

**“COUNCIL MINUTES”
EASTPORT CITY COUNCIL MEETING
WEDNESDAY, MAY 8TH, 2013
6:00 P.M. - SHEAD HIGH SCHOOL - BAND ROOM**

Regular Monthly Meeting

I. CALL TO ORDER

The meeting was called to order by Council President, Mary Repole, at 6:00 p.m.

Those in attendance were: Councilor Mike Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also in attendance was City Manager, Larry Post; and City Clerk, Ella Kowal. It is noted that Councilor Dana-Cummings is absent and not in attendance.

II. ADJUSTMENTS TO AGENDA

The City Clerk, Ella Kowal, addresses the City Council and informs them that there was an oversight on the agenda in that she requests an adjustment be made to place “**Action on Public Hearings**” on the agenda and be added as ***Item III(a)***.

MOTION MURPHY SECOND EMERY
To adjust the agenda to **add** “*Action on Public Hearings*” as Item III(a).

PASSED (4-0)

III. PUBLIC HEARINGS

EASTPORT CITY COUNCIL PUBLIC HEARINGS

LIQUOR LICENSE APPLICATION RENEWALS

Robert DelPapa d/b/a Eastport Chowder House
Susan Hart d/b/a The Compass Rose LLC

SPECIAL ENTERTAINMENT LICENSE RENEWALS

Robert DelPapa d/b/a Eastport Chowder House
Tyra Baker d/b/a Liberty Café
Susan Hart d/b/a The Compass Rose LLC
Jeff & Leslie Starling d/b/a Happy Crab

VICTUALER LICENSE RENEWALS

Robert DelPapa d/b/a Eastport Chowder House
Shelly & Dale Griffin d/b/a Quoddy Bay Lobster
Tyra Baker d/b/a Liberty Café
Paula Bouchard d/b/a Rosie's Hot Dog Stand
Ruth McInnis d/b/a Todd House
Marilu Larrea-Scott d/b/a The Banksquare Deli
Gregory Noyes d/b/a The Kilby House
Jett & John Peterson d/b/a The Weston House
Karen & Kevin Raye d/b/a Raye's Mustard Mill
Jill & David Westphal d/b/a The Chadbourne House
Mary Williams d/b/a The Milliken House
Diane Parsloe d/b/a Moose Island Baker
Mindy & Richard Gullen/Peter Frewen & Jenie Smith d/b/a Dastardly Dick's
Susan Hart d/b/a The Compass Rose LLC

**WEDNESDAY, MAY 8TH, 2013
6:00 P.M. - SHEAD HIGH SCHOOL - BAND ROOM**

Those present and in attendance of the meeting are: Councilor Mike Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also in attendance was City Manager, Larry Post; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

Council President, Mary Repole, declares the hearings open at 6:01 p.m. and explains that the purpose of the public hearings are for the renewals of Liquor License applications; the renewals of Special Entertainment Licenses; and the renewals of Victualer Licenses as referenced above and to receive public comment and input.

Council President calls for any comments or questions from the audience and the City Council. There were none and she declares this public hearing closed at 6:03 p.m.

III(a). ACTION ON PUBLIC HEARINGS

MOTION CUMMINGS SECOND EMERY
To approve the *renewal of liquor license applications* for Robert DelPapa d/b/a Eastport Chowder House and Susan Hart d/b/a The Compass Rose LLC.

PASSED 4-0

MOTION MURPHY SECOND CUMMINGS
To approve the *renewal of Special Entertainment Licenses* for Robert DelPapa d/b/a Eastport Chowder House; Tyra Baker d/b/a Liberty Cafe; Susan Hart d/b/a The Compass Rose LLC; and Leslie & Jeff Starling d/b/a Happy Crab.

