

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: OCTOBER 21, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,
HAMILTON, MOORE, AND PHILLIPS (arrived at 7:28 PM).**

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
ERIC MACLAUGHLIN, CHAD BRACKETT, LISA SEKULICH, DUSTIN
LEYENDECKER, ADAM WILSON, PAUL JOHNSTON, MICHAEL HANGGE,
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HUSSEY, GLENN MOSHIER, PENNY WEINSTEIN, MICHAEL HARRIS,
HEIDI GRINDLE, AND MANY PAID ON CALL FIREFIGHTERS.**

Call to Order.

Chairman Blanchette 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 14, 2018 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:

- *09/13/2019 Special Council Meeting*
- *09/16/2019 Regular Monthly Meeting.*

On a motion by Hamilton, seconded by Moore, it was unanimously

RESOLVED to approve the adoption of minutes from the 09/13/2019 Special Council meeting and 09/16/2019 Regular Monthly meeting as presented.

City Manager’s Report.

David Cole, City Manager announced there would be a Local Roads Committee meeting tomorrow night in the Council Chambers at 6 PM. The priority needs for the local roads will be discussed. Tomorrow night at 6 PM there will be a meet the candidate’s forum organized by the Heart of Ellsworth to be held at the J&B

Call to Order.

Pledge of Allegiance.

Rules of Order.

City Manager’s Report.

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Atlantic facility. There will be candidates for both the City Council and School Board present. Cole announced the Downeast Cider and Cheese event has been scheduled for November 9 at the J&B Atlantic facility. There will be a 4:30 PM seating and 6:30 PM seating; more information can be found on the Heart of Ellsworth's Facebook page or their website. City staff is currently organizing a silent auction to benefit the City's Discretionary Fuel Fund. This fund was created to assist residents in financial need of help paying for heating fuel and who do not qualify under the State general assistance guidelines. The bidding will take place at City Hall from November 1 through November 30. Several local businesses and individuals have donated the items that will be bid on; Cole encouraged members of the public to stop by and participate. The Ellsworth Area Chamber of Commerce will be sponsoring the Downeast Business Conference on Thursday November 7 from 8 AM to 4:15 PM. There are a number of local groups co-sponsoring and supporting this event; Cole listed a few of the programs that will be offered. The final event Cole shared was the Trunk or Treat event planned for Thursday, October 31 starting at 3 PM. Cole listed the different events happening within that event and the times associated with each one.

Committee Reports.

Recreation Commission: Councilor Grindle reported that the Downeast Family YMCA travel soccer program had six teams and the Fall Rec soccer had 123 players from Ellsworth. Travel basketball tryouts are this week and Rec Basketball will be starting November 9. The ice rink was discussed with a projected date of November 1 to start installing it. The summer workouts held at Knowlton Park were very successful with many people participating. The goal is to offer this again next summer. There was a discussion concerning the ice fishing derby which will be held on February 8th and 9th. Winter Carnival and potential dates was discussed as well as which events should be offered.

Solar: Councilor Fortier reported this is an internal working committee. Councilors Fortier and Grindle have been meeting with staff including the City Manager and a consultant to bring a governmental solar system up to 5 acres to property in Ellsworth with the goal of benefiting the City and the taxpayers by reducing electrical costs. They are in the middle of developing a Request for

Committee Reports.

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Qualifications which will be sent out to interested parties and businesses that would like to partner with the City. The consultant has worked with the City in the past on natural gas issues. Fortier wanted the public to know the City is considering solar; however, would like to handle it in a thoughtful timeframe with the goal of learning from some of the mistakes made by other communities. It appears there will be opportunities to save significant money based on the current electricity rates.

HCTC Committee: Councilor Hamilton reported he and Councilor Grindle are participating on a committee that is evaluating the existing HCTC building for the purpose of addressing both workforce issues and student educational needs. This committee is made up of two members from Ellsworth Business Development Corporation (EBDC), two City Councilors, two School Board members, and a community representative. The first step is to issue a Request for Qualifications, this would include asking a firm to present their background and then look at the existing building. The firm would need to address if the building were to be renovated or if building a new facility would be best to address the current needs as well as the future needs in regards to both workforce and educational programming for CBDG types of resources. This process has just started but will be moving forward and looking at what the options are as well as determining what the best options are for that type of facility. Hamilton stated what is unique about this situation is at this point it is a public/private partnership with the goal of moving this project forward with a partnership between public and private entities so that the correct type of programs can be offered in this community for both the high school students and workforce beyond that.

Citizens' Comments.

There were no citizens' comments this month.

Presentation of Awards.

Bernie Hussey, for 35 years of service with the Ellsworth Public Works Department.

Citizens' Comments.

**Presentation of Awards.
Bernie Hussey – 35 years with the Public Works Department.**

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Bernie Hussey was present to accept his service award from Chairman Blanchette on behalf of the Ellsworth citizens.

Adam Wilson, for 20 years with the Ellsworth Public Works Department.

Adam Wilson was present to accept his service award from Chairman Blanchette on behalf of the Ellsworth citizens.

Councilor Gary Fortier was presented with a plaque of appreciation for his 49 years of service to the Community. Chairman Blanchette read into the record a list of Fortier's contributions to the City of Ellsworth (see attachment A). Fortier stated this was a very humbling send off after he decided 49 years and 5 months ago to follow in his families footsteps into the fire service. He recognized over the past 49 years the City of Ellsworth has had outstanding employees, citizens that support the Council in doing what is right, and even though there has been complaints regarding the taxes which Fortier could understand; there are certain things the City Council needs to place as a priority and not just taxes. Fortier spoke on his involvement with the Maine Municipal Association over the past 8 to 10 years.

