

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 15, 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, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

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 live at 1 City Hall Plaza in the City Hall Council Chambers with only the City Council, City Manager, and the allowable number of participants allowed according to the Governor's executive order present. Citizens may email questions and public comments on the public hearing agenda items as well as other items this evening to Chair Dale Hamilton at dhamilton@ellsworthmaine.gov prior to and throughout the duration of the meeting. The meeting will be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page; as well as recorded and made available live on Spectrum Channel 1303.

Facebook: <https://www.facebook.com/ellsworthme>

YouTube: <https://www.youtube.com/c/CityofEllsworthMaine>

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.

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

RESOLVED to approve the addition of an item to the agenda. Executive session to discuss the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approved - addition of an item to the agenda. Executive session in accordance with MRSA Title 1,

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ON CONFERENCE CALL: LISA SEKULICH.

publicly held property or economic development only if premature disposition of the information would prejudice the competitive or bargaining position of the body or agency in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C. Actions as needed on the part of the Committee are anticipated following the executive session.

Following the vote to add this item to the agenda; Chair Hamilton designated this item as #23 and move adjournment to item #24.

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

 May 18, 2020 Regular Meeting.

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

RESOLVED to approve the adoption of the Ellsworth City Council minutes from the May 18, 2020 Regular Meeting as presented this evening.

City Manager's Report.

David Cole, City Manager noted the most significant development since the May Council meeting was City Hall has reopened. Staff that had been working from home have now returned to City Hall. Staff members have been spread out in the building, added accommodations such as Plexiglas, masks, and have added other items to ensure a safe environment. City Hall is now open 5 days a week to the public by appointment only. The appointment system seems to be working very well; it is successful for the City staff because they can control the number of citizens coming into the building. There are designated parking spots in the parking lot off from Church Street where the customer waits until their turn. Only four people are allowed in the building at one time. This is good for the customers as well because they have a specific time they can come into take care of their business. Cole noted the Harbor is open. The new walkway is substantially completed at the Harbor there is still some landscaping work remaining as well as backing up to the concrete structure. Oak Street has been improved with some cleanup remaining. There are a few projects in progress which the Public Works Director will provide an update on later in the agenda.

Committee Reports.

Chapter 13, Section 405, Paragraph 6C. Actions as needed on the part of the Committee are anticipated following the executive session.

Approved - Adoption of the Ellsworth City Council minutes from the May 18, 2020 Regular Meeting as presented this evening.

City Manager's Report.

Committee Reports.

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ON CONFERENCE CALL: LISA SEKULICH.

➤ *Harbor Commission.* Councilor Moore reported to date \$21,762.94 has been collected in various fees. Gaftech has been at the Harbor to make some adjustments to the new fuel supply that was recently put in place. The Harbor users seem to be very pleased with the new offerings. The pathway that extends out to Water Street was one of the biggest improvements at the Harbor this spring. The sections of the parking lot that had been disturbed by the installation of the fuel tanks has been repaved. Moore thanked KJ Dugas Construction for assisting the Ellsworth Public Works Department in getting that paving project completed. Due to a variety of factors the Harbor did not officially open until June 1, 2020; however, they did provide birthing of boats beginning May 15, 2020. Moore announced the City has hired two part-time seasonal employees to serve as Deputy Harbormasters this season. Their names are Kim Shay and Shawn Merrill.

Citizens' Comments.

Chair Dale Hamilton read into the record a public comment from the Library Board of Trustees. The Board of Trustees is dismayed by the action of the City Council and particularly in the way that this post mischaracterizes the use of the library by non-residents as was discussed at a meeting of the Board of Trustees earlier this year. The Library has already changed the policy to require surrounding towns to either one contribute a standardized per capita fee for use of the Ellsworth public library by their own residence or two the library will charge each resident of that town the standard non-resident card fee. In fact the surrounding towns have for the most part been paying into the library operations budget for many years. It has never been the library's policy for surrounding towns and residents to use the library for free. The City Council had already expressed a desire to see a greater contribution of funding from surrounding towns and this plan was designed specifically in reaction to that conversation. The new policy was due to take effect July 1 but due to the COVID-19 pandemic the Board voted to postpone the implementation by six months because of the hardship it would impose on many of the long-standing patrons and community members. This mixed with the fact that many towns simply have not been able to hold town meetings and vote on this change to their funding. Decreasing the City provided funding by this amount will unnecessarily reduce the entire library budget. The \$100,000 dollar shortfall cannot be made up by user fees and is likely to result in significant reduction of library services. After the Library Board's December 17, 2019 meeting with both councilors Phillips and Hamilton we proactively removed more than \$34,000 from

Citizens' Comments.

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the budget to avoid this situation. They had already mentioned the possibility of a six figure reduction. This made for a fifty seven thousand dollar decrease from the 2019 budget. At a time when so many community members are in desperate need of library services the Board of Trustees believes this action by the City Council will harm children, adults, and senior members of Ellsworth. There remain many possible solutions to the Council's need to decrease the overall city budget and a proposed smaller percentage across city departments may be a more fair and equitable way to decrease city funding. It is the sincere hope of the Board of Library Trustees that this decision is reversed and they are grateful to the residents of Ellsworth and surrounding towns for expressing their own dismay. Sincerely Board of Trustees Ellsworth Public Library. That was the only comment Hamilton received through email this evening. Hamilton asked the public to watch the budget meeting. Contrary to what has been portrayed as a move to balance the budget within an automatic email (similar to Robocalls) that was sent to residents; the truth is the proposal to reduce the Library budget was not about reducing the City budget to achieve a certain level. Hamilton is confident in this because he is the one that raised the issue. This reduction was to address a fairness issue in terms of how much the City of Ellsworth taxpayers are paying for a library. The surrounding communities where they do pay some fees as the Trustees have stated, it is a very tiny percentage of the overall budget. Over at least the past 3 years the Council has tried to work proactively to come up with other solutions to help bring the cost of the library in line with other communities of our size and without damaging the library. Hamilton does not believe this is going to be damaging to children, families, and seniors that is a mischaracterization of what would happen. The Council does not maintain line item control over the budget. Hamilton still believes there are ways to achieve savings and bring it in line with other libraries of this size to release the burden. He hoped that surrounding communities would then step up and pay their fair share which overtime would increase the library budget giving them more resources at that point. To be clear this is not to balance a budget or reach a certain number; it is solely to address the fairness issue and continue to support the Library with very significant taxpayer funding. Councilor Kaplan inquired if this could be approached as a step down method over the next two to three years. She suggested cutting a percentage now and then work up towards where ideally it would be in line with other communities. Hamilton noted that is an approach they have been trying to take for at least the past three years. He noted tonight as he did at the last budget meeting this has reached a point where a line must be drawn in the sand. The argument has been made as well as emails received, and in the statement read into the record this evening that people are

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ON CONFERENCE CALL: LISA SEKULICH.

concerned with the residents from other communities and their ability to afford what would be a comparable per capita rate at this time of the economy. Hamilton finds it hard to not take the position of supporting the Ellsworth taxpayers for the same reason. The argument of stating well everybody else in other communities are having it tough so let's continue to carry that burden and ignore what is happening with the Ellsworth taxpayers is not a fair option. Hamilton did not feel there was a willingness to get to that agreement; for Hamilton personally if there was some movement that demonstrated a strong sentiment in that direction where that would happen he might feel differently. It was believed that would be accomplished July 1 and now that has been postponed as addressed in the statement presented this evening. The willingness to take that step just has not been there and that has led to Hamilton's position. Kaplan noted the Ellsworth mil-rate is currently higher than the surrounding communities by at least 50%. Cole noted traditionally a service center community will have a higher tax rate than the smaller communities around. He indicated it could be in that range of difference. Hamilton noted as the budget process moves forward there will be other opportunities to address this topic. The School budget will be validated by the public at the July 14 election; tonight the Council will be taking a vote on a Continuing Resolution with the municipal budget. The budget will not be finalized tonight so there will be ample time for individuals to continue to weigh in on this discussion. Councilor Grindle stressed this is equality for the Ellsworth taxpayer.

