

Ken Brown of the audience asks about placement of the garbage receptacles. The City Manager responds that Public Works is taking of this along with other preparations of the cruise ships in addition to their normal activities of maintaining our roads. She also notes that they are working cooperatively with the Sewer Department as well.

Councilor Michael Cummings asks about signage. The City Manager responds that they are taking an inventory of the signs to see what is available before having to order them to continue to keep spending under control as they are currently at 101%.

Councilor Archer asks the City Manager how much of the Highway budget is being expended on the recycling center. It is estimated that it is about \$300.00 a trip (every Wednesday), which is reflective of man hours.

Lora Whelan of the audience inquires about the retaining wall down on Water Street in front of the Police station. The City Manager responds that she will be covering this later on in the meeting.

Council President gives a brief update of a Port report.

Councilor Dana-Cummings asks about the different format of the Port's financials. Council President responded that they are working on this.

MOTION ARCHER **SECOND** CUMMINGS **(PASSED 5-0)**
To *accept and approve* the Financial report; Code Enforcement report; Police Department report; Public Works report; WWTP Sewer report; and the Port report for April, 2015 as submitted and presented.

VI. OPEN PUBLIC FORUM

Council President calls for open public forum at 6:37 p.m.

Jon McNerney of the audience asks the Council for information relative to the City Manager traveling to Denmark. The Council President offers the City Manager to speak on this matter. She explains that her name was brought forward and was asked to attend a week long education program in Denmark and that it is based on climate change, adaptability, solar and other matters such as biomass, fossil fuels, net zero carbon emissions, etc. She expressed to Council that it was something that she was interested in attending and that the cost of the trip was quoted to her for an amount of \$3,900.00. She continues further to say that there is an opportunity of a Growth Smart Maine grant in the amount of \$1,000.00 and that the Port Authority has also recognized the importance of Eastport in foreign countries and have offered scholarship funds as well. She has told Council that should this be something they approve of, she is willing to pay her airfare and personal expenses to and from Boston which is considerably more than what the City would pay. Mr. McNerney asks how much the City is anticipating to pay out. Council President responds an amount is not yet determined but

it has always been in the City Manager's contract that they belong to certain organizations and that they get educational opportunities. Mr. McNerney expresses to the Council that he is not in favor of this and then addresses the City Clerk and informs her that he will be in to see her about starting recall proceedings. Councilor Dana-Cummings reminds the City Manager that

she neglected to mention that she is also using her vacation time. Council President comments to say that she has allowed that everyone be given the opportunity to speak and welcomes it, however, comments being made that are uncalled for are not welcomed nor appropriate. Mr. McNerney is vocal and adamant that the City's financial condition does not warrant such an expense and feels it is not in good judgment and still remains against it. The City Manager publicly states that Council has not yet voted on this matter. Councilor Dana-Cummings reminds everyone it is budgeted in the current budget and that there is money under City Manager expenses and that this training opportunity would not happen until September which would be a new fiscal year and would be carried over a two-year period. Council President addresses Mr. McNerney and comments that his *objection* is noted.

Damon Weston from the audience addresses the Council with concern and discontent of the inconsideration of scheduling meetings and the conflicts it brings when other meetings such as the School Board are also taking place at the same time. The Council President and the City Clerk both speak that the City always calls and checks the scheduling with the school, however, the AOS Budget meeting took precedence and the *City rescheduled* to accommodate said meeting and the City was unaware it was a conflict until after notice had been posted. Council President responds that there was no pettiness on the City's part but that it really was an unfortunate incident of not being able to reschedule on such short notice. Mr. Weston expresses the importance of both the School and the City being able to attend each others meetings to hear both sides. Council President comments that she has relayed and left contact info with the Superintendent offering up the opportunity to speak and/or meet with her as well as Council members but has yet to hear anything.

Tim Sheehan, the operator of Gulf of Maine, addressed the City Council and informs them that he had recently met with the City Manager with regard to the topic of steamer clams on the clam flats in Eastport. He discusses the ability to develop the resource and some economic development for the area in terms of creating jobs in the greater Eastport area. He looks at this as a great opportunity. He further continues to say that about half of his clams come from Carrying Place Cove in Eastport and is equivalent to about 1,000 lbs. a day at an average price of \$2.00 per lb. which is a fair amount of economic activity. He would like to know if the City would be willing to partner with their company to use their energy connections to somehow get funds/monies out their to do activities and build a resource that would include the purchase of equipment and provide jobs to people. Although there isn't a proposal before now, he speculates that they can put 30 people to work 300 days a year, 4 hours a day and bringing in \$30,000 a year on a part-time basis. He would like the City to give consideration to partner with them and they will come back with some figures and a proposal. He ends by saying he would like this opportunity and that the resource is here along with the growth and the volume to go along with it and looks forward to a collaborative effort to build

it back up. The Council requests that he prepare a plan and bring it back to them. Scott Emery comments to say that he is not for this as he has been approached by some of the local diggers and their interest in implementing a town ordinance again and feels the clams should be dug by Eastport diggers and that it should stay locally. Mr. Sheehan responds that they are looking to going into the schools and educating the young people about digging.

