

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 17, 2014**

**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 MICHELLE BEAL, TAMMY  
MOTE, DWIGHT TILTON, LARRY GARDNER, APRIL CLIFFORD, AMANDA  
TUPPER, MICHAEL HANGEE, CHRISTOPHER COLEMAN, RICHARD  
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DANE.**

*Call to Order.*

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

*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 10, 2014 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:*

*October 03, 2014 Special Council Meeting.*

*October 20, 2014 Regular Council Meeting.*

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

**RESOLVED to approve the adoption of minutes from the following meetings of the Ellsworth City Council: October 03, 2014 Special Council Meeting and the October 20, 2014 Regular Council Meeting.**

*City Manager’s Report.*

City Manager Michelle Beal reminded everyone that next week is Thanksgiving and City Hall will be closed on Thursday and Friday. There will not be a Finance Committee meeting that week either. The second reminder Beal presented was the Holiday Season is approaching with the Holiday Parade being held on Saturday,

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the following meetings of the Ellsworth City Council: October 03, 2014 Special Council Meeting and the October 20, 2014 Regular Council Meeting.**

**City Manager’s Report.**

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DANE.**

December 6, 2014.

*Committee Reports.*

➤ *Recreation Commission:* Councilor Fortier reported the Committee had a productive meeting this month. The basketball courts are now closed for the season. A crew removed the sound blankets, the Public Works Department removed the sound blankets to the garage for winter storage, and the courts have been locked with the closed signs in place. The Police Dispatch Center has been made aware of the season closure and anyone accessing the courts at this point will be trespassing. Fortier thanked all the volunteers and employees that were involved in this process. Winter Carnival will be held on the first weekend in February 2015.

*Appointment of Councilors to various City Committees by the Chairman of the City Council.*

Chairman Crosthwaite announced the appointment of committee membership for the 2014-2015 Council year. This list of appointments is in the minutes as attachment #1. Crosthwaite noted that the Economic Development Committee had been removed from the list. This year the Solid Waste and Local Roads Committees have been changed to Ad-Hoc Committees. The appointed Council Representative for the Frenchman Bay Partners was added to the list with Jennifer Fortier serving in this capacity.

*Citizens' Comments.*

There were no comments made 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 this month.

**Committee Reports.**

**Appointment of  
Councilors to various  
City Committees.**

**Citizens' Comments.**

**Presentation of  
Awards.**

**Unfinished Business.**

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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.*

There were no items this month.

NEW BUSINESS

*Public hearing and action on the application (s) for the following business license (s):*

*VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.*

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 VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.**

*Melanie McCormick & Wayne Wright d/b/a Ellsworth Ale House, 337 High Street, for renewal of a City Class B License (victualer, liquor and amusement) and*

**Consent Agenda.**

**New Business.**

**Approved - VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.**

**Approved - Melanie McCormick &**

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*renewal of a Restaurant/Lounge Class A, Malt/Spirituos/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 Moore, seconded by Blanchette, it was unanimously*

**RESOLVED to approve the request of Melanie McCormick & Wayne Wright d/b/a Ellsworth Ale House, 337 High Street, for renewal of a City Class B License (victualer, liquor and amusement) and renewal of a Restaurant/Lounge Class A, Malt/Spirituos/Vinous Liquor License.**

*Council Order #111401, Request of the Assessor to approve tax abatement for Deutsche Bank National Trust, Map 133, Lot 49 Vision Account # D1100R Location: 52 Surry Road.*

Larry Gardner, City Assessor explained he is requesting the City Council approve the tax abatement for Deutsche Bank National Trust, Map 133, Lot 49 Vision Account # D1100R Location: 52 Surry Road. See attachment #2 for a complete explanation. The transfer of ownership on the property was not caught by the Assessing Department as a result the taxes continued to be assessed to Deutsche Bank and paid by them rather than the new owner of Harry Jones III. Per State Statue the Assessor can only abate the current year taxes, only the City Council can abate up to three previous tax years. Gardner is requesting the Council abate the three previous years as well so that the ownership files can be corrected. Gardner will supplement Harry Jones III for the three years of taxes that are being abated from the Deutsche Bank. This transaction will not result in a loss of tax revenue to the City; it will simply correct the ownership record on the property. Councilor Moore inquired if Gardner had spoken to the owners on both this item and the next one to make sure they are aware they will be receiving a tax bill for the past three

