

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: APRIL 18, 2016

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
RICK ROBERTS, LORI ROBERTS, JEN MADORE, AMANDA TUPPER,
MICHELE GAGNON, PETE BICKMORE, RICHARD TUPPER, GLEN
MOSHIER, CHRIS SMITH, CHAD WILMOT, AMIE TORREY AND LARRY
GARDNER.**

Call to Order.

Call to Order.

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

Pledge of Allegiance.

Pledge of Allegiance.

All stood for the pledge of allegiance.

Rules of Order.

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:

Approved - Adoption of the Ellsworth City Council minutes from the March 21, 2016 Regular Meeting as presented this evening.

March 21, 2016 Regular Meeting.

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

RESOLVED to approve adoption of the Ellsworth City Council minutes from the March 21, 2016 Regular Meeting as presented this evening.

City Manager's Report.

City Manager's Report.

David Cole, City Manager announced there would be a cleanup of Card Brook on April 30, 2016 from 9:30 AM until 12:00 PM. This event is in celebration of Earth Day and is organized by the City in conjunction with the Frenchman Bay Conservancy. Volunteers are still needed for this project. Knowlton Park will be opening on May 15, 2016 and closing on October 15, 2016. The restrooms and comfort stations will be open during this time. The hours for the Park will be 8 AM

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to 9 PM at which time the facilities will be secured. The splash pad will be open from Memorial Day until Labor Day weekend during the hours of 10 AM until 8 PM seven days a week. A signup sheet was distributed for those members of the audience planning to be present during agenda item #18, public hearing on the Community Development Block Grant. This is a requirement of the grant application as well as it helps demonstrate to the State there is local interest in this project. The MaineDOT Route 1A Reconstruction project extending from the fork in the road up to the Union River Bridge was placed out to bid on April 13, 2016. Lane Construction won the bid to extend the Downeast Sunrise Trail from Washington Junction along the railroad tracks into Beals Avenue. By the end of the summer Ellsworth will be connected into the 90 mile system of trails. Jackson Laboratory sponsored a neighborhood meeting last week to present their plans for the former Lowe's building. The intention is to have mice at that facility by January 1, 2018.

Committee Reports.

➤ *Recreation Commission.* Councilor Fortier stated the Commission met earlier in the month for normal business. The YMCA has scheduled a Demeyer Field cleanup event on Saturday April 23, 2016. Interested volunteers should contact the YMCA for the hours of this event. Fortier thanked Councilors Blanchette and Moore, Bob Hessler and Jeff Wright for their assistance with removing the ice rink from the Knowlton Park. The Highway Department was thanked for their role in relocating the larger items associated with the rink. The grass was not damaged by the placement of the ice rink throughout the winter.

➤ *Harbor Commission.* Councilor Phillips along with Councilor Moore attended the Harbor Commission meeting this month. There will be another vendor a couple of days a week at the Harbor Park this summer selling sweet food. Prock Marine was late on arriving at the Harbor; they should be arriving shortly.

Citizens' Comments.

There were no citizens' comments this month.

Presentation of Awards.

Committee Reports.

Citizens' Comments.

Presentation of

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Barton Tokas for 30 years of service with the Police Department.

Awards.

**B. Tokas – Delayed
to a future date.**

Bart Tokas was not able to attend the meeting; his presentation will be delayed until a future date.

Recognition of Richard Roberts for being presented the “YMCA Youth Award.”

**R. Roberts –
Recognition for being
awarded the “YMCA
Youth Award”.**

Richard Roberts was present to accept an award recognizing his contributions that resulted in the Downeast Family YMCA awarding him the “YMCA Youth Award.” Chairman Crosthwaite and Police Chief Pete Bickmore presented Roberts with a City of Ellsworth certificate on behalf of the Ellsworth citizens.

Presentation of Firefighter of the year.

**Presentation of
Firefighter of the
year.**

The presentation for this distinction will be handled by the Fire Chief within the Department.

UNFINISHED BUSINESS

Unfinished Business.

There were no items under Unfinished Business this month.