Councilor Moore read into the record a piece he wrote with the goal of submitting it to the Ellsworth American. The piece spoke about ways Fortier has served with great passion, not just contributions as a City Councilor, but ways beyond the scope of his elected responsibilities.

Fortier presented his wife Carol with flowers for her support over the past 43 years and then recognized other members of his family that were present this evening. Fortier thanked the members of the Fire Department that were present and noted one of the reasons he stayed so long was due to the fire service family.

Councilor Hamilton shared a story that reflected who Fortier is as a person and his natural willingness to volunteer with any project.

Councilor Phillips arrived at this point in the meeting, and noted he could not miss Fortier's last meeting.

**Adam Wilson – 20
years of service with
the Public Works
Department.**

**Gary Fortier – 49
years and 5 months
with the City of
Ellsworth.**

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UNFINISHED BUSINESS

Council Order #031911, Discussion and action on the Clam Warden position for the Frenchman Bay Shellfish Program. (Tabled at the March 18, 2019 Regular Council Meeting)

Chairman Blanchette noted there was a request to remove this item from the agenda this evening.

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

RESOLVED to approve removing Council Order #031911, Discussion and action on the Clam Warden position for the Frenchman Bay Shellfish Program. (Tabled at the March 18, 2019 Regular Council Meeting).

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 #101900, Request of the Deputy Treasurer/Tax Collector to accept payments on tax acquired timeshare units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds. **

See attachment #1 for a complete list of timeshare units that were sold during the course of the last month.

Council Order #101901, Request of the Deputy Treasurer/Tax Collector to accept payments on a Real Estate Purchase Installment Contract (REPIC), property located at 850 Mariaville Road (Map 107 Lot 020-000-000), and to authorize the

Unfinished Business.

Approved - Removing Council Order #031911, Discussion and action on the Clam Warden position for the Frenchman Bay Shellfish Program.

Consent Agenda.

Approved - All items on the Consent Agenda as presented with the exception of #12 - Council Order #101902.

Approved – Council Order #101900, accept payments on timeshare units. Authorize City Manager to release those by quit-claim deeds.

Approved – CO #101901, accept payments on a

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*City Manager to release said building through a Municipal Quit-Claim Deed. **

See attachment #2 for the complete request.

*Council Order #101902, Request of the Recreation Commission to appoint Josh Frost to the Recreation Commission with a term to expire June 30, 2021. **

Removed from the Consent Agenda.

*Council Order #101903, Request of the Recreation Commission to accept a resignation letter from Robert Hessler with a term to expire on June 30, 2021. **

*Council Order #101904, Request to appoint Stephen Shea (currently an Associate member) to the Appeals Board as a full member to fill the remainder of Jefferson Clark's recently vacated term which was set to expire June 30, 2021. **

Chairman Blanchette requested that #12, Council Order #101902, Request of the Recreation Commission to appoint Josh Frost to the Recreation Commission with a term to expire June 30, 2021 be set aside just for a moment and hold a separate vote on that item.

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

RESOLVED to approve all items on the Consent Agenda as presented with the exception of #12 (Council Order #101902, Request of the Recreation Commission to appoint Josh Frost to the Recreation Commission with a term to expire June 30, 2021).

Council Order #101902, Request of the Recreation Commission to appoint Josh Frost to the Recreation Commission with a term to expire June 30, 2021).

Chairman Blanchette stated Josh Frost is his nephew and therefore he would like to abstain from the vote; that was the only reason he requested this item to be heard

**REPIC located at 850 Mariaville Road authorize quit-claim deed.
Removed – Council Order #101902 from Consent Agenda.**

**Approved – CO #101903, resignation letter from Robert Hessler term to expire 6/30/2021.
Approved – Council Order #101904, appoint Stephen Shea to the Appeals Board, term to expire 06/30/2021.**

Approved - Council Order #101902, Request of the Recreation Commission to

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separately.

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

RESOLVED to approve Council Order #101902, Request of the Recreation Commission to appoint Josh Frost to the Recreation Commission with a term to expire June 30, 2021.

A final vote was taken with 5 members voting in favor (Fortier, Grindle, Hamilton, Moore, and Phillips) and 1 member abstaining from the vote (Blanchette).

Councilor Fortier expressed a special thanks to Robert Hessler who has been a member on the Recreation Commission for many years. Hessler has held every position on this Commission and has always showed up at the ice rink whenever needed. He has been an incredible volunteer for the City of Ellsworth.

NEW BUSINESS

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

Louise Joy and Thomas Joy d/b/a Edward Joy & Sons, 129 North Street, for renewal of a City Junkyard/Automobile Graveyard Permit.

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

appoint Josh Frost to the Recreation Commission with a term to expire June 30, 2021.

New Business.

Approved - Request of Louise Joy and Tommy Joy d/b/a Edward Joy & Sons, 129 North Street, for renewal of a City Junkyard/Automobile Graveyard Permit.

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RESOLVED to approve the request of Louise Joy and Tommy Joy d/b/a Edward Joy & Sons, 129 North Street, for renewal of a City Junkyard/Automobile Graveyard Permit.

James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard Permit.

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 Hamilton, it was unanimously

RESOLVED to approve the request of James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard Permit.

Council Order #101905, Request of the Wastewater Superintendent to upgrade a Bobcat Skidsteer, purchase a pavement cutting unit and purchase any other associated equipment as part of the Manhole Cutting Project.

