

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, MARCH 11th, 2015
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

REGULAR COUNCIL MEETING - 6:00 P.M.

Those in Attendance: Councilor Colleen Dana-Cummings, Councilor Michael Cummings, Councilor Gilbert Murphy, and Council President, Mary Repole. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Audience Attendance: Jan Finley, Kathryn Lewis, Michael Morse, Cynthia Morse, Steve Glatfelter, Lora Whelan, Jeff Sullivan, Mr. & Mrs. Stanley, Chris Sauer, Bob Lewis, Tari Camick, Catherine Lee, Dana Chevrier, Colin Brown, Kendall Zeigler, Ken Brown, Denise Cassidy, Traci Calder, James Segien, Clifford, Chester Jenkins, Howard and Amy Johnson, and Tom McDugald.

I. CALL TO ORDER - Council President calls the meeting to order at 6:00 p.m.

II. ORPC UPDATE

Chris Sauer addresses the City Council and the public and gives an update of where ORPC is at and what their plans are. He further comments to say they have been struggling a bit and raising funds has been difficult. As a result, they have had to streamline some operations. They are currently working on Version 2.0 and are diligent in their efforts. They are in hopes that this process will be complete within a year for the new system and their future is geared towards a TGU design. With completion of the new design, they are confident that the unit will be in the water by the third quarter of 2016. In addition, they are also looking at a potential opportunity on a national level for Eastport and Cobscook Bay. He also makes note of anticipation of other R&D projects. He closes by asking the City Council to give consideration to reducing their rent of the local office by 50% to help with their staying power and are able to grow again.

III. PUBLIC HEARING(s)

Council President declared the public hearings open at 6:21 p.m. and explains the purpose of the hearings is for the Eastport City Council to give consideration to the renewal of Liquor License applications as well as Special Entertainment Licenses submitted by the Rose Garden as well as Seaview Campground and opens the floor for questions and/or comments.

Jan Finley addresses the Council and asks about previous complaints made with regard to one of the entities relative to parking and noise issues. Council President and the Police Chief both emphasize that this will be addressed through enforcement and that Council will be updated accordingly.

“Renewal of Liquor License Applications”:

Al & Linda Salleroli d/b/a Rose Garden & Basil Pottle d/b/a Seaview Campground

“Renewal of Special Entertainment Licenses”

Al & Linda Salleroli d/b/a Rose Garden & Basil Pottle d/b/a Seaview Campground

Council President, Mary Repole, makes a final call for questions or comments. There were none.

Council President declared the public hearings closed at 6:26 p.m.

III. ACTION ON PUBLIC HEARING(S)

MOTION DANA-CUMMINGS **SECOND** MURPHY **PASSED** 4-0

To *approve* the *renewal* of Liquor License applications and Special Entertainment Licenses for Al and Linda Salleroli d/b/a Rose Garden and Basil Pottle d/b/a Seaview Campground.

IV. DEPARTMENT REPORTS

Councilor Dana-Cummings asks for clarification of where she would find the data with regard to State Revenue Sharing and Homestead Exemption in the financial report. The Treasurer, Traci Calder, explains that this info can be found under Admin (#12) and that there is a year-to-date figure of \$35,295 but nothing was budgeted as they cannot put a number in there as it would affect the tax commitment. The Assessor comments that Reveue Sharing last year was \$95,000 and this year he believes it to be \$97,825.

Councilor Dana-Cummings also asks about being put on the list for when Port Reports is provided. She also asks the Council President of the status of the \$20,000 payment and responds that she understood that this was definitely coming but that she would inquire about this at the next Port meeting.

MOTION MURPHY **SECOND** CUMMINGS **PASSED** 4-0

To accept the Financial Report; Code Enforcement Report; Police Department Report; Public Works Report; Sewer Report; and Port Report for the month of February, 2015 as submitted.

V. OPEN PUBLIC FORUM

Lora Whelan from the audience addresses the Council with a request to place the City's and School's budgets on the City's website (both draft and current financials). She comments to say that Calais does this and that it is very helpful.

