

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 11<sup>th</sup>, 2017  
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

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

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

**Those in Attendance:** Councilor Hailley Bradbury, Councilor Scott 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**      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) and for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

**MOTION**      REPOLE      **SECOND**      EMERY      **(PASSED 5-0) TIME: 5:58 P.M.**  
To come out of Executive Session.

**REGULAR COUNCIL MEETING**

**Those in Attendance:** Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Shannon, Emery (via: electronic attendance policy); 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:** Lora Whelan, Kevin Raye, Karen Raye, Cami Deschene, Al Salleroli, Dennis Mahar, Michael Morse, Robert Scott, Jon McNerney, Kathryn Lewis, Gordon Smith, Meg McGarvey, Hollis Ferguson, Kari Mederois, and Alex Smeaton.

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

Councilor Gilbert Murphy opens the meeting with the reading of the *Code of Conduct* and the *Electronic Attendance Policy*.

**II. NOMINATION for COUNCIL PRESIDENT** (*Calendar Year 2017*)

The City Clerk calls for nominations of Council President. Councilor Repole brings forth Councilor Gilbert Murphy as nomination for Council President of Council and it followed by a second from Councilor Scott Emery and there were no others brought forth.

**MOTION** REPOLE **SECOND** EMERY **(PASSED 4-1)**

To approve the nomination of Councilor Gilbert Murphy to serve as Council President of the Eastport City Council. (*Councilor Gilbert Murphy accepted*).

Council President, Gilbert Murphy, continues forward as chair of the meeting.

**III. NOMINATION for VICE PRESIDENT of COUNCIL** (*as per Charter*)

Councilor Scott Emery brings forth Councilor Mary Repole as nomination for Vice President of Council and it followed by a second from Councilor Hailley Bradbury and there were no other names brought forth.

**MOTION** EMERY **SECOND** BRADBURY **(PASSED 4-1)**

To approve the nomination of Councilor Mary Repole to serve as Vice President of the Eastport City Council. (*Councilor Mary Repole accepted*).

**IV. ACTION from EXECUTIVE SESSION**

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

To move forward with the foreclosure and taking of property at 147 Water Street for non-payment of Sewer and to also schedule a public hearing for February 8<sup>th</sup>, 2017 on the sale of City property.

**V. PUBLIC HEARING(s)**

Council President, Gilbert Murphy, opens the public hearings at 6:10 p.m.

**Sale of City Property - 7 Hawkes Avenue**

No comment other than Council noting that they will be making a request to table this matter under “*Action on Public Hearing*”.

**Amendment(s) to Animal Control Ordinance**

The City Manager briefs the Council that these amendments have been brought forth at the request of the Animal Control Officer for clarification with regard to raccoons, skunks, and feral cats and the leaving out of feeding stations. The City Manager also notes that the word “chicken” was changed throughout the Ordinance to “poultry”. She also notes the smell of manure from domestic animals was also addressed in the proposed amendments.

**New Victualer License - d/b/a The Rose Bud/Alan Salleroli**

The City Manager updates that Mr. Salleroli has submitted and forwarded to the City copies of his licensing with the State along with his resale certificate as a drug store relative to operating as a care giver of edibles that contain marijuana for medical purposes only.

Mr. Salleroli informs Council that his resale certificate is specifically labeled as “Drug Store” and that it is strictly for medical and those that have cards. This product is an alternative for consumption rather than smoking.

Lora Whelan asks of the location and Mr. Salleroli responds the former location of the Rose Garden at 9 Dana Street.

Meg McGarvey asks where the product will be manufactured. Mr. Salleroli responds that it will be done by him and it required an inspection of the kitchen by the Dept. of Agriculture.

Councilor Mary Repole reiterates that Mr. Salleroli has his license and that he comes before Council to ensure that people know that he doing everything in the proper manner. Mr. Salleroli responds to say that he already has the prescription labels, labels of the ingredients, weights, instructions for use – all related to medical. Councilor Repole also notes that Mr. Salleroli is in agreement to meet with the City's legal attorney once he has received definitive information from the State level.

Council President, Gilbert Murphy, declares the public hearings closed at 6:15 p.m.

**VI. ACTION on PUBLIC HEARING(s)**

**Sale of City Property - 7 Hawkes Avenue**

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

To table this matter.

Council President, Gilbert Murphy, updates that there are family members that may be interested in the property and are seeking legal services with regard to probate matters and that is the reasoning for tabling this item of the agenda.