CONSENT AGENDA

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.*

**Approved - Consent
agenda as presented
this evening.**

*Council Order #041600, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the June 14, 2016 City of Ellsworth School Budget Validation Municipal Referendum Election. **

**CO #041600 -
Appointment of
Wardens and Ward
Clerks for June 14,
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See attachment #1 for a complete list of the Wardens and Ward Clerks for the City

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of Ellsworth for the June 14, 2016 City of Ellsworth School Budget Validation
Municipal Referendum Election.

*Council Order #041601, Request of the City Clerk for approval on setting the
polling places opening time as 8 AM for the June 14, 2016 City of Ellsworth School
Budget Validation Municipal Referendum Election. **

**CO #041601– Polls
open at 8 AM on
June 14, 2016.**

*Council Order #041602, Request of the City Clerk for appointment of Democratic
Election Clerks with terms to expire as of April 30, 2018. (Complete list available
at the City Clerk’s Department) **

**CO # 041602 –
Appointment of
Democratic Election
Clerks.**

See attachment #2 for the complete list of Democratic Election Clerks as presented
this evening.

*Council Order #041603, Request of the City Clerk for appointment of Republican
Election Clerks with terms to expire as of April 30, 2018. (Complete list available
at the City Clerk’s Department) **

**CO # 041603 –
Appointment of
Republican Election
Clerks.**

See attachment #3 for the complete list of Republican Election Clerks as presented
this evening.

*Council Order #041604, Request of the City Clerk for appointment of Unenrolled
Election Clerks with terms to expire as of April 30, 2018. (Complete list available
at the City Clerk’s Department) **

**CO #041604 –
Appointment of
Unenrolled Election
Clerks.**

See attachment #4 for the complete list of Unenrolled Election Clerks as presented
this evening.

*Council Order #041605, Request of the Deputy Treasurer/Tax Collector to release
Adam and Catherine Morton’s property (Map 020 Lot 021) through a Quit-Claim
Deed. (Residency at 12 Hillside Drive) **

**CO #041605 –
Release property
through quit-claim.**

*Council Order #041606, Request of the City Assessor for abatement of taxes
assessed to Federal National Mortgage Association, customer #2016, Map 31 Lot 2
for FY 2015 (\$1,495.31) and FY 2014 (\$1,458.95) in the total amount of \$2,954.26.
**

**CO #041606 -
Abatement of taxes
assessed to Federal
National Mortgage**

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GARDNER.**

See attachment #5 for the complete request to abate taxes.

**Association #2016,
Map 31 Lot 2 FY 14
and FY 15.**

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

RESOLVED to approve the consent agenda as presented this evening.

NEW BUSINESS

New Business.

Public hearing and action on the issuance of Business License (s):

Chummies LLC d/b/a Chummies 59 Franklin Street Unit 2B for renewal of a City Class B License (Amusement, Liquor, and Victualer) and renewal of a State Class A Lounge (Class X) Malt, Spirituous, and Vinous Liquor License.

**Approved -
Chummies LLC
d/b/a Chummies 59
Franklin Street Unit
2B for renewal of a
City Class B License
(Amusement, Liquor,
and Victualer) and
renewal of a State
Class A Lounge
(Class X) 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.

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 Chummies LLC d/b/a Chummies 59 Franklin Street Unit 2B for renewal of a City Class B License (Amusement, Liquor, and Victualer) and renewal of a State Class A Lounge (Class X) Malt, Spirituous, and Vinous Liquor License.

Charles B. & Ariela L. Zucker d/b/a Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License.

**Approved - Charles
B. & Ariela L.
Zucker d/b/a Twilite
Motel, 147 Bucksport
Road, for renewal of
a City Lodging**

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses.

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GARDNER.**

Public hearing was opened.

License.

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 Charles B. & Ariela L. Zucker d/b/a
Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License.***

*Ellsworth Moose Lodge #2698, 47 Foster Street, renewal of a City Class B License
(Amusement/pool tables, Liquor, and Victualer) and renewal of a Club (Class V)
Malt, Spirituous, and Vinous Liquor License.*

**Approved -
Ellsworth Moose
Lodge #2698, 47
Foster Street,
renewal of a City
Class B License
(Amusement/pool
tables, Liquor, and
Victualer) and
renewal of a Club
(Class V) 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.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

***RESOLVED to approve the request of Ellsworth Moose Lodge #2698, 47 Foster
Street, renewal of a City Class B License (Amusement/pool tables, Liquor, and
Victualer) and renewal of a Club (Class V) Malt, Spirituous, and Vinous Liquor
License.***

*Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City
Class B License (Victualer, Liquor, and Amusement) and renewal of a State
Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.*

**Approved - Asset
Management Inc.
d/b/a Riverside
Café, 151 Main
Street, for renewal**

The staff reports the premises are in compliance with required codes and ordinances

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necessary to issue the requested licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

The Eagles Lodge Inc. 278 High Street for renewal of a City Lodging License.

