

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL  
Teleconference only via Zoom Conferencing technology**

**DATE: APRIL 20, 2020**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, GRINDLE, HAMILTON,  
KAPLAN, MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY GARDNER, JANNA RICHARDS, RICHA TUPPER, CHAD  
BRACKETT, MARK REMICK, LISA SEKULICH, DWIGHT TILTON, GLENN  
MOSHIER, MICHAEL HARRIS, AND HEIDI GRINDLE.**

In accordance with An Act To implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec G-1 1 MRSA §403-A Public proceedings through remote access during declaration of State of Emergency due to COVID-19, the meeting will be held through a ZOOM Meeting (teleconference for City Councilors and City Staff with panelists by webinar for citizens). The meeting will be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page. The meeting will be recorded and made available live on Spectrum Channel 1303. A link for Public Access via Zoom Webinar will be posted to ellsworthmaine.gov and shared to City of Ellsworth, Maine Facebook page the morning of April 20, 2020

*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 mentioned under the circumstances the public is viewing this meeting via Facebook or Spectrum, and can filter questions through the Q & A function of the Zoom webinar site. Questions may be received throughout the meeting; they can also be emailed to Chair Hamilton directly. He will be monitoring those in an effort to receive public feedback. The Council is aware of the delay and will slow the meeting down at times when public comment is specifically being considered (mandatory public hearing items). If members of the

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**Pledge of Allegiance.**

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public wish to make a comment on a particular topic they are welcome to send that in as soon as possible and when that item is being heard the Council will address your comment or question. Hamilton explained in addition to asking for a vote, he will ask specifically if anyone is objecting to the motion or abstaining from the vote.

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

*Adoption of the Ellsworth City Council minutes from the following meetings:*

*March 15, 2020 Emergency Meeting.*

*March 16, 2020 Regular Meeting.*

*March 23, 2020 Special Meeting.*

*April 02, 2020 Emergency Meeting.*

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

**RESOLVED to approve adoption of the Ellsworth City Council minutes from the March 15, 2020 Emergency Meeting, March 16, 2020 Regular Meeting, March 23, 2020 Special Meeting, and April 02, 2020 Emergency meeting as presented this evening.**

*City Manager's Report.*

David Cole, City Manager announced the boat launch at Branch Lake is open as of last Saturday. The City has hired boat inspectors. Cole reminded the public at the Special Council meeting in March the Council approved no trash sticker fees for household trash being disposed of at the transfer station or at curbside. The trash volume is currently at twice the normal rate. Tammy Mote, Deputy City Manager stated the trash pickup has been approximately 15 tons over the normal amount. Citizens are using this service which is great; however, the City would like to remind residents that this program is for household trash only. This is not for bulky items, debris, tree limbs, or similar items. Residents are welcome to put out as many bags as they would like of household trash.

*Covid-19 update on city response and discussion on needs of the community going forward and recovery efforts.*

**Approved - Adoption of the Ellsworth City Council minutes from the March 15, 2020 Emergency Meeting, March 16, 2020 Regular Meeting, March 23, 2020 Special Meeting, and April 02, 2020 Emergency meeting as presented this evening.**

**City Manager's Report.**

**COVID-19 Update.**

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Chair Hamilton introduced this topic by stating he has been on almost weekly calls with City Manager David Cole and Janna Richards, Development Services Director. Some of the calls have included the Chamber of Commerce, Heart of Ellsworth and Councilor Grindle; the calls have been designed to listen to the business community in terms of how this situation is impacting the local businesses. The meetings are an attempt to understand from their point of view where they stand and their ideas on the current situation. This information is being gathered so when the current situation moves forward the voice of the businesses can be brought to the City Council meetings. When the Council gets to the budgeting process it will be very important to have this information. The Council will continue to participate in those conversations and focus on listening to those concerns and ideas. Hamilton thanked Richards and Cole for the excellent job of being responsive to the community, listening to their needs, setting up the website, and reaching out into the community. They have been very engaged in the process of putting out resources that will hopefully help the residents and really trying to be as creative and responsive as possible within the extent of what the City can do. There are constraints in regards to what is available for the City during this crisis. The City does play an important role in this situation; Cole and Richards have done a nice job of opening up the communication, being willing to listen and respond to those needs. David Cole, City Manager stated this situation is about response and recovery. On the response side the City has started working remotely where appropriate. Fire, Police, and Public Works cannot work from home; where we can we are. The Management staff are holding daily briefing calls to ensure we were all connected from our remote locations and all focused on the emergency items that needed to be completed as well as the day to day tasks. Those have been reduced to two or three times a week because we are learning our roles and operating through zoom meetings. There have been several meetings with different groups. One of the important calls has been a weekly call with Northern Light, Maine Coast Hospital, Hancock County EMA, Maine CDC, and the ambulance service. This meeting was setup to ensure all those players were discussing shared resources and meeting the needs of the situation. Last week, City staff joined the hospital staff to investigate sites at the YMCA and schools in case an overflow or surge facility is needed. Hamilton and Cole spoke with Dana Connors who is the President of the Maine Chamber of Commerce and Industry because the City is looking to the recovery front. At some point the City will

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reopen, how that will happen is to be determined, there are ongoing discussions planned for this topic. Janna Richards, Development Services Director has worked with the Chamber of Commerce, Heart of Ellsworth, State groups, the Small Business Development Center, and others to ensure the City has the correct information for the right people at the necessary time. The City website has a wealth of information available. At this morning's management meeting there was a discussion about how to get that information out to those that may not have seen it on the website. City staff will start calling businesses particularly small businesses in the Ellsworth area. With the goal of pointing them in the right direction, finding out what questions they might have, noting the challenges they are facing, and providing this information back to Richards. All of this information will be used in the phasing in of the reopening and recovery efforts. This process will be much larger than just the City of Ellsworth; the solutions will come locally and through teamwork. Cole thanked Richard, other members of the management team, as well as the Council for their support, and particularly Chair Hamilton who has been available throughout this crisis. Richards provided one update since the last meeting where she explained the resources page. The community bulletin board has been created with the assistance of the City IT staff. This bulletin board should be more user friendly and is currently being updated by City staff; Richards will still be the point person if anyone in the community would like to be added to bulletin board. The Library will be starting an effort to find out who is making masks within the community. Hopefully, a system will be designed to get the masks out to those who need them. Richard continues to field questions about what it means to be essential, what is non-essential and if a company falls into that category what can they do, and exactly what that means for them. Many businesses are falling in between and are trying to remain open while adhering to the State orders. Cole noted business is continuing at City Hall. There will be a Planning Board zoom meeting scheduled for May 6, 2020. On that agenda is a request for 53 new housing units within two different projects and two solar projects. The total of the projects before the Planning Board will be approximately 10 to 12 million dollars. City staff has been working with the applicants and engineers to work through the details to ensure the Planning Board can move forward with the requests. Cole thanked the staff for keeping services moving forward. Councilor Kaplan was wondering if it were possible to request real time numbers from the CDC. She would like to know the number of out of state cases that currently exist within the State of Maine. Cole noted there is a

