

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 16, 2014

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

Call to Order.

City Clerk, Heidi-Noël Grindle called the regular meeting of the Ellsworth City Council to order at 7:00 p.m.

City Clerk, Heidi-Noël Grindle called for nominations and a vote on a Chairman Pro Tem to run the June 16, 2014 Regular Council Meeting. Following the nomination of Councilor Fortier by Councilor Crosthwaite and seconded by Councilor Blanchette. Councilor Moore moved nominations cease and Councilor Beatham seconded it. A vote was taken with Councilor Fortier being elected Chairman Pro Tem for the June 16, 2014 Regular meeting.

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 12, 2013 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 the Ellsworth City Council minutes from the following meeting (s):
May 19, 2014 Regular Meeting.*

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

RESOLVED to approve the adoption of the Ellsworth City Council minutes from the May 19, 2014 Regular Meeting.

City Manager's Report.

Michelle Beal, City Manager reminded the public that the summer free weekly events will start very soon. The summer concert series at the Harbor will begin in July on Fridays at 6:00 PM. Ellsworth Under the Stars movies at Knowlton Park

Call to Order.

**Election of Chairman
Pro Tem.**

Pledge of Allegiance.

Rules of Order.

**Approved - Adoption
of the Ellsworth City
Council minutes
from the May 19,
2014 Regular
Meeting.**

**City Manager's
Report.**

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will take place on Thursdays and the Wednesday Concert Band series at City Hall will both begin in July. The links to where the events can be found will be located on the City website and Face book very soon, as well as Ellsworth Under the Stars movie schedule posters will be available in the next few days.

Committee Reports.

➤ *Recreation Commission.* Councilor Blanchette reported that the Commission met on June 4, 2014, they discussed complaints and concerns with the new basketball courts. The complaints included the noise due to the sound curtains not working and after hour's use of the courts. The Knowlton Park project is waiting for the final plans from Atlantic Landscaping. The Summer Concerts have been scheduled with one hour playing time beginning at 6:15 PM starting July 4, 2014. Chairman Pro Tem Fortier stated it was an unofficial meeting since there was not a quorum present, no decisions were made. City Manager, Michelle Beal inquired if there were more than one person making complaints. It was stated only one person has made complaints concerning the basketball courts.

Citizens' Comments.

There were no citizens' comments this month.

Presentation of Awards.

➤ *Valerie Moon, for five years of service with the Assessing Department.*

Valerie Moon was present to accept her service award from Chairman Pro Tem Fortier on behalf of the Ellsworth citizens.

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*

Committee Reports.

Citizens' Comments.

Presentation of Awards.

Unfinished Business.

Consent Agenda.

Approved - Consent agenda as presented this evening.

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from the Consent Agenda and considered in its normal sequence on the Agenda.

*Council Order #061407, Request of the Deputy Treasurer/Tax Collector to set the real estate and personal property tax due dates at September 11, 2014 and March 12, 2015. **

See attachment #1 for a complete explanation.

*Council Order #061408, Request of the Deputy Treasurer/Tax Collector for an Order of the Municipal Officers on the application of real estate and personal 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.

*Council Order #061409, Review and acceptance of the results from the Special Municipal School Budget Validation Referendum election on June 10, 2014. **

See attachment #2 for the complete municipal results.

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

RESOLVED to approve the consent agenda as presented this evening.

NEW BUSINESS

Chairman Pro Tem Fortier stated there has been a request to add an agenda item for an Economic Development grant application. In order to add this item tonight the request must have at least six councilors present and receive a unanimous vote by those present.

On a motion by Crosthwaite, seconded by Beatham, it was unanimously

RESOLVED to approve adding the item requested for an Economic Development Grant Application under agenda item #27B as all Councilors have supporting documents on this request.

CO #061407, Set the tax due dates at September 11, 2014 and March 12, 2015.

CO #061408, Order of the Municipal Officers to apply real estate and personal property tax payments.

CO #061409, Acceptance of the results from the June 10, 2014 Election.

New Business.

Approved - Adding the item requested for an Economic Development Grant Application under agenda item #27B as all Councilors have supporting documents on this request.

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

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 Moore, 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.

Martin & Ware Inc d/b/a Central Maine Pyrotechnics Pyro City Maine d/b/a Pyro City Maine Fireworks Store, 328 Bucksport Road, for a renewal of a City Consumer Fireworks Retail Sales License.

