

**SPECIAL CITY COUNCIL MEETING**  
**WEDNESDAY, OCTOBER 25<sup>th</sup>, 2023**  
**CITY HALL – 22 WASHINGTON STREET - 5:00 P.M.**

**Those in Attendance:** Councilor Floyd “Bub” Andrews, Councilor Colleen Dana-Cummings, Councilor Dave Morang, Councilor Jeanne Peacock, and Council President Boone. Also in attendance were Interim City Manager, George “Bud” Finch IT Support and Deputy Clerk, Donnie Peters, and City Clerk, Ella Kowal.

**Public Attendance:** Mark Wigley, Walter Cummings, Richard Clark, Police Chief Mark Emery, Jon McNerney, Birdy Velveteen, Chris Vizcarrando, Steve Trieber, Kate Devonshire, Paul Terrill, Dana Turner, Dale Earle, and recorded zoom participants.

**I. CALL to ORDER**

Meeting was called to order at 5:00 p.m. by Council President Boone.

**II. OVERVIEW of EASTPORT POLICE DEPARTMENT**

Council President addresses the Interim City Manager, and he comments prior to giving an update and recaps that Council hired him on June 1<sup>st</sup>, 2023 tasked with the closing out of the FY2023 year and the implementing of FY2024. He also reminds that they agreed to keep him on an interim on a monthly basis. He continues with sharing that there are many rural towns struggling with changes and financial crisis.

He continues to say that his first finding was that the budget was not completed nor approved prior to his arrival, when typically it should be approved by June. He notes that the budget should be prepared by December for review by the Budget Committee and the Council. It is created with 5-year historic data. The presentation of a budget is usually turned over in January. It should be done by the end of April and ready no later than May.

He had little time to understand the budget as presented so he had supported a budget increase for the police department as well as other departments where applicable. He reminds City Council that these were in there and that he was not part of the budget process. At that time there was discussion of the need for 24/7 coverage. Taking it out of the budget was not going to make it easier to providing this and accepts full responsibility for this. That being said, he believes that there were the best of intentions of the Budget Committee, the Council, and the Department Heads.

He updates that he is on the Budget Committee for the County and explains that the valuation of the town for taxes is set by the State and not by our budget. As a result of homes selling well above market value, our value is a great deal higher. Should the county budget pass, this will equate an increase of \$95,500.00 more.

He shares that he and the Police Chief have been working together and recognize that it is expensive to fund a 24/7 police department. He comments further to say that there are complexities out of our control and the need is there for communities to work together.

He presents options. The first being, no City police coverage at all. This is an option, but not one he recommends and feels that it is unacceptable. Police Chief Mark Emery also does not support this option. At this time, we do not have the capability to provide 24/7 coverage.

The State and the County are also experiencing not having personnel for their services. The option to fulfilling hours with reserves has become limited due to the lack of fewer officers. That being said, there are many varying factors of why we are limited.to personnel. We use to be able to utilize reserve officers at an hourly rate without the benefits. The other option is to contract with the County, but there is no guarantee of being able to give us any more coverage than what we are already providing and/or paying. He further explains that there is a difference in contracting them and having them respond. If we were to go that route, what is the gain? Especially if they were to provide what we can already give but not having control over it.

He then speaks to the fourth option that he puts on the table for consideration and comments to say that he refers to it as mixed coverage. It is time for the County and towns to work together. Staffing is an issue within all departments.

Police Chief Mark Emery speaks to say that there is the need of a minimum for four people to provide 24/7 coverage. With three people in the mix, it gives us 75% coverage over the Sheriff's office. Even if they go to 2:00 a.m., 3:00 a.m., or even 4 a.m.; they could do a schedule for seven days a week. Right now, they are at two people and there is someone looking to come in for that third position and is in negotiations to at least get back to where they were. He reiterates that there is a need for a minimum of four to get 24-hour coverage.

The Interim City Manager addresses the Council and comments to say that this is the best they can do, and he is open to guidance and direction. With the potential of the County Budget passing with an increase of \$95,000.00 , what do we **not** put in our budget next year?

Council President Boone speaks to say that he has looked for 24/7 coverage for a number of years and understands the cost of doing business and has seen the budget continue to grow with the services dropping. He understands that we have no personnel and that we probably cannot obtain personnel. He hears from people who are not happy with the Police Department but is not so sure that they want to see it go away nor does he. He certainly wants to see it grow if it can, but does not want to see the budget grow as the taxpayers are already hit very hard. He then makes reference to Councilor Andrews comment last year with expressing the need for night coverage especially with stoves burning, and in addition to the checking of roads which resulted in overtime because no one was available in the department to check with.

