

SPECIAL CITY COUNCIL MEETING
WEDNESDAY, MAY 31st, 2023
22 WASHINGTON STREET - CITY HALL - 5:30 P.M.

Those in Attendance: Councilor Floyd “Bub” Andrews, Councilor Colleen Dana-Cummings, Councilor Jeanne Peacock, and Council President Boone. Also in attendance were Legal Counsel, Dennis Mahar; IT Support, Paige Atkinson; Deputy Clerk, Donnie Peters; and City Clerk, Ella Kowal.

Public Attendance: Dean Pike, Don Bailey, Jeff Crane, Jenie Smith, and recorded zoom participants.

I. CALL to ORDER

Meeting was called to order at 5:30 p.m. by Council President Boone.

II. ADJUSTMENT(S) to AGENDA

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

To adjust the agenda to add Item V(a) for the re-scheduling of the 6/14/23 Council meeting to 6/21/23; to add Item V(b) for an Executive Session on Personnel Matters; and to add Item V(c) for Action from Executive Session.

III. RE-ADDRESS REQUEST for COUNCIL APPROVAL for CARRY FORWARDS of UNSPENT FUNDS to FY2023

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

To approve the carry forwards of unspent funds to FY2023 recognizing that it is required for completion of the City’s audit.

IV. WORKSHOP w/BUDGET COMMITTEE - FY2024 BUDGET

The workshop was declared open at 5:33 p.m.

Chair of the Budget Committee, Dean Pike, updates the Council that they do not have a draft to submit tonight. The committee has tentatively scheduled a meeting for next Tuesday, June 6th, 2023 and possibly another meeting depending on the committee members schedule. He proposes to hold a budget workshop with the City Council on June 13th, 2023, which is two weeks from tonight.

They still need to work on some recommendations for equipment for the Public Works Department, a solution to the Police Department in having the funds for a police cruiser, as well as another look at the Police Department budget. He further notes that what they will have unspent for this year for 2023 will more than enough give them money to budget enough for a cruiser without having to raise no *“additional”* money out of taxes or raised this year. The under spent was as a result of not having enough officers to man around the clock and in turn saved money. Some money will be left over and they encourage Council to consider moving that money to carry those unspent funds to a cruiser reserve account.

He and the committee members feel strongly that they are real close but not to the point of presenting it to Council this evening and that this is not the news that he wanted to bring forward but certainly feel it is the right decision. Thus, they ask for allowance to meet next week and then they will convene with Council for a workshop on June 13th. City Clerk reminds Mr. Pike that if he is talking about the Public Hearing on the budget, that notice needs to be well in advance of that meeting. He recognizes that our regular Council meeting for June is being considered to be re-scheduled and set for June 21st, 2023. Council President Boone asks for confirmation that they will have a budget that would be ready for publication along with a list of recommendations. Mr. Pike responds that after next Tuesday, he will have it ready on June 13th and ready for a Public Hearing.

Mr. Pike then speaks to the El Rap funds showing up as an expense in the budget but that it is also shown as administration money and revenue money coming in for roads and that it is a wash.

President Boone asked how soon would Council see it prior to June 13th for their review. Mr. Pike affirms certainly on the 10th or the 12th. Council President Boone responds to say that Mr. Pike intended to mean Council the 9th as the 10th is on a Saturday and the 12th falls the day before the workshop.

Jenie Smith of the Budget Committee asks Dean Pike if he is negating the workshop that was previously scheduled for a week from this evening for June 7th. He responds that he is, allowing for room for the required time frame of notices. The City Clerk reminds that the meeting notice itself is a 48-hour notice but that the Public Hearing notice has to allow for the publication of the budget. Ms. Smith responds to say that she feels that they are locked down on many of the categories and that she notes that there are maybe four departments where there are concerns. Dean Pike comments to say that the committee will schedule to meet on the 6th and the 8th and go from there and get the Treasurer what she needs so that it can get to Council for review. He recognizes the possibility of the need to advertising notice in the Calais Advertiser if necessary. Mr. Pike also notes that this time would allow for the Interim City Manager time to review the budget. The City Clerk expounds to say that the Interim City Manager will want to reach out to the Budget Committee as well as the Department Heads. Dean comments to say that the toughest one has been Public Works Department because of their needs and how they would be funded and where it would come from, i.e. loans/bonds, etc.