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zoom call scheduled for Thursday and he could ask the CDC representative that attends those meetings for more details. Hamilton noted one of the concerns he has heard is the lack of communication between the State systems speaking with municipalities. Hamilton would like to see a forum for this type of communication. He has been involved with discussions that are trying to make a more direct link between senior leadership within the Governor's office and municipalities at the local level. During the discussions with the businesses that was a topic they mentioned as being a concern. This would allow them to have a voice in the innovation of safety within their business categories. This will allow them to balance safety with reopening their individual businesses. Kaplan stated she would like to look at offering an educational forum as part of the reopening of business process. This would be designed to educate business owners on additional steps that could be taken to prevent the spread, so that hopefully a second wave could be avoided. Hamilton noted it is currently unknown what the goal markers are, at what particular point can businesses start reopening, at what point can some of the restrictions start being relaxed; these questions have yet to be defined. This has been very broadly discussed and it would be extremely helpful to know as well as businesses are seeking these answers to make future plans. The challenge is to avoid businesses closing permanently and that point is fast approaching. There needs to be a balance between public safety and starting to reopen businesses while consulting the CDC. Hamilton felt the City should have a voice in this process as well as represent the voice of the Community. Councilor Blanchette added that once businesses start to reopen the City should step out of the way. He felt the businesses and business owners know exactly how to run their business. They know what is needed, they have heard from the customers and Blanchette did not want to get in the way of the business owner getting their business back up and running 100%. Councilor Miller agreed he did not want to interfere with the businesses reopening and believed that would not be the role of the City. Miller thanked the Heart of Ellsworth for holding the weekly community forum. These meetings are for the businesses as well as anyone who would like to attend. He also thought the communication from Cole and Hamilton has been wonderful, so he believed the City would play a great role in the next phase. Hamilton addressed a question from the virtual audience. The question was why is it not mandatory for the Police to wear personal protective equipment or follow CDC guidelines on every call knowing the dangers of neglecting this equipment? Glenn Moshier, Police Chief explained the PPE has been a sparse

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resource throughout the State. The priority for that equipment is going to healthcare professionals. Officers have been provided what equipment is available. They are provided information from the dispatchers when contact with individuals is required who may potentially be infected with COVID-19. In those particular cases, the officers have been instructed to wear the PPE and utilize that resource. The Police Department has drastically reduced the amount of contact they are having with the community. In order to preserve the precious PPE that is available the officers have been provided the option if they feel it is necessary to wear PPE. It has not been made mandatory to do that, because until recently there was little to no scientific proof available that wearing a mask less than the N95 style really did much of anything. Moving forward, if there are more cases within the community it is probable officers would become more likely to wear a mask for their own protection and safety. At this point, the decision to wear a mask has been left to the individual officers. The Police do not enforce the general public wearing a mask while they are out in the community; nor do they do that for their officers at this point. Hamilton noted the concept of PPE contains different types and different recommendations about what type you wear under what circumstance. Not all PPE is the same and the N95 masks are very different and used for very specific purposes, versus using a surgical mask, or cloth mask. Hamilton explained the different components of the PPE equipment and the different circumstances that warrant each type. Kaplan noted she has some extra N95 masks she could give to the Police Department if they need them. She noted it is vitally important to cover your head, wear masks, and gloves she was not at liberty to expand on that due to HIPPA laws. She explained the difference between respirators and ventilators. Kaplan recommended cloth masks for the general population if the social distance is being honored; N95 masks that are sold at stores such as Home Depot offer a little extra protection. True N95 masks for healthcare professionals and others who come in close contact with the population require a fit test. There are standard sizes such as S, M, and L; however, the exact size needs to be determined through a fit test to reach the correct tightness. Moshier added they have fit tested all of the officers to the N95 masks that they carry with them. The Department has backup masks and face shields as well that have been issued to the Officers. Moshier explained the instructions that are provided to the Officers state to cover the N95 mask with a surgical mask; these instructions come from the CDC. By following that procedure, they have been told they can reuse those N95 masks up to 5 times, unless they become

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compromised. The Police Department does not have a means to decontaminate the used N95 masks.

*Committee Reports.*

➤ *Capital Planning Committee.* Chair Hamilton reported this committee has not reconvened yet. When they do the mission will look very different than the direction it was headed in prior to COVID-19. The budget is currently being reconsidered, reviewed, and reprioritized at the Department Head level. Hamilton noted the budget meetings need to be scheduled soon so that process can get started. Those meetings would have started next week and can likely be postponed until May at this point. Hamilton will work with City Manager David Cole to brainstorm some potential dates for scheduling purposes and if distancing is still required at that time those meetings will be held by Zoom teleconferencing. Cole noted the Governor moved the State Primary date from early June to July 14, 2020. After discussing this with Superintendent Higgins, the School understands that the budget validation election will be moved to coincide with the Primary Election date. The School is usually one of the first budgets to be reviewed because it needs to go out to a public vote in order to be finalized. This year it will be a little different because the School budget validation will not take place until July 14, 2020. The School budget will not need to be pushed out in front of the rest of the budget. It could likely be done in tandem.

*Citizens' Comments.*

Nicole Grohoski, resident of Ellsworth and State Representative thanked the Council for holding this meeting in such a way the public could participate. Grohoski noted in regards to the lack of communication between the State and the Municipalities; she and Senator Louis Luchini have been communicating with the Heart of Ellsworth and other members of the community. She will continue to provide a connection between the City and State. She recognized City Manager Cole has been included on calls with the Commissioner of the Department of Economic and Community Development and Grohoski felt this was likely the best avenue to communicate with the Executive Branch. She apologized that some members have not felt as connected as other; however, their goal is to stay connected with the community. Grohoski invited Ellsworth residents to join the

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**Citizens' Comments.**

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Green Action Team members as well as other residents in participating in a modified version of the roadside cleanup project. She thanked the City Council for making the trash pickup free through the end of the month. The Green Action Team is encouraging the residents to take the correct health precautions, maintain the recommended social distancing requirements, and wear the proper personal protection equipment (which should be used anytime roadside trash is being picked up) while picking up the roadside trash before all the shrubs and grass start growing again. This effort will beautify the City so that when we can welcome visitors back, the City will be clean, beautiful, and proud. She thanked the City Council for offering this opportunity and encouraged anyone interested to join those who are already picking up trash until the end of the month. Hamilton clarified the issue he has with the State to Municipality piece is the Governor has been on a number of calls with the Vice-President and President at the Federal level communicating and the Governor is on calls with neighboring States both of these chains of communication would be expected. The Maine CDC is on calls with different parties on a regular basis; Hamilton believes there is a missing piece at the State level where there is not a consistent call from the Executive Level with the Managers and leaders of municipalities across the State. This is a reasonable request to ensure better communication. Grohoski will pass that request and concern onto the appropriate person. She inquired if the City of Ellsworth was a part of the Mayor's Association or not; this group has had discussions with the Governor. Hamilton stated that is a group of only 9 cities in the southern portion of Maine with the exception of Bangor. Councilor Moore thanked Grohoski for her efforts in this situation. Hamilton thanked Grohoski for earlier conversations on this topic and noted she has been very responsive; his comments are not directed at her. He realizes Grohoski has the ability to pass along concerns in Augusta. Cole noted he has had phone calls from both Representative Grohoski and Senator Luchini. Cole and Janna Richards, Development Services Director will be on the call with the Commissioner of Economic and Community Development on Wednesday. They are both eager to start phasing from the response phase into the recovery phase, when the level of safety allows it to happen.

Jon Stein inquired what businesses can do to help get involved with trash pickup. Business owners would need to have their own trash bags; however, you are welcome to participate the same way anyone else would. Bags of household trash

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are being accepted at the Transfer Station; the current hours of operation are now Tuesday, Friday, and Saturday from 8 AM to 4 PM. The Transfer Station can be used if the business does not have a driveway where the trash would normally be picked up; Grohoski suggested checking the trash pickup schedule because most businesses are located on main roads that have curbside pickup available. Stein thanked Grohoski for the information as well as the City Council.

Chris Rector, Regional Representative from Angus King’s office will be on the weekly check-in phone call with the Heart of Ellsworth at noon on Friday, April 24, 2020.

*Presentation of Awards.*

*Larry Gardner, for twenty years of service with the Ellsworth Assessing Department.*

Larry Gardner was present on the zoom teleconference to virtually accept his service award from Chair Hamilton on behalf of the Ellsworth citizens.

