

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: MAY 19, 2014**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT: BEATHEM**

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY  
MOTE, PENNY WEINSTEIN, LEANN BEAL 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):*

- *April 21, 2014 Regular Meeting.*
- *May 02, 2014 Special Meeting.*

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

**RESOLVED to approve adoption of the Ellsworth City Council minutes from the April 21, 2014 Regular Meeting and May 02, 2014 Special Meeting.**

*City Manager’s Report.*

City Manager Michelle Beal stated she did not have anything to report on this month.

*Committee Reports.*

➤ *Harbor Commission.* Councilor Moore stated the Harbor Commission met on May 6, 2014. The Harbormaster is back on duty for the season. The launch ramps and main docks are back in place for the boating season. The Coast Guard

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of the Ellsworth City Council minutes from the April 21, 2014 Regular Meeting and May 02, 2014 Special Meeting.**

**City Manager’s Report.**

**Committee Reports.**

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has placed the red and green markers. This year #4 marker has been moved over a bit, hopefully in an effort to get more depth at low tide. The program has been set for the summer concerts. There were discussions conducted on whether or not to allow a boater to live on their boat all season long. The Commission has language that allows a person to live on their boat for two weeks and then they must take a week off. This may be a continuing discussion. There was a discussion on renovating the harbor gazebo. A proposal has been submitted on overseeing some of the renovation work on the gazebo by a Boy Scout that is trying to complete his Eagle Scout requirement. Moore stated the renovation work on the gazebo is badly needed. The Harbor Park opened for the season on May 15, 2014. The Harbormaster and the Public Works crew has been busy cleaning up the park. Councilor Fortier added to the report by stating one of the new floating docks has been placed at the Harbor this past week. The other floating dock should be placed next week.

➤ *Recreation Commission.* Councilor Fortier stated the Commission met the first Wednesday of the month. They addressed some concerns that were voiced in a letter from a neighbor of the new basketball courts. Fortier stated the Commission does not have the necessary funds in their budget this fiscal year to purchase signs for the basketball courts. They will be researching some different language used by other communities as well as reviewing the signage that is currently being used at other areas they oversee to ensure when the next fiscal year arrives they can purchase new signage that is consistent throughout the City. Fortier stated the building that was at the ice skating rink will need to be cleaned out so that it can be taken back to Green Lake for the summer season. The contents of that building will be taken out to the rental storage unit.

➤ Councilor Crosthwaite announced the Ice Storm Wood Debris Cleanup has been scheduled for Ellsworth residents from Saturday, May 24 through Saturday, June 1, 2014. Ellsworth Demo Facility hours of operation were provided to the public. The Ellsworth Demo Facility is located directly behind the Ellsworth Transfer Station. Ellsworth residents will be required to provide proof of residency prior to disposing of wood debris. Crosthwaite listed different items that would be considered acceptable proof of residency. This event is for residential debris only and is limited to one truck load per household. Councilor Moore clarified the City Public Works personnel will not be picking up the debris from residents, this event is for residents to take the wood waste to the Ellsworth Demo Facility themselves.

➤ *Historic Preservation Committee.* Councilor Blanchette reported the

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Committee is investigating the possibility of purchasing some signage to place on various historic sites around the City. The signs would explain the event that occurred at that location or what building had been at that location. The signs would be approximately 2 x 2 on a wooden post. The Committee would have to obtain permission from the current property owner prior to placing a sign on the property. The Committee has approximately \$5,000 in an account entitled Bangor Hydro Pole that they would be willing to put toward the cost of the signs. They would then come to the Council to ask for the remaining funds for the project. This project is just starting to take shape. Councilor Fortier stated there is a new sign ordinance that the Committee may need to consult first, Blanchette stated he already mentioned to the Committee they may want to check with Dwight Tilton and the Ordinance early in the planning process.

➤ *Cable Television Committee.* Councilor Fortier stated he received an email today indicating the Penobscot Downeast Cable Consortium is continuing with their negotiations with Time Warner Cable. There was a meeting last week where the attorney was directed to follow up on some questions. Fortier offered to supply the emails to any interested Councilors.