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses.

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 The Eagles Lodge Inc. 278 High Street for renewal of a City Lodging License.

Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Liquor and Victualer) 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

of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

Approved - The Eagles Lodge Inc. 278 High Street for renewal of a City Lodging License.

Approved - Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City

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necessary to issue the requested licenses.

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 Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

Council Order #041607, Request of the Economic Development Director to approve a lease for the Union River Center for Innovation building.

Micki Sumpter, Economic Development Director stated the request tonight is to approve leasing the property and facility located at 415 Water Street to the Ellsworth Business Development Corporation (EBDC). The terms would include the following: ten year lease for \$1.00 per year. See attachment #6 for a complete copy of the request including the proposed lease agreement. Sumpter explained it is very important that the Ellsworth Business Development Corporation have the right and ability to consider the tenants and clients as the tenant agreement is not just simply renting a spot. The tenant must not only be able to make the financial arrangements necessary, they must also conduct mentoring, coaching with CEOs in the appropriate field. There is a lot more to the agreement than the rent per square foot, it involves many different aspects of learning to run a business as well as how to run their particular company. Currently, three startup businesses are being considered at this time. The primary goal is for the startup businesses to understand how a business can be sustainable. It would be great to have an advisory group made up of members from the Board and from the science, technology and other related fields to interview interested tenants. Sumpter is recommending EBDC be given permission to lease this building from the City of Ellsworth. Chairman Crosthwaite clarified the City of Ellsworth would not be leasing to the tenants. The

Class C License (Liquor and Victualer) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

Approved - Council Order #041607, Request of the Economic Development Director and the EBDC Board to lease from the City of Ellsworth the land and facility at 415 Water Street for the Union River Center for Innovation. Period beginning April 19, 2016 to April 19, 2026, at the amount of \$1.00 per year. And authorize the City Manager (Mr. Cole) to sign the agreement with

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request is for the City to lease the property to EBDC who will in turn lease space within the building to tenants. Councilor Fortier stated this request meets the exact intent behind the City of Ellsworth creating the EBDC Board, so that the City was not involved in the real estate business. Fortier noted the City budgeted funds to cover expenses for a one year period on this property from the proceeds from the sale of the Collier building. He inquired whether funds would be allocated from the general fund or TIF funds to cover expenses within the 2018 budget cycle. Sumpter would like the funding to come from the leases. Sumpter will be presenting to MTI in an effort to obtain \$127,000 over three years to help with expenses. She is also investigating other funding sources. If there are financial shortfalls after these potential funding sources are explored Sumpter would return to the Council to request funds from the general fund or TIF funds. Fortier was inquiring about the funding in regards to Section 5 landowner shall be responsible for all expenses and services including heat. He inquired if there would be a line item expense under the Innovation Center or be addressed within the Economic Development budget. This will be a discussion that will be held later during the budget process. Sumpter stated there is a Charter for the Union River Center for Innovation as well as a Budget Group made up of CEOs. The goal is for this project to be financially self supporting. David Cole, City Manager stated the Board of Directors for the EBDC and the partners involved have the expertise to screen the applicants for the best fit. He further explained when the City purchased the former CHCS building they negotiated a very good price. The building is structurally sound; the City made some modest improvements to the buildings with a large part of the cost being covered by donated funds. The hope is the project can be self sustaining in the very near future. At full capacity it is believed there could be five tenants with up to 25 people working in the building. Currently, work is being conducted with Amy Boles with the Hancock County Technical Center for potential internships for the students. One of the goals for the younger companies is to mentor the younger generation. The lease has been completely reviewed by the City Attorney. The draft charter and tenant lease has been completed they will be reviewed by the City Attorney next. Councilor Perkins confirmed that EBDC will turn in all the rent money to the City to be kept in a designated account for this purpose. Perkins inquired if the tenant maintained the liability insurance. It was stated that the tenants would have their own liability insurance and EBDC would also have an insurance policy. The Advisory Committee for EBDC will ensure the tenants comply with all the requirements before the Board reviews the file for compliance.

