

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, OCTOBER 14<sup>th</sup>, 2015  
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

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

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

**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**    MURPHY **SECOND**    ARCHER **(PASSED 5-0) TIME: 5:32 P.M.**  
To go into Executive Session under Personnel Matters Title 1 M.R.S.A. § 405(6)(A); under Real Property or Economic Development Title 1 M.R.S.A. § 405(6)(C); and for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

**MOTION**    DANA-CUMMINGS **SECOND**    MURPHY **(PASSED 5-0) TIME: 6:06 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:** Alex Smeaton, Elizabeth Hastings-Renner, David Gholson, Jan Finley, Marged Higginson, Meg McGarvey, Steve Glatfelter, Will Bradbury, Jon McNerney, Nan Milani, Danny Waggoner, Anne and David Stanley, Linda Godfrey, William Gardner, James Guertin, Lora Whelan, Howie Johnson, Michael Morse, Chester Jenkins, Victoria Ganz, Mr. & Mrs. Gaither, Hugh French, Heron Weston, and Pat Christopher.

- I. **CALL TO ORDER** - Council President called the meeting to order at 6:07 p.m.

**II. ACTION from EXECUTIVE SESSION**

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

To grant the taxpayer of the 7 Arnold Street property, forty-eight hours to make payment in full for both Sewer and Taxes due the City to reclaim said property.

**MOTION** CUMMINGS **SECOND** DANA-CUMMINGS **(PASSED 3-2)**

*Councilor Archer & Councilor Murphy Voted - "NO"*

To accept the City Manager's recommendation for the appointment of Dale Earle as Interim Police Chief with a probationary period of six months.

**III. PUBLIC HEARING(S)**

Council President opened the public hearings at 6:14 p.m.

***Sale of City Property at 1 South Street***

Council President opens the floor for comments.

The City Council has chosen to table this public hearing at this time.

***Sale of City Property at 6 Spear Avenue***

Council President opens the floor for comments

Will Bradbury addresses the Council with a request that the Industrial Arts program at the school is looking for a building to fix up or rehab as a practice house and they ask Council that they consider 6 Spear Avenue for this project. Councilor Cummings asks about liability coverage and Mr. Bradbury responds that they already have coverage in place for the students. Once fixed up, they would either put it out for sale or auction and they would take a payoff what is due or owed the City from those proceeds. Council President, Mary Repole, suggests that the City Manager work with Tom Fredette on this. Concerns were raised as to this being a viable project and that if it were to take place it everything would need to be brought up to State and local building codes. Councilor Murphy offered the assistance of his thirteen students from WCCC to help with the project if it is to move forward.

Council President closed the public hearings at 6:16 p.m.

**IV. ACTION ON PUBLIC HEARING(s)**

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

To table the public hearing for the sale of City property located at 1 South Street.

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

To authorize the City Manager to meet with Tom Fredette on an Industrial Arts program project for the rehab of 6 Spear Avenue and to come back to Council with an update.

**V. DEPARTMENT REPORTS**

Jon McNerney from the audience asks why the budget numbers are still not recorded on the expense report. The Treasurer responds that they are still waiting on the numbers from the School and was told we would have them today but it is now tomorrow and once those are received she can put them in but the software program does now allow her to do that until without the school numbers.

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

To *accept and approve* the Financial report for September, 2015 as read and submitted acknowledging that it is not reflective of the School numbers.

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

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

**VI. OPEN PUBLIC FORUM**

Council President calls opens the floor for public forum.

Alex Smeaton expresses his dissatisfaction of how the Police Department has handled the matter of a dog bite that he received last week in that the dog was not quarantined as it should have been and it resulted in his doctor advising him to receive a shot. This all could have been prevented if the Animal Control and the Police had taken possession of the dog that night.

An audience member reported that there were 1,000 people on Pirate Festival Day.

William Garner from the audience expresses his disappointment with regard to the lack of enforcement relative to the speed of vehicles on Washington Street. He understands Washington Street to be a State road but would rather not contact them about this Code Enforcement and that this be his last resort. He requests that this be addressed on a local level first with the proper authorities. He notes that it is posted to be 25 mph and it needs to be enforced and also puts emphasis that it is in a school zone district.

Jon McNerney from the audience asked Council why the former Police Chief, Frances LaCoute left. The Council President responds to say that there was no meeting and that she submitted a letter to the City and it is on file at City Hall.

**VII. ADJUSTMENTS TO AGENDA**

**MOTION** DANA-CUMMINGS **SECOND** MURPHY **(PASSED 5-0)**  
To adjust the agenda as requested to add the letter (t) Under Item X for a Veteran's Day Proclamation.