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

Chairman Pro Tem Fortier questioned whether at some point the Council had decided to request the applicant be present at the time of renewals. He thought that requirement may have been removed from the final document. Fortier researched this topic prior to the meeting and did not find any references to requiring the applicant be present at the time of renewal. City Manager Michelle Beal stated within the Business Licensing Ordinance the applicant is only required to be present at the time of a new license. Fortier recalled that stipulation for alcohol licenses; however, thought Consumer Fireworks Retail Sales required their presence at renewal. Fortier was unable to find this requirement within the Fireworks Ordinance or Business License Ordinance.

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 - Martin & Ware Inc d/b/a Central Maine Pyrotechnics Pyro City Maine d/b/a Pyro City Maine Fireworks Store, 328 Bucksport Road, for a renewal of a City Consumer Fireworks Retail Sales License.

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PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Martin & Ware Inc d/b/a Central Maine
Pyrotechnics Pyro City Maine d/b/a Pyro City Maine Fireworks Store, 328
Bucksport Road, for a renewal of a City Consumer Fireworks Retail Sales
License.**

*The Mex Inc. d/b/a The Mex, 191 Main Street, for renewal of a City Class C License
(victualer and liquor) and renewal of a State Restaurant (Class I, II, III, IV), Malt,
Spirituos 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 Beathem, seconded by Moore, it was unanimously

**RESOLVED to approve the request of The Mex Inc. d/b/a The Mex, 191 Main
Street, for renewal of a City Class C License (victualer and liquor) and renewal of
a State Restaurant (Class I, II, III, IV), Malt, Spirituous and Vinous Liquor
License.**

*Joseph A. Lusardi d/b/a Maine Organic Therapy, 9 Carriage Road, for renewal of a
Medical Marijuana Dispensary License including a City Victualer License.*

The staff reports the premises are in compliance with required codes and ordinances

**Approved - The Mex
Inc. d/b/a The Mex,
191 Main Street, for
renewal of a City
Class C License
(victualer and liquor)
and renewal of a
State Restaurant
(Class I, II, III, IV),
Malt, Spirituous and
Vinous Liquor
License.**

**Approved - Joseph
A. Lusardi d/b/a
Maine Organic
Therapy, 9 Carriage**

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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 Joseph A. Lusardi d/b/a Maine Organic
Therapy, 9 Carriage Road, for renewal of a Medical Marijuana Dispensary
License including a City Victualer License.**

*Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City
Class C License (victualer and liquor) and renewal of a State Restaurant License
(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 Blanchette, seconded by Moore, 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 (victualer and liquor) and
renewal of a State Restaurant License (Class I, II, III, IV) Malt, Spirituous, and
Vinous Liquor License.**

*Council Order #061410, Request of the Deputy Treasurer/Tax Collector to offer for
sale by public sale two timeshare units located at Acadia Village Resort, acquired
by non-payment of real estate taxes*

**Road, for renewal of
a Medical Marijuana
Dispensary License
including a City
Victualer License.**

**Approved - Pavida
Visetrut Young d/b/a
Thai Sana, 321 High
Street, for renewal of
a City Class C
License (victualer
and liquor) and
renewal of a State
Restaurant License
(Class I, II, III, IV)
Malt, Spirituous, and
Vinous Liquor
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**Approved - Council
Order #061410,
Request of the
Deputy**

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Leann Beal, Deputy Treasurer/Tax Collector stated this is a house keeping item. Last month when the Council voted to award bids for three timeshares that were bid on through the sealed bid process, the same person bid on three separate units to ensure that they would be high bidder on at least one unit they wanted. The bidder only wanted to purchase one unit and has since withdrawn their bid on the other two units. See Attachment #3 for the remaining two timeshares that Beal is requesting authorization to sell at a fixed price on a first come-first serve basis. The Ordinance does not require a bidder to purchase all units they are considered the high bidder on.

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

RESOLVED to approve Council Order #061410, Request of the Deputy Treasurer/Tax Collector to offer for sale by public sale two timeshare units per the attached document (attachment #3).

Council Order #061411, Request of the Finance Director for transfer of the Defendants In Rem (criminal forfeiture) to the City of Ellsworth and to allow the Finance Director to deposit these monies into the Police Forfeiture Reserve Account upon receipt of the funds.