Councilor Cummings asked for clarification of the Eastport Police Department doing house checks and how it is presented on the website.

Council President made a final call for questions or comments and closed Open Forum at 6:46 p.m.

VI. ADJUSTMENTS TO AGENDA

MOTION DANA-CUMMINGS **SECOND** MURPHY **PASSED** 4-0

To approve the following adjustments to the agenda as requested:

Add the appointment of Kendall Ziegler to the FY2016 Budget Committee under Item X(b); Add (j) to Item X for the appointment of Robin Farrin to the Recycling Committee; and to add Downtown Survey as (k) to Item X.

VII. MINUTES OF PREVIOUS MEETING(s) - 2-4-2015

MOTION CUMMINGS **SECOND** MURPHY **PASSED** 4-0

To *accept* and *approve* the Council minutes of February 4th, 2015 as submitted by the Clerk.

VIII. UNFINISHED BUSINESS

A) 21 MIDDLE STREET

The City Manager updates the Council that the City's Legal Counsel, Dennis Mahar, will be recording the agreement with the finalization of the proposed sale terms. She further informs Council that transfer of ownership does not occur until the completion of a new roof; repair of all soffetts; cedar roof repair; stabilization and repair of the south wall which is to include the rebuilding of the wall where necessary; appropriate siding and removal of existing chimney; stabilization of the bay window and repair; securing the building so that it is no longer a danger to the neighborhood; restoration of the missing bracket so that the building is visually whole; and either replacing the windows or covering them. The building must be structurally sound by Ocotber 1st, 2016, at which time a Quit Claim Deed will convey the title over to Tom Humphrey and his partner Sharon Norman.

Council President brings forth a request for a motion to put the remaining amount of \$87.47 from the sale of said property into the Special Reserve fund. The City Manager explains that the monies received paid everything off and this is the amount left over.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To authorize the Treasurer, Traci Calder, to put the remaining \$87.47 from the sale of 21 Middle Street received from Tom Humphrey into the Special Reserve fund.

B) MONEY OWED FROM SEWER

The City Manager comments to say that this is very confusing but reminds Council that money was taken for a Sewer grant a year or two ago and \$125,000 was taken from Economic Development. She further states that the previous City Manager had budgeted the Revenue for it in the last budget but did not budget the expense

for it to come out of Sewer. She informs Council that the new auditors are currently working on completion of the FY2014 audit and hope to have it complete by the end of March, 2015. She continues on to say that as of the FY2013 audit, there was sufficient funds in Sewer to pay this debt back and she proposes to wait on the completion and return of the FY2014 audit to ensure that the figures are accurate.

IX. NEW BUSINESS

- a) **Appointment of Jenie Smith as a Full-Time member to Downtown Committee**
MOTION DANA-CUMMINGS **SECOND** MURPHY **PASSED** **4-0**
To appoint Jenie Smith as a Full-Time member to the the Downtown Committee.

- b) **Appointment of Paul Cox and Kendall Zeigler to the FY2016 Budget Committee**
MOTION DANA-CUMMINGS **SECOND** MURPHY **PASSED** **4-0**
To appoint Paul Cox and Kendall Zeigler as alternates to the FY2016 Budget Committee.

- c) **Discussion of Budget Concerns (Public Works)**
The City Manager updates the Council and the public that the Public Works Department is just under 75% of their budget for the year and she anticipates the likelihood that they may run over budget and opts to inform them now to give them a heads up of this possibility. Councilor Dana-Cummings expresses her desire to freeze the budget unless there is an emergency.

- d) **Discussion of moving the Police Dept. to the old Superintendent's Office**
The City Manager asks Council to give her permission to research this further to determine the cost, whether there is adequate space, and if the School would be on board with it. Legal Counsel, Dennis Mahar, advises that it is not only the local school to consider but 4 other towns that were part of Union 104. *Councilor Cummings* comments to say that he would rather see them go into the Fire Station which the City already owns. *Councilor Murphy* comments to say that there is no room out at the Fire Station. Council asks the City Manager and the Police Chief to investigate this further to see if it is a viable option and to come back to Council.

