

**“COUNCIL MINUTES”**  
**EASTPORT CITY COUNCIL MEETING**  
**WEDNESDAY, AUGUST 14<sup>TH</sup>, 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 Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also in attendance was City Manager, Larry Post; and Deputy Clerk, Elaine Abbott.

**I. CATE STREET CAPITAL**

Damon Frecker with Cate Street Capital gave a presentation of their update with regard to the evaluation of the potential for a wood pellet industry in Eastport and where they are at with their project design and notes that they are holding discussions with the Port for consideration of a roadway into the project site. He also comments further to the biomass process. He reassures that all aspects are being considered and that they are mindful of them as they progress along with the project. He continues to say that studies are ongoing and that they will do their best to keep the City informed. The Port Director, Chris Gardner, comments briefly to say that they are active in working with Cate Street to help assist them in the potential to bringing in a product to result in an export from a Port's perspective which ultimately will have a positive impact for the City overall. Questions came from the audience with concerns ranging from smell, lighting, radiation, hours, marketing, jobs and the time line for construction, etc. Discussion took place relative to the economic impact that the project would have. Mr. Gardner responds to say that it will certainly have a positive impact on the tax base. Questions were raised about Passamaquoddy Water District being able to supply the required source of water for the project. Mr. Frecker explains that they are aiming to provide a product that it is a clean renewable substitute for coal. He also comments to say that are working with the FAA on the height requirements.

The Port Director, Chris Gardner, addresses the Council and asks for a moment to give a brief Port report and he proceeds accordingly after permission from the Council.

**II. PUBLIC HEARING(S)**

**EASTPORT CITY COUNCIL  
PUBLIC HEARING**

**DANGEROUS PROPERTY/BUILDING - 181 WATER STREET  
TAX MAP #H7-0C4-07**

**WEDNESDAY, AUGUST 14<sup>TH</sup>, 2013  
6:00 P.M. - SHEAD HIGH SCHOOL - BAND ROOM**

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

Council President, Mary Repole, declares the hearing open at 7:10 p.m. and explains that the purpose of the public hearing is to address the concerns about the dangerous property/building at 181 Water Street.

Legal Counsel, Dennis Mahar, addresses the Council and advises that the taxpayer/homeowner, Richard Sabean, has not yet been served but that attempts have been made. Discussion took place between Council and Legal Counsel. They agreed to re-schedule the Public Hearing for September 11<sup>th</sup>, 2013 as long as service had been made. Thus, as a result of no service being made as of August 14<sup>th</sup>, 2013; no public hearing took place.

Council President, Mary Repole, declares the hearing closed at 7:11 p.m.

**IV. ACTION ON PUBLIC HEARING(S)**

MOTION            MURPHY                            SECOND    DANA-CUMMINGS  
To re-schedule the public hearing for the dangerous/building at 181 Water Street, Tax Map #H7-0C4-07, for Wednesday, September 11<sup>th</sup>, 2013 provided that notice/service has been made to the homeowner/taxpayer, Richard Sabean..

PASSED                    5-0

**V. ADJUSTMENTS TO AGENDA**

MOTION MURPHY SECOND CUMMINGS

To add #12 under “New Business” of the agenda to appoint Lois Grossman to the Recycling Committee.

PASSED 5-0

**VI. MINUTES OF PREVIOUS MEETINGS (7/10/13; 7/24/13; & 7/31/13)**

MOTION MURPHY SECOND EMERY

To approve the minutes of *July 10<sup>th</sup>, 2013; July 24<sup>th</sup>, 2013; and July 31<sup>st</sup>, 2013* as presented.

PASSED 5-0

**VII. UNFINISHED BUSINESS - NONE**

**VIII. NEW BUSINESS**

- 1) Approval for Tax Collector to Accept “FY2015” Tax Prepayments

MOTION MURPHY SECOND CUMMINGS

To authorize the Tax Collector, Ella Kowal, to accept “*FY2015*” tax *prepayments* with 0% interest.

PASSED 5-0

- 2) Bid Opening – Tax Acquired Property – 20 Evans Street, Tax Map #E2-0A-04

The City Manager, Larry Post, informs Council that no bids have been received.

- 3) MOTION CUMMINGS SECOND MURPHY

To approve and accept perpetual care for Hillside West, Section E, New Lots, #14 on behalf of David & Sally Darilus.