Tammy Mote, Finance Director explained that recently the Police Department had a drug case that resulted in the arrest and conviction of a man who had cash in his possession when the apprehension took place. This money was turned over to the court system and forfeited as part of the case. The Assistant Attorney General has proposed that Ellsworth receive \$1,425 from the forfeiture. State law requires that before any forfeitable item can be transferred to the municipality, the legislative body must publicly vote to accept the items. This council order would also allow the Finance Director to deposit the monies into the Police Forfeiture Reserve Account once those funds are received. See attachment #4 for the complete copy of the Attorney General's notification of the criminal forfeiture.

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

RESOLVED to approve Council Order #061411, the request of the transfer of the Defendants In Rem (criminal forfeiture) in the case of State of Maine vs. David Vaughn pursuant to 15 M.R.S.A Section 5822 (4)(A) and Section 5826 (6) to the City of Ellsworth, and to allow the Finance Director to deposit these monies into

Treasurer/Tax Collector to offer for sale by public sale two timeshare units per the attached document (attachment #3).

Approved - Council Order #061411, the request of the transfer of the Defendants In Rem (criminal forfeiture) in the case of State of Maine vs. David Vaughn pursuant to 15 M.R.S.A Section 5822 (4)(A) and Section 5826 (6) to the City of Ellsworth, and to allow the Finance Director to deposit these monies into the Police Forfeiture Reserve Account upon receipt of the funds.

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the Police Forfeiture Reserve Account upon receipt of the funds.

Council Order #061412, Request of the Ellsworth School Board to recommend the City Council consider adopting MainePERS Regular Plan AC for all school support employees.

Michelle Beal, City Manager explained that before the Ellsworth School Department became part of the RSU non-teaching employees were offered Maine State Retirement in the PLD category. PLD's are overseen by municipalities not School Departments. The RSU stopped offering to all non-teaching employees the Maine State Retirement PLD benefit, they only continued to offer it to those employees that had the plan at the time the RSU was created. Now that the Ellsworth School Department is being recreated the decision needs to be made whether to keep just the employees that currently have Maine State Retirement or open enrollment back up to all non-teaching employees again. The Ellsworth School Board voted to recommend it be offered to all non-teaching employees. The final decision would be up to the Council since they are the overseers of the PLD category. Councilor Moore asked what the impact would be on the City budget if this was approved. Beal explained that it would be difficult to determine that number at this time. A very low percentage of employees take this benefit because of the way the Maine State Retirement program works. This is a long term retirement plan, it does not allow an employee to take the funds when they leave the school department unless they meet the retirement requirements and the years of service to be determined vested. Even with the City all employees are eligible, but not required, to join the PLD Regular Plan AC or the PLD Regular Plan 4C if they are public safety employees. Offering this benefit would not have a huge impact on the budget; however, it is a benefit for employees that are considering long term employment within the school systems. Beal explained employees can contribute to the Maine State Retirement Plan and Social Security. There was also a lengthy discussion concerning the match between the employee and employer into the program. Councilor Blanchette inquired if an employee could withdraw funds from this plan if they become a short tem employee. Beal explained they would not be eligible for any proceeds from this plan until they reach retirement age. The other retirement plan the City offers allows an employee to take the balance or roll it over to another retirement plan when they leave service. The required match is funded from the School Department payroll account, the match is not the same for employee and employer. The School employees already on the plan can still remain on the plan and any new employees hired after July 1 or were hired by the RSU

Approved - Council Order #061412, the request of the Ellsworth School Board to offer the Regular Plan AC to all support staff of the Ellsworth School Department as of July 1, 2014 and the City authorizes the City Manager to sign the contract between the City and the Maine Public Employees Retirement System. The City also elects to adopt Regular Plan AC for all school support employees who become employed by the Ellsworth School Department and are hired on or after July 1, 2014.