- e) **Discussion of P.I.L.O.T. - Payment in Lieu of Taxes**

Councilor Dana-Cummings informs Council that this was brought up at a meeting in Perry and Pembroke with all the changes that Governor LePage is proposing and this is one of the recommendations that is being put out there for towns to look into. Robert Scott, the City's Assessor's explains that the law to charge for service fees was repealed in 2007. Jan Finley suggests that Council offer up clarification for the public to better understand what this is about and how this is affecting the City's infrastructure and that this does need to be looked into.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **DENIED** 2-2

To authorize the City Manager to contact non-profit organizations with a 501C status of tax exempt to give consideration to a voluntary contribution/donation to help defray costs for payment in lieu of taxes for local services.

f) Purchase of Sewer Pump Truck

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **PASSED** 4-0

To approve the purchase of the proposed Sewer Pump Truck for \$19,100.00 as submitted by the WWTP Plant Operator, Jeff Sullivan, and that it is to come out of the Sewer budget.

g) Fuel Fund Donation

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To accept a fuel fund donation received in the amount of \$500.00.

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **PASSED** 4-0

To transfer the fuel fund donation of \$500.00 over to G.E.E.C.A.

h) Purchase of G.A.R.D. Sytem

The City Manager informs Council that this request comes before them from Airport Manager, Steve Trieber, but that he is unable to attend the meeting. This would track the traffic in and out of the airport and it is a 100% State reimbursed grant. The State would reimburse up to \$3,500 and the quote received came in at \$3,200. The City Manager notes that it would provide us with more information on the use of the airport.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To authorize the purchase of the G.A.R.D. System to be utilized at the airport with understanding that there is no cost to the City.

(i) Donation Policy

MOTION DANA-CUMMINGS **SECOND** MURPHY **PASSED** 3-1
(CUMMINGS - NO)

To implement and authorize the Donation Policy as submitted by the City Manager at the request of the Budget Committee for donation/third party requests.

(j) Appointment of Robin Farrin to the Recycling Committee

MOTION MURPHY **SECOND** CUMMINGS **PASSED** 4-0

To appoint Robin Farrin to the Recycling Committee.

(k) Downtown Survey

Michael Morse addresses Council informs Council that the Downtown Committee is looking to put out a survey to the community of what they would like to see for projects and to get a feel for what is important to them and they are asking for consideration to be given to include this in the Sewer billing and on the website. Council encourages him to work with the City Manager to make this happen.

X. SCHEDULING of PUBLIC HEARINGS(s) – if applicable

MOTION DANA-CUMMINGS **SECOND** CUMMINGS PASSED **4-0**

To *schedule* a public hearing for *April 8th, 2015* for the *renewal* of the following Victualer Licenses: Dastardly Dick's; Eastport Chowder House; Happy Crab; Kilby House; Landmark 1887; Quoddy Bay Lobster; Milliken House; Moose Island Bakery; Raye's Mustard Mill; Rose Garden; Rosie's Hot Dog Stand; Seaview Campground; Todd House; WACO; and the Weston House.

XI. REPORTS

1) **City Manager**
MOTION _____ **SECOND** _____ **PASSED** **4-0**

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

2) **Boards & Committees (Planning Board; Zoning Board; Historic Review; Airport; Harbor; Downtown; Charter Committee; Port; Energy Committee; Ordinance Review; Park & Recreation; & Recycling Committee)**