*Penny Weinstein, for ten years of service with the Ellsworth City Manager’s Department.*

Penny Weinstein was not present on the zoom teleconference to accept her service award from Chair Hamilton on behalf of the Ellsworth citizens; however, she sent her appreciation for the recognition through David Cole, City Manager. Her award will be given to her at a later date.

**UNFINISHED BUSINESS**

*Council Order #121905, Remove 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. (Originally tabled at the December 16, 2019 Regular Council meeting for 90 days, tabled again at the March 16, 2020 Regular Council meeting.)*

**Presentation of Awards.**

**L. Gardner – 20 years of service as City Assessor.**

**Penny Weinstein – 10 years of service with the City Manager’s Office.**

**Unfinished Business.**

**Approved - Removing Council Order #121905, Request of the Fire Chief to purchase a Fire Engine and loose equipment**

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See attachment #1 for a complete copy of the request. There was no discussion on this item prior to a motion being made.

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

***RESOLVED to approve removing 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 a future council meeting to be determined.***

*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. (Tabled at the March 16, 2020 Regular Council meeting.)*

See attachment #2 for the complete request and commercial lease document. There was a short discussion on the menu options before the motion was made.

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

***RESOLVED to approve Council Order #032004, 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 at a price of \$350 per month and authorize the City Manager to sign the lease agreement.***

*Public hearing and action on proposed amendments to the City of Ellsworth Code of Ordinance Chapter 3, Harbor Ordinance. (Tabled at the March 16, 2020 Regular Council meeting, the public hearing was not held at that time.)*

through the Huston-Galveston Area Council cooperative purchasing program with the Dealer/Vendor being Greenwood Emergency Vehicles until a future council meeting to be determined.

Approved - Council Order #032004, 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 at a price of \$350 per month and authorize the City Manager to sign the lease agreement.

Approved - Amending the City of Ellsworth Code of Ordinance Chapter 3, Harbor Ordinance as presented this

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Chair Hamilton opened the public hearing at this point to allow citizen's time to email their questions to him as well as submit questions and comments through the Q & A feature.

Mark Remick, Harbor Chair was available to answer questions. He explained the reason for this request was as a small harbor with a lot of community activity within the Harbor and Harbor Park, the Harbor Commission does not feel they can accommodate houseboats and similar structures. See attachment #3 for the complete request and proposed amendments to the Ordinance. Councilor Moore was in support of the idea that the City does not need houseboats and other types of crafts that people are able to live on. Councilor Kaplan noted she was under the assumption this was just for houseboats that were going to be rented out. She asked for a clarification of whether this applied to all houseboats as well as specific types of houseboats; this would not apply to live aboard sailboats for example. Remick confirmed that was correct.

There were no public comments.

Public hearing was closed.

*On a motion by Kaplan, seconded by Miller, it was unanimously*

***RESOLVED to approve amending the City of Ellsworth Code of Ordinance Chapter 3, Harbor Ordinance as presented this evening in attachment #3 (see attachment #3A for the final copy incorporating the amendments).***

*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. (Tabled at the March 16, 2020 Regular Council meeting, the public hearing was not held at that time.)*

**evening in attachment #3 (see attachment #3A for the final copy incorporating the amendments).**

**Approved - Proposed amendments and additions, as outlined above (see attachment #4), to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts, Article 14**

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**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, GRINDLE, HAMILTON,  
KAPLAN, MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY GARDNER, JANNA RICHARDS, RICHA TUPPER, CHAD  
BRACKETT, MARK REMICK, LISA SEKULICH, DWIGHT TILTON, GLENN  
MOSHIER, MICHAEL HARRIS, AND HEIDI GRINDLE.**

Chair Hamilton opened the public hearing at this point to allow citizen's time to email their questions to him as well as submit questions and comments through the Q & A feature.

Janna Richards, Development Services Director provided a brief background on the proposed amendments. These amendments were researched in the fall and included reviewing other state model ordinances. Massachusetts and Vermont both have models as well as other municipal ordinances were reviewed within the State of Maine that have either been drafted or recently passed. In early winter the proposed ordinance amendments were workshopped with staff particularly with members of the technical review team. After review by the Fire, Police, Public Works Department, and Code Enforcement Officer, the proposed amendments were reviewed by the Planning Board. The amendments were heard by the Planning Board as a public hearing at the January and February meetings. Adjustments were made to the proposed ordinance based on comments from the Planning Board after their second meeting. Following the second meeting the Planning Board did approve a recommendation to forward the draft ordinance onto the City Council for action. The draft ordinance was reviewed by the City's attorney; only very minor adjustments were recommended. See attachment #4 for the complete request, draft wording, Table of Use Regulations, and Official Land Use Map. Richards explained the amendments divide solar energy systems into three categories by size. There are definitions for small, medium, and large solar energy systems. The amendments also distinguishes between those systems that are standalone such as a larger scale solar farm and those that are accessory to a structure or existing structure such as a home use. The proposed table of land use that is found within attachment #4 outlines which size solar energy systems are allowed in each of the City's zoning districts. Within the Downtown and Neighborhood zones only small scale systems are being proposed. In the Commercial, Urban, Industrial, Business Park, and Rural zones all sizes are being proposed to be allowed. Each application that is submitted for a solar project would be expected to go through the same level of review as other major and minor site use development plans received by the Planning and Code Offices. This would include the standards for parking, lighting, traffic, street design, fire protection, and stormwater to name a few. Each application would also be subject to the proposed performance standards that are within the packet of information provided prior to the meeting (attachment #4) particular for solar energy systems.

**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. These amendments are to become effective immediately upon Council action.**

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These standards address the unique characteristics of solar projects, the additional safety measures and standards for operation, maintenance, decommissioning, and abandonment. Dwight Tilton, Code Enforcement Officer was on the phone this evening and available to answer any questions or address comments as well.

Nicole Grohoski, Ellsworth resident and State Representative noted after reviewing the proposed ordinance she believes the City has done a great job with the definitions. She had a few questions regarding Chapter 56 Article 3, 307 Table of Use Regulations. Grohoski wondered about the accessory storage and accessory solar those are not limited in any way by zoning. Richards explained accessory uses are allowed, they are considered as part of the principle use for zoning purposes so if something is an allowed use within that zone then the solar energy system would be accessory to that use. It would be allowed if the principle use is allowed. Grohoski inquired about the standalone storage definition and the fact that it defines chemical batteries as a type of energy storage system that is installed as a standalone use. She felt there were a lot of places where the chart shows that medium scale and large scale solar is allowed but that standalone storage is not allowed. If chemical storage is being used in connection with a solar installation and is standalone she was unsure how that would be handled. Richards explained at that point it would become accessory to the principle use. Richards provided an example of how this would work. The City is trying to decipher between the use that is going to be more prominent and that is what will be allowed. Grohoski agreed those explanations made sense from a practical standpoint as to how developers are installing these systems. Grohoski questioned the language that stated to be considered as accessory ESS shall be designed with appropriate storage capacity to serve the principle use and not to serve the electric power grid; however, if the whole reason is to serve the electric power then she is concerned that the language might not be clear enough. Richards stated the City is trying to decipher between a plan with an energy storage system like a battery farm which would feed the grid; whereas, in this case the solar energy system is going to feed the grid, with the batteries just storing some of that power but it is not going directly into the grid. In this case, it would be a function of that solar energy system or the solar farm. Grohoski was satisfied as long as the City had this scenario in mind and had checked out this definition with other experts. At a State level they are seeing a paired system more commonly compared to a storage farm. Richards confirmed they are aware of that practice and that is the reason

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why the energy storage systems standalone is only allowed in two zones as proposed. The energy system accessory would be allowed wherever the principle use is allowed. The City feels if the solar energy system standalone is allowed in that zone then so is the accessory energy storage system, as part of that same system.

A member of the public asked how they could access the Q & A portion of the webinar. Jason Ingalls, IT Administrator explained that process for the public's benefit. He also explained the other ways that have been setup this evening to filter questions and comments through to Chair Hamilton.