PASSED 4-0

MOTION CUMMINGS SECOND MURPHY
To approve the *renewal of Victualer Licenses* for Robert DelPapa d/b/a Eastport Chowder House; Shelley & Dale Griffin d/b/a Quoddy Bay Lobster; Tyra Baker d/b/a Liberty Cafe; Paula Bouchard d/b/a Rosie's Hot Dog Stand; Ruth McInnis d/b/a Todd House; Marilu Larrea-Scott d/b/a The Banksquare Deli; Greg Noyes d/b/a The Kilby House; Jett and John Peterson d/b/a The Weston House; Karen & Kevin Raye d/b/a Raye's Mustard Mill; Jill & David Westphal d/b/a The Chadbourne House; Mary Williams d/b/a The Milliken House; Diane Parsloe d/b/a Moose Island Bakery; Mindy & Richard Gullen and Peter Frewen and Jenie Smith d/b/a Dastardly Dick's; and Susan Hart d/b/a The Compass Rose LLC.

IV. MINUTES OF PREVIOUS MEETING(S)

MOTION EMERY SECOND CUMMINGS
To approve the minutes of *April 10th, 2013* as presented.

PASSED 4-0

MOTION EMERY SECOND CUMMINGS
To approve the minutes of *April 25th, 2013* as presented.

PASSED 4-0

V. UNFINISHED BUSINESS

Councilor Cummings addresses the Council with regard to status of the siding at the Sabean property on Water Street that they have previously addressed. Legal Counsel, Dennis Mahar, reminds Council that as long as the City has adhered to the statutory requirements and that the owner has been notified (which has been done); they can proceed forward with their desired options.

MOTION CUMMINGS SECOND MURPHY
To approve the hiring of a carpenter to complete the repair of the siding at the “Sabean” property on Water Street and to bill the owner with a supplemental billing as required by State statute.

PASSED 4-0

VI. NEW BUSINESS

- 1) Council to Appoint City Manager as Public Access Officer.

MOTION EMERY SECOND MURPHY
To appoint the City Manager, Larry Post, as Public Access Officer.

PASSED 4-0

- 2) Bid Openings and Awards for Sale of City Property

Council President, Mary Repole, opens the bids received for **7 Water Street** and acknowledges receipt of Bid #1 from John and Christina Smith in the amount of \$15,500 with a deposit of 10%; she then acknowledges receipt of Bid #2 from David Gholson in the amount of \$41,000 with a deposit of 10%; and continues forth with acknowledging Bid #3 from Diana Andrioni in the amount of \$16,000 also with a 10% deposit.

a. 7 Water Street - Tax Map #J7-0A3-32

MOTION MURPHY SECOND EMERY
To *accept the bid of \$41,000.00 from David Gholson* for the purchase of **7 Water Street, Tax Map #J7-0A3-32** and to authorize the Treasurer to utilize said funds for the payoff of what is due the City and should there be remaining monies; they are to go into the Economic Development account.

PASSED 4-0

b. **1 Barton Street** - Tax Map #D3-0D2-03

Council President, Mary Repole, opens the one bid received for ***1 Barton Street*** and acknowledges receipt of bid from David Gholson in the amount of \$1,625.00 with a deposit of \$1,000.00.

MOTION CUMMINGS SECOND MURPHY
To accept the bid of \$1,625.00 from David Gholson for the purchase of **1 Barton Street, Tax Map #D3-0D2-03** and to authorize the Treasurer to utilize said funds for the payoff of what is due the City and should there be remaining monies; they are to go into the Economic Development account.

PASSED 4-0

c. **1 Addor Road** - Tax Map #D3-0D2-07

Council President, Mary Repole, opens the one bid received for ***1 Addor Road*** and acknowledges receipt of bid from David Gholson in the amount of \$1,650.00 with a deposit of \$1,000.00.

MOTION CUMMINGS SECOND MURPHY
To accept the bid of \$1,650.00 from David Gholson for the purchase of **1 Addor Road, Tax Map #D3-0D2-07** and to authorize the Treasurer to utilize said funds for the payoff of what is due the City and should there be remaining monies; they are to go into the Economic Development account.

PASSED 4-0

d. **2 Addor Road** - Tax Map #E2-0A2-19

Council President, Mary Repole, opens the bids received for ***2 Addor Road*** and acknowledges receipt of Bid #1 from David Gholson in the amount of \$8,150.00 and a deposit of \$1,000.00 and then also acknowledges receipt of Bid #2 from James Gould in the amount of \$5,180.63 with a deposit of \$518.06.

