

CITY COUNCIL MEETING

WEDNESDAY, JULY 12th, 2023

SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.

Those in Attendance: Councilor Floyd “Bub” Andrews, Councilor Colleen Dana-Cummings, Councilor Dave Morang, Councilor Jeanne Peacock, and Council President Boone. Also in attendance were Interim City Manager, George “Bud” Finch, IT Support, Paige Atkinson; Deputy Clerk, Donnie Peters; and City Clerk, Ella Kowal.

Public Attendance: Lora Whelan, Samra Kuseybi, Chester Jenkins, Victoria Ganz, Catherine Lee, Alan Skinner, Birdy Velveteen and recorded zoom participants.

I. CALL to ORDER

Meeting was called to order at 6:00 p.m. by Council President Boone.

II. ADJUSTMENT(S) to AGENDA *(if applicable)*

THERE WERE NONE

III. PUBLIC HEARING

[New Special Entertainment License – Tea Dance –
Requested by David Oja – d/b/a The Bazaar – 1 Conner Street]

Council President Boone opens the public hearing at 6:01 p.m. and calls for public comment. There was none.

Council President Boone declared the public hearing closed at 6:02 p.m.

III(a). ACTION from PUBLIC HEARING

[New Special Entertainment License – Tea Dance –
Requested by David Oja – d/b/a The Bazaar – 1 Conner Street]

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

To approve a Special Entertainment License for Tea Dance requested by David Oja d/b/a The Bazaar with the location at 1 Conner Street.

IV. ISLAND FELLOWS UPDATE

Paige Atkinson addresses the City Council and the public and updates that her term with the Island Institute will be coming to a close at the end of this month. She takes a moment and thanks everyone for their support and this opportunity.

She also takes a moment to thank everyone for coming out to the Informational Meeting held on Monday, July 10th, 2023 for discussion of energy in Eastport and backup power from a microgrid.

She further comments to say that she is working on a portfolio that will be left with the City. She encourages that should anyone have any inquiries or questions, there are contacts to reach out to with the Island Institute.

Council expresses their appreciation for her great work done with us and recognizes her dedication, commitment, and support. She will be greatly missed, and we wish her well on her new endeavors.

V. NEW BUSINESS

- a) Transfer of FY2023 Boat Excise Tax to Harbor Account - \$2,006.80

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

To approve the transfer of FY2023 Boat Excise Tax to Harbor Account in the amount of \$2,006.80.

- b) Perpetual Care Lot – Gary & Bridget Bowden – Hillside West
Gracie Lane/Lot #52 [1 Full Place 9’x4’] - \$300.00

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

To approve a perpetual care lot for Gary and Bridget Bowden at Hillside West/Gracie Lane/Lot #52 [one full place 9’x4’] for an amount of \$300.00.

- c) Appointment of Sarah Gormady to Budget Committee

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

To approve the appointment of Sarah Gormady to the Budget Committee.

- d) Appointment of Robert Peacock from an Alternate Member of
Zoning Board of Appeals to a Full-Time Member

MOTION MORANG SECOND DANA-CUMMINGS (PASSED 4-1)

Councilor Peacock "ABSTAINED"

To approve the appointment of Robert Peacock from an Alternate Member of the Zoning Board of Appeals to a Full-Time member.

- e) Appointment of Peter Frewen as Election Clerk & Ballot Clerk

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

To approve the appointment of Peter Frewen as Election Clerk and Ballot Clerk on an as needed basis as requested by the City Clerk.

- f) Scheduling of a Public Hearing on "Proposed" Charter Amendments
[*submitted by Charter Review Committee*]

MOTION ANDREWS SECOND PEACOCK (PASSED 5-0)

To approve the scheduling of a Public Hearing for August 8th, 2023 at 6:00 p.m. which is reflective of approving the rescheduling of our regular Council meeting from August 9th, 2023 to August 8th, 2023 to accommodate for attendance of the Charter Review Committee members as they cannot do the 9th.

