

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: MARCH 21, 2016**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT: PERKINS**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY WILSON, AMANDA TUPPER, MICHAEL HARRIS, ADAM WILSON,  
MARK REMICK, PETER AUSTIN, PENNY WEINSTEIN, RICHARD TUPPER,  
GARY SAUNDERS, AND FRED EHRLLENBACH.**

*Call to Order.*

Chairman Crosthwaite called the regular meeting of the Ellsworth City Council to order at 7:00 p.m.

Chairman Crosthwaite invited members of the audience to stand for a moment of silence in memory of Harold “Tug” White. This was a tremendous loss for the City of Ellsworth. Tug contributed greatly to the education through academics and athletic activities in the City of Ellsworth. He spent time on the School Board as well as other community activities.

*Pledge of Allegiance.*

All stood for the pledge of allegiance.

*Rules of Order.*

The meeting was conducted under Robert’s Rules of Order and other rules adopted at the November 9, 2015 Annual Organizational Meeting of the Ellsworth City Council. After being recognized by the Chairman, a person may speak not more than three (3) minutes on any one item on the agenda. In addition, the person may speak not more than two (2) minutes in rebuttal.

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

- ❖ 01/29/2016 Special meeting.
- ❖ 02/08/2016 Regular meeting.

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

***RESOLVED to approve adoption of Ellsworth City Council minutes from the 01/29/2016 Special meeting and the 02/08/2016 Regular meeting.***

*City Manager’s Report.*

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of Ellsworth City Council minutes from the 01/29/2016 Special meeting and the 02/08/2016 Regular meeting.**

**City Manager’s Report.**

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David Cole, City Manager explained calls have been received from area businesses in regards to the upcoming DOT Rt.1 Reconstruction Project. DOT has issued a statement upon the request of the City; this has been posted to the City's Facebook page and the City website page. The project will involve two lanes of traffic from 6 AM to 7 PM. Evening work will only take place Sunday through Thursday. The weekends and major holidays will not be affected by the evening work. Until a contractor has been selected the City will not know the sequencing of the actual work as it relates to each section and when those will take place. The bid will be published on April 13, 2016; the expectation is to have a contractor hired by mid June. As the project moves forward the goal is to keep all affected residents and businesses informed of the progress and potential disruption to the affected areas by working closely with the DOT and Chamber of Commerce to make this information readily available. There will be a Council workshop on March 28, 2016 starting at 7 PM to discuss the proposals for solid waste management and at 8 PM the focus of that workshop will shift to future capital improvements needed at the waterfront.

*Committee Reports.*

➤ *Harbor Commission.* Councilor Phillips reported the Harbor Commission discussed the selection of a vendor at the Harbor this summer. This will be discussed as part of the agenda this evening. The second item discussed by the Commission this month dealt with damage to the pylons used for the slips and dock systems. This item will be discussed by the Council later this evening as part of the agenda.

➤ *Recreation Commission.* Councilor Fortier stated a few Commission members cleaned up the outdoor basketball courts, installed the post cushions and unlocked them for the season. The courts are open from 8 AM until sunset. To help determine what time sunset is, Fortier posted a schedule reflecting the exact time that is considered sunset for the month of March. The sound curtains will be installed as soon as the nightly temperatures remain above 32 degrees. The ice skating rink was scheduled to be drained this past weekend; however, this task was delayed due to the water freezing. As soon as the weather warms back up and allows for the rink to be drained and folded this will be completed. Once this project is finished, Knowlton Park will be cleaned up and prepared to open for the season. At the last Commission meeting, agencies wishing to request funding presented their programs and

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budgets. The Commission will make their recommendations to the Council during the budget workshops in regards to those presentations.

*Citizens' Comments.*

There were no citizens' comments this month.

*Presentation of Awards.*

*Mary McKillop for 10 years of service with the Ellsworth Public Library.*

Mary McKillop was not in attendance; her award will be given to her supervisor for presentation at a later date.

*David Brady for 25 years of service with the Ellsworth Dispatch Department.*

David Brady was not in attendance; his award will be given to his supervisor for presentation at a later date.

*Recognition of Ellsworth High School Boys' Swim Team for winning their first Class B State Title.*

Chairman Crosthwaite and Coach Goodman presented certificates to each member of the Ellsworth High School Swim team individually. Coach Jim Goodman was recognized for being named PVC Coach of the Year and the Class B Boys' State Coach of the Year.

*Recognition of Peter Austin for being named "Big East Boys' Basketball Coach of the Year".*

Coach Peter Austin was recognized for being chosen as the 2015-2016 "Big East Boys' Basketball Coach of the Year". Austin was also presented a certificate on behalf of the entire Boys Basketball team in recognition of winning the Northern Maine Class B Regional Title.

**UNFINISHED BUSINESS**

**Citizens' Comments.**

**Presentation of Awards.  
M. McKillop – 10 years with Ellsworth Public Library.**

**D. Brady – 25 years with the Ellsworth Police Dispatch.**

**Recognition of Ellsworth High School Boys' Swim Team winning first ever Class B State Title.**

**Recognition of Peter Austin for being named "Big East Boys' Basketball Coach".**

**Unfinished Business.**

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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 #031600, Reservation of the City of Ellsworth's right to harvest alewives. \**

See attachment #1 for the complete request describing the City of Ellsworth's right to harvest alewives.