Planning Board - Reviewing Bylaws and will hold a Public Hearing on SL Wadsworth

Zoning Board - Next meeting is on March 24th

Historic Review – No Report

Airport - Already covered earlier in the meeting

Harbor Committee - No Report

Downtown Committee - Already covered earlier in the meeting

Charter Committee - Edward has the final version for his review

Port Report - Already covered earlier in the meeting

Energy Committee - Already covered earlier in the meeting

Ordinance Review - No report

Park Committee - Seasaws are being order for Sullivan Street park

Recreation Committee - Councilor Cummings will be working on this

Recycling Committee - Already covered earlier in the meeting

FY2016 Budget Committee - Review of line items continues

3) **Council • Ambulance**

Councilor Murphy gives a brief update and reports that they have purchased two new van-type ambulances to be utilized as transfer trucks and emergency backups. They are at a better place than they were a year ago. *Councilor Dana-Cummings* suggests putting something in with the July sewer bills with reference to what it costs per taxpayer for the service and to also reminder people to ask for Downeast EMS should the need arise. *Councilor Cummings* reminds Council that he has asked for the stipends of all the towns and though they'd be available at tonight's meeting but they are not. *Councilor Murphy* responds that he does not have them for tonight's meeting. *Councilor Cummings* reminds Councilor Murphy that when he was on the committee this information was always available. *Councilor Cummings* further expounds on the fact that ambulances are going to Machiasport and Baileyville. He continues with asking Councilor Murphy if Machiasport pays a stipend and how much. He also would like to know what Baileyville's stipend is. *Councilor Murphy*

responds that he has gone over this before with him a hundred times and that he is not going to go over it again. *Council President* suggests that they talk privately about this and *Councilor Cummings* is adamant that Councilor Murphy should bring the information in. *Council President*

responds that it will be provided in the regular report when it is available to the City. *Councilor Cummings* responds that it should be done but it's not.

Council • Marion Transfer

City Manager gives a brief update.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 3-1
(CUMMINGS - NO)

To accept and approve the Ambulance and Marion Transfer reports.

XIII. COUNCIL ISSUES

Councilor Dana-Cummings makes a request to hold a workshop on the Personnel Policy. *Jan Finley* from the audience also reminds Council that we are to also hold a workshop on City Charter changes that was previously tabled.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To schedule a workshop for April 8th, 2015 at 5:00 p.m. on the Personnel Policy and the changes to the City Charter.

XIV. EXECUTIVE SESSION

MOTION MURPHY **SECOND** DANA-CUMMINGS **PASSED** 4-0 **TIME: 8:00PM**

To *go into* Executive Session under Title 1 M.R.S.A. § 405(6)(A) to discuss a Personnel Matters and also under Title 1 M.R.S.A. § 405(6)(C) for discussion of Real Property or Economic Development as well as under Title 1 M.R.S.A. § 405(6)(D) for Labor Negotiations/Contractual and also under Title 1 M.R.S.A. § 405(6)(E) Consultation with Legal Counsel.

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **PASSED** 4-0 **TIME: 8:50PM**

To *come out* of Executive Session.

XVI. ACTION from EXECUTIVE SESSION (if any)

MOTION MURPHY **SECOND** CUMMINGS **PASSED** 4-0

To authorize Tom McDugald, on behalf of his son Hazen McDugald, to reclaim property at 6 Spear Avenue by making a \$500.00 payment towards the Sewer and to then make monthly payments of \$150.00 until Sewer and Taxes are paid in full along with a Quit Claim fee of \$100.00.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To grant permission to James Segien to work with City Hall and enter into an agreement of a monthly payment of \$300.00 to reclaim the properties on Battery Street with the understanding that there is also a Quit Claim fee of \$100.00 once payment in full is received.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To approve a rental lease for ORPC to rent space at 22 Washington Street for an amount of \$750.00 a month for a period of a year to include a provision for a 90-day notice should there be a potential sale or rental of the building.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To notify Millenium Marine that they are still bound by the contract for the Viscus part of the Mill building.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **PASSED** 4-0

To authorize the City Manager to proceed forward with getting a price to have an appraisal done on the A&P building.

MOTION MURPHY **SECOND** CUMMINGS **PASSED** 4-0

To authorize Legal Counsel, Dennis Mahar, to draft a lease for the Senior Citizen Center as requested by MMA and to also grant permission to the City Manager as a signatory of said lease on behalf of the City.

XVII. ADJOURN

MOTION MURPHY **SECOND** CUMMINGS **PASSED** 4-0 **TIME 9:00 PM**

To adjourn.