

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 11th, 2019
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

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

(Ref. WS700378 & WS700)

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

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

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

Council President calls for a motion to go into Executive Session. (WS700378)
Council President realizes that there were no citations and the Clerk tries again and has an issue with the recorder. (WS700379). It plays but nothing there. They try again with WS700380, still problem with recorder. Clerk shuts it off and turns it back on and retries. Finally under WS700381, they were able to take the citations to go into Executive Session.

MOTION EMERY SECOND PEACOCK (PASSED 4-0) TIME: 5:31 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)(C); for Consultation with Legal Counsel; under Title 1 M.R.S.A. § 405(6)(E); and for Poverty Abatement Application under Title 36 M.R.S.A. § 841.

MOTION PEACOCK SECOND BRADBURY (PASSED 4-0) TIME: 6:16 P.M.

To come out of Executive Session. (Reference to WS700382).

REGULAR COUNCIL MEETING

(Ref. WS700383)

Those in Attendance: Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Jeanne Peacock, and Council President Roscoe Archer, III. Also present were City Manager, Ross Argir; City Clerk, Ella Kowal; and Legal Counsel, **Not in Attendance:** Councilor Peter Small.

Attendees in the Audience: Anne Stanley, Lora Whelan, Kathryn Lewis, Marged Higginson, Mary Williams, Ross Furman, Jon McNerney, Mary Repole, Hugh French, Steve Trieber, Debra Nelson, Linda Godfrey, Bob O'Hayer, Sally Mahoney, Bob DelPapa, Greg Golding, Linda Vault-Smith, Jon McNerney, and Paul Emmert.

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

Council President apologizes that Council was not able to attend the 911 in the gym and calls for a moment of silence.

II. ACTION from EXECUTIVE SESSION

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

To authorize for the advertisement for the position of City Manager as well as for the position of Code Enforcement Officer, Assessor, and Plumbing Inspector.

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

To grant an abatement for an amount of \$1,052.19 for the principal amount of the FY2018 real estate taxes for case #81419-01 and to also authorize the Treasurer to write off interest in the amount of \$41.55 and \$61.34 in accrued costs.

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

Councilor Peacock votes "yes" with regret.

To accept the City Manager's resignation.

III. PUBLIC HEARING(s) - THERE WERE NONE

IV. ACTION on PUBLIC HEARING(S) - NOT APPLICABLE/NONE

V. ADJUSTMENT(S) TO AGENDA

MOTION BRADBURY **SECOND** EMERY **(PASSED 4-0)**

To approve adjusting the agenda to add "s" to Item VII for the scheduling of a public hearing for 10/9/19 on a Zoning Ordinance Amendment; to also add "t" to Item VII for approval to purchase a one ton truck for the Public Works Department; and to also add "u" for Council Approval to Accept and Adopt the 2019-2020 General Assistance maximums set by the State.

VI. UNFINISHED BUSINESS - THERE WAS NONE

VII. NEW BUSINESS

a) Shellfish Ordinance Update – Re: Amendment to Shellfish Ordinance

City Manager, Ross Argir, addresses the Council and informs them that the city's Clam Warden, Kevin Brodie, brings forth a request to make an amendment to the Shellfish Ordinance to add Section 304.14 to the ordinance to reflect that recreational shellfish licenses shall not be granted to individuals who hold valid Maine State commercial shellfish licenses.

b) Schedule of Public Hearing for 10/9/2019 – Amendment to Shellfish Ordinance
MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**

To introduce the proposed amendment to the Shellfish Ordinance as read and to also approve the scheduling of a public hearing to be set for October 9th, 2019.

c) Accept Dog Park Donations

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

To accept dog park donations in the amount of \$135.00 for the care and maintenance of the fence at the dog park.

d) Council Approval - Vehicle Storage at the Mill for “2019”

Jon McNerney of the audience asks how much revenue comes from this. The City Manager responds that he believes it was about \$13,000.00 for FY2019.

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

To approve vehicle storage at the mill building for “2019” at .55 per square foot per month and that the agreement be reflective with new language relative to the sale of the building and that it requires the City to give the renters 30-day notice should it sell.

e) Approval for the “2020” Chili Cook Off with a Scheduled Date of 8/1/2020

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

To approve the “2020” Chili Cook Off event with a scheduled date of 8/1/2020.

f) State & Municipal Election Warrant for November 5th, 2019

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

To approve the State Referendum and local Municipal Election Warrant for November 5th, 2019 as submitted by the City Clerk, Ella Kowal.

g) Council Approval for Buy Back of up to Two Weeks of Vacation/Comp Time

The City Manager explains that this request has come before Council as in years prior and that its intent is to help reduce the outstanding liability to the City.

