

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, AUGUST 12<sup>th</sup>, 2015  
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

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

<u>  </u> <i>x</i> <u>  </u> <i>Personnel Matters</i>	<i>Title 1 M.R.S.A. § 405(6)(A)</i>
<u>  </u> <i>x</i> <u>  </u> <i>Real Property or Economic Development</i>	<i>Title 1 M.R.S.A. § 405(6)(C)</i>
<u>  </u> <i>  </i> <u>  </u> <i>Labor Negotiations</i>	<i>Title 1 M.R.S.A. § 405(6)(D)</i>
<u>  </u> <i>x</i> <u>  </u> <i>Consultation w/Legal Counsel</i>	<i>Title 1 M.R.S.A. § 495(6)(E)</i>
<u>  </u> <i>  </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    ARCHER    SECOND    MURPHY    (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); Real Property or Economic Development Title 1 M.R.S.A. § 405(6)(C); and Consultation with Legal Counsel Title 1 M.R.S.A. § 405(6)(E).

Councilor Cummings addressed the Council President and the City's Legal Counsel and asked if we needed to be more specific in describing the matters they are going into Executive Session on, Legal Counsel, responded that the M.R.S.A. Title was sufficient and the Council President reminded Councilor Cummings that should there be any action taken after coming out of Executive Session it would be public record. Councilor Cummings noted that he brings it up in consideration of the public that may not be in attendance.

**MOTION    MURPHY    SECOND    CUMMINGS    (PASSED 5-0)    TIME: 6:09 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:** Victor Voisine, Rhonda Voisine, Meg McGarvey, Kathryn Lewis, Lora Whelan, Steve Glatfelter, Linda Godfrey, Hollis Ferguson, Richard Clark, Tom Critchley, Jon Mc Nerney, Robert Scott, Howard Johnson, Codey Preston, Traci Calder, Dave Claroni, Marie Holmes, Michael Morse, Cynthia Morse, Tom Fredette, Sarah Fulper, Ricky Cox, Kerry Jackson, Chris Scott, Robin Hooper, Steve Trieber, Will Bradbury, Ken Johnson, David Gholson, and Walter Cummings.

Council President, Mary Repole, reminds everyone that if there are side conversations that they leave the room and hold them elsewhere and not during the meeting. She also asks everyone that should they wish to be recognized that they raise their hand and that this is to include Council as well. Her final reminder is that there will be no raised voices, fowl language, and that everyone is to remain civil to each other.

**I. CALL TO ORDER** - Council President called the meeting to order at 6:10 p.m.

**II. ACTION from EXECUTIVE SESSION**

No Action Taken on Personnel Matter.

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

To authorize the taxpayer at 172-174 Water Street an extension to make a payment of between \$1,600.00 or \$2,000.00 no later than August 20<sup>th</sup>, 2015. Councilor Archer comments that he is only in agreement as long as it is in “good faith”.

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

To proceed forward with the foreclosure of 1 South Street, referencing Tax Map # J7-0A3-13, for non-payment of Sewer and Real Estate Taxes.

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

To accept the renig of the existing agreement with the family member of the taxpayer and that the property is returned back to the City and that Council will proceed forward with the foreclosure of 6 Spear Avenue, referencing Tax Map #J7-0C3-01.

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

To proceed forward with the foreclosure of 7 Arnold Street, referencing Tax Map # E3-0A2-02, for non-payment of Real Estate Taxes.

**III. JUDY EAST/WCCOG (Comprehensive Plan)**

Cancelled as she was unable to attend.

**IV. PRESENTATION OF VETERANS MEMORIAL PARK/WASHINGTON ST. - Vic Voisine**

Victor Voisine addresses the Council and gives a presentation of a request to build a veterans memorial in remembrance of all veterans on City property which is located at 33 Washington Street and that they are asking to utilize the property for said memorial and that they will maintain it. He notes that the handout he is submitting is Phase I of the project and Phase II will come later.

Councilor Dana-Cummings asks if they have approached the neighbors/abbutters of said property. Mr. Voisine confirms that abbutters of both sides were spoken to and they are supportive of the project and are even willing to participate.