*Council Order #031601, Request of the Tax Collector to accept payments on tax acquired timeshare units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.\**

See attachment #2 for a complete list of timeshare units that were sold during the course of the last month.

*Council Order #031602, Acceptance of Donald Martin's resignation from the Planning Board, with a term to expire on June 30, 2018. \**

*Council Order #031603, Request of the City Manager to hold a Special Municipal School Budget Validation Referendum Election on June 14, 2016, for the purpose of validating the school budget and inquiring if this process should continue for another three years in conjunction with the State of Maine Primary Election. \**

See attachment #3 for the complete request describing the request to hold a Special Municipal School Budget Validation Referendum Election on June 14, 2016 in conjunction with the State of Maine Primary Election.

**Consent Agenda.**

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

**Approved – Council Order #031600, Right to harvest alewives.**

**Approved – Council Order #031601, accept payments on timeshares and issue quit-claim deeds.**

**Approved – Council Order #031602, D. Martin resignation Planning Board.**

**Approved – Council Order #031603, Special Municipal School Budget Validation Referendum Election on 6/14/2016.**

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GARY SAUNDERS, AND FRED EHRLLENBACH.**

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

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

**NEW BUSINESS**

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

*B&B Burgers Inc. d/b/a Fuddruckers, 367 State Street Suite A, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III, IV) Malt and Vinous Liquor License.*

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of B&B Burgers Inc. d/b/a Fuddruckers, 367 State Street Suite A, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III, IV) Malt and Vinous Liquor License.**

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

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

Gary Cresswell was present, as it was required by the Licensing Ordinance in

**New Business.**

**Approved - B&B Burgers Inc. d/b/a Fuddruckers, 367 State Street Suite A, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III, IV) Malt and Vinous Liquor License.**

**Approved - Cresswell Investments, LLC d/b/a Airline Brewing Company, 173 Main Street, for a new City Class C License (Victualer and Liquor) and a**

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regards to new business licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

***RESOLVED to approve the request of Cresswell Investments, LLC d/b/a Airline Brewing Company, 173 Main Street, for a new City Class C License (Victualer and Liquor) and a new State Restaurant (Class III, IV) Malt and Vinous Liquor License.***

*Council Order #031604, Discussion and action on holding a workshop between the City Council and the Planning Board to discuss the Land Use Ordinance particularly as it relates to the Neighborhood Zone. (Sponsored by Councilor Blanchette).*

Councilor Blanchette explained that Mr. and Mrs. Ouellette from Park Street expressed some thoughts, concerns, and ideas to him in regards to the neighborhood ordinance. Blanchette would like to hear more about the discussions that have been held on this topic in different venues. Michele Gagnon, City Planner was asked to express her ideas on this topic. Gagnon explained a similar process would be followed as in the past when a proposal has been made for amending a particular zone or to completely rezone an area of the City. The first step is to hold a public meeting similar to a workshop where members of the City would be invited to attend and speak on issues within this zone. Gagnon has a list of seven projects that either passed or were on the agenda to be passed during the previous 14 years where the proposed project involved a higher density use in a lower density area. She would like to send a notice directly to the residents abutting those projects because they could contribute first hand experiences as they relate to these types of projects. The goal is to hear from more individuals than just those living on Parcher Street and areas directly surrounding that proposed project. Everyone from the City would be welcome to attend and speak at the public meeting; however, direct mailings will go to abutters of specific projects

**new State Restaurant (Class III, IV) Malt and Vinous Liquor License.**

**Approved - Council Order #031604, the proposed process from City Planner Michele Gagnon on the memorandum dated March 14, 2016, as outlined in attachment #4.**

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over the past 14 years. Following this meeting, the problems will be framed to develop a process for addressing them. All the notes and minutes that are taken at those meetings will be sent to the Councilors and City Manager. As is standard process for similar matters this would be heard by the "Friday Morning At Hoc Zoning Committee". This is a long time standing Committee made up of a few people, including two Councilors, and two Planning Board members. Traditionally three or four community members also attend this Committee meeting who can contribute very specific information on the topic being addressed or some type of specialized knowledge. Eventually the process will include holding a workshop between the Planning Board and the Council. All proposed amendments to zoning within the City must first be heard by the Planning Board for a recommendation which will then be placed before the Council for final approval. If the Council determines there are additional substantial amendments that must be made those need to be readdressed at the Planning Board level first. Once reviewed by the Planning Board, a recommendation must be developed again and placed before the Council for final action. This process will be repeated until both the Planning Board and Council agree. When a contentious matter is being discussed it may require more than one joint workshop between the Planning Board and Council before a decision can be made. See attachment #4 for the complete process as discussed by Gagnon. A direct notice will be sent to residents who attend the workshop, so that they are aware of all the upcoming workshops and Council meetings addressing this topic. Chairman Crosthwaite inquired if any neighborhoods have been identified that either have or could have some of the same issues that have already been heard or even different issues that need to be addressed. Gagnon stated there were similar projects on the Bucksport Road, McKenzie Avenue and a few others that Gagnon had written down. Abutters to these two projects will receive a direct mailing notifying them of the public meetings. Paul Ouellette from Park Street felt the entire City and small neighborhoods need some type of protection as well, so the same thing does not happen to them as was proposed for Parcher Street. Ouellette thanked Gagnon for the steps she proposed in addressing the concerns, he felt those were excellent and the type of action he was looking for. One area of concern for Ouellette was the high density change for a neighborhood, particularly as it relates to the Parcher Street project. He felt some of the allowable projects for the neighborhood zone are not very complete or consistent within the Ordinance. Ouellette explained some of his concerns with this section of the Ordinance. He would like to see the notice for the public meeting be given a high profile location within the Ellsworth