Grindle indicated this should be a regional library; however, she was not going to expand on that topic tonight. In staying with her campaign promise she did compare the Ellsworth library department to similar communities of our size and identify the differences in the costs and services that are provided. Ellsworth's population is 8,000, the tax revenue is approximately \$21 million; the library's proposed appropriation budget is \$561,000 which is 2.6 percent of the total tax revenue raised. This is approximately \$70 per Ellsworth resident or per capita. In her research Freeport, had 8,500 residents, \$26,000 tax revenue base, \$53,000 appropriation, that is 1.7 percentage of tax revenues to be raise, per capita cost is \$53. Old Orchard Beach, had 8,900 population, \$28 million in tax revenue, library appropriation \$288,000, 1 percent of total tax revenue, \$32 per capita. Yarmouth, 8,500 population, \$30 million in tax revenue, \$502,000 library appropriation, 1.7 percent, \$59 per capita. Kittery, 9,800 population, \$26 million in tax revenue, \$467,000 library appropriations, 1.8 of tax revenue, \$47 per capita cost. Based on this research there is an inequality between Ellsworth and the other communities that have far more in tax revenue that Ellsworth does. In Ellsworth the per capita cost is \$70 compared to the next highest of \$59 per capita. Grindle felt to get to a

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ON CONFERENCE CALL: LISA SEKULICH.

more equitable situation this deduction is necessary to be fair to Ellsworth residents. Grindle appreciates all the emails she has received; those are not a surprise to her and she does believe the Library is a gem. 27 of the emails are from non-residents; she encouraged those residents to speak with their town selectmen and push the issue of supporting the Ellsworth Library with them. The state of rules and regulations around attendance at the July Council meeting are still unclear although one could assume the current orders will still be in place; however, Hamilton encouraged individuals who would like to offer an opinion on this topic to send an email to any City Councilor and be prepared for the July Council meeting where there can be a robust discussion.

Presentation of Awards.

Troy Bires, for thirty years of service with the Ellsworth Police Department.

Troy Bires was absent from the meeting. The award will be given to his supervisor for presentation at a later date.

UNFINISHED BUSINESS

There were no items under Unfinished Business this month.

CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk () are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

*Council Order #062000, Request of the Deputy Treasurer/Tax Collector to set the real estate and personal property tax due dates at September 10, 2020 and March 11, 2021. **

See attachment #1 for a complete explanation.

Council Order #062001, Request of the Deputy Treasurer/Tax Collector for an Order of the Municipal Officers on the application of real estate and personal

**Presentation of Awards.
Troy Bires – 30 years of service, Ellsworth Police Department.**

Unfinished Business.

Consent Agenda.

Approved - Consent agenda as presented this evening.

Approved - Council Order #062000, Set the real estate and personal property tax due dates.

Approved - Council Order #062001, this order will allow for

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ON CONFERENCE CALL: LISA SEKULICH.

*property tax payments. This order will allow for the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills. **

See attachment #1 for a complete explanation.

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

RESOLVED to approve the consent agenda as presented this evening.

NEW BUSINESS

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

Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant Malt and Vinous (Class III and IV) Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

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

Luhrs Empire Inc. d/b/a DragonFire, 248 State Street, for renewal of a City Class B License (Victualer, Liquor, and Arcade < 12 devices) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills.

New Business.

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

Approved - Luhrs Empire Inc. d/b/a DragonFire, 248 State Street, for

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MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Luhrs Empire Inc. d/b/a DragonFire, 248 State Street, for renewal of a City Class B License (Victualer, Liquor, and Arcade < 12 devices) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

renewal of a City Class B License (Victualer, Liquor, and Arcade < 12 devices) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Approved - Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

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ON CONFERENCE CALL: LISA SEKULICH.

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

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

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

*Public hearing and action on approving the establishment of the Oriole Senior
Municipal Affordable Housing Development and Tax Increment Financing District
Development Program.*

David Cole, City Manager stated Kevin Bunker from Developers Collaborative was on the phone tonight representing the Oriole Way Senior Housing project. Bunker gave a presentation at the May Council meeting on the Oriole Way Senior housing project, the proposed TIF, and the reasons why that concept would be a win-win for both the City and the developer. Cole added that in 2015 the Council at that time ordered a senior housing study; that study demonstrated a very acute need for senior housing units. He indicated this project satisfies that need. The way tax increment financing works is it takes new investment which in this case would be three million two hundred and eighty thousand dollars and removes it from the tax rolls in the sense of state funding formulas. At the May Council meeting the benefits of a TIF were described. Ultimately the City would end up with a little bit more tax revenue than it normally would even if it were taxed in a normal way. This would be a 50/50 arrangement. 50% of the taxes would go back from the district to the developer to help finance the project and the other 50% would go into a special fund within the City. In this case the special fund would be designated to offset expenses at the Moore Center specifically the debit service associated with the

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

**Approved -
Designation of the
TIF district, the
development
program, and credit
enhancement
agreement per the
attached City
Council Resolution
(see attachment #2).**

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ON CONFERENCE CALL: LISA SEKULICH.

Moore Center. This would be taking what would otherwise have been a general taxation obligation off the table. Cole believes there are a lot of benefits to the project and is a good use of TIF dollars. This is very similar to the Leonard Lake Senior Housing TIF the Council approved five or six years ago. Chair Hamilton noted this is a public hearing and encouraged the viewing public to submit any questions they might have at this time, to allow for the delay of technology. Councilor Kaplan noticed on the valuation and numbers that typically with a TIF it is highest at the beginning and then declines over the next few years; however, the numbers provided remain the same in regards to the evaluation and mil-rate. She did not believe the property would be evaluated the same nor would the mil-rate remain the same between this year and 2049. Kaplan also wondered what this project would do to the Ellsworth general tax base; would it increase the overall tax base of Ellsworth as a whole. If so, would that ultimately increase the tax owed by residents that are not involved in the TIF. Cole indicated he understood the first question to be why are the evaluations static? The answer to that is these are real estate values and generally overtime they will increase not decrease. The other factor is it doesn't matter what is projected the City will only accrue benefits on whatever the value is at that time. These are good faith estimates; Cole believed them to be on the conservative side. Kevin Bunker indicated they had discussed what to use as a mil-rate and evaluation assumption with the City at the beginning of the project. Over the course of 30 years it would be impossible to make an accurate statement to the penny; the other way to do this would be to assume 1-2% in assessed value and 1-2% in tax rate and if everything is around 50% it will come out in approximately the same place. Bunker explained this process and it appeared throughout the explanation that the City would be breaking even or possibly making a small amount of money. Kaplan wondered what this would do to the property value of the people around Ellsworth; would this increase due to additional use of services such as police, fire, and education. Kaplan wondered if there would be a net benefit or if the overall tax base would be increased which would then cause an increase in the amount owed by each taxpayer. Cole indicated there has not been an impact study conducted; however, generally senior housing has a very low to non-existent impact on City services. Kaplan inquired if this is senior housing solely based on age or could disabled people also qualify for this type of housing regardless of age. Bunker indicated only people 62 plus years of age qualify. See attachment #2 for the complete request, Order for Oriole Senior Municipal Affordable Housing Development, and Maine State Housing Authority Application.