Michael Harris, Wastewater Superintendent stated his request tonight was for a piece of equipment for the Bobcat Skidsteer to cut and remove manhole rim and covers from the streets. Harris stated this piece of equipment would be a much more efficient and less intrusive than using an excavator and pavement saw to remove the pieces of infrastructure. This will also allow the Wastewater Department to schedule this work without impacting the Public Works Department by supplying an excavator and operator. By using this new piece of equipment a lot less pavement will be disturbed in the street and ultimately less impact to the road. The current Bobcat is a little too small to work with the proposed attachment. This request includes the upgrade to a bigger Skidsteer Bobcat. The new attachment will

Approved - Request of James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard Permit.

Approved - Council Order #101905, Request of the Wastewater Superintendent to purchase the Mr. Manhole Bobcat attachment for \$18,618.85 with the remaining funds from the Wastewater Treatment Plant Construction Project (SRF program)

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work with this piece of equipment as well as it will allow the Department to lift the pallets of chemicals off the delivery truck, move the pallets around at the Treatment Plant rather than manually moving them, and will eliminate the need for the delivery company to bring a lift gate truck. The State has approved the use of remaining monies from the Wastewater Treatment Plant project fund to purchase the Mr. Manhole Bobcat attachment. The current Capital Improvement budget has \$60,000 designated for the purchase of the larger Bobcat Skidsteer and associated attachment. Out of the designated funds \$39,000, will be used to purchase the Bobcat Skidsteer and the cost of the attachment will be reimbursed by the State Revolving Fund (SRF). This will leave money in the Capital Improvement project account. There may be some ancillary equipment to go with it as well; however, nothing that should cost a significant amount of money. See attachment #3 for the complete request, equipment quotes, and the approval letter from Bureau of Water Quality confirming this is an eligible expense under the CWSRF program. Councilor Moore would like to see the sewer cover fixed between Franklin and Main Street at the top of the priority list after purchasing this equipment. Councilor Fortier felt this item supported the infrastructure maintenance discussion that would be held later tonight. The rims being uneven causes them to leak as well as causes damage to the plow trucks. Fortier felt this was a good project based on the State contributing \$18,000 from unspent funds combined with the already designated monies within the Capital Improvements fund, and this request has been through the budgeting process as well as listed by the Capital Improvement Plan Committee as a priority. Based on those factors, Fortier is in full support of this request. Councilor Hamilton echoed Fortier's comments in support of this project. Hamilton noted it is more expensive to replace a piece of equipment on an emergency basis than it is to do it in a thoughtful planning manner not to mention all the ancillary costs that are behind that. Hamilton felt each time the Public Works Department is taken away from working on the roads to address an issue that could have been handled differently there is a cost and impact to doing that. To be able to complete this project in a manner that does not impact the budget as well as coming in under budget, and leveraging resources that are not paid for directly by the City constitutes a win all around according to Hamilton. Councilor Phillips inquired how many manholes are dealt with each year. Only approximately 5 are dealt with a year; however, many more should be addressed. There was a discussion on how the attachment actually works, how many people it

**monies) and to
upgrade to a larger
Bobcat for \$39,737.89
to be funded from the
Capital Improvement
account.**

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would take to use it and logistically how all the steps involved within the process would be handled. Harris stated the plan is to not use hot-top but rather use concrete and eventually have a concrete machine (which is approximately \$1,500 for a small mixer). Harris stated his Department already has a maintenance program at the Plant, all of the collection system has been entered into that system, and the next step is to enter all the individual manholes. The intent is to have a rotating schedule to address a 1/3 of the system each year including cleaning, jetting, identifying manholes, ordering the manholes and rims that are needed, scheduling the work, and then actually performing the work. Harris believed the work could be completed with only two people. It was noted the Department currently works in the street with only two people by blocking the street with pickup trucks. Phillips inquired about the current workload facing the staff and how implementing these new programs would be completed based on the current staffing levels. Harris noted by owning this piece of equipment the work can be scheduled when it is convenient for his Department and not being forced to work around someone else's schedule. He also anticipated as the City continues to grow the Department will need additional staff and this will allow them to be ready to complete the extra work when that happens. Harris noted the City is in a place they can no longer ignore the collection system. This needs to be a priority because the DEP is involved within certain aspects and the equipment must be available to take care of this when needed. Harris was not aware of any department in the area having this piece of equipment; he saw it at an equipment demo show. During his research he found some communities in states south of Maine; however, none in Maine, that will only use this piece of equipment to complete this type of work. Chairman Blanchette inquired about the radio item within the Bobcat bid documents. Harris will look into the \$598 fee for a radio; the current machine has a simple AM/FM radio built into the right hand side. There was a discussion on whether this was simply a radio or whether it was the complete control module. Harris will speak with the Bobcat representative and if it is a stand-alone radio he will have it removed and save the City the \$598 expense.

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

RESOLVED to approve Council Order #101905, Request of the Wastewater Superintendent to purchase the Mr. Manhole Bobcat attachment for \$18,618.85

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with the remaining funds from the Wastewater Treatment Plant Construction Project (SRF program monies) and to upgrade to a larger Bobcat for \$39,737.89 to be funded from the Capital Improvement account.

A final vote was taken with 5 members voting in favor (Blanchette, Fortier, Grindle, Hamilton, and Moore) and 1 member voting in opposition (Phillips).

Council Order #101906, Request of the Finance Director for approval to encumber certain appropriation accounts.

Jennifer Merchant, Finance Director explained this request is an annual request to encumber funds for any unfinished projects. See attachment #4 for the complete lists of requests which are primarily capital improvement projects.

