

## **CITY COUNCIL MEETING**

**WEDNESDAY, DECEMBER 13<sup>th</sup>, 2023**  
**SHEAD HIGH SCHOOL - LIBRARY – 6:00 P.M.**

**Those in Attendance:** Councilor Colleen Dana-Cummings, Councilor Dave Morang, Councilor Jeanne Peacock, and Council President William Boone. Also in attendance were: Legal Counsel, Dennis Mahar; Deputy Clerk, Donnie Peters; and City Clerk, Ella Kowal.  
**Not in Attendance:** Interim City Manager, George “Bud” Finch.

**Public Attendance:** Victoria Ganz, Chester Jenkins, Birdy Velveteen, Catherine Lee, Alan Skinner, Jeanne Pegrum, Dean Pike, Dora Adams, Richard Adams, Clifford, Pat Derry and attendees Via: ZOOM.

### **I. CALL to ORDER**

Council President Boone calls to order the meeting a little before 6:00 p.m.

### **II. ADJUSTMENT(s) to AGENDA**

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

To adjust the agenda as requested to remove Item IV and Item VI(e) from the agenda for this evening and to re-schedule Item IV “Island Institute – Energy Prize/Microgrid for the January 10<sup>th</sup>, 2024 Council meeting.

Council President Boone reports that our Interim City Manager is not with us this evening.

### **III. ACCEPT RESIGNATION of COUNCILOR FLOYD ANDREWS, JR. EFFECTIVE 11/30/2023**

[Vacant Seat to Fill Unexpired Term through to 12/31/2024 – 397 Days]

The City Clerk informs Council that she was in receipt of an email from Councilor Andrews at 8:34 a.m. this morning of reconsideration of his resignation. Council President Boone asks the Council for their feelings, thoughts, concerns, motions, any of the above.

Birdy Velveteen from the audience comments to say that she could not hear and the City Clerk responded with reading the email received from Councilor Andrews. It read: "Hello, I have reconsidered by resignation". The City Clerk affirms receipt of the email was at 8:34 a.m. on 12/13/2023.

Councilor Morang asks for guidance/direction, does this require them to reinstate him. Council President Boone comments to say that they have not accepted his resignation and that this is up to the Council. Councilor Dana-Cummings speaks to say she does not believe that there is anything in the Charter that addresses it. The City Clerk addresses the City's Legal Counsel and asks if there is anything, he responds with a "no". Council President Boone states that they will accept his consideration and move on and asks the City Clerk if a motion is needed to that effect and her response was she would like something to follow through unless the city's Legal Counsel tells us otherwise. Legal Counsel, Dennis Mahar, responds that it would be good to have it.

**MOTION** MORANG **SECOND** DANA-CUMMINGS **(PASSED 4-0)**

To accept Councilor Andrew's reconsideration of his resignation.

**IV. ISLAND INSTITUTE – ENERGY PRIZE/MICROGRID**

[Jamie Cook to Give Update/Report] *Requested by Councilor Jeanne Peacock*

Removed from the agenda under Item II "Adjustment to Agenda" as the representative is unable to attend.

**V. PUBLIC HEARING(s)**

- 1) MA Trott, LLC d/b/a HAPPY CRAB [Renewal of Liquor License]
- 2) Pam Francis d/b/a OLD SOW GRILL [Renewal of Liquor License]

Council President Boone opens the public hearing(s) at 6:04 p.m.

There was no public comment.

Council President Boone declared the public hearing(s) closed at 6:05 p.m.

**V(a). ACTION on PUBLIC HEARING(s)**

- 1) MA Trott, LLC d/b/a HAPPY CRAB [Renewal of Liquor License]
- 2) Pam Francis d/b/a OLD SOW GRILL [Renewal of Liquor License]

**MOTION** PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 4-0)**

To approve the renewal of liquor license applications for MA Trott, LLC d/b/a HAPPY CRAB and one for Pam Francis d/b/a OLD SOW GRILL.

## **VI. NEW BUSINESS**

- a) Appointment of Don Peters as Part-Time Code Enforcement Officer

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

To approve the appointment of Don Peters as Part-Time Code Enforcement Officer.

- b) Council Approval to Accept Donation of \$400.00 from Suzanne Chabot to the Eastport Cemetery [on behalf of her father, Emile F. Ouellette in memory of her mother, June Conley Oullette]

**MOTION** PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 4-0)**

To accept the donation of \$400.00 from Suzanne Chabot to the Eastport Cemetery on behalf of her father, Emile F. Ouellette in memory of her mother, June Conley Ouellette.

- c) Consideration to Accept the Friends of the Boat School Request [Custody of an 18x22 Framed Japanese Geisha Doll for Display at City Hall]

**MOTION** PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 4-0)**

To accept the gift of the framed Japanese Geisha Doll for safekeeping and with thanks to the Boat School.

- d) Council Approval of the Eastport Airport Land Lease

**MOTION** DANA-CUMMINGS **SECOND** PEACOCK **(PASSED 4-0)**

To accept and approve the Eastport Airport Land Lease at .13 cents per square foot.

