

CITY COUNCIL MEETING

WEDNESDAY, FEBRUARY 14th, 2024

PORT AUTHORITY BUILDING – DOWNSTAIRS – 6:00 P.M.

Those in Attendance: Councilor Floyd Andrews, Jr., Councilor Colleen Dana-Cummings, Councilor Dave Morang, Councilor Jeanne Peacock, and Council President William Boone. Also in attendance was Legal Counsel, Dennis Mahar; Deputy Clerk, Donnie Peters; and City Clerk, Ella Kowal.

Public Attendance: Emily Gaulin, Chris, Jamie Cook, Wes Farley, Victoria Ganz, Chester Jenkins, Catherine Lee, Lora Whelan, Mark Wigley, Dora Adams, Richard Adams, Sheila Lank, Sandi, Jeanne Pegrum, Brian Schuth, David Hanby, Howard Johnson, Laura Prati, Rayette Cooper, Jeremy Cooper, Clifford Fowles, Peter Lehmann, Christ Vizcarrando, Kendal Ziegler, James Riccio, Rick McPhail, Susan McPhail, Laura Stanzyck, Mega w/ the Arts Center, Walter Cummings, Tessa Ftorek, and *attendees Via: ZOOM*.

I. CALL to ORDER

Council President Boone calls to order the meeting at 6:00 p.m.

He announces the new City Manager and introduces him and that he is in attendance of the meeting but not in his official capacity until next month's meeting.

He sets a few ground rules. One being that all cell phones be silenced. He also notes that the public will be allowed to address the Council in Open Public forum with a 2 to 3 minute allocation to speak and that this portion of the meeting is now at the beginning of the meeting rather than towards the end.

II. ADJUSTMENT(s) to AGENDA

There were none.

III. PUBLIC/OPEN FORUM

Council President Boone declared the floor open for Public Open Forum.

Thomas Kohl of the audience addresses the City Council with a matter that he refers to as a guardianship nightmare involving family members and the school nurse. Council President Boone interrupts and speaks to say that this has no bearing on the City Council and he would need to address it with the Sheriff's Department, the Police Department, and the School.

Rayette Cooper addresses the City Council and makes it clear that she is speaking on behalf of herself and not on behalf of the Chamber. She loves ATV's and she loves Eastport and how quiet it is, however, does not feel that it is the right proper location for ATV's and also notes it will change the feel of our community with all the work they have been doing to bring people into Eastport.

Council President speaks to say that ATV's is on the agenda but it is to "set" a date and location for a public hearing and encourages anyone for or against ATV's attend the hearing.

Jim Riccio addresses the Council and speaks to say that they have heard the argument before on ATV's, is this something that will come up every year or, if we make a decision; is it going to be final? and how is this going to work? He thought this question was answered last year.

Council President Boone responds to say that they did vote the issue down due to the State law, however, there are new ideas/thoughts that could perhaps change it. He is under the impression that we need to have a public hearing and whether they address it by way of an ordinance or put it to a referendum. He shares that what he is hearing is that people either want to have an ordinance or hold a referendum so that it is not coming back every year. Or it could be to leave it up to Council to make a decision.

Laura Prati asks if there is going to be any discussion on recycling and the Council President responds with a "yes" it is on the agenda.

Council President Boone closed Public Open Forum at 6:10 p.m.

IV. PUBLIC HEARING

Council President Boone declared the public hearing open at 6:11 p.m.

Councilor Dana-Cummings addresses Meg Colbert in the audience with a question as to whether or not the Arts Center is non-profit. Ms. Colbert responds that it is a 5.01C(3) organization. Councilor Dana-Cummings asks if they pay taxes and if this is for just when they want to hold functions. Ms. Colbert responds that is correct. This is an effort to raise money and to support programs.

Councilor Andrews asks for clarification that it would not interfere with other businesses of pubs and Ms. Colbert responds it would be for a specific show, gallery, or function where one could purchase a glass of wine.

