LRP O	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	VIL
10 FT.	■ 4.1	■ 4.1	■	■	■	■			■ 4.3	■ 4.3	■	■ 4.3	■	■			■ 4.3	■	■
50 FT.							■	■											
100 FT.															■ 4.2	■ 4.2			

14.9.4.1 MINIMUM FRONT SETBACK NOTES

- 4.1 Where a proposed structure on Main Street would be abutted on both sides by existing structures with front setbacks that are less than the required front yard setbacks, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback without the need for a variance.
- 4.2 As measured from the centerline of the road. Decks and open porches are not subject to the minimum front setback, provided they are not converted to interior floor space.
- 4.3 A principal structure may not be located less than 100 feet from the centerline of any public or private road if the underlying district is an R1 or R2 District. Decks and open porches are not subject to this restriction, provided they are not converted to interior floor space.

SECTION 20 DEFINITIONS

SETBACK:

- The horizontal distance between a structure, road, parking space or other regulated object or area and the normal high-water line of a water body, tributary stream or the upland edge of a wetland. The distance is measured from that portion of the regulated object that is nearest to the water body, tributary stream or wetland.
- The horizontal distance between a structure, road, parking space or other regulated object or area and a property line or boundary of a right-of-way or easement. The distance is measured from that portion of the regulated object that is nearest to the property line or boundary.
- Nearest portions of a structure from which the setback is measured include, but are not limited to: decks, porches, stairs, eave overhangs, foundations, walls, bay or bow windows and chimneys. Some exceptions apply.

**RESOLVE #R-2011-15 REFERRING DRAFT OF THE RULES AND
PROCEDURES FOR THE BUCKSPORT PLANNING BOARD TO THE
ORDINANCE COMMITTEE**

Whereas, the Bucksport Planning Board is proposing to amend their Rules and Procedures; and,

Whereas, they have presented a copy of their proposed rules to the Bucksport Town Council for approval; and,

Whereas, Article 4 of the Bucksport Town Code requires that the town council approve the Rules and Procedures including any changes:

Be it resolved by the members of the Bucksport Town Council in town council assembled that the proposed rules be referred to the Ordinance Committee for their comments and recommendation.

Acted on August 12, 2010

Yes 6 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-16 REFERRING REVIEW OF THE TOWN COUNCIL
RULES (APPENDIX 2) TO THE ORDINANCE COMMITTEE**

Whereas, it has been established as a goal by the Bucksport Town Council that the council rules should be amended to include language that describes the town council committees and the purpose and rules of procedure for each committee; and,

Whereas, it has also been established that all the existing rules should be reviewed to determine if changes are necessary:

Be it resolved by the Bucksport Town Council in town council assembled that the matter pertaining to review of the Town Council Rules (Appendix 2) be referred to the Ordinance Committee for comments and recommendation.

Be it further resolved that the review include adding language to the Town Council Rules to describe the town council committees, to outline the purpose, rules and procedures for each committee and to review the overall rules to determine if any changes should be made.

Acted on August 12, 2010

Yes 6 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-17 REFERRING THE MATTER OF PARTICIPATING IN
THE PACE PROGRAM TO THE FINANCE COMMITTEE**

Whereas, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the Pace Act”; and,

Whereas, that Act authorizes a municipality that has adopted a Property Assessed Cleans Energy (“PACE”) Ordinances to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Bucksport, financed by funds awarded to Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter in a contract with the Trust to administer functions of its PACE program; and,

Whereas, the Town of Bucksport wishes to determine the merits of this program:

Be it resolved by the Bucksport Town Council in town council assembled that the matter pertaining to the participation in the PACE Program be referred to the Finance Committee for comments and recommendation.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-18 REFERRING MATTER PERTAINING TO CITIZENS
PAYING FOR SOME MUNICIPAL SERVICES BY ELECTRONIC MEANS BE
REFERRED TO THE FINANCE COMMITTEE**

Whereas, the Bucksport Town Council has included as a goal for the ensuing year the need to consider the option of allowing citizens to pay for certain services electronically; and,

Whereas, the State Legislature has approved legislation that clarifies for municipalities options for assigning the fee to the consumer; and,

Whereas, the town's Finance Director has studied the alternatives and is prepared to render a recommendation to the town council:

Be it resolved by the Bucksport Town Council in town council assembled that the matter pertaining to citizens having the option of paying for some municipal services electronically be referred to the Finance Committee for a recommendation.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-19 TO RATIFY EXPENDITURE FOR IMPROVEMENTS TO THE TENNIS COURT, BASKETBALL COURT, AND MILES LANE FIELD

Whereas, the 2010-2011 Capital Improvement Plan calls for crack filling and resealing the tennis, crack filling the basketball court and improving the grass surface on Miles Lane Field #3; and,

Whereas, the CIP for these activities was funded as follows: resealing and crack filling the tennis court \$8,500, crack filling the basketball court \$1,000 and enhancing the grass surface for Miles Lane Field #3 \$6,000; and,

Whereas, the cost for each project is as follows: resealing and crack filling the tennis court \$8,500, crack filling the basketball court \$1,000 and enhancing the grass surface for Miles Lane Field #3 \$3,259:

Be it resolved by the Bucksport Town Council in town council assembled that the expenditures for improvements to the tennis court, basketball court and Miles Lane Field #3 be approved as follows: resealing and crack filling the tennis court \$8,500, crack filling the basketball court \$1,000, and enhancing the grass surface for Miles Lane Field #3 \$3,259.

Be it further resolved that the cost of the improvements be charged to the Recreation Facility Account.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-20 AUTHORIZING EXPENDITURE FROM THE FIRE
EQUIPMENT ACCOUNT FOR REPAIR OF THE LADDER TRUCK**

Whereas, the ladder truck needs repair to the lift cylinders and a new holding block; and,

Whereas, a quote was received from Freightliner to complete the work for a cost of \$4,447.56; and,

Whereas, another quote was received from a firm in New Hampshire which was considerably higher; and,

Whereas, Freightliner is qualified to do the work:

Be it resolved by the Bucksport Town Council in town council assembled that the expenditure of \$4,447.56 be authorized from the Fire Department Equipment Account to complete repair to the lift cylinders for the ladder truck.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**CONSIDER RESOLVE #R-2011-21 AUTHORIZING APPROPRIATION FOR
THE SERVICES OF AN ENGINEER TO PREPARE A GRADING PLAN FOR
WALKWAYS TO THE VETERANS' MEMORIAL**

Whereas, the Veterans' Memorial is almost complete; and,

Whereas, one of the improvements proposed for Peary's Landing is to extend new walkways from the parking area to the Veterans' Memorial; and,

Whereas, the Veterans' Memorial Development Group has notified the town that the memorial is substantially completed and the town can proceed to have the walkways installed; and,

Whereas, prior to proceeding with the work, it is necessary to obtain the services of a engineer to prepare a grading and layout plan for the new walkways; and,

Whereas, a cost has been obtained from Pine Tree Engineering Services to complete the work in the amount of \$800; and,

Whereas, Pine Tree Engineering has completed all of the other walkway plans that extend along the waterfront and Peary's Landing:

Be it resolved by the Bucksport Town Council in town council assembled that the proposal from Pine Tree Engineering to prepare a grading and layout plan for the walkways extending to the Veterans' Memorial on Peary's Landing be authorized in the amount of \$800.

Be it further resolved the cost be paid for from TIF Revenues.

Acted on August 12, 2010

Yes 6 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2010-22 AUTHORIZING REQUEST FOR PROPOSAL FOR A QUALIFIED FIRM TO PREPARE A PLAN TO CONNECT THE MILES LANE TRAIL, WATERFRONT TRAIL AND SILVER LAKE TRAIL

Whereas, there has been some discussion to connect the Miles Lane Trail, Silver Lake Trail and Waterfront Walkway; and,

Whereas, there are grant funds available for the development of public trail systems; and,

Whereas, the services of a qualified consultant is necessary to guide the town to determine the most feasible alternative to connect these trails and to identify and apply for the necessary permits; and,

Whereas, this is an activity identified as a goal by the town council

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to request proposals for a qualified consultant to prepare a master plan to connect the Miles Lane Trail, Waterfront Walkway and Silver Lake Trail.

Be it further resolved that the proposals, once received, be reviewed by the Finance Committee and a recommendation be made to the town council for consideration.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-23 AUTHORIZING EXPENDITURES FOR REPAIRS TO
SCHOOL STREET FIRE STATION**

Whereas, the 2010-2011 Capital Improvement Plan calls for expenditures of \$6,847 for the repairs to School Street Fire Station; and,

Whereas, Craig Bowden, Director of Emergency Services is in charge to getting the building repaired; and,

Whereas, the town council has identified this activity as a council goal:

Be it resolved by the Bucksport Town Council in town council assembled that the Director of Emergency Services is authorized to expend an amount up to \$6,847 for the repair of the School Street Fire Station.

Be it further resolved that the cost of these improvements be paid for from the School Street Fire House Reserve.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-24 AUTHORIZING AMENDMENT TO A CONTRACT
WITH MILLETT ASSOCIATES TO FURTHER REVIEW THE DRAINAGE
ISSUES ALONG MILES LANE, BROADWAY AND AT ROUTE 1**

Whereas, the Bucksport Town Council previously approved a contract with Millett Associates to determine the drainage needs for the Miles Lane and Broadway area; and,

Whereas, the drainage issue extends beyond the area to Route 1; and,

Whereas, the town must be assured that the alternative recommended by the engineer will not impact the areas west of Broadway to Route 1; and,

Whereas, the Town Manager recommends that the agreement with Millett Associates be amended to include a further study of the drainage issues extending to Route 1; and,

Whereas, Millett Associates has requested an amount not to exceed \$1,500 to complete the additional work:

Be it resolved by the Bucksport Town Council in town council assembled that the contract with Millett Associates be amended to included additional study of the Broadway and Miles Lane drainage issue to include the area up to Route 1 for a cost not to exceed of \$1,500.

Be it further resolved that the cost of the additional service be charged to Highway Improvement Reserve.

Acted on August 12, 2010

Yes 6 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-25 AUTHORIZING TOWN MANAGER TO PURSUE
REFINANCING OF THE RURAL DEVELOPMENT LOAN FOR THE CSO
FACILITY**

Whereas, the town has a current loan with Rural Development with a balance of \$2,196,857; and,

Whereas, the loan is at a rate of 4.25% for 28 years; and,

Whereas, the town has an opportunity to refinance the loan with Maine Department of Environmental Protection, Clean Water State Revolving Fund for a rate of 2% for twenty years; and,

Whereas, the refinancing the loan will save the users during the life of the loan an amount in excess of \$1,000,000:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to pursue refinancing of the Rural Development loan for the CSO Project with Maine Department of Environmental Protection Clean Water State Revolving Fund.

Acted on August 12, 2010

Yes 6 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-26 AWARDING BID FOR PURCHASE OF A USED
BULLDOZER**

Whereas, the Town of Bucksport requested bids for a used John Deere 350 C Crawler Dozer which was foreclosed on for failure by a micro-loan recipient to make his payments; and,

Whereas, the Offer of Sale was publicized in the Enterprise; and,

Whereas, six bids were received as follows:

Wess Whitmore	\$1,825.00
Robert Sawyer	\$1,555.55
Rusty Lanpher	\$1,525.00
Bill Gray	\$1,386.00
Bruce Clement	\$811.00
Stanley Bennett Jr.	\$260.00

Be it resolved by the Bucksport Town Council in town council assembled that the bid be awarded to the high bidder Wess Whitmore in the amount of \$1,825.00 and such funds received be deposited in the Mirco-Loan program fund balance.

Be it further resolved that the successful bidder must pay the balance due no later than 5 business days after the award of bid and the bid deposits be returned to the unsuccessful bidders.

Acted on August 12, 2010

Yes 6 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Highway Improvements- All of the summer paving has been completed. Construction continues on the upper end of Middle Street. The project should be completed by the end of August. The first layer of pavement has been placed on Central Street. The Highway Department is currently working to reshape the shoulders and driveways. The work should be completed by the 20th of August. Wardwell Trucking and Construction will be raising the sewer manholes during the week of August 16th. Once this work has been completed, Lane will return to install the curbing and the final lift of pavement. Work should commence on Spofford Avenue by September 1.

Townsite Drainage Improvement- The contractor began to work on Monday, August 9. Work is progressing well and the project is scheduled for completion by the end of October.

Silver Lake Boat Landing Project- Plisga and Day has completed the survey work and Mike Millett should have the schematics completed by the third week in August. At that time, the committee will get together and make a final decision on the preliminary plans.

Energy Grant- Bids for the new pellet boiler will be received on Friday, August 12. It is expected the town council will award the bid at the August 26 town council meeting. The project should be completed by the end of November.

Improvements to the Town Dock- The contract for the SHIP grant has been signed and Pine Tree engineering is completing the plans. The goal is to bid the project by the end of August and award the contract at the regular town council meeting in September. All work has to be completed by December.

Concession Stand- All pavement, loam and seeding has been completed in the vicinity of the concession stand including the handicap walkway extending from the concession stand to the bleachers located on the football field.

Staking Rink Repaving- Paving at the skating rink has been completed and the section of the fence that had to be removed to allow equipment to enter the rink has been re-installed. The project was completed within budget.

Financials Ending 6-30-2010- The audit and year end closing for fiscal year ending 6-30-2010 are progressing well. We definitely closed out the year in very good financial standing and the fund balances reflect or exceed projections made during the budget process. I have included in your package a copy of the financials reflecting the year end balances. Should you have any questions regarding any of the information, please see Debbie or myself.

AMENDMENT TO APPENDIX A TOWN CHARTER, ARTICLES 4 AND 6

Shall an ordinance be adopted entitled “Amendment to Appendix A Town Charter, Articles 4 and 6”, for the purposes of amending language in Article 4 relating to the term, removal and annual evaluation of the town manager and to change language so that Article 4 is gender neutral; and to repeal Article 6, Department of Education, since all educational responsibilities were transferred by vote of the citizens to Regional School Unit #25 effective 7-1-2009.

Article 4 Town Manager

SEC. 4.01 Town Manager; Qualifications

The Town Council shall appoint a Town Manager for ~~an indefinite~~ **a definite** term and fix ~~his~~ **the Manager’s** compensation. The Manager shall be appointed on the basis of his/**her** executive and administrative qualifications. ~~He~~ **The manager** need not be a resident of the Town or State at the time of his/**her** appointment but may reside outside the Town while in office only with approval of the Council. No Councilman shall receive such appointment during the term for which ~~he~~ **the Manager** shall have been elected, nor within one (1) year after the expiration of his/**her** term, nor shall any member of the Town Council act in that capacity.

SEC. 4.02 Removal of Town Manager

The Town Council may remove the Manager **from office in accordance with the following procedures:** ~~for cause by a majority vote of its members.~~

(1) The Council shall adopt by affirmative vote of a majority of all its members file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal. A copy of the resolution shall be delivered promptly which shall be delivered to the Manager. within ten (10) days of its filing with the Town Clerk. The Council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager’s salary be affected until the final resolution of removal has been adopted.

(2) The Manager may within twenty (20) days of receiving the resolution reply in writing and may request a public hearing, which shall be held by the Council not earlier than ten (10) days after the request is filed nor later than thirty (30) days after the request. After the public hearing or at the expiration of the time permitted the Manager to request the public hearing, if no such request is made, the Council may by majority vote adopt or reject the resolution of removal. The Council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager’s salary be affected until the final resolution of removal has been adopted.

SEC. 4.03 Absence of Town Manager

By letter filed with the Town Clerk, the Manager shall designate, subject to approval of the Town Council, a qualified resident to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or his/her disability shall cease. In the event of failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until he/she shall return or his/her disability shall cease.

SEC. 4.04 Powers and Duties of the Town Manager

The Town Manager shall be the chief administrative officer official of the Town. ~~He~~ The Manager shall be responsible to the Town Council for the administration of all town affairs placed in his- that person's charge by or under this Charter.

~~He~~ The Manager shall have the following powers and duties:

1. ~~He~~ The Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.
2. ~~He~~ The Manager shall attend Council meetings, except when his/her removal is being considered, and shall have the right to take part in discussions but may not vote.
3. ~~He~~ The Manager shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by ~~him~~ the Manager or by officers subject to his/her direction and supervision are faithfully executed.
4. ~~He~~ The Manager shall prepare and submit the annual budget and a five (5) year capital improvement program to the Council.
5. ~~He~~ The Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.
6. ~~He~~ The Manager shall make such other reports as the Council may require concerning the operations of town departments, offices and agencies subject to his/her direction and supervision.
7. ~~He~~ The Manager shall keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as ~~he~~ the Manager deems desirable.
8. ~~He~~ The Manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the Council, and the Council may by ordinance adopt them with or without amendment.
9. ~~He~~ The Manager shall perform such other duties as are specified in this Charter or may be required by the Council.

SEC. 4.05 Annual Review

The Town Council shall annually review with the Manager his or her performance as such and said review shall be conducted so as to remove, alleviate or prevent problems in the relationship of the Manager to the Council in the exercise of their respective powers and duties.

Article 5 Special Administration

SEC. 5.01 Tax Assessors

The assessor of taxes shall be (1) one in number appointed by the Town Council. He/she shall hold office for a term of (2) two years or until his/her successor is appointed and qualified. The present board shall remain in office until December 31, 1988.

SEC. 5.02 Board of Assessment Review: Appointments, Vacancies

There shall be a board of assessment review to consist of three (3) members who shall be appointed by the Town Council for a term of three (3) years, except that of those first appointed one (1) shall be for a term of two (2) years and one (1) for a term of one (1) year. The majority of the whole number of the board shall be a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the Council for the unexpired term.

SEC. 5.03 Board of Assessment Review: Powers, Duties

The board of assessment review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the Town Assessor.
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. Adopt regulations regarding the procedure of assessment review.

SEC. 5.04 Planning Board

There shall be a Town Planning Board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

SEC. 5.05 Comprehensive Plan

There shall be a comprehensive plan for the development of the Town of Bucksport as provided by law.

Article 6—Department of Education

SEC. 6.01 School Committee

~~The department of education shall be administered by a five (5) member school committee. At the first election under this Charter, one (1) member shall be elected. The four (4) members of the present school committee with the longest unexpired terms on the day of the election shall serve on the new school committee. The five (5) members of the new school committee shall designate by lot two (2) members to serve for three (3) years, two (2) members to serve for two (2) years, and one (1) member to serve for one (1) year. Thereafter regular elections of members of the school committee to fill the positions of those whose terms expire shall be held on the first Tuesday after the first Monday of November, and all members shall be elected for a term of three (3) years. The terms of members of the school committee shall begin the 2nd Monday of January after their election and upon their induction.~~

SEC. 6.02 Qualifications

~~Members of the school committee shall be qualified voters of the Town and shall reside in the Town during their terms of office. They shall hold no office of employment or profit under this Charter or ordinance. A committee member shall forfeit his office if he lacks at any time during his office any qualifications of the offices prescribed by this Charter or by law, or upon final conviction of a felony.~~

SEC. 6.03 Vacancy

~~If for any reason a vacancy shall exist in the membership of the school committee, it shall be filled by a majority vote of the school committee until the next municipal election excepting a vacancy created by a recall election which vacancy shall be filled as specified in the recall provision.~~

SEC. 6.04 Organization, Qualification, Quorum

~~The school committee shall meet for organization at 7:00 P.M. on the first Wednesday in January, excepting when the first Wednesday in January falls on a holiday, then on the second Wednesday in January, and at said meeting the members elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a justice of the peace. The majority of the whole number of the school committee shall be a quorum and they shall elect their own chairman.~~

SEC. 6.05 Powers and Duties

~~The school committee shall have all the powers conferred and shall perform all the duties imposed by law upon school committees in regard to the care and management of the public schools of the Town. The school committee shall prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools; and at least forty five (45) days before the beginning of the budget year, the school committee shall furnish copies of such estimates to the Manager.~~

SEC. 6.06 Report

~~The department of education shall annually prepare a report of the affairs, conditions and a five (5) year capital improvement program for the schools for the Town of Bucksport. This report shall be published in conjunction with the Town Manager's report.~~

SEC. 6.07 School Budget Format for Approval

~~The budget format for approval of the Department of Education budget shall be prepared by specific line categories according to the following format:~~

- ~~—Instructional salaries and fringe benefits for all programs~~
- ~~—Administrative salaries and fringe benefits for all programs~~
- ~~—Operation and maintenance of plant salaries and fringe benefits~~
- ~~—All other salaries and fringe benefits~~
- ~~—Operation and maintenance of buildings other than salaries~~
- ~~—Instructional cost other than salaries~~
- ~~—Debt Service~~
- ~~—Capital Improvements~~
- ~~—Transportation~~
- ~~—All other costs.~~

SEC. 6.08 Budget Authority

~~Once the Town Council has approved the Department of Education's budget, such line appropriations shall be expended under the direction and control of the Board of Education, but no such appropriation shall be exceeded except by consent of the Town Council. The Board of Education shall not have the authority to transfer funds between line item categories without prior approval of the Town Council. The Town Council may delete, reduce or approve the requested appropriation for each line item category.~~

Article 6 is repealed in its entirety since all educational responsibilities were transferred to Regional School Unit (RSU) #25 effective July 1, 2009 as a result of a vote of the citizens held on January 27, 2009.

AMENDMENT TO APPENDIX K, LAND USE

Shall an ordinance be adopted titled “Amendment to Appendix K, Land Use,” such ordinance being for the purpose of exempting decks and open porches from complying with the minimum front setback in the R1 and R2 Districts. The ordinance shall read as follows:

Section 14 DIMENSIONAL STANDARDS

14.9.4 MINIMUM FRONT SETBACK (See also Section 14.5)

DISTRICTS	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LRP O	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	VIL
10 FT.	■ 4.1	■ 4.1	■	■	■	■			■ 4.3	■ 4.3	■	■ 4.3	■	■			■ 4.3	■	■
50 FT.							■	■											
100 FT.															■ 4.2	■ 4.2			

14.9.4.1 MINIMUM FRONT SETBACK NOTES

- 4.1 Where a proposed structure on Main Street would be abutted on both sides by existing structures with front setbacks that are less than the required front yard setbacks, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback without the need for a variance.
- 4.2 As measured from the centerline of the road. Decks and open porches are not subject to the minimum front setback, provided they are not converted to interior floor space.
- 4.3 A principal structure may not be located less than 100 feet from the centerline of any public or private road if the underlying district is an R1 or R2 District. Decks and open porches are not subject to this restriction, provided they are not converted to interior floor space.

SECTION 20 DEFINITIONS

SETBACK:

- The horizontal distance between a structure, road, parking space or other regulated object or area and the normal high-water line of a water body, tributary stream or the upland edge of a wetland. The distance is measured from that portion of the regulated object that is nearest to the water body, tributary stream or wetland.
- The horizontal distance between a structure, road, parking space or other regulated object or area and a property line or boundary of a right-of-way or easement. The distance is measured from that portion of the regulated object that is nearest to the property line or boundary.
- Nearest portions of a structure from which the setback is measured include, but are not limited to: decks, porches, stairs, eave overhangs, foundations, walls, bay or bow windows and chimneys. Some exceptions apply.

**RESOLVE #R-2011-27 AWARDING CONTRACT FOR INSTALLING A
PELLET BOILER AT THE WASTE WATER TREATMENT FACILITY**

Whereas, the Town requested bids for the installation of a wood pellet boiler at the Bucksport Waste Water Treatment Facility, and,

Whereas, three proposals were received as follows:

	Thayer Corporation	Northline Energy	Solartechnic
Base bid	\$92,921	\$109,598	\$90,400
Alternate bid	\$86,999	\$100,998	\$82,180

Whereas, the alternate calls for a metal silo rather than a building to store the wood pellets in; and,

Whereas, the original plan was to have the metal silo but it was changed to a storage building because the engineer expected the cost of the silo to be more than the storage building; and,

Whereas, there is \$86,000 remaining in the account; and,

Whereas, D & S Engineering is recommending that the contract be awarded to Solartechnic Contractors in the amount of \$82,180;

Whereas, Dave Michaud, Superintendent for the waste water treatment facility has reviewed the proposal and approved it:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to install a new wood pellet boiler at the waste water treatment facility be awarded to Solartechnic Contractors in the amount of \$82,180 which includes changing the storage for the pellets from a wood structure to a metal silo as recommended by D & S Engineering.

Be it further resolved that the cost of the project be paid from the proceeds of the grant received from Efficiency Maine.

Acted on August 26, 2010

Yes 5 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-28 AUTHORIZING ADDITIONAL FUNDS FOR THE
INSTALLATION OF AN EMERGENCY GENERATOR AT THE BUCKSPORT
MIDDLE SCHOOL**

Whereas, the Town Council had approved \$23,250 to install an emergency generator at the Bucksport Middle School; and,

Whereas, as it was found that the cable connecting the generator to the school is undersized for the load to be connected according to the National Electrical Code; and,

Whereas, installation of additional equipment will be necessary in order for the installation to comply with the National Electrical Code; and,

Whereas, Wired Electrical Services has provided the Town with a quote in the amount of \$3,875 to purchase and install the additional 4/O Camloc plugs and 800 amp docking station:

Be it resolved by the Bucksport Town Council in town council assembled that the addendum to the original contract with Wired Electrical Services be approved in the amount of \$3,875 for equipment and installation cost for the new generator at the Bucksport Middle School in order to meet the requirements of the National Electrical Code.

Be it further resolved that the cost of the improvement be paid for from the School Undesignated Fund Account.

Acted on August 26, 2010

Yes 5 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-29 AUTHORIZING THE CODE ENFORCEMENT OFFICER
TO PURSUE A 80K COMPLAINT IN DISTRICT COURT REGARDING
PROPERTY LOCATED AT 1081 BUCKSMILLS ROAD**

Whereas, Jeff Hammond, Code Enforcement Officer (CEO) has requested that the Town Council consider authorizing the CEO to file a 80k complaint in District Court verses Tom Perkins, for property located at 1081 Bucksmills Road and occupied by Craig Strout-Desmond for failing to obtain the necessary permits resulting from the installation of a pre-1976 mobile home; and,

Whereas, the CEO proposes to ask the court to award attorney fees in addition to an order to remove the mobile home from town if required permits can not be issued:

Be it resolved by the Bucksport Town Council in town council assembled that Jeff Hammond, CEO be authorized to file a 80k complaint in District Court for violation of the Town's Land Use Ordinance and Building Code verses Tom Perkins for property located at 1081 Bucksmills Road for installing a mobile home without a permit:

Be it further resolved that the CEO be authorized to ask the court to award attorney fees in addition to an order to remove the mobile home from town if required permits can not be issued.

Acted on August 26, 2010

Yes 4 No 1 Opposed 1 (Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-30 REFERRING REQUEST TO HAVE A SIGN INSTALLED
AT THE ACCESS ROAD TO THE TOWN DOCK AND TO IDENTIFY
IMPROVEMENTS ALONG THE WESTERLY END OF THE WATERFRONT
WALKWAY**

Whereas, a request has been received to consider installing a sign at Main Street adjacent to the Town Dock to identify the access to the waterfront; and,

Whereas, the Downtown Plan includes a recommendation that additional improvements be considered for the west end of the walkway, more specifically the area adjacent to the Webber Dock:

Be it resolved by the Bucksport Town Council in town council assembled that request to install a more prominent sign at the entrance leading to the town dock be referred to the Waterfront Committee.

Be it further resolved that the matter to consider additional improvements on the west end of the waterfront walkway, more specifically the area adjacent to the Webber Dock, be referred to the Waterfront Committee for a recommendation.

Acted on August 26, 2010

Yes 5 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-32 REFERRING MATTER PERTAINING TO LD 2202 TO
THE FINANCE COMMITTEE**

Whereas, LD 2202 allows a municipality to adopt an ordinance that will permit claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 by volunteering to provide services to the municipality which in turn the earnings are credited towards the claimants property taxes; and,

Whereas, a determination should be made by the Bucksport Town Council whether or not the Town should participate in this program:

Be it resolved by the Bucksport Town Council in town council assembled that the matter of whether or not the Town should participate in the program To Provide Property Tax Benefits to Senior Citizens be referred to the Finance Committee for a recommendation.

Acted on August 26, 2010

Yes 5 No 0 Abstained

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-31 AUTHORIZING EXPENDITURE FOR LIGHTING AND ELECTRICAL IMPROVEMENTS ALONG THE WATERFRONT

Whereas, the Bucksport Town Council has requested that a light be installed at Peary's Landing to light up the underneath of the bridge over Tannery Brook; and,

Whereas, there is also a need to extend an electrical service to an area adjacent to the Bucksport-Verona Bridge to provide electricity to a transmitter for the waterfront cameras; and,

Whereas, the transmitter is required in order to send the signal from the site to the Public Safety Building; and,

Whereas, the cost to install the light is \$592 while the cost for the conduit and the transmitter is \$1495:

Be it resolved by the Bucksport Town Council in town council assembled that expenditures totaling \$2,087 be authorized to install a conduit and transmitter to send the signal from the waterfront cameras to the Public Safety building and a light for the area underneath Tannery Brook Bridge at Peary's Landing.

Acted on August 26, 2010

Yes 5 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-33 ADOPTING RULES OF PROCEDURE FOR THE
BUCKSPORT PLANNING BOARD**

Whereas, the Planning Board has submitted a revised copy of the their Rules of Procedure to the Bucksport Town Council for approval pursuant to Chapter 4 of the Bucksport Town Code; and,

Whereas, the Bucksport Town Council referred the matter to the Ordinance Committee for review and a recommendation, and,

Whereas, the members of the Ordinance Committee suggested several changes that are identified on the attached copy of the Rules of Procedure:

Be it resolved by the Bucksport Town Council in town council assembled that the Rules of Procedure proposed by the Bucksport Planning Board be adopted with the changes proposed by the Ordinance Committee, a copy of which is attached to this resolve.

Acted on 9-9-2010

Yes 7 No 0 Abstained

Attested, Kathy Downes, Town Clerk

RESOLVE #R-2011-34 AWARDED CONTRACT FOR ROAD SAND

Whereas, the Town of Bucksport requested bids for road sand for the 2010-2011 winter season; and,

Whereas, bids were received as follows:

Advanced Development Co. LLC

Bid price \$3.95 + \$1.00/ cu. yd. + \$1.038/ cu. yd. = \$5.988 per cubic yard
(loading) (mileage adjustment)

Stockpile located Route 15 Orrington

Pike Industries, Inc.

Bid price \$3.50 + \$.60/ cu. yd. + \$.7892/ cu. yd. = \$4.889 per cubic yard
(loading) (mileage adjustment)

Stockpile located in Prospect

Stockton Sand & Gravel

Bid Price \$5.00 + (\$0.00/ cu. yd. + \$.70 cu. yd. = \$5.70 per cubic yard
(loading) (mileage adjustment)

Stockpile located in Stockton Spring

Whereas, the bid price submitted by Pike Industries and Advanced Development Co. does not include loading the trucks; and,

Whereas, it is proposed to purchase 8,000 cubic yards:

Be it resolved by the Bucksport Town Council in town council assembled that the contract for purchase of road sand be awarded to Pike Industries in the amount of \$3.50 per cubic yard and \$.60 per cubic yard for loading.

Acted on 9-9-2010

Yes 7 No 0 Abstained _____

Attested, Kathy Downes, Town Clerk

**RESOLVE #R-2011-35 AWARDING CONTRACT FOR PURCHASE OF ROAD
SALT**

Whereas, the Town, through the cooperative sponsored by Hancock County Planning Commission, requested bids for the purchase of road salt for the 2010-2011 winter season; and,

Whereas, bids were received as follows:

Harcos \$68.50 International Salt \$80.25 Cargill \$59.75 Mid Atlantic Salt \$60.10

Whereas, the bid price includes delivery to Bucksport; and,

Whereas, it is proposed to purchase 930 tons:

Be it resolved by the Bucksport Town Council in town council assembled that the contract for road salt for the 2010-2011 snow season be awarded to Cargill in the amount of \$59.75 per ton.

Be it further resolved that the cost per ton includes delivery to Bucksport.

Acted on 9-9-2010

Yes 6 No 0 Abstained ____ (Unavailable: Robert Howard)

Attested, Kathy Downes, Town Clerk

**RESOLVE #R-2011-36 AWARDING ENGINEERING CONTRACT FOR
DEVELOPING A WALKING TRAIL MASTER PLAN AND OBTAINING
ENVIRONMENTAL PERMIT**

Whereas, the Town proposes to add one-half mile to the Miles Lane Trail; and,

Whereas, a NRPA permit will be necessary for this project; and,

Whereas, the Town proposes to submit an application for a grant from Bureau of Parks and Land to help defer the cost of developing the extension; and,

Whereas, the Town proposes to develop a Master Plan identifying the trail areas including new collector and connector trails; and,

Whereas, the Master Plan, once completed, will identify all of the existing trails and connector routes for the Silver Lake Trail, Miles Lane Trail and the waterfront walkway; and,

Whereas, the services of an engineer is necessary to prepare the documents for the NRPA permit and the base map of the trails, identify the GPS location of each trail, and provide recommendations for future trail extensions and connectors; and,

Whereas, the Town of Bucksport has received a proposal from Pine Tree Engineering in the amount of \$5,600 to complete all tasks to develop the master plan and to prepare the documents required for the NRPA permit:

Be it resolved by the Bucksport Town Council in town council assembled that the contract with Pine Tree Engineering in the amount of \$5,600 be approved for the purpose of preparing a Master Plan that will include the Waterfront Walkway, Miles Lane Trail and Silver Lake Trail and all necessary documents to be submitted to obtain a NRPA Permit.

Be it further resolved that the cost of this service is to be paid from the Recreation Facility Reserve Account.

Acted on 9-9-2010

Yes 7 No 0 Abstained _____

Attested, Kathy Downes, Town Clerk

**RESOLVE #R-2011-37 AWARDING CONTRACT FOR A LANDSCAPE
ARCHITECT TO DEVELOP PLANS FOR AREAS ON THE WEST END OF THE
WATERFRONT**

Whereas, it is proposed that several areas located on the west end of the waterfront walkway be developed to be more aesthetically appealing and to provide more purpose for those who use the waterfront, particularly children and tourist; and,

Whereas, the services of a landscape architect is needed in order to be able to provide schematic plans that can be presented to the public and town council for consideration; and,

Whereas, a quote has been obtained from the firm Context by Design to assist the Waterfront Committee with this task; and,

Whereas, the principal owner of Context Design was responsible for the design of the Veterans' Memorial; and,

Whereas, the firm has provided the town with a proposal to assist the Waterfront Committee generate preliminary plans and a topographical survey at a cost not to exceed \$5,050; and,

Whereas, this project, if completed, can be included as part of the town's application for an Enterprise Grant:

Be it resolved by the Bucksport Town Council in town council assembled that the contract with Context by Design be approved for an amount not to exceed \$5,050 and that such cost be charged to the Waterfront Reserve Account.

Be it further resolved that the services will include assisting the members of the Waterfront Committee develop preliminary plans identifying more interactive features near the west end of the Waterfront Walkway that will provide definition and identity to this part of the walkway and that such plans will be submitted to the town council for final approval.

Acted on 9-9-2010

Yes 7 No 0 Abstained

Attested, Kathy Downes, Town Clerk

**RESOLVE #R-2011-38 AUTHORIZING EXPENDITURE FOR INSTALLATION
OF A BOOSTER PUMP AT THE SKATING RINK BUILDING**

Whereas, it was necessary to replace the booster pump at the skating rink building; and,

Whereas, the Recreation Director obtained a cost from the plumber who services the building, Osborne's Plumbing and Heating, Inc. in the amount of \$2,409.33; and,

Whereas, this activity was included in the 2010 Capital Improvement Plan:

Be it resolved by the Bucksport Town Council in town council assembled that the expenditure of \$2,409.33 to replace the booster pump at the skating rink building be approved.

Be it further resolved that the cost be charged to the Recreation Facility Reserve Account.

Acted on 9-9-2010

Yes 7 No 0 Abstained _____

Attested, Kathy Downes, Town Clerk

**RESOLVE #R-2011-39 AWARDING CONTRACT FOR INSTALLTION OF
WALKWAYS AT PEARY'S LANDING**

Whereas, the town proposes to complete the walkways at Peary's Landing by extending the existing walkways to the Veteran's Memorial; and,

Whereas, the town has received a proposal from E. Skip Grindle in the amount of \$10,177.50 to complete the work in accordance to plans prepared by Pine Tree Engineering; and,

Whereas, in addition, E Skip Grindle proposes to install 300 pavers for the veteran's group identifying veterans who served in the military service for a cost of \$1,029.42; and,

Whereas, E. Skip Grindle is the contractor who completed similar work for the town in 2009 when the waterfront walkway was extended from Peary's Landing to Route 1; and,

Whereas, he has proposed to complete the work at the same unit cost he completed the work in 2009; and,

Whereas, the work can be completed by October 15, 2010:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to extend the walkways at Peary's Landing to the Veterans' Memorial be awarded to E Skip Grindle in the amount of \$11,206.92.

Be it further resolved that \$10,177.50 be paid for from TIF Revenues while the remaining \$1,029.42 be paid for from Undesignated Fund Balance.

Acted on 9-9-2010

Yes 7 No 0 Abstained _____

Attested, Kathy Downes, Town Clerk

RESOLVE #R-2011-40 AUTHORIZING THE SALE OF USED EQUIPMENT

Whereas, the Bucksport Highway Department offered two pieces of used equipment for bid; and,

Whereas, the two pieces include a 1990 Brush Bandit Chipper and a 1964 Air Compressor; and,

Whereas, bids were received as follows:

Chipper

James McDonald	\$505.00
Alan Farnsworth	\$565.00
Aline Jacques	\$672.00
Alan Woodman	\$889.00
Wes Whitmore	\$1,226.26
Dan See	\$1,555.55
Bill Kimball	\$2,001.52
Wardwell Cont & Truck.	\$2,400.00
Martin Larson	\$3,000.00

Compressor

Alan Farnsworth	\$295.00
Wardwell Cost & Trkg	\$450.00
Wes Whitmore	\$526.00

Be it resolved by the Bucksport Town Council in town council assembled that the purchase of the chipper be awarded to Martin Larson in the amount of \$3,000.00 and the compressor be awarded to Wes Whitmore in the amount of \$526.00

Be it further resolved the proceeds received from the sale of the equipment be credited to the Highway Equipment Reserve Account.

Acted on 9-9-2010

Yes 7 No 0 Abstained

Attested, Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Access to Natural Gas- Communications with Bangor Gas continuous regarding the expansion of natural gas to serve the compact area. In addition, I have worked with the Superintendent of Schools to identify a firm qualified to complete a study to determine the feasibility of heating the Bucksport schools with natural gas. A positive determination will certainly help justify the expansion of the gas system into the compact area.

Phase II Industrial Park- The subdivision plan for Phase II of the industrial park has been approved by the planning board and the plan will be filed at the Registry of Deeds within the next few days. The only permit remaining is a Storm Water Management Permit from Maine DEP. The application for a Permit by Rule was filed this week. I expect the permit will be received within the next few weeks. In the meantime, I will ask Millett Associates to complete the design work for the road and utilities. This will complete Mike's contract with the Town. The project will not be bid out until developers can be identified and there are ample jobs created to justify an application for a CDBG to pay for the improvements.

Miles Lane Trail Extension- A representative from the Bureau of Parks and Land conducted a site visit of the Miles Lane Trail last on August 27. I shared with him our plans to expand the trail by ½ miles and our interest to apply for a development grant from the Bureau. I also discussed our intent to prepare a master plan to include all trails and how these trails can be connected. He was very supportive and encouraged an application from the town. The maximum grant the town can apply for in 2010 is \$35,000.

Silver Lake Boat Landing Improvements- Our attorney has reviewed a draft copy of the deed received from Verso's attorney for the property located south of the boat landing that is proposed to provide parking opportunities for boaters. The deed was found to be satisfactory; therefore, our attorney has notified Verso's attorney to proceed with signing the deed. Millett Associates has prepared several schematics outlining different parking possibilities for the properties located on the south and north side of the landing. The Conservation and Finance committees are in the process of reviewing the proposed alternatives and are finalizing recommendations for the town council to consider.