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American and not placed in the small print within the Public Notice section of the paper. It would be his wish that there was a high degree of coordination between Gagnon and the Ellsworth American to be sure the high profile advertisement is placed in plenty of time for residents to make arrangements in regards to the meeting. Gagnon stated unless she is directed by the City Council to place a high profile notice in the Ellsworth American, she will not be placing that type of advertisement. Her plan is to schedule the public meeting for May 2016; she will coordinate with Steve Fuller, reporter from the Ellsworth American, as he is very interested in this topic of discussion. Gagnon was confident there would be an article in the Ellsworth American providing the date, time, and location of the meeting. This information will also be posted on the City's website page, Facebook page, the public notice section of the Ellsworth American, letters will be mailed directly to abutters within 500' of similar projects in the past, a notice will be placed on a large board in the lobby of City Hall, an email blast will be sent from the Chamber of Commerce on this topic and this notice will be placed on the City scroll which appears on the cable access channel. Crosthwaite stated the City would need cooperation from the local press to make this notification method successful. David Cole, City Manager stated he was very confident adequate notice will be provided for this meeting. Ann Dale spoke on her desire to back up time and change the Ordinance so that a project did not get to the point that is was able to affect a neighborhood by placing a high density project within a low density area whether positively or negatively. She would like to be involved in meetings that change the Ordinance and reduce the number of allowable units that can be constructed on a certain size lot. Crosthwaite stated the purpose of the workshop would be to get as many residents from as many neighborhoods as possible that have either experienced or could experience in the future a similar project as was proposed for Parcher Street. The committee would like a broader approach than just concentrating on one particular issue that has been more recent and start changing an Ordinance at that point. If the proposed change is only based on one project in one neighborhood the Council may be on shaky ground; however, if the proposed change is based on what makes sense for all neighborhood zones located within the City the potential change will have more merit. Gagnon provided some ideas on how density can be addressed by considering compatibility and respect to the abutters. This is a very complex topic.

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

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*RESOLVED to approve Council Order #031604, the Council go ahead form this Committee with the first meeting to be scheduled during the month of May 2016 and start working toward a possible end to the satisfaction of everybody.*

Before a vote was taken on the above motion, Councilor Phillips stated after reading how the agenda item is written he feels what should be discussed tonight is whether to hold a workshop between the City Council and the Planning Board and encouraging input from everyone that has been involved in this type of situation. Between the Planning Board members and City Councilors putting together some data based on input from everybody and then moving ahead with the Committee that meets on Friday mornings as discussed. That data is than discussed at those Friday morning meetings in an active format trying to get to a point where how dense is to dense, what types of buffers are needed, what would work in different neighborhoods, and then the amendments to the Ordinance are created from that discussion. Phillips felt when the word committee is used in the motion; he felt all that was being asked at this point was approval to hold that one workshop. In the past, that Committee met and there was no definitive timeline which sometimes results in a long process. Phillips felt this was a small portion of the Ordinance which could be resolved in less than the five or six years it took before. He assured the audience there would be public input. Blanchette agreed “workshop” would be a better word than “Committee” as stated in the above suggested motion. Phillips felt the request was to approve a single workshop/meeting with the possibility of more to take place later. Crosthwaite stated that was the intent of this agenda item. Crosthwaite stated the above motion should be reworded so that it aligns closer with the intention. Councilor Fortier felt the material provided in attachment #4 clearly creates an advisory committee and the steps it would take before it got to a workshop between the Council and Planning Board. He felt there may have been a disconnection between the agenda item and the backup material. Fortier was concerned with whether he had the time for another workshop in the month of May considering that will be budget season. Fortier was wondering if the original intent of this item was to start this process with an advisory committee who would have the goal of gathering the data and bringing that information to a workshop between the Planning Board and Council during the month of August or September. Phillips felt before the advisory committee met it might be nice to have the thoughts and opinions that are fresh from the most recent project as well as input from other similar projects to use for data moving forward. Rather than create something out of the advisory committee’s own mind and then have to present it

