

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 9th, 2019
SHEAD HIGH SCHOOL - BAND ROOM - 6:00 P.M.**

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

(Recording Reference WS700348 & 349)

X Personnel Matters
X Real Property or Economic Development
_ Labor Negotiations
X 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 BRADBURY **SECOND** PEACOCK **(PASSED 4-0) TIME: 5:30p.m.**

To go into Executive Session under *Title 1 M.R.S.A. § 405(6)(A) for Personnel Matters*; 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 ARCHER **SECOND** SMALL **(PASSED 4-0) TIME: 6:00p.m.**

To come out of Executive Session

Those in Attendance: Councilor Roscoe Archer, III, Councilor Hailley Bradbury, Councilor Jeanne Peacock, and Councilor, Peter Small. Also present were City Manager, Elaine Abbott; Deputy Clerk, Traci Claroni; and Legal Counsel, Dennis Mahar. **Absent:** Councilor Scott Emery and City Clerk, Ella Kowal.

REGULAR COUNCIL MEETING

(Recording Reference WS700350)

I. CALL TO ORDER *(by City Clerk)*

Deputy Clerk, Traci Claroni, calls the meeting to order at 6:01 p.m.

II. NOMINATION for COUNCIL PRESIDENT *(Calendar Year 2019)*

Deputy Clerk, Traci Claroni, calls for nomination of Council President.

MOTION SMALL **SECOND** BRADBURY **(PASSED 4-0)**

To nominate and appoint Councilor Roscoe Archer, III as Council President.

III. NOMINATION for VICE PRESIDENT

Council President calls for nomination of Vice President.

MOTION SMALL **SECOND** PEACOCK **(PASSED 4-0)**

To nominate and appoint Councilor Hailley Bradbury as Vice President of City Council.

IV. ACTION from EXECUTIVE SESSION (if applicable)

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

To approve an extension of March 18th, 2019 for the closing date to the buyer and seller for the property located at 78 High Street and that the buyer has agreed to pay for the power and heat up to \$1,000.00 pending the closing effective as of the date on this agreement which is recorded as being January 8th, 2019.

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**

To authorize and approve an extension of one year out to January 9th, 2020 to Tom Humphries relative to his contract with the City for 21 Middle Street.

V. PUBLIC HEARING(s) - *THERE WERE NONE*

VI. ACTION on PUBLIC HEARING(S) - *NOT APPLICABLE/NONE*

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

VIII. UNFINISHED BUSINESS - *NONE*

IX. NEW BUSINESS

a) Overview of Maine DOT Traffic Study - *(Judy East)*

Judy East of Washington County Council of Governments addresses the Council.

She presents a copy of the proposal that went to Maine DOT last July which was on a basis of a meeting with two regional Maine DOT engineers, Elaine Abbott-City Manager, Robert Scott-Code Enforcement Officer, and Howie Johnson-Public Works Director. She also extends a copy to the Chair of the Planning Board, Michael Morse. What was proposed was to get funding from Maine DOT to the Council of Governments to assist Eastport with downtown parking and circulation. What she is presenting is the proposal that was sent in and was funded. She notes that the document states July 30th, but the contract was received in November and this is the reason for not hearing about this since then and up until now. She makes reference that we have narrow streets, historic buildings directly adjacent to the roadways, an increase in commercial and retail operations, but essentially the roads are built for horse and buggies. Initial measurements were done and the angle parking for some of the

large trucks extend sixteen feet out into a thirty-three foot roadway. What they would like to do is an examination, which is on the list of products and processes, (referenced to the second page). They basically want to assemble all the details of what we have.

This will consist of mapping, measuring, descriptions, surveys, actual paved widths, etc. She speaks to having an inventory and to also hold interviews with the downtown businesses to discuss what are the issues, what they would like to see, what their concerns are, etc. Then prepare a few alternative circulation patterns would be prepared to also include seasonal variations. It is recognized and awareness is there that this is not without controversy and strong opinion. She speaks to cost estimates proposed and identification of funding sources and then recommended zoning changes for circulation. She updates that there will be involvement with the Planning Board, Downtown Committee, the Code Enforcement Officer, and the Public Works Director with this project. She will soon be attending to the preliminaries. Tonight's agenda was really an "FYI" update and to address any questions or concerns.

