

APPROVED
(11-9-2011)

PUBLIC HEARING
PARKING ORDINANCE AMENDMENT
ARTICLE II SECTION 202.01

WEDNESDAY, OCTOBER 12TH, 2011
6:00 P.M. - SHEAD HIGH SCHOOL

The hearing was called to order at 6:04 p.m. Those present: Councilor Paul Critchley, Councilor Michael Cummings, Councilor Dave Morang, Council President, Robert Peacock. Also in attendance was City Manager, Jon Southern; and Ella Kowal, City Clerk.

Those present in the audience were as follows:

Hugh French, Jerry Morrison, Paul M. Koziell, Jon McNerney, Scott Emery, Chris Brown, Kathryn Lewis, David Gholson, Marget Higginson, Meg Keay, Ross Furman, Deborah Train, Richard Clark, Michael Morse, Cynthia Morse, James Elliott, Robert Scott, Christina Greenlaw, Paul Thompson, Linda Godfrey, Lora Whelan, Meg McGarvey, Thomas Ries, Phyllis Bradbury, Judy East, Martha Brickett, Rhonda L. Voisine, Victor J. Voisine, S. Dean Pike, Jon Southern, and Ella C. Kowal.

Council President reads the proposed amendment and opens the floor for public comment.

Jon McNerney of Eastport addresses the Council with a question relative to the "no all night parking". He asks what areas are affected by this. The City Manager responds to say that this refers to snow season and the plow areas downtown.

Lora Whelan addresses the Council concerning marked parking spots on Water Street that are close to the corners and closer than the fifteen feet. The City Manager clarifies that this does not apply to a marked parking area.

Councilor Cummings makes reference that the fees are no good unless they are enforced.

Richard Clark of Eastport asked if this money would go to the City. The City Manager confirmed that it does stay with the City but reaffirms that this *is not* a revenue generating tool and that he strongly opposes the Police Department using it as such. It is simply to be utilized as a deterrent and all efforts will be made to contact the owner of the vehicle first.

Meg McGarvey of Eastport asks if this would address those that park on the front street all day long. The City Manager responds that it does not. She recommends to the Council that they give consideration to a 2-hour limit relative to parking and posting it accordingly. She believes that signage would possibly help people make a conscious effort to abide by the parking regulations.

Deb Train of Eastport asks the City Manager what account this revenue would go into. He responded that it would go into the Police Department budget.

Linda Godfrey of Eastport asks for clarification that it would not necessarily require a lot of signage. The City Manager reaffirms that this is to encourage people to follow the current signage and restrictions.

Council President asked if there were any further questions or comments from the public. There were *none*.

He then opens the floor for any questions from the Council.

Councilor Cummings emphasizes that if the City is going to enact this, they must enforce and impose the fines. The City Manager responds to say that the first recourse of action would be to try and contact the owner of the vehicle as there may be a genuine reason for parking in a restricted area. He continues further to say that it is the Police Department requesting this amendment and acknowledges the need for such enforcement.

Councilor Critchley asks if this would apply to handicap parking. The City Manager explains that they would still have to adhere to the parking regulations. He also asks if business owners are required to offer handicap parking. The City Manager and Robert Scott both respond that there is no legal requirement.

The City Manager did respond that it is his intent to sign post the City's parking lot next to the Post Office before Spring to open this area up for parking. He also informs the Council that they will be utilizing warning cards.

Councilor Morang speaks with a concern about people who *are not* handicapped but park in a marked location. The City Manager reaffirms that the Police Department will be enforcing the parking ordinance. He also highlights that violation of handicap parking is a State offense as well.

Council President asked if there were any further questions or comments. There were *none*.

The hearing was declared closed at 6:12 p.m.

**PUBLIC HEARING
COMMUNITIES FOR MAINE'S FUTURE GRANT**

**WEDNESDAY, OCTOBER 12th, 2011
6:00 P.M. - SHEAD HIGH SCHOOL**

The hearing was called to order at 6:13 p.m. Those present: Councilor Paul Critchley, Councilor Michael Cummings, Councilor Dave Morang, and Council President, Robert Peacock. Also in attendance was City Manager, Jon Southern; and Ella Kowal, City Clerk.

