

**EASTPORT CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 4th, 2019
22 WASHINGTON STREET - CITY HALL - 6:00 P.M.**

Those in Attendance: Councilor Bradbury, Councilor Emery, Council Peacock, Councilor Small, and Council President, Archer. Also in attendance is City Manager, Ross Argir, & City Clerk, Ella Kowal. Ricky Cox, Dale Maddocks, Jeff Sullivan, Analeis & Bill Olver, Steve Trieber, Mary Jane Klaila Lora Whelan, Hugh French, Michael Morse, Aureau Stoll, and Linda Vault-Smith.

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m..

Those in attendance and present were: Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Councilor Jeanne Peacock, Councilor Peter Small, and Council President, Roscoe Archer, III.. Also in attendance was the new City Manager, Larry Post; and Ella Kowal, the City Clerk.

II. ADJUSTMENT(S) to AGENDA

The City Manager addresses the Council and makes a request to adjust the agenda for an Executive Session on “personnel matters: and to make it for Item V and to make “adjournment” as Item VI.

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

To approve adjusting the agenda for an Executive Session and to make this as Item V on personnel matters and to make “Adjournment” as Item VI.

III. REVISIT the REQUEST for CONSIDERATION of a SHELLFISH RECRUITMENT STUDY
(presented and requested by Brian Beal at the 8/14/19 Council meeting)

The City Manager reminds Council that they had met at the last meeting and that they had not made a decision and voted to revisit this matter. He further continues to say that he has received an email from Brian Beal emphasizes that he would need a decision from tonight's meeting as to where Eastport stands with this opportunity.

Council President asks if there is anyone in attendance from the Shellfish Committee and the Chairman of the committee, Ricky Cox, addresses the Council. He speaks to the study that they want to do and informs Council that it will not enhance the clamming in Eastport in any

shape or form. He updates that the conservation in Eastport consists of limiting the number of diggers on the clam flats. The numbers right now for the guys are around 100 pounds a day and there are very few other towns where this is being done. If the study was to enhance the clamming he would absolutely support it but reports it is not.

Councilor Peacock asks Ricky what he bases this on. He comments to say that their science is going to collect the spat and tell us how much it is settling in the clam flats when the guys who are out there see it everyday and the condition of the flats. He continues to say that we have more spat settling into our beaches. To allow someone with something such as this study would take away us managing the flats. Councilor Peacock asks Mr. Cox what it is that he bases that they want to get a foot in the door to manage our flats. Mr. Cox responds that Mr. Beal has tried before as well as Tim Sheehan and they want in to this little town. He continues to say that most of our coves and flats will be open in the winter time and they all want in because there is no where else to dig in the winter. If this is allowed, they will have nothing. Councilor Peacock responds that we do not allow that and Mr. Cox states we do not right now but if we do they will inch their way in and he stands by his decision that he is not in support of it as it is not going to help our clamming.

Council President calls for any other comments from the audience, there were none; and he then calls for comment from the Council.

Councilor Peacock speaks to that if she understood it correctly it was that the boxes would go out on the flats and that the size of the boxes with the screens would take up no more space than what the table was at the last Council meeting so when you put that out on clam flats it is such a small amount of space that it will take up and the water comes in, the spat comes down, and then they go to collect the spat. She notes that it is being done in ten other towns in the State of Maine and she does not see how that small amount of spat is going to make a difference in the production of the flats. Mr. Cox responds that it is not but it will generate revenue for them. He further comments to say that if Mr. Beal is going to do the tests and his research, lets let our kids here at our school do it. He continues to say with the size that she made reference to, he is sure that revenue to an amount of between \$7,000.00 and \$10,000.00 will be generated.

Councilor Peacock asks if there are any flats in Eastport that are non-productive, and Mr. Cox responds with a "no". He updates Council that even the closed areas such as the old dump and one could go there and dig clams. Councilor Peacock asks where the other flats are. Mr. Cox responds Carrying Place Cove, Harris Cove, Bar Harbor, Half Moon Cove, Johnson's Cove, the old dump, anything from the middle of Shackford's Head, all the way around to Harris Cove is closed. Those are all closed to clamming and that there is no clamming on those flats. He continues to say that legal digging is from the middle of Shackford's Head north all the way to the town line and then you have Johnson's Cove and then you have on the east side of Carlow's Island but on the north side.

