

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 13th, 2017
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

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

(Ref. WS700288 & 700289)

<u>_x</u> Personnel Matters	<i>Title 1 M.R.S.A. § 405(6)(A)</i>
<u>_x</u> Real Property or Economic Development	<i>Title 1 M.R.S.A. § 405(6)(C)</i>
<u> </u> Labor Negotiations	<i>Title 1 M.R.S.A. § 405(6)(D)</i>
<u>_x</u> Consultation w/Legal Counsel	<i>Title 1 M.R.S.A. § 495(6)(E)</i>
<u>_x</u> Poverty Abatement Application	<i>Title 36 M.R.S.A. § 841</i>

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; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

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

MOTION REPOLE **SECOND** BRADBURY **(PASSED 5-0) TIME: 5:31 P.M.**

To go into Executive Session for Personnel Matters under Title 1 M.R.S.A. R § 405(6)(A); for Real Property or Economic Development under Title 1 M.R.S.A. § 405(6)(C); for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E); and for a Poverty Abatement Application under Title 36 M.R.S.A. § 841.

MOTION REPOLE **SECOND** BRADBURY **(PASSED 5-0) TIME: 6:08 P.M.**

To come out of Executive Session.

REGULAR COUNCIL MEETING

(Ref. WS700290)

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; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Attendees in the Audience: Marged Higginson, Gordon Smith, Tom Ries, Aurea Stoll, Steve Trieber, Kathryn Lewis, Colleen Dana-Cummings, Lora Whelan, David Chapais, Jon McNerney, and Paula Koveces.

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

II. ACTION from EXECUTIVE SESSION

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

To instruct the Tax Assessor to send letters out to all of the homeowners/taxpayers that have homes that are in derelict condition and for them to respond with their intent/plan of addressing the current status to secure said property.

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

To approve and authorize a refund back to the taxpayer of 15 Jensen Street in the amount of \$1,074.16 for assessed year 2015 and 2016 for the over assessment of real estate taxes.

MOTION BRADBURY **SECOND** REPOLE **(PASSED 3-2)**

Councilor Scott Emery & Councilor Shannon Emery Voted "NO"

To approve and authorize a partial abatement for an amount of \$763.25 for the FY2017 real estate taxes on 21 High Street referencing Tax Map #J7-0B2-07 and Council strongly encourages the taxpayer to take the opportunity to meet with the City Hall staff to set up a payment agreement for remaining balance due the City.

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

To approve and authorize the return of a \$100.00 cash donation request back to Cory Guimond that was brought forth to the City for the Parks and Recreation.

III. PUBLIC HEARING(s) - Charter Amendment/Section 5.11(d)(2)

Council President opens the public hearing at 6:13 p.m.

The City Manager, Elaine Abbott, addresses the Council and explains the purpose of this amendment and reminds them that the City has started the process for a \$5,000,000 Sewer upgrade. She continues further to say that with the way the current Charter is worded it does not allow for any flexibility in financing. The City a \$2,000,000 grant from the USDA and a \$2,000,000 loan. The \$2,000,000 grant is given to us once the project is complete. Therefore, leaving the City with interim financing of \$2,000,000. With the way the Charter is written/worded now, our bond council has advised us that the City would need to draw down that full \$2,000,000 and start paying on the interest and principle over the next two years which is the length of time that project is likely to take. This would allow us to do something more flexible like a construction loan where you would just pay on what is being drawn down rather than the entire amount. She continues further to say without this, it will cost the residents a great deal amount of more money if we do not make the change. She explains

that it is simply an addition that says that as long as it is done legally and within that section of the Charter, but it doesn't have to be equal payments semi-annually with a full year's worth of interest payment annually as well and it will allow us flexibility with financing.

