

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, JULY 10th, 2019
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

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

(Ref. WS700370 & WS700371)

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| <input type="checkbox"/> Personnel Matters | <i>Title 1 M.R.S.A. § 405(6)(A)</i> |
| <input checked="" type="checkbox"/> Real Property or Economic Development | <i>Title 1 M.R.S.A. § 405(6)(C)</i> |
| <input type="checkbox"/> Labor Negotiations | <i>Title 1 M.R.S.A. § 405(6)(D)</i> |
| <input checked="" type="checkbox"/> Consultation w/Legal Counsel | <i>Title 1 M.R.S.A. § 405(6)(E)</i> |
| <input type="checkbox"/> Poverty Abatement Application | <i>Title 36 M.R.S.A. § 841</i> |

Those in Attendance: Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Jeanne Peacock, Councilor Peter Small, and Council President, Roscoe Archer. Also present were City Manager, Ross Argir; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

Council President calls this portion of the meeting to order at 5:30 p.m.

MOTION BRADBURY SECOND PEACOCK (PASSED 5-0) TIME: 5:31 P.M.

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

MOTION SMALL SECOND PEACOCK (PASSED 5-0) TIME: 6:16 P.M.

To come out of Executive Session.

REGULAR COUNCIL MEETING

(Ref. WS700372)

Those in Attendance: Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Jeanne Peacock, Councilor Peter Small, and Council President Roscoe Archer, III. Also present were City Manager, Ross Argir; City Clerk, Ella Kowal; and Legal Counsel, Dennis Mahar.

Attendees in the Audience: Cynthia Morse, Michael Morse, Elizabeth Hastings-Renner, Kathryn Lewis, Earl Small, Gary Small, Area Stoll, Colleen Dana-Cummings, Dennis Mahar, Sue Lara, Lora Whelan, and Mr. Zierke.

I. CALL TO ORDER - Council President called the meeting to order at 6:17 p.m.

II. ACTION from EXECUTIVE SESSION

MOTION BRADBURY SECOND PEACOCK (PASSED 5-0)

To approve and authorize putting out to bid City property located at 32 Mitchell Street with no minimum bid set and that the Eastport City Council reserves the right to reject or accept any bid.

MOTION BRADBURY SECOND SMALL (PASSED 5-0)

To approve and authorize the City Manager to enter into a repurchase agreement with the owner of 24 Mitchell Street

MOTION BRADBURY SECOND SMALL (PASSED 5-0)

To approve and authorize the City Manager to contact the owners of 2 Middle Street and 1 Prince Avenue in an attempt to negotiate an agreement suitable to the City within thirty days.

III. PUBLIC HEARING(S) - THERE WERE NONE

IV. ACTION on PUBLIC HEARING(S) - NOT APPLICABLE

V. ADJUSTMENT(S) TO AGENDA

MOTION EMERY SECOND BRADBURY (PASSED 5-0)

To approve adjustments to the Council Agenda under VII New Business to add (t) Accept Donation of \$285.32 from the BARKFEST event; (u) To Approve and Authorize Expending out the BARKFEST Donation in the amount of \$285.32 to the Labor of Love Food Pantry for Pet food; (v) To Accept Funds from the State of Maine for Unclaimed Property for an Amount of \$1,010.00 and to Put it Into Special Reserve; (w) Council Approval on an Application for License for a Incorporated Civic Event – Eastport Chamber of Commerce – Salmon Festival - 8/31/19 & 9/1/19; (x) Set Amount for Competitive Bids as per City Charter - Article II – Section 2.02; and (y) Council Approval to Schedule a Public Hearing on a Fish Trap Application for Earl Small.

