

**APPROVED**

12-14-2011

**EASTPORT CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 9<sup>th</sup>, 2011  
6:00 P.M. - SHEAD HIGH SCHOOL**

**1. CALL TO ORDER**

The meeting was called to order at 6:03 p.m. by Council President, Robert Peacock. Those in attendance and present were: Councilor Paul Critchley, Councilor Mike Cummings, Councilor Dave Morang, and Council President, Robert Peacock. Also in attendance was City Manager, Jon Southern; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

Council President extends congratulations out to the newly elected Council members to commence January, 2012 (Scott Emery & Mary Repole).

**2. ADJUSTMENTS TO AGENDA**

There were none.

**3. MINUTES OF PREVIOUS MEETINGS (10/12/2011)**

MOTION CRITCHLEY SECOND MILLER

To accept the Council minutes for the **October 12<sup>th</sup>, 2011** meeting as submitted by the City Clerk.

PASSED 4-1 (CUMMINGS/"NO")

**4. DEPARTMENT REPORTS**

**A. FINANCIAL REPORT**

Council Presidents asks about a \$10.00 parking ticket. The City Manager responded that he thought it may have been for a vehicle parked in front of a hydrant and that the owner could not be contacted. He also made reference that it looks to have been issued based on the old fine structure.

Councilor Cummings asked the City Manager what the City's expense is at the Boat School with buying fuel and what Husson is covering for costs. The City Manager responded that we are about surpass what Husson has already paid. We have had to order more fuel and informs the Council that this report does not reflect three of the most recent

purchases as we have not yet been invoiced for them and makes reference to that fact but that it is reflective of 3,000 gallons of fuel. These expenses will have exceeded what Husson has paid this month. Councilor Cummings asks if this is coming out of the taxpayer's money and the City Manager responded that it will. Councilor Cummings asks about the \$125,000 to run the school and the City Manager explains that the Friends of the Boat School do not presently have any students right now and that the project is on hold as a result of the legal action pending and are unable to move forward with their plans. He further clarifies to Councilor Cummings that they are not sitting on the \$125,000 as it was available for the purchase of the facility and not for operating costs. Council President reminds Councilor Cummings that the Friends of the Boat School do not own the facility and no money has exchanged hands and until the Purchase and Sale is final and complete, the City still remains responsible. The City Manager reiterates, emphasizes, and reminds Council of the fact that the Friends of the Boat School are unable to put students in there at this time because of the legal action. Councilor Cummings asks if the City is still in the negotiation process and whether or not anything is final yet as he has heard something about the City Manager making an extension. The City Manager responds that he extended the Purchase and Sale Agreement through to November 28<sup>th</sup>, 2011 because they hadn't finalized the Purchase and Sale requirements with Dean Pike and that they were also still working on a land survey. Thus, the condition was given to them that they must fulfill the requirement of satisfying all interested parties first and this was the reason for the extension. Councilor Cummings expressed that he felt the original deal has changed and the City Manager responded that nothing has changed and that the terms remain the same. The only change is the date of closing, which was extended to November 28<sup>th</sup>, 2011. They must still satisfy the parties at the table. Councilor Cummings states he did not see a final copy of the deal. The City Manager responds saying that he emailed a copy of the Purchase and Sale Agreement to all of the Council members.

Councilor Miller asks the City Manager a question with respect to foreclosures. He makes references to a total of 55 which is a combination of banks, utilities, and the City.

MOTION CRITCHLEY SECOND MILLER  
To accept the **Financial Report** for **October, 2011** as presented

PASSED 5-0

**B. CODE ENFORCEMENT REPORT**

The Assessor reads his submitted report.

MOTION CRITCHLEY SECOND MORANG  
To "*rescind*" the vote of **November 8<sup>th</sup>, 2010** to **not adopt** the Maine Uniform Building and Energy Code.

Jon McNerney asks the Assessor if the City has any building codes and he responds that we are required to adhere to the State's building and energy code which is the BOCA revamped.

Councilor Cummings asks the Assessor a question with respect to taxing property that is in the bay. The Assessor responds that it really depends on where it is located. Councilor Cummings further responds to say that he believes they should be taxable items. The Assessor responds that he taxes everything that he is legally able to tax. Councilor Morang speaks that it is his understanding it depends on where it is moored. The City Manager informs the Council that the property would have to be moored permanently but reaffirms they are taxable.

PASSED 5-0

MOTION MORANG SECOND MILLER  
To accept the **Code Enforcement Officer/Assessor Report for October, 2011** as presented.

PASSED 5-0

#### **C. POLICE DEPARTMENT REPORT**

Councilor Cummings addresses the Council relative to Peter Harris agreeing to organize a neighborhood watch and that he is willing to donate his time and informs the Council that he has spoken with the Police Chief, Frank Gardner, in this regard.

Councilor Cummings also makes reference to the assistance of the Police Department with regard to street lights when reporting to Bangor Hydro that they are not working, it is helpful to have the number on the pole and its location.

Councilor Critchley addresses the Council that there is a need for signs to be placed downtown with respect to the ***Dog Feces Ordinance***. The City Manager responded that he will order more.

MOTION MILLER SECOND CRITCHLEY  
To accept the **Police Department Report for October, 2011** as presented.

PASSED 5-0

#### **D. PUBLIC WORKS REPORT**

MOTION MILLER SECOND CRITCHLEY  
To accept the **Public Works Report for October, 2011** as presented.

PASSED 5-0

**E. SEWER REPORT**

MOTION CRITCHLEY SECOND CUMMINGS  
To accept the **Sewer Operations Report** for **October, 2011** as presented.

PASSED 5-0

**5. BOARDS & COMMITTEES/REPORT & APPOINTMENTS**

**A. PLANNING BOARD - NO REPORT**

**B. ZONING BOARD OF APPEALS**

A reminder from the City Clerk that Mary Repole will need to step down from the Zoning Board of Appeals.

