

APPROVED

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**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 9th, 2015
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

EXECUTIVE SESSION - 5:30 P.M. TO 6:00 P.M.

<u> </u> Personnel Matters	Title 1 M.R.S.A. § 405(6)(A)
<u> x</u> Real Property or Economic Development	Title 1 M.R.S.A. § 405(6)(C)
<u> </u> Labor Negotiations	Title 1 M.R.S.A. § 405(6)(D)
<u> x</u> Consultation w/Legal Counsel	Title 1 M.R.S.A. § 495(6)(E)
<u> x</u> Poverty Abatement Application	Title 36 M.R.S.A. § 841

Those in Attendance: Councilor Roscoe Archer, Councilor Michael Cummings, Councilor Colleen Dana-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.

MOTION CUMMINGS **SECOND** MURPHY **(PASSED 5-0) TIME: 5:30 P.M.**
To go into Executive Session under Real Property or Economic Development Title 1 M.R.S.A. § 405(6)(C); for Consultation with Legal Counsel Title 1 M.R.S.A. § 405(6)(E); and also for Poverty Abatement Application under Title 36 M.R.S.A. § 841.

MOTION ARCHER **SECOND** MURPHY **(PASSED 5-0) TIME: 6:04 P.M.**
To come out of Executive Session.

REGULAR COUNCIL MEETING

Those in Attendance: Councilor Roscoe Archer, Councilor Michael Cummings, Councilor Colleen Dana-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.

Those present in the audience were as follows: Elizabeth Hastings-Renner, Anne Stanley, David Stanley, Jan Finley, Meg McGarvey, Robert Scott, Traci Calder, Jon Calame, Kathryn Lewis, John Fitzpatrick, Steve Glatfelter, Dave Claroni, Damon Weston, Greg Golding, Marie Holmes, Marged Higginson, Kari Medieros, Kerry Jackson, Howard Johnson, II, Frances LaCoute, Steve Trieber, Mr. & Mrs. Gaither.

I. **CALL TO ORDER** - Council President called the meeting to order at 6:05 p.m.

II. ACTION from EXECUTIVE SESSION

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

To authorize the Treasurer to process a refund check to Jill Westphal for an amount of \$759.55 after payment and posting of the current Sewer charges and to also adjust the proper accounts to reflect Council's vote. *(Note: This is in lieu of an error amount for a check of \$844.56 that was received and issued to the City which should have been for \$84.56 for Sewer charges and because of the amount it was posted to the real estate taxes.)*

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

To approve and authorize an abatement in the amount of \$1,663.27 for the FY2014 real estate taxes on real estate account #728, referencing Tax Map #E2-0A5-16

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

To approve and authorize a **4-month extension** *(to the 90-day extension granted by Council on 5/20/2015 which specified payment to be received no later than 8/20/2015)* to the taxpayer of 172-174 Water Street for the payment of the amount that is due the City for Sewer charges and Real Estate taxes in its entirety inclusive of all fees and interest which is to be received **no later than December 20th, 2015**. *(Note: City records reflect a total balance due of \$6,994.45 for both Sewer and Taxes).*

MOTION CUMMINGS SECOND MURPHY (PASSED 5-0)

To *stay and proceed forward* with the foreclosure of 7 Arnold Street and to authorize the Treasurer to cut a check and return the most recent payments received, on the taxpayer's behalf, in the amount of \$2,209.17 on 8/19/2015 back to the issuer of said checks.

III. PUBLIC HEARING(S)

Council President opened the public hearings at 6:07 p.m.

Sale of City Property at 22 Washington Street (former A&P building)

Council President opens the floor for Council comments.

Councilor Dana-Cummings asks if the City Manager had inquired about realtors listing it. The City Manager responded that Council had not yet made the decision as to whether or not they want to sell it and emphasizes that they need to first decide whether they want to put it on the market and how they wish to go about it; whether it be through a broker, realtor, or an RFP, etc.

Council President comments to say that she is in favor of doing an RFP and then evaluate the different realtors and their options.

Councilor Dana-Cummings responds with a question as to the period of time involved for that process.

Discussion took place of how to reach the market as well with the regard to commercial brokers. Robert Scott, the City's Assessor, suggested looking into the MMA Website. Council also asks the City Manager to inquire about the cost of advertisement with the Portland paper as well as Bangor Daily News.

Councilor Cummings asks for consideration of putting it out and marketing it for \$800,000 noting that the assessed value is at \$750,000. Legal Counsel, Dennis Mahar, comments to stay that this would be something the City would want the broker's opinion on.

Council President's suggestion is to ask about the percentages and what the marketing strategies would be and where they would advertise and the time line of completion.