**Wayne Wright d/b/a Ellsworth Ale House, 337 High Street, for renewal of a City Class B License (victualer, liquor and amusement) and renewal of a Restaurant/Lounge Class A, Malt/Spirituos/Vinous Liquor License.**

**Approved - Council Order #111401, grant Deutsche Bank National Trust abatements for the three previous years on Map 133, Lot 49 Vision Account # D1100R Location: 52 Surry Road as requested by the City Assessor.**

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years. Gardner believed the bank notified the Assessing Department of the error, on the next item it was the buyer who notified the Assessing Department. Gardner stated his office will be performing a few extra cross referencing steps in the future on properties where the taxes are delinquent and are particularly close to facing foreclosure. Oversights such as this may happen again until his office can find a good way of comparing electronic copies of transfers and deed descriptions. Councilor Fortier asked on behalf of residents in that neighborhood that a copy of the Property Maintenance Ordinance be forwarded to Mr. Jones along with the supplemental tax bill.

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

**RESOLVED to approve Council Order #111401, grant Deutsche Bank National Trust abatements for the three previous years on Map 133, Lot 49 Vision Account # D1100R Location: 52 Surry Road as requested by the City Assessor.**

*Council Order #111402, Request of the Assessor to approve tax abatement for Leonard C. Maddocks, Map 41, Lot 52-2 Vision Account #M0331R Location: Christian Ridge Road (vacant land, no street address).*

Larry Gardner, Tax Assessor stated this is basically the same request as the prior item except the abatement would go to Leonard C. Maddocks, Map 41, Lot 52-2 Vision Account #M0331R Location: Christian Ridge Road. See attachment #3 for the complete explanation. The transfer deed was missed by the Assessing Department at the time ownership changed from Leonard C. Maddocks to Benjamin Maddocks. For a few years the previous owner was assessed and paid the tax obligation rather than the new owner of the property; at this time there is another change in ownership. During the business transaction the newest owner being Steve Joy has paid all the outstanding tax obligations on the property. Gardner stated the Registry of Deeds no longer provides paper copies of transfer deeds, all the information is received digitally. A transfer document is also received from the State of Maine following the payment of the transfer taxes on real estate sales. Chairman Crosthwaite asked Gardner if in the future he feels the City will be able to track these changes. Gardner confirmed his office is implementing some new check and balances now that the transition from paper documents to digital copies has been completed. Councilor Blanchette inquired if the notice of property

**Approved - Council Order #111402, grant Leonard C. Maddocks, abatement for the three previous years on Map 41, Lot 52-2 Vision Account #M0331R Location: Christian Ridge Road (vacant land, no street address) as requested by the City Assessor.**

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transfer in the Ellsworth American last week that listed a transfer from Benjamin Maddocks to Steven Joy was referring to this parcel. It was confirmed that the notice was in regards to the same parcel as described in this item. Gardner explained the assessment was to Leonard Maddocks; who had sold to his son Benjamin and that transfer in ownership was not captured on the property file.

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

**RESOLVED to approve Council Order #111402, grant Leonard C. Maddocks, abatement for the three previous years on Map 41, Lot 52-2 Vision Account #M0331R Location: Christian Ridge Road (vacant land, no street address) as requested by the City Assessor.**

*Council Order #111403, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2015.*

John Wedin, Branch Lake Water Steward explained Chapter 55, Water Supply Protection Ordinance, mandates that the fee be set each year by the City Council for the following calendar year. Historically the fee has been set at \$0 per boat tag. The reason the Water Department recommends not charging a fee for the stickers is to promote a feeling of cooperation between the City and the boaters who use the lake. The City would like the users to partner with them on protecting the lake. Cooperation with the program has been getting better each year. Wedin has experienced some boaters being so pleased with the program and the fact that the inspections are free, they have offered a donation to help offset the cost of the program.

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

**RESOLVED to approve Council Order #111403, request of the Branch Lake Water Steward and Water Department to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2015.**

*Public hearing and action on an amendment to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance.*

**Approved - Council Order #111403, request of the Branch Lake Water Steward and Water Department to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2015.**

**Approved - Amendment to the**

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Tina Howes, General Assistance Director was present to explain this is the yearly request to adopt the State maximums for the General Assistance program. See attachment # 4 for the new State maximums that will be utilized until September 30, 2015 when making a decision to approve or deny a general assistance application. Councilor Fortier reminded the public that this is a yearly request; the Council has no say on the amounts that are set by the State of Maine, Maine Municipal Association compiles the numbers and submits the numbers to all the Maine Communities to use when considering applications. Howes confirmed the change is only by a few dollars and no other changes were made to the Ordinance.

