

CITY OF EASTPORT

**CITY COUNCIL WORKSHOP
& SPECIAL COUNCIL MEETING**

**WEDNESDAY, MARCH 22nd, 2017
PORT AUTHORITY BUILDING - 5:30 P.M.**

Those in Attendance: Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Shannon Emery, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present was City Manager, Elaine Abbott; Ella Kowal, City Clerk; and Police Chief, Dale Earle. Also in attendance were Derek Brown and Lawrence a/k/a Brudo Baxter of the ATV Club.

CITY COUNCIL WORKSHOP (RE: ATV Public Access Request)
(Recording Reference WS700264)

Council President, Gilbert Murphy opened the workshop at **5:30 p.m.**

He reminds everyone that this is a Council Workshop relative to a Public Access Request for ATV's and turns the meeting over to the representative from the club, Derek Brown.

Mr. Brown refers to a generalization map that was drawn up of the public roads they are asking to be considered. He begins with the outside edge of Carlow Island of Route 190 and then inside by the guard rails by the last causeway before you get to Quoddy Village. At the end of the guard rails they go across to Vanesse Road (by the dialysis center); from there they would go cross through to Conner Street and then out Johnson Street and then "t" into the Toll Bridge Road. He notes they would also like access to the entire length of Toll Bridge Road all the way down to the old bridge site. Also to the left coming out to the Johnson Road and back onto to Route 190 where they could cross onto a public land and come back out on to Kendall Head Road and from the Kendall Head Road down to Route 190 again (he notes the distance from Kendall Head to Redoubt Hill is legal to traverse on an ATV without a permit but that he will include that to require a permit for knowledge and safety reasons as well as a legal access status).

From there they would be accessing the Norwood Road or the Old Redoubt Hill Road. He emphasizes that their objection is so that they can hit every business in town and to bring economy to the town. He makes reference to wanting to have access to all of Harris Point Road that would take them down to Clark Street then dropping down to Sullivan Street with potential

parking access area across the street from Dean Pike. He also notes that they would like to continue on down to Key Street which would give access down to Quoddy Bay Lobster and down behind there for a parking area. He expresses it would give access to the motel and the restaurants and shops on the front street. They would continue around and make the loop up from Key Street to County Road. They would also like access from Deep Cove Road. He stresses that they would like to give the most the City has to offer to everyone which includes treating all the businesses as fairly as they can with exposure. He expresses to Council that it is his belief that it will help the City and does not believe it would be any trouble at all.

Lawrence "Brudo" Baxter speaks to not being able to access the Chowder House from Adams Street and beyond that street is in violation.

Council President, Gilbert Murphy, notes that they were going out to Redoubt Hill Road and asked how they were going to get off there. Mr. Brown responded that they are still working on that and are trying to get across there by considering several different avenues. He notes that it is all private access between the points. They want to stay away from the corner on Redoubt Hill for safety reasons.

Councilor, Mary Repole, responds that she believes permission would need to be granted for non-public access. He responds that this is the job of the ATV Club. She speaks for herself that the City would need to see the approval from the people before the City proceeds. He further comments to say that they need the City's permission with regard to the mapping before they can proceed. He notes that it is actually being done backward in that he will have to do the same for the Tribal Government, Sympyak, and the Town of Perry. In order for him to do that, he needs permission to go on the City streets of Eastport with ATV's before he puts in the work of going backwards as the DOT will not allow him to permit to do this. She speaks for herself in that she could not give a "yes" vote to start anything unless she knows that those people who give approval. Mr. Lawrence stated that we would only have to approve City property not other people's property. Councilor Repole responded that she knew that but as a City Councilor she would not be comfortable approving unless the package is done. Council President, Gilbert Murphy, said that what Councilor Repole is trying to say is that she is not in favor of approving anything until the ATV Club has lined up the private access with that approval. He further comments to say once that has come forth with approval then they will look at it. Mr. Brown responds that he has had a lot of people that have said yes and for them to come to see him. He would not produce anything unless he had those permissions in writing. He has sent a state letter on the rail bed and he is adamant about having a contract with people. He continues to say that he can put something together but his point of view is that he doesn't want to go through hours and hours of work just to rowl people up for the fact of not being able to do it. Councilor Shannon Emery ask if it would be possible to do a motion with wording if the ATV Club can provide verification of all landowner's approval then yes we would do this. Councilor Repole responded that she would not be willing to do that and Councilor Shannon

