

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MARCH 16, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

**CITY COUNCIL PRESENT: BLANCHETTE, HAMILTON, KAPLAN, MILLER,
MOORE (arrived during citizens' comments), AND PHILLIPS.**

CITY COUNCIL ABSENT: GRINDLE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI
GRINDLE.**

Call to Order.

Chair Hamilton 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 13, 2019 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.

Chair Hamilton noted the room is setup differently in order to take into account the recommendations concerning social distancing (re: Covid-19 pandemic) and that the new setup has been created for the safety of Council members as well as the audience members. The auditorium was set up similarly in the event more audience members were present to serve as an overflow room. Discussions took place on whether to cancel this meeting tonight; however, there were some items that needed to be addressed. The decision was made to move forward with this meeting; from this point forward decisions will be made for whether there will be a council meeting next month based on the community recommendations at that time. Tonight the Council will be focused on moving through the agenda as quickly as possible; a few items may be tabled in an attempt to allow the public a chance to participate more in depth later.

Adoption of minutes from the following meeting (s) of the Ellsworth City Council:

- *02/10/2020 Regular meeting.*

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

Call to Order.

Pledge of Allegiance.

Rules of Order.

**Approved - Adoption
of Ellsworth City
Council minutes
from the 02/10/2020
Regular meeting as
presented.**

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RESOLVED to approve adoption of Ellsworth City Council minutes from the 02/10/2020 Regular meeting as presented.

City Manager's Report.

David Cole, City Manager noted the City staff has done an incredible job in the last 72 hours keeping up with the quickly escalating Coronavirus Pandemic. Staff are currently assisting members of the public mostly by phone and email since the public is no longer allowed in any City buildings. At the Emergency Council meeting on March 15, 2020 there was a question regarding trash pickup. Cole noted Pine Tree (Casella Waste) was called and it was confirmed that trash pickup would remain on the current schedule. Chair Hamilton thanked Cole and his team for getting City Hall ready to manage the current situation.

Committee Reports.

➤ *Recreation Commission.* Councilor Miller reported budget proposals were made by the Ellsworth YMCA, Ellsworth Concert Band, The Grand, The Community Music Institute, and Ellsworth under the Stars. The budget recommendations have been forwarded to Tammy Mote, Deputy City Manager. Those will be presented to the full Council at a later date. The ice rink is finished for the year. Some potential amendments to the Recreation Ordinance were discussed and approved to forward those recommendations on to the City Council for action at a later date. The Recreation Commission recommended two new student members to the City Council for appointment with voting rights on the Commission. Those members are Lillian Frank and Benton Bird. Subcommittees are being formed for the Parade and Dog Park initiatives. The next Recreation Commission meeting will be held on April 1, 2020.

Citizens' Comments.

Chair Hamilton welcomed and thanked members of the Northern Light Maine Coast Memorial Hospital. Following the Emergency Council meeting yesterday, one of the comments from the community was to seek some guidance, advice, and wisdom from this resource. Kristin Cyr, Vice President of Nursing and Patient Care Services at Blue Hill Memorial Hospital and Maine Coast Memorial Hospital Ellsworth. She stated they feel very prepared and have a lot going on daily. Cyr addressed the question asked most often nationwide, concerning the level of

City Manager's Report.

Committee Reports.

Citizens' Comments.

Kristin Cyr, Vice President of Nursing and Patient Care Services at Blue Hill Memorial Hospital and Maine Coast Memorial Hospital

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supplies. At the moment they are confident in their volume of supplies available and those they anticipate needing. Cyr noted they are still conserving those supplies and following the CDC guidelines. Currently, the planning phase is going very well. A tent was assembled at both Maine Coast and Blue Hill Hospital; at this time a concrete plan for the use of the tent has not been determined. That was a precautionary step, as the pandemic proceeds there is a possibility the tent will not be available. The goal is to use them as needed for decompression or for a drive-by swabbing station. This is not necessary yet. They have been learning from similar hospitals on this concept and will move to that resource if needed. Currently, they are recommending social distancing, educating the public on social distancing, keeping at least 6 feet of open space between each other, and educating the public to wash their hands. Use soap regardless of whether Purell is available or not, cough into your elbow, and try not to touch your face. Councilor Kaplan inquired about the number of ventilators that are on hand. They have a certain number at each hospital and then they continue to move the resources around to different hospitals as needed. They are not facing a ventilator issue at this point in time. There are 9 ICU beds at Maine Coast Memorial and approximately the same number in Blue Hill. Hamilton inquired when is the appropriate time to go to the Emergency Department so that the hospital is not overloaded and so that the public knows the correct protocol to get the best care possible. Cyr stated the more heads up they are given the better. If a patient knows they are seeking care at a certain location whether it is the primary care, the Emergency Department, EMS, or walk-in care the better prepared the medical staff can be for the visit. The patient may be screened outside of the practice area for the level of risk before allowing the patient inside the building. This is a common trend at this time. The more heads up the better but both facilities have emergency departments and are capable of handling the situation if the patient just shows up at the door. Cyr noted in response to a citizen question, hospitals always have an ongoing emergency preparedness plan that addresses alternate care sites. In this situation, that has not been expanded into yet. It has not reached the capacity level to warrant that action yet; however, there are backup plans already in place should it reach that level. Concerning screening offsite they are mostly using the telephone to handle that. They are interviewing the patients over the phone, guiding them through the phone, educating them as much as possible through this means and based on this information advising them on what site location to go to for the best care possible for their individual needs at the time. The tents can be used for prescreening if this situation reaches that level, an alternate site location can be set up, and there are currently waivers to place patients in other areas of the hospitals that are not typically used for inpatient as long as they

Bangor.

