

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: SEPTEMBER 21, 2015**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
TERI DANE, AMANDA TUPPER, RONALD FORTIER, ANNE LUSBY,  
SHERIDAN MONTGOMERY, SANDRA ABBOTT, RAYMOND WILLIAMS,  
WENDY LESSARD, LAWRENCE WILSON, RICHARD TUPPER, AND LARRY  
GARDNER.**

*Call to Order.*

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

*Pledge of Allegiance.*

All stood for the pledge of allegiance.

*Rules of Order.*

The meeting was conducted under Robert’s Rules of Order and the rules adopted at the November 10, 2014 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 meetings of the Ellsworth City Council:

08/07/2015 Special Meeting.

08/17/2015 Regular Monthly Meeting.

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

**RESOLVED to approve the adoption of minutes from the 08/07/2015 Special Meeting and 08/17/2015 Regular Monthly Meeting.**

*City Manager’s Report.*

David Cole, City Manager, reminded the public that Autumn Gold activities would be taking place this weekend throughout the City. The dedication and donor recognition for the Knowlton Park will take place this Sunday from 1 PM to 3 PM as part of the Autumn Gold festivities. The Annual Free Disposal Cleanup Day has been scheduled for Saturday, October 17. Cole explained Ellsworth residents can

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the 08/07/2015 Special Meeting and 08/17/2015 Regular Monthly Meeting.**

**City Manager’s Report.**

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bring items such as leaves, brush, wood waste, metal, appliances, and tires (limited to 5 per household) to this event. Universal waste, electronic waste, hazardous waste, junked cars, and normal household waste will not be accepted at this event. Additional information on this event can be found in the Ellsworth American and facebook sites. Residents of Ellsworth are required to bring proof of residency with them.

The majority of the construction within the City has been completed for the year. The streets that remain to be paved will be completed within the next few weeks. Store Street will be paved within the next few weeks. The steps used to access Store Street near the bookstore will also be replaced in late October.

*Committee Reports.*

➤ *Harbor Commission.* Councilor Phillips reported the Committee discussed a couple of new vendors interested in being located at the Park next summer. Activity at the Harbor began slowly, but became rather busy. The Park was well utilized this season. Councilor Fortier added that the handicap ramp to the gazebo was finished this summer. The ramp on the gazebo is an excellent addition to the Park.

➤ *League of Towns.* Councilor Fortier requested an agenda item be added next month to appoint David Cole as the City's representative on the League of Towns Board. It was generally agreed this would be a good idea rather than having the Council Chairman make the appointment directly. Cole and Fortier will be attending the next meeting as an introduction to this group.

*Citizens' Comments.*

Stephanie Swett, a resident of Ellsworth, addressed the Council with her concern regarding the Ellsworth athletic fields. She is concerned and frustrated by the lack of fields in Ellsworth available for the football teams to use for practice. This Ellsworth sport continues to practice in Lamoine. There are 10 athletic fields which Ellsworth taxes maintain. In her efforts to request permission to use the fields, Swett has been directed to the YMCA, Ellsworth School Department and the City of Ellsworth. She was before the Council this evening to determine which entity the

**Committee Reports.**

**Citizens' Comments.**

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Ellsworth Football Program needs to request permission from in order to hold their practices in Ellsworth. Currently, permission has been granted for the football teams to practice on the Demeyer 2 field. However, there is still a concern as fall baseball or soccer could trump the use of this field if the need should arise. Swett was concerned about the next football season and how difficult it would be to schedule practices at that time.

Councilor Fortier inquired if while the practice was taking place this evening were all the other fields being utilized for different practices? Swett replied that the other fields were not being used. A portion of Wilson Field was being used and D1 was not being used at all. One of the reasons the football teams could not practice at the Demeyer Complex was the teams would tear up the fields. Fortier explained D1 may currently be off limits because a new Little League Challenger Program has started and the field may need to remain the same between their games. Fortier felt if Wilson Field had room or if D3 was vacant, the football program should be allowed to practice on those fields.

Chairman Crosthwaite agreed with Swett that having these teams practice in Lamoine is unacceptable. Crosthwaite asked Swett a few clarifying questions. It was generally felt that the third/fourth grade team would not cause damage to the fields. It was generally agreed that another lighted field would take some pressure off the scheduling of the practices. The football season started approximately three weeks ago and will end November 1.

Councilor Moore felt the Council should probably arrange to have a meeting with everyone involved in the scheduling of the fields. Moore felt it was unacceptable to deny an established program access to field time. There is no reason they cannot be scheduled in a convenient way. Swett asked if there is a reason the football program cannot practice on the high school field. Currently, the seventh/eighth grade team and high school teams practice on the softball field. Fortier explained that question would need to be directed to the Athletic Director. There was a short discussion on that policy being consistent with other high schools. Fortier stated the City owns the four fields at Demeyer and the School Department owns the remaining fields. Councilor Phillips thanked Swett for bringing these concerns to the Council. They had been hearing discussions around this topic; however it was very helpful to hear the concerns directly in a public forum.