Senior Onsite Meal Program- I have continued to work to identify all of the alternatives that are available to prepare meals on site. The most practical alternatives include RSU #25 preparing the meals in conjunction with their meal program or the town hiring a cook. The problem for the RSU is obtaining liability insurance while the overall issue is having at least 40 clients each mealtime. Currently 15 to 25 clients use the meal site. If this trend continues, the program could not support itself financially. I have shared this information with the seniors and asked that they provide me with some feedback.

Townsite Drainage Project- The contractor has been steady but slow. Approximately 33% of the project has been completed to date. Several change orders have been

necessary in order to address issues that were unforeseen at the time the plans were completed. There is ample funding to pay for the change orders approved to date.

Pellet Boiler at the Treatment Plant- The contractor has removed the old boiler and started some of the pumping necessary to allow for the new pellet boiler. The project is scheduled for completion by the middle of October.

Light at Peary's Landing for Tannery Brook- The light has been installed that the town council requested at Peary's Landing to light Tannery Brook Crossing. The light needs to be adjusted so that it can fully light the underneath the bridge. It will be adjusted this weekend.

SHIP Program- All of the plans and documents ready to seek bids for the project. I expect the town council will be asked to award a contract at the first meeting in October.

Central Street- Lane has reported that they will complete the paving on Central Street during the week of September 13, assuming the weather permits.

**RESOLVE #R-2011-41 AUTHORIZING EXPENDITURE FROM THE PUBLIC
SAFETY BUILDING RESERVE**

Whereas, the 2010-2011 Capital Improvement Plan called for the installation of new weather-stripping around the overhead doors and repairs to the doorframes: and,

Whereas, \$2,000 was included in the plan to fund the improvements; and,

Whereas, it was recently identified that the metal rollers on the overhead doors were extremely worn and create an issue that causes stress on the rest of the door system; and,

Whereas, a cost has been received from Overhead Door (the company that installed and maintains the doors) to install new rollers and weather-stripping in the amount of \$1,632; and,

Whereas, the remaining funds will be used to complete the repairs to the door frames:

Be it resolved by the Bucksport Town Council in town council assembled that Overhead Door be awarded the contract to install new weather-stripping and rollers for the four overhead doors to the fire department side of the public safety building in an amount not to exceed \$1,632.

Be it further resolved that the remaining balance be used to repair the door frames and the total cost of the project not to exceed \$2,000, such to be paid for from the Public Safety Building Reserve Account.

Acted on September 30, 2010

Yes 6 No 0 Abstained (Absent: Robert Howard)

Attested: Kathy Downes, Town Clerk

**RESOLVE #R-2011-42 AUTHORIZING EXPENDITURE FROM THE FIRE
EQUIPMENT RESERVE ACCOUNT**

Whereas, the 2009-2010 Capital Improvement Plan calls for body work and repainting of the ladder truck; and,

Whereas, the budgeted amount is \$20,000; and,

Whereas, funds were not included to paint the ladder; and,

Whereas, quotes were obtained from Forrest Auto Body and Maine Military Authority for painting the truck and ladder; and,

Whereas, quotes were received as follows:

	ladder	truck
Maine Military Authority	\$11,050.57	\$35,317.42
Forrest Auto Body	\$36,669.00	no quote

Whereas, the Director of Emergency Services has recommended that the contract to paint the truck be awarded to Forrest Auto Body in the amount of \$36,669 and the contract to paint the ladder to Maine Military Authority in the amount of \$11,050.57; and,

Whereas, the Director of Emergency Services' has recommended to award the contract to paint the truck to Forrest Auto Body since it would be more convenient for the department. Forrest Auto Body is located in Winterport while Maine Military Authority is located in Limestone; and,

Whereas, the balance in the Fire Department Equipment Reserve Account is \$180,000:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to do auto body work and paint the ladder truck be awarded to Forrest Auto Body in the amount of \$36,669.00 while the contract to paint the ladder be awarded to Maine Military Authority in the amount \$11,050.07.

Be it further resolved that the costs of these improvements be charged to the Fire Equipment Reserve Account.

Acted on September 30, 2010

Yes 6 No 0 Abstained (Absent: Robert Howard)

Attested: Kathy Downes, Town Clerk

RESOLVE #R-2011-43 AWARDING CONTRACT FOR CONSTRUCTION OF SEPTIC SYSTEMS

Whereas, the Town of Bucksport was the recipient of a Small Community Grant to replace malfunctioning private septic disposal systems; and,

Whereas, bids were requested from area contractors for the construction of two systems; and,

Whereas, bids were received as follows:

Bidders	Lindsay system	Shorey system	Total
Andrew Gray	\$05,700.00	\$05,800.00	\$11,500.00
Sean Eastman	\$07,950.00	\$10,980.00	\$18,930.00
Elwin Boynton	\$08,500.00	\$14,000.00	\$22,500.00
Raymond Conary	\$16,280.65	\$11,961.25	\$28,241.90

Whereas, the bids have been reviewed by Maine Department of Environmental Protection and DEP has approved awarding of two septic system installations to Andy Gray Construction in the amount of \$11,500:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to construct two septic systems be awarded to Andrew Gray in the total amount of \$11,500.

Be it further resolved that the cost of the projects be paid for from the Small Community Grant Project.

Acted on September 30, 2010

Yes 6 No 0 Abstained (Absent: Robert Howard)

Attested: Kathy Downes, Town Clerk

**CONSIDER RESOLVE #R-2011-44 AUTHORIZING A LEGAL PROCEEDING
TO ADDRESS THE PUBLIC SAFETY THREAT POSED BY WILSON HALL**

Whereas, Jeff Hammond, Code Enforcement Officer has requested that the Town Council seek abatement of the safety threat caused by the unsafe conditions at Wilson Hall located off 34 Middle Street and owned by Aaron Gleich; and,

Whereas, State law provides three methods for abating the nuisance and public safety threat posed by a dangerous building; and,

Whereas, the first method, the municipal officers may, after notice and hearing, find that a building or structure, or portion thereof, is unsafe and is therefore a nuisance or dangerous and must be disposed of; and,

Whereas, the second method is to seek an abatement and/or demolition order directly from Superior Court; and,

Whereas, the third method is a summary process that may be used in cases involving an immediate and serious threat to public health, safety and welfare, where the building inspector must file a verified complaint with the Superior Court and upon hearing the court may order abatement/removal and may assess costs. There is no appeal from the court's judgment, although the owner may, within 30 days, contest costs and seek damages for wrongful removal if provable; and,

Whereas, the first and second methods allow for the decision of the town council or court to be appealed:

Be it resolved by the Bucksport Town Council in town council assembled that the Bucksport Town Council pursue method one in order to abate the nuisance and public safety treat at Wilson Hall and that Jeff Hammond, CEO commence the process in accordance with 17 M. R. S. A. Subsection 2851 under the guidance of the town manager and town attorney.

Acted on September 30, 2010

Yes 6 No 0 Abstained (Absent: Robert Howard)

Attested: Kathy Downes, Town Clerk

**RESOLVE #R-2011-45 APPROVING CONSENT AGREEMENT BETWEEN JIN
MING CHEN & XU JUAN CUI AND TOWN OF BUCKSPORT**

Be it resolved by the Bucksport Town Council in town council assembled that the following Consent Agreement be approved and signed by the members of Bucksport Town Council and the agreement filed at the Hancock County Registry of Deeds.

ADMINISTRATIVE CONSENT AGREEMENT

This Agreement is made this 30th day of September, 2010 between Jin Ming Chen & Xu Juan Cui (Property Owners) of Bucksport, County of Hancock and State of Maine and the Town of Bucksport (Town), a municipal corporation located in Hancock County, Maine.

WHEREAS, the Property Owners own a parcel of land (Premises) identified on Tax Map 32 as Lot 245 in Bucksport, Maine, and which is also identified as 6 Pine Street, and which is also identified in a deed recorded in Book 3445, Page 279 at the Hancock County Registry of Deeds; and

WHEREAS, in June of 2010, the Bucksport Code Enforcement Officer (CEO) observed a block retaining wall constructed along Pine Street, a public right of way, in front of the building on the Premises; and

WHEREAS, the CEO spoke with the Property Owners and determined that they had constructed the retaining wall; and

WHEREAS, upon utilizing measurements based on best available information, the CEO determined that the retaining wall was located in the public right of way; and

WHEREAS, the Town's Public Works Director, who is knowledgeable about the boundaries of the public right of way for Pine Street, agreed that the retaining wall was located in that public right of way; and

WHEREAS, the Town did not grant any permission, approval or permit to the Property Owners to install the retaining wall within the public right of way; and

WHEREAS, the Property Owners have violated the Bucksport Town Code, Chapter 10, Section 10-301 by placing a permanent obstruction within a public right of way; and

WHEREAS, the Municipal Officers may enter into administrative consent agreements for the purpose of eliminating violations and establishing punitive consequences without court action; and

WHEREAS, the most appropriate method to resolve the violation caused by the Property Owners is a consent agreement; and

WHEREAS, the Town, in entering into this Agreement, does not thereby approve of, consent to, release, or otherwise condone any other violations of local or State laws which may exist on the Premises, be them known or unknown; and

WHEREAS, both the Property Owners and the Town wish to avoid further litigation over this land use violation;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The Property Owners admit responsibility for the violation.
2. The Property Owners agree to release the Town from any responsibility for damages to the retaining wall that may occur from the maintenance of Pine Street including, but not limited to, snow removal, sanding, salting, sweeping, cleaning, reconstructing, repairing and repaving.
3. The Property Owners agree to release the Town from any responsibility for damages to the retaining wall that may occur from the installation, maintenance or improvement of any public sewer or stormwater installation along Pine Street.
4. The Property Owners agree to refrain from depositing any snow on the plowed portion of Pine Street.
5. The Property Owners agree that the retaining wall may not be altered, expanded or replaced without first receiving approval by the Town, except that the Property Owners may construct and maintain a sidewalk and guard rail between the retaining wall and the building for the purposes of providing access to the building.
6. The Property Owners agree that this Agreement does not now, nor may it at any time in the future, grant to them an ownership or easement interest in any portion of the public right of way occupied by the retaining wall, sidewalk or guard rail.
7. The Town agrees to refrain from prosecuting the Property Owners for the violation so long as the Property Owners comply with the required actions set forth in this Agreement. The Property Owners stipulate and agree that the Town's willingness to defer prosecution in this instance does not raise any legal bar to future prosecutions for this or any related violation.

8. This Agreement shall not prevent the Town from enforcing violations of any other law, ordinance, or regulation that may occur on the Premises, including but not limited to violations of any other provision of the Bucksport Town Code.
9. Any breach of this Agreement by the Property Owners or their agents, even if unintentional or immaterial, shall release the Town from this Agreement. Any forbearance by the Town to enforce this Agreement or deem it in breach shall not be deemed a waiver with regard to any later breach. Each day that any violation of this Agreement exists shall constitute a separate violation.
10. Provided that the Property Owners comply with the terms of this Agreement, they shall be permitted to treat the retaining wall, as lawfully existing.

TOWN OF BUCKSPORT

By Its Municipal Officers

Jeffrey Robinson, Sr., Council Chair

David Keene, Council Member

David Kee, Council Member

Brian Leeman, Council Member

Robert Howard, Council Member

Michael Ormsby, Council Member

Byron Vinton, Council Member

PROPERTY OWNERS:

Jin Ming Chen

Xu Juan Cui

STATE OF MAINE
HANCOCK COUNTY, ss.

_____, 2010

Then personally appeared before me the above named parties, who each acknowledged the foregoing instrument to be their free act and deed.

Attorney at Law / Notary Public

Acted on September 30, 2010

Yes 6 No 0 Abstained _____ (Absent: Robert Howard)

Attested: Kathy Downes, Town Clerk

CONVEYANCE OF EASEMENT TO THE BUCKSPORT REGIONAL HEALTH CENTER

Shall an ordinance be introduced entitled "Conveyance of Easement to the Bucksport Regional Health Center" for the purpose of authorizing the conveyance of an easement by the Bucksport Town Council to the Bucksport Regional Health Center, such easement being over property owned by the Town of Bucksport, referred to as Miles Lane and described as follows:

Beginning at a point on the easterly side of Broadway at the southwest corner of property owned by Regional School Unit #25 and extending along the property line in an easterly direction 300' more or less to a point, thence in a southerly direction 33' to a point which is the north easterly corner of property owned by the Bucksport Regional Health Center, thence in a westerly direction 300' more or less to the northwest corner of property owned by the Bucksport Regional Health Center, thence northerly 33 feet to the point of beginning.

That such easement is granted pursuant to the following conditions:

1. Bucksport Regional Health Center will have prepared and will pay for the easement deed.
2. Bucksport Regional Health Center will reimburse the Town of Bucksport for the cost of advertising the public hearing.
3. Bucksport Regional Health Center will be responsible for obtaining the necessary driveway entrance permit from the Town of Bucksport.
4. Bucksport Regional Health Center will be responsible for all costs associated with the development and maintenance of the entrance/exit to and from Miles Lane.
5. Bucksport Regional Health Center will be responsible for the installation and maintenance of all signs associated with the granting of this easement including the installation of a stop sign to be located at the intersection of Miles Lane and the new entrance.
6. Bucksport Regional Health Center will maintain the new access driveway as an emergency exit and access for professional staff.
7. Bucksport Regional Health Center understands that Miles Lane is not a public way and the town will maintain Miles Lane as an access road to town owned facilities.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-46 APPROVING REFINANCING OF LOAN FOR THE CSO
BUILDING AND STRUCTURES WITH THE MAINE MUNICIPAL BOND
BANK**

Be it resolved by the Bucksport Town Council in town council assembled that the Town Council voted for the Town of Bucksport, Maine as follows:

- (1) That the Treasurer and Chairman of the Town Council are authorized to issue Bonds of the Town in an amount not to exceed \$2,240,000 at such rates, for a term and on such conditions as they deem to be in the best interest of the Town, to the Maine Municipal Bond Bank for the purpose of refinancing existing debt issued on April 1, 2008 to the United States of America, acting through the Rural Utilities Service.
- (2) That the proposed Loan Agreement with the Maine Municipal Bond Bank is hereby approved; that the Clerk is directed to file a copy of said Loan Agreement with the records of this meeting; that the Treasurer and Chairman of the Town Council are authorized to execute and deliver the Loan Agreement and to cause the corporate seal to be affixed thereto and attested by the Town Clerk, although the attesting and affixing of the corporate seal thereto shall not be deemed essential to the validity of the Loan Agreement; and that the bonds are hereby sold to the Maine Municipal Bond Bank at par.
- (3) That the Treasurer and Chairman of the Town Council are authorized to execute and deliver all documents, in addition to the Loan Agreement, as may be necessary to carry into effect such financing, and to take any and all actions which may be required to accomplish this purpose.
- (4) That the Town hereby irrevocably pledges user fees, rates, assessments and other charges and ad valorem taxes of the Town for the payment of the Bond.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-47 REGARDING REQUEST FROM VERSO TO EXTEND
AN EXISTING TIF AND TO ESTABLISH A NEW TIF DISTRICT**

Whereas, the Town of Bucksport through its Town Council authorized a Municipal Development Tax Increment Financing (TIF) District at Verso Paper Corporation in Bucksport in March 1997 and amended the District and Agreement in March 2000; and,

Whereas, the amended TIF District was for the Project which included the natural gas turbine, No.5 paper machine upgrade, TMP upgrades and training facility; and,

Whereas, the District was established for twenty (20) years with 75% of the revenues generated from the District returned to Champion Corporation now Verso Paper to finance a portion of the Project and 25% of the revenues to finance some or all of the public improvements identified in the Development Plan; and,

Whereas, it was further agreed, in any year during the term of this Amended and Restated Development Program in which the total assessed value of the Company's paper mill in Bucksport is less than \$300 million, then an amount of the increase in assessed value in the District equal to such shortfall would not be captured within the District; and,

Whereas, Verso Paper has requested that the Town of Bucksport through the Town Council extend the TIF District for the full thirty years (additional ten years) with the same conditions for the Amended TIF approved in March 2000; and,

Whereas, Verso Paper proposes a new Project which includes new electrical energy capacity by reconfiguration of its energy plant, modifying the waste fuel biomass boiler and adding a 20-30 MW turbine; and,

Whereas, Verso Paper estimates the Project cost at \$40 million dollars; and,

Whereas, Verso Paper has requested that the Town Council consider approving a new TIF District, capturing 100% of the taxable improvements, creating the district for thirty years and returning 75% of the captured revenues to the Company to help finance a portion of the Project; and,

Whereas, the Bucksport Town Council has held two workshop sessions to review the financial data prepared by Verso Company and the Town Manager; and,

Whereas, a public hearing must be held prior to approving the amended and new TIF Districts:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Council is in agreement to consider amending the existing TIF District by extending it for the full thirty years pursuant to the same conditions with exception:

1. the Town Development Plan be amended consistent with the M.R.S.A. Subsection 5224 to include the following changes
 - a. allow for marketing the industrial park and events
 - b. allow for development of Phase II of the industrial park
 - c. allow for training cost associated with the pulp and paper course offered by the community college
 - d. allow for improvements at the wastewater treatment facility
 - e. allow for public safety equipment
 - f. allow regional trail improvements
 - g. allow for all activities included in the Economic Development Plan
 - h. allow for child care cost
 - i. allow for transit cost
 - j. allow for cost associated with the Performing Arts Center
2. taxable improvements subject to the Business Equipment Tax Exemption (BETE), such amount adjusted by the town's reimbursement rate, will be considered when determining the requirement that the mill's value outside the district not be less than \$300 million dollars in any one year and the shortfall shall not be captured within the Revised District
3. subject to review by the Town's legal counsel, such cost to be reimbursed by Verso Company
4. subject to final approval by the Town Council after public hearing

Be it further resolved that the Town Council is in agreement to consider establishing a new TIF District for the proposed energy project (the Project) pursuant to the following conditions:

1. the town will capture 100% of the new taxable value
2. the amount captured will be limited to the Project and a completion date will be mutually set by the Town and Verso Paper
3. the town will return 75% of the captured revenues to Verso Paper to help finance the Project while 25% will be retained by the Town to fund the Development Plan
4. the Development Plan will finance public improvements outside the District but directly related to or are made necessary by the establishment of operation of the District including public safety, roads and wastewater treatment facility improvements
5. subject to review by the Town's legal counsel, such cost to be reimbursed by Verso Company
6. subject to final approval by the Town Council after public hearing

Acted On October 14, 2010

Yes 5 No 2 (Opposed: Michael Ormsby & Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-48 REFERRING SOLID WASTE FLOW ORDINANCE AND
SOLID WASTE LICENSING ORDINANCE TO THE ORDINANCE
COMMITTEE**

Whereas, during the last several years Bucksport has experienced declines in the quantity of municipal solid waste being delivered to the Penobscot Energy Recovery Company (PERC) facility; and,

Whereas, the Town has a Guaranteed Annual Tonnage "GAT" or minimum annual waste delivery obligation which approximates the total municipal solid waste generated within the boundaries of Bucksport from residential, commercial and institutional sources; and,

Whereas, declines pose a threat to the ability of the Town to meet its GAT requirements; therefore, subjects the Town to penalty; and,

Whereas, in 2009 the Town did not meet its obligation but PERC waived the penalty premised on their confidence in the ability of MRC communities to maintain an active role in directing waste generated within the borders to the PERC facility; and,

Whereas, in response to the concern, MRC had developed model ordinances as one possible approach to assist communities interested in better controlling the disposition of MSW originating within the borders of each community; and,

Whereas, the Town currently has a Flow Control Ordinance and Licensing Ordinance but each were enacted prior to the Town's membership as a charter community and many sections of the ordinances are obsolete:

Be it resolved by the Bucksport Town Council in town council assembled that the matter of reviewing the existing Flow Control Ordinance and Licensing Ordinance to determine whether changes should be made to the existing ordinances including adopting the proposed model ordinances in part or in whole be referred to the Ordinance Committee.

Acted on October 14, 2010

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-49 REGARDING THE SENIOR TAX VOLUNTEER WORK PROGRAM

Whereas, the members of the Finance Committee were asked to render a recommendation whether a Senior Tax Volunteer Work Program which permits seniors older than 60 years of age and whose combined household income does not exceed \$60,000 annually to volunteer to do work for the town in return receive a maximum abatement of \$750 annually towards his/her property tax; and,

Whereas, the Finance Committee discussed the matter thoroughly and recommend that the Town Council not adopt a Senior Tax Work Volunteer Program for the following reasons:

- There is concern for the Town assuming the risk of volunteer(s) being injured at work.
- There is concern for the Town becoming liable for the volunteers and their actions.
- There is concern that the program will require a significant amount of administrative time; therefore, lessening the financial benefit to the town.
- There is concern that the program will not be of financial benefit to volunteers since the hourly rate to be used to determine the value of hours worked will be equal to the federal minimum hourly rate and the amount earned will be reported to the IRS as income for tax purposes. Most seniors can earn more than minimum federal wage rate in the private sectors or as a contractor.
- There is concern that the program has to be funded each year, adding additional burden for older taxpayers.

Be it resolved by the Bucksport Town Council in town council assembled that the Senior Tax Volunteer Program not be implemented by the Town at this time as recommended by the Finance Committee.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-50 AWARDING CONTRACT FOR TOWN DOCK
IMPROVEMENTS**

Whereas, the Town requested bids for repair of the Town Dock; and,

Whereas, the total eligible project cost is \$75,800; and,

Whereas, bids were received as follows:

Contractor	Base Bid	Alternates	Total
Atlantic Mechanical Inc.	\$48,681	\$9,394	\$58,075
Prock Marine	\$56,750	\$10,700	\$67,450

Be it resolved by the Bucksport Town Council in town council assembled that the contract for repairs to the Town Dock be awarded to Atlantic Mechanical Inc. in the amount of \$58,075, pending approval by MDOT.

Be it further resolved that the cost of the project be paid for from a MDOT Small Harbor Improvement Program grant and the required local match previously approved by the Bucksport Town Council.

Acted on October 14, 2010

Yes 7 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-51 AUTHORIZING WRITE-OFF FOR UNCOLLECTIBLES

Be it resolved by the Bucksport Town Council in town council assembled that the Treasurer be authorized to write-off uncollectible ambulance charges in the amount of \$7,815 for the period 7-1-2009 to 9-30-2009.

Acted on October 14, 2010

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-52 ESTABLISHING A COMMITTEE TO PROVIDE
RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE ANIMAL
SHELTER**

Whereas, several citizens have expressed a desire to have conditions improved at the animal shelter; and,

Whereas, the Town wants to make sure that the animal shelter meets all state licensing requirements and provides a comfortable home for sheltered animals; and,

Whereas, the Town wants to maintain a shelter which is financially feasible for taxpayers of Bucksport; and,

Whereas, it is proposed that a committee be established that includes the Police Chief, Animal Control Officer, one member of the Town Council, the Town Manager and three citizens at large to review the matter and submit recommendations to the Town Council:

Be it resolved by the Bucksport Town Council in town council assembled that a committee to study the conditions at the animal shelter and render recommendations to the Town Council be established, such committee consisting of the Police Chief, Animal Control Officer, one member of the Town Council, the Town Manager and three citizens at large.

Be it further resolved that the member of the Town Council will be Jeffrey Robinson, Sr. and the names of the citizens at large will be forwarded to the Town Council for consideration at the next scheduled town council meeting.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-53 ACCEPTING GRANT FROM THE MAINE FOREST
SERVICE**

Whereas, the Town of Bucksport, applied for a grant from the Department of Conservation, Maine Forest Service to prepare a forest management plan for the Silver Lake properties; and,

Whereas, the amount of the grant is \$1,680; and,

Whereas, the grant requires a 50% match from the Town:

Be it resolved the Bucksport Town Council in town council assembled that the Canopy Grant received from the Maine Forest Service in the amount of \$1,680 to prepare a management plan be accepted.

Be it further resolved that the local match in the amount of \$1,680 be charged to Maine Forestry Account #G6-540-12.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-54 AWARDING CONTRACT FOR A FOREST
MANAGEMENT PLAN FOR THE SILVER LAKE PROPERTIES**

Whereas, the Town has received a grant for preparing a forest management plan for the Silver Lake properties; and,

Whereas, proposals were solicited from certified foresters; and,

Whereas, three proposals were received as follows:

Prentiss & Carlisle \$4,400
Jake Maier Forestry \$2,640
Kevin Allcroft \$2,100

Whereas, the members of the Conservation Committee reviewed the proposals and met with two of the contractors; and,

Whereas, the committee members recommend that the contract be awarded to Jake Maier Forestry in the amount of \$2,640:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to prepare a forest management plan for the Silver Lake properties be awarded to Jake Maier Forestry in the amount of \$2,640.

Be it further resolved that the project cost be paid for from a Canopy Program grant received from Maine Forest Service and the local match previously approved by the Town Council.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

RESOLVER-2011-55 REGARDING ELECTRONIC PAYMENTS

Whereas, the Bucksport Town Council set as a goal to pursue the possibility of receiving payments by credit or debit cards; and,

Whereas, this matter was referred to the Finance Committee; and,

Whereas, the Finance Committee has reviewed the issue and recommends the following:

- a. participate in the Rapid Renewal Program which allows for the on-line renewal of motor vehicle registrations as well as an annual reminder service and payment is made by electronic check only
- b. provide the program offered by Maine PayPort which allows citizens to make credit card payments for any municipal item or fee and provides the Town with a cost effective way to accept VISA, MasterCard and American Express credit card payments over-the-counter
- c. the programs be initiated on or around January 1, 2011

Whereas, the cost for the Town to participate in the Rapid Renewal Program will be a one time setup fee of \$250 and an annual maintenance fee of \$150 plus the Town will have to give up the agent fee for each on-line transaction estimated to result in an annual loss of \$1,400; and,

Whereas, the cost for the Town to participate in the Maine PayPort Program will be a one time cost of \$170 to purchase two USB swipe card reader terminals and annual encryption update fee of \$30, and citizens will be assessed a fee of \$1.00 per transaction for payment up to \$40 and a fee of 2.50% for transactions greater than \$40 dollars; and,

Whereas, the debit and credit card payment program (Maine PayPort Program) will be accepted for all town transactions except real estate taxes, the Town will reserve the right to decline the acceptance of debit or credit card payments on properties where a lien or foreclosure is imminent and the Town will not accept debit or credit cards over-the-phone due to liability:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Council accept the recommendations of the Finance Committee and approve the Town's participation in the Rapid Renewal Program and the Maine Port Program effective on or around January 1, 2011.

Be it further resolved that the Maine Port Program will not include payments for real estate taxes at this time, the Town will reserve the right to decline the acceptance of debit or credit card payments on properties where a lien or foreclosure is imminent and the Town will not accept debit or credit cards over the phone due to liability.

Acted on October 14, 2010

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Townsite Drainage Project- All piping work will be completed by October 15. The contractor still has to set all of the manhole tops and reclaim and pave the streets. I am seriously considering at this time not having the surface coat placed this fall. I may suggest we wait until next spring. The project should be completed by October 31.

Miles Lane Trail- Pine Tree Engineering has started their work on the trail master plan. I expect they should have preliminary plans for the Town Council to review by the November Town Council meeting. The Public Works Director has started to layout the new trail extension on the upper portion of the so-called Buck Estate property, the wetlands have been identified and I am currently working on the application to be submitted to the Department of Conservation due November 5, 2010.

Annual Town Report- I have completed my portion of the town report and I am waiting for the audit. I expect to receive it by the end of October. This year's report will recognize Allen Gordon for his years of service on the Planning Board and Marvin Gray for his years of service at the Highway Department.

Silver Lake Boat Landing- I am still waiting for the final schematic from Mike Millett. An additional survey had to be completed in order to address the recommendations of the committee. I am hopeful we will have a plan for the committee to review by the beginning of November.

Building and Facility Inspections- I have almost completed all of the building and facility inspections. I will be completing them by next week.

Highway Improvements- The Highway Department will be getting Spofford Avenue ready for pavement next week. I expect we will have it all paved by October 29. Once the winter sand is all in, the crew will begin to gravel a quarter of a mile of the Upper Long Pond Road which is scheduled for reconstruction. All of the ditching has been completed on the section of road. Once work has been completed on the Upper Long Pond Road all scheduled road and street projects will be completed.

Waterfront Improvements- The landscape architect has started to put together some ideas for improving the westerly end of the walkway. We should have plans for the waterfront committee to look at in the next several weeks.

Veterans' Memorial- All town related work will be completed on the memorial by the end of the week. A dedication ceremony has been scheduled for Saturday October 23 at 3:30 p.m.

**AMENDMENT TO APPENDIX M, GENERAL ASSISTANCE ORDINANCE,
APPENDICES A-C 2010-2011**

Shall an ordinance be introduced entitled: Amendment to Appendix M, General Assistance Ordinance, Appendices A-C for the period October 1, 2010 to October 1, 2011. The purpose of the ordinance is to amend Appendices A- C to include new maximum levels of assistance, food and housing. Attached are copies of the amended Appendices.

Acted on October 28, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

CHAPTER 11 OF THE BUCKSPORT TOWN CODE
CONVEYANCE OF EASEMENT TO THE BUCKSPORT REGIONAL HEALTH CENTER

Shall an ordinance be adopted entitled “Conveyance of Easement to the Bucksport Regional Health Center” and referred to as Sec 11-123 of Chapter 11 of the Bucksport Town Code for the purpose of authorizing the conveyance of an easement by the Bucksport Town Council to the Bucksport Regional Health Center; such easement being over property owned by the Town of Bucksport, referred to as Miles Lane and described as follows:

Beginning at a point on the easterly side of Broadway at the southwest corner of property owned by Regional School Unit #25 and extending along the property line in an easterly direction 300’ more or less to a point, thence in a southerly direction 33’ to a point which is the north easterly corner of property owned by the Bucksport Regional Health Center, thence in a westerly direction 300’ more or less to the northwest corner of property owned by the Bucksport Regional Health Center, thence northerly 33 feet to the point of beginning.

That such easement is granted pursuant to the following conditions:

1. Bucksport Regional Health Center will have prepared and will pay for the easement deed.
2. Bucksport Regional Health Center will reimburse the Town of Bucksport for the cost of advertising the public hearing.
3. Bucksport Regional Health Center will be responsible for obtaining the necessary driveway entrance permit from the Town of Bucksport.
4. Bucksport Regional Health Center will be responsible for all costs associated with the development and maintenance of the entrance/exit to and from Miles Lane.
5. Bucksport Regional Health Center will be responsible for the installation and maintenance of all signs associated with the granting of this easement including the installation of a stop sign to be located at the intersection of Miles Lane and the new entrance.
6. Bucksport Regional Health Center will maintain the new access driveway as an emergency exit and access for professional staff.
7. Bucksport Regional Health Center understands that Miles Lane is not a public way and the town will maintain Miles Lane only as an access road to town owned facilities.

Acted on October 28, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-56 AUTHORIZING AMENDMENT TO AN EXISTING TIF
DISTRICT AND DEVELOPMENT PLAN AND APPROVING A
NEW TIF DISTRICT AND DEVELOPMENT PLAN AT THE
VERSO PAPER MILL IN BUCKSPORT**

WHEREAS, the Town of Bucksport (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as the Town of Bucksport Municipal Development and Tax Increment Financing District (Verso Bucksport Project) (the “District”) and to adopt a development program for the District (the “Development Program”); and

WHEREAS, there is and continues to be a need to encourage the retention, improvement, expansion, and attraction of manufacturing, industrial and commercial facilities in the Town; and

WHEREAS, there is and continues to be a need to provide continuing employment opportunities for the citizens of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to retain existing employment for the citizens of the Town and the surrounding region, will help to improve and broaden the tax base in the Town and will help to improve the economy of the Town and the State of Maine; and

WHEREAS, the Town held a public hearing on the question of establishing the District and adopting the Development Program in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate the District and to adopt the Development Program; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program;

NOW THEREFORE, be it hereby Voted and Resolved by the Bucksport Town Council in town council assembled:

Section 1. The Town hereby finds and determines that designation of the District and adoption and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including retaining employment opportunities, will broaden and improve the Town’s tax base and will provide economic stimulus to the Town, and therefore the District and the Development Program and the projects and improvements described therein constitute good and valid public purposes and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined

that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program and the projects and improvements described therein to the economic growth or well-being of the Town and the betterment of the health, welfare and safety of its inhabitants.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby (a) designates the New District and adopts the New Development Program as presented to the Town Council and such New Development Program is hereby incorporated by reference into this Resolve as the development program for the New District and (b) designates the Amended District as the Verso Bucksport Municipal Development Tax Increment Financing District and adopts the Amended Development Program as presented to the Town Council and such Amended Development Program is hereby incorporated by reference into this Resolve as the development program for the Amended District

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, (a) the term of the New District and the percentage of the increased assessed value to be retained as captured assessed value in the New District, and the allocation of tax increment revenues generated with respect thereto, is hereby established as set forth in the New Development Program and (b) the extension of the term of the Amended District and the percentage of the increased assessed value to be retained as captured assessed value in the Amended District, and the allocation of tax increment revenues generated with respect thereto, is hereby established as set forth in the Amended Development Program.

Section 4. The Town Manager be and hereby is, authorized, empowered and directed to submit (a) the designation of the District and the adoption of the Development Program and (b) the designation of the Amended District and the adoption of the Amended Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and adoption of the Development Program and designation of the Amended District and the adoption of the Amended Development Program shall each automatically become final and shall take full force and effect upon receipt by the Town of the respective approval by DECD of such designation and adoption, without the requirement of any further action by the Town, the Town Council, or any other party.

Section 6. The Town Manager be and hereby is authorized and empowered, at his discretion, from time to time, (a) to make such revisions to the New Development Program or to the scope, cost or description of the public improvements to be financed with a portion of tax increment revenues generated by the New District as described in Exhibit G to the New Development Program and (b) to make such revisions to the Amended Development Program or to the scope, cost or description of the Public Improvements to be financed with a portion of tax increment revenues generated by the Amended District as described in Exhibit 3 to the Amended Development Program, as

the Town Manager deems reasonably necessary or convenient in order to facilitate DECD's review and approval of the New Development Program and the Amended Development Program, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the New Development Program or Amended Development Program.

Section 7. The Town Manager be and hereby is authorized and directed to enter into a credit enhancement agreement with respect to the New District as contemplated by the New Development Program and to enter into an amendment to the Amended and Restated Credit Enhancement Agreement entered into by the Town with respect to the Original District and the Original Development Program to reflect the amendments made by the Amended Development Program, each to be in the name of and on behalf of the Town, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the respective New Development Program and Amended Development Program, as the Town Manager may approve (including, the Town Manager's approval to be conclusively evidenced by his execution thereof).

Section 8. This Resolution shall take effect immediately upon adoption.

Adopted October 28, 2010, by the Town Council of the Town of Bucksport, at a meeting duly convened and conducted at Bucksport, Maine.

Acted on October 28, 2010

Yes 5 No 1 Opposed: Robert Howard (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-57 AUTHORIZING EXPENDITURE FROM THE PUBLIC
SAFETY RESERVE**

Whereas, the furnace at the Public Safety Building has become very expensive to repair and should be replaced; and,

Whereas, proposals have been received as follows:

Webber Energy Fuels Buderus G515-10 1,173,280 BTU/hr. \$20,358

* ABM Mechanical, Inc. Buderus 315-7 568,000 BTU/hr. \$26,034

* includes installation of a new 8" stainless steel chimney for \$3,540

Whereas, the balance in the Public Safety Reserve Account is \$59,497

Be it resolved by the Bucksport Town Council in town council assembled that the contract for the installation of a new hot water boiler and burner at the Public Safety Building be awarded to Webber Energy Fuels in the amount of \$20,358.

Be it further resolved that the cost of the improvement be charged to the Public Safety Building Reserve Account.

"Table Resolve" on October 28, 2010

Yes 6 No 0 Abstained _____ (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-58 AUTHORIZING ACCEPTANCE OF A GRANT FROM
THE MAINE HEALTH ACCESS FOUNDATION**

Whereas, the Town of Bucksport has received approval of a grant from the Maine Health Access Foundation in the amount of \$50,000; and,

Whereas, the grant period will be for two years with two annual awards of \$25,000; and,

Whereas, the first year award will be for \$25,000 which will be allocated to implement a Community Wellness Program for the period 1-1-2011 to 12-31-2011; and,

Whereas, the program is to improve the cardiovascular health of residents by training wellness guides who are community members not typically involved in health care, such as teachers, ministers, daycare providers, business owners, members of fraternal organizations and municipal employees to understand their role in communicating health priorities, strategies and social marketing messaging to the respective constituency:

Be it resolved by the Bucksport Town Council in town council assembled that the Town of Bucksport accept the grant offered by Maine Health Access Foundation in the amount of \$50,000 to be used to develop a Community Wellness Guide Program.

Be it further resolved that the Director for the Bucksport Bay Healthy Communities Coalition be responsible to administer the program and expense the funds in accordance with program rules and guidelines.

Acted on October 28, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-59 AUTHORIZING APPLICATION TO BUREAU OF
PARKS AND LAND FOR RECREATION TRAIL PROGRAM GRANT**

Whereas, the 2003 Comprehensive Plan identifies as a goal the development of the Miles Lane Trail; and,

Whereas, the existing trail is 2.4 miles and it is proposed to extend the trail by .51 miles across property purchased by the town in 2008 from the Buck Estates; and,

Whereas, the proposed extension of the trail will enhance the connection of the Miles Lane Trail to the Silver Lake Trail; and,

Whereas, the Town of Bucksport has the opportunity to apply for a grant from the Department of Conservation, Bureau of Parks and Land for a Recreation Trail Grant; and,

Whereas, the estimated cost of developing the trail extension including the engineering services to develop a master plan of all trails is \$30,465; and,

Whereas, the town proposes to use equipment and personnel from the Bucksport Highway Department to complete all of the work which is estimated as in-kind labor and equipment valued at \$15,308.20; and,

Whereas, the town will also include as match the cost of preparing a master plan of all trails which includes the Waterfront Trail, Silver Lake Trail and Miles Lane Trail at a cost of \$5,600; and,

Whereas, the grant amount request is \$9,557 which will be use to purchase the necessary materials for the project:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to submit an application to the Department of Conservation, Bureau of Parks and Land for a Recreation Trail Grant in the amount of \$9,557 to purchase the needed materials for a .51 mile extension of the Miles Lane Trail.

Be it further resolved that the use of equipment and personnel from the Bucksport Highway Department to complete the project be approved and the \$5,600 appropriated by the town to prepare a mater plan of the three trails located within the compact area which include the Silver Lake Trail, Miles Lane Trail and the Waterfront Trail be used as local match.

Acted on October 28, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**AMENDMENT TO APPENDIX M, GENERAL ASSISTANCE ORDINANCE,
APPENDICES A-C 2010-2011**

Shall an ordinance be adopted entitled “Amendment to Appendix M, General Assistance Ordinance, Appendices A-C for the period October 1, 2010 to October 1, 2011”. The purpose of the ordinance is to amend Appendices A- C to include new maximum levels of assistance, food and housing. Attached are copies of the amended Appendices.

Acted on November 18, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

APPENDIX B COUNCIL RULES

Shall an ordinance be introduced entitled “Appendix B Council Rules”; such ordinance is to replace the existing Appendix B of the Bucksport Town Code and its purpose is to clarify the rules and procedures how, when and where the Town Council will conduct its business, the conditions the members will follow to conduct themselves, and how and when the public will be allowed to participate as the Town Council conducts its business. Such ordinance reads as follows:

Acted on November 18, 2010

Yes 6 No 0 Abstained _____ (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

Appendix B

Council Rules

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APPENDIX B

COUNCIL RULES

SEC. 1. Regular Meetings

The regular meetings of the Town Council shall be held in the Town Office Council Chamber, or a place to be announced, at 7:00 P.M. current time on the second and last Thursday of each calendar month. When said day falls on a holiday or an election day, the regular meeting shall be held on the following Thursday at the same time and place. The date of any regular meetings may be changed by an order or resolve passed at the previous meeting upon the vote of a majority of the Town Council, provided, however, that said change in date will provide for one regular meeting in each month.

SEC. 2. Special Meetings

Special meetings may be called by the Chair and in case of his/her absence, disability, or refusal may be called by three (3) members of the Town Council. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members of the Town Council sign a waiver of said notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting.