Public hearing opened.

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ON CONFERENCE CALL: LISA SEKULICH.

Councilor Moore thought the Council would look favorably on such an arrangement based on the cost to educate a child entering the Ellsworth School system and the value of taxes paid. Cole believed the example Moore provided does support a TIF for a senior housing project. Cole noted this project was one of 7 projects that the State selected under this program. This is part of the senior bond funds that were approved by the voters of Maine and there was a competitive process used to identify Ellsworth as one of seven projects worthy of these funds. Kaplan noted the typical reason for a TIF is for a blighted area or a depressed area within a City to boost the value of that area. Kaplan felt this particular project is part senior housing for the TIF portion but then also moderately priced apartments in addition to that. She is not sure if moderately priced apartments are included that would qualify as a blighted area. Bunker explained the TIF Statute requires that 25% of the land be suitable for residential development and not 100% but in any case the blighted language does not refer to the post development condition. The goal is to eliminate the blight; that language refers to the pre-development condition so the operative judgement on whether or not an area is blighted or needs redevelopment applies to what is there now and not based on the development plan to be implemented.

Public hearing closed.

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

RESOLVED to approve the designation of the TIF district, the development program, and credit enhancement agreement per the attached City Council Resolution (see attachment #2).

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

Public hearing and action on Council Order #062002, the Ellsworth School Budget Resolutions for FY 2021.

Chair Hamilton stated this item requires a public hearing; he encouraged residents to send their comments in now to avoid the delay from technology.

See attachment # 3 for the complete request. Chair Hamilton read the entire agenda

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ON CONFERENCE CALL: LISA SEKULICH.

item into the record before individual votes were taken on the sub-items.

Superintendent Daniel Higgins stated he presented his budget during the budget workshop and would be willing to answer any questions that the Council might have this evening.

Public hearing opened.

There were no comments.

Public hearing closed.

A separate vote is required on items a – c. The remaining items could be voted by one motion; however, the Council has traditionally taken individual votes on items d - h.

- a. Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Ellsworth Schools for FY2021.*

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

RESOLVED to approve City Council Order #062002 (a), ORDERED that the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$8,681,706.66) and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

The dollar amount was added to the proposed motion before a final vote was taken on it. Superintendent Higgins stated the amount requested is the amount that the School is required to raise as a municipality in order to receive the full state subsidy.

- b. Order Approving Non-State Funded School Construction Debt Service For Ellsworth Schools For FY2021.*

Approved - City Council Order #062002 (a), ORDERED that the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$8,681,706.66) and to see what sum the municipality will raise.....

Approved - City Council Order #062002 (b):

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 15, 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, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

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

RESOLVED to approve City Council Order #062002 (b): ORDERED that the City will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. The School Board Recommends \$82,510.11.

- c. Order Raising And Appropriating Additional Local Funds For Ellsworth Schools For FY2021.*

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

RESOLVED to approve City Council Order #062002 (c): ORDERED that the City of Ellsworth raise and appropriate \$2,457,207.56 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$2,457,207.56 as required to fund the budget recommended by the school board?

The School Board recommends \$2,457,207.56 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$2,457,207.56. This amount is needed to cover the School Department's expenses that are not recognized or fully funded by the State's funding model: Facilities/Maintenance costs, Special Education costs, Technology costs, Transportation costs, Professional Development costs, and System Administration costs.

Before a vote was taken Councilor Blanchette inquired if this was the amount before or after (2.5) last Thursday's budget workshop meeting. Councilor Phillips inquired if these were the corrected budget amounts; rather if attachment #3 was based on the reduction of \$100,000 since the last discussion. Higgins stated he was not aware that decision was formally made; if there is going to be a reduction of \$100,000 he will provide a revised figure for this item. Higgins recommended the Council withdraw the second as well as the motion. Phillips was under the impression there had been some discussions and there would be a reduction in the amounts that were presented this evening. Hamilton stated that was his understanding as well. Higgins explained the numbers within attachment #3 are the

ORDERED that the City will raise and appropriate for the annual payments on debt service ... The School Board Recommends \$82,510.11.

Approved - City Council Order #062002 (c): ORDERED that the City of Ellsworth raise and appropriate \$2,457,207.56 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$2,457,207.56 as required to fund the budget recommended by the school board?

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

numbers that the School Board approved and by law those are the numbers that need to be listed on this document. If there is an adjustment to those it needs to take place tonight. David Cole, City Manager noted Higgins is prepared to deal with that. Higgins stated in regards to a reduction of a \$100,000 he can provide the information in terms of what those numbers would be if that's what the Council would like. The School Department did come in with their budget consistent with the times. This is just less than a flat budget but certainly based on the current situations; the School Department is willing to do their part in providing the appropriate tax burden or no additional tax burden on the citizens. Hamilton stated there is a motion and a second on item C; a vote has not been taken yet so there could be an amendment to that motion by reducing the amount by \$100,000. The amended motion then could be voted on. Phillips inquired if the first two items already passed would also need to be amended. Higgins indicated no those do not require an amendment to the dollar amount. This article along with the next one require an adjusted amount be provided. Item (c) the additional local funds article needs to be reduced by \$100,000. The motion would need to include the dollar amount of \$2,457,207.56

Before a vote was taken on the above motion, Councilor Phillips amended his motion to state the dollar amount would be \$2,457,207.56. This was amended tonight by \$100,000. Kaplan seconded the amendment.

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

d. Order Approving Total School Operating Budget for Ellsworth Schools for FY2021.

Superintendent Higgins stated this is the total school operating budget which would need to be reduced by \$50,000. The adjusted figure would be \$22,748,918.07.

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

RESOLVED to approve City Council Order #062002 (d): ORDERED that the City of Ellsworth will authorize the School Board to expend for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services

Approved - City Council Order #062002 (d): ORDERED that the City of Ellsworth will authorize the School Board to expend for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the school administrative unit's

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. Council Approved: 22,748,918.07.

- e. Order Appropriating And Raising Funds For Adult Education For FY 2021 As Required By The Maine Revised Statues, Title 20-A M.R.S.A. §8603-A (1).*

Councilor Phillips questioned if any of the remaining items required amended figures this evening. Superintendent Higgins indicated none of the remaining items required an adjustment to the figures provided as part of attachment #3.

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

RESOLVED to approve City Council Order #062002 (e): ORDERED that the City of Ellsworth appropriate \$210,877.35 for Adult Education and raise \$210,877.35 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

- f. Order Raising Local Funds for Food Service in the Ellsworth Public Schools for FY2021.*

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

RESOLVED to approve City Council Order #062002 (f): ORDERED that the City authorizes that the sum of \$127,939.16 is hereby raised for All Other Expenditures (the Food Service Program) for Fiscal Year 2020-21; and that the Ellsworth School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well-being of the food service program.