Those present in the audience were as follows:

Hugh French, Jerry Morrison, Paul M. Koziell, Jon McNerney, Scott Emery, Chris Brown, Kathryn Lewis, David Gholson, Marget Higginson, Meg Keay, Ross Furman, Deborah Train, Richard Clark, Michael Morse, Cynthia Morse, James Elliott, Robert Scott, Christina Greenlaw, Paul Thompson, Linda Godfrey, Lora Whelan, Meg McGarvey, Thomas Ries, Phyllis Bradbury, Judy East, Martha Brickett, Rhonda L. Voisine, Victor J. Voisine, S. Dean Pike, Jon Southern, and Ella C. Kowal.

Council President, Mr. Peacock, opens the floor for public comment.

Council President asks **Hugh French** for an update. He reminds the Council that they came before them in the late Spring of this year to apply to the State for a *one shot* program called Communities for Maine's Future which is specifically geared for the Downtown. They applied and notification was received of an award being granted. He informs that this program requires a one to one match and that \$250,000 has been matched privately. This will be utilized for the exterior renovation of the current Tides Institute building and to also complete the first phase of renovations for the *Holmes* building on Water Street. The award made to Eastport was significant in that there were no other awards made in the *eastern* part of Maine.

Deborah Train of Eastport addressed Hugh French with a question relative to where other grants were awarded. He responded to say that he believed most of them were given to the western and central part of the State (Norway, Belfast, Rockland).

Council President, Robert Peacock, asked a question with respect to the total package awarded. Mr. French informed the Council it was \$3,500,000 with a total of eleven awards granted.

Councilor Cummings asks him to clarify their match without the help of the City. Mr. French confirms that they have matched \$300,000 privately as well as covering the administrative costs.

Judy East with WCCOG (Washington County Council of Governments) addresses Hugh French to remind him that what is required of them now is to get the approval from the Maine Historic Preservation. He informs her that they already have this. She continues further to say what is also needed are the minutes of the Public Hearing and the signed Council Resolution to proceed forward for the City to go under contract. She makes reference to the fact that for Eastport to have received this money, speaks highly to the professionalism of the Tides Institute and the support that Eastport gives to the downtown and its own revitalization as these monies are difficult to acquire.

Ella Kowal, the City Clerk, reminds the audience that there is an attendance sheet being circulated for signatures for attendees of the Public Hearing and encourages everyone to sign if they haven't already.

Meg McGarvey of Eastport echoes Judy East's comments with respect to commending the Tides Institute and Hugh French for their efforts and expresses her respect and appreciation for all that he has done for the City

Linda Godfrey makes reference to the number of people that come into The Commons who are visitors or returning residents and even young people; who are talking about the quality of the downtown and the uniqueness of the buildings that are architecturally becoming more sound. She continues further in recognizing Hugh French's leadership as well as the Council's participation.

Council President, Robert Peacock, asked if there were any who oppose said application. There were *none*.

Council President asked if there were any further questions or comments. There were *none*.

The hearing was declared closed at 6:20 p.m.

**EASTPORT CITY COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 12TH, 2011
6:00 P.M. - SHEAD HIGH SCHOOL**

1. CALL TO ORDER

The meeting was called to order at 6:21 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, and City Clerk, Ella Kowal.

Council President opens the meeting thanking Victor Voisine and his wife for supplying an American flag for the Council meeting.

2. ADJUSTMENTS TO AGENDA

MOTION MORANG SECOND CRITCHLEY
To move Item #14 (*City Manager Issues*) up to Item 3A of the agenda.

