

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 11, 2016

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

**CITY COUNCIL PRESENT: BEATHEM, BLANCHETTE, CROSTHWAITE,
FORTIER, MOORE, PERKINS AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, MICHAEL
HANGGE, JENN MADORE, AMANDA TUPPER, AND LARRY GARDNER.**

Call to Order.

Chairman Crosthwaite called the regular meeting of the Ellsworth City Council to order at 7:00 p.m.

Pledge of Allegiance.

All stood for the pledge of allegiance.

Rules of Order.

The meeting was conducted under Robert's Rules of Order and other rules adopted at the November 9, 2015 Annual Organizational Meeting of the Ellsworth City Council. After being recognized by the Chairman, a person may speak not more than three (3) minutes on any one item on the agenda. In addition, the person may speak not more than two (2) minutes in rebuttal.

Adoption of minutes from the following meeting (s) of the Ellsworth City Council:

12/04/2015 Special Council Meeting.

On a motion by Fortier, seconded by Moore, it was unanimously

**RESOLVED to approve adoption of minutes from the 12/04/2015 Special
Ellsworth City Council meeting as presented.**

City Manager's Report.

David Cole, City Manager reported MaineDOT is proceeding with the planning stages of the RT 1A Reconstruction Project, scheduled for this summer. This project will cover approximately a 1.5 mile stretch on the Bangor Road. The City will be involved in this project to the extent of utility work, sidewalk work, intersection work, and a new entrance to the High School. DOT delivered notices and compensation information on pieces of land they will be taking in connection with this project. The City has four properties that the DOT will be taking a portion of for this project. This is routine practice for projects similar to this one, to accommodate for drainage or other improvements.

Call to Order.

Pledge of Allegiance.

Rules of Order.

**Approved - Adoption
of minutes from the
12/04/2015 Special
Ellsworth City
Council meeting as
presented.**

**City Manager's
Report.**

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The Recreation Commission plans to install the ice skating rink as quickly as the weather cooperates. The Winter Carnival will include sled races, fireworks, and many other events. The date for the Winter Carnival and schedule of events will be available on the City's Face Book page.

The Planning Board recognized Donald Martin for his 10 years of dedicated service to this Board and the citizens of Ellsworth. He attended 111 out of the 118 meetings during his term on the Board.

Cole announced three new police officers have recently joined the Ellsworth Police Department. They are Toni Ryan, Stephen Hughes and Shawn Merchant. Two new firefighters have joined the Ellsworth Fire Department. They are Riley Dewitt and Kenneth Worden, who were previously paid on-call firefighters for Ellsworth. The resignation of Deputy Fire Chief Kevin DePrenger has been accepted allowing him to move onto a new career in Florida. Gary Saunders has been promoted to Deputy Fire Chief, and Robert Dorr has been promoted to Lieutenant.

Committee Reports.

➤ *Recreation Commission:* Councilor Blanchette reported that the Commission met on January 6, 2016. Groups have started to present their budget requests to the Commission. This week Todd Wagstaff presented his request to fund an additional team within the Little League Challenger Program. This would increase the program from two teams to three teams resulting in an additional ten players. The \$2,500 request included necessary funding for insurance, uniforms, and equipment.

Citizens' Comments.

No comments this month.

Presentation of Awards.

There were no presentations to award this evening.

UNFINISHED BUSINESS

There were no items under Unfinished Business this month.

Committee Reports.

Citizens' Comments.

**Presentation of
Awards.**

Unfinished Business.

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CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk () are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

*Council Order #011600, Request of the Treasurer/Tax Collector to release properties redeemed during the 30 day redemption period ending January 11, 2016 through Quit-Claim Deeds. **

See attachment #1 for a complete list of properties that were redeemed during the 30 day redemption period ending January 11, 2016, along with the quit-claim deeds.

*Council Order #011601, Request of the Treasurer/Tax Collector to accept payments on tax acquired time share units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.**

See attachment #2 for the list of timeshare units that were sold during the course of the last month, along with the sale price and purchaser information.

*Council Order #011602, Request of the City Assessor for abatement of taxes assessed to Patrick Carrier, customer #351495, Map 117 Lot 5 for FY 2015 (\$437.57) and FY 2014 (\$426.93) in the total amount of \$864.50. **

See attachment #3 for the complete packet of information on the request to abate taxes.

*Council Order #011603, Request of the City Assessor for abatement of taxes assessed to Patrick Carrier, customer #351495, Map 117 Lot 6 for FY 2015 (\$503.37) and FY 2014 (\$491.13) in the total amount of \$994.50. **

See attachment #4 for the complete packet of information on the request to abate taxes.

Consent Agenda.

Approved - Consent Agenda as presented this evening.

Approved - Council Order #011600, Quit-Claim properties redeemed during the 30 day redemption period.

Approved - Council Order #011601, accept payments on time share units authorize City Manager to issue Quit-Claim Deeds.

Approved - Council Order #011602, abatement of taxes assessed to Patrick Carrier #351495, Map 117 Lot 5.

Approved - Council Order #011603, abatement of taxes Patrick Carrier, customer #351495, Map 117 Lot 6.

