

BUCKSPORT TOWN COUNCIL MEETING
7:00 P.M., THURSDAY, JANUARY 28, 2016
TOWN COUNCIL CHAMBERS – BUCKSPORT TOWN OFFICE
AGENDA

1. **Call Meeting To Order**
2. **Roll Call**
3. **Presentation of any Town Council Recognitions – None**
4. **Consider minutes of previous meetings - None**
5. **Receive and review correspondence and document**
6. **Public Hearings**
7. **New Ordinances to Consider/Introduce**
8. **Discussion Items (Manager Clarification and Direction, or Council Discussion and/or Input on Issues)**
 - a. Food Vendors on Waterfront – Waterfront & Ordinance Committee Recommendation
 - b. Request for Town of Bucksport to cease participation in the Coalition opposing the Penobscot Indian Nation vs State of Maine matter
 - c. Draft Budget Meeting Schedule 2016
 - d. Investigation of Council legal rights & responsibilities regarding the Silver Lake water supply
9. **Agenda Items**
 - a. Approve Resolve #R 2016-42 Authorizing Sewer Commitment for 4th Quarter of 2015
 - b. Approve Resolve # R 2016-43 to support the Police Department participating in joining the Spillman User group through the Hancock County Sheriff's Office.
10. **Resignations, Appointments, Assignments, and Elections**
11. **Approval of Quit Claims, Discharges, and Deeds**
 - a. **Sewer Quit Claim Deed**
 1. Daniel & Mary Hamm – 24 Race Course Road
12. **Town Manager Report**
13. **Set Public Hearings, and/or Hold Public Hearings and Approval of any Licenses or Permits**
14. **Discussion of Items Not on the Agenda for Council and Public**
15. **Upcoming Public Hearings, Designation of Topics for Committee Assignment, and Scheduling of Committee Meeting**
16. **Agenda Items Requiring Executive Sessions**
17. **Adjournment**

**RESOLVE #R-2013-034 TO CONSIDER SUPPORT FOR A COALITION SUPPORTING
THE ATTORNEY GENERAL OF THE STATE OF MAINE IN A MATTER
CONSIDERING JURISDICTION OVER THE PENOBSCOT RIVER**

Whereas, the Penobscot Indian Nation has filed suit against Maine Attorney General Bill Schneider; and,

Whereas, the Penobscot Indian Nation seeks to establish that it, and not the State of Maine, has exclusive jurisdiction over the Penobscot River surrounding and north of Indian Island; and,

Whereas, the lawsuit could have significant consequences for non-Indian waste discharge licensees that discharge into the river or one of its tributaries; and,

Whereas, if the Penobscot Indian Nation prevails, it could mean that all non-Tribal discharges into the Penobscot River above Indian Island, or its branches could be regulated by the Penobscot Indian Nation in addition to the State of Maine; and,

Whereas, the Attorney General of the State of Maine is defending the States' rights in this matter; and,

Whereas, the Environmental & Land Use Practice Group at Pierce Atwood, LLP is leading a coalition in support of the Attorney General in this matter; and,

Whereas, Pierce Atwood is requesting financial assistance for this work of approximately \$2,500.00,

Be it resolved by the Bucksport Town Council in Town Council assembled to support the coalition but will not financially contribute at this time.

Acted on September 13, 2012

Yes 5 No 0 Abstained (Members Absent: Joel Wardwell & Byron Vinton)

Attested by: Kathy Downes, Town Clerk

BANGOR DAILY NEWS

Penobscots sue AG over who has authority over river surrounding reservation

by Judy Harrison

Posted Aug. 22, 2012, at 1:00 p.m.

BANGOR, Maine — The Penobscot Indian Nation has sued the Maine attorney general and the heads of the Maine Department of Inland Fisheries and Wildlife and the Maine Warden Service over who has authority over the waters of the Penobscot River surrounding the reservation.

The complaint, with a letter written earlier this month by Attorney General William Schneider and another written in 1988 by then Attorney General James Tierney attached, was filed Monday in U.S. District Court in Bangor.