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George Firestone asked where the other six fields are located. The Council explained the other fields are located at the high school and Elementary/Middle Schools.

*Presentation of Awards.*

There were no presentations to be awarded this month for years of service with the City of Ellsworth.

Chairman Crosthwaite commended the Ellsworth High School football team on their first win since the revival of the program. Congratulations are extended to Coach Crawford, the players and support staff. They have now won their second game in a row.

UNFINISHED BUSINESS

There were no items under Unfinished Business this month.

CONSENT AGENDA

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

*Council Order #091500, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the November 3, 2015 State of Maine Referendum Election and Municipal Election. \**

See attachment #1 for a complete list of Wardens and Ward Clerks for the November 3, 2015 Election.

*Council Order #091501, Request of the City Clerk for approval on the time polling places open for the November 3, 2015 State of Maine Referendum Election and Municipal Election as 8:00 AM. \**

**Presentation of Awards.**

**No service awards.**

**Congratulations to the Ellsworth High School Football Team.**

**Unfinished Business.**

**Consent Agenda.**

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

**Approved - CO #091500, Wardens and Ward Clerks for the November 3, 2015 Election.**

**Approved - CO #091501, Polls opening at 8:00 AM.**

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*Council Order #091502, Request of the Deputy Treasurer/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. \**

**Approved – CO  
#091502 quit-claim  
deed timeshare units.**

See attachment #2 for a complete list of tax acquired timeshares that were sold during the course of the previous month.

*Council Order #091503, Request of the City Assessor for tax abatements for Richard Gaspar Jr., Map 87, Lot 16-ON, Account #G0320R (29 Sunset Park Road) of the FY 2015 (\$118.44) and FY 2014 (\$115.56) taxes in the total amount of \$234.00. \**

**Approved – CO  
#091503, tax  
abatement in the  
amount of \$234.00.**

See attachment #3 for a complete explanation of the request to approve tax abatement.

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

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

Before a vote was taken on the above motion, Councilor Moore asked for an explanation of the special circumstance that motivated the Council to approve the abatements. Larry Gardner, Tax Assessor, explained the owner of the property did obtain the Certificate of Taxes Paid; however, neglected to get the Demolition/Removal Permit from the Code Enforcement Department. This permit is used by the Assessor's Department to stop taxing a mobile home that has been removed from the City. The process of removing a mobile home from the City requires two permits; one is used for taking the mobile home over the public roads and the other permit stops the evaluation process.

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

*NEW BUSINESS*

**New Business.**

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*Public hearing and action on the application (s) for the following license (s):*

*Daniel Potts d/b/a Lakeside Cedar Cabins, 397 Mariaville 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 Fortier, seconded by Blanchette, it was unanimously*

**RESOLVED to approve the request of Daniel Potts d/b/a Lakeside Cedar Cabins, 397 Mariaville Road, for renewal of a City Lodging License.**

*John Morse d/b/a Tag's Sports Bar, 248 State Street Suite 4, for renewal of a City Class A License (food, liquor, arcade (pool tables), and amusement) and renewal of a State Restaurant/Lounge Class XI Malt, Spirituous, 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 Fortier, it was unanimously*

**RESOLVED to approve the request of John Morse d/b/a Tag's Sports Bar, 248 State Street Suite 4, for renewal of a City Class A License (food, liquor, arcade**

**Approved - Daniel Potts d/b/a Lakeside Cedar Cabins, 397 Mariaville Road, for renewal of a City Lodging License.**

**Approved - John Morse d/b/a Tag's Sports Bar, 248 State Street Suite 4, for renewal of a City Class A License (food, liquor, arcade (pool tables), and amusement) and renewal of a State Restaurant/Lounge Class XI Malt, Spirituous, Vinous Liquor License.**

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*(pool tables), and amusement) and renewal of a State Restaurant/Lounge Class  
XI Malt, Spirituous, Vinous Liquor License.*

*Susan Scherbel d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C  
License (food and liquor), and renewal of a Class III and IV Malt and Vinous State  
Restaurant 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 Susan Scherbel d/b/a Dyon's, 35 Eastward  
Lane, for renewal of a City Class C License (food and liquor), and renewal of a  
Class III and IV Malt and Vinous State Restaurant Liquor License.**

*Roland Eibl d/b/a Sunset Motor Court, 210 Twin Hill 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 Fortier, it was unanimously*

**Approved - Susan  
Scherbel d/b/a  
Dyon's, 35 Eastward  
Lane, for renewal of  
a City Class C  
License (food and  
liquor), and renewal  
of a Class III and IV  
Malt and Vinous  
State Restaurant  
Liquor License.**

**Approved - Roland  
Eibl d/b/a Sunset  
Motor Court, 210  
Twin Hill Road, for  
renewal of a City  
Lodging License.**

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**RESOLVED to approve the request of Roland Eibl d/b/a Sunset Motor Court, 210 Twin Hill Road, for renewal of a City Lodging License.**

*Council Order #091504, Request of the Public Works Director to award a bid for mineral screening.*

Larry Wilson, Public Works Director, stated 3 requests for proposals (RFPs) were requested by the City and 3 bids were submitted for consideration. R.F. Jordan Construction was the low bidder at \$2.20 per cubic yard for sand. Harold MacQuinn and K.J. Dugas Construction also provided RFPs. See attachment #4 for the complete bid results. Wilson stated he will be putting up 7,000 cubic yards of sand this year. This expense has been included in the budget. Wilson is recommending awarding the bid to R.F. Jordan Construction for winter screening; they have provided this in the past.