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again. Crosthwaite asked Blanchette to clarify the intent of the motion that he put forward. Blanchette suggested holding a workshop to gather the ideas from neighbors, neighborhoods, and the people in the “know” that have experience with this topic or have experienced this and start the process that way. Councilor Beathem stated the first item in the backup material calls for creating an advisory committee. The City basically has a standing advisory committee already. The second item within the backup material (attachment #4), is to hold a public meeting to listen to residents’ concerns. These two things happen before you get to the point of holding meetings between the Planning Board and the Council. Basically, Beathem feels Gagnon is asking the Council to allow her to create an advisory committee and to hold a public meeting which is not what the Council has been doing in the past. This would be a new procedure to gather the input from the public. Beathem agrees with this concept. He feels the real request is to recreate an advisory committee and authorize holding a public meeting with that committee. Crosthwaite stated the public meeting would be different from the workshop itself. Beathem would like to see the material gathered including the input from the public before you get to the workshop with the Planning Board and the Council. There will be a lot of work conducted before the workshop is held. Fortier stated identify the problem before you create the fix. Councilor Moore stated this will not be an easy process. The easy thing would be to fix each problem as individual neighborhoods see them; however, that would be spot zoning and is not allowed. Cole stated he discussed this process with Gagnon and their thinking was to first reach out to the neighborhoods to scope out the problems, through the Ad-Hoc Committee get the technical expertise to identify what is possible and then bring the material back to a workshop between the Planning Board and Council. Fortier recommended the motion on the floor be withdrawn so the Council could approve in a single motion the process proposed by City Manager Cole and City Planner Gagnon in the memorandum dated March 14, 2016. This process ends up with a workshop between the Planning Board and the Council.

Councilor Blanchette withdrew his earlier motion and Councilor Moore withdrew his second.

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

**RESOLVED to approve Council Order #031604, the proposed process from City**

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*Planner Michele Gagnon on the memorandum dated March 14, 2016, as outlined in attachment #4.*

Before a vote was taken on the above motion, Councilor Moore stated everyone is committed to really looking at this problem and hope to have the input from residents of various neighborhoods whether large or small. This input is mandatory for figuring out where the City needs to go and what needs to be done to get there. Crosthwaite recapped the motion as the Council adopts the proposal presented by the Planner and will end up with a Council and Planning Board workshop. Crosthwaite added (not as part of the motion) that the advisory committee keep the Council posted as to the timeframe and progress; the Council does not want this process to lag on any longer than needed.

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

*Council Order #031605, Request of the Deputy Treasurer/Tax Collector to remove a property located off the Boggy Brook Road (Map 85 Lot 008-000-000) from a Tree Growth Management Plan.*

Amanda Tupper, Deputy Treasurer/Tax Collector explained the City of Ellsworth foreclosed on a property located off the Boggy Brook Road (Map 085 Lot 008-000-000) in December of 2015 for unpaid property taxes. Because the City now owns this property, the Assessing Office notified the City Manager of a "Tree Growth New Owner 12 Month Warning." Tupper explained within this warning notice, it states that "the prior owner had a Tree Growth Management Plan completed in 2009. Within 12 months you (the City) must adopt this plan or have a forester of your choosing complete a new plan and application for this parcel. Failure to comply within the 12 month period will result in automatic withdrawal from tree growth classification, and you will be assessed a withdrawal penalty. The formula for calculating the penalty is a minimum of 20% of the market value of the property in classification minus payments already made for the current year." Bids were opened on March 18, 2016 for this parcel, with a high bidder being awarded the parcel. Should the City stay in the Tree Growth program and leave this decision to the new owner (s), the new owner (s) could be looking at a fee of just under \$1,000. Should the City choose to withdraw from Tree Growth, there would be no fee as the City is exempt. See attachment #5 for a complete

**Approved - Denying Council Order #031605, Request of the Deputy Treasurer/Tax Collector to remove a property located off the Boggy Brook Road (Map 85 Lot 008-000-000) from a Tree Growth Management Plan.**

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FORTIER, MOORE AND PHILLIPS.**

**CITY COUNCIL ABSENT: PERKINS**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY WILSON, AMANDA TUPPER, MICHAEL HARRIS, ADAM WILSON,  
MARK REMICK, PETER AUSTIN, PENNY WEINSTEIN, RICHARD TUPPER,  
GARY SAUNDERS, AND FRED EHRLNBACH.**

description of the request. Councilor Fortier inquired if the prospective high bidder on the parcel was aware of this request and in turn adjust the bid amount to take into account the penalty. This topic had not been discussed with the high bidder. Fortier would be more comfortable knowing which way the new owner would prefer to keep the property classified before making a decision. Councilor Phillips felt there would be a fee to the new owner regardless of keeping it in the classification or not as recertifying the new plan will be associated with a fee. Tupper checked with the Assessing Department for an indication of how the taxes would be affected if the property were removed from Tree Growth. The parcel is currently valued so low that if it were removed the taxes would not change at all. The deed on this parcel includes a 50' right-of-way. The City received the Notice in February leaving 10 months for the City to decide. If the Council decided this evening to stay in, the Notice requirements shift to the new owner giving them 12 months to decide. Phillips felt it would be best to leave the parcel in Tree Growth and allow the new owner to have the opportunity to decide for themselves which way they want the parcel taxed in the future. Fortier felt if they voted to take the parcel out of Tree Growth before the bid was awarded to the high bidder than the rules have been changed mid way through the process.