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

RESOLVED to approve Council Order #101906, Request of the Finance Director to encumber certain appropriation accounts as presented in attachment #4.

Council Order #101907, Request of the Finance Director for approval to adjust the FY 2019 estimated appropriations and revenues.

Jennifer Merchant, Finance Director explained this request is to adjust the estimated appropriations and revenues for FY 2019. See attachment #5 for the complete request, which also reflects that money was not transferred from Fund Balance to cover the shortages this year.

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

RESOLVED to approve Council Order #101907, Request of the Finance Director to adjust the FY 2019 estimated appropriations and revenues as presented in attachment #5.

Approved - Council Order #101906, Request of the Finance Director to encumber certain appropriation accounts as presented in attachment #4.

Approved - Council Order #101907, Request of the Finance Director to adjust the FY 2019 estimated appropriations and revenues as presented in attachment #5.

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**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,
HAMILTON, MOORE, AND PHILLIPS (arrived at 7:28 PM).**

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
ERIC MACLAUGHLIN, CHAD BRACKETT, LISA SEKULICH, DUSTIN
LEYENDECKER, ADAM WILSON, PAUL JOHNSTON, MICHAEL HANGGE,
RICHARD TUPPER, REGGIE WINSLOW, JENNIFER MERCHANT, BERNIE
HUSSEY, GLENN MOSHIER, PENNY WEINSTEIN, MICHAEL HARRIS,
HEIDI GRINDLE, AND MANY PAID ON CALL FIREFIGHTERS.**

Public hearing and action on Council Order #101908, authorizing issuance of up to \$3,068,992 of the City's General Obligation Bonds to finance the acquisition of miscellaneous vehicles and equipment and other municipal infrastructure improvements.

Tammy Mote, Deputy City Manager explained the City is seeking authorization to borrow \$3,528,992 for various equipment and projects. All of the projects and equipment needs have been reviewed by the Capital Improvement Committee and discussed during the FY 2020 budget session. Mote clarified this request is only for the authorization to borrow, each Department Head will be returning to the City Council for authorization for the individual projects or prior to purchasing the pieces of equipment. Mote reviewed each project and piece of equipment included within this request. See attachment #6 for the complete request, capital improvement requests, and Order authorizing the issuance of up to \$3,068,992 of the City's General Obligation Bonds. Each project and piece of equipment had an explanation provided on the costs associated with the purchase as well as the reasons why it was important to either complete the project or purchase the new piece of equipment. Councilor Fortier noted some of these projects or equipment purchases have already been approved with the funding coming from future borrowing. The Alexis Way Reconstruction, Repair, and Upgrade project has additional funding in the amount of \$25,000, to be paid back by the impacted residents through a supplemental tax assessment. Mote explained the Water Street Pump Station project did receive a half million dollars; however, it is early in the process so the City does not have exact cost figures. The current cost estimates indicate the entire project will cost \$1.3 million dollars. The City has been strongly encouraged by the DEP to complete this project. Mote noted considering all of the listed projects/purchases within attachment #6, \$1.6 million will be paid through taxation and \$1.5 million will be paid through user fees. If this request is approved this evening, Mote will issue an RFP for a BAN which will be borrowed on an as needed basis. A decision has been made to request a two year BAN because over the next two years the City has a lot of debt that is scheduled to be retired. This plan will have less impact on the tax payer. Mote explained this request was listed as two separate requests on the agenda because one is for the Water Department which has specific requirements through the PUC and the remaining items are for the City. The borrowing will be handled as one package. Councilor Fortier

Approved - Council Order #101908, authorize the issuance of up to \$3,068,992 of the City's General Obligation Bonds to finance miscellaneous vehicles and equipment and other municipal infrastructure improvements. And also to authorize Council Order #101908 per the attached written order (attachment #6).

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: OCTOBER 21, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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recognized the diligence the Capital Improvement Committee has shown in planning for these projects in a manner that limits the impact on taxation dollars. The majority of the projects/purchases discussed this evening were taken out of the annual budget requests because the Council understood those items were not a single budget year purchase. As the proposed equipment is forecasted to last in some cases a minimum of 5 years and a maximum of 25 years, it would make the most financial sense to amortize that debt service over a long term instead of having the budget absorb \$1.5 million in expenses in just one tax year. This would immediately be a 1.5 mill increase within the tax bill. The listed projects must be completed either by a State or Federal mandate. Mote noted the rates are still very good for borrowing money. David Cole, City Manager reiterated that the BAN has been termed out over a two year period as the City anticipates paying down some significant debt in those two years which will ease the debt service payments.

Public hearing opened.

Stephen Shea, resident of Ellsworth asked for an explanation on how the bonding would work for this package and particularly in regards to the two year window. Cole explained the two year bond anticipation note is timed to complete the various projects within the capital improvement plan. Shea inquired if this debt would be paid off in two years. Cole confirmed the debt would not be paid off in two years it would be termed out into a long term bond (likely a ten year bond). There are different useful lives so the actual term would be determined by those. Attachment #6 explains the different useful lives and the mixed terms. Shea felt some of the items appeared to be legitimate items for bonding (pumpstation) and other items he disagreed with bonding for that type of purchase (trucks and sweepers). Shea felt trucks and sweepers should be paid through taxation. Cole noted those items have a significant impact on cash flow in any particular year. Shea understood they would have a major impact; however, wondered if the City's past practice had been to bond the purchase of vehicles or pieces of equipment. Fortier explained they have in cases of major purchases which includes the purchase of a fire truck. He furthered explained one of the Council's goals at this time is to finance two plow trucks this year because the way the budget cycle runs by the time a truck is budgeted, bid on, then approved for purchase the time for delivery is so far out it misses the time of year when the equipment is needed. Shea understood that