SEC. 3 Workshops

The Town Council may meet in workshop session to discuss any matter. A workshop session is open to the public and news media. At the discretion of the Chair or the Town Council, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

SEC. 4 Executive Sessions

An executive session may be called only by a vote of three fifths of the members of the Town Council present and voting. No ordinances, orders, rules, resolutions, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of 1 M.R.S.A. Sec 401.

SEC. 5 Quorum; Adjourned Meetings

A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the

meeting from which adjournment is taken, unless such absent members sign a waiver of said notice.

SEC. 6 Enactment Form

The Town Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title.

SEC. 7 Ordinance Style

All by-laws passed by the Town Council shall be termed “ordinances” and the enacting style shall be: “Be it ordained by the Town Council of the Town of Bucksport, Maine, in Town Council assembled.”

SEC. 8 Order and Resolve: Style

In all votes of command, the form of expression shall be “ordered;” and of opinions, principles, facts, or purposes, the form shall be “resolved.”

SEC. 9 First Reading:

Every ordinance, order or resolve shall be introduced by title only, unless by a majority vote of those present, a full reading is requested

SEC.10 Yeas and Nays Taken: When

The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of four (4) members of the Town Council. In case of a tie in votes on any item, the item shall be declared lost.

SEC. 11 Ordinances: Effective Date

No ordinance shall take effect and be in full force until thirty (30) days after adoption by the Town Council unless deemed to be an emergency ordinance.

SEC. 12 Order, Resolve: Effective Date

Orders or resolves shall take effect immediately upon passage.

SEC.13 Agenda Items

A detailed agenda shall be prepared by the Town Manager, approved by the Town Council Chair/or in his/her absence the Chair of the Ordinance Committee and distributed by the Town Clerk for each meeting. Item(s) of business may be placed on the agenda by any member of the Town Council by contacting the Town Clerk or Town Manager and indicating the item or items to be placed on the next scheduled meeting agenda. If the agenda has been released, the item may be discussed under Discussion Items, but no action may be taken by the Town Council, but the item shall be referred to the next scheduled Town Council meeting for consideration. Any citizen may place an item on a meeting agenda by

making a written request to the Town Manager or Town Clerk noting the item of business to be included. The item will be placed on the next scheduled Town Council agenda upon approval by the Town Council Chair or in his/her absence by the Ordinance Committee Chair. The item will be placed on the agenda only if it is deemed by the Chair to be appropriate for Town Council business, but the Town Council's decision will be final.

SEC. 14 Agenda Order

The order of the agenda for meetings shall be as follows:

- a. Chair calls meeting to order
- b. Roll Call by the Town Clerk
- c. Presentations of any Town Council Recognitions
- d. Consider Minutes of the Previous Meeting(s)
- e. Reports, Documents and Correspondence to the Town Council
- f. Public Hearings
- g. New Ordinances to Consider
- h. Agenda Items
- i. Town Manager's Report
- j. Discussions of Items Not on the Agenda for Council and Public
- k. Agenda Items Requiring Executive Sessions
- l. Adjournment

SEC. 15 Chair Calling Meeting to Order

Immediately after the call to order, the Chair will welcome the public and provide instruction on decorum as well as to let the public know if the meeting is being recorded.

SEC. 16 Dispensing with Agenda Items or Ordinances

- a. The Chair will read the title of the agenda item or ordinance being considered. A majority of the Town Council may request that the resolve, order or ordinance be read in its entirety.
- b. Once the agenda item has been read, any Town Council member who has or may have a conflict of interest or may want the Chair to determine whether a conflict of interest exists, will so state. The Chair will dispense with any item of conflict unless appealed to the full Council.
- c. The Chair will then direct the Town Manager, Committee Chair or other appropriate designee to provide information regarding the agenda item or ordinance under consideration.
- d. Upon receiving information, the Chair will allow members of the Town Council to ask questions relating to the agenda item or proposed ordinance.
- e. Once the agenda item or proposed ordinance has been explained and questions from the Town Council have been addressed, the Chair will seek a motion and second. The agenda item or ordinance will fail for lack of a motion and second.

- f. Once a motion and second has been received, the Chair will open the item for public comment.
- g. Once all public comments are received, the Chair will open the item for discussion by Town Council members.
- h. Once Town Council discussion has been completed, a vote by the Town Council will be taken.

SEC. 17 Chair

At its first meeting in January of each year, the Town Council shall proceed to elect, by majority vote of those present, a Chair of the meeting who shall preside at the hour appointed for the Town Council to meet, and shall immediately call the members to order.

The process to elect the Chair will require nomination by a member of the Town Council, and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

The roll shall then be recorded by the Clerk, who shall enter in the minutes of the meeting the names of the members present. Once the roll call has been recorded, the Chair will determine whether there is a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

SEC. 18 Temporary Chair

In case of the absence of the Chair, the Clerk shall call the Town Council to order and call the roll of members. If a quorum is found to be present, the Town Council shall proceed to elect, by majority vote of those present, a Temporary Chair of the meeting to act in the absence of the Chair.

SEC. 19 Town Council Privileges

The Chair may move, second, declare by unanimous consent, and debate from the Chair; subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilor by reason of acting as the Chair.

SEC. 20 Preserve Order; Decide All Questions of Order

The conduct of any Town Council meeting is not bound by formal rules of parliamentary procedure, such as those identified in Robert's Rules of Order. The Chair may address any question of procedure that is not otherwise addressed in these rules by invoking a rule of parliamentary procedure, or by taking any other reasonable course of action. Members of the Town Council may question a procedural ruling by the Chair, and the decision of the majority members of the Town Council on the matter shall be final.

The Chairman shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Town Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

- a. During the Town Council meetings, Councilors shall preserve Order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the rules of the Town Council. Town Councilors desiring to speak shall address the Chair, and upon recognition by the Chair, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Town Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Town Councilor shall be permitted to proceed. If ruled to be not in order, the Town Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Town Council. All members of the Town Council shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Town Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town Councilors shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Town Council. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.
- b. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be persecuted on appropriate complaint signed by the Chair. In case the Chair shall fail to act, any member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.

SEC. 21 Declare Votes: Cause Return of Votes

The Chair shall declare all votes, but if any member doubts a vote, the Chair shall cause a return of the members voting in affirmative and in the negative without debate.

SEC. 22 Debate: Rules of

When a question is under debate, the Chair shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

SEC. 23 Motion to Adjourn: Lay on Table

The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

SEC. 24 Reconsideration

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move for reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

SEC. 25 Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Town Council shall be forthwith taken upon all pending amendments, and then upon the main question.

SEC. 26 Not to Be Debated or Amended

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Chair or not.

SEC. 27 Manner of speaking

When a member is about to speak, he/she shall respectfully address the Chair confine himself/herself to the question under debate, and avoid personalities.

SEC. 28 Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order to correct a mistake.

SEC. 29 Breach of Rules and Order

When any member shall be guilty of breach of any of the rules or orders of the Town Council, he/she may, on motion, be required to make satisfaction therefore, and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

SEC. 30 Member Excused from Voting: When

Every member present when a question is put shall give his/her vote, unless the Town Council, for special reasons, shall excuse him/her. Application to be so excused must be made before the Town Council is divided, or before the calling of the yeas and nays, and decided without debate.

SEC. 31 Motion to Be Reduced to Writing: When

Every motion shall be reduced to writing, if the Chair shall so direct.

SEC. 32 Division of Question

Any member may require the division of a question when the sense will admit it.

SEC. 33 Motion for Referral

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

SEC. 34 Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

SEC. 35 Suspension of Rules: Amendment or Repeal

The rules shall not be dispensed with or suspended unless five (5) of the members of the Town Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

SEC. 36 Procedure for Addressing Council

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

- a. Persons wishing to address the Town Council on an item which appears on the agenda shall wait for Town Council consideration and deliberation of such item. Prior to vote by the Town Council on the matter, discussion from the general public will be allowed. The Town Council may re-deliberate the item and then vote. No person shall be permitted to address the Town Council during the final deliberation and vote.
- b. Persons wishing to address the Town Council on an item not appearing on the agenda shall do so only after disposing of all items appearing on the agenda.
- c. Any person wishing to address the Town Council shall signify his desire by raising his/her hand and, when recognized by the Chair, such person shall thereupon request permission to address the Town Council, giving

his/her name and address, then designating the subject matter on which he/she desires to address the Town Council.

- d. Persons present at Town Council meeting are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

SEC. 37 Conflict of Interest-

- a. Financial Interest: A member who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies or services to or from the Town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a member who has a financial interest in any matter before the Town Council shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A member has a “financial interest” within the meaning of this section if the member has a “financial interest” within the meaning of this section if the member owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.
- b. Relationship: A member is disqualified in any quasi-judicial matter before the Town Council, if the member is related to any of the parties within the sixth degree (second cousin). The member shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.
- c. Appearance of Conflict: A member shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict, and where appropriate, by abstaining from voting on the matter. If, after disclosure, the member believes the interest will affect the member’s ability to make a fair and impartial decision faithful to the public interest, the member shall abstain from voting.
- d. Participation: An abstaining member may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining member who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case shall an abstaining member participate in Town Council discussion or deliberation or otherwise act in an official capacity in the matter as to which the Councilor has abstained.
- e. Judgment of Qualifications: If there is any doubt as to whether a Councilor has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Council shall be final.

SEC. 38 Right of Appeal

Any member may appeal to the Town Council from a ruling of the Chair, if that appeal is seconded. The member making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question,” Shall the decision of the Chair be sustained?; If a majority of the member present vote “Yes”, the ruling of the Chair is sustained; otherwise, it is overruled.

SEC. 39 Forfeiture of Office

A member will forfeit his/her office of member in addition to reasons noted in Section 2.07 of the Town Charter for failing to attend six consecutive regular meetings of the Town Council without being excused by the Town Council.

SEC. 40 Residency Requirement

A member will forfeit his/her office of member if not a resident of the Town of Bucksport. For the purpose of this section resident refers to the individual’s place of domicile as defined by (M.R.S.A. 30-A Section 2001 Subsection 16). Any Town Council member who is not a resident of the Town of Bucksport is required to report his/her relocation to the Town Council at the next regularly scheduled town council meeting.

SEC. 41 Committees

At the commencement of the council year, or soon thereafter as possible, there shall be chosen the following committees:

- a. Ordinance Committee- The Ordinance Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council. The committee shall function at the request of the Town Council. The purpose of the committee shall be related to the adoption, amendment or review of town ordinances including the Town Charter. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law and are open to all Town Council members. The Town Council Chair will serve as an ex-officio member of the committee.
- b. Finance Committee- The Finance Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council at its annual meeting. The committee shall function at the request of the Town Council. The purpose of the committee shall be related to all financial matters of the town. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair will serve as an ex-officio member of the committee.
- c. Appointments Committee-The Appointments Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council. The committee shall function at

the request of the Town Council. The purpose of the committee shall be to provide nominations of person(s) to serve on town committees and boards; recommend for employment department heads and key personnel; recommend for appointment key positions required by statute; and any other matter of similar nature. Decisions of the committee shall be in the form of nominations or recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

d. Sewer Committee- The Sewer Committee shall consist of three members of the Town Council, one Selectman from Orland and Verona Island. The members representing the Town of Bucksport, including the Chair, shall be selected by the Town Council. The committee shall function at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to the wastewater collection and treatment system serving the towns of Bucksport, Verona and Orland. These matters can include but are not limited to review of the annual capital improvement plan and operating budget; review of construction plans and specifications for projects including improvements to sewers, treatment facilities, and pump stations; and any other matter of similar nature. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

e. Waterfront Committee- The Waterfront Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council. The committee shall function only at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to the waterfront walkway and support facilities such as the town dock, gazebo, fishing pier, etc. These matters can include but are not limited to review of the annual capital improvement plan and operating budget, recommend policies pertaining to the use of the waterfront property and its facilities, review construction plans and specifications for proposed improvements, and any other matter of similar nature. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

f. Solid Waste Committee- The Solid Waste Committee shall consist of three members of the Town Council and one Selectman from Orland. The members representing Bucksport, including the Chair, shall be selected by the Town Council. The committee shall function only at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to the collection and disposal of municipal solid waste in Bucksport and Orland. These matters can include

but are not limited to review of the annual capital improvement plan and operating budget for the transfer station and supporting facilities, recommend policies pertaining to the use of the transfer station and supporting facilities, review of construction plans and specifications, and any other matters of similar nature. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

g. Economic Development Committee- The Economic Development Committee shall consist of three members of the Town Council and no more than seven citizens at large that shall include a representative of RSU 25, and the Bucksport Bay Area Chamber of Commerce. The members, including the Chair, shall be selected by the Town Council. The committee may receive referrals from the Town Council but shall be guided primarily by the town's Economic Development Plan. The purpose of the committee is to render recommendations to the Town Council that addresses the economic needs of the community including the expenditure of Tax Incremental Financing Revenues.

Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

h. Street and Road Committee- The Street and Road Committee shall consist of three members of the Bucksport Town Council and three citizens at large. The members, including the Chair, shall be selected by the Town Council at its annual meeting. The committee functions only at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to roads, streets and sidewalks. These matters can include but are not limited to review of the annual capital improvement plan; review of construction plans and specifications; viewing issues pertaining to citizen complaints regarding road, street and sidewalk projects that cannot be dealt with by the Town Manager; review the annual paving program; and other matters of similar nature that the town council feels is best addressed at the committee level. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

i. Negotiations Committee- The Negotiations Committee shall consist of two members of the Town Council and the Town Manager. The town council members, including its Chair, shall be selected by the Town Council. The committee shall function at the request of the Town Council. The purpose of the committee is to negotiate labor contracts and to forward the contracts to the town council for ratification. Decisions of

the committee will be in the form of recommendations to the Town Council.

SEC. 42 Procedures for Treasurer's Warrants

The treasurer may disburse money only on the authority of a warrant drawn for the purpose and signed by the Chair, or in the absence of the Chair, by the Chair of the Finance Committee. Copies of all signed treasurer's warrants will be provided to all members of the Town Council during regular town council meetings.

SEC. 43 Resolves for Employee or Citizen Recognitions

Any member of the Town Council following the procedures outlined by Section 13(Agenda Items) of this article may request recognition of any citizen or council agenda. Such recognition will be presented to the town manager or town clerk in the form of a written resolution. After and only upon favorable vote by the majority members of the Town Council, the Town Clerk will forward a copy of the resolution to the person or persons given the recognition.

*Appendix B Council Rules was adopted in conjunction with the Town Code on March 9, 1978, and amended on the following dates: May 9, 1991; April 24, 1992; July 11, 1996; June 26, 2003.
Updated March 16, 2004.*

Town Clerk notes: Several scrivener errors occurred when the Bucksport Town Code was translated to an electronic format. The following errors were corrected on August 2, 2007:

Section 15: A spelling error was corrected. "pervious" was changed to "previous".

Section 30: A spelling error was corrected. "Manger" was changed to "Manager".

**APPENDIX N -PROPERTY ASSESSED CLEAN ENERGY (PACE)
ORDINANCE**

Shall an ordinance be introduced entitled “**Appendix N- Property Assessed Clean Energy (PACE) Ordinance**” such ordinance is to establish a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) Program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Bucksport. The ordinance reads as follows:

Acted on November 18, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

APPENDIX N

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in Town of Bucksport, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Town of Bucksport wishes to establish a PACE program; and

NOW THEREFORE, the Bucksport Town Council hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

1.1 Purpose

By and through this Chapter, the Bucksport Town Council declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Bucksport. The Town Council intends its purpose and the provisions of this Ordinance to be in conformity with federal and State.

1.2 Enabling Legislation

The Town Council enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

2.1 Title

This Ordinance shall be known and may be cited as “the Town of Bucksport Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

2.2 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

2.2.1 Energy saving improvement. “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2.2.2 Municipality. “Municipality” shall mean the Town of Bucksport.

2.2.3 PACE agreement. “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

2.2.4 PACE assessment. “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

2.2.5 PACE district. “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

2.2.6 PACE loan. “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

2.2.7 PACE mortgage. “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

2.2.8 PACE program. “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

2.2.9 Qualifying property. “Qualifying property” means real property located in the PACE district of the Municipality.

2.2.10 Renewable energy installation. “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

2.2.11 Trust. “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

3.1 Establishment; funding. The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the Town of Bucksport who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

4.1 Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, Town of Bucksport shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

5.1 Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Trust, or its agent, on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement

an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

5.2 Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

RESOLVE #R-2011-57 AUTHORIZING EXPENDITURE FROM THE PUBLIC SAFETY RESERVE

Whereas, the furnace at the Public Safety Building has become very expensive to repair and should be replaced; and,

Whereas, proposals have been received as follows:

Webber Energy Fuels Buderus G515-10 1,173,280 BTU/hr. \$20,358

* ABM Mechanical, Inc. Buderus 315-7 568,000 BTU/hr. \$26,034

* includes installation of a new 8" stainless steel chimney for \$3,540

Whereas, the balance in the Public Safety Reserve Account is \$59,497; and,

Whereas, in addition to the new furnace, a new chimney liner must be replaced at an estimated cost of \$3,500:

Be it resolved by the Bucksport Town Council in town council assembled that the contract for the installation of a new hot water boiler and burner at the Public Safety Building be awarded to Webber Energy Fuels in the amount of \$20,358.

Be it further resolved that the cost of the improvement be charged to the Public Safety Building Reserve Account.

Acted on November 18, 2010

Yes 6 No 0 Abstained _____ (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-60 REFERRING MATTER PERTAINING TO THE
DEVELOPMENT OF A MASTER TRAIL TO THE FINANCE COMMITTEE**

Whereas, the Bucksport Town Council has approved hiring a consultant to prepare plans for a Master Trail that results in the connection of the Silver Lake Trail, Miles Lane Trail and Waterfront Walkway; and,

Whereas, the firm Pine Tree Engineering has been engaged to complete the plan; and,

Whereas, Pine Tree Engineering has developed a preliminary concept and would like input from the Town Council and citizens; and,

Be it resolved by the Bucksport Town Council in town council assembled that the matter of developing a Master Trail connecting the Silver Lake Trail, Miles Lane Trail and Waterfront Walkway be referred to the Finance Committee and such recommendations as determined be returned to the Bucksport Town council for consideration.

Acted on November 18, 2010

Yes 6 No 0 Abstained (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-61 SETTING DATE FOR PUBLIC HEARING REGARDING
PROPOSED IMPROVEMENTS AT THE SILVER LAKE BOAT LANDING**

Whereas, the Silver Lake Boat Landing Study Committee has completed its task regarding improvements at the Silver lake Boat Landing; and,

Whereas, a preliminary plan has been prepared by Millett Associates identifying the proposed improvements; and,

Whereas, before proceeding with permitting and final design, public comments should be obtained:

Be it resolved by the Bucksport Town Council in town council assembled that a public hearing be scheduled for December 9 at 7:00 p.m. at the Bucksport Town Office, Town Council Chamber to receive comments from interested citizens regarding the proposed improvements at the Silver Lake Boat Landing.

Acted on November 18, 2010

Yes 6 No 0 Abstained: _____ (Absent: David Kee)

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

New Pellet Boiler at the Treatment Plant- The contractor has completed the installation of the new pellet boiler at the wastewater treatment facility. The project was completed with a grant from Efficiency Maine. The boiler has been in operation since November 5. It seems to be working well. The staff at the treatment facility will be monitoring the unit to determine its efficiency and the results will be reported to the town council as the winter season approaches.

Senior Housing Opportunities- Efforts are underway to identify a consultant to assist the town to develop opportunities in the community for residential care/assisted living services. I recently was in contact with Elise Bolda, who is the National Program Director for the Robert Wood Johnson Foundation's Community Partnership for Older Adults initiative hosted by the Muskie School. Her research and experience during the last thirty years has been in residential care/assisted living services. Ms. Bolda has agreed to travel to Bucksport sometime in December to meet with us to discuss this very matter.

Upper Long Pond Road- Beginning this snow season, the Highway Department will have to plow the Upper Long Pond Road, that section from Moosehorn Drive to the sludge building since there is a year round residence located about ½ mile above the sludge building. The resident will be responsible for plowing the road above the sludge building since that portion of the road is not a public way.

Financial Status for the Period Ending 10-31-2010- All revenue accounts are within projections and generally keeping pace with last year. Expenses accounts are also in line with projections. There is a few small accounts that have realized overdrafts but those are minor and have no impact on the overall budget.

Tree Growth Penalty- The assessor is currently defending a Tree Growth penalty she assessed on property in 2009. The landowner filed with the State Board of Assessment Review and the case was scheduled to be heard the latter part of October by the Board, but since the applicant, who is an attorney, was not represented by legal counsel, the Board deferred the hearing until the landowner could obtain legal counsel. This has been a very costly matter but needs to be properly defended since a decision to support the landowner's claim would set a precedent that would be detrimental to the town and other taxpayers. I have instructed Carol to do what is necessary to maintain credibility and fairness for all property owners.

Town Dock Improvements- The five pylons at the town dock have been scraped, cleaned and painted. It was necessary to issue a change order authorizing the contractor to paint the pylons all the way to the top. The contract allowed painting up to six feet from the top. After consultation with the engineer and contractor I authorized the additional cost since there was ample funds left from the grant and the work needed to be done. The remaining project should be completed within the next few weeks.

CDBG Housing Grant Application- I am in the process of preparing an application to be submitted to the Office of Community Development for Housing CDBG for housing improvements. I will be sending a letter to all owners of single and multi family homes next week requesting that they indicate their interest in the project. This information will be used to prepare the application if enough interest is received. Property owners who are income eligible can qualify for a grant up to \$15,000 per unit to do repairs to their home.

APPENDIX B COUNCIL RULES

Shall an ordinance be adopted entitled “Appendix B Council Rules”; such ordinance is to replace the existing Appendix B of the Bucksport Town Code and its purpose is to clarify the rules and procedures how, when and where the Town Council will conduct its business, the conditions the members will follow to conduct themselves, and how and when the public will be allowed to participate as the Town Council conducts its business. Such ordinance reads as follows:

Acted on December 9, 2010

Yes 5 No 0 Abstained (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

Appendix B

Council Rules

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APPENDIX B

COUNCIL RULES

SEC. 1. Regular Meetings

The regular meetings of the Town Council shall be held in the Town Office Council Chamber, or a place to be announced, at 7:00 P.M. current time on the second and last Thursday of each calendar month. When said day falls on a holiday or an election day, the regular meeting shall be held on the following Thursday at the same time and place. The date of any regular meetings may be changed by an order or resolve passed at the previous meeting upon the vote of a majority of the Town Council, provided, however, that said change in date will provide for one regular meeting in each month.

SEC. 2. Special Meetings

Special meetings may be called by the Chair and in case of his/her absence, disability, or refusal may be called by three (3) members of the Town Council. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members of the Town Council sign a waiver of said notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting.

SEC. 3 Workshops

The Town Council may meet in workshop session to discuss any matter. A workshop session is open to the public and news media. At the discretion of the Chair or the Town Council, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

SEC. 4 Executive Sessions

An executive session may be called only by a vote of three fifths of the members of the Town Council present and voting. No ordinances, orders, rules, resolutions, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of 1 M.R.S.A. Sec 401.

SEC. 5 Quorum; Adjourned Meetings

A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the

meeting from which adjournment is taken, unless such absent members sign a waiver of said notice.

SEC. 6 Enactment Form

The Town Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title.

SEC. 7 Ordinance Style

All by-laws passed by the Town Council shall be termed “ordinances” and the enacting style shall be: “Be it ordained by the Town Council of the Town of Bucksport, Maine, in Town Council assembled.”

SEC. 8 Order and Resolve: Style

In all votes of command, the form of expression shall be “ordered;” and of opinions, principles, facts, or purposes, the form shall be “resolved.”

SEC. 9 First Reading:

Every ordinance, order or resolve shall be introduced by title only, unless by a majority vote of those present, a full reading is requested

SEC.10 Yeas and Nays Taken: When

The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of four (4) members of the Town Council. In case of a tie in votes on any item, the item shall be declared lost.

SEC. 11 Ordinances: Effective Date

No ordinance shall take effect and be in full force until thirty (30) days after adoption by the Town Council unless deemed to be an emergency ordinance.

SEC. 12 Order, Resolve: Effective Date

Orders or resolves shall take effect immediately upon passage.

SEC.13 Agenda Items

A detailed agenda shall be prepared by the Town Manager, approved by the Town Council Chair/or in his/her absence the Chair of the Ordinance Committee and distributed by the Town Clerk for each meeting. Item(s) of business may be placed on the agenda by any member of the Town Council by contacting the Town Clerk or Town Manager and indicating the item or items to be placed on the next scheduled meeting agenda. If the agenda has been released, the item may be discussed under Discussion Items, but no action may be taken by the Town Council, but the item shall be referred to the next scheduled Town Council meeting for consideration. Any citizen may place an item on a meeting agenda by

making a written request to the Town Manager or Town Clerk noting the item of business to be included. The item will be placed on the next scheduled Town Council agenda upon approval by the Town Council Chair or in his/her absence by the Ordinance Committee Chair. The item will be placed on the agenda only if it is deemed by the Chair to be appropriate for Town Council business, but the Town Council's decision will be final.

SEC. 14 Agenda Order

The order of the agenda for meetings shall be as follows:

- a. Chair calls meeting to order
- b. Roll Call by the Town Clerk
- c. Presentations of any Town Council Recognitions
- d. Consider Minutes of the Previous Meeting(s)
- e. Reports, Documents and Correspondence to the Town Council
- f. Public Hearings
- g. New Ordinances to Consider
- h. Agenda Items
- i. Town Manager's Report
- j. Discussions of Items Not on the Agenda for Council and Public
- k. Agenda Items Requiring Executive Sessions
- l. Adjournment

SEC. 15 Chair Calling Meeting to Order

Immediately after the call to order, the Chair will welcome the public and provide instruction on decorum as well as to let the public know if the meeting is being recorded.

SEC. 16 Dispensing with Agenda Items or Ordinances

- a. The Chair will read the title of the agenda item or ordinance being considered. A majority of the Town Council may request that the resolve, order or ordinance be read in its entirety.
- b. Once the agenda item has been read, any Town Council member who has or may have a conflict of interest or may want the Chair to determine whether a conflict of interest exists, will so state. The Chair will dispense with any item of conflict unless appealed to the full Council.
- c. The Chair will then direct the Town Manager, Committee Chair or other appropriate designee to provide information regarding the agenda item or ordinance under consideration.
- d. Upon receiving information, the Chair will allow members of the Town Council to ask questions relating to the agenda item or proposed ordinance.
- e. Once the agenda item or proposed ordinance has been explained and questions from the Town Council have been addressed, the Chair will seek a motion and second. The agenda item or ordinance will fail for lack of a motion and second.

- f. Once a motion and second has been received, the Chair will open the item for public comment.
- g. Once all public comments are received, the Chair will open the item for discussion by Town Council members.
- h. Once Town Council discussion has been completed, a vote by the Town Council will be taken.

SEC. 17 Chair

At its first meeting in January of each year, the Town Council shall proceed to elect, by majority vote of those present, a Chair of the meeting who shall preside at the hour appointed for the Town Council to meet, and shall immediately call the members to order.

The process to elect the Chair will require nomination by a member of the Town Council, and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

The roll shall then be recorded by the Clerk, who shall enter in the minutes of the meeting the names of the members present. Once the roll call has been recorded, the Chair will determine whether there is a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

SEC. 18 Temporary Chair

In case of the absence of the Chair, the Clerk shall call the Town Council to order and call the roll of members. If a quorum is found to be present, the Town Council shall proceed to elect, by majority vote of those present, a Temporary Chair of the meeting to act in the absence of the Chair.

SEC. 19 Town Council Privileges

The Chair may move, second, declare by unanimous consent, and debate from the Chair; subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilor by reason of acting as the Chair.

SEC. 20 Preserve Order; Decide All Questions of Order

The conduct of any Town Council meeting is not bound by formal rules of parliamentary procedure, such as those identified in Robert's Rules of Order. The Chair may address any question of procedure that is not otherwise addressed in these rules by invoking a rule of parliamentary procedure, or by taking any other reasonable course of action. Members of the Town Council may question a procedural ruling by the Chair, and the decision of the majority members of the Town Council on the matter shall be final.

The Chairman shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Town Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

- a. During the Town Council meetings, Councilors shall preserve Order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the rules of the Town Council. Town Councilors desiring to speak shall address the Chair, and upon recognition by the Chair, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Town Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Town Councilor shall be permitted to proceed. If ruled to be not in order, the Town Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Town Council. All members of the Town Council shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Town Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town Councilors shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Town Council. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.
- b. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be persecuted on appropriate complaint signed by the Chair. In case the Chair shall fail to act, any member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.

SEC. 21 Declare Votes: Cause Return of Votes

The Chair shall declare all votes, but if any member doubts a vote, the Chair shall cause a return of the members voting in affirmative and in the negative without debate.

SEC. 22 Debate: Rules of

When a question is under debate, the Chair shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

SEC. 23 Motion to Adjourn: Lay on Table

The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

SEC. 24 Reconsideration

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move for reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

SEC. 25 Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Town Council shall be forthwith taken upon all pending amendments, and then upon the main question.

SEC. 26 Not to Be Debated or Amended

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Chair or not.

SEC. 27 Manner of speaking

When a member is about to speak, he/she shall respectfully address the Chair confine himself/herself to the question under debate, and avoid personalities.

SEC. 28 Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order to correct a mistake.

SEC. 29 Breach of Rules and Order

When any member shall be guilty of breach of any of the rules or orders of the Town Council, he/she may, on motion, be required to make satisfaction therefore, and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

SEC. 30 Member Excused from Voting: When

Every member present when a question is put shall give his/her vote, unless the Town Council, for special reasons, shall excuse him/her. Application to be so excused must be made before the Town Council is divided, or before the calling of the yeas and nays, and decided without debate.

SEC. 31 Motion to Be Reduced to Writing: When

Every motion shall be reduced to writing, if the Chair shall so direct.

SEC. 32 Division of Question

Any member may require the division of a question when the sense will admit it.

SEC. 33 Motion for Referral

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

SEC. 34 Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

SEC. 35 Suspension of Rules: Amendment or Repeal

The rules shall not be dispensed with or suspended unless five (5) of the members of the Town Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

SEC. 36 Procedure for Addressing Council

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

- a. Persons wishing to address the Town Council on an item which appears on the agenda shall wait for Town Council consideration and deliberation of such item. Prior to vote by the Town Council on the matter, discussion from the general public will be allowed. The Town Council may re-deliberate the item and then vote. No person shall be permitted to address the Town Council during the final deliberation and vote.
- b. Persons wishing to address the Town Council on an item not appearing on the agenda shall do so only after disposing of all items appearing on the agenda.
- c. Any person wishing to address the Town Council shall signify his desire by raising his/her hand and, when recognized by the Chair, such person shall thereupon request permission to address the Town Council, giving

his/her name and address, then designating the subject matter on which he/she desires to address the Town Council.

- d. Persons present at Town Council meeting are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

SEC. 37 Conflict of Interest-

- a. Financial Interest: A member who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies or services to or from the Town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a member who has a financial interest in any matter before the Town Council shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A member has a “financial interest” within the meaning of this section if the member has a “financial interest” within the meaning of this section if the member owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.
- b. Relationship: A member is disqualified in any quasi-judicial matter before the Town Council, if the member is related to any of the parties within the sixth degree (second cousin). The member shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.
- c. Appearance of Conflict: A member shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict, and where appropriate, by abstaining from voting on the matter. If, after disclosure, the member believes the interest will affect the member’s ability to make a fair and impartial decision faithful to the public interest, the member shall abstain from voting.
- d. Participation: An abstaining member may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining member who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case shall an abstaining member participate in Town Council discussion or deliberation or otherwise act in an official capacity in the matter as to which the Councilor has abstained.
- e. Judgment of Qualifications: If there is any doubt as to whether a Councilor has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Council shall be final.

SEC. 38 Right of Appeal

Any member may appeal to the Town Council from a ruling of the Chair, if that appeal is seconded. The member making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question,” Shall the decision of the Chair be sustained?; If a majority of the member present vote “Yes”, the ruling of the Chair is sustained; otherwise, it is overruled.

SEC. 39 Forfeiture of Office

A member will forfeit his/her office of member in addition to reasons noted in Section 2.07 of the Town Charter for failing to attend six consecutive regular meetings of the Town Council without being excused by the Town Council.

SEC. 40 Residency Requirement

A member will forfeit his/her office of member if not a resident of the Town of Bucksport. For the purpose of this section resident refers to the individual’s place of domicile as defined by (M.R.S.A. 30-A Section 2001 Subsection 16). Any Town Council member who is not a resident of the Town of Bucksport is required to report his/her relocation to the Town Council at the next regularly scheduled town council meeting.

SEC. 41 Committees

At the commencement of the council year, or soon thereafter as possible, there shall be chosen the following committees:

- a. Ordinance Committee- The Ordinance Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council. The committee shall function at the request of the Town Council. The purpose of the committee shall be related to the adoption, amendment or review of town ordinances including the Town Charter. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law and are open to all Town Council members. The Town Council Chair will serve as an ex-officio member of the committee.
- b. Finance Committee- The Finance Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council at its annual meeting. The committee shall function at the request of the Town Council. The purpose of the committee shall be related to all financial matters of the town. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair will serve as an ex-officio member of the committee.
- c. Appointments Committee-The Appointments Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council. The committee shall function at

the request of the Town Council. The purpose of the committee shall be to provide nominations of person(s) to serve on town committees and boards; recommend for employment department heads and key personnel; recommend for appointment key positions required by statute; and any other matter of similar nature. Decisions of the committee shall be in the form of nominations or recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

d. Sewer Committee- The Sewer Committee shall consist of three members of the Town Council, one Selectman from Orland and Verona Island. The members representing the Town of Bucksport, including the Chair, shall be selected by the Town Council. The committee shall function at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to the wastewater collection and treatment system serving the towns of Bucksport, Verona and Orland. These matters can include but are not limited to review of the annual capital improvement plan and operating budget; review of construction plans and specifications for projects including improvements to sewers, treatment facilities, and pump stations; and any other matter of similar nature. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

e. Waterfront Committee- The Waterfront Committee shall consist of three members of the Town Council. The members, including its Chair, shall be selected by the Town Council. The committee shall function only at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to the waterfront walkway and support facilities such as the town dock, gazebo, fishing pier, etc. These matters can include but are not limited to review of the annual capital improvement plan and operating budget, recommend policies pertaining to the use of the waterfront property and its facilities, review construction plans and specifications for proposed improvements, and any other matter of similar nature. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

f. Solid Waste Committee- The Solid Waste Committee shall consist of three members of the Town Council and one Selectman from Orland. The members representing Bucksport, including the Chair, shall be selected by the Town Council. The committee shall function only at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to the collection and disposal of municipal solid waste in Bucksport and Orland. These matters can include

but are not limited to review of the annual capital improvement plan and operating budget for the transfer station and supporting facilities, recommend policies pertaining to the use of the transfer station and supporting facilities, review of construction plans and specifications, and any other matters of similar nature. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

g. Economic Development Committee- The Economic Development Committee shall consist of three members of the Town Council and no more than seven citizens at large that shall include a representative of RSU 25, and the Bucksport Bay Area Chamber of Commerce. The members, including the Chair, shall be selected by the Town Council. The committee may receive referrals from the Town Council but shall be guided primarily by the town's Economic Development Plan. The purpose of the committee is to render recommendations to the Town Council that addresses the economic needs of the community including the expenditure of Tax Incremental Financing Revenues.

Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

h. Street and Road Committee- The Street and Road Committee shall consist of three members of the Bucksport Town Council and three citizens at large. The members, including the Chair, shall be selected by the Town Council at its annual meeting. The committee functions only at the request of the Town Council. The purpose of the committee is to render recommendations for matters pertaining to roads, streets and sidewalks. These matters can include but are not limited to review of the annual capital improvement plan; review of construction plans and specifications; viewing issues pertaining to citizen complaints regarding road, street and sidewalk projects that cannot be dealt with by the Town Manager; review the annual paving program; and other matters of similar nature that the town council feels is best addressed at the committee level. Decisions of the committee shall be in the form of recommendations to the Town Council. All meetings of the committee are subject to the provisions of the State of Maine Right to Know Law. The Town Council Chair shall serve as an ex-officio member of the committee.

i. Negotiations Committee- The Negotiations Committee shall consist of two members of the Town Council and the Town Manager. The town council members, including its Chair, shall be selected by the Town Council. The committee shall function at the request of the Town Council. The purpose of the committee is to negotiate labor contracts and to forward the contracts to the town council for ratification. Decisions of

the committee will be in the form of recommendations to the Town Council.

SEC. 42 Procedures for Treasurer's Warrants

The treasurer may disburse money only on the authority of a warrant drawn for the purpose and signed by the Chair, or in the absence of the Chair, by the Chair of the Finance Committee. Copies of all signed treasurer's warrants will be provided to all members of the Town Council during regular town council meetings.

SEC. 43 Resolves for Employee or Citizen Recognitions

Any member of the Town Council following the procedures outlined by Section 13(Agenda Items) of this article may request recognition of any citizen or council agenda. Such recognition will be presented to the town manager or town clerk in the form of a written resolution. After and only upon favorable vote by the majority members of the Town Council, the Town Clerk will forward a copy of the resolution to the person or persons given the recognition.

*Appendix B Council Rules was adopted in conjunction with the Town Code on March 9, 1978, and amended on the following dates: May 9, 1991; April 24, 1992; July 11, 1996; June 26, 2003.
Updated March 16, 2004.*

Town Clerk notes: Several scrivener errors occurred when the Bucksport Town Code was translated to an electronic format. The following errors were corrected on August 2, 2007:

Section 15: A spelling error was corrected. "pervious" was changed to "previous".

Section 30: A spelling error was corrected. "Manger" was changed to "Manager".

**APPENDIX N -PROPERTY ASSESSED CLEAN ENERGY (PACE)
ORDINANCE**

Shall an ordinance be adopted entitled “**Appendix N- Property Assessed Clean Energy (PACE) Ordinance**” such ordinance is to establish a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) Program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Bucksport. The ordinance reads as follows:

Acted on December 9, 2010

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

APPENDIX N

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in Town of Bucksport, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Town of Bucksport wishes to establish a PACE program; and

NOW THEREFORE, the Bucksport Town Council hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

1.1 Purpose

By and through this Chapter, the Bucksport Town Council declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Bucksport. The Town Council intends its purpose and the provisions of this Ordinance to be in conformity with federal and State.

1.2 Enabling Legislation

The Town Council enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

2.1 Title

This Ordinance shall be known and may be cited as “the Town of Bucksport Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

2.2 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

2.2.1 Energy saving improvement. “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2.2.2 Municipality. “Municipality” shall mean the Town of Bucksport.

2.2.3 PACE agreement. “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

2.2.4 PACE assessment. “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

2.2.5 PACE district. “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

2.2.6 PACE loan. “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

2.2.7 PACE mortgage. “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

2.2.8 PACE program. “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

2.2.9 Qualifying property. “Qualifying property” means real property located in the PACE district of the Municipality.

2.2.10 Renewable energy installation. “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

2.2.11 Trust. “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

3.1 Establishment; funding. The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the Town of Bucksport who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

4.1 Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, Town of Bucksport shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

5.1 Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Trust, or its agent, on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement

an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

5.2 Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

AMENDMENT TO APPENDIX K LAND USE ORDINANCE

Shall an ordinance be introduced entitled “Amendment to Appendix K Land Use Ordinance”, such ordinance being for the purpose of adding regulations and definitions for medical marijuana dispensaries and medical marijuana growing facilities. The amendments are identified as underlined text, and the ordinance reads as follows:

[Proposed amendment to Section 9 Land Uses Allowed, Prohibited]

9.5.8 MERCANTILE LAND USES

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	V I L
8.3 STORES §13.9.3	L2 H.2 ↓	L2 H.2 ↓	L2 ↓	L2 ↓	L2 H.3 ↓	X	X	X	X	X	X	X	L2 H.2 ↓	L2	L2 H.2 H.4 ↓	X	X	X	X
<u>8.3.2 MEDICAL MARIJUANA DISPENSARIES</u>	<u>L2 H.7</u>	<u>L2 H.7</u>	<u>L2</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.5.8.1 MERCANTILE LAND USE NOTES

- H.2 The land use is limited to Class C Mercantile (3,000 sq. ft.). Adult products may not be offered for sale or lease.
- H.3 The land use is limited to a secondary use that is directly related to the principal use of the property.
- H.4 The land use is only allowed in R1(DCR).
- H.7 The land use is limited to the street-level story of any commercial or noncommercial principal structure fronting on Main Street.