Councilor Kaplan inquired if a private owner would like to install their own standalone unit and they live in a Neighborhood Zone or the Shoreland Zone would these amendments restrict what they can and cannot do with their own property. Richards explained the Neighborhood Zone is allowed to have a scale solar energy system standalone. Within the Shoreland Zone it would be considered a commercial or industrial use. The Shoreland Zone is a separate article that requires approval through the DEP if any amendments are made to it. At this point, it will remain as a commercial or industrial use within the Shoreland Zone and it would fall under the standards regulating those uses within the Shoreland Zone. Kaplan inquired if this would limit the amount of power a resident could generate within a Neighborhood Zone. For example, she wondered if a resident who owns 10 acres of land in the Neighborhood Zone would be limited by this amendment from utilizing their own land for their own purposes with the possibility of selling some energy back to the grid. Kaplan's understanding was they would not be allowed to do this, even though it would be the resident's private property and they would not be damaging their neighbor's property. She did not understand why the City would want to restrict what the landowner could or could not do with their own property. Richards explained that is part of land use zoning and the purpose of regulations that are proposed so that there is health, safety, and welfare precautions taken into account. The City would be allowing it, however, just not on a larger scale compared to other zones that have more land to be able to address the project requirements. Kaplan was concerned this might benefit industry over private ownership. Richards did not agree with this analogy. Grohoski inquired if Richards could explain in regards to the energy storage system standalones why some of the zoning types were

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excluded. The Zoning Map (attachment #4) shows some areas near the Transfer Station or on Route 1 where there is already an industrial feeling of development. Richards stated the thought behind the energy source systems came from the recommendations made by the Fire Department as they are more intensive uses, they pose more of a safety hazard; at this point the determination was made to limit them to more of the Industrial Zones like the Industrial Park within the Business Park. That is stationed near where they could connect into the grid. The plan is to start on a more conservative side and then once it is determined to be working fine there is the potential to allow that use in other zones. Grohoski was concerned a lot of the land right near the electric substations is actually in the Urban Zone and that would be the best place for standalone storage. The Urban and Rural zones are near the Mariaville Road where there is a substation behind the Transfer Station. Richards stated at this point the idea is to try and concentrate the development in one area of the City; the Urban Zone is located throughout the entire City and is not concentrated within one area. The goal is to concentrate this type of project from a safety standpoint. Grohoski respected this decision and understood the concerns addressed by the Fire Department; her concern for the City was those would be the most profitable locations for the developers to locate and if they are being restricted by zones opposed to delineating new possible areas developers may not choose to locate in Ellsworth. The City would lose that revenue unfortunately, as there are three substations in close proximity to each other. Richards understood this reasoning and explained this decision was based off from the recommendation of the Fire Department who ultimately will be responsible for dealing with the National Fire Code. There are NFPA standards regarding energy storage systems. From Richards understanding concentrating this type of development at this time would be best for the safety of the residents.

Kristin, a resident of North Street inquired if any consideration is being given to expanding broadband within the City; they are currently struggling to work and complete the distance learning initiative during this COVID-19 Pandemic on North Street. Chair Hamilton noted that question would be deferred to later in the meeting.

There was a question from Heidi McCormick regarding whether residents could install a system to operate and store enough power for their own homes/use.

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Richards stated that would be correct. This would be considered an accessory use to your home and those are allowed within every zone.

Public hearing closed.

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

***RESOLVED to approve the proposed amendments and additions, as outlined above (see attachment #4), 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. These amendments are to become effective immediately upon Council action.***

Before a vote was taken on the above motion, an additional question was received from the general City website. The resident asked for clarification on the noise factor associated with solar storage. Richards noted there is very minimal noise associated and there will be a requirement from the Fire Department to have a 7' opaque fence surrounding the development which would also minimize the noise. Typically the natural environment is preserved as well, where it is possible; although, some clearing may be necessary to allow the natural sun to hit the panels. In most cases, the developers work with the DEP to keep the property in its most natural form as possible.

There was another question from the public, what hazards are associated for the public. Richards explained the developers will be working with the Fire Department so they will need to meet all of the requirements of NFPA, the panels are not considered hazardous waste or hazardous by the DEP. It would be considered low risk to the public.

What about mixed-use buildings being allowed in the Urban Core? Richards stated yes they would be allowed as an accessory use to whatever building is located there.

A member of the public asked to hear from Richard Tupper, Fire Chief about the

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safety. Tupper stated the main concern with the safety, especially with the storage units according to the safety plan they have been discussing with the developers basically covers an issue with electricity and the lack of using water on that type of fire. One of the major components that must be in working order and available would be a working fire suppression system within the storage units for the power as long as that is all working correctly there should be limited concerns. It will be very important that nothing escapes the storage containers.

Would fencing be needed for residential rooftop mounted systems? Richards stated no.

Where are the public copies of the documents so that members of the public can access them? Richards explained if the public goes to the City of Ellsworth's Planning Department webpage, there is a new tab called Ordinance updates, once you click on that you will see all the links to the proposed amendments.

Kaplan voiced her concern on the limitations on private owners in Urban areas or within the City itself as it relates to limiting the usage. A person may have a large house but their needs are different than somebody with a smaller house. This may limit what a private owner could or could not do with their own property. Private property rights are critical and she would not want a Zoning Ordinance to dictate what an individual owner can and cannot do. In her opinion, this benefits industry over an individuals. Citizens are forced to buy the electricity from the industry rather than have an individual unit to suit the individual needs if they have a large home. Richards clarified the amendments allow a citizen to have a system to power their house anywhere as an accessory use to the home and therefore you would be allowed to have it anywhere within the City as an accessory use. Kaplan asked if you would be allowed to store or sell power back to the grid. Richards stated a resident would not be directly connected into the substation at this point. This would be entirely off the grid. Dwight Tilton, Code Enforcement Officer stated typically residents would be selling the excess energy to Emera through a second meter located at the residence. When a residential use console is used any surplus energy is sold back to Emera, or a battery bank would be allowed at the residence in the event the resident chose not to sell the excess to Emera. The battery bank would be used on days that there is lower daylight. Private use is allowed, homes could have panels on the rooftop and it is allowable to feedback

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into Emera and sell it back to them or a resident could also have a battery cell system set up at the home. This would allow a person not to sell back to Emera which is becoming harder to do, the homeowner could store the excess energy at the peak to be used at the low times when homes are not using that much electricity. Kaplan noted when she reviews the Chart within attachment #4 she sees a lot of No's regarding standalone systems in the Downtown, Urban, and Neighborhood zones. There are a lot of yes's in the columns for Industrial and Business Park zones. It appears to be more restrictive for individuals. Tilton believed 1,700 square foot systems could be permitted through the Code Office which would typically be used by residential properties. That would be a lot of panels to have on one side of a roof to produce electricity. Tilton noted as is true with all Ordinances there may be some tweaking that must take place as it is implemented and if that is the case and this becomes an issue they can return to the City Council with proposed amendments. Richards stated as it is being proposed in the Downtown and in the Neighborhood zones if a resident has a use (mixed use, commercial use, residential use, or whatever use is there) an accessory system that powers your use is allowed. A small use system could also be used that is standalone in the Downtown and Neighborhood zones that is up to 1,750 square feet.

Does this limit power storage and/or use for outbuildings on private property and is there a hazard association for home insurance policies if you are near any of these commercial property systems? If Richards understood the question correctly, under an accessory use the resident could do that and would not be limited. Richards was not aware of any hazard association for homeowners insurance if you are located near a commercial property system. If the homeowner is currently storing the power within a barn for a system, that would continue to be allowed under the proposed amendments.