Clifford Fowkes from the audience addresses a question to Mr. Cox and asks if the spat is taken from the flats does this represent a reduction in the yield and how much. Mr. Cox responds that it is hard to say as that this is a call for mother nature as to how much lives and much dies. There is no control to evolution. He continues to say that if the committee were to do that type of study it would at least take five days of work which the local ordinance does not permit and if there is any conservation time they have to get paid for it. He updates that this is the new State law and we just got our ordinance back and it requires them to pay for it. He also informs that their conservation is done through managing the number of licenses. He shares some statistics in that one third of what is turned over is not going to be there when you return. He makes reference to when Gleason Cove was opened up and had sixty-five diggers in there for a week straight and there was very little left alive.

Councilor Peacock speaks to that we have a conservation that is limited to our citizens and asks how many are digging. Mr. Cox responds that there ten commercial resident licenses and one non-resident commercial license. He also reminds them of the recreational licenses that are issued which only allow for a peck a day. He states that the rumor of three acres will survive one man for a year is not true. He then refers back to when they got the ordinance going back in 1992 they had forty plus diggers and in nine months there was nothing left and it left them to twenty to thirty pounds a day. Bottom line those that are digging for a living are not making a living. Councilor Peacock then asks about the spat that is coming down from the water all over the flats and then refers to the experiment and that it would have a certain number of small frames with screens and that there would be a tiny bit of the spat that is coming down.

Dale Maddocks from the audience and a shellfish committee member responds that this is not a study and it is another means for them to make another grant for grant money. He continues to say that this was done before down in Falmouth about two to three years ago and that they want to put clams in our flats that only grow 1-1/2 inch off. If you take those over the New Hampshire border one could go to jail. They can't be sold in Maine either as there is a 2 inch law here. He comments to say that Mr. Beal is trying to get his foot in the door to dispose of our ordinance.

Councilor Peacock responds that she knows Brial Beal and that he lived next door to her in Machias and he grew up next to her and also notes that he has been at the University of Maine for years and has the institute which is very substantial. Dale Maddocks responds that they sold spat to Perry and Pembroke last year to the tune of \$7,500.00 and everyone of them died and that was an experiment. Councilor Peacock responds that not all experiments work and that Eastport has one of the best conservation we could every have. Mr. Maddocks emphasizes again that it all amounts to getting grant money. Councilor Peacock comments to say she wish he were here to defend himself.

Councilor Bradbury responds to say that it was her understanding of the presentation was that he did not express selling anything on the beaches. Mr. Maddock is adamant to say he is not selling he wants to get grants. Councilor Bradbury continues to say that this needs to

be a fact based discussion and not speculation on what his motivation is and it does not align with what he presented to Council and she understood it to be a study that he is trying to conduct in order to ensure that there is a sustainable for clamming throughout the State of Maine. She reminds that if he is given permission he agrees to work with the Shellfish Committee and that it would be done entirely on closed beaches. She comments to say that it can be done in a minimal invasive way that does not detract at all from the clambers that we have and that we are not talking about expanding who is allowed to dig on the beaches or expanding about how many licenses we have but rather a scientific study that will potentially help the clamming industry survive in the State of Maine and she feels it is important to acknowledge that the fishing industry as a whole in this area has gone through cycles of boom and bust. She emphasizes that it is important to make sound decisions and to think about the future of any of the industries. If what she understood is correct in terms of his presentation, then she is in support of the study and feels it is important .

Chairman of the Shellfish Committee, Ricky Cox, from the audience responds to say that if she can guarantee that none of the spat leaves this town, he is in favor of it; but if not, then he is not for it. He then addresses Council with a question, where is he going to do his research at? Councilor Bradbury responds at the institute on Beals Island. Mr. Cox responds “there you go”, the spat is leaving the town. Councilor Peacock asks if it could be worked out with Brian Beal to do the study here at Shead High School and to involve the students. Councilor Bradbury recalls that he did talk about working with the high school students.

Mary Jane Klalia from the audience comments to say that we do not know what Mr. Beal's future plans are. She continues to say that when anyone comes into a town with a great idea it is almost too good to be true.

Mr. Cox wants to know why did the Town of Lubec say “no” - they too know what is going to happen. Mr. Cox reiterates that it is not going to enhance the clamming in the Stte of Maine. Councilor Peacock comments to say that she cannot speak to why the Town of Lubec said no. She continues to say that he wouldn't be doing it on flats that are being harvested. Mr. Cox responds that everything is open to clamming in Eastport that can be open and that every beach is harvestable except for the closed area by the State.