9.5.12 RURAL LAND USES

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	V I L
12.2 AGRI- CULTURE §13.13.2	X ↓	X ↓	X ↓	X ↓	X ↓	X	X	X	L2 ↓	L2 ↓	X ↓	X ↓	X ↓	L2 ↓	L2 ↓	L2 ↓	X ↓	X ↓	X ↓
12.2.1 HOMESTEAD AGRICULTURE	O L.1	O L.1	O L.1	O L.1	X	X	X	X	O	O	O L.1	O L.1	O L.1	O	O	O	O L.1	O L.1	O L.1
12.2.2 ANIMAL HUSBANDRY	X	X	X	X	X	X	X	X	L2	L2	X	X	X	L2	L2	L2	X	X	X
<u>12.2.3 MEDICAL MARIJUANA GROWING FACILITIES</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2 L.5</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.5.12.1 RURAL LAND USE NOTES

L.1 The land use is limited to flower, vegetable, fruit or herb gardens and the production of products from those gardens.

L.5 The land use is limited to lots with frontage on River Road and must be located within 4 miles from the beginning of River Road.

[Proposed amendment to Section 13 Specific Land Uses]

13.9 **MERCANTILE USES**

13.9.3 **STORES**

13.9.3.2 Medical marijuana dispensaries must comply with the following standards:

- 1) On-site planting, growing or processing of medical marijuana may not be conducted.
- 2) On-site consumption or smoking of medical marijuana may not be conducted.
- 3) The land use may not be located within 500 feet of the closest property line of any lot occupied with a school at the time the land use is permitted.
- 4) The land use must be registered and operated in accordance with State requirements.
- 5) Medical marijuana and related paraphernalia may only be dispensed to patients and primary caregivers registered in accordance with State requirements.
- 6) An electronic security system must be installed in the dispensary. The system must include video cameras and panic buttons. The system must notify the police department of any unauthorized breach of security.
- 7) Business hours are limited to 9:00am to 5:00pm, Monday through Saturday.
- 8) Any business advertising sign for a dispensary is subject to compliance with Appendix H Sign Ordinance.
- 9) No products dispensed from the facility may be within view from any public way.
- 10) No products other than medical marijuana and related paraphernalia may be dispensed, sold or otherwise made available at the facility. The dispensing of food products containing medical marijuana is subject to licensing in accordance with town and State requirements.

13.13 **RURAL USES**

13.13.2 **AGRICULTURE**

13.13.2.7 Medical marijuana growing facilities must comply with the following standards:

- 1) On-site consumption or smoking of medical marijuana may not be conducted.

- 2) The land use may not be conducted within 1,000 feet of any place of worship, school or playground in existence at the time the land use is permitted.
- 3) The land use must be registered and operated in accordance with State requirements.
- 4) The land use may not include an on-site medical marijuana dispensary.
- 5) The growing facility must be located in a fully enclosed building and must not be visible from the outside. The occupancy must be in full compliance with the requirements of NFPA 101, as adopted by the State Fire Marshal's Office.
- 6) The manufacturing of food products in the facility is subject to licensing in accordance with town and State requirements.
- 7) An electronic security system must be installed in the facility. The system must include video cameras and panic buttons. The system must notify the police department of any unauthorized breach of security. The building, parking and loading areas must be fully visible from the street. Security yard lighting must be in operation between ½ hour before sunset and ½ hour after sunrise. All vehicle entrances to the property must be protected with a locked security gate.
- 8) Any business advertising sign for a growing facility is subject to compliance with Appendix H Sign Ordinance.

[Proposed amendment to Section 20 Definitions]

MEDICAL MARIJUANA DISPENSARY: A store that provides medical marijuana and related products to the public in accordance with State law.

MEDICAL MARIJUANA GROWING FACILITY: A building and related site improvements where medical marijuana is grown, stored and processed to prepare products to be dispensed in a medical marijuana dispensary.

RESOLVE #R-2011-62 REFERRING CHANGES TO THE BUCKSPORT TOWN CODE CHAPTER 2 ADMINISTRATION TO THE ORDINANCE COMMITTEE

Whereas, it is necessary from time to time to make changes to Chapter 2, Administration, of the Bucksport Town Code; and,

Whereas, changes are proposed to clarify matters pertaining to the Family Medical Leave, the Lock Out/Tag Out Safety Program and hand held devices; and,

Whereas, these changes should be made by ordinance:

Be it resolved by the members of the Bucksport Town Council in town council assembled that the matter of making changes to Chapter 2 of the Bucksport Town Code to clarify provisions of the current ordinance pertaining to the Family Medical Leave, hand held devices and the Lock Out/Tag Out Safety Program be referred to the Ordinance Committee for recommendation.

Acted on December 9, 2010

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-63 REGARDING REQUEST FROM THE EVANGELICAL
BAPTIST CHURCH TO INSTALL A SIDEWALK ALONG A SECTION OF
CENTRAL STREET**

Whereas, representatives for The Evangelical Baptist Church have requested that the Town Council consider installing a sidewalk along a portion of Central Street; and,

Whereas, requests pertaining to street, roads and sidewalks are usually reviewed by the Road and Street Committee and recommendations rendered to the Bucksport Town Council for consideration; and,

Whereas, the Road and Street Committee will be reviewing road, street and sidewalk requests for the 2011-2012 capital improvement plan in the next few months:

Be it resolved by the Bucksport Town Council in town council assembled that the request from representatives from The Evangelical Baptist Church to install a sidewalk along a section of Central Street be referred to the Road and Street Committee for a recommendation.

Be it further resolved that representatives from The Evangelical Baptist Church should be invited to the meeting when the Road and Street Committee meets to discuss the item.

Acted on December 9, 2010

Yes 5 No 0 Abstained (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-64 APPROVING A NEW TIF DISTRICT AND
DEVELOPMENT PLAN FOR THE DOWNTOWN AREA**

WHEREAS, the Town of Bucksport (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as the Town of Bucksport Municipal Development and Tax Increment Financing District (The Downtown Area) (the “District”) and to adopt a development program for the District (the “Development Program”); and

WHEREAS, there is and continues to be a need to encourage the retention, improvement, expansion, and attraction of manufacturing, industrial and commercial facilities in the Town; and

WHEREAS, there is and continues to be a need to provide continuing employment opportunities for the citizens of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help improve job opportunities in the downtown area, will help to improve public facilities and infrastructure in the downtown area, will help to improve and broaden the tax base in the Town and will help to improve the economy of the Town and the State of Maine; and

WHEREAS, the Town held a public hearing on the question of establishing the District and adopting the Development Program in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate the District and to adopt the Development Program; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program;

NOW THEREFORE, be it hereby Voted and Resolved by the Bucksport Town Council in town council assembled:

Section 1. The Town hereby finds and determines that designation of the District and adoption and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, improve the Town’s tax base and will provide economic stimulus to the Town, will help improve public infrastructures and facilities in the downtown area, will help create jobs opportunities for the citizens of Bucksport and the region, and therefore the District and the Development Program and the projects and improvements described therein constitute good and valid public purposes and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town Council has considered all evidence presented to it with regard to

any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program and the projects and improvements described therein to the economic growth or well-being of the Town and the betterment of the health, welfare and safety of its inhabitants.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the New District and adopts the New Development Program as presented to the Town Council and such New Development Program is hereby incorporated by reference into this Resolve as the development program for the New District

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the term of the New District and the percentage of the increased assessed value to be retained as captured assessed value in the New District, and the allocation of tax increment revenues generated with respect thereto, is hereby established as set forth in the New Development Program.

Section 4. The Town Manager be and hereby is, authorized, empowered and directed to submit the designation of the District and the adoption of the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and adoption of the Development Program automatically become final and shall take full force and effect upon receipt by the Town of the respective approval by DECD of such designation and adoption, without the requirement of any further action by the Town, the Town Council, or any other party.

Section 6. The Town Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the New Development Program or to the scope, cost or description of the public improvements to be financed with a portion of tax increment revenues generated by the New District as described in Exhibit G to the New Development Program as the Town Manager deems reasonably necessary or convenient in order to facilitate DECD's review and approval of the New Development Program, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the New Development Program.

Section 7. This Resolution shall take effect immediately upon adoption.

Adopted on _____, by the Town Council of the Town of Bucksport, at a meeting duly convened and conducted at Bucksport, Maine.

A true copy, attest:

Town Clerk

Acted on December 9, 2010

“Table Resolve #R-2011-64” until next town council meeting.

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-65 REGARDING ENFORCEMENT OF THE MAINE
UNIFORM BUILDING CODE**

Whereas, the State of Maine has adopted the Maine Uniform Building and Energy Code;
and,

Whereas, the Code consists of the following code:

- a. The International Building Code (IBC)
- b. The International Existing Building Code
- c. The International Residential Code
- d. The International Energy Conservation Code

Whereas, the following standards are also adopted in this Code:

- a. The American Society of Heating, Refrigerating and Air-Conditioning
- b. The American Society for Testing and Materials Standard Practice for Radon Control Options for the Design and Construction of new Low-Rise Residential Buildings

Whereas, on December 1, 2010 the Code became applicable statewide; and,

Whereas, no later than July 1, 2012, the Code must be enforced in a municipality with a population of 2,000 residents or more that have not adopted any building code on or before August 1, 2008

Whereas, enforcement of the provisions of the MUBEC shall be the responsibility of the municipality and shall be accomplished by one or more of the following means:

- a. by building officials certified
- b. inspections by virtue of inter-local agreement with other communities
- c. contractual agreement between town, county or regional authorities
- d. third party inspectors obtained by the Town of Bucksport
- e. by a third party inspector hired by the applicant

Be it resolved by the Bucksport Town Council in town council assembled that the Town of Bucksport select the means of compiling with the provisions of the MUBEC by requiring applicants to obtain the services of a third party inspector to assure compliance with the Code.

Be it further resolved that the town's Code Enforcement Officer shall pursue certification pursuant to 30-A M.R.S. Section 4451 should the Town Council reconsider the matter and require the town's Code Enforcement Office to complete some or all of the inspections at some later time once more information is known regarding the availability, extent and cost of third party inspections obtained by applicants.

Acted on December 9, 2010

“Table Resolve #R-2011-65” until next Town Council meeting in January 2011

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-66 AUTHORIZING EXPENDITURES FROM THE
RECREATION FACILITY RESERVE, ANIMAL SHELTER RESERVE AND
JEWETT SCHOOL RESERVE**

Whereas, several capital improvement expenditures are proposed or were necessary; and,

Whereas these expenditures include:

Animal Shelter Reserve

cat horizontal stainless steel cage	\$2,548.00
new fiberglass exterior door	\$ 346.90
repairs to chain link fence around pens	<u>\$ 506.60</u>
Total	\$3,401.50

Jewett School Reserve

Roof repair	\$1,450.00
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Recreation Facility Reserve

skating rink boards and membrane	\$1,285.72
pool storage building	\$ 373.00
wetland study for trails	\$ 600.00
trail permits and prints	<u>\$ 42.94</u>
Total	\$2,301.66

Be it resolved by the Bucksport Town Council in town council assembled that expenditures from the Animal Shelter Reserve be approved in the amount of \$3,401.50 to purchase a stainless steel cat cage, new fiberglass exterior door, and repairs to the chain link fences surrounding the dog pens; expenditure from the Jewett School Reserve in the amount of \$1,450 to repair the roof; and expenditures from the Recreation Facility Reserve for a wetland study, a permit and prints for the Miles Lane Trail expansion, and repairs to the skating rink and pool storage building totaling \$2,301.66

Acted on December 9, 2010

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-67 AUTHORIZING EXPENDITURE FROM THE OVERLAY
ACCOUNT TO RESTORE A PAINTING**

Whereas, the Town of Bucksport was given a painting of George Washington that was painted by James Emery in 1863; and,

Whereas, the painting was originally stored at the Buck Memorial Library until it was loaned to the Bucksport Historical Society in 1973; and,

Whereas, since the building is not heated during the winter months, the painting has been deteriorating badly; and,

Whereas, a member of the Bucksport Historical Society contacted the Town during the latter part of summer and asked if the Town would consider having the painting restored; and,

Whereas, the Town consulted with a local gallery, Liros Gallery and determined that the painting is valuable and the cost of restoring it was \$1,450:

Be it resolved by the Bucksport Town Council in town council assembled that the expenditure of \$1,450 to restore a painting of George Washington that was gifted to the Town of Bucksport by the family of James Emery painted in 1863 be authorized from Overlay Account.

Be it further resolved that the painting be kept at the Bucksport Town Office during the winter months and loaned to the Bucksport Historical Society during the summer months.

Acted on December 9, 2010

Yes 5 No 0 Abstained (Absent: Michael Ormsby & Brian Leeman)

Attested by Kathy Downes, Town Clerk

PROCLAMATION IN RECOGNITION OF S. WAYNE AMES

Whereas, Wayne Ames, a resident of Orland, Maine who passed away on November 25, 2010, and who served as Selectman for the Town of Orland for over forty years and as a member of the Bucksport Regional Health Center and as its president for over fifteen years; and,

Who, on numerous occasions participated in negotiations on behalf of his community for mutual aid services with the Town of Bucksport, including his participation on the School Consolidation Committee; and,

Who, worked for Maine Department of Transportation in charge of maintenance for Region 2 which included the Town of Bucksport; and,

Who, was known as a person of high integrity who dearly loved his community of Orland and always represented them with passion, honesty, and a high degree of professionalism:

Be it proclaimed by the members of the Bucksport Town Council in town council assembled that Wayne was a dear friend that will be truly missed not only by his family members and community but by his neighbors and those who knew him. He will always be recognized as a public servant who was truly passionate about the people he represented and the many hours he dedicated to public service. He will be remembered for his commitment to his community, his ability to find middle ground, and his willingness to help others.

Acted on January 13, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

AMENDMENT TO APPENDIX K LAND USE ORDINANCE

Shall an ordinance be adopted entitled “Amendment to Appendix K Land Use Ordinance”, such ordinance being for the purpose of adding regulations and definitions for medical marijuana dispensaries and medical marijuana growing facilities. The amendments are identified as underlined text, and the ordinance reads as follows:

[Proposed amendment to Section 9 Land Uses Allowed, Prohibited]

9.5.8 MERCANTILE LAND USES

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
8.3 STORES §13.9.3	L2 H.2 ↓	L2 H.2 ↓	L2 ↓	L2 ↓	L2 H.3 ↓	X	X	X	X	X	X	X	L2 H.2 ↓	L2	L2 H.2 H.4 ↓	X	X	X	X
<u>8.3.2 MEDICAL MARIJUANA DISPENSARIES</u>	<u>L2 H.7</u>	<u>L2 H.7</u>	<u>L2</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.5.8.1 MERCANTILE LAND USE NOTES

- H.2 The land use is limited to Class C Mercantile (3,000 sq. ft.). Adult products may not be offered for sale or lease.
- H.3 The land use is limited to a secondary use that is directly related to the principal use of the property.
- H.4 The land use is only allowed in R1(DCR).
- H.7 The land use is limited to the street-level story of any commercial or noncommercial principal structure fronting on Main Street.

9.5.12 RURAL LAND USES

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
12.2 AGRI- CULTURE §13.13.2	X ↓	X ↓	X ↓	X ↓	X ↓	X	X	X	L2 ↓	L2 ↓	X ↓	X ↓	X ↓	L2 ↓	L2 ↓	L2 ↓	X ↓	X ↓	X ↓
12.2.1 HOMESTEAD AGRICULTURE	O L.1	O L.1	O L.1	O L.1	X	X	X	X	O	O	O L.1	O L.1	O L.1	O	O	O	O L.1	O L.1	O L.1
12.2.2 ANIMAL HUSBANDRY	X	X	X	X	X	X	X	X	L2	L2	X	X	X	L2	L2	L2	X	X	X
<u>12.2.3 MEDICAL MARIJUANA GROWING FACILITIES</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2 L.5</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.5.12.1 RURAL LAND USE NOTES

- L.1 The land use is limited to flower, vegetable, fruit or herb gardens and the production of products from those gardens.
- L.5 The land use is limited to lots with frontage on River Road and must be located within 4 miles from the beginning of River Road.

[Proposed amendment to Section 13 Specific Land Uses]

13.9 MERCANTILE USES

13.9.3 STORES

13.9.3.2 Medical marijuana dispensaries must comply with the following standards:

- 1) On-site planting, growing or processing of medical marijuana may not be conducted.
- 2) On-site consumption or smoking of medical marijuana may not be conducted.
- 3) The land use may not be located within 500 feet of the closest property line of any lot occupied with a school at the time the land use is permitted.
- 4) The land use must be registered and operated in accordance with State requirements.
- 5) Medical marijuana and related paraphernalia may only be dispensed to patients and primary caregivers registered in accordance with State requirements.
- 6) An electronic security system must be installed in the dispensary. The system must include video cameras and panic buttons. The system must notify the police department of any unauthorized breach of security.
- 7) Business hours are limited to 9:00am to 5:00pm, Monday through Saturday.
- 8) Any business advertising sign for a dispensary is subject to compliance with Appendix H Sign Ordinance.
- 9) No products dispensed from the facility may be within view from any public way.
- 10) No products other than medical marijuana and related paraphernalia may be dispensed, sold or otherwise made available at the facility. The dispensing of food products containing medical marijuana is subject to licensing in accordance with town and State requirements.

13.13 RURAL USES

13.13.2 AGRICULTURE

13.13.2.7 Medical marijuana growing facilities must comply with the following standards:

- 1) On-site consumption or smoking of medical marijuana may not be conducted.
- 2) The land use may not be conducted within 1,000 feet of any place of worship, school or playground in existence at the time the land use is permitted.
- 3) The land use must be registered and operated in accordance with State requirements.
- 4) The land use may not include an on-site medical marijuana dispensary.
- 5) The growing facility must be located in a fully enclosed building and must not be visible from the outside. The occupancy must be in full compliance with the requirements of NFPA 101, as adopted by the State Fire Marshal's Office.
- 6) The manufacturing of food products in the facility is subject to licensing in accordance with town and State requirements.

- 7) An electronic security system must be installed in the facility. The system must include video cameras and panic buttons. The system must notify the police department of any unauthorized breach of security. The building, parking and loading areas must be fully visible from the street. Security yard lighting must be in operation between ½ hour before sunset and ½ hour after sunrise. All vehicle entrances to the property must be protected with a locked security gate.
- 8) Any business advertising sign for a growing facility is subject to compliance with Appendix H Sign Ordinance.

[Proposed amendment to Section 20 Definitions]

MEDICAL MARIJUANA DISPENSARY: A store that provides medical marijuana and related products to the public in accordance with State law.

MEDICAL MARIJUANA GROWING FACILITY: A building and related site improvements where medical marijuana is grown, stored and processed to prepare products to be dispensed in a medical marijuana dispensary.

Acted on January 13, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-65 REGARDING ENFORCEMENT OF THE MAINE UNIFORM
BUILDING CODE**

Whereas, the State of Maine has adopted the Maine Uniform Building and Energy Code; and,

Whereas, the "Code" consists of the following codes:

- a. The International Building Code (IBC)
- b. The International Existing Building Code
- c. The International Residential Code
- d. The International Energy Conservation Code

Whereas, the following standards are also adopted in this Code:

- a. The American Society of Heating, Refrigerating and Air-Conditioning
- b. The American Society for Testing and Materials Standard Practice for Radon Control Options for the Design and Construction of new Low-Rise Residential Buildings

Whereas, on December 1, 2010 the Code became applicable statewide; and,

Whereas, no later than July 1, 2012, the Code must be enforced in a municipality with a population of 2,000 residents or more that have not adopted a building code on or before August 1, 2008; and,

Whereas, enforcement of the provisions of the MUBEC shall be the responsibility of the municipality and shall be accomplished by one or more of the following means:

- a. by building officials certified
- b. inspections by virtue of inter-local agreement with other communities
- c. contractual agreement between town, county or regional authorities
- d. third party inspector(s) obtained by the Town
- e. third party inspector hired by the applicant

Be it resolved by the Bucksport Town Council in town council assembled that the Town of Bucksport select the means of compiling with the provisions of the MUBEC by requiring applicants to obtain the services of a third party inspector hired by the applicant to assure compliance with the Code.

Be it further resolved that the town's Code Enforcement Officer shall pursue certification in accordance to 30-A M.R.S.A. Section 4451 should the Town Council reconsider the matter at some later time and decide to require the town's Code Enforcement Officer to complete some or all of the inspections.

Acted on January 13, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-68 AUTHORIZING THE DEVELOPMENT OF A TIF DISTRICT FOR THE DOWNTOWN

Whereas, the members of the Economic Development Committee have recommended the Bucksport Town Council consider establishing a Tax Incremental Financing (TIF) District for the downtown area; and,

Whereas, a significant amount of work has to be done in order to prepare for a public hearing and final vote of the Town Council to approve a TIF District; and,

Whereas, if the Town Council chooses to authorize a TIF District for the downtown area there are several decisions to be made which include the following:

1. percent of the incremental value to be captured
2. boundaries for the District
3. financial plan (credit enhancement)
4. development program
5. term for the district

Whereas, if the Town Council gives approval to the plan, the Office of Economic and Community Development must give final approval:

Be it resolved by the Bucksport Town Council in town council assembled that the Economic Development Director under the guidance of the Town Manager shall proceed to prepare the necessary documents for a Tax Incremental (TIF) District for the downtown area pursuant to the following:

1. 50% of the incremental value will be captured
2. the term of the plan will be 15 years
3. the boundaries of the District will extend between the northerly shore of the Penobscot River and the southerly side of Franklin Street and from the westerly edge of Franklin Street to the easterly edge of Mill Street and then along Main Street to the westerly side of the Bucksport-Verona Bridge as shown on the attached map
4. revenues generated from capturing 50% of the incremental value will be used to fund the Development Plan
5. the Development Plan shall be the Downtown Plan
6. credit enhancement agreements shall not be funded with revenues of the District
7. once completed the plan will be returned to the Town Council for public hearing and final consideration
8. if adopted, by the Town Council, the plan will be submitted to the Department of Economic and Community Development for final approval

Acted on January 13, 2011

Yes 3 David Keene, Jeff Robinson, Brian Leeman

No 4 Michael Ormsby, Byron Vinton, David Kee, Robert Howard

Abstained

Vote: Failed

Motioned by Byron Vinton, seconded by David Kee and voted to change 50% of the incremental value will be captured to 100%.

Yes 3 Byron Vinton, David Kee, Jeff Robinson

No 4 Michael Ormsby, David Keene, Brian Leeman, Robert Howard

Abstained _____

Vote Failed

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-69 AUTHORIZING A PROFESSIONAL REAL ESTATE INCENTIVE PROGRAM

Whereas, the Town of Bucksport gives free land to any developer who will successfully develop a lot in Buckstown Heritage Park; and,

Whereas, the members of the Economic Development Committee recommend that the Town Council consider adopting a Professional Real Estate Incentive Program for Buckstown Heritage Park to encourage more development in the park; and,

Whereas, the Town of Bucksport proposes to pay a commission of \$3,000 to a licensed realtor who would bring forward a client who would successfully develop a lot(s) in Buckstown Heritage Park; and,

Whereas, “successfully” means the business that will obtain the free land must:

1. have the necessary financing to complete the proposed development
2. receive approval for the project from the members of the Economic Development Committee and Town Council
3. agree to the covenants specific to the Buckstown Heritage Park
4. obtain all of the necessary permits
5. agree to include the \$3,000 fee as part of the value for the land when the developer’s payment forgiveness plan is determined
6. successfully close on the property

Whereas, the commission would be paid at closing:

Be it resolved by the Bucksport Town Council in town council assembled that Professional Real Estate Incentive Program for Buckstown Heritage Park be approved.

Be it further resolved that the fee will be included as part of the value for the property when determining the term and amount of the “developer’s payment forgiveness plan” and the \$3,000 commission paid to the real estate firm will be paid from TIF Revenues.

Acted on January 13, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #2011-70 AUTHORIZING CONTRACT FOR ARCHITECTURAL SERVICES TO
PREPARE A COST ESTIMATE TO REPAIR THE JED PROUTY**

Whereas, the Jed Prouty, a building that once was a focal point in the downtown of Bucksport, is available for sale; and,

Whereas, the members of the Bucksport Town Council have indicated an interest to have the building purchased and developed so that the building can once again become a useful building that will benefit the downtown area and the community; and,

Whereas, the building has developed deficiencies over the years it has been abandoned that have created concerns for potential developers; and,

Whereas, the Town of Bucksport may have the opportunity to seek grant funds pursuant to the Maine's Future Fund and Endangered Buildings Revolving Fund to repair and purchase the building; and,

Whereas, the services of an architect is necessary in order to identify the deficiencies that exist and to determine a cost to repair the deficiencies; and,

Whereas, the Town has received a proposal from Lewis and Malm, a local architect who has done work in the building in the past, to complete preliminary architectural/engineering work to study the tasks and cost involved in doing work on the building; and,

Whereas, Lewis and Malm has proposed to complete the study for a cost not to exceed \$5,000; and,

Whereas, the cost of this study can be paid for from TIF Revenues; and,

Whereas, some of the deficiencies to be examined will include the retaining walls located along the perimeter of the property, roof, boiler, basement drainage, and porch; and,

Whereas, the information is necessary in order to submit an application for funding once the application process is announced currently proposed for April; and,

Whereas, the intent is to seek the funding to repair the building in order to improve the opportunity to market the building:

Be it resolved by the members of the Bucksport Town Council in town council assembled that the services of Lewis/Malm Architecture be obtained to identify deficiencies with the Jed Prouty and to determine the cost of addressing those deficiencies in preparation of submitting an application for funding pursuant to the Maine's Future Fund and Endangered Buildings Revolving Fund.

Be it further resolved that the cost of the study is not to exceed \$5,000 and is to be paid for from TIF Revenues.

Acted on January 13, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-71 REFERRING APPOINTMENTS TO THE APPOINTMENTS
COMMITTEE**

Whereas, the Town Council has a number of appointments to make to committees, boards and special positions; and,

Whereas, the appointments include:

SEALER OF WEIGHTS & MEASUREMENTS

Robert M. Wiggin

March 31, 2011

HARBOR MASTER

David Grant

March 31, 2011

STREET NAMING/NUMBERING COORDINATOR

Jeffrey Hammond

March 31, 2011

PLANNING BOARD:

David Grant

March 31, 2011

Edward N. Belcher

March 31, 2011

BOARD OF ASSESSMENT REVIEW

Cathy Hamburger

March 31, 2011

Wendy White (Alternate)

March 31, 2011

ZONING BOARD OF APPEALS

W. Kim Delbridge

March 31, 2011

PARKS AND RECREATION COMMITTEE

David Winchester

March 31, 2011

Frederick (Rick) McHale

March 31, 2011

CONSERVATION COMMISSION

Julia Edelblute

March 31, 2011

Vacant (Robert G. Cloutier, Jr.-resigned)

March 31, 2011

Registrar of Voters

January 2011

Plumbing Inspector and CEO

June 2011

Town Manager

January 2011

Be it resolved by the Bucksport Town Council in town council assembled that the appointments outlined above be referred to the Appointments Committee for nominations and reported back to the town council for final consideration

Acted on January 13, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

_____.

**RESOLVE #R-2011-72 APPROVING APPOINTMENTS
TO THE HOUSING COMMITTEE**

Whereas, the Town of Bucksport proposes to submit an application to the Office of Economic and Community Development for a Housing Assistance Grant; and,

Whereas, as part of the grant application, it is necessary to have an Advisory Committee; and,

Whereas, the members of the previous committee included Mary Jane Bush, Sue Davis, Gail Hallowell, Jeannie Grindle, Valerie Sulya and a member of the Town Council; and,

Whereas, the committee should be expanded to include one new member; and,

Whereas, the one new member recommended is Floyd Clement:

Be it resolved by the members of the Bucksport Town Council in town council assembled that the following citizens be appointed to the Housing Advisory Committee: Mary Jane Bush, Sue Davis, Gail Hallowell, Jeannie Grindle, Valerie Sulya, and Floyd Clement.

Be it further resolved that Michael Ormsby be appointed to the Advisory Committee as the Town Council member.

Acted on January 13, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

_____.

RESOLVE #R-2011-73 REGARDING THE POSITION OF ASSESSOR

Whereas, Carol Oliver chooses to retire from the position of Assessor as a full-time employee; and,

Whereas, she has offered to continue the position on a contractual basis for the period ending 12-31-2011 at which time the contract could be extended if mutually agreed by the Town and Carol Oliver; and,

Whereas, due to the state of the economy, the work requirements in the assessor's office has been reduced which has resulted in Carol modifying her work schedule for the last year; and,

Whereas, if the Town Council agrees to the offer, the conditions of the contract would be generally as follows:

1. The work hours would average 20 hours per week except for three weeks during the term of the contract.
2. Works days during the winter and fall months will be two days per week while during the spring and summer the work week will be three days per week with the intent that the work week will average 20 hours per week during the contract period.
3. The total contract price will be \$37,238, such amount will be divided and paid in equal bi-weekly payments.
4. The scope of service will include all basic assessing needs during the contract period.
5. If the contract is not mutually extended beyond 12-31-2011, such will be determined no later than 10-1-2011.

Be it resolved by the Bucksport Town Council in town council assembled the position of Assessor be changed from being a full-time salaried position to a contracted position for the period ending 12-31-2011 pursuant to the conditions outlined above.

Be it further resolved that the conditions of offer outlined above be included in a formal contract agreement and the contract returned to the Town Council for final approval.

Acted on January 13, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

_____.

**RESOLVE #R-2011-74 AUTHORIZING THE MAYOR AND TOWN MANAGER
TO SIGN DOCUMENTS APPROVED BY THE TOWN COUNCIL**

Whereas, from time to time it is necessary for documents to be signed that reflect decision rendered by the Bucksport Town Council; and,

Whereas, the Town Manager is the Executive Officer for the Town of Bucksport; and,

Whereas, the Mayor has been selected by a majority of the members of the Bucksport Town Council to represent the council as a whole:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager and/or the Mayor are authorized to sign documents as necessary that have been approved by the majority members of the Bucksport Town Council.

Acted on January 13, 2011

Yes 7 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

_____.

**RESOLVE #R-2010-75 REGARDING PROCEDURE FOR SIGNING TREASURER'S
WARRANTS**

Whereas, MSRA TITLE 30-A SECTION 5603 authorizes the Treasurer to disburse funds only on the authority of a warrant drawn for the purpose, affirmatively voted and signed by a majority of the municipal officers except as otherwise provided by charter or ordinance; and,

Whereas, Appendix B Council Rules, Section 42 permits the treasurer to disburse funds only on the authority of a warrant drawn for the purpose and signed by the Mayor, or in the absence of the mayor, by the Chairman of the Finance Committee; and,

Whereas, copies of all signed treasurer's warrants must be provided to all members of the town council at regular town council meetings:

Be it resolved by the Bucksport Town Council in town council assembled that the Treasurer is authorized to disburse funds only on authority of a warrant drawn for the purpose and signed by the Mayor or in the absence of the Mayor, by the Chairman of the Finance Committee.

Be it further resolved that copies of all signed treasurer's warrants will be provided to members of the town council for review at regular town council meetings.

Acted on January 13, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

_____.

RESOLVE #R-2011-76 SETTING RATES OF INTEREST FOR DELINQUENT SEWER BILLS

Whereas, the Town assesses interest on delinquent sewer bills; and,

Whereas, the rate charged cannot exceed 7% for the period 1-1-2011 to 12-13-2011; and,

Whereas, the current rate of interest is 7%:

Be it resolved by the members of the Bucksport Town Council in town council assembled that the rate of interest to be charged on delinquent sewer bills for the period 1-1-2011 to 12-31-2011 remain at 7%.

Acted on January 13, 2011

Yes__6__No__1__ (Robert Howard)

Abstained_____

Attested by Kathy Downes, Town Clerk

_____.

**RESOLVE #R-2011-77 AUTHORIZING CONTRACT WITH EASTERN MAINE
EMERGENCY VETERINARY**

Whereas, Eastern Maine Emergency Veterinary Clinic (EMEVC) has offered to treat injured, stray or abandoned animals from the town of Bucksport: and,

Whereas, a contract has been offered that outlines the conditions by which animals will be provided services and identifies responsibility for payment of the services; and,

Whereas, the town currently refers emergency calls to Doctor John Hunt at Bucksport Veterinary Hospital; the services of Eastern Maine Emergency Veterinary are not necessary at this time:

Be it resolved by the Bucksport Town Council in town council in town council assembled that the offer made by Eastern Maine Emergency Veterinary Clinic to treat injured, stray or abandoned animals from the town of Bucksport be denied since the town can seek emergency care for animals from Dr. Hunt at Bucksport Veterinary Hospital.

Acted on January 13, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

_____.

RESOLVE #R-2011-78 REGARDING DISPOSITION OF TAX ACQUIRED PROPERTY

Whereas, the following list of real estate properties were acquired by the Town on 12-17-2010 as a result of the automatic foreclosure real property tax liens pursuant to state law:

<u>NAME</u>	<u>PROPERTY ADDRESS</u>	<u>MAP / LOT</u>	<u>LAND</u>	<u>BUILDING</u>
ATWOOD, TRAVIS	BUCKSMILLS ROAD	20/60	33,500	0
COUSINS, GLEN	633 STATE ROUTE 46	7/13-00N	0	11,400 - 1983 Mobile Home
DALY, THOMAS JR.	1738 RIVER ROAD	47/20	32,400	63,400 – Single Family Home
FRENCH, KEITH	1861 STATE ROUTE 46	21/37	34,600	23,100 - 1975 Mobile Home +
GIFFORD, TODD	14 GIFFORD LANE	20/31	111,200	345,800 - Home & Buildings
GLEICH, AARON	34 MIDDLE STREET	32/289	52,900	43,900 - Building
HALLOWELL, GAIL	1 THOMAS STREET	34/97	39,600	77,200 – Single Family Home
LAWRENCE, TOBY	CENTRAL STREET	3/61	23,100	0
MOTTA, KELLI	STRICKLAND RIDGE RD	24/09	37,500	0
MOTTA, KELLI	BREWER LAKE	24/07	95,200	0
PARKER, GEORGE	NASON HOLLOW	52/20	24,200	0
PYE, DANIEL	125 WILLIAMS POND RD	18/76	62,300	20,300 – Single Family Home
RAINEY, JULIE	342 CENTRAL STREET	05/72	51,300	63,100 - Single Family Home +
REED, LEWIS SR. (HEIRS OF)	1610 STATE ROUTE 46	52/03	40,800	17,500 - Seasonal Camp
ROI, MICHAEL	25 ROBIN HOOD CIRCLE	06/27-00N20	0	10,400 - 1976 Mobile Home
TAYLOR, WAYNE	RIVER ROAD	46/08	28,600	4,600 - 2 Shed's & Slab
WHITE, SARAH	214 CHURCH ROAD	15/95-00N02	0	11,600 - 1987 Mobile Home
WILLETTE, PHILIP (HEIRS OF)	52 CENTRAL STREET	32/130	35,000	44,600 – Single Family Home

Whereas, policy previously approved by the Bucksport Town Council states that the Town Council may vote to extend the opportunity to parties of interest to redeem tax-acquired property used for residential purposes within 60 days of notice and upon full payment of tax liens, cost and interest that are due or that an acceptable payment arrangement is made; and,

Whereas, upon full payment a quit-claim deed is issued to the owner of record:

Be it resolved by the members of the Bucksport Town Council in town council assembled that opportunity be given to parties of interest to redeem residential tax acquired property for payment of taxes, interest and cost due within 60 days of written notice sent by the Town Manager.

Be it further resolved that the property owned by Aaron Gleich (Map32 Lot 289) located off Middle Street not be offered for redemption at this time since the property is not residential and the condition of the property is questionable

Acted on January 13, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-79 AUTHORIZING EXPENDITURE FROM THE RECREATION
EQUIPMENT RESERVE**

Whereas, the Recreation Department proposes to purchase a new coach rower machine for the Fitness Center; and,

Whereas, the cost of the equipment is \$1,099 which includes delivery and setup:

Be it resolved by the Bucksport Town Council in town council assembled that the Recreation Department be authorized to expend \$1,099 for a coach rower fitness machine to be installed at the Community Center fitness room.

Be it further resolved that the cost be paid from the Recreation Equipment Reserve Account.

Acted on January 13, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

_____.

**RESOLVE #R-2011-80 AUTHORIZING EXPENDITURE FROM THE HIGHWAY
EQUIPMENT RESERVE**

Whereas, there is a need to replace the dump body for a 1996 Ford L8000; and,

Whereas, prices have been received as follows:

Bangor Truck Equipment 9' Bebeau Model \$6,300

Maine Equipment Company 9' Heil Model \$7,521

Whereas, this truck serves as the spare for the downtown plow trucks and will not be replaced until 2014:

Be it resolved by the Bucksport Town Council in town council assembled that the purchase of a new Bebeau dump body from Bangor Truck Equipment be authorized in the amount of \$6,300.

Be it further resolved that the cost of the purchase be charged to Highway Equipment Reserve.

Acted on January 13, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

_____.

**RESOLVE #R-2011-81 AUTHORIZING PROPERTY ASSESSED CLEAN (PACE)
ADMINISTRATIVE CONTRACT**

Be it resolved by the Bucksport Town Council in Town Council assembled that the Town Council for the Town of Bucksport enter into a "Property Assessed Clean Energy (PACE) Program Agreement" with the Efficiency Maine Trust and authorize the Town Manager to sign the same.

Be it further resolved that the Agreement reads as follows:

PROPERTY ASSESSED CLEAN ENERGY (PACE) ADMINISTRATION CONTRACT

THIS Property Assessed Clean Energy (PACE) Administration Contract (the "Contract") is entered into this 13 day of January, 2011, by and between the Town of Bucksport, a municipal corporation duly organized and existing under the laws of the State of Maine whose mailing address is P. O. Drawer X, Bucksport, Maine 04416 (the "**Municipality**") and the **Efficiency Maine Trust**, a legal entity and instrumentality of and a body corporate and politic under the laws of the State of Maine (the "**Trust**"). The foregoing also are referred to herein collectively as the "**Parties**" or singly as "**Party**."

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE Program, so that owners of qualifying property can access financing for energy saving improvements to their properties located in the municipality; financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE Program; and

WHEREAS, the Municipality has adopted a PACE Ordinance; and

WHEREAS, the Parties wish to establish their respective responsibilities in the administration of the PACE Program.

WITNESSETH:

NOW, THEREFORE, for and in consideration of the covenants and conditions set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **DEFINITIONS.** Capitalized terms used in this Contract shall have the meanings given them in 35-A M.R.S.A. §10153 unless otherwise specified herein. In addition, these terms are defined as follows:

1.1. **PACE agreement.** "Pace Agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE Mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

1.2. **PACE District.** "PACE District" means the area within which the Municipality establishes a PACE Program under this Contract, which is all of that area within the Municipality's boundaries.

1.3. PACE Loan. “PACE Loan” means a loan made to the owner(s) of a Qualifying Property for an Energy Saving Improvement.

2. TRUST’S RESPONSIBILITIES. The Trust shall, itself or through its authorized agents:

2.1. Administration. Administer the functions of a PACE Program which administration shall include, without limitation:

A. the Trust will enter into PACE Agreements with owners of Qualifying Property in the Municipality’s PACE District;

B. the Trust, or its agent, will create and record a Notice of the PACE Agreement in the appropriate County Registry of Deeds to create a PACE Mortgage;

C. the Trust, or its agent, will disburse the PACE Loan to the property owner;

D. the Trust, or its agent, will send PACE Assessment statements with payment deadlines to the property owners;

E. the Trust, or its agent, will be responsible for collection of the PACE Assessments;

F. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the PACE Assessment;

G. the Trust or its agent, promptly shall record the discharge of a PACE mortgage upon full payment of the PACE loan;

H. the Trust, or its agent, will be responsible for management of federal grant funds; and

I. the Trust, or its agent, will ensure the collection of data required to quantify carbon savings and to facilitate access to and eligibility for voluntary carbon markets, for federal grants for energy efficiency and for other incentive programs that support Energy Saving Improvements.