Council President calls for questions from the audience. Gordon Smith of the audience asks if this is the same project that was discussed 2-3 months ago and the City Manager that it is. Jon McNerney of the audience addresses the Council and asks what the numbers that are attached to this. The City Manager responds that if the City was to draw down \$2,000,000 at 1.75% interest as opposed to using that \$2,000,000 over the course of two years. She does not know the exact figure but knows that it would be a substantial amount of money. Councilor Shannon Emery asks if he would be able to go to City Hall and get the numbers and the City Manager responded yes. Councilor Shannon Emery addresses Jon McNerney in that he can acquire these numbers from the City Manager at City Hall. The City Clerk also reminds the Council and the public that this public hearing is being held also for the purpose of putting this amendment, with Council approval, out to referendum and on the municipal ballot for the election of November 7th, 2017.

Council President declares the public hearing closed at 6:16 p.m.

IV. ACTION on PUBLIC HEARING(S)

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

To authorize the proposed amendment to the City Charter Section 5.11(d)(2) as presented and to approve having it go out to referendum and placing it on the municipal ballot for the election of November 7th, 2017.

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

VI. UNFINISHED BUSINESS

- Public Works Trailer

The City Manager reminds Council that this was previously put out to bid for a minimum amount of \$2,500.00 and no bids were received. She and the Public Works Director are requesting that we give it another try with putting it back out to bid.

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

To approve re-advertising and putting out to bid the public works trailer with a minimum of \$1,500.

- Approve Pavilion for Cony Park

The City Manager updates that the newly formed committee met a few weeks ago and they did a site visit where the pavilion would go at Cony Park. They got price quotes on the lumber. The construction of it will be about \$1,700 and the gravel for the base of it will

around \$300. She also notes that there is monies in that account for this. She updates Council that her husband has offered to build it with public works and that there is no direct cost to labor. Councilor Shannon Emery asks for clarification that the cost of the construction is an amount of \$2,000 and the City Manager confirms that it is.

MOTION SHANNON EMERY SECOND BRADBURY (PASSED 5-0)
To approve and authorize the construction of a pavilion for Cony Park.

VII. NEW BUSINESS

a) Council Approval to Send Officer to Full-Time Police Academy

The City Manager informs Council that this request comes before them from from the acting police chief to send Officer Caela Fenderson to a full-time police academy in January and that she has confirmed this with her and she is prepared to go, if Council so chooses to send her. The City Manager reminds Council that there was money reallocated to that account for this purpose which was received from Pleasant Point from a previous officer. The City Clerk asks the City Manager if there is an amount to this request, she responds that there is \$30,000 in that account. Councilor Scott Emery does not have an issue with sending her to the academy but because the City has a history of employees leaving that may Council should consider having the employee sign a contract for so many years. Dave Chapais from the audience responds that he does not believe the City can do that. Councilor Shannon Emery would like know what the history is of how many have attended the academy and how long they stayed with the City. The City Manager responds that the only one she is aware of during her tenure is the one that was sent to the academy a couple of years ago and that he only stayed with the City for 10-11 months. Councilor Bradbury reminds Council of the obligation of any police entity that would hire her would need to reimburse the City. The City Manager comments to say that it is pro-rated by the year. Colleen Dana-Cummings from the audience asks what happens should she go to the academy and down the road decides that she doesn't want to be a police officer any more. Officer Chapais speaks to that and says that he has spoken with her and that she is very excited and feels that she would give the City the three years and does not see that to be a concern. Councilor Repole shares with the Council that Officer Fenderson has her masters in Criminal Justice and has no concerns. Councilor Shannon Emery asks how often they hold these trainings. Officer Chapais responds that they have one year from the date of hire to complete the training and that trainings are in August and January. Council President, Gilbert Murphy, feels that she is a good asset to the City. Councilor Shannon Emery asks if they could wait until August, Officer Chapais expresses that he wouldn't recommend it and also notes that the department is short handed. Councilor Bradbury comments to say although she has had limited interaction with the officer, she has met her and feels that she would be an asset to the Eastport police force and is in support of sending her to the academy.

MOTION REPOLE SECOND BRADBURY (PASSED 5-0)

To approve and authorize sending Officer Caela Fenderson to the full-time police academy in January, 2018.

b) Opening/Award of FY2018 Sand Bid

The City Clerks informs Council and the public and acknowledges that there are a total of four bids received and presents them to the Council President for opening. The City Manager notes that the Public Works Director, Howie Johnson, wanted Council to know that he was invited to three of the four bidders to go and inspect the quality.