- g) Request for Council Approval to Utilize the Building Behind Fire Station
for City Recycling & Approval for the Submission of a Grant
to DEP for Repairs, Upgrades, and Storage to the Building
[*requested by the Eastport Recycling Committee*]

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

To approve the utilization of the building behind the Fire Station for City Recycling and Approval for the Submission of a Grant to DEP for Repairs, Upgrades, and Storage to the building requested by the Eastport Recycling Committee.

- h) PAWS Agreement & Alternative Options
[Wording and Expiration] *(requested by Councilor Dana-Cummings)*

MOTION DANA-CUMMINGS **SECOND** ANDREWS **(PASSED 5-0)**
To table and to re-address it at the next Council meeting on 8/8/2023.

VI. DEPARTMENT REPORTS

[Airport Report/Assessor Report & Code Enforcement Report/Financial Report/
Police Dept. Report/Public Works Report/and WWTP Sewer Reports]

MOTION PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 5-0)**
To approve the department reports as submitted and presented.

VII. BOARDS and COMMITTEES

This item removed by Council President Boone w/Councils' approval as it is
redundant. There were no issues.

VIII. MINUTES of PREVIOUS MEETINGS

MOTION ANDREWS **SECOND** DANA-CUMMINGS **(PASSED 5-0)**
To table the 6/21/23; 5/31/23; 5/10/23 minutes and to accept the remainder as
requested by City Clerk.

MOTION ANDREWS **SECOND** DANA-CUMMINGS **(PASSED 5-0)**
To rescind the previous motion.

MOTION PEACOCK **SECOND** ANDREWS **(PASSED 3-2)**
Councilor Dana-Cummings & Councilor Morang "Abstained"
To accept the minutes of 6/28/23; 6/13/23; 6/7/23; 5/17/23; 5/3/23; and 4/26/23.

MOTION PEACOCK **SECOND** ANDREWS **(PASSED 5-0)**
To table the minutes for 6/21/23; 5/31/23; and 5/10/23.

IX. INTERIM CITY MANAGER'S REPORT/UPDATE

The interim City Manager, George "Bud" Finch, reads and presents his
report/update as submitted to the City Council.

X. COUNCIL/LIAISON UPDATES/ISSUES

Councilor Morang thanks the City Manager for his update and report. He then addresses the City Manager about the parking at City Hall. Mr. Finch responds that he is currently working on this and research is being done. The need for parking downtown is recognized.

The City Manager then speaks to the electric charging station and that it is taking up two parking spaces for long periods of time on a regular basis. The Council may want to consider relocating the charging station and it would free up those two spaces. He reminds Council that the charging station was received through a grant but that it is wired into a City building. Currently, there is no fee to utilize the charging station. Essentially, this equates to free gas. It does draw a lot of electricity from the building and needs to be looked at.

Councilor Morang asks if the requirements of the grant have been met and they have. Discussion took place that maybe a downtown business could consider taking on the relocation of said charger.

Councilor Dana-Cummings speaks to say that the electricity expenses for City Hall and the Police Department was \$10,000 which is over budget.

Mr. Finch comments to say he will continue to look into this and do research on both the parking issue and what alternatives there are relative to the electric charger.

Councilor Peacock and Council President Boone both speak to a transition but recognize the need to charge. Council President Boone speaks to the grant period from 2018 to 2021. He also notes that Efficiency Maine went to a level 3 and that the one we have is a level 1. Councilor Dana-Cummings suggests checking with the Port Authority. Mr. Finch then asks for the Council on guidance as to what they would like him to prioritize and asks them to provide him with a list to their thoughts. He will take whatever direction Council gives him and do his best to gather information.

Victoria Ganz speaks to the recommendations of the Budget Committee. With regard the parking issues as well as the charging station.

Councilor Morang also asks the City Manager and Council President Boone to look into a submission of a Port report. They speak to the Port minutes and/or the Port Director's report.

Council President Boone and Victoria Ganz update that Brett Lehigh and Ross Furman are resigning from the Airport Advisory Board and that Michael Hodges And Istvan “Skip” Matej are interested in serving as the two new members. These will be placed on the 8/8/2023 Council agenda.