Another resident stated it sounds like there are already developers, is the City looking to use the electricity from these fields and what benefit would this be to the City? How are solar fields taxed? Larry Gardner, City Assessor stated the equipment is actually tax exempt. The land and buildings would still be taxed. Richards stated those would be private projects and they would be feeding into the Emera system. It is not known at this time how this would impact the City's usage. Tilton did not believe the City would be tapping into this electrical source

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directly. Other developers are considering Ellsworth for their projects and those may allow opportunities for the City to buy electricity at discounted rates through them. This company that is considering developing on the Mariaville Road is private and will be selling back to Emera to get the best rate, as well as having a small battery storage area on site. At peak times companies store as much excess energy as they can and then reserve it for when there is a demand. David Cole, City Manager clarified the City has gone through an RFP process and is currently looking at taking advantage of the new solar legislation. They have solicited proposals from a number of vendors both within and outside of Ellsworth. This particular project is a private project on private property, they are looking at the area as well. There are two separate things on the horizon.

Grohoski questioned whether the Council or the Planning Board would consider some small carve-outs within the Urban Zone. She was reviewing the map and data showing where the substations are and they are both in the Urban Zone. She did not think that is what your average citizen thinks of when they think Urban; she questioned whether the zoning aligns in these cases with what would be best used for industry. Grohoski noted a company like Emera cannot own battery storage, they cannot own anything that is a generation related so they would be looking to either sell part of their parcel, lease part of their parcel, or use an adjacent parcel. The land next to the transfer station is really appropriate and very accessible. Her hope is the Fire Department would reconsider this as it is not a major side road. She wondered if the Council would consider doing carve-outs or how easy would it be to receive a variance in these cases. Richards stated as Tilton already mentioned upon approval by the Council there can be some fine tuning and tweaking after the fact and return to the Council after a few workshops are held to discuss this with the Fire Department. As more guidance is received from the NFPA regarding battery storage facilities and other energy storage systems that are standalone in large scale. Richards stated that conversations can be held in the future; at this time the City was trying to be conservative with isolating those uses and then expanding after. Richards is aware that Urban areas surrounding that area are prime, there was an application over a year ago that was taken off the Planning Board for a standalone storage facility at that location. At this time, Hamilton reminded the Council they have a motion on the table and a second which would require a vote prior to anything being changed on it. If anyone would like to make a change to the suggested motion it would need to be

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handled separately.

There were no further comments or questions from the public or the Council.

**A final vote was taken with 6 members voting in favor (Blanchette, Grindle, Hamilton, Miller, Moore, and Phillips) and 1 member abstaining from the vote (Kaplan).**

**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 #042000, Request of the City Clerk for appointment of Democratic Election Clerks with terms to expire as of April 30, 2022. (Complete list available at the City Clerk's Department) \**

See attachment #5 for the complete list.

*Council Order #042001, Request of the City Clerk for appointment of Republican Election Clerks with terms to expire as of April 30, 2022. (Complete list available at the City Clerk's Department) \**

See attachment #6 for the complete list

*Council Order #042002, Request of the City Clerk for appointment of Unenrolled Election Clerks with terms to expire as of April 30, 2022. (Complete list available at the City Clerk's Department) \**

See attachment #7 for the complete list.

**Consent Agenda.**

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

**Approved – CO #042000, appointment of Democratic Election Clerks term to expire 04/30/2022.**

**Approved – CO #042001, appointment of Republican Election Clerks term to expire 04/30/2022.**

**Approved – CO #042002, appointment of Unenrolled Election Clerks term to expire 04/30/2022.**

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

*RESOLVED to approve the consent agenda items as presented this evening.*

**NEW BUSINESS**

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

*Ellsworth Moose Lodge #2698, 47 Foster Street, renewal of a City Class B License (Amusement/pool tables, Liquor, and Victualer) and renewal of a State Class V, Club w/o Catering 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 Phillips, it was unanimously*

*RESOLVED to approve the request of Ellsworth Moose Lodge #2698, 47 Foster Street, renewal of a City Class B License (Amusement/pool tables, Liquor, and Victualer) and renewal of a State Class V, Club w/o Catering Malt, Spirituous, and Vinous Liquor License.*

*Finn's Irish Pub, Inc. d/b/a Finn's Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement, 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.

**New Business.**

**Approved - Ellsworth Moose Lodge #2698, 47 Foster Street, renewal of a City Class B License (Amusement/pool tables, Liquor, and Victualer) and renewal of a State Class V, Club w/o Catering Malt, Spirituous, and Vinous Liquor License.**

**Approved - Finn's Irish Pub, Inc. d/b/a Finn's Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement,**

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Public hearing was opened.

Councilor Moore inquired as it stands right now these businesses such as Finn’s cannot open. Moore wondered if they pay their tax when they finally do open or are they expected to pay the tax now. Moore clarified he was referring to the liquor license fee. Heidi Grindle, City Clerk explained the business could submit the application and fee to the State now or they could hold off until they get ready to open before they mail the completed application into the State. Grindle was trying to get the applications ready so the business can decide when they are comfortable sending them into the State according to their own schedule and they are not waiting for the Council to approve anything. Businesses will likely pay the State licensing fee closer to when they reopen. Grindle also requested the Council consider giving her the authority to sign on behalf of the City Council, any State Liquor License applications they approve this evening. As it will be difficult to obtain signatures from the Council during this time of social distancing. Chair Hamilton indicated the Council will make one motion after the licenses are heard giving authorization to sign all of the licenses at one time.

There were no comments from the public.

Public hearing was closed.

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

**RESOLVED to approve the request of Finn’s Irish Pub, Inc. d/b/a Finn’s Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement, Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.**

*Ellsworth No. 1, LLC, d/b/a Hampton Inn – Ellsworth, 6 Downeast Highway, for renewal of a City Lodging License.*

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

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

**Approved -  
Ellsworth No. 1,  
LLC, d/b/a Hampton  
Inn – Ellsworth, 6  
Downeast Highway,**

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY GARDNER, JANNA RICHARDS, RICHA TUPPER, CHAD  
BRACKETT, MARK REMICK, LISA SEKULICH, DWIGHT TILTON, GLENN  
MOSHIER, MICHAEL HARRIS, AND HEIDI GRINDLE.**

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Ellsworth No. 1, LLC, d/b/a Hampton Inn  
– Ellsworth, 6 Downeast Highway, for renewal of a City Lodging License.**

*Ellsworth RI, LLC, d/b/a Ellsworth Ramada, 215 High Street, for renewal of a City  
Lodging License.*

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Ellsworth RI, LLC, d/b/a Ellsworth  
Ramada, 215 High Street, for renewal of a City Lodging License.**

*Cresswell Investments, LLC d/b/a Airline Brewing Company, 173 Main Street, for  
renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal  
of a State Restaurant (Class III and IV) Malt 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.

for renewal of a City  
Lodging License.

**Approved -  
Ellsworth RI, LLC,  
d/b/a Ellsworth  
Ramada, 215 High  
Street, for renewal of  
a City Lodging  
License.**

**Approved - Cresswell  
Investments, LLC  
d/b/a Airline  
Brewing Company,  
173 Main Street, for  
renewal of a City  
Class B License  
(Victualer, Liquor,**

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**DATE: APRIL 20, 2020**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, GRINDLE, HAMILTON,  
KAPLAN, MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY GARDNER, JANNA RICHARDS, RICHA TUPPER, CHAD  
BRACKETT, MARK REMICK, LISA SEKULICH, DWIGHT TILTON, GLENN  
MOSHIER, MICHAEL HARRIS, AND HEIDI GRINDLE.**

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 Cresswell Investments, LLC d/b/a Airline Brewing Company, 173 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.**

Chair Hamilton asked for consideration on the authorization for the City Clerk to sign the above licenses on the City Council's behalf. See attachment #8 for the complete request.