The City Manager informs the new Councilors that the previous City Council authorized this project to see what would come back and remphasizes that what Judy has presented is an informational update at this point. Ms. East thanks the Council for their time and she will continue to update them as things progress.

b) Brownsfield Cleanup – 15 Sea Street - (Judy East)

Judy East with Washington County Council of Governments addresses the Council and the audience and emphasizes that she has a sign-in sheet which she is required to submit and asks that everyone take a moment to sign it. She also updates the Council that they are required to have a full summary of the meeting to submit with the application. Before proceeding further, she asks if there are any objections to her recording and there were none. She continues with a 2-page handout and notes she has 25 copies distributes them amongst the Council and the audience.

She explains that this project is a Brownfield Cleanup grant application and that the handout provides background of the project, the redevelopment proposals, what is involved, what assessments have been done thus far, and what the next steps are moving forward.

She then continues by introducing people involved with the project. First is Todd Coffin who is a representative from Wood Environment and Infrastructure, the designated qualified environmental professional, who is hired by the Washington County Council of Governments to assist them with assessments. She continues to say that they have had four Brownfields Assessment grants over the last nine years and they are utilizing those monies to get ready for this cleanup application. She updates that she has provided the City with the definition of a Brownfield for clarification and that it comes directly from EPA and *cites* that a Brownfield is a former industrial or commercial site for future use as affected by real or perceived

environmental contamination. The vast majority of the funding that goes out into the world assesses just how contaminated it is. The purpose is to remove the environmental uncertainty, legal uncertainty, and the financial uncertainty of the perceived or real contamination. Out of the thirty projects over the last nine years, several were in Eastport. They have done the assessment for 15 Sea Street and what they now propose to do is submit a cleanup grant application on behalf of 15 Sea Street as well as another county-wide assessment grant.

She updates Council of the owners of 15 Sea Street and that it is a corporation under the name of Dirigamus, LLC (Linda Godfrey, Nancy Asante, Meg McGarvey, and Suzanne Crawford).

She comments to say that their proposed plans are on the handouts which is to redevelop 15 Sea Street (a/k/a the large former cannery at the foot of Key Street) as a historically compatible redevelopment project with all of the other downtown projects in Eastport as a boutique, hotel, retail, office, and conference center. They have assembled a team of consultants and have completed several environmental evaluations which are listed in the handout. With the assistance of the Washington County Council of Governments they have designed for a full redevelopment, market viability studies, and they have established eligibility for historic and new market tax credits to assist with the financing of the redevelopment. She continues further to say that she has a list of the assessments that have been conducted on site. She then turns to Todd Coffin for a history of the contamination and what the proposed cleanup entails. They will then call for questions and/or comments.

Mr. Coffin highlights the history of the site, the use, interests, and concerns. He also notes that they completed phase one and phase two which also touches on these areas of environment. They did not find anything that wasn't typical of fill on the shorefront. A focus of the grant is to help stabilize and address the environmental aspects in the building itself and the cleanup grant will help to focus on those building aspects. They would like to tackle removing and replacing the roof of the building which is part of the plan to preserve the building as well as stabilization. Bird manure does pose a concern especially as it poses a biological hazard. He also touched on lead base paint, broken glass, etc. The funding will go a long ways to address all of the issues that lead to viable concerns. He also expresses the need for proper disposal when doing a cleanup. The goal is also to have a safe and productive development. He makes reference to ABCA (Assessment Brownfields Cleanup Alternative) which outlines the various options for cleanup and that it is available for review on websites. He asks if there are any thoughts or comments.

Former Councilor Mary Repole asks about the timeline for the grant application. Mr. Coffin responds that the application is due by 1/31/2019. If they were to be successful with the grant, the award could be as early as the Spring of 2019 with available funds in the Spring/ Summer of 2020. Judy East responds to say that the given the state of the roof, and the structural analysis, it is unlikely to last another winter and that the roof be replaced immediately as in the Fall, upon funding.

