

**EASTPORT CITY COUNCIL  
CITY COUNCIL MEETING  
WEDNESDAY, MARCH 12<sup>th</sup>, 2014  
6:00 P.M. - SHEAD HIGH SCHOOL - LIBRARY**

**I. CALL TO ORDER**

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

Those present were: Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, Councilor Rocky Archer, and Council President, Mary Repole. Also present were: City Manager, Larry Post; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar

**II. PUBLIC HEARING(S)**

***EASTPORT CITY COUNCIL***

**PUBLIC HEARINGS**

**RENEWAL OF LIQUOR LICENSE APPLICATION d/b/a ROSE GARDEN**

**RENEWAL OF SPECIAL ENTERTAINMENT LICENSE d/b/a ROSE GARDEN**

**RENEWAL OF LIQUOR LICENSE APPLICATION d/b/a SEAVIEW CAMPGROUND**

**RENEWAL OF SPECIAL ENTERTAINMENT LICENSE d/b/a SEAVIEW CAMPGROUND**

The *hearings* were called to order at 6:01 p.m. Those present: Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, Councilor Rocky Archer, and Council President, Mary Repole. Also in attendance were City Manager, Larry Post; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

Council President, Mary Repole, advises that these hearings are being held to receive public input relative to the *renewal* of *Liquor License applications* as well as *Special Entertainment Licenses* for the **Rose Garden** and **Seaview Campground**.

Council President opens the floor for comments.

The City Manager addresses the Council and advises them that there may be potential issues with the *Liquor License application for the Rose Garden* and that Officer Merritt was in the process of acquiring data on this but that the computers were down at the County level. Therefore, he requests that this matter be tabled until the next meeting which would be April 9<sup>th</sup>.

Councilor Archer asks specifically what the problem is with the Rose Garden's Liquor License. The City Manager explains that there were some concerns raised by the Police Department which need to come before Council.

Councilor Dana-Cummings asks if their present license is current. The City Clerk informs Council that their current license is good through April 27<sup>th</sup>, 2014.

Councilor Murphy raises a question as to whether a Special meeting needs to be scheduled and the City Manager responds that the April 9<sup>th</sup> meeting will be sufficient.

Council President then asks if there are any further comments or questions from the Council as well as input from the public. There were none.

Council President, Mary Repole, declared the hearings closed at 6:03 p.m.

### III. ACTION on PUBLIC HEARINGS

MOTION ARCHER SECOND DANA-CUMMINGS

To *table* and *reschedule* the public hearing for the *renewal* of a *Liquor License application* for the **Rose Garden** to be held on April 9<sup>th</sup>, 2014.

PASSED 4-1 (MURPHY "NO")

MOTION MURPHY SECOND ARCHER

To approve the *renewal* of a *Liquor License application* for **Seaview Campground** as well as the *renewal* of *Special Entertainment Licenses* for the **Rose Garden** and **Seaview Campground**.

PASSED 5-0

### IV. OPEN PUBLIC FORUM

Jon McNerney addresses the Council and expresses that he has an issue from the last meeting in that he did speak with the City Manager as suggested and would like to know if they have an answer for him and comments to say that it was a public incident and wants to know if there is a public response. He emphasizes that if it was done in public, the response should be public also. The City Manager responded to say that he was not so sure it was done in public and believes there to be some miscommunication and offers Mr. McNerney to meet with him to discuss this further. Mr. McNerney responds that he would think on this or whether he would just put an article in the paper.

Councilor Dana-Cummings asks Mr. McNerney if the City has addressed his question about the Financial Reports. Mr. McNerney responds that he has not seen it yet. He reminds Council that his request was to receive the Financial Report the Friday before the Council meeting. He further comments to thank the City Manager for a copy of the accounting report for the Economic Development that he received this evening.

Council President makes the last call for comments or questions in open forum and there were none.

**V. ADJUSTMENTS TO AGENDA (if applicsble)**

MOTION MURPHY SECOND EMERY

To approve an adjustment to the agenda *to add to Item IX for the scheduling of public hearings for the renewal of a Liquor License application and a Special Entertainment License for the Eastport Chowder House; and to also remove the Compass Rose from the listing in Item IX as they are not responding to the Clerk's phone calls.*

PASSED 5-0

**VI. MINUTES OF PREVIOUS MEETINGS(S) - 1/8/2014 & 2/12/2014**

MOTION MURPHY SECOND ARCHER

To approve the minutes of 1/8/2014 & 2/12/2014 as presented by the City Clerk.

PASSED 5-0

**VII. UNFINISHED BUSINESS - NONE**

**VIII. NEW BUSINESS**

1) **Landfill Remediation Project** - Todd Coffin with GEI and Brian Beneski with DEP addresses the Council and gives an update with regard to a project they are working on with the City with relative to the old landfill site on Deep Cove Road.

