

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

**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 DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD  
TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

*Call to Order.*

Chairman Crosthwaite 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 9, 2015 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:

- *May 16, 2016 Regular Meeting.*

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

**RESOLVED to approve the adoption of the Ellsworth City Council minutes from the May 16, 2016 Council meeting as presented this evening.**

*City Manager’s Report.*

David Cole, City Manager stated there will be a weekly meeting on Wednesdays between the City, construction team, and MaineDOT concerning the Rt. 1A Road Project. He plans to work with the local media and Chamber of Commerce to broadcast the construction updates to the public. Cole encouraged members of the public to subscribe to MaineDOT’s email alerts within their website; however, Cole cautioned interested parties to only sign up for this road project or projects in

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of the Ellsworth City Council minutes from the May 16, 2016 Council meeting as presented this evening.**

**City Manager’s Report.**

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this area. Otherwise subscribers will receive email alerts on all the MaineDOT projects in the State of Maine. The City’s website also contains an icon for MaineDOT’s website. The Sunrise Trail extension is underway. Cole reminded the public of all the summer activities within the City. The summer movie series begins on July 7. The summer concerts series starts shortly as well.

*Committee Reports.*

➤ *Harbor Commission.* Councilor Phillips reported the Harbor Commission met this month. At that time all the available docking options except for one mooring has either been spoken for or paid in full. The only new item involved the food vendor at the Harbor Park. This item is on the agenda for discussion later in the evening.

*Citizens’ Comments.*

There were no citizens’ comments this month.

*Presentation of Awards.*

- *Presentation of a Letter of Commendation to a citizen by Police Chief Bickmore.*

Police Chief Harold Bickmore gave a brief overview of the event that led up to the presentation of a Letter of Commendation being presented to Heather Clement. This was one example of how the Police Department has joined forces with members of the public to conserve financial resources and valuable hours of man power. Chairman Crosthwaite read the Letter of Commendation that was presented this evening.

- *Michael Hangge, for thirty years of service with the Ellsworth Fire Department.*

Michael Hangge was not able to attend the meeting; a request was made to present this certificate at the next Council meeting.

**Committee Reports.**

**Citizens’ Comments.**

**Presentation of  
Awards.**

**Letter of  
Commendation to  
Heather Clement.**

**Michael Hangge – 30  
years of service  
presentation  
postponed until July  
meeting.**

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
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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 #061600, Request of the Deputy Treasurer/Tax Collector to set the real estate and personal property tax due dates at September 08, 2016 and March 9, 2017. \**

See attachment #1 for a complete explanation.

*Council Order #061601, Request of the Deputy Treasurer/Tax Collector for an Order of the Municipal Officers on the application of real estate and personal property tax payments. This order will allow for the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills. \**

See attachment #1 for a complete explanation.

*Council Order #061602, 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 #2 for a complete list of timeshare units that were sold during the course of the last month.

*Council Order #061603, Review and acceptance of the results from the City of Ellsworth School Budget Validation Municipal Referendum Election on June 14,*

**Unfinished Business.**

**Consent Agenda.**

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

**Approved – Council Order #061600, set tax due dates as 9/8/2016 and 3/9/2017.**

**Approved – Council Order #061601, applying tax payments against the oldest unpaid tax bills first.**

**Approved – Council Order #061602, accept payments on and release timeshare units through quit-claim deeds.**

**Approved – Council Order #061603, the**

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HASKELL.**

2016. \*

See attachment #3, for the complete results.

*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 following business license application (s):*

*Douglas J. Kiehm and Racheal E. Wallace d/b/a Homestead Motel and Cottages,  
143 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.