Representatives for the attorney general's office and DIF&W declined to comment on the case. Efforts to the tribe's attorney were unsuccessful Wednesday.

The tribe is seeking an injunction to keep Maine game wardens from policing the river and preventing tribal members from engaging in sustenance fishing.

"The [Penobscot] nation has exercised exclusive jurisdiction over sustenance fishing by its members in the waters of the Penobscot River surrounding Indian Island and other islands in the river northward thereof from time immemorial and currently does so pursuant to law duly promulgated and enacted by the nation," the lawsuit filed by Kaighn Smith of Portland, the tribe's attorney, said.

"The nation's jurisdiction over sustenance fishing by its members in the Penobscot River is an exercise of its inherent sovereign authority, as a matter of federal law, and it remained intact; it has never been surrendered by treaty or by an act of Congress," the lawsuit claimed.

The lawsuit was filed after the tribe received a copy of a letter dated Aug. 8 and signed by Schneider. The letter, which was addressed to Chandler Woodcock, commissioner of DIF&W, and Col. Joel Wilkinson of the warden service, said the tribe has the authority to regulate hunting, trapping and the taking of other wildlife on Indian Island and the islands that the tribe owns north to Medway but not on the Penobscot River.

Wilkinson said Thursday in an email that he asked Woodcock to seek the attorney general's opinion on who has jurisdiction on the river.

"In recent months, the Penobscot Tribe has disagreed with the State of Maine's long standing interpretation regarding the jurisdiction of a portion of the Penobscot River that stretches approximately 55 miles," the head of the warden service said. "This circumstance has caused confusion among user groups that enjoy the many recreational opportunities that the river provides to both Penobscot tribal members and citizens and visitors to the state of Maine. The Maine Warden Service requested, for enforcement purposes, clarification and guidance through the Maine attorney general's office."

"Like private landowners, the Penobscot Nation may also restrict access to their lands, here islands, as it sees fit," Schneider wrote in response to Wilkinson's request. "However, the river itself is not part of the Penobscot Nation's reservations, and therefore is not subject to its regulatory authority or proprietary

FY 16-17 REVISED BUDGET WORKSHOP SCHEDULE

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Whereas, the Town of Bucksport must pass a budget for each fiscal year beginning July 1; and,
 Whereas, the budget process includes budget workshops to discuss sections of the budget; and,
 Whereas, the workshop schedule for the 2017 fiscal year budget is as follows,

Date	Topic
March 10, 2016, 7:00 PM*	First Draft of Budget 2016 Review
March 17, 2016, 7:00 PM	Streets and Ways, Health and Sanitation, Buildings & Grounds Education
March 24, 2015, 7:00 PM*	Debt Service
March 31, 2016, 7:00 PM	Protection, Parks and Recreation Dept. Budget, Town Dock
April 7, 2014	Social Services
April 14, 2016, 7:00 PM*	Capital Improvement Program
April 21, 2016, 7:00 PM	General Government, Sewer, Revenues
April 28, 2016, 7:00 PM*	Presentation of Town portion of Preliminary Budget , Salaries and Wages of Non-Contractual Employees
May 09, 2016, 7:00 PM*	Second Draft of Budget 2016 Review
June 09, 2016, 7:00 PM*	Public Hearing & Adoption of 2016/17 Budget

*Regular Town Council Meeting scheduled for 7:00 PM that same night.

Be it resolved by the Bucksport Town Council in Town Council assembled to approve the 2016 fiscal year budget workshop schedule

Acted on January 28, 2016

Yes ___ No ___ Abstained ___

Attested by: Kathy Downes, Town Clerk

**RESOLVE #R-2016-42 TO APPROVE AND SIGN CERTIFICATE OF COMMITMENT
OF SEWER USER RATE**

Whereas, Susan Lessard serves as Treasurer for the Town of Bucksport; and,

Whereas the Bucksport Sewer System is a town operated entity which pays for its operations through sewer fees; and,

Whereas sewer fees are due for the period of October 1, 2015, to December 31, 2015, in the amount of \$212,426.21; and,

Whereas it is the Town Treasurer who collects the Sewer Fees; and,

Be it resolved by the Bucksport Town Council in Town Council assembled to sign the Certificate of Commitment of Sewer User Rate; and the Town Treasurer is to collect the balances stated as directed in Certificate of Commitment.