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(therefore never offered the plan) would now be given the opportunity to join the plan. Employees must elect to join this plan within the first 60 days of employment to be eligible and once the employee denies the benefit they are never eligible for it again. As of July 1, 2014 the match rate is going to be 7.25% it was believed to be 6.5% currently. There will be an increase to this rate over the next three years for the employee as well as the employer. Beal explained the employer rate starts at 7.25% and then is reduced by a credit which changes monthly. The Maine State Retirement Plan offers the credit based on the pool of contributions. Blanchette inquired what alternative plan would be offered to non-teaching employees. Beal stated if this plan is not offered to non-teaching employees they would not be offered a retirement plan at all. Moore stated he would support this option given the low rate of pay some of these employees receive during their employment; any retirement plan would be appreciated at the time of retirement. There was a lengthy discussion on this topic and how much it will cost the school department to offer it. Tammy Mote, Finance Director stated the current contribution for employees already on the Plan has been designed within the current budget. Beathem stated the school department had it before and he felt the Council should support it.

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

RESOLVED to approve Council Order #061412, the request of the Ellsworth School Board to offer the Regular Plan AC to all support staff of the Ellsworth School Department as of July 1, 2014 and the City authorizes the City Manager to sign the contract between the City and the Maine Public Employees Retirement System. The City also elects to adopt Regular Plan AC for all school support employees who become employed by the Ellsworth School Department and are hired on or after July 1, 2014.

A final vote was taken on the above motion with 5 members voting in favor (Beathem, Crosthwaite, Fortier, Moore and Perkins) and 1 member opposing (Blanchette).

Public hearing and action on amendments to City of Ellsworth Code of Ordinances Chapter 57, Frenchman Bay Regional Shellfish Conservation Ordinance.

Councilor Beathem presented the amendments to Chapter 57 Frenchman Bay Regional Shellfish Conservation Ordinance. There was a problem with making

**Approved -
Amendments to City
of Ellsworth Code of
Ordinances Chapter
57, Frenchman Bay
Regional Shellfish**

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conservation work mandatory resulting in the program being required by the State of Maine to offer a way for a harvester to opt out of the conservation work. See attachment #5 for this opt out plan as detailed within the Ordinance. Beathem explained this opt out plan makes the commercial harvesting license more expensive and then gives credit of \$15 per hour for conservation work completed against the cost of a license up to 12 hours. This amendment has been accepted by the majority of towns that make up the Frenchman Bay Region. The other amendment tonight, also found within attachment #5 reduces the residency requirement from one year to six months. A commercial license cost \$400 for a resident who completed the conservation hours; if a harvester did not complete the hours the cost is \$580. A non-resident pays \$600 for a commercial license if they complete the conservation hours, if they do not complete the hours the cost is \$780. The fees are approved under the License Allocation Plan which is voted on by the Municipal Joint Board. Councilor Perkins inquired about how the harvesters submit their conservation hours. The hours are approved by the Shellfish Warden, Mike Hall. The conservation projects are designed and scheduled by the Shellfish Harvesters Committee and then all harvesters are encouraged to take part in them.

Public hearing opened.

There were no comments.

Public hearing closed.

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

RESOLVED to approve amendments to City of Ellsworth Code of Ordinances Chapter 57, Frenchman Bay Regional Shellfish Conservation Ordinance as presented in attachment #5.

Council Order #061413, Request of the Finance Director to extend banking services with The First until June 30, 2015.

Tammy Mote, Finance Director explained in 2007 the City Council awarded banking services to The First for a period of three years with the option of extending. Due to the rate declining environment the City Council continued to vote to extend the banking services because The First was offering very competitive rates. The low interest rates continue within the market, The First is once again

Conservation Ordinance as presented in attachment #5.

Approved - Council Order #061413, Request of the Finance Director to extend banking services with The First until June 30, 2017.

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asking for an extension and they have offered a three year extension with a 1.5% interest rate to be held on all City accounts. This is 110 basis points over the highest market rate they are currently offering. The City has had a fabulous banking relationship with The First. Mote stated other banks are offering .2% - .3%, and The First is offering a .4% on sweep accounts. Chairman Pro Tem stated he read the agenda item as 2015; however, it has been amended to increase it through 2017.

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

RESOLVED to approve Council Order #061413, Request of the Finance Director to extend banking services with The First until June 30, 2017.

Public hearing and action on Council Order #061414, Request of the Finance Director / Treasurer to authorize and award a Tax Anticipation Note (TAN).