Council President made a final call for questions or comments; there were none and closed Open Forum at 6:49 p.m.

VII. ADJUSTMENTS TO AGENDA

MOTION ARCHER **SECOND** CUMMINGS **(PASSED 5-0)**
To *add* Repair of Block Wall at Corner of Water and Washington Street as (n) under Item X of the agenda; to add RFP's for Qualified Printers for the Eastport Economic Brochure as (o) under Item X; and to add Council Minutes of 5-6-2015 under Item VIII.

Councilor Cummings also asks about the boat at the Boat School. The City Manager responds that it is already on the agenda and will be discussed then.

Councilor Archer states that he asked that 911 be on the agenda and does not see it. Council President suggests that he bring this up under *Council Issues*.

VIII. MINUTES OF PREVIOUS MEETING(S) - 4-8-2015 & 5/6/2015

MOTION MURPHY **SECOND** ARCHER **(PASSED 5-0)**
To *accept and approve* the Council minutes of April 8th, 2015 and May 6th, 2015 as submitted by the City Clerk.

IX. UNFINISHED BUSINESS

- *Clarification of City Ownership of the Property on County Road of the 10 acres that abuts the Sewer Plant a/k/a Morang's Pond (requested by Councilor Michael Cummings)*

Councilor Cummings asks the City Manager if there is documentation of the 20-year deal. The City Manager explains that Councilor Cummings was looking for clarification of the ownership of the Morang Pond area. She and the City Clerk went through the minutes of all conversations leading up to it and confirms that on April 10th, 2013 of the minutes in that it states that the Council President addresses the Port Director, Chris Gardner, and asks if Cate Street Capital would consider a long-term lease with a provision that should Cate Street or if anyone else did not develop in that area within a certain number of years; that the City would have the choice. He responds to say that the Port is trying to bring a tax base to the City and Cate Street potential for the Port is two 20-year leases and she further comments to say that the actual motion was to lease the 10-acre property next to the Sewer Plant a/k/a Morang's Pond to the Port for the property value in taxes with the understanding that the lease would be

tied into the length of the lease that Cate Street has proposed and should they not follow through with said development within a 24-month period; then the City has the option to take the property back. The City Manager also notes that the minutes reflect that Councilor Cummings would rather see a private entity buy it.

Councilor Cummings expresses that there was to be a bumper zone and that it wasn't suppose to be used for anything but this was their argument because of Cate Street. They took eight acres down pass there and bought it for \$196,000 and he assumes that if they could pay that much money for private property, that the City's property should be just as valuable.

Council President reminds Councilor Cummings that Council at the time decided that leasing it to them was the way to go. Now as a Council today, we need to make a decision about allowing them to continue. Legal Counsel, Dennis Mahar, asks if the lease was ever done. Councilor Dana-Cummings points out that she supported this but only as a buffer zone. She further states that the road happened after and that we were not given that choice and did not discuss it. She reiterates that she only voted for this because Councilor Murphy changed his motion to include that 24-month period and if they were not going to do anything with it in two years, the City had the option to take it back. The City Manager informs Council that she has a copy of the lease that is dated October 9th, 2013 signed by Larry Post and Chris Gardner. The issue that Councilor Cummings brings forth is that we had to pay that much money for eight acres because the road was going through there and that the other ten acres that the City owned was just a bumper zone.

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **(DENIED 2-3)**
ARCHER, MURPHY, & REPOLE - "NO"

To return the Morang Pond area/property on County Road back to the City.

X. NEW BUSINESS

Council President asks for clarification from Legal Counsel, Dennis Mahar, as to why this is coming back to Council. He explains that two members abstained and the vote was 2-1 and the Charter requires there to be at least three to pass anything and the motion needs to be redone and revisited.

a) **Revisit Refund of Vehicle Excise Tax to Walter & Matt Cummings - \$86.88**
MOTION MURPHY **SECOND** ARCHER **(PASSED 3-2)**
(Councilor Cummings & Dana-Cummings - Abstained)

To approve and authorize a refund in the amount of **\$86.88** for *excise tax* back to Walter & Matt Cummings.

b) **Council Approval for Repair of Public Works "2004 Pickup Truck - ~ \$3,000.00**

The City Manager updates Council that repair to this vehicle will include a cab mount, cv joint, barings and spacers, transfer case and mounts, and rear tires.