Public hearing opened.

There were no comments made.

Public hearing closed.

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

**RESOLVED to approve the amendment to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance as presented this evening within attachment #4.**

*Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 59, Consumer Fireworks and Commercial Outdoor Public Fireworks/Pyrotechnics Display Ordinance.*

Councilor Beathem explained this past year he had heard numerous comments from Ellsworth residents in regards to fireworks. When the Ordinance was passed to address fireworks it was determined to be a work in progress and it would be revisited as concerns arose. Beathem brought the Ordinance before the Council in July at a public hearing; at that time all the comments were forwarded to City staff for research and providing information which could be used to decide if changes were necessary. See attachment # 5 for the changes being considered this evening; Beathem was hopeful the changes would be something everyone could accept, it will not be what everyone wants. Beathem stated a map would be

**City of Ellsworth  
Code of Ordinances,  
Chapter 36, General  
Assistance  
Ordinance as present  
this evening within  
attachment #4.**

**Approved - Tabling  
action on  
amendments to the  
City of Ellsworth  
Code of Ordinances,  
Chapter 59,  
Consumer Fireworks  
and Commercial  
Outdoor Public  
Fireworks/Pyrotechn  
ics Display  
Ordinance until the  
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provided this evening as well as an explanation of the proposed changes. There was an expectation that following public comment the item would be tabled for further consideration. Michelle Beal, City Manager stated the edited version of the Ordinance was in the Council packets. Along with the substantial changes were some grammatical amendments. The significant changes are the following: sky lanterns are being defined and restricted in the City of Ellsworth, the definitions were added for a private display and public display, fireworks will be prohibited within the Urban Compact area at all times, outside the Urban Compact Area they will be prohibited except for Friday and Saturday evenings from 6 PM – 10 PM, and on the Fourth of July and New Years Eve Holidays they will be allowed outside the Urban Compact Area during the hours stated in the State of Maine Law. It was reiterated that fireworks could only be used on your own property or property which you have written consent and any public display will conform to State Statue. It is being recommended that organizers of private parties with 50 or more attendees as well as public displays notify the Police Department by utilizing the numbers provided in the Ordinance. This notice is requested no less than two days before the display and that all safety requirements are followed. The Fire Department requested the removal of the requirement to file a permit for a commercial firework display. The State Fire Marshalls office issues a permit for commercial displays by State law and this was a redundancy within the City Ordinance. Ten days before the commercial fireworks display a copy of the application which was submitted to the Fire Marshall's Office must be provided to the Ellsworth Fire Department. Beal explained the area that is being delineated as the Urban Compact Area. The Urban Compact Area is delineated by the MDOT. This is a road delineation but very much outlines the urban area for the City of Ellsworth. The MDOT provides this delineation upon density of the area. See attachment #5 for a complete map. The Committee looked at the roads within the Urban Compact Area and then restricted the roads and properties by the property lines rather than by the road lines. If it is delineated by road, a decision would have to be made on which side of the road is in the Urban Compact and which side is not. Delineated by road would also be very difficult to regulate as well. There were a few places where the Urban Compact Area stopped at a road rather than at a town line, these areas were extended out to the town line. Those areas were from the Beechland Road to the Trenton town line, from Danico Lane to McDevitt Way, Union Street to the town line, Main Street was already to the town line, and towards Lamoine and Hancock on Route 1 were extended to their prospective town lines. Beal explained how the subdivisions

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would be impacted, since usually only the first two lots front a road within the Urban Compact Area. The entire subdivision would be restricted within the amended Urban Compact Area for fairness and safety reasons. Beal welcomed comments on the proposed area to be completely restricted from use of fireworks; the map was designed for discussion purposes. This area was designed for discussion purposes. Police Chief Christopher Coleman stated about 80% of the prior complaints with fireworks came from the area near Union Street. Councilor Moore felt close attention was spent on the dense populated areas within the City, and it made sense to include those areas within the restricted areas.

Public hearing opened.

Chris Keefe (Laurel Street) thanked the Council, City Manager, and staff for their consideration and work on this project.