- e) Incentive(s) for Hiring of a Full-Time Police Officer  
(*Requested by Councilor Dana-Cummings*)

Removed from the agenda under Item II “Adjustment to Agenda” as requested by Councilor Dana-Cummings.

- f) “Establish” Location, Date, & Time for City Council Meetings - Year 2024  
[Recommended Location – Port Authority Building]

**MOTION** DANA-CUMMINGS **SECOND** PEACOCK **(PASSED 4-0)**

To approve holding Council meeting at the Port Authority building downstairs with access from the breakwater and that the meetings will be held the second Wednesday of each month at 6:00 p.m.

Council President Boone wishes to add to this motion and recommends starting in 2024 to do away with the ZOOM of the Council meetings primarily because we do not have the staff to do it nor do we have the technical people to do it correctly. He expounds to say if the citizens of this community would like to have this, which he has no problem with; let's do it through the budget process and hire someone to do the ZOOM meetings. He further comments to say that the biggest complaint that he has is #1 they cannot get in and #2 they cannot see the audience. They can see the Council and hear us, but they cannot hear the audience nor see them. He continues to say that a "good ZOOM meeting" everyone gets to be heard and seen. Should there be someone in the community who wishes to step up to the plate and do ZOOM meetings, he extends the invite. Councilor Dana-Cummings responds to say that this can be added to her motion. City Clerk addresses Councilor Peacock as she made the second to the motion. Councilor Peacock speaks to say that she does not know about doing away with ZOOM and will not second that. With that, Councilor Dana-Cummings requests to make this a separate motion and they move forward with the initial motion made for setting the location, date, and time of the City Council meetings.

Council President Boone readdresses the ZOOM issue with going into the new year and a new location and asks if anyone else would like to comment on the ZOOM discussion. Councilor Peacock addresses Donnie Peters and asks if he is okay with running it. Councilor Dana-Cummings speaks to say that it is an additional burden that we just do not have time for. Donnie responds to say that he is not an IT person and is doing this to help out. He is here as Deputy Clerk to assist with the City Clerk. He continues to say that he is not comfortable with it as he does not want to upset people. Councilor Peacock would like to see us find someone to do it. ZOOM is good for those that cannot make it to the meeting, for whatever reason, and it gives them a chance to view it. Councilor Dana-Cummings speaks to say maybe there is volunteer who would like to step up and do it, from the community. Councilor Peacock then comments to say that she believes the committee for fiber had received a planning grant and that part of that was for technology and we would have to check with the Island Institute but maybe they could do something as there is some money left. She does not want to lose the ZOOM contact but recognizes that we have had issues but feels that it could be monitored. Maybe if we could get a volunteer and get some money through Island Institute. Councilor Dana-Cummings asks if this could be left with Councilor Peacock to look into. Councilor Morang suggests putting a motion out there to put ZOOM on hold until Councilor Peacock is able to report back to Council at the January 10, 2024 meeting of her findings. Council President Boone responds to say that he is not against ZOOM but rather the City's staff is trying to do ZOOM when we are not capable of doing it and if we can get it budgeted or get it done for no cost; he is for that.

Jeanne Pegrum from the audience addresses the Council and Council President Boone reminds that they have a motion on the floor but will allow her to speak. She suggests reaching out to the school for community service hours and also notes the importance of maintaining ZOOM. This would allow for the student to have the experience and the community would receive the benefit. Councilor Dana-Cummings suggests that Councilor Peacock and Jeanne Pegrum work together on this.

Councilor Peacock asks the City Clerk to read the motion on the floor.

**MOTION** MORANG **SECOND** DANA-CUMMINGS **(PASSED 4-0)**  
To put ZOOM on hold until Councilor Peacock is able to come back to Council with something more concrete.

#### **VII. MINUTES of PREVIOUS MEETINGS**

▪ 10-11-2023 ▪ 10-25-2023 ▪ 11-16-2023

**MOTION** DANA-CUMMINGS **SECOND** PEACOCK **(PASSED 4-0)**  
To accept and approve the October 25<sup>th</sup>, 2023 Council minutes as submitted.

#### **VIII. INTERIM CITY MANAGER'S REPORT/UPDATE**

This item was tabled until next month.

#### **IX. COUNCIL LIAISON UPDATES/ISSUES**

Councilor Peacock reads a report from the Recycling Committee of a successful grant application. Notice was received from MDEP of the conditional approval of the Waste Diversion Grant for repairs/upgrades at the fire station annex and the purchase of a 40-foot shipping container for storage.

Councilor Peacock updates that the Fiber Committee is working on a new survey and notes that they are working with MATRIX who is a company that wants to partner with us and would like to put up a kiosk in City Hall where people can go in and do a survey. She is not certain, but believes it will be online as well. This is in the works and there should be something concrete within the next six weeks.

Council President Boone updates that the ATV Public Hearing was postponed until there was a board of five Councilors that we are now back to a board of five Councilors and notes that Councilor Andrews has rescinded his resignation and is still serving as a City Councilor. Council President Boone is unsure whether it will be postponed or heard at a different date. He does not have that information on it.