- g. Order Authorizing Expenditure of Grants and Other Receipts for School Department Programs.*

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

contribution to the total cost of funding..... Council Approved: 22,748,918.07.

Approve City Council Order #062002 (e): ORDERED that the City of Ellsworth appropriate \$210,877.35 for Adult Education and raise \$210,877.35 as the local share; with authorization to expend any additional,

Approved - City Council Order #062002 (f): ORDERED that the City authorizes that the sum of \$127,939.16 is hereby raised for All Other Expenditures (the Food Service Program).....

Approved - City Council Order #062002 (g): ORDERED that in

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

RESOLVED to approve City Council Order #062002 (g): ORDERED that in addition to amounts approved for the Fiscal Year 2020-21 School Operating Budget, the School Board be hereby authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not appropriated for the School Operating budget.

h. Order Authorizing Disposition of Additional State Funding for Public Schools for FY2021 in the event of an increase.

Councilor Phillips inquired if this was the point where the Council could allow the School Board to keep anything that they receive over and above what has been anticipated. The City Council may have the ability to have those funds returned to reduce local taxation. Superintendent Higgins believed in past years the intention was if the School were to receive additional subsidy it would be used to benefit the taxpayers. Higgins explained one of the ways to do that is by reducing the local assessment for the School Department. In doing so, it would not go directly back but it would reduce the tax burden. Higgins did ask in reference to the way the item was written if funding comes through to support any necessary COVID related expenses in terms of the reopening of schools fully that there be some consideration to using those funds to expend for those types of things. The guidelines to help prepare of the reopening of schools was recently released. The school is currently working on the list and determining what needs to be in place to open safely. There may be costs associated with those plans. The budget discussions included the use of fund balance and education reserves to help cover some of those costs, those things have been put in place. In the event that money does come from the Department of Education either State or Federal Higgins would ask the Council at least consider a conversation on being able to use some of those as the School identifies potential costs. Phillips agreed there would be costs and burdens placed upon the School as they plan to reopen. If any additional funds come through the path of straight subsidy then Higgins believes the intent of the Council and the School Board would be it goes right in to reduce the local burden but given this circumstance at least a conversation should be had. Councilor Moore and Phillips agreed it was reasonable that a conversation be held if additional funding comes through. Phillips felt this was an unusual year and rather than state it as it has been in the past he would rather wait and have a conversation when and if additional funds are dispersed. Hamilton noted what may

addition to amounts approved for the Fiscal Year 2020-21 School Operating Budget, the School Board be hereby authorized.....

Approved - City Council Order #062002 (h): ORDERED that in the event the Ellsworth School Department receives more state education subsidy than the amount included in its budget, the School Board be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or decrease the local cost share expectation, as defined in Title 20-

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CITY COUNCIL ABSENT:

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ON CONFERENCE CALL: LISA SEKULICH.

happen is although money may come through the Cares Act or some other appropriation it may not flow in that manner; however, the School may still incur some costs. It would be difficult to parse that out as COVID related funding it may not come in that direction. The State might use the COVID funding in one instance but then have some extra. Hamilton felt the Schools would incur some pretty significant costs associated with reopening post COVID. Councilor Blanchette wondered in whose charge that would leave any extra funds that may come in. Phillips stated after hearing Higgins explanation, he did not feel there would be enough extra funds to significantly change the face of the budget and did not feel it would be worth handling those extra funds to many times. His feeling would be leave it as stated in the prepared motion within attachment #3; let the School Board use it to address the needs that will undoubtedly arise from the COVID situation. Blanchette had no doubt there would be related extra costs; he would be more comfortable if the Council put a maximum dollar amount of unanticipated funds and then anything over that the School Board comes to the Council for authorization to expend. Moore thought it would be best to have a discussion if the need arises. At that point if there is a need, he would hope the Council would support the Schools with as much of the unanticipated funds they need. Higgins stated in the event they do receive something he would certainly work with the School staff, School finance committee, and School Board as well as come back to the City Council with the identified expenses for use by the additional funds. Hamilton feels a later conversation would be in order although he does not feel the School will see a windfall of extra money coming from the State to support education this year. Higgins stated this is an annual item and each time the School has seen extra money it has been used to reduce the tax burden on the Ellsworth citizens, there is a record of handing those extra funds in that manner. This item is a matter of practice and protocol. There will be communication and appreciation for the Council listening in the event there is extra funding received.

A(1)(B), or local property taxpayers for funding public education as approved by the School Board.

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

RESOLVED to approve City Council Order #062002 (h): ORDERED that in the event the Ellsworth School Department receives more state education subsidy than the amount included in its budget, the School Board be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or decrease the local cost share expectation, as defined in Title 20-A(1)(B), or local

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ON CONFERENCE CALL: LISA SEKULICH.

property taxpayers for funding public education as approved by the School Board.

A final vote was taken on the above motion with 6 members voting in favor (Hamilton, Grindle, Kaplan, Miller, Moore, and Phillips) and 1 member voting in opposition (Blanchette).

Chair Hamilton apologized for the confusion relating to the School Board budget as submitted; he did not realize the City Council needed to conduct it in this manner in terms of the additional reduction. Hamilton stated it was his error not Superintendent Higgin's. He thanked Councilor Blanchette for bringing that change to his attention. Hamilton thanked Higgins and the School Department for their work on the budget and he recognizes there were some tough decisions to be made. He feels the recognition of what the community is going through was there and he appreciates that. Higgins stated there will be some remaining tough decisions; however, they will work on those and then communicate those to the City Clerk to be sure those are forwarded for the proper posting at the Budget Validation Election.

Chair Hamilton noted an email that relates to an earlier item just arrived within his email. Gordon and Melinda Workman submitted a comment related to the TIF agenda item. Hamilton read those comments into the record. I feel as many do that Ellsworth cannot afford this type of funding. Our City's infrastructure is already overloaded; schools, water, sewer, roads etc. Secondly, our tax base cannot support such a tax break for developers. They have the money and backers already to support their developments. Thirdly, to support such tax breaks those will have to fall on the backs of our property owning residents. Fourth, if our property values do increase that is more of a tax burden on property owners.

The email addresses were correct and the comment was sent at 7:29 PM. Hamilton apologized for the delay in receiving the email. There were no comments made in response to the email submitted.

Public hearing and action on the adoption of a continuing resolution to fund the city's various departments and accounts in an amount sufficient to finance necessary expenses until a final budget resolve is in force.

David Cole, City Manager noted due to the current pandemic the election concerning the validation on the School budget has been postponed until July 14, 2020. This

Approved - Adopting a continuing resolution as presented (see attachment #4) to fund the various

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

means the municipal budget cannot be addressed until the school budget is validated by the Ellsworth voters. The City's legal counsel has prepared a continuing resolution; see attachment #4 for a complete explanation of this request. Whereby, the City would through the month of July or as needed fund the various departments and accounts within the City. Cole noted this anticipates current funding levels; the reality is the City has been under a budget freeze for almost four months. The current freeze would continue through this period as well. Any expenses that are incurred would be rolled into the new budget when it is adopted. The proposed Resolution is contained within attachment #4. Chair Hamilton reiterated for the public that the final vote on the budget for FY2021 will not happen until July. This further means that all items that the City Council considers within the budget are still being discussed so public comments are still welcomed and encouraged to be emailed to the City Councilors.