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 Douglas J. Kiehm and Racheal E.  
Wallace d/b/a Homestead Motel and Cottages, 143 Bucksport Road, for renewal  
of a City Lodging License.**

*Martin & Ware Inc d/b/a Central Maine Pyrotechnics Pyro City Maine d/b/a Pyro  
City Maine Fireworks Store, 328 Bucksport Road, for a renewal of a City  
Consumer Fireworks Retail Sales License.*

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

results from the June  
14, 2016 City of  
Ellsworth School  
Budget Validation  
Municipal  
Referendum  
Election.

New Business.

Approved - Douglas  
J. Kiehm and  
Racheal E. Wallace  
d/b/a Homestead  
Motel and Cottages,  
143 Bucksport Road,  
for renewal of a City  
Lodging License.

Approved - Martin  
& Ware Inc d/b/a  
Central Maine  
Pyrotechnics Pyro  
City Maine d/b/a  
Pyro City Maine

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TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Martin & Ware Inc d/b/a Central Maine Pyrotechnics Pyro City Maine d/b/a Pyro City Maine Fireworks Store, 328 Bucksport Road, for a renewal of a City Consumer Fireworks Retail Sales License.**

Before a vote was taken on the above motion, Councilor Fortier questioned the use of a different address by the applicant on the City license application and the State license application. Fortier requested the most current accurate address be used on the City's license.

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

*Joseph A. Lusardi d/b/a Maine Organic Therapy, 9 Carriage Road, for renewal of a Medical Marijuana Dispensary License including a City Victualer 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 Phillips, seconded by Moore, it was unanimously*

**Fireworks Store, 328 Bucksport Road, for a renewal of a City Consumer Fireworks Retail Sales License.**

**Approved - Joseph A. Lusardi d/b/a Maine Organic Therapy, 9 Carriage Road, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.**

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
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HASKELL.**

**RESOLVED to approve the request of Joseph A. Lusardi d/b/a Maine Organic  
Therapy, 9 Carriage Road, for renewal of a Medical Marijuana Dispensary  
License including a City Victualer 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 Moore, seconded by Blanchette, 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.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Ellsworth RI, LLC, d/b/a Ellsworth**

**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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**CITY COUNCIL ABSENT:**

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*Ramada, 215 High Street, for renewal of a City Lodging License.*

*Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (victualer and liquor) and renewal of a State Restaurant License (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 Phillips, seconded by Beathem, it was unanimously*

**RESOLVED to approve the request of Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (victualer and liquor) and renewal of a State Restaurant License (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.**

*Public hearing and action on a request to waive the paving requirements on an access road at 431 Main Street (Tax Map/Lot: 35/8) as required in City of Ellsworth Chapter 56 Unified Development Ordinance Article 9: Street Design and Construction Standards. (Sponsored by Chairman Crosthwaite)*

David Cole, City Manager provided background information on this request. Ashley Andrews and Jacob Knowles d/b/a A&J Rentals have requested a waiver on the paving requirement for the access road to a 9 unit apartment building being constructed on the Washington Junction Road. At the June Planning Board meeting the construction of two 9 unit apartment complexes was approved. Based on the number of trips this project will generate combined with the location within the urban area, waiving pavement on the road is under the jurisdiction of the City Council. See attachment #4 for the complete request including the Planning Board minutes from June 1, 2016, Chapter 56 Unified Development Ordinance and a

**Approved - Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (victualer and liquor) and renewal of a State Restaurant License (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.**

**Notwithstanding the first 30 feet off Main Street, approve the pavement waiver for the first 9-unit building with the condition that if and when Andrews & Knowles decide to build the second 9-unit building they will be required to pave the access way prior to securing a**

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**CITY COUNCIL ABSENT:**

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letter from Andrew McCullough, Engineering Consultant for A&J Rentals. The Planning Board approved the project subject to the City Council waiving the paving requirement. Cole mentioned this project was approved with the requirement that before a Certificate of Occupancy Permit would be issued on the second 9 unit apartment complex the road would have to be paved. The road is otherwise being built to residential street design standards. The first 30 feet will be paved. The applicant has requested this waiver to preserve capital until some revenue is returned on the project. They also prefer to build the second phase of the project on a gravel road and not do any damage to the paved surface during construction. Cole felt this was a reasonable request and agreed with Michele Gagnon, City Planner's recommendation to grant the waiver.