Councilor President for additional questions or comments from the audience and Council, then were none and he then calls for a motion.

MOTION PEACOCK

SECOND BRADBURY **(DENIED 3-2)**

Councilors Voted Emery, Small, & Archer Voted “NO”

Councilors Voted Bradbury & Peacock Voted “YES”

To invite that Brian Beal do this study in conjunction with the students at Shead High School and that the spat **does not** leave Eastport and that we get a report in three months of how it is going and to also involve the Shellfish Committee in the discussion.

IV. INFRASTRUCTURE WORKSHOP

A) FERRY LANDING – QUODDY TIDES FOUNDATION

The City Manager reminds Council this is the ferry landing by the Chowder House which was discussed at the last meeting and concerns were heard about the significant deterioration which was potentially due to an issue with a City drainage pipe placed in the area. He has spoken with Hugh French who is the director of the Tides Foundation and the owner of the property and he is amiable to the City essentially fixing the area and finding a more permanent solution. He has also spoken with the Public Works crew and it was agreed to put down substrate that is more substantial than sand a/k/a small rip rap and to then blacktop over it and in conjuncture to extending the drainage pipe so that the pipe is no longer dumping the water out onto the blacktop area. It appears that the blacktop was originally put over a beach and as the water has come out of that drainage pipe it seems as if it may have eroded the sand under the blacktop causing it to crumble and it is slowly making its way to the edge of the property with the restaurant owners.

Councilor Emery comments to say that the road is shrinking.

Hugh French addresses the Council and reminds them that the property was gifted to the Quoddy Tides Foundation from the late John Pike Grady and believed it to be in their family for 150 years. He recaps the history in that it was utilized to fisheries related activities, a ferry landing site-one from Deer Island to Eastport, passenger ferry service, and this gift was the last act of John Grady which was to see that this be used as a ferry landing site and this is what the Tides Foundation agreed upon as accepting the gift. A few years after Mr. Pike's passing, the ferry service from Deer Isle and Eastport was temporarily suspended but that the intent is to keep that property as a ferry landing site for the future for passengers and vehicles. He continues to say that the City approached them a few years ago about extending some drainage to alleviate some problems. He met with the City Manager and expressed he believed the City to have had good intent to addressing one problem but that it has turned out that it may have created another. They are willing to work with the City to help correct the erosion that has taken place.

Council President asks if there is anything further required of Council. The City Manager responds that if the City agrees that this is something they would like to correct, they can either vote to put that work out to bid tonight or at the meeting next week. Councilor Emery asks if it going to go out to bid or is the City going to do it. The City Manager responds that Howie is not comfortable doing the work and believes it is outside his capabilities, especially with the new substrate and the purchase and hauling in of the rip rap.

The City Clerk suggests putting it on the agenda for next week's meeting and this gives Council some time to think about it over the weekend when they get their packet. Council is in agreement to put it on next week's agenda for their meeting of 9/11/19.

Councilor Emery asks if funds are available. The City Manager responds that it will come from Special Reserve.

Councilor Peacock comments to say that if we do not address the problem now, it will become more costly down the road.

B) SEWER WASTEWATER TREATMENT PLANT

The City Manager addresses Council and informs them that the engineers, Annaleis and Bill, are here in attendance and will be giving a presentation to the wastewater treatment plant project. They give the Council and the City Clerk handouts that they will be referring to for the presentation. Bill updates the Council that they have worked with the City for ten years and that they also work all over the State of Maine. He reminds Council that DEP got involved with concerns of the condition of the infrastructure relative to the wastewater and sewer. He speaks to the pump station in Eastport as well as Quoddy. The useful life of equipment is generally twenty years old and we are now out at 30 years. The last nine years they have been trying to get different funding as there is never enough money to fix everything that was put in with federal funds when it was 90% funded with a 10% local. Now it is pretty much local with trying to bring grants together. He explains the purpose of tonight's meeting is to explain where the City is at with their wastewater treatment plant and first and foremost is to get the pumps fixed to get the water to the plant and to also get some of the extra water out so that the plant does not get overloaded. This is Phase II of the project to go a little bit further. He refers to the handout and moves forward with his presentation. At the end of the presentation he explains that there is about \$4,000,000.00 left from the current funding package that we have and that this number is based on a 2012 study. He continues to say that the way this works is that a study must be completed to defend a plan for funding and then you go into a funding cycle and sometimes it takes years to get the funding and that the costs go up about 5% a year which means by the time we getting funding we are behind the eight ball. He comments to say that they just finished the design plan for this phase and based on the current economy and the pricing that we are seeing, along with the requirements for the funding package that we have; he comes up with \$6,500,000 to \$7,000,000 to upgrade the whole plant which may mean it would require to be phased again. They would need to ask Rural Development to increase the City's funding package between to \$2,000,000 & \$3,500,000. Should they not include Middle Street, it would be \$2,000,000. He then refers to page 13 of the handout relative to how this would impact user fees. The current average user fees is about \$170.00 per quarter. He then updates that there is a 100% loan available anytime should we want it and there are other low interest money. He continues to say that they need