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are suitable. They have been given a lot of flexibility to take care of patients at alternate sites or areas of the hospital if needed based on the national disaster level that has been reached. There was a short discussion on how other hospitals are handling the prescreening phase in a successful manner. At some point the hospital will be looking at a central call center; however, at this time the individual practices can handle the calls they are receiving. Cyr stated the hospitals are available to partner with the communities or lend a hand to other businesses that might need help with signage or documents to avoid duplication of efforts. During Dan Higgins presentation, it was noted that Northern Light Medical is working on reducing public gatherings by electing to decrease if not stop all elective surgeries as well as a majority of the wellness visits and other visits that are not medically necessary. Citizens will be hearing more about this in the upcoming days.

Dan Higgins, Superintendent of Ellsworth Schools gave an overview of what happened in the schools today. The School staff has done an incredible job assuring the students they will be successful moving forward, reassuring them the staff was looking forward to bringing the students back to the schools, and trying to let the students know that if they help with the precautions being asked of them the situation will move forward and things will get back to normal hopefully very quickly. Many students are disappointed that they have to go home and mostly the higher grade levels stated they understood why they needed to do this although they didn't want to do it. Today was the last day of in school instruction for students and it went even better than expected. Many families chose to keep their students home today. Higgins addressed the decision making process that lead to the closure of the schools. As recently as last Wednesday, discussions between superintendents around the County were hopeful that this entire school week could be completed and a closure might be necessary on March 23. That seemed very reasonable and that would have been approximately two weeks following information coming from the CDC and the Department of Education that closures were likely. From last Wednesday to March 13 and March 14 that plan completely turned around based on new information that was provided to one of the county school systems from one of the medical and scientific communities. This information was also shared with the Ellsworth School system on Saturday morning. This information lead to the Mt. Desert schools closure effective Monday, March 16. It was recommended to close the schools and take all measures possible to flatten the curve of potentially increased cases by community transmission and confirmed cases. This would help eliminate the spread and also help ensure that the healthcare resources are not overburdened. Based on this information the decision was made to close earlier

**Dan Higgins,
Superintendent of
Ellsworth Schools.**

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than anticipated; although the decision was made, it was not done so lightly. This was balanced by the hardship it would place on the staff, students, parents, daycare providers, medical providers, business community and community in general. The closure of the schools impacts 1,350 students in Ellsworth and so many more parents; this involves a lot of planning, changes, and decisions to be made for those families. This decision was balanced with information that was circulating supporting closing the schools with what the impacts would be on the communities and all the related impacts that follow. Through work and communications with other superintendents, information shared back and forth between School Board leadership and the entire School Board the decision to move forward with implementing a closure was formed. Higgins explained the original school schedule called for a workshop day this coming Friday. Part of the decision making process toward the end of last week was to move the workshop day up to earlier in the week in anticipation that a closure might come. This was communicated to families on Friday. Instead of holding that on Monday it was moved to Tuesday because they wanted to allow families as much time as possible to make arrangements as it represents a change in their schedules. When the decision to close was made it was based upon having a school day on Monday for the purposes of giving the students and families an opportunity to pick up their personal belongs, to obtain their medications, pickup prepared materials for that week in regards to remote learning, and to have an opportunity to wrap up loose ends. The workshop will be held on Tuesday for the staff to continue with the plans for distant and remote learning. The staff will work on the logistics necessary to provide this service as well as other items. This plan was communicated yesterday afternoon to the community. A great deal of time was spent over the weekend pouring over the information, considering all the variables involved in making this very difficult decision. Higgins held an emergency meeting with the leadership team yesterday so that the pieces could be put into place so that as accurate as possible information based upon known facts at the time could be communicated to families. The goal was to eliminate as many questions as possible, so that families would know when the schools were closing, what the procedures would be, and what the plans at this time are. Last night, Governor Mills instructed schools to cease student instruction as soon as practicable; this had not been recommended up to this point. She left the finer details on how to accomplish this up to the individual schools. Higgins noted her recommendation confirmed and validated the decision already made by the Ellsworth School Department. For the remainder of this week there will be no remote, distance, or academic expectations of the students. Although a lot of preparation and planning has already been made and some things completed the