Acted on January 28, 2016

Yes ___ No ___ Abstained ___

Attested by: Kathy Downes, Town Clerk

9a

CERTIFICATE OF COMMITMENT OF SEWER USER RATE

TO: Susan Lessard, the Treasurer of the Municipality of Bucksport, Maine

We, the undersigned Municipal Officers of Bucksport, hereby certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A. Section 3406 for those properties, units and structures required by local and State law to pay a sewer rate to the municipality, for the period October 1, 2015 and ending December 31, 2015. This list is comprised of the pages numbered 1 to 26 inclusive which are attached to this certificate. The date on which the rates included in this list are due and payable on January 1, 2016. You are hereby required to collect, from each person named on the attached list his or her respective amount as indicated in the list, the sum total of those listings being \$212,426.21. You are hereby required to charge interest at the rate of 4% per annum on any unpaid account balance beginning April 1, 2016.

You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law on or before January 1, 2017 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this 28th day of January, 2016.

MUNICIPAL OFFICERS, TOWN OF BUCKSPORT

Kathy L. Downes (Witness to All)

Robert G. Carmichael Jr.

Paul R. Gauvin

David W. Kee

David G. Keene

Paul F. Rabs

Peter L. Stewart

Joseph N. York

COPY

Posted Journal Report

Journal - 0445 - 01/15/2016 UT - Bill Run

Posted - 01/15/16

Per	Date	Wrnt	Vndr	Check	Desc (Abbrev) ---	RCB	Type	Debits	Credits	Account
01	01/15/16				01/15/2016 UT - Sewer	R	GJ		212,426.21	R 70-3510
01	01/15/16				01/15/2016 UT Sewer - Receive	R	GJ	212,426.21		G 2-211-00
01	01/15/16				Revenue CTL	L	GJ		212,426.21	G 2-510-00
Total -								212,426.21	212,426.21	

9/6

**RESOLVE #R-2016-43 TO SUPPORT THE POLICE DEPARTMENT PARTICIPATING
IN JOINING THE SPILLMAN USER GROUP THROUGH THE HANCOCK COUNTY
SHERIFF'S DEPARTMENT**

Whereas, the Town of Bucksport supports a Police Department for the protection of its residents and property, and

Whereas the ability of the Department to share information with other police departments is critical to the operation of the Department, and

Whereas the Town of Bucksport currently has a standalone communication system that does not allow the seamless electronic access of information with other Police Departments, and

Whereas the Town of Bucksport is now the only Police Department in Hancock County area that is not participating in or scheduled to participate in the Spillman User Group as a communications tool, and

Whereas Hancock County is switching to the Spillman User Group at this time and will act as host in this region, and

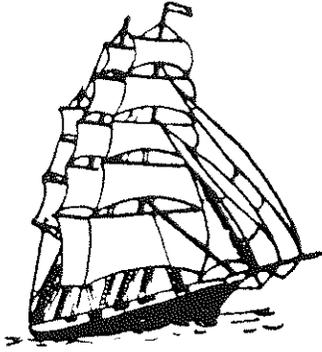
Whereas the Town of Bucksport can join this user group at this time for a cost of \$41,931 as part of two other communities also joining, realizing a savings of \$68,069 over becoming a standalone host for the Spillman User Group

Be it resolved by the Bucksport Town Council in Town Council assembled to approve the participation of the Police Department in the Spillman User Group through the Hancock County Sheriff's Office at a cost of \$41,931 for equipment to be paid from Dispatch Equipment Capital Reserve which has a current balance of \$71,388.87.

Acted on January 28, 2016

Yes ___ No ___ Abstained ___

Attested by: Kathy Downes, Town Clerk



BUCKSPORT POLICE DEPARTMENT

PUBLIC SAFETY BUILDING, 89 FRANKLIN STREET
P.O. BOX C-1, BUCKSPORT, MAINE 04416
(207) 469-7951/FAX (207) 469-3122

Chief Sean P. Geagan

MEMO

Date: January 26, 2016
To: Sue Lessard, Town Manager
From: Sean P. Geagan, Chief of Police
Subject: Spillman Records Management System

We have recently received an invitation to join the Hancock County Spillman user group system. We have been on a standalone system at the Police Department since 1991. This system has been very good to us and the maintenance of the system has been outstanding.