EBDC, on the Council's behalf (see attachment #6 for complete lease details).

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The EBDC Board includes the City Manager and Council Chair to ensure all requirements are met as well as City staff will be providing both economic development support and administrative support. Sumpter thanked the Council for their guidance and financial support of the project. The Center will be opening on June 1, 2016.

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

RESOLVED to approve Council Order #041607, Request of the Economic Development Director and the EBDC Board to lease from the City of Ellsworth the land and facility at 415 Water Street for the Union River Center for Innovation. Period beginning April 19, 2016 to April 19, 2026, at the amount of \$1.00 per year. And authorize the City Manager (Mr. Cole) to sign the agreement with EBDC, on the Council's behalf (see attachment #6 for complete lease details).

Public hearing and action on the proposed CDBG Housing Assistance grant application to provide households with safe, warm, and dry homes and apartments.

Michele Gagnon is requesting permission to apply for \$500,000 in housing assistance from the CDBG program. Applying for this money has been in Gagnon's goals for the previous 12 to 13 years. Up until this time the project looked too big and involved to tackle, added to the City seeking other CDBG funds during that time. In 2015, Economic Development Director Micki Sumpter approached Gagnon with the idea of approaching this project, based her perception some neighborhoods could benefit from this opportunity. Gagnon and Sumpter surveyed an area that is designated on the attached map. See attachment #7 for a complete description of the request, draft program guidelines, CDBG Housing Assistance Public Hearing attendance sheet, and signed Ellsworth City Council Resolution State of Maine Community Development Block Grant Program. This area includes Main Street north to Shore Road, Main Street south to Card Brook. On the other side of the river, Bridge Hill toward Grant Street to the north was also included. This type of survey is referred to as a Windshield Survey. The survey involves driving around neighborhoods looking at the condition of the houses. The results of the survey indicated 800 residential structures or 25% of those had significant visual issues. Some of the concerns involved no windows, windows

Approved - Proposed CDBG Housing Assistance grant application to provide households with safe, warm, and dry homes and apartments as presented this evening in attachment #7 and the Ellsworth City Council Resolution State of Maine Community Development Block Grant Program as contained in attachment #7.

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with plastic on them, crumbling chimneys and foundations, missing steps, no railings, worn roofs, and houses that were becoming misaligned. Most of the houses were noted as being 1900 on the property records; this means likely there is no known age for the structure. Gagnon and Sumpter met with Mark Green the CEO of Washington Hancock Community Agency (WHCA). The City will be partnering with WHCA in regards to administering the project. Currently, WHCA already handles these types of tasks with other monies they receive from the State of Maine. Harry Jones, a local landlord allowed Gagnon and Sumpter to tour some of his rental properties to conduct evaluations of the interior and exterior of the structures. A public meeting was held on April 30, 2016 to discuss this concept, 53 people attended. This was a very impressive showing of low to moderate income residents supporting a very necessary program. The draft guidelines as included in attachment #7, are not what the Council will be committed to adopting. They are designed to provide an example of how the program would be conducted and includes the information that will be on the formal application. The Resolution was provided to the Council.

Public hearing opened.

Mark Green, Executive Director at WHCA stated he was very impressed with the level of professionalism displayed by Gagnon and Sumpter during this process. He noted how diligent they were as they performed the different tasks associated with this project. Green also noted how impressed he was by the number of residents who attended the meeting on April 30, 2016 and the positive response the public had to this project. That meeting provided the clarity he needed on this project as up to that point Green was not sure where this project was headed. WHCA is very excited to be involved and is looking forward to implementing this program.

Micki Sumpter, Economic Development Director for the City of Ellsworth explained this is a great way to help the entire neighborhood. The project is not designed to help just a single resident within a neighborhood the overall goal is to rebuild the entire neighborhood which will ultimately have a positive impact on the entire City. This project will take care of the health and well being of the community and individuals including kids and adults. This could be summarized as a quality of life project. Chairman Crosthwaite noted the City of Ellsworth has not applied for a Community Development Block Grant (CDBG) in this magnitude for

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
RICK ROBERTS, LORI ROBERTS, JEN MADORE, AMANDA TUPPER,
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some time. David Cole, City Manager confirmed the City has not utilized CDBG for this purpose in the past.