to open the bids in a few weeks to see where we are and they are asking for Rural Development to increase the grant by 50%. If that happens, the average user would be looking at a rate increase per quarter of somewhere between \$30-\$35. He makes reference to it is a very beautiful part of Maine but that it is difficult to get contractors in Eastport. At this point, they have reached out to others and as it stands now they will be opening the bids on September 17, 2019. The close to the presentation is that DEP still wants our plant fixed and Olver Associates is still working with us and the plant has done well for us for 30 years and once these repairs are made, it will last another 30 years. He states that there is funding out there but that we need to continue to apply for it. Analeis speaks to seeking out additional funding and notes that she has received the City's audit to assist with that as knows we will need to do that but hoping to get the same percentage.

Councilor Peacock asks for clarification of the \$4,000,000 left over of construction money. Bill Olver responds to say that in 2012 the City was required to do a study of the entire system and since then we have been piecing together projects so the current funding package but that there is about \$4,000,000 available to put towards the plant.

Council President confirms that this matter will be on the October 9, 2019 agenda.

C) SIDEWALKS

The City Manager addresses the Council with an update on the High Street sidewalk project. He informs them that it has been approved by both the feds and the state which is almost a \$300,000 grant that the City has received to redo the sidewalks on High Street between Key Street and Spruce Street down on south end. He continues to say that originally the local match was going to be \$45,500.00 but unfortunately construction prices have been coming in high this past year and that Maine DOT is now estimating that the total cost of the project will be significantly higher and essentially increase the local need by \$9,500.00 which brings the total cost up to \$55,000.00 for a \$275,000 project. Thus, it will be on the October 9, 2019 agenda for Council to decide whether to move forward with the project. The City Manager updates Council that it is an 80%-20% funding with the federal government picking up the 80%. He also updates that he has a meeting with the sidewalk consultants next week.

D) AIRPORT

The City Manager addresses Council and informs them that two engineers from Hoyle & Tanner are here this evening and that they will speak to the \$5,000,000 grant that the City received to resurface the airport runway. Suzanne Shepard introduces herself and gives some background and explains that a CIP (Capital Improvement Plan) is put together for what projects that the FAA deems are eligible for improvements every five years. She further explains that the runway has been on it for a number of years and keeps getting pushed back because of the local

funding. It is estimated at \$5,000,000 which would be 5% in local funding equivalent to \$250,000 and that it is 90% for FAA, 5% for Maine DOT, and 5% for local match. She continues to say that last year the FAA came up with supplemental funding for rural airports all over the country and what is special about this funding is that it is 100% FAA – no 5% for Maine or 5% local share. With the previous City Manager's support last year, they applied for this and Eastport was awarded the \$5,200,000. She then explains that this is something that hasn't been awarded and that they actually have to go through the whole design process and putting it out to bid and then they would apply for the grant but that the money is set aside waiting there to do the design and to put it out to bid. She then comments to say that they have put together a schedule and it looks as if they can apply for the grant next Spring. The grant is also special in that the money is already there and that it would be awarded rather quickly. Typically, there is a three month wait when you apply for a grant. They believe it may even be available within a month as it doesn't need to be budgeted. She informs the City that three towns were awarded. One was Biddeford, Jackman, and Eastport. The runway at the airport in Eastport is in dire need of repair and has been high on the list for quite some time now. She updates that it was last constructed in 1991. FAA's rule is usual that it has a twenty year lifespan and that there has been no improvements to it since then.