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concept; however, was still concerned that debt would be rolled over into a long term bond and that will not be paid off in two years. He thought in the past those types of equipment were paid for as the City used them and not financed long term. Councilor Phillips agreed with Shea; however, did recognize in the past smaller items have been financed over time not frequently but has been done that way. Shea would like to see bonding left for major purchases and capital projects, not vehicles and pieces of equipment because in his opinion it hides the impact from the taxpayers. He felt it allowed for higher tax expenditures on other items so that taxpayers do not think the taxes went up very much that year; however, in the long run they have. Mote noted many of the projects within this item are ones that have been included in past budgets and removed, then requested again the next year only to be removed that year until it has reached a point where there is no other option but to purchase these items. They were being cut from the budget in order to keep the taxes down. Councilor Hamilton explained in his opinion this form of borrowing keeps taxes in check. The City is at a point where these purchases need to be purchased on a regular cycle to be able to meet the needs of a growing City. Hamilton stated by doing this in a meaningful manner in a way that debt is being retired and as that debt retires to be able to absorb the new debt keeps the City at an even keel. If these purchases were made in a year or two years it will absolutely raise taxes; this is a way for the City Council to keep taxes at a level place and it allows for a discussion on the current needs for each item. Hamilton sees it as a way to address needs in a planned for long term manner rather than only on an emergency basis which leaves the City either leasing equipment at a very high cost or purchasing the equipment at the very last minute at a very high cost and that process will raise taxes. Continuing to address these large purchases and projects year to year will leave the City in the same spot year after year without making any real progress. Cole stated it is not uncommon for municipalities to lease to purchase equipment of this size on a 5-7 year basis. It appears it would be more financially favorable to achieve this through borrowing rather than a lease arrangement. Mote added there is no restriction associated with removing items and entering into permanent financing prior to the two years if the City is interested in doing that.

Public hearing closed.

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Fortier noted any item on the list of projects and equipment can be voted down when it appears at a meeting for final approval before moving forward with the actual project or equipment purchase.

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

RESOLVED to approve Council Order #101908, authorize the issuance of up to \$3,068,992 of the City's General Obligation Bonds to finance miscellaneous vehicles and equipment and other municipal infrastructure improvements. And also to authorize Council Order #101908 per the attached written order (attachment #6).

Public hearing and action on Council Order #101909, authorizing issuance of up to \$460,000 of the City's General Obligation Bonds to finance Branch Lake Dam improvements and upgrades and the acquisition of meter reading equipment.

Tammy Mote, Deputy City Manager explained this is the second agenda item she mentioned earlier. Mote described the other two projects and referred to the descriptions found within attachment #6. Within this request there are some additional costs associated with the capitalized interest and issuance costs. See attachment #6 for the complete request and capital improvement requests. See attachment #6A for the Order authorizing the issuance of up to \$460,000 of the City's General Obligation Bonds.

Public hearing opened.

There were no public comments.

Public hearing closed.

Councilor Fortier noted this was not an unexpected project. This has been the topic of many discussions lately and the Dam is beyond its useful life. Councilor Hamilton inquired if this was the full cost for the meter reading equipment project or just a portion as the project will be rolled out over a five year time period. It was confirmed that this request is for the full project cost.

Approved - Council Order #101909, authorize the issuance of up to \$460,000 of the City's General Obligation Bonds to finance Branch Lake Dam improvements and upgrades and the acquisition of meter reading equipment. And also to authorize Council Order #101909 per the attached written order (attachment #6A).

**RECORD OF REGULAR MEETING
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CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
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HUSSEY, GLENN MOSHIER, PENNY WEINSTEIN, MICHAEL HARRIS,
HEIDI GRINDLE, AND MANY PAID ON CALL FIREFIGHTERS.**

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

RESOLVED to approve Council Order #101909, authorize the issuance of up to \$460,000 of the City's General Obligation Bonds to finance Branch Lake Dam improvements and upgrades and the acquisition of meter reading equipment. And also to authorize Council Order #101909 per the attached written order (attachment #6A).

Council Order #101910, Request of the Public Works Director to award a bid for a loader.

Lisa Sekulich, Public Works Director explained on October 3, 2019 there was a bid opening for a loader and pusher. Four out of the five dealers contacted responded with a bid. See attachment #7 for the complete request, bid results, specification breakdown, bids from the Volvo loader and HLA hydraulic pusher, warranty information, and equipment specifications. Sekulich would like authorization to purchase the loader from Chadwick Baross as the Volvo was the only model that completely met the bid specifications. The next model that was close to meeting the specifications had a bid price significantly higher than the Volvo. The lowest bid price was received from Nortrax; however, that machine did not comply with the bucket size and had a significantly lower breakout force for dump clearance. The Public Works Department has always had two loaders so that in the wintertime one loader can be downtown to plow the parking lots as well as the downtown areas and the other stays at the pit to load the salt-sand and sand. It was decided not to spend more money on the oldest Case Loader so during the last two years the City has rented a loader to supplement the work completed by the remaining loader. The existing loader is now at the point that the Department spends a lot of money keeping that one working and now it serves as a backup loader rather than a first priority loader. This request came about because as Sekulich attempted to locate a loader of the necessary size back in August for the upcoming season they had already been rented out to contractors and others that use them year after year. Sekulich found you need to be in the que in order to rent the size loader the City requires. A conversation was held to purchase a new loader as part of the Capital Improvement request and therefore the request is to purchase a number one priority

Approved - Council Order #101910, Request of the Public Works Director to award the purchase of a 2019 Volvo L90H wheel loader, with bucket, forks, and hydraulic pusher to Chadwick Baross with funding to come from future financing and allow the City Manager to sign all necessary documents.

