

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 7, 2015

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: INTERIM CITY MANAGER DAVID COLE, TERI
DANE, RICHARD TUPPER, MICHELE GAGNON, CHRISTOPHER
COLEMAN, AND MICKI SUMPTER.**

Call to Order.

Chairman Crosthwaite called the special meeting of the Ellsworth City Council to order at 8:00 AM.

Public hearing and action on amendments to City of Ellsworth Code of Ordinances Chapter 59, Consumer Fireworks and Commercial Outdoor Public Fireworks/Pyrotechnics Display Ordinance to amend Section 5 PROHIBITED and RESTRICTED USES subsection 5.2 (G) Exhibit A.

Richard Tupper, Fire Chief presented this request to the Council. Tupper stated around July 4, 2015, a concerned citizen reported the use of consumer fireworks in the area of the Forest Ridge Campground located off the Bucksport Road. Concerns caused by the noise and fallout of the fireworks onto the campers was brought to the attention of the Council during a Finance Committee meeting and then discussed by the Consumer Fireworks Committee.

See attachment #1 for copies of the Prohibited Fireworks Area Inset Map indicating the new area by the green shading and a copy of the Prohibited Fireworks Area Map stating the street names that are proposed to be added this morning.

This amendment will add Our Way and Flockamoosen Way to the prohibited use area. There are no changes being proposed to the language within the Ordinance at this time; the only changes are to the areas shown within the prohibited areas on the maps. The Ordinance only references Exhibit A, which are the maps. At this time no other areas are being identified for changes, that discussion will take place in February of 2016. David Cole, Interim City Manager noted that while this concern was being discussed, the question was asked if complaints are being received in pockets of land around Ellsworth similar to this one. The answer was no. Chairman Crosthwaite inquired even though it was not required was contact made with the abutters to this area that will be included in the prohibited section. Tupper stated he did have direct contact with the owner of the campground and also the owner of the location where the fireworks that generated the complaint came from. Jeff Dyer the owner of the campground was present at the meeting. The landowner stated to Tupper he did not want to attend the meeting.

Call to Order.

Approved - Proposed amendments to City of Ellsworth Code of Ordinances Chapter 59, Consumer Fireworks and Commercial Outdoor Public Fireworks/Pyrotechnics Display Ordinance to amend Section 5 PROHIBITED and RESTRICTED USES subsection 5.2 (G) Exhibit A.

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Public hearing opened.

There were no public comments. Councilor Moore inquired if there had been additional incidents since the discussion with the Finance Committee. Dyer stated there had been one more incident approximately two weeks after the initial discussion. Christopher Coleman, Police Chief stated they have had minor complaints from within the urban core area. In addition there have been a few complaints within the urban core area on the Bucksport Road specifically. The offender immediately stopped using the fireworks upon being warned by an officer. Coleman stated this is an ongoing issue; however, is not an overwhelming issue at this time.

Public hearing closed.

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

RESOLVED to approve the proposed amendments to City of Ellsworth Code of Ordinances Chapter 59, Consumer Fireworks and Commercial Outdoor Public Fireworks/Pyrotechnics Display Ordinance to amend Section 5 PROHIBITED and RESTRICTED USES subsection 5.2 (G) Exhibit A.

Before a vote was taken on the above motion, Councilor Fortier asked the Committee in February to consider adding possible language that would deal with the effects of fireworks falling on other people's property. That is the key element of this complaint that irritated Fortier the most. If there is a way to include language that forbids the use of fireworks when the debris is found to be falling onto the neighbor's property, he would like to see it included. This would appear to be littering and trespassing. Fortier was not proposing this language be added to the motion this morning; it was a consideration for discussions in February.

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

Council Order #081500, Request of the Finance Director to sole source with American Concrete Industries to construct a three-sided bridge in the amount of \$23,215. This capital infrastructure will prevent flooding that impacts the City's

**Approved - Sole
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primary drinking water source. This project will be funded by Enviro-grant monies.

Teri Dane, Deputy Treasurer presented on behalf of Tammy Mote, Finance Director. Dane stated the Department of Environmental Protection awarded the City of Ellsworth \$500,000 through the Natural Resources Damages Compensation Agreement. This grant was the result of the waste oil collection and recycling facility owned by Portland-Bangor Waste Oil contaminating groundwater and surrounding properties. This program provides for the payment of damages for injury to the natural resources resulting from the operation of waste motor oil disposal sites. A committee was formed and guidelines were drafted for applicants to propose projects that will protect, restore, enhance, or preserve the quality of ground water resources and drinking water supplies from pollution. One project that the committee deemed allowable is the replacement of a three-sided bridge located at Winkumpaugh Brook. This area is located on the Happytown Road in the town of Orland. It continues to be problematic and frequently floods. The City would be supplying the bridge and the Town of Orland will be funding and overseeing the installation of the engineer designed and approved infrastructure. Megan Facciolo of the Hancock County Soil and Water Conservation District has been working with the engineer, US Fish and Wildlife, and American Concrete on the design and permitting of this bridge. They have determined that American Concrete would be the best vendor for the construction of the bridge. Therefore, sole sourcing to this vendor is being requested. David Cole, Interim City Manager noted Michele Gagnon, City Planner was present at the meeting to answer any questions or address concerns. Gagnon has been involved in the administration of the program from the City's perspective.

See attachment #2 for a complete explanation from the Finance Director including the price quote and a sample picture of the bridge. A memo has also been attached from the City Planner explaining the project and a history on the issues at that location that affect the City.

Councilor Fortier stated his previous concerns and questions have been addressed adequately by the memo provided by Gagnon and also attached to the minutes as attachment #2.

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

RESOLVED to approve the request of the Finance Director to sole source with

construct a three-sided bridge in the amount of \$23,215. This capital infrastructure will prevent flooding that impacts the City's primary drinking water source. This project will be funded by Enviro-grant monies.

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American Concrete Industries to construct a three-sided bridge in the amount of \$23,215. This capital infrastructure will prevent flooding that impacts the City's primary drinking water source. This project will be funded by Enviro-grant monies.

Adjournment.

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

RESOLVED to approve adjournment at 8:14 AM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Approved -
Adjournment at 8:14
AM.**