

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, NOVEMBER 14<sup>th</sup>, 2018  
SHEAD HIGH SCHOOL - BAND ROOM - 6:00 P.M.**

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

(Ref. WS700341 & WS700342)

- ☐ 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*

**Those in Attendance:** Councilor Roscoe Archer, III, Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

**MOTION** REPOLE **SECOND** BRADBURY **(PASSED 5-0) TIME: 5:34 p.m.**  
To go into Executive Session under *Title 1 M.R.S.A. § 405(6)(E)* for Consultation with Legal Counsel.

**MOTION** REPOLE **SECOND** ARCHER **(PASSED 5-0) TIME: 5:49 p.m.**  
To come out of Executive Session.

**REGULAR COUNCIL MEETING**

(Ref. WS700343)

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

**Attendees in the Audience:** Elizabeth Hastings-Renner, Peter Small, Alan Sutherland, Meg McGarvey, Gordon Smith, Hugh French, Dennis Mahar, Robert Scott, Judy East, Lora Whelan, Connie Knights, and Chris Bartlett.

**I. CALL TO ORDER**

**Ref. WS700343**

Council President calls the meeting to order at 6:00 p.m.

**II. ACTION from EXECUTIVE SESSION - NONE**

**III. PUBLIC HEARING(s)**

Council President opens the public hearings at 6:01 p.m.

**Renewal of Victualer License – Bill Condon – d/b/a Ponderosa – Fins Restaurant**

Council President opens the floor for public comment as well as from the City Council.  
There were no comments.

**Renewal of Victualer License – Jamie Bacon - d/b/a Moose Isle Inn**

Council President calls for public comment as well as from the City Council.  
There were no comments.

**Eastport Comprehensive Plan**

Council President opens the floor for public comment as well as from the City Council.

Judy East gives an overview of the process and reminds everyone during the 18-month process they integrated the Comprehensive Plan with an age friendly community action plan with funding from AARP. The document is a bit more than 300 pages and to make it more accessible posters were created to cover the highlights. She notes that one third of the document is public input which is reflective of a survey as well as written comments. She also comments to say that there is a significant amount of inventory that goes into the documents. The committee was a joint committee and were able to implement it before the plan was ready, which is indicative of the level of activity in the City. She reminds that we already have an age friendly Eastport. She informs that a response was received from the State on November 5<sup>th</sup>, 2018 that states the Comprehensive Plan is consistent and complete with the Growth Management Act and this completes the State review process. Next in the process, which is the final step, is holding the Public Hearing. Should there be any input or any changes, it would then be brought forward as a Resolution for local adoption with a shelf life of twelve years. After the twelve years, the data will need to be updated, specific to the census data as well. The consistency of State law expires after twelve years. She informs that there were comments from State agencies which addressed updated data and also had some structural recommendations which she will look at as well as the natural resource chapter. That being said, we are still in compliance. Judy closes with the requirement of a vision statement and that one was borrowed from Age Friendly NYC. She first clarifies that there were some concern that we were classified as a retirement community and that this is not the case at all. The vision statement is: “To design for the young and you exclude the old, design for the old and you include the young”. She feels it sums it up nicely in terms of physical design, and thinking through social interaction, etc. Ms. East also informs that it is posted online as well as the website and is available for public review as was the posters at City Hall.

The City Manager comments to say that the eighteen months was a lot of hard work by a lot of people and that met regularly and a great deal of time was spent in preparation of the plan and that it should carry us through for awhile.

Councilor Repole thanks Ms. East and comments that it was a joy to work with her and that the project would have taken a great deal more of time without her.

Council President makes a last call for questions/comments. There were none.

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

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

To approve and authorize the renewal of a Victualer License for Bill Condon d/b/a Ponderosa/Fins Restaurant.

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

To approve and authorize the renewal of a Victualer License for Jamie Bacon d/b/a Moose Isle Inn.