PASSED 4-0

2A. CITY MANAGER'S ISSUES

The City Manager addresses the Council and informs the Council he has been working towards preparing for the "FY2013" Budget. He advises the Council that Jon McNerney, Samra Kuseybi, Sue Lara, and Lawrence Doak are all interested in serving on the Budget Committee. He also lets the Council know that there is an opening for the nomination of another member. Council President asks of the audience if there is anyone interested. Dean Pike responds to say that he is interested. Concerns were raised that Mr. Pike needed to be a registered voter. The City Clerk reaffirms that Mr. Pike is in deed a registered voter with the City of Eastport. The City Manager continues forward asking that the Council give consideration to appointing those who have put their names forth.

MOTION CUMMINGS SECOND MORANG
To appoint Jon McNerney, Samra Kuseybi, Sue Lara, Lawrence Doak, and Dean Pike as budget committee members to the "FY2013" Budget Committee.

PASSED 4-0

The City Manager then asks for a progress report from Perry Marine (CPM) regarding the status of the Deep Cove facility.

Paul Koziell addresses the Council on behalf of Gerry Morrison with an update. He begins to say that they are still on track but that there are three major issues they are working on. He also informs the Council that the title work is still ongoing as well as the environmental phase one. He also shares they have met with the *Friends of the Boat School* and that they are at 95% in terms of the details with respect to their easement, the deed, the gifting of the property and the description thereof, and insurance. As for *Moose Island Marine*, they are about 90% completed and are still working out the details relative to the description and the insurance also. He also notes that they are still working with *Paul Thompson* and *Butch Harris* and are at 95%. Discussions are still taking place and ongoing to resolve these matters, keeping in mind also to work through these issues; the survey work is critical to come to a conclusion. However, it is still anticipated to close by month's end.

The Council President offers the opportunity for the Friends of the Boat School, Paul Thompson, Butch Harris, or Moose Island Marine to speak further to this regard.

Dean Pike addresses the Council and reaffirms that there is one issue that Moose Island Marine has but that they are working on it and believes it can be resolved so long as Council realizes that it isn't a done deal yet. Mr. Pike reminds them there are so many issues to consider that have long-term implications that need resolution and he believes this to be attainable and feels confident with where they are at given as complex as it is.

Councilor Morang reminds everyone that Council voted to approve this when Moose Island Marine, the Friends of the Boat School, Butch Harris, and Paul Thompson were set with the deal with Perry Marine.

Paul Thompson addresses the Council to state that he is satisfied.

Tom Ries reiterates that the Friends of the Boat School are at 95% and are just waiting on the descriptions and the base map.

Council President clarifies the vote and the motion of the Council with respect to the Deep Cove facility and continues by *reading it as follows*:

Councilor Morang made the motion and Councilor Critchley seconded it to authorize the City Manager, Jon Southern, to sign a Purchase and Sale agreement with Perry Marine & Construction with the understanding that the closing will occur when the contingencies regarding the donations to the Friends of the Boat School, Moose Island Marine, and the purchase of the MacNichol property from Paul Thompson and George Harris are ready to be closed at closing.

Council President asks of legal counsel if this authorizes the City Manager to do the closing and he responds that it does not. The Council President then asks of legal counsel what is required of the Council at this time. He continues to say that they must give authorization to the City Manager to complete the closing as long as the contingencies of the purchase and sales agreement had been met with all parties and PMC and are in place.

MOTION CRITCHLEY

SECOND MORANG

The Eastport City Manager is authorized to execute and deliver all closing documents reasonably necessary for the sale of the City Property located at 16 Deep Cove Road, Eastport, Maine in accordance with the terms and conditions of a certain Purchase and Sales Agreement dated September 22nd, 2011 contingent on the signing of Purchase and Sales agreements, deeds, and/or easements between PMC (Perry Marine and Construction) and The Friends of the Boat School, Moose Island Marine, and Mr. Harris and Mr. Thompson.

City Manager, Jon Southern, asks who his contact person should be in terms of dealing with The Friends of the Boat School. **Tom Ries** addresses the City Manager to inform him that he would be working with him as well as Dean Pike as the clerk.