*Citizens' Comments.*

There were no citizens' comments this month.

*Presentation of Awards.*

There were no awards to be presented this month for years of service with the City of Ellsworth.

*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*

**Citizens' Comments.**

**Presentation of Awards.**

**Unfinished Business.**

**Consent Agenda.**

**Item #10 (Council Order #051402) was removed from the Consent Agenda.**

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*Agenda.*

*Council Order #051401, Request of the Deputy Treasurer/Tax Collector to accept payments on tax acquired timeshare units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds. \**

See attachment #1 for the information on the timeshare that was deeded to a new owner.

*Council Order #051402, Request of the Deputy Treasurer/Tax Collector to write off \$341.12 in solid waste late fees for William French (Account # 4738). \**

Councilor Blanchette requested that item 10, Council Order #051402, Request of the Deputy Treasurer/Tax Collector to write off \$341.12 in solid waste late fees for William French (Account # 4738), be removed from the Consent Agenda.

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

***RESOLVED to approve Council Order #051401, Request of the Deputy Treasurer/Tax Collector to accept payments on tax acquired timeshare units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.***

*Council Order #051402, Request of the Deputy Treasurer/Tax Collector to write off \$341.12 in solid waste late fees for William French (Account # 4738). \**

Leann Beal, Deputy Treasurer/Tax Collector explained she received an inquiry from William French to see if the City would be willing to accept a settlement for his delinquent solid waste account balance. The charges are from 2006 since that time the City has attempted to utilize the small claims procedure to collect the outstanding charges. The base charges were \$444.40. The account has accrued late fees of \$808.60. As of this date, payments in the amount of \$621.08 have been received on this account. The account still has an outstanding balance of \$631.92; Mr. French contacted Beal to see if the City would accept a one-time settlement payment of \$300. The balance to be written off of \$331.92, are accumulated late fees. Councilor Moore clarified that French would be paying the City \$921.08 on an initial bill of \$444.40. Councilor Blanchette inquired if this process has been utilized before. Beal stated she has done this one other time during the six years she

**Approved - Council Order #051401, accept payments on tax acquired timeshare units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.**

**Approved - Council Order #051402, Request of the Deputy Treasurer/Tax Collector to write off \$331.92 in solid waste late fees for William French (Account # 4738), contingent on the receipt of \$300 cash or other secured funds on or before June 1. Mr. French will no longer have**

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has been with the City. Beal explained the small claims process once a judgment is made. This is not a quick process unless there is some type of transaction that requires the debt be discharged to move forward with that transaction. This was a commercial account. Councilor Fortier stated this type of negotiation has occurred before as well as Fortier presented some basic numbers that would support accepting the settlement figure. Beal stated French will have until June 1 to pay the \$300. The motion would need to reflect that writing off the balance is contingent on French paying the \$300 on or before June 1, to ensure the City could continue with the collection process if the \$300 is not received on the account. Beal stated his ability to have an account at the Transfer Station would be revoked and his current account has already been terminated. City Manager Michelle Beal explained the small claims process as well. She further explained with this payoff amount the actual charges along with a significant portion of the interest charges will be collected.

**an account with the  
Ellsworth Transfer  
Station.**

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

**RESOLVED to approve Council Order #051402, Request of the Deputy Treasurer/Tax Collector to write off \$331.92 in solid waste late fees for William French (Account # 4738), contingent on the receipt of \$300 cash or other secured funds on or before June 1. Mr. French will no longer have an account with the Ellsworth Transfer Station.**

**NEW BUSINESS**

**New Business.**

*Public hearing and action on the applications for issuance for the following licenses:*

*Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 High Street, for renewal of a City Class C License (victualer and liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.*

**Approved -  
Shinbashi Inc. d/b/a  
Shinbashi  
Restaurant, 139 High  
Street, for renewal of  
a City Class C  
License (victualer  
and liquor) and  
renewal of a State  
Restaurant (Class I,  
II, III, IV) Malt,**

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.