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school is not completely ready to send the learning materials home yet. Higgins explained some of the reasons behind waiting on sending the materials home later; generally this was based on equity among all students and consistency between schools. The availability of internet to all students is being considered as well and the materials will need to be equal for all students whether they have access to the internet or not. The distribution plans need to be worked out as well, among other ways to distribute the materials, the school is considering delivering materials to students. Higgins noted the recommendation to cease educational instruction does not include with it a prohibition to have staff continue to work as long as the appropriate social distancing is practiced. The School Department is working on a plan to have the transportation providers follow their normal bus routes, have staff from any of the departments ride along with them and deliver the prepared packets to the homes of the students. The Ellsworth School system has not been eligible for summer food service programming which also meant during a closure the system would not be eligible for subsidy to support provisional meals to students who need them. This formula was changed by the Governor's announcement last night; the State Government has received a waiver of the Federal rules and now the Ellsworth School system is eligible for the subsidy. Currently, the School is waiting on the process to obtain the formal approval so that a plan can be put in place to prepare the meals and to distribute them. The meals cannot be served on site. The staff has already demonstrated a willingness to come in and help serve the students anyway they can while practicing social distancing. This was a positive development that occurred overnight. Higgins noted there have been many people volunteering to help find a way to provide meals to students who need them, especially during the time the School did not qualify for subsidy to provide this service. There are currently efforts being made to expand the food pantries within the Schools as well as the backpack program. Higgins explained the correspondence that went out stated the schools would be closed beginning March 15 at 3:00 PM through April 3, 2020. The Governor's recommendation as stated last night was for an indefinite period of time. The plan is to follow the Governor's guidance; however, as the days move forward the situation will be monitored and the information will be reviewed as it evolves. The goal is soon to be discussing the process of bringing the students back into the schools; however, if needed there could also be discussions on extending the closures.

Hamilton commended the consistency within the Community beyond the schools. The decision to support the closures of the YMCA in addition to the Schools so that kids are not being moved from one setting to another. If the plan is to prevent kids

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from congregating in large groups and that is the decision that is made as a community that consistency is very important or otherwise we defeat the purpose; especially considering all the hardships that will follow by closing the schools. Hamilton recognized that was not an easy decision for the YMCA but it is consistent; this situation calls for consistency. Hamilton wanted to commend the partnership as well as arriving at a message the public can understand. The transparency moving forward of being able to hear what is happening within the Community is very helpful to the public. Although it does cause an inconvenience it is the decision people feel will keep people safe during this time. Higgins added over the past few weeks there have been many conversations by superintendents throughout Hancock County to make consistent decisions across the different schools. Through discussions on Saturday, Higgins learned districts that don't meet the eligibility standards could piggy back with districts that did. Superintendent Boothby (RSU #25 Bucksport) and his Food Service Director told Higgins they were willing to help provide Ellsworth an opportunity to access the program through them to support the students in Ellsworth. Councilor Kaplan inquired if the backpack program was just for students receiving free or reduced meals. Higgins stated that is a smaller scale program and the families that have been receiving those were identified through the school staff as meeting the high level of need. Currently, the idea is whether that program can be expanded upon because they have partnered with another organization in town to provide that service. This would also expand the food pantries at EEMS and EHS that may provide enough food so that it can be incorporated into the delivery of food through the State program. Kaplan inquired about what types of food would be delivered to avoid spoilage. The foods that are distributed through that program are chosen with that concern in mind. The backpack program includes foods that would last over the weekend. The new program may need to last for a two week increment to align with the academic element that is also being planned for a two week increment. Kaplan asked if middle school aged students could easily prepare the foods themselves if they have parents that work in an essential line of duty and will not be available to help the student. Higgins will need to gather more information on that concern; the goal was to provide food for the students to have in the home but also to support the families. The question is whether it is being designed for the students to prepare it on their own. He will take that concern back to the committee. While asking for the donation of food as well as how it can be delivered the important concept to keep in mind is the social distancing piece in regards to both how it is received and distributed. Councilor Miller thanked Higgins for being present this evening to communicate the information to the public and the Council. He noted

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the key to calming fears is communication, information, and transparency. Miller inquired if before the decision was made to close the schools was there was a meeting and a School Board vote to do that. Higgins stated there was not a School Board vote; the State Statutes dictate that decisions relating to closing and cancelling schools are the responsibility of superintendents. However, the policies, practices, and procedures were consulted that were put in place by the School Board; Higgins maintained communications with the School Board electronically. A policy that is already in place states in between scheduled meetings, there is allowance for the superintendent and Board Chair to confer on crucial issues. As this matter fits that description, the past practice of conferring with the Chair and Vice-Chair was used in this case as well. This was further supported by the quickness and rate the information was changing and the need to make decisions was key to handling this situation. Although it ultimately was Higgins decision he exercised the policy language that allowed him to confer with the Chair and Vice-Chair and thus shared the information he had and the recommendations he was considering. He did not do this in conjunction with a vote but just to get input to support his decision. Based on those discussions there was then electronic correspondence with the entire Board. There was communication present; ultimately the final decision was Higgins's. Although, this was not based on a School Board vote or Board Leadership vote; Higgins's did rely on that information to support his decision. As information presents itself it will be communicated through the Infinite Campus Notification portal, Website, and Facebook page. Mark Kaplan, inquired if the topic of keeping children in the schools to avoid a hardship for parents who will not have daycare available while they continue to work was relayed to the Governor. Higgins briefly explained he has not communicated directly with Governor Mills although that was a consideration that was factored into the ultimate decision when making the choice to close the schools. This will cause an impact. At the State level there has been recent action to extend unemployment benefits so that in the case people cannot work or are laid off they may be able to qualify for those benefits easier than they would have under the regular rules. Higgins understood under the Declaration of Emergency a sum of money will be distributed Federally to the States. The closing of schools will be a hardship and there will be people who will not be able to work throughout this situation.