asked why and Councilor Repole reiterated she just gave her reason and she would be uncomfortable. Mr. Brown reminds Council that they must have written permission on hand to receive any kind of State grant and that the State can audit them at any given time and ask to see the landowner slips and that this would also apply to the City as well. Mr. Brown expresses concern about going through all that work for it not to happen. The process starts backwards as it ensures that they have a destination to work from and then he goes backwards getting it linked up and says that most of it is done. He further comments to say that he is waiting on things in writing. He says that we can wait until it is all in writing or however the City wishes to do it. Councilor Bradbury responds to say that she is in agreement not to move forward until the City has seen the support of the landowners. Councilor Scott Emery responds that he feels the same. Mr. Brown respects their position and will move forward to get that information with regard to the landowners. Councilor Shannon Emery asks if he goes and does that are there any other issues he can address at the same time. She does not want him to do all that work and come back and hear there is something else. Councilor Repole comments to say that the only thing that may come up is if the pathway changed but notes that Mr. Brown could keep in touch with the City on that. He asks the Council what their thoughts are on the roads if the City did open the roads to access and if there are conditions or stipulations. Councilor Shannon Emery stated it should be 15 mph on all in town roads. Mr. Brown reminds Council that it is the responsibility of the ATV Club to post the roads. The DOT will post Route 190 at a cost of \$200.00 per tenth of a mile that the ATV Club will foot the bill for. He continues to say that they have expended \$56,000 in the last four years for access from Route 1 to Ayres Junction in bringing the trail back to being a passable maintainable trail.

Mr. Brown extends an invite to anyone who wishes to attend their meetings which are held the on the 3rd Thursday of each month at 6:30 p.m. and also offers up a ride on the ATV trails to see what they have as it is much different than what is perceived.

Councilor Scott Emery comments to say that since the Council just received the map today, he would like to have another meeting to get input from the residents of those streets that are going to be affected by it. Councilor Shannon Emery also makes reference that the meeting would allow the business owners to attend as well.

Cynthia Morse asks if the public is allowed to speak. The City Manager reminds Council that it is a Council Workshop but it is at Council's discretion. Council grant permission. Ms. Morse comments to say that she is a business owner and has not been approached. She feels the City is a congested residential area and feels strongly that the ATV's are noisy. Her thoughts are that it would not be good for business in town and is not in favor of allowing them on the streets.

Michael Morse addresses with a comment to say that a motorcycle or dirtbike being considered an ATV. Mr. Brown responds that if it is registered as so but it can be registered

to go also on the road which makes it legal to ride if they have a license. Mr. Morse then asks if it is legal for a 10-year old with an adult to ride. Mr. Brown responded they must be 16 years of age to operate on a public way without a motor vehicle license and falls within the State's guidelines of use. He then asks if they would provide the minimum insurance that a motor vehicle is required to have by the State of Maine to ride the streets/roads. Mr. Brown responds that he would provide no insurance. He further comments to say that as a responsible adult he has insurance on his vehicle. Mr. Morse then asks if he would have \$50,000 bodily injury per person \$100,000 for total bodily injury and \$25,000 for property damage. Mr. Brown responds that he has \$100,000 bodily injury.

Bob from Redoubt Hill addresses Council to say that he was unaware that this meeting was going on until he received a call. He asks what the purpose of an ATV going up to Redoubt Hill in a circle. Mr. Brown responds that they are going to try and access from there out through to Old Redoubt Road (Buth Harris' property). Bob notes that they would have to construct a trail out through there. Mr. Lawrence responds that there is a trail from the 1970's that the snowmobilers made and is directly across from Robert Arsenault's house. Bob asks if that would be wide enough for an ATV trail. Bob's concern is that ATV's will entertain just riding the circle. Mr. Brown responds that as long as it is mapped and signed out properly, they must stay on the marked trail. Should they be any place other than what is marked, they are violating the law and then it becomes a law enforcement issue. Bob has reasonable questions and does not appreciate Mr. Baxter's attitude. Mr. Brown responds that it will be kept informational and that they will gather it and also comments to say if there are other questions he would be glad to answer them.

Paul Theriault speaks to if the City considers an ordinance that they could place restrictions within the ordinance to cover the concerns raised. Mr. Brown responds that the more they scope this in, the less appealing it is going to be. The more limitations the less appealing. Mr. Brown reminds Council that it is the City's choice whatever way they decide to go on this.