The user group consist of all law enforcement agencies in Hancock County with the exception of Bucksport, Bar Harbor and Southwest Harbor. Bar Harbor and Southwest Harbor are in the process of switching over to the Spillman Records Management System.

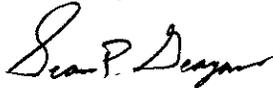
The server for this system is housed at the Hancock County Sheriffs Office in Ellsworth. The system is a state wide information sharing system which means that all users can communicate and share information on minute by minute basis. The system consist of many items including computer aided dispatch and several upgrades that were just purchased.

The cost for a standalone host is \$110,000 to be set up with the Spillman Records Management System. Recently, the system at the Sheriffs Office has been upgraded with several new modules. The cost for this was \$182,768. This was paid for using Maine Emergency Management funding in an effort to get all agencies on the same system in order to assist in communications and information sharing in law enforcement. As a result of this, there is an open proposal for the three existing towns in Hancock County that do not currently participate in this program to join the Spillman program. The cost for the three remaining agencies is \$46,590. If all three agencies join there is a 10% discount which would bring the price to \$41,931 per agency. This can be paid for in installment payments over a three year term with no interest if desired. A quote from Spillman has been included in this Memo. There is also a yearly maintenance fee that is \$5738 per year. This subject is still being discussed between the user group and the company. The Sheriffs Office currently pays a maintenance fee as the host and this is under discussion with the company. This could possibly be divided between the users in the future.

There are currently 58 agencies in the State of Maine that are using this system and are able to communicate with each other by sharing information. There has also been mention that the Maine State Police will be joining this Records Management System in the near future. A copy of the users has been included with this memo.

I am presenting this invitation to you and the Town Council for consideration. If the town decides to accept this invitation I am recommending that it be purchased in three payments and the funding is to come out of the dispatch CIP account.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean P. Geagan". The signature is fluid and cursive, with a large initial "S" and "G".

Sean P. Geagan

Chief of Police

Quote and Purchase Addendum

Quoted Date: November 04, 2015 Quote Number: QUO-08795-W4F7Y5
Quote Expiration Date: January 30, 2016 Prepared By: Tyler Holland

Services Included

- **First-year Maintenance** – For the specific module(s) listed in this document, all upgrades and live phone support services are included for the entire first year.
- **Project Management and Installation** – Spillman will assign a Project Manager as the agency's single point of contact. This individual will coordinate Spillman's expert installation and training staff as needed to ensure a smooth upgrade transition.

Included in Quote

- CAD
- Law Records
- Traffic Information
- Hub

Package Quote
\$41,931

This is a shared agency quote to become a shared agency to Hancock County's server. Also includes modules included in quote QUO-07311-W0D2J1 from Hancock County purchase.

This quote includes a 10% Discount conditional upon Bar Harbor and Southwest Harbor Signing in January as well. 1 Week of Project Team Onsite Assistance will be provided for the three agencies

Payment Terms:

\$13,977 Due March 30, 2016
\$13,977 Due July 30, 2016
\$13,977 Due July 30, 2017

Future Maintenance

- 2nd-year maintenance charges will begin 12 months from the date of contract execution listed below.
- Future maintenance is estimated for your planning purposes and is not included in this purchase.

2nd-year Maintenance Total: \$5,738

Quote and Purchase Addendum

Quoted Date: November 04, 2015 Quote Number: QUO-08795-W4F7Y5
Quote Expiration Date: January 30, 2016 Prepared By: Tyler Holland

The Customer's signature below constitutes its agreement to purchase the licenses, products and/or services according to the terms quoted by Spillman within this document. This document shall serve as an addendum to the Purchase Agreement previously entered into between the Customer and Spillman. The terms and conditions of the Purchase Agreement, as well as the related License Agreement and Support Agreement, shall apply to the items quoted herein.