Public hearing opened.

Councilor Fortier inquired if the applicants were present in the audience. Andrew McCullough was present to represent the applicants. Councilor Moore stated he understood the rationale for the request and agreed it made sense; however, wondered what would happen if the decision was made not to build the second phase of apartments. Cole confirmed the road would remain a gravel road and the requirement to pave the access road would not be triggered until the second phase of 9 units was built. Moore was a little concerned with the road remaining gravel especially if the second phase is not constructed for years. Councilor Blanchette inquired who would be plowing this road. Cole stated it would be privately plowed and maintained as this road would not be a City street. Before this road could be accepted as a City street it would need to be built to standard and paved. The road is currently being built to the City's residential street design standards except for the paving requirement. It would also be subject to an annual testing for compaction to ensure it is a hard surface. Blanchette was concerned with the dust that may be created with the number of trips generated for the first 9 units. Andrew McCullough stated as a condition of approval by the Planning Board the road must be inspected to verify that the road is graded and maintained according to the Plan. There is also a complete maintenance plan that addresses dust control as well as maintaining erosion control, which must be inspected and verified at least twice a year. The inspections are required to be certified by City staff. Stormwater review and compaction testing were required as a condition of approval by the Planning Board. The driveway is between a 3% and 5% slope

**Certificate of  
Occupancy. And, we  
find that the granting  
of the waiver shall  
not create a more  
adverse impact on  
public safety than  
existing conditions.  
We also, request that  
the waiver be  
recorded on the  
Subdivision Plan.**

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which is a very gentle slope. The topic of stormwater was discussed as well as the design being used to meet compliance. The access road is very short, measuring 500 feet in length. According to the Planning Board minutes construction on the second phase of apartments is estimated to begin in a year or two. Blanchette inquired if the applicants would be willing to provide a bond to ensure the second phase is built within 24 months or the road would be paved at that point. McCullough could not comment on whether the applicants would be willing to commit to a bond. The septic systems for each building within the second phase are being installed now. This demonstrates a financial investment on the second phase to ensure final completion within the year to two marks. Councilor Fortier noted that according to the City Ordinance if the second 9 units are not constructed the Ordinance does not require the access road to be paved. Fortier did not agree with requiring a bond. The traffic volume was discussed. It was noted that a single 9 unit proposal would not require a paved access road; however, the Planning Board approved the complete project which includes two 9 unit apartment buildings.

Public hearing closed.

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

***RESOLVED to notwithstanding the first 30 feet off Main Street, approve the pavement waiver for the first 9-unit building with the condition that if and when Andrews & Knowles decide to build the second 9-unit building they will be required to pave the access way prior to securing a Certificate of Occupancy. And, we find that the granting of the waiver shall not create a more adverse impact on public safety than existing conditions. We also, request that the waiver be recorded on the Subdivision Plan.***

**A final vote was taken with 6 members voting in favor (Beathem, Blanchette, Crosthwaite, Fortier, Perkins and Phillips) and 1 member abstaining (Moore).**

*Public hearing and action on proposed amendments to the City of Ellsworth Code of Ordinances Chapter 39 Historic Preservation Ordinance, Appendix I - Designated Historic Sites and Landmarks.*

**Approved - Proposed  
amendments to the  
City of Ellsworth  
Code of Ordinances**

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**CITY COUNCIL ABSENT:**

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HASKELL.**

David Cole, City Manager noted there were members from the Historic Preservation Commission present this evening. There are three properties being considered for historic designation. Carolyn Ackerman, Historic Preservation Chair was designated to address comments or concerns. See attachment #5 for a complete description of the request, as well as Chapter 39 Historic Preservation Ordinance.

Public hearing was opened.

