

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, MAY 9th, 2018
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

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

___ 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. § 495(6)(E)
Title 36 M.R.S.A. § 841

NO EXECUTIVE SESSION

REGULAR COUNCIL MEETING

(Ref. WS7000318)

City Council Attendance: Councilor Roscoe Archer, Councilor Hailley Bradbury (via: electronic attendance by phone), Councilor Scott Emery, Councilor Shannon Emery, 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: Bob Bean, Tom Ries, Kerry Jackson, Marged Higginson, Jeff Sullivan, Corey Sullivan, Gordon Smith, Hugh French, Walter Cummings, Robert Scott, Pat Christopher, Kathryn Lewis, Jana Sutherland, Michael Morse, David MacNichol, Kevin Raye, Karen Raye, Susan Coopersmith, Jon McNerney, and Alex Smeaton.

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

Council President addresses the City Manager as she has an update. The City Manager, Elaine Abbott, updates that she was contacted back in March of 2018 from the Maine Resource of Recovery Association and that Eastport was named and recognized for Maine's most improved recycling program and presents the award to the members of the recycling program and extends a big thank you to all of the volunteers for their dedication and hard work.

II. ACTION from EXECUTIVE SESSION - Not Applicable/None Held

III. PUBLIC HEARING(s)

Council President, Gilbert Murphy, opens the public hearing at 6:02 p.m.

The first public hearing held was an Amendment to the City's Bow Ordinance.

The City Manager addresses the Chair of the Deer Committee, Walt Cummings, and he speaks to the proposed amendment and notes that the biggest amendment to the Ordinance is for the allowance of crossbows and the reason for this is for the accuracy of them which may also get the youth involved a bit more. He continues by referring to the outlined map that was submitted with the amendment which is clearly marked of the non-hunting areas as well as the hunting areas for the policing of it. They have addressed the concerns of the residential areas by making it “no hunting”. He further comments to say that there was discussion of areas that are that are still residential but are still legal to hunt. He recalls those areas to be Clark Street and Harris Point and if it is legal to hunt there then it should remain the same to do so. He also makes mention of 500 feet from a school and that they also went from 10 feet to 50 feet from a pavement.

Mr. Cummings asks deer committee member, Jana Sutherland, if she had anything to add. She makes reference to the map and notes that it is mapped out to the safer hunting areas and also reminds that hunting is only permissible with landowner permission. Walter Cummings also updates that discussion has taken place relative to a potential concern with regard to landowners not being able to hunt on their own property should the City opt not to permit in certain areas. The committee has made efforts in the best interest of everybody with regard to the mapping which will hopefully address the concerns. Jana Sutherland makes a suggestion to look at a huge field in South End that is cornered off and posted no hunting and is well within a 300 foot radius. Mr. Cummings reminds that if the landowner posts no hunting they are within their right to do so and comments to say that this is another safety net for those areas deemed huntable. Deer Committee member, Bob Bean, comments to say that a hunter must have permission from **all** property owners where land may have more than one owner and he also reminds that these amendments are to assist the Police Department with enforcement. He also ensures that these amendments took into consideration not infringing on the landowners wishes with regard to their choice relative to hunting and non-hunting. Council President, Gilbert Murphy, responds that it is well defined and that it should be enforceable and that this is a good place to start. The City Manager, Elaine Abbott, updates Council that these proposed amendments were considered in conjunction with Inland Fisheries and Wildlife and the Game Warden.

Council President calls for questions from the audience. An audience member asks if there is any chance of cutting the 50 feet back to 25 feet and the response was no. Council Scott Emery suggests that the Dog Island be looked at and be included and feels that area is congested as well. Councilor Archer asks if crossbows are still considered as a firearm. The response was that under the rules they are not considered a firearm but that they must be utilized during gun season. Councilor Bradbury feels that where hunting is not permissible it should curtail a lot of the issues.

The second public hearing held was for the Sale of Unused City Equipment.

The City Manager addresses Council that this public hearing is addressing the sale of unused city equipment and that over the years we have utilized ads in the paper but is hoping to reach a bigger audience and she has met with an online auctioneer who has been used by numerous towns across Maine with tremendous success. She further comments to say that the City's ordinance does permit us to use a broker and that it requires us to hold a public hearing. The items presented were identified by Department Heads. She further clarifies that the online option consists of them taking photographs with a write up and the time period consists of two weeks and the cost is \$15.00 per item for the pictures and the posting. At the end of two weeks we have the right to accept or reject the highest bid and can put it back out at no penalty and that the buyer pays the premium or the commission when they buy it and payment occurs within two weeks. She updates Council that she spoken with various towns who have used this over and over and that we would like to try it. The company is based out of New York but that they have a New England representative that was here 4-6 weeks ago. He was quite excited about the 1974 Ladder Fire Truck as it was in near mint condition and felt that collectors will be interested. Basically, this is a different attempt to bring in more revenues. She continues with review of the list submitted and notes that it consists of the 1974 Ladder Truck, a 10-foot Fisher plow, the 2008 Sterling, a Craig Quick Key Plow Head Gear, and a Sweeper.