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

To approve a resolution to accept the Eastport Comprehensive Plan as submitted and presented.

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

#### **VI. UNFINISHED BUSINESS**

City Manager, Elaine Abbott, reports to the City Council that the final bill for the manhole covers was \$24,000.00.

#### **VII. NEW BUSINESS**

**a) 10-Foot Easement – 69 Water Street (East Side) – Alan Sutherland**

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

To approve a 10-foot easement on the East Side of 69 Water Street for Alan Sutherland.

**b) Council Approval for the Upgrade of Street Lights to LED**

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

To approve the upgrade of street lights to LED at no cost to the City with the service to be completed by EMERA f/k/a Bangor Hydro.

**c) MCHT (Maine Coast Heritage Trust) Proposal to Acquire & Donate Rights to Create Walking Trail**

A representative from MCHT addresses the Council and the audience of the proposal and first notes that the map that was submitted to Council is not accurate as they were unsure of the boundary lines for Darin Lyons property and that the red marking is in the wrong location. He continues to say that it was brought to his attention that there was a rail line and that a lot of people used the lower end of Sea Street up to High Street with an interest of extending up to the ball field and that it would make a nice

recreational opportunity for kids and families and for tourists. He finds this to be a unique opportunity for Eastport. They propose to help acquire the property and then donate it to the town and they would take ownership. When donated there would be an easement on it that requires public recreational access. He believes there are other local entities willing to help find the funding to develop the trail, signage, etc. He touches on the long-term maintenance and that although he cannot any type of endowment he feels strongly that we would need to work collaboratively. There may not be another opportunity such as this and feels that this would enhance the quality of life in Eastport and would also provide an increase in drawing tourists. He closes by offering the audience a look at the map and also asks for any questions or comments they may have.

Councilor Scott Emery addresses the City Council and expresses his concern and discontent of how the replacement for the remainder of former Councilor Shannon Emery's term came about and voiced that it was wrong and not right. He also notes that she attended the meeting with a packet in hand. Council President, Gilbert Murphy, responds that he reached out to former Councilor Mary Repole and she had no objection.

Alan Sutherland of the audience asks if the trail would include be for motorized use and the project manager responded because of the constraint of the trail that it would be non-motorized use but more utilized for pedestrians and bicycles but that this is not his decision.

Jeanne Peacock comments to say that there were various groups working on this but that there were road blocks and now we have this opportunity and feels strongly that this is the time to do this and that there is the energy amongst the towns people to come up with a trail and ways to keep it going and this is key and that she would like to see the City partner with those people.

Councilor Repole responds to say that she is in agreement with Jeanne Peacock and that it is a good idea and to also look into reaching out to Parks and Rec to help maintain and work in a positive way.

Councilor Bradbury comments that Parks and Rec are working to improve the little league field and that it is wonderful to talk about connecting the downtown to that area and would be an asset to pedestrians as our sidewalks are not in the greatest condition and this is a good opportunity to create a safe travel from one

end of Eastport to the other not to mention that it would a great gift to the community. She looks to the Parks and Rec committee to partner for this project.

Councilor Emery responds to say that as a Council they work for the taxpayers and this would need to go out to a public hearing to hear from them too before making any decision. His concern is for the taxpayers that are finding it difficult now in paying taxes and this loss would need to come from somewhere.

Councilor Bradbury reminds Council that MCHT would be purchasing the land and then donating it to the City and we may be losing the \$2,000.00 a year but we would not be losing the value of the property. She also reminds that an amenity would be in place to taxpayers.

Council President addresses the Tax Assessor for input. The Assessor, Robert Scott, explains that once it becomes part of the City or is acquired by MCHT; it goes tax exempt. Which is reflective of a little over \$100,000.00 off of the tax roles. He is required to use the taxable value of the town with the budget and the bottom line to set the tax rate. The more that comes off the side of the taxable value, the higher the tax rate. The value of the land is there but it is not of any use as far as value and setting taxes. The project manager for MCHT responds that the issue of taking taxes off the tax roles is a concern for every town and there are things that are taxed for different reasons. It is hoped that amenities will benefit the town to make up for that loss. As we develop the downtown it is hoped that it will increase the activity to the area and will compensate for the loss in taxes.