Council President opened all four of the bids and read them aloud of which is reflected below:

Stanhope's Trucking	-	\$11.50/per yard	(sand inspected)
Hallowell Construction	-	\$ 11.85/per yard	
Ground FX, Inc.	-	\$11.73/per yard	(sand inspected)
Down East Masonry	-	\$10.75/per yard	(sand inspected)

MOTION REPOLE SECOND BRADBURY (PASSED 5-0)

To accept and award the FY2018 sand bid to Down East Masonry for an amount of \$10.75 per yard as submitted and that it is to be delivered; mixed; and stock piled.

c) Opening/Award of FY2018 Fuel Bid (Heating Oil & Propane)

The City Clerk informs Council and the public and acknowledges that there are a total of two bids received for #2 Heating Oil and one bid received for propane.

Council President opened all three bids and read them aloud of which is reflected below:

Bay City Garage	-	\$.25 over their cost per gallon/#2 Heating Oil
Eastern Plumbing & Heating	-	\$2.078 per gallon/#2 Heating Oil
Eastern Plumbing & Heating	-	\$1.79 per gallon/Propane

Councilor Hailley Bradbury reached out to Colleen Dana-Cummings for clarification. She explains to Council that the bid from Eastern Plumbing and Heating is a fixed price and that hers is not fixed and that her quote is \$.25 cents over what she pays for it. They are not able to do a fixed price as they do not have a large storage to pre-buy. Councilor Repole asks Colleen Dana-Cummings if she has any idea what it is costing now and she responded to say she believed their cost to be \$1.86 which would bring the City's up to \$2.11. She reminds Council that this fluctuates. She reassures everyone that no one ran out last year. Councilor Repole comments to say that there is something to be said in keeping it local and also reminds Council that they had passed a policy that bidders would be considered if they were within 10%. Councilor Shannon Emery reminds Council that both bidders are local. Councilor Hailley Bradbury addresses Colleen Dana-Cummings and asks if they would be able to consider putting a cap on it and she responds that they are unable to do that. Councilor Scott Emery raises concern to the burden of the taxpayers at a higher rate.

MOTION REPOLE **SECOND** BRADBURY **(DENIED 3-2)**
Councilor Scott Emery; Councilor Shannon Emery; and Councilor Murphy Voted "NO"
To award the Municipal and General Assistance FY2018 fuel bid for #2 heating oil to Bay City Garage for an amount of \$.25 cents per gallon over their cost.

MOTION SCOTT EMERY **SECOND** SHANNON EMERY **(PASSED 5-0)**
To award the Municipal and General Assistance FY2018 fuel bid for #2 heating oil to Eastern Plumbing & Heating for a fixed amount of \$2.078 per gallon as submitted.

MOTION REPOLE **SECOND** SCOTT EMERY **(PASSED 5-0)**
To award the Municipal and General Assistance FY2018 propane bid to Eastern Plumbing & Heating for a fixed amount of \$1.79 per gallon as submitted.

d) 45&47 Third Street - Tax Map Reference I7-0D1-11

Council discussion took place for consideration of putting out to bid combined lots 45&47 Third Street. The City Clerk updates Council that the amount owed the City for non-payment of Sewer and Real Estates and the expense of demolition is \$22,923.17.

MOTION REPOLE **SECOND** BRADBURY **(PASSED 5-0)**
To approve putting out to bid the combined property of 45&47 Third Street with a minimum bid of \$25,000.

e) Implementation of Landing Fees/Airport (requested by Steve Trieber)

The Airport Manager, Steve Trieber, addresses the Council to give consideration of implementation of Landing Fees at the Airport for corporate aircrafts and and business jets. Councilor Scott Emery was vocal in that he would like to see everyone treated the same all across the board. Council President expresses that it is a good starting point and notes that the fees range from \$60 to \$200 for those that do not purchase fuel and \$40 to \$180 for those who do purchase fuel. Mr. Trieber informs Council that he will work on the process to collect the fees. Councilor Shannon Emery asks where the fuel is purchased. Council updates her that there are fuel tanks at the airport. Mr. Trieber responds that we sell pistol engine fuel and jet fuel. He notes that primarily it is the turbine powered aircrafts that do not buy the fuel. City Manager asks for clarification that the ramp fee is waived if they buy "xx" numbers of gallons based on the size of the plane and Mr. Trieber responded "yes" that is correct. The City Manager asks that when the fees are taken in are they put into the airport account. Mr. Trieber confirmed that all fees would go into the airport account and that it is another source of revenue.