Bucksport Police Department

Customer Name

Authorized Signature

Date

Print Name and Title

Account Name	State	Relationship	Type	Customer Type	County	Main Phone
Bangor Police Department	ME	Customer	Shared		Penobscot	(207) 443-5564
Bath Police Department	ME	Customer	Shared		Sagadahoc	(207) 338-5255
Belfast Police Department	ME	Customer	Shared		Waldo	(207) 989-7001
Brewer Police Department	ME	Customer	Shared		Penobscot	(207) 647-8814
Bridgton Public Safety	ME	Customer	Shared		Cumberland	(207) 965-8026
Brownville Police Department	ME	Customer	Shared		Piscataquis	(207) 725-5521
Brunswick Police Department	ME	Customer	Shared		Cumberland	
Camden Police Department	ME	Customer	Shared		Knox	
Cumberland County Sheriff	ME	Customer	Host		Cumberland	(207) 774-5939
Cumberland Fire Department	ME	Customer	Shared		Cumberland	(207) 829-5421
Dexter Police Department	ME	Customer	Shared		Penobscot	(207) 924-7322
Dixfield Police Department	ME	Customer	Shared		Oxford	(207) 562-4517
Dover Foxcroft Police Department	ME	Customer	Shared		Piscataquis	(207) 564-8021
East Millinocket Police Department	ME	Customer	Shared		Penobscot	(207) 746-9951
Ellsworth Police Department	ME	Customer	Shared		Hancock	(207) 667-2168
Falmouth Public Safety	ME	Customer	Shared		Cumberland	(207) 781-4242
Freeport Police Department	ME	Customer	Shared		Cumberland	(207) 865-4800
Gorham Public Safety	ME	Customer	Shared		Cumberland	(207) 839-5581
Greenville Police Department	ME	Customer	Shared		Piscataquis	(207) 695-3835
Hampden Police Department	ME	Customer	Shared		Penobscot	
Hancock County Sheriff	ME	Customer	Host		Hancock	(207) 667-2563
Holden Police Department	ME	Customer	Shared		Penobscot	(207) 843-5151
Islesboro Police Department	ME	Customer	Shared		Waldo	(207) 734-6787
Knox County Sheriff	ME	Customer	Host		Knox	(207) 594-0429
Lincolnville Police Department	ME	Customer	Shared		Waldo	(207) 338-2420
Mexico Police Department	ME	Customer	Shared		Oxford	(207) 364-5686
Millinocket Police Department	ME	Customer	Shared		Penobscot	(207) 723-9731
Milo Police Department	ME	Customer	Shared		Piscataquis	(207) 943-2522
Mount Desert Police Department	ME	Customer	Shared		Hancock	(207) 276-5111
Newport Police Department	ME	Customer	Mobile Only		Penobscot	(207) 368-3263
Norway Police Department	ME	Customer	Shared		Oxford	(207) 743-5303
Old Town Police Department	ME	Customer	Shared		Penobscot	
Orono Police Department	ME	Customer	Shared		Penobscot	
Oxford County Sheriff	ME	Customer	Host		Oxford	(207) 743-9554 x107
Oxford Police Department	ME	Customer	Shared		Oxford	