Councilor Emery emphasizes his concern for the elderly. Councilor Bradbury comments to say she understands that but speaks to the long-term vision for Eastport and to develop sustainability for the future of Eastport.

Meg McGarvey from the audience asks if the goal is to eventually connect to Shackford Head and the project manager responds that there is potential with other opportunities.

Chris Bartlett responds to say that although he appreciates the conversation of the loss of tax dollars he also notes that we need to consider the loss of public access. He comments to say that the rail bed has been private property that we have been using for public access for many years. He feels the more public access that we can retain the better we can be, if afforded, and he is in support of the project.

Connie Knight speaks that she was reminded of that there may be instances that it has gone the opposite way whereby we had a public access piece of land and we lost it by ownership. She is hopeful that this could help balance out the loss.

Council President reaches out to Lora Whelan for comment and she states she is unable to comment as she is representative of the Quoddy Tides.

Elizabeth Hastings-Renner comments to say that she use to the property as a kid for a safe way to get to school, downtown area etc. and she would like to see her kids be able to do this as well.

Councilor Repole in support of it and agrees with the growth of access which is critical. That being said, she also understands Councilor Emery's concern as well. She looks to the City Manager to see if there are line items to make adjustments to

somehow compensate for the loss. Councilor Emery responds that you do not rob from “Peter to pay Paul”. Councilor Repole responds that it is an investment. Councilor Bradbury reminds Council of the savings from switching out to LED lighting which is a savings to the taxpayers.

The project manager of MCHT explains that the next step for him is to seek appraisals on these properties which is an exorbitant cost to them and they are looking for what the City's level of interest is as it is a process they need to work through and would need some sort of indication or willingness from the town. The City Manager responds that this is the purpose of the public hearing so that the town can come out and voice their opinion to the Council and they have the public input they need before rendering a decision.

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

To schedule a public hearing for Wednesday, December 12<sup>th</sup>, 2018 for the Maine Coast Heritage Trust proposal to Acquire and Donate Rights to Create a Walking Trail from Middle Street to Key Street.

**d) Council Approval to Write Off \$545.23 – Real Estate Acct. #1248**

The City Manager explains that this is the remaining balance left from the sale of the two Third Street properties

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

*Councilor Archer Voted “NO”*

To approve the write off of \$545.23 to real estate account #1248.

**e) Authorize Treasurer to Transfer \$14,500.00 Grant Money from Non-Interest Account (CDBG) to the General Fund for Reimbursement of Expenses – Requested by the City's Treasurer, Traci Claroni**

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

To approve authorizing the Treasurer, Traci Claroni, to transfer an amount of \$14,500.00 Grant Money from the Non-Interest Account (CDBG) to the General Fund for Reimbursement of Expenses as requested.

**f) Request of School Superintendent – Creation of \$10,000 Scholarship from School Undesignated Funds**

Council President comments to say that it is his understanding that this is a scholarship to attract more students from out of town. School Board member Elizabeth Hastings-Renner updates Council that they are addressing tuition concerns. It is the hope to draw kids in at pre-k and that the students will continue to stay. This money is already in the budget and there is no additional cost to the parents nor the taxpayers.

**MOTION** \_\_\_\_\_ **REPOLE**      **SECOND** \_\_\_\_\_ **BRADBURY**      **(PASSED 5-0)**  
To approve creating a \$10,000.00 Scholarship from the School's Undesignated Fund account and that the scholarship's purpose is to attract out of town students.

**g) Council Liaison/Manager Update**

The City Manager reports that Eastport's Age Friendly committee has joined forces with Eastport Health Care's senior needs circle and it allows for both units to work towards the same goals.