**Amendment(s) to Animal Control Ordinance**

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

To approve the following amendments to the *Animal Control Ordinance* as presented and submitted:

**Add (E) to Section XII – OTHER DOMESTIC ANIMALS**

*The keeping of poultry authorized under this section shall not create a nuisance and shall be conducted in a manner that does not disturb the use of adjacent properties. Odors from the poultry, manure, or other poultry related substances shall not be perceptible at the property boundaries. Perceptible noise from poultry shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.*

**Add (C) to Section XIII - PUBLIC HEALTH**

*No person shall leave feral cat “feeding stations” out of doors between dusk and dawn.*

**Amend all “chicken” to read “poultry”**

**New Victualer License - d/b/a The Rose Bud/Alan Salleroli**

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

To approve a new Victualer License for Al Salleroli d/b/a *The Rose Bud* at 9 Dana Street (the former building of the Rose Garden) for the sale of edible medical marijuana for medical purposes only.

**VII. ADJUSTMENTS to AGENDA**

Council President asks if there are any adjustments. The City Clerk responds an adjustment to the Consent Agenda is requested to add to Item C the appointment of Bill Buehner and Hugh French as members to the Planning Board as well as appointing John Venskus to the Budget Committee.

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

To approve an adjustment to the Consent Agenda under Item C for the appointment of Bill Buehner and Hugh French as members to the Planning Board and also for the appointment of John Venskus to the Budget Committee.

**VIII. UNFINISHED BUSINESS - There was none**

**IX. NEW BUSINESS**

**a) City Council Appointments for Signing of Warrants**

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

To approve that *all* councilors are *authorized* for the signing of warrants with a *minimum of three signatures required for the processing of a warrant.*

**b) Establish Time & Place for Regular City Council Meetings**

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

That monthly City Council meetings be held on the second Wednesday of each month at 5:30 p.m. at Shead High School in the library.

**c) Establish Depository Banks for City Funds (The First & Bangor Savings)**

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

That The First and the Bangor Savings Bank be the depositing banks for City funds.

**d) Staff Appointments for Calendar Year 2017 (See Attached)**

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

To accept and approve the staff appointments as submitted.

**e) Council Liaison Appointments for Calendar Year 2017 (See Attached)**

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

To accept and approve the Council Liaison appointments as submitted and read; and to also approve the appointment of newly elected Councilors, Shannon Emery and Hailley Bradbury to the following Boards/Committees as Council Liaisons.

<i>Budget Committee</i>	-	<i>Councilor Shannon Emery</i>
<i>Historic Review Board</i>	-	<i>Councilor Shannon Emery</i>
<i>Recreation Committee</i>	-	<i>Councilors Shannon Emery &amp; Hailley Bradbury</i>
<i>Senior Citizens</i>	-	<i>Councilor Hailley Bradbury</i>

Council also approved the appointment of Councilor Mary Repole as Council liaison to the Downtown Committee and the Zoning Boards of Appeals as well as the appointment of Councilor Gilbert Murphy to the Energy Committee.

**f) Establish a 0% Discount Rate for Pre-payment of Taxes**

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

To approve a 0% discount rate for pre-payment of taxes.

**g) Approve City Treasurer, Traci Claroni, to Negotiate Quit Claim Deeds**

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

To approve the City Treasurer, Traci Claroni, to negotiate Quit Claim Deeds.

**h) Approve Tax Collector, Ella Kowal, to Collect Pre-Payment of FY2018 Property Taxes**

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

To approve the Tax Collector, Ella kowal, authorization to collect pre-payments of the FY2018 property taxes.

**i) CDBG Letter of Intent - Raye's Mustart Project**

Karen and Kevin Raye address Council in that they come before Council to give the newly elected Council the opportunity to reaffirm the vote of the previous Council. Kevin Raye proceeds forward by explaining that they are in the process of preparation of a major renovation project at Raye's Mustard mill. While they

love and appreciate its current building for its history, it is unsuitable for moving into the future. Thus, if the business is to survive and jobs remain in Eastport; they must embark on this significant project. Additional warehousing is needed as well as additional production space. They are hopeful to plan an increase to the retail space as well. It is their desire to cement this business in Eastport for generations to come. He reminds everyone that Raye's Mustard is one of the oldest businesses in Eastport and they want to remain part of the community well into the future. They have engaged an architect and presents preliminary sketches for review of the plan, lot plan, a vision of what the building will look like from the street. He further continues to say that as part of their package they hope to be awarded a Community Development Block Grant which is tied to job creation and job retention. If they do nothing the building will fall down and the jobs will go away. They feel strongly to make an investment to preserve those jobs going into the future. The regulations of the CDBG program is that the City in which a project is located will be the applicant and they need approval from the Council (*which was received from the previous Council*) but are looking for reaffirmation from this Council for the

City to allow a "Letter of Intent" for the program. He further states that they have been working with Judy East of the Washington County Council of Governments a/k/a WCCOG in preparation and hope to be ready for the submission of the Letter of Intent this Spring and are asking for Council's support in moving forward with this. He further comments to say that this will trigger a process that will involve a public hearing and that it is important that there are no City funds involved in this and that it is a federal project administered by the State of Maine to encourage development and job creation in the community.

