

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, FEBRUARY 10<sup>th</sup>, 2016  
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> 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>    </u> Poverty Abatement Application          | Title 36 M.R.S.A. § 841      |

**Those in Attendance:** Councilor Roscoe Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Gilbert Murphy, and Council President, 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**      FINLEY      **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**      FINLEY      **SECOND**      ARCHER      **(PASSED 5-0 ) TIME: 5:50 P.M.**  
To come out of Executive Session.

**REGULAR COUNCIL MEETING**

**Those in Attendance:** Councilor Roscoe Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Gilbert Murphy, and Council President, Mary Repole. Also present were City Manager, Elaine Abbott; and City Clerk, Ella Kowal.

**Those present in the audience were as follows:** Elizabeth Hastings-Renner, Dennis Mahar, Lora Whelan, Anne Stanley, Linda Godfrey, Pauline Emery, David Stanley, Greg Golding, Jon McNerney, Gordon Smith, Jeff Sullivan, Michael Morse, Dave Claroni, Steve Cannon, Meg McGarvey, and Nicole Barnes.

- I. CALL TO ORDER** - Council President called the meeting to order at 6:00 p.m.
- II. ACTION from EXECUTIVE SESSION** - NO ACTION TAKEN
- III. PUBLIC HEARING(S)**

Liquor License Renewal d/b/a The Happy Crab

Council President calls the public hearing open at 6:02 p.m. and opens the floor for public comment and discussion. There was none.

Council President declares the public hearing closed at 6:03 p.m.

Special Entertainment License Renewal d/b/a The Happy Crab

Council President calls the public hearing open at 6:04 p.m. and opens the floor for public comment and discussion. There was none.

Council President declares the public hearing closed at 6:05 p.m.

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

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

To approve the renewal of a Liquor License application and a Special Entertainment License for Jeff & Lesley Starling d/b/a The Happy Crab.

- V. OPEN PUBLIC FORUM**

Council President opens the floor for public forum at 6:07 p.m.

*Linda Godfrey* of the audience reminds the Council and the community of a project that came about two years ago that is being resurrected which was a proposal to have a park that is on City property between the North wall of where The Commons is and the start of the parking lot of where the Fisherman statue is. She further comments to say that there was a group that came together about a year and a half ago to talk about this. Although it is not yet official, it is being referred to as the "Legacy Park" as this puts into motion possible fund raising not requiring anything of the City. She informs that Paula Legase of TWIG has moved to Eastport permanently and updates that she was with the group before and participated in how this would be designed in relationship to what is currently there and to be open minded and to also consider the various festivals, etc. This project will become active again between March through May and notices will be placed in the Quoddy Tides. She also notes that it is a public group and they welcome participants. She makes mention that the church group that usually comes to us is interested in helping out in some way and could be considered.

*Gordon Smith* of the audience asks for clarification of the location and Council reaffirms that it is a strip of land between The Commons and the Fisherman statue.

Council President calls for any other public comments, there were none and she closes Open Public Forum at 6:11 p.m.

**VI. ADJUSTMENTS TO AGENDA**

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

To approve an adjustment to the agenda to *add (j) Discussion of a Policy for the Eastport Police Department to Assist Neighboring Communities with Coverage to Item VIII under New Business.*

**VII. UNFINISHED BUSINESS - THERE WAS NONE**

**VIII. NEW BUSINESS**

a) Reading by Council President of Code of Conduct & Preamble of Article IX-Ethics  
Council President gives a reading of the Code of Conduct & Preamble of Article IX.

Linda Godfrey addresses the Council and updates the Washington County Leadership will launch its 20<sup>th</sup> year this weekend and that they compliment the City on our Code of Conduct and the Ethics and will be using this as a model as they address City government.

b) Council Liaison Appointments for Calendar Year 2016

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

To approve the appointment of Elaine Abbott and Mary Repole to the Airport Committee; Councilor Gilbert Murphy to the Ambulance; Councilor Jan Finley to the Budget Committee; Councilor Scott Emery to the Cemetery Committee; Councilor Jan Finley to the Charter Committee; Councilor Jan Finley to the Downtown Committee; Councilor Scott Emery to the Harbor Committee; Councilor Roscoe Archer to the Historic Review Board; Councilor Scott Emery to the Marine Resource Committee; Elaine Abbott to the Marion Transfer; Councilor Roscoe Archer and Council President Mary Repole to the Planning Board; Elaine Abbott and Mary Repole by default to the Port Authority; Councilor Roscoe Archer to Recreation Committee; Councilor Scott Emery to the Recycling Committee; Council President Mary Repole to the School Board; Councilor Roscoe Archer to the Senior Citizen; Elaine Abbott and Mary Repole to WCCOG; and Councilor Jan Finley to Zoning Board of Appeals.

c) Retirement Match

The City Manager addresses the Council in this regard and reminds them that the Personnel Policy currently reads that the City pays 3% of every employee's gross

and is asking in light of the budgetary measures and constraints to reword it to a match of *up to 3%* of the employee's contribution instead of straight across the board.

Steve Cannon from the audience asks if this would apply to new employees only. The City Manager, Elaine Abbott, responds to say that this will effect all employees and that it is strictly to reword it that the City will match *up to 3%* of the employee's contribution.