Meg McGarvey addresses the Council of her concern with respect to the wording relative to the gifting of property to The Friends of the Boat School. Legal counsel reaffirms that it should read to also include deeds and easements. Councilor Morang rescinds his seconding of the current motion on the floor until the proper wording is accurate. Councilor Critchley clarifies that the motion is to remain the same but reflected to include "deeds and easements"

David Gholson addresses the Council as a taxpayer and reiterates that he believes strongly that this should have been advertised.

Phyllis Bradbury of Eastport addresses the Council with a question with respect to the rights of the boat launch and easements. Paul Koziell reminds them that public access will remain in place for a period of *one year* and then it would be transferred over to the new location that is being purchased from Mr. Thompson and Mr. Harris.

PASSED 3-1 (CUMMINGS-NO)

3. MINUTES OF PREVIOUS MEETINGS - 9/21/2011

MOTION MORANG

SECOND CRITCHLEY

To accept the **Council minutes** for the **September 21st, 2011** meeting as submitted by the City Clerk, Ella Kowal.

PASSED 3-1 (CUMMINGS-NO)

4. DEPARTMENT REPORTS

A. FINANCIAL REPORT

MOTION CRITCHLEY

SECOND MORANG

To accept the **Financial Report** for **September, 2011** as presented by the City Manager, Jon Southern.

PASSED 4-0

B. CODE ENFORCEMENT REPORT & ASSESSOR REPORTS

MOTION CRITCHLEY SECOND MORANG

To accept the **Code Enforcement Report and Assessor Report for September, 2011** as presented by the Tax Assessor, Robert Scott.

PASSED 4-0

C. POLICE DEPARTMENT REPORT

MOTION MORANG SECOND CRITCHLEY

To accept the **Police Department Report for September, 2011** as submitted.

PASSED 4-0

D. PUBLIC WORKS REPORT

MOTION CRITCHLEY SECOND MORANG

To accept the **Public Works Report for September, 2011** as submitted.

PASSED 4-0

E. SEWER REPORT

MOTION CRITCHLEY SECOND MORANG

To accept the **Sewer Operations Report for September, 2011** as submitted.

PASSED 4-0

Councilor Morang asks the City Manager the status of Rebecca Reynolds. He advises that DEP requires us to retain her up through December 31st to operate under her license until Jeff Sullivan is able to attain the necessary experience that is required to be transferable.

5. BOARDS and COMMITTEES - REPORTS & APPOINTMENTS

The Assessor, Robert Scott, addresses the Council with respect to an update on the Planning Board, the Zoning Board of Appeals, and the Historic Review Board. He informs the Council that there are two upcoming vacancies on the Planning Board; four vacancies on the Zoning Board of Boards; and one for the Historic Review Board. He requests that the Council allow him to advertise for said vacancies.

MOTION MORANG SECOND CRITCHLEY

To authorize the Assessor, Robert Scott, to advertise for the two vacancies on the Planning Board; the four vacancies on the Zoning Board of Appeals; and one vacancy on the Historic Review Board.

PASSED 4-0

A. PLANNING BOARD

See above – addressed by the Assessor.

B. ZONING BOARDS OF APPEALS

See above – addressed by the Assessor.

C. HISTORIC REVIEW BOARD

See above – addressed by the Assessor.

D. AIRPORT

The City Manager informs the Council that the project is near completion and that a final inspection is anticipated sometime next week between the FAA, the Contractors, and the engineers.

E. HARBOR - NO REPORT

F. MARINE RESOURCE - NO REPORT

G. CEMETERY

Jim Elliott addresses the Council with relative to much needed repairs of the Cemetery.

Council requests of Mr. Elliott that he compile some type of report or list in detail reflecting the maintenance needs of the Cemetery for the next Council meeting for consideration.

H. RECYCLING

Ella informs the Council that the City does in fact own two roll-off containers and that the City Manager has placed a call to Bay Area Transfer to inquire about their process and the reasoning why we cannot retain both canisters here in Eastport. We have yet to hear back from them, but will update the Council accordingly.