Ackerman explained there are three properties that are being proposed this evening for inclusion on Appendix I of Chapter 39, Historic Preservation Ordinance. The Commission is recommending approving the applications as they are all significant buildings. The Commission held a public hearing on the applications included in attachment #5 as well as asked for written comments as part of the requirements found within Chapter 39 when considering properties. Ackerman listed the three properties as: the Moore Community Center (formerly Bryant E. Moore School), the home of Paul and Teresa Ouellette (formerly the home of Judge Emery a.k.a “Firlands”) and the Chamberlain House (recently owned by Dr. Richard Whitney).

Councilor Fortier requested the name of the Moore Community Center be corrected to state General Bryant E. Moore Community Center if the property gets approved for inclusion on Appendix I. Councilor Blanchette inquired if this designation gives an advantage to the Moore Community Center or any disadvantages by having this designation. Ackerman stated this type of designation helps educate the public about what is special about certain buildings. She further provided some advantages associated with this designation in regards to consultations with the Commission regarding exterior changes or concerns. The disadvantages may include required maintenance and any changes to the exterior façade and the environment in which the building sits would need to go before the Commission for a discussion. Interior changes would not be considered by the Commission. At times there may be grant funds available to help with the costs of completing exterior work, if they have a historic designation. Fortier inquired if a property receives a historic designation, does the land owner trump the Commission when their opinions differ on exterior changes. Mark Honey, Commission member stated it is a team approach to discussing exterior projects and compromises are made by both parties to reach a mutually beneficial result.

**Chapter 39 Historic Preservation Ordinance, Appendix I - Designated Historic Sites and Landmarks which would include Chamberlain House, “Firlands”, and the General Bryant E. Moore Community Center be added to the list, as presented in attachment #5.**

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The Commission would like to be viewed as a partner in preserving and maintaining historic buildings. Ultimately, the Commission decisions in regards to designated historic buildings within the City of Ellsworth trumps the landowners final decisions to the exterior of a historic building, if an acceptable compromise cannot be reached. Chairman Crosthwaite inquired if the plan is to have the State Historic Commission or National Registry designate the properties as historic. Ackerman confirmed none of the properties being recommended this evening qualify for the National Registry and the State always provides an opinion on properties being recommended but that is the extent of their involvement. The State will weigh in if a property is locally designated as historic when a road project comes within a certain distance of it. Carla Haskell, Commission member spoke on variances that may be given for historically designated properties as they relate to interior changes. Crosthwaite clarified the only proposed amendments are the addition of the three properties to Appendix I none of the language within the Ordinance is being amended. The properties will also receive a plaque.

Public hearing closed.

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

***RESOLVED to approve the proposed amendments to the City of Ellsworth Code of Ordinances Chapter 39 Historic Preservation Ordinance, Appendix I - Designated Historic Sites and Landmarks which would include Chamberlain House, "Firlands", and the General Bryant E. Moore Community Center be added to the list, as presented in attachment #5.***

Before a vote was taken Blanchette clarified whether the motion was for all three parcels or could one parcel be deleted, two be deleted or was it all or none. Fortier stated his motion was for all the parcels or none. There was a short discussion around concerns that could happen if either the Council or Commission change over the course of time as it relates to decisions with public buildings. Crosthwaite stated the motion includes all three buildings listed.

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

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA HASKELL.**

*Council Order #061604, Appointment of City Officials by the City Council.*

Chairman Crosthwaite noted Council had a list of Officials being considered for appointment, see attachment #6 for this list.

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

**RESOLVED to approve Council Order #061604, Appointment of City Officials by the City Council as presented in attachment #6.**

*Council Order #061605, Approval of City Manager's appointments.*

There was no discussion on this item before a motion was made. See attachment #7 for the complete list.