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MOTE, PENNY WEINSTEIN, LEANN BEAL AND TERI DANE.**

Public hearing was closed.

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

**RESOLVED to approve the request of Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 High Street, for renewal of a City Class C License (victualer and liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.**

*Douglas Danico and Darlene Danico d/b/a Romo's Pizza, 190 State Street, for a new City Class C (victualer and liquor) and a new State Restaurant (Class III, IV) Malt and Vinous Liquor License.*

Douglas Danico and Darlene Danico were present, as it was required by the Licensing Ordinance in regards to new businesses.

Councilor Fortier inquired if Danico planned to offer any education to customers on how to enter his parking lot safely. Fortier felt that was a tight corner and that there was no way to access the parking lot except from the north side. The parking lot cannot be accessed from Fifth Street. Danico has considered this topic many times and at this time does not have the answer. The median that is located in front of the restaurant comes out further than it should for that area. He feels it will be up to the public to use good judgment while entering and exiting the restaurant.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Douglas Danico and Darlene Danico d/b/a Romo's Pizza, 190 State Street, for a new City Class C (victualer and liquor) and a new State Restaurant (Class III, IV) Malt and Vinous Liquor License.**

*Council Order #051403, Discussion and action on holding a special election on June 10, 2014 for the City of Ellsworth voters to vote on the school budget*

**Spirituos and  
Vinous Liquor  
License.**

**Approved - Douglas  
Danico and Darlene  
Danico d/b/a Romo's  
Pizza, 190 State  
Street, for a new City  
Class C (victualer  
and liquor) and a  
new State Restaurant  
(Class III, IV) Malt  
and Vinous Liquor  
License.**

**Approved - Council  
Order #051403,**

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*validation referendum question in addition to the State of Maine Primary Election.* Chairman Phillips stated there is a requirement within the State Law to verify the budget. The initial School Budget will be presented at a Council workshop Wednesday evening.

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

**RESOLVED to approve Council Order #051403, request of the City Manager to approve a Special Municipal School Budget Validation Referendum Election on June 10, 2014 for the purpose of validating the school budget.**

*Council Order #051404, Request of the Deputy Treasurer/Tax Collector to award bids for tax-acquired property.*

Leann Beal, Deputy Treasurer/Tax Collector explained on May 15, 2014 there was a bid opening for the sale of 139 timeshare units and one parcel of land. One person submitted a bid for three separate timeshare units. See attachment #2 for the complete bid documents as received through the tax-acquired bid process. The bid requirements have been met including the certified funds. Beal is recommending awarding the bids. Councilor Phillips inquired if the bidder intends on taking all three units. Beal was unable to confirm with the bidder prior to this meeting whether she wanted all three units or not. The City currently has 186 timeshare units to sell through the public sale process.

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

**RESOLVED to approve Council Order #051404, Request of the Deputy Treasurer/Tax Collector to accept the bids from the high bidder as indicated on attachment #2 and to release said properties through Quit-Claim Deeds.**

*Council Order #051405, Request of the Deputy Treasurer/Tax Collector to offer for sale by public sale timeshare units located at Acadia Village Resort, acquired by non-payment of real estate taxes. (Complete list available at the City Clerk's Department)*

Leann Beal, Deputy Treasurer/Tax Collector explained once the sealed bid process has been completed with Council approval the remaining properties are offered for sale by public sale according to the Ordinance for Disposing of Tax Acquired Property. This process allows the public to purchase property with certified funds,

**request of the City Manager to approve a Special Municipal School Budget Validation Referendum Election on June 10, 2014 for the purpose of validating the school budget.**

**Approved - Council Order #051404, Request of the Deputy Treasurer/Tax Collector to accept the bids from the high bidder as indicated on attachment #2 and to release said properties through Quit-Claim Deeds.**

**Approved - Council Order #051405, Request of the Deputy Treasurer/Tax Collector to offer for sale by public sale 136 timeshare units, per attachment #3.**

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the paper work is completed and then the request to quit-claim the property comes before the Council. Beal added \$150 to each of the properties account balances in an effort to collect the costs for the recording fees, interest, mailing costs, advertising fees, and a little bit of staff time. Beal amended her suggested motion to include 136 timeshares and one parcel of land. See attachment #3 for a complete list of properties to be offered for sale by public sale. The abutters to the parcel of land were notified of the pending sale. Councilors were surprised this parcel of land was not bid on; however felt it may have been buried in the numerous timeshare units. Councilor Phillips felt removing the parcel of land from the public sale and placing it back out to sealed bid on its own may benefit the City.