MOTION REPOLE **SECOND** SHANNON EMERY **(PASSED 5-0)**
To approve and authorize the implementation of landing fees at the airport as presented and submitted by the Airport Manager, Steve Trieber.

- f) Council Approval for a Grant Application for Redevelopment of the Tennis Courts

City Manager reminds Council that she had written a grant for AARP towards funds to rehabilitate one of our tennis courts and that AARP has generously offered the City \$3,500 which we will be happy to accept once the official notice is received and because there is more to do, she would to apply for a land water conservation fund grant which is a federal grant and that they did come out and did a site inspection and would like to see us apply.

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

To approve authorizing the City Manager moving forward with the submission of an application for a land water conservation fund grant.

- g) Council Approval to put out to Bid the Storm Water Management Airport Project

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

To approve tabling this item at this time as it is too soon.

- h) Council Approval to put out to Bid Replacement of Storm Water Pipe – Vanasse Road

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

To approve putting out to bid the project for replacement of storm water pipe on Vanasse Road..

- i) Tarring of Roads/ManHole Covers (requested by Public Works Director)

The City was approached by a couple of paving companies relative to paving. Generally, asphalt prices run about \$149 a ton and it is being offered up to us at a \$100 a ton. The locations for this request being presented would be Harris Point Road to where Pace Pear was; from the elementary school down to Washington Street; from Shackford to South Street; and Redoubt Hill. This project would also include the adjusting of 25 manhole covers and a total of 25 manhole covers that need to be milled and paved. There were two quotes received. One was for \$60,486 from Lane Construction and the other was for \$56,500 from County Concrete. It was reviewed as to where the money would come from as it is a combination of sewer manhole covers and streets. She updates that there is \$25,000 in Public Works and \$20,000 in Sewer leaving a shortage of \$11,500 and entertains taking the difference from the Special Reserve account. Councilor Bradbury feels it is worth taking advantage of this cost savings and believes the taxpayers would agree to do so.

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

To accept and approve the quote for the work from County Concrete for an amount of \$56,500 for the tarring or roads as requested by the Public Works Director along with the adjustment of 25 manhole covers and the milling and paving of 25 manholes.

- j) Discussion - Re: Coyote Hunting (requested by Councilor Bradbury)

Councilor Bradbury speaks to the practice itself that came to her is totally illegal and she does not know that a municipality can grant the right to an

individual to discharge a firearm when that is illegal for anyone else to do on the island. Secondly, they may not be likely to go after healthy full grown deer, but biologists have shown that they do cull the population by going after sick or weakly deer. They have also shown that although the presence of coyotes creates a smaller deer population it is a healthier deer population. She continues to say that they are an apex predator which means that they are at the top of the food chain in this ecosystem and they provide balance in that role. They also prey on rodents and Lyme disease is on the rise this year in the State of Maine. Rodents are the largest carrier of that disease and she feels that is another reason to defend them. She notes since there is no record of Council ever taking a vote to allow this in the City minutes or action from Executive Session, and in addition to the fact she feels it is illegal for an individual to grant permission to discharge a firearm; it is shortsighted in the face of the deer problems that we have. She believes that public misperception around these predators has caused a lot of this fear when in fact it has been proven that you are more likely to be attacked by a domesticated dog than you are by a coyote. She thinks in the face of thousands of dollars in damages to automobiles and that sort of thing it is worth doing everything we can to curtail the deer population and beyond what they can do to help that they are beneficent to the ecosystem as a whole and she is wholeheartedly against the coyote hunting and does not find anyway to defend it for it to be continued nor does she feel it is legal.