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

To approve the buy back of up to two weeks of vacation/comp time.

h) Opening & Award of Bid – Re: Raising of Catch Basins

The City Manager updates Council that there were no bids received within the time frame of the deadline. However, the City has received a proposal.

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

To table this matter and revisit it at the next meeting on October 9th, 2019.

i) Opening & Award of Proposals for Listing the Sale of Mill Building – 1 Arnold St.

The City Manager updates Council that the City is in receipt of only one proposal and that it comes from Samra Kuseybi with the Christopher Group. The proposal is for a one year listing agreement with a commission rate of 10% for a list price range amount of \$375,000.00 to \$399,000.00.

Councilor Emery asks if consideration should be given to having an appraisal done. The City Manager responded with a “no” in that there is a danger if the appraisal comes in high. Councilor Peacock also reminds that the amount of payback is related to what it sells for as to the Federal share. An audience member asks how the realtor would list it. The City Manager responds that it would be on MLS, the company website, LoopNet, other commercial venues, as well as in print media.

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

To accept and award the bid to Samra Kuseybi with the Christopher Group for the listing sale of the Mill building at 1 Arnold Street for a one year listing at a commission rate of 10% for a listing price of \$399,000.00.

j) Schedule Public Hearing for 10/9/19 for the Sale of City Property – the Mill Building

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

To approve the scheduling of a public hearing for October 9th, 2019 for the Sale of City Property at 1 Arnold Street, a/k/a as the Mill Building.

k) Approval to Authorize City Manager to Contract for Catch Basin Cleaning (not to exceed \$4,500.00)

MOTION EMERY **SECOND** BRADBURY **(PASSED 4-0)**

To approve authorization for the City Manager to contract for Catch Basin Cleaning services not to exceed \$4,500.00.

l) Approval to Put out to Bid for Work at the Ferry Landing/Quoddy Tides Foundation

The City Manager reminds Council that this was discussed at last week's focused infrastructure meeting. Council President responds that the Public Works Director, Howie Johnson, feels that it is out of their capabilities and feels strongly the City needs to hire someone to get it done and that it requires putting it out to bid. Jon

McNerney asks specifically what needs to be done. The City Manager responds that it is his understanding that they would extend the culvert and more substantial material to address washing out issues and erosion. Mr. McNerney notes with all the equipment that we have, why is it we cannot do it. The City Manager comments to say that it is a job for professionals who deal with rip rap and paving. The Council President responds that it is out of the City's realm to do this type of job in that it involves, excavating, replacing culverts, drainage, etc. The Assessor, Robert Scott, reminds we do not build roads and that we have always contracted them out and that the City does not pave. Legal Counsel asks of the Tides Foundation involvement. The City Manager responds that once the details are determined, they have expressed to work with the City.

MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**
To put out to bid the work at the Ferry Landing which is owned by the Quoddy Tides Foundation.

m) Update - Re: High Street Sidewalk Project

The City Manager reminds the Council that it is a federally funded project administered through the State where we are getting 80% of the money to extensive sidewalk reconstruction along High Street. The State's Project Manager's estimate this year may run \$9,000.00 more in a local match than what was initially anticipated. We were authorized \$45,400.00 but because we do not have the construction bid yet we cannot authorize anymore. He updates Council that as we continue the project there may be an additional cost of \$10,000.00 to the City. He comments to say that this is a complete reconstruction of sidewalk and curb on High Street between Key Street and Spruce Street.

Councilor Bradbury comments to say that it is work that needs to be done.