Public hearing opened.

There were no comments.

Public hearing closed.

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

RESOLVED to approve adopting a continuing resolution as presented (see attachment #4) to fund the various departments and accounts of the City of Ellsworth for the month of July 2020 in order to finance necessary City expenses until a final budget resolve is adopted. In the event a final budget resolve is not adopted by the end of July 2020, this process shall be repeated.

Council Order #062003, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes.

Jennifer Merchant, Finance Director stated this is the yearly request to set the interest rate on overdue taxes. The maximum interest rate allowed by law is established by the Treasurer State of Maine and is based on the prime rate that is published in the Wall Street Journal. See attachment #5 for the complete request. There was not an increase in the prime rate from last year. In the past, the City has stayed within two to three percentage points of the maximum rate. Councilor

departments and accounts of the City of Ellsworth for the month of July 2020 in order to finance necessary City expenses until a final budget resolve is adopted. In the event a final budget resolve is not adopted by the end of July 2020, this process shall be repeated.

Approved - Council Order #062003, request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

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ELLSWORTH CITY COUNCIL**

DATE: JUNE 15, 2020

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

Moore noted based on the current pandemic situation he would like to leave the interest rate at 6%.

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

RESOLVED to approve Council Order #062003, request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

Council Order #062004, Appointment of City Officials by the City Council.

David Cole, City Manager noted these are the annual appointments by the City Council. See attachment #6 for the complete list.

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

RESOLVED to approve Council Order #062004, Appointment of City Officials by the City Council as presented this evening (attachment #6).

Council Order #062005, Approval of City Manager's appointments.

(a) Reappointments.

David Cole, City Manager explained certain positions are reappointed every year. See attachment #7 for the complete list as presented.

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

RESOLVED to approve Council Order #062005 (a), Confirmation of the City Manager's reappointments of City Officials by the City Council as presented this evening in attachment #7.

(b) New appointments.

David Cole, City Manager noted he has one new appointment this evening for an employee who will be joining the City. Recently, the City's Planner passed away. The process to refill the position has been underway, two rounds of interviews were conducted. Cole brought forth the name of Theresa Oleksiw for the open Planner position. See attachment #8 for the memo describing her knowledge and

Approved - Council Order #062004, Appointment of City Officials by the City Council as presented this evening (attachment #6).

Approved - Council Order #062005 (a), Confirmation of the City Manager's reappointments of City Officials by the City Council as presented this evening in attachment #7.

Approved - Council Order #062005 (b), confirm the appointment of Theresa Oleksiw as the new City Planner by the City Council.

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

experience. Oleksiw will be joining the City on July 6, 2020. This appointment is subject to City Council confirmation as outlined in the City Charter and reconfirmed annually after.

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

RESOLVED to approve Council Order #062005 (b), confirm the appointment of Theresa Oleksiw as the new City Planner by the City Council. Her start date will be July 6, 2020.

Public hearing and action on Council Order #062006: Authorization for Tax Anticipation Borrowing (\$2,000,000).

Jennifer Merchant, Finance Director stated there was a bid opening on June 5, 2020 at 10:00 AM for a Tax Anticipation Note (TAN). This is an annual request. The proceeds of the TAN will be used for financing governmental activities and obligations of the City in anticipation of funds to be raised by taxation. Attachment #9 contains the official Order Authorization for Tax Anticipation Borrowing as well as the written request and bid results. A cash analysis was prepared in order to determine how much money the City would require. It was determined that \$2 million would best fit the cash needs for the City this year. Five different bids were received from local banks; Merchant read the results into the record as they are stated within attachment #9. She is requesting the bid be awarded to the low bidder of Key Bank at an interest rate of 1.41%. This was a very aggressive bid.

Councilor Phillips noted both Key and The First bid the same interest rate; however, he assumed the small difference in interest was due to the way they individually calculate that interest. Merchant explained Key Bank calculates the interest on 364 days and The First calculates interest on 365 days. Councilor Kaplan clarified this would be a loan in anticipation of taxes being received. She wondered what would happen if the City did not accept the loan. Merchant explained the City would not have the cash flow to pay the weekly bills or cover the payroll expenses. City Manager Cole, explained the City is not legally allowed to borrow money without producing a cash flow analysis to the Bond Counsel. After reviewing this cash analysis today, Cole indicated there must be and there was a basis for requesting this funding. Chair Hamilton compared this to a line of credit that ebbs and flows with cash in and cash out for a private business. Councilor Phillips noted this particular year with the timing being off on tax revenues the cash will be needed in order to cover payroll and meet the expenses.

Her start date will be July 6, 2020.

Approved - Council Order #062006: award the Tax Anticipation Note (TAN) low bid to Key Bank at an interest rate of 1.41 percent for a \$2 million TAN as presented in attachment #9, and also to authorize as Ordered in the Resolve Council Order #062006 per the attached written Order Title: Authorization for Tax Anticipation Borrowing (\$2,000,000).

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve Council Order #062006: award the Tax Anticipation Note (TAN) low bid to Key Bank at an interest rate of 1.41 percent for a \$2 million TAN as presented in attachment #9, and also to authorize as Ordered in the Resolve Council Order #062006 per the attached written Order Title: Authorization for Tax Anticipation Borrowing (\$2,000,000).

Presentation on the local roads work plan and road work schedule for this season.

Lisa Sekulich, Public Works Director was present via telephone this evening. Sekulich presented a list of projects the Public Works Department has completed as well as the remaining tasks to be funded out of the current fiscal year. Sekulich described some projects that could be completed depending on available funding and approved budgets. Some of the completed projects under the current fiscal year budget are: the repaving of the Oak Street or the shim and overlay, the Public Works crew is currently conducting some cleanup in gravel driveways and shoulder backing up work. Last week, the top coat was completed on a section of the Branch Pond Road as well as a thick overlay on a section of the Gary Moore Road. Sekulich noted in the next couple of months the Public Works Department will be working on some drainage improvements along Spruce Street and Pleasant Street. Once the drainage improvements are completed they intend to have the pavers back to complete a combination of overlays and mill and fills on Spruce, Pleasant, and Franklin Streets. There is a plan to overlay a section of Kingsland Crossing in order to address some concerns on that road. On the drawing board is a project that currently ran into some easement obstacles; however, once those are worked out the plan is to work on a drainage project on Water Street near Foster Street. The goal is to complete that project this fall or next spring. There is also a possibility of drainage work being completed at the South Street/Bridge Hill locations due to some current concerns. Those items are all on the current fiscal year agenda and are dependent on funding during this current year. Some of those projects could move

This was a presentation only; no formal action was taken or required this evening.