The City Clerk also makes Council aware that Legal Counsel is present on zoom, should there be any questions.

Dean Pike closes with this being their proposal.

The City Clerk asks for clarification of the date, time, location of the workshop being requested. Dean responds as long as it meets with everyone's schedule that he proposes they meet at City Hall on June 13th, 2023 at 5:30 p.m.

Budget Committee member, Jenie Smith, speaks to being the newest member since the latter part of April and comments to say that the committee was very reliant on the person previously holding the position of City Manager and occupying said office along with providing them with accurate and updated information from week to week. They would meet, have their conversations, present that person with the updated budget worksheet information. Councilor Peacock speaks to say that this person has a name and it is "Kate". Jenie responds to say that she is eliminating the name for a reason and is eliminating the person rather refers it to "the office" and that it is intentional. The assumption was that those corrections would be made and handed back to the committee and to be correct, as they had provided them; and then they would move forward. Unfortunately, the committee has just discovered today that another budget committee member, Victoria , has reviewed and gone through line by line that much of the committee's corrections were never accomplished in TRIO.

The committee assumed that they were, but they were not and this is the larger reason that they are not prepared for Council this evening. She continues further to say that the committee had received updated total budget summary expense and revenue last week from the City Treasurer, Traci Calder, who has once again has stepped up and done a great deal of work but can only provide what information that was provided her and unfortunately that information was not correct and Jenie would like the record to reflect this as it is important that the person they relied upon who was in charge did not provide accurate information.

She then speaks to a major expenditure of the City in the Police Department and that the committee has concerns of the information that was communicated to them about the existence, or not, of an actual documented contract for the current Police Chief. Thus, there remains...at this hour; conflict as to whether or not such a contract exists. She continues to say that they acted on information that was originally communicated to them by that office, not once but twice, in her presence that not only was there a contract but that it stipulated "X,Y'&Z" terms which included a fairly sizable salary increase. The committee made recommendations made on the record to that effect. Subsequent to that, the existence of that contract was called into question and still remains a question and for her this equals a sizeable amount of money. She emphasizes that this question needs to be answered and still is not answered at this hour. She and her fellow committee members have asked repeatedly to see that document and have yet to see it. Earlier this morning she was told that there is no such contract, subsequent to that she was told that there was. She speaks for herself and not the other committee members, and if there is a contract in effect then we must abide by that and those exact terms; but if there isn't, we don't. This question needs to be answered. She further comments to say that this bothers her immensely and that the person that occupied that office told her twice that there was a contract and its terms. She expounds to say that the budget worksheet for that department which they relied upon, week by week, to manage the expenses, projects, changes, etc. was manipulated in a way they had no control over but that the person did in mathematical manners that made no sense and did not comport with what the committee had recommended as a "committee". They received budget worksheets back that had totally different numbers on them. This bothers her and she questions what else is going on. She agrees totally with Dean Pike that they need to take a step back before they hand over anything on paper to Council, that may or may not, reflect the City's finances. She then speaks to an audit, post previous City Manager, and notes that it is a worry as the committee did see numbers change significantly from week to week in certain departments on their budget worksheets without explanation. She notes that they were not mathematical changes and that they were random changes. She is now un-settled and these are grave concerns for her.

Dean Pike speaks to say it is hard to set a figure and that they do not want to be trapped contractually, and he affirms that this question of a contract needs to be answered and resolved before they can hand over a good document. He is confident that this can be accomplished.