Presentation of Awards.

David Cole, for 5 years with the City of Ellsworth.

**Presentation of
Awards.**

David Cole – 5 years

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David Cole was present to accept his service award from Chair Hamilton on behalf of the Ellsworth citizens.

Daryl Clark, for 20 years with the Ellsworth Fire Department.

Daryl Clark was unable to be present to accept his service award from Chair Hamilton on behalf of the Ellsworth citizens. The award will be given to his supervisor for presentation at a later time.

Proclamation of Maine's Bicentennial.

This item will be postponed to a later date this Spring or Summer as appropriate.

UNFINISHED BUSINESS

Council Order #121905, Request of the Fire Chief to purchase a Fire Engine and loose equipment through the Huston-Galveston Area Council cooperative purchasing program with the Dealer/Vendor being Greenwood Emergency Vehicles. (Tabled at the December 16, 2019 Regular Council meeting for 90 days.)

See attachment #1 for a letter of explanation.

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

RESOLVED to approve tabling Council Order #121905, Request of the Fire Chief to purchase a Fire Engine and loose equipment through the Huston-Galveston Area Council cooperative purchasing program with the Dealer/Vendor being Greenwood Emergency Vehicles until April 20, 2020.

Richard Tupper, Fire Chief cleared up a little confusion in regards to citizens thinking the Fire Department will not be responding to emergency calls for the fire department. Tupper wanted to clarify the Fire Department will be responding to any and all calls that come into the department. While responding the department will be taking a few different precautions than in the past based on the current health situation.

with the City of Ellsworth.

Daryl Clark – 20 years of service with the Fire Department.

Proclamation of Maine's Bicentennial.

Unfinished Business.

Approved - Tabling Council Order #121905, Request of the Fire Chief to purchase a Fire Engine and loose equipment until April 20, 2020.

Clarification by Richard Tupper, Fire Chief.

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There was a question taken from the virtual audience watching the Council meeting this evening. A question was emailed in tonight, concerning whether the City would be enacting an Ordinance that would force bars and restaurants to close. David Cole, City Manager stated no. That could be a future consideration; however, at this time there is nothing pending.

Answer to emailed question regarding the Coronavirus and the impacts on bars and restaurants.

CONSENT AGENDA

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.

Approved - Consent Agenda as presented this evening.

*Council Order #032000, Reservation of the City of Ellsworth's right to harvest alewives. **

Approved - Council Order #032000, Reservation of right to harvest alewives. *

See attachment #2 for the complete request describing the City of Ellsworth's right to harvest alewives.

*Council Order #032001, Request of the City Manager to hold a Special Municipal School Budget Validation Referendum Election on June 09, 2020, for the purpose of validating the school budget in conjunction with the State of Maine Primary Election. **

Approved - Council Order #032001, Special Municipal School Budget Validation Referendum Election on June 09, 2020.

See attachment #3 for the complete request.

*Council Order #032002, Request of the Recreation Commission to appoint Lillian Frank and Benton Bird as Student Recreation Commission members with the City of Ellsworth Recreation Commission, terms to expire on June 30, 2021. **

Approved - Council Order #032002, Appointing Lillian Frank and Benton Bird as Student Recreation Commission members with the City of Ellsworth Recreation

See attachment #4 for the complete request.

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*Council Order #032003, Request of the City Assessor to approve a property tax abatement for the FY 2019 taxes assessed to Jud Strang dba Roasted Maine, Munis ID# 8174, in the amount of \$452.35 plus interest and fees. **

See attachment #5 for the complete request.

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

RESOLVED to approve the Consent Agenda as presented this evening.

NEW BUSINESS

Public hearing and action on the issuance of Business License (s):

Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway for a new City Class C License (Liquor and Victualer) and a new State Class III and IV Restaurant Malt and Vinous Liquor License.

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

Chair Hamilton noted the Council officially waived the requirement for the applicants to be present given this was a request for a new liquor license. Based on this official waiver the applicants were not present this evening.

Public hearing was opened.

There were no comments from the public. Councilor Kaplan noted on the Municipal Official signature page the box for Town was checked off in error. She inquired if this could be corrected by checking off the box for City instead.

Public hearing was closed.

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

Commission, terms to expire on June 30, 2021.

Approved - Council Order #032003, Property tax abatement FY 2019 taxes assessed to Jud Strang dba Roasted Maine, Munis ID# 8174, \$452.35 plus interest and fees.

New Business.

Approved - Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway for a new City Class C License (Liquor and Victualer) and a new State Class III and IV Restaurant Malt and Vinous Liquor License.

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KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

RESOLVED to approve the request of Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway for a new City Class C License (Liquor and Victualer) and a new State Class III and IV Restaurant Malt and Vinous Liquor License.