Judy Blood, resident of Ellsworth stated she was not able to attend the public meeting held on April 30, 2016; however, is very much in support of this project. Her hope is that while she restores her family home the neighborhood around her will also make similar improvements.

Councilor Moore inquired if Gagnon anticipated providing this program for longer than a year. Gagnon felt it was likely to extend to a two year time period. The contract is for a one year period with the possibility of extending it for an additional year. Moore questioned whether this program is exclusive to the shaded area on the attached map. Gagnon stated small lots located on City water and sewer will have priority, there are a few interested residents located just over the line. Gagnon encouraged those residents to attend the public hearing on the program and get on the list of interested people. Initially an area must be identified; however, as the program moves forward all factors will be reviewed and if there are interested residents within reason to the designated area they will likely be considered. Gagnon stated she spoke with the State on the idea of being flexible and it appears that it could work.

Councilor Blanchette inquired if there was a fee charged by WHCA to administer the program for the City of Ellsworth. The State allows an administration fee of 20%. For transparency purposes Gagnon stated WHCA has not been hired yet nor will they automatically be hired if the City is awarded the grant. There will be a public procurement process; that will require agencies to bid if they would like to be considered. Gagnon was not sure if there would be other agencies that have the knowledge and expertise necessary to apply; however, there will be a public procurement process used to hire an administrator. The monies received from the CDBG program will be matched with funds from WHCA and Rural Development funds or may utilize the loan option depending on the individual project. If the City were awarded the \$500,000 minus the administration fee, \$400,000 will be distributed for actual projects. This would be a forgiven loan, there is a recapture clause. In general for every year that passes 10% of the loan would be forgiven, after 11 years the monies received would be completely forgiven. According to the rules the improvements must last at least 10 years. If the property owner does not

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maintain the improvements the contract states the loan will be recaptured. There will be a maintenance contract after the improvements are made. A soft mortgage has been identified as a possible tool for recapturing the loan; however, other options are being reviewed as well. Residents that meet the Low to Moderate Income levels (LMI) will be considered. The income level minimums are applied to the individual renters when apartment buildings are being considered. Landlords will be required to provide a 20% cash match. The single family owner does not have a required match. There was a discussion on the clause within the contract that gives the Advisory Committee the discretion to deviate from the guidelines. The guidelines have not been adopted by the City Council yet; Gagnon will be back if the City is awarded the grant.

Public hearing closed.

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

RESOLVED to approve the proposed CDBG Housing Assistance grant application to provide households with safe, warm, and dry homes and apartments as presented this evening in attachment #7 and the Ellsworth City Council Resolution State of Maine Community Development Block Grant Program as contained in attachment #7.

Public hearing and action on a proposed zoning amendment to the Ellsworth Code of Ordinances Chapter 56 Unified Development Ordinance Article 8 Section 817 Medical Marijuana Dispensary.

Michele Gagnon, City Planner explained in 2011 medical marijuana was recognized by Maine State law. The City of Ellsworth is located within the Washington/Hancock District which allows for one medical marijuana dispensary per district. The City of Ellsworth was chosen to be the sole location for the dispensary. In 2011 the City of Ellsworth placed the dispensary in a zone located within the outskirts of the City. Joseph Lusardi approached the City to inquire if Maine Organic Therapy medical marijuana dispensary could relocate within the City. Gagnon and Micki Sumpter, Economic Development Director worked together on finding an existing zoning district that could be amended to include this type of use. A staff meeting was held to discuss two different zoning districts

Approved - Zoning amendments to the Ellsworth Code of Ordinances Chapter 56 Unified Development Ordinance Article 8 Section 817 Medical Marijuana Dispensary, as presented in attachment #8 and as shown in Attachment A.

