

**CITY of EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, APRIL 10th, 2019
SHEAD HIGH SCHOOL - BAND ROOM - 6:00 P.M.**

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

(Recording Reference WS700357 & 700358)

☐ Personnel Matters
☒ Real Property or Economic Development
☐ Labor Negotiations
☒ Consultation w/Legal Counsel
☐ Poverty Abatement Application

Title 1 M.R.S.A. § 405(6)(A)
Title 1 M.R.S.A. § 405(6)(C)
Title 1 M.R.S.A. § 405(6)(D)
Title 1 M.R.S.A. § 405(6)(E)
Title 36 M.R.S.A. § 841

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 5-0) TIME: 5:31 p.m.**

To go into Executive Session 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) Consultation with Legal Counsel*.

MOTION EMERY **SECOND** BRADBURY **(PASSED 5-0) TIME: 6:04 p.m.**

To come out of Executive Session.

Those in Attendance: Council President, Roscoe Archer, III, Councilor Scott Emery, Councilor Hailley Bradbury, Councilor Jeanne Peacock, and Councilor, Peter Small. Also present were City Manager, Ross Argir; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

Audience Attendance: Judy East, Jana Sutherland, Dennis Mahar, Jean Farris, Susan Coopersmith, Karen Tinker, Robert Scott, Bob DelPapa, Sally Mahoney, Gordon Smith, Lisa Stephen, Jane Chaffey, Jose Arroyo and Linda Godfrey.

REGULAR COUNCIL MEETING

(Recording Reference WS700359)

I. CALL TO ORDER

Council President, Roscoe Archer, III called the meeting to order at 6:05 p.m.

II. ACTION from EXECUTIVE SESSION

MOTION BRADBURY SECOND EMERY (PASSED 5-0)

To approve moving forward with taking possession of 10, 12, and 14 Stevens Avenue resulting from the maturity of foreclosure for non-payment of FY2017 real estate taxes and to authorize the scheduling of a public hearing for May 8th, 2019 for discussion and consideration to put them out to bid.

MOTION EMERY SECOND PEACOCK (PASSED 5-0)

To approve moving forward with taking possession of 24 Mitchell Street, referencing Tax Map H7-0C3-08/8A, resulting from foreclosure and default of an agreement with the City for non-payment of Sewer charges and Real Estate taxes and to authorize the scheduling of a public hearing for May 8th, 2019 for discussion and consideration to put them out to bid.

III. PUBLIC HEARING(S)

Council President, Roscoe Archer, opens the public hearings at 6:10 p.m.

Renewal of Victualer License – David Oja d/b/a BASAR a/k/a Cork Creations & DJ Candles

Council President calls for questions and/or comments from the audience and the City Council. Council

Acceptance of a Special Projects Matching Funds CDBG Grant – 15 Sea Street (Judy East)

Council President, Roscoe Archer, III, opens up the floor to Judy East and she addresses the Eastport City Council and the audience.

She informs Council that there is a great deal of paperwork for them to sign and continues with explaining that this is a \$78,000.00 grant and that it is a Special Projects Matching Funds grant which is out of sequence from the CDBG programs that is specifically for this project. It is on 15 Sea Street, the former American Can Company factory. She informs the Council that this money will repair two piers on the side of the building with the purpose of stabilizing the exterior of the building as they assemble the financing to repair the roof and rebuild the property. She then explains that associated with any CDBG grant is the Phase II or Project Development paperwork. She reminds Council that we have done this with many CDBG programs but that there are new Council members and the last one on record and signed off on by Council was in 2011. She has prepared new papers reflective of the present Council for their signatures and explains that they will serve any CDBG grant for the next five years. She suggests we complete the public hearing and then she will get the required signatures from the Council.

Councilor Hailley Bradbury asks Ms. East who is responsible for the match. Ms. East responds that there is no match on this particular grant, but if there were, it would be the project developers. She further explains that all CDBG money flows through the municipality and this is the purpose of the City's involvement.

Councilor Jeanne Peacock asks if this is for a competitive grant. Ms. East responds that this hearing is one of three public hearings required for CDBG grants. The first hearing asks, do we want to apply for the grant? We did not have to do this as this is one of those out-of-cycle special projects and they awarded the project to us on the basis of a letter; the second hearing (this one) asks whether will we accept the grant and there is a resolution stating that we will; and the third one, is during the construction, how are we doing, are there any problems, etc.