Ms. Clendeniings asks what would happen if they don't have insurance and that there is a lot of potential here. She asks what the purpose is and why they feel the need to bring ATV's down here onto the City's streets when they have all these other great trails. She further comments to say that she didn't move here to hear and see the racing of ATV's. Mr. Brown responds that ATVing brings economy and they want to bring a boost to Eastport and help it thrive a little bit extra. She feels it is a quiet working fishing village and people come down here for that. She prefers that her peace and quiet that she came here for not be taken away.

Ryan Jones speaks to that he feels it is a bad idea and is not a direction that he would like to see Eastport to go in. He reminds us that we are trying to attract people to come and buy houses, whether it be to retire or to live here and asks that we remember those who come here for summer rentals.

Sarah Talbot speaks to the importance of bringing hard data to Council and that she is not hearing any of that. No information has been brought forth as to experiences of other towns as a form of backup. She asks that hard data be produced before Council render a any type of decision.

Meg McGarvey speaks to two concerns that she has. She would like to know how the access would be controlled and does not feel that we have the force to patrol this. She currently is not in favor of the request.

Anne Stanley asks if ATV's are ridden on City streets in the winter time. Mr. Brown responds that they do not. He further comments to say that once the trails are covered with snow, they are closed to ATV's and that the winter time is not an ATV season. He continues to say that should the City consider an ordinance, they could place a stipulation in the ordinance.

Jon McNerney asks if this will go to the citizens for a vote. Council President, Gilbert Murphy, reminds him that this is a workshop. Mr. McNerney's concern is that it will be set in concrete if the City moves forward on this. He feels strongly that the citizens should have the final say by way of a vote.

Bob O'Hayer speaks that he feels it is a bad idea on every front and predicts that the property values would go down.

Councilor Shannon Emery has a question for Police Chief, Dale Earle, and asks what the age limit is to drive a car. He responds sixteen years of age through driver's education otherwise it is eighteen. She then asks the legal age to drive a motor cycle and he responds that it is the same. She notes that the City could have a gang of 16-year olds driving through the town on Harley Davidsons comments that motorcycles are louder than ATV's. Mr. Brown responds that a brand new 4-wheeler stocked right off the shelf and a 900cc machine is 91-93 decibals which is the same as a pickup driving down the road. Councilor Shannon Emery asks Derek Brown what towns have refused ATV's in Washington County. He responds that Calais has no ATV club. However, the representative is working on that for access from Ayres Junction to Route 1. He states that every town in the area that he covers (Whiting, Township 14, Marion, Edmunds, Pembroke, Dennysville, Charlotte, and Perry) have no issues.

Mr. Lawrence comments to say that he did call Fort Kent about ATV traffic and asked for their violations in 2016 and there were a total of two which were reflective of people lost on a public way.

Council President says that the Eastport City Council will take this under consideration and thanks Mr. Brown for coming down. He responds that he is hoping to have a little bit more economy pumped into Eastport but sees how it is going to go and will consider Calais.

The City Manager, Elaine Abbott, asks for a summarization of what the Council wants with regard to the landowners. Council President asks for the routes across the properties from Mr. Brown and notes that once that is received, Council will meet in Executive Session to talk about it.

Mr. Brown comments to say that he is not there to push anything on anyone, he is here to educate the people who do not know and to offer up the potential of it all.

Council President, Gilbert Murphy, closes the Workshop at 6:10 p.m.

SPECIAL COUNCIL MEETING

(Recording Reference WS700265 & WS700266)

I. CALL TO ORDER

Council President, Gilbert Murphy opened the Special Council meeting at 6:20 p.m.

II. EXECUTIVE SESSION

MOTION REPOLE **SECOND** SCOTT EMERY **(PASSED 5-0) TIME: 6:21 p.m.**
To go into Executive Session under Title 1 M.R.S.A. § 405(6)(A) for Personnel Matters.

Council President, Gilbert Murphy, had to leave the meeting for an ambulance call.

MOTION REPOLE **SECOND** BRADBURY **(PASSED 4-0) TIME: 7:18 p.m.**
To come out of Executive Session.

III. ACTION FROM EXECUTIVE SESSION

MOTION REPOLE **SECOND** SHANNON EMERY **(PASSED 4-0)**
To rescind the vote of 3/8/17 with regard to 7 Hawkes Avenue and 147 Water Street given the condition of the properties and to approve putting out to bid the 7 Hawkes Avenue property with a minimum bid of \$7,500.00 and to get demolition bids on the 147 Water Street property.

IV. ADJUSTMENTS TO AGENDA (if needed)

There were none.

V. ADJOURN

MOTION BRADBURY **SECOND** SHANNON EMERY (PASSED 4-0) TIME: 7:20 P.M.
To adjourn.