Her co-worker, Bob, addresses Council and makes note of the schedule that he gave to the City Manager and that it is reflective of \$275,000 of design work and could start on it in early September to begin with surveys, investigations, etc. that need to be done. With a compressed schedule, they would most likely be able to put it out to bid in March of 2020. Once a bid comes in, they expect that FAA would be offering the grant to the City within 30-45 days. With the schedule, they would like to be under contract with the City and to be paid as they go along. The typical method with FAA in this process is to break this project into two grants. One would be called a "design only" grant so the City would be offered that money and could pay Holye Tanner as they go for the design. They will not do that with the supplemental funding. They made it to be designed, put out to bid, and a low bid in hand before they offer the City the grant at which point they would be reimbursed. Their want and desire is to work on the project with the City and to go from there and they are here tonight to address any concerns.

The City Manager addresses the Council and explains that the need is that the City will expend \$275,000 before they receive any federal funding which will require either a loan or a line of credit to cover the costs to pay the airport consultants before the federal funding is received and those funds would be paid back with the federal funding but that there is no 100% guarantee that federal funding works out. Bob with Hoyle & Tanner speaks to their perspective and they understand that we don't have a grant in hand but that there has been an announcement about it and there

are State representatives who want to see this project happen. In all his years, he cannot think of any time that a project wasn't more backed up by DOT and by FAA. He further comments to say that if we do not take advantage of this 100% grant, it could be five or ten years before they would do it under a traditional method which would be 90% FAA, 5% State, and 5% local. Council President asks the representatives of Hoyle & Tanner how certain they are of the grant money and Suzanne responds that she is confident that we will get it. Bob with Hoyle & Tanner informs Council that Suzanne has asked for a letter of intent from the FAA and they are working to get that for the City.

Steve Trieber speaks to the condition of the runway and that it is bad and deteriorating. Council President asks if this does not get done. Mr. Trieber responds that people will not fly in and the condition of the runway will continue to get worse. It needs to be done and we have a Senator that guaranteed that it could be done. The City Manager responds to remind Council that the difference of this grant over the traditional is that this supplemental funding is 100% funded and if we wait, 5% of \$5,000,000 is a substantial sum of money where once the funding is received; everything is covered which is very unique. Steve Trieber comments to say it is a blessing to have this offer at 100%.

Councilor Bradbury asks about the City's commitment each time we would borrow that it longates in maintaining it and asks what this adds to that timeline for the \$5,200,000. Bob with Hoyle & Tanner responds with another 20 years. He confirms that the City's obligation, should they accept this, is for an additional 20 years. If we chose to close the airport the City would have to pay back that money if done before that 20 year period.

Steve Trieber responds that the Airport Association has been relieving the City of any burden as well as the taxpayers. He continues to say that the members plow, mow, fixes fences, and does the maintenance and they keep it presentable.

Councilor Emery requests a report as to what it is costing the taxpayers each year in tax dollars right now. He also expresses a concern that even though this project is 100% funded what is to say that down the road they don't come in to say that we need new lights and a beacon and then the taxpayers would be left to pay for that. Council asks that the City Manager have Traci put together a report of the actual numbers of what it is costing the taxpayers over a three year period.

Council President asks what is covered under this grant. Suzanne with Hoyle & Tanner responds it is for the reconstruction of the full length of the runway, medium intensity lights on the edge/with LED lights, a new beacon, replacement of the pathees of approach indicators which are lights with four boxes of red and white lights as the plane comes in it is a guide in visual form for vertical guidance, and rails which are identifier lights that flash and locate where the end of the runway is.

Steve Trieber asks her if this would cover the DEP requirements and she reports that this would be next year and she also notes that the windsock is not part of this grant. Steve reports that there is someone who flies in monthly that buys them a windsock.

V. EXECUTIVE SESSION

MOTION BRADBURY **SECOND** EMERY **(PASSED 5-0) TIME: 7:05 p.m.**
To go into Executive Session for Personnel Matters under Title 1 M.R.S.A. § 405(6)(A).

MOTION EMERY **SECOND** SMALL **(PASSED 5-0) TIME: 7:20 p.m.**
To come out of Executive Session.

VI. ADJOURNMENT

MOTION SMALL **SECOND** EMERY **(PASSED 5-0) TIME: 7:20 p.m.**
To adjourn.