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

into the next fiscal year depending on available funds. Next fiscal year depending on if the Local Roads Committee's \$1.5 million dollar budget request is approved some of the roads that are being considered for work are: another section of the Gary Moore Road, the section of the Happytown Road from Emera pole #24 to 332 Happytown Road. That would be a section of the paved road that is in the worst condition. A section of Grant Street, about a quarter of a mile from approximately 210 Grant Street to 94 Grant Street. The section of Lakes Lane owned by the City which is paved is scheduled for potential repair. Chapel Street is on the list for work next fiscal year. The section of the Gary Moore Road where there is a hill requiring drainage repair as well as repaving that section is also on the agenda. A paved approach at Sunset Park is planned as currently there is gravel onto pavement; the idea is to do a 75' section at the approach with 180. This would cause vehicles to be on a paved apron as they are entering the high speed route 180. There are some overhead signs, no left hand turn signs as well as other signage that were on signal wires that have come down over the years and Sekulich is planning on replacing those. The Public Works Department is planning on finishing more drainage projects throughout the City as well as fund the bulk culvert purchase plan. This would allow the Department to continue to do drainage upgrades throughout the City. There is also a request for matched funding for engineering an MPI and Municipal partnership with the DOT. This would start the engineering process on redoing the section of Christian Ridge Road from the Red Bridge Road back to the Bucksport Road. Approximately 3 miles of improvements on Red Bridge Road as well as on the Beechland Road that needs attention. Another project would include the scoping and complete reconstruction of Oak Street in the not too distant future, even though an overlay was just completed. The plan was to start setting funds aside to start that project as well as some of the downstream drainage on Park Street and Birch Avenue which needs to be upgraded. The idea is to get the downstream drainage in that area taken care of in the next few years so that when the complete reconstruction of Oak Street rises to the top of the priority list that part of the project will already be finished. Those are the big picture items on the radar for the Public Works Department. Councilor Moore was hopeful that the worst section of Water Street near the top of the hill before the Harbor could be addressed. This is not a very big area; however, is very rough in the Southbound lane. Moore felt this might tie in nicely if there are plans to do some work at the bottom of Foster Street. Councilor Grindle was wondering in relation to the Kingsland Crossing if there was going to be a reimbursement from some of the businesses in regards to the scheduled work. Sekulich noted there is a section of Kingsland Crossing that was dug up for a project at the end of the road by a contractor and the idea is that they

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DATE: JUNE 15, 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, JENNIFER
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ON CONFERENCE CALL: LISA SEKULICH.

would fund the portion that is theirs and the City would pay for the additional work. It would be basically 1/3 paid by the Contractor and 2/3 the City's expense. This is based on the square footage of the area to be completed. Councilor Blanchette inquired in regards to the Birch Avenue and Park Street downstream scoping project, would Church Street also be included in that. Sekulich was aware that Church and Park are the main streets that drain the water from uphill on the other side of Oak Street. She was not sure if much water comes down Church Street at the moment. Most of the water goes cross country from Park and goes behind buildings, under the DMV property, and kind of down to City Hall. There is a possibility they will reroute the whole thing and that Church Street and each individual street would get a whole new line down it. The part that needs to be researched is the best way to get the water from the uphill side of Oak Street to go down toward the River. Blanchette was aware of three or four backyards that have City drains going through or underneath private property. He was under the impression at some point those were going to be corrected, whenever Oak Street gets a complete reconstruction. He wants to be sure that if the City is going to fix two streets they also look at Church and see if it is necessary. Sekulich's assessment is ultimately a lot of the backyards or cross-country as it is called in the industry would be removed at that point most of the water would run underground down each of the actual roadways through catch basins and underground piping. The goal would be to eliminate the ones that go under lawns and buildings as well as other structures that the City does not have access to and cannot maintain. Hamilton thanked Sekulich for the presentation. This information is helpful for the public to gain a sense of the road conditions and the priority listing for future projects. This is a major concern for the residents.

This was a presentation only; no formal action was taken or required this evening.

Discussion and update from the May 7, 2020 Public Safety Planning Committee meeting concerning the role of Emergency Medical Services within the Ellsworth Fire Department.

Councilor Phillips stated there was a robust discussion at the May 7 Committee meeting and now it is up to the Council on how far to move forward or if they even want to continue to move forward. Another option is to back away from this type of service or possibly offer limited services. Chair Hamilton noted he has received one comment. Mariah Curtis stated her grandmother Nancy Davis bled to death for

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ON CONFERENCE CALL: LISA SEKULICH.

40 minutes from a small varicose vein while waiting for an ambulance at 16 Wood Street. This was before the perfectly capable Fire Department was being dispatched to medical calls as licensed first responders. She wrote if you choose to stop having the Fire Department respond to calls within the City this will happen again and it could be one of your family members. She felt if the Fire Department had been licensed then she would be alive after their life-saving interventions. The City Council needs to educate themselves on all aspects of EMS and stop deferring this and waiting until the end of meetings to discuss it. They are licensed, they have the equipment, they are capable, and they will save lives. Richard Tupper, Fire Chief gave a brief background on the recent interactions with the Maine EMS Board; he was not authorized to go into the finer details on that interaction because it is still in executive session. However, the outcome of the discussion was a letter of recommendation basically to have the Fire Department either move forward fully into doing EMS, providing a modified response plan (which could be a host of different modifications to accomplish that), or eliminate it completely, and rescind the license. Tupper suggested doing this full-fledged and to go to every call. Tupper previously had been asked what the cost estimate would be if the Fire Department went to every EMS 911 call in the City of Ellsworth as well as Fletchers Landing Township. The Fire Department currently covers that area by contract. Tupper has somewhat limited data and resources to base the estimates on; however, he has used information from what they have seen in the timeframe they have been providing EMS starting at the beginning of October 2019. Then when it was brought to their attention that according to their license they were supposed to go to all calls, there is a shorter window of the Fire Department responding to all calls in the City of Ellsworth. In doing that comparison, there was a concern regarding how much overtime would be involved with responding to the calls. Tupper stated within an eleven month data period there was an average of 5.63 hours of overtime per month. This overtime is created when off-duty personnel come back due to the Fire Department going on a call. This changed a little bit from the period of July 2019 through March 2020, resulting in 6.5 hours of overtime per month. From April to May 2020, the point of time when the Fire Department was attending all calls; the Department was seeing an average of 5 overtime hours per month so the overtime is a fairly small number. Tupper stated this number is without having any set policy in place addressing when an employee is required to come back to fill in while the on-duty crew is out on a call. He thought they might be able to limit the overtime to some extent. Tupper explained those overtime hours are accumulated when the on-duty staff respond to calls, depending on the severity of the call and the information they receive, two of the

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ON CONFERENCE CALL: LISA SEKULICH.

on-duty staff may attend the call or it could be up to all four of the on-duty crew that respond. That will depend on the seriousness level of the call and what type of information is received concerning the details of the call. Tupper provided the example of a cardiac arrest call, all four people on-duty will be responding because it takes a lot of people to handle a CPR call. He also provided the example of an incident of a person falling off a ladder or roof which resulted in trauma, and the need to move the patient a distance to an ambulance that would be a judgement call whether 3 or 4 should respond. When the incident requires the majority of the staff to respond to a call that is a situation that warrants having a call-back of staff. The off-duty personnel are listening to the call, they are making a judgement call on whether they are needed to return to the station for the call that was just toned out. Additionally, to that if the on-duty officer recognizes that their crew is going to be committed to a particular call, they will either call back to the station to see if somebody is at the station already and if they do not get a reply they will ask the dispatcher to put out a second tone for manpower for the station. Those are the types of situations when there is a need for overtime hours as people are coming back into the station from off-duty hours. Tupper stated this is a relatively small amount of time. He did stress the fact that he does not have a tremendous amount of data to build these decisions on; however, based on what he has for data it would cost approximately \$2,000 worth of overtime for the year based on the Fire Department's overtime rate. Tupper stated additionally the impact on the fuel expense has been questioned if they respond to more calls. A spreadsheet was created with data from over the year comparing the Engine 2 and Rescue 5. Those two trucks are typically the ones responding to the EMS calls. From 2019 to 2020 if Tupper took those two trucks and compared the entire year there was a very minimal difference of approximately \$87 per month. Tupper felt that was insignificant, as it could have been influenced by the number of fire calls the Department responded to last year compared to fire calls this year coupled with EMS calls. Tupper felt calculating a \$100 increase in fuel costs monthly or \$1,200 for the year would be accurate. Tupper noted the other interesting fact to those numbers as part of conducting this research and collecting the data was if they went on all the EMS calls in Ellsworth there will be an increased fuel usage. If they go on all of the calls or only the more serious leveled calls they will see roughly the same amount of overtime need. This is because it is the more serious calls that commit the staff and will require staff to come back and cover the station or assist on the incident scene. Tupper recognized the fuel usage will be the biggest difference. He noted the other operational costs for the year would not be different than if they were just strictly staying with fire based tasks. Tupper had very little