Atlantic Coast Inn, 200 High Street, for renewal of a City Lodging House 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 Blanchette, seconded by Kaplan, it was unanimously

RESOLVED to approve the request of Atlantic Coast Inn, 200 High Street, for renewal of a City Lodging House License.

The Eagles Lodge, Inc., 278 High Street, for renewal of a City Lodging House 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

RESOLVED to approve the request of The Eagles Lodge, Inc., 278 High Street, for renewal of a City Lodging House License.

Approved - Atlantic Coast Inn, 200 High Street, for renewal of a City Lodging House License.

Approved - The Eagles Lodge, Inc., 278 High Street, for renewal of a City Lodging House License.

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CITY COUNCIL PRESENT: BLANCHETTE, HAMILTON, KAPLAN, MILLER, MOORE (arrived during citizens' comments), AND PHILLIPS.

CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

Morse, LLC d/b/a Tag's Sports Bar 248 State Street Suite 4 for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge 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 Blanchette, seconded by Moore, it was unanimously

RESOLVED to approve the request of Morse, LLC d/b/a Tag's Sports Bar 248 State Street Suite 4 for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.

Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (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 Miller, seconded by Kaplan, it was unanimously

RESOLVED to approve the request of Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class C License (Victualer and

Approved - Morse, LLC d/b/a Tag's Sports Bar 248 State Street Suite 4 for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.

Approved - Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MARCH 16, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

CITY COUNCIL PRESENT: BLANCHETTE, HAMILTON, KAPLAN, MILLER, MOORE (arrived during citizens' comments), AND PHILLIPS.

CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

Council Order #032004, Request to approve a one year extension to the commercial lease agreement with Michael Harris, d/b/a Harris's Harborside Takeout for a vending concession stand at the Ellsworth Harbor.

Tammy Mote, Deputy City Manager requested this item be tabled.

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

RESOLVED to approve tabling Council Order #032004, Request to approve a one year extension to the commercial lease agreement with Michael Harris, d/b/a Harris's Harborside Takeout for a vending concession stand at the Ellsworth Harbor.

Council Order #032005, Request of the Public Works Director to award the purchase of a single axle plow truck and associated equipment.

Lisa Sekulich, Public Works Director explained she would like to purchase a single axel plow truck from Daigle and Houghton to update the fleet. This will replace the oldest full-time use truck. The bids were opened on February 19, 2020; there was a significant number of bids submitted. See attachment #6 for the complete request, spreadsheet of bid results, specifications, recommended bid, and bid notice. Sekulich is requesting to purchase the International HV507 truck from Daigle and Houghton with HP Fairfield gearing. Sekulich is requesting permission to approve option 2, the stainless steel dump body with the expectation it will last longer and also have the potential to be used on multiple chassis. She would also like to include the stainless steel oil pan that will last longer; this would be an additional expense of \$1,550. In the past, this item has had to be replaced yearly due to the salt and corrosion to the metal because it is located under the truck. This should save time and money long term. Councilor Phillips noted the truck meets the needs of the Department and he felt the stainless steel pan was an excellent idea. He believed the cost to replace each pan was approximately \$300 - \$500 and possibly as high as \$700 now, plus labor. This truck appeared to meet the specifications. Phillips did not see any advantage with purchasing the Western Star for the additional money. Sekulich stated her team that made this recommendation struggled with that; for the additional \$10,000 they could not find any reason to

Approved - Tabling Council Order #032004, One year extension to the commercial lease agreement with Michael Harris, d/b/a Harris's Harborside Takeout for a vending concession stand at the Ellsworth Harbor.

Approved - Council Order #032005, the purchase of a 2020 International plow truck with plow, wing and dump body and associated gearing supplied by HP Fairfield, from Daigle and Houghton for a sum of \$161,051 with funding coming from Bond Proceeds, including the trade in of the 2006 International plow truck and allow the City Manager to sign all required documentation.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MARCH 16, 2020

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CITY COUNCIL ABSENT: GRINDLE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
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GRINDLE.**

make the justification to purchase the Western Star. The City currently owns several International trucks.

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

RESOLVED to approve Council Order #032005, the purchase of a 2020 International plow truck with plow, wing and dump body and associated gearing supplied by HP Fairfield, from Daigle and Houghton for a sum of \$161,051 with funding coming from Bond Proceeds, including the trade in of the 2006 International plow truck and allow the City Manager to sign all required documentation.

Council Order #032006, Request of the Public Works Director to award a bid for the Harbor Walkway Project.

