

SPECIAL CITY COUNCIL MEETING

MONDAY, APRIL 3rd, 2023
SHEAD HIGH SCHOOL - LIBRARY – 5:00 P.M.

Those in Attendance: Councilor Floyd “Bub” Andrews, Councilor William “Billy” Boone, Councilor David Oja, and Council President Jeanne Peacock. Also in attendance were City Manager, Kate Devonshire; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Public Attendance: Victoria Ganz, Chester Jenkins, Peter Lehmann, Joseph Klimko, Jennifer Klimko, Melissa Newcomb, Anthony Newcomb, Sonya Sullivan, Chris Vizzcarando, Paula DeFilippo, Ron DeFilippo, Tessa Ftorek, Tom McLaughlin, Dennis Lincoln, Former Councilor David Morang, Sr., Richard Adams, Lora Whelan/Quoddy Tides, Howard Johnson, I, Colleen Dana-Cummings, Walter Cummings, Sarah Gormady, Birdy Velveteen, Camela Deschene, Lindy McClellan, Dagny Silins, Richard Clark, Nicols Fox, Elizabeth Suta, Sheila Lank, Dora Adams, Manuela Brice, Charles “Jeff” Crane, Marlene Russ, and *Attendees Via: ZOOM.*

I. CALL to ORDER (File Recording WS700615)

Council President calls to order the meeting at 5:00 p.m.

II. EXECUTIVE SESSION (5:00 P.M. to 6:00 P.M.)

MOTION_____ **OJA** **SECOND**_____ **BOONE (PASSED 4-0)** **TIME: 5:01 P.M.**
To go into Executive Session for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

(File Recording WS700616)

MOTION_____ **BOONE** **SECOND**_____ **ANDREWS (PASSED 4-0)** **TIME: 5:46 P.M.**
To come out of Executive Session

MOTION_____ **BOONE** **SECOND**_____ **ANDREWS (PASSED 4-0)** **TIME: 5:47 P.M.**
To take a recess for fourteen minutes.

(File Recording WS700617)

Council President Jeanne Peacock calls the meeting to order at 6:00 p.m. and addresses the Council members to see if there are actions from Executive Session.

III. ACTION from EXECUTIVE SESSION

Councilor Andrews responds with a “yes” and that he would like to appoint Colleen Dana-Cummings to the City Council for the vacant seat. Councilor Boone and Council President Peacock assist Councilor Andrews to remind him that they are looking to address “**Action from Executive Session**”.

MOTION ANDREWS **SECOND** BOONE **(PASSED 4-0)**

To return the property at 10 Key Street lost to foreclosure for non-payment of taxes to the taxpayer and to allow them to clean up the debt that is due the City and also to require them to fix, take off, or repair the back of the building as it is a danger.

Councilor Boone addresses Council President Peacock and asks if they could adjust the agenda and **add “Adjustment(s) to Agenda”** as it is not listed or do they want to leave it as it is. Council President Peacock responds to say that she just assume do the discussion on the School item first and does not feel that it would take too long and asks if everyone is okay with that.

Charles Crane from the audience asks Council to speak up as he did not hear what was being asked. Council President Peacock responds that Councilor Boone asked if the agenda could be adjusted and that maybe he wanted to do the vacancy first. Councilor Boone responds to say that there was nothing on the agenda for “Adjustment(s) to Agenda” and that they really couldn’t do anything so he then asked for permission if he could so that he could flip those items so that they could have five Councilors voting on a major issue but they are comfortable going with four.

Council President Peacock comments to say that she sees his point and asks if there is a second to this motion and Councilor Andrews seconded.

MOTION BOONE **SECOND** ANDREWS **(PASSED 4-0)**

To adjust the agenda and “add” Adjustment(s) to Agenda”.

MOTION BOONE **SECOND** ANDREWS **(PASSED 4-0)**

To allow for making Item IV [School Request for Consideration of a Loan/Eastport Elementary School/Roof Repair] *now Item V* and to make Item V [Appointment to Fill the Vacant Seat of Ross Lawrence for an Unexpired Term of 298 Days from 3-9-2023 to 12-31-2023] *now Item IV*.

IV. APPOINTMENT to FILL the VACANT SEAT of ROSS LAWRENCE for an UNEXPIRED TERM of 298 DAYS from 3-9-2023 to 12-31-2023

Councilor Andrews speaks to say that Colleen has been on the City Council for 5-6 years, and she is currently a member of the Budget Committee and has served on the Budget Committee before. He continues further to say that he has received 150 signatures who want him to represent them and that they want Colleen Dana-Cummings to be added to the City Council. He notes that the City is going through a tough time right now and that we could use her to help get us through until the next election.