Councilor Cummings asks about the memorial down at the library. Mr. Voisine responds that this is coming out of there next week to be rebuilt. Councilor Cummings also comments to say that he is in support of the the project, however, he has concerns of whether it is enough area for what they want to do. Mr. Voisine explains that it has all been measured out and it is sufficient. Councilor Cummings raises an additional concern of parking.

Councilor Murphy comments to say that he supports the project and is appreciative that the veterans are going to be honored, recognized, and represented.

Mr. Voisine updates Council that there will be a flag pole to represent *each* branch of service and that they will be lit at night. They will continue with fundraisers.

Councilor Cummings asks if there are restrictions in place on the location being considered and suggests that this be looked into. He approves if there are no restrictions related to said property.

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

To authorize the City property at 33 Washington Street to be utilized for the Veterans Memorial Park as presented.

**V. PUBLIC HEARING(S) - *THERE WERE NONE***

**VI. ACTION ON PUBLIC HEARING(S) - *NOT APPLICABLE/NONE***

**VII. DEPARTMENT REPORTS**

Councilor Dana-Cummings asks if they have received the actuals for the end of the year. The Treasurer comments that a warrant will be done on Thursday. She also notes that they have not yet received the numbers from the School. Council President responds she believes they will be available on the 19<sup>th</sup>.

Council President updates that the property owners (*the Georgia's*) abutting the Port's parking lot are asking for a buffer and they are working with the Port on this.

She also comments that progress was slow on the breakwater with the construction of the pier as there was an issue of mammals within 30 yards and NOAA has extended that to 100 yards. She also informs that the crane has been reinstalled at the fish pier and it is actively in use.

Councilor Cummings asks if there is anything new that is lined up to come into the Port. Council President reports that nothing other than the Ireland project but that it is still in the progressive stage.

Council President reads the School Report submitted by Dave Gholson.

**MOTION** DANA-CUMMINGS      **SECOND** CUMMINGS (PASSED 4-1)  
*COUNCILOR MURPHY VOTED "NO"*

To *table* the Financial report until the school numbers and actuals are available.

**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; and the Port report; and the School Committee report for July, 2015 as submitted and presented.

## VIII. OPEN PUBLIC FORUM

Council President calls for open public forum at 6:35 p.m.

Mr. Chris Curioli addresses the Council and voices his discontent with the Mermaid statue and considers it to be vulgar in it being half naked and not for children's eyes. He has reviewed the process by which the statute came about and took place and is aware that the process was from a different Council. Council President responds to say that it *did* follow the process properly and suggests that he confirm further with Ed French of the Historic Review Board. Councilor Cummings comments to say that he was on the Council at that time and reaffirms that it did follow the process as it should have. Councilor Murphy responds to say that he is in favor of the statue and tells of his 7-year old grand daughter's perspective of the statue and that it was not of a pornographic nature but rather she recognized the artist's work from what she saw it as. Mr. Curioli ends that he does not understand how the statue is of any benefit to the City and also recognizes that although he knows of people who *are not* in favor of it, but he is the only one willing to speak.

Council President made a final call for questions or comments; there were none and closed Open Forum.

**IX. ADJUSTMENTS TO AGENDA**

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

To adjust the agenda as requested to add the letter (q) Refund – State Fuel Tax; (r) Council Approval for Civic Event – Chamber of Commerce Pirate Social on 9/10/2015; and (s) Acceptance of Sally Emery's Resignation from the Planning Board and to Appoint Robert O'Hayer to the Planning Board.

**X. MINUTES OF PREVIOUS MEETING(s) - 7/8/2015 & 7/16/2015**

**MOTION** MURPHY **SECOND** DANA-CUMMINGS **(PASSED 4-1)**  
*COUNCILOR CUMMINGS VOTED "NO"*

To *accept and approve* the Council minutes of July 8<sup>th</sup>, 2015 and July 16<sup>th</sup>, 2015 as submitted by the City Clerk.

**XI. UNFINISHED BUSINESS**

(a) Transfer of FY2015 Boat Excise Tax to Harbor Revenue Account - \$2,981.80

**MOTION** MURPHY **SECOND** ARCHER **(PASSED 4-1)**  
*COUNCILOR DANA-CUMMINGS VOTED "NO"*

To approve the transfer of the FY2015 Boat Excise Tax collected for an amount of \$2,981.80 to the Port Authority for the Harbor Revenue account.