Laura Stanzyck from the audience asks if beer or wine would be sold before and after events as this is a large part of her business. Ms. Colbert responds that this would probably be her event but that it may be something along the lines of a special fund raising at an event.

Councilor Morang asks to hear from the bar owners and asks if this would be competing with them. Ms. Stanzyck speaks to say that it is the good of the Arts Center to bring people in but that the reality is that in the winter there are a lot of competing events. Her concern is whether it cuts off people who come in before or after an event.

Laura Prati speaks to say she does not see a concern as it is only for the time of the function. Ms. Colbert also responds to say that this is not to become an establishment for drinking. They are trying to add to their portfolio of ways to bring money to the Arts Center.

The public hearing was declared closed at 6:17 p.m.

IV(a). ACTION on PUBLIC HEARING

- “New” Liquor License Application - Eastport Arts Center

MOTION ANDREWS SECOND PEACOCK (PASSED 5-0)

V. ISLAND INSTITUTE – ENERGY PRICE/MICROGRID

From 6:18 p.m. to 6:25 p.m., Jamie Cook who is a senior officer with The Island Institute which is a community development organization; addresses the City Council and gives an update/report on the energy prize microgrid a/k/a ETIPP. He speaks to their focus of grid and coastal communities, and the programs as well as the opportunities. He shares the importance of awareness of renewed interest in the coast of Maine. He ends with turning this over to Councilor Peacock with the request to form a committee.

V(a). CONSIDERATION to FORM a COMMITTEE - RE: ENERGY MATTERS

MOTION PEACOCK SECOND BOONE (PASSED 4-1)

Councilor Andrews Voted “NO”

To form a committee on energy matters and that names be submitted to City Hall.

VI. MINUTES of PREVIOUS MEETINGS

- 1/29/2024 • 1/22/2024 • 1/10/2024 • 11/16/2023 • 10/11/2023

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

To approve the minutes of 1/22/2024 and 1/29/2024 and to table the remainder.

VII. NEW BUSINESS

a) Revisit Request from Mark Wigley - ATV Access

Council President reaches out to Council to entertain setting a date for a public hearing on the ATV request and to set the location in the auditorium.

Legal Counsel, Dennis Mahar, asks what would be the purpose of the public hearing? Council President Boone responds allowing ATV access to the City of Eastport. Mr. Mahar responds to say that public hearings are held for the purpose of entertaining ordinances and things to that nature. If there is an ordinance being proposed, then it requires a public hearing. Council President Boone refers back to the initial request made back in October/November by Mr. Wigley to have a public hearing on ATV issues and believes that there may be new information. It was his understanding whether they want to have an ordinance or hold a referendum, both would require a public hearing. Legal Counsel responds to say that we have to have something proposed to take that step. Council President Boone speaks to say that what he is hearing is that they need to have an ordinance whether that is to ban them or to allow them or something in writing to put it out to referendum in order to set a public hearing.

Councilor Morang addresses Mr. Wigley with a question and asks if he was going to do a presentation. He also speaks to say that he, too, assumed that it would require a public hearing. However, if that is not the case; he is prepared to do a presentation and a request to the City Council but not this evening. Legal Counsel responds to say that if it is a presentation to the Council then that is fine and that it does not require a public hearing but rather an agenda item.

Council discusses about holding the presentation at the auditorium to allow for all to attend. Councilor Peacock speaks to say she would like to see some type of outline of a plan. Councilor Morang responds that he would like to see the presentation be done at a regular Council meeting and then from there decide to the direction to take. Discussion took place of public participation during the presentation. Would the public be able to ask questions at the presentation.

Mr. Riccio from the audience asks if this presentation is bringing anything new to the table and Mr. Wigley responds there is new information. Mr. Riccio speaks to say that if Council is going to make a decision based on the presentation, then shouldn't the people be allowed to speak. Legal Counsel responds that a decision is not going to be made based on a presentation. What will come from the presentation is how Council wishes to proceed.