Comments and questions were permitted and they offered to return should there be anything further from us.

**2) Vehicle Lease -**

MOTION MURPHY SECOND DANA-CUMMINGS

To approve the vehicle lease as presented by the City Manager for an amount of \$1.00 from Thomas Fredette for the use of a 2004 Ford Explorer to be utilized in correlation with Animal Control as well as police use as needed on occasion and not to be used for personal use with the understanding that the City will hold the insurance as well as maintain the upkeep on the vehicle.

PASSED 5-0

**3) Tax Acquired Property – 2 Byram Street (Tax Map #I7-0C2-17 & I7-0C2-22A)**

The City Manager addresses the Council and reminds them that they voted at their last meeting not to permit the owner to reclaim the property and to move forward with the foreclosure. Thus, he comes before the Council for them to give consideration to put the property out to bid.

The City Clerk informs Council that there is presently a balance owed for Sewer and Taxes in the amount of \$3,295.00.

MOTION ARCHER SECOND DANA-CUMMINGS

To authorize and approve putting the property at 2 Byram Street, Tax Map #I7-0C2-17 & I7-0C2-22A, out to bid for a minimum price to include what is owed for Taxes, Sewer, plus costs.

PASSED 5-0

**4) Renewal Lease with the City - Paula Bouchard d/b/a Rosie's Hot Dog Stand**

MOTION ARCHER SECOND DANA-CUMMINGS

To approve and authorize the renewal of the lease between the City and Paula Bouchard d/b/a Rosie's Hot Dog Stand for an annual amount of \$1,250.00 and to be extended for a five-year period as opposed to three years.

PASSED 5-0

**5) Animal Shelter Agreement with Town of Perry**

Council President explains that this is explicit to dog shelter but that the City is required to address cats also and that the City Manager is working on this with SOS in Lubec and that they will be meeting on this at some point.

MOTION MURPHY SECOND EMERY

To approve and authorize the signing of the Animal Shelter Agreement with the Town of Perry for an amount of \$1,000.00 annually effective January 1<sup>st</sup>, 2014.

PASSED 5-0

**6) Proclamation of Support - Downeast Correctional Facility**

MOTION MURPHY SECOND DANA-CUMMINGS

To approve signing the Proclamation in Support of *not* closing the Downeast Correctional Facility.

PASSED 5-0

**7) Resolution of Condemning Efforts to Consolidate Maine Jails**

MOTION MURPHY SECOND DANA-CUMMINGS

To approve signing a Resolution Condemning Efforts to Further Consolidate Maine Jails.

PASSED 5-0

**8) Insurance Quotes**

MOTION ARCHER SECOND MURPHY

To authorize the City Manager to request a quote with our current agent as well as Maine Municipal Association for the City's insurance coverage.

PASSED 5-0

9) **Consideration of Write Off on Sewer Acct. #62 – 8 Custom St. Tax Map #J7-0C4-16**

MOTION MURPHY SECOND ARCHER

To approve a *write off* in the amount of **\$485.12** to Sewer Account #62 for 8 Custom Street, Tax Map #J7-0C4-016 as part of the cleanup of old sewer accounts as requested by the Sewer Clerk.

PASSED 5-0

**IX. SCHEDULING of PUBLIC HEARING(S) - *if applicable***

MOTION MURPHY SECOND ARCHER

To approve the scheduling of public hearings for April 9<sup>th</sup>, 2014 as follows:

Renewal of Victualer Licenses: Dastardly Dick's; Eastport Chowder House; WACO Diner; Happy Crab; Kilby House; Landmark 1887; Liberty Cafe; Milliken House; Moose Island Bakery; Quoddy Bay Lobster; Raye's Mustard Mill; Rose Garden & Antiques; Rosie's Hot Dog Stand; Seaview Campground; Todd House; and Weston House.

Liquor License Applications: A new license for Quoddy Bay Lobster, Inc.; a renewal for the Eastport Chowder House; and a renewal for the Rose Garden.

Special Entertainment Licenses: A new Special Entertainment License for Quoddy Bay Lobster, Inc.; and a renewal for the Eastport Chowder House.

PASSED 5-0

Legal Counsel, Dennis Mahar, advises Council that the City is required to publish the *proposed charter amendments* at the same time as the notice of public hearing.

MOTION MURPHY SECOND EMERY

To schedule a public hearing for April 9<sup>th</sup>, 2014 on the *proposed Charter Amendments* as presented by the Charter Committee.

PASSED 4-1 (DANA-CUMMINGS "NO")

**X. REPORTS**

**1) City Manager**

MOTION MURPHY SECOND EMERY

To accept the City Manager's report as presented and submitted.