Sally Mahoney from the audience addresses Ms. East and asks if a contractor has been hired to do the work and also asks who it is. Ms. East responds “no” and until funding is in place, it cannot go out to bid and that there is a required bidding process that will occur. She further comments to say that once the paperwork goes in, there is a 15-day State review period and it is likely that the City would go under contract and would then have the money in early May and then they would go out to bid. Ms. Mahoney follows up with a question as to whether a bidder be required to have a contractor's license. Ms. East responds that the language for the bidding process is that it allows you not to take the low bid. Ms. Mahoney asks again for confirmation that there is no requirement for a licensed contractor. The City's legal counsel, Dennis Mahar, responds that there is no such thing as a licensed contractor in the State of Maine. Ms. East addresses Linda Godfrey and asks if she would like to describe the process that they will be going through.

Linda Godfrey explains that it will require someone who has had real experience because it not only involves structural needs but it will need to hold up to the incoming and outgoing tides and that there are various challenges that need to be addressed and will require knowledge of those matters.

Bob DelPapa asks for confirmation of where this money is going to come from and Ms. East responds that no money is coming from the City of Eastport.

Councilor President, Roscoe Archer, III, asks if there are any further questions or comments and there were none.

The Council President declared the hearing closed at 6:19 p.m.

Council President asks if there is anything from the Council. Councilor Jeanne Peacock responds that time is of the essence and that we need to do this soon.

Ms. East responds that the paperwork is in order and ready for signing. She also informs Council that one of the requirements is a Community Advisory Committee and Ms. East spoke with Robert and Michael Morse today about forming and Lisa Stephen's name was suggested and addresses her and asks if she would be interested and she notes that it is important to have downtown business owners.

Ms. East makes reference to all of the paperwork involved and begins with the Planning Board approval and notes that no local or State permits are required. She then informs Council that there is a Council Resolution that requires a vote of Council and their signature and moves forward with the reading of the Resolution (she notes that the amount is \$80,000.00 not the \$78,000.00 as previously referenced earlier in the meeting). She then moves on to the Standards of Conduct, the money from HUD/Source of Funding, the Fair Housing Self-Assessment, ADA Section 504-Self Evaluation & Transition Plan, Residential Assistance Plan, Equal Opportunity Employment State, Employment Profile of Administration Officials, Program Income Plan, and the Environmental Review. She reminds Council that the paperwork they are signing off on will be in good standing for the City for a period of five years.

MOTION JEANNE PEACOCK SECOND PETER SMALL (PASSED 5-0)

To approve the Council Resolution and sign the affiliated paperwork as submitted and presented by Judy East for the Acceptance of a Special Projects Matching Funds CDBG Grant for 15 Sea Street in the amount of \$80,000.00 and that it is reflective of no matching funds from the City of Eastport.

IV. ACTION on PUBLIC HEARING(s)

Renewal of Victualer License – David Oja d/b/a BASAR a/k/a Cork Creations & DJ Candles

Councilor Jeanne Peacock comments to say that it is a great addition.

MOTION PEACOCK SECOND BRADBURY (PASSED 5-0)

To approve the renewal of a Victualer License for David Oja d/b/a BASAR a/k/a Cork Creations & DJ Candles.

Acceptance of a Special Projects Matching Funds CDBG Grant - 15 Sea Street

Council President asks if there is anything from the Council. Councilor Jeanne Peacock responds that time is of the essence and that we need to do this soon.

Ms. East responds that the paperwork is in order and ready for signing. She also informs Council that one of the requirements is a Community Advisory Committee and Ms. East spoke with Robert and Michael Morse today about forming and Lisa Stephen's name was suggested and addresses her and asks if she would be interested and she notes that it is important to have downtown business owners.

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Assessment, ADA Section 504-Self Evaluation & Transition Plan, Residential Assistance Plan, Equal Opportunity Employment State, Employment Profile of Administration Officials, Program Income Plan, and the Environmental Review. She reminds Council that the paperwork they are signing off on will be in good standing for the City for a period of five years.

MOTION JEANNE PEACOCK **SECOND** PETER SMALL **(PASSED 5-0)**

To approve the Council Resolution and sign the affiliated paperwork as submitted and presented by Judy East for the Acceptance of a Special Projects Matching Funds CDBG Grant for 15 Sea Street in the amount of \$80,000.00 and that it is reflective of no matching funds from the City of Eastport.