(b) A&P Building - 22 Washington Street

**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 4-1)**  
*COUNCILOR MURPHY VOTED "NO"*

To approve holding a public hearing and putting out to bid and for sale City property located at 22 Washington Street.

**XII. NEW BUSINESS**

a) **Purchase of Front End Loader/Public Works**

**MOTION** DANA-CUMMINGS **SECOND** MURPHY **(PASSED 4-1)**  
*COUNCILOR CUMMINGS VOTED "NO"*

To *authorize and approve* the purchase of a Komatsu Model #WA270-7 Front End Loader from Anderson Equipment Company for an amount of \$187,609.00 to be financed through The First for 72 months at 2.42%.

b) **Repair of 2003 International Dump Truck/Public Works**

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

To *authorize and approve* the repair of the City's 2003 International Dump Truck for the Public Works Department not to exceed an amount of \$8,000.00 and that it is to come out of the Heavy Equipment miscellaneous account.

- c) **Put out to Bid/Sale of 2000 International Dump Truck**  
**MOTION** MURPHY **SECOND** CUMMINGS **(PASSED 5-0)**  
 To put out to bid and sale the City's 2000 International Dump Truck and that the revenue received from it be applied to recoup the costs on the repair of the 2003 International Dump Truck.
- d) **Put out to Bid/Sale of 2003 GMC Pickup Truck (for parts)**  
**MOTION** MURPHY **SECOND** CUMMINGS **(PASSED 5-0)**  
 To approve and authorize the return of the 2003 GMC Pickup Truck back to the Passamaquoddy Water District as stipulated when it was given to the City's Sewer Department.
- e) **Council Approval to Send Police Officer to Academy**  
**MOTION** CUMMINGS **SECOND** DANA-CUMMINGS **(PASSED 5-0)**  
 To *authorize and approve* sending Officer Greg Smith to the Police Academy.
- f) **One-Side Parking on Sullivan St.; Boynton to Green & Dana**  
**MOTION** MURPHY **SECOND** ARCHER **(PASSED 5-0)**  
 To authorize the Eastport Police Department to post “no parking signs this side of street” for Sullivan Street; Boynton to Green; and Dana Street.
- g) **Council Approval for Civic Event – Eastport Salmon & Seafood Festival – Sept. 6, 2015**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**  
 To give permission for a Civic Event for the Eastport Salmon & Seafood Festival to take place on September 6<sup>th</sup>, 2015 on behalf of the Chamber of Commerce.
- h) **Council Approval for Change of Purchased Cemetery Lot from #12 to #10 (Hillside West, Section E, New Lots - Gilbert & Alda Murphy)**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 4-1)**  
*COUNCILOR MURPHY “ABSTAINED”*  
 To approve the change of purchased cemetery lot from #12 to #10 for Gilbert and Alda Murphy in the Hillside West Cemetery, Section E, New Lots.
- i) **Perpetual Care Lot – Michael Cummings – Hillside West, Section E, New Lots, #4C & #4B**  
**MOTION** DANA-CUMMINGS **SECOND** MURPHY **(PASSED 4-1)**  
 To approve perpetual care for Michael Cummings for an amount of \$275.00 for Hillside West Cemetery, Section E, New Lots #4C and #4B.
- j) **Appointment of Shellfish Committee Members**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**  
 To appoint Ricky Cox, Scott Emery, Dale Maddocks, and Timothy Tiess to the Shellfish Committee.