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

**RESOLVED to approve denying Council Order #031605, Request of the Deputy Treasurer/Tax Collector to remove a property located off the Boggy Brook Road (Map 85 Lot 008-000-000) from a Tree Growth Management Plan.**

*Council Order #031606, Request of the Deputy Treasurer/Tax Collector for approval to write off all outstanding fees for Joseph DeBeck due to bankruptcy.*

Amanda Tupper, Deputy Treasurer/Tax Collector explained that on February 22, 2016 the City was notified that Joseph Debeck's Bankruptcy had been completed. At that time a Discharge of Writ of Execution was recorded at the Hancock County Registry of Deeds. See attachment #6 for the outstanding debt still on file with the City of Ellsworth; the outstanding amount of \$11,898.10 would need to be written-off per the bankruptcy requirements.

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

**Approved - Council Order #031606, Request of the Deputy Treasurer/Tax Collector to write off a total of \$11,898.10 in Solid Waste (customer number 399) bills for DHB – Joseph DeBeck per the bankruptcy**

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ELLSWORTH CITY COUNCIL**

**DATE: MARCH 21, 2016**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT: PERKINS**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
LARRY WILSON, AMANDA TUPPER, MICHAEL HARRIS, ADAM WILSON,  
MARK REMICK, PETER AUSTIN, PENNY WEINSTEIN, RICHARD TUPPER,  
GARY SAUNDERS, AND FRED EHRLNBACH.**

**RESOLVED to approve Council Order #031606, Request of the Deputy Treasurer/Tax Collector to write off a total of \$11,898.10 in Solid Waste (customer number 399) bills for DHB – Joseph DeBeck per the bankruptcy court.**

court.

*Council Order #031607, Request of the Public Works Director to extend the contract for certain road striping services to Jordan’s Striping.*

**Approved - Council Order #031607, Request of the Public Works Director to extend the agreement for arrows, lane designations, stop bars and cross walk striping to Jordan Striping Service, Inc. at the unit prices per the attached proposal (attachment #7).**

Larry Wilson, Public Works Director stated Jordan’s Striping provided a contract for the road striping at the same unit prices as the last two years. Wilson did not formally go out to bid as Jordan’s stated they would extend the contract for the same scope of work as well as at the same unit prices. Wilson has been very pleased with the work performed by Jordan’s Striping and Lucas Striping, LLC in the past. Jordan’s has been performing this work for the City during the past ten years or so. The one time the City went out to formal bid for this service the contractor did not perform the work to the City’s expectation and Jordan’s was hired to complete the work. See attachment #7 for the 2016 Pavement Marking Proposal as submitted by Jordan’s Striping. Wilson is recommending extending the contract with Jordan’s Striping at an estimated cost of \$21,656.96; the scope of work includes the arrows and crosswalks, and not the line striping within the Urban Compact Area and the Harbor. Jordan’s will not paint the main lines as this work is performed by Lucas Striping.

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

**RESOLVED to approve Council Order #031607, Request of the Public Works Director to extend the agreement for arrows, lane designations, stop bars and cross walk striping to Jordan Striping Service, Inc. at the unit prices per the attached proposal (attachment #7).**

*Council Order #031608, Request of the Public Works Director to extend the contract for center and sideline striping to Lucas Striping, LLC.*

**Approved - Council Order #031608, Request of the Public Works Director to extend the agreement for center line and side line striping to**

Larry Wilson, Public Works Director stated Lucas Striping LLC submitted a proposal for the same unit prices that he offered last year. This will be the third year the City has contracted with Lucas Striping, LLC. The only change that may be necessary is to the actual line distance, the actual cost per unit will remain the

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**CITY COUNCIL ABSENT: PERKINS**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, LARRY WILSON, AMANDA TUPPER, MICHAEL HARRIS, ADAM WILSON, MARK REMICK, PETER AUSTIN, PENNY WEINSTEIN, RICHARD TUPPER, GARY SAUNDERS, AND FRED EHRLNBACH.**

same as last year. Each year the estimated distance has been very close to the actual area marked, it is difficult to estimate as each year different projects have an impact on this calculation. See attachment #8 for the 2016 Center and Side Line Striping Proposal from Lucas Striping LLC. Wilson is requesting to extend the contact with Lucas Striping at the same unit prices as last year. Fortier recommended keeping the measurements for Rt.1A in the bid until a contractor for this project notifies the City of the date for pavement removal. If the pavement will not be disrupted until September or October this section of Rt.1A will need the yellow and white lines remarked until this project begins. David Cole, City Manager agreed this topic will be reviewed again in regards to the contract.

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

***RESOLVED to approve Council Order #031608, Request of the Public Works Director to extend the agreement for center line and side line striping to Lucas Striping, LLC at the unit prices per the attached proposal (attachment #8).***

*Council Order #031609, Request of the Finance Director to award a lease agreement contract for Harbor Concessions at the Ellsworth Harbor.*

Tammy Mote, Finance Director explained this is the annual request to award concessions at the Harbor Park. A couple of proposals were received in response to the RFP (Request for Proposals) that was advertised. The Harbor Commission held an interview with Kim Graham owner of the Kow Girl Kim's Grill. The Commission is recommending this business serve as the vendor this season at a rate of \$500 per month. See attachment #9 for the complete description of the request as well as a copy of the RFP and proposal from Kow Girl Kim's Grill. Councilor Phillips stated the owner of the business was present at the Harbor Commission meeting, where she promised to serve a menu of healthy foods at the Harbor this season. He further explained she had an interesting proposal. This vendor will not be selling ice cream; however, she will have yogurt and smoothies. Councilor Fortier clarified he did not see a provision in the contract that gave this vendor sole permission to sell food at the Harbor. Mote confirmed that if a mobile vending unit such as Patty Cakes wanted to sell her product at the Harbor on a part time basis that would be allowed. She further stated it was the intent to allow a couple different vendors at the Harbor this year. Patty Cakes submitted a proposal; however, she has not had a formal interview by the Commission yet. The Harbor