2.2. Terms and Conditions. Pursuant to 35-A M.R.S.A. §10154, the Trust may establish terms and conditions under which municipalities and property owners may participate in a PACE Program established there under, and the Parties agree that they, the PACE Program hereunder and this Contract are subject to those terms and conditions as amended from time-to-time.

3. MUNICIPALITY’S RESPONSIBILITIES.

3.1. Education and Outreach Programs. The Municipality agrees to adopt and implement an education and outreach program so that owners of property in the Municipality are made aware of home energy saving opportunities, including the opportunity to finance Energy Saving Improvements with a PACE Loan.

3.2 Conformity with Home Energy Savings Program. The Municipality agrees to conform its PACE Program to the requirements contained in the Home Energy Savings Program.

3.3. Acceptance and Disbursement of Funds. The Municipality agrees to accept PACE funds from the Trust and to disburse PACE funds back to the Trust as needed to satisfy the conditions of the federal grants and to allow the Trust to fund and administer a uniform system of municipal PACE Programs throughout the State.

3.4. Assistance and Cooperation. The Municipality agrees to cooperate with the Trust in the administration of the Municipality's PACE Program, including but not limited to, providing information about applicant properties including property tax payment and lien status, taxable value of residential properties in town, and providing reasonable and necessary aid to the Trust for required data collection, recordkeeping and reporting functions relative to the PACE Program in the PACE District, and providing reasonable and necessary support to the Trust's PACE loan, PACE Assessment, and billing and collection functions.

3.5. Conformity. If standards or rules and regulations are adopted by any State or federal agency subsequent to the Municipality's adoption of a PACE Ordinance or participation in a PACE Program and those standards or rules and regulations substantially conflict with the Municipality's manner of participation in the PACE Program, the Municipality, should it desire to continue its participation in the PACE Program, will be required to take necessary steps to conform its participation to those standards or rules and regulations.

4. TERM.

4.1. This Contract is for a period of three (3) years and shall automatically be renewed for additional periods of three (3) years unless either Party provides the other with ninety (90) days' advance written notice of intent not to renew this Contract.

5. TERMINATION.

5.1. Either Party may terminate this Contract for convenience by providing the other with ninety (90) days' advance written notice of termination. On and after the date of termination, the Municipality no longer will have a PACE Program administered by the Trust except for those PACE Loans already secured by PACE Mortgages as of the date of termination.

6. LIABILITY.

6.1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE Program established under this Contract, including, without limitation, claims for or related to uncollected PACE Assessments.

6.2. Other than the fulfillment of its obligations specified in a PACE Agreement, the Municipality has no liability to a property owner for or related to Energy Saving Improvements financed under a PACE Program.

7. MISCELLANEOUS PROVISIONS

7.1 Notices. All notices, demands or other communications made pursuant to this Contract shall be in writing and shall be sent by (i) registered or certified United States mail, postage prepaid, (ii) by overnight courier, or (iii) by facsimile. Such notice shall be deemed effective upon delivery addressed as follows:

To the Municipality:

Town Manager
P. O Drawer X
Bucksport, Maine 04416

To the Trust:

Efficiency Maine Trust
101 Second Street
Hallowell, ME 04347
Attention: _____

7.2 Entire Agreement, Modifications. This Contract constitutes the entire agreement of the Parties, and neither Party shall be bound by any statement or representation not contained herein. Except as provided herein, this Contract cannot be changed, amended or modified, except by another agreement in writing signed by all Parties hereto or by their respective successors in interest.

7.3 Headings. The section headings contained herein are for convenience of reference only and are not intended to define, limit, or describe the scope or interest of any provisions of this Contract.

7.4 Severability. If any section, term, covenant, or condition of this Contract or the application thereto to any person or circumstances shall, to any extent be illegal, invalid or unenforceable because of judicial construction, the remaining sections, terms, covenants, and conditions of this Contract, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each section, term, covenant, or condition of this Contract shall be valid and be enforced to the fullest extent permitted by Law.

7.5 Governing Law, Remedies. This Contract shall be governed by and construed in accordance with the laws of the State of Maine. Except as otherwise agreed by the Parties in writing, all disputes, claims, counterclaims and other matters in question between the Municipality and the Trust arising out of or relating to this Contract shall be decided by a Maine court of competent jurisdiction.

7.6 Assignment; Successors and Assigns. This Contract may not be assigned by either Party without the prior written consent of the other Party, which consent shall not be unreasonably conditioned, delayed or withheld. This Contract shall benefit and be binding upon the Parties hereto and their respective permitted successors and assigns.

7.7 Non-Waiver. Except as expressly provided in this Contract, the failure or waiver, or successive failures or waivers on the part of either Party hereto, in the enforcement of any paragraph or provision of this Agreement shall not render the same invalid nor impair the right of either Party hereto, its successors or Contract permitted assigns, to enforce the same in the event of any subsequent breach thereof.

IN WITNESS WHEREOF, the Parties hereto have caused this Property Assessed Clean Energy (PACE) Administration Contract, to be executed by their duly authorized representatives as of the date first set forth above.

MUNICIPALITY

By: _____

Signature
Roger Raymond
Print Name
Its: Town Manager

EFFICIENCY MAINE TRUST

By: _____
Signature

Print Name
Its: _____ (Title)

Version 3.1 10-8-10

Acted on January 13, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

_____.

RESOLVE #R-2011-82 AUTHORIZING ADMINISTRATIVE CONSENT AGREEMENT

Be it resolved by the Bucksport Town Council in Town Council assembled that the Town Council for the Town of Bucksport enter into a "Administrative Consent Agreement " with Rita Johnson to address an encroachment on town owned property and the agreement be signed by the members of the Town Council such agreement reading as follows:

ADMINISTRATIVE CONSENT AGREEMENT

This Agreement is made this _____ day of _____, 2011 between Rita Johnson, Trustee (Property Owner) of Bucksport, County of Hancock and State of Maine and the Town of Bucksport (Town), a municipal corporation located in Hancock County, Maine.

WHEREAS, the Property Owner owns a parcel of land at 91 Spruce Street (Premises), identified on Tax Map 31 as Lot 27 in Bucksport, Maine, and which is also identified in a deed recorded in Book 2808, Page 3, and Book 1682, Page 155, at the Hancock County Registry of Deeds; and

WHEREAS, the Bucksport Code Enforcement Officer (CEO) notified the Property Owner by letter dated October 7, 2009, that a shed installed on her property was installed without a building permit and was partially located in the public right of way for Spruce Street; and

WHEREAS, the Town did not grant any permission or approval to the Property Owner to install the shed in the public right of way; and

WHEREAS, installing or constructing the shed without a permit was a violation of the Bucksport Town Code, Chapter 5, Section 5-107.1; and

WHEREAS, in the same letter dated October 7, 2009, the CEO advised the Property Owner that a building permit could not be issued unless the Property Owner moved the shed on to her property; and

WHEREAS, in December, 2009, the Property Owner asked the Town Council to allow her to leave the shed where it was installed; and

WHEREAS, on December 10, 2009, the Town Council denied the Property Owner's request and ordered that the shed be removed from Town property no later than September 1, 2010, because of a concern that the Property Owner may claim ownership of the property by prescription, and because of a concern that the shed blocked access to a buried sewer manhole believed to be located behind the structure; and

WHEREAS, the Property Owner did not move the shed on or before September 1, 2010; and

WHEREAS, in September, 2010, the CEO and the Director of the Sewer Department determined that the sewer manhole was not located behind the shed, rather it was located in front of the shed and was fully accessible by the Town; and,

WHEREAS, the revealed location of the sewer manhole lessened the concerns about the location of the shed, and the only remaining concern was the possibility that the Property Owner may claim ownership of Town property by prescription; and

WHEREAS, the Property Owner was unwilling to voluntarily move the shed; and

WHEREAS, the Town could seek a court order to have the shed removed from Town property, but would agree to an administrative consent agreement with the Property Owner that would, in effect, allow the shed to remain in its present location and prevent the Property Owner from claiming ownership of Town property by prescription; and

WHEREAS, the Municipal Officers may enter into such an agreement for the purposes of protecting Town property without a court order; and

WHEREAS, the Town, in entering into such an agreement, would not thereby approve of, consent to, release, or otherwise condone any other violations of local or State laws which may exist on the Premises, be them known or unknown; and

WHEREAS, both the Property Owner and the Town wish to avoid litigation over this land use violation;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The Property Owner admits responsibility for the violation.
2. The Property Owner agrees to pay to the Town a penalty of \$100.00 for installing or constructing the shed without a building permit.
3. The Property Owner agrees to release the Town from any responsibility for damages to the shed that may occur from the use of the Town property on which the shed is located.
4. The Property Owner agrees that the shed may not be replaced, expanded or moved further into the public right of way.
5. The Property Owner agrees to maintain the shed to prevent deterioration, dilapidation or decay to the extent that it is identified as a nuisance in accordance with the Town's Building Standards and Property Maintenance Ordinance.
6. The Property Owner agrees to remove the shed from the public right of way prior to conveying ownership of the Premises to any other party.
7. The Property Owner agrees that this Agreement does not now, or at any time in the future, grant to her an ownership or easement interest in any portion of the Town-owned property occupied by the shed.
8. The Property Owner agrees that she may not claim ownership by prescription of any portion of the public right of way occupied by the shed.
9. The Town agrees to refrain from prosecuting the Property Owner for the encroachment and violation so long as the Property Owner complies with the required actions set forth in this Agreement. The Property Owner stipulates and agrees that the Town's willingness to defer prosecution in this instance does not raise any legal bar to future prosecutions for this or any related violation.

10. This Agreement shall not prevent the Town from enforcing violations of any other law, ordinance, or regulation that may occur on the Premises, including but not limited to violations of any other provision of the Bucksport Town Code.
11. Any breach of this Agreement by the Property Owner, even if unintentional or immaterial, shall release the Town from this Agreement. Any forbearance by the Town to enforce this Agreement or deem it in breach shall not be deemed a waiver with regard to any later breach. Each day that any violation of this Agreement exists shall constitute a separate violation.
12. Provided that the Property Owner complies with the terms of this Agreement, she shall be permitted to treat the shed, as lawfully existing.

TOWN OF BUCKSPORT

By Its Municipal Officers

Jeffrey Robinson, Sr., Council Chair

David Keene, Council Member

David Kee, Council Member

Brian Leeman, Council Member

Robert Howard, Council Member

Michael Ormsby, Council Member

Byron Vinton, Council Member

PROPERTY OWNER:

Rita Johnson, Trustee

STATE OF MAINE
HANCOCK COUNTY, ss.
_____, 2011

Then personally appeared before me the above named parties, who each acknowledged the foregoing instrument to be their free act and deed.

Attorney at Law / Notary Public

Acted on January 13, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-83 APPROVING AUDIT FOR THE PERIOD 7-1-2009 TO 6-30-2010

Whereas, the members of the Bucksport Town Council have been provided with a copy of the municipal audit for the period 6-1-2009 to 6-30-2010; and,

Whereas, no issue was identified in the management letter:

Be it resolved by the Bucksport Town Council in town council assembled that the audit prepared by R.H. Smith and Company for the period 7-1-2009 to 6-30-2010 be accepted by the Bucksport Town Council and filed in the records of the Town.

Be it further resolved that no further action is required regarding the audit period.

Acted on January 13, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Wood Pellet Boiler at Treatment Plant- The unit has been performing very well. Based on a recent inspection of the storage silo it was estimated one to two tons of pellets have been used to date. We estimated 13 tons for the winter months.

New Boiler at the Public Safety- The unit has been operating well but it was determined during the install that the new unit did not include a coil for the domestic hot water. After some discussion with the contractor, a boiler mate will be installed that will provide the ability to heat the water through the use of the new boiler eliminating the need for the existing electric hot water heater.

Town Report- We should be receiving the new town report by the end of next week. Copies will be forwarded to the council once the report is received.

Electrical Cost- I recently received a proposal from Freedom Energy Logistics that I have provided to the Town Council, which offers an opportunity to form a community supply group that could offer electric power supply to the residents and small businesses of the area at a rate lower than the typical Standard Offer. The group has agreed to meet with the Town Council to discuss the proposal. I will ask the council to schedule a workshop next month to explore the offer.

Employees Benefits, Wages and Salaries- During the last two months I have been analyzing the benefits offered to our employees as well as salaries and wages and how they compare to other communities throughout the State of Maine. As we develop the budget for the 2012 it will be necessary to review my findings with the Town Council and obtain some direction how we should proceed. I expect to begin that discussion with you beginning the first of March.

Capital Improvement Plan- I am currently working with Department Heads and our Finance Director to develop a new five year capital improvement plan. In conjunction with the preparation of this plan it will be necessary to have meetings with several of the town council committees to review some of the needs and the direction the town council would like to proceed. These committees will include the Solid Waste Committee, Road and Street Committee and the Sewer Committee. I will ask the Town Council to schedule these meetings during the next few months as we finalize the plan for town council approval.

Website- have established a committee consisting of key staff members to examine our website to see how it can be improved to make it easier to use for our staff as well as be more useful for our citizens. They recently met with the consultant that developed that site and should have some recommendations to share with the Town Council in the next few months.

Public Access Channel – I have established a committee consisting of key staff members to examine the efficiency of the town's public access program to see what can be done to improve it. One of the important issues is our equipment needs and updates. I expect to have the review completed by April 1 at which time our findings will be shared with the Town Council.

**RESOLVE #R-2011-84 APPROVING TOWN COUNCIL COMMITTEE
ASSIGNMENTS FOR THE ENSUING YEAR**

Be it resolved by the Bucksport Town Council in town council assembled that the following town council committee assignments be approved:

**TOWN COUNCIL COMMITTEES
2011**

WATERFRONT COMMITTEE

Mike Ormsby, Chairperson
Robert Howard
Brian Leeman

SEWER COMMITTEE

Jeff Robinson Sr., Chairperson
David Kee
Brian Leeman

FINANCE COMMITTEE

Mike Ormsby, Chairperson
Byron Vinton
Robert Howard

SOLID WASTE COMMITTEE

Robert Howard, Chairperson
Brian Leeman
Mike Ormsby

STREETS AND ROADS

Robert Howard, Chairperson
Byron Vinton
Jeff Robinson Sr.

APPOINTMENT COMMITTEE

Robert Howard, Chairperson
Jeff Robinson Sr.
Brian Leeman

ORDINANCE COMMITTEE

Jeff Robinson Sr., Chairperson
Mike Ormsby
David Kee

NEGOTIATIONS COMMITTEE

David Kee, Chairperson
Byron Vinton

ECONOMIC DEVELOPMENT COMMITTEE

David Kee
Jeff Robinson Sr.
Byron Vinton

COUNCIL REPRESENTATIVES FOR COMMITTEES:

RSU #25: Jeff Robinson Sr.

RECREATION COMMITTEE: David Kee

CEMETERY COMMITTEE: Robert Howard

HEALTH ADVISORY COMMITTEE: Byron Vinton

POLICE ADVISORY COMMITTEE: Byron Vinton

BUCKSPORT REGIONAL HEALTH CENTER: Mike Ormsby

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-85 APPROVING REPORT FROM THE ANIMAL SHELTER COMMITTEE

Whereas, the members of the Town Council established a committee to examine the conditions at the animal shelter; and,

Whereas, the committee members have completed their review and offered the following recommendations:

- The shelter lacks adequate ventilation. It is recommended that two new wall mounted exhaust fans be installed. Once installed, the fans should be operated daily at least one-half hour.
- The concrete floors are very rough and pitted and difficult to maintain. It is recommended that the floors be treated with a tin set or epoxy finish and properly sealed in order to make the surface smoother, subsequently making it easier to maintain the floor area as well as creating a healthier environment for animals kept at the shelter.
- The shelter lacks an adequate isolation area. It is recommended that an isolation area be developed that will provide solid separation between the animal in the isolation pen verses the rest of the shelter. The walls must be finished with material that is durable and can be easily disinfected. The pen must also be designed in order to eliminate any flow of fluids or liquids to other parts of the shelter.
- The facility lacks running water on a year round basis. It is recommended that running water be available at the facility on a year round basis.
- The facility lacks hot water. It is recommended that hot water be made available at the facility.
- The facility lacks a wash sink. It is recommended that a wash sink be installed. The sink ought to be large enough to bathe small animals, if needed.
- The facility is not hooked up to a subsurface disposal system. It is recommended that the facility be hooked up to a subsurface disposal system. Hookup to a subsurface disposal system is necessary if a sink is installed in the building.
- The facility lacks adequate lighting over the pens. It is recommended that the interior lighting be improved over the pens.
- The exterior door needs to be replaced. It is recommended that a proposal to purchase a new fiberglass door that has been forwarded to the Town Council by the Animal Control Officer be approved.
- The exterior steps need to be replaced. It is recommended that the exterior steps be replaced with a ramp that will allow for handicap access.
- The facility lacks adequate cages for cats. It is recommended that a proposal to purchase a new cat cage that has been forwarded to the Town Council by the Animal Control Officer be approved.
- The chain link fence around the dog pens needs to be repaired. It is recommended that a proposal forwarded to the Town Council by the Animal Control Officer to repair the chain link fence around pens be approved.

- The electrical service leading to the facility from the Transfer Station may not be adequate. It is recommended that the electrical service be checked by a licensed electrician and changed if it is determined not to be adequate to support the needs at the facility.
- The roofing may need replacement. It is recommended that the roofing be checked and replaced with metal roofing, if required.
- The facility lacks adequate landscaping. It is recommended that some landscaping be undertaken on the east side (entrance side) of the building to improve the appearance of the facility.
- The separations between the dog kennels are made of plywood which easily absorbs fluids or liquids. It is recommended that the separations for the dog kennels be constructed of material that is waterproof and can be easily washed down.

Husbandry Issues

Following is a list of recommendations that pertain to the operation of the facility.

- A pet cemetery is located adjacent to the facility. It is recommended that the pet cemetery be relocated to an area further away from the facility and operated in accordance to state regulations. It is further recommended that the act of burying domestic animals be done in a manner that is respectful to pet owners. If a suitable area cannot be found, the town should consider cremation.
- Food used at the shelter should be maintained in the bags that the food was packaged in. Bags should be completely empty before starting a new one.
- Electric heaters used in the facility should be kept away from animal cages.
- Wash down water and waste should be collected and disposed of in an approved manner.
- The Animal Control Officer currently does not euthanize sick animals. The committee recommends that the Town continue with this policy and require that domestic pets that need to be euthanized be administered by licensed veterinarian.
- The Town Council should establish written policies regarding the operation of the facility and the adoption of animals that are brought to the facility.

Be it resolved by Bucksport Town Council in town council assembled that the recommendations identified by the members of the Animal Shelter Study Committee and listed above be accepted.

Be it further resolved that the Town Manager be charged with the responsibility of developing a plan to implement the recommendations and to bring a plan back to the Town Council for final approval.

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-86 REGARDING EXPENDITURE FROM THE
REVOLVING COMMUNITY DEVELOPMENT PROGRAM**

Whereas, the original plans for Gardner Commons included the development of an area for a hair salon; and,

Whereas, the area was prepared for that purpose, but the counters and equipment were not installed due to the lack of adequate funding; and,

Whereas, the Board of Directors have voted to pursue the completion of the project as originally planned; and,

Whereas, it has been estimated the cost of purchasing and installing the required equipment is \$3,500; and,

Whereas, there are adequate funds in the CDBG general program to cover the cost (\$21,062):

Be it resolved by the Bucksport Town Council in town council assembled that the expenditure of an amount not to exceed \$3,500 be appropriated from the CDBG Revolving Program to pay for the purchase and installation of equipment at Gardner Common for a hair salon.

Be it further resolved that the expenditure is authorized pursuant to the following conditions:

1. HUD must approve the improvement.
2. All necessary permits must be obtained.
3. The installation must be supervised/and completed by the management company for the facility.
4. A written request for the funds must be received from the Board of Directors.

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-87 AUTHORIZING WRITE-OFF OF UNCOLLECTIBLE
AMBULANCE CHARGES**

Be it resolved by the Bucksport Town Council in town council assembled that aged accounts receivable for the period October 1 through December 31, 2009 in the amount of \$8,507.07 be written off.

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-88 REFERRING PROPOSED ORDINANCE TO AMEND
APPENDIX K TO THE ORDINANCE COMMITTEE**

Be it resolved by Bucksport Town Council in town council assembled that a proposed ordinance to amend Appendix K Land Use Ordinance, more specifically setbacks in the Rural District and district change from RT15RC to Industry Development, be referred to the Ordinance Committee for a recommendation.

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-89 APPROVING CONTRACT FOR ASSESSING SERVICES FOR THE 2011 CALENDAR YEAR

Whereas, the Town Council voted at the January 13th town council meeting to contract for assessing services; and,

Whereas, the Town Council requested that a contract outlining the conditions of service be prepared for review and approval; and,

Whereas, the contract follows:

SERVICES CONTRACT

THIS AGREEMENT is made this day of , 2011 between the Town of Bucksport whose mailing address is P. O. Drawer X, Bucksport Maine 04416 hereinafter referred to as the "Town" and Carol Oliver, whose mailing address is P. O. Box 262, Franklin, Maine 04654 hereinafter referred to as "Contractor".

It is mutually agreed between the Town and Contractor as follows:

1. Duration and Termination

This Agreement shall continue in effect from February 1, 2011 to December 31, 2011, and can be extended upon mutual agreement by the Town and Contractor. If either party chooses not to extend the contract beyond the termination date of December 31, 2011, a written notice indicating such intent will be provided to the other party ninety (90) days prior to the termination of the contract.

2. Performance

Contractor agrees to perform services as an independent contractor. Contractor's duties include all necessary property assessing requirements as follows:

Plans and administers the assessment/appraisal system for the Town in maintaining current property valuation through visitation and data collection.

Appraises all properties i.e. residential, commercial, agricultural, industrial properties, special rights and interests, exempt, personal property, and public utility properties and equipment.

Maintains and/or reviews the maintenance both in hard copy and data base of official maps, transfers, declarations of value, roads, street numbers, multiple types of plans, building permits, tax acquired property, municipal holdings, county assessment, historic tax rates, historic interest rates, historic municipal valuations, historic state valuations, exemptions of all types, and a myriad of other official records which are the responsibility of the assessment office in a timely fashion; lists all valuations and other data in valuation commitment books; determines the valuations to be placed on new, renovated, and existing property based on changing market values.

Administers and maintains pricing of real and personal property prices to utilize the cost approach to value. Administers and maintains income and expense information to utilize the income approach to value. Administers and maintains a collection of sales data to utilize the market approach to value. Collects all economic and social data effecting property values; prepares appraisal and other reports as necessary.

Maintains a positive relationship with the public and real estate professionals in obtaining information pertaining to the sale of real estate.

Answers complex questions related to tax bills inquiries and property information which the tax collector's department finds difficult to answer.

Performs related work as required.

3. Time for Performance

Services under this contract will be provided an average of twenty hours per week during the contract period including office hours on Monday and Thursday from 8:00 a.m. to 4:30 p.m. when a two day per weeks schedule is followed and Monday, Wednesday and Friday when a three day per week schedule is necessary except for a total of three weeks, no office hours will be maintained. Schedule may be adjusted for weather, illness or other emergencies or to accommodate taxpayer schedules for inspections. Office staff will be advised when schedule changes are necessary.

4. Payment

- a. The maximum amount payable under this contract is \$34,374
- b. Payment will be made in twenty-four (24) equal payments of \$1,432.25 every two weeks.
- c. Contractor shall be reimbursed for necessary expenses approved by the Town including mileage and training.

5. Assignment

This contract may not be assigned or transferred by either party without the prior written consent of the other party.

6. Integration

This agreement contains the entire contract between the parties, and any representations that may have been made before the signing of this contract are nonbonding, void, and of no effect. Neither party has relied on such prior representations in entering into this Agreement.

7. Insurance

The Town will provide the necessary public official liability insurance and statutory worker compensation.

Be it resolved by the Bucksport Town Council in town council assembled that the contract as noted above with Carol Oliver to provide property assessing services to the Town of Bucksport for the period 2-1-2011 to 12-31-2011 be approved and signed by the Town Manager on behalf of the Town.

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-90 AUTHORIZING EXPENDITURE FOR THE SILVER
LAKE BOAT LANDING PROJECT**

Whereas, Verso Bucksport, LLC donated to the Town a parcel of land totaling 4.6 acres and extending 2,310' along the shoreline of Silver Lake Road; and,

Whereas, Verso Bucksport accumulated legal fees associated with the transfer in the amount of \$5,860; and,

Whereas, Verso Bucksport has requested whether the Town would consider assuming responsibility for paying the fees:

Be it resolved by the Bucksport Town Council in town council assembled that \$5,860 be appropriated from Overlay Account to pay for the legal fees charged to Verso for the transfer of land to the Town of Bucksport and located along the shoreline of Silver Lake and Silver Lake Road, such land adjoining the southerly side of land owned by the Town and referred to as the Silver Lake Boat Landing Area.

Acted on January 27, 2011

Yes 5 No 0 Abstained (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-91 APPROVING APPOINTMENTS FOR THE ENSUING
YEAR**

Whereas, the members of the Appointments Committee nominate the following to be appointed :

Kathy Downes Registrar of Voters - Appointment to expire 1-31-2012
Roger Raymond- Town Manager – Appointment to expire 1-31-2012

Be it resolved by the Bucksport Town Council in town council assembled that Kathy Downes be appointed to the position of Registrar of Voters, such appointment to expire 1-31-2012.

Be it further resolved that Roger Raymond be appointed to the position of Town Manager, such appointment to expire 1-31-2012.

Acted on January 27, 2011

Yes 5 No 0 Abstained _____ (Absent: Byron Vinton, David Kee)

Attested by Kathy Downes, Town Clerk

Amendment to Town Code Chapter 2 Administration

Shall an ordinance be introduced entitled “Amendment to Town Code Chapter 2 Administration” for the purpose of changing language in the ordinance that pertains to family medical leave, computation of sick leave, work hours for regular part-time employees, annual review of the Lockout-Tagout Policy, annual review of employee driver licenses, and use of cell phones when operating a vehicle while on town business. The purposed amended sections will read as follows:

Article 2 Section 1.13.1 b:

- b. **REGULAR PART-TIME:** An employee in this classification works less than the normal workweek, but on a continuing basis. The employee is subject to all personnel rules and regulations. Employees who work more than ~~24~~ **20** hours per week are eligible to receive vacation and holiday benefits in proportion to the hours worked, but are not eligible for ~~other benefits such as sick leave pay, and~~ health, life, or disability insurance. ~~and Maine State Retirement.~~

Article 2 Section 2.3.2:

2.3.2 Computation of Sick Leave

Sick leave will be accrued to the employee at a rate of one and one-quarter (1 1/4) days per calendar month of continuing full-time service to the Town. Sick leave will not be accrued by employees during the following:

- a. Leave absence without pay pursuant to Section 2.5 of this policy.
- b. Suspension without pay.
- c. Absent from work due to a work related injury or sick leave and not working his/her regular work schedule for more than four consecutive weeks. Unused sick leave may accumulate from year to year, but shall not exceed ninety (90) days.

Article 2 Section 2.4:

2.4 FAMILY MEDICAL LEAVE

An employee who has been employed by the Town of Bucksport for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave, is entitled to a family medical leave of up to twelve (12) weeks per fiscal ~~in any one calendar~~ year for the birth, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent. Serious illness means an accident or disease or condition that:

- (1) poses imminent danger of death;
- (2) requires hospitalization involving an organ transplant, limb amputation, or other procedure of similar severity; or
- (3) any mental or physical condition that requires constant in-home care.

Please refer to the Town Manager's office for further details or clarification.

Article 2 Section 2.4.3:

2.4.3 Pay and Benefits While on Family Medical Leave

Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Bucksport will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave; said period not to exceed ~~40~~ 12 weeks. The employee's share of medical insurance, life insurance, income protection, and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

Article 2 Section 2.44:

2.4.4 Use of Accrued Time for Family Medical Leave

The employee may use accrued ~~holiday~~, vacation, earn sick time, and sick leave in accordance with the policies concerning such leaves, to cover his/her absences related to family medical leave; however, the total amount of family medical leave may not exceed twelve (12) weeks per ~~calendar~~ fiscal year of which no more than 40 hours per fiscal year may be used for a qualifying family member.

Article 2 Section 2.45:

2.4.5 Holidays

Vacation, sick leave, ~~and holidays~~ do not accrue during family medical leave period if it exceeds ~~thirty days~~ four consecutive weeks.

Article 2 Section 2.15.2:

2.15.2 Maine State Retirement System

The Town is a participating member of the Consolidated Maine State Retirement Program. Only regular full-time and regular part-time employees may participate in the plan. ~~Participating full-time~~ Employees who elect to participate will be required to contribute the employee share as set by the system.

Article 4 Section 2-407:

SEC. 2-407 Driving Rules and Regulations

All drivers of municipal vehicles and those using their personal vehicles in pursuit of municipal business will comply with all applicable laws of the State as well as any additional regulations of the municipality. The Town Manager's office will be responsible for checking annually all driver records for employees who operate town owned vehicles or equipment or who use their personal vehicles for town business.

1. Municipal vehicles are to be parked in accordance with all municipal parking regulations with the exception of emergencies.
2. No municipal vehicle is to be left unattended with ignition key left in the ignition.
3. All municipal vehicles should be locked when not in use.

4. Before initial use of any vehicle each day, the driver will inspect the vehicle for damage, inoperable lights, loose hardware, under-inflated tires, or any other condition which may create an unsafe situation.
5. Any deficiency encountered will be reported to the Department Head or designated supervisor immediately. It will be the Department Head's or assigned supervisor's responsibility to insure that appropriate action is taken to correct the problem.
6. Safety belts will be worn at all times by drivers and passengers, for all equipment and vehicles equipped with safety belts.
7. Vehicles with movable windshields are to have these windshields in the up position while in operation.
8. Protective or detachable doors may not be removed from a vehicle unless it is a necessity in order to perform the job and mirrors remain usable when the doors are off. Similarly, vehicle doors are not to be tied open.
9. Turn signals will be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of the intent.
10. Drivers will insure that the windows, headlights, emergency lights, taillights and windshield wipers are clean and operational at all times.
11. If the vehicle does not have a tailgate but is loaded, the driver of the vehicle will insure that the load is secure on the truck, and that overhangs are properly marked in accordance with applicable State Laws.
12. Triangular orange-colored slow moving vehicle signs will be displayed on the rear of the vehicle.
13. No vehicle with an obstructed view to the rear will be backed unless an observer signals that it is safe to do so or the vehicle has a reverse signal and audible alarm which can be heard above the surrounding noise level. All trucks, and equipment will be equipped with audible backup alarms. Employees shall not switch off, remove or render inoperable any audible or visual safety device. Drivers will visually inspect the area around a parked vehicle before moving the vehicle.
14. No private vehicle will be towed or pushed at any time by any publicly owned vehicle or equipment.
15. The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Passengers will not ride on a vehicle unless a seat is provided by the manufacturer. Under no circumstances shall passengers ride on fenders, running boards, tops of vehicles, or any place not designed for passengers.
16. Drivers will carry their valid State drivers license at all times when operating motor vehicles. All restrictions noted on the driver's license will be adhered to. No employee will be allowed to operate a vehicle which he or she is not licensed to operate.
17. Each employee who operates a vehicle regularly or occasionally is required to report any suspension or revocation of his or her license to the Department Head.
18. Posted speed limits will be strictly adhered to.
19. During periods of limited visibility or any time windshield wipers are in use, vehicle headlights will be turned on.

20. The consumption, use and/or possession of alcoholic beverages or illegal drugs on Town property or while on duty is strictly forbidden. Employees shall not report to work while under the influence of alcohol or drugs.
21. Trailers are to be fastened securely to hitches. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.
22. All items to be transported either in a truck or trailer which may move around during transport will be secured.
23. No more than three (3) persons will ride in the front seat of any vehicle. Where only two (2) single seats exist there is to be only one (1) rider per seat.
24. An employee who uses a personal or town owned vehicle or equipment is prohibited from using a cellular phone, hands on, while driving or operating on duty unless the vehicle or equipment is stationary. A cellular phone is any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet or downloads and allows for the reading of and responding to email whether the device is town supplied or personally owned.

Article 4 Section 13-113:

Section-13-113 Periodic ~~Inspections~~ Program Evaluation

Inspection of this program will be conducted annually by the ~~town manager~~ responsible department head or key supervisors. The Public Works Director will be responsible for the performance of the Highway Department and Transfer Station staff, the Police Chief will be responsible for the performance of the Police Department staff, the Director of Emergency Services will be responsible for the performance of the Fire Department and Ambulance Service staff, the Recreation Director will be responsible for the performance of all maintenance and recreational staff and the Superintendent will be responsible for the performance of the waste water treatment facility staff. The inspection, at a minimum, must include:

- ~~checking to verify that proper locks and tags are used~~
- ~~checking to make sure all procedure are being followed~~
- Interviews with authorized and affected employees
- An inspection to ensure that the equipment has been properly locked out
- An inspection to ensure that all equipment used in lockout is appropriate for your written lockout program.

Any deficiencies in the program or procedures must be so noted in writing ~~to~~ by the department head or supervisor and corrective action described. A record of all inspections must be maintained.

Acted on February 10, 2011

Yes 6 No 0 Abstained _____ (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-92 SETTING POLICIES REGARDING THE CARE AND
ADOPTION OF ANIMALS AT THE ANIMAL SHELTER**

Whereas, the members of the Animal Shelter Study Committee recommended that the Town Council consider adopting policies regarding the care and adoption of animals brought to the Bucksport Animal Shelter; and,

Whereas, the members of the Bucksport Town Council accepted the recommendations of the committee; and,

Whereas, a draft of policies pertaining to the care and adoption of animals brought to the shelter has been prepared by the Bucksport Police Chief and Animal Control Officer; and, whereas the proposed policies read as follows:

**BUCKSPORT POLICE DEPARTMENT
RULES AND REGULATIONS**

**SUBJECT: Bucksport Animal Shelter
Adoption of Animals**

Date: 2-10-2011

I. POLICY:

The Bucksport Police Department/Animal Control Officer (ACO) will abide by the rules and regulations set forward as to the adoption of animals as stated in this Policy.

II. PURPOSE:

This section outlines the procedures to be followed when an animal is adopted from the Bucksport Animal Shelter.

III. RULES AND REGULATIONS:

- A. An appointment for viewing of the animals will be set up by the adopting party through the ACO.
- B. When the adopting party has made a decision which animal they wish to adopt, the ACO will set up an appointment with a licensed veterinarian at the Bucksport Veterinary Clinic to have the animal examined.
- C. The ACO will transport the animal to the Bucksport Veterinary Clinic where the animal will be examined and administered rabies and distemper shots.

- D. The ACO will set up an appointment to meet with the adopting party and to complete the required adoption papers.
- E. A copy of the adoption papers will be provided to the adopting party, a copy forwarded to the Bucksport Town Clerk and accompanied with the required fee and the original will be retained by the ACO.
- F. All costs associated with the adoption will be the responsibility of the adopting party including an initial \$100 deposit that will be refunded once the animal is spayed or neutered pursuant to the following:
 - 1. When the animal can be spayed or neutered at time of adoption, the adopting party within 30 days after the adoption will have the animal spayed or neutered by a licensed veterinarian. Once this has been completed a statement shall be forwarded to the (ACO) by the veterinarian that the procedure has been completed and the initial deposit will be refunded to the adopting party.
 - 2. When the animal cannot be spayed or neutered at the time of the adoption due to the age of the animal, the ACO will obtain a statement from a licensed veterinarian specifying when the animal will be eligible to be spayed or neutered. Once the animal has been spayed or neutered by a licensed veterinarian a certificate will be provided to the ACO and the adopting party will be refunded \$75 of the initial \$100 deposit. The remaining \$25 will be retained by the Town.

BUCKSPORT POLICE DEPARTMENT RULES AND REGULATIONS

SUBJECT: Operation of Bucksport Animal Shelter Date: 2-10-2011

I. POLICY:

The Bucksport Police Department/Animal Control Officer (ACO) will abide by the rules and regulations set forward as to the operation of the Bucksport Animal Shelter.

II. PURPOSE:

This section defines the operating procedures to be followed regarding the intake and care of animals (cats and dogs) at the Bucksport Animal Shelter.

III. RULES AND REGULATIONS:

- A. An intake form for each animal that is kept at the Bucksport Animal Shelter will be completed by the ACO. All pertinent information for each animal will be included on the intake form.
- B. Each animal will be photographed; this photograph will be included on the intake form and put on the Town's website for public viewing and possible adoption.
- C. Animals shortly after coming to the animal shelter and during their entire stay will be observed by the ACO to determine whether there are any common signs of illness that may warrant the services of a licensed veterinarian. If it is determined that the animal requires the services of a licensed veterinarian, those services will be obtained at the Bucksport Veterinarian Clinic. All treatment administered to the animal while at the shelter will be documented. Animals will be held at the shelter for seven days during which time will be fed and observed. After seven days each animal will be available for adoption unless the ACO determines that the animal is not fit for adoption. An animal may also be returned to its rightful owner before or after the seven days have expired. In this event, the owner prior to receiving the animal will be responsible for the cost of boarding and caring for the animal including any license fee and vaccinations, if applicable.
- D. Any animal that is not fit for adoption due to illness, injury or temperament will be taken to the Bucksport Veterinary Clinic to be euthanized by a licensed veterinarian. The determination to euthanize an animal will be made by the ACO in consultation with a veterinarian at Bucksport Veterinary Clinic.
- E. All kennels, cages and runs must be cleaned daily and all waste properly disposed of.

Be it resolved by the Bucksport Town Council in town council assembled that the policy for the adoption and care of animals brought to the Bucksport Animal Shelter be adopted as outlined above.

Acted on February 10, 2011

Yes 6 No 0 Abstained (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-93 AUTHORIZING EXPENDITURE OF TIF REVENUES TO
PREPARE A DACUM FOR A PULP AND PAPER TRAINING COURSE**

Whereas, the Town of Bucksport in conjunction with Verso Bucksport, RSU #25 and Eastern Maine Community College propose to develop a training course in pulp and paper that can be offered to the citizens of those communities that their students attend RSU #25 schools; and,

Whereas, representatives from Verso Bucksport have indicated that in the next several years they will be seeking qualified and trained individuals in pulp and paper; and,

Whereas, the Town proposes to have a course developed and offered in Bucksport to enhance job opportunities for citizens of this region; and,

Whereas, Eastern Maine Community College has agreed to develop a curriculum (DACUM) that will meet the requirements of Verso Bucksport as well as accreditation for A. A. S. Pulp and Paper program and allow for transfer of credits with University of Maine at a cost of \$4,300:

Be it resolved by the Bucksport Town Council in town council assembled that the expenditure of \$4,300 be authorized to prepare a DACUM for a purposed pulp and paper training course in Bucksport in coordination with Verso Bucksport and RSU #25.

Be it further resolved that the DACUM is to be prepared by Eastern Maine Community College and paid for from TIF revenues.

Acted on February 10, 2011

Yes 6 No 0 Abstained _____ (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-94 TO EXPEND FUNDS FROM THE FIRE DEPARTMENT EQUIPMENT RESERVE FOR A PICKUP

Whereas, the 2010 Capital Improvement plan called for the replacement of a pickup for the Bucksport Fire Department; and,

Whereas, the replacement vehicle was budgeted as a used vehicle that has a minimum expected life of ten years; and,

Whereas, the replacement vehicle needs to be equipped with a plow and gear:

Whereas, the Fire Chief has found a 2004 Ford 4X4 F250 with 39,978 miles and equipped with a snow plow for a cost of \$21,000 which meets the department's needs:

Be it resolved by the Bucksport Town Council in town council assembled that the purchase of a used pickup truck for the Bucksport Fire Department be authorized in the amount of \$21,000.

Be it further resolved that the cost of the purchase be charged to Fire Department Equipment Reserve.