Lisa Sekulich, Public Works Director stated on March 12, 2020 there was a bid opening held for the required work to place concrete and bricks as part of the Harbor Walkway Project. Multiple requests were sent out and three bids were received. The low bid was received from Atlantic Landscaping Construction in the amount of \$53,020. See attachment #7 for the complete request, bid from Atlantic Landscape, bid notice, memorandum from Assistant City Planner dated March 6, 2019, and City Council minutes from March 18, 2019. Atlantic Landscaping was the previous contractor that installed the brick pavers at the Harbor. The request is to award the project to Atlantic Landscaping Construction. Councilor Blanchette inquired if there will be walkway lights on this project. Sekulich indicated there are not. Blanchette wondered if there was conduit being laid for lights. Sekulich indicated there is not; there is a grant from the Maine Recreational Trails Program funding a portion of this project. The Maine Recreational Trails program per their requirements do not fund any sort of landscaping, fixtures, or anything similar. It is only a trails program and made strictly for trails. The grant funding from the Federal level passed through the State level is for the trail portion only. Sekulich noted those things could be added at a later date or as an addendum should the City find funding for it. Items can always be added if the City wants to fund it themselves. Blanchette noted a conversation he had with past Council member Gary Fortier when he asked for the approximate cost of laying conduit while the project is being built; it was estimated to be \$600. It was also noted the best time to lay the conduit for future use is when the excavation is being done. Blanchette felt the City needs to find the funds to lay the conduit with the project. He also

Approved - Council Order #032006, Request of the Public Works Director to award the bid for the Harbor Walkway Project to Atlantic Landscape Construction for a contract price of \$53,020 and to fund this project from Bond Proceeds and a grant reimbursement from the Maine Recreational Trails Program.

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
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GRINDLE.**

wondered if there were any cement bump-outs being considered for picnic tables and or benches rather than placing them on the grass. He felt it would be difficult to mow around those items if they are placed on the grass. Sekulich stated they are not proposed to be on cement pads at this time; the Public Works Department already mows around picnic tables and benches in other locations throughout the City. The idea is to strategically place additional or reset the current tables and benches. Sekulich noted another concern with the concrete potential bump-outs is per DEP requirements the City has to be at least 25' away from the high tide mark when the walkway is constructed. It was measured the other day following a very high tide; there is not a lot of extra room on the waterside. Adam Wilson, previous Harbormaster noted one of the best parts of not having the picnic tables and benches in a designated spot allows for flexibility when families with more members use the park. They can put two or more tables together. If tables and benches are anchored where they belong then they will need to be mounted at that location. Weed-whacking is completed regularly. Blanchette was more concerned the weed-whacking notches the wood of the table and benches if not done correctly. Wilson stated it does if you do not move the object when mowing under it or weed-whacking around it. Blanchette felt it would be cost effective to pour the bump-outs and spots for the tables and benches while the concrete was being poured for the walkway. David Cole, City Manager stated the scope of the State Grant only covers the basic trail itself; if these additional pieces were to be completed it would have to go through the budget process. Logistically, it is not critical these pieces be completed at the same time as the trail, it would not require heavy equipment access this area to add the bump-outs. Sekulich noted the majority of people will want to sit on the waterside of the trail to enjoy the view. In order to be on the waterside of the walkway the benches and tables will need to be on the grass due to the restriction of placing concrete within a 25' distance of the water per the DEP permit. Sekulich was in favor of completing the project as designed and then a decision can be made after whether those items should be added. She believed the bid came in under the estimated costs so there may be funds previously allocated to this project that can be used to add the conduits and other items once a contract is approved. Blanchette was concerned about completing this project right the first time. The work is expected to be completed prior to May 15, 2020. Councilor Moore approved of the idea of installing conduit; however, was not necessarily in favor of the concrete pads because of the reasons already mentioned. Moore felt there may come a time when some type of lighting would make sense. He felt it was worth the expense if it is minimal and convenient to place during the project. Councilor Phillips stated the conduit is a good idea to a certain extent; however is

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GRINDLE.**

questionable without a plan for lighting and therefore no idea on the distance between where the lights might be located in the future. Phillips stated this bid is for the walkway and the State needs it as simple as it is and anything over and beyond that will be a separate project and worked out under a different contract for the associated labor and supplies. The item before the Council this evening is what the State and Federal governments want in order to get the initial part of the project moving. If the conduit is to be added later it will be a different contract at a different dollar amount. Phillips felt installing conduits would add an extra digging radius above and beyond what is calculated within this contract which is in front of the Council tonight. There was a lively debate about the topic of laying the conduit during the project versus adding the conduit at a later date. Sekulich noted the walkway will be extending from the existing large gazebo over to the smaller gazebo and then back up toward the pump station parking lot. Councilor Kaplan wondered if the gazebo area was currently patrolled by the Police; Sekulich noted there are 12 security cameras located in this area of the park. Those are monitored and operated 24 hours 7 days a week. The conduits would be used for the sole purpose of adding lights at some point to allow citizens to walk on the path safely day or night. Chair Hamilton asked Sekulich to research estimates on conduits, light poles, and other factors relating to the concept Blanchette is considering. It would be difficult to vote on this concept this evening as the cost estimates were not available. Blanchette agreed a separate meeting to discuss the additional work and cost estimates was something he could support.

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

RESOLVED to approve Council Order #032006, Request of the Public Works Director to award the bid for the Harbor Walkway Project to Atlantic Landscape Construction for a contract price of \$53,020 and to fund this project from Bond Proceeds and a grant reimbursement from the Maine Recreational Trails Program.

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

Council Order #032007, Request to amend the Conservation Easement Branch Lake – Fenn Trust Parcels between the Frenchman Bay Conservancy, City of Ellsworth and the State of Maine, as Third Party Holder.