Councilor Dana-Cummings asks about the parking lots associated with the lot. The Tax Assessor, Robert Scott, responds that there are parking spaces that are designated for the Post Office which is part of the deed referencing both short-term and long-term. He believes there to be twelve spots. Councilor Dana-Cummings asks if this was reflective and clear in the appraisal and it was.

The City Manager addresses the City Council and suggests that rather making a rush decision on this, that they consider holding a workshop in a week or two allowing time to get pricing on the ads and to prepare a complete RFP for review. Councilor Dana-Cummings responds that she is in agreement with this and Councilor Cummings comments to say that he thought we had already done this when we agreed to do the appraisal.

Liquor License Renewal - Robert DelPapa - WACO Diner

Council President opens the floor for comments/questions on the renewal of a liquor license for the Waco Diner.

There were no comments.

Council President closed the public hearings at 6:15 p.m.

IV. ACTION ON PUBLIC HEARING(s)

MOTION ARCHER **SECOND** CUMMINGS **(PASSED 4-1)**
(Councilor Murphy Voted "NO")

To table the sale of 22 Washington Street until receipt and review of further information is available and to schedule a workshop and special meeting on Wednesday, September 16th, 2015 at 4:00 p.m. to be held at City Hall.

MOTION DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**
To approve and authorize the renewal of a liquor license application as submitted for Robert DelPapa d/b/a WACO Diner.

V. DEPARTMENT REPORTS

Council President asks the Treasurer if she has received the numbers from the school yet and she responds that she has asked for them but has not yet received them. Councilor Dana-Cummings asks what the hold up is. Council President responds that she knows they are done and that she will contact them.

The City Manager explains to Council that the Financials do reflect the City but not the School's budgeted amounts.

Councilor Cummings asks about the amount for the sale of the boat school. The City Manager responds that \$75,000 has been sequestered.

MOTION MURPHY SECOND CUMMINGS (PASSED 5-0)

To *accept and approve* the Financial report; Code Enforcement report; Police Department report; Public Works report; WWTP Sewer report; Port report; and the School report for August, 2015 as submitted and presented.

VI. OPEN PUBLIC FORUM

Council President calls for open public forum at 6:36 p.m.

There were none.

Council President made a final call for questions or comments; there were none and closed Open Forum at 6:37 p.m.

VII. ADJUSTMENTS TO AGENDA

MOTION MURPHY SECOND ARCHER (PASSED 5-0)

To adjust the agenda as requested to add the letter (g) Historical Society Request; (h) Council Approval to Set a Dollar amount for Purchases by the City Manager as per requirement of the Charter; (i) Council Approval for a Passenger Van for the School; and (j) Application of an Off-Premise Catering Function application for the Happy Crab at the Port building for 10/8/2015.

VIII. MINUTES OF PREVIOUS MEETING(s) - 8/12/2015

MOTION DANA-CUMMINGS SECOND MURPHY (PASSED 4-1)

(Councilor Cummings Voted "NO")

To *accept and approve* the Council minutes of *August 12, 2015* as presented and submitted by the City Clerk.

IX. UNFINISHED BUSINESS

Councilor Cummings comments to say that the key to doing this is to have the season and that it includes "doe". Councilor Dana-Cummings responds to say that IF&W wants to know first what the majority of the people is and how they feel.

Police Chief, Frances Lacoute, gives a report of the deer related accidents and statistics from January, 2015 to present.

(a) Correct Wording of Requested Straw Poll Ballot from "Extended" to Expanded"
MOTION DANA-CUMMINGS **SECOND** MURPHY **(PASSED 4-1)**

COUNCILOR ARCHER VOTED "NO"

To authorize and approve, the wording as submitted by Tom Schaffer with IF&W, for the City's Straw Poll ballot of 11/3/2015 with regard to the deer population and to move forward with said ballot for the upcoming election.

(b) Council Approval – Buy Back of (5) Cemetery Lots – Bayside West/Boone-Mitchell

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

To approve and authorize the buy back of (5) cemetery lots from Lisa Boone Mitchell at the original price that she purchased them for.

(c) Council Approval of Financial Report Presented on 8/12/2015 for July, 2015

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

To accept and approve the Financial Report for July, 2015 as submitted.

X. NEW BUSINESS

a) Award of Sand Bid

Council acknowledges receipt of one bid.

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

To accept and award the Sand Bid to Hallowell Construction for an amount of \$23,700.00 at \$11.85 per yard for a total of 2,000 yards.

b) Perpetual Care – Patricia McClanahan -- Hillside West
New Lots, Section D, Lot #17D

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

To approve and authorize the Perpetual Care for Patricia McClanahan for Lot #17D at Hillside West in the New Lots, Section D.

- c) Revisit Fuel Tax Refund (requested by Councilor Dana-Cummings)

Councilor Murphy comments to say that there is no need to revisit as we are in compliance with the requirements of where it needs to be and considers this to be a dead issue. Councilor Dana-Cummings agrees.

