

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JANUARY 13, 2014**

**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 MICHELLE BEAL, TERI  
DANE, RICHARD TUPPER, MICHAEL HANGGE, KEVIN DEPRENGER,  
KEVIN KANE, AND MANY MEMBERS FROM THE ON CALL/FULL TIME  
FIRE DEPARTMENT.**

*Call to Order.*

Chairman Phillips 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 12, 2013 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 meetings of the Ellsworth City Council:*

*12/03/2013 Special Meeting.*

*12/16/2013 Regular Monthly Meeting.*

*On a motion by Fortier, seconded by Beathem, it was unanimously*

**RESOLVED to approve adoption of minutes from the following meetings of the Ellsworth City Council 12/03/2013 Special Meeting and 12/16/2013 Regular Monthly Meeting.**

*City Manager's Report.*

City Manager Michelle Beal stated she had nothing to report this evening. Councilor Fortier inquired on behalf of a citizen whether the City has considered a mass cleanup effort for the limbs and trees that fell close to or within the City's right-of-way during the winter storms. Fortier asked if the City was going to allow residents to pile the trees on the property lines and have the City pick those up.

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the following meetings of the Ellsworth City Council 12/03/2013 Special Meeting and 12/16/2013 Regular Monthly Meeting.**

**City Manager's Report.**

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FIRE DEPARTMENT.**

Beal explained there will be some type of cleanup effort planned for the Spring. Councilor Beathem had brought this concern to Beal earlier and she has been discussing different options with the Public Works Department for the Spring.

*Committee Reports.*

- *Recreation Commission.* Councilor Fortier reported that the Commission met and continued to plan the Winter Carnival. This event will be held on the second weekend in February. There will be games and different events at the Black House during the morning of February 8, 2014, ice skating events during the afternoon and fireworks over the high school will end the evening. On Sunday, February 9, 2014 the Clam Boot Hockey Puck Tournament will take place at the ice rink.
  
- *Harbor Commission.* Councilor Blanchette reported on the Commission meeting which was held on January 7, 2014. One pylon has been lost for sure due to the ice this year. Two more pylons are looking shaky however the extent of the damage will not be known until the ice melts. It was also noted during the meeting that a budgeted expenditure in the amount of \$1,000 actually had a final obligation of \$334, thanks to Harmon's Upholstery and their willingness to work with the Commission. Next month's meeting has been rescheduled for Tuesday, February 11, 2014 at 7:00 PM because the regular monthly meeting fell on an Election Day.

*Citizens' Comments.*

No comments this month.

*Presentation of Awards.*

*Glenn Moshier for Ten years of service with the Ellsworth Police Department.*

Glenn Moshier was present to accept his service award from Chairman Phillips on behalf of the Ellsworth citizens.

*Richard Tupper for Twenty-Five years of service with the Ellsworth Fire Department.*

**Committee Reports.**

**Citizens' Comments.**

**Presentation of Awards.**

**G. Moshier – 10  
years Police Dept.**

**R. Tupper – 25 years  
Fire Dept.**

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KEVIN KANE, AND MANY MEMBERS FROM THE ON CALL/FULL TIME  
FIRE DEPARTMENT.**

Richard Tupper was present to accept his service award from Chairman Phillips on behalf of the Ellsworth citizens.

**UNFINISHED BUSINESS**

There were no items under Unfinished Business this month.

**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 #011400, Request of the Deputy Treasurer/Tax Collector for approval of a Real Estate Purchase Installment Contract between the City of Ellsworth and Adam K. and Catherine E. Morton. \**

*Council Order #011401, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the February 04, 2014 Special Municipal Election. \**

See attachment #1 for a complete list of Wardens and Ward Clerks for the February 4, 2014 Special Municipal Candidate Election.

*Council Order #011402, Request of the City Clerk for approval on setting the polling places opening time as 8 AM for the February 04, 2014 Special Municipal Election. \**

*Council Order #011403, Request of the Deputy Treasurer/Tax Collector to release*

**Unfinished Business.**

**Consent Agenda.**

**Approved - Consent Agenda as presented this evening and authorize the City Manager to sign the deeds required by item #12.**

**CO #011400, REPIC Adam K & Catherine E. Morton.**

**CO #011401, Appt Wardens/ Ward Clerks for February 4, 2014.**

**CO #011402, Set Polls opening time as 8:00 AM.**

**CO #011403, Release**

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*properties redeemed during the 30 day redemption period ending January 6, 2014  
through Quit-Claim Deeds. \**

See attachment #2 for a complete list of properties to be released through Quit-Claim Deeds because they were redeemed during the 30 day redemption period ending January 6, 2014.