Paula Kovesces from the audience speaks that she is totally in agreement and does not feel that we can continue to take things from our ecosystem and expect things to be balanced. Councilor Scott Emery responds if that is the case then why are we taking the deer from the ecosystem. Council President reminds everyone that this is not a public hearing. Councilor Bradbury comments to say even if we could grant an individual a firearm to kill any creature why would we not grant that power to kill the deer and questions if it is legal for a Council or for a previous City Manager to grant written permission for an individual to use a firearm on an island. Councilor Bradbury clarifies that it was not the current City Manager and that she has had no part in this. Councilor Bradbury questions the legality of the decision that was made originally. The City Manager updates that the City is in receipt of the letter that was signed by the acting Police Chief at the time and that the letter had stated that he had authorization from the City Council. Jon McNerney believes there to have been some type of discussion and thought there was approval. City Clerk responds that she has checked the minutes thoroughly and there is nothing on record. As of recent, she is in receipt of the letter that Councilor Bradbury speaks to. Aurea Stoll of the audience asks how large the population is. Paula Kovesces reminds everyone that we are at the top of the food chain and that a healthier environment is helping all of us and when we take things out we are collapsing our ecosystem and shooting the coyotes are affecting the ecosystem.

Council President responds to say that the hunting has stopped and has ceased. He further comments to say it is up to Council to look into the legalities of what the City can or cannot do. Legal Counsel reminds that the State hunting regulations supercedes any municipal ordinance. Councilor Shannon Emery speaks to having a game warden to shed light on these questions. Councilor Scott Emery raises concern of incidents that have taken place and asks when it continues to be a problem are the people going to come back and say what are you going to do about the coyotes and the danger they impose. Councilor Bradbury reminds Councilor Scott Emery that there are frequent car accidents related to deer than the incidents or the perceived issue of the threat that the coyotes pose. She feels that there is more factual evidence that backs the idea that coyotes do not pose a real and present threat than there is arguing that they do. Beyond that, it is illegal for any individual to discharge a firearm on the island! Council President, Gilbert Murphy, responds to say that he will contact the Game Warden and will bring forth what he is told at the next meeting. Councilor Bradbury asks the Council President what it is that he will be asking the game warden. He responds he will inquire about the rules and regulations are, she responds the rules are that there is to be no discharge of a firearm on the island with the exception of a police officer. This is not a question that the game warden can answer as it is a fact. Councilor Shannon Emery reminds that legal counsel previously commented to say that exceptions could be made for that and Councilor Bradbury responds yes if there is a vote taken and that there is no record of that. Should this want to be done, there it needs to come before Council publicly and a proper vote is taken. She does not feel a game warden can provide any assistance. Council President calls for a motion to table this.

MOTION SHANNON EMERY SECOND REPOLE (PASSED 4-1)
Councilor Bradbury Voted "NO"

To table this item at this time.

k) Council Liaison/Manager Updates

The City Manager updates that the breakwater opened at 3:30 today. She thanks everyone for yet another successful festival season. She informs Council that the City is team up with AARP to hold a shredding event and on that day as well will be information relative to scams and how to freeze one's credit to prevent against scams. She also reminds that the burn pile on Drummond Road is only meant for yard waste and that pianos, furniture, and refrigerators need to be disposed of properly. If this continues, the City will be forced to close the gates and access will be by appointment only.

MOTION REPOLE SECOND SCOTT EMERY (PASSED 5-0)
 To accept the report given by the City Manager.

l) Council Approval of Consent Agenda

MOTION SCOTT EMERY SECOND REPOLE (PASSED 5-0)
 To approve the Consent agenda as submitted.

IX. COUNCIL ISSUES

Councilor Shannon Emery made an inquiry to look into some way to publicizing the meetings on tv or radio and would like this visited. The City Manager, Elaine Abbott, said that she would look into this and the possibly resource of maybe a webex.

City Manager has one last update that a press release just came out today that the EPA and the USDA has awarded the Technical Assistance grant for broadband activity.

X. ADJOURN

MOTION REPOLE

SECOND BRADBURY **(PASSED 5-0) TIME: 7:20 P.M.**

To adjourn.