

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, JUNE 21<sup>st</sup>, 2017  
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

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

(Ref. WS700277 & WS700278)

☐ 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. § 495(6)(E)*  
*Title 36 M.R.S.A. § 841*

**Those in Attendance:** Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Shannon Emery, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott; and City Clerk, Ella Kowal.

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

Council President also notes that they will not be going into Executive Session for Consultation with Legal Counsel as he is unavailable and not in attendance.

**MOTION** REPOLE      **SECOND** SCOTT EMERY **(PASSED 5-0) TIME: 5:31 P.M.**  
To go into Executive Session for Real Property or Economic Development under Title 1 M.R.S.A. § 405(6)(C).

**MOTION** REPOLE      **SECOND** BRADBURY **(PASSED 5-0) TIME: 5:40 P.M.**  
To come out of Executive Session.

**REGULAR COUNCIL MEETING**

(Ref. WS700279)

**Those in Attendance:** Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Shannon Emery, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott; and City Clerk, Ella Kowal.

The meeting was moved downstairs into the Band Room as the elevator was inoperable and there was the need to accommodate public attendance with a wheelchair.

**Attendees in the Audience:** Marie Holmes, Ken Johnson, Patricia Theriault, Dana Chevelier, Alberta Hunter, Marged Higginson, Dean Pike, Robert Scott, Michael Morse, Daphny Silias, Dorothy Gaither, Chris Gardner, F. Fitz, Robert St. Clair, Lora Whelan, Catherine Lee, Tari Camick, Kristen McKinley, Barry Wadsworth, Jon McNerney, Robin Farrin, Susan Coopersmith, Jeanne Peacock, and Nichols Fox

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

**II. ACTION from EXECUTIVE SESSION**

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

To authorize the City Manager, Elaine Abbott, to sign the “Griffin” agreement with the Port Authority. *(Council President, Gilbert Murphy, notes that this is for the settlement of the lawsuit and that the City was named it but there was no cost to the City).*

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

To authorize the return of a 10% deposit in the amount of \$750.00 which was received from Tim Smith in the form of a bank check for a bid that was submitted on 4/12/17 relative to 7 Hawkes Avenue and to put the property back out to bid for a minimum amount of \$5,000.00 and to authorize the Treasurer, Traci Claroni, to place back the required fees that were removed upon acceptance of the deposit check.

**MOTION** SCOTT EMERY **SECOND** REPOLE **(PASSED 5-0)**

To authorize the Treasurer, Traci Claroni, to process a write off for an amount of **\$100.35** (which is reflective of \$48.80 for FY2014 and \$51.55 for FY2013) for personal property account #79.

**III. PUBLIC HEARING(s)**

Council President, Gilbert Murphy, opens the public hearings at 6:03 p.m.

• Harbor Ordinance Amendments (Rules in Common & Fee Structure)

Port Director, Chris Gardner, addresses the Council and the audience in that these proposed amendments were brought forth to the Port Authority by the Harbor Committee and are now being presented to Council for approval. He proceeds with review of all the amendments proposed which is reflective upon the Cover Sheet and the Table of Contents of the Harbor Ordinance as well as amendments to Article 3.3.1/Membership; Article 4.1.2/Harbor Mastery Salary; Article 4.2.1/ Assistant Harbor Master Salary; Article 5.1.2/Harbor Users; Article 5.5.4.2/Current Boat Registration; Article 5.5.4.5 Evidence of Insurance; Article 5.5.4.6/Executed Berthing Application & Agreement; Article 5.5.4.7/Federal, State, & Local Compliance; Article 5.5.11/Commercial Passenger Operations, & Waiver of Subrogation; Article 5.5.18/Utilization of Crane & Responsibility; Article 7.2.1.1/Payment Documentation; Article 7.3/Berthing Fees; Article 7.3.1.2.2/Seasonal Berths; Article 7.3.1.3/Transient Berths; Article 7.3.3/Electrical Power/Rates; Article 7.5/ Payment; Article 9.6/Marked Moorings; Article 9.7/Display of Marked Moorings; and Appendix A & Appendix B. He continues further to highlight the details of the changes and also notes that a copy is available to those who wish to acquire a copy. He closes with a “question and answer period” and addresses them.