**VIII. MINUTES OF PREVIOUS MEETING(s)**

**9/9/2015 9/16/2015 9/21/2015 10/8/2015**  
**MOTION** DANA-CUMMINGS **SECOND** ARCHER **(PASSED 5-0)**  
To *accept and approve* the Council minutes of *September 9, 2015; September 16, 2015; September 21, 2015; and October 8, 2015* as presented and submitted by the City Clerk.

**IX. UNFINISHED BUSINESS - NONE**

**X. NEW BUSINESS**

a) Approval to Combine the Public Works & Cemetery Departments

**MOTION** DANA-CUMMINGS **SECOND** MURPHY **(PASSED 4-1)**  
*Councilor Cummings Voted "NO"*  
To authorize and approve the request to combine the Public Works Department and the Cemetery Department.

b) Council Approval for Election Warrant

**MOTION** MURPHY **SECOND** ARCHER **(PASSED 5-0)**  
To approve the Election Warrant for November 3<sup>rd</sup>, 2015 as submitted by the City Clerk.

c) Award of Bid for Sale of 2000 International Dump Truck

Council President, Mary Repole, moves forward with the opening of the bids. She gives the Clerk approval to Pre-Open Bids in preparation of the meeting.

First bid opened did not have a name on it and it came in at \$2,500.00; second bid opened was from AD Pottle Trucking, LLC with a bid of \$2,005.00; third bid opened was from Shane Curtis with a bid of \$1,500.00; and the fourth and final bid opened came from Jamey Gower for an amount of \$3,570.00.

**MOTION** MURPHY **SECOND** CUMMINGS **(PASSED 5-0)**  
To *accept and award* the bid for an amount of \$3,570.00 to Jamey Gower for the sale of the 2000 International Dump Truck.

- d) 2015-2016 General Assistance Ordinance Appendix A, B, C, & D

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

To approve and authorize accepting the 2015-2016 General Assistance Ordinance Appendixes A, B, C, & D as submitted by the State of Maine DHHS Office.

- e) Transfer of Funds \$12,935.30 from the City's General Account to the Micro Loan Account

The City Treasurer, Traci Calder, noted that there is a clerical error on the agenda in the amount listed and that it should read \$112,935.30. The City Clerk apologizes for this error. The Treasurer updates the Council that the program is up and running and that the applications are available at City Hall.

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

To approve and authorize the transfer of funds in the amount of \$112,935.30 from the City's General account to the Micro Loan account as requested.

- f) Gas & Diesel

Councilor Archer addresses the Council and makes note that that fuel bids were not put out by the City last year and he would like to see that done.

**MOTION** ARCHER **SECOND** MURPHY **(PASSED 3-1)**

*Councilor Cummings Voted "NO" & Councilor Dana-Cummings "ABSTAINED"*  
To authorize putting the gas and diesel fuel out to bid.

- (g) Award of Bid – Re: Repairs to the Senior Citizen Center  
No Action Taken as No Bids were Received.

- h) Appointment of Assistant Harbor Master – Mark Emery

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

To approve the appointment of Mark Emery as the Assistant Harbor Master.

- i) David Gholson - Sewer Issue

In the essence of giving history and the time of the meeting, Mr. Gholson addresses the City Council and reads two letters; one dated April 8<sup>th</sup>, 2014 and the other dated September 1<sup>st</sup>, 2015 and notes that both were sent to the City Manager as well as the City Council with regard to an issue with Sewer at his home on 249 Water Street. He is seeking compensation for services of an installation of a tank to an approximate figure of just under \$7,000.00. He paid out an amount of \$3,000 to Eastern Plumbing & Heating on 8/4/15; another \$3,394.42 to Eastern Plumbing & Heating; and an amount of \$575.00 to Richard Camick. Council requests that the City Manager check with the insurance company to see if there is coverage for this type of matter.

Council President asks Mr. Gholson if he is willing to meet with the City Manager, Jeff Sullivan, Legal Counsel, and a Council Representative (whom will be Councilor Dana-Cummings) after we have an opportunity to contact the insurance company. He is willing to do this and will look to hearing from the City.

j) WSHD (Shead) Radio Station - Grant

Danny Waggoner addresses the Council and explains that this is a grant for the radio station to be compliant with FCC on broadcasting for local and national emergencies. It is for an amount of approximately \$2,200.00. They initially applied for this grant when Mr. Post was City Manager but the paperwork never made it. Our current City Manager, Elaine Abbott, was able to speak with the people in Machias and was able to allow us to apply for a second time but by that time there was no money; now we are reapplying for a third time and that it must be done through the City.

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

To approve and authorize the submission of a grant application by the City on behalf of the WSHD Shead radio station (93.3) for an amount of up to \$2,200.00 which will bring them in compliance with the FCC relative to local and national emergencies.

k) Appointment of Sue Lara to the Budget Committee

**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 3-2)**

*Councilor Archer and Councilor Murphy Voted "NO"*

To approve the appointment of Sue Lara to the Budget Committee as requested.

l) Termination of Tex-Shield Lease

The City Manager updates Council that John Atwood of Tex-Shield met with her and informs the City that they will be vacating the premises at the Mill Building the end of October, 2015 and gives a three-week notice with a request to terminate early.