Meg McGarvey from the audience asks about the amount of the grant. Mr. Raye responds that this would determined by the number of jobs they wish to preserve but that the number *per job* would be \$30,000.

A member of the audience asks if it is a matching grant and Mr. Raye responds that that they would be putting up money as a match. Mr. Raye comments to say that the vision is very exciting and they intend to build a larger building right over the existing building and preserving the space inside which is important to the history of the business and the authenticity of the mustard. Further to that, they intend to tear off the front section of the mill but will maintain the production area where the stones are and their plans are to build a new building around it. He also shares that there will be a viewing gallery of a 10-foot wide hallway whereby you will be able to look into the windows showing the making of the mustard - which will be on closest side of the building to the Family Dollar Store. He continues to say instead of the front of the store being only 30 feet wide it would be 80 feet wide. The building will have offices and a board room upstairs.

A member of the audience asks about *parking*. Mr. Raye responds that there will be ample parking and that there will be guest parking on the side closer to the Family Dollar Store and he believes that plans shows 12 parking spaces on that side of the building and that there would be 9 parking spaces for employees on the side towards town. Another question comes forth about the *time frame*. Karen Raye responds to say if they are awarded the grant and with the match, construction would start in October of 2017 and then finish throughout the winter. The project will be done in phases and they are hoping that the time line will be beyond the tourist season. Another comment comes with regard to a *second set of stones*. Mr. Raye further responds to say that there use to be two Raye's Mustard mills. One being the original one in Eastport and the other for several decades in Brunswick. He continues to say that when the Brunswick mill closed, which he believes to be in the late 60's, those stones per placed in storage and have remained there. They intend to bring them out of storage and put them in the new mill and have two production lines so that as the business grows they will be able to vastly expand their production. He further notes that their plans include doubling the warehouse space which will allow plenty of room for bottles, product, seed, vinegar, etc.

Mr. Raye comments to say that calculations will need to be done to phase the project as they cannot stop making mustard and must continue with the production. They are working Clifford and the architects to come up with a time frame on how to stage all of this.

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

To approve and support a Letter of Intent for Raye's Mustard of Eastport, Maine in submission of a CDBG application for Economic Development and Job Creation.

**j) Clarification on the Purchase of a Chevrolet Silverado Pickup Truck for Eastport Police Department  
(reference to the motion made on 12/14/2017 to Item VIII f)**

Council President explains that there was a motion to move forward with the purchase and that discussion did take place about leasing but that the motion itself brought forth was not specific whether to lease it or finance it.

Councilor Shannon Emery makes the motion for the City to purchase a Chevy Silverado pickup truck through financing for the Eastport Police Department.

The City Manager addresses Council in that they may want to consider putting out to bid the "2013" cruiser out to bid and whether they want to accept a \$5,000 donation from the Port Authority towards the purchase of the new vehicle for the Police Department.

Councilor Hailley Bradbury if the information remains the same about the purchase of the truck. The City Manager responds to say that when she contacted The First about the taking out of a loan for the purchase, the municipal

rate was 2.71% and it calculated out to be a \$7,000 a year payment on a 3-year note and will need to know what the Council's wishes are in this regard as it does not make sense to do a note longer than the life expectancy of the vehicle.

Alex Smeaton from the audience addresses the Council and speaks that he would like to see the Council approve the purchase of the police car so that the Police Department can do their job with functional equipment and the vehicles are the most important element. He further comments to say that he knows of the concerns of the cost being incurred on the town but notes that it is a very good deal they are getting not to mention the donation the Port Authority has offered towards the purchase. Councilor Hailley Bradbury asks for clarification of what the Port offered. The City Manager explains that the Port offered up a donation of \$5,000 and that the County has expressed interest of purchasing the "2013" cruiser for an amount of \$4,000 but reminds Council that the City is required to put it out to bid. Councilor Scott Emery comments to say that when it does go out to bid that it needs to be looked at and get the real valuation on it and feels it should go out to bid for that amount. He continues further to say that we are not in the business to give City equipment away and have it be a burden to the taxpayers. He expresses strongly that it is not a "need" but rather a "want". He vocally expresses that the money could be well spent elsewhere with all the other projects that require the City's attention (i.e. airport, Michell Street). Councilor Hailley Bradbury is in agreement with Councilor Scott Emery. A question comes from the audience as to whether the purchase is for a cruiser or a pickup truck. It was clarified that it is ½ ton pickup truck with 4WD. It was also asked the reason to go from a cruiser to a truck. Council President responds that the main reason is that the suspension is heavier and that they are lasting longer. Alex Smeaton comments to say that Calais has an SUV and that they are very satisfied. Councilor Hailley Bradbury speaks to say that the reason given by the Police Chief was to be able to move deer from accidents and to also utilize a truck for road block purposes but it is her understanding that the Public Works trucks are being used for those and she feels the need for the Police Department is not necessary at this time. Councilor Scott Emery comments to say that the City has enough on its plate right now and that the money could be best spent elsewhere. He continues to further to say that the Public Works Department has put off buying another snow plow and feels that would be much more needed than another police vehicle when what we have can give us another two years of service. Jon McNerney of the audience agrees with Councilor Scott Emery and suggests that the City keep the car cruiser for three more years and put \$3,000 or \$4,000 a year in to it. He notes that the City now has three cruisers and that we are buying vehicles to look good. Comments were made to say what repairs are needed on the 2013 Ford Taurus and what longevity it would give. Councilor Hailley Bradbury speaks to that she is not comfortable in saying we would be able to keep the vehicle for three more years but for this moment and time, we should put off discussion until the next fiscal year and feels it makes more sense to prioritize and then readdress it as a more urgent need or much more pressing. Councilor Scott Emery shares that there haven't been many people he has spoken with that are in favor of this purchase. However, he cannot speak for the other Councilors.