Tammy Mote, Finance Director/Treasurer explained she traditionally requests to award a Tax Anticipation Note (TAN) to a bank that has participated in the RFP process at the June regular Council meeting. This year due to unforeseen circumstances the RFP documents were not mailed out in time for the results to be awarded at the June meeting. The bid opening on the RFP's will be next week, following the bid opening a special meeting will be held to award the bid. Mote is requesting the required public hearing be held tonight authorizing the issuance of up to \$3,500,000, as well as approve the Authorization for Tax Anticipation Borrowing as contained in the minutes as Attachment #6. The City typically borrows a TAN to cover cash flow during those times in between tax collection dates. This year due to the added one-time up front expenses associated with recreating the Ellsworth School Department the TAN was increased by \$1,500,000. Councilor Beathem asked what the reimbursement timeframe from the State of Maine for school reimbursement is predicted to be and inquired whether \$1,500,000 would be enough additional funds to cover this timeframe. The State reimbursement should be received on July 1 and then continue on a monthly basis after that. Debt Service payments have been changed so that the State funded portion goes directly to the Bond Banks. The process used to require the funds to flow through the City first. There was a lengthy discussion concerning the City's cash flow taking into account the lag times for tuition payments to be received, State reimbursement payments, the ability to pass a budget and the change in the State funded portion of debt service payments.

Approved - Council Order #061414, Authorization for Tax Anticipation Borrowing at \$3,500,000, be it hereby ordered and resolved by the City Council as follows: see attachment #6 to the minutes for the complete order as it was voted on. The award of bid was tabled until a later date.

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PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

Public hearing opened.

There were no comments.

Public hearing closed.

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

RESOLVED to approve Council Order #061414, Authorization for Tax Anticipation Borrowing at \$3,500,000, be it hereby ordered and resolved by the City Council as follows: see attachment #6 to the minutes for the complete order as it was voted on. The award of bid was tabled until a later date.

Council Order #061415, Appointment of City Officials by the City Council.

Chairman Pro Tem Fortier stated the list of appointments; include Treasurer, Tax Collector, Agent to the Overseers, City Clerk, Registrar of Voters, Assessor, and Harbormaster. All the appointments are reappointments, there are no new members being appointed to the attached Committees or Commissions. Fortier read into the record Appointments of City Officials by the City Council. Whereas, the City Charter or Statutes provide that the following officials be appointed by the City Council; and Whereas, several of the appointments made by the City Council expire at midnight on June 30, 2014; it is hereby Ordered, that the following persons are appointed to the position indicated for a term to expire as indicated on attachment #7.

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

RESOLVED to approve Council Order #061415, Appointment of City Officials by the City Council as presented in attachment #7.

Council Order #061416, Approval of City Manager's appointments.

Chairman Pro Tem Fortier stated the name of the document being approved tonight is Confirmation of City Manager's Appointments. Whereas, the City Charter provides that the City Manager appoints certain department heads or officers subject to confirmation by the City Council, and Whereas, several of the appointments

Approved - Council Order #061415, Appointment of City Officials by the City Council as presented in attachment #7.

Approved - Council Order #061416, Approval of City Manager's appointments as presented in

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 16, 2014

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

made by the City Council expire at midnight on June 30, 2014; it is hereby Ordered, **attachment #8.**
that the following persons are appointed to the position indicated for a term to
expire as indicated on attachment #8.

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

**RESOLVED to approve Council Order #061416, Approval of City Manager's
appointments as presented in attachment #8.**

*Council Order #061417, Request of the Finance Director for approval to encumber
certain appropriation accounts.*

Tammy Mote, Finance Director stated at the end of each fiscal year, a request is
made to encumber the ending balance of funds for unfinished projects. This
pertains mainly to capital improvement projects; however, Mote does ask
department heads if they need to encumber funds for projects they are currently
working on as well as if they need funds from the current year for a preplanned
project that will take place in the next fiscal year. If the funds are available, a
request will be made to the Council to carry those funds over. Attachment #9
contains a list of the requested encumbrances from Fiscal Year 2014.