PASSED 5-0

- 4) MOTION CUMMINGS SECOND EMERY

To approve and accept perpetual care for Bayside West, Section 55EA, Lot A on behalf of Thelma & James Mullen.

PASSED 5-0

- 5) Consideration of Write-offs on the Cleanup of Sewer accounts/billings  
MOTION MURPHY SECOND EMERY  
To approve a write off of \$319.11 on Sewer account #28; an amount of \$233.12 on Sewer account #392; an amount of \$286.17 on Sewer account #362; and an amount of \$42.77 on Sewer account #637.

PASSED 5-0

- 6) Council to Ratify FY2013 Department Overdrafts

MOTION MURPHY SECOND CUMMINGS  
To accept and approve the ratification of FY2013 department overdrafts in the amount of \$50,053.36 as presented and submitted by the City Manager, Larry Post and that it be covered with the fund balance.

PASSED 5-0

- 7) Council to Authorize Purchase of Used Truck (Cab & Chassis) for Sewer Dept.

MOTION MURPHY SECOND CUMMINGS  
To authorize proceeding forward with the purchase of a used truck, cab and chassis, for the Sewer Department.

PASSED 5-0

- 8) Council to Authorize Bidding for Heating Fuel and Winter Sand

MOTION MURPHY SECOND EMERY  
To approve and authorize putting out to bid the Heating Fuel and Winter Sand and to advertise it accordingly.

PASSED 5-0

- 9) Bangor Hydro – Right of Way/Easement – Perkins Road

MOTION CUMMINGS SECOND MURPHY  
To approve a right of way/easement for Perkins Road as submitted by Bangor Hydro.

PASSED 5-0

10) Chamber Kiosk

Council President asks if there is any representation for this matter.  
No one was in attendance and Council agrees to table this item at this time.

11) Change in Employee Retirement & Match

MOTION                      MURPHY                      SECOND                      CUMMINGS  
To approve the scheduling of a Public Hearing for Wednesday, September 11<sup>th</sup>, 2013 to give consideration to an amendment to the Personnel Policy as proposed by the City Manager for a change in employee retirement and match.

PASSED                      5-0

Ken Brown addresses the Council and informs them that he will be bringing forth a request to schedule a public hearing for consideration of the proposed City Charter amendments.

Council President, Mary Repole, suggests that they address this request now and opens the floor to entertain a motion. Discussion took place and Council agreed to schedule a Public Hearing for September 4<sup>th</sup>, 2013 at 6:00 p.m. Further discussion led to Council suggesting that they hold a workshop rather than a Public Hearing to ensure coverage of the time restraints, etc.

MOTION                      MURPHY                      SECOND                      CUMMINGS  
To schedule a workshop for September 4<sup>th</sup>, 2013 at 6:00 p.m. to meet with the Charter Review Committee to go over the proposed changes to the Charter.

12) Appointment of Lois Grossman to the Recycling Committee

MOTION                      MURPHY                      SECOND                      CUMMINGS  
To appoint Lois Grossman to the Recycling Committee.

PASSED                      5-0

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

The City Manager, Larry Post, brings to the Council's attention a copy of a Bow and Arrow Ordinance that is being introduced for safety measures and turns to Officer Rodney Merritt for further clarification of the proposed ordinance. He further comments that he has been working closely with the Assistant Commissioner of IF&W

MOTION MURPHY SECOND EMER  
To approve the scheduling of a Public Hearing for September 11, 2013 on  
a Bow and Arrow Ordinance as presented and proposed for consideration.

PASSED 5-0

## 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.

Carolyn Lowe from the audience addresses the Council with a concern with regard to fireworks in her area where she lives and that she runs a dog kennel and it is gravely affecting the dogs and her business. Council President advises that a public hearing would need to take place to consider an ordinance.

### 2. Departments

#### A) Financial Report

MOTION CUMMINGS SECOND MURPHY  
To accept the *Financial Report* from the Treasurer, Traci Jamieson,  
for the month of *July, 2013*

PASSED 5-0

#### A) Code Enforcement Report

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

PASSED 5-0

B) Police Department Report - NO REPORT

C) Public Works Report - NO REPORT

D) Sewer Report

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

PASSED                      5-0

3. Boards and Committees

A) Planning Board

Robert Scott addresses the Council with an update and informs them that the Planning Board recently met and held their public hearing with regard to an increase in fees to cover the cost of advertisements for public hearings. Presently the fees are set at \$25.00 and generally they run between \$30 and \$40. Thus, the board is recommending that Council schedule a Public Hearing for consideration of raising the fees up to \$75.00 to cover the cost of publication and mailings. He comments that this is the recommendation from the Planning Board.