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

**RESOLVED to approve the request of the City Clerk to sign the State of Maine Liquor Licenses on the behalf of the City Council during the COVID-19 Pandemic.**

*Council Order #042003, Request of the Public Works Director to approve a lease agreement on an excavator for a term of up to 6 months at an estimated cost of \$4,500 per month.*

Lisa Sekulich, Public Works Director requested approval on renting for the duration of approximately 6 months a 135 sized excavator. At the time, the agenda was printed the price estimate was approximately \$4,500 a month. Since that point there has been a decrease in demand for excavators combined with the COVID crisis. After discussions with the original companies that submitted prices a lower price was obtained. The new rental fee would be approximately \$2,700 a month. There will be a \$100 fee each way for pickup and drop-off; this was originally a \$150 fee each way. See attachment #9 for the complete request. It will be a John Deere 135 excavator; it is approximately 2 years old and comes with both a cleanup bucket and digging bucket. This is an annual request because the City's excavator

and Amusement) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Approved - Request of the City Clerk to sign the State of Maine Liquor Licenses on the behalf of the City Council during the COVID-19 Pandemic.

Approved - Council Order #042003, Request of the Public Works Director to approve a lease agreement with Eagle Rental, for a 135 Class excavator and attachments at a cost of \$2,700 a month, for a duration of approximately 6 months to be paid for

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was sold a few years ago due to its condition at the time; it was believed at that time this would be a better investment to rent one each year rather than purchase a new one. Based on a 10 year purchase plan, renting one each year would actually save the City money. Councilor Phillips noticed on the quote from Eagle there was a roller included; however, Sekulich did not mention it in her request tonight. Phillips felt there was probably some need for a roller during certain times; the City currently does not own one. Sekulich stated the roller was an accessory they were considering renting for a few months this spring. This would be used right after grading roads and applying calcium. The fee to rent a roller for three months would fall under the price point that the City Manager can approve; this request initially was not scheduled to come before the Council based on the procurement policy. The Public Works Department will be renting a roller as it will make a big difference when grading and packing the roads. Councilor Kaplan recognized a great job in reducing the monthly rental by almost half.

**through the Highway  
General Fund  
Account.**

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

**RESOLVED to approve Council Order #042003, Request of the Public Works Director to approve a lease agreement with Eagle Rental, for a 135 Class excavator and attachments at a cost of \$2,700 a month, for a duration of approximately 6 months to be paid for through the Highway General Fund Account.**

*Council Order #042004, Request of the Public Works Director to extend the contract for center and sideline striping to Lucas Striping, LLC and authorize the City Manager to sign the contract.*

Lisa Sekulich, Public Works Director explained the City is classified as an urban compact which means the roads located within the city, municipally owned roads, and MaineDOT roads located within the urban compact are the City's responsibility for painting the lines and the symbols. In the past, the City has had a separate contract for the long lines (lane lines) separate from the contract for the symbols. The plan behind this request is to extend the contact with Lucas Striping for another year at the same prices they provided last year. By extending the contract at this point it will result in both contracts expiring together next year; originally the two

**Approved - Council  
Order #042004,  
Request of the Public  
Works Director to  
extend the agreement  
for center lines and  
side lines striping to  
Lucas Striping, LLC  
at the unit prices per  
the attached proposal  
(see attachment #19)  
and authorize the**

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
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contracts were three year contracts with staggered dates of expiration. There is potential next year to put the long lines and the symbol painting out as one combined contract. The company that traditionally handles the symbol painting have plans to retire after this year. This opens the possibility to combine the requirements into one contract. See attachment #10 for the complete request.

**City Manager to sign the agreement.**

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

**RESOLVED to approve Council Order #042004, Request of the Public Works Director to extend the agreement for center lines and side lines striping to Lucas Striping, LLC at the unit prices per the attached proposal (see attachment #19) and authorize the City Manager to sign the agreement.**

*Council Order #042005, Request of the City Manager to reallocate \$20,000 from the Grant Application Funds (9090900-590198) to the COVID-19 account (15-49076) to be used for business recovery efforts in response to economic impacts brought on by the COVID-19 Pandemic.*

**Approved - Council Order #042005, to reallocate \$20,000 from the Grant Application Funds (9090900-590198) to the COVID-19 account (15-49076) to be used for business recovery efforts in response to economic impacts brought on by the COVID-19 Pandemic.**

Chair Hamilton introduced this item by stating this request comes from a discussion he had with City Manager Cole after hearing from the business community in terms of their real concerns about bringing people back as their businesses open, being able to promote the City as a whole and offer some way for the City to support businesses. Hamilton was aware this account will contain unspent funds, this could be reallocated so that it could provide some support during this time. See attachment #11 for the complete request. David Cole, City Manager explained as the Ellsworth economy reopens with the rest of the State, Country, and World, Ellsworth businesses will feel the economic impact and to find funds for marketing efforts will be difficult. There have been some general discussions, no specific plans at this time. This account would be primarily seed money to market open for business and working with organizations such as the Maine Tourism Association and similar groups to re-center the communication within the public's eyes. If the Council is in favor of this request, Cole would take it as a directive to the Manager and staff to work with the local businesses, state partners, local partners that include the Chamber of Commerce and others to work together on the first steps back into the real economic world. The details will be worked out and then brought back to

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the Council for approval. Councilor Phillips inquired how the funds would be allocated and spent. He questioned whether it would be brought before the City Council or a small committee to decide what the funds are spent on. Cole stated that decision would be up to the City Council; however, he thought it would be brought back at least to the Finance Committee or the full Council. The timing will be very important as it is not known exactly when this program will be rolling out, the goal would be to move quickly. This concept could return during a special Council meeting. Councilor Blanchette would be in favor of the concept coming back to the full Council for a discussion before that much money is spent. Phillips stated he shared that hesitation, small amounts of money are one thing on bits and pieces; however, this is considered a large sum and should have more than a small overlook. Cole stated this money would be placed in an economic recovery budget and the plan to allocate the funds would be brought back to the full Council for review.

Matthias Kannan, asked how would local businesses be able to access these funds? Hamilton answered from the perspective of what was being discussed prior to the Council meeting. The thought was Cole would work with his team and his connections within the business community to develop a plan and proposal. This may not be individual business to business, those details will need to be worked out. This plan and proposal will come back to the City Council for discussion and approval.

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

**RESOLVED to approve Council Order #042005, to reallocate \$20,000 from the Grant Application Funds (9090900-590198) to the COVID-19 account (15-49076) to be used for business recovery efforts in response to economic impacts brought on by the COVID-19 Pandemic.**

Jon Stein stated relative to the collective budgets of Ellsworth small businesses this would be a small amount, of course if the City puts it in a concerted community effort it will be very meaningful. He asked if there are any particular areas that the Council members would like to see these funds go towards. Hamilton stated that would be discussed as part of the process when Cole is speaking with the business community and then the Council will share their input. This will be a collective

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process and involvement will be encouraged. Cole clarified the action by the Council this evening is reallocating budget funds and finer details of this proposal will return to the Council.

**A final vote of the City Council was taken with all members voting unanimously in favor.**

*Citizen question from earlier in the evening: Are there any considerations currently to expand broadband in the City, if so where. We are seriously struggling to work and homeschool on North Street without the ability to access high-speed internet.*

David Cole, City Manager noted the City through a Northern Borders grant approximately 5 years ago invested in a three mile of gig level trunk line in the City of Ellsworth. This line goes right into the three-ring binder. The City has invested in this area, as well as there are a number of other providers in the area. This topic involves the economics of density of population to make it profitable to the service providers. Within the more rural areas of Ellsworth it is very challenging and often the people living on the lakes would like to get access to cable or other services. Cole stated that is one of the key infrastructure pieces that any community needs to look at. The COVID outbreak has certainly highlighted the dependency on it. Once this pandemic is over the City may be able to consider this need and work with State and private funding sources to see what can be done to extend that web out further. Jason Ingalls, IT Administrator and COBE System manager stated he checked with Union River Telephone about North Street specifically because they have fiber coming through that area; unfortunately, they are not providing service to that area. The City does not have any plans to extend into that area at this time. Rivah net is also known as Union River Telephone. The person asking the question has spoken with Ingalls and through following up on the lead given by Ingalls also received that answer.