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

**RESOLVED to approve the Consent Agenda as presented this evening and authorize the City Manager to sign the deeds required by item #12.**

**NEW BUSINESS**

*Public hearing and action on the application for renewal for the following licenses:*

*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 Moore, seconded by Beatham, 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.**

*Ellsworth CI, LLC d/b/a Ellsworth Comfort Inn, 130 High Street, for renewal of a City Lodging License.*

**properties through  
Quit-Claim Deeds,  
see list attached.**

**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 -  
Ellsworth CI, LLC**

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KEVIN KANE, AND MANY MEMBERS FROM THE ON CALL/FULL TIME  
FIRE DEPARTMENT.**

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 Crosthwaite, it was unanimously*

**RESOLVED to approve the request of Ellsworth CI, LLC d/b/a Ellsworth Comfort Inn, 130 High Street, for renewal of a City Lodging License.**

*Cleonice d/b/a The Maine Grind, 192 Main Street, for renewal of a City Class C License (food/liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous 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 Blanchette, seconded by Moore, it was unanimously*

**RESOLVED to approve the request of Cleonice d/b/a The Maine Grind, 192 Main Street, for renewal of a City Class C License (food/liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.**

**d/b/a Ellsworth Comfort Inn, 130 High Street, for renewal of a City Lodging License.**

**Approved - Cleonice d/b/a The Maine Grind, 192 Main Street, for renewal of a City Class C License (food/liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.**

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FIRE DEPARTMENT.**

*Council Order #011404, Request of the City Manager to accept a proposal from Ray Quimby for right-of-way purchase services for the Beechland Road reconstruction project.*

City Manager Michelle Beal explained this year the City is planning to reconstruct the Beechland Road. In order to reconstruct the road to an appropriate standard for the traffic it carries and to incorporate a design that will handle the large amount of stormwater that is generated, the City needs to purchase right-of-way (ROW) from the abutters of the Beechland Road. Currently, the ROW is anywhere from three rods to four rods however, there is not a true depiction of where the road was originally built creating many questions on where the ROW currently exists. Because of these questions, it has been determined that the only feasible way to clear the title and ROW for the road is to assume the statutorily allowed three rods and purchase one rod from all of the abutters. This would mean that the City would be purchasing eight feet from each abutter on both sides of the road. In order to purchase ROW, the City would need to hire an appraiser to visit each property and discuss with the property owners different characteristics of the land, as well as the effect the taking of the property would have on the property owner and then provide the City with an appraised value for that purchase of the ROW. After this step is completed there will need to be another contract with a different gentleman for negotiating the price. That contract will come before the Council in February. Chairman Phillips stated Quimby would be drawing maps of each property to show all the unique features of each parcel. See attachment #3 for the complete contract with Quimby Appraisal & Right of Way Services, LLC. Councilor Fortier asked on behalf of the public how much experience Quimby has performing this type of work. Beal explained Quimby is retired from the Maine DOT where he worked for over 20 years as a property appraiser in their right-of-way department. Beal is not able to handle the land negotiations for the City because a Real Estate License is mandatory when handling land negotiations. The skill sets for both of these steps are very unique which limits the number of qualified people the City could contract with. Councilor Perkins inquired about going out to bid for these services. Beal explained that would be difficult due to the expertise that is needed. There was a short discussion concerning how the number of rods to take was determined and the history of the layout of this road. If the property owner has a deed that specifically states the property lines it could have an effect on the purchase price.

**Approved - Council Order #011404, Request of the City Manager to accept the proposal of Quimby Appraisal and Right of Way Services LLC to provide right-of-way appraisal services for the Beechland Road project at a cost of \$33,000. Funding to be from economic development TIF funds.**

*On a motion by Crosthwaite, seconded by Moore, it was unanimously*

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KEVIN KANE, AND MANY MEMBERS FROM THE ON CALL/FULL TIME  
FIRE DEPARTMENT.**

**RESOLVED to approve Council Order #011404, Request of the City Manager to accept the proposal of Quimby Appraisal and Right of Way Services LLC to provide right-of-way appraisal services for the Beechland Road project at a cost of \$33,000. Funding to be from economic development TIF funds.**

*Council Order #011405, Request of the City Manager to accept a proposal from Woodard & Curran for the Septage Screening Project.*

City Manager Michelle Beal stated last Friday, she received additional information from the funding agency that was unexpected and at this time has not been resolved at this time.

*On a motion by Fortier, seconded by Beatham, it was unanimously*

**RESOLVED to approve tabling Council Order #011405, Request of the City Manager to accept a proposal from Woodard & Curran for the Septage Screening Project.**

*Adjournment.*

*On a motion by Moore, seconded by Beatham, it was unanimously*

**RESOLVED to approve adjournment at 7:16 PM.**

**A TRUE COPY**

**ATTEST: \_\_\_\_\_  
HEIDI-NOËL GRINDLE**

**Approved - Tabling  
Council Order  
#011405, Request of  
the City Manager to  
accept a proposal  
from Woodard &  
Curran for the  
Septage Screening  
Project.**

**Approved -  
Adjournment at 7:16  
PM.**