

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, MAY 11th, 2016
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> </u> Poverty Abatement Application	Title 36 M.R.S.A. § 841

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

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

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0) 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 FINELY **SECOND** EMERY **(PASSED 5-0) TIME: 5:51 P.M.**
To come out of Executive Session.

REGULAR COUNCIL MEETING

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

Attendees in the Audience: Greg Golding, Jack Reece, Marged Higginson, Ken Brown, Denise Cassidy, Gordon Smith, Dale Maddocks, Ricky Cox, Hugh French, Lora Whelan, Steve Glatfelter, David Stanley, Robert Scott, Jon McNernney, Peter Morelli, Catherine Lee, Judy East, Inez Pastore, Bob DelPapa, Chris Vizzcarando, Colleen Morton, Officer Dave Chapais, Tim Sheehan, Pam Francis, and Damon Weston,

I. CALL TO ORDER - Council President called the meeting to order at 6:00 p.m.

II. ACTION from EXECUTIVE SESSION

MOTION REPOLE SECOND FINLEY (PASSED 4-0)

To delay the boat ramp project for Deep Cove Road, in lieu of *not* being able to attain the property, and to consult with the State as to whether or not the grant money is transferable to the breakwater project to enhance public access.

MOTION REPOLE SECOND FINLEY (PASSED 4-0)

To approve moving forward with the foreclosure of 3 Willow Street and 5 Lincoln Street.

III. AARP PRESENTATION – CERTIFICATION AS AGE FRIENDLY COMMUNITY

Councilor Repole introduces the representative with AARP, Peter Morelli. He addresses the City Council and presents the City with a Certificate as an Age Friendly Community and informs the City that we have been approved for an \$8,000.00 AARP Grant. He notes that the contract was approved and signed in record time and that it was received as near perfect as they have ever seen and gives credit to the City Manager, Elaine Abbott, and Judy East with WCCOG for working together on this and getting it accomplished in a four week turn around. He then presents the certificate to the Council President, Gilbert Murphy, on behalf of the City.

Council President addresses Judy East and asks if she would like to expound or add anything. She comments to say that she met with the City Manager, Councilor Repole, and Peter Morelli about utilizing the resources of which one is the age friendly plan and she notes that a great deal that is in this plan is also in our comprehensive plan. She informs the Council that she has structured a proposal and that she will bring it forth to them in approximately a month. She further explains that it combines the \$8,000 and resources she's been able to acquire from Dept. of Conservation & Forestry as well as Maine Dept. of Transportation along with our municipal dues and a small amount of our own funds which anticipates to \$2,000 or a little more which is significantly less than the \$12,000-\$15,000 for the comprehensive plan itself. She continues to say that the City Manager and Councilor Repole have been contacting people throughout the community and reaching out for members and that hopefully people will be interested to serve and those names will be brought forth to Council for appointment of a comprehensive plan committee which is required of us.

Council President, Gilbert Murphy, calls for questions. There were none.

IV. PUBLIC HEARINGS(s)

Council President opened the public hearings at 6:05 p.m.

Renewal of Liquor Licenses: *(The Landmark 1887)*
(Eastport Chowder House)

Council President opens the floor for questions, comments, or concerns.

Councilor Repole speaks to the renewal application for a Liquor License for *The Landmark 1887* and that there is a concern which is reflective of outdoor seating that the City is not allowed to permit as it interferes with movement along the side walk and that it is not permissible and not compliant with the ADA requirements. She further comments to say when the motion is brought forth, it needs to be clear on this.

Council President makes reference to the drawing which is part of the application and the motion must be reflective of what will be approved and what will not be.

Renewal of Special Entertainment Licenses: *(The Landmark 1887)*
(Eastport Chowder House)

Council President opens the floor for questions, comments, or concerns. There were none.

Sale of City Property *(5 Lincoln Street & 47 Third Street)*

The City Clerk informs Council that letters have been sent and that no response was received from either party. She further states that the amount due the City for *5 Lincoln Street* is \$7,275 and there is an amount due of \$5,474.57 for *47 Third Street* and that these amounts are both reflective of Taxes as well as Sewer. The Clerk reminds Council that the previous owners of *47 Third Street* were also in an agreement with the City and that they were in default of it for not making the payments as agreed upon.

Council President calls for comments or questions. There were none.

Adoption of Shellfish Ordinance

The City Manager informs the Council that the Shellfish Ordinance has been accepted by the Department of Marine Resources and that the Shellfish Committee worked very hard on this and closely with DMR for a period of six months, and she further explains that it is before Council tonight for their approval.