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

**RESOLVED to approve Council Order #061605, Approval of City Manager's appointments as presented in attachment #7.**

*Public hearing and action on Council Order #061606: Authorization for Tax Anticipation Borrowing (\$2,500,000).*

Tammy Mote, Finance Director stated there was a bid opening on June 15, 2016 for a Tax Anticipation Note (TAN). This is an annual request. The proceeds of the TAN will be used for financing governmental activities and obligations of the City in anticipation of funds to be raised by taxation. Attachment #8 contains the official Order Authorization for Tax Anticipation Borrowing as well as the written request and bid results. A cash analysis was prepared in order to determine how much money the City would require. It was determined that \$2.5 million would best fit the cash needs for the City. This is a million dollars less than what was needed last year. Four bids were received. Mote is requesting the bid be awarded to the low bidder of the First at an interest rate of 0.99%.

Public hearing was opened.

**Approved - Council Order #061604, Appointment of City Officials by the City Council as presented in attachment # 6.**

**Approved - Council Order #061605, Approval of City Manager's appointments as presented in attachment #7.**

**Approved - Council Order #061606: award the Tax Anticipation Note (TAN) low bid to the First at an interest rate of 0.99 percent for a \$2.5 million TAN as presented in attachment #8, and also to authorize the Council Order #061606 per the attached written order.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

**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 DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD  
TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve Council Order #061606: award the Tax Anticipation Note (TAN) low bid to the First at an interest rate of 0.99 percent for a \$2.5 million TAN as presented in attachment #8, and also to authorize the Council Order #061606 per the attached written order.**

*Public hearing and action on Council Order #061607: Order authorizing the issuance of up to \$1,400,000 of the City's General Obligation Bonds to replenish the City's General Fund.*

Tammy Mote, Finance Director stated in 2006 the City of Ellsworth issued a General Obligation Bond in the amount of \$2,000,000 to finance certain road improvements to promote economic development on or about the Myrick Street area of Ellsworth. Although the prior bonds were issued as general obligation bonds, the City anticipated that a significant portion of debt service on the prior bonds would be paid by development fees in the area, following completion of the road improvements. Development fees were established to pay for a proportionate share of costs associated with new, expanded, or modified infrastructure necessary to serve a development. The expected level of development and corresponding development fees collected by the City did not materialize. As a result, the City funded the development fee shortfall with general fund appropriations, accounting for the payments on the City's books and accounts as a "due to" from the Special Revenue Fund to the General Fund. Mote is requesting to replenish those funds at this time with the bond payments being made through taxation. Attachment # 9 contains the official Order Authorization for General Obligation Bonds. A Request for Proposals (RFP) was sent out to area banks in an effort to test the rates for a taxable bond or a Bond Anticipation Note (BAN). The City received a fabulous rate of 2.34% from the First for a taxable bond. This would be permanent financing for this year. The bond council and financial advisor agreed there would be no impact in regards to the City's credit rating for this. The first bond payment would not be due until FY2018. David Cole, City Manager noted the City was

**Approved - Council Order #061607 award the Bond low bid to the First at an interest rate of 2.34 percent for a \$1.4 million Bond as presented in attachment #9, and also to authorize the Council Order #061607 per the attached written order.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

**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 DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD  
TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

able to request the \$2.5 million TAN dependent upon receiving this \$1.4 million. This is a taxable bond. Mote will verify if anything will need to be done regarding the TIF if construction is realized in the Myrick Street area. If there is growth in this area the development fees can be assigned to pay for this expense and in effect reduce taxation.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve Council Order #061607 award the Bond low bid to the First at an interest rate of 2.34 percent for a \$1.4 million Bond as presented in attachment #9, and also to authorize the Council Order #061607 per the attached written order.**

*Council Order #061608, Request of the Finance Director for approval to encumber certain appropriation accounts.*