He then comments to say that he failed to mention at the last meeting that the Eastport Garden Club had done a terrific job putting in 5,000 daffodil bulbs. He also recognizes the community members and reminds everyone that the bulbs were donated from Chick Moore of Perry which was a donation of \$5,000.00. He updates that the remaining \$1,500.00 has been received and will be used for flowers in the Spring to assist with the beautification of Eastport.

He continues further saying that he has spoken with Jim Riccio who spearheaded with lighting up Eastport and gives recognition for the terrific job. He shares a few words from Mr. Riccio. "Lights are neutral and are positive". Council President Boone also recognizes the Chamber for their part in this and makes notes of the many donations received. Councilor Dana-Cummings speaks to say that she is to understand that baskets will be placed on the poles throughout downtown in the Spring.

## **X. PUBLIC/OPEN FORUM**

Victoria Ganz addresses the Council and she offers to be available for Donnie and will manage the zoom for us until we can figure this out. Council President Boone asks if she has the equipment as we do not have it. Right now no one can hear or see the audience. She comments to say that there use to be a kit at City Hall with instructions for the setup but that we are moving. Councilor Peacock confirms that the location we are going to has a very good setup and she also notes that there is equipment through the Fiber Committee can do what we need but that a laptop would be needed. Ms. Ganz still offers to do it until the City has someone to do it.

Birdy Velveteen of the audience reminds the Council that ZOOM access is part of the ADA (American Disabilities Act) and something that disabled residents have already requested and removing it opens the City to liability. She then notes that the MHRC (Maine Human Right Commission) is already investigating the City for violation of the ADA and suggests not giving them more ammo by violating ZOOM. Council President Boone speaks to say that he is not certain of that law but that we can certainly check into it before we do anything. Ms. Velveteen continues to say that disabled people need to have equal and appropriate access and ZOOM is part of that and it is also part of the CART program which is a Federal program that offers free to municipalities live transcriptions and live captions which can only be done through ZOOM. She strongly suggests that the City not open itself to liability.

Chester Jenkins of the audience speaks and makes note that most of the flags that were put up for the holidays are gone but that there are some that are still intertwined with the wires and poles. Council President Boone responds to say that he had spoken with Reid Kozloski with the Coast Guard, who is also our Animal Control Officer, and they are willing to take that on and that he had asked them to get to the ones on Key Street down and to also identify those that need hangars or poles. Once we know how many are needed, the Coast Guard will take care of putting them up and taking them down, which is a great civic service that the City benefits from.

Richard Adams from the audience asks about the discussion that the City had previously of the charging station at City Hall and asks if anything has been done. Council President Boone responds that they have been turned off. His last knowledge was that the Airport supervisor was looking into getting some company to come in and install and pay us. He has not heard back on that but knows that Pete has been busy. He feels that at some point and time we should bring them back in but does not feel that the taxpayers should be paying for it.

Clifford from the audience addresses the Council and expresses that the City should provide a note of recognition to both entities for both the floral donation as well as the lighting. Councilor Peacock offers to draft letters to this regard, and she will bring it into City Hall for Council to sign it.

Victoria Ganz of the audience informs Council that Pete is still working on a grant to get charging stations for the City. Council President Boone questions that it was a grant, and Ms. Ganz affirms that it is a grant. Council President Boone responds to say that this has changed as he understood that he had some company that was willing to do this. She received this information via: text from him. Council President Boone responds with it is being looked at. He recalls that the last one came in on a grant in 2018 and it required us to run them for three years and we did through 2023. They are causing problems with the electricity at City Hall when they are on.

Public/Open Forum closed at 6:35 p.m.

## **XI. EXECUTIVE SESSION**

**MOTION** PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 4-0) TIME: 6:36 p.m.**

To go into Executive Session for Personnel Matters under Title 1 M.R.S.A. §405(6)(A); for Real Property or Economic Development under Title 1 M.R.S.A. §405(6)©; and for Consultation with Legal Counsel under Title 1 M.R.S.A. §841.

**MOTION** PEACOCK **SECOND** MORANG **(PASSED 4-0) TIME: 7:10 p.m.**

To come out of Executive Session.

## **XII. ACTION from EXECUTIVE SESSION**

**MOTION** PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 4-0)**

To approve and authorize a refund of over payment of taxes for \$.09 on R/E Acct. #1117; for \$348.30 on R/E Acct. #1118; and for \$20.07 on R/E Acct. #1119 for a total of \$368.46.

**MOTION** PEACOCK **SECOND** DANA-CUMMINGS **(PASSED 4-0)**

To schedule a Special City Council meeting for an Executive Session on Wednesday, December 20<sup>th</sup>, 2023 at 5:00 p.m. to be held at City Hall for the purpose of Personnel Matters.

## **XIII. ADJOURNMENT**

**MOTION** DANA-CUMMINGS **SECOND** PEACOCK **(PASSED 4-0) TIME: 7:12 p.m.**

To adjourn.