Council President calls for questions or comments. There were none, and thereafter the public hearings were declared closed at 6:10 p.m.

V. ACTION ON PUBLIC HEARING(S)

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

To approve the **renewal** of a **Liquor License** for Pamela Francis d/b/a as The Landmark 1887 not to include the outdoor seating that was submitted with the application.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To approve the **renewal** of a **Liquor License** for Robert Delpapa d/b/a Eastport Chowder House as submitted.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To approve the **renewal** of **Special Entertainment Licenses** for Pamela Francis d/b/a The Landmark 1887 and for Robert Delpapa d/b/a Eastport Chowder House.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To approve moving forward with officially foreclosing on properties at 5 Lincoln Street referencing Tax Map # and 47 Third Street referencing Tax Map # and to authorize the City Manager to put it out to bid with a minimum amount of what is due the City for Sewer billings and Real Estate Taxes.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To approve the adoption of the Shellfish Conservation Ordinance as submitted.

VI. OPEN PUBLIC FORUM

Council President opens the floor at 6:14 p.m. for open public forum.

Jon McNerney addresses the Council with a question relative to the excess funds account. He asks about a dump truck that was sold a couple months ago and why the residuals do not appear in that account. The City Manager responds that she does not recall a dump truck specifically but that she will research this and respond back to him with her findings.

Council President calls for any other business under open forum. There was none.

VII. ADJUSTMENTS TO AGENDA

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To make an adjustment to the agenda to add (q) under Item IX for Council Approval on the purchase of a new broom for Public Works; and to also add (r) for the acceptance of the \$8,000 AARP grant.

VIII. UNFINISHED BUSINESS

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

To approve removing the status of “interim” from the Police Chief position that is held by Dale Earle who has successfully completed the probationary period.

IX. NEW BUSINESS

a) Opening & Award of Bid – Sale of 1989 CAT Grader w/14' Snow Link

The City Clerk informs Council that there are a total of eight bids received and presents them to Council President for opening. The following is reflective of the bids received, read, and recorded: City of Calais for \$16,000; Hallowell Construction in lieu of 2,574 yards of sand, screen, and gravel; Richard Mingo for \$29,500; Wayne L Spear & Son for \$24,500; Indian Township Government for \$28,000; Thomas Dizenzo for \$17,500; Ron Morgan for \$15,900; and Donovan Construction for \$30,627. Council President notes that no deposits were received with any of the bids.

Councilor Repole comments to say that she is to understand that the Public Works Director would like to consider utilizing it as a trade in. The *City Manager* responds to say that Howie was unable to attend this evening's meeting but that she has spoken with him on this and that he would like to see it traded towards something else. *Council President* asks if he is able to guarantee that he is able to get \$30,627 worth towards it. The *City Manager* responds that she and Howie spoke with a couple of dealers and that they would give the City \$36,000 on trade. *Councilor Emery* feels that the City should hang on to it a little while longer and we can always sell it. *Councilor Repole and Councilor Finley* is in support of the Public Works Director's wishes and trusts his judgment.

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

To reject all bids.

b) Opening & Award of Bid Replacement of Roof at City Hall

The Clerk informs Council that there was only one bid received and presents it to Council President for opening. The bid came in from Coastal Construction for an amount of \$12,276.

MOTION FINLEY **REPOLE** REPOLE **(PASSED 3-1)**

Councilor Emery voted “NO”

To accept and award the bid to *Coastal Construction* for the Replacement of Roof at City Hall for an amount of \$12,276.00 as submitted.

c) Opening & Award of Bid – Repair of Retaining Wall Downtown

The City Clerk informs Council that there are a total of three bids received and presents them to Council President for opening. The following is reflective of bids received from Thomas Dizenzo for \$56,200; Morgan Construction for \$24,540; and Donovan Construction for \$36,400.

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

To accept and award the bid to *Ron Morgan* for the repair of the retaining wall downtown for an amount of \$24,540.00 as submitted.

d) Opening & Award of Bid – Replacement of Heating System at Shead High School

City Clerk informs Council that there were no bids received.

e) Expansion of Deck at 73 Water Street (requested by Patricia & Morgan Lindeau)

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To approve the request for an expansion of a deck at 73 Water Street as requested and submitted by Patricia and Morgan Lindeau.

f) Budget Committee Recommendations

Jack Reece speaks to the hard copy of the recommendations made by the Budget Committee and submitted to the Council. He further comments to say that they were faced with a problem in that from the timing standpoint they were not quite finished as the school was not yet done with theirs and the boiler was pending plus other possible emergencies. He continues to say that the committee took the budgets that they were reviewing both from the municipality and the school and as presented to them as a last point and prepared their recommendations so that Council would have a baseline from which to add on the events that occur between now and when the budget is fixed. He presents and reads the committee's recommendations as submitted. The City Manager and the Council takes a moment to thank the Budget Committee for their hard work and recognizes that it is not an easy task.