Audrey Tunney (Grant Street and the Green Lake Association) asked for a clarification on the restrictions within the Urban Compact Area as defined. Beal clarified that within this area there will be no use of consumer fireworks. The commercial fireworks utilized for Winter Carnival will be allowed within the Urban Compact Area. Tunney asked if restrictions would apply to areas outside of the Urban Compact Area. Beal clarified that as proposed this evening fireworks would only be allowed on Friday and Saturday evenings from 6 PM to 10 PM. The expanded times surrounding the Fourth of July and New Years Eve Holidays are stated in the State Law. Tunney stated as the President of the Green Lake Association she has heard many complaints and comments in regards to the use of fireworks. She thanked the Council for their consideration on the proposed amendments and explained their efforts will be greatly appreciated by the Ellsworth residents around Green Lake. She is hopeful the residents of Dedham will be as responsive.

Public hearing closed.

Councilor Fortier felt the Council has heard all the reasons and situations that require change, the staff did a great job incorporating the amendments, and developing a map. He feels the map may need some adjusting; however, could agree to the restricted area as it stands, only if it works from the enforcement level.

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Councilor Moore feels it is still a work in progress. He felt it was ready to be voted on as long as the Fire and Police Chiefs are comfortable with the enforcement capabilities in regards to the map.

Councilor Perkins felt this was a great compromise between the residents who want the right to set off fireworks and those residents who do not want them set off so frequently. Perkins confirmed the concern mentioned at the September public hearing in regards to the life flight and the hospital had been addressed through the proposed amendments. The hospital and the life flight pad are located within the Urban Compact Area and therefore the use of fireworks is prohibited. Perkins would be in favor of expanding the allowable times around the holidays to include the full week around the Fourth of July and New Years Eve. She was also curious why the Urban Compact Area was used rather than the different zones that are already designed. Beal explained because the current Urban Compact Area was created based on population density. There was a discussion in regards to the expanded hours around the Fourth of July and New Years Eve holidays as proposed tonight and written in the State Law. Other time considerations during those holidays were discussed.

Councilor Blanchette questioned if the amendments are too restrictive based on the low numbers of complaints and attendance at the public hearings. Blanchette was concerned about renters and their ability to use fireworks; it was felt that if they have written permission from the landlord they could use the fireworks.

Beal thanked the Committee that worked on the proposed amendments. The thought process behind using the Urban Compact Area to depict the restricted areas was explained. This area was particularly used for ease of enforcement. Beatham inquired if the Council was willing to accept written comments for the next month. This would allow time for residents not comfortable with attending public meetings to make their thoughts on the topic known to the Council as well as allow residents time to consider the map that was presented this evening. Consideration was given to allowing more time to submit comments; however the Council felt a decision should be made at the December meeting considering New Years Eve is one of the holidays under consideration. Fireworks will be banned when the fire danger is rated 4 or 5, this language remains the same.

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

**RESOLVED to approve tabling action on amendments to the City of Ellsworth Code of Ordinances, Chapter 59, Consumer Fireworks and Commercial Outdoor Public Fireworks/Pyrotechnics Display Ordinance until the December 15, 2014 Council Meeting.**

*Council Order #111404, Request of the Finance Director to purchase a computer lab for the Hancock County Technical Center.*

Tammy Mote, Finance Director stated when the Ellsworth School Department's budget was presented, certain budget items were identified as one-time costs due to the withdrawal. Mote provided the Council with a summary on the list of items that were designated as one-time costs. She also provided a list of anticipated purchases that have already been made. The funds for those items were originally taken out of the School Department budget and the Council opted to fund those items separately. The School Department will repay the City over a period of time for those purchases. Not all of the items listed on the summary sheet will come before the Council, for example if the purchase is under \$10,000 it will be approved by the City Manager per the City's Procurement Policy.