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*Council Order #011604, Request of the City Assessor for abatement of taxes assessed to Thomas Sprague, personal property account #190774, RV located at Timberland RV Park, for the FY 2015 tax in the total amount of \$370.13. **

See attachment #5 for the complete packet of information on the request to abate taxes.

*Council Order #011605, Request of the City Assessor for abatement of taxes assessed to Glenroy & Kim Wood, personal property account #230440, RV located at Timberland RV Park, for the FY 2015 tax in the total amount of \$78.96. **

See attachment #6 for the complete packet of information on the request to abate taxes.

*Council Order #011606, Request of the City Assessor for abatement of personal property taxes assessed to David Mantz (Matz) DBA: Crazy Dave's BBQ, personal property account #130140, for FY 2015 (\$164.50) and FY 2014 (\$128.40) in the total amount of \$292.90. **

See attachment #7 for the complete packet of information on the request to abate taxes.

*Council Order #011607, Request of the City Assessor for abatement of taxes assessed to Diane Simmons, personal property account #190480, RV located at 14B Branch Lake RV Park Campground, for the FY 2015 tax in the total amount of \$508.31. **

See attachment #8 for the complete packet of information on the request to abate taxes.

*Council Order #011608, Request of the City Assessor for abatement of taxes assessed to Raymond Applebee (life estate), Real Property Account #4866, Map 50, Lot 4-1-1, for FY 2015 (\$34.55) and FY 2014 (\$33.71) taxes in the total amount of \$68.26. **

See attachment #9 for the complete packet of information on the request to abate taxes.

Approved - Council Order #011604, abatement of taxes Thomas Sprague, #190774.

Approved - Council Order #011605, abatement of taxes Glenroy & Kim Wood, #230440, RV.

Approved - Council Order #011606, abatement taxes to David Mantz (Matz) DBA: Crazy Dave's BBQ, #130140.

Approved - Council Order #011607, abatement of taxes to Diane Simmons, personal property account #190480, RV.

Approved - Council Order #011608, abatement of taxes assessed to Raymond Applebee (life estate), #4866, Map 50, Lot 4-1-1.

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HANGGE, JENN MADORE, AMANDA TUPPER, AND LARRY GARDNER.**

On a motion by Phillips, seconded by Blanchette, it was

RESOLVED to approve the Consent Agenda as presented this evening.

Before a vote was taken on the above motion, Councilor Fortier clarified for the public record most of the items were correctly and accurately billed therefore will result in supplemental taxes being committed in the same amount to the accurate owners. This tax revenue is not just being written off; the funds will be collected through supplemental bills. Councilor Moore clarified the correct name for Dave's Crazy BBQ should be David Matz for future billings.

A vote was taken on the above motion with all councilors voting unanimously in favor.

NEW BUSINESS

Public hearing and action on the application (s) for issuance of the following business license (s):

Capital Pizza Huts, Inc. d/b/a Pizza Hut, 211 High Street, for renewal of a State Restaurant (Class I, II, III, IV) Malt Liquor License.

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses and that no delinquent tax or utility bills exist.

Public hearing was opened.

There were no comments.

Public hearing was closed.

On a motion by Fortier, seconded by Moore, it was unanimously

RESOLVED to approve the request of Capital Pizza Huts, Inc. d/b/a Pizza Hut, 211 High Street, for renewal of a State Restaurant (Class I, II, III, IV) Malt Liquor License.

Council Order #011609, Request of the City Planner to accept the Housing Report.

New Business.

**Approved - Capital
Pizza Huts, Inc. d/b/a
Pizza Hut, 211 High
Street, for renewal of
a State Restaurant
(Class I, II, III, IV)
Malt Liquor License.**

**Approved - Council
Order #011609, the**

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Chairman Crosthwaite explained at the December 14, 2015 Council meeting a review of the report was presented. The request tonight is to formally accept the report as presented in attachment #10, "*Housing Opportunities for the Age 55 & Older Market*". The printed copy is on file with the City Clerk as well as the Ellsworth Public Library. The report contains wonderful information for future planning. David Cole, City Manager confirmed Bruce Mayberry, Project Consultant presented the report at the very well attended December meeting. The report has been distributed to a number of people.

On a motion by Phillips, seconded by Beathem, it was unanimously

RESOLVED to approve Council Order #011609, the Housing Opportunities for the Age 55 & Older Market, Ellsworth Maine dated October 20, 2015.

Chairman Crosthwaite expressed the Council's appreciation for the valuable information and great job that was done on the project.

Council Order #011610, Request of the Harbor Commission to amend the Harbor Fee Schedule.