- d) 1 South Street - Tax Map #J7-0A3-13

The City Manager reminds Council that the City foreclosed on the property for non-payment of Sewer and Taxes. She and the Tax Assessor entered the premises to assess the condition of said property and found that it is fully furnished. The City's Legal Counsel has advised that personal property is not included in the foreclosure and that we are required to put forth a legal notice that notifies the former owner that they have fourteen days to retrieve their possession of personal property. Should this not take place, then it is the City's responsibility to sell it and turn the funds over to the State of Maine. Legal Counsel clarifies that advertising costs can come out of the funds from the sale of the personal property before turning it over to the State.

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

To authorize the City Manager to proceed forward with the legal process relative to the personal property and to work with the City's Legal Counsel.

- e) 6 Spear Avenue - Tax Map #J7-0C3-01

City Manager reminds Council that we took the property back last month and continued forward with foreclosure for non-payment of Sewer and Taxes and our next step, as per Charter, is to schedule a public hearing for the sale of City property, which Council will address under Item XI of the agenda.

- f) Appointment of Heron & Lindy Weston to Recycling & Solid Waste Committee

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

To approve the appointment of Heron Weston and Lindy Weston to the Recycling and Solid Waste Committee.

- (g) Historical Society Request

The City Manager updates Council that a request has been brought forth by the Border Historical Society and that they have created a research center at the Barrack's Museum. Their request is to remove from storage/attic at City Hall documents such as old annual reports, fishing licenses, index cards with vital record information, etc. The goal is to combine Eastport's historical documents in one location to support historical research. This would also assist in the creation of a searchable database for research accessibility.

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

To approve the request brought forth by the Border Historical Society with the understanding that the City is to be in compliance with the State's regulations first and foremost of what is permissible.

- h) Council Approval to Set a Dollar Amount for Purchases by the City Manager
(as required by Charter)

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

To approve setting a dollar amount/limit of \$3,000.00 for purchases made by the City Manager without Council approval.

- i) Council Approval of a Passenger Van for the School

Council President comments to say that the School budgeted to buy a van to help in defraying costs with transportation and that they have gone through the The First for financing and that they require Council approval.

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

To authorize the Council President to sign the letter as submitted from the First with regard to the School's purchase and financing of a Passenger Van.

- j) Application of Off-Premise Catering Function for 10/8/2015 - Happy Crab

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

To approve the application submitted by the Happy Crab for an Off-Premise Catering Function at the Port building for 10/8/2015.

XI. SCHEDULING of PUBLIC HEARINGS(s)

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

To approve the scheduling of public hearings to be held on October 14th, 2015 on the Sale of City Owned property for 1 South Street referencing Tax Map #J7-0A3-13 and 6 Spear Avenue referencing Tax Map #J7-0C3-01.

XII. REPORTS

- 1) **City Manager**

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

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; Budget Committee;)**

Robert Scott, the Tax Assessor, updates Council that the Planning Board met recently and that they are meeting regularly the first Tuesdays of each month and holding workshops on the mandatory updates for the Shoreland Zoning as required by the State.

Mary Repole updates that she and two of the Budget Committee members met with the superintendent of the school and that the meeting was very productive.

Councilor Dana-Cummings addresses the Council President with consideration of the request from Mr. Trieber that the Airport committee become a department. Council President responds that it is her understanding that legal counsel has advised that in order for that to happen, then it must have employees. Councilor Dana-Cummings then further comments to say that Mr. Trieber is a volunteer and non-paid and does not want to be responsible for reporting and is not always available to report. She continues to say if it were a department then the City Manager would be the responsible person for reporting. Council President suggests that they set up a meeting to discuss this further.

Jon Calame gives a report to the completion of a heating consumption audit for the City of Eastport and informs that the findings are available to anyone who is interested.

Councilor Dana-Cummings asks Mr. Calame if the School followed up on the heat audit and he responded not to his knowledge. She suggests that this be reintroduced to the new superintendent. Council President said that she would be in attendance of the next meeting and would be more than glad to ask about it.

MOTION ARCHER **SECOND** MURPHY **(PASSED 5-0)**
To accept and approve the Boards & Committees Reports as submitted and/or presented.

3) **Council • Ambulance Council • Marion Transfer**

MOTION ARCHER **SECOND** MURPHY **(PASSED 5-0)**
To accept and approve the Ambulance and Marion Transfer reports as presented.

XIII. COUNCIL ISSUES - Council President reminds Committees of the importance of posting agendas in three places and one being on the City website for which they must contact City Hall for.

XIV. ADJOURN

MOTION CUMMINGS **SECOND** MURPHY **(PASSED 5-0 TIME: 7:40 P.M.)**
To adjourn.