

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 13th, 2016
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

EXECUTIVE SESSION - 5:30 P.M.

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| <u> </u> <i>Personnel Matter</i> | <i>Title 1 M.R.S.A. § 405(6)(A)</i> |
| <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 Negotiation</i> | <i>Title 1 M.R.S.A. § 405(6)(D)</i> |
| <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 Gilbert Murphy,, Councilor Jan Finley, Councilor Scott Emery, and Councilor Mary Repole. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Council President calls this portion of the meeting to order at 5:30 p.m.

MOTION **ARCHER** **SECOND** **MURPHY** **(PASSED 5-0) TIME: 5:31 P.M.**

To go into Executive Session 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 **ARCHER** **SECOND** **MURPHY** **(PASSED 5-0) TIME: 6:09 P.M.**

To come out of Executive Session.

REGULAR COUNCIL MEETING

Those in Attendance: Councilor Roscoe Archer, Councilor Gilbert Murphy,, Councilor Jan Finley, Councilor Scott Emery, and Councilor 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: Chris Vizcarrando, Anne Stanley, David Stanley, Elizabeth Hastings-Renner, Gordon Smith, Meg McGarvey, Lora Whelan, Robert Scott, Dave Claroni, Michael Morse,

I. CALL TO ORDER – City Clerk called the meeting to order at 6:10 p.m.

II. NOMINATION for COUNCIL PRESIDENT (Calendar Year 2016)

MOTION MURPHY **SECOND** ARCHER **(PASSED 4-0)**

To nominate Mary Repole to serve as Council President. (Councilor Repole accepted).

III. NOMINATION for VICE PRESIDENT of COUNCIL (as per Charter)

MOTION ARCHER **SECOND** EMERY **(PASSED 4-0)**

To nominate Gilbert Murphy to serve as Vice President. (Councilor Murphy accepted).

Council President addresses Cory Guimond of Millenium Marine USA and gives him the floor to address Council as well as the public to clarify that the rumors that are out there are untruths. He then proceeds with sharing that he moved here in 2014 and based on an agreement with the City that he would be up and running to build boats in the mill building by the summer of 2014 and closed up operations in Canada in preparation for the move. In the Summer and Fall of that year nothing was started and renovations did not begin until December. He comments to that at that point and time, he was not building boats but was spending money on advertising and for overhead as well as expenses for traveling, apartments, insurance, etc. without the building as planned and promised but that they were working together for everyone. They started building boats in May and while moving in the large part of the building was being renovated and there was a side part of the building that he rented for between \$1,300.00 or \$1,500.00 per month for a period of two or three months along with heating it but was not allowed to work in it because of the fumes and fiberglass. In addition, he paid about \$8,000.00 to have the door changed along with some things insulated and some walls patched up and so on. Although he couldn't work in there, he didn't say anything about it and kept moving ahead. The building of boats in May was nearly one year late. Three months into it they had a fire but was back building boats within a month but the building was repaired until February. During that time, there was no insulation in the larger part of the building and it was costing \$10,000.00 a month to heat it and notes that it was a very cold winter and had nothing to compare it to. However, he does know to date; it has been costing maybe \$2,000 or \$3,000 in wood. Regardless, he feels that 50% of his heat was lost because there was no insulation in a very large section of the building with a metal roof. As a result, it caused him a lot of

aggravation and unorganization performance wise. He presented an invoice to the insurance company which was presented but not accepted which resulted in another \$40,000 out of pocket. He states that he was in default of a couple of rent payments throughout the year and also comments that he has made them all right up until the end of August or October, November but that he had discussions with the City in November or December informing them that it was going to be a bit and he was waiting on a line of credit and payments from boats and that he would come good on the payments. On December 23rd he sent an email explaining the situation as he was not in town and away for two weeks for the Christmas holiday and shares that he had laid some people off but the core of his employees that have been with him for a long time were still employed with him. Rumors started and he is of the understanding that the source came from City Hall and hopes that this is not the case. He is to understand that there was a special meeting held on December 31st where Millenium Marine's name came up and that it was in the paper that Millenium Marine was three months behind, when at that time it was really two months behind. He had planned to discuss this with City Hall and make a payment when he got back. On January 5th he received a blunt email from City Hall stating that they wanted \$25,000.00 in cash when he returned. In addition to that, they wanted proof of his liability insurance as well as proof that his utilities are paid to date. He presents the City Clerk with documentation of his insurance and what has been paid for utilities as well as cash in the amount of \$15,000.00 and reassures Council that he will have the remainder on Monday or Tuesday when he gets back from Canada.