Michael Morse of the audience asks if the Super Fund would apply to this project. Mr. Coffin responds that Superfund projects are typically a dire or severe situation such as human health or an environmental factor that warrants an immediate resolution and possible involvement from the federal government.

Former Councilor Robert Peacock from the audience asks if any of this money for cleanup would include the mitigation of the pilings under neath the building. Mr. Coffin responds that is a separate focus and turns to Judy East and the partners for comment. Linda Godfrey responds that the foundation aspects are part of the whole building restoration which is part of the financial plan. Mr. Coffin reiterates the purpose and intent of the various phases that cover matters such as these. Ms. East responds that they did apply for a grant with Maine Rural Development Authority application and were denied for stabilization of the building itself. Upon receipt of the denial she submitted a Special Projects Matching Fund request to the Office of Community Development for a Community Development Block Grant and are waiting a response back which will help to stabilize the structure and is separate from the cleanup.

Chester Jenkins of the audience asks if there is any fiscal responsibility or burden to the City and/or to the taxpayer. Mr. Coffin responds that there is none. The Brownfields funding comes out of EPA's resources and they pay for 80%. Out of the \$500,000.00 award, there is 20% requirement for matching funds or in-kind services but that is on the property owners and not the City. Mr. Coffin comments to say that it is important to inform the City and its residents of the project and to get feed back.

Jana Sutherland of the audience asks about the qualified contractors and the disposal of materials. Mr. Coffin responds that they would have the proper licensing for handling,

managing, and disposal, etc. He informs that there are EPA governmental thresholds that must be met. Judy East also responds to say that there is a requirement which is part of the application to include the contractors for the cleanup but also the qualified environmental professional. Mrs. Sutherland asks specifically where the disposal goes to. Mr. Coffin responds if it is lead base paint it would go to a special landfill or to a facility such as Maine Waste Management that are licensed facilities. It is a careful and well documented process that protects everyone.

Councilor Jeanne Peacock comments to say that this is her first meeting and extends a thank you to the owners of Dirigamus as well as Judy East and Mr. Coffin for keeping the City and the community abreast of these projects and shares that this is a game changer for Eastport and a wonderful opportunity in a very big way. Mr. Coffin responds to say that they will do their best to move forward with a strong application.

Ms. East explains that they have changed the rules on both of the applications in that they no longer need or want support letters as they would get inundated with them. That being said, they do permit and require the transcript of this meeting in the attachment. She asks for some type of tally of what the City's perception is of the project so that it is reflected in the record.

Former Councilor Mary Repole comments to say that it is a good idea and is in support of said project. Lora Whelan speaks for herself as well as Edward French in support of the project. Former Councilor Robert Peacock speaks to the unbelievable potential and agrees with Councilor Jeanne Peacock and that it is most certainly a game changer for the City and that it will have an impact for the future of the City.

Michael Morse speaks as Chairman of the Planning Board and a downtown business owner that this is an important project and hopes to see it move forward.

Linda Godfrey speaks to the age of the building which is approximately 110 years old and that the architects and engineers report that it was built three times stronger than it needed to be. She reports that there are 138 pilings underneath the building and that those were studied by a marine engineer group and that each has been graded respectively. She refers to a black book which has process information, drawings, resource information, etc. to give confidence that although this will take some time, it is a positive outlook to the vision. The book is there for review so that it gives a better perspective of what they are trying to accomplish. The consulting developer is Jonathan Arnold. She speaks to the celebration to honor Eastport's history and that we are all in this together in a positive way and that we are in the top ten of the coastal communities.

Meg McGarvey of the audience shares of the positive feedback that has been received all over the country.