V. ADJUSTMENTS to AGENDA

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

To add (u) under Item VII – New Business of the agenda for Transfer of a Credit in the amount of \$104.72 from Real Estate Account 1284 to Sewer Account #359 for Betty Ritchie at 8 Gilman Street and to also Transfer a Credit amount of \$65.39 from Real Estate Account #1286 to Sewer Account #320 for Robert Ritchie at 1 Gilman Street; and to also add (v) under Item VII – New Business of the agenda for Amendment to the Third Party Request Policy.

VI. UNFINISHED BUSINESS - NONE

VII. NEW BUSINESS

a) Opening/Award of Bid – Sale of City Property – 32 Mitchell Street

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

To table this item and scheduled a public hearing for the May 8th, 2019 Council meeting.

b) Municipal Financial Auditing Services – FY20 to FY22

The Council President asks the City Manager to speak to this matter. He reminds Council that the City's past history has been to put this out to bid. There is concern at City Hall with the quality of services and the amount of work that is required by our staff for work that should be done by the auditors. He comments to say that the City Charter does not require

that these services be put out to competitive bid and requests that the Council allow him to negotiate an appropriate auditor for Fiscal Year 2020, Fiscal Year 2021, and Fiscal Year 2022 which will commence on July 1st, 2021. He further comments to say that Council would have final approval and that he would bring forth his recommendation to the Council for consideration.

MOTION__ BRADBURY SECOND__ PEACOCK (PASSED 5-0)

To authorize the City Manager, Ross Argir, to negotiate for the City's Municipal Financial Auditing Services for Fiscal Year 2020, Fiscal Year 2021, and Fiscal Year 2022.

c) Council Approval to Advertise for the City's FY2020 Municipal Fuel Bid

MOTION__ BRADBURY SECOND__ EMERY (PASSED 5-0)

To authorize the City to advertise for the FY2020 Municipal Fuel Bid.

d) Council Approval to Advertise for the City's FY2020 Sand Bid

MOTION__ BRADBURY SECOND__ EMERY (PASSED 5-0)

To authorize the City to advertise for the Municipal Sand Bid.

e) Council Approval to Advertise for the City's FY2020 Municipal Trash Bid

MOTION__ BRADBURY SECOND__ EMERY (PASSED 5-0)

To authorize the City to advertise for the FY2020 Municipal Trash Bid.

f) Signing of Election Warrant - Primary Election - June 11th, 2019

MOTION__ PEACOCK SECOND__ SMALL (PASSED 5-0)

To approve the signing of an Election Warrant for a Primary Election on June 11th, 2019.

g) Council Approval for the “2019” Eastport Moonlight Movies

Councilor Jeanne Peacock extends out a thank you to Lisa Stephen for organizing this and also comments to say that it is a wonderful program.

MOTION__ BRADBURY SECOND__ PEACOCK (PASSED 5-0)

To approve the 2019 Eastport Moonlight Movies as submitted.

h) Council Approval for City's Sponsorship of “Miracle” for Moonlight Movies - \$345.67

MOTION__ BRADBURY SECOND__ PEACOCK (PASSED 5-0)

To approve the City's Sponsorship of “Miracle” for Moonlight Movies for an amount of \$345.67.

i) Council Approval for Barkfest

Lisa Stephen gives a brief overview of this new festival. She comments that Jamie Bacon came up with the idea and reached out to her for help with it. It is based on dogs. It will involve the owners and the dogs and notes that there will be a 5K canine race on June 29th, 2019. There are various events throughout the day and will include free training sessions. She notes other events that will take place and notes that they hope this to continue to be an annual event. She closes by updating that the proceeds will go to the Labor of Love Food Pantry and they will also be establishing a dog food account to fund people. The City Manager reassures Council that the City is not sponsoring the event financially.

MOTION__ BRADBURY SECOND__ PEACOCK (PASSED 5-0)
To approve of the “Barkfest” event as submitted and requested .

j) Council Approval for Eastport “Flea-for-All”

MOTION__ BRADBURY SECOND__ PEACOCK (PASSED 5-0)
To approve the Eastport “Flea-for-All” as requested and submitted.

k) Council Approval for Creation of a Position as Volunteer Deputy Animal Control Officer

MOTION__ BRADBURY SECOND__ SMALL (PASSED 5-0)
To approve the Creation of a Position as Voluntary Deputy Animal Control Officer.

l) Appointment of Karina Barnes as Deputy Animal Control Officer

MOTION__ PEACOCK SECOND__ EMERY (PASSED 5-0)
To approve the appointment of Karina Barnes as Deputy Animal Control Officer.