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where Gagnon felt this type of use would be consistent with the already allowable uses. Staff was not comfortable with those zones or the other amendments that were being proposed for the existing Ordinance. Gagnon is proposing this evening to add medical marijuana dispensaries to the allowable uses within the Commercial District. Gagnon is also proposing to allow them to operate within multi-tenant buildings. The amendments were presented to the Planning Board on April 6, 2016. Every property owner located within the Commercial District was notified of this proposal; as well as every property owner that immediately abuts the Commercial Zone. See attachment #8 for the complete request this evening as well as information presented at the Ellsworth Planning Board meeting, the Planning Board minutes, and attachment A, City of Ellsworth Official Land Use Map. The Planning Board made a positive recommendation to the City Council with one addition. The Planning Board requested the Council consider adding daycare to the list of categories that require a 500' setback restriction. The City would have a stricter regulation than the State of Maine currently does. In addition to schools there are other types of businesses that require a 500' setback from medical marijuana dispensaries. Gagnon explained the different items that are required through the licensing procedure for the medical marijuana dispensaries. Since 2011, Maine Organic Therapy has passed all inspections.

Public hearing opened.

Steve Joy, property owner for the current location of Maine Organic Therapy questioned the factors warranting the change. He questioned the ability to change zones so easily when asked by taxpayers to do so. Joy felt zones were developed for the logical development of Ellsworth, thus decisions are made based on zoning. In his opinion this would be spot zoning in reverse.

Chairman Crosthwaite asked Gagnon to explain why there is a need to consider a change. Gagnon stated a legitimate business with a classification half way between a pharmacy and a liquor store approached the City with a desire to look at other possible sites. It did not seem appropriate to hold them hostage to two zones within the City. Gagnon felt back in 2011 this type of business was spot zoned out of the way. This business has demonstrated they are a respectable legitimate business and have asked the City to consider giving them the ability to operate within other areas of the City where retail is allowed. Gagnon is proposing a zone that seems

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appropriate in regards to land use while meeting the needs of the business making the request. Gagnon confirmed if Maine Organic Therapy decided to move into the proposed zone they would be required to have an application heard before the Planning Board which would require a traffic study and parking survey. Pete Bickmore, Police Chief has not supplied a letter of compliance for Maine Organic Therapy yet; however, he has conducted an inspection and will be providing a letter in June as part of the renewal process. There was a lengthy discussion on how the traffic study and impact study would be calculated. Bickmore stated during the inspection it was noted that approximately 70 to 80 patrons are serviced daily at this location. David Cole, City Manager noted that the issue before the Council this evening is a land use based consideration. If this use is allowed in the proposed zone it would be required to meet all the Ordinances that apply to any other type of business in that area. Crosthwaite stated if approved this use will be allowed anywhere within the entire City of Ellsworth designated as Commercial Zone. This request will not change the location of an existing zone it will only add an allowable use within an existing zone. There was a lengthy discussion concerning if the law passes to allow recreational marijuana sales and potential situations if this business decides to get involved in the sale of that product. Gagnon stated if the question concerning recreational marijuana passes in November she will recommend a moratorium of six months on any recreational use. There was a lengthy discussion concerning allowable signage for this type of business if they are allowed to relocate to the Commercial Zone.

Joseph Lusardi, Executive Director of Maine Organic Therapy spoke on the topic of signage at his facility. The plan is to keep the simple signage as he currently has. Lusardi approached Gagnon on the topic of relocation simply for a business decision; he would like to be treated like a pharmacy. This decision is solely based on the medical marijuana industry. The recreation sale of marijuana will require different licenses with no guarantee that Lusardi will be part of that market.

Public hearing closed.

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

RESOLVED to approve the zoning amendments to the Ellsworth Code of Ordinances Chapter 56 Unified Development Ordinance Article 8 Section 817

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Medical Marijuana Dispensary, as presented in attachment #8 and as shown in Attachment A.

A final vote was taken on the above motion with 6 members voting in favor (Beathem, Crosthwaite, Fortier, Moore, Perkins and Phillips) and 1 member voting in opposition (Blanchette).

Council Order #041608, Request of the Deputy Treasurer/Tax Collector to award bids for tax-acquired property.