MOTION BRADBURY **SECOND** PEACOCK **(PASSED 3-1)**
Councilor Scott Emery Voted "NO"
To accept the City Manager's update on the sidewalk project.

n) Council Consideration to a Loan – Runway Reconstruction Project/Airport - \$275,000

The City Manager reminds that this was discussed at the infrastructure workshop meeting last week. He further comments to say that the City has received notification that the federal government intends to award us a grant of a little over \$5,000,000.00 for the reconstruction of the runway at the airport. He further comments to say that the last time substantial work was done took place in 1991. To qualify to receive the funding, the City must first pay to have the design work done and prepared to break ground before we receive the federal funding. Once the federal funding is received, the City can be repaid for that design work and he updates that there is no local match. The engineering costs are estimated to be

\$275,000.00 between now and when we would have access to the funding once the grant is secured. He has contacted The First bank and they can provide the City with a three year line of credit for \$275,000.00 at an interest rate of 2.2%. He continues to say that the engineers anticipate that the funding would arrive by next year.

Council President asks what the payment would be. The City Manager responds that would depend on what we take out and not taking the entire balance at once. Essentially, we would pay as we go and that we would not be paying interest on it. He further updates Council that the interest on the line of credit would be a cost to the City and that it is not a refundable expense under the federal grant.

Councilor Peacock comments to say that it is a rare event that this comes out with no match. The City Manager responds yes and that it is unusual and that Eastport was selected with two others.

Councilor Emery asks what the cost to the City was last year relative to the airport. The City Manager responded that he believed it to be around \$10,000.00. Councilor Emery asks about the loss of revenue at the airport for blade storage for an amount of \$10,000.00 which came from the Port Authority. The City Manager confirms that this would be a total of \$12,000.00 in lost revenue.

Former Councilor Mary Repole from the audience reminds Council of the Comprehensive Plan and that a great deal of work went into it and that the City is obligated to maintain the airport for the next ten years and that it was State approved and that it is part of the maintenance. Councilor Emery reminds them that the City is already on the hook for nineteen years already. Councilor Bradbury also comments that each time the City agrees to do these, we agree to another twenty year extension on the obligation to maintain the airport. Councilor Peacock expresses that the airport is a vital asset to the City and that very few City's of our size have the ability to land jets as well as planes that come in from the Atlantic to fuel. She addresses airport manager, Steve Trieber, for this confirmation. He responds that is correct and further comments to say that he has never seen an itemization of the airport but that he has asked the Treasurer and has been told that the system is unable to produce them. He comments to say that he has utilizes a Quick Books program. He reflects that the airport was a touch in the black. He continues to say that he is unable to get an itemization of every line item/expenditure for the airport when he asks. He continues to say that they have lost the blade storage revenue and also makes reference to the donations of proceeds from the 4th of July pancake breakfast at the airport from years past. He believes this year was the biggest year in fuel sales and does not see how there is \$10,000.00 in lost revenue. He notes one cannot put the value of the airport to the loss of revenue based on economics. In maintaining the airport, we are increasing the value of the City. He then speaks to the importance of emergency management, life flights, national disaster, etc. He believes the

airport to be a valuable asset and that it is worthy. He continues on to say that our Senator worked hard to get this money and to turn it down is a slap to the FAA and the Senator. He made reference that the City funds equipment for Public Works when they cannot assist with a sewer basin or dig a trench for placement of pipe. He hopes that they approve this and notes that it is a very small amount of money. If it is the interest is the concern he believes that the Airport Association would pay that.

An audience member comments to say that one of the reasons they chose Eastport was because it has an airport and hopes that this airport is able to fulfill its mission. He also shares the airport not only attracts businesses but taxpayers as well.

Former Councilor Mary Repole also reminds Council that we are an elderly community and that we are not near hospitals in specialized fields. She affirms that we are obligated for nineteen years but that this would give us good stable runway.

The City Manager speaks to that this is a very unique grant and attests that the Senator Collins did work specifically to maintain this and that it was a grant that former City Manager, Elaine Abbott, prepared on behalf of the City. He reminds that this was something that the City did pursue.

Bob DelPapa speaks to the number of volunteer workers at the airport and the work they perform to maintain the airport for no pay. He is in strong support of this request before the City Council.

Jon McNerney addresses Councilor Emery as to what they would do with the airport and he responds he does feel the City has reason to be in the airport business.

Councilor Bradbury asks how frequent are life flights out at the airport. The response was that there is only the need to have one and to have this accessibility in an emergency.

Councilor Peacock comments to say that we tend to forget that federal grants are our money that comes back to us.

City Manager reminds Council should they not go for this grant and they have to look at redoing the runway in the future, then 5% of \$5,000,000.00 is a significant amount of money.

Deb Nelson speaks to the income that is brought in with the grant whether it be from construction workers or other affiliated resources available to those that help make this happen. There are many benefits that come to the City and the community.