VI. UNFINISHED BUSINESS - THERE WAS NONE

VII. NEW BUSINESS

a) Accept Anonymous Donation of \$500.00 to Summer Lunch Program

MOTION PEACOCK SECOND BRADBURY (PASSED 5-0)

To accept the anonymous donation of \$500.00 to the Summer Lunch Program.

b) Council Approval for the Purchase of Lawnmower for the Cemetery

The City Manager informs Council that the Public Works Supervisor, Howie Johnson, makes this request as the one purchased 5-6 years ago is more of a residential model and that it is constantly needing repairs. The residential one could be more used by the new groundskeeper to be used for the parks and such. He further comments to say that this expense would come from perpetual care and would not impact taxation. He continues to say that Howie received three quotes. One quote is from Johnson's True Value at a cost of \$4,999.99 which is for an Ex-Mark Zero Turn Mower with a 48-inch deck. The next two machines are both quoted out by Guptill's in Machias. The first one being a Torro with a 48-inch deck at a cost of \$6,899.00 which is more of a residential model. The second one quoted by Guptill's was for a Husqavarna with a 48-inch deck at a cost of \$7,999.95. He updates that the Ex-Mark mower is the exact same model as most of the others that we are running. We are familiar with them and they run well and we do not have to put stock into spare parts. It is the City Manager's recommendation to go with the mower from Johnson's.

MOTION PEACOCK **SECOND** SMALL **(PASSED 5-0)**

To authorize the purchase of an Exmark Zero-Turn Mower from Johnson's True Value for the Cemetery at a cost of \$4,999.99 and to expend it out of Perpetual Care.

Councilor Jeanne Peacock feels confident that it is an appropriate time to extend comments to say that the Cemetery looked great and notes that a great deal of people come here on the 4th of July and expresses that the public works staff have done a great job and that we take pride in the care that we give our grounds.

c) Council Approval for the Purchase of Lawnmower for the Sewer Department

The City Manager updates Council that the Sewer Plant's lawnmower is 14-15 years old and is pretty much dead and he too is requesting a new one and it is recommended to go with the same one from Johnson's as previously approved for Public Works and that it would come out of the Sewer fund and not from taxation. By purchasing the same one as the Public Works Department, they would be interchangeable (i.e. spare parts, maintenance, etc.)

Councilor Bradbury asks for clarification of who mows at the Sewer Department. The City Manager responds that the Plant Operator at the Sewer Department, Jeff Sullivan, handles the mowing at the Sewer Plant as well at each of the pump stations.

MOTION EMERY **SECOND** SMALL **(PASSED 5-0)**

To authorize the purchase of an Exmark Zero-Turn Mower from Johnson's True Value for the Sewer Department at a cost of \$4,999.99 and to expend it out of Sewer.

- d) Transfer of FY2019 Boat Excise Tax to Harbor Revenue Account - \$2,867.20

MOTION PEACOCK **SECOND** EMERY **(PASSED 5-0)**

To approve and authorize the transfer of FY2019 Boat Excise Tax for an amount of \$2,867.20 to the Harbor Revenue account.

- e) Accept Maine DOT Agreement for Sidewalk Reconstruction on High Street - \$227,500

The City Manager reminds Council that this is a grant that the City previously voted to accept. The State for the federal government is giving us \$227,500.00 with a local match of \$45,500.00 to reconstruct sidewalks on High Street between Key Street and Spruce Street and that the federal government has funded the State on this project and we need to sign the agreement to show commitment of the funds. He continues further to say that we are in the process of looking for a consultant for this project and the construction is anticipated to take place sometime within the next year or the year after

MOTION BRADBURY **SECOND** SMALL **(PASSED 5-0)**

To accept the Maine DOT Agreement for Sidewalk Reconstruction on High Street for an amount of \$227,500.00.

- f) Application for Special Taste Testing Event – Jarrod Thornton – Eastport Salmon Festival – 8/31/19 & 9/1/19

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 5-0)**

To accept and approve the application for a Special Taste Testing Event submitted by Jarrod Thornton for the Eastport Salmon Festival scheduled for 8/31/2019 and 9/1/2019.

- g) Application for Special Taste Testing Event – Jarrod Thornton – Eastport Pirate Festival – 9/6/19 to 9/8/19

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 5-0)**

To accept and approve the application for a Special Taste Testing Event submitted by Jarrod Thornton for the Eastport Pirate Festival scheduled for 9/6/19 to 9/8/19.

- h) Council Approval for the Purchase of a Truck - \$425.00/Groundskeeper

The City Manager updates Council that there is no longer a need for this item of the agenda and can be removed.