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historical information to develop the following numbers from so he compared the Department to the Hancock Fire Department in relation to what they use for their budgets for supplies, equipment, licensing fee, and insurance costs. Hancock Fire Department budgets \$2,000 a year for supplies. Supplies for this purpose would be bandages, single-use type items that might be used on an incident scene that wouldn't necessarily be replenished one for one by the ambulance service. For example, if the Fire Department helps someone who then signs off without doing a transport; the ambulance will not be billing for that transport and in turn the Fire Department will not be replenished one for one for the use of some of these minor supplies. If the ambulance transports the patient, they will be billing the patient, then they will give the Fire Department back what they used to help them out. They also budget \$2,000 a year for annual equipment costs. This might include splinting, use of a backboard, or some other type of equipment that gets damaged or used to the point where it cannot be cleaned properly. If that piece of equipment needs to be discarded then this expense would be an allowance for that as well. The license fee is \$100 and is already built into Tupper's regular budget. The annual insurance cost is \$517 which is the liability insurance that the City picked up through the Maine Municipal Association. That fee has been covered within the general insurance category already. Tupper thought those pieces might cost approximately \$4,000 based on what the Fire Department has for basic data. If everything is added together the yearly cost would be approximately \$7,800 to continue to offer EMS. Councilor Miller inquired about the additional cost for training. Tupper stated a majority of the CEU credits they need can be provided either online or Northern Light can help them. There may be some expenses to allow members to attend a hands-on certification offsite. Tupper is fairly confident those training expenses could be absorbed within his regular training budget. Miller inquired if an additional dispatcher would be needed. Tupper felt Police Chief Moshier would be the better person to speak on this topic; however, the Fire Department is a very small percentage of the call volume. The Fire Department's call volume would certainly increase but they are a small percentage in the overall call volume handled by either the Ellsworth or RCC dispatchers. Councilor Blanchette inquired about the cost for the equipment given they will respond in the trucks and the added miles that will be put on them over the course of the year. He also wondered what the impact on the roads would be from the added traffic on them from the trucks responding to the EMS calls. Tupper stated those indirect costs have not been accounted for as there is no data available on those types of incidentals. Blanchette inquired if the PPE needed for a health crisis such as COVID also factored in. Tupper felt that would be included within the annual equipment line item.

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Blanchette inquired what the minimum callback number of hours an employee would earn. Tupper indicated by contract any callback hours the individual receives would be a 2 hour minimum unless there are reoccurring calls back to back. In that case, it would be a minimum of 2 hours and then whatever the numbers add up to if they were there for three calls directly in a row. If they are separated then it would be a minimum of 2 hour callback for each call. Blanchette clarified that potentially all four on-duty firefighters at any given time could be answering a call in Fletchers Landing Township. Tupper stated that could be the case; although, common sense would be used. They would not strip the town completely of other coverage; that is the reason behind having mutual aid agreements. Tupper noted it does get a little tricky when finding mutual aid coverage for EMS because not all fire departments have the ability to offer that nor does the Fire Department necessarily go to other towns on an everyday occurrence with mutual aid to EMS. Tupper noted in the past year the Fire Department has only been to Fletchers Landing Township at the most half a dozen times. That includes the need for any call relating to fire or medical; however, the potential always exists they will be needed. Blanchette questioned in regards to the information Tupper presented earlier in the year on this topic there was an option where the State presented a way to classify Ellsworth (we would have to apply annually and could do this up to three years) as a demonstration site. Tupper's understanding is the City is past that opportunity already as being a licensed entity. Blanchette inquired if the City turned the license in, would that option still be open to the City. Tupper was not sure of the answer; however, could look into that. Blanchette would like to know the answer as it may take some of the concerns away. Tupper indicated if the City is not a licensed agency, the Department does have licensed individuals which would place that individual in a position of duty to act because they carry that license. When that person is on an accident scene and somebody is involved that needs help, the City would then be telling that employee you need to stand back and do nothing. Blanchette clarified if the City did not have that demonstration site permit. The way Blanchette understood the information was if the City has the permit then the duty person can respond to the accident scene or the site of the emergency. Tupper could not answer that question at this time. Blanchette asked Tupper to look into that process. Councilor Kaplan reiterated that the Fire Department are "BLS" certified. Tupper stated the City is licensed to EMT basic level and most of the group has trained to EMT basic and there are still 7 members that need to fulfill the National Registry test. They are still waiting on that. Kaplan noted that means the Fire Department can operate an AED if needed, but they cannot do lidocaine epinephrine or similar tasks. Kaplan inquired in the

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scenario mentioned at the beginning of the meeting if the Fire Department could have applied direct pressure to that bleeding varicosity until Northern Light arrived. Tupper indicated yes they could. Kaplan inquired if the Fire Department had done that would the patient still be alive. Tupper stated he would presume that would have made a difference in the outcome. Kaplan stated for \$7,800 the City could potentially save lives. She inquired if the Fire Department could bill for their services through Medicare, Medicaid, or private insurance companies. Tupper stated no, because they are not transport at this point. Kaplan inquired how many basic transports between calls and inter-facility transports there would be between the City of Ellsworth and Fletchers Landing. Tupper estimated approximately 1500. Kaplan stated if the Fire Department could bill for those services given the average basic level transport is between \$600 and \$1,000 per transport that could potentially bring in a fair amount of revenue. Tupper indicated one of the topics that has been discussed is taking this process slowly and currently not everyone is overly experienced time-wise and with patient interaction. Tupper felt being able to continue what they are doing as first responders and working side by side with the ambulance has given them the opportunity to build that time and experience so hopefully when the day comes that the City chooses to have an ambulance the foundation will be set. Those pieces include the billing cycles, understanding Mainecare and Medicaid, and private insurance carriers. He does not feel they are ready to take on those tasks yet. Tupper thought at some point there will be a revenue source to offset the costs. The average response time from just Ellsworth starting from when the call is toned out until the time of arrival is approximately 5 minutes or so depending on where in the City the incident is located. Many times the ambulances are doing inter-facility transports so the Fire Department needs to get the basic level or ACLS started while the ambulance is dispatched to the Ellsworth incident. Kaplan believed for the cost, when seconds matter, having this opportunity present would be best. Hamilton read into the record the comments from Gary Fortier from Westwood Drive. He said the citizens of Ellsworth deserve the additional coverage, five to six hours of overtime in a month is a minor expense. Gramps is still alive, priceless, full steam ahead. Do what is right for the citizens and all the visitors to the community. Thanks. The EMT basic is the level that the Fire Department will be credentialed for. There are 7 people that are still in the progress of achieving this level. Anything beyond that requires a higher level license. To maintain an ambulance as an outright ambulance is going to require a lot more training and a higher level staffing. Tupper stated the Council could set it at any different level. A department could have a basic level transport ambulance. They could only practice to that basic level. There was a discussion on the different