*Discussion and update on the role of Emergency Medical Services within the Ellsworth Fire Department.*

**Citizen question from earlier in the meeting.**

**This item was a discussion only; no action was taken or required this evening.**

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Chair Hamilton wanted to bring forward that under the City's non transportation license there has been a complaint filed related to response. That complaint is being reviewed and addressed by the City's legal counsel. At this time it would not be appropriate to discuss it. This item is about the fact that it came as a surprise the City actually had a license. It seemed appropriate to backtrack around the training that was provided, what the license is, what obligations come with it, and what must the City do because there are some changes that go beyond what the Council has discussed in the past. Richard Tupper, Fire Chief gave a brief history starting in April of 2018 when County Ambulance closed their doors. There were discussions and actually prior to that the City had discussions with what is now Northern Light Transport. That discussion started with the evolution of what is the future of emergency medical services (EMS) in Ellsworth. Discussions followed from that point and extended to, would the City have any interest in providing EMS, would the City have any position in working alongside of an EMS company or where would the City like to go with regards to this topic. It could be left completely to a private entity. Further discussions lead to Northern Medical Transport being housed with the Ellsworth Fire Department. The Fire Department continues to assist the ambulance in the field, as they have for many years (at least 30 years). Recently, during the discussions it was noted that many times there is a lack of EMS in the City or delays in getting an ambulance. There have been times when the Police Department had to put patients in their cruisers. There have been times when they are waiting for an ambulance to arrive, the Fire Department would be dispatched to assist. Those scenarios prompted the discussions at lower levels to question what the future of EMS is. That discussion graduated to a full appointed committee to look at what are the needs of the City of Ellsworth and continued on to the discussions of what the Fire Department does in the field. At one point there was licensed EMTs on staff that assisted in the field because it was the right thing to do for a particular individual when an ambulance was not immediately available. That practice started with a complaint on that one particular call and it was researched to try and determine how the department can protect the employees. That employee was practicing under his own license while working for the Fire Department on a response. That practice puts the Fire Department in a risky situation. The outcome of that discussion resulted in the need to obtain licensing as a first responder non-transport unit. This also prompted the need for insurance riders to protect both the individual and the City. Through further discussions with the City, training for the remaining staff within the Department was approved and

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that training has been completed. A license was applied for to cover the City and the staff that were individually licensed at the time. The insurance coverage was gained through Maine Municipal Association and then the training for the remaining staff was completed within the Fire Department. The one exception on the training side is one out of the seven that took the class was able to fulfill the additional testing requirements the remaining six members who took the class still need to complete the process. COVID shut down the testing sites for a while. The complaint that was referred to by Hamilton has brought to light that the Fire Department should be responding to all medical calls in Ellsworth by virtue of holding this license. Tupper stated back when these discussions were started his understanding of the need for this license was strictly to cover the individual employee holding an EMT license and to protect the City. The understanding at the time was if the Fire Department did not have this license from the Maine EMS Board the Fire Department was practicing medicine without a license. It was not necessarily understood that by virtue of holding that license, the Department was now obligated to go to all EMS calls within the City of Ellsworth and by default Fletcher's Landing as they cover that area too. At this time, they are following this protocol as they have been made aware of this requirement and do hold the license. That procedure could be changed at the City Council's discretion; however, if they do not go to the EMS calls in Ellsworth and Fletchers Landing as a first responder they would be negligent of their duties by virtue of the EMS license they hold. Councilor Blanchette inquired if the Fire Department would be the primary responder or would the Department be responding in conjunction with Northern Light. Tupper stated they would be responding in conjunction with Northern Light. If the RCC took a medical call through 911 their first response would be to call Medcom to have the ambulance respond, the second call would be to have the Fire Department dispatched. Whether it is completed by the RCC or the Ellsworth Dispatcher Center the call will be made. Blanchette inquired if it mattered what the call was about. If they are both at the Station at the same time and the call comes in for a lesser call and the ambulance is fine with it, Tupper's understanding (although this still needs to be clarified with Maine EMS) is with the consent of the ambulance crew, they can make that judgement call whether the Fire Department needs to respond to that particular call. If the ambulance was not available or they were already committed, the Fire Department would go and start the first response and then the ambulance would meet them at the scene. They are listed as the transport ambulance for the Department so they must appear at the scene anyway.

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They will not leave the Fire Department alone on the scene. Blanchette stated in a previous meeting there was a discussion about Fletcher's Landing and the number of calls over the past 10 years being very low so the cost of the contract was very low. Tupper explained when the contract with Fletchers Landing was renewed for fire coverage the topic of EMS came up. Fletchers Landing had requested to have EMS coverage included in that contract as well, at that time the Fire Department was not in the position to offer that service. The cost of the contract was based on only fire coverage at that time with the explanation that the City was moving toward that goal and if they reached that point there would be an adjustment to the fee within the contract. The agreement was made for one year and will renew in July; there was a clear understanding if the Fire Department provides EMS services there will be an increase to the fees within that contract. Councilor Kaplan inquired if the Fire Department license is just basic or is it for ACLS and PALS. Tupper explained they hold a license for medical first responders at the EMT Basic level – non transport. They do not hold the ACLS and PALS designations and therefore the Fire Department would need Northern Light because they are advanced. Kaplan clarified the Fire Department would be similar to the jaws of life and then the transport shows up when they are needed. Hamilton noted if the Fire Department is responsible for responding at the direction of Northern Light; the Fire Department is then providing a service for them. If the Fire Department is providing a service for them what are the provisions and contractual obligations that the City needs to discuss in terms of being compensated for that. Tupper agreed that is a discussion that needs to take place. He did clarify that the Fire Department is not licensed to provide a service for them; the Department is licensed to provide a service for the community alongside of them as a first responder unit. They are listed as the Fire Department's transport agency. Obviously, the Fire Department does not own an ambulance and the Department only goes to assist them or augment what the ambulance company would do when they are there. Tupper agreed there is no question the Fire Department is augmenting and helping by offering extra hands but the assistance primarily starts with the citizen. There are avenues to recoup some of those costs, exactly what those costs are and how much those are is a topic for discussion. David Cole, City Manager noted prior to this wrinkle with the license back in late fall or early winter, Tupper and his command structure approached him about an expanded role for the Fire Department in this area given the fact that they had seven or eight members that had been trained as basic EMTs. Cole reminded Tupper that when the Council approved this funding a

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year ago at the April Council meeting the idea was if the City was going to require the Fire Department staff to be out there on the scene they ought to have an appropriate level of training. Cole explained if the Fire Department was looking for an expanded role it needed to go through the proper process starting with the Public Safety Planning Committee. Ultimately the budgeting process and the City Council if there are budget implications. Cole suggested this discussion would need to go to the Public Safety Committee. There was a meeting scheduled just at the beginning of the COVID-19 Pandemic turning the world upside down. This concept needs to return to the Committee and complete the process. Cole stated they are working on straightening out the license in regards to the complaint. This license could be relinquished within a month period; a notice would need to be filed and complete the process. It could be as simple as making arrangements with Northern Light so that those calls where the Fire Department is not needed or can be dismissed are documented. The decision is ultimately the City Council's where the City goes with this role. Councilor Miller inquired how many staff members would Tupper need in order to meet these requirements. This would be a 24 hour a day service for the responding unit. Tupper did not see an immediate need to change the current staffing levels. It was the understanding with the license that it was as available. If the Department is out on an EMS incident and then they receive a fire call, it needs to be determined whether the staff could either handle the fire call or they could release staff from the EMS call. There is no immediate need for additional staff. Police Chief, Glenn Moshier added that although Tupper may not see any immediate need for fire personnel, the City may need to consider dispatch personnel. If the Fire Department were to respond to all medical calls for the City of Ellsworth, there would be approximately an additional 1,000 or more calls for service. Those calls for service as it stands are going to have to be toned out and controlled through the Ellsworth Police Dispatch center. That center is currently staffed by one person from 7:00 AM until 11:00 PM at night. They already have a pretty commanding job just to handle the amount of telephone traffic and radio traffic for law enforcement and what they currently do for the Fire Department. If that work load is added on to the two individuals that are already stretched pretty thin there would need to be discussions concerning the potential need for increased staffing. Blanchette inquired according to the State rules if the City goes this route a report has to be made on each call out, a paper report has to be generated; would that be the responsibility of the Dispatcher, Police Department, or the Fire Department. He further questioned whether the City had the staff to complete this