Council President Boone then speaks to fuel purchases exceeding \$5,000.00 by taxes and the delivery is added on and that there is a need for Council to address this at the next meeting and legal counsel confirms that this is correct.

Councilor Dana-Cummings then addresses Victoria Ganz as to the role and responsibility of the Airport Manager, Pete Lehmann. She responds that he has asked that she assist with the budget and the money side of things and that he maintain all things electronic and aeronautical and that he has asked her to help with that. Councilor Dana-Cummings speaks to her review of the job description. Councilor Dana-Cummings also reminds that there is a request of more time/hours for the Airport Manager. Ms. Ganz responds to say that she does anywhere between 20-30 hours just in telephone calls, emails, and teams meetings and notes that the Airport Manager is in those as well. They do not have a good base of volunteers to help with mowing and plowing and that they have to be cleared through the City. The City is waiting to hear back from the insurance company. Currently, the Airport Manager, herself, and her husband are the ones doing the mowing and plowing. She further comments to say that we are paying an Airport Manager to run a mower and having to do his other things outside of that. With Titan and with the branding, they have more responsibility, more oversight, and it has to be done and tracked. She spoke with the previous City Manager and asked about a paid position, there was concern in asking for 15 hours. They settled to ask for 15 hours with the idea in mind that as the job grew, the hours could grow with it. Thus, she is asking that Council consider increasing it. She speaks further to say that the Airport Manager already puts in 30-40 hours per week. It is the Airport Manager’s goal that the airport be manned sometime in the morning until sometime in the afternoon, every day, so that there is somebody there to greet and work with traffic.

Councilor Morang addresses Victoria Ganz about the possibility of addressing the hangar leases to assist with revenue for the additional hours being requested. She responds that they are working on this and are waiting on a response from the City’s attorney on a new lease for Council’s approval as the current ones are based on a low/flat rate in addition to discounts in lieu of plowing, mowing, etc. Once this is approved the new leases will be generated based on square foot. Legal Counsel responds to say that someone needs to get him the hold lease as

well as the proposed new lease. Victoria responds that she did not know he did not have the old lease but that she will have both the old and new to him within side of an hour. She comments further to say that the old leases do not follow FAA assurances and it puts us in a very precarious position. FAA recommends that we use the Sanford lease as a base. The Sanford lease was modified for us and it was sent to legal counsel by Chris Krohn. Legal Counsel said that it had not been sent but that he did say he had spoken with Mr. Krohn on the phone. Councilor Morang responds that this needs to happen.

Discussion took place on landing fees, call-out fees, parking fees, tie downs, purchase of fuel, point-of-sale for government accounts, trainings, medivacs, excise tax.

Councilor Dana-Cummings asks if we are tracking traffic (i.e. take-offs and landings) and if that data could be included in the next report. Victoria also speaks to the bank statement and the status of the fuel bank account.

Council President Boone speaks to excise tax and asks why it is not being charged. Victoria responds it was decided not to charge excise tax because at the "March" Maine Aeronautical Board they had done a year's worth of survey on excise tax and found that in Maine if the aircraft is above a certain age the excise tax is \$10.00 and is very difficult to track and it is difficult to get people to pay it as all they have to do is say that the aircraft is not based here and the excise tax cannot be charged for that City and that the aircraft could be here nine months out of the year and could fly away for a month and are considered a based aircraft. They recommend that we do not do excise tax on aircraft as it costs more for the City to bill and try to collect than what would ever come or be gained from excise tax. We are a small airport with older planes. What is recommended is to do a registration on all the "based" aircraft and that the City come up with a fee. Excise tax is not feasible for a City of our size and the age of aircraft. It is being looked into to have the State remove the excise tax from the books overall. Council President Boone recalls that the Airport Advisory Committee voted not to charge the excise tax.