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loader; it would be stationed downtown and the current John Deere loader would be the pit loader. The pit loader is capable of loading all of the trucks in regards to the bucket size and height. Sekulich noted one of the key points when deciding not to approve the least expensive John Deere option was based on the process for snow being loaded on the trucks from the Downtown area, there are height clearance issues and the lowest bid machine was at the lower side of the necessary height clearance. This would make it more difficult to load the trucks. Chairman Blanchette inquired about an extended warranty on this piece of equipment. Sekulich noted it would be approximately \$9,000 to purchase a 5 year, 5,000 hour warranty. Under the current bid documents that machine would come with a 3 year, 5,000 hour warranty. At this point, Sekulich and her Department does not feel that is the best way to spend the \$9,000. Sekulich does not believe the 5,000 hours will be exceeded in that time period. She questions whether the equipment will experience \$9,000 worth of issues in the first five years. Councilor Phillips noted the standard warranty covers 3 year, 5,000 hours so essentially the \$9,000 covers an additional 2 years of warranty and no additional hours. Phillips also noted graders are a very different piece of equipment compared to the loaders. The City had a very bad experience with a Volvo grader in the past; however, due to their reputation they are not even made any longer. Councilor Hamilton clarified this request does not include purchasing the extended warranty; the only warranty this request includes is the standard warranty of 3 years, 5,000 hours. Phillips felt the extended warranty could be added at any time, particularly during the first year if the thought process were to change. It is not critical that decision be made at the time of purchase. Councilor Fortier inquired if the future financing noted within the motion was from the BAN approved in an earlier motion tonight; although, it refers to that financing it has not been processed yet so the wording for future financing is still correct. Sekulich confirmed the motion needs to include the purchase of a pusher. Both the loader and pusher appear to be listed separately within the bond package and the following motion, so both pieces will be purchased as a package.

On a motion by Hamilton, seconded by Moore, it was unanimously

**RESOLVED to approve Council Order #101910, Request of the Public Works
Director to award the purchase of a 2019 Volvo L90H wheel loader, with bucket,**

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forks, and hydraulic pusher to Chadwick Baross with funding to come from future financing and allow the City Manager to sign all necessary documents.

Council Order #101911, Request of the Public Works Director to purchase a used 2018 Western Star single axle plow truck from Daigle & Houlton, and authorize the City Manager to sign all necessary agreements.

Lisa Sekulich, Public Works Director stated she is requesting to purchase a used 2018 Western Star truck and plow gear from Daigle & Houlton. This company was aware the City was looking at the possibility of purchasing multiple trucks in the coming fiscal year. Daigle & Houlton received a used truck from a town in Vermont. This truck has approximately 6,000 miles on it and was built in late 2017; however, is a 2018 model. The purchase price for the truck includes an extended warranty and a trade-in of the City's 2004 International truck with plow gear. The remaining balance would be \$144,507. This truck was originally purchased at a price of approximately \$188,000 just under 2 years ago; it does come with a heavier front and rear end, larger transmission and engine, as well as many other options that would not be available at this price point. See attachment #8 for the complete request, sales order, Class 8 Heavy Duty Extended Service Contract Parts Coverage Truck Master Warranty information, and original description list from Viking Cives Corporation to Town of Westford. Sekulich noted with a savings of \$44,000 from the original price as well as approximately \$23,000 savings from the truck purchased last year in comparison; it is believed this truck would be a good investment for the City. Councilor Fortier noted this truck is available now. Councilor Phillips noted the truck was brought down to Ellsworth and the Public Works employees had a chance to look it over and try it out. This truck does not come with calcium tanks and will need to have those added for approximately \$2,000 or less and this truck comes with a one-way plow. That plow will be traded in towards a reversible plow; however, this change order would be under the dollar amount the City Manager can approve. Phillips noted the truck is much heavier duty than what the City normally purchases, so this will be a great experiment. Phillips felt rather than purchasing new this will provide the City with a much more rugged truck than has been bid on in the past and then required repairs. There was a discussion on whether or not it makes that much of a difference with a heavier front end; it was determined it does make a big difference

Approved - Council Order #101911, a purchase agreement with Daigle & Houghton for a used 2018 Western Star single axle plow truck and plow gear for \$144,507.00 including a trade in of our 2004 International Plow truck and gear. This request to be paid by future financing and allow City Manager to sign all necessary documentation.

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especially with a plow on it. The standard is 16, the City bids an 18 and this truck has a 20 which should make a significant difference with a plow and wing on it.

On a motion by Moore, seconded by Grindle, it was unanimously

RESOLVED to approve Council Order #101911, a purchase agreement with Daigle & Houghton for a used 2018 Western Star single axle plow truck and plow gear for \$144,507.00 including a trade in of our 2004 International Plow truck and gear. This request to be paid by future financing and allow City Manager to sign all necessary documentation.

Council Order #101912, Request of the Public Works Director to sell the old sweeper and 1996 International plow truck through the Govdeals website.