Approved - Council Order #032007, authorize the City Manager to sign the

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CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

David Cole, City Manager requested this item be tabled this evening as Aaron Doherty of the Frenchman Bay Conservatory was not able to be present this evening and he felt the request could wait an additional month. See attachment #8 for the complete request including Amendment to Conservation Easement, Exhibit A-1: Legal Description for Drinking Water Treatment Expansion Area, Exhibit A-2: Legal Description for Drinking Water Effluent Irrigation Area, Exhibit C-1: Map of Special Use Areas, Memorandum from Woodard and Curran addressing the Conservation Easement Amendment – Summary of Background, and Overall Site Plan map. Councilor Phillips felt this was a very straight forward request.

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

RESOLVED to approve Council Order #032007, authorize the City Manager to sign the amendment to the existing Conservation Easement on the Fenn property adjacent to the Water Treatment Facility in order to complete the backwash handling system upgrade as required by the DEP/EPA compliance standards.

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

Tammy Mote, Deputy City Manager stated the Harbor Commission Chair was not present this evening. The Harbor Commission is requesting to amend the Ordinance to prevent houseboats from berthing at the Harbor. This would include operations such as air B&B and other rental lodging. It is believed this type of lodging would create noise, water and traffic issues with the Harbor and it is not designed to effectively deal with this type of activity. See attachment #9 for the complete request including proposed ordinance amendments. The attached wording has been reviewed and approved by the City attorney. Chair Hamilton stated this item really should have public comment and given members of the public really could not be present this evening combined with adequate time remaining before the Harbor opens for the season this item should be tabled to a future meeting. Councilor Blanchette had questions concerning this request as well. The required public hearing was not held this evening.

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

amendment to the existing Conservation Easement on the Fenn property adjacent to the Water Treatment Facility in order to complete the backwash handling system upgrade as required by the DEP/EPA compliance standards.

Approved - Tabling public hearing and action on proposed amendments to the City of Ellsworth Code of Ordinance Chapter 3, Harbor Ordinance. (The public hearing was not held on March 16, 2020).

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

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CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

RESOLVED to approve tabling public hearing and action on proposed amendments to the City of Ellsworth Code of Ordinance Chapter 3, Harbor Ordinance. (The public hearing was not held on March 16, 2020).

Public hearing and action on Council Order #032008, Order authorizing the issuance of up to \$368,030 of the City's General Obligation Bonds to finance upgrades to the City's State Street and High Street Water Tanks.

Tammy Mote, Deputy City Manager explained in 2016 the State of Maine Drinking Water State Revolving Fund Program had approved funding for upgrades to the State Street and High Street water tank project. The program issues low interest loans to municipalities at approximately 1%. At that time the project was estimated at \$685,000. The project would include cleaning of the storage tanks, painting of the storage tanks, and installation of Cathodic Protection Systems to help prevent corrosion and add chlorination points and static mixers. While this work was taking place it was determined there was extensive damage that needed some significant repairs. See attachment #10 for the complete request, memo on the Water Tank Improvements Project Change Order dated July 5, 2019, and Order authorizing the issuance of up to \$368,030 per Council Order #032008. In July of 2019, there was an emergency Council meeting to authorize a change order in the amount of \$151,000 to make these necessary repairs. At that July meeting, Mote explained the estimate for the actual project was higher than expected as well as the need to return to the Council for approval on the unexpected change order. All of this has been factored into the amount of funding necessary for the project. The project has been completed and this is the final piece to submit to the PUC for final approval; once this is completed the City can receive money back from the Maine Bond Bank for this project. The total amount of this project was \$1,053,030 and as part of this the City received \$50,151.50 in principal forgiveness. Mote explained as this is a public hearing; the City Clerk, Heidi Grindle is in the hallway monitoring the email account for any questions from the public. A system has been created to allow the public to submit questions and the Council can call the member of the public back so that they can ask their question directly to the Council. In turn the Council will be able to answer the question directly to the caller. Mote was also monitoring the email account for any questions or concerns from the public.

Public hearing was opened.

There were no public comments.

Approved - Council Order #032008, move to authorize the issuance of up to \$368,030 of the City of Ellsworth's General Obligation Bonds to finance upgrades to the State Street and High Street Water Tanks per attached order (see attachment #10).

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CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

Public hearing was closed.

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

RESOLVED to approve Council Order #032008, move to authorize the issuance of up to \$368,030 of the City of Ellsworth's General Obligation Bonds to finance upgrades to the State Street and High Street Water Tanks per attached order (see attachment #10).

Before a vote was taken, Councilor Kaplan clarified this loan currently has a 1% interest rate. She was wondering since the interest rates just dropped in light of the current health crisis, would that potentially impact this request. Mote explained those rates are set by the SRF program so it is unlikely the change in interest rate being seen currently will factor into this request.

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

Public hearing and action on proposed amendments and additions to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts, Article 14 Definitions, and Article 8 Performance Standards. The proposed amendments will create additional categories and allowable uses in Article 3 Section 307 Table of Land Uses, create additional entries in Article 14 Definitions, and will add the following Sections to Article 8 Performance Standards: Section 823 Solar Energy Systems, Section 824 Energy Storage Systems and Section 825 Facility Operations, Maintenance, Decommissioning and Abandonment.