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

**RESOLVED to approve Council Order #051405, Request of the Deputy Treasurer/Tax Collector to offer for sale by public sale 136 timeshare units, per attachment #3. The one parcel of land (Map 070 Lot 024-000-000) will be removed from attachment #3 and offered for sale through the sealed bid process.**

*Council Order #051406, Request of the Deputy Treasurer/Tax Collector to issue a Notice of Default for non-payment of a REPIC Agreement for the property located at 77 Twin Hill Road and to take all steps authorized under law to foreclose the REPIC Agreement in the event the default is not cured.*

Leann Beal, Deputy Treasurer/Tax Collector explained the history on this property stems back to December 2010 when a tax lien matured. On January 10, 2011 the City Council approved a Real Estate Purchase Installment Contract (REPIC) with the owners of the property located at 77 Twin Hill Road. They continually defaulted on the \$100 per month payment arrangement. In December of 2012 the City Council authorized an amended REPIC Agreement which authorized an automatic bank transfer of \$50 per month. There have not been sufficient funds maintained in the account. Only 5 of the required 17 installment payments under the terms of the contract have been made totaling \$250. The account balance as of today is \$1,853.68. There have been multiple attempts to contact the owners regarding the delinquency of the REPIC agreement; however they have been unsuccessful. In addition, the Code Enforcement Office has received several complaints about the unsanitary condition of the property. The City attorney has been contacted to see how the City should proceed in order to terminate the REPIC agreement and take possession of the property. He has indicated a notice of default should be issued and that will initiate the formal foreclosure process. The owners

**The one parcel of land (Map 070 Lot 024-000-000) will be removed from attachment #3 and offered for sale through the sealed bid process.**

**Approved - Council Order #051406, Request of the Deputy Treasurer/Tax Collector to issue a Notice of Default for non-payment of a REPIC Agreement for the property located at 77 Twin Hill Road and to take all steps authorized under law to foreclose the REPIC Agreement in the event the default is not cured.**

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will have 30 days to pay the outstanding balance. If the account is not cured within those 30 days there is an additional 60 days redemption period. See attachment #4 for the complete explanation, history and advice from the City Attorney on how to proceed with this REPIC Foreclosure. The owners were contacted regarding tonight's meeting. They have contacted the Finance Department since receiving the notice of the meeting tonight. Beal did not receive any specific information regarding what their intentions are regarding the outstanding balance on the account. The registered mail was returned; a live person delivered the notice to the owners to ensure they received knowledge of the meeting tonight. Chairman Phillips noted that the automatic debit process was a request of the owners in addition to the Council. Councilor Fortier noted the timeline for eviction would be very close to the winter months, in order to avoid that time of year a decision would need to be made this evening.

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

**RESOLVED to approve Council Order #051406, Request of the Deputy Treasurer/Tax Collector to issue a Notice of Default for non-payment of a REPIC Agreement for the property located at 77 Twin Hill Road and to take all steps authorized under law to foreclose the REPIC Agreement in the event the default is not cured.**

*Council Order #051407, Request of the Recreation Commission to reimburse \$15,000 to the Downeast Family YMCA for the City's share of the purchase and installation of the fence at Demeyer Softball Field.*