Lisa Sekulich, Public Works Director is requesting permission to sell a 2005 sweeper and the 1998 International plow truck (not a 1996). See attachment #9 for the complete request. All items will be set up with a reserve price on govdeals.com to make sure the City is guaranteed at least the amount they would receive to trade these items in. Per the govdeals.com procedure the successful bidder will pay for the equipment via wire transfer to govdeals and make arrangements to pick up the equipment from the Public Works garage. Sekulich stated the City will place advertisements in the local newspaper as well as online so that local individuals know these are available for sale. Once the equipment is picked up the City will receive a check from govdeals for the amount minus the fee. If the reserve amount is not met for some reason the equipment will remain the property of the City. This process has been used before and worked very well. Councilor Phillips requested in regards to the truck, if there is a plow to be included with it or any other equipment it must be placed together with the truck at the time it is advertised. In the past there has been issues with associated equipment. Pictures are the best way to sell the equipment so the pictures will include the truck and associated equipment.

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

Approved - Council Order #101912, Request of the Public Works Director to sell the above noted equipment (see attachment #9) via Govdeals.com and accept the bid amounts once sold if over the reserve amount.

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ELLSWORTH CITY COUNCIL**

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**RESOLVED to approve Council Order #101912, Request of the Public Works
Director to sell the above noted equipment (see attachment #9) via Govdeals.com
and accept the bid amounts once sold if over the reserve amount.**

*Public hearing and action on proposed amendments to the City of Ellsworth Code
of Ordinances Chapter 3, Harbor Ordinance.*

Chad Brackett, Interim Harbormaster explained the Harbor Commission is requesting an Ordinance amendment. This is based a few people requesting permission to extend the boating season. There is another boater that has requested authorization to store their boat in the harbor for the winter. Under the current Ordinance this is not allowed, the Ordinance requires boats to be removed starting October 22. The Commission has drafted an Ordinance amendment which has been submitted to the City's legal counsel. See attachment #10 for the complete request, copy of the proposed amendment to the Harbor Ordinance, and the proposed Winter Slip Application. Councilor Moore clarified if Brackett meant the people wanted to store their boat in the water or on the dry land at the harbor for the winter. Brackett stated the boat would be in the water only tied to a slip. Councilor Phillips inquired if the dynamics of the ice eaters would be changed if a boat were tied to the slips. Brackett stated that is a concern, it is a known fact that the ice eaters worked very well last year; however, this year it would be on a trial basis. There is currently one person with the possibility of two people inquiring about doing a partial season basically keeping their boat in until December and then returning to the harbor during late March or early April. At this point, there is one boater interested in keeping their boat in all winter. The boat that has requested permission to stay all winter is a 30' sailboat. The proposed amendment does reserve the right to ask for immediate removal of the boat if this arrangement does not work mid-season. Based on the amount of money the City has spent on the harbor, Phillips was a bit leery about leaving anything in the water given the movement of the ice and water as the winter progresses and potentially doing more damage to the infrastructure. As the recent history has demonstrated this is a very expensive area to repair. Brackett stated within attachment #10 is the proposed application which reflects language that the City will not be held responsible for any damages. This language is also reflected within the amendments to the Ordinance. Phillips stated it would likely be a challenge to get the boat owner to

**Approved - Tabling
Public hearing and
action on proposed
amendments to the
City of Ellsworth
Code of Ordinances
Chapter 3, Harbor
Ordinance until the
November 8, 2019
Special Council
meeting.**

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DATE: OCTOBER 21, 2019

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financially cover the damages to the infrastructure. Councilor Hamilton questioned the language “the Harbormaster will not have regular duty hours during the winter season, but will be on call as needed”. He felt this seemed very broad in terms of what the on call time would be, knowing the City does not staff the harbor during the winter season. This could be anytime; Hamilton inquired what was intended by that statement and what would the reasons be for someone to be called in. He furthered inquired how that would be factored into the budgeting process and the Public Works crew already being busy with winter tasks and working a lot of overtime hours. Brackett explained during the regular workday between 6 AM and 3:30 PM Monday through Friday, staff has to be down at the harbor periodically to check on the ice eaters anyway. During that period of time they will be around and if there is an emergency situation outside of that than the staff would have to react. Brackett explained periodically refers to watching the weather conditions and monitoring the temperatures and then going to the harbor at least once a week and checking on the ice eaters. Last year, if the weather was going to be cold for a period of time, Adam Wilson would turn the ice eaters on; once the temperatures warmed back up he would turn the ice eaters back off. Last year, there were some issues with rope and other items getting tangled up in the ice eaters. Brackett felt the ice eaters would be checked on at least once a week this year, especially while they were running, or possibly a little more often just to be sure there are not any issues with them. There are also cameras located at the harbor so the situation can be monitored. Within the amendments the vessel owners are responsible for checking on the vessel once a week and report to the harbormaster any issues noticed. Councilor Fortier is comfortable doing this on a trial basis this winter. He was very impressed with the ice eaters last winter; although, the City did not experience a long time period of extremely low temperatures either last year. Fortier’s concern was more directed at if there is a vessel on the slip whether there is enough electricity available to keep the bilge pump operating as well as the ice eaters. Fortier’s second concern was having a Public Works employee shoveling the docks to keep them clear so that the vessel owner can check on their boat when the docks are slippery and the wind is blowing; he would rather see the vessel owner being responsible for maintaining it so they can get in and out. He also noted under F section 10 there was a typo, it should read in the event docks are “slippery” rather than “slippers”. Hamilton stated conceptually he is not opposed to the amendment; however, he does think there have been a number of points of

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: OCTOBER 21, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,
HAMILTON, MOORE, AND PHILLIPS (arrived at 7:28 PM).**