m) Authorize Treasurer to Transfer \$24,300.00 Grant Money from Non-Interest Account CDBG to the General Fund for Reimbursement of Expenses
(re: downtown facade program)

MOTION__ BRADBURY SECOND__ PEACOCK (PASSED 5-0)
To approve and authorize the City Treasurer to Transfer \$24,300.00 in Grant Money from Non-Interest Account CDBG to the General Fund for Reimbursement of Expenses.

n) Council Approval to Accept Donation - \$1,500.00 – for Senior Grab Bars
(from Eastport Healthcare)

MOTION__ PEACOCK SECOND__ EMERY (PASSED 5-0)
To approve and accept a donation of \$1,500.00 for Senior Grab Bars from Eastport Healthcare.

o) Council Approval for Write Offs of Uncollectible Sewer Balances
Acct. #392 - \$30.31; Acct. #62 - \$4.18; Acct. #694 - \$9.37; Acct. #28 - \$2.56

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

To approve and authorize the City Treasurer to Write Off Uncollectible Sewer balances on Account #392 for \$30.31; Account #62 for \$4.18; Account #694 for \$9.37; and Account #28 for \$2.56.

p) Council Approval for Submission of an Application for Bike Maine Grant

The City Manager updates Council that he submitted a Letter of Interest to Bike Maine for a grant program they are offering for a three community bike share. He continues to say that our application was selected for review and is asking for Council's permission and also notes that there is no financial responsibility to the City other than labor and installation. He informs that this would be a five bike system that is free to community members and visitors. Councilor Jeanne Peacock asks of the location. Mr. Argir responds he believes it to be in the downtown area on City owned property but an exact location has not yet been determined. Councilor Small asks who is responsible if the bike does not come back. Mr. Argir responds to use the bikes they would need to check in at City Hall and leave a deposit or use a smartphone app. He also notes that there is Waiver of Liability and that he has discussed this with our insurance company about the liability and that they would cover this program and that it would be a part of our blanket at no additional cost to the City. Linda Godfrey speaks to the positivity that this brings to our community as well as the repeat visits.

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

To approve the submission of an application for a Bike Maine Grant as requested by the City Manager, Ross Argir.

q) Council Approval for Transfer of Police Dept. Janitor Funds to City Hall Janitor Funds

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

To approve and authorize the City Treasurer to Transfer Police Department Janitor Funds in the amount of \$287.00 to City Hall Janitor Funds.

r) Perpetual Care – Hillside – Camick Section – Lot #43 - \$600.00/Stackhouse-Seeley

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

To approve and accept perpetual care for an amount of \$600.00 for the cemetery lot at Hillside in the Camick Section referencing Lot #43 for the Russell Stackhouse lot and to permit Jane Seeley to make monthly payments of \$50.00.

s) **Council Liaison/Manager Updates**

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 5-0)**
To approve and accept the Council Liaison/Manager Updates as presented.

t) **Council Approval of Consent Agenda**

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 5-0)**
To approve and accept the Consent Agenda as submitted.

u) **Transfer of Credit of \$104.72 from Real Estate Account #1284 to Sewer Account #359 for Betty Ritchie at 8 Gilman Street and to also Transfer a Credit of \$65.39 from Real Estate Account #1286 to Sewer Account #320 for Robert Ritchie at 1 Gilman Street**

MOTION PEACOCK **SECOND** EMERY **(PASSED 5-0)**
To approve and authorize the City Treasurer, Traci Claroni, to Transfer a Credit of \$104.72 from Real Estate Account #1284 to Sewer Account #359 for Betty Ritchie at 8 Gilman Street and to also Transfer a Credit of \$65.39 from Real Estate Account #1286 to Sewer Account #320 for Robert Ritchie at 1 Gilman Street.

v) **Amendment to Third Party Request Policy**

The City Manager addresses the Council and updates them that the Peavey Memorial Library and the Senior Center have not yet filed their petitions this year as required by the policy and that there was some confusion with the deadline. The amendment would set a May 1st deadline but moving forward for future years starting Fiscal Year 2021, the deadline would be December 15 the preceding year the fiscal year and he also notes that Council has a copy of this amendment to the policy in their packet.

MOTION BRADBURY **SECOND** SMALL **(PASSED 5-0)**
To approve and accept the proposed amendment to the Third Party Request Policy as submitted and presented by the City Manager.

VIII. COUNCIL ISSUES - NONE

IX. ADJOURN

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 5-0) TIME: 7:04 p.m.**
To adjourn.