David Cole, City Manager explained Tammy Mote, Finance Director/Deputy City Manager was unable to be present at the meeting this evening due to illness. Mark Remick the Chairman of the Harbor Commission was not present at the meeting. As Mote was prepared to present this item, Cole suggested it might be appropriate to table this item in her absence. Councilor Fortier noted the Council did have the information in their packets for discussion purposes. See attachment #11 for a complete copy of the material presented to the Council prior to the meeting this evening. Chairman Crosthwaite referenced the minutes from the Harbor Commission under New Business on page 2; the fee increases have been identified. Councilor Phillips stated he remembers a lively debate among the Harbor Commission members concerning how to arrive at the proposed fee increases during their meeting. He was unable to remember the exact details of the discussion. Crosthwaite stated if the Council agrees these fees are acceptable they could act on them tonight. If the Council has questions that cannot be answered tonight it would be difficult to approve this item. Councilor Blanchette had some questions in regards to how the Commission arrived at some of the increases and how they didn't arrive at some of the others. He would feel more confident in approving the increases if he was able to discuss the proposal with someone from

**Housing
Opportunities for the
Age 55 & Older
Market, Ellsworth
Maine dated October
20, 2015.**

**Approved - Tabling
Council Order
#011610, Request of
the Harbor
Commission to
amend the Harbor
Fee Schedule as
presented this
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the Harbor Commission.

On a motion by Phillips, seconded by Moore, it was unanimously

RESOLVED to approve tabling Council Order #011610, Request of the Harbor Commission to amend the Harbor Fee Schedule as presented this evening.

After the vote was taken, Chairman Crosthwaite stated hopefully this item could be tabled until the February 8, 2016 Regular Council meeting at which time the Council could help them establish what the increases will be.

Councilor Fortier requested the City Clerk include a copy of the 2016 Rules and Guidelines for Concessions within the information provided next month. Within the minutes there are changes being proposed for this document, the Council did not have the document within the packet to compare the amendments with.

Council Order #011611, Review and determination of the sewer service charge rates in accordance with Ellsworth Code of Ordinances, Chapter 5, Sewer Ordinance, Article X Sewer Service Charge, Section 1002.

Chairman Crosthwaite noted the Council has been presented with a report within their packets, see attachment #12 for a complete copy of the material presented prior to this evening. This information explains the calculations of the fees and the recommendations regarding increasing those fees. David Cole, City Manager explained Tammy Mote, Deputy City Manager/Finance Director prepared a calculation that would place the cost in the range of \$8.03 per 100 cubic feet to make the Sewer Department self-sufficient. This is a direct result of the construction of the new Wastewater Treatment facility which opened three years ago. The last rate increase took place five years ago. Up until this time the City has been able to carry this account; however, moving forward this facility needs to be self-sufficient. Increasing the sewer service charge rates to this level would allow the facility to meet this goal. The exact calculations were not available this evening; however, could be provided to the Council at a later time. Cole noted that the Finance Department did survey other service center communities and the \$8.03 proposed range would be consistent with those surveyed. The majority of facilities contacted have a much larger number of users than Ellsworth has. There are approximately 1,500 users in the City of Ellsworth on the system covering the expenses for the \$21 million Wastewater Treatment facility. The Wastewater Treatment Department is working diligently to bring in new revenues to offset the

Approved - Tabling Council Order #011611, Review and determination of the sewer service charge rates in accordance with Ellsworth Code of Ordinances, Chapter 5, Sewer Ordinance, Article X Sewer Service Charge, Section 1002.

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expenses. Currently, they are accepting septage from private haulers and other municipalities to help offset future rate increases. These revenues, as well as additional development whether it is commercial or residential housing, will in time increase the volumes; however, that is not something that can be counted on today nor does it help with the immediate pressure the City is experiencing. Councilor Fortier was uncomfortable approving an increase tonight without information explaining the impact on the normal user. On paper this is a 43% increase. Fortier was concerned how this increase would affect the 55 and older population which needs to live in this community on a minimum sewer/water line as well as the impact this increase would have on the business community. Fortier recognized the need for the additional funding; however, he felt it would be best to wait a month for action on the request. This would allow the public time to digest the topic and provide comments as well as allow the Council time to receive additional information from Mote on the impact to the minimal user and average user. The consensus of the Council was delaying action on this item would not harm anything. Cole stated based on the rate of increase this item deserves time to be absorbed by the community as well as explained fully. The intention this evening was not necessarily to take action; it was just to put the concept onto the table. The goal of this evening was to determine how the Council would like to proceed. Councilor Beathem stated the proposed increase is very large; however, because the Council has delayed increasing the rates over time the tax payer is covering the expenses for the facility. Beathem feels it is time to look at the rates as the expected revenue sources have not come through yet; however, he is not in favor of raising the rates all at one time. He would like to take a step-in approach to the future increase. Crosthwaite stated the Council probably should have been taking that approach in the past, eliminating the need for a catch-up rate increase. Councilor Moore agreed with Councilors Beathem and Fortier in regards to how to approach this agenda item.

On a motion by Fortier, seconded by Moore, it was unanimously

RESOLVED to approve tabling Council Order #011611, Review and determination of the sewer service charge rates in accordance with Ellsworth Code of Ordinances, Chapter 5, Sewer Ordinance, Article X Sewer Service Charge, Section 1002.

Adjournment.

On a motion by Fortier, seconded by Blanchette, it was unanimously

**Approved -
Adjournment at 7:34**

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HANGGE, JENN MADORE, AMANDA TUPPER, AND LARRY GARDNER.**

RESOLVED *to approve adjournment at 7:34 PM.*

PM.

A TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE