

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: APRIL 21, 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 ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

*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 the Ellsworth City Council minutes from the following meeting (s):  
March 17, 2014 Regular Meeting.*

*On a motion by Beathem, seconded by Crosthwaite, it was*

**RESOLVED to approve adoption of the Ellsworth City Council minutes from the  
March 17, 2014 Regular Meeting as presented this evening.**

**A vote was taken on the above motion with 6 members voting in favor  
(Beathem, Blanchette, Crosthwaite, Fortier, Perkins and Phillips. One member  
abstaining from the vote (Moore).**

*City Manager's Report.*

No report this month, City Manager Michelle Beal was away on vacation.

*Committee Reports.*

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption  
of the Ellsworth City  
Council minutes  
from the March 17,  
2014 Regular  
Meeting as presented  
this evening.**

**City Manager's  
Report.**

**Committee Reports.**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

➤ *Recreation Commission.* Councilor Fortier stated the Commission met early in the month to plan some work dates to prepare the fields for the baseball/softball season. An excellent group of volunteers from the Recreation Commission, high school kids, and some adult basketball players from the summer league successfully installed the sound reducing curtains. This project took only a couple of hours to complete. After completing that portion of the project a few volunteers remained to clean up leaves and other debris left from the winter so that the courts could be opened that afternoon. Following the opening of the courts approximately 6 kids showed up to use the courts. Fortier mentioned a letter that was received from a neighbor addressing some complaints; he will take this letter to the Recreation Commission for a discussion on rules and operating procedures. The Recreation Ordinance dictates this is the correct procedure to follow when complaints arise. Fortier stated the Commission is waiting for a weather permitting day so the liner of the skating rink can be removed for the season. Demeyer field #1 is currently in the process of being converted to a regulation size girl's softball field. The remaining fields in that complex are in the process of being scheduled for spring cleanup. Councilor Blanchette spoke on a conversation he had with Ms. Buzzard in regards to concerns she had with the new basketball courts.

➤ *Cable Television Committee.* Councilor Fortier stated although this committee has been disbanded he did receive a copy of the redlined version of the Franchise Agreement from Time Warner Cable because of his position for the City on the Penobscot Downeast Cable Consortium. Fortier offered a copy of this document to any interested City Councilors. This would be the redlined version that Bangor is currently negotiating. Councilor Phillips inquired if this is the first version of the document; Fortier confirmed this was the first response to the initial offering by Time Warner to Bangor. Once this document is worked out than it will be tailored to the individual communities'.

➤ *Harbor Commission.* Chairman Phillips stated the Harbor Commission met this month. Discussions were held on a topic that will be discussed later tonight as part of this agenda.

*Citizens' Comments.*

There were no citizens' comments this month.

**Citizens' Comments.**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

*Presentation of Awards.*

*Edward Jordan for Fifteen years of service with the Ellsworth Water Department.*

Edward Jordan was not 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 #041400, Request of the City Clerk for appointment of Democratic Election Clerks with terms to expire as of April 30, 2016. (Complete list available at the City Clerk's Department)*

See attachment #1 for the complete list of Democratic Election Clerks as presented this evening.

*Council Order #041401, Request of the City Clerk for appointment of Republican Election Clerks with terms to expire as of April 30, 2016. (Complete list available at the City Clerk's Department)*

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

*Council Order #041402, Request of the City Clerk for appointment of Unenrolled Election Clerks with terms to expire as of April 30, 2016. (Complete list available at the City Clerk's Department)*

**Presentation of Awards.**

**E. Jordan – Fifteen years of service with Water Department.**

**Unfinished Business.**

**Consent Agenda.**

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

**CO# 041400 – Appointment of Democratic Election Clerks.**

**CO # 041401 – Appointment of Republican Election Clerks.**

**CO #041402 – Appointment of Unenrolled Election Clerks.**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

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

*Council Order #041403, 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 10, 2014 State of Maine Primary Election.*

See attachment #4 for the appointment of Wardens and Ward Clerks as presented this evening.

*Council Order #041404, Request of the City Clerk for approval on setting the polling places opening time as 8 AM for the June 10, 2014 State of Maine Primary Election.*

*Council Order #041405, Request of the Deputy Treasurer/Tax Collector to release the Aaron Bernstein property (Map 142 Lot 13) through a Quit-Claim Deed. (Residency at 378 State Street)*

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

***RESOLVED to approve the consent agenda as presented this evening.***

**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, Victualer) and renewal of a State Class A Lounge (Class X) Malt, Spirituous, Vinous Liquor License.*

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

Councilor Fortier inquired about the addresses listed on the State of Maine Liquor License compared to the City License form. Chairman Phillips explained the situation regarding the various addresses as submitted by the applicants.

**CO #041403 –  
Appointment of  
Wardens & Ward  
Clerks for June 10,  
2014.**

**CO #041404 –  
Opening the polling  
places at 8:00 AM.**

**CO #041405 –Quit-  
Claim Deed for A.  
Bernstein.**

**New Business.**

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

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

Public hearing was opened.

There were no comments.

Public hearing was closed.

*On a motion by Fortier, seconded by Beathem, 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, Victualer) and renewal of a State Class A Lounge (Class X) Malt, Spirituous, 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 Moore seconded by Fortier, it was unanimously*

***RESOLVED to approve the request of The Eagles Lodge Inc. 278 High Street for renewal of a City Lodging License.***

*Finn's Irish Pub, Inc d/b/a Finn's Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement, 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 necessary to issue the requested licenses.

Public hearing was opened.

**(Class X) Malt,  
Spirituous, Vinous  
Liquor License.**

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

**Approved - Finn's  
Irish Pub, Inc d/b/a  
Finn's Irish Pub, 156  
Main Street, for  
renewal of a City  
Class B License  
(Amusement, Liquor,  
and Victualer) and**

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

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 Finn’s Irish Pub, Inc d/b/a Finn’s Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement, Liquor, and Victualer) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.**

*Ellsworth No. 1, LLC, d/b/a Hampton Inn – Ellsworth, 6 Downeast Highway, 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 Fortier, seconded by Beathem, it was unanimously*

**RESOLVED to approve the request of Ellsworth No. 1, LLC, d/b/a Hampton Inn – Ellsworth, 6 Downeast Highway, for renewal of a City Lodging License.**

*Ellsworth RI, LLC, d/b/a Ellsworth Ramada, 215 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.

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

Approved - Ellsworth No. 1, LLC, d/b/a Hampton Inn – Ellsworth, 6 Downeast Highway, for renewal of a City Lodging License.

Approved - Ellsworth RI, LLC, d/b/a Ellsworth Ramada, 215 High Street, for renewal of a City Lodging License.

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

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 Ellsworth RI, LLC, d/b/a Ellsworth Ramada, 215 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 necessary to issue the requested licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

*On a motion by Fortier, 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.***

*Charles B. & Ariela L. Zucker d/b/a Twilite Motel, 147 Bucksport Road, 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.

**Approved - 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.**

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

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

There were no comments.

Public hearing was closed.

*On a motion by Crosthwaite, seconded by Beathem, 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, for renewal of a City Class B  
License (Amusement/pool tables, Liquor, and Victualer) and renewal of a State  
Class A Lounge (Class X) 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 Fortier, it was unanimously*

***RESOLVED to approve the request of Ellsworth Moose Lodge #2698, 47 Foster  
Street, for renewal of a City Class B License (Amusement/pool tables, Liquor, and  
Victualer) and renewal of a State Class A Lounge (Class X) Liquor License.***

*Adelbert Gaspar d/b/a Eastward Bowling Lanes/Eastward Lunch, 25 Eastward  
Lane Suite 6, for renewal of a City Class B License (Arcade, Liquor and Victualer)  
and renewal of a State Restaurant (Class I, II, III, IV) 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.

