

**EASTPORT CITY COUNCIL
CITY COUNCIL MEETING
WEDNESDAY, MAY 14, 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; Assistant City Manager, Elaine Abbott; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

PRESENTATION OF AWARDS BY “THE COMMONS”

Meg McGarvey updates the Council of an award to be presented to Dawn Preston who is the Kitchen Manager and Cook at the Eastport Elementary School. She is recognized for her dedication to not only the School but our Children and their future. As much as the resources allow, she has gone to whole wheat products as well as a healthier version of lunches and snacks for the kids. She is recognized for her community caring.

Linda Godfrey addresses the Council and presents Mary Repole with the 2014 Eleanor Roosevelt Award in recognition of her Outstanding Woman Leadership in providing Eastport with professionalism and positivity. Mary Repole thanks everyone and asks everyone to continue to be involved and participate throughout the community.

II. PUBLIC HEARING(S) - NONE

III. ORPC UPDATE

John Ferland and Glen Marquis addresses the Council as well as the public with a status update of their projects. They also give recognition to the City and its community for this opportunity and our support. They inform us that they will return in the Fall with another update.

III(a). ACTION ON PUBLIC HEARING(S) - NONE

IV. OPEN PUBLIC FORUM

Jon McNerney from the audience addresses the Council and requests an update of what is happening with Cate Street and he also asks where the City is at with having the Port Director attend a Council meeting to give an update. The City Manager, Larry Post, informs that he did speak with the Port Director, Chris Gardner but that he was unable to attend this meeting as he had a prior commitment but that he would be sure to look at his calendar for the next meeting. Council President, Mary Repole, will look into receiving an update from the Port with regard to Cate Street. Mr. McNerney informs Council that he has been asked about the agreement with the Port and if there was a time frame of payment for the lease of the land and the dollar amount. Council President responds that they are already making their payments for a number of years and that it just increased.

Denise Cassidy from the audience also addresses the Council and directs her questions to the City Manager, Larry Post. She asks for an update/follow up of her previous requests with regard to the placement of a barrier in the vicinity of the electric pole across from the dollar store whereby we have had several accidents. Mr. Post responds that there is not an update at this time, but that there will be. She makes reference to the fire hydrant in the Fisherman Parking Lot and something similar to this cement barrier. She also asks for an update on the street lamps that are out downtown. The City Manager responds that he will look into this. Police hief Rodney Merritt responds that he also has his staff assisting with this by providing a list to City Hall of the street lights that are out.

Council President makes the last call for comments or questions in Open Forum and there were none. Council President declared Open Forum closed at 6:17 p.m.

V. ADJUSTMENTS TO AGENDA

MOTION MURPHY SECOND EMERY

To table an adjustment to the agenda to **add #6 (Eastport Public Bicycling Program)** to **Item VIII** as Mr. Calame is not in attendance of the meeting to approve and authorize an adjustment to **add #3 (Scheduling of a Public Hearing for (6) Zoning Ordinance Amendments for June 11th, 2014)** to **Item IX** as requested by the Planning Board.

PASSED 5-0

VI. MINUTES OF PREVIOUS MEETINGS(S) - 4/9/2014 & 4/16/2014

MOTION MURPHY SECOND DANA-CUMMINGS

To **accept** and **approve** the *minutes of April 9th, 2014* and *April 16th, 2014* as presented by the City Clerk.

PASSED 5-0

VII. UNFINISHED BUSINESS - NEW PERSONNEL ORDINANCE

The City Manager, Larry Post, addresses the Council and recaps that this new ordinance is reflective of three changes. He notes the first change being with the payout of sick leave. The second being one that addresses Holiday Day pay for the Police Department. Thirdly, the City has added the Police Department to the random drug testing and that **all** employees are subject to drug and alcohol testing.

Jon McNerney of the audience asks for clarification of the Holiday Day pay for the Police Department. The City Manager responds that they work the holidays but received vacation or comp time for it and that this has been the policy of the past but that this change will correct this.

Councilor Archer addresses the City Manager with regard to a concern he has with Item #V (Probationary Employment Period). He **does not** feel that if someone is on probation that they should be accruing vacation. He further comments to say that should someone be terminated, then we would be responsible to pay them for the vacation accrued.

The City Manager responds that the probationary period is part of the first year and that vacation cannot be taken until then.

Council President comments to say that it has been her experience that vacation cannot be taken during the probationary period.

Councilor Murphy comments and feels that the policy is fine the way it is written.

Councilor Dana-Cummings comments to point out that it is very generous to the employees.

Councilor Archer then addresses a concern about the consumption of alcohol four hours prior to a shift and comments that there are a number of employees on call.

MOTION MURPHY SECOND ARCHER

To **accept** and **approve** the “*New*” *Personnel Ordinance* as submitted by the City Manager.