Councilor Peacock responds that although it was not accepted from before, she herself, did sign a contract for Police Chief Mark Emery as did Councilors David Oja and Councilor Ross Lawrence. She continues to say that she does not remember the exact figure, but that it was 58 something. Jenie Smith then addresses Councilor Peacock and speaks to when she told her that she should just take her at her word and as a responsible committee member, she cannot do that. If she is going to approve a 3% raise for the Police Chief because she is being told it is his contract, she needs to see the document. The committee has been trying since she has been on the committee back the end of April to get a copy of this contract which has raised questions is there actually a contract. Councilor Peacock asks if Mark has it and Dean Pike responds to say that he spoke with Mark this morning and he did not have it. Councilor Andrews speaks to say that he has not seen one himself. Councilor Dana-Cummings comments to say that the Treasurer, Traci Calder, has a copy and it is in the safe. Dean said they have Kate's but it sure would be nice to have Mark's just to know what the figures are. Councilor Andrews does not recall what Council meeting it came up. Budget Committee member, Don Bailey, speaks to say that Kate refused to show them the signed contract. Councilor Andrews would like to know at what Council meeting did it come up. Jenie Smith shares that at her first budget meeting that Kate told them that hers and Mark's salary raise were made to coincide to secure a 3% salary raise May 1st but that there was no paper evidence that this was true. Councilor Andrews speaks to say that they found out more at a budget meeting than he did at a Council meeting and knew nothing about it until then. That being said, he does recall that it was mentioned at a meeting and that it was going to be discussed. Ms. Smith has no issues if it does exist, but at least produce it before recommendations are made. Councilor Dana-Cummings speaks to her concern that contract employees fit under a certain category whereas traditionally the Police Chief has been a regular employee, not contracted. Ms. Smith asks why now would that change. Both Councilor Dana-Cummings and Councilor Andrews cannot speak to that. Council President Boone speaks to say that he believes this may have been in January and has asked the City Clerk to look at this for the motion and if there is no motion, then this is an illegal contract. He believes the discussion at that time was that Kate offered Mark a contract to retain

him because she did not want to lose another police officer as we are having a hard time getting police officers, but that was not the issue and believes this was the end of that discussion and there was never a motion. If there was, he needs to hear it. The City Clerk speaks to say she has not had a chance to look at this and intends to. Council President Boone speaks to say that you just cannot have three Councilors sign a contract. He does understand the need for the Budget Committee to see the contract and the correct documentation and/or numbers, how can they respond. They are not given truthful information. Jenie Smith recognizes the fact that the Police Chief's response to Dean was that he does not have a contract and a while ago he mentioned to one of them that he did and this bothers her as the previous occupant of that office told her adamantly more than once that he does. Dean Pike speaks to say that when he said that Mark didn't have a contract that he did not physically have it in hand and that he was not disputing the existence of a contract. Council President Boone speaks to say that with the Interim City Manager coming by the 13th this will be cleared up. Dean comments to say it is not the committees' responsibility to say what is legal, they just need to have clarification so that they can decide on a number. Dean will schedule meetings with the committee for the 6th and the 8th and he will have everything to Traci by 9th, or the 12th at the latest, to be forwarded on to Council as well. Discussion took place about the publication and the requirements.

Council President Boone thanks the Budget Committee for such a turmoil year. He responds to say that never again should the committee be handed a blank budget and for them to *develop* the budget.

Council President Boone declared the workshop closed at 6:13 p.m.

V. ANY ACTION THAT MAY BE REQUIRED or NECESSARY of the CITY COUNCIL RESULTING from ITEM IV - FY2024 BUDGET

NO ACTION NECESSARY

V(a). RE-SCHEDULING of our REGULAR COUNCIL MEETING of 6/14/23 to 6/21/2023

MOTION DANA-CUMMINGS SECOND ANDREWS (PASSED 4-0)

To approve the re-scheduling of our Regular Council meeting of 6/14/2023 to 6/21/2023.

V(b). EXECUTIVE SESSION

MOTION PEACOCK **SECOND** ANDREWS **(PASSED 4-0) TIME: 6:15 P.M.**

To go into Executive Session under Title 1 M.R.S.A. §405(6)(A) for Personnel Matters with a few minutes break to stretch.

MOTION PEACOCK **SECOND** ANDREWS **(PASSED 4-0) TIME: 7:19 P.M.**

To come out of Executive Session.

V(c). ACTION from EXECUTIVE SESSION

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

To hire George “Bud” Finch as Interim City Manager at \$6,000.00 a month, on a month-to-month basis with the start date of two weeks ago which is reflective of May 17th, 2023. This hire is to also include all the responsibilities and appointments held by a City Manager.

VI. ADJOURN

MOTION DANA-CUMMINGS **SECOND** ANDREWS **(PASSED 4-0) TIME: 7:22 P.M.**

To adjourn.