Acted on February 10, 2011

Yes 6 No 0 Abstained _____ (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-95 REGARDING REQUEST FROM LEADBETTER
REALTY TRUST FOR TAX INCREMENTAL FINANCING FOR
IMPROVEMENTS AT 96 MAIN STREET**

Whereas, Jeff Leadbetter, a principal for Leadbetter Realty Trust request that the Bucksport Town Council consider Tax Incremental Financing for a project completed during the summer of 2009 at 96 Main Street; and,

Whereas, the owner has reported that the cost of the improvements exceeded \$500,000; and,

Whereas, the owner has requested that the town council consider the request in order to help offset some of the extra costs incurred from building a new facility rather than renovating the old building:

Be it resolved by the Bucksport Town Council in town council assembled that the Economic Development Director be authorized to proceed with the necessary paperwork required to allow the town council to take a final vote on whether or not to issue a TIF to Leadbetter Realty Trust for improvements at 96 Main Street pursuant to the following conditions:

1. a public hearing be scheduled for February 28, 2011
2. 100% of the new value is to be captured and 50% returned to the owner
3. 50% to be retained by the town and used to fund activities outlined in the current development plan that was used for the Verso TIF
4. the TIF be for 15 years

Acted on February 10, 2011

**Yes 5 No 1 Abstained _____ Opposed 1 (Robert Howard)
(Absent: Byron Vinton)**

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-96 SETTING POLICY REGARDING ACCRUAL OF SALARIES AND WAGES AT YEAR END

Whereas, it is proposed to have the Town Council establish a policy that outlines how wages and salaries will be accrued at year end; and,

Whereas, in the past the Town Council has authorized salaries and wages to be accrued until the last day of the fiscal year; and,

Whereas, the importance of accruing salaries and wages inclusive and up to the last day of the fiscal year allows for funds to be available when there are 27 bi-weekly payrolls in one fiscal year; and,

Whereas, that occurs every seven years; and,

Whereas, following is a purposed written policy that addresses how salaries and wages are to be accrued at the end of each fiscal year which reflects the policy of the Town Council in the past:

PAYROLL ACCRUAL POLICY

Administration –

This policy will be administered by the Town Manager.

Scope –

This policy will provide for the accrual of payroll for all regular full-time and part-time employees.

Goals –

This policy is established to ensure that:

1. hourly (non-exempt) employees have payroll expense accrued for unpaid salary expense at the end of the fiscal year;
2. salaried (exempt) employees have payroll expense accrued for the difference in business days between the last pay date of the year and the last business day of the year, which over time, will provide for a level payout amount each pay period in a year with 27 bi-weekly payrolls versus the usual 26;
3. all over-expended salary budget resulting from the payroll accrual be funded annually through the Overlay account.

Background –

It has been the Town's practice, to accrue payroll for salaried employees in a manner consistent with hourly employees. Each year, salaries for exempt employees are budgeted and expensed based on council resolve, i.e. the amount budgeted equals the amount paid to the employee. In addition, a payroll accrual

entry is made, placing the salary expense account in an over-expended position each year, in effect reducing surplus. Over time, the accrual provides for the odd year payout of 27 payrolls versus 26.

Accounting Method –

Assume that on June 30, the end of the fiscal year, a salary expense account has a balance of \$72,800. During the year, salaries have been paid bi-weekly on Friday for the ten-day period then ended. For this particular fiscal year, June 30 falls on Wednesday. Reference to the payroll records of the Town reveals that the salary accrued for these last **three days** of the year amounts to \$940.00. The entry to record **the additional expense and the liability** is as follows:

Dr. Salary Expense	\$940.00
Cr. Accrued Payroll	\$940.00

The accrued salaries of \$940.00 recorded in Accrued Payroll will appear in the balance sheet of June 30 as a **current liability**. The balance of \$73,740 now recorded in Salary Expense will appear in the income statement for the year ended June 30.

When the bi-weekly salaries are paid on July 9 of the following fiscal year, part of the payment will **discharge the liability** of \$940 and the remainder will represent salary expense incurred in July. To avoid the necessity of analyzing the payment, **a reversing entry is made at the beginning of the new year**. The effect of the entry is to transfer the credit balance in the salaries payable account to the credit side of the salary expense account. **The liability** for salaries on June 30 now appears as a credit in Salary Expense.

Accounting Method – (continued)

An additional entry will be required should the budget of a salary account be over-expended due to the accrual entry, only, with the amount of the overage charged to the Overlay account. Where no overage exists, no entry is required. The un-expended amount will lapse to surplus.

Delegation of Authority –

The Town Manager may delegate the responsibility of managing the Town's payroll accrual policy to the Finance Director. The Finance Director shall establish a written procedure and internal controls, with the Town Manager's approval, consistent with this policy.

Be it resolved by the Bucksport Town Council in town council assembled that the policy entitled "Payroll Accrual Policy" outlining the procedure to be followed to accrue salaries and wages for full-time and part-time employees as outlined above be adopted.

Be it further resolved that a copy of the policy be provided to the Finance Director for reference.

Acted on February 10, 2011

Yes 6 No 0 Abstained _____ (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

**RESOLVE R-2011-97 REFERRING MATTER PERTAINING TO PLOWING OF
PUBLIC PARKING LOTS TO THE ORDINANCE COMMITTEE**

Be it resolved by the Bucksport Town Council in town council assembled that the matter pertaining to the winter maintenance of public parking lots be referred to the Ordinance Committee and the recommendations of the committee be returned to the Town Council for consideration.

Acted on February 10, 2011

Yes 6 No 0 Abstained _____ (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-98 REFERRING MATTER OF FORMING A POWER
SUPPLY GROUP TO THE FINANCE COMMITTEE**

Be it resolved by the Bucksport Town Council in town council assembled that the matter pertaining to forming a power supply group be referred to the Finance Committee and its recommendation be returned to the Town Council for consideration.

Acted on February 10, 2011

Yes 6 No 0 Abstained (Absent: Byron Vinton)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-99 SETTING DATE FOR THE SECOND REGULAR TOWN
COUNCIL MEETING IN FEBRUARY**

Be it resolved by the Bucksport Town Council in town council assembled that the Town Council meeting to be held on February 24 be rescheduled for Monday, February 28, 2011 at 7:00 p.m. at the Bucksport Town Office, Town Council Chamber since the town manager is unable to attend the February 24th meeting.

Acted on February 10, 2011

**Yes 5 No 1 Abstained _____ Opposed 1 (Robert Howard)
(Absent: Byron Vinton)**

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Wilson Hall- I am providing you with a copy of the attorney's opinion regarding the options available and will recommend at the next Town Council meeting that public hearing that was previously scheduled to hear testimony regarding the condition of the building be indefinitely postponed. In addition, I will be recommending that the Town Council vote to authorize the town's attorney to proceed to "perfect" the title in support of the town acquiring the property by virtue of an expiring tax lien.

Jed Prouty- Rick Malm has informed me that the report regarding the needed improvements and cost for the Jed Prouty will be available by February 18th. Once the information is received Dave will proceed to meet with several developers that have shown an interest in the property. In addition, we are continuing to monitor the funds that will become available to help with the improvements to the building.

Housing Rehab Grant- The public hearing has been scheduled for March 10. A letter will be sent to all applicants requesting that they attend the hearing. The application is due in April. We have received over 90 applications for the program.

Town Power Supply Group- I have scheduled a meeting with the consultant for February 17 at 7:00 p.m. at the town office. I hope you can all attend to hear the details of the consultant's proposal.

Labor Negotiation- I have received notice from two of the bargaining units who want to begin the contract negotiations. I will wait until Byron gets back the 15th of February and will get together with Dave Kee and Byron to begin the process. At the first meeting in March, I will schedule time for all members of the town council to meet to obtain your input.

Health Insurance- On March 8th at 7:00 p.m., a representative from MMA will be in Bucksport to review the different health plans they have available. Hopefully all members of the council will be able to attend this meeting. All full-time employees will also be invited to the informational meeting.

School Budget- RSU # 25 has begun to hold their budget workshops. Debbie and I will try to attend all of these meetings. Sometimes in April I will ask the Superintendent of Schools to meet with you to answer questions regarding the budget.

Snow Removal- In the last few weeks our Highway Department has been very busy plowing and sanding our roads. We have spent all of the budgeted funds for the purchase of salt and sand. If we get much more snow, the highway budget will realize a significant overdraft.

Town Council Meeting- Because I will be on vacation during the week of February 21 to the 25, we will not be able to hold the second council meeting on February 24. I recommend we meet on February 28.

**RESOLVE # R-2011-100 ESTABLISHING A MUNICIPAL DEVELOPMENT AND TAX
INCREMENTAL FINANCING DISTRICT FOR LEADBETTER REALTY TRUST AT
96 MAIN STREET**

WHEREAS, the Town of Bucksport (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as the Leadbetter Realty Trust Municipal Development and Tax Increment Financing District (the "District") and to adopt a Development Program for the District (the "Development Program"); and

WHEREAS, there is a need for commercial development in the Town of Bucksport; and

WHEREAS, there is a need to provide new employment for the citizens of the Town of Bucksport and the surrounding region; to improve and broaden the tax base of the Town of Bucksport; and to improve the general economy of the Town of Bucksport, the surrounding region and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional employment for the citizens of the Town of Bucksport and the surrounding region; improve and broaden the tax base in the Town of Bucksport and improve the economy of the Town of Bucksport and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 206 of Title 30-A; and

WHEREAS, the Town desires to designate the Leadbetter Realty Trust Municipal Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and the adoption of the Development Program for the District.

BE IT RESOLVED BY THE BUCKSPORT TOWN COUNCIL AS FOLLOWS:

Section 1. The Town hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses, as defined in 30-A M.R.S.A. § 5223(3)(A)(3); and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all of the development districts within the Town (including the District) does not exceed five percent (5%) of the total acreage of the Town; and

c. The aggregate value of the original assessed values of all existing and proposed tax increment financing districts in Bucksport as of April 1, 2002 does not exceed five percent (5%) of the total value of taxable property within the Town as of April 1, 2002, bearing in mind that pursuant to 30A M.R.S.A. § 5223(3)(C), the value of the original assessed value of the Champion International Amended and Restated Municipal Development and Tax Increment Financing District has not been included in this calculation; and

d. The aggregate value of municipal general obligation indebtedness financed by the proceeds from tax increment financing districts within Hancock County, including the proposed District, does not exceed \$50 million as adjusted by a factor equal to the percentage change in the Consumer Price Index since January 1, 1996; and

e. The designation of the District and pursuit of the Development Program will make a contribution to the economic growth and well being of the Town of Bucksport and to the betterment of the health, welfare and safety of the inhabitants of the Town, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the Leadbetter Realty Trust Municipal Development and Tax Increment Financing District designated and described as more particularly set forth in the "Leadbetter Realty Trust Municipal Development and Tax Increment Financing District Development Program" and adopts the Development Program for such District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227(1), the percentage of captured assessed value to be retained in accordance with the Development Program is hereby established as set forth in the Development Program, as adjusted pursuant to the Credit Enhancement Agreement.

Section 4. The Town Manager is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the Town, the Town Council, or any other party.

Section 6. The Town Manager is hereby authorized and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, and in the name of and on behalf of the Town of Bucksport, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program,- as the said Town Manager may approve, his approval to be conclusively evidenced by his execution thereof.

Section 7. The Town Manager is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with this Resolve or the basic structure and intent of the Development Program.

Approved February 28, 2011, by the Bucksport Town Council; at a meeting duly convened and conducted at Bucksport, Maine.

Acted on February 28, 2011

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-101 REGARDING THE DISPOSITON OF THE PROPERTY
LOCATED AT 34 MIDDLE STREET (WILSON HALL)**

Whereas, the property located at 34 Middle Street and referred to as Wilson Hall became tax acquired on December 18, 2010; and,

Whereas, because of the state of the building, both a land use and a dangerous building hearing have been initiated, however, personal service has not been made on Aaron Gleich; and,

Whereas, the matter has been reviewed by legal counsel, Diane O'Connell at Patterson Law Office and she has outlined options available to the Town; and,

Whereas, the three possible options are:

1. The property be disposed by bid on the condition that the building is to be taken down within a specified time period
2. Confirm the town's title pursuant to Section 945 and if not successful Mr. Gleich gets back ownership at which time the dangerous building option could be pursued
3. Attempt to allow Mr. Gleich to redeem the property and if redeemed, pursue aggressively dangerous building option

Be it resolved by the Bucksport Town Council in town council assembled that the Town's legal counsel be authorized to pursue an action to quiet titled for property located at 34 Middle Street formerly owned by Aaron Gleich (Wilson Hall) that became tax acquired on December 18, 2010 an d if possible include the dangerous building option as part of the course of action.

Acted on February 28, 2011

Yes 5 No 0 Abstained _____ (Absent: Michael Ormsby & Robert Howard)

Attested by Kathy Downes, Town Clerk

Amendment to Town Code Chapter 2 Administration

Shall an ordinance be adopted titled “Amendment to Town Code Chapter 2 Administration” for the purpose of changing language in the ordinance that pertains to family medical leave, computation of sick leave, work hours for regular part-time employees, annual review of the Lockout-Tagout Policy, annual review of employee driver licenses, and use of cell phones when operating a vehicle while on town business. The purposed amended sections will read as follows:

Article 2 Section 1.13.1 b:

- b. **REGULAR PART-TIME:** An employee in this classification works less than the normal workweek, but on a continuing basis. The employee is subject to all personnel rules and regulations. Employees who work more than ~~24~~ **20** hours per week are eligible to receive vacation and holiday benefits in proportion to the hours worked, but are not eligible for ~~other benefits such as sick leave pay, and~~ health, life, or disability insurance. ~~and Maine State Retirement.~~

Article 2 Section 2.3.2:

2.3.2 Computation of Sick Leave

Sick leave will be accrued to the employee at a rate of one and one-quarter (1 1/4) days per calendar month of continuing full-time service to the Town. Sick leave will not be accrued by employees during the following:

- a. Leave absence without pay pursuant to Section 2.5 of this policy.
- b. Suspension without pay.
- c. Absent from work due to a work related injury or sick leave and not working his/her regular work schedule for more than four consecutive weeks. Unused sick leave may accumulate from year to year, but shall not exceed ninety (90) days.

Article 2 Section 2.4:

2.4 FAMILY MEDICAL LEAVE

An employee who has been employed by the Town of Bucksport for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave, is entitled to a family medical leave of up to twelve (12) weeks per fiscal ~~in any one calendar~~ year for the birth, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent. Serious illness means an accident or disease or condition that:

- (1) poses imminent danger of death;
- (2) requires hospitalization involving an organ transplant, limb amputation, or other procedure of similar severity; or
- (3) any mental or physical condition that requires constant in-home care.

Please refer to the Town Manager's office for further details or clarification.

Article 2 Section 2.4.3:

2.4.3 Pay and Benefits While on Family Medical Leave

Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Bucksport will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave; said period not to exceed ~~40~~ 12 weeks. The employee's share of medical insurance, life insurance, income protection, and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

Article 2 Section 2.44:

2.4.4 Use of Accrued Time for Family Medical Leave

The employee may use accrued ~~holiday~~, vacation, earn sick time, and sick leave in accordance with the policies concerning such leaves, to cover his/her absences related to family medical leave; however, the total amount of family medical leave may not exceed twelve (12) weeks per ~~calendar~~ fiscal year of which no more than 40 hours per fiscal year may be used for a qualifying family member.

Article 2 Section 2.45:

2.4.5 Holidays

Vacation, sick leave, ~~and holidays~~ do not accrue during family medical leave period if it exceeds ~~thirty days~~. four consecutive weeks.

Article 2 Section 2.15.2:

2.15.2 Maine State Retirement System

The Town is a participating member of the Consolidated Maine State Retirement Program. Only regular full-time and regular part-time employees may participate in the plan. ~~Participating full-time~~ Employees who elect to participate will be required to contribute the employee share as set by the system.

Article 4 Section 2-407:

SEC. 2-407 Driving Rules and Regulations

All drivers of municipal vehicles and those using their personal vehicles in pursuit of municipal business will comply with all applicable laws of the State as well as any additional regulations of the municipality. The Town Manager's office will be responsible for checking annually all driver records for employees who operate town owned vehicles or equipment or who use their personal vehicles for town business.

1. Municipal vehicles are to be parked in accordance with all municipal parking regulations with the exception of emergencies.
2. No municipal vehicle is to be left unattended with ignition key left in the ignition.
3. All municipal vehicles should be locked when not in use.

4. Before initial use of any vehicle each day, the driver will inspect the vehicle for damage, inoperable lights, loose hardware, under-inflated tires, or any other condition which may create an unsafe situation.
5. Any deficiency encountered will be reported to the Department Head or designated supervisor immediately. It will be the Department Head's or assigned supervisor's responsibility to insure that appropriate action is taken to correct the problem.
6. Safety belts will be worn at all times by drivers and passengers, for all equipment and vehicles equipped with safety belts.
7. Vehicles with movable windshields are to have these windshields in the up position while in operation.
8. Protective or detachable doors may not be removed from a vehicle unless it is a necessity in order to perform the job and mirrors remain usable when the doors are off. Similarly, vehicle doors are not to be tied open.
9. Turn signals will be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of the intent.
10. Drivers will insure that the windows, headlights, emergency lights, taillights and windshield wipers are clean and operational at all times.
11. If the vehicle does not have a tailgate but is loaded, the driver of the vehicle will insure that the load is secure on the truck, and that overhangs are properly marked in accordance with applicable State Laws.
12. Triangular orange-colored slow moving vehicle signs will be displayed on the rear of the vehicle.
13. No vehicle with an obstructed view to the rear will be backed unless an observer signals that it is safe to do so or the vehicle has a reverse signal and audible alarm which can be heard above the surrounding noise level. All trucks, and equipment will be equipped with audible backup alarms. Employees shall not switch off, remove or render inoperable any audible or visual safety device. Drivers will visually inspect the area around a parked vehicle before moving the vehicle.
14. No private vehicle will be towed or pushed at any time by any publicly owned vehicle or equipment.
15. The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Passengers will not ride on a vehicle unless a seat is provided by the manufacturer. Under no circumstances shall passengers ride on fenders, running boards, tops of vehicles, or any place not designed for passengers.
16. Drivers will carry their valid State drivers license at all times when operating motor vehicles. All restrictions noted on the driver's license will be adhered to. No employee will be allowed to operate a vehicle which he or she is not licensed to operate.
17. Each employee who operates a vehicle regularly or occasionally is required to report any suspension or revocation of his or her license to the Department Head.
18. Posted speed limits will be strictly adhered to.
19. During periods of limited visibility or any time windshield wipers are in use, vehicle headlights will be turned on.

20. The consumption, use and/or possession of alcoholic beverages or illegal drugs on Town property or while on duty is strictly forbidden. Employees shall not report to work while under the influence of alcohol or drugs.
21. Trailers are to be fastened securely to hitches. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.
22. All items to be transported either in a truck or trailer which may move around during transport will be secured.
23. No more than three (3) persons will ride in the front seat of any vehicle. Where only two (2) single seats exist there is to be only one (1) rider per seat.
24. An employee who uses a personal or town owned vehicle or equipment is prohibited from using a cellular phone, hands on, while driving or operating on duty unless the vehicle or equipment is stationary. A cellular phone is any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet or downloads and allows for the reading of and responding to email whether the device is town supplied or personally owned.

Article 4 Section 13-113:

Section-13-113 Periodic ~~Inspections~~ Program Evaluation

Inspection of this program will be conducted annually by the ~~town manager~~ responsible department head or key supervisors. The Public Works Director will be responsible for the performance of the Highway Department and Transfer Station staff, the Police Chief will be responsible for the performance of the Police Department staff, the Director of Emergency Services will be responsible for the performance of the Fire Department and Ambulance Service staff, the Recreation Director will be responsible for the performance of all maintenance and recreational staff and the Superintendent will be responsible for the performance of the waste water treatment facility staff. The inspection, at a minimum, must include:

- ~~checking to verify that proper locks and tags are used~~
- ~~checking to make sure all procedure are being followed~~
- Interviews with authorized and affected employees
- An inspection to ensure that the equipment has been properly locked out
- An inspection to ensure that all equipment used in lockout is appropriate for your written lockout program.

Any deficiencies in the program or procedures must be so noted in writing ~~to~~ by the department head or supervisor and corrective action described. A record of all inspections must be maintained.

AMENDMENT TO CHAPTER 12 ARTICLE 5 SECTION 12-512 PARKING LOT REGULATIONS

Shall an ordinance be introduced titled Amendment to Chapter 12 Article 5 Section 12-512 Parking Lot Regulations; such ordinance is for the purpose of clarifying and establishing regulations regarding parking of vehicles in certain public parking lots. The amended section should read as follows:

SEC. 12-512 Parking Lot Regulations

1. ~~No overnight parking will be permitted in~~ The following parking lots are restricted to overnight parking:
 - a. ~~Ben Franklin Parking~~ Community Pharmacy Parking Lot, spaces located along the so-called ~~Ben Franklin Building~~ Community Pharmacy Building and along the easterly side of the parking lot, that area being owned by Alfred Brown; except for residents living in the adjacent apartment building owned by Alfred Brown.
 - b. Buck Cemetery Parking lot
 - c. Colby Wharf Parking Lot
 - d. Town Dock Parking Lot
 - e. Alamo Parking Lot-upper parking lot
 - f. Main Street (Post Office) Parking Lot
 - g. Peary's Landing Parking Lot
 - h. Masonic Lodge Parking Lot, (except for public safety personnel)
 - i. Town Office Parking Lots (upper and lower)
 - j. Miles Lane Parking Lots
2. The following parking lots will be restricted to two hour parking:
 - a. ~~Ben Franklin Parking lot~~, Community Pharmacy Parking Lot, those spaces located along the so-called ~~Ben Franklin Building~~ the easterly side of the parking lot
 - b. Buck Cemetery Parking Lot
3. The following parking lots will be restricted during the period beginning November 15 and ending April 15 of each year to parking overnight (11:00 p.m. to 8:00 a.m.) only to one side of the parking lot, rotating sides on even and odd days.
 - a. Ferry Landing Parking Lot
 - b. Central Street Parking Lot
54. ~~Parking of unregistered or uninspected vehicles will not be permitted in any public parking lot.~~ Parking is prohibited in any public parking lot if the vehicle is not registered or does not have a valid motor vehicle inspection sticker.
65. ~~No vehicle will be parked or abandoned in any public parking lot where overnight parking is permitted for a period to exceed (7) consecutive days without the vehicle being moved except when required by the Highway Department for purpose of maintaining the parking lot(s).~~
No vehicle will be abandoned in any public parking lot, as deemed abandoned by the Bucksport Police Department.

Shall an Ordinance be introduced titled, “Amendment to the Bucksport Town Code, Appendix K Land Use”, such Ordinance being for the following purposes:

1. To add “porches” to the “decks, stairs and ramps” accessory land use identified in the table of land uses.
2. To reduce the minimum property line setback for decks and porches to 10 feet.
3. To regulate when a deck or porch may be converted to interior living space.
4. To exempt stairs and ramps from meeting minimum property line setbacks if they are less than 500 square feet in size.
5. To require a setback to be measured from the boundary of a right of way if it is closer to a structure than the property line.
6. To clarify how to determine the minimum front setback in shoreland overlay districts.
7. To reduce the minimum front setback in the R1 and R2 Districts to 25 feet from the edge of the right of way.
8. To add residential care facilities in the table of land uses and identify where the use may be permitted.
9. To delete a duplicate land use description in the table of land uses.
10. To clarify the setback requirements for roads in shoreland districts.
11. To correct a section reference error.
12. To increase the minimum land use permit life to two years, and to allow permit life extensions subject to compliance with certain requirements.
13. To rezone a property to Industry Development. The property was inadvertently placed in the Route 15 Residential/Commercial District when the zoning map was revised in 2009.

The Ordinance shall read as follows:

9.5 TABLE OF LAND USES

9.5.1 ACCESSORY LAND USES

<u>DISTRICTS</u> →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LRP O	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
1.4 <u>DECKS,</u> <u>PORCHES,</u> STAIRS, RAMPS §13.2.4	L1 A. 10	L1 A. 12	L1 A. 10	L1 A. 10	L1 A. 10	L1 A. 12	L1 A. 10	L1 A. 12	L1 A. 12	L1 A. 12	L1 A. 10	L1 A. 12	L1 A. 10	L1 A. 10	L1 A. 10	L1 A. 10	L1 A. 12	L1 A. 12	L1 A. 10

9.5.1.1 ACCESSORY LAND USE NOTES

- A.10 The installation of stairs and ramps is not subject to review or approval.
- A.12 The installation of stairs is not subject to review or approval if the stairs have no landing or if they have a landing that is no larger than 16 square feet. The installation of ramps is not subject to review or approval if the ramp is no larger than 16 square feet.

13.2 ACCESSORY USES

13.2.4 DECKS, PORCHES, STAIRS, RAMPS

- 13.2.4.1 Decks and porches are subject to a 10' minimum front, side and rear setback in any zoning district.
- 13.2.4.2 Decks and porches that comply with applicable minimum setbacks for principal structures may be converted to interior floor area for an approved occupancy. Decks and porches that do not comply with minimum setbacks for principal structures may not be converted to any other use without a variance.
- 13.2.4.3 Stairs and ramps, with or without landings, that have a floor area of 500 square feet or less, are not subject to setback requirements, except for any applicable minimum shoreline setback.
- 14.5 **FRONT, SIDE AND REAR SETBACKS:** All principal structures of any size and all accessory structures with a floor area of more than 500 square feet are subject to compliance with minimum front, side and rear setbacks, as identified in Sections 14.9.4, 14.9.5 and 14.9.6, except as otherwise identified in this section. Setbacks are measured horizontally from the property boundaries, or from the boundaries of a right of way or easement for a road, whichever is closer to the structure.
- 14.5.1 The following ~~land uses~~ structures have front, side and rear setback requirements that may differ from those identified in Section 14.9.4, 14.9.5 and 14.9.6:
- 1) Wireless Telecommunication Towers (Section 13.7.2.1)
 - 2) Parking Lots (Section 13.15.8.1)
 - 3) Decks, Porches, Stairs, Ramps (Section 13.2.4)
- 14.5.2 Driveways, roads and sidewalks are not subject to setback requirements from property boundaries.

14.9.4 MINIMUM FRONT SETBACK (See also Section 14.5)

DISTRICTS	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LRP O	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	VIL
10 FT.	■ 4.1	■ 4.1	■	■	■	■			■ 4.3 4.2	■ 4.3 4.2	■	■ 4.3 4.2	■	■			■ 4.3 4.2	■	■
<u>25 FT.</u>															■ 4.2	■ 4.2			
50 FT.							■	■											
100 FT.															■ 4.2 4.2	■ 4.2 4.2			

14.9.4.1 MINIMUM FRONT SETBACK NOTES [AMENDED 8-26-10. EFFECTIVE 9-25-10]

- 4.1 Where a proposed structure on Main Street would be abutted on both sides by existing structures with front setbacks that are less than the required front yard

setbacks, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback without the need for a variance.

- 4.2 ~~As measured from the centerline of the road. Decks and open porches are not subject to the minimum front setback, provided they are not converted to interior floor space. The applicable setback of the underlying district must be met, if greater than 10 feet.~~
- 4.3 ~~A principal structure may not be located less than 100 feet from the centerline of any public or private road if the underlying district is an R1 or R2 District. Decks and open porches are not subject to this restriction, provided they are not converted to interior floor space.~~

9.5 TABLE OF LAND USES

9.5.5 HOUSING LAND USES (continued)

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
<u>5.13</u> <u>RESIDENTIAL</u> <u>CARE</u> <u>FACILITIES</u>	<u>L2</u>	<u>L2</u>	<u>L2</u>	<u>L2</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2</u>	<u>L2</u>	<u>X</u> <u>E.8</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2</u>
5.13 <u>14</u> <u>TWO-FAMILY</u> <u>DWELLINGS</u> §13.6.13 <u>14</u>	L1 E.4	L1 E.5	L1	X	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1

E.8 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

13.6.12 PRE-SCHOOLS/NURSERY SCHOOLS

13.6.13 RESIDENTIAL CARE FACILITIES

13.6.13.14 TWO-FAMILY DWELLINGS

13.6.13.14.1 The conversion of any seasonal two-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the local plumbing inspector, in accordance with applicable State rules.

13.6.13.2 14.2 No seasonal two-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

9.5 TABLE OF LAND USES

9.5.11 PROFESSIONAL LAND USES

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
<u>DISTRICT</u>	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19

NOTES →																			
11.1 BUSINESS OFFICES	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 K.2	X	X	X	L2 K.1
11.2 FINANCIAL INSTITU- TIONS §13.12.2	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X
11.2 FINANCIAL INSTITU- TIONS §13.12.2	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X
11.3. HOME-BASED PROFESSIONS §13.12.3	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L1	L1	L1 K.1
11.4 TELEMAR- KETING CENTERS	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X

13.15.9.3 Section 13.15.9.2 does not apply to approaches to water crossings, roads Roads that provide access to permitted structures within a shoreland district setback area and to facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. ~~Roads providing access to permitted structures within the setback area~~ must comply fully with the requirements of Section 13.15.9.2, except for that portion of the road necessary for direct access to the structure. Roads may not be constructed to access temporary docks for recreational uses.

16.4.2 Nonconforming uses of land or structures may not be reestablished after being discontinued or superseded by a conforming use, except:

- 1) A nonconforming use that has been discontinued for less than 1 year and not superseded by a conforming use, may be reestablished without review or approval.
- 2) A nonconforming use that has been discontinued for at least one year but less than 2 years and not superseded by a conforming use, may be reestablished subject to approval in accordance with Section ~~9.4~~ 9.5.
- 3) A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed and the occupancy complies with the applicable requirements of Chapter 5 Building Standards and Property Maintenance.

11.7 ISSUANCE OF LAND USE PERMIT

11.7.1 The code enforcement officer shall issue a land use permit for an approved application no later than 10 days after the date of approval ~~conclusion of the findings of fact and decision,~~ provided that any other prerequisite permits or

approvals have been obtained. The permit authorizes the commencement of any land use approved by the reviewing authority, except as otherwise provided for in section 11.7.7. A land use permit may also authorize the construction or installation of any structure that is part of the permitted land use, in lieu of a separate building permit that would otherwise be required in accordance with Chapter 5, provided that the applicable permit fees required by Chapter 5 have been submitted, and that a sufficient description of the structure has been submitted.

11.7.2 A land use permit is in effect for two years from the date of issue, except as provided for in sections 11.7.2.1, 11.7.2.2, 11.7.2.3 and 11.7.2.4.

11.7.2.1 A land use permit is in effect for one year from the date of issuance. The code enforcement officer may issue a one year extension to the permit expiration date, subject to the following conditions:

- 1) A substantial start must be completed prior to the original permit expiration date; and
- 2) All other permits required for the project must remain in effect during the extension period.

The code enforcement officer may increase the effective period of a permit to 3 years, upon written request by the permittee. The request must be submitted to the town office no less than one week prior to the permit expiration date. A \$25.00 administrative fee must be included with the request. Before the effective period of the permit may be increased, the permittee must demonstrate that a substantial start of the permitted land use has been achieved.

11.7.2.2 The planning board may increase the effective period of a land use permit to a period not to exceed 5 years, when considering approval of an application subject to Level 2 review. The effective period may only be increased if the board finds that improvements which are required for the land use cannot be substantially completed within 2 years due to:

- 1) the timelines of other required regulatory approvals needed before construction can begin,
- 2) the scale or complexity of the project, or
- 3) the planned phased development approved by the board.

11.7.2.3 The planning board may amend a land use permit approved by the board to increase the effective period of the permit in accordance with section 11.7.2.2, provided that the increased effective period starts from the original date of approval. A written request from the permittee must be submitted to the town office no less than one week prior to the permit expiration date. A \$25.00 administrative fee must be included with the request.

11.7.2.4 A written request submitted in accordance with the requirements of section 11.7.2.1 or 11.7.2.3 will result in a temporary extension of the permit expiration date, if necessary, until such time a decision is made on the request.

11.7.2.5 A permitted land use that is granted a permit expiration date extension in accordance with sections 11.7.2.1 or 11.7.2.3 may not be subject to any condition of approval requiring the land use to comply with any new or

revised land use standard that became effective after the date the land use was originally approved.

11.7.2.6 The authority to conduct a land use will remain in effect after the permit expiration date, provided that substantial completion has been achieved prior to that date, and provided that the land use is conducted in accordance with all applicable laws, rules and regulations.

11.7.3 ~~Any substantially started project that is not substantially complete in accordance with the timeframe specified in Section 11.7.2 may be subject to further review after expiration of the permit and may be required to comply~~ A land use permit becomes invalid on its expiration date if a substantial start was not achieved prior to the original permit expiration date, or substantial completion was not achieved before the permit expiration date set in accordance with the provisions of section 11.7.2.

11.7.3.1 No work may be conducted after a land use permit becomes invalid until a new permit is issued by the reviewing authority. The extent of review must be determined by the reviewing authority, and must be based on the extent to which the permitted land use had been completed prior to the permit expiration. The land use may be subject to compliance with any revised or added land use standards that are applicable.

11.7.4 A permit issued for any land use in a shoreland district must be kept on site while the work authorized by the permit is performed.

11.7.5 The issuance of a land use permit does not authorize the applicant to commence any activity or use that requires other permits or approvals from local, State or Federal agencies, offices or departments before such permits or approvals have been obtained.

See attached Amendment to the Official Zoning Map

**RESOLVE #R-2011-102 REGARDING DISPOSITION OF TAX ACQUIRED
PROPERTY**

Whereas, the Town Council previously authorized the Town Manager to offer to certain property owners whose property became tax acquired on 12-17-2010 the opportunity to redeem their property for payment of taxes, interest and cost; and,

Whereas, all property owners were notified by certified mail of the opportunity to redeem their property; and,

Whereas, there are twelve property owners that have not responded:

Be it resolved by the Bucksport Town Council in town council assembled that the matter of disposing certain tax acquired property be referred to the Finance Committee and the recommendations of the committee be returned to the Town Council for final consideration.

Acted on March 10, 2011

Yes 7 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-103 REGARDING THE SENIOR MEAL PROGRAM

Whereas, Eastern Area Agency on Aging recently informed the Town that the Community Café' located at Bucksport Square Apartments will close on March 31, 2011 due to financial reasons; and,

Whereas, the Town Manager, Bucksport Senior Citizens and Bucksport Bay Healthy Communities Coalition have been working with RSU #25 to develop an onsite meal program; and,

Whereas, a six month trial period is being proposed by the Bucksport Senior Citizens to determine the support and feasibility for continuing the onsite meal program; and,

Whereas, Mary Jane Bush has proposed to cover any overage that may occur during the trial period from the Sawyer Fund pending approval by the Bucksport Bay Healthy Communities Coalition Advisory Board; and,

Whereas, there may be a need to purchase a freezer and other small kitchen equipment which can be paid for from the Community Development Block Grant Program Reserve:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager continue to work with the Bucksport Senior Citizens, RSU #25 and Bucksport Bay Healthy Communities Coalition to establish an onsite meal program at Bucksport Square Apartments on a trial basis and the cost of the program be paid for from fees and the Sawyer Fund once approved by the committee.

Be it further resolved that the Town Manager be authorized to expense funds from the Community Development Block Grant Program Reserve for purchase of a freezer and small kitchen equipment if needed and such cost is to be reported to the Town Council at its next regular meeting.

Acted on March 10, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-104 AWARDING CONTRACT FOR ENGINEERING
SERVICES FOR RECONSTRUCTION OF A SECTION OF THE CHURCH
ROAD AND MAST HILL ROAD**

Whereas, the construction of a section of the Church Road in the vicinity of the East Bucksport Methodist Church and a section on Mast Hill Road located at the intersection of Route 46 and Mast Hill Road are scheduled for reconstruction during the 2012 fiscal year; and,

Whereas, the service of an engineer is required to prepare the plans and to assist with the required permits and surveys; and,

Whereas, proposals were received from the following firms:

	Dirigo Engineering		Plymouth Engineering		Pine Tree Engineering	
	Church Road	Mast Hill	Church Road	Mast Hill	Church Road	Mast Hill
Survey	\$2,800.00	\$2,900.00	\$2,800.00	\$2,800.00	\$2,873.00	\$2,956.00
Conceptual & Preliminary	\$3,300.00	\$3,500.00	\$3,225.00	\$4,575.00	\$3,000.00	\$4,300.00
Design	\$3,000.00	\$3,000.00	\$900.00	\$900.00	\$3,300.00	\$5,700.00
Total	\$9,100.00	\$9,400.00	\$6,925.00	\$8,275.00	\$9,173.00	\$12,956.00
					-\$950.00	-\$2,750.00

Be it resolved by the Bucksport Town Council in town council assembled that the contract for engineering services for improvements on the Church Road and Mast Hill Road be awarded to Plymouth Engineering in the amount of \$6,925 for the Church Road and \$8,275 for the Mast Hill Road.

Be it further resolved that the cost be charged to Highway Improvement Reserve.

Acted on March 10, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-105 AUTHORIZING EXPENDITURE FROM THE
RECREATION EQUIPMENT RESERVE**

Whereas, body work has to be completed to the 1995 Recreation Department work pickup; and,

Whereas, quotes were requested to complete the work; and,

Whereas, one quote was received from Bishops Auto Body in the amount of \$3,822:

Be it resolved by the Bucksport Town Council in town council assembled that Bishop's Auto Body be awarded the contract to complete the necessary body work on the Recreation Department 1995 work pickup in the amount of \$3,822 and that such cost be paid for from the Recreation Equipment Reserve Account.

Acted on March 10, 2011

Yes 7 No 0 Abstained (Table Resolve)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-106 AUTHORIZING EXPENDITURE FROM THE JEWETT
SCHOOL RESERVE ACCOUNT**

Whereas, there was a need to repair a roof drain at the Jewett School, Community Center portion of the building; and,

Whereas, the drain was leaking and causing damage to the ceilings in the hallway and in one classroom; and,

Whereas, the drain was repaired by Roof Systems of Maine in the amount of \$1,384.00:

Be it resolved by the Bucksport Town Council in town council assembled that the cost of repairing the drain at the Jewett School be authorized from the Jewett School Reserve Account in the amount of \$1,384.00.

Acted on March 10, 2011

Yes 7 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-107 AUTHORIZING EXPENDITURE FROM TIF
REVENUES FOR FLOWER BASKETS AND FLAGS**

Whereas, it is proposed to install flower baskets along Main Street for the summer season; and,

Whereas, if the Town wants to continue to display the American flag along Main Street, new flags and poles will have to be purchased; and,

Whereas, the cost of the baskets is estimated at \$912 while the cost of replacing the flags and poles is estimated at \$840:

Be it resolved by the Bucksport Town Council in town council assembled that the purchase of flower baskets at a cost not to exceed \$912 be authorized from TIF revenues.

Acted on March 10, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-108 AUTHORIZING 80K PROCEDURE FOR GLORIA THIBODEAU FOR A LAND USE VIOLATION ON DUCK COVE ROAD

Whereas, Jeff Hammond, CEO is requesting that the Town Council grant him permission to file an 80K complaint in District Court against Gloria Thibodeau for placing a mobile home on property located at the intersection of Duck Cove Road and Mast Hill Road; and,

Whereas, the storage of the mobile home is a violation of the town's building and property maintenance ordinance:

Be it resolved by the Bucksport Town Council in town council assembled that Jeff Hammond, CEO be authorized to file an 80K complaint in District Court against Gloria Thibodeau for placing a mobile home on property located at the intersection of Duck Cove Road and Mast Hill Road.

Acted on March 10, 2011

Yes 4 (Michael Ormsby, Jeff Robinson, Brian Leeman, Robert Howard)

No 2 (Byron Vinton, David Keene)

Abstained 1 (David Kee)

Attested by Kathy Downes, Town Clerk

**RESOVLE #R-2011-109 AWARD BID FOR THE USED PICKUP AT THE FIRE
DEPARTMENT**

Whereas, sealed bids were requested for the sale of a used 1991 pickup at the Bucksport Fire Department; and,

Whereas, 17 bids were received ranging from \$652.00 to \$2,501.00; and,

Whereas, the high bidder was Andy Osborne in the amount of \$2,501:

Be it resolved by the Bucksport Town Council in town council assembled that the bid for the sale of a 1991 pickup at the Bucksport Fire Department be sold to Andy Osborne in the amount of \$2,501.

Be it further resolved that Mr. Osborne be given 5 days to pay in full the amount of his bid and the proceeds of the sale be credited to the Fire Department Equipment Reserve Account.