- (k) **Council Approval to Buy Back (4) Cemetery Lots, Bayside West, Lisa Boone Mitchell**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 3-2)**  
*COUNCILORS ARCHER & MURPHY VOTED "NO"*  
 To *table* this matter until the purchased amount has been confirmed/determined.
- (l) **Coastal Community Grant CTA 2014 – Eastport Adaptive Responses for Customs Street**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**  
 To return back the CTA 2014 Coastal Community Grant referred to as the Eastport Adaptive Responses for Custom Street.
- (m) **Business Friendly Community Certification Program**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**  
 To *authorize and approve* the City Manager to pursue the City's participation in the Business Friendly Community Certification Program.
- (n) **1 Byrd Street - Playground/Tot Park**  
**MOTION** DANA-CUMMINGS **SECOND** CUMMINGS **(PASSED 5-0)**  
 To *authorize and approve* that the City owned property at 1 Byrd Street be utilized as a playground/tot park.
- (o) **Condemnation of Dangerous Building - 72 County Road/Vaughn Property**  
**MOTION** \_\_\_\_\_ **SECOND** MURPHY **(PASSED 5-0)**  
 To *table* this matter until further research is completed.
- (p) **Amendments to Personnel Policy**  
**MOTION** MURPHY **SECOND** ARCHER **(PASSED 4-1)**  
*COUNCILOR DANA-CUMMINGS VOTED "NO"*  
 To *accept and approve* the proposed changes of 1 through 8 to the **Personnel Policy** as submitted by the City Manager with an amendment to #1 to reflect up to a two-week buy back of unused vacation time.
- (q) **Refund – State Fuel Tax**  
**MOTION** DANA-CUMMINGS **SECOND** MURPHY **(PASSED 4-1)**  
*COUNCILOR CUMMINGS VOTED "NO"*  
 To *authorize* that the tax rebate be utilized and recorded back into the departments whereby it was expended out of so long as this is the requirement of the Auditors.
- (r) **Council Approval – Civic Event for Chamber of Commerce *Pirate Social* 9/10/15**  
**MOTION** MURPHY **SECOND** ARCHER **(PASSED 5-0)**  
 To *authorize and approve* the Civic Event as requested by the Chamber of Commerce for the *Pirate Social* of September 10<sup>th</sup>, 2015.

- (s) **Acceptance of Sally Emery's Resignation from the Planning Board and Appointment of Robert O'Hayer to the Planning Board**

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

To *accept* Sally Emery's resignation from the Planning Board and to *approve* the appointment of **Robert O'Hayer** to the Planning Board.

### **XIII. SCHEDULING of PUBLIC HEARINGS(s)**

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

To *approve* the scheduling of a public hearing on September 9<sup>th</sup>, 2015 for the Sale of City Owned property at 22 Washington Street and to also schedule one for the renewal of a Liquor License application for Robert DelPapa d/b/a WACO.

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

To approve the City Clerk's request for the scheduling of a Workshop for Wednesday, August 26<sup>th</sup>, 2015 on her attested copy of the City Charter with the amendments that went to referendum and passed on June 10<sup>th</sup>, 2014 and November . 2014.

### **XIV. REPORTS**

#### **City Manager**

The City Manager begins by reporting that the State has informed that they *will not* be issuing "any deer permits" this year.

Councilor Cummings requests that we prepare for next year by having a vote in November on the "any deer permit" to be that much more ahead of the game.

Councilor Dana-Cummings requests and suggests that we have a straw poll for an "extended archery season" and would like to see a ballot prepared.

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

*COUNCILORS ARCHER & MURPHY VOTED "NO"*

To *approve* a "straw poll" ballot for the November 3<sup>rd</sup>, 2015 Municipal election with question of an "extended archery season".

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

*COUNCILORS MURPHY & REPOLE VOTED "NO"*

To approve a "straw poll" ballot for the November 3<sup>rd</sup>, 2015 Municipal election with question of a "any deer season" to take doe.

- 1) **MOTION** MURPHY **SECOND** ARCHER **(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; FY2016 Budget Committee;)**

The Airport Manager, Steve Trieber, updates Council that he has spoken with Herbie Bishop and there seemed to be some mis-communication with regard to a previous request for the removal of trees. He clarifies that it would not be done in exchange for the timber but rather a job. He further informs Council he will need to get an estimate for the removal of brush and trees.

Steve Trieber requests consideration be given to the Airport becoming a Department rather than a Board. Council President responds that they will look into this further and also check the Charter on this matter.

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

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

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

*(No Ambulance Report as they did not meet)*

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

To accept and approve the Ambulance and Marion Transfer reports.

Councilor Dana-Cummings addresses the Council with regard to utilizing golf carts within the community. Legal Counsel, Dennis Mahar, reports that it is prohibited in the public way and is forbidden in the State of Maine. Councilor Murphy asks about powered wheelchairs and Legal Counsel does not know of any law that does not prohibit their use.

**XIII.      ADJOURN**

**MOTION** MURPHY                      **SECOND** CUMMINGS **(PASSED 5-0 TIME: 8:22 P.M.)**

To adjourn.