Council President asks why the Grader was not put on the list. The City Manager responds that she does not know why and did not notice it wasn't on the list. However, if the Council so wishes; they can request it to be put on the list.

Jon McNerney of the audience asks what the fourth item was on the list. The City Manager responds it was a Craig Quick Key Plow Head Gear. He asks what it is. Ms. Abbott responds that it is a mount for a plow truck that has been gone for years.

Council President asks Council for their thoughts on putting the Grader on the list. Councilor Archer is in favor of putting it on. Councilor Scott Emery does not agree with it as he feels strongly that it should be used. Councilor Shannon Emery asks why it is not being used. The City Manager responds that how it has been explained to her is that it does get used on the dirt roads and sometimes utilized for ditching but that it has been explained to her that with how the sidewalks are downtown with the light poles and street poles it is too big and not ideal. Councilor Shannon Emery comments maybe they do not know how to use it. Councilor Archer did not believe this to be the case. Councilor Shannon Emery asks how expensive they are. The City Manager responds that she does not know what a grader is new but informs that it was put out to bid awhile ago and believes that the top bid was \$31,000. It is used but limited use. Councilor Scott Emery responds that once it is gone it will

never be replaced. Councilor Hailley Bradbury asks if we would go to a smaller grader or if we would be done with it entirely. The response was that it would be done with entirely as we could use the front end loader could be utilized on the dirt roads for roads such as Shackford's Head, Sea Street, Quoddy Village. Council President asks if Perry has a grader and if renting or hiring is an option. The City Manager responds that this has been discussed and could be an alternative resource. Councilor Shannon Emery how much we paid for the grader. The response was that we have had it for a very long time. Councilor Shannon Emery expresses that she approves of putting the grader on the list. Councilor Bradbury is in agreement to put it on the list as it seems a bit foolish to hold on to it if it is not being utilized and as long as we have the front end loader that will do the same type of work. Councilor Scott Emery responds that it is not comparable to the front end loader. Council President explains that the front end loader is not specific to the grader but that it does similar work, and if needed, the City could consider hiring a contractor. Councilor Bradbury asks if it is costing us any money right now for the grader. The City Manager responds that they do oil changes and maintenance on it. She reminds Council that Howie could come in to discuss this with them. She also notes that it isn't something we have to do right now and could put it out later if they so choose. Council agrees that it is a good idea for them to meet with Howe on this. Jon McNerney from the audience addresses Council that a few years ago he asked Rene O'Dell why Howie does not use the grader and he told him because he does not like to use it but that it is an expensive piece of equipment not be used. Walt Cummings from the audience asks where the number \$31,000 came from and if this was the value. Council President responds that it was put out to bid several years ago and the offer for it was \$31,000. Mr. Cummings suggests that the value be taken into consideration. Councilor Scott Emery responds it may be old but slightly used with minimal hours.

Council President makes a final call for questions and/or comments.

Council President, Gilbert Murphy, closes the public hearings at 6:20 p.m.

IV. ACTION on PUBLIC HEARING(S)

Amendment to the City's Bow Ordinance

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

Councilor Scott Emery Voted "NO"

To approve the proposed amendments to the City's Bow Ordinance as submitted and presented.

Sale of Unused City Equipment

MOTION SHANNON EMERY **SECOND** ARCHER **(PASSED 5-0)**

To approve putting out to auction the five items as listed and presented which consists of the 2004 Sweeper, the 1974 Ladder Fire Truck, a 10-foot Fisher Plow, the 2008 Sterling, and a Craig Quick Key Plow Head Gear.

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

VI. **UNFINISHED BUSINESS** - *NONE*

VII. **NEW BUSINESS**

a) **Opening/Award of Bid(s) - Sale of City Property - Tax Map #I6-0A5-01
(0.1 Acre Portion of Ledge Behind 83 Washington Street)**

The City Clerk updates Council that there was one bid received.

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

To accept and award the bid from Kevin and Karen Raye d/b/a Brassica Management Property, LLC for the sale of 0.1 Acre Portion of Ledge Behind 83 Washington Street referencing Tax Map #I6-0A5-01 for an amount of \$250.00 and to accept the 10% deposit for an amount of \$25.00.

b) **Opening/Award of Bid – Sale of City Property – Tax Map #I7-0D1-10/11
(45-47 Third Street/Combined Lots)**

The City Clerk updates Council that there were no bids received.