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

**RESOLVED to approve Council Order #061417, Request of the Finance Director
for approval to encumber certain appropriation accounts as presented in
attachment #9.**

*Council Order #061418, Request of the Finance Director for approval to adjust the
FY 2014 estimated appropriations and revenues.*

Tammy Mote, Finance Director stated attachment #10, contains a list of
appropriation and revenue adjustments for Fiscal Year 2014. In March a budget
freeze was initiated and following that the department heads were very conservative
with their budget spending. All overdrawn items were covered by other
departmental budgets or unanticipated revenues. Fortunately, fund balance was not
needed to cover the overdrawn items this year. Mote made a correction to her cover
letter which incorrectly stated adjust the FY 2013; this should read the FY 2014
estimated appropriations as presented. The figure for excise tax needs to be

**Approved - Council
Order #061417,
Request of the
Finance Director for
approval to
encumber certain
appropriation
accounts as
presented in
attachment #9.**

**Approved - Council
Order #061418,
Request of the
Finance Director for
approval to adjust
the FY 2014
estimated
appropriations as
corrected in
attachment #10.**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 16, 2014

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FORTIER, MOORE, AND PERKINS.**

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

adjusted because Mote showed an estimated budget of \$12,000,000 this should have been 1,200,000.

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

RESOLVED to approve Council Order #061418, Request of the Finance Director for approval to adjust the FY 2014 estimated appropriations as corrected in attachment #10.

Public hearing and action on Budget Resolutions for FY 2015.

Tammy Mote, Finance Director stated before the Council is attachment #11, which contains the budget as amended throughout the budget workshops. Mote has included within this document the amount of funding being provided to the Ellsworth School Department and verified by the Ellsworth voters on June 10, 2014. Mote explained it is required for approval to read into the record the first paragraph on page one of attachment #11 as well as the additional items including Capital Improvements, Ellsworth Public Library, Water Department, and Wastewater Department. Chairman Pro Tem Fortier read the title of the document: Adoption of Budget for Fiscal Year 2015. Be it Hereby Resolved, that the sum of \$17,586,585 which constitutes the estimated requirements of the various city accounts for the Fiscal Year 2015, based upon the budget submitted by the City Manager as provided by the Charter, be raised assessments upon the inhabitants of the City of Ellsworth and upon the estates on non-resident proprietors with the City for the present municipal year, and that the sums hereby appropriated, in addition to sums as otherwise provided, the amount for each purpose being specified as provided in attachment #11. The total municipal budget contained within the two page document is \$9,869,067. The Capital Improvement budget in the amount of \$704,408, expected revenues in the amount of \$3,128,938, the School Department budget is \$10,142,048 and the total amount to be raised by property taxes in FY 2015 equals \$17,586,585. It is Further Resolved that the City of Ellsworth City Council approves the budgets for the following departments and the amounts specified: Capital Improvements Budget, Ellsworth Public Library Budget, Water Department Budget, and Wastewater Treatment Plant Budget as presented in attachment #11.

Public hearing opened.

Approved - Adoption of the Budget Resolutions (as read into the record) for FY 2015, as presented in attachment #11.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 16, 2014

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

There were no comments.

Public hearing closed.

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

RESOLVED to approve the adoption of the Budget Resolutions (as read into the record) for FY 2015, as presented in attachment #11.

Public hearing and action on the intent of the Ellsworth City Council to increase the property tax limit for FY 2015 (LD1).

Tammy Mote, Finance Director explained each year municipalities are required to calculate a property tax levy limit per LD 1. This amount is based on the local property growth and a statewide average personal income growth. The State Planning Office is responsible for calculating this income growth and has determined that figure is 1.09% for the 2015 tax year. Because the City had a very small increase in its overall assessment, the property growth factor was only increased by .30%. If a municipality is over the tax levy limit, a council order is needed to approve the amount above that limit. Because of the reduction in the property growth factor, the City is over the limit by an estimated amount of \$265,770. See Attachment #12 for a complete explanation of this request as well as the calculation sheet that is utilized to determine this amount. Mote explained there have been a number of years when this request was not necessary.

Public hearing opened.

There were no comments.

Public hearing closed.

Councilor Moore asked for an explanation on how the amount is calculated, Mote explained this process.

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

RESOLVED to approve the intent of the Ellsworth City Council to increase the property tax levy limit for the Fiscal Year 2015. Be it Hereby Resolved, that the

Approved - The intent of the Ellsworth City Council to increase the property tax levy limit for the Fiscal Year 2015. Be it Hereby Resolved, that the City of Ellsworth shall increase the property tax levy limit of \$6,184,913 established for the City of Ellsworth by State law in the event that the municipal budget approved under the proceeding budget resolutions will result in a tax commitment that is greater than that property tax levy limit as attached to the minutes as attachment #12.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 16, 2014

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

City of Ellsworth shall increase the property tax levy limit of \$6,184,913 established for the City of Ellsworth by State law in the event that the municipal budget approved under the proceeding budget resolutions will result in a tax commitment that is greater than that property tax levy limit as attached to the minutes as attachment #12.