Chairman Crosthwaite noted the Council had a list of the appropriation accounts as part of their package and are notated in the minutes as attachment #10. Tammy Mote, Finance Director explained an email was sent to the Department Heads inquiring if they needed to encumber funds for unfinished projects. Approval is usually granted for capital improvement projects only; however, a few departments requested permission to carry forward their remaining funds to the next fiscal year. Councilor Fortier inquired if there was a way some of these accounts could be reduced to zero balances. There are some accounts which currently have a low balance, for example Moore Engineering, Knowlton Asbestos Abatement and Patton Pond Dam. These projects have been completed. Fortier asked if Mote would bring a list of accounts to be removed from attachment #10 back to Council at an appropriate time. This money could be reallocated to a reserve account or to a specific account which could make a difference. This would be a great project to work on; however, prior to the end of the fiscal year action needs to be taken on

**Approved - Council Order #061608, Request of the Finance Director to encumber certain appropriation accounts as presented in attachment #10.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

**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 DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD  
TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

this particular request.

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

**RESOLVED to approve Council Order #061608, Request of the Finance Director to encumber certain appropriation accounts as presented in attachment #10.**

Before a vote was taken Councilor Beathem stated he noticed there were five requests from the Library. He asked a member of the Library management team to explain the reasons behind these requests. Raymond Williams, Library Trustee explained they would like to bring the unspent Professional Services funds forward to compensate for funds they cut from this line item during the FY 2017 budget workshops. With these funds being brought forward this line item would be back up to \$13,000 which is close to the initial request for \$15,000 to be used for computer and development expenses. The next account was Books, the unspent funds in this account is estimated to be approximately \$5,000. The Library initially cut their FY 2017 request by \$5,000 resulting in a line item request of \$25,000; however, in the past they have traditionally requested \$30,000. If the encumbrance is granted this line item will be funded at the normal rate. Williams explained the Trustees would like to bring forward the remaining funds in the health insurance account to replenish funds they reduced from their FY 2017 proposed budget as requested by the Council during the budget process. This would help to ensure there are enough funds in the health insurance account when a new Library Director is hired. The two remaining items the Library Trustee Board requested to be encumbered relate to Capital Layout items which have been carried over in past years. Williams explained they are in the process of starting projects which involve windows in the Tisdale Building, painting in the Tisdale Building and other improvements to make the building more historically consistent. The only requested encumbrance Beathem questions is whether \$20,000 needs to be carried forward to fund health insurance when a new Director is hired. An amendment was not made to the above motion prior to a vote being taken.

**A final vote was taken on the above motion with 5 members voting in favor (Crosthwaite, Fortier, Moore, Perkins, and Phillips) and 2 members voting in**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD  
TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

**opposition (Beathem and Blanchette).**

*Council Order #061609, Request of the Finance Director for approval to adjust the FY 2016 estimated appropriations and revenues.*

Tammy Mote, Finance Director explained this is an annual request to cover overages and shortages within departmental budgets. Each budget is reviewed and determined how much is needed to cover those. Overages are traditionally caused by unanticipated expenses. This year the largest contributor to overages was overtime in certain departments. See attachment #11 for a complete list. This year Mote was able to use unspent budgeted funds from departments as well as unanticipated revenues to cover the overages and did not need to use Fund Balance for this purpose.

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

**RESOLVED to approve Council Order #061609, Request of the Finance Director to adjust the FY 2016 estimated appropriations as presented in attachment #11.**

*Public hearing and action on Budget Resolutions for FY 2017.*

David Cole, City Manager stated the Council held five budget workshops on the proposed budget. The proposed adjustments as discussed throughout this process have been incorporated within attachment #12. The projected mil-rate is \$17.68, which is .02 less than the existing rate.

Public hearing was opened.

There were no public comments.