Chair Hamilton stated as this was advertised with an invitation to the public to speak, and there has been interest from the public voiced to be included in this discussion, as well as based on the current health crisis that did not allow for the members of the public to be present this evening; he is recommending tabling this item until a future meeting. David Cole, City Manager noticed the Vice Chair of the Ellsworth Planning Board John DeLeo was present and ready to speak this evening on this item. See attachment #11 for the complete request, Table of Use Regulations, draft Ordinance language, and City of Ellsworth Official Land Use Map. DeLeo stated he understood the intent was to table the request this evening. He wanted to pass along some information this evening specifically dealing with the

Approved - Tabling the proposed amendments and additions, as outlined above, to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts, Article 14 Definitions, and Article 8 Performance Standards, to establish standards to regulate the installation, operation, maintenance, decommissioning,

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CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

solar issue. The Council has three pages of amendments to the current Ordinance (see attachment #11) and an updated spreadsheet; other than those documents there is nothing within the current regulations that cover solar farms. The Planning Board is scheduled to have a meeting on April 1; it is unclear right now whether that meeting will be held or not. There is an application before the City that will be heard on April 1, 2020; DeLeo is concerned if that application comes before the Planning Board with nothing in the Ordinance to cover solar farms should the Planning Board even hear the presentation. He further wondered if the Planning Board had jurisdiction over the request. DeLeo felt they could handle the request without the specifics (within attachment #11) but it would be very beneficial to ensure the Board gets it correct with the guidance of the proposed additions. DeLeo wondered if it would be best at the same time of tabling this request to get an opinion from the City Attorney on how this should be handled. He was uncertain even if the Council approved the language tonight if it would apply since the application was already in the pipeline and submitted to the Planning Board. There was a question of whether the Board would be able to discuss it with the new Ordinance language. DeLeo did not believe the Board could. Councilor Phillips thought in the past the changes did not cover any applications already submitted for review. DeLeo felt the amendments would need to be approved retroactively and he was not sure that was possible. Phillips agreed it would be too late for the application that was already submitted but would impact any received after the approval of the amendments. He remembers this being a concern in the past with other items. Once the process has been started and initiated present rules must be used as of the time the application was started. DeLeo stated he had communicated with a member of the Trenton Planning Board and she shared the legal opinion she received from a lawyer at Maine Municipal Association. He read the opinion into the record and recognized the possibility that the two situations might be different. It might be wise to find out if the Planning Board should deny the application and recommend they resubmit it after the Council has had a chance to hear the proposed amendments and ultimately pass them. David Cole, City Manager noted he received a few texts from Janna Richards, Development Director stating she will be working with the developer/applicant given the circumstances, and will try to get them to delay their application, so that they can be heard at a later meeting. Councilor Kaplan noted on Facebook the viewers are asking that the public hearing portion be kept open a little bit longer due to a lag in service. Hamilton maintained his view that this was a significant issue that the Council should have public input on and not pass it without the opportunity for the community to be heard. He also recognized there were ways the Planning Board could address the application both

and abandonment of solar energy systems and energy storage systems. (Public hearing was not held on March 16, 2020)

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CITY COUNCIL ABSENT: GRINDLE

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI GRINDLE.

in the situation of the April 1, 2020 meeting being held and if it is postponed to a later date. DeLeo understood the reasons for tabling this request and with the new information that Richards is working on with the developer, he just wanted to be sure the Council was aware of the impact on the submitted application. Phillips agreed there is no advantage for the Council to pass the amendments without allowing the public an opportunity to give input. What is in the pipeline is held to current ordinance which are very limited in this situation.

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

RESOLVED to approve tabling the proposed amendments and additions, as outlined above, to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts, Article 14 Definitions, and Article 8 Performance Standards, to establish standards to regulate the installation, operation, maintenance, decommissioning, and abandonment of solar energy systems and energy storage systems. (Public hearing was not held on March 16, 2020)

Council Order #032009, request to approve a resolution by the Ellsworth City Council expressing opposition to LD 2090 An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws.

Chair Hamilton explained in light of the Legislation adjourning tomorrow and most likely not moving forward on this topic before that adjournment, it might make sense to approve this Resolution. See attachment #12 for the complete resolution: An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws. Councilor Phillips agreed with Hamilton on approving the attached Resolution.

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

RESOLVED to approve Council Order #032009, resolution by the Ellsworth City Council expressing opposition to LD 2090 An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws per attachment #12 and authorize Chair Hamilton to sign on behalf of the Council.

Adjournment.

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

Approved - Council Order #032009, resolution by the Ellsworth City Council expressing opposition to LD 2090 An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws per attachment #12 and authorize Chair Hamilton to sign on behalf of the Council.

Approved - Adjournment at 8:28 PM.

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MOORE (arrived during citizens' comments), AND PHILLIPS.**

CITY COUNCIL ABSENT: GRINDLE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
RICHARD TUPPER, LISA SEKULICH, ADAM WILSON, AND HEIDI
GRINDLE.**

RESOLVED to approve adjournment at 8:28 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**