Council Order #061419, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes.

Leann Beal, Deputy Treasurer/Tax Collector explained this is an annual request that is required by State Statute mandating the City Council set the interest rate on overdue taxes. Beal provided a chart demonstrating the State maximum interest rates compared to the Council approved interest rates for the previous three fiscal years. The State maximum interest rates have been 7% and the Council has approved a 5% interest rate. This year the State maximum interest rate is 7%.

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

RESOLVED to approve Council Order #061419, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes at 5.00 (five) percent.

Council Order #061420, Request of the City Manager to accept a bid on the reconstruction of the Beechland Road.

Michelle Beal, City Manager stated on June 6, 2014 a bid opening for the Beechland Road Reconstruction project was held. Seven bids were requested and three were received. This project came in approximately \$400,000 under the anticipated budget. RF Jordan and Sons submitted the lowest bid with a base bid of \$1,985,160. Beal is hopeful that there will not be any change orders. See attachment #13 for the complete unit prices bid, since the bid is by unit price the final cost may be slightly less than \$1,985,160. The project cost does not include the contract cost for inspection services. Beal will bring that item back to the Council. The preconstruction meeting has not been held yet. R.F Jordan and Sons mentioned during the bid opening they are ready to begin the project as soon as possible. Councilor Beathem was concerned with the start date due to waiting until next month to approve the inspection services contract. Beal stated she may place that contract on the Special meeting agenda being held for the Finance Director.

Approved - Council Order #061419, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes at 5.00 (five) percent.

Approved - Council Order #061420, Request of the City Manager to accept the bid of R.F. Jordan & Sons Construction for the Beechland Road Reconstruction Project at unit pricing as bid in attachment #13, for an estimated cost of \$1,985,160.00 to be partially funded by the Maine

**RECORD OF REGULAR MEETING
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FORTIER, MOORE, AND PERKINS.**

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
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PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

Currently, there are two possible inspectors for the project and the decision on which one to use has not been made yet.

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

RESOLVED to approve Council Order #061420, Request of the City Manager to accept the bid of R.F. Jordan & Sons Construction for the Beechland Road Reconstruction Project at unit pricing as bid in attachment #13, for an estimated cost of \$1,985,160.00 to be partially funded by the Maine Department of Transportation in the amount of \$500,000.00 and the balance to be funded from the Beechland Road Bond proceeds.

Council Order #061421, Request of the Finance Director to extend Sludge Composting Services.

Wastewater Superintendent Michael Harris explained this request is to ask for approval on extending the current contract with Casella Organics to handle the bio-solids. See Attachment #14, Second Amendment for the new language. The pricing remains the same, which is the same rate as it was four years ago. This contract will be extended for one year. Next year if the City remains satisfied with the terms of the contract and elects not to bid out the services the current contract will be automatically extended. Chairman Pro Tem Fortier stated permission for the City Manager to sign the contract needs to be added to the motion tonight.

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

RESOLVED to approve Council Order #061421, Request of the Ellsworth Wastewater Superintendent to extend the contract with Casella Organics under the amended terms proposed by Casella Organics as stated in attachment #14 and authorize the City Manager to sign the document.

Item 27B. Request of the Economic Development Director for a Resolution approving submission of a grant for the Northern Border Regional Commission.

Micki Sumpter, Economic Development Director explained the program is called Northern Border Regional Commission Fiscal Year 2014 Federal Grant program (NBRC). This grant program looks at counties in four different Northeastern States who as they stated are economically distressed in the infrastructure area. The

**Department of
Transportation in the
amount of
\$500,000.00 and the
balance to be funded
from the Beechland
Road Bond proceeds.**

**Approved - Council
Order #061421,
Request of the
Ellsworth
Wastewater
Superintendent to
extend the contract
with Casella
Organics under the
amended terms
proposed by Casella
Organics as stated in
attachment #14 and
to authorize the City
Manager to sign the
document.**

**Approved – Request
of the Economic
Development
Director for a
Resolution as read
into the record and
attached to the**

**RECORD OF REGULAR MEETING
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FORTIER, MOORE, AND PERKINS.**

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
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PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