Councilor Boone speaks to echo that he has not had the luxury to serve with Colleen as she served after he had got done and that she had served on the board after he had left. He continues to say that she is a business owner and feels that she put herself out there to help us for this little time. He continues to say that come September there will be two seats open and whether she chooses to run or not that will be her decision. He continues to say that he appreciates the eleven candidates that put their name forward. He said that he is use to getting one or two but that this certainly was a good turn out. It allowed them to look at each individual, all their qualities, everything; and honestly, he feels that Colleen is the most qualified of the eleven.

Charles “Jeff” Crane from the audience asks if the audience is allowed to speak and Council President Peacock responds with a “no” and that it is for Council discussion.

Council President Peacock comments to say that she knows Colleen and that she has worked on different things with her as well as with her at school. However, she feels that they should follow precedent and appoint the person who was the next elected person and that this is the way that she will be going. She notes that this person would be Mark Wigley.

Councilor Andrews responds to say that he has 153 signatures that disagree with her and that he wanted this to be known and he will not be wavering.

Councilor Oja responds to say that he considers Colleen a friend and affirms that she does have knowledge and that she has served as a Councilor before. However, his decision at this point, even before he became a Councilor, is that we have been taking situations when this happens and take the next person in line. He believes that this was done like this for many years before he became a Councilor. Although Mr. Wigley may not have made it at the last election, but that he was voted by the people. It is his preference to go with Mark Wigley and this is his decision.

Councilor Boone responds to say that under title Section 2.06 which is the "Filling of the Vacancies", no where does it say that you have to take the next person on the ballot. He continues to say that in listening to his two fellow Councilors that they would like to see that changed so that this is in writing so that the next vacancy will be filled by the next person on the ballot.

Council President Peacock responds to say that those are not the words from her mouth, and Councilor Oja also speaks that this is not what he said either and that it is what Councilor Boone said and he responds that is what he heard.

Council President Peacock calls for the roll call.

MOTION ANDREWS **SECOND** BOONE **(FAILED 2-2)**

Councilor Andrews & Councilor Boone voted "YES"

Councilor Oja & Councilor Peacock voted "NO"

To add Colleen Dana-Cummings to the City Council for the remaining term of Ross Lawrence.

Council President Peacock calls for another nomination.

Council President Peacock speaks to say that Mark Wigley has served as the Fiber Committee Chair meeting every week since June for an hour and one-half every Tuesday and that the committee has made great progress. He also took the Chair of the Budget Committee and was willing to do this. He also attends most of our Council meetings. He is a homeowner for quite awhile and has been a selectperson in a town in western Maine. She feels that he would do a very good job. Council President Peacock calls for further discussion, there was none; and she then asks for a roll call.

MOTION OJA **SECOND** PEACOCK **(FAILED 2-2)**

Councilor Andrews & Councilor Boone voted "NO"

Councilor Oja & Councilor Peacock voted "YES"

To nominate Mark Wigley to the City Council for the term of the vacant seat.

Dagny Silins asks if they want to hear from the audience at all, and Council President Peacock responds not right now. Ms. Silins further comments to say that they are not suppose to talk but feels that City Council cannot seem to make up their mind and thought that they might want to hear what the audience has to say.

Council President Peacock asks if there is another nomination.

Councilor Oja responds to say that he will give it a try.

Council President Peacock brings the meeting to order as a result of the noise.

Councilor Oja comments to say that he is making this motion so that we are not going to a special election.

Council President Peacock calls for a second, there was none so she makes the second for discussion.

Councilor Oja continues to say that they should try and work together on this and that a special election would cost a lot of money.

Council President Peacock speaks to say that Victoria has taken the Chair of the Airport Committee and has really done a great job. She is doing this as a volunteer. She lives in the area. She has done nursing at various places. She feels that she is a person that could bring us together.

Paula DeFilippo asks Councilor Oja a question and makes the statement that his reason for wanting Mark Wigley is for precedent and now that they cannot get that, they are ignoring the precedent and comments that they cannot have it both ways.

Council President Peacock repeats that she feels that Victoria could bring them together, and Councilor Andrews responds to say that he feels that Colleen could do the same. Council President Peacock comments that if they don't get the first two then let's take somebody else.

Council President Peacock brings order with the gavel.

Chris Vizzcarando asks why they can't get one of the first two, and asks if they couldn't all work together from the first two.

Council President Peacock shuts down comments from the audience and speaks that this is not an easy job.

The audience recognizes that there are 153 signatures for Colleen and that this is more than what Mr. Wigley received.

Council President Peacock asks the audience to be quiet so that Council is able to discuss.