Police Chief Mark Emery responds to say that they are also competing with other police departments with a small group of people in Washington County. He can commit to what he has right now with three people but recognizes it is not the 24/7 coverage they are looking for. He further comments to say that the Maine Criminal Justice Academy has changed their regulations/standards for the reserve course in that you use to be able to complete 100 hours without going to the full academy. Now, you must follow the same requirements as a full-time officer which also effects the part-time pool for personnel, which is shrinking.

Councilor Andrews speaks to say that what he is hearing is that calls are coming in but that there is no follow through. The responses that he is hearing are that it is a "civil" matter or we can't do this or that. If the Police Chief is able to offer up the coverage in a schedule for the wee hours now, why was it that we could not get that before and that we shouldn't be at this point now. He feels that as Police Chief one should know those critical hours and be available to work it. It seems to him that if it can't be done then they'll need to look at finding someone who can do it.

Councilor Dave Morang addresses the Police Chief and asks what these other towns are paying that are resulting in us not being able to compete. Police Chief Emery responds to say that we are below the scale and further comments to say that for some pay is not the complete issue. He does not have the numbers of the other towns, but he does hear it through the grape vine of what they may have been offered to go elsewhere; which is significant to some. Councilor Morang asks if the wages were to go up, could we attract people. Police Chief Emery responds: "he believes so". Councilor Morang then asks about the schedule he speaks of. Police Chief Emery responds that he could the days Monday through Friday and then the Officer on duty with a 12-hour shift from 3:00 p.m. to 3:00 a.m. and until he is able to get back in, Washington County could take calls. Unfortunately, we do not have the part-time staff to fill the gaps. That being said, he could adjust the schedule but it may not always be a 24/7. Councilor Andrews asks if one is unable to cover wouldn't the Police Chief be available. It would be, but the concern is that this person has already worked a full shift. Councilor Morang asks what our pool of officers are and asks if we have spares and the Police Chief responds that he only has a couple and that it is only in a part-time capacity and not a full-time rotation.

Interim City Manager speaks to say that it is not just the hourly pay that is killing the budget, it is the benefit package. At one time, we use to have a total of thirteen reserve officers. Not even sure that there are enough officers in the County to rebuild it.

Councilor Dana-Cummings addresses the Police Chief and asks to help understand the difference between criminal and civil and why we are not enforcing civil. He responds that civil is something such as a property dispute or things that an attorney may take care of or it may be a case where it involves small claims court.

Councilor Peacock speaks to say that the idea of cooperating with other communities is going to be in the future in many things but her question is it is...where it is only Calais, Eastport, and Baileyville; do we see those entities as cooperating on that level? Police Chief Emery responds that he believes this will happen at some point. She then asks about his timeline for getting the third officer, and he responds that he does have someone in mind currently that has expressed an interest and he anticipates it may be a month or two. She expresses a concern that we have so few police officers, why do we have ride arounds together. The Police Chief responds to say that this is a misconception as there may be an event going on where this would be the case. Other times, it is an officer who visits with him during the day and is riding

but not getting paid. That is not to say that there isn't situations where there isn't a need for two officers on at the same time. She then asks if it is true that we are not allowed to call on SIPYAK because they are paid by Federal. He states that is not true and that we back each other up all the time.

The Interim City Manager speaks to the mixed option and that he has reached out to the Sheriff's Department and expressed that we have a nice base station here. Typically, the Sheriff's Department is out of Machias. Are there other options that we could do in exchange to provide closer coverage for the County? He will share that further after he has spoken with the Sheriff's Department. He believes that there may be more opportunities and understands that when the State Police had more coverage in the County there was a Deputy and a State Police officer roaming. They use to be between Danforth and Steuben. He will share more on this when he has had discussions with the Sheriff's Department. We need to look at what options will assist to make coverage happen.

Jon McNerney of the audience addresses the Council that some years ago that the Council at that time did not allow for Eastport officers to go beyond Perry corner and he is unsure that this got changed back. Councilor Andrews responds to say that he believes he is correct on that and that we were not allowed to go across county line. That being said, he believes it is reciprocal in that if there is a need; they would come in here and we would go out there.