I. DOWNTOWN/EASTPORT FOR PRIDE

Sarah Talbot addressed the Council with several matters and consideration was given by the Council as follows:

MOTION CRITCHLEY SECOND MORANG
To appoint Cynthia Morse to the Downtown Committee.

PASSED 4-0

MOTION CRITCHLEY SECOND CUMMINGS

To approve the memorial copy for Sutherland Overlook in granite stone as submitted in memory and honor to Donald Sutherland to *read as follows*:

SUTHERLAND OVERLOOK
In Memory Of
Donald James Sutherland
March 20, 1936 - April 24, 2011
Born and Raised in Eastport
Sculpture and Potter of National Renown
Champion for our Historic Downtown
This scenic amphitheater was close to his heart as he is to ours

PASSED 4-0

MOTION CRITCHLEY SECOND CUMMINGS

To replace the trash bins downtown in the Spring with the new recommended capped container with the understanding that the City would go half on the cost and to also return two of the old barrels to the downtown area for the winter months. It is understood that the new containers will be chained in placed.

PASSED 4-0

J. PORT REPORT

Council President gives a brief update.

Councilor Morang reminds the Council President that he still has not received a Port Report as requested. Council President said that he would look into this.

K. AMBULANCE UPDATE

Councilor Cummings gives a briefing and informs the Council that things are looking good at this time.

L. MTS UPDATE

Councilor Cummings gives an update and advises that they are in the process of shutting down the demo site.

6. ACTION ON PUBLIC HEARINGS

MOTION CRITCHLEY SECOND CUMMINGS

To accept and approve the proposed Parking Ordinance Amendment for Article II – Section 202.01 as submitted.

PASSED 4-0

MOTION MORANG SECOND CRITCHLEY

To approve submitting an application and completed Project Development requirements for the *Communities for Maine's Future program* in the amount of \$250,000 to the Department of Economic and Community Development on behalf of the City of Eastport.

PASSED 4-0

7. SCHEDULE PUBLIC HEARINGS

There were none.

8. ADOPT 2011-2012 GENERAL ASSISTANCE APPENDICES A-C

MOTION CRITCHLEY SECOND MORANG

To accept and adopt the MMA Model Ordinance GA Appendices (A-C) for the period of October 1, 2011 – October 1, 2012 which are filed with the Department of Health and Human Services (DHHS) and in compliance with Title 22 M.R.S.A. § 4305(4).

PASSED 4-0

9. COUNCIL RESOLUTION – RE: COMMUNITIES FOR MAINE'S FUTURE PROGRAM

MOTION MORANG SECOND CUMMINGS

To approve the signing of a Council Resolution for the application to DECD on behalf of the Communities for Maine's Future grant and program.

PASSED 4-0

10. SEWER COMMITMENT/FEEES TO THE CITY TREASURER – 2ND QTR – FY12

MOTION MORANG SECOND CRITCHLEY

To commit the 2nd Quarter FY2012 Sewer Fees to Traci Jamieson, City Treasurer, in the amount of \$88,997.93.

PASSED 4-0

11. UPDATE – RE: NOVEMBER 8TH, 2011 MUNICIPAL ELECTION

Council President recaps the following with reference to the upcoming election.

(2) SEATS ON THE COUNCIL

Nomination Papers Received from Scott Emery & Mary Repole

(2) SEATS ON THE SCHOOL BOARD

Nomination Papers Received from Will Bradbury & Mark DeSantis

(1) SEAT ON THE PORT AUTHORITY

Nomination Papers Received from John Sullivan

12. SIGN WARRANT FOR NOVEMBER 8TH MUNICIPAL ELECTION

MOTION MORANG SECOND CRITCHLEY

To approve the signing of the election warrant for the Municipal Election scheduled for Tuesday, November 8th, 2011 with polls opening at 8:00 a.m. and closing at 8:00 p.m.