Chairman Crosthwaite asked Mote to highlight the numbers that make up the budget as contained in attachment #12. Mote provided the numbers for General Government, Public Safety, Public Works, Health and Human Services, Leisure Activities, Municipal Buildings, Debt Service, and County Tax for a total municipal budget of \$11,324,156. Mote stated Capital Improvements are included

**Approved - Council Order #061609, Request of the Finance Director to adjust the FY 2016 estimated appropriations as presented in attachment #11.**

**Approved - Budget Resolutions for FY 2017 as presented in attachment #12. Hereby Resolved, that the sum of \$19,168,014 which constitutes the estimated requirements of the various city accounts for the Fiscal Year 2017, based upon the budget submitted by the City Manager as provided by the**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

**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 DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
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TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

within the budget figures, in the amount of \$576,834. The projected revenues are calculated at \$3,800,369. As stated the net municipal budget equals \$8,100,621. The School Department budget is listed as \$11,067,393. The total amount to be raised by property taxes in FY 2017 is \$19,168,014.

Public hearing was closed.

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

***RESOLVED to approve Budget Resolutions for FY 2017 as presented in attachment #12. Hereby Resolved, that the sum of \$19,168,014 which constitutes the estimated requirements of the various city accounts for the Fiscal Year 2017, based upon the budget submitted by the City Manager as provided by the Charter, be raised assessments upon the inhabitants of the City of Ellsworth and upon the estates on non-resident proprietors with the City for the present municipal year, and that the sums hereby appropriated, in addition to sums as otherwise provided, the amount for each purpose being specified as follows: in the list that follows that resolve (see attachment #12). It is further resolved, that the City of Ellsworth City Council approves the budgets for the departments in the amount specified: as listed below that resolve (see attachment #12).***

Before a vote was taken Mote realized the first line should have been \$19,168,014 rather than the stated \$19,210,200. Fortier approved this amendment to the stated motion and Phillips seconded it.

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

*Council Order #061610: Request of the Superintendent to place \$17,500 from the undesignated balance of the Ellsworth School Department in a capital reserve account for the replacement of school department refrigeration equipment.*

Chairman Crosthwaite explained the Council had the information contained in attachment #13 prior to the meeting. As Superintendent Higgins has presented this

**Charter, be raised assessments upon the inhabitants of the City of Ellsworth and upon the estates on non-resident proprietors with the City for the present municipal year, and that the sums hereby appropriated, in addition to sums as otherwise provided, the amount for each purpose being specified as follows: in the list that follows that resolve (see attachment #12). It is further resolved, that the City of Ellsworth City Council approves the budgets for the departments in the amount specified: as listed below that resolve (see attachment #12).**

**Approved - Council Order #061610: Request of the Superintendent to place \$17,500 from the undesignated**

**RECORD OF REGULAR MEETING  
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**DATE: JUNE 20, 2016**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA HASKELL.**

request to the Finance Committee it was not felt a further explanation was needed this evening.

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

**RESOLVED to approve Council Order #061610: Request of the Superintendent to place \$17,500 from the undesignated balance of the Ellsworth School Department in a capital reserve account for the replacement of school department refrigeration equipment.**

*Council Order #061611, Request of the Tax Collector to set the interest rate on overdue taxes.*

Amanda Tupper, Deputy Treasurer/Tax Collector explained this is a yearly request. The maximum interest rate as set by the State is 7%. Traditionally, the Council has set the interest rate at 5%, which is below the maximum allowable amount as determined by the State. Tupper is recommending continuing with the tradition and set the interest rate at 5% for Fiscal Year 2017.

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

**RESOLVED to approve Council Order #061611, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes at 5%.**

*Council Order #061612, Request of the Finance Director to extend Sludge Composting Services.*

Tammy Mote, Finance Director stated the Wastewater Superintendent had anticipated going out to bid this year for composting services. Prior to placing this service out to bid a local developer approached the Wastewater Superintendent with plans to build a composting facility. Once they have the facility built they would like to process the City's sludge. The developer believes they will be operating by next year. If this service is bid out the contract would be for a three year period. The request before the Council would allow a year for the City to investigate whether the new facility would be a good fit. It is possible the City would see some financial savings through the use of the new composting facility,

**balance of the Ellsworth School Department in a capital reserve account for the replacement of school department refrigeration equipment.**

**Approved - Council Order #061611, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes at 5%.**

**Approved - Council Order #061612, Request of the Ellsworth Finance Director to extend the contract with Casella Organics for handling our compost for one additional year as presented in attachment #14.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

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**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 DAVID COLE, TAMMY MOTE, RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA HASKELL.**

especially in the transportation costs. See attachment #14 for a letter from the Wastewater Superintendent and the existing contract. Chairman Crosthwaite noted there was some language in the proposed wording that may need revising.