Council Scott Emery asks the Port Director if there were any changes to recreational on the North side. Mr. Gardner responds that there was an average rate increase of 50% and he also notes that the pier will not be complete until the end of August. He answers a question for Michael Morse with regard to the priority of berthing. Councilor Shannon Emery asks for clarification of how much more it will cost by doing the linear. He responded that they set and established a base minimum. Councilor Shannon Emery's concern is that people leave because of the increase. Another question comes from the audience with regard to regaining pedestrian access to the pier and Mr. Gardner responds that will be the last matter to come back upon completion of the project. Dean Pike speaks to DOT and the Governor's office mandating that the Port Authority have a reserve fund. Michael Morse of the audience comments to say that he feels that the fees are reasonable.

- New FEMA Floodplain Ordinance & Digital Flood Insurance Rate Maps

Robert Scott the Code Enforcement Officer addresses the Council and public with regard to the proposed amendment brought forth with regard to the Eastport Floodplain Ordinance by the Planning Board which proposes to rescind the current Eastport floodplain ordinance, flood insurance rate maps, and flood insurance survey dated December 3, 1987 and replace with the updated floodplain ordinance, flood insurance rate maps both digital and paper, and flood insurance survey dated July 18, 2017 as required by Federal Emergency Management Agency and the Maine Floodplain Management Program, to be effective as of 18 July 2017. He calls for questions, there were none. He also notes that a copy is available at City Hall.

- Proposed "FY2018" Budget

Council President, Gilbert Murphy, continues forth with the reading of the Budget Committees recommendations relative to the FY2018 budget. The first recommendation brought forth was for Council to look into appointing or hiring someone to look into privatizing the fire hydrants. He notes that this will not be discussed this evening but that it will be addressed by Council. Second, a vehicle purchase for the Police Department for an allocated amount not to exceed \$28,400.00 and that the type of vehicle will be determined by the City Council. Third, the Budget Committee recommends, as brought forth by the City Manager, that there be a 2% increase across the board for all employees pay. Fourth, the Budget Committee recommends for the hire of a fourth Public Works employee as full-time and that this person is currently part-time. The fifth and last item recommended by the Budget Committee are for Third Party Requests with the Peavey Memorial Library for an amount of \$5,000.00 and the Senior Citizen Center at an amount of \$8,750.00. Council President comments to say that Council will speak to this further under action on the public hearing, but their recommendation is to allocate \$8,750 to the Library, \$8,750 to the Senior Citizen Center, and \$8,750 to the Recreation Department.

Councilor Repole takes a moment to thank Tari Camick and the Library for the information they provided and taking the time to meet with her. Members of the audience in support of the Library thank Council for taking the time to listen.

A member of the audience raises concern about the Library being held to a higher standard with regard to their financials than the Senior Center. The City Manager responded that the reason this did not happen this year is that the person in charge had some very serious health issues but that they have always provided the required data previous to this year. The member of the audience responds it is still a matter of accountability.

Dean Pike addresses the Council and asks when they think they will address the matter of the hydrants. Councilor Repole responds that Councilor Shannon Emery is the liaison on this. Councilor Shannon Emery comments to say that it is her understanding that in years past that the Budget Committee has come up against road blocks on this matter and suggests maybe the hiring of a lawyer to look at this. Councilor Hailley Bradbury suggests holding a special meeting on this. Councilor Repole asks if Mr. Pike will be at our next Council meeting and recommends discussion then.

Nicols Fox from the audience addresses Council and clarifies that the Library's endowment is not in their control.

Jon McNerney addresses Council with his concern about the police cruiser and feels the information is faulty. Council President responds that the City Manager will go out for bids on the vehicle of choice and that it will be brought forth to Council for their approval. Councilor Bradbury responds to say that the amount recommended by the Budget Committee is for a replacement and that it will come before Council for their approval as will any other specifications.