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

**RESOLVED to approve Council Order #091504, Request of the Public Works Director to award the bid for mineral screening to R.F. Jordan & Sons Construction at the rate of \$2.20 per cubic yard for screening City sand, \$5.50 per cubic yard for screening sand at the contractor's pit and delivering it to the City of Ellsworth. The City also reserves the right to order sand screened from January through April 2016 at a price of \$3.00 per cubic yard and to allow the contractor to purchase the tailings that are greater than three inches at a price of \$1.50 per cubic yard.**

*Council Order #091505, Request of the Public Works Director to award a bid for the horizontal baler.*

Larry Wilson, Public Works Director, explained 3 quotes were received for a horizontal baler at the Transfer Station. Quotes were received from Atlantic Recycling Equipment, Maguire Equipment, and Alexander Industrial Technology, see attachment #5 for a copy of the complete bid results. Atlantic Recycling Equipment provided the lowest quote in the amount of \$79,335 allowing \$10,000 as a trade resulting in a final cost of \$69,335. The only difference between the International Baler and the other models quoted is this one has a single bore instead

**Approved - Council Order #091504, Request of the Public Works Director to award the bid for mineral screening to R.F. Jordan & Sons Construction at the prices quoted in attachment #4.**

**Approved - Council Order #091505, Request of the Public Works Director to award the purchase of a horizontal baler as specified (attachment #5) for the Transfer Station to the lowest bidder,**

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of a scissor bore (double bore). In the past Atlantic Recycling has had more problems with the double bore balers, and based on that, they bid on a single bore model. The single bore model does have a larger stroke and rod than the double bore models that were bid on by their competitors. Wilson stated the City's 10 year old baler had one of the bore units break as well. There are confirmed problems with the double bore balers; therefore, Wilson is recommending awarding the purchase to Atlantic Recycling Equipment. The delivery time is estimated at 60 days.

Councilor Fortier inquired if Wilson checked the references provided in regards to the single 8" bore. Wilson did not as the references in the past have always been based on clients who are very happy with the product; references are generally not provided on clients that are not happy with the unit. Wilson is not aware of any companies that have a single bore unit that were not listed as a reference for Atlantic Recycling.

Councilor Perkins inquired if the request for quotes stipulated the baler have a double bore unit. Wilson stated the request specified a double bore just as the current baler has. Atlantic stated they were not interested in bidding on a double bore unit. Perkins inquired if the other two companies were given the opportunity to bid on a single bore unit. Wilson stated they could have bid on any unit they found adequate. Neither of the companies contacted him with concerns on bidding a dual bore unit. Wilson checked the deviations listed by the companies and noted that Maguire did not meet the one of the requirements. The baler provided by Maguire is exactly like the unit the City currently owns.

Councilor Phillips inquired why Atlantic Recycling suggested the option of oil cooler while Maguire suggested an oil heater. Wilson was not recommending the addition of an oil cooler as the City's current baler does not have one; that might be necessary if the unit were being used excessively. There is an oil heater in the existing baler; this is used to keep the oil warm during the winter months.

Councilor Blanchette noted the Alexander quote includes \$12,000 for a conveyor, while the other two vendors did not include a cost. Wilson stated he did not request a price for a conveyor. Blanchette confirmed this is not a piece of equipment the City will need in the future. Wilson explained the use of a conveyor unit; the City

**Atlantic Recycling  
Equipment, at a cost  
of \$69,335 to be paid  
for through the Solid  
Waste, Capital  
Improvement  
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utilizes an excavator to load the baler from the top.

Councilor Fortier inquired if this unit had the same engine size as the current baler and if all the electrical aspects would be compatible. Wilson confirmed both statements were true.

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

**RESOLVED to approve Council Order #091505, Request of the Public Works Director to award the purchase of a horizontal baler as specified (attachment #5) for the Transfer Station to the lowest bidder, Atlantic Recycling Equipment, at a cost of \$69,335 to be paid for through the Solid Waste, Capital Improvement Account.**

*Public hearing and action on Council Order #091506: An order authorizing up to \$4,950,000 of the City's General Obligation Bonds (and notes in anticipation thereof) to finance the repair, renovation, and expansion of the current Ellsworth Public Library facility, all subject to approval of the voters of the City of Ellsworth.*

Tammy Mote, Finance Director stated in May 2015 the City Council authorized a Municipal Bond Referendum in the amount of \$4,950,000 for the purpose of repairing, renovating, and expanding the Ellsworth Public Library. After discussions pertaining to the wording of the referendum, the City's bond counsel, James Saffian, stated the Council is required to officially authorize the borrowing before sending the question to the ballot. The request tonight is