MOTION ARCHER **SECOND** MURPHY **(PASSED 4-1)**
(Councilor Dana-Cummings - "NO")

To table this until Public Works is able to attend the State auction which is sometime in June.

c) Fuel Tank - Public Works *(Requested to be put on agenda by Councilor Archer)*

Councilor Archer asks the City Manager for an update on this. The City Manager responds that this was dropped with her predecessor and asks Councilor Archer where he is looking to go with this. He would like to see pricing for a 500 gallon tank as well as a 1,000 gallon tank set up and installed. Council President asks that the City Manager look into and bring something back to Council.

d) Flag Pole at the Cemetery *(Requested to be put on agenda by Councilor Archer)*

Councilor Archer updates that the Cemetery Committee was suppose to send a report back on this. Marc Young comments to say that Mary Davis had contacted him some time ago that there was discussion that there was a flag in two of the three cemeteries and that it was requested to put one down by the tomb but that this comes to them second hand. Councilor Archer informs Council that the Masonic Lodge (the masons) would like to put a flagpole up at Hillside for a mason flag but that this must come before the Council by way of a recommendation from the Cemetery Committee. This would only be utilized on three occasions (the 4th of July, Memorial Day, and other date to be determined). This will also assist the younger generation of the lodge. Councilor Dana-Cummings and Councilor Cummings asks for clarity that this is a mason flag and Councilor Archer confirms that it is. Efforts will be made to contact the Cemetery Committee to inquire about when to expect that their recommendation will be brought forth in this regard.

e) Appointment of Don Dunbar to the Downtown Committee

A comment comes from the audience with concern of Mr. Dunbar being a resident of Perry.

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **(PASSED 5-0)**

To approve the appointment of Don Dunbar to the Downtown Committee if permitted by the City Charter. *(Confirmation came in that the Charter reflects that residency only applies to Boards not Committees).*

f) Council Approval to Accept Donation for the Eastport Police Department

MOTION MURPHY **SECOND** CUMMINGS **(PASSED 5-0)**

To authorize and accept a donation of two file cabinets from Pleasant Point and a computer from Federal Marine to the Eastport Police Department.

- g) RFQ for New 3-Yard Front End Loader**
MOTION DANA-CUMMINGS **SECOND** ARCHER **(PASSED 5-0)**
 To authorize the City Manager to proceed forward in acquiring *quotes* for a new 3-yard Front End Loader but to also permit Public Works to look into what might be available at the State auction and to also seek out alternative resources for used ones.
- h) Opening & Acceptance of FY2016 Municipal Trash Bid**
MOTION ARCHER **SECOND** DANA-CUMMINGS **(PASSED 5-0)**
 To table this matter and take it up at the June 10th, 2015 meeting.
- (i) Dangerous Structure (Boat on City Property - Deep Cove Road)**
MOTION DANA-CUMMINGS **SECOND** ARCHER **(PASSED 5-0)**
 To *authorize an extension* to Guy Dube of 30-days *as of the date of this meeting* for the removal of his boat from the location of Deep Cove Road. If at the end of 30 days the task is not complete, the City will remove it at the *owner's expense*.
- MOTION** ARCHER **SECOND** MURPHY **(PASSED 5-0) TIME:7:25pm**
 To take a recess for five minutes. Council resumed meeting at 7:27 p.m.
- (j) Sale of City Property Ordinance/Appraisal on 22 Washington St. (A&P Building)**
- The City Manager updates Council that the appraisal was completed and that it came back as being appraised at \$704,000. Council requested this appraisal with consideration of putting this out on the market. She further reminds Council that they adopted an ordinance for Sale of City Owned Property and that in order to move forward in this regard, we would need to change the ordinance as it requires us to put it out for sealed bids and cannot utilize a realtor or agent. Thus, we would need to schedule a public hearing on the ordinance.
- MOTION** DANA-CUMMINGS **SECOND** ARCHER **(PASSED 4-1)**
Councilor MURPHY - "NO"
- To place this item on the agenda at the next meeting for the *scheduling* of a Public Hearing to amend the Sale of City Owned Property Ordinance and to continue further discussion at that time.
- (k) Council Approval of New Planning Board By-Laws**
MOTION DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 4-1)**
Councilor ARCHER - "NO"
- To table this matter until further notice to allow Legal Counsel, Dennis Mahar, to review.
- (l) Corey Guimond/Millenium Marine**
 No discussion as Mr. Guimond was not in attendance.