Councilor Boone speaks to say that he would like to comment on the motion at hand and that he had spoken with Victoria. His hesitancy in voting for her is that she is a key personnel to the Airport. Council President Peacock responds that she had that same thought too but also acknowledges that she did put her name in and is guessing that she would like to be a Councilor. Victoria responds that at some point she would like to.

Council President Peacock comments to say that in the interest of getting this going and bringing this Council together, she asks for the roll call.

A chanting of Colleen's name is led by Nicols Fox and others in the audience.

Council President Peacock uses the gavel to bring order to the meeting.

Councilor Andrews addresses Councilor Oja and recalls that when the ATV's wanted to come to town that he did not want them and that he had to go by the signatures of those that had signed which was 250 which was brought in and showed to Council. He continues to say that he had just showed them 153 signatures for Colleen and that he did not want to go for that. Councilor Oja responds that he has not seen those signatures for Colleen that he is talking about. Councilor Andrews says that he can show it to him and Councilor Oja responds that he believes him but that he personally has not seen it. Councilor Andrews offers to show him the names and speaks that these are all registered voters who have asked *him* to represent them tonight.

Council President Peacock calls for the roll call.

MOTION _____ **OJA** **SECOND** _____ **PEACOCK** **(FAILED 2-2)**

Councilor Andrews & Councilor Boone voted "NO"

Councilor Oja & Councilor Peacock voted "YES"

To nominate Victoria Ganz to the City Council for the term of the vacant seat.

MOTION BOONE **SECOND** ANDREWS **(PASSED 4-0)**

To appoint Colleen Dana-Cummings to be the next Councilor to fill the unexpired term.

Councilor Oja speaks to say that he voted this way so that they did not have to hold a special election.

Council President Peacock invites Colleen to join the City Council at the table. Legal Counsel, Dennis Mahar, reminds City Council that she needs to be sworn in. The City Manager asks the City Clerk if she brought the forms with her and she responds that she does have them.

The City Manager asks the City Council to speak up as the zoom participants cannot hear them.

Colleen Dana-Cummings thanks everyone for showing up.

The City Clerk addresses Colleen Dana-Cummings with the reading of her Oath of Office as City Councilor for the City of Eastport for the term of a vacant seat for a period of 298 days through to 12/31/2023 and she repeats it after her and the Oath is executed.

Council President Peacock welcomes Colleen Dana-Cummings, and she also thanks those who brought their names forward for consideration and encourages them to look into serving on active committees for the City of Eastport.

V. SCHOOL REQUEST for CONSIDERATION of a LOAN
[Eastport Elementary School/Roof Repair]

Council President Peacock asks if Dale Bowen is present as he was going to speak to this and someone from the audience responds that he had left. She then asks the Chair of the School Board, Walter Cummings, if he would speak to this item on the agenda. He responds to say that the only thing that he can speak to is that at the last School Committee meeting it was brought forth to them that they are in need of a new roof at the elementary school, so much so that it is starting to affect the infrastructure of the school itself and it needs to be done. He continues to say that there was an estimate that was circulated at the last meeting which he felt was substantially high and that there was only one. He is not speaking for Mr. Johnson but did say what he had in mind was to see if there was any way that the City could get a loan quoted on behalf of the School

Department and that the School would be paying for the loan and take care of the payment of the loan and whatever terms it comes out at. This is the most he could speak to. The long and short of it is that the School needs a new roof and they are asking that the City take out a loan for the School and the School will reimburse the City.

Council President Peacock responds to say that she believes it needs to go out to bid. Mr. Cummings responds that there was only one bid that was put forth. He does say that they intend to do their homework on this, and that the City support will be much appreciated as it is a City building.

Councilor Boone asks if they have explored looking into a pitched roof versus a flat roof. Mr. Cummings responds to say that this had been talked about but that there are different engineering pieces that have to be involved to support the weight and that it did not seem feasible and that it would be more costly because of the structure, design, and the layout.

Council President Peacock comments to say that Lubec did not repair theirs in time and that it blew off in one of the storms this winter, and we do not want to get to that point.

MOTION OJA **SECOND** BOONE **(PASSED 4-0)**

To authorize that the City of Eastport become the fiscal agent on a loan for the repair of the roof at the Eastport elementary school in accordance with 5 M.R.S. § 1743-A.

Councilor Boone asks what the 5 M.R.S. § 1743-A is, and Council President Peacock responds to say that it is the procedures for municipal/school bidding.

The City's Legal Counsel comments to say that this is the administrative procedures and that once there is a loan negotiated, Council will need to vote on that too. This is our first step tonight and by no means will it be the last one.

The City Council thanks Walter Cummings for being called on unexpectedly and speaking to this item of the agenda on behalf of the School.

MOTION OJA **SECOND** ANDREWS **(PASSED 4-0) TIME: 6:30 p.m.**

To adjourn.