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types of licenses and different scenarios that require those services. Hamilton noted to maintain one ambulance on a 24/7 basis would require approximately 10 to 12 full time staff members to manage that obligation. Tupper stated there would be a minimum of six full time employees so the staff ration could be covered 24/7. Part of the discussion has included the difficulty in terms of becoming a provider of an ambulance service. That would be taking on a whole new level of staffing and recruitment; it has already been proven difficult to recruit. It is a very expensive concept although in the future it may be appropriate. Currently, there is a partnership that the City needs to revisit and have a discussion on how that is working, identify where the problems are; how can it be improved and there may not be a need for the City to necessarily take this on if some of the problems can be addressed. Hamilton felt having advanced training at the EMT level to respond at a small cost makes sense in terms of serving the community. Hamilton at this point would hope the focus remains on meeting that need, getting proficient at it, making sure that all the firefighters are trained and they are comfortable with this responsibility. He would hope they do not try to push and jump to a level where it may not be great for the City. Tupper agreed with this thought process. Tupper noted not all transport calls that an ambulance takes get paid; some of those will be free transports or may even cost the city money. This is not an all for profit venture and it can push out a viable service that exists. When the reimbursement a provider receives is considered a significant part of the market, and then that goes away because Ellsworth takes over that part of the market. Potentially the City could jeopardize that stability for the residents of Ellsworth because the City would need more than one ambulance and likely the City would not be able to afford more than one. This concept requires a lot of due diligence. Councilor Phillips asked for the steps relating to when an EMS call comes into the Fire Department. Tupper explained the Fire Department gets dispatched by the Ellsworth Dispatch center or the RCC, this depends on the timeframe of when the call comes in. The ambulance is dispatched by Medcom, which is a private dispatch service hired out of Bangor. Tupper explained the process that takes place once a 9-1-1 call is received by the RCC. The City dispatcher/RCC will make two calls once determined the caller needs an ambulance. The first calls goes to Medcom than they will tone the Fire Department out. Two different entities are making the two services go together. Once it is decided an ambulance is needed the ambulance is dispatched and then the Fire Department is automatically toned out. The Fire Department did not request to be toned out to those types of calls; however, because their license status states any 9-1-1 medical call that is received by the City of Ellsworth requires the Fire Department to be toned out as well. Prior to the Fire Department obtaining this

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ON CONFERENCE CALL: LISA SEKULICH.

license they did not receive those calls. At that point, they were being requested by the ambulance because they needed additional support. Phillips stated the number one concern is to protect the citizens of Ellsworth; he feels this service will cost more than \$7,800 a year. Phillips had some concerns regarding the current knowledge that the Fire Department is already requesting additional staff every budget cycle. He wondered how they would be able to start responding to the extra calls in a responsible manner while covering the other calls with the current staffing level. In the near future the Fire Department will need additional staff members as the call volume increases. At this point Ellsworth has a good relationship with Northern Light and the Medical service. There will be times when the Fire Department runs into situations that no one can anticipate and will need those calls but Phillips is not convinced yet the City needs to get into this business further. He feels there are still hidden costs and issues that are there that will pop up at some point. Miller felt there are extra costs that will come up. He has read a lot of studies from cities around the Country on how they operate this type of service and the most cost effective and safest way was the relationship Ellsworth currently has. They have an establishment similar to Northern Light and their local fire departments respond together. This item did not require a decision this evening; however, the question remains in terms of the license. Hamilton was wondering if the committee would like to prepare something for City Council to consider at the July 20, 2020 Council meeting. Phillips stated the Committee could meet and have a discussion on the next steps.

This was a presentation only; no formal action was taken or required this evening.

Executive Session to discuss labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

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

RESOLVED to approve entering executive session for the purpose of discussing labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 9:06 PM.

Approved - Entering executive session for the purpose of discussing labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327,

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MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

David Cole remained in the executive session.

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

**RESOLVED to approve adjourning from executive session in accordance with
MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 9:21 PM.**

*Council Order #062007, Action on discussion between the City of Ellsworth and the
Massachusetts and Northern New England Labor's District Council on behalf of
Local 327, Ellsworth Wastewater Treatment Plant Unit.*

There was no discussion before a motion was made.

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

**RESOLVED to approve a one-year extension of the current contract with the
Wastewater Treatment unit with the following two changes: first the same cost of
living increase given to non-unionized employees if any will be given to the unit.
Secondly, striking language regarding agency fees held unconstitutional by the
US Supreme Court in Janis Versus AFSCME in 2018.**

Before the Council discussed item #23 that was added to the meeting this evening.
Chair Hamilton wanted to remind the public that he does monitor his emails
throughout the meeting and he reads the ones that come in and are from Ellsworth
residents. If they do not come in through the email system he apologizes for that as
was the case this evening. They will be read and there is an effort being made to
have the voices heard. There is no attempt to screen out comments. If they are

Ellsworth
Wastewater
Treatment Plant Unit
in accordance with
MRSA Title 1,
Chapter 13, Section
405, Paragraph 6D at
9:06 PM.

Approved -
Adjourning from
executive session in
accordance with
MRSA Title 1,
Chapter 13, Section
405, Paragraph 6D at
9:21 PM.

Approved - A one-
year extension of the
current contract with
the Wastewater
Treatment unit with
the following two
changes: first the
same cost of living
increase given to
non-unionized
employees if any will
be given to the unit.
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ON CONFERENCE CALL: LISA SEKULICH.

received they are read.

Executive session to discuss the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disposition of the information would prejudice the competitive or bargaining position of the body or agency in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C. Actions as needed on the part of the Committee are anticipated following the executive session.

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

RESOLVED to approve entering executive session for the purpose of discussing discuss the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disposition of the information would prejudice the competitive or bargaining position of the body or agency in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 9:23 PM.

David Cole remained in the executive session. Gary Fortier and George Wood were invited to take part in the Executive Session by telephone this evening.

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

RESOLVED to approve adjourning from executive session in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 9:32 PM.

Council Order #062008, Action on executive session for the purpose of discussing discuss the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disposition of the information would prejudice the competitive or bargaining position of the body or agency in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C.

Approved - Entering executive session for the purpose of discussing discuss the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 9:23 PM.

Approved - Adjourning from executive session in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 9:32 PM.

Approved - Authoring the City Manager and his representative to negotiate with an unknown vendor for

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 15, 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, JENNIFER
MERCHANT, DAN HIGGINS, BRENDA THOMAS, AND HEIDI GRINDLE.**

ON CONFERENCE CALL: LISA SEKULICH.

There was no discussion prior to a motion being made.

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

RESOLVED to approve authoring the City Manager and his representative to negotiate with an unknown vendor for solar energy provider for the City of Ellsworth.

Adjournment.

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

RESOLVED to approve adjournment at 9:35 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**solar energy provider
for the City of
Ellsworth.**

**Approved -
Adjournment at 9:35
PM.**