He closes to say that it makes terrible sense for the City to have this information come out in the paper which could cause harm to a company that is here to employ people of which he is trying hard to do. He notes that just before Christmas they had 25-26 on the payroll and are targeting for 40 or 50 by the end of this year. He further comments to say that the rumors have caused a lot of negativity as well as harm and that the letter has caused some of his employees to quit not to mention the effect it has on the company with potential business prospects. He then reminds Council his good deed when the fire took place he paid \$25,000 to the City for the deductible so that it wouldn't be out of pocket. He feels strongly that he is a hard worker and a good businessman and employs a lot of people and tries very hard for the people of the community and donates where he can and that also includes helping out the City when he can. He is here in person today and has made his payment and also wants the story to be clear and that he

say that the counting needs to be witnessed and Council President said that the Officer can act in that entity. The request was granted. The City Manager sets in proxy for the City Clerk to continue forward with the meeting and Officer Claroni escorted the City Clerk to City Hall to count the cash payment and to place it in the safe and that the City Treasurer will recount it in the morning for deposit into the bank.

IV. ACTION FROM EXECUTIVE SESSION

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

To grant permission to the taxpayer of 59 Key Street to pay the balance of the FY2014 Taxes in two weeks and to continue with making payments on the remaining balance after that.

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

To accept the taxpayer's proposed payment plan to pay the remaining balance due the City for sewer charges to include interest and fees within ninety days which is no later than April 13, 2016.

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

To proceed forward with the taking of the property at 5 Lincoln Street referencing Tax Map # J7-0B2-14 as a result of foreclosure for non-payment of Sewer charges and Real Estate Taxes and to also instruct City Hall to send a letter of Council's decision and recommend that the former Owner contact the City to make arrangements for any contents or personal belongings.

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

To proceed forward with the taking of the property at 47 Third Street referencing Tax Map # I7-0D1-10 as a result of foreclosure for non-payment of Sewer charges and Real Estate Taxes as well as a broken agreement with the City and to also instruct City Hall to send a letter of Council's decision and recommend that the former owner contact the City to make arrangements for any contents or personal belongings.

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

To grant and authorize accepting a partial payment of \$3,500.00 which is understood to be in the possession of James Guertin’s attorney for what is due the City on 7 Arnold Street and to permit Mr. Guertin to make monthly payments of \$500.00 as proposed with the provision that should he default and become in arrears of thirty days; that a Notice of Eviction be immediate. Council acknowledges that the amount due the City at this time is a total of \$1,309.34 in Sewer charges and \$8,692.25 in Real Estate taxes and that interest accrues on a daily basis and that there are applicable fees and that the amount due will change accordingly.

V. PUBLIC HEARING(S) - There were none

VI. ACTION ON PUBLIC HEARING(S) - Not applicable as there were none

VII. DEPARTMENT REPORTS

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

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

VIII. OPEN PUBLIC FORUM

Audience member, Cynthia Morse, raises concern with regard to the counting of the large amount of money received from Mr. Guimond of Millenium Marine in cash form and that it should have been counted in his presence. Ms. Morse also addresses Council with regard to the condition of property located on Orange Street with a falling down building where the foundation in the back is decinegrating and that they are concerned about it as they are currently storing their boat nearby and considers this to be a liability for the town as it is in the area of our schools and children can be curious. Mr. Morse comments that the chimney is staring to go. Council asks the Assessor to look into this matter further.

IX. ADJUSTMENTS TO AGENDA

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

To add the scheduling of a Public Hearing under Item XIII for Jeff & Leslie Starling d/b/a Happy Crab on the renewal of a Special Entertainment License for 2/10/16.

X. MINUTES OF PREVIOUS MEETING(s)

12/9/2015 12/16/2015 12/23/2015 12/31/2016

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

To table as requested by the City Clerk.

XI. UNFINISHED BUSINESS - THERE WAS NONE

XII. NEW BUSINESS

a) City Council Appointments for Signing of Warrants

MOTION FINLEY **SECOND** EMERY **(PASSED 5-0)**

To approve all Councilors for the signing of the warrants with a minimum of three signatures.

b) Establish Time & Place for Regular City Council Meetings

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

That monthly City Council meetings be held the second Wednesday of each month at 5:30 p.m. at Shead High School in the Library.

c) Establish Depository Banks for City Funds (The First & Bangor Savings)

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

That The First and the Bangor Savings Bank be the depositing banks for City funds.

d) Staff Appointments for Calendar Year 2016

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

To accept the Staff appointments as submitted and read.

e) Council Liaison Appointments for Calendar Year 2016

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

To table this and revisit it and the next meeting.

f) Council Approval to Adopt & Approve a Policy for a Consent Agenda Format for Council Meetings

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

To approve and adopt a Policy for a Consent Agenda format for Council meetings and to implement it to commence at the next regularly scheduled Council meeting which is 2/10/2016.