MOTION CUMMINGS SECOND MURPHY
To accept the bid of \$1,650.00 from David Gholson for the purchase of **2 Addor Road, Tax Map #E2-0A2-19** and to authorize the Treasurer to utilize said funds for the payoff of what is due the City and should there be remaining monies; they are to go into the Economic Development account.

PASSED 4-0

e. **4 Indian Road - Tax Map #E3-0A3-01**

Council President, Mary Repole, opens the one bid received for **4 Indian Road** and acknowledges receipt of a bid from David Gholson in the amount of \$7,825.00 and a deposit of \$1,000.00.

MOTION CUMMINGS SECOND MURPHY
To accept the bid of \$7,825.00.00 from David Gholson for the purchase of **4 Indian Road, Tax Map #E3-0A3-01** and to authorize the Treasurer to utilize said funds for the payoff of what is due the City and should there be remaining monies; they are to go into the Economic Development account.

PASSED 4-0

3) Council to Approve Camera Obscura (Vorti-Scope) Placement on City Property

Hugh French addressed the Council with a request for consideration of the placement of a Camera Obscura (Vorti-Scope) on City property to be located on the Northeast side of the Commons building. It was explained that this would be an educational project and that the site would be a temporary location and that the Tides Institute would be responsible for its access and the liability thereof. Legal Counsel, Dennis Mahar, recommends that the Tides Insitute and the City implement a written document with the specifics.

MOTION MURPHY SECOND CUMMINGS
To authorize the placement of the Camera Obscura (Vorti-Scope) on the referenced City property and to offer up support thereof to the Tides Institute.

PASSED 4-0

4) Council to Approve Change in Health Insurance to MMEHT 200 Plan
(with option for "C" and "1500" Plan)

MOTION CUMMINGS SECOND EMERY
To authorize the approval for the City to move to the 200 Plan for health insurance with MMEHT.

PASSED 4-0

5) “FairPoint” Permit Application for Pole Location - Perkins Road

MOTION MURPHY SECOND EMERY
To approve a pole permit application for Perkins Road as submitted by FairPoint.

PASSED 4-0

6) Council to Approve SRF Award/Loan (WWTP)

The City Manager informs Council that the City has just received notice of being awarded \$534,000 in funding from the bond bank of which \$465,000 will be forgiven leaving \$68,886.00 for a ten-year period. He also updates Council that he is presently working with them for consideration to fore go the remaining \$68,000.

Jon McNerney asks about the accountability and generating of reports for when there is a draw down to show how it is being utilized. Judy East with WCCOG also reaffirms that the planning study is also available through the engineers of the project, Olver Associates.

MOTION CUMMINGS SECOND MURPHY
To accept and approve the SRF Award/Loan for the WWTP in the amount of \$534,000 from the bond bank.

PASSED

7) Council Support on a Grant Application for a *Recreational Boating Program*

Judy East addresses the Council and explains that this is through the Bureau of Parks and Lands and is referred to as the *boating facilities fund* and specifically targets recreational boating. She updates Council that she has spoken with Bob DePapa of the WACO Diner who is currently building a pier and was referred to her for the potential of grant funding and informs Council that this source looks promising. She further continues to explain that the proposal is to apply for funding in the amount of up to \$45,000 to cover the cost of the gangway down to the floats along with fingers off of them. A site inspection is scheduled for May 22nd with a submission of June 26th and knowledge of their decision by the middle of July. She also notes that a private entity can be the applicant but that there is a minimum requirement of a twenty year covenant for public access to the State. Thus, the City's involvement is only to provide support to the project and does not require a public hearing nor a resolution as it would be an arrangement between the private landowner and the State agency. She continues further to clarify that this is a grant with

a 50% match requirement which can be “*in-kind*”. She also informs Council that the project must be ADA compliant.

MOTION CUMMINGS SECOND EMERY
To offer up Council support to Robert DeIPapa for the submission of a grant application for funding through the recreational boating program.