Tammy Mote, Finance Director explained within the FY 2014 budget the City Council approved \$15,000 for upgrades to the girls' softball field (D-1) at the Demeyer Field Complex. This project involved drainage improvements, additional parking to keep the players and spectators off the main road, fence replacement, and various other projects. This was a collaborative effort between the City, the Downeast Family YMCA, the YMCA Grounds Committee, and multiple generous volunteers. This endeavor included engineering and construction volunteers and saved the City approximately \$100,000 from not having to hire private contractors. Rob Shea and his volunteers have done a fabulous job on completing this project. Because the YMCA was organizing and overseeing the project, they were responsible for the purchase of supplies and construction materials and the City would directly reimburse the YMCA for the invoiced expenses. They are now asking the City for reimbursement on the fence expense in the amount of

**Approved - Council Order #051407, Request of the Recreation Commission to reimburse the Downeast Family YMCA \$13,828.63 for the purchase and installation of the fence at Demeyer Softball Field.**

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\$13,828.63. Based on the amount of the invoice the City's procurement policy requires City Council approval. See attachment #5 for invoices that substantiate this request. Councilor Fortier recommended giving the YMCA the entire \$15,000 contained in the budget for this project, given how wonderful the project turned out and the amount of work that was donated to help offset some of the other expenses. Mote explained that was the intention; however the remaining amount is under the dollar amount that requires Council approval according to the procurement policy and all other invoices leading up to the \$15,000 can be approved under the City Manager's approval process. Councilor Moore commented on how great the project turned out as well. Chairman Phillips thanked everyone involved in the project.

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

**RESOLVED to approve Council Order #051407, Request of the Recreation Commission to reimburse the Downeast Family YMCA \$13,828.63 for the purchase and installation of the fence at Demeyer Softball Field.**

*Council Order #051408, Discussion and action on the Order of Condemnation for taking of land to widen Beechland Road.*

Chairman Phillips stated in order to move forward on the reconstruction of the Beechland Road there were a couple of properties the City needed agreements on and those have not been received yet. It is believed those will be completed before the absolute deadline so rather than go forward with this process right now, it would be in the best interest of the Council to table this item tonight. It would be better to move forward with a signed agreement rather than an Order of Taking.

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

**RESOLVED to approve tabling Council Order #051408, Discussion and action on the Order of Condemnation for taking of land to widen Beechland Road.**

**A final vote was taken on the above motion with 5 members voting in favor (Blanchette, Crosthwaite, Moore, Perkins and Phillips) and 1 member voting in opposition (Fortier).**

*Council Order #051409, Request of the City Manager for approval of a Mutual Aid Agreement between the City of Ellsworth and the Municipalities within the League*

**Approved - Tabling Council Order #051408, Discussion and action on the Order of Condemnation for taking of land to widen Beechland Road.**

**Approved - Council Order #051409, the**

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**CITY COUNCIL ABSENT: BEATHEM**

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY  
MOTE, PENNY WEINSTEIN, LEANN BEAL AND TERI DANE.**

*of Towns.*

Michelle Beal, City Manager explained last year the City joined the League of Towns (LOT). The LOT consists of the four MDI communities, Swans Island, Cranberry Island, Lamoine, Trenton, Acadia National Park and now Ellsworth. One of the missions of the League is to collaborate and assist each other in ways that are beneficial to all affected. Most towns have Mutual Aid agreements when it relates to Fire; however, currently there are no agreements relating to tasks associated with administration and public works. A draft Governmental Administration Mutual Aid Agreement is before the Council tonight as attachment #6. This agreement would provide services to the other towns in the League in case of a declared disaster. The City usually steps up and helps other municipalities when needed, for example in Brownville a few years ago, but this memorializes the intent and description of "mutual aid".

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

**RESOLVED to approve Council Order #051409, the Mutual Aid Agreement with the League of Towns as presented and attached to the minutes as attachment #6 and direct the City Manager to sign the document on the City's behalf.**

*Adjournment.*

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

**RESOLVED to approve adjournment at 7:47 PM.**

**A TRUE COPY**

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

**Mutual Aid Agreement with the League of Towns as presented and attached to the minutes as attachment #6 and directs the City Manager to sign the document on the City's behalf.**

**Approved -  
Adjournment at 7:47  
PM.**