Councilor Andrews responds to say that he would like to take it to the polls and get it over with, which will require a public hearing. Councilor Peacock speaks to say she would like to hear the presentation and consider the information that is new, hold a public hearing, and agrees with Councilor Andrews that it should go out to referendum and feels it should be the citizens of Eastport to decide this issue.

Someone from the audience asks if there is a mechanism to make the new information public and questions the gathering to meet on something without knowledge of what the new information is.

Legal Counsel responds to say that if there is a public hearing, then they would act on the purpose of said hearing. Council President Boone speaks to say that Council could decide after the presentation not to hold a public hearing and vote.

Council President Boone answers a question with regard to making it a public open forum item. He responds that it would be an agenda item to allot the necessary time for the presentation as to the limited time under public open forum.

Ms. Stanzyck speaks to say that having the presentation prior to the meeting would cut to the chase. This would give everyone an opportunity to review the material.

Councilor Morang asks Mr. Wigley about how long he believes the presentation will take and he responds about fifteen minutes. He suggests to do a lookup under the Maine ATV laws and to download the comprehensive plan for the section on ATV's and under the Dept. of DOT there is a multi-page document called "motorcycle and motion crash history" and that he will be referencing that.

MOTION MORANG **SECOND** ANDREWS **(PASSED 5-0)**

To put Mark Wigley on next month's agenda for a presentation on ATV's.

b) Request to Gift Portion of Hayes Avenue to City

Councilor Dana-Cummings asked Legal Counsel if it would need to be re-surveyed. He responded with a "no" that it would be the owner deeding it over to the City and filing that accordingly.

Victoria Ganz presents the Council with some history.

MOTION ANDREWS **SECOND** MORANG **(PASSED 4-1)**

Councilor Dana-Cummings Voted "NO"

To approve acceptance of gifting back the portion of Hayes Avenue as requested from the current owner back to the City as proposed.

c) Sewer Billings for 73 & 75 Water Street

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

To table this until the March meeting and to have Howie Johnson from the Public Works Department and Scott Lursen from the Sewer Department schedule to meet with Ms. Stanczyk to confirm what is there.

- d) Request for Sponsorship – 2024 Edition of Artsipelago - \$250.00

Councilor Dana-Cummings and Councilor Peacock suggests that Ms. Jackson meet with the new City Manager and see if there is a line item that this can come from and reminds them of the 3rd Party Request process for moving forward next year should the need be there.

- e) Council Approval to Move Forward w/the Recycling Grant for RFP's on Facility Repairs

Council President Boone asks Lora Whelan about the 40-foot containers and clarification that it is for the recycling as the "Cans for Cancer" understood it be for them. Ms. Whelan responds it is for recycling but that they are allowing "Cans for Cancer" to use it for two years but that it would be a Council decision. The committee is communicating and working with those involved to get it cleared out so that work can be done.

MOTION MORANG **SECOND** ANDREWS **(PASSED 5-0)**

To approve moving forward with the recycling grant for RFP's on facility repairs.

- f) Council Approval on the Funding within the Budget for the Removal of Trees in the Cemetery and a Strategic Plan for Preparation

Discussion took place on this item. Council President Boone spoke to say that they were looking for support with funding to care for the trees. Councilor Dana-Cummings suggests that they allow the new City Manager to work on this. Councilor Peacock informs them that if tree removal was storm related that we could be eligible for reimbursement but that we would need pictures before and after. Council opted to table this until further action is needed.

- g) Appointment of Council Liaison to the Parks & Recreation Committee and Approval for Fundraising (*Requested by Emily Gaulin*)

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

To approve the Parks and Recreation Committee to hold a fundraiser and to have City Hall work with the Treasurer to set up a line item for the receipt of funds.

MOTION MORANG **SECOND** PEACOCK **(PASSED 5-0)**

To approve the appointment of Councilor Floyd Andrews, Jr. as Council Liaison to the Parks and Recreation Committee.