Amanda Tupper, Deputy Treasurer/Tax Collector stated bids were opened on March 18, 2016 for the sale of 58 timeshares and 2 vacant parcels of land. All of these properties were acquired for non-payment of taxes. The City received no bids on the timeshare units. See attachment #9 for the complete results from the Tax Acquired Property Bids that were opened on March 18, 2016. Jesse Derr was the high bidder on Map 85 Lot 8 (lot off the Boggy Brook Road) with a bid amount of \$4,005.67. Patrick Jordan was the high bidder on Map 109 Lot 16 (off from the Happytown Road) with a bid amount of \$7,800. All bid requirements were met; Tupper is recommending awarding the bids to the highest bidders.

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

RESOLVED to approve Council Order #041608, Request of the Deputy Treasurer/Tax Collector to accept the bids from the highest bidders as indicated on attachment #9 and to release said properties through Quit-Claim Deeds.

A final vote was taken on the above motion with 6 voting in favor (Beathem, Blanchette, Crosthwaite, Moore, Perkins and Phillips) and 1 member abstaining (Fortier). For the record Fortier abstained because he has a long standing business relationship with the highest bidders.

Council Order #041609, Request of the City Manager to approve the sale of property located at Graham Lake, Map 117 Lot 020 (0 Mariaville Road).

David Cole, City Manager reminded the Council that the "Graham Lake Property" has been on the market for some time. The Finance Committee approved lowering

Approved - Council Order #041608, Request of the Deputy Treasurer/Tax Collector to accept the bids from the highest bidders as indicated on attachment #9 and to release said properties through Quit-Claim Deeds.

Approved - Council Order #041609, sale of city owned property at 0 Mariaville Road,

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the asking price this past fall. A negotiated price has been reached at \$140,000 for the 36 acre parcel of land only. Cole and the Listing Agent feel this is a fair price. This parcel of land was tax acquired in the late 1970s it was not captured for a strategic purpose or identified use. See attachment #10 for the complete request as well as the signed Purchase and Sale Agreement- land only. This sale would put the property back on the tax rolls and back into a productive use.

(Map 117 Lot 20) and to authorize City Manager to execute a deed and all other documents necessary to effect the sale of real estate located at 0 Mariaville Road to Craig Fellis pursuant to terms of Purchase and Sales Agreement dated April 6, 2016 between the City of Ellsworth and Craig Fellis.

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

RESOLVED to approve Council Order #041609, the sale of city owned property at 0 Mariaville Road, (Map 117 Lot 20) and to hereby authorize the City Manager to execute a deed and any and all other documents necessary to effect the sale of said real estate located at 0 Mariaville Road to Craig Fellis pursuant to the terms of a Purchase and Sales Agreement dated April 6, 2016 between the City of Ellsworth and Craig Fellis.

Council Order #041610, Discussion and action on available options for disposal of municipal solid waste after April 2018.

Approved -Table Council Order #041610, Discussion and action on available options for disposal of municipal solid waste after April 2018 until time certain next available regular Council meeting (May 16, 2016).

Chairman Crosthwaite stated representatives from Penobscot Energy Recovery Company (PERC) and the Municipal Review Committee (MRC)/Fiberight LLC were present this evening. Each company was granted up to 15 minutes to present information. The Council has already had presentations on this matter, invited the companies back for follow-up presentations and in some cases met with representatives individually. The Council was particularly interested in hearing any new information this evening. Crosthwaite stated if the entire 15 minutes is not used with the presentation, they would take questions from members of the public.

Bob Knudsen from USA Energy Group the managing general partner of PERC presented additional information on PERC's proposal and answered any remaining questions. He brought with him a number of staff from the plant to answer any specific questions. The information presented is in preparation for extending the life of PERC past 2018 when the current contracts expire both for the waste side and for the power generating side. The State is looking to move toward a more holistic approach to solid waste management. This type of approach started nearly 30 years ago. PERC teamed up with Casella, Waste Zero, and Exeter to meet their

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objectives within the industry. There was a lengthy explanation on how their business plan works and incorporates the other businesses that they teamed up with. For the educational piece of their business plan PERC teamed up with Natural Resource Council of Maine. PERC is a fully functioning licensed plant currently processing trash right now and will continue to do this for the next two years remaining in the contracts. The Plant will continue to fully operate in and after 2018, as it is fully paid for and well maintained. The staff present this evening is very committed to seeing the unit move long past 2018. A study was conducted that verified the Plant is prepared to run for the next 20 years. The business model will be shifting to embrace the changes being seen in the State of Maine. An explanation was provided on how they will use the reduced volume of waste to produce energy during the peak hours of the day. Their contract is very simple model based on fee for service. Councilor Beathem had some questions in regards to the production of electricity during the peak hours of the day. Knudsen provided technical follow-up information on this process.