- i) Council Approval for the Closeout of the Non-Interest CDBG Grant Account held w/The First

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 5-0)**

To approve and authorize the closeout of the Non-Interest CDBG Grant Account held with The First Bank as requested and submitted by the Treasurer, Traci Claroni.

j) Widening of Mill Door (requested by Morrison Manufacturing/Gerry)

The City Manager updates Council that Gerry Morrison is unable to attend this evening.

MOTION _____ EMERY SECOND BRADBURY (PASSED 5-0)

To table this matter and to put it on the agenda for the 8/14/19 Council meeting.

k) Discussion of Catch Basin Repairs and Consideration to Put them Out to Bid

The City Manager addresses the City Council and updates that multiple residents have come to him with concerns about some of the catch basins which have sunk considerably some of which are a foot or so below the work surface and present a hazard to traffic and are unsightly. He further notes that the five that were identified by him and Howie were one at the corner of Water and Adams Street, adjacent to the Kilby House; one on Water Street by the House that overlooks the Cannery; another on Adams Street on the hill coming down which presents a hazard; and one in Quoddy Village by the Bazaar and another on Sullivan Street across from Moose Island Marine. He further explains that what would take place is the building up of the catch basin but not to be level with the road. Councilor Scott Emery asks who is responsible for the one up by The Dollar Store and the City Manager responds that this falls under the State and that they are aware of it. He updates that they have about \$40,000 of el rap funds from the State to assist with other road repairs. Council President Archer comments that there is one in front of this house that has been done several times.

MOTION _____ PEACOCK SECOND BRADBURY (PASSED 5-0)

To approve and authorize putting out to bid work on six catch basins with two locations on Adams Street; one on Water Street; one in Quoddy Village; one on Sullivan Street; and one on Third Street.

l) Introduction of Noise Ordinance & Scheduling Public Hearing for 8/14/19

The City Manager updates Council that this is an Ordinance that he has prepared and this is a defensive one to cover anything that might come into the City that would produce a continuous loud noise and would give the City a say in regulation.

MOTION _____ PEACOCK SECOND BRADBURY (PASSED 5-0)

To approve and authorize the scheduling of a Public Hearing for August 14th, 2019 on the proposed Noise Ordinance as introduced and submitted.

m) Introduction of Wireless Telecommunications Siting Ordinance & Scheduling of Public Hearing for 8/14/19

The City Manager updates Council that this is another Ordinance he has prepared in response to another an issue that happened to another town which was in Machias

whereby they had an issue with U.S. Cellular and the town had no way to block it as they are governed by federal law. This ordinance would not prohibit them but rather sets up a hierarchy must be followed demonstrating why they can't co-locate whatever it is under an existing tower or structure ; why it cannot be in an industrial zone; why it cannot be zoned commercial; why it cannot be in a rural residential zone; and why it cannot exist in a normal residential zone. Council President asks if this would affect anything existing and the City Manager responds that it applies to new sitings or expansions.

MOTION _____ PEACOCK SECOND _____ BRADBURY (PASSED 5-0)

To approve and authorize the scheduling of a Public Hearing for August 14th, 2019 on the proposed Wireless Telecommunications Siting Ordinance as introduced and submitted.

n) Introduction of Victualer Ordinance & Scheduling of Public Hearing for 8/14/19

The City Manager updates that this comes before Council at the request of the City Clerk at the discretion of the State to give consideration to an Ordinance on the local level which will put us in line with the State requirements. This also gives the City footing that any request before Council must adhere to the State requirements prior to the local level.