Hugh French from the audience speaks to the fact that it is extraordinary for a grant to come to the City for this amount of money and that it would be foolish for the City not to consider it and he hopes that Council will follow through on something that they initially considered at the beginning. He expresses that the airport is critical to the City as is the breakwater. He also reminds Council that we are still losing population and we need to have everything here to attract and retain people here.

Linda Godfrey speaks to future projects and its selectives. She also comments economic communities and how the airport has played an important part and what the community has achieved.

MOTION **PEACOCK** **SECOND** **BRADBURY** **(VOTE of 2-2)**

Councilors Bradbury & Emery Voted "NO"

Councilors Peacock & Archer Voted "YES"

To approve the 3-year line of credit for an amount of \$275,000.00 with The First bank at an rate of 2.2% for the purpose of having the engineer report for the airport.

City Clerk reminds Council that they do not have a full board.

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

To approve revisiting the matter of a loan relative to the airport for a runway reconstruction project for an amount of \$275,000.00 at the next Council meeting on October 9th, 2019.

o) Approval of Bold Coast Byway Signage

The City Manager updates Council that this request comes before them from the Washington County Council of Governments in that the Bold Coast has received permission from the State for signage and that it must come before the local municipality for their approval.

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

To approve authorization for the placement of Bold Coast Byway signage as requested on Route 190 coming into town.

p) Council Liaison/Manager Updates

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

To accept and approve the Council Liaison/Manager as presented and given.

q) Council Approval of Consent Agenda

MOTION **EMERY** **SECOND** **BRADBURY** **(PASSED 4-0)**

To approve the Consent Agenda as submitted.

- r) Scheduling of Public Hearing for 10/9/2019 on a Zoning Ordinance Amendment
MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**
To approve the scheduling of a public hearing for October 9th, 2019 on a proposed Zoning Ordinance Amendment.
- s) Council Approval to Purchase a One Ton Truck for the Public Works Department
MOTION EMERY **SECOND** PEACOCK **(PASSED 4-0)**
To approve the purchase of a one ton truck from Whited Ford for the Public Works Department and to authorize financing through The First bank for an amount of \$44,749.00 for a period of five years not to exceed an interest rate of 4.5%.

Linda Godfrey addresses Council and informs them that they cannot hear Council.

- t) Council Approval to Adopt the 2019-2020 General Assistance Ordinance
MOTION PEACOCK **SECOND** BRADBURY **(PASSED 4-0)**
To accept, approve, and adopt the 2019-2020 General Assistance Ordinance with maximums as set forth and submitted by the State.

VIII. COUNCIL ISSUES

Council President recognizes a letter received by the City with regard to not passing a no smoking ordinance. Jon McNerney of the audience asks that the letter be read aloud and the Council President obliges. He asks if it was for the entire City and Council responds it makes reference to local parks. The City Manager responds that Georgia Kendall with Healthy Acadia made a presentation at the last meeting encouraging the City to adopt a non-smoking policy for public places and City property.

Linda Godfrey on behalf of the Chamber of Commerce and the Edge Group that Council take responsibility for the future of this community and suggests that we have Judy East facilitate a meeting to address the airport situation so that all perspectives are being understood with regard to the opportunity before the City and be well informed. The City Manager responds that a public meeting was held last week specific to this and in attendance were airport engineers.

Steve Trieber makes a request for an itemized report of the airport's expenditures and income. He continues with the discontent of the Treasurer not being able to generate any information to his requests. Council President asks the City Manager to look into this and Councilor Bradbury comments to say that she would like to see this information as well.

The Assessor, Robert Scott, comments to say that our Treasurer, Traci Claroni, is a very professional Treasurer and does not feel it is right that accusations are made of her and the bookkeeping. If she is unable to produce such a report, there is a reason and generally it is a result of what the software is able to generate. She

is very proficient and keeps impeccable and exemplary records. He comments to say that this is not the first time that this has been brought to Council and presented in a fashion whereby it disgraces City Hall and its employees and it is not right. Council Bradbury responds that Traci does do a great job but that she would like to see these numbers as well. Linda Godfrey spoke to the Treasurer's records being precise and accurate.

IX. ADJOURN

MOTION PEACOCK **SECOND** EMERY **(PASSED 4-0) TIME: 7:25 P.M.**

To adjourn.