Ellsworth Business Development Corporation reviewed this as they were investigating the Incubator Project. This NBRC project provides the necessary high-speed internet capacity crucial to the success of the Hancock Innovation Incubator start-up businesses as well as other established businesses situated along the proposed extension route through Ellsworth. See attachment #15 for the complete explanation and Resolve for this grant opportunity. As the Resolve states this project proposes to build the necessary supports including a “hub station” for the extension of high-speed internet from the fiber backbone that is located along the City’s main thoroughfare. Sumpter explained this is a \$250,000 grant with a 20% required match. The match is less than the normal 50% match because Ellsworth is considered economically distressed because of a lack of infrastructure. This match does not have to be in cash they will allow for in-kind match. Sumpter stated there is already \$63,000 committed through in-kind match with \$15,000 in direct staff cost for putting this project together and seeing it through if the City is awarded the grant. The other portion of the match is for the proposed location of the Hub being at the old Collier’s Nursing home, which has an assessed value of \$48,000. The Hub will extend service in one direction to the Commerce Park and in another direction to the Beechland Road. The focus will be on businesses however residents will also be able to take advantage of the services being offered in this area. There will be five awards given out this year; last year only one project was awarded the grant. Two strong factors being considered while determining projects to receive the grants are sustainability and creation of jobs. Sumpter is requesting the Council approve allowing the City Manager to apply for the grant and sign the necessary documents. By the end of September the grant will be awarded and then the successful applicant has three to five years to complete the project.

Public hearing was opened.

There were no comments.

Public hearing was closed.

Chairman Pro Tem Fortier read the name of the Resolution that the Council is voting on into the record. Whereas, the provision of broadband-high speed internet is an integral part of the continuation of the Ellsworth Development Strategy for the research and development i.e. Jackson Laboratory location in former Lowe’s building and increasing focus of new and expanded spin off businesses that need these services in addition to existing commercial business and services in need of

**minutes as
attachment #15,
approving
submission of a grant
for the Northern
Border Regional
Commission and
authorizing the City
Manager to sign any
necessary documents.**

**RECORD OF REGULAR MEETING
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FORTIER, MOORE, AND PERKINS.**

CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

these as well. Whereas, the City of Ellsworth proposes to build the necessary supports including a “hub station” for the extension of high-speed internet from the fiber backbone that is located along the City’s main thoroughfare. Ellsworth has made the commitment to provide the access to high speed internet to both commercial and residential development. Be it Resolved, that the City of Ellsworth authorizes the City Manager to apply to the Northern Border Regional Commission fiscal year 2014 federal grant program for a \$250,000 grant to be used for broadband-high speed internet infrastructure and that the City Manager be given the authority to sign any NBRC grant documents to bind the City of Ellsworth. Resolved this 16th day of June A.D. 2014 City Council City of Ellsworth.

On a motion by Beathem, seconded by Crosthwaite, it was unanimously

RESOLVED to approve the request of the Economic Development Director for a Resolution as read into the record and attached to the minutes as attachment #15, approving submission of a grant for the Northern Border Regional Commission and authorizing the City Manager to sign any necessary documents.

Executive Session to discuss labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

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

RESOLVED to approve entering executive session to discuss labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D. at 8:19 p.m.

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

RESOLVED to approve adjournment from the executive session at 8:46 p.m.

Council Order #061422, Discussion and action on ratifying the Police Department Union Contract.

There was no discussion prior to a motion being made.

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

Approved - Entering executive session to discuss labor contracts at 8:19 p.m.

Approved - Adjournment from the executive session at 8:46 p.m.

Approved - Council Order #061422, the negotiated contract for a Three (3) year contract with the Ellsworth Police Department.

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CITY COUNCIL ABSENT: PHILLIPS

**KEY SPEAKERS PRESENT: CITY MANAGER MICHELLE BEAL, TAMMY
MOTE, TERI DANE, LEANN BEAL, RICHARD TUPPER, MICKI SUMPTER,
PENNY WEINSTEIN, VALERIE MOON, AND MICHAEL HARRIS.**

**RESOLVED to approve Council Order #061422, the negotiated contract for a
Three (3) year contract with the Ellsworth Police Department.**

Adjournment.

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

RESOLVED to approve adjournment at 8:48 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Approved -
Adjournment at 8:48
PM.**