Mote introduced April Clifford, the Technology Coordinator for the School Department. Clifford stated the School Department is requesting to purchase a computer lab for the Hancock County Technical School. In previous years, IT had a stock of older devices that were distributed from IT to HCTC for testing. The RSU #24 now has ownership of these devices as negotiated in the withdrawal agreement. This lab will ensure that all students will have access to technology for assessments and whole class instruction. Clifford explained why it was critical for the students at HCTC to have access to the computers when taking the different types of assessment tests. Depending on if they can pass one of the tests they may be eligible to skip some of the classes at the Community College as well as having access to technology will aid in the students success rate at College. The total cost of the computer lab is \$16,980. During the budget process, \$18,000 was estimated for this purchase. See attachment #6 for the proposal from the Apple Store. Councilor Fortier noted the price within the proposal was very competitive. The

**Approved - Council Order #111404, Request of the Finance Director to purchase a computer lab for the Hancock County Technical Center at a price of \$16,980. This purchase is to be funded from the Ellsworth School Department One Time Costs (Account number 10-20298).**

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TUPPER, PENNY WEINSTEIN, KATINA HOWES, JOHN WEDIN AND TERI  
DANE.**

reason the proposal is for the Mac Book Air computers, is so the students can continue to use the same technology they have been utilizing. By continuing to purchase Mac Book Air computers money and time will be saved by not recreating the images and management systems for use by a different operating system.

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

**RESOLVED to approve Council Order #111404, Request of the Finance Director to purchase a computer lab for the Hancock County Technical Center at a price of \$16,980. This purchase is to be funded from the Ellsworth School Department One Time Costs (Account number 10-20298).**

*Council Order #111405, Request of the Tax Collector to accept payments on tax acquired time share units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.*

Amanda Tupper, Tax Collector explained this request would normally be heard under the Consent Agenda. This request is to sell a timeshare unit that was obtained through the foreclosure process. The prior owner would like to purchase the unit back. See attachment #7 for a complete list of timeshare units to be quit-claim deeded this evening. Tupper is requesting permission to accept the payment and deed the property back to the previous owner, under her new last name.

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

**RESOLVED to approve Council Order #111405, Request of the Tax Collector to accept payments on tax acquired time share units per the attached spreadsheet (attachment #7) and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.**

*Council Order #111406, Request of the Tax Collector to waive foreclosure on the property located at 819 Bangor Road (Map 075 Lot 01700N000).*

Amanda Tupper, Tax Collector stated Title 36 of the Maine Revised Statutes states that the municipal treasurer can waive the automatic foreclosure by a vote of the City Council. Waiver of foreclosure is typically used when a municipality wishes

**Approved - Council Order #111405, Request of the Tax Collector to accept payments on tax acquired time share units per the attached spreadsheet (attachment #7) and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.**

**Approved - Council Order #111406, Request of the Tax Collector to waive foreclosure on the property located at**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 17, 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 PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY  
MOTE, DWIGHT TILTON, LARRY GARDNER, APRIL CLIFFORD, AMANDA  
TUPPER, MICHAEL HANGEE, CHRISTOPHER COLEMAN, RICHARD  
TUPPER, PENNY WEINSTEIN, KATINA HOWES, JOHN WEDIN AND TERI  
DANE.**

to avoid acquiring property that may be burdensome. Tupper explained for this reason while reviewing the foreclosure list she decided to request permission to waive foreclosure on the property located at 819 Bangor Road. Councilor Phillips noted this is not the first time foreclosure has been waived on this property. This property is a mobile home with a very low assessment and no land. Councilor Moore inquired if there would be enough revenue generated from the metal within the mobile home to justify foreclosing on the property. The consensus was it would not be worth the time and effort to dismantle the mobile home.

**819 Bangor Road  
(Map 075 Lot  
01700N000).**

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

**RESOLVED to approve Council Order #111406, Request of the Tax Collector to waive foreclosure on the property located at 819 Bangor Road (Map 075 Lot 01700N000).**

*Council Order #111407, Request of the Tax Collector to waive foreclosure on the property located at 1311 Happytown Road (Map 108 Lot 01000N000).*

**Approved - Council  
Order #111407,  
Request of the Tax  
Collector to waive  
foreclosure on the  
building located at  
1311 Happytown  
Road (Map 108 Lot  
01000N000) for  
outstanding FY 2013  
taxes.**

Amanda Tupper, Tax Collector stated the same portion of Title 36 of the Maine Revised Statutes applies to this request as it did on the previous item. Last year it came to the attention of the City that there were questions regarding the ownership and/or assessment of the building. This case is still being heard in the courts and has not been resolved at this time. A waiver of foreclosure is being requested in order to allow the City and all parties involved additional time to verify the validity of the assessment. David Marshall was present at the meeting to answer any questions or address any concerns the Council may have. Councilor Fortier inquired if the case was close to being resolved, without discussing particulars of the case. Marshall confirmed there is a settlement agreement on the table at this time and the goal is to have the matter resolved within the next few months.