**Lucas Striping, LLC at the unit prices per the attached proposal (attachment #8).**

**Approved - Council Order #031609, the proposal from Kim Graham, DBA Kow Girl Kim's Grill, for a vending concession stand at the Ellsworth Harbor at a price of \$500 per month and authorize the City Manager to sign the lease agreement.**

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FORTIER, MOORE AND PHILLIPS.**

**CITY COUNCIL ABSENT: PERKINS**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
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Commission Chair has had conversations with Patty Cakes and Mote thought within the next few months the Commission may be back to ask the Council for permission to approve that proposal as well. Phillips stated that the owner of Kow Girl Kim's Grill was aware that there was a possibility that Patty Cakes would also be doing business at the Harbor this season. The Harbor Commission did vote unanimously to approve recommending Kow Girl Kim's Grill.

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

**RESOLVED to approve Council Order #031609, the proposal from Kim Graham, DBA Kow Girl Kim's Grill, for a vending concession stand at the Ellsworth Harbor at a price of \$500 per month and authorize the City Manager to sign the lease agreement.**

*Council Order #031610, Request of the Harbor Commission to amend the Harbor Fee Schedule.*

Mark Remick, Harbor Commission Chair explained this amendment relates to the idea of moving what is referred to as the Float Dock and attaching it to the end of the Slips. This will allow ground or shore access to the vessels. Everyone that was located on this Float Dock was contacted with this idea and they all equally agreed to move to the new location and pay the recommended amended fee. The first year of the new fee will generate \$4,500 in revenues with the estimated cost of the project being \$3,000. See attachment #10 for the complete description of the request. The fee for this Float Dock at the new location is being increased \$13 per foot. The current fee is \$17 per foot and with the increase the new fee will be \$30 per foot. Councilor Phillips inquired about the owner of the vessel that rents a slip on the backside of the structure where this new dock will be attached. Remick confirmed the backside of the Slip will still be utilized; the owner will still be located there and will pay the float dock rate and not the slip rate. That owner will still have the ability to go out and around, it will add 131 feet. Councilor Moore asked if any special thought had been given to how the float dock will be secured considering the currents and wind. Remick stated the Commission is working with Andrew McCullough to ensure the design that is being proposed will work. Once a final decision is made on whether this plan will work or not the Commission will move forward on this project. Remick explained if this plan does not work the new fee will remain on the fee schedule but will not be utilized this year and the dock

**Approved - Council Order #031610, amending the Harbor Fee Schedule as presented this evening in attachment #10.**

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
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will remain at the current location rather than the proposed new location. Councilor Fortier inquired how long the payback period for this project is; taking into account the increased revenues. Remick estimated it would take approximately 1.5 years. Remick stated the two floating docks are in great condition, no damage was identified as in need of repair this season. The current condition of the docks speaks highly of the effort taken by the Harbormaster when moving them in and out for the season.

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

**RESOLVED to approve Council Order #031610, amending the Harbor Fee Schedule as presented this evening in attachment #10.**

*Council Order #031611, Request of the Finance Director to withdraw \$37,000 from the Capital Reserve Account for Harbor repairs.*

Tammy Mote Finance Director stated during the winter of 2015, the ice in the river pushed over one of the dolphins. These structures provide stability and keep the Harbor slips in position. The City hired a contractor last year to straighten the pole. However, the pole was never seated properly once it was straightened. Once the slips were removed from the water for winter storage, the dolphin completely fell over into the water as there was nothing left to support it. In order to reinstall the slips for the 2016 boating season, it is necessary to have this dolphin properly reinstalled. The Harbormaster has contacted Prock Marine to reinstall this dolphin properly. Over half of the original cost estimate was for mobilization and demobilization of a crane barge to and from the Harbor. The Harbor Commission suggested that since Prock Marine will be on site and due to the cost of mobilization, it would be best to have the boat ramp pylons replaced with greenheart piles since the current ones are in desperate need of repair. 6 pylons were identified as being in desperate need of repair at this time. Greenheart wood is from a South American tree that yields a hard, durable wood often used for wharves, bridges, and shipbuilding. The life expectancy for this type of wood is 20 – 25 years as other woods are only estimated at 10 – 15 years. Currently, the Harbor Reserve Account only has approximately \$1,400 remaining in it. In order to cover this unbudgeted expenditure, the suggestion is to withdraw the \$37,000 from the City's Capital Reserve account. The current balance in this subaccount is \$228,670. See attachment #11 for a complete description of the request as well as a

**Approved - Council Order #031611, Request of the Finance Director to withdraw \$37,000 from the Capital Reserve Account for Harbor repairs. Further move to sole-source with a known vendor as per their proposal for repairs to the dolphin and greenheart pylons at the Harbor and that would be Prock Marine.**

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copy of the cost estimates. Chairman Crosthwaite stated this topic has been discussed in detail at the Finance Committee level. Adam Wilson, Harbormaster stated Prock Marine gave an estimated arrival date of the week of April 8 to be on site. The docks will need to be placed in the river early so that Prock Marine will know exactly where the piling needs to be placed. Wilson is confident Prock Marine will be able to complete this project. Fortier inquired if the motion should include language to hire Prock Marine and authorize the City Manager to sign the contract.