MOTION SHANNON EMERY **SECOND** ARCHER **(PASSED 5-0)**

To authorize listing the property with a broker/realtor and to approve the City Manager to move forward with an advertisement for RFP's (Request for Proposals).

c) **Council Approval to Reduce the List Price for the Sale of 78 High Street**

MOTION ARCHER **SECOND** SHANNON EMERY **(PASSED 5-0)**

To authorize and approve reducing the List Price for the Sale of 78 High Street from \$124,000 to \$99,000 which is listed with the Christopher Group.

d) **Council Approval to Open a Non-Interest Bearing Bank Account**

(Deposit of Grant Monies for the 2014 Micro Enterprise CDBG Facade Grant)

The City Manager informs Council that Hugh French will be speaking to this request to explain it further but that the City has checked with both the Bangor Savings Bank and The First and that they both offer the same services for no fees.

Hugh French explains that this is with regard to ongoing downtown facade projects. Given a series of delays and a one year extension, the State is willing to work with them and given the contracts they are looking to buy a little more time to complete these projects and it is the State's recommendation to open a non-interest bearing account for the 2014 Micro Enterprise CDBG grant monies with a required draw down to be done by the middle of June, 2018.

Councilor Scott Emery asks Mr. French what the cost of the project is. He responds that there is \$125,000 remaining. With a final draw down to be done for the Historical Society, and the Drug Store at about \$45,000, and the Masonic Building for about \$75,000.

MOTION SHANNON EMERY SECONDBRADBURY (PASSED 5-0)

To authorize and approve the opening of a Non-Interest Bearing Bank account with The First for the Deposit of Grant Monies for the 2014 Micro Enterprise CDBG Facade Grant which holds a requirement to be completed by the middle of June, 2018.

e) Council Approval to Put Out to Bid 76 High Street – Tax Map #I7-0C2-02

MOTION ARCHER SECOND SHANNON EMERY (PASSED 5-0)

To approve putting out to Bid the Sale of 76 High Street, referencing Tax Map # I7-0C2-02, for a minimum amount of \$4,329.72.

f) Council Approval to Advertise for the City's FY2019 Trash Bid

MOTION BRADBURY SECOND SHANNON EMERY (PASSED 5-0)

To approve advertising for the City's "FY2019" Municipal Trash Bid.

g) Council Liaison/Manager Updates

The City Manager also updates that Marion Transfer met last evening and they continue to move forward with the installation of the compactor, the three phase power, and the concrete.

MOTION SHANNON EMERY SECOND SCOTT EMERY (PASSED 5-0)

To accept the liaison/manager updates as presented.

Council President updates Council that the Ambulance Director's report in their packet is from their last meeting of March, 2018 and that they are scheduled to meet in June but that they are doing well. If things continue to go well, they plan to pay off their refinance loan in September of 2018 which will be four years earlier than expected.

h) Council Approval of Consent Agenda

MOTION ARCHER SECOND SCOTT EMERY (PASSED 5-0)

To approve the Consent Agenda as submitted.

VIII. COUNCIL ISSUES

Councilor Archer asks for a status update on the backhoe. The City Manager makes reference to the skid mark out by the Public Works on Route 1090 and responds that it was the result of bad bearings and who knows what else and that it had to be hauled off to a heavy machinery mechanic for repair and expects it to be very costly which

may result to about \$10,000. Councilor Archer comments to say that we are putting money into a dead horse and that it is worn out and that both bearings on both sides were gone. He feels it needs to be replaced. Councilor Shannon Emery asks how old

the backhoe is. Councilor Archer responds that it has about 5,000 miles on it. The City Manager responds that she believes it may be a 1994. Councilor Archer says ditching is easier with a backhoe. Council President asks if we are getting an estimate. The City Manager responds we have no choice other than to repair it. Councilor Shannon Emery questions why we are expending \$10,000 into something that is no good. Councilor Archer responds that it will not be worth anything if we don't. The City Manager reminds Council that a lot of the machinery out at Public Works is very very old and in very bad shape. Councilor Shannon Emery asks what the cost is for a new backhoe and Councilor Archer responds just under \$100,000. Councilor Shannon Emery asks if the City could trade the grader in for another backhoe. The City Manager reminds Council that Howie has once a year invited Council out to take a look at the equipment and what they are dealing with. Councilor Shannon Emery expresses she doesn't want to see money expended into equipment that is junk. Councilor Shannon Emery's recommendation is that we get an estimate on the repair before any work is done on it. Her insight is that it may possibly be cheaper to rent out a backhoe. Councilor Bradbury is not so sure that it would be cheaper and that we need to do further research with more concrete numbers on this. Council understands that if we were in need of a backhoe we could utilize theirs.

Michael Morse comments to say that they sight we refer to is a resource whereby we could buy items as well as sell them.

IX. ADJOURN

MOTION _____ SHANNON EMERY **SECOND** ARCHER **(PASSED 5-0) TIME: 6:49 P.M.**
To adjourn.