Greg Louder, Executive Director of the Municipal Review Committee (MRC) and George Aronson, Technical Advisor for MRC presented additional information on MRC's proposal and answered any remaining questions. MRC is an organization that was formed in 1991 a short time after the PERC facility commenced operations in 1988. PERC ran into some early problems, there was an initial tip fee of \$10 per ton that was promised for 30 years. This did not work out; communities went through a painful restructuring and had to accept tip fees of approximately \$40 per ton in order to sustain operations. Based on this situation it was critical the municipalities form a permanent monitoring function over the private entity to ensure that the public interest would be protected. MRC was formed to fulfill this obligation in 1991; they have looked out for municipal interest in the PERC facility since that time. There has been a good working relationship between PERC and MRC in the past. It has been economically successful. An explanation was provided on the steps and considerations that were taken by MRC to prepare for post 2018 activities within the market. They started to investigate the alternative processing technologies that might be able to suit the needs of the municipalities. Aronson provided an explanation on the positive aspects of the Fiberright technology and the steps that have been taken to team up with this company to move the market forward. MRC is still on schedule with the development of the facility to be online in 2018. One of the important parts is the financing schedule

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for the facility later in 2016; many details on this piece are not public yet. The structure is starting to form in such a way that offers financial guarantees by the private sectors so that the municipalities do not need to engage in any financing on their side. MRC is confident that their proposal provides the most diversion from landfill, the least environmental impact at the lowest affordable cost and the most long term vision for managing solid waste than any of the other proposals before the Council and facing the region. Councilor Blanchette inquired whether MRC has gained final permission to build the facility yet or not. Louder explained they have not received final approval to build yet from the Hampden Planning Board. He gave a lengthy explanation on the process of preparing for getting final approval from Hampden and the regulatory risks associated with any project that is developed.

Jay Dresser, resident of Bangor and owner of PCM Recovery Solutions and Dresser Refillables, Inc presented his proposal/concept for a pre-sort curbside collection, processing and distribution of post consumer materials. His intent is to create a business plan and propose it to the City Council before the June 30, 2016 deadline. He is asking for the Council's consideration on waiting to hear that presentation before moving forward with a decision. He provided some details of the plan as he potentially sees them developing over time. The business plan will articulate his ideas for regional collection points.

Councilor Fortier assured Dresser that the Council has received the 9 page proposal; however, questions the likely hood that MRC will provide the escrow of funds to make this project work. He was concerned with the capital that would be needed to make this project viable. Dresser feels there is a need for a cleaner quality product and that there is a possibility that his plan could work together with the PERC and MRC options.

Moore had a concern with the risk associated with a delay in the startup of MRC's facility. Louder addressed this concern and explained how other municipalities are protected against that risk. Ellsworth will not be protected by the escrowed funds as well as they are geographically some distance from the disposal facility. MRC is committed to working with the City of Ellsworth to address these concerns. There was a technical discussion on a possible bridge agreement between April 1, 2018 and the opening day of the MRC facility. The possibilities open to Ellsworth

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because they are not a member of MRC were discussed. Councilor Beathem inquired about the original timeline of gaining local approval from Hampden. Louder explained the timeline that was designed to successfully complete both processes at the State and Local levels. MRC is comfortable with where they are in the timeframe of meeting the upcoming deadlines. During the 12 month period of building and testing the new facility there may be opportunities for Ellsworth to assist in providing MRC with small amounts of municipal solid waste to test the facility with before it fully goes online. There was a short discussion on the flexibilities available to Ellsworth throughout this process.

Fortier thanked all three companies for presenting more information to help make this decision. A decision on this item could be tabled until the next regular meeting as the application deadline has been extended until the end of June.

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

RESOLVED to approve tabling Council Order #041610, Discussion and action on available options for disposal of municipal solid waste after April 2018 until time certain next available regular Council meeting (May 16, 2016).

Adjournment.

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

RESOLVED to approve adjournment at 9:03 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Approved -
Adjournment at 9:03
PM.**