

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 25, 2015

TIME: 9:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: PERKINS

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER AND TERI DANE.**

Call to Order.

Chairman Crosthwaite called the special meeting of the Ellsworth City Council to order at 9:08 AM.

Council Order #091513, Request of the City Manager to accept a proposal for engineering and design services for the rail road crossing portion of the Forrest Avenue Extension Project.

David Cole, City Manager explained the City is in receipt of an agreement from the Department of Transportation (DOT) to cost share the new railroad crossing at Forrest Avenue Extension. The engineering portion for the project will also be cost shared with the DOT at a 90/10 basis. Due to the use of federal dollars in this project, federal procurement procedures were followed. The City was required to follow guidelines that were in compliance with the Maine DOT Local Project Administration Manual as well as guided by appropriate consultations with Maine DOT staff. According to the guidelines the City selected four engineering firms with the appropriate capabilities in railroad signalization to solicit proposals from. Initially, the proposals were due in three weeks that deadline was ultimately extended for a week; the new deadline was set for September 18, 2015. The only proposal to be received by the deadline of September 18, 2015 at 10:00 AM was from VHB. The proposal was reviewed and found to be in compliance with the requirements. The RFP process which is dictated by the DOT; requires a two part acceptance procedure. First, the proposal is reviewed based on the qualifications of the firm, which was reviewed and accepted. Secondly, a sealed bid containing the unit costs were reviewed. The unit cost bid portion from VHB was 4% less than the government cost estimate. The City submitted a request to the DOT to handle this project as a sole-source, due to the receipt of only one submittal. This request has not been formally approved by the DOT yet; however, the expectation is it will be. Cole stated the suggested language for the motion is contained on attachment #1, as well as an overview of the project. VHB is also the engineering firm for MaineDOT on their Route 1A project including the new intersection at Forrest Avenue and State Street. The City intends to put the railroad signalization project out to bid in coordination with the MaineDOT Route 1A project. Chairman Crosthwaite inquired if the original estimate was set at \$230,000 for the entire project. Cole stated the exact figure for engineering services with VHB will be \$35,995. The State will be responsible for \$32,395.50 (90%) and the City will be

Call to Order.

Approved - Council Order #091513, Request of the City Manager to award the railroad crossing engineering services to VHB at a cost of \$35,995. These services will be funded by the Locally Administered Project funds (90% - \$32,395.50) and the Local Roads Capital Improvement Account (10% - \$3,599.50).

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responsible for \$3,599.50 (10%). The entire project is now estimated between \$220,000 and \$230,000, to be cost shared at a 90/10 basis. The project should be placed out to bid in March of 2016 assuming that timeframe aligns with the MaineDOT Route 1A project.

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

RESOLVED to approve Council Order #091513, Request of the City Manager to award the railroad crossing engineering services to VHB at a cost of \$35,995. These services will be funded by the Locally Administered Project funds (90% - \$32,395.50) and the Local Roads Capital Improvement Account (10% - \$3,599.50).

Executive Session to discuss the condition, acquisition or the use of real or personal property in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C.

David Cole, City Manager remained in the Executive Session.

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

RESOLVED to approve entering executive session to discuss the condition, acquisition or the use of real or personal property in accordance with MRSA Title 1, Chapter 13, Section 405, and Paragraph 6C at 9:13 AM.

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

RESOLVED to approve adjourning from the executive session at 9:17 AM.

Council Order #091514, Discussion and action on the item from Executive Session.

There was no discussion on this item before a motion was made. See attachment #2 for information that was provided prior to the meeting.

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

RESOLVED to approve Council Order #091514, the sale of city owned property at 33 Birch Avenue, Map 136-113 (also known as the former Colliers building)

Approved - Entering executive session to discuss the condition, acquisition or the use of real or personal property in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 9:13 AM.

Approved - Adjourning from the executive session at 9:17 AM.

Approved – Council Order #091514, the sale of city owned property at 33 Birch Avenue, Map 136-113 (also known as the former Colliers building) and to hereby authorize the

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and to hereby authorize the City Manager to execute a deed and any and all other documents necessary to effect the sale of the real estate located at 33 Birch Avenue to B & K Real Estate Holdings pursuant to the terms of a Purchase and Sales Agreement dated June 4, 2015 between the City of Ellsworth and Kevin and Barbara Buza.

Before a vote was taken on the above motion, Councilor Moore inquired if the reference to Birch Street as noted in the motion should be corrected. Councilor Fortier offered a friendly amendment to the motion that was made with the reference of Birch Street within the first line. Councilor Phillips accepted the friendly amendment to the motion and Moore seconded the friendly amendment. The sale price of \$400,000 was entered into the record at this point; however, was not added to the motion.

A final vote was taken on this motion with all members present voting unanimously in favor.

Adjournment.

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

RESOLVED to approve adjournment at 9:25 AM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

City Manager to execute a deed and any and all other documents necessary to effect the sale of the real estate located at 33 Birch Avenue to B & K Real Estate Holdings pursuant to the terms of a Purchase and Sales Agreement dated June 4, 2015 between the City of Ellsworth and Kevin and Barbara Buza.

**Approved -
Adjournment at 9:25 AM.**