**MOTION** SHANNON EMERY **SECOND** REPOLE **(DENIED 3-2)**

*Councilors Hailley Bradbury, Scott Emery, & Mary Repole voted "NO"*

To approve the purchase of a Chevrolet Silverado pickup truck for the Eastport Police Department through financing and to also put out to bid the "2013" police cruiser as well as accepting a \$5,000 donation from the Port Authority.

**k) Rescind Vote for Airport SRE & Terminal Building to Move Forward with Storm Water & Drainage**

The City Manager informs that Council that there is too much up in the air on this and that the airport consultants inform her that what originally started out to be \$24,000 match project is now saying that it has escalated to a \$65,000 and cannot provide her with sufficient answers as to how they are arriving at this figure and she cannot recommend this project at all. She updates Council that she working on this to see if there is a more less expensive way to tackle this and until the consultants, Hoyle Tanner & Associates, are able to provide answers; it is her recommendation to table matter. She was asked if they provided a reason for the increase but she said that they can't even provide an answer to that. She updates Council that they say 95% of the project for the airport is paid by FAA; 5% is paid by DOT; and 5% is matched by the City. Then they say the project is going to be a 13% match paid by the City because of developed property around airport and that they state the developed property is the Public Works sand pile which more than doubles the match for the City. She does not understand this as it was purchased developed at the same time as the Public Works garage developed. She further comments to say that this is drainage project and because it is developed, they are saying we now have to pay a higher percentage of it. She explains the project does need to be done to avoid DEP and fines. Until they can explain how it is a sand pile is developed property, she is working with DEP and will also contact the City's attorney as she feels there are litigating factors to warrant the filing an appeal with DEP. Thus, she cannot suggest or recommend that the City move forward with this project at this time and requests that they consider tabling this matter.

Council President, Gilbert Murphy, comments to say that they were insistent on doing the SRE building which turned into a \$1,400,000 project which was initially going to be a \$507,000 project. During the phone conference it was made very clear that we would not be doing an SRE building.

The City Manager comments to say that we are facing these issues because between 1999 and 2010, we went over an allowable amount of surface/payment. Council President responds to say that this should have been caught by DEP and the consultants years ago.

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

To table this matter.

**l) Council Approval to Expand \$3,425.00 Out of Special Reserve for the Demolition of 47 Third Street**

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

To approve expending an amount of \$3,425.00 out of Special Reserve for the demolition services rendered at 47 Third Street and that this amount be added to the minimum bid of what the City is asking for the property should it be sold.

**m) Schedule Workshop for Consideration of Recreational Marijuana Moratorium**

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

To approve the scheduling of a Council Workshop on Consideration of Recreational Marijuana Moratorium for Wednesday, January 25, 2017 at 6:00 p.m. at Shead High School in the Library to include public participation.

**n) Council Liaison/Manager Updates**

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

To accept and approve the Council Liaison/Manager updates as presented and given.

**o) Council Approval of Consent Agenda**

Former Councilor Kathryn Lewis from the audience addresses the Council and the City Clerk and informs them that she still attends the RC&D meetings on behalf of the City and would like to continue and that it will require an appointment.

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

To accept and approve the Consent Agenda as submitted along with the adjustments to the Consent Agenda of Item C as previously voted on earlier in the meeting and to also approve the appointment of Kathryn Lewis to RC&D.

## **X. COUNCIL ISSUES**

Council President, Gilbert Murphy, welcomes Hailley Bradbury and Shannon Emery as the newly elected councilors to the Eastport City Council.

## **XI. ADJOURN**

**MOTION** REPOLE **SECOND** BRADBURY **(PASSED 5-0) TIME: 7:17 P.M.**

To adjourn.