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

**RESOLVED to approve Council Order #031611, Request of the Finance Director to withdraw \$37,000 from the Capital Reserve Account for Harbor repairs. Further move to sole-source with a known vendor as per their proposal for repairs to the dolphin and greenheart pylons at the Harbor and that would be Prock Marine.**

*Council Order #031612, Request of the Finance Director to accept the 2016 Local Facilities Grant from the Maine Fire Service Institute to make repairs to the Ellsworth Fire Department Training Facility.*

Gary Saunders, Deputy Fire Chief explained the Fire Department applied for this grant mid January. The idea was to obtain this grant in an effort to help fund some repairs that were identified at the burn site and training site. The request before the Council this evening is to accept a zero match training facility grant from the Maine Fire Service Institute (MFSI). See attachment #12 for a description of the complete request. On March 4, 2016 the Fire Department was notified that they were approved for an undisclosed amount of grant funds. A meeting had been scheduled on March 21, 2016 at MFSI in Brunswick to receive the final documents, amount of the award, and sign the award agreement; however, that meeting had to be postponed. The grant funds will be utilized for the repairs that would have been completed regardless of being awarded the funds. This opportunity will provide for reimbursement for those necessary repairs. Chairman Crosthwaite inquired if a grant can be accepted without knowing the amount of the grant. David Cole, City Manager asked for the amount that was requested on the grant application. Saunders stated the grant request was for \$24,250. Cole questioned whether the grant award could exceed the amount requested; it was generally felt the award

**Approved - Council Order #031612, Request of the Fire Chief to accept the Training Facility Grant from the Maine Fire Service Institute.**

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**CITY COUNCIL ABSENT: PERKINS**

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would not be more than the request. Tammy Mote, Finance Director stated this request was not a requirement of the grant, rather just a way to publically recognize an award of a grant that has not been awarded locally for some time. Fortier recognized the fact that the work would be completed whether the grant funds cover the cost of all the work or just a fraction of it. The expenditure of funds is not being approved tonight only the receipt of funds from a grant.

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

**RESOLVED to approve Council Order #031612, Request of the Fire Chief to accept the Training Facility Grant from the Maine Fire Service Institute.**

*Council Order #031613, Request of the Finance Director to withdraw \$3,000 from the Federally Forfeited Reserve account to purchase three bulletproof vests.*

Tammy Mote, Finance Director stated the Police Department purchases bulletproof vests for their officers every five years in order to guarantee the warranty of the protective vests. There are three officers that need to have vests replaced this year. This normally would be purchased out of the uniform expense account. However, the Police Department had to hire three new officers this year and was required to fully outfit those new employees which depleted the funds in this line item. The Acting Police Chief is requesting that the vests be funded from the Police Reserve account. Mote added that after discussions today it was discovered that the new Police Chief will also need a bulletproof vest a cost of \$1,000. Mote suggested increasing the requested amount this evening to \$4,000. This account currently has a balance of \$13,836. Councilor Blanchette inquired if the existing vests are still useable or serviceable. The account has been overdrawn because three new officers were hired and required equipment. Other officers within the department have vests that are due to be replaced through the rotation process. The vests are fitted to the specific officer.

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

**RESOLVED to approve Council Order #031613, Request of the Finance Director to withdraw \$4,000 from the Police Reserve account to purchase four bulletproof vests.**

**Approved - Council Order #031613, Request of the Finance Director to withdraw \$4,000 from the Police Reserve account to purchase four bulletproof vests.**

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**CITY COUNCIL ABSENT: PERKINS**

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LARRY WILSON, AMANDA TUPPER, MICHAEL HARRIS, ADAM WILSON,  
MARK REMICK, PETER AUSTIN, PENNY WEINSTEIN, RICHARD TUPPER,  
GARY SAUNDERS, AND FRED EHRLNBACH.**

*Council Order #031614, Request of the City Manager to confirm the appointment of Harold (Pete) Bickmore as the new Ellsworth Police Chief.*

David Cole, City Manager explained tonight he is requesting the Council confirm the appointment of Harold “Pete” Bickmore as the next Police Chief for the City of Ellsworth. Cole stated there was a selection committee, chaired by Councilor Crosthwaite. Councilors Moore and Perkins served on this committee as well as Cole. The City hired the services of the Maine Chiefs of Police Association to guide the committee through the process. Cole shared some of the impressive highlights from Bickmore’s law enforcement career which started in Scarborough Maine. See attachment #13 for a description of the complete request.

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

**RESOLVED to approve Council Order #031614, Request of the City Manager to confirm Harold (Pete) Bickmore, III’s appointment as the Police Chief for the City of Ellsworth Police Department. Bickmore’s start date will be April 4, 2016.**

Prior to a vote being taken, Councilor Fortier inquired if the starting date should be included within the motion. Cole noted April 4, 2016 will be Bickmore’s start date with the swearing in ceremony taking place at 11:00 AM on that day. A friendly amendment was offered to the above motion with Beathem accepting and Moore seconding it. Crosthwaite thanked the committee for the hard work and dedication over the four month period it took to hire a new police chief.