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

To hold Tex-Shield to the lease agreement and to deny their request to terminate the lease early.

m) Revisit Sale of (5) Cemetery Lots Back to the City from Lisa Boone Mitchell

The City Clerk brings this back as clarification was necessary for Council to know that it is \$300.00 per lot for a total of \$1,500.00 for (5) lots.

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

*Councilor Cummings Voted "NO"*

To approve the buy back of (5) Cemetery Lots from Lisa Boone-Mitchell for an amount of \$1,500.00.

- n) NSF Return Check Policy

The City Manager updates Council that although the City has an informal policy with regard to returned checks from the bank, they are looking formalize it with approval from Council.

**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**  
To authorize the approval of the NSF Return Check Policy as submitted.

- o) Council Approval for an Ordinance to Allow Non-Residents to Vote Locally

Council President updates that there is no need for this item on the agenda as it goes against State law and asks the City's Legal Counsel to expound on this further. He comments to say that Title 21 states that persons may register to vote, but that they must only vote in municipalities where they reside.

- p) Re-scheduling of November 11<sup>th</sup>, 2015 Council Meeting

**MOTION** MURPHY **SECOND** ARCHER **(PASSED 5-0)**  
To re-schedule the November 11<sup>th</sup>, 2015 Council meeting to *Tuesday, November 10<sup>th</sup>, 2015 at 5:30 p.m.* as the 11<sup>th</sup> is a holiday in observance of Veteran's Day.

- q) Purchase of Cutting Blades for Plow Truck/Highway Dept. - \$4,000.00

**MOTION** MURPHY **SECOND** ARCHER **(PASSED 5-0)**  
To authorize the purchase of Cutting Blades for Plow Trucks in the Highway Department up to an amount of \$4,000.00.

- r) Sewer commitment to the City Treasurer for the 2<sup>nd</sup> Quarter – FY2016 - \$81,914.45

**MOTION** DANA-CUMMINGS **SECOND** ARCHER **(PASSED 5-0)**  
To approve the 2<sup>nd</sup> Quarter Sewer commitment for FY2016 in the amount of \$81,914.45.

- s) Letter of Support - Re: Municipal Shellfish Ordinances

**MOTION** MURPHY **SECOND** DANA-CUMMINGS **(PASSED 5-0)**  
To authorize the signing of a Letter of Support with regard to Municipal Shellfish Ordinances as submitted and requested by District Attorney, Matthew Foster.

- t) Veteran's Day Proclamation

**MOTION** ARCHER **SECOND** CUMMINGS **(PASSED 5-0)**  
To approve the *Veteran's Day Proclamation* for November 11<sup>th</sup>, 2015 as submitted.

XI. SCHEDULING of PUBLIC HEARINGS(s) - NONE

XII. REPORTS

1) City Manager

**MOTION** CUMMINGS **SECOND** DANA-CUMMINGS **(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;)**

Michael Morse updates Council that the Planning Board have held workshops on updating the Shoreland Zoning.

No reports for Zoning Board, Historical Review, Harbor, Cemetery, Charter. Airport, nor the Energy Committee.

Michael Morse reports that the Downtown Committee will be meeting next week and that they are currently reviewing the community survey and will be publishing the results.

Councilor Cummings and the City Manager updates Council that anything to do with the Recreation Committee in a monetary fashion is to come from Jamie Mitchell who is Treasurer of the Committee. The City Clerk updates that there are still a few members that have not yet come in to do their "Oaths" and she will continue to contact them.

Marged Higginson reports that the Recycling Committee has a new Chair and Co-Chair and they are Heron Weston and Pat Christopher. She also updates that they are now accepting "plastics" and that it is going real well.

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

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

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

Councilor Cummings asks for clarification from Councilor Murphy on runs from Eastport and he confirms that it would count for Eastport if a medic had to come from elsewhere.

The City Manager speaks to the Marion Transfer in that they had a State inspection and everything went well.

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

To accept and approve the Ambulance and Marion Transfer reports as presented.

Councilor Cummings asks for clarification from Councilor Murphy on runs from Eastport and he confirms that it would count for Eastport if a medic had to come from elsewhere.

**XIII. COUNCIL ISSUES**

Council President, Mary Repole, addresses the Council with a request that they give consideration to allowing acceptance of bids from local people or businesses if they are within 10% of the lowest bid and will have this put on the November 10, 2015 agenda for further discussion.

**XIV. ADJOURN**

**MOTION** MURPHY      **SECOND** ARCHER **(PASSED 5-0 TIME: 7:50 P.M.)**

To adjourn.