Ms. Velveteen from the audience speaks to an experience that she and other local residents has had with the Eastport Police Department which has been over the course of a year. Stalker related with posting anonymous threatening signs. One of the signs ended up in front of City Hall and police surveyance cameras are subject to FOAA and public record which are to be retained and disclosed as per the Maine Archives. She states that she was told this wasn't a crime and that it is not something that the police will look into and that she could not have that record. She comments that the record was destroyed three days later and that she regrets asking the police for help and that she was in worse condition after asking for it. To her, coverage does not matter if the police are not going to follow through nor follow the State law. She does not feel protected here and does not feel that throwing more money at the Police Department is going to solve the problem as services are not available to people.

Chris Vizcarrando from the audience asks if we are able to utilize police from Pleasant Point. Councilor Andrews responds that they can if they do it on their own time, but that they would have to apply. Police Chief Emery and Council President Boone responds that other departments are in the same situation with being

short staffed and finding it hard to get people. Jon McNerney of the audience comments to say that he feels that we need at least four people full-time to get the coverage we are looking for. He also requests to get a copy of the budget.

Councilor Andrews speaks to say that his concern is the hours that are worked on a weekend. He recognizes that we have six bars in town and we see plenty on the day shift but not a lot of coverage on the weekend. He hears from a lot of citizens that they do not feel safe and this is why. He asks when things are happening, are they being handled appropriately? He asks are we issuing summons and the Police Chief responds that it does happen. It is discretionary based on the situation. Councilor Andrews reiterates that if the law is being broken it needs to be handled appropriately. He is hearing that there is no enforcement. Taxpayers are not getting what they are paying for. He feels that certain hours of the week should be covered.

Paul Terrill from the audience comments to say that Council says it is not looking to micro-manage and that Councilor Andrews is questioning the Police Chief and speaks to say that is micro-managing. Councilor Andrews responds this was brought up at the last meeting. Council President Boone reminds that the audience member needs to direct his comments to the Council President and he asks strategically what problems are we trying to solve with demanding 24/7 coverage and if we do need it, then we are going to have to pay for it. Council President Boone asks Police Chief Emery if we need 24/7 coverage and his response is that he would always recommend 24/7 coverage. Jon McNerney from the audience speaks to say that sometimes there are issues of speeding and that maybe one does not see results.

Council President Boone asks what Councils' wishes are at this point. Is there a Decision tonight or do they allow the Interim City Manager to work with the Police Chief and bring this back in another three to four months. The Interim City Manager speaks to say that the direction needs to come from the Council. He comments to say that the chain of command should be that he works for and with Council; the employees report to him and work on the all things related to the current budget. All towns are bound by the same State statutes and the only difference is the amount of staff. It is a competitive world and it is difficult to find people.

Chris Vizcarrando speaks to say that she took a video to the Police Department to report damage to her son's parked vehicle and the police officer on duty at that time was very rude to her (noting that it was not Police Chief Emery). She called several times and the same officer blew her off. Her issue is that there is no follow through.

Council President Boone speaks to say that her recourse should have been to go to the next higher authority with a complaint. He comments further to say that this is a review of the Police Department and not the budget as this has already passed. He would like to see them work with the Interim City Manager to bring the department back.

### **III. EXECUTIVE SESSION**

**MOTION** PEACOCK **SECOND** NONE **(FAILED)**

To go into Executive Session under Title 1 M.R.S.A. § 405(6)(A) for Personnel Matters.

Councilor Dana-Cummings left the meeting.

Council President Boone speaks to say that it has been recommended that this item be placed on next month's agenda as an item rather than an Executive Session item. Steve Trieber responds that he does not want this to go into a public meeting and that it is private relating to invoices and money and is not appropriate. Council President Boone responds to say that we are talking about personnel and some do not consider Mr. Trieber to be personnel and they've seen nothing that shows they have voted him as personnel. If he wants an Executive Session then he would have to ask Council to have one to discuss monies and issues. Council President Boone explains that there was no second and the motion failed because he was not personnel and asks where in the minutes he shows that he was appointed and for how much. Mr. Trieber responds the City owes him money and that he has emails and just wants to get this cleared up and resolved. He updates that his requests were sent to all Councilors individually as well as through email with a copy to City Hall.

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

To put Steve Trieber and his request on the agenda for our next meeting which we believe to be November 15<sup>th</sup>, 2023.

### **IV. ACTION from EXECUTIVE SESSION** *(if applicable)*

THIS ITEM NO LONGER NEEDED.

### **V. ADJOURN**

**MOTION** MORANG **SECOND** PEACOCK **(PASSED 5-0) TIME: 6:21P.M.**