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task. The majority of the reporting is going to have to be done by the Fire Department. As is done with other Fire and Police calls there will likely be an increased need for the Dispatchers to enter information onto the Spillman card within the computer. This would allow the Fire Department to have the information so that they can complete whatever reporting they are required to do specifically for Maine EMS. The reporting system for Maine EMS is separate from the Spillman system. Tupper stated that is correct, the individual in charge of the crew that responds to an EMS run is the person responsible for doing an EMS report through the Maine Reporting System. Blanchette also noted within the State rules pilot projects are available. This would be a one year program renewable up to three years. Blanchette questioned whether that was something Ellsworth could take advantage of while this situation is sorted out. Tupper will research this possibility, he was not aware of this option. Councilor Grindle was reviewing the Council meeting minutes and her recollection of how the City arrived at this point. At first the education request was included in a much bigger discussion about EMS services and ambulance services. It was very clear to the previous Council that the request should be brought forward with discussions by the public and the Council because there are a lot of different moving parts. Case in point, Moshier's comments concerning the communication issue. There are still a lot of topics that need to be finalized and thought out. The education request came before the Council again as a liability concern based on the Department already going out to these calls and responding; however, we could be held liable for doing so. The Council approved the training because the Council was basically saying we are already doing this and so we need to therefore cover ourselves with this education. At this point, the license has been issued and they are going out on every call. This puts the Council back at the beginning with these other questions that still need to be addressed. Grindle was not really sure what the next steps should be, clearly it needs more discussion, there could potentially be staffing issues with the Communication Center and what are all the unknowns that are out there. First it was the Department received the education, then it was unknown that the Department needed a license, then once the license was received, it was unknown the Department needed to go to every call. She felt there was more work that needs to be done. Grindle did not really think the City had an objective tonight; this was an item for discussion only and a motion would not be taken tonight. Hamilton noted a plan could be developed tonight to move forward in terms of where the City needs to go with this request. There will not be a formal vote tonight. Grindle

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL  
Teleconference only via Zoom Conferencing technology**

**DATE: APRIL 20, 2020**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, GRINDLE, HAMILTON,  
KAPLAN, MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY GARDNER, JANNA RICHARDS, RICHA TUPPER, CHAD  
BRACKETT, MARK REMICK, LISA SEKULICH, DWIGHT TILTON, GLENN  
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noted there is still a lot of work to be done with the public and the different departments and the City is already in violation. Councilor Phillips asked Tupper if five years before the City ran into this situation with the ambulance leaving, did the ambulance service take care of all the calls and this type of thing without the Fire Department having to be involved. Tupper stated no, because he can remember assisting the ambulance several times continually. This need has always been there and back in April of 2018 when this discussion started the Department was learning that the Department of Labor, Maine Municipal, and Maine EMS were looking closely at Fire Departments who had EMS licensed individuals on their Departments that were assisting ambulances however the organizations were not licensed. This is where the whole issue of the liability and working outside of the Department's scope of practice got started. Phillips questioned if before this point the Department responded as an EMS, he was fairly sure the Department did not and he was assuming that the ambulance service took care of these things. Tupper stated the Department did not respond as an EMS service but they responded as a fire department because they were toned out to go help the ambulance. They would go and that evolved into doing EMS things because many firefighters come from an EMS background or have shared EMS backgrounds. Over the years through this past practice has come to everyone's attention that things need to be done correctly. Phillips inquired if the Department relinquishes the license and Northern Light becomes responsible for this, will the citizens of Ellsworth be served. Tupper stated no because he can assure the Council they will get called to go out and assist the ambulance. If the Department relinquishes this license then this discussion will circle back to having people that hold an EMS license individually assisting the ambulance in the field. The moment that individual does something from a medical perspective while working for the Fire Department that day; it will result in the City and Fire Department being in the same mess that started this discussion. Tupper stated if the City chooses not to provide EMS in any capacity, the Fire Department will know when they show up on the scene they will need to be extremely careful and resist the urge to help somebody. Tupper felt this warrants and he has asked for many times a committee meeting and/or workshops to have all the players present to discuss this extensively. He agrees with the questions and statements that there are causes and effects from this situation. He does not disagree with Chief Moshier because this will impact the Dispatchers. Tupper strongly recommended a representative from Maine EMS be at the meeting. This would be the most effective way to get all the answers to the questions voiced by the Council.

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Phillips inquired how many of the surrounding communities are certified in the Basic EMT and hold this license. Tupper stated to his knowledge there are 2 departments that do not have a first responder license (Trenton and Lamoine); all the others do. Bar Harbor has transport EMS and have their own ambulance and Bucksport has an ambulance. They all have this license, it seems to be the normal course of business. Kaplan stated it is important to just have EMS available. She stated Northern Light has ACLS and PALS available, they are actually called by the hospitals to do inter-facility transports; a lot of times they are not even available for a call. They may leave a basic provider there to handle a basic call but with this license that is something the Fire Department could handle. She felt the Fire Department would be able to provide coverage to the community. Kaplan noted the whole reason there is the basic life support measure is because if they are the first to arrive on the scene, they can start to provide CPR and then the ambulance may arrive to actually transport the patient. Unfortunately, before the patient is even transported someone needs to save their life. It will be the Ellsworth Fire Department performing the CPR and the initial life-saving measures. The Fire Department will not be ACLS trans certified, which would be advanced cardiac life support but they can provide basic life support until the ambulance shows up. Hamilton echoed Grindle's and Tupper's earlier comments. The issue according to Hamilton is not a matter of public safety for the Council; that has been the discussion since day one in terms of when the Council first started talking about this topic with the previous Council. They worked on developing a contract with Northern Light and a partnership; this was all about making sure the community had the right resources. Hamilton stated what is missing at this point is complicated from the perspective of how does the Council and City get to the ideal place with all these different licenses, roles, and responsibilities. Who is responsible for what, what are the requirements, and does the City have a system that is worked out so that all partners know exactly what they are required to do and how that relationship operates. This is different than when the City entered into the agreement with Northern Light. There is a change, this license does require something that the City did not discuss. A letter was received by the Council explaining the Firefighters are in full support of this; however, there needs to be an opportunity to bring the right group of people together to discuss how this is pulled all together in a way that works. There will be some additional positions and costs; none of that has been discussed. Hamilton noted this is not the type of service that can be ad hoc, there needs to be a plan with actual numbers. Informed decisions

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need to be made rather than reactively. Hamilton recommended getting the EMS Committee together with the right partners in order to develop a proposal that can be brought before the Council for a larger discussion. The consensus of the Council was to hold a zoom conference on this topic with the EMS Committee and the key partners with the goal of getting an update on the status at the next meeting. Hamilton invited the voice of the firefighter to be heard as well at this meeting.

**This item was a discussion only; no action was taken or required this evening.**

*Adjournment.*

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

***RESOLVED to approve adjournment at 9:25 PM.***

**A TRUE COPY**

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

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