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

*Council Order #031615, Request of the Finance Director to award the heating fuel and propane contract.*

Tammy Mote, Finance Director stated at 5 PM tonight she received 3 bids for heating fuel and propane. See attachment #14 for the complete bid results and description of the request which was provided to the Council this evening. The three options included on the bid sheet were margin over rack, fixed rate, and fixed rate/margin over rack. No Frills was the lowest bidder on all categories. The margin over rack pricing was .048 for heating fuel and propane. The fixed rate for

**Approved - Council Order #031614, Request of the City Manager to confirm Harold (Pete) Bickmore, III’s appointment as the Police Chief for the City of Ellsworth Police Department. Bickmore’s start date will be April 4, 2016.**

**Approved - Council Order #031615, request of the Finance Director to award a heating fuel and propane contract to No Frills Oil Company at a fixed rate of \$1.587 per**

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heating fuel is \$1.587 and .929 for propane. Mote added that No Frills has provided the City with great service over the past few years. The recommendation is to award the contract to No Frills this year. This bid covers all City and School buildings. Mote was not able to discuss the bid results with Dan Higgins, Superintendent prior to this meeting as the results were just received at 5:00 PM tonight. Based on previous discussions Mote believes Higgins is interested in receiving the best price available. The general consensus of the Council prior to a motion was to approve the fixed pricing.

**gallon for heating fuel and 92.9 cents per gallon for propane for the contract period of November 1, 2016 through October 31, 2017, as contained in attachment #14.**

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

**RESOLVED to approve Council Order #031615, request of the Finance Director to award a heating fuel and propane contract to No Frills Oil Company at a fixed rate of \$1.587 per gallon for heating fuel and 92.9 cents per gallon for propane for the contract period of November 1, 2016 through October 31, 2017, as contained in attachment #14.**

*Council Order #031616, Request of the Finance Director to award an RFP for Investment Services.*

**Approved - Tabling Council Order #031616, Request of the Finance Director to award an RFP for Investment Services.**

Chairman Crosthwaite stated the request this evening is to table this item.

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

**RESOLVED to approve tabling Council Order #031616, Request of the Finance Director to award an RFP for Investment Services.**

*Council Order #031617, Request of the City Manager to approve the Utility Receivable Agreement with the Maine Department of Transportation and related financial commitments for water and sewer improvements on State Street.*

**Approved - Council Order #031617, Request of the City Manager to approve the Utility Receivable Agreement with the Maine Department of Transportation and related financial commitments for**

David Cole, City Manager explained that the Utility Receivable Agreement is the vehicle in which Maine Department of Transportation (DOT) partners with the City to add the utility work to the Rt.1A project. The estimated cost for the water and sewer upgrades are \$1,219,185, this figure is based on the work completed by Woodard and Curran on the City's behalf. The bulk of this cost will be funded through the State Revolving Loan Fund Water Program. The balance of

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approximately \$170,000 of sewer work that is included within this bundle will be part of future bond proceeds. This agreement states the requirements for the City, including monthly billings for sewer and water work. This is a great opportunity for the City because as past practice reflects completing utility work while the road is already open by the DOT saves substantial money. See attachment #15 for a complete description of the request.

**water and sewer improvements on State Street Rt.1A Project.**

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

**RESOLVED to approve Council Order #031617, Request of the City Manager to approve the Utility Receivable Agreement with the Maine Department of Transportation and related financial commitments for water and sewer improvements on State Street Rt.1A Project.**

*Council Order #031618, Request of the City Manager to approve an estimated \$175,000 to fund the City's share of the construction of State Street sidewalks and Forrest Avenue intersection per agreement with the Maine Department of Transportation.*

**Approved - Council Order #031618, Request of the City Manager to approve an estimated \$175,000 to fund the City's share of the construction of State Street sidewalks and Forrest Avenue intersection per agreement with the Maine Department of Transportation.**

Chairman Crosthwaite stated this item has already been explained as part of Council Order #031617. See attachment #15 for a complete description of the request.

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

**RESOLVED to approve Council Order #031618, Request of the City Manager to approve an estimated \$175,000 to fund the City's share of the construction of State Street sidewalks and Forrest Avenue intersection per agreement with the Maine Department of Transportation.**

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

**Approved - Entering executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at**

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

**RESOLVED to approve entering executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 8:53 PM.**

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**CITY COUNCIL ABSENT: PERKINS**

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GARY SAUNDERS, AND FRED EHRLNBACH.**

The Council will come out of executive session for the purpose of adjourning from this meeting. No further Council business will be conducted following the executive session.

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

**RESOLVED to approve adjourning from the executive session at 9:08 PM.**

*Adjournment.*

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

**RESOLVED to approve adjournment at 9:09 PM.**

**A TRUE COPY**

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

**8:53 PM.**

**Approved -  
Adjourning executive  
session at 9:08 PM.**

**Approved -  
Adjournment at 9:09  
PM.**