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

**Approved - Adelbert  
Gaspar d/b/a  
Eastward Bowling  
Lanes/Eastward  
Lunch, 25 Eastward  
Lane Suite 6, for  
renewal of a City  
Class B License  
(Arcade, Liquor and**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Adelbert Gaspar d/b/a Eastward Bowling Lanes/Eastward Lunch, 25 Eastward Lane Suite 6, for renewal of a City Class B License (Arcade, Liquor and Victualer) and renewal of a State Restaurant (Class I, II, III, IV) Liquor License.**

*Public hearing and action on the request of the Streetlight Committee for consideration of a recommendation on an application from Wade Hill for a new city funded streetlight on the Nicolin Road.*

Councilor Fortier explained the original application from Mr. Hill, the letter that was sent to all the abutters of the property, and the street light policy that was reviewed by the Committee, was submitted as part of the Council packet. Upon review of the above mentioned documents the Committee determined that this request did not meet any of the three requirements listed in the Ordinance. Fortier stated the Committee voted unanimously to recommend that the City funded streetlight be denied as it does not meet the Ordinance requirements. Chairman Phillips stated that particular section of road is very straight. Fortier confirmed that section of road is very straight.

Public hearing opened.

Tonya Bell, a resident of Ellsworth who resides next door to the proposed streetlight location on the Nicolin Road, spoke in opposition to the proposed streetlight.

Fortier read into record an email he received from Perry Kuiper, who recently purchased a parcel of land near the proposed location of the new streetlight. He was opposed to a streetlight being installed at that location; if any streetlight was to be installed he would request it be beyond his parcel.

Public hearing closed.

**Victualer) and  
renewal of a State  
Restaurant (Class I,  
II, III, IV) Liquor  
License.**

**Approved -  
Recommendation of  
the Street Light  
Committee and deny  
the application of  
Wade Hill for a City  
funded street light in  
the vicinity of 127  
Nicolin Road.**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

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

**RESOLVED to approve the recommendation of the Street Light Committee and deny the application of Wade Hill for a City funded street light in the vicinity of 127 Nicolin Road.**

*Council Order #041406, Request of the Facilities Manager to accept the bid of \$26,739.00 for the replacement of Boiler #1 at Ellsworth City Hall.*

Steve Joyal, Facilities Manager stated on December 11, 2013, boiler #1 started leaking boiler water onto the floor. Upon closer inspection, a 6” crack was found in one of the cast sections. An estimate for repair was obtained in the amount of \$4,000. With the age of the boilers (20 years), and the possibility of other cracks developing in the remaining sections, the Finance Committee decided that boiler replacement was the best option. Joyal asked for proposals from three local contractors, each developing their own recommendations for replacement. Ray Plumbing bid \$39,916 to install (2) System 2000 boilers. Joyal felt this bid was too high, and when it is time to replace boiler #2 with the same system, it would give the City a total of 4 separate boilers. Besides the initial cost, this would increase the cost to maintain these boilers significantly. ABM Mechanical bid \$26,739 to install a Viessmann system, and Dead River bid \$14,174.95 for a Weil-McLain system, which is the boiler system the City currently owns. After researching the other two systems and obtaining information from the contractors, Joyal recommended accepting the bid from ABM Mechanical to install the Viessmann system. See attachment #5 for the bid packet and the 16 points for making that recommendation. Joyal explained each of his points for recommending the Viessmann system in great detail. Chris Norton, from ABM Mechanical explained the thermal efficiencies with the Viessmann system. Joyal provided some figures to the Council to support a seven year payback period on the Viessmann system. When the second boiler does fail the goal would be to replace it with the same unit that is chosen for boiler #1 replacement. Chairman Phillips questioned the thermal efficiency ratings provided in the comparison between the Weil-McLain and the Viessmann systems. Councilor Beathem discussed the fuel efficiencies he calculated between the two systems being discussed. Phillips could not justify the price difference between the two systems based solely on the numbers provided. There was a discussion concerning the staggered boiler system installed by Ray Plumbing at the Public Works garage. Councilor Fortier acknowledged the hard work Joyal invested in

**Approved -  
Removing Council  
Order #041406, deny  
the request of the  
Facilities Manager to  
accept the bid for the  
replacement of boiler  
#1 Viessmann and  
further move to  
accept the bid of  
Dead River  
Company in the  
contract price of  
\$14,174.95.**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

this process, however could not justify spending the extra funds on the recommended system.