Paris Police Department	ME	Customer	Shared	Oxford	(207) 743-7448
Penobscot Safety Info Mngmt Syste	ME	Customer	Host	Penobscot	(207) 561-6178
Phippsburg Police Department	ME	Customer	Shared	Sagadahoc	(207) 389-2653
Piscataquis County Sheriff	ME	Customer	Shared	Piscataquis	(207) 564-3304
Richmond Police Department	ME	Customer	Shared	Sagadahoc	(207) 737-8518
Rockland Police Department	ME	Customer	Shared	Knox	
Rockport Police Department	ME	Customer	Shared	Knox	(207) 236-2027
Runford Police Department	ME	Customer	Shared	Oxford	(207) 364-4551
Sagadahoc County RCC	ME	Customer	Host	Sagadahoc	(207) 443-8201
Sagadahoc County Sheriff	ME	Customer	Shared	Sagadahoc	(207) 443-8228
Scarborough Police Department	ME	Customer	Shared	Cumberland	(207) 883-6361
Searsport Police Department	ME	Customer	Shared	Waldo	(207) 548-2304
Stockton Springs Police Departmen	ME	Customer	Shared	Waldo	(207) 567-3404
Thomaston Police Department	ME	Customer	Shared	Knox	(207) 354-2511
Topsham Police Department	ME	Customer	Shared	Sagadahoc	(207) 725-4337
University of Maine Orono	ME	Customer	Shared	Penobscot	
Veazie Police Department	ME	Customer	Shared	Penobscot	(207) 947-2348
Waldo County Regional Communic	ME	Customer	Host	Waldo	(207) 338-2040
Waldo County Sheriff	ME	Customer	Shared	Waldo	(207) 338-2040
Westbrook Police Department	ME	Customer	Shared	Cumberland	(207) 854-0644
Windham Town Police Department	ME	Customer	Shared	Cumberland	(207) 892-2525
Winthrop Police Department	ME	Customer	Host	Kennebec	(207) 377-7226
Yarmouth Police Department	ME	Customer	Shared	Cumberland	(207) 846-3333

Municipal
QUITCLAIM DEED

11a

Know all Persons by these Presents,

That the Inhabitants of -----TOWN OF BUCKSPORT-----
A body corporate and politic, located at-----BUCKSPORT-----
in the County of ----HANCOCK---- and State of Maine,
in consideration of one dollar and other valuable consideration paid by

DANIEL J. HAMM
MARY L. HAMM

whose mailing address is

24 RACE COURSE ROAD, BUCKSPORT, ME 04416

the receipt whereof it does hereby acknowledge, does hereby *remise, release, bargain, sell and convey*, and forever *quitclaim* unto the said

DANIEL J. HAMM
MARY L. HAMM

heirs and assigns forever, all its right, title and interest in and to the following described
real estate situated at 50 SPRUCE STREET, BUCKSPORT-----
in the County of---HANCOCK--- and State of Maine:

LOCATED ON MAP 31 LOT 16 OF THE ASSESSORS TAX MAPS FOR THE TOWN
OF BUCKSPORT, CONSISTING OF 54 MAPS NUMBERED FROM 1 THRU 53
INCLUSIVE, WHICH ARE ON FILE AT THE TOWN OF BUCKSPORT MUNICIPAL
OFFICE, 50 MAIN STREET, BUCKSPORT, MAINE.
(TRIO SEWER ACCT#715)

Meaning and intending to convey and hereby conveying any interest the Grantor herein
may have in the foregoing property by virtue of unpaid taxes for the tax year(s)

2014 – SEWER LIEN RECORDED ON 03/20/2014 BK 6193 PG 42

AT THE HANCOCK COUNTY REGISTRY OF DEEDS

To have and to hold the same, together with all the privileges and appurtenances there unto belonging to the said

DANIEL J. HAMM
MARY L. HAMM

heirs and assigns forever.

In Witness Whereof, the said Inhabitants of ---TOWN OF BUCKSPORT--- has caused this instrument to be sealed with its corporate seal and signed in its corporate name by its COUNCILORS thereunto duly authorized, this 28TH day of the month of JANUARY A.D. 2016.

*Signed, Sealed and Delivered
in presence of*

Inhabitants of TOWN OF BUCKSPORT

.....
Susan Lessard (Witness to All)

.....
Robert G. Carmichael Jr.
.....
Paul R. Gauvin
.....
David W. Kee
.....
David G. Keene
.....
Paul F. Rabs
.....
Peter L. Stewart
.....
Joseph N. York

STATE OF MAINE, COUNTY OF HANCOCK ss. JANUARY 28, 2016.

Then personally appeared the above named COUNCILORS
And acknowledged the foregoing instrument to be THEIR free act and deed in
THEIR said capacity, and the free act and deed of said body corporate.

Before me,

.....
Kathy L. Downes, Notary Public
State of Maine – Hancock County
My commission expires: May 15, 2016