PASSED 4-0

13. UPDATE – RE: 30-DAY NOTICE OF FORECLOSURE – FY2010 TAXES

The Tax Collector informs the Council that the Treasurer will be sending out *30-day Notices of Foreclosure* on the *FY2010* taxes on October 27th, 2011 with a deadline to receive payments no later than November 28th. Normally, it would be the 27th, however the 27th falls on a Sunday and City Hall is also closed on the 24th and 25th in lieu of the Thanksgiving holiday. Thus, the Treasurer has extended this date to be the 28th.

14. CITY MANAGER'S ISSUES

Already taken up on the agenda under Item #2A.

15. OPEN FORUM

Open Forum took place at 7:40 p.m. and Council President opened the floor.

David Gholson submits a sketch for Council review relative to the fencing to be used at the old campground on Drummond Road.

MOTION CRITCHLEY SECOND MORANG

To work in cooperation with the City to privately fund a fenced-in area on City owned property at Drummond Road for dog owners to utilize the site for the exercise of their dogs.

PASSED 4-0

Victor Voisine raises a concern of liability issues. The City Manager addresses legal counsel for guidance. He reaffirms that the State law states that it is strictly the responsibility of the dog owner.

Richard Clark asks how the name Sutherland Overlook came about. Sarah Talbot informs the Council that it was not given by the Downtown Committee but that this information was passed on to her by the City Manager. The City Manager understood that it was derived and brought forth by community members. The Council President reaffirms that a public hearing was held prior to action being taken.

Martha Bricklett makes references that she and Councilor Critchley had an opportunity to see the Schoodic Sculpture and they believe the City will be pleasantly pleased. She also encourages everyone to become involved in the budget process.

Jon McNerney also addresses the Council with a recommendation to ask County delegates and possibly Port representatives to come before the Council to give an overview as they begin the new budget year. This would allow for a question and answer period and to also provide a better understanding overall. Council President reminds him that Councilor Morang has graciously volunteered to serve as a liaison to the County Budget.

Deb Train suggested that maybe notice of such meetings should be posted on the Eastport website.

Chrissy Greenlaw asks of the City Manager and the Council for clarification of being able to hunt on City property. The City Manager responds to say that it is not prohibited but that permission is not given by the City for liability reasons. However, hunting is definitely prohibited on City property such as the airport and the cemetery. Areas such as the airport, the cemetery, and the sewer plant have been posted to prohibit hunting. Although, it is his understanding that there are rumors out there that the City is giving permission to hunt but he reaffirms that the City does not give any such authorization. Councilor Morang makes reference that he did not see anything in the Charter in this regard. The Clerk informs the Council that she too also checked and the most she had come up with was the Firearms Ordinance which does not allow the discharge of a firearms in the City.

Meg Keay addressed the City Manager with a question with respect to the grading, paving, and signage for the parking lot next to the post office. The question was did the City have the funds to do all three now or sometime in the near future. The City Manager responded that the City presently has the funds to do the grading and the signage, but not the paving.

Deb Train also addresses the Council with a preliminary report of her desire to restore the bandstand. She has estimated materials to be approximately \$4,238 and is still working on the fund raising for this project.

Linda Godfrey makes reference back to the Police Department to thank all those who helped make for a successful Salmon Festival. She also continues with information relative to resources made available to newly elected officials through MMA for the Code of Ethics and hopes that the Council encourage to the newly appointed to attend.

16. EXECUTIVE SESSION

MOTION MORANG SECOND CRITCHLEY
To go into Executive Session to discuss a personnel matter under Title 1 M.R.S.A. §
405(6)(A)

PASSED 4-0 (TIME: 8:05 P.M.)

MOTION CRITCHLEY SECOND CUMMINGS
To come out of Executive Session.

PASSED 4-0 (TIME: 8:33 P.M.)

NO ACTION TAKEN

17. ADJOURNMENT

MOTION CRITCHLEY SECOND CUMMINGS
To adjourn.

PASSED 4-0 (TIME: 8:34 P.M.)