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

**RESOLVED to approve removing Council Order #041406, deny the request of the Facilities Manager to accept the bid for the replacement of boiler #1 Viessmann and further move to accept the bid of Dead River Company in the contract price of \$14,174.95.**

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

*Council Order #041407, Request of the Finance Director to award a lease agreement contract for Harbor Concessions at the Ellsworth Harbor.*

Tammy Mote, Finance Director explained Scoops has been leasing space at the Ellsworth Harbor for the past three years. Upon another interested party expressing an interest in leasing space at the Harbor, a decision was made to advertise a Request for Proposals (RFP) for Harbor Concessions at the Harbor Park. One RFP was received by Ralph Anastos, d.b.a. Scoops Homemade Ice Cream (and More). See attachment #6 for copies of the RFP, the proposal, and lease agreement. The agreement received back was in the amount of \$500 per month. Mr. Anastos was present at the meeting to answer any questions or concerns the Council may have. Councilor Fortier stated Anastos has been an appropriate vendor at the Park as well as has met all his contractual requirements in the past and is an asset to the Harbor. Chairman Phillips stated there was a lengthy discussion at the Harbor Commission level concerning the contract pricing and was finally agreed upon by the Harbor Commission. Mote stated the Commission has recommended approving the contract proposal. Councilor Moore stated he supported awarding the proposal. Anastos announced there has been a new development as he is currently trying to sell the Scoops business. He has a person of interest, whom has already approached the Harbor Commission and the City. The agreement they are trying to reach involves the party of interest taking over Scoops contract with the City. If this was agreeable with the City they could proceed with the sale of Scoops. Anastos was under the assumption that tonight's meeting would explore that possibility. The

**Approved - Council Order #041407, the proposal from Ralph Anastos, d.b.a. Scoops Homemade Ice Cream (and More), for a vending concession stand at the Ellsworth Harbor at a price of \$500 per month and authorize the City Manager to sign the lease agreement.**

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FORTIER, MOORE, PERKINS AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

other party was present at this meeting as well. Phillips explained the Council has before them the agreement that was reached with the Harbor Commission and therefore is what the Council would need to vote on this evening. Phillips explained Anastos could sell his business if he so chose. The contract does allow a request to forward the contract to the next party, however as of this evening Anastos does not have a valid contract. Phillips explained if the Council votes to approve the contract this evening then Anastos would have a valid contract and then would need to come back before the Council with an agreement between Anastos and the new party to see if it were agreeable with the Council. Phillips stated they would not get into that agreement tonight. Anastos stated he had written a letter stating he would honor his agreement if the sale does not go through this year. Anastos would like the Council to act on the proposal before them this evening to award him a contract for the upcoming season. Councilor Fortier clarified a positive vote this evening would allow Scoops to open for the season and then allow time for the Council to deal with the proposed assignment of the lease.

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

**RESOLVED to approve Council Order #041407, the proposal from Ralph Anastos, d.b.a. Scoops Homemade Ice Cream (and More), for a vending concession stand at the Ellsworth Harbor at a price of \$500 per month and authorize the City Manager to sign the lease agreement.**

*Public hearing and action on amendments to Chapter 56 Unified Development Ordinance.*

Michele Gagnon, City Planner explained the proposed amendments to Article 3 Zoning Districts are within the Table 308 Dimensional Requirements (p.9) to fix an oversight. This change affects the Urban Zone and changes the “units per acre” from zero to NA (non-applicable). On the same table the word “ration” has been changed to “ratio”. The other amendment is to Article 12 Sign Standards to fix an error made last month in regards to the DOT business signs (pages 5-6). See attachment #7 for a complete copy of Article 3 and Article 12 containing the amendments presented. Councilor Fortier stated he had a concern last month with the Downtown Area in regards to height clearances with awnings. Fortier asked that Dwight Tilton Code Enforcement Officer monitor Main Street as the remaining awnings are put in place this spring to make sure they meet the 8 foot minimum

**Approved - Proposed amendments to Chapter 56 Unified Development Ordinance Article 3 Zoning Districts and Article 12 Sign Standard, as presented in Attachment #7 and reflected in Attachment #7A.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: APRIL 21, 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 ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

vertical clearance standards.