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
ERIC MACLAUGHLIN, CHAD BRACKETT, LISA SEKULICH, DUSTIN
LEYENDECKER, ADAM WILSON, PAUL JOHNSTON, MICHAEL HANGGE,
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concern made and although it has had legal review he still has questions about how this actually plays out and whether the City is actually protecting themselves. For example, letter D as written means something different to the owner of a boat than what Brackett just explained. Hamilton stated the boat owner may notice the ice eaters are not working, they report it, then if it is not addressed by the City and something happens this presents some liability to the City. Hamilton feels this still needs more review to be sure the City is covering those types of issues and concerns. The point about damage and receiving some perspective on how that works in other towns and settings would be helpful information to have before taking a step that could find the City paying for \$80,000 to \$100,000 in repairs. Conceptually it is a great idea but the City has not thought it through enough to act on it. Phillips was hesitate that the public gain for the risk was actually worth it, especially when considering the slippery docks and in the middle of the winter the ramp could be a hazard to the employee as well as the vessel owner. Fortier inquired if this topic had been addressed with the liability partners at MMA to see what the exposure would be and whether it would be worth it. Fortier felt it was time to postpone action on this topic for a couple of weeks and get some answers. Blanchette was curious if a boat was in the harbor and it had to be removed in the dead of the winter is it even possible to remove it at that point. There are companies that perform that type of work it will not be easy or good for the vessel but it can be accomplished. The consensus was the answers to the questions could be obtained in time for the already called special Council meeting scheduled for September 8. There is still time to add agenda items to that meeting; this item would not need a public hearing if that portion is held tonight and action is postponed until the September 8, 2019 meeting. Hamilton inquired if that time table would work for the one vessel owner that would like to keep their boat in the harbor over the winter; would they need an answer prior to the November meeting date. Brackett indicated the owner would need to know if he was going to keep his boat in the harbor this winter; it was suggested as part of the motion they could authorize the Interim Harbormaster to extend the season until this item is decided. Phillips noted they are open to it but through a healthy debate topics are added to the thought process. In the past, the public hearing has been opened, taken public comment, closed the public hearing and tabled action until a time certain. At the next meeting taken the item off the table, reopened the public hearing for additional comments, gone on with action and been fine legally and policy wise.

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Public hearing opened.

Michelle Kaplan, resident of Ellsworth explained typically the insurance on pleasant boats only runs until October 31. This boat owner may not have insurance that will extend past October 31, if not it will open the City up to liability if the boat damages another boat or City property. Kaplan explained if a vessel owner has boat insurance and the pleasure boat damages a dock for example at a marina often times the boat insurance will cover not only the damage to your boat but also the damage to the marina. Kaplan believed most boat insurance in the Northeast does not extend past October 31. Fortier noted by the City's regulation they would be required to have insurance and demonstrate proof that the insurance is active.

Stephen Shea, resident of Ellsworth inquired what is in this for the City. Why would the boat owner want to keep his boat in the water? Shea felt it would be for his own purposes and to avoid paying for the hauling. A sailboat would not be used during the winter, he questioned whether the owner might be planning on living on the boat. The City would be assuming a number of risks and potential problems with little to no financial gain.

Public hearing closed.

Moore reiterated that he could not support this request without knowing what other communities experienced with ice eaters sharing space with boats. Hamilton stated he is happy to extend this discussion at a future meeting, he believes there is a lot of work that needs to be completed in the next few weeks for him to change his position. He is willing to allow the time for that work to be completed. Blanchette felt there were too many questions of liability, safety, and very expensive damage that would fall back on the City at this point, unless he could be shown where other areas do this successfully he could not support this request as it is right now. Phillips noted the other option to consider is whether to extend the birthing dates. Through December there really is no issue with ice that comes later. There are a couple of boaters that would like to stay until December because there is a sea farm that works out of the Ellsworth harbor. They will be finished in roughly December and then will likely start up again in April. They would like to extend the season

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and Brackett has been told by several people that given the opportunity they would like to extend their boating season on each end for pleasure purposes. Phillips did not see any harm with boats staying in the harbor as long as they were out prior to ice. Brackett and Wilson did not see a problem with boats staying prior to ice and after ice out. Brackett did not believe they would see any issue with people not doing as they are asked. Phillips stated that is another option to just extend the dates and then require the boats to be out before there are issues with ice and allowing them back in when the ice has gone out. Fortier felt this was a concept to bring back in two weeks as an alternative.

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

RESOLVED to approve tabling Public hearing and action on proposed amendments to the City of Ellsworth Code of Ordinances Chapter 3, Harbor Ordinance until the November 8, 2019 Special Council meeting.

Council Order #101913, Request of the Harbor Commission to amend the Harbor Fee Schedule.

There was no discussion on this item (see attachment #11) prior to the following motion being made.

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

RESOLVED to approve tabling Council Order #101913, Request of the Harbor Commission to amend the Harbor Fee Schedule (see attachment #11) until the November 8, 2019 Special Council meeting.

Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

On a motion by Hamilton, seconded by Moore, it was unanimously

Approved - Tabling Council Order #101913, Request of the Harbor Commission to amend the Harbor Fee Schedule (see attachment #11) until the November 8, 2019 Special Council meeting.

Approved - Entering executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section

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**RESOLVED to approve entering executive session to discuss personnel matters
in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 8:58
PM.**

**405, Paragraph 6A at
8:58 PM.**

On a motion by Hamilton, seconded by Moore, it was unanimously

RESOLVED to approve adjourning from the executive session at 9:43 PM.

**Approved -
Adjournment from
the executive session
at 9:43 PM.**

Adjournment.

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

RESOLVED to approve adjournment at 9:44 PM.

**Approved -
Adjournment at 9:44
PM.**

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**