Meg McGarvey of the audience asks who will decide what percentage of the budget it will be. The City Manager reaffirms that it will be a standard 3%. The City Manager responds that the key word is *match* what the employee puts in but only up to 3%.

Jeff Sullivan from the audience asks if the City would be looking to use someone other than VALIC. The City Manager responds that because of the way it was setup it has posed to be rather difficult but that she and the Treasurer has put a great deal of time looking into this and there are very few that will handle a 457b because of the various restrictions. The plan is what they call a “cafeteria plan” which holds a status of all or nothing and makes it difficult and next to impossible to roll it over into a simple IRA plan. He asks if we were able to go back to what we had and she responded she was unsure but would continue to look into it further. Legal Counsel comments to say that they are essentially a brokerage firm. The City Manager explains that to change we would have to pick up everybody that qualifies for a 457b. A simple IRA will not but a Traditional will. The Council President asks if we could look at this a little bit longer for another source since it effects the FY2017 budget. She reminds Council that the City money cannot be moved unless it is a qualified plan under the 457b rules.

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

To change the wording of the Personnel Policy to reflect that the City will match the employee's IRA contribution *up to 3%* and to move forward with this approval.

d) Foreclosure Management Policy

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

To adopt the “Foreclosure Management Policy” as submitted by the City Manager.

e) Purchase of Camera for the Sewer WWTP

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

To approve the purchase of a sewer camera system from FW Webb to come out of Sewer funds from the enterprise fund asset management line item for an amount of \$10,256.69.

f) Winterization of the Mill Building (1 Arnold St.)

The City Manager addresses Council and reminds Council that she was asked to look into this further. In speaking with Dead River, they report that they do not believe that it has never been winterized and to their knowledge antifreeze has not been put into the pipes. She further comments to say that Richard Clark updates that there is in excess 66,000 feet of pipe and that he and Public Works would be able to get this done for approximately \$12,000.00 in antifreeze only not to include labor and he cautioned that it would not do anything for the water mains, water pipes, sprinklers, etc. and that it would only address the floor. She reminds Council that they asked her to put this on the agenda for discussion. Council President asks if it is her recommendation to move forward with this and responds that it is not. She further comments to say that it would not protect the sprinkler system nor the water mains. Councilor Murphy asks what type of sprinkler system it is and it is affirmed that it is “wet”. He then asks if it could be converted into a “dry” system. The City Manager informs Council she was asked about turning the water off and that is not an option as there is a section of the Tex-Shield end feeds the entire building. Councilor Archer asks if it would be more feasible to run a separate line. City Manager responds that this would be a question for PWD. The City Manager informs Council to heat the Tex-Shield side it is costing about \$35,000 a year which Councilor Archer believes is 100 gallons per day. Councilor Murphy believe the boilers to be inefficient. Jeff Sullivan understands there to be three boilers and to replace them we would be looking at somewhere between \$10,000 to \$12,000 per boiler. Council asks the City Manager to look further into the cost of replacement of the boilers and to also inquire about the water mains and/or converting over to propane as well as converting over to a “dry” system.

g) Ad-hoc Committee (Study on Remote Workers)

Lora Whelan speaks that this is her passion and in hopes that she will be able to bring this to the community hopefully within six months and is working diligently with Judy East at WCCOG. The City Manager also notes that the word is out and that Angus King's office has inquired and they want to follow this and offer up support.

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

To support an Ad-hoc Committee of a telecommuter recruitment focus group of about fifty people under the auspice of the City

h) Council Liaison/Manager Updates

The City Manager updates Council that she is working on submitting a letter of interest for a pilot program currently being offered by the USDA/EPA for high speed internet planning and that there are five communities that would be chosen from across the country and that she has high hopes in pursuit of this.

She further comments to say that Movie Night for Making Headway in your Community was very successful and the next meeting is scheduled for February 15<sup>th</sup> at the Port Authority building.

She continues to update Council that the storm water management project on Hawkes on High is well under way and scheduled for completion sometime next week.

She reports that the Senior Citizen Center, which is a City owned building, now has a new roof and that discussion for additional repairs will take place in the Spring.

She gives an update to Officer Greg Smiths' progress at the Police Academy.

She notes that Bike Main will be coming down east and doing Bold Coast Trails of about 475 cyclists and will be spending two days and nights in Eastport on September 13<sup>th</sup> & 14<sup>th</sup> and that it is a wonderful opportunity for Economic Development.

i) Consent Agenda

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

To approve the consent agenda as submitted.

j) Discussion of a Policy for the Eastport Police Department to Assist Neighboring Communities with Coverage

Council President explains that this would address the Eastport Police being called out beyond the parameter of Eastport and Pleasant Point and that this recommendation has been brought forth by the Police Chief and reads the directive aloud. Discussion took place amongst Council and concerns were raised with regard to the wording.

**MOTION** FINLEY **SECOND** ARCHER **(DENIED 3-2)**

*(Councilors Archer, Emery, and Murphy Voted "NO")*

To adopt the policy.

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

To table this with the intent to discuss with the Police Chief clarification of the wording and to revisit this matter at the next Council meeting on March 9<sup>th</sup>, 2016.

**IX. COUNCIL ISSUES - THERE WERE NONE**

**X. ADJOURN**

**MOTION** ARCHER **SECOND** MURPHY **(PASSED 5-0) TIME: 7:00 p.m.**

To adjourn.