PASSED 4-0

VII. Scheduling of Public Hearing(s) - *if applicable*

- Recreational Boating Program Grant

The City Manager, Larry Post, and Judy East both clarify that the scheduling of a public hearing is for the *acceptance of the funds for the public infrastructure for the Sewer* and not for the recreational boating program grant.

MOTION MURPHY SECOND EMERY
To approve the scheduling of a Public Hearing for June 12th, 2013 at 6:00 p.m. For the acceptance of funds in the amount of \$1,000,000.00 for the public infrastructure for the Sewer project.

PASSED 4-0

VIII. Reports

1. City Manager

The City Manager updates Council on various projects that he is currently working on and gives an overview of what will be forthcoming with some changes and that he is eagerly getting to know everyone and taking a look at the City's needs overall.

2. Departments

A) Financial Report

MOTION MURPHY SECOND EMERY
To accept the ***Financial Report*** from the Treasurer, Traci Jamieson, which consists of a reporting on the Expense and Revenues as well as the Payables and Payroll for the month of ***April, 2013***

PASSED 4-0

B) Code Enforcement Report

MOTION EMERY SECOND MURPHY
To accept the *Code Enforcement Officer/Assessor Report for April, 2013*
as presented.

PASSED 4-0

C) Police Department Report

MOTION MURPHY SECOND CUMMINGS
To accept the *Police Department Report for April, 2013* as presented.

PASSED 4-0

D) Public Works Report

MOTION MURPHY SECOND CUMMINGS
To accept the *Public Works Report for April, 2013* as presented.

PASSED 4-0

E) Sewer Report

MOTION CUMMINGS SECOND EMERY
To accept the *Sewer Operations Report for April, 2013* as presented.

PASSED 4-0

3.Boards and Committees

A) Planning Board

An update was given that they have met and that they are currently reviewing information submitted to them with regard to shore land zoning.

MOTION MURPHY SECOND CUMMINGS
To accept the Planning Board report as given.

PASSED 4-0

B) Zoning Board - NO REPORT

C) Historic Review - NO REPORT

- D) Airport - NO REPORT
- E) Harbor - NO REPORT
- F) Downtown - NO REPORT

G) Charter Committee

Ken Brown informed Council that had not recently met but have a meeting scheduled within the next week. Council President asked how things were going and if they knew when they would be ready to put it to a referendum vote. The response was it is their goal to shoot for November but it was hard to say when.

MOTION MURPHY SECOND CUMMINGS
 To accept the Charter Committee report as given by Ken Brown.

PASSED 4-0

H) Port Report

Council President makes mention of the work being done at the breakwater and asks if anyone has an update. Richard Clark responds to say that it is all dug out and that it is stabilized and they are looking at 3-4 weeks for completion of the project.

MOTION MURPHY SECOND CUMMINGS
 To accept the Port Report as given by the Council President and Richard Clark.

PASSED 4-0

I) Energy Committee - NO REPORT

J) Ordinance Review Committee

Michael Morse gives a brief update that they met and were fortunate to have Judy East from WCCOG to attend and give some guidance

MOTION MURPHY SECOND CUMMINGS
 To accept the Ordinance Review report as given by Michael Morse.

PASSED 4-0

K) FY2014 Budget Committee

Sue Lara updates the Council that they will be meeting this coming Tuesday.

Council President makes note that the Council will be meeting with the School Committee to go over their budget also on May 14th.

MOTION MURPHY SECOND CUMMINGS
To accept the FY2014 Budget Committee update as presented by Sue Lara and the Council President.

PASSED 4-0

4. Council

A) Ambulance

MOTION CUMMINGS SECOND EMERY
To accept the Ambulance report as submitted by Councilor Murphy.

PASSED 4-0

B) Marion Transfer Station - NO REPORT

IX. Public Forum (Will be held at 8:00 p.m. when meetings extend beyond)

The City entered into public forum at 7:03 p.m. Council President calls for any comments.

Jan Finley from the audience addresses the Council and asks if the Council could look into a better speaker or microphone system for the Council meetings.