Acted on March 10, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-105 AUTHORIZING EXPENDITURE FROM THE
RECREATION EQUIPMENT RESERVE**

Whereas, body work has to be completed to the 1995 Recreation Department work pickup; and,

Whereas, quotes were requested to complete the work; and,

Whereas, one quote was received from Bishops Auto Body in the amount of \$3,822:

Be it resolved by the Bucksport Town Council in town council assembled that Bishop's Auto Body be awarded the contract to complete the necessary body work on the Recreation Department 1995 work pickup in the amount of \$3,822 and that such cost be paid for from the Recreation Equipment Reserve Account.

Acted on March 31, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-110 AUTHORIZING ACCEPTANCE OF A GRANT FROM
DEPARTMENT OF CONSERVATIONS FOR MILES LANE EXTENSION**

Whereas, the Town of Bucksport applied for a grant in the amount of \$9,557.00 from the Bureau of Parks and Lands Recreational Trails Program to extend the Miles Lane Trail by one-half mile; and,

Whereas, the grant was approved and grant funds can be used for the purchase of materials needed to build the trail extension; and,

Whereas, the Bucksport Highway Department will construct the trail:

Be it resolved by the Bucksport Town Council in town council assembled that the grant approved by Department of Conservation Bureau of Parks and Lands Recreational Trails Program in the amount of \$9,557.00 be accepted and grant funds be used to pay for the material necessary to construct one-half mile extension to the Miles Lane Trail.

Be it further resolved that grant funds be administered by the Town Manager in accordance with the rules and regulations established for the program.

Acted on March 31, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-111 APPROVING APPOINTMENTS TO COMMITTEES,
BOARDS AND POSITIONS**

Whereas, the members of the Appointments Committee nominate the following individuals to the noted boards, committees and positions:

Robert M. Wiggin- Sealer of Weights and Measurements 1 year beginning March 31, 2011

David Grant- Harbor Master 1 year beginning March 31, 2011

Jeffrey Hammond- Street Naming/Number Coordinator- 1 year beginning March 31, 2011

David Grant-Planning Board 5 years beginning March 31, 2011
Edward Belcher -Planning Board 5 years beginning March 31, 2011

Cathy Hamburger- Board of Assessment Review 3 years beginning March 31, 2011
Wendy White -Board of Assessment Review (Alternate) 1 year beginning March 31, 2011

W. Kim Delbridge- Zoning Board of Appeals 5 years beginning March 31, 2011

David Winchester -Parks and Recreations 3 years beginning March 31, 2011
Frederick (Rick) McHale- Parks and Recreations 3 years beginning March 31, 2011

Julia Edelblute- Conservation Committee 3 years beginning March 31, 2011
Candice Spalding-Conservation Committee 3 years beginning March 31, 2011
Sadie Alley Ferreira- Conservation Committee 1 year beginning March 31, 2011

Be it resolved by the Bucksport Town Council in town council assembled that the appointments outlined above be adopted as recommended by the Appointments Committee.

Acted on March 31, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-112 REGARDING REQUEST TO PURCHASE AN AD IN
THE 2011 EDITION OF PAPER TALKS**

Whereas, a request has been made for the Town of Bucksport to purchase an ad in the 2011 Paper Talk Magazine; and,

Whereas, for the last two years the town has purchased a one-half page ad; and,

Whereas, the cost of a one/half page ad is \$954:

Be it resolved by the Bucksport Town Council in town council assembled that the town purchase a one-half page ad in the 2011 Paper Talk Magazine for \$954 and such cost be paid from the Overlay Account.

Acted on March 31, 2011

Yes 0 No 7 Abstained

Attested by Kathy Downes, Town Clerk

AMENDMENT TO CHAPTER 12 ARTICLE 5 SECTION 12-512 PARKING LOT REGULATIONS

Shall an ordinance be adopted titled “Amendment to Chapter 12 Article 5 Section 12-512 Parking Lot Regulations”; such ordinance is for the purpose of clarifying and establishing regulations regarding parking of vehicles in certain public parking lots. The amended section should read as follows:

SEC. 12-512 Parking Lot Regulations

1. ~~No overnight parking will be permitted in~~ Overnight parking will be prohibited in the following parking lots:
2. ~~Ben Franklin Parking~~ Community Pharmacy Parking Lot, spaces located along the so-called ~~Ben Franklin Building~~ Community Pharmacy Building and along the easterly side of the parking lot, that area being owned by Alfred Brown; except for residents living in the adjacent apartment building owned by Alfred Brown.
 - a. Buck Cemetery Parking lot
 - b. Colby Wharf Parking Lot
 - c. Town Dock Parking Lot
 - d. Alamo Parking Lot-upper parking lot
 - e. Main Street (Post Office) Parking Lot
 - f. Peary’s Landing Parking Lot
 - g. Masonic Lodge Parking Lot, (except for public safety personnel)
 - h. Town Office Parking Lots (upper and lower)
 - i. Miles Lane Parking Lots
2. The following parking lots will be restricted to two hour parking:
 - a. ~~Ben Franklin Parking lot,~~ Community Pharmacy Parking Lot, those spaces located along the so called Ben Franklin Building the easterly side of the parking lot
 - b. Buck Cemetery Parking Lot
3. The following parking lots will be restricted during the period beginning November 15 and ending April 15 of each year to parking overnight (11:00 p.m. to 8:00 a.m.) only to one side of the parking lot, rotating sides on even and odd days.
 - a. Ferry Landing Parking Lot
 - b. Central Street Parking Lot
54. ~~Parking of unregistered or uninspected vehicles will not be permitted in any public parking lot.~~ Parking is prohibited in any public parking lot if the vehicle is not registered or does not have a valid motor vehicle inspection sticker.
65. ~~No vehicle will be parked or abandoned in any public parking lot where overnight parking is permitted for a period to exceed (7) consecutive days without the vehicle being moved except when required by the Highway Department for purpose of maintaining the parking lot(s).~~
No vehicle will be abandoned in any public parking lot, as deemed abandoned by the Bucksport Police Department.

Acted on April 14, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

Shall an Ordinance be adopted titled, “Amendment to the Bucksport Town Code, Appendix K Land Use”, such Ordinance being for the following purposes:

1. To add “porches” to the “decks, stairs and ramps” accessory land use identified in the table of land uses.
2. To reduce the minimum property line setback for decks and porches to 10 feet.
3. To regulate when a deck or porch may be converted to interior living space.
4. To exempt stairs and ramps from meeting minimum property line setbacks if they are less than 500 square feet in size.
5. To require a setback to be measured from the boundary of a right of way if it is closer to a structure than the property line.
6. To clarify how to determine the minimum front setback in shoreland overlay districts.
7. To reduce the minimum front setback in the R1 and R2 Districts to 25 feet from the edge of the right of way.
8. To add residential care facilities in the table of land uses and identify where the use may be permitted.
9. To delete a duplicate land use description in the table of land uses.
10. To clarify the setback requirements for roads in shoreland districts.
11. To correct a section reference error.
12. To increase the minimum land use permit life to two years, and to allow permit life extensions subject to compliance with certain requirements.
13. To rezone a property to Industry Development. The property was inadvertently placed in the Route 15 Residential/Commercial District when the zoning map was revised in 2009.

The Ordinance shall read as follows:

9.5 TABLE OF LAND USES

9.5.1 ACCESSORY LAND USES

<u>DISTRICTS</u> →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LRP O	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
1.4 DECKS, PORCHES, STAIRS, RAMPS §13.2.4	L1 A. 10	L1 A. 12	L1 A. 10	L1 A. 10	L1 A. 10	L1 A. 12	L1 A. 10	L1 A. 12	L1 A. 12	L1 A. 12	L1 A. 10	L1 A. 12	L1 A. 10	L1 A. 10	L1 A. 10	L1 A. 10	L1 A. 12	L1 A. 12	L1 A. 10

9.5.1.1 ACCESSORY LAND USE NOTES

- A.10 The installation of stairs and ramps is not subject to review or approval.
- A.12 The installation of stairs is not subject to review or approval if the stairs have no landing or if they have a landing that is no larger than 16 square feet. The installation of ramps is not subject to review or approval if the ramp is no larger than 16 square feet.

13.2 ACCESSORY USES

13.2.4 DECKS, PORCHES, STAIRS, RAMPS

- 13.2.4.1 Decks and porches are subject to a 10' minimum front, side and rear setback in any zoning district.
- 13.2.4.2 Decks and porches that comply with applicable minimum setbacks for principal structures may be converted to interior floor area for an approved occupancy. Decks and porches that do not comply with minimum setbacks for principal structures may not be converted to any other use without a variance.
- 13.2.4.3 Stairs and ramps, with or without landings, that have a floor area of 500 square feet or less, are not subject to setback requirements, except for any applicable minimum shoreline setback.
- 14.5 **FRONT, SIDE AND REAR SETBACKS:** All principal structures of any size and all accessory structures with a floor area of more than 500 square feet are subject to compliance with minimum front, side and rear setbacks, as identified in Sections 14.9.4, 14.9.5 and 14.9.6, except as otherwise identified in this section. Setbacks are measured horizontally from the property boundaries, or from the boundaries of a right of way or easement for a road, whichever is closer to the structure.
- 14.5.1 The following ~~land uses~~ structures have front, side and rear setback requirements that may differ from those identified in Section 14.9.4, 14.9.5 and 14.9.6:
- 1) Wireless Telecommunication Towers (Section 13.7.2.1)
 - 2) Parking Lots (Section 13.15.8.1)
 - 3) Decks, Porches, Stairs, Ramps (Section 13.2.4)
- 14.5.2 Driveways, roads and sidewalks are not subject to setback requirements from property boundaries.

14.9.4 MINIMUM FRONT SETBACK (See also Section 14.5)

DISTRICTS	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LRP O	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	VIL
10 FT.	■ 4.1	■ 4.1	■	■	■	■			■ 4.3 4.2	■ 4.3 4.2	■	■ 4.3 4.2	■	■			■ 4.3 4.2	■	■
<u>25 FT.</u>															■ 4.2	■ 4.2			
50 FT.							■	■											
100 FT.															■ 4.2 4.2	■ 4.2 4.2			

14.9.4.1 MINIMUM FRONT SETBACK NOTES [AMENDED 8-26-10. EFFECTIVE 9-25-10]

- 4.1 Where a proposed structure on Main Street would be abutted on both sides by existing structures with front setbacks that are less than the required front yard

setbacks, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback without the need for a variance.

- 4.2 ~~As measured from the centerline of the road. Decks and open porches are not subject to the minimum front setback, provided they are not converted to interior floor space. The applicable setback of the underlying district must be met, if greater than 10 feet.~~
- 4.3 ~~A principal structure may not be located less than 100 feet from the centerline of any public or private road if the underlying district is an R1 or R2 District. Decks and open porches are not subject to this restriction, provided they are not converted to interior floor space.~~

9.5 TABLE OF LAND USES

9.5.5 HOUSING LAND USES (continued)

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
5.13 RESIDENTIAL CARE FACILITIES	<u>L2</u>	<u>L2</u>	<u>L2</u>	<u>L2</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2</u>	<u>L2</u>	<u>X</u> <u>E.8</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L2</u>
5.13 14 TWO-FAMILY DWELLINGS §13.6.13 14	L1 E.4	L1 E.5	L1	X	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1

E.8 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

13.6.12 PRE-SCHOOLS/NURSERY SCHOOLS

13.6.13 RESIDENTIAL CARE FACILITIES

13.6.13 ~~14~~ TWO-FAMILY DWELLINGS

13.6.13.1 ~~14.1~~ The conversion of any seasonal two-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the local plumbing inspector, in accordance with applicable State rules.

13.6.13.2 ~~14.2~~ No seasonal two-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

9.5 TABLE OF LAND USES

9.5.11 PROFESSIONAL LAND USES

DISTRICTS →	DT	DT S	C1	C2	C3	CF MA	ID	ID O	LR O	LR PO	RG	RP O	RT IS	RT 15 RC	R1	R2	SP O	TB O	V I L
DISTRICT	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19

NOTES →																			
11.1 BUSINESS OFFICES	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 K.2	X	X	X	L2 K.1
11.2 FINANCIAL INSTITU- TIONS §13.12.2	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X
11.2 FINANCIAL INSTITU- TIONS §13.12.2	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X
11.3. HOME-BASED PROFESSIONS §13.12.3	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L1	L1	L1 K.1
11.4 TELEMAR- KETING CENTERS	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X

13.15.9.3 Section 13.15.9.2 does not apply to approaches to water crossings, roads Roads that provide access to permitted structures within a shoreland district setback area and to facilities located nearer to the shoreline or tributary stream due to an operational necessity, ~~excluding temporary docks for recreational uses.~~ Roads providing access to permitted structures within the setback area must comply fully with the requirements of Section 13.15.9.2, except for that portion of the road necessary for direct access to the structure. Roads may not be constructed to access temporary docks for recreational uses.

16.4.2 Nonconforming uses of land or structures may not be reestablished after being discontinued or superseded by a conforming use, except:

- 1) A nonconforming use that has been discontinued for less than 1 year and not superseded by a conforming use, may be reestablished without review or approval.
- 2) A nonconforming use that has been discontinued for at least one year but less than 2 years and not superseded by a conforming use, may be reestablished subject to approval in accordance with Section ~~9.4~~ 9.5.
- 3) A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed and the occupancy complies with the applicable requirements of Chapter 5 Building Standards and Property Maintenance.

11.7 ISSUANCE OF LAND USE PERMIT

11.7.1 The code enforcement officer shall issue a land use permit for an approved application no later than 10 days after the date of approval ~~conclusion of the findings of fact and decision~~, provided that any other prerequisite permits or

approvals have been obtained. The permit authorizes the commencement of any land use approved by the reviewing authority, except as otherwise provided for in section 11.7.7. A land use permit may also authorize the construction or installation of any structure that is part of the permitted land use, in lieu of a separate building permit that would otherwise be required in accordance with Chapter 5, provided that the applicable permit fees required by Chapter 5 have been submitted, and that a sufficient description of the structure has been submitted.

11.7.2 A land use permit is in effect for two years from the date of issue, except as provided for in sections 11.7.2.1, 11.7.2.2, 11.7.2.3 and 11.7.2.4.

11.7.2.1 A land use permit is in effect for one year from the date of issuance. The code enforcement officer may issue a one year extension to the permit expiration date, subject to the following conditions:

- 1) A substantial start must be completed prior to the original permit expiration date; and
- 2) All other permits required for the project must remain in effect during the extension period.

The code enforcement officer may increase the effective period of a permit to 3 years, upon written request by the permittee. The request must be submitted to the town office no less than one week prior to the permit expiration date. A \$25.00 administrative fee must be included with the request. Before the effective period of the permit may be increased, the permittee must demonstrate that a substantial start of the permitted land use has been achieved.

11.7.2.2 The planning board may increase the effective period of a land use permit to a period not to exceed 5 years, when considering approval of an application subject to Level 2 review. The effective period may only be increased if the board finds that improvements which are required for the land use cannot be substantially completed within 2 years due to:

- 1) the timelines of other required regulatory approvals needed before construction can begin,
- 2) the scale or complexity of the project, or
- 3) the planned phased development approved by the board.

11.7.2.3 The planning board may amend a land use permit approved by the board to increase the effective period of the permit in accordance with section 11.7.2.2, provided that the increased effective period starts from the original date of approval. A written request from the permittee must be submitted to the town office no less than one week prior to the permit expiration date. A \$25.00 administrative fee must be included with the request.

11.7.2.4 A written request submitted in accordance with the requirements of section 11.7.2.1 or 11.7.2.3 will result in a temporary extension of the permit expiration date, if necessary, until such time a decision is made on the request.

11.7.2.5 A permitted land use that is granted a permit expiration date extension in accordance with sections 11.7.2.1 or 11.7.2.3 may not be subject to any condition of approval requiring the land use to comply with any new or

revised land use standard that became effective after the date the land use was originally approved.

- 11.7.2.6 The authority to conduct a land use will remain in effect after the permit expiration date, provided that substantial completion has been achieved prior to that date, and provided that the land use is conducted in accordance with all applicable laws, rules and regulations.
- 11.7.3 ~~Any substantially started project that is not substantially complete in accordance with the timeframe specified in Section 11.7.2 may be subject to further review after expiration of the permit and may be required to comply~~ A land use permit becomes invalid on its expiration date if a substantial start was not achieved prior to the original permit expiration date, or substantial completion was not achieved before the permit expiration date set in accordance with the provisions of section 11.7.2.
- 11.7.3.1 No work may be conducted after a land use permit becomes invalid until a new permit is issued by the reviewing authority. The extent of review must be determined by the reviewing authority, and must be based on the extent to which the permitted land use had been completed prior to the permit expiration. The land use may be subject to compliance with any revised or added land use standards that are applicable.
- 11.7.4 A permit issued for any land use in a shoreland district must be kept on site while the work authorized by the permit is performed.
- 11.7.5 The issuance of a land use permit does not authorize the applicant to commence any activity or use that requires other permits or approvals from local, State or Federal agencies, offices or departments before such permits or approvals have been obtained.

See attached Amendment to the Official Zoning Map

Acted on April 14, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-113 AWARDING CONTRACT FOR STRIPING OF
STREETS**

Whereas, the Town of Bucksport requested proposal for striping of streets and parking spaces for the 2011 season; and,

Whereas, proposals were received from the following:

Lucas Striping	\$3,835.00
Fine Line Pavement Striping	\$4,373.32
Zebra Striping	\$4,474.96
Wilson's Lawn Service	\$2,809.70
Jackett Enterprise	\$3,350.36
Stripes Pavement Markings	\$2,848.00
Hi-Way Safety Systems	\$4,370.40

Be it resolved by the Bucksport Town Council in town council assembled that the contract for striping streets and parking spaces for the 2011 season be awarded to Wilson's Lawn Service for the unit prices stated in their proposal dated 4-8-2011, such amount not to exceed \$2,809.70.

Acted on April 14, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-114 EXTENDING CONTRACT FOR WINTER
MAINTENANCE FOR ROUTE 46**

Whereas, Robert McIntyre d/b/a McIntyre Trucking and Excavation to be referred to as “Contractor” has two years remaining on his contract to provide winter maintenance services for Route 46; and,

Whereas, the Contractor has requested that the Town of Bucksport extend the contract for an additional three years resulting in a five year contract; and,

Whereas, the Contractor requests the extension in order to justify the purchase of a new plow truck to be used on Route 46; and,

Whereas, the Contractor request that the contract price be increased each year as follows: 2011-2012 snow season 3%, 2012-2013 snow season 4%, 2013-2014 snow season 5%; 2014-2015 snow season 5% and 2015-2016 snow season 5%; and,

Whereas, the contract will be extended on a year to year basis only upon satisfactory performance by the Contractor as determined by the Town:

Be it resolved by the Bucksport Town Council in town council assembled that the contract with Robert McIntyre d/b/a McIntyre Trucking and Excavation for winter maintenance of Route 46 be extended for three additional years resulting in a five year contract, such being for the snow seasons commencing 10-15-2011 and ending 5-15-2016.

Be it further resolved that the contract cost be increased on an annual bases as noted above and all other conditions to remain the same.

Acted on April 14, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-115 EXTENDING THE CONTRACT FOR DISPOSAL AND HAULING OF METAL,
CLEAN WOOD, DEMOLITION DEBRIS, AT THE BUCKSPORT TRANSFER STATION**

Whereas, the Town currently maintains a contract with DM&J referred to as "Contractor" to haul and dispose of metal, clean wood, demolition debris, tin cans and asphalt shingles collected at the Bucksport Transfer Station; and,

Whereas, the Contractor has agreed to extend the contract for two additional years for the same costs as the current contract; and,

Whereas, the costs are as follows:

Hauling wood and demolition debris containers, \$100 per load; and,

Hauling and disposal of asphalt shingles including the cost of a 35 cubic yard container, \$70 per ton; and,

Hauling the metal container including the Freon unit container, \$80 per load; and,

Hauling tin cans, \$120 per load; and,

Tipping fee for disposal of clean wood, \$58 per ton; and,

Tipping fee for disposal of demolition debris, \$75 per ton; and,

Rental of 30 cubic yard container, \$40 monthly; and,

Rental of 50 cubic yard container, \$55 monthly; and,

Rental for (2) forty cubic yard and (1) thirty cubic yard containers used for metal, Freon units and tin cans, \$1,000 annually; and,

Removal of Freon, \$15 per unit for air conditioners; and,

Removal of Freon, \$12 per unit for refrigerators and freezers; and,

Disposal of 20 gallon propane tanks, \$10 per unit; and,

Disposal of 40 gallon propane tanks, \$20 per unit; and,

Whereas, to continue to pay the Town for all metals removed from the facility based on market prices; and,

Whereas, to continue to maintain the same fuel price escalator as currently used:

Be it resolved by the Bucksport Town Council in town council assembled that the contract with DM & J Waste Inc. be extended for two additional years beginning 7-1-2011 to 6-30-2013 for hauling and disposing of metal, clean wood asphalt shingles, demolition debris, tin cans, propane gas tanks and Freon containing products for the same conditions as the current contract and as noted above.

Acted on April 14, 2011

Yes 6 No Abstained Opposed 1 (Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-116 AWARDING CONTRACT TO COMPLETE SAFETY
REPAIRS AT WILSON HALL**

Whereas, Jeff Hammond, CEO has reported that the back porch to Wilson Hall (34 Middle Street) has started to break away from the main structure resulting in a serious safety hazard; and,

Whereas, the CEO has determined that the condition may be minimized by temporarily installing support braces that will help hold the porch from falling; and,

Whereas, proposals were requested from interested and insured contractors and received as follows:

S.F. Eastman, LLC \$1,885.00

Gerald Ouellette, General Contractor \$750.00

Be it resolved by the Bucksport Town Council in town council assembled that the contract to temporarily support the back porch at Wilson Hall be awarded to Gerald Ouellette, General Contractor in the amount of \$750.

Be it further resolved that the cost of this repair be charged to the Wilson Hall Repair Account, such amount to be assessed against the property.

Acted on April 14, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-117 REGARDING DISPOSITION OF TAX ACQUIRED PROPERTY

Whereas, the previous owners of record have indicated an interest to redeem their property for payment of taxes, interest and cost; and,

Whereas, the Finance Committee recommends that the Town Council agree to allow the following owners of record to redeem their properties for payment of all tax liens, cost and interest due against the property by payment arrangement; and,

Whereas, the properties and arrangement are as follows:

Keith and Betty French- \$210 monthly for seven months Map 21 Lot 37

Julie Rainey- \$375 monthly for seven months Map 5 Lot 72

Daniel Pye- \$305 monthly for seven months Map 18 Lot 76

Be it resolved by the Bucksport Town Council in town council assembled that the properties listed above be offered back to the previous owners of record for payment of liens, cost and interest due against the properties and such payment be made in accordance to the schedule noted above.

Be it further resolved should a property owner or owners refuse to accept the payment arrangement or fail to maintain the agreement, the matter shall be returned to the Town Council for further action.

Acted on April 14, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

Be it further resolved should a property owner or owners refuse to accept the payment arrangement or fail to maintain the agreement, the matter shall be returned to the Town Council for further action.

Kelli Motta- \$350 monthly for seven months Map 24 Lot 9

Kelli Motta- \$140 monthly for seven months Map 24 Lot 7

It was motioned by Brian Leeman and seconded by Byron Vinton to offer Kelli Motta, owner of record the opportunity to redeem tax acquired property more specifically Map 24 Lot 9 and Map 24 Lot 7 for payment of liens, cost and interest due against the properties and such payment be made in accordance to the schedule noted below.

Acted on April 14, 2011

Yes 6 No _____ Abstained 1 (Michael Ormsby)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-118 REFERRING MATTER PERTAINING TO FORMING
AN ENERGY DISTRICT TO THE FINANCE COMMITTEE**

Whereas, the Bucksport Town Council has received a proposal from Freedom Energy Logistics LLC to provide services to the Town to be licensed by Maine Utilities Commission (PUC) as a competitive electricity provider for the purpose of providing retail power supply to municipal residential and small business rate payers within the Town of Bucksport; and,

Whereas, the Town of Bucksport desires to procure power supply as necessary to perform its competitive electricity provider functions referenced above from other generators or suppliers through bilateral transactions and/or from the New England regional wholesale electricity markets administered by ISO New England; and,

Whereas, the Bucksport Town Council participated in a meeting with a representative from Freedom Logistics, at such time the details of the proposal were discussed; and,

Whereas, the Bucksport Town Council has not rendered a decision whether the proposal should be approved or denied:

Be it resolved by the Bucksport Town Council in town council assemble that the matter of forming an energy district to provide retail power supply to municipal residential and small businesses rate payers at a cost less than the Standard Offer be referred to the Finance Committee for a recommendation.

Acted on April 14, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Senior Programs- The senior meal program has had a great start ranging from 70 to 100 participants each meal. I believe these numbers will continue. I recently advertised the position of Senior Citizen Program Director due to a recent announced retirement. The deadline for applications is April 20 at which time I will begin the process of selecting a new director. I plan to work with the senior group to make a final selection. The selected candidate will begin July 1.

Housing Assistance Program- The 2011 application for a Housing Assistance Community Development Block Grant was filed on March 30, 2011. The Office of Economic and Community Development should have a decision by the end of April. The level of federal funding to be received by State of Maine will be reduced this year so I am not really sure how successful we will be with the application. Time will tell.

Miles Lane Drainage- Mike Millett has completed his report regarding the needed drainage improvements in the Miles Lane, Broadway, Pond Street and Hincks Street area. The next step is to wait until this fall when the Office of Community Development makes CDBG funds available for public infrastructure projects. Later this summer when the Proposed Statement for the program is released I will begin the process of having an income survey completed of the target area. I do not expect any problems meeting the 51% low to moderate income requirements but I am not sure what the funding will be once Congress adopts the 2012 budget.

Townsite Drainage Improvements- The contractor will be returning the first of May once the pavement plants open to complete the project. Currently, there seems to be ample funds to extend a drainage pipe behind several homes along the east side of Thomas Street in order to divert storm water from three homes that seemed to be impacted the most. Mike Millett is currently completing the design and I will be seeking the necessary easements once Mike has completed his design work.

Silver Lake Boat Landing- Mike Millett has started the permit process. DEP has reviewed the preliminary plans and issued their comments. All concerns will be addressed when the application is submitted. The goal is to obtain all necessary permits so construction can start this fall.

Miles Lane Trail- The Highway Department has completed all of the clearing that was necessary for the trail extension. The Highway Department will be returning once conditions are more favorable for construction.

PACE- The Pace Program is now available to Bucksport residents to complete needed energy improvements for their homes. We will be looking to promote the program beginning next week.

Town Website- I established a committee of key staff to look into addressing some of the concerns that employees and the public have with the existing website. After

considerable exploration and discussion by the members, a recommendation has been made by the committee to replace the current website with a new version. I will be sharing the committee's findings at the next regular Town Council meeting.

Plans and Records- Several staff members and myself are pursuing the possibility of digitizing the construction plans that are stored at the Public Works Director Office and town council records. At the next regular town council meeting I will be asking for the town council's support to pursue this project.

Route 46- The town has been informed that Route 46 will be paved during the 2011 construction season and Representative Kim Rosen is currently working with the town to seek a long term solution from MDOT to address the structural deficiencies.

Waterfront- New animal waste dispensers will be installed along the waterfront by May 1. Hopefully, this will address a problem that has been getting worse as more people use the walkway.

RESOLVE #R-2011-119 REGARDING PURCHASE OF MAP 32 LOT 147

Whereas, the Bucksport Town Council has made and offer to purchase Lot 147 of Map 32, currently or formerly owned by Wayne Hallee, and the offer was accepted by the bank and property owner; and,

Whereas, the Bucksport Town Council chooses to proceed with the purchase but to have the purchase covered by title insurance; and,

Whereas, the title insurance company, Stewart Guaranty Title Company which currently insures the title for the property has agreed to provide coverage to the Town of Bucksport for Lot 147 of Map 32:

Be it resolved by the Bucksport Town Council in town council resolve that purchase of Lot 147 of Map 32 currently or formerly owned by Wayne Hallee is to include title insurance coverage as proposed by the title insurance company Stewart Guaranty Title Company.

Acted on April 21, 2011

Yes 5 No 0 Abstained _____ (Absent: David Kee & Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-120 REGARDING PARTICIPATION IN THE HOUSEHOLD
HAZARDOUS WASTE COLLECTION PROGRAM**

Whereas, the 2011 Ellsworth Area Household Waste and Universal Waste collection is scheduled for August 20th at the Ellsworth High School; and,

Whereas, the program is being sponsored by the Hancock County Planning Commission; and,

Whereas, a disposal fee is assessed based on the volume of waste collected from each town that participates; and,

Whereas, a deposit fee is obtained based on the population of each participating community, which goes toward the final bill from the vendor for disposal services; and,

Whereas, any portion of the deposit not used toward the final payment will be returned to the town following the collection; and,

Whereas, each participating community must provide a volunteer:

Be it resolved by the Bucksport Town Council in town council assembled that the Town of Bucksport participate in the 2011 Greater Ellsworth Regional Household Hazardous Waste program.

Be it further resolved that the cost of the actual disposal fee be charged to the solid waste tipping fee account.

Acted on April 28, 2011

Yes 4 No 0 Abstained (Absent: Michael Ormsby, David Kee, Brian Leeman)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-121 REGARDING THE UPDATE OF THE TOWN'S WEBSITE

Whereas, a Town's Website Review Committee was established with the objective of reviewing the existing website and suggesting improvements; and,

Whereas, the issues of concern included the staff's ease of use and maintenance, ability to expand the website use across all departments and for greater site organization and accessibility; and,

Whereas, the committee recommends that the home page be reconstructed and the town migrate to GovOffice's Value Design Service; and,

Whereas, the committee has recommended the GovOffice, "Value Design Service" product because over a two year period the cost is the best value for the town, it is the most comprehensive support package available; and offers the ability to structure the website for optimum user experience; and,

Whereas the cost for providing the services are as follows:

	Sutherland Weston (Basic)	Sutherland Weston (Tree Frog)	GovOffice
Modifications	\$2,850.00	\$0	\$0
Implementation	\$0	\$0	\$3,300.00
Migration	\$0	\$2,400.00	\$2,400.00
Annual Web Hosting	\$180.00	\$180.00	\$0
Email Service	\$168.00	\$168.00	\$210.00
Service Agreement Including updates	\$2,900.00	\$2,900.00	\$700.00
Total 2 year cost	\$9,346.00	\$8,896.00	\$7,520.00
Total year 3 cost	\$3,248.00	\$3,248.00	\$ 910.00

Be it resolved by the Bucksport Town Council in town council resolved that the recommendation of the Website Committee be adopted.

Be it further resolved that the cost of modifying, implementing and migrating the information totaling \$5,700.00 be charged to the Town Office Equipment Reserve Account and the annual operating cost is to be included in the Town Office operating budget for the period 7-1-2011 to 6-30-2012.

Acted on April 28, 2011

Yes 4 No 0 Abstained _____ (Absent: Michael Ormsby, David Kee, Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-122 AWARDDING CONTRACT FOR MISCELLANEOUS CONCRETE
PROJECTS**

Whereas, there are several concrete projects that have been scheduled for the 2011 construction season;
and,

Whereas, the projects include repair to the floor at the animal shelter, construction of three roll-off
container pads at the transfer station and repair to the lower floor of the transfer station; and,

Whereas, proposals were requested from area contractors; and,

Whereas, proposals were received as follows:

	Wardwell Trucking	Eastman
animal shelter	\$ 2,800.00	\$ 2,885.00
3 roll-off container pads	\$11,950.00	\$10,350.00
repairs to lower floor transfer station	\$ 3,950.00	\$ 3,893.00
Total	\$18,700.00	\$17,120.00

Be it resolved by the Bucksport Town Council in town council assembled that the contract for
miscellaneous concrete projects be awarded to S. F. Eastman, LLC for the cost as outlined above.

Be it also resolved that a forth pad is to be included in the contract at the additional cost of \$3,450 and
the cost of all projects is to be charged as follows:

All improvements at the animal shelter be charged to the Animal Shelter Reserve Account while all cost
associated to the transfer station be charged to the Transfer Station Reserve Account.

Acted on April 28, 2011

Yes 4 No 0 Abstained _____ (Absent: Michael Ormsby, David Kee, Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-123 AWARDING CONTRACT FOR THE MUNICIPAL AUDIT FOR THE
PERIOD 7-1-2010 TO 6-30-2011**

Whereas, RHR Smith & Company proposes to complete the municipal audit for the period 7-1-2010 to 6-30-2011 as outlined by an engagement letter and agreement dated 4-11-2011; and,

Whereas, the scope of service will include general fund, wastewater, ambulance and the Single Audit; and,

Whereas, the cost of providing the service will not exceed \$15,130:

Be it resolved by the Bucksport Town Council in town council assembled that RHR Smith & Company be engaged to prepare the municipal audit as outlined by an engagement letter dated April 11, 2011 for the period 7-1-2010 to 6-30-2011.

Be it further resolved that copies of the audit report, once completed, be submitted to the Bucksport Town Council for review and acceptance.

Acted on April 28, 2011

Yes 4 No 0 Abstained _____ (Absent: Michael Ormsby, David Kee, Brian Leeman)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-124 AUTHORIZING WRITE-OFF OF OUTSTANDING RECEIVABLES
FOR AMBULANCE SERVICE**

Be it resolved by the Bucksport Town Council in town council assembled that outstanding receivables for the period 1-1-2010 to 3-31-2010 for the ambulance service in the amount of \$5,326.77 be written-off.

Acted on April 28, 2011

Yes 4 No 0 Abstained _____ (Absent: Michael Ormsby, David Kee, Brian Leeman)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-125 AUTHORIZING REFUND FOR OVERPAYMENT OF TAXES

Whereas, Stella Maris Parish overpaid the 2010 real estate taxes for 60 Franklin Street; and,

Whereas, an overpayment check in the amount of \$783.64 was issued by the Town but not cashed; and,

Whereas, the Town stopped payment after six months from the issuance date of the check in accordance with town policy and credited Surplus Account for the amount ; and,

Whereas, Stella Maris Parish recently found the check and has requested that the Town reimburse the amount due:

Be it resolved by the Bucksport Town Council in town council assembled that the Treasurer for the Town of Bucksport reissue a check in the amount of \$783.64 for overpayment of taxes for 60 Franklin Street for 2010 and such amount be charged to Surplus Account.

Acted on April 28, 2011

Yes 4 No 0 Abstained _____ (Absent: Michael Ormsby, David Kee, Brian Leeman)

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

1. Pursue installation of natural gas in the compact area of Bucksport and the industrial park **(ongoing)**
2. Explore the feasibility of a biomass facility to support the energy needs of RSU#25 or businesses in the industrial park **(pending)**
3. **Explore the option of providing financial support for energy improvements for property owners (The PACE Program) (completed)**
4. Review and approve a five year Capital Improvement Plan for the period 7-1-2011 to 6-30-2016 **(ongoing)**
5. **Review employee benefits to determine cost efficiencies (completed)**
6. Participate in the negotiation of employment contracts for all bargaining units and non-contractual employees **(ongoing)**
7. Pursue redevelopment and use of the Jed Prouty Inn including ownership by the town if the private sector does not respond in time **(ongoing)**
8. Explore the feasibility of burying the overhead lines in the downtown area **(ongoing)**
9. Consider applying for an Enterprise Grant to complete improvements in the Downtown area as identified in the Downtown Plan **(ongoing)**
10. Pursue funding to reconstruct Route 46 from Route 1A to an area one-half mile north of Hancock Pond **(ongoing)**
11. Pursue repairs and renovations to the School St. Fire Station **(ongoing)**
12. Select an engineer to begin the preliminary plans for secondary treatment **(pending)**
13. **Continue to work towards the development of phase two of the industrial park (completed)**
14. **Pursue plans to improve and expand the Miles Lane Trail and to connect the trail system with the waterfront walkway (completed)**
15. **Consider applying to Department of Conservation for funds to improve and expand the Miles Lane Trail (completed)**
16. Consider applying for a CDBG to address storm drain issues in the Miles Lane drainage area **(ongoing)**
17. Continue to pursue plans for improvements to the Silver Lake Boat Landing and to obtain a forest management plan for all Silver Lake property owned by the Town of Bucksport **(ongoing)**
18. **Explore the feasibility of establishing a work program for the elderly in lieu of property taxes (completed)**
19. **Consider applying for a 2011 Housing Assistance CDBG to provide financial assistance for housing improvements for low and moderate income families and rental properties located in the compact area for owners and landlords, particularly energy related (completed)**
20. Continue to pursue development of housing opportunities with services for elderly regardless of income **(ongoing)**
21. **Pursue installing pooper scooper bag dispensers along Main Street and waterfront (completed)** Pursue installation of a traffic light at Hannaford's exit **(ongoing)**
22. Pursue funding for a part-time programmer for Bucksport Performing Arts Center
23. Pursue funding for improvements to the Bucksport Performing Arts Center **(ongoing)**
24. Encourage apartment living downtown **(ongoing)**
25. **Pursue development of a TIF District to encourage development in the downtown (completed)**
26. Pursue development of a Historic District to encourage improvements to historic buildings or buildings of historic value located in the compact area
27. **Pursue an onsite meals program for the elderly (completed)**
28. Pursue Co-Operative Associations with surrounding communities, RSU #25 and agencies **(ongoing)**
29. **Explore the feasibility of developing of a comprehensive early childhood education and day care program (completed)**
30. **Participate in the RSU #25 Facility Study Committee (completed)**
31. **Revise Town Council rules to reflect town committee structure and review Town Council by-laws (completed)**
32. **Pursue opportunity for citizens to pay for some municipal services electronically (completed)**

TOWN MANAGER'S REPORT (CONT.)

- 33.** Explore assistance for the aging population enabling them to stay in their own homes/assisted living/nursing home **(ongoing)**
- 34.** Continue to have discussion with Verso how the town may assist to maintain the Bucksport operation as a viable operation for future years **(ongoing)**
- 35.** Explore the feasibility with the Recreation Committee of an after school program **(ongoing)**
- 36.** Pursue extension of town float by 60' **(ongoing)**

**RESOLVE #R-2011-126 ADOPTING POLICY TITLED SEWER USER
ABATEMENT POLICY**

Whereas, Section 1106 (Abatements) of Chapter 9 (Sewer and Drains) of the Bucksport Town Code requires the Town Council to issue abatement of sewer fees for wastewater which does not enter the public sewer and which is not required to enter the public sewer; and,

Whereas, Sections 1106 further states that the adjusted billing shall not be less than the highest billing or adjusted billing during the previous three quarters; and,

Whereas, it may be necessary for the Town Council to consider adopting a policy regarding the issuance of abatements; and,

Whereas, it is recommended that the policy be as follows:

At such time the reported usage of public water from a metered service has significantly exceeded the average of the three previous quarters, such has resulted from a leak which was not known by the user, the water did not enter the public sewer system and has not occurred during the previous twelve months; the adjusted sewer user rate for the quarter in question shall be equal to the average user rate during the three previous quarters.

Be it resolved by the Bucksport Town Council in town council assembled that the policy titled "Sewer User Abatement Policy" be adopted.

Acted on May 12, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #2011-127 ACTING ON WHETHER THE TOWN OF BUCKSPORT
SHOULD BECOME A MUNICIPAL ELECTRICITY PROVIDER**

Whereas, the Bucksport Town Council referred the issue of whether or not the town of Bucksport should enter into an agreement with Energy Management Services to become licensed as a competitive electricity provider; and,

Whereas, once a license is obtain the town could purchase power for resale from ISO New England and other generators or suppliers through bilateral transactions; and,

Whereas, the members of the Finance Committee have reviewed the opportunity and recommend that the Bucksport Town Council vote not to enter into an agreement with Energy Management Services to become licensed as a competitive electricity provider for the following reasons:

1. the spread currently between the Standard Offer provided by PUC and the cost of electricity that can be purchased from ISO New England is minimal
2. the potential market area has a minimal users
3. the required financial commitment is significant in comparison to the expected benefit
4. receivables may be difficult to collect and excessive for the town

Be it resolved by the Bucksport Town Council in town council assembled that the recommendation of the Finance Committee not to enter into an agreement with Energy Management Services be accepted.