g) FY2017 Municipal Trash Bid

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To authorize the City Manager to put out to bid the FY2017 Municipal Trash Bid.

h) Municipal Auditors Bid

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

To authorize the City Manager to send out RFQ's for the FY2017 Municipal Auditors .

i) Downeast EMS Request to Buy Back Stretcher & Heart Monitor - \$9000.00

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-0)**

To authorize *Downeast EMS* to buy back a back stretcher and heart monitor for an amount of \$9,000.00 and that these funds will go into the Special Reserve Funds account.

j) Moving of City Hall from 78 High Street to 22 Washington Street

Councilor Finley makes note of the poor condition of the present City Hall and also highlights other reasons that would benefit the City to entertain this move and speaks that she is in support of this request. Councilor Repole also comments that she is in support of this move as well for various reasons all of which would benefit the community. Gordon Smith of the audience speaks to looking into resources of grants for using our current location as a museum and the City Manager responds that it certainly bares looking into. Council is reminded that the City Hall building at 78 High Street is on the historic register. Denise Cassidy from the audience addresses the Council with regard that the parking lot at 22 Washington Street is the only location that they have to park their vehicles and request that they be able to retain two designated spots. The reason for their parking there is that the businesses do not want any parking there during the day and the other reason is to accommodate public works during the winter while they are snow plowing. The City Manager speaks that there is other parking available on municipal lots adjacent to the post office. The Assessor also reminds Council that in the deed the Post Office has twelve designated parking spaces for post office use only and further continues to say that there are plenty of parking spots. Council President comments to say that further discussion is needed as well as community feedback and that Council will not take this lightly. Council makes note that they will need to take a look at the costs involved.

k) Council Approval for Storm Water Management on High St. - \$5,000.00

MOTION FINLEY SECOND REPOLE (PASSED 4-0)

To authorize the City Manager to move forward with the storm water management project on High Street for an amount of \$5,000 and that this expense will come out of the Public Works budget.

l) Council Approval for Change of Scope on the USDA Grant

MOTION REPOLE SECOND FINLEY (PASSED 4-0)

To approve the change of scope on the USDA grant and to move forward with a six month feasibility study to see if a business incubator program would work here.

m) Dog Waste Depot

Denise Cassidy and Ken Brown offers that they will donate the bags and maintain filling them. They further comment to say that placement of them should be considered for the beginning, the middle, and the end of the walkway and on the sidewalk for a total of five. Ken comments to say that the Waste Ordinance can be posted at each station as a reminder.

Council President, Gilbert Murphy, offers to donate one and then other donations came from Councilor Repole, Councilor Finley, Councilor Emery, and Steve Glatfelter.

MOTION REPOLE SECOND FINLEY (PASSED 4-0)

To accept donations for the purchase of five dog waste depots from Gilbert Murphy, Mary Repole, Jan Finley, Scott Emery, and Steve Glatfelter.

n) City's Telecommuter Work Group (requested to be brought forward by Lora Whelan)

Lora Whelan gives a brief update to the scope and focus.

MOTION REPOLE SECOND EMERY (PASSED 4-0)

To accept the Telecommuter Work Group's recommendations and strategies as submitted and to move forward with the creation of a website that would be linked to the City's and to remain under the auspice of the City and that all matters will come before Council for approval.

o) Council Liaison/Manager Updates

Councilor Repole reports that she continues to attend the school meetings and that they continue to work on the budget.

The City Manager reads and presents her report to Council.

p) Consent Agenda

MOTION REPOLE SECOND FINLEY (PASSED 4-0)

To accept and approve the Consent Agenda as submitted and approve the a date of June 8th, 2016 at 6:00 p.m. for the scheduling of a public hearing on the FY2017 Budget.

q) Council Approval for the Purchase of a new Broom for Public Works

MOTION FINLEY SECOND REPOLE (PASSED 4-0)

To authorize the purchase of a new hydraulic sweeper for Public Works not to exceed \$4,600 as recommended.

r) Acceptance of an \$8,000.00 AARP Grant

MOTION REPOLE SECOND EMERY (PASSED 4-0)

To approve the acceptance of the \$8,000.00 AARP Grant.

X. COUNCIL ISSUES

There were none.

XI. ADJOURN

MOTION REPOLE SECOND EMERY (PASSED 4-0) TIME: 7:25 P.M.

To adjourn.