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

**RESOLVED to approve Council Order #111407, Request of the Tax Collector to waive foreclosure on the building located at 1311 Happytown Road (Map 108 Lot 01000N000) for outstanding FY 2013 taxes.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 17, 2014**

**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 MICHELLE BEAL, TAMMY MOTE, DWIGHT TILTON, LARRY GARDNER, APRIL CLIFFORD, AMANDA TUPPER, MICHAEL HANGEE, CHRISTOPHER COLEMAN, RICHARD TUPPER, PENNY WEINSTEIN, KATINA HOWES, JOHN WEDIN AND TERI DANE.**

*Council Order #111408, Request of the Tax Collector to waive foreclosure on the property located at 62 Red Bridge Road (Map 033 Lot 020000000) and to authorize the Tax Collector to execute a promissory note with the resident of the property.*

Amanda Tupper, Tax Collector explained Elisa Wilbur contacted the City of Ellsworth and indicated that she is financially unable to pay the \$277.11 necessary to stop the impending automatic foreclosure of her primary residence by the December 3, 2014 deadline. The option of a Real Estate Purchase Installment Contract (REPIC) was explored; however, the property is assessed to her deceased father, Elisha Leeman. The City's Ordinance stipulates that only prior owners of a property qualify for REPIC, and because Elisa is not the assessed owner she is not eligible. The other option available would be for the City Council to waive foreclosure and sign a promissory note with Elisa requiring monthly installments be paid on the taxes. The Council has granted a promissory note in the past with Elisa and it was a success. Councilor Moore inquired if the owner is deceased does that indicate that Elisa has inherited this property. Tupper indicated there is a question of ownership since the property may have been left to all the children. Councilor Phillips inquired if Elisa lives at the property; Tupper confirmed that is her place of residence.

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

**RESOLVED to approve Council Order #111408, Request of the Tax Collector to waive foreclosure on the property located at 62 Red Bridge Road (Map 033 Lot 020000000) and to authorize the Tax Collector to execute a promissory note with the resident of the property.**

*Council Order #111409, Request of the Finance Director to award a contract to Andrew McCullough P.E. for construction administration and engineering oversight of the Knowlton Park project.*

Tammy Mote, Finance Director explained Andrew McCullough has been providing the Knowlton Park engineering services for the past few months and has worked very closely with Atlantic Landscaping on preparing the final designs for the project. Since he is very familiar with the project, Mote is requesting the engineering services be extended to include construction oversight. See attachment

**Approved - Council Order #111408, Request of the Tax Collector to waive foreclosure on the property located at 62 Red Bridge Road (Map 033 Lot 020000000) and to authorize the Tax Collector to execute a promissory note with the resident of the property.**

**Approved - Council Order #111409, Request of the Finance Director to award a contract to Andrew McCullough P.E. for construction administration and project oversight of**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 17, 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 PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY  
MOTE, DWIGHT TILTON, LARRY GARDNER, APRIL CLIFFORD, AMANDA  
TUPPER, MICHAEL HANGEE, CHRISTOPHER COLEMAN, RICHARD  
TUPPER, PENNY WEINSTEIN, KATINA HOWES, JOHN WEDIN AND TERI  
DANE.**

#8 for the Scope of Work and Estimated Cost for the Knowlton Park Construction Oversight. The scope of work will consist of submittal reviews, pay requisition reviews, meetings, inspections and communications. McCullough is estimating a total of 268 hours of engineering services for this project. His rate is typically \$110 per hour; however, he is offering an in-kind rate of \$90 per hour for a total cost of \$24,120. This cost will be funded from the Knowlton Park project funds.

**the Knowlton Park  
at an amount of  
\$24,120. This  
amount is to be  
funded from  
Knowlton Park  
Project funds.**

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

**RESOLVED to approve Council Order #111409, Request of the Finance Director to award a contract to Andrew McCullough P.E. for construction administration and project oversight of the Knowlton Park at an amount of \$24,120. This amount is to be funded from Knowlton Park Project funds.**

*Adjournment.*

**Approved -  
Adjournment at 8:13  
PM.**

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

**RESOLVED to approve adjournment at 8:13 PM.**

**A TRUE COPY**

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