Councilor Cummings asks for an update on cell phone towers. Council President responds that she believes they are forthcoming but does not have any more information than that.

Dave Gholson addresses the Council with concerns about the sale of City property at the old tenting area on Drummond Road. He reminds that although the City has allowed a portion of the property be utilized for a dog park that they have, at no expense to the City, provided a fenced in area and done some gravel work. He raises his awareness and concern that the property may some day be sold.

Councilor Murphy addressed Mr. Gholson and responded to say that he *would not* be in favor of such a sale of City property.

Jan Finley from the audience offers up the suggestion to designate it strictly to park.

X. Council Issues

XI. Executive Session (if applicable)

MOTION MURPHY SECOND CUMMINGS
To go into Executive Session under Title 1 M.R.S.A. § 405(6)(A) to discuss personnel matters and to also go in for real property and economic development under Title 1 M.R.S.A. § 405(6)(C).

PASSED (4-0) TIME: 7:21 P.M.

MOTION MURPHY SECOND EMERY
To come out of Executive Session.

PASSED (4-0) TIME: 8:09 P.M.

ACTION TAKEN

MOTION CUMMINGS SECOND EMERY
To accept payment of *all* debt owed to the City for Taxes and Sewer as well as the fee of \$250.00 for the processing of a Quitclaim from Megan Black on behalf of her father, Liam Casement, to reclaim property at 17 Adams Street, Referencing Tax Map #H7-0D3-24.

PASSED 4-0

MOTION MURPHY SECOND EMERY
To put the property at ***20 Evans Street, referencing Tax Map E2-0A5-04***, out to bid with the price to be set by the Tax Assessor, Robert Scott, after inspection and to also include what is owed on the property for Sewer and Taxes.

PASSED 4-0

MOTION CUMMINGS SECOND EMERY
To allow the taxpayer to work with the City and to accept his payment plan as discussed with the City Manager for the reclaiming of property at 9 High Street, referencing Tax Map J7-0C2-10.

PASSED 4-0

MOTION MURPHY SECOND EMERY

To authorize the City Manager to send a letter to April Francis requesting that she meet with him relative to the payoff of debt and to discuss her payment plan with regard to 174 Water Street, referencing Tax Map H7-0A3-20.

PASSED 4-0

MOTION EMERY SECOND MURPHY

To accept a monthly payment plan of \$300.00 per month as submitted by Kendra MacDonald for the reclaiming of property at 1 Prince Avenue, referencing Tax Map J7-0C3-04.

PASSED 4-0

MOTION CUMMINGS SECOND MURPHY

To authorize the City Manager to contact Sheryl Page and Peter Mallock and to meet with them relative to their previous commitment of the payoff of their Sewer and Taxes and fee for the Quitclaim Deed for the reclaiming of their property.

PASSED 4-0

Council asks the City Manager, Larry Post, to contact Magdi Hamdi & Penney Guessford for an update with regard to the payoff of property awarded to them through the bid process for 23-24 Mitchell Street and to also notify them of damage done to the property.

MOTION EMERY SECOND CUMMINGS

To authorize Councilor Murphy to speak with Peter Young to see if there is an interest to reclaim the property at 4 Meyers Street, referencing Tax Map #D3-0D2-1/1A and if so, they need to meet with the City Manager to discuss it further,

PASSED 4-0

Council makes a request of the City Manager, Larry Post, to speak with Tim Olson with regard to his obligation to the City in lieu of utilizing the location at the mill building and to bring his account current.

MOTION MURPHY SECOND CUMMINGS

To cancel the contract with the vendor for Jon Southern's cell phone effective Thursday, May 9th, 2013.

PASSED 4-0

-13-

MOTION MURPHY SECOND EMERY

To pay Jon Southern \$22,000 as agreed for the administrative fees on the grants and to take it out of the City's Economic Development account and replace it with grant monies when received.

PASSED 3-1 ("NO" CUMMINGS)

XII. ADJOURN

MOTION MURPHY SECOND EMERY
To adjourn.

PASSED (4-0) TIME: 8:20 P.M.