**C. HISTORIC REVIEW BOARD - NO REPORT**

**D. AIRPORT**

The City Manager gives an update and advises the Council that the final inspection has been rescheduled.

**E. HARBOR - NO REPORT**

**F. MARINE RESOURCE - NO REPORT**

**G. RECYCLING**

The City Clerk informs the Council that she and the City Manager have yet to hear back from Bay Area Transfer but reaffirms that she will follow up with a phone call to them.

**H. DOWNTOWN**

Councilor Critchley lets us know that the plaque for Donald Sultherland is in place.

As for the Schoodic Sculpture, it is understood that they are working on securing the base and that placement is scheduled to take place within the next two weeks.

Council President informs the Council that the City recently had a visitor from the Orton Foundation.

**I. EASTPORT FOR PRIDE - NO REPORT**

**J. PORT REPORT**

Council President makes reference to the report submitted by the Port Authority and also gives a brief overview and update.

Councilor Cummings expresses that he feels the City should receive more help from the Port financially. Council President reaffirms that the Port is paying taxes.

**6. UPDATE**

**A. AMBULANCE**

Councilor Cummings gives an update. Three ambulances are being serviced and there will soon be a new director.

**B. MARION TRANSFER**

Councilor Cummings gives an update and advises Council that they have accepted a 10-year contract with a new vendor to haul the waste to Canada. The City Manager informs the Council that household waste is paid through tax revenue and demolition is paid for by the individual.

**7. SCHEDULE PUBLIC HEARINGS**

There were none.

**8. VETERAN’S DAY PROCLAMATION**

MOTION MORANG SECOND MILLER  
To accept and sign the Veteran’s Day Proclamation for November 11<sup>th</sup>, 2011 as submitted and read.

PASSED 5-0

**9. “2012” HOLIDAY SCHEDULE**

MOTION MORANG SECOND MILLER  
To accept the “2012” Holiday Schedule as submitted which is also reflective of what the Maine Municipal Association has in place for the State.

PASSED 5-0

**10. PERPETUAL CARE (E-NEW LOTS #1) BUD & LOU URQUHART**

MOTION CRITCHLEY SECOND MORANG

To accept the perpetual care for Bud & Lou Urquhart in the amount of \$275.00 as presented for Lot #1 in Hillside West, Section E-New Lots.

PASSED 5-0

**11. PERPETUAL CARE (E-NEW LOTS #2) GORDON & CALLA GREENLAW**

MOTION CRITCHLEY SECOND MILLER

To accept the perpetual care for Gordon & Calla Greenlaw in the amount of \$375.00 as presented for Lot #2 in Hillside West, Section E-New Lots.

PASSED 5-0

Councilor Cummings asks Jim Elliott for an update with respect to the Cemetery. He informs the Council that the arches have been fixed and recognizes Ricky Camick, Ted Trott, and Don Hansen. Councilor Cummings also informs the Council that Hugh French has also extended assistance to the City.

The City Manager advises the Council that we have an estimate with respect to tree removal and that he has looked at the sites with Jim. There are a total of (4) large maple trees that pose a danger and liability to the City and need to be removed.

MOTION MORANG SECOND MILLER

To approve the removal of trees in the Cemetery as referenced in Item #1 of the quote/proposal received from Coastal Tree Service for the amount of \$2,000.

PASSED 5-0

**12. CITY MANAGER ISSUES**

The City Manager reviews the election results and welcomes the new elected officials on their new positions as Council members commencing January, 2012. He also informs them that he will include them on any updates and will add them to the email list.

Councilor Cummings asks the City Manager if anything has been pursued on behalf of the clam diggers. The City Manager responds that they are still looking at a joint proposal with surrounding communities as a joint effort.

### **13. OPEN FORUM**

Open Forum took place at 7:15 p.m.

Jon McNerney raised concern with respect to private property with a wharf that is in need of repair that is located in the downtown area.

Linda Godfrey reminds the Council of training and workshops available to newly elected officials and recommends that the City utilize these resources.

The City Manager extends an invite to the new elected officials to come into City Hall for an introduction to the staff and to also give them a better understanding of its function and the daily operations.

David Gholson expresses to the Council that he is still very much in opposition to the proposal for the sale of the pier and ramp at 16 Deep Cove Road. Council President responds that due to the lawsuit pending, the City has been advised not to comment.

Jackie Battista asks about the status relative to the trailer on Mitchell Street. The City Manager responds that we are experiencing problems with finding a company to move it given the liability issues. One of the axles has seized but that it is being worked on as well. It is something that cannot be moved by the Public Works Dept. as we do not have the proper equipment.

Richard Clark addresses the Council with respect to the possibility of the need to utilize the Boat School parking lot as an alternative location for State Emergency Vehicle Operation Training on the 19<sup>th</sup> & 20<sup>th</sup> for Eastport and Perry in the event that there is a ship and they cannot hold it at Federal Marine. The Council had no issues with this request.

Councilor Miller places emphasis with regard to taxpayers struggling to pay their water bill when the City has experienced two boil orders in a short period of time of each other not to mention that we pay a significantly high rate. He asks of the City Manager if he has made contact with the Town of Lubec with regard to tying into their system. He has not done so directly, however, he has spoken with engineers and they anticipate an expense of approximately \$2.2 million dollar for a project such as this. The City Manager recommends that the City invite the water company to join them in a workshop. Councilor Miller also asks about the restructuring of the board.

### **14. EXECUTIVE SESSION**

NONE

**15. ADJOURNMENT**

MOTION MORANG SECOND MILLER  
To adjourn.

PASSED 5-0 (TIME: 7:30 P.M.)