Public hearing opened.

There were no comments.

Public hearing closed.

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

**RESOLVED to approve the proposed amendments to Chapter 56 Unified Development Ordinance Article 3 Zoning Districts and Article 12 Sign Standard, as presented in Attachment #7 and reflected in Attachment #7A.**

*Council Order #041408, Request of the Deputy Treasurer/Tax Collector to offer for sale by sealed bid various properties that have been acquired for non-payment of real estate taxes. (Complete list available at the City Clerk's Department).*

Leann Beal, Deputy Treasurer/Tax Collector explained the City Council did not waive foreclosure on any of the timeshare units this year. On December 4, 2013 the City foreclosed on a lot of properties, following the 30-day redemption period 139 timeshare units and one property located at 194 Graham Way remained unpaid. See attachment #8 for a complete list of the 139 timeshares and one seasonal camp that Beal is requesting to offer for sale through the sealed bid process. Beal will be returning to Council following the sealed bid process to ask permission to place the remaining units out to sale based on a fixed price. There are still 48 additional time share units remaining to be sold.

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

**RESOLVED to approve Council Order #041408, Request of the Deputy Treasurer/Tax Collector to offer for sale by sealed bid 139 timeshare units, and one property located at 194 Graham Way (Map 070 Lot 024) acquired for the non-payment of real estate taxes.**

*Council Order #041409, Request of the City Manager to accept the bid for the Sterling Street Stormwater Improvements Project.*

**Approved - Council Order #041408, Request of the Deputy Treasurer/Tax Collector to offer for sale by sealed bid 139 timeshare units, and one property located at 194 Graham Way (Map 070 Lot 024) acquired for the non-payment of real estate taxes.**

**Approved - Council Order #041409,**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: APRIL 21, 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 ABSENT: CITY MANAGER MICHELLE BEAL**

**KEY SPEAKERS PRESENT: MICHELE GAGNON, DWIGHT TILTON,  
LAWRENCE WILSON, PENNY WEINSTEIN, MARK REMICK, STEVE  
JOYAL, LEANN BEAL, TAMMY MOTE, AND TERI DANE.**

Tammy Mote, Finance Director stated on April 9, 2014 the City of Ellsworth held a bid opening for the Sterling Street Reconstruction Project. There are currently some stormwater issues on State Street and Sterling Street. This project will include the installation of approximately 610 linear feet of 30" HDPE storm drain on State Street and Sterling Street, including catch basins, manholes, field basins, outfall, sewer service repair, water service repair, sidewalk repair and pavement repair. Woodard and Curran has reviewed all the bid documents and is recommending Sargent Corporation be awarded the contract. See attachment #9 for the summary of bids, the bid tabulation, copies of all five bids and a letter from Woodard and Curran recommending acceptance of the low bid from Sargent Corporation. Larry Wilson, Public Works Director was present at the meeting to address any questions or concerns. The bid price of \$243,480 was lower than the initial engineer estimates for the project.

**Request of the City Manager to accept the bid of Sargent Corporation for the Sterling Street Reconstruction Project at unit pricing as bid for an estimated cost of \$243,480.00 to be funded from the Local Roads Capitol Improvement Fund.**

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

**RESOLVED to approve Council Order #041409, Request of the City Manager to accept the bid of Sargent Corporation for the Sterling Street Reconstruction Project at unit pricing as bid for an estimated cost of \$243,480.00 to be funded from the Local Roads Capitol Improvement Fund.**

*Adjournment.*

**Approved -  
Adjournment at 7:53  
PM.**

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

**RESOLVED to approve adjournment at 7:53 PM.**

**A TRUE COPY**

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