She continues to address the power outage on the weekend of November 3<sup>rd</sup>, 2018. It is important that we recognize that EMERA no longer operates the generator system and there is no intention of operating it in the foreseeable future. Some parts of Eastport lost power for as much as eighteen hours due to high winds. There was a great deal of work going on behind the scenes to keep City services operational. City employees and organizations assisted in helping maintain service of the Wastewater Treatment Plant. "Thank yous" go out to Richard Clark, City of Calais, City of Lubec, Eastport Fire Department, Port Authority, Howard Johnson, Howie Johnson, PWD, Percy Moore, Gilbert Murphy, Ralphel Stevens, Kris Sullivan, and Jeff Sullivan to stay fully operational. She extends her gratitude as well as on behalf of the City. Councilor Archer reminds the City Manager that we need to have the County step up and notify Emera that there is a need for the generator. Legal Counsel, Dennis Mahar, responds to say with the Energy Policy in the State of Maine; EMERA is not suppose to generate electricity. Councilor Bradbury asks if the City should be considering a purchase of their own generator. Councilor Murphy explains that the generator down on Middle Street pumps everything back to the treatment plant. It was serviced in October but that the heat sensor failed and went into alarm condition which caused the generator not to stay running. A portable generator goes to the smaller pump stations which is a different voltage. The City Manager explains that when the Middle Street pump station fails, nothing moves. Many went without sleep to stay operational and with being such a small community with other resources, we all band together. Councilor Murphy reports that there is a backup generator with the Port Authority and this was available to us but EMERA has brought the power back when we were at the point of utilizing that resource.

Councilor Murphy reports that the Ambulance meeting will take place next month but that they continue to be financial stable and that they have purchased a new monitor and power lift stretcher for the third truck in Eastport. They paid off the refinance loan four years early.

**MOTION** \_\_\_\_\_ **ARCHER**      **SECOND** \_\_\_\_\_ **REPOLE**      **(PASSED 5-0)**  
To accept and approve the Council Liaison/Manager update as presented.

**h) Council Approval of Consent Agenda**

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

To approve the Consent Agenda as submitted.

**VIII. COUNCIL ISSUES**

Councilor Scott Emery addresses the City Council and expresses his concern and discontent of how the replacement for the remainder of former Councilor Shannon Emery's term came about and voiced that it was wrong and not right and done incorrectly. He also notes that Councilor Repole attended the meeting with a packet in hand which was not protocol as it was an Executive Session. He has no problem with Mary whatsoever and likes her. He turns to City Manager, she responded she was instructed to deliver the packet. Councilor Bradbury responds that there was majority consent and Councilor Emery states that there was no meeting. Council President, Gilbert Murphy, responds that he reached out to former Councilor Mary Repole to see if she would be willing to serve out the last two months of former Shannon Emery's term and she had no objection. Maybe he has made a mistake but they have done this before and have asked people to fill the remainder of terms. He felt she has been on Council before and had the experience. If he was wrong, he apologizes and states that his term ends next month.

Councilor Bradbury addresses the Council with concerns/issues with the Passamaquoddy Water District relative to the quality of the water. She would like for us to consider scheduling a meeting for an Executive Session or even a public hearing so that concerns may be addressed. City Manager asks if those with the concerns if they have attended the PWD meetings. She encourages them to do so and that they are open to the public. Councilor Bradbury feels that since the Council has been addressed with this that the public has the opportunity to be heard. Councilor Archer informs that PWD holds a meeting the first Monday of every month and that they are public meetings. With approval from the City Council, Councilor Murphy agrees to go to that meeting and represent the Council. Councilor Bradbury also offers to attend that meeting as well.

**IX. ADJOURN**

**MOTION** \_\_\_\_\_ **SCOTT EMERY SECOND** \_\_\_\_\_ **ARCHER** (PASSED ) **TIME: 6:58 P.M.**

To adjourn.