MOTION _____ PEACOCK SECOND _____ BRADBURY (PASSED 5-0)

To approve and authorize the scheduling of a Public Hearing for August 14th, 2019 on the proposed Victualer Ordinance as introduced and submitted.

o) Council Approval – Clam Recruitment Study/U Maine Machias & Downeast Institute

The City Manager addresses City Council and updates that the Downeast Institute at the University of Maine at Machias are identifying spots around Washington County to do some studying of clams to be more informative to harvesters of said locations. They have requested Eastport as one of those sites and that there is no cost to the City and that it will not be disruptive to the harvesters. Councilor Scott Emery strongly suggests that the City bring this forth to the Clam Committee first

MOTION _____ BRADBURY SECOND _____ SMALL (PASSED 5-0)

To table this matter and to bring this request before the Shellfish Committee and to bring their recommendation back to the City Council.

p) Letter from Basil Pottle & Sue Lara – Re: Hazards of Norwood Road

Sue Lara addresses the City Council and explains that this is brought forth as a formality for the future on the repairs of Norwood Road and that she has spoken with both the City Manager, Ross Argir, and the Public Works

Supervisor, Howie Johnson, and that it is her understanding that these matters will be addressed this Fall and that Howie is looking at what options there are to rectify the issues at the bottom of the hill.

The City Manager comments to say that Norwood Road along with Sea Street and the end of Shackford Street are on the list to put out to bid using the repair assistance money that were identified a few months ago that are in need of significant work. Howie's recommendation for Sea Street is to tar it for now and that it is the best option.

Councilor Jeanne Peacock informs that she did go down Norwood Road and that it is eroding on one side and that it does need to be reworked.

Sue Lara responds that she trusts Howie and is hopeful that Howie will come up with a solution.

q) Revisit Storage of the Port Bus at the Mill (Requested by Gilbert Murphy)

The City Manager informs Council that former Council Gilbert Murphy is unable to attend the meeting on behalf of the Port Authority and has requested it be revisited by City Council at the August 14th, 2019 Council meeting.

MOTION PEACOCK **SECOND** EMERY **(PASSED 5-0)**
To table this item and to address it at the 8/14/2019 Council meeting.

r) Council Liaison/Manager Updates

MOTION BRADBURY **SECOND** SMALL **(PASSED 5-0)**
To accept and approve the Council Liaison/Manager as presented and given.

s) Council Approval of Consent Agenda

MOTION BRADBURY **SECOND** SMALL **(PASSED 5-0)**
To approve the Consent Agenda as submitted.

t) Accept Donation of \$285.32 from the BARKFEST Event

MOTION SMALL **SECOND** BRADBURY **(PASSED 5-0)**
To accept a donation of \$285.32 from the BARKFEST event.

u) To Approve and Authorize Expending out the BARKFEST Donation in the Amount of \$285.32 to the Labor of Love Food Pantry for Pet Food.

MOTION SMALL **SECOND** BRADBURY **(PASSED 5-0)**
To approve and authorize expending out the BARKFEST donation of \$285.32 to the Labor of Love Food Pantry for Pet Food.

- v) To Accept Funds from the State of Maine for Unclaimed Property for an Amount of \$1,010.00 and to Put it into Special Reserve

MOTION SMALL **SECOND** PEACOCK **(PASSED 5-0)**

To accept funds from the State of Maine for Unclaimed Property for an Amount of \$1,010.00 and to put it into Special Reserve.

- w) Council Approval on an Application for License for a Incorporated Civic Event Eastport Chamber of Commerce – Salmon Festival – 8/31/19 & 9/1/19

MOTION SMALL **SECOND** BRADBURY **(PASSED 5-0)**

To approve an application of a License for a Incorporated Civic Event submitted by the Eastport Chamber of Commerce for the Salmon Festival scheduled for August 31st, 2019 and September 1st, 2019.

- x) Set Amount for Competitive Bids as per City Charter – Article II – Section 2.02

City Manager, Ross Argir, addresses Council and explains that Article II of the City Charter dictates that at the beginning of each fiscal year the City Council determines the amount above which a competitive bid must occur to complete any job or contract. He further explains that this is not the amount that he is authorized to spend without Council approval but that this is the amount that Council is authorized to spend without putting things out to a competitive bid process in the newspaper.

Because of situations like a plow truck breaking down in the winter or needing a new motor where getting competitive bids can be difficult as those are very high purchases. He further states that Traci and Howie recommend that this amount be set at \$250,000.00. He continues to say that anything under that, Council can still choose to put out to bid but that they are not required. He speaks that the situation that occurred to Traci, Howie, and him was that if a plow truck was to break down in the winter, Howie could call and get three quotes in one day but that does not count as a competitive bid where if a plow truck went down and we needed to buy a new one and if we don't set this limit high enough we would have to put it out to competitive bid in the newspaper and go through that process of opening sealed bids before we could replace the truck.