Acted on May 12, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-128 REGARDING TAX ACQUIRED PROPERTY

Whereas, the Bucksport Town Council referred to the Finance Committee a list of taxed acquired property that was foreclosed on December 18, 2010; and,

Whereas, the Committee was directed to bring forward recommendations to the Town Council to dispose of these properties, and,

Whereas, the committee recommends as follows:

Property previously owned by Glen Cousins to be deeded to him by quitclaim deed for payment of the 2009 tax lien, cost and interest

Property previously owned by Sarah White to be deeded to her by quitclaim deed for payment of the 2009 tax lien, cost and interest

Property previously owned by George Parker located on Long Pond off Route 46 to be kept by the Town to provide public access to Long Pond

Property previously owned by Gail Hallowell located on Thomas Street, to provide opportunity for the owner to redeem property by September 1. If not redeemed by then for full payment of all liens, taxes and cost; proceed to sell property by sealed bid

Property previously owned by Toby Lawrence located on Central Street, to be sold by sealed bid

Properties previously owned by Kelli Motta, Daniel Pye, Julie Rainey and Keith French, to be redeemed by owners of record via payment arrangements

Be it resolved by the Bucksport Town Council in town council assembled that the recommendations regarding the disposition of tax acquired property rendered by the Finance Committee be approved.

Acted on May 12, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-129 AWARDING CONTRACT FOR HAULING SOLID
WASTE TRAILERS TO PERC**

Whereas, the Town of Bucksport requested quotes from local trucking companies to haul the two solid waste trailers to PERC when necessary; and,

Whereas, quotes were received as follows:

	Per trip
Wardwell Trucking	\$245.00
DM & J	\$220.00 fuel adjustment
Sean Eastman	\$185.00

Be it resolved by the Bucksport Town Council in town council assembled that the contract to haul the two solid waste trailers to PERC be awarded to S. F. Eastman,LLC in the amount of \$185 per pull.

Acted on May 12, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

RESOLVE #2011-130 ACCEPTING GRANT FROM DEPARTMENT OF PUBLIC SAFETY

Whereas, the Town of Bucksport/Bucksport Police Department has been awarded a grant from the Department of Public Safety in the amount of \$2,430 for the 2011 Buckle Up-No Excuses project:

Be it resolved by the Bucksport Town Council in town council assembled that a grant in the amount of \$2,430 from the Department of Public Safety to the Town of Bucksport/Bucksport Police Department for the 2011 Buckle Up-No Excuses project, be accepted.

Acted on May 12, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-131 AUTHORIZING EXPENSE FOR CONCRETE WORK
AT PUMP STATION 1**

Whereas, relocating to above ground the controls for Pump Station 1 has been designated as a planned improvement in the Sewer and Treatment Plant CIP for the 2011 construction season; and,

Whereas, it is necessary to construct a small outbuilding to relocate the controls to; and,

Whereas, the building will be constructed by personnel working at the Sewer Treatment Plant; and,

Whereas, the building will be constructed on a concrete pad; and,

Whereas, the cost of installing the pad was \$950:

Be it resolved by the Bucksport Town Council in town council resolved that the cost of pouring a slab for the proposed control building at Pump Station 1 be charged to the Sewer Reserve Account in the amount of \$950.

Acted on May 12, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-132 AUTHORIZING TRANSFER AND EXPENSE FOR THE SENIOR MEAL PROGRAM

Whereas, in conjunction with the startup of the onsite senior meal program it was decided to extend the position for the meal site manager for the startup period of ten weeks in anticipation, if the meal site was successful, the cost would be borne by the Senior Group or the manager position would be eliminated; and,

Whereas, funds were identified in Account # 542-88 Downeast Transportation, a balance of \$1,210; and,

Whereas, the cost of paying for the onsite manager for ten weeks is \$1,100; and,

Whereas, repairs had to be made to the kitchen stove that cost \$1,227.37

Whereas, there are available funds in the CDBG General Fund to pay for the cost of the stove:

Be it resolved by the Bucksport Town Council in town council assembled that the cost of repairing the stove at the Senior Center in the amount of \$1,227.37 be charged to the CDBG General Fund.

Be it further resolved that the balance in account #542-88 in the amount of \$1,210 be transferred to account #561-10 Senior Lunch Program.

Acted on May 12, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-133 AUTHORIZING LETTER OF INTENT TO APPLY FOR
FUNDS FROM THE COMMUNITIES FOR MAINE'S FUTURE BOND
PROGRAM**

Whereas, the Town of Bucksport has the opportunity to apply to the Office of Community Development for a grant pursuant to the Maine's Future Bond Program for downtown improvements; and,

Whereas, activities must be expended in an eligible downtown or village center and may include but are not limited to acquisition, demolition, site work, design, construction, and rehabilitation in support of the following project types:

- a. rehabilitation to buildings located in designated downtown and village center areas
- b. streetscapes
- c. creation of walking trails and other recreational amenities
- d. development of facilities in support of the arts and culture, local agriculture and crafts relating to furthering the Creative Economy

Whereas, the Downtown Plan outlines numerous projects that are eligible for the funding; and,

Whereas the project types include but are not limited to:

- a. construction of two connectors between the waterfront walkway and Main Street more specifically from Flag Point to Main Street and from the Town Dock to Main Street
- b. connector sidewalk from the waterfront walkway at the Irving Station to Hinks Street
- c. façade program
- d. improvements to the west end of the waterfront
- e. new planting areas at the Veterans' Memorial, intersection at the Verona/ Bucksport Bridge, west end of the waterfront
- f. interpretive panels along the waterfront
- g. street poles and signs
- h. asbestos removal and tearing down the Nason Building
- i. signage at the Verona end of bridge and entrance to the Town Dock
- j. mural at Camden National Bank wall

Whereas, the estimated cost of completing these projects including engineering services is \$452,500; and,

Whereas, the match for the grant is one dollar in matching funds for each dollar expended on the Project during the 12 months prior to the date of application; and,

Whereas, the match would be paid for from the TIF Revenue Account:

Be it resolved by the Bucksport Town Council in town council assembled that a Letter of Intent be filed with the Office of Community Development for a grant to complete Downtown Improvements as noted above and the local match is to consist of funds used in the previous twelve months for downtown improvements and from the TIF Revenue Reserve.

Acted on May 12, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-134 APPROVING CONTRACT FOR ENGINEERING
SERVICES FOR DOWNTOWN IMPROVEMENTS**

Whereas, the Bucksport Town Council chooses to seek funding pursuant to the Office of Community Development Maine's Future Bond Program for downtown improvements; and,

Whereas, the services of an engineer will be required to prepare preliminary plans and cost estimates; and,

Whereas, Pine Tree Engineering has completed this type of work for the town for past projects; and,

Whereas, Pine Tree Engineering has proposed to complete the preliminary plans and cost estimates for all proposed projects for a cost not to exceed \$5,600:

Be it resolved by the Bucksport Town Council in town council assembled that Pine Tree Engineering be engaged to prepare the preliminary plans for downtown improvements in conjunction with the Maine Future Bond Program application in the amount of \$5,600.

Be it further resolved that the cost be charged to TIF Revenue Account.

Acted on May 12, 2011

Yes 7 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Director of Senior Programs -The Board of Directors interviewed two candidates and forwarded their recommendation for my consideration. I have decided to offer the position to Peter Remick. He will begin work on July 1, 2011.

Treatment Plant Discharge License- I have provided you a copy of the renewal license for your review. I have asked that Dave Michaud, our Superintendent review the license from an operator's perspective. I have also requested that Steve Cox a civil engineer and Grade 5 operator with Aqua Maine review the draft permit to see if we should have any concerns with the permit conditions. Keep in mind that the Town will be issued a license that requires secondary treatment. Once the license is violate, the Town will then be required to enter into an administrative agreement to remedy the violations.

Financials for the Period Ending 4-30-2011- Our Finance Director has provided you with a report outlining the status of the town's financial as of 4-30-2011. In summary, I anticipate at the end of the fiscal year, most revenues will meet or exceed projections except for CEO fees and General Assistance reimbursement. On the expense side, I expect all departments will meet projections except several sub-accounts will realize mentionable overdrafts. These will include legal fees, winter road salt, Fire Department overtime, repairs at the Public Safety Building, and fuel cost at the Highway Department.

Townsite Drainage Project- The contractor will be returning as soon as the weather permits to the site to install a field drain extending behind three properties on the back side of Thomas Street. In addition, the contractor will install the final lift of pavement and touch up the lawn areas that were impacted. The project is within budget

Miles Lane Drainage Project-The engineering report has been completed for this project. I am providing you with a copy of the report. I plan to submit a CDBG application in the fall for the funds for this project.

Silver Lake Boat Landing Project- I provided you with a letter from DEP to Mike Millett regarding the required permits for the project. He is currently preparing the permit applications and should have the applications to the Corp of Engineer and DEP within the next few weeks.

CMP Transmission Improvements- CMP has started to work on the large transmission line along the Bucksport-Orrington town lines. During the next several weeks they will be working to clear the right of way. The project area extends from the Route 15 to the Orrington townline approximately one mile.

Healthy Communities Funding-The State funds received in the past to finance the Bucksport Healthy Communities Coalition is in jeopardy. Due to a change how the funds are being distributed, it seems at this time that after June 30, they may not be ample funds to keep the office of the Director open. The group, in collaboration with other Healthy Community Coalitions and Child and Family Opportunity has appealed the decision. The appeal will be held the first week of June. Hopefully, the appeal will reinstate some of the funds to the coalitions that have been very active and responsive to their citizens.

**RESOLVE #R-2011-135 APPROVING SALARIES AND WAGES FOR NON-
CONTRACTURAL EMPLOYEES FOR THE PERIOD 7-1-2011 TO 6-30-2012**

Be it resolved by the Bucksport Town Council in town council assembled that the following wages, salaries and expenses be approved for the period 7-1-2011 to 6-30-2012 for non-contractual employees:

Position	Salary	Hourly Rate	Other
Town Manager	\$89,192.00		\$4,000.00 mileage and expense stipend
Town Clerk	\$41,778.00		
Finance Director	\$48,081.00		
CEO		\$23.14	
Assessor	\$56,841.00		Works 10 wks 40 hours 42 wks. 32 hours
Economic Devel. Dir.	\$54,746.00		\$360.00 cell phone stipend
Director Emer. Ser.	\$58,710.00		Mileage stipend \$500.00
Police Chief	\$58,710.00		
Public Works Director	\$59,735.00		Use of vehicle to travel home
Recreation Director	\$59,089.00		Expense stipend \$500.00
Police Sergeant		\$22.35	\$1,600.00 on-call stipend
Transfer St.. Oper.		\$16.98	10.03% recycling rev.
Asst. Trans. Oper.		\$11.89	10.03% recycling re.
Part-time opera.		\$10.11	
Office Clerks:			
6 months		\$15.90	
1-years		\$16.06	
2.years		\$16.35	
4-years		\$16.85	
5-years		\$17.03	
8- years		\$17.19	
Deputy Tax Collector			Stipend \$1,975.00
Deputy Treasurer			Stipend \$1,975.00
Sewer Department Clerk			Stipend \$1,000.00
Custodian I		\$9.56	
Custodian II		\$10.30	
Call Firemen		\$8.24	
Reserve Police Officer		\$12.54	
EMT		\$20.00 per two hour call/ \$8.00 per hour training	
EMT-I		\$24.00 per two hour call/ \$8.00 per hour training	
Paramedic		\$34.00 per two hour call/ \$8.00 per hour training	
Spare drivers-Highway		\$12.52	
Senior Citizens' Dir.		\$10.11	
Rec. Summer Assist.		\$12.92	
Part-time Assist.		\$12.07	
Maintenance-fulltime recreation		\$12.36	
Harbor Master			\$1,000.00 stipend
Animal Control			\$383.00 monthly

Acted on May 26, 2011

Yes 6 No 1 (David Keene) Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-136 ADOPTING CAPITAL IMPROVEMENT PLAN FOR
THE PERIOD 7-1-2011 TO 6-30-2012**

Be it resolved by the Bucksport Town Council in town council assembled that the following appropriations be adopted for Capital Improvements for the period 7-1-2011 to 6-30-2012 (2012 Budget) as follows:

CAPITAL IMPROVEMENT PLAN 7-1-2011 TO 6-30-2012

Accounts

Ambulance Equipment Reserve	30,000
Fire Equipment Reserve	130,000
Dispatch Equipment Reserve	2,500
Police Equipment Reserve	12,000
Public Safety Building Reserve	15,000
Highway Department Equipment Reserve	83,000
Highway Improvement Account	201,600
Town Garage and Sand Building Reserve	10,000
Solid Waste Equipment Reserve	5,000
Transfer Station Reserve	10,000
Recreation Equipment Reserve	5,000
Recreation Facility Reserve	23,000
Pool House and Storage Building Reserve	3,000
Waterfront Reserve	11,000
Town Office Equipment Reserve	6,000
Town Office Reserve	5,700
Parking Lot Reserve	59,000
Jewett School	6,000
Silver Lake Property	13,000
Public Access Equipment	2,000
School Street	9,900
Concession Stand	2,000
Animal Shelter	<u>18,000</u>
	662,700
Tax Appropriation	380,200
TIF Revenues	56,000
Surplus	218,500
School Designated	<u>8,000</u>
Total	662,700

Acted on May 26, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-137 ADOPTING TOWN BUDGET FOR PERIOD
7-1-2011 TO 6-30-2012 (2012 BUDGET)**

REVISION 2

Be it resolved by the members of the Bucksport Town Council in town council assembled that expenditures for the town budget totaling **\$10,898,262** for the period 7-1-2011 to 6-30-2012 be approved as follows, such not including TIF Expenses and Overlay which will be included in the overall budget once the mill rate is set:

50	General Government	\$ 1,372,321
51	Protection	1,419,497
52	Street & Ways	1,034,680
53	Health & Sanitation	410,008
54	Community & Social Agencies	51,742
55	Education	5,443,585*
56	Recreation & Cultural	225,110
57	Capital Program	662,700
58	Debt Service	15,412
59	Cemetery	4,120
60	County Tax	<u>259,087</u>
Total Budget Expenditures		\$10,898,262

Be it further resolved that the following revenues be used to reduce the amount to be raised from taxes.

1001	Property Tax School	\$ 5,443,585*
1001	Property Tax Municipal	2,368,166
1003	Motor Vehicle Excise	575,000
1004	Boat Excise	4,500
1005	Auto Registration Fees	16,000
1007	Interest on Taxes	19,000
1008	Interest on Investments	100,000
1009	Tax Lien Cost	9,945
1010	Town Clerk Fees	7,500
1011	TIF Revenues	151,997
1012	Surplus Revenues	\$ 484,055
1013	Miscellaneous Income	1,000
1014	Homestead Reimbursement	72,814
1016	BETE Reimbursement	496,900
1017	Fee in Lieu of Taxes	10,800
1201	Planning Board Fees	1,000
1202	Code Enforcement Fees	9,000
1203	Plumbing Inspector Fees	2,500
1301	General Assistance	5,000
1301	Tree Growth Reimbursement	14,000

1302	State Revenue Sharing	300,000
1303	Veteran Exemption Reimbursement	2,000
2001	Fire Protection Subsidies	31,203
2002	Ambulance User Fees	188,205
2003	Ambulance Subsidies	40,678
2004	Non Receipting Collection Revenues	103,500
2201	Police Revenues	2,000
2203	Animal Control Fees	2,000
2401	Dispatch Subsidies	12,187
3001	Highway Department Revenues	1,000
3002	Highway Block Grant	64,150
4001	Solid Waste Subsidies	88,897
4002	Recycling Revenues	18,035
4003	Solid Waste Fees	51,200
4004	MCR Revenues	45,000
4005	Budgetary Solid Revenues	72,929
4006	Spofford Funds	4,500
7001	Recreation Subsidies	8,717
7002	Recreation Department Revenues	22,505
7004	Recreation Facility Rent	9,374
7005	Senior Fitness Activity Fees	1,000
7006	Snowmobile Revenues	1,100
7007	Cable TV Revenues	35,000
7008	Mooring and Docking Fees	<u>320</u>

Total Budget Revenues **\$10,898,262**

*** Subject to change depending on approval of the Education budget by the citizens.**

Acted on May 26, 2011

Yes 7 No 0 Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-138 ADOPTING SEWER OPERATING BUDGET FOR THE
PERIOD 7-1-2011 TO 6-30-2012 (2012 Budget)**

Be it resolved by the members of the Bucksport Town Council in town council assembled that expenditures for the sewer operating budget totaling \$496,713 for the period 7-1-2011 to 6-30-2012 be approved as follows:

01	Regular Salaries	\$ 53,922
02	Extra & Overtime	2,095
22	Operator's Expense	600
25	Employee's Benefits	19,963
31	Office Supplies	1,950
32	Software Support	625
33	Postage	3,603
37	Plant Supplies	10,700
39	Plant Chemicals	45,954
41	Equipment Purchase	500
51	Parts and Repair	22,600
61	Telephone	1,620
71	Fuel Heating	4,285
72	Fuel Vehicles	2,878
81	Electricity	41,725
82	Water	1,800
85	Insurance	3,800
86	Testing Cost	2,710
87	Sludge Site Cost	10,820
89	Interest & Debt Cost	109,284
90	Contracted Services	79,314
92	Audit	3,565
93	Reserve	21,000
94	Orland Maintenance	3,788
95	Contingency	<u>47,612</u>
Total		\$496,713

Be it further resolved that the revenues totaling **\$496,713** for the period 7-1-2011 to 6-30-2012 shall be approved as follows:

3510	Users Fees	\$457,011
3515	Interest on Users Fees	250
3520	Entrance Fees	100
3530	Interest on Investments	4,000
3540	Verona Subsidies	10,894
3550	Miscellaneous Revenues	3,100
3560	Orland Subsidies	16,258
3570	Orland Maintenance	3,600
3580	Verona Maintenance	<u>1,500</u>
Total		\$496,713

Acted on May 26, 2011

Yes 6 No 1 (Robert Howard) Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-139 SETTING SEWER USER RATE FOR THE PERIOD
7-1-2011 TO 6-30-2012**

Whereas, the sewer user rate needs to be adjusted to reflect the sewer operating budget for the period 7-1-2011 to 6-30-2012; and,

Whereas, a public hearing was advertised and held on 5-26-2011; and,

Whereas, an increase is necessary in order to fund the budget as proposed:

Be it resolved by the Bucksport Town Council in town council assembled that the user rate for the billing periods 7-1-2011 to 6-30-2012 be set at \$3.60 per hundred cubic feet.

Acted on May 26, 2011

Yes 6 No 1 (Robert Howard) Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE # R-2011-140 SETTING DATE WHEN TAXES ARE DUE AND
PAYABLE**

Whereas, M.R.S.A. Title 36, Section 505 grants the authority to a municipality to set the date or dates when property taxes shall become due; and,

Whereas, the Bucksport Town Council has been granted authority by virtue of Section 2.05 of Article 2 of the Charter of the Town of Bucksport to serve as the general legislative body of the Town:

Be it resolved by the Bucksport Town Council in town council assembled that taxes for the period 7-1-2011 to 6-30-2012 (2012 Taxes) are due and payable on July 1, 2011.

Acted on May 26, 2011

Yes 7 **No** 0 **Abstained**

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-141 SETTING INTEREST TO BE PAID FOR TAXES
UNPAID**

Whereas, municipalities may, by vote, determine the rate of interest that shall apply to taxes that become delinquent during taxable year 2011-2012 (2012 Taxes) until those taxes are paid in full; and,

Whereas, the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4 (a) is 7%.

Be it resolved by the Bucksport Town Council in town council assembled that interest shall be charged at the rate of 7% per annum for unpaid taxes, such interest to begin for the first 50% of the tax due on September 1, 2011 and on the remaining 50% on April 1, 2012.

Acted on May 26, 2011

Yes 5 No 2 (Robert Howard & Michael Ormsby) Abstained _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-142 SETTING INTEREST TO BE PAID FOR
OVERPAYMENT OF TAXES**

Whereas, M.R.S.A. Title 36 Section 506-A provides that a taxpayer who pays an amount in excess of that finally assessed must be repaid the amount of the overpayment plus interest from the date of overpayment and the rate of interest may not exceed the interest rate established by the municipality for delinquent taxes or be less than that rate reduced by 4%; and,

Whereas, the Town has set the rate of interest for delinquent taxes at 7%

Be it resolved by the Bucksport Town Council in town council assembled that the rate of interest to be paid by the town for overpayment of taxes committed on 7-1-2011 for the period 7-1-2011 to 6-30-2012 (2012 Taxes) will be set at 3%.

Acted on May 26, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOVLE #R-2011-143 REGARDING PREPAYMENT OF TAXES AND RATE
OF INTEREST**

Whereas, M.R.S.A. Tile 36, Section 506 allows a municipality to authorize the tax collector to accept prepayment of taxes not yet committed and to pay interest for prepayments, if any is authorized, at a rate not exceeding 8% per year; and,

Whereas, from time to time there are some taxpayers that have a need to prepay their taxes:

Be it resolved by the Bucksport Town Council in town council assembled that the tax collector be authorized during the period 7-1-2011 to 6-30-2012 (2012 Taxes) to accept prepayment of taxes and to pay no interest for such.

Acted on May 26, 2011

Yes 7 **No** 0 **Abstained** _____

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-144 AWARDING CONTRACT FOR PAVEMENT NEEDS
FOR THE 2011 CONSTRUCTION SEASON**

Whereas, bids were requested from interested contractors to provide paving and associated services to the town for the 2011 construction season; and,

Whereas, bids were received as outlined by the attached sheet; and,

Whereas, the unit prices are subject to adjustments should the price of asphalt change, such being based on the East Coast Barge Price; and,

Whereas, the stated East Coast Barge Price for liquid asphalt effective the date of bid opening (5-18-2011) was \$587.50 per ton:

Be it resolved by the Bucksport Town Council in town council assembled that the contract for the town's paving needs for the 2011 construction season be awarded to Vaughn D. Thibodeau II for the unit prices noted on the attached sheet.

Be it further resolved that the unit prices were set based on the East Coast Barge Price as of May 18, 2011 or \$587.50 per ton for liquid asphalt. Any deviation to the East Coast Barge Price of \$587.50 per ton will result in adjusting the unit prices for pavement respectively.

Acted on May 26, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-145 APPROVING EXPENDITURE FROM THE TOWN
OFFICE RESERVE ACCOUNT**

Whereas, the fire recall for the elevator was not functioning due to a faulty circuit; and,

Whereas, the cost of repairing the circuit board was \$2,208.80; and,

Whereas, funds were not included in the Town Office maintenance account to complete this repair; and,

Whereas, a balance is maintained in the Town Office Reserve account to pay for unexpected cost:

Be it resolved by the Bucksport Town Council in town council assembled that the cost of repairing the elevator in the Bucksport Town Office in the amount of \$2,208.80 be charged to the Bucksport Town Office Reserve Account.

Acted on June 9, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-146 AUTHORIZING EXPENDITURE FOR THE SEWER
RESERVE ACCOUNT**

Whereas, there are several capital improvements proposed for the wastewater facility for the 2011-2012 Capital Improvement Plan; and,

Whereas, the projects for consideration include:

Project 1- Relocate control panel from the bottom of Pump Station 1 to above ground and replace VFD's. The cost for this project is \$50,200

Project 2- Construct building to house motor control panel. Cost of material including the concrete slab is \$2,500.

Project 3- Inspect 3,000' of interceptor sewer extending along the Penobscot River with robotic closed circuit television, clean line, and inspect manholes. The cost for this project is based on a unit price of \$1.99 per linear foot or \$5,970; and,

Whereas, all projects are included in the capital improvement plan for the period 7-1-2011 to 6-30-2012:

Be it resolved by the Bucksport Town Council in town council assembled that Projects 1, 2 & 3 as outlined above totaling \$58,670 be authorized and such cost be charged to the Sewer Reserve Account.

Acted on June 9, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-147 AUTHORIZING REQUEST FOR PROPOSAL FOR
ENGINEERING SERVICES FOR THE TREATMENT PLANT UPGRADE**

Whereas, the Town of Bucksport no longer qualifies to receive a 301 Waiver which allowed the town to discharge sanitary waste collected and processed at the Bucksport Treatment Plant at primary level; and,

Whereas, as a result of the lost of the waiver, the town will be required to discharge at secondary levels; therefore, requiring the town to either upgrade the existing plant or build a new plant to treat to secondary level; and,

Whereas, the services of a qualified engineering firm will be required to assist the town to determine the best option and to prepare plans and specifications for the proposed improvements; and,

Whereas, it is proposed that the services of an engineering firm be obtained on a competitive basis by seeking proposals from qualified firms:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to seek proposals from qualified engineering firms to provide services to identify the best option and provide plans and specifications for the option selected.

Be it further resolved that the proposals be submitted to and reviewed by the members of the Sewer Committee, and the committee is to provide the Town Council with a recommendation noting which firm should be selected.

Acted on June 9, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-148 REGARDING DISPOSITION OF TAX ACQUIRED
PROPERTY**

Whereas, property previously owned by Toby Lawrence and referred to as Lot 61 of Map 3 of the Bucksport Tax Maps and located off Central Street, became tax acquired on 12-18-2010; and,

Whereas, the Bucksport Town Council recently voted to authorize the Town Manager to seek sealed bids for the sale of the property; and,

Whereas, Mr. Lawrence was notified by certified mail delivered to his last known address, but the notices were returned to the town by the post office due to the lack of a forwarding address; and,

Whereas, Mr. Lawrence contacted the Town during the last several days and has requested he be allowed to redeem his property for payment of taxes, interest and cost:

Be it resolved by the Bucksport Town Council in town council assembled that Toby Lawrence be allowed to redeem his property referred to as Lot 61 of Map 3 of the Bucksport Tax Maps and located off Central Street for full payment of taxes, interest and cost.

Be it further resolved that the full amount of the payment must be received within 14 days from the date of being notified by the Town or the property shall be put out to bid.

Acted on June 9, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-149 REGARDING PAINTING OF CROSSWALKS IN THE
DOWNTOWN AREA**

Whereas, the seven imprinted crosswalks need to be repainted; and,

Whereas, Zebra Striping, Inc. has agreed to repaint the crosswalks for \$3,950 which is the same amount they did the work for last year; and,

Whereas, Zebra Striping was the low bidder in 2010:

Be it resolved by the Bucksport Town Council in town council assembled that the contract to repaint the seven downtown crosswalks be awarded to Zebra Striping in amount of \$3,950.

Be it further resolved that the cost of repainting the crosswalks be charged to the TIF Revenue Account.

Acted on June 9, 2011

Yes 2 David Keene, Jeff Robinson

No 5 Michael Ormsby, Byron Vinton, David Kee, Brian Leeman, Robert Howard

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-150 REGARDING PROPOSED CHANGE TO THE TOWN
CHARTER**

Whereas, the current Town Charter requires that the Town Council approve the budget proposed by the Town Manager with or without change no later than 30 days prior to the beginning of the new fiscal year; and,

Whereas, it may be more feasible to require the Town Council to approve the budget no later than 15 days prior to the beginning of the new fiscal year; and,

Whereas, if the Town Council agrees to pursue this change, it will be necessary for an ordinance to be adopted by the Town Council and ratified by the voters of this community:

Be it resolved by the Bucksport Town Council in town council assembled the matter of amending the Town Charter to extent the period of time for the Town Council to adopt the budget for the new fiscal year be referred to the Ordinance Committee for a recommendation.

Acted on June 9, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-151 REGARDING ANNUAL APPROPRIATION FOR THE CIRCUS BAND

Whereas, the Down East Center Ring Circus Band requested that the town council include an appropriation for the 2011 Music Scholarship Program as the Town Council has done in the past several years; and,

Whereas, the Town Council chose not to include any appropriation in the preliminary budget due to budget constraints; and,

Whereas, after holding the public hearing on the proposed budget and listening to testimony in support of the appropriation, the Town Council indicated an interest in continuing support for the program; and,

Whereas, the Town Manager during the deliberation recommended the Town Council consider the matter at a future town council meeting at which time the Town Manager would provide a recommendation how the request could be funded:

Be it resolved by the members of the Bucksport Town Council in town council assembled that an appropriation in the amount of \$300 be made from the Contingency Account for the 2011 Music Scholarship Program sponsored by Down East Center Ring Circus Band.

Be it further resolved that the funds provided by the Town of Bucksport will be used solely towards the cost of scholarships to Bucksport students to pay for music camp, taking lessons, or purchasing a musical instrument and a list of Bucksport students receiving a scholarship will be provided to the town.

Acted on June 9, 2011

Yes 7 No 0 Abstained

Attested by Kathy Downes, Town Clerk

TOWN MANAGER'S REPORT

Communities for Maine Future Bond 2011- The Letter of Intent was filed on June 3, 2011 with DECD. Notice was received from DECD on June 9, 2011 that the town could proceed to submit an application for the activities outlined in the Letter of Intent except the town proposed as part of the project a façade program which includes three private properties. The town must show that a 75 year lease has been secured by the town for public use or provide documentation of a public benefit or the application will not meet the intent of the law. Attempts will be made to document public benefit with all three properties but if that cannot be achieved, the three properties will be withdrawn from the project. The application is due on July 1, 2011. The town seeks a grant in the amount of \$305,000 from DECD while the town will ask the Town Council to support an allocation from TIF funds totaling \$225,000. This includes the funds already targeted for the purchase of the Nason Property.

Silver Lake Boat Landing- All federal and state permit applications have been submitted. It is expected that these permits should be in hand within the next month. At that time an application will be submitted to the Bucksport Planning Board for a Land Use Permit. The engineer has received comments from the Department of Conservation regarding the proposed plans and is incorporating the changes in the final design.

Route 46 Meeting With MDOT- A few weeks ago three members of the Town Council met with representatives from MDOT to discuss the long term plan for improvements to Route 46. As reported previously, MDOT will be applying a maintenance mix this summer on 6.5 miles of Route 46. In 2013 of BTIP, MDOT proposes to complete a pug-mill project for 6.5 miles of Route 46. This consists of applying millings that have been generated from other projects to the base to provide structure and grade. Once that process has been completed, one inch of surface is applied and the shoulders are graded to meet the new grade of the pavement. In addition, the Commissioner has offered to commit discretionary funding he has available if the Town chooses to partner with MDOT to do improvements that the Town would support. A decision must be made soon whether the council wants to pursue this alternative.

Bangor Gas Hearing- All testimony has been received and the attorneys are in the process of briefing the case. The town's first brief is due June 17. The Board has requested that all briefs be submitted by August so that they can reconvene sometime in September to render a decision. If any Town Council member wants to receive copies of the briefs let me know and I will provide you with copies. As a side note, David and I have been continuing our discussions with Bangor Gas regarding the extension of natural gas into the compact area. We will be meeting with their representatives on June 13.

Land Use Update- The Planning Board has completed its recommendations for changes to the Land Use Ordinance pertaining to quarries. Once the proposed language is received, I will be forward it to Town Council so the matter can be referred to the Ordinance Committee for their recommendation.

Repairs to Fire Truck and Pool House- The town's front line pumper # 4 has been sent out for repairs. The main pump is taking in air so it cannot hold its prime. The pump is being taken apart today and a better idea of the damage will be known by tomorrow. Problems have also developed with the pump at the pool. Tim has sent the pump out for repairs. It will be back as soon as the parts can be received to fix it. In addition, the new pump that was included in the 2011 CIP was ordered today.

**RESOLVE #R-2011-152 AUTHORIZING EXPENDITURES FROM
WATERFRONT RESERVE ACCOUNT**

Be it resolved by the Bucksport Town Council in town council assembled that the following expenses totaling \$4,077.09 be authorized and charged to the Waterfront Reserve Account:

Repairs to Walkway Lights \$1,065.44

Dog Waste Bags and Dispensers \$491.67

Granite bench (Norm) \$340.00

Gas sweeper \$679.98

Modifications to electrical service for 2011 Bay Festival (50% of cost not to exceed \$1,500)

Total \$4,077.09

Acted on June 23, 2011

Yes 4 No 0 Abstained _____

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-153 AUTHORIZING APPLICATION AND RAISING THE TOWN'S
MATCH FOR MAINE'S FUTURE BOND PROGRAM**

Whereas, a public hearing was held at 7:00 p.m., Thursday, June 23, 2011 to receive comments from interested citizens regarding an application the Town of Bucksport proposes to submit to the Department of Economic and Community Development to obtain funds from the Maine's Future Bond Program to complete downtown improvements that are identified in the 2006 Downtown Plan; and,

Whereas, projects included in the application are:

1. Renovations to buildings of historic and/or of cultural importance;
2. Streetscape projects;
3. Creation of walking trails and connectors;
4. Development of facilities in support of the arts and culture, local agriculture and crafts relating to furthering a creative economy.

Whereas, the project application requires a dollar for dollar local match; and,

Whereas, expenditures totaling \$16,055 have been paid for during the period 7-1-2010 to 6-30-2011 for downtown improvements that include pedestrian walkways \$11,829 and architectural and engineering services \$4,226.00 which can be used as a inkind match; and,

Whereas, in addition to the inkind match, the total new Town match included in the application is \$252,518:

Be it resolved by the Bucksport Town Council in town council assembled that the Town Manager be authorized to submit an application to the Department of Economic and Community Development for funds from the Maine's Future Bond Program for improvements in the downtown area that are identified in the 2006 Downtown Plan and generally outlined above.

Be it further resolved that the Bucksport Town Council raise as new Town match funds for the designated projects a total of **\$252,518** such projects, amounts, and accounts to be charged be as follow:

<u>Projects</u>	<u>Town Amounts</u>	<u>Accounts to be Charged</u>
Pedestrian connectors		
Flag Point to Main St.	\$ 5,850.00	TIF Revenue Account
Historic Society to Main St.	\$18,050.00	TIF Revenue Account
	\$ 7,500.00	2011 Paving Account
	\$ 2,000.00	Waterfront Reserve Account
Hannaford to Buck Cem.	\$29,325.00	TIF Revenue Account
Facade Program	\$23,610.00	TIF Revenue Account
	\$20,000.00	Undesignated Fund Balance

<u>Projects</u>	<u>Amounts</u>	<u>Accounts to be Charged</u>
Plantings @ Traffic Island	\$ 2,000.00	TIF Revenue Account
Camden National Bank Mural	\$ 2,500.00	TIF Revenue Account
Watering Trough	\$ 3,500.00	TIF Revenue Account
Plantings Peary's Landing	\$ 2,000.00	Waterfront Reserve
West End Walkway Improvements	\$ 5,000.00 \$20,000.00	Waterfront Reserve Account Undesignated Fund Balance
Signage at Verona Bridge	\$ 5,000.00	TIF Revenue Account
Street poles and planting brackets	\$18,183.00	TIF Revenue Account
Nason Property Purchase	\$55,000.00	TIF Revenue Account
Demolition	\$18,000.00	TIF Revenue Account
Asbestos removal	\$ 5,000.00	TIF Revenue Account
Engineering	\$10,000.00	TIF Revenue Account
Total new Town funds	\$252,518.00	

Be it further resolved that new Town match funds totaling \$252,518 be available for expenditure as of 7-1-2011.

Acted on and adopted on 6-23-2011

Members of the Bucksport Town Council

Jeffrey Robinson Sr. _____

David Keene _____

Michael Ormsby _____

Robert Howard _____

David Kee _____

Byron Vinton III _____

Brain Leeman _____

Acted on June 23, 2011

Yes 4 No 0 Abstained _____

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-154 AUTHORIZING EXPENDITURES FROM THE SEWER
RESERVE ACCOUNT**

Be it resolved by the Bucksport Town Council in town council assembled that the following expenses totaling \$17,193.77 be authorized and charged to the Sewer Reserve Account:

Security System \$3,944.00
Central Street manholes upgrades \$3,998.00
Advance electrical meters \$723.00
Dump Pump motor \$1,285.28
Crane and winch \$2,348.49
Sure-Trac tilt trailer \$4,895.00

Total \$17,193.77

Acted on June 23, 2011

Yes 4 No 0 Abstained _____

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-155 AUTHORIZING EXPENDITURE FROM THE
SWIMMING POOL RESERVE**

Be it resolved by the Bucksport Town Council in town council assembled that the following expenses totaling \$8,508.00 be authorized and charged to the Swimming Pool Reserve Account:

Repair and reinstall old pump \$2,028.00

Purchase new pump \$3,815.00

Ceiling and wall repair \$2,665.00

Total \$8,508.00

Acted on June 23, 2011

Yes 4 No 0 Abstained

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-156 AUTHORIZING EXPENDITURE FROM THE FIRE
EQUIPMENT RESERVE**

Be it resolved by the Bucksport Town Council in town council assembled that the following expenses totaling \$15,000 be authorized and charged to the Fire Equipment Reserve Account:

Repair to pump for Engine 1 \$15,000

Acted on June 23, 2011

Yes 4 No 0 Abstained _____

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-157 AUTHORIZING EXPENDITURE FROM THE ANIMAL
SHELTER RESERVE ACCOUNT**

Be it resolved by the Bucksport Town Council in town council assembled that the following expenses totaling \$4,257.00 be authorized and charged to the Animal Shelter Reserve Account:

well	\$1,965.00
floor repairs	\$ 292.00
electrical	\$2,000.00

Total	\$4,257.00
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Acted on June 23, 2011

Yes 4 No 0 Abstained _____

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-158 AUTHORIZING BALANCE TO BE CARRIED FORWARD

Be it resolved by the Bucksport Town Council in town council assembled that the following balances be carried forward:

Orland's share of balance of expenses for accounts 531-01 to 531-95 and 531-97 and revenues for accounts 53-4002 and 53-4003 except revenues received from Verso.

Account #51- 2203 Balance of Animal Fees to be transferred to Animal Shelter Reserve

Account#56-7002 Balance Recreation fees to be transferred to Recreation Revenue Reserve

Acted on June 23, 2011

Yes 4 No 0 Abstained

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

**RESOLVE #R-2011-159 AWARDING CONTRACT FOR PURCHASE OF
CULVERTS AND PIPE**

Whereas, bids were requested from culvert pipe suppliers for the town's annual culvert pipe purchases; and,

Whereas bids were received as follows:

Vendor	12"	15"	18"	24"
Paris Farmers Union	\$5.01	\$6.44	\$10.01	\$15.03
Everett J. Prescott, Inc.	\$5.01	\$6.44	\$10.01	\$15.03
Vikings, Inc.	\$5.00	\$6.45	\$10.00	\$15.00

Whereas, it is recommended by the Public Works Director that the contract for purchase of annual culvert pipe be awarded to Everett J. Prescott for the prices listed above for the period 7-1-2011 to 6-30-2012:

Be it resolved by the Bucksport Town Council in town council assembled that the contract for purchase of culvert pipe for the period 7-1-2011 to 6-30-2012 be awarded to Everett J. Prescott for the unit prices noted above.

Acted on June 23, 2011

Yes 4 No 0 Abstained

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk

RESOLVE #R-2011-160 AWARDING CONTRACT FOR EQUIPMENT RENTAL

Whereas, proposals were requested for rental of equipment needed to support the activities at the Highway Department; and,

Whereas, proposals were received as follows:

	Wardwell Contracting		McIntyre
	W/O	WO/O	W/O
12-14 cu. yd. truck	\$58.00		\$48.00
16-18 cu. yd. truck	\$77.00		\$65.00
Lowbed/ with tractor	\$95.00		
Backhoe loader 416	\$65.00	\$64.00	
Skid steer w/ grinder	\$210.00	\$210.00	
D-5 dozer	\$87.00	\$64.00	
D-6 dozer	\$95.00	\$71.00	
Excavator 1 yd.	\$115.00	\$92.00	
Excavator 2 yd.	\$130.00	\$107.00	
Excavator with ram	\$190.00		
Gradall 595/902	\$115.00	\$92.00	
Grader	\$115.00	\$92.00	
Roller 72"	\$67.00	\$47.00	
Roller 84"	\$72.00	\$52.00	
Loader 950/928 Cat	\$87.00	\$64.00	
Loader 966	\$94.00	\$71.00	
Read Screen	\$45.00	\$45.00	

Be it resolved by the Bucksport Town Council in town council assembled that the contract for equipment hire be awarded to the contractor who has the equipment available and is the low bidder.

Be it further resolved that it is understood the Public Works Director will make every effort possible to hire the low bidder, but may choose other available contractors or equipment owners should it be determined to be in the best interest of the town.

Acted on June 23, 2011

Yes 4 No 0 Abstained _____

(Members Absent: Michael Ormsby, Brian Leeman, Robert Howard)

Attested by Kathy Downes, Town Clerk