MOTION                      MURPHY                      SECOND      CUMMINGS  
To accept the Planning Board report as given and to also schedule a public hearing for September 11, 2013 for consideration of an amendment to the ordinance for an increase of fee from \$25.00 to \$75.00 to reflect the cost of publishing and mailings.

PASSED                      5-0

B) Zoning Board

Robert Scott updates Council that the board recently met and held a public hearing concerning a property on Pleasant Street which resulted in a continuance and that they will be doing an on-site inspection of the property and will meet again on the 9<sup>th</sup> of September.

C) Historic Review                      -                      NO REPORT

D) Airport

The Airport Manager, Steve Trieber, addresses the Council and reports that the lighting system was vandalized but that it has since been repaired and that the cost was just over \$10,000.00 which included the rotating beacon. Although it is not complete, the system is up and running with the help of members and a lot of man hours. He further comments to say that he has received a complaint from Cate Street Capital's pilot recently in that they nearly missed someone that was walking on the runway with their dog. Although these instances are occasional, it still remains a safety issue. He continues to say that he has been communicating with the Police Department on this matter. Mr. Trieber informs Council that there are signs posted in this regard.

E) Harbor - NO REPORT

F) Downtown - NO REPORT

G) Charter Committee

This was addressed earlier on in the meeting.

H) Port Report

This was also addressed earlier in the meeting.

I) Energy Committee

Council President reads an update from Jon Calame.

J) Ordinance Review Committee - NO REPORT

K) Dog Park Committee

Council President, Mary Repole, updates Council that they have a meeting with Maine Coast Heritage on August 29<sup>th</sup> at 11:00 a.m. to discuss the alternatives to protect the park area

L) Eastport Recreational Marine Facilities Committee

Councilor Dana-Cummings reminds Council that they previously requested that this was to be followed up on to check with Gerry Morrison to see if there was an option for consideration of switching a piece of property. The City Manager responds to say that he had a discussion with Eldon Morrison and that there is no desire at this time as they have plans of their own for the property. Councilor Dana-Cummings asks where this leaves us now. Discussion took place that the estimate for a boat ramp is \$300,000 and the City does not have the funds. The City Manager updates Council that he was unaware of a cleanup on that property whereby there was stone illegally placed there without a permit that is going to have to be removed and redone properly. It was put there by the previous owner that sold it to the City. He will look into this further and let the Council know what the cost is going to be.

4. Council

A) Ambulance - NO REPORT

B) Marion Transfer Station

Already covered earlier in the meeting under the City Manager's report with recycling, etc.

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

The City enters into public forum and Council President calls for comments.

Jon McNerney addresses the Council with regard to having Police Chief in attendance of the meeting. He also notes the number of calls reported and that most of their calls seem to be based on 911 responses. He continues further to say that there is a stretch on County Road where there is an issue of speed. He notes what we are paying for the Police Department and public safety but does not see anything in the way of enforcement of speeding tickets. The City Manager will address these issues with the Police Chief.

A comment comes from the audience with regard to a potential location for a day care facility. The Council President responds to say that she understands that there is talk of it and that she has been communicating with Shannon Emery and to also meet with Lubec to inquire about grants and other after school activity such as a summer recreational program, etc.

Jim Levendosky addresses the Council with regard to discussion about the repair of the breakwater and its cost. The Council President suggests that it would be best for him to directly communicate with the Port Director, Chris Gardner, on this matter. He continues further with the reading of a document in 1979 from the State of Maine Department of the Attorney General which covers debts and the liability of Eastport. Council President notes that she understood that the Department of Transportation would be responsible for the repair but that this clarification would need to come from the Port. Council President recommends attending the Port meeting as well. Council President strongly emphasizes that the Port is not going to spend money that it doesn't have.

Jon McNerney requests that we have the Port Director address the Council with a yearly update.

**X. Council Issues** - There were none.

**XI. Executive Session (if applicable)**

Council did not go into Executive Session.

**XII. ADJOURN**

MOTION                      MURPHY                      SECOND                      EMERY  
To adjourn.

PASSED (5-0) TIME: 8:50 P.M.