Council President offers the superintendent, Ken Johnson, to speak on the school budget. He responded to say that he had nothing else to add but that he would take any questions that anyone might have. He further comments to say that big question is if they will be getting more subsidy and when. He emphasizes until the State budget is passed he is unsure of what those numbers are.

Council President makes a final call for questions or comments, there were none.

Council President, Gilbert Murphy, closes the public hearing at 6:26 p.m.

#### **IV. ACTION on PUBLIC HEARING(S)**

##### **Harbor Ordinance Amendments (Rules in Common & Fee Structure)**

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

To approve and authorize the Harbor Ordinance Amendments to those Sections as proposed, outlined, submitted and presented by the Port Director, Chris Gardner.

**New FEMA Floodplain Ordinance & Digital Flood Insurance Rate Maps**

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

To rescind the current Eastport Floodplain Ordinance, flood insurance rate maps, and flood insurance study dated December 3, 1987 and replace with the updated floodplain ordinance, flood insurance rate maps both digital and paper, and flood insurance survey dated July 18, 2017, to be effective as of July 18, 2017.

**Proposed "FY2018" Budget**

Amount to be raised in taxes is \$3,139,878.00 for a total budget of \$2,451,897.00.

**MOTION** REPOLE **SECOND** SHANNON EMERY **(PASSED 5-0)**

To accept the proposed FY2018 budget with the following changes: 1) to schedule and hold a separate meeting with the Budget Committee on privatizing the hydrants, 2) approval to allocate funds not to exceed \$28,400.00 for the Police Department vehicle and that a separate vote will take place by the City Council after the type of vehicle has been determined, 3) approval that all City employees will receive a 2% increase in salary this year, 4) approval to hire the fourth public works employee as a full-time employee which is currently part-time, 5) approval to allocate funds for the third party requests that the Peavey Memorial Library, the Senior Citizen Center, and the Recreation Department will each receive \$8,750.00.

To approve the FY2018 budget of \$4,650,590.00 of which \$2,451,897.00 is education the amount to be raised by taxes \$3,139,878.00 and to approve a Sewer budget of \$374,400.00 as proposed and submitted to include amendments to allocating \$ to Peavey Memorial Library; \$ to the Senior Citizen Center; and \$ for a replacement cruiser for the Police Department.

**V. ADJUSTMENT(S) TO AGENDA - THERE WERE NONE**

**VI. UNFINISHED BUSINESS - THERE WAS NONE**

**VII. NEW BUSINESS**

a) RFP's - Real Estate Marketing Proposals - 78 High Street

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

Council acknowledges that there were no RFP's received and they authorize the City Manager, Elaine Abbott, to contact three realtors.

b) Award of Bid for Sale of 25-Foot Tri-Axle Trailer from Public Works

**MOTION** REPOLE **SECOND** SHANNON EMERY **(PASSED 5-0)**

Council acknowledges no bids were received and authorizes putting out another notice for bid on the sale of a 25-foot tri-axle trailer for a minimum amount of \$2,500.00.

- c) Award of FY2018 Municipal Trash Bid

**MOTION** \_\_\_\_\_ **REPOLE** \_\_\_\_\_ **SECOND** \_\_\_\_\_ **BRADBURY** (PASSED 5-0)

Council acknowledges the one bid received after the deadline and opts not to open it and approves and authorizes putting it back out to bid again for the contractual services of the FY2018 Municipal Trash.