PASSED 5-0

**2. Department Reports**

Jon McNerney from the audience addresses the Council and makes a request for a report of the number of cases that go to Court and their disposition as of September 1, 2012. The Council responds to say that this information is public knowledge and can be acquired through the Court. Councilor Dana-Cummings suggests including this on the monthly report that is submitted by the Police Department. Councilor Murphy asks Mr. McNerney his purpose for this information and he responds that he does not wish to share this with the Council at this time but believes that it is something that the City should be aware of and how the Police Department is performing.

Councilor Dana-Cummings and Councilor Archer both express and remind Council that the Public Works report being submitted is very vague and would like to see something more informative. The City Manager responds that he will work on this with an updated version.

Councilor Dana-Cummings also addresses Council and the City Manager in that it has been brought to her attention that there has been some damage downtown and that it will be costly to the City. The City Manager responds that he needs to check on this. Councilor Dana-Cummings asks that this be part of the new report as well.

MOTION ARCHER SECOND MURPHY

To accept the Financial Report, Code Enforcement Report, Police Department Report, Public Works Report, and the Sewer Report for **February, 2014** as presented and submitted.

PASSED 5-0

**3. Boards & Committees**

**Planning Board** - They recently met and have a workshop coming up on the floodplain for the former WAS building.

**Zoning Board of Appeals** - They have an informational meeting scheduled for the 24<sup>th</sup>.

**Historic Review Board** - **NO REPORT**

**Airport** - **NO REPORT**

**Harbor** - **NO REPORT**

**Downtown** - **NO REPORT**

**Charter Committee** - Already covered. Ken Brown further comments to say they a bit of tweaking to do but will have a total of fifteen amendments to the City Clerk sometime next week as planned. Councilor Dana-Cummings explains the reason that she voted “no” earlier and that was she understood that we were going to simplify this and feels that fifteen is too much. Jan Finley responds to say that they tried to reduce it as much as possible but there was no way to do it without losing the essence of what the change was.

**Port Report** - Council President comments that she forwards this to Council.

**Energy Committee** - Council President reads the report submitted by Mr. Calame.

**Ordinance Review Committee** - They will be meeting within a week.

**Park Committee** - **NO REPORT**

**Eastport Recreational Marine Facilities Committee** -

**Recycling Committee** - Still Working with the Marion Transfer Station & Lubec.

**Recreation Committee** - Jan Finley makes a request to combine this committees with the Park Committee and call it the Parks & Recreation Committee.

MOTION MURPHY SECOND EMERY

To approve combining the Park Committee and the Recreation Committee to be referred as the Parks & Recreation Committee.

PASSED 5-0

Councilor Dana-Cummings asks about an inquiry that a parent made at a previous meeting relative to the park on Sullivan Street. Ms. Finley said that she needed to get back on this and that it is on her to do list. It will need some new equipment, maintenance, painting, scraping, etc. With parent involvement, the project should be attainable.

MOTION MURPHY SECOND DANA-CUMMINGS

To accept the *Boards & Committees Reports* as submitted and presented.

PASSED 5-0

**4. Council (Ambulance & Marion Transfer)**

MOTION DANA-CUMMINGS SECOND ARCHER

To accept the *Ambulance Report* presented and given by Councilor Murphy and the *Marion Transfer Report* presented and given by the City Manager, Larry Post.

PASSED 5-0

**XI. COUNCIL ISSUES**

Jon McNerney addresses Council and compliments the City Manager on bringing forth a report and accounting of the Economic Development account. Councilor Dana-Cummings suggests that it should be renamed as it is really a reserve account.

**XII. EXECUTIVE SESSION (*if applicable*)**

MOTION MURPHY SECOND DANA-CUMMINGS

To go into Executive Session under Title 1 M.R.S.A. § 405(6)(A) to discuss Personnel Matters; and also under Title 1 M.R.S.A. § 405(6)(C) to discuss Real Property or Economic Development.

PASSED 5-0 (TIME: 7:34 P.M.)

MOTION ARCHER SECOND MURPHY

To come out of Executive Session.

PASSED 5-0 (TIME: 8:17 P.M.)

**XIII. ACTION from EXECUTIVE SESSION (if any)**

MOTION MURPHY SECOND ARCHER

To authorize the City Manager to proceed forward with the Foreclosure of 21 Middle Street for non-payment of Sewer and that any salvage to the property will come back to Council.

PASSED 5-0

MOTION ARCHER SECOND MURPHY

To authorize the City Manager to proceed forward with the Foreclosure of 28 Washington Street for non-payment of Sewer.

PASSED 4-1 (DANA-CUMMINGS "ABSTAINED")

**XIV. ADJOURN**

MOTION MURPHY SECOND EMERY

To adjourn.

PASSED 5-0 (TIME: \_\_\_\_\_)