- h) Re-appointments and/or “New” Appointments to Boards/Committees
 - Fiber Committee • ADA Disabilities Committee

MOTION PEACOCK SECOND ANDREWS (PASSED 5-0)

To reappoint Ken Burke, Paul Sheehy, Ryan Bayliss, Joshua Nicholson, and Melissa Mitchell to the Fiber Committee and to also approve Laura Prati as a new member.

City Clerk speaks to say that there was confusion on her part of the ADA Committee and the Digital Equity Committee and clarifies that appointments are for the Digital Equity Committee.

MOTION PEACOCK SECOND ANDREWS (PASSED 5-0)

To reappoint Elaine Abbott, Birdy Velveteen, Dagny Silins, as members to the Digital Equity Committee and to also reappoint Joshua Nicholson as Liaison.

- i) Discussion of a Grant Committee

City Council members held a discussion on this and felt that they would like to wait on the new City Manager and allow him to work with Sunrise County Economic Council on this.

- j) Clarification of Non-Affiliated Organizations to the City

Councilor Dana-Cummings speaks to say that she is looking for clarification as there are organizations that are on City property which are not City sponsored and this is a concern of liability and she is hearing a lot of complaints.

Council President suggests taking this up in Executive Session and Councilor Dana-Cummings speaks to say that there will be no names and that it is to have a legal discussion.

VIII. COUNCIL LIAISON UPDATES/ISSUES

Ken Burke with the Fiber Committee addresses the City Council and reports that they continue to work with Matrix who are in the process of completing the detailed technical survey which should be completed by the end of the month that will produce finite costs. He further comments to say that they would assist us in application for funding.

Peter Lehmann gives a brief update on airport matters. Peter Lehmann addresses the Council and updates on a vehicle acquired as a courtesy car for the airport and that it is a 2008 Chevy Impala. He also recognizes that the City also has needs and is looking into what resources are there for setting up an account for that.

He speaks to the value of the one-ton plow truck. He also speaks to the service of Patient Airlift Services (a/k/a PALS). He closes with an update that Senator Collins' office called to say that we were selected for a \$1.2 million terminal building which is a big step in getting a big commercial service here.

Victoria Ganz addresses the Council and reports that pilots from the PALS service have reached out to inquire about setting up a "bee" garden with a bench somewhere on the airport in recognition of an 11-year old known to be "Bernadette" who utilizes the service out of Eastport on a frequent basis and to honor her. This is something for the Council to consider and will be updated as they know more.

Councilor Andrews asks if anyone knows anymore on the estimates for the door and the window for the Eastport Senior Center. Council President Boone responds he believes they had their first meeting of the month and he will follow up on the status of this. Councilor Andrews asks if maybe there would be COVID funds to assist with this.

Councilor Peacock reports that there is a total of twenty-five women who exercise in that small space at the Senior Center and that they are outgrowing the space. It is something to think about. Councilor Andrews speaks to say that he recognizes that need as well and that is down the road in the future, he was speaking to the present needs.

IX. EXECUTIVE SESSION

MOTION PEACOCK SECOND ANDREWS (PASSED 5-0) TIME 7:28 p.m.
To go into Executive Session under Title 1 M.R.S.A. § 405(6)(A) for Personnel Matters; under Title 1 M.R.S.A. § 405(6)(C) for Real Property or Economic Development; and for Title 1 M.R.S.A. § 405(6)(E) for Consultation with Legal Counsel.

MOTION MORANG SECOND PEACOCK (PASSED 5-0) TIME: 8:45 p.m.
To come out of Executive Session.

X. ACTION from EXECUTIVE SESSION

MOTION__ MORANG **SECOND**__ ANDREWS **(PASSED 5-0)**

To authorize the City Clerk, Ella Kowal, to sign as an authorized signature until the arrival of the new City Manager.

XI. ADJOURNMENT

MOTION__ PEACOCK **SECOND**__ DANA-CUMMINGS **TIME: 8:47 P.M.**

To adjourn.