Council President, Roscoe Archer, III, thanks everyone for their time and efforts in bring this forth. Judy East also extends a thank you.

c) Update on Regional Resilience - (Judy East)

Judy East updates that this item of the agenda is also an "FYI" informational update. This project consists of multiple grants one of which is a Coastal Communities Grant that is provided to the Council of Governments from the Maine Coastal program; leveraged by four Shoreup Maine Island Institute grants that were given to Eastport, Machiasport, Downeast Salmon Federation, and Milbridge. It is a regional resilience project and what she has provided us with is the Rider A which is her contract describing what the project is all about. She makes reference to the first page which is an overall that addresses the work to be performed and what the deliverables are. The overall is to avoid infrastructure failure and increase resilience to coastal flooding and future sea level rise in the most significant working waterfronts and largest coastal service centers in Washington county. She then references to several sub-components which are designing and expanding working waterfront access in Machiasport, addressing road bed and culvert vulnerabilities in Eastport and Jonesport, procuring culvert designs in Eastport and Milbridge, and supporting fish passage and increasing flood water obstruction by tidal marshes in Machias and obtaining highly accurate one-foot contour survey data using a drone to capture aerial photographs and topography in Eastport, Lubec, Bucks Harbor, Jonesport and Milbridge. She then comments to say that the purpose for putting that all together is simple – economy of scale. The agreement for funding was that her agency would do one or two RFP's to get the survey work done and the engineering work done and the overall purpose is to increase our

competitiveness for the culvert bond funds that will be released in the coming months, which she believes is funded by a bond from two years ago and notes that this money has been coming for awhile now. She also believes that there was more money in 2018. She further comments to say that there is further culvert renovation money coming and that the true purpose is to prepare us and get us ready. She emphasizes that we are more competitive when we apply for that money if we have our designs in hand or the basic engineering issues solved. For Eastport, they are: correcting culvert issues of flooding on Toll Bridge Road, addressing the concerns of capacity with regard to the culvert on Middle Street; also in the neighborhood of the sewer pump station. Her role is to getting the RFP's out, and to sharing our learning and understanding that we are coming to - to other communities throughout Washington county. She will be updating a 2014 assessment which will come from this project. She continues to say that where this project stands right now is that she has signed off on her side of this project and she has sent it in and she is waiting for the signature that gives the go ahead to spend money.

Councilor Bradbury asks about the local match of \$54,000.00 and where that is coming from. Ms. East responds that it is coming from a variety of sources and refers to the matching funds table in the handout which gives a breakdown.

The City Council thanks Judy East for her time and keeping them updated.

d) City Council Appointments for Signing of Warrants

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

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.*

e) Establish Time & Place for Regular City Council Meetings

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**

To approve that monthly City Council meetings be held on the second Wednesday of each month with Executive Session at 5:30 p.m. and the Regular portion of the meeting to commence at 6:00 p.m. or thereafter at Shead High School in the Band Room.

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

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

To approve and authorize that The First and the Bangor Savings Bank be the depositing banks for City funds.

g) Staff Appointments for Calendar Year 2019

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

To accept and approve the staff appointments as submitted.

h) Council Liaison Appointments for Calendar Year 2019

MOTION BRADBURY **SECOND** SMALL **(PASSED 4-0)**

To accept and approve the Council Liaison appointments as submitted.

i) Establish a 0% Discount Rate for Pre-Payment of FY2020 Taxes

MOTION BRADBURY **SECOND** SMALL **(PASSED 4-0)**

To approve a 0% discount rate for pre-payment of FY2020 taxes.

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

MOTION PEACOCK **SECOND** SMALL **(PASSED 4-0)**

To approve the City Treasurer, Traci Claroni, to *negotiate and execute* Quit Claim Deeds for the City.

k) Council Approval – Donation of Speed Sign – Dept. of Transportation

MOTION SMALL **SECOND** BRADBURY **(PASSED 4-0)**

To accept and approve the donation of a solar powered speed sign from the Department of Transportation.

l) Council Approval to Accept Donation of a Glass Crusher from Pleasant Point

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

To accept and approve the donation of a glass crusher from Pleasant Point.

m) Council Approval to Accept Donation of a Cardboard Bailer from Pleasant Point

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

To accept and approve the donation of a cardboard bailer from Pleasant Point.

n) Council Liaison/Manager Updates

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 4-0)**

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

o) Council Approval of Consent Agenda

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**

To accept and approve the Consent Agenda as submitted.

X. COUNCIL ISSUES - *THERE WERE NONE*

XI. ADJOURN

MOTION BRADBURY **SECOND** SMALL **(PASSED) TIME: 7:03 P.M.**

To adjourn.