Councilor Peter Small comments to say that it would then be Spring time.

Council President asks how this will affect the budget, the City Manager responds “not at all”. He continues to say that this is just a housekeeping matter under the Charter and he reiterates that it does not change the amount that he is authorized to spend without Council approval and it doesn't change that Council can choose to put anything out to competitive bid if they want. It just says that anything over this dollar amount must go out to competitive bid.

MOTION SMALL **SECOND** PEACOCK **(PASSED 5-0)**

To approve setting an amount of \$250,000.00 for which a competitive bid process must occur to complete any job or contract.

y) Council Approval to Schedule a Public Hearing on a Fish Trap Application for Earl Small

The City Manager addresses Council and gives them an overview that the State called the City today looking for a license on a fish trap that Earl Small has. He explains that there are specifics that we must issue the license under as required by the Statute and he makes reference to Title 38 Section 1022 which involves an application with Mr. Small has submitted which requires a Public Hearing for those who may be affected by the people where the fish trap is located for public comment. He comments further to say that there is a requirement for the public hearing of three days notice in a local newspaper. Should the Council choose to hold the public hearing as early as Monday, he looks to Lora Whelan of the Quoddy Tides to assist in publishing this notice in this week's issue that comes out on Friday which would meet the requirement of notice.

Earl Small addresses the Council and informs that he had done quite a bit of research but that he had missed this one. He continues to say that under all the other regulations this was classified as fixed gear and requires a license from the City. He expounds that why this is so critical now there is a short window to catch 4,000 metric ton and that lobster bait is scarce right now. With fixed gear, they are only allowed 39 metric ton which is equivalent to 79,000 lbs. or the whole State which could be over within a weeks time. The price of the lobster bait right now is .61 cents and he has fish in the trap right now which he is unable to take out. He anticipates that herring fishing will be shut down within a month.

Councilor Jeanne Peacock asks Mr. Small if this is a weir. Mr. Small responds "no" that it is a fish trap that is kind of fixed but that there are no stakes driven into the ground and that it is portable and can be moved.

Council President comments to say that he was not aware that there was anyone out there that this would bother.

The City Manager reminds Council the only matter at hand on this item tonight before them is to schedule a public hearing.

Councilor Bradbury asks who owns the island and the City Manager confirms that it is owned by Maine Coast Heritage Trust. Mr. Small informs Council that he did contact the caretaker of the island and whatever Council's decision is, he will reach out to her again.

Council President asks the Councilors what time would be feasible for them to meet on Monday, July 15, 2019 at City Hall. Consensus was that they could meet at 5:00 p.m. with the exception of Councilor Bradbury not able to commit to that day and time. Councilor Bradbury comments to say that as a matter of precedence they schedule three other meetings for a public hearing for August 14th, 2019 which is the Council's regular meeting and she feels the need to acknowledge that they look at making this is an exception. The City Clerk reminds Council that the public hearing guideline for the fish trap is set by the State whereas the City's notice is regulated by the Charter and requires more time.

Councilor Peacock and Council President acknowledge that time is of the essence while the fish are here. Councilor Bradbury responds to say that arguably it should have been done prior to the establishment of the fish trap.

The City Manager updates that the State Statute would override any Ordinance. And that we are now aware of the existing statute.

MOTION SMALL **SECOND** PEACOCK **(PASSED 5-0)**

To approve the scheduling of a Public Hearing for Monday, July 15th, 2019 at 5:00 p.m. at 22 Washington Street, Eastport City Hall, for consideration on a Fish Trap Application submitted by Earl Small called for by the Eastport City Council set for a Special Council meeting.

VIII. COUNCIL ISSUES

Councilor Jeanne Peacock comments to say it was a good 4th and recognizes everyone for all their hard work to help make this happen.

IX. ADJOURN

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 5-0) TIME: 7:10 P.M.**

To adjourn.