PASSED 5-0

VIII. NEW BUSINESS

1) Write Off Remaining Balance of \$1,109.21 for R/E Acct. 288 (23-24 Mitchell St.)

MOTION DANA-CUMMINGS SECOND MURPHY

To authorize the Treasurer to write off of \$1,109.21 as requested on Real Estate Acct. #288 for 23-24 Mitchell Street.

PASSED 5-0

2) Opening & Award of Bid for 1 Byrd Street (Tax Map #E3-0A-02)

NO BIDS WERE RECEIVED - COUNCIL WILL REVSIT THIS AT ANOTHER TIME

3) June 10, 2014 Election Warrant

MOTION MURPHY SECOND ARCHER

To accept and approve the signing and wording of the Election Warrant for both the Primary Election and the Municipal Election of June 10, 2014.

PASSED 5-0

4) Award of AWOS Contract

MOTION MURPHY SECOND EMERY

To accept and award the bid for the AWOS (*Automated Weather Observing System*) Contract in the amount of \$132,457.00 to Elco Electric which comes under a Federal and State grant whereby the Federal comes up with 90% and the State and City's share is each 5%.

PASSED 5-0

5) Radio Station - (Bob DeWitt & Danny Waggoner)

Danny Waggoner gives some history with regard to WSHD and their needs relative to its licensing requirements and upgrade of equipment. He is here with a request for community support to help continue and sustain WSHD. He updates Council that out of the 21 participants, 16 of them are students. They currently are in need of \$8,500 to upgrade the system equipment for the radio station. They intend to also look to the School Board, the Chamber of Commerce, and the Port Authority as well for support. In addition, they will be canvassing the community also.

Councilor Murphy offers a donation of the coaxial cable from Murphy's Electric which is reflective to the cost of \$500.00.

MOTION DANA-CUMMINGS SECOND MURPHY

To authorize a donation of \$2,000.00 in support of the WSHD radio station to come out of the recreation program.

PASSED 5-0

IX. SCHEDULING of PUBLIC HEARING(S)

1. Renewal of Special Entertainment License for Happy Crab

MOTION MURPHY SECOND DANA-CUMMINGS

To **approve** the **Renewal** of a *Special Entertainment License* for Jeff & Leslie Starling d/b/a **Happy Crab**.

PASSED 5-0

2. FY2015 Budget

MOTION MURPHY SECOND DANA-CUMMINGS

To *table* this at this time as the budget is not yet ready, but to *authorize* the **Council Chair** to *set and schedule* the **Public Hearing** for the **FY2015 Budget** when it is complete as required with a 14 day notice.

PASSED 5-0

3. Scheduling of a Public Hearing for 6/11/14 for (6) Zoning Ordinance Amendments

MOTION MURPHY SECOND DANA-CUMMINGS

To approve and authorize the scheduling of a Public Hearing for June 11, 2014 for consideration on (5) Zoning Ordinance Amendments with regard to dwelling, occupancy, and signs.

PASSED 5-0

X. REPORTS

1) CITY MANAGER

As part of the report presented, he updates Council of the appointment of Elaine Abbott as Assistant City Manager as well as the appointment of Police Chief accepted by Rodney Merritt.

MOTION ARCHER SECOND MURPHY

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

PASSED 5-0

2. DEPARTMENT REPORTS

Councilor Cummings expresses her concerns with regard to the overtime specific to the Police Department and the Public Works Department.

Council President asks if the overtime still comes in under the grant. It is confirmed that we apply for it and then the money is received after.

MOTION MURPHY SECOND DANA-CUMMINGS

To accept the *Boards & Committee* reports as presented and submitted..

PASSED 5-0

4. Council (Ambulance & Marion Transfer)

MOTION DANA-CUMMINGS SECOND EMERY

To accept and approve the ambulance report as presented by Councilor Murphy and to also accept and approve the Marion Transfer update as given by the City Manager.

PASSED 5-0

XI. COUNCIL ISSUES

Councilor Dana-Cummings makes a request for the Assessor to put together a listing of all the recorded easements. The City Manager will check with the Assessor.

Councilor Emery inquires about the status of a Diesel Fuel Tank for the City Garage. The City Manager responds that he will have a request for the next meeting.

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 a Personnel Matter which was the City Manager's evaluation.

PASSED 5-0 (TIME: 7:31 P.M.)

MOTION ARCHER SECOND MURPHY

To come out of Executive Session.

PASSED 5-0 (TIME: 7:50 P.M.)

XIII ACTION from EXECUTIVE SESSION (*if any*) - NO ACTION TAKEN

XIV. ADJOURN

MOTION ARCHER

SECOND MURPHY

To adjourn.

PASSED 5-0 (TIME: 7:51 P.M.)