- d) Transfer of \$173,179.00 from School Undesignated General Fund to School Lunch Account

Superintendent, Ken Johnson, addresses the Council and explains that this is an accumulated amount over an estimated period of 5-6 years of the lunch program running a deficit. He further comments to say that it is Federal law that they meet minimum nutritional requirements/guidelines. The low number of participation is also a determining factor to this deficit. The percentage of those who receive free or reduced lunch also affects this number. He further explains that this request comes before the Council as the City is a fiscal agent and he also emphasizes that this will not be passed on to taxation. He assures Council that the FY2016 audit confirms that there is enough money on the School's side to make this transfer and that it is the responsibility of the fiscal agent that it has been verified with the auditors that this is the course of action that needs to be taken

**MOTION** \_\_\_\_\_ **BRADBURY** **SECOND** \_\_\_\_\_ **SHANNON EMERY** (PASSED 5-0)

To approve and authorize the transfer of funds in the amount of \$173,179.00 from the School Undesignated General Fund to the School Lunch Account as requested by the superintendent, Kenneth Johnson.

- e) Council Approval to Apply for AARP Action Challenge Grant – Tennis Court Resurfacing

**MOTION** \_\_\_\_\_ **REPOLE** \_\_\_\_\_ **SECOND** \_\_\_\_\_ **BRADBURY** (PASSED 5-0)

To authorize and approve the City Manager to apply and submit for a AARP Action Challenge Grant for the Resurfacing of the Tennis Court.

- f) Set Interest Rate for FY2018 Real Estate Taxes

**MOTION** \_\_\_\_\_ **REPOLE** \_\_\_\_\_ **SECOND** \_\_\_\_\_ **BRADBURY** (PASSED 5-0)

To set the interest rate for the FY2018 real estate taxes at 7%.

- g) Set Date for Interest to Commence on the FY2018 Real Estate Taxes

**MOTION** \_\_\_\_\_ **SCOTT EMERY** \_\_\_\_\_ **SECOND** \_\_\_\_\_ **BRADBURY** (PASSED 5-0)

To approve setting the interest date for the FY2018 real estate taxes to commence on November 1<sup>st</sup>, 2017.

- h) Approve Tax Collector to Accept Tax Pre-Payments for FY2019

**MOTION** \_\_\_\_\_ **SCOTT EMERY** \_\_\_\_\_ **SECOND** \_\_\_\_\_ **REPOLE** (PASSED 5-0)

To authorize and approve the Tax Collector, Ella Kowal, to accept tax pre-payments for FY2019.

- i) Council Approval to Submit a Homeland Security Grant – Fire Dept./Radios  
**MOTION** \_\_\_\_\_ **REPOLE**    **SECOND** \_\_\_\_\_ **SHANNON EMERY (PASSED 5-0)**  
To authorize and approve the City Manager to apply and submit for a Homeland Security Grant for portable radios for the Fire Department.

- j) Council Liaison/Manager Updates  
Councilor Hailley Bradbury updates the Council and the audience that she and Councilor Shannon Emery are still reaching out for members for the Recreation board to get the program up and running and comments that there is a need for volunteers to make this happen. Should anyone be interested she asks that they contact them. Councilor Repole makes mention that maybe Lora Whelan could put it in the paper.

The City Manager updates that she attended the Change of Command at the Coast Guard Station. She further comments to say that the City hosted the Maine Humanities Council in June. She also notes that there is a survey on the deer issue going out with the Sewer bills and asks that everyone take the time to complete and the Deer Committee has been working diligently to make a submission to Inland Fisheries & Wildlife for another Special Deer Hunt this year and that the feedback is very important. She also notes that the Department of Marine Resources has opened portions of Half Moon Cove for clamming. She also informs Council that part of the cove still remains closed due to dog waste and reminds everyone to do their due diligence in the cleanup of this waste.

- k) Council Approval of Consent Agenda  
**MOTION** \_\_\_\_\_ **REPOLE**    **SECOND** \_\_\_\_\_ **BRADBURY (PASSED 5-0)**  
To approve the Consent Agenda as submitted.

**IX. COUNCIL ISSUES**                      -                      *THERE WERE NONE*

**X. ADJOURN**  
**MOTION** \_\_\_\_\_ **REPOLE**                      **SECOND** \_\_\_\_\_ **BRADBURY (PASSED 5-0) TIME: 6:55 P.M.**  
To adjourn.