XI. PUBLIC/OPEN FORUM

Chester Jenkins of the audience asks if we have started to canvas for a new City Manager and Council President Boone responds with "no" and Mr. Jenkins asks if we are going to and Council President Boone responds "yes". Mr. Jenkins then asks if we know when and Council President Boone responds with a "no". Nothing has changed. Council President Boone speaks to say that he has yet to see the job

description and that it is important that the Council see it to either add to it or remove things that may not fit. Speaking for himself, he would like to see us get an advertisement out in August/September. He believes Robert Scott made mention of a job description. Mr. Jenkins comments to say that you can get one online and that it would take no longer than 10 minutes to find one.

Council President Boone addresses the Council and asks if they would like to visit this in August or September or do they want to have a job description in hand before they address it. Councilor Peacock responds to say that, much like what Bud is asking for from them as to priorities, to also task the Council with getting a list of what they would like to see from the next City Manager and what they are looking for and have that forwarded on to him as Council President. Councilor Andrews responds to say that they could be interviewing people and keep it open until filled. Council President Boone responds to specify until a suitable candidate is found but that an applicant would want to know what they are applying for. Councilor Andrews also notes that he has been asked when the process is going to start on a search for a new City Manager. Councilor Morang speaks to say that he would like to keep things the way they are for now, for at least a few months. A lot of effort needs to happen on this. Councilor Dana-Cummings agrees with Councilor Morang and comments to say that they shouldn't be rushing into looking for someone else right now and that she is comfortable with things for now. Councilor Peacock comments to say that we should be getting a job description together. Council President Boone is not opposed to the gathering of information from Council members. Councilor Peacock speaks to say that they would need to call a workshop to put a job description together. Council President comments to say that when they are interviewing that he would like to see the residents help with that and at no cost to the City. Councilor Dana-Cummings speaks to say that they need to follow the Personnel Policy on the process of how to hire a City Manager.

Birdy Veleveeten comments to making car charging stations available downtown for free which is a collective statement from Diversity Downeast and that it is ridiculous to offer it as rural Mainers do not use electric chargers as they do not have the range to get them very far and if the City does not have the money to put into such things as updating the out of compliance of the sidewalks violating the ADA, why is money being put into offering this free service to people who is a minority of people and that this service is not useful in this area and people tend not to use them because of the limited range and that it is a mistake to put City funds into that when we do not have the funds to comply with Federal law. It puts the City at extreme risk as we are out of compliance in many ways in terms of pedestrian. Each violation could incur a cost to the City of up to \$175,000.00 each. She further comments to say that the

Downeast Steering Committee urges the Council to continue the work of the Charter Committee and they understand the scope is limited and the Adhoc Committee is coming to an end of their term. They would like to see the work continue as the City Charter is the lifeline of local government and that it should be routinely reviewed. It is important for the health and peace of small communities. A permanent Charter Committee ensures that the bylaws reflects the evolving needs of Eastport's people and they ask that Council consider moving the Charter Committee from an "adhoc" status to "permanent" to ensure the adaptability of our City's bylaws.

Victoria Ganz addresses the Council and asks if they could talk about increasing the Airport Manager's time. The Interim City Manager responds to say that he has not had this conversation as of yet to make any recommendation and will look at it as we need to also follow the Personnel Policy along with having to look at the funding and where that will come from. Discussion took place of it possibly being seasonal.

Councilor Dana-Cummings comments to say that she recognizes that we are short handed at Public Works and asks if there is the possibility of sending someone from there to help with the mowing. The Interim City Manager responds to say that all the towns in Maine are finding difficult to find help in all departments for municipal government.

XII. EXECUTIVE SESSION

MOTION MORANG **SECOND** ANDREWS **(PASSED 5-0)** **TIME: 7:43 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 under Title 1 § M.R.S.A. § 405(6)(E) for Consultation with Legal Counsel with a small break.

MOTION ANDREWS **SECOND** DANA-CUMMINGS **(PASSED 5-0)** **TIME: 8:15 P.M.**

To come out of Executive Session.

XIII. ACTION from EXECUTIVE SESSION

THERE WERE NONE

XIV. ADJOURNMENT

MOTION PEACOCK **SECOND** MORANG **(PASSED 5-0)** **TIME: 8:16 P.M.**

To adjourn.