(g) Establish a 0% Discount Rate for Pre-Payment of Taxes

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

To approve a 0% discount rate for pre-payment of taxes.

h) Approve City Treasurer, Traci Calder, to Negotiate Quit Claim Deeds for City Council

MOTION FINLEY **SECOND** EMERY **(PASSED 4-1)**

To approve the City Treasurer, Traci Calder, to negotiate Quit Claim Deeds on behalf of City Council.

i) Approve Tax Collector, Ella Kowal, to Collect Pre-Payment of FY2017 Property Taxes

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

To approve the Tax Collector, Ella Kowal to Collect Pre-Payment of FY2017 property taxes.

j) Boards & Committee Appointments as Submitted and Applicable

Council President reminds everyone that should anyone consider appointment of a Board or a Committee, they must be registered voters with the City. Mr. Morse from the audience commented to say they only need to *qualify* to be a registered voter. Council President responds that the Charter does not speak to Committees and that it only addresses Boards and that she is referring to Committee members. The City's legal counsel reminds Council that Committees do not make decisions but bring forth recommendations for consideration. Council will look into this further before making any motions on this matter.

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

To acknowledge that the reappointment of members to the Downtown Committee were Done on 12/9/2015; to reappoint the Harbor Committee members are submitted; to

reappoint the Historic Review Board members as submitted and acknowledge that there is one full-time position open to fill; to reappoint Planning Board members as submitted and acknowledge that there are two alternate positions open to fill; and to also reappoint the Zoning Board of Appeals members as submitted and acknowledge that there is one full-time and one alternate position open to fill.

k) Council Approval for the additional Expense of \$681.05 for Purchase of New Tax Maps
MOTION MURPHY **SECOND** FINLEY **(PASSED 5-0)**

To authorize the additional expense in the amount of \$681.05 for the previously approved purchase of new tax maps.

l) Council Approval to Disband the Recreation Committee
MOTION MURPHY **SECOND** FINLEY **(PASSED 5-0)**

To authorize the disband of the Recreation Committee and to look at starting up again in the Spring.

m) Formation of Deer Committee

Cynthia Morse of the audience asks why someone from another town would serve on the committee. Confirmation by the Assessor and the City Council was made that he does own property in Eastport. Mr. Morse from the audience addresses the Council with a question regarding Councilor Emery being able to serve as a member. The City Manager responded that he had put his name in prior to being appointed as a Councilor member to fill a vacant seat. Council President said that he can serve as Council Liaison. Lora Whelan from the Quoddy Tides addresses Council and asks for confirmation that this is the same taxpayer that has legal issues with the City. The City's legal counsel reaffirms that it is Code action and that he is being cited for operating a junk yard without a license and a court date has not yet been received. Mr. Morse of the audience comments to say that there is a difference between a legal action and dispute.

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

To approve the formation of an Eastport Deer Committee and authorize the appointment Christ Bartlett, Dana Turner, Gary Craig, Jr., Dave Morang, Charlie Curtis, Chester Jenkins, Jr. and Timothy Tiess and to authorize Councilor Scott Emery as the liaison.

n) Commit Sewer Fees to City Treasurer for 3rd Quarter of FY2016

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

To approve the 3rd Quarter FY2016 Sewer Fees in the amount of **\$92,552.90** to the City Treasurer, Traci Calder.

XIII. SCHEDULING of PUBLIC HEARINGS(s) and/or WORKSHOP(S)

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

To approve the scheduling of Public Hearings on a Liquor License renewal and a Special Entertainment License renewal for Jeffrey and Leslie Starling d/b/a Happy Crab to be held on February 10th, 2016 at 6:00 p.m.

XIV. REPORTS

XVI) City Manager

- 2) **Boards & Committees (Planning Board; Zoning Board; Historic Review; Harbor; Downtown; Charter Committee; Park Committee; Recreation Committee; Recycling Committee; Budget Committee;)**

Council President gives an update/report with regard to the Port and the School.

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

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

To accept and approve the City Manager's report; the Boards' and Committees' reports; and the City Manager's update on the Marion Transfer Station as submitted and presented for the month of December, 2015.

XV. COUNCIL ISSUES - NONE

XVI. ADJOURN

MOTION ARCHER **SECOND** MURPHY **(PASSED 5-0) TIME: 7:04 P.M.**

To adjourn.