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

**RESOLVED to approve Council Order #061612, Request of the Ellsworth Finance Director to extend the contract with Casella Organics for handling our compost for one additional year as presented in attachment #14.**

*Council Order #061613, Request of the Finance Director to approve an agreement with Ellsworth Demo Disposal, Inc. for the acceptance of demolition debris and wood waste.*

Tammy Mote, Finance Director stated in 2010 the City Council approved an agreement with Ellsworth Demo for the acceptance of the City's demo debris. At that time the City ceased collecting demo debris at the transfer station. The Council later awarded another three year extension to the contract. Josh Wellman of DM & J Waste Management formerly known as Ellsworth Demo had expressed an interest in renewing the contract for an additional three year period. The change in the demo disposal rate is \$115 a ton with a \$5 minimum which is a \$3.68 increase or 3.31%. See attachment #15 for the complete request and copy of the proposed agreement. There have not been any issues or concerns with this arrangement. DM&J Waste Management have reasonable hours of operation.

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

**RESOLVED to approve Council Order #061613, Request of the Deputy City Manager/Finance Director to authorize the City Manager to execute, on behalf of the City, an agreement with DM&J Waste Management, Inc. for the acceptance of demolition debris and wood waste. This agreement (attachment #15) will be in effect from July 1, 2016 - June 30, 2019.**

*Council Order #061614, Request of the Finance Director to reconsider a lease agreement contract for Harbor Concessions at the Ellsworth Harbor.*

**Approved - Council Order #061613, Request of the Deputy City Manager/Finance Director to authorize the City Manager to execute, on behalf of the City, an agreement with DM&J Waste Management, Inc. for the acceptance of demolition debris and wood waste. This agreement (attachment #15) will be in effect from July 1, 2016 - June 30, 2019.**

**Approved - Council Order #061614, the proposal from Jim**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: JUNE 20, 2016**

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**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 DAVID COLE, TAMMY MOTE,  
RAYMOND WILLIAMS, ANNE LUSBY, CHARLENE CLEMONS, MARK  
HONEY, PETE BICKMORE, JEN MADORE, AMANDA TUPPER, RICHARD  
TUPPER, CAROLYN ACKERMAN, TERRI CORMIER, AND CARLA  
HASKELL.**

Tammy Mote, Finance Director explained a few months ago the Council had approved a lease for harbor concessions; however, that vendor was unable to meet the obligations. The Harbor Commission received a proposal from another vendor. They would like to request approval from the Council to award the contract to Jordan's Hotdog Stand for the remainder of the year. See attachment #16 for the request and lease agreement. This vendor will serve more choices than just lobster rolls. They also offer hotdogs. Mote will discuss with the vendor the need for a menu board. This vendor already holds a municipal license.

**Lee, DBA Jordan's Hotdog Stand, for a vending concession stand at the Ellsworth Harbor at a price of \$350 per month and authorize the City Manager to sign the lease agreement.**

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

**RESOLVED to approve Council Order #061614, the proposal from Jim Lee, DBA Jordan's Hotdog Stand, for a vending concession stand at the Ellsworth Harbor at a price of \$350 per month and authorize the City Manager to sign the lease agreement.**

Adjournment.

**Approved -  
Adjournment at 8:18  
PM.**

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

**RESOLVED to approve adjournment at 8:18 PM.**

**A TRUE COPY**

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