(m) Happy Crab – Application for Temporary Extension of Premise Permit for July 2nd through July 6th and July 10th through 13th, 2015

Councilor Archer asked for clarification of the event scheduled for September 10th through the 13th. The City Clerk confirmed it was for the Pirate Festival and should have read September not July.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**

To approve the application for Temporary Extension of Premise Permit for July 2nd through July 6th, 2015 (for the 4th of July festivities) and September 10th through 13th, 2015 (for the Pirate Festival).

(n) Repair of Block Wall at Corner of Water & Washington Street

The City Manager updates Council that she has received two quotes on this repair one from a brick mason and one from a stone mason. They both concur that the wall was installed improperly. The brick mason's quote comes in at \$35,000 and the stone mason's quote comes in at \$9,200.00. Concerns were raised of the City's liability if the repair does not take place. Councilor Dana-Cummings and Councilor Cummings both comment that the City should contact the initial contractor to see what can be done to rectify it and to allow them the opportunity to at least have knowledge of it. Councilor Archer expresses that the time period has lapsed for that. Former Councilor Emery also mentions that they have him also take a look at replacing the ones that are in need of repair down by the old bank on Water Street. The City Manager would also like for him to take a look at the sidewalk area down by Attorney John Foster's office as well. Council President recommends that we get an estimate for those items.

MOTION MURPHY **SECOND** ARCHER **(PASSED 4-1)**
Councilor Dana-Cummings - "NO"

To approve the repair of the retaining block wall at the corner of Water and Washington Street and to authorize and contract with David Michael Zink as the provider of such service for an amount of **\$9,200.00** with a completion date of **1-1/2 weeks** to commence upon Council approval and that the City will supply the sand for drainage.

(o) RFP's for Qualified Printers on an Economic Brochure for Eastport

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 4-1)**
Councilor Archer - "NO"

To authorize the City Manager to proceed forward with RFP's (*requests for proposals*) for qualified printers on producing an Eastport Economic Brochure.

XI. SCHEDULING of PUBLIC HEARINGS(s) – for 5/13/2015

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **(PASSED 5-0)**

To *schedule* public hearings for *June 10th, 2015* on the Acceptance of CDBG Funds (Phase II) Reconstruction of Breakwater; Inclusion of the North Baptist Church into Local Historic District; Amendment to the Harbor Ordinance; and the FY2016 Budget.

XII. REPORTS

- 1) **City Manager**
MOTION DANA-CUMMINGS **SECOND** CUMMINGS (PASSED 4-1)
Councilor Archer - "NO"

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

- 2) **Boards & Committees (Planning Board; Zoning Board; Historic Review; Harbor; Downtown; Charter Committee; Park Committee; Recreation Committee; Recycling Committee; FY2016 Budget Committee;)**
Planning Board (No Report); Zoning Board (Meeting on Tuesday); Historic Review (No Report); Harbor (Meet next on June 15th); Downtown Committee (Received about 180 responses from their survey); Charter Committee (there are a few amendments but unsure that they will be on the ballot this year); Park Committee (a few suggestions have come forth for the Sullivan Street park); Recreation Committee (developing a plan to cut off Key Street as a designated area); Recycling Committee (assignments given); and FY2016 Budget Committee (no report).

MOTION DANA-CUMMINGS **SECOND** CUMMINGS (PASSED 4-1)
Councilor Archer - "NO"

To accept and approve the Boards & Committees Reports as submitted.

- 3) **Council • Ambulance** **Council • Marion Transfer**
Councilor Cummings asks Councilor Murphy for an update about what the other towns are paying as a reference as the City's stipend went from \$105,000 to \$114,000. Councilor Murphy responds that he will have that available. Councilor Cummings also asks about the cost factor of the building and if that is out of Downeast Ambulance or if Machiasport is paying. Councilor Murphy confirms that Machiasport is paying.

Councilor Cummings reports on attending the most recent MTS meeting on behalf of the City via: telephone.

MOTION CUMMINGS **SECOND** DANA-CUMMINGS **(PASSED 5-0)**
To accept and approve the Ambulance and Marion Transfer reports.

XIII. COUNCIL ISSUES

*Councilor Dana-Cummings raises concern after reviewing the figures on the airport and the purchase of fuel, we are not making enough to pay for the fuel given the cost of it and what we are charging and to also factor in the discounts approved. Council President is unsure of how much we can control that as we no longer give money for fuel. The City Manager reminds Council that the Airport was made an *Enterprise Fund* last year. Council President asks the City Manager to contact the Airport Manager, Steve Trieber, and request that he have someone at our next Council meeting to address questions. *Council President* updates that she attended the AOS Budget meeting and that all the towns turned down the Administrative Budget*

XIV. ADJOURN

MOTION MURPHY **SECOND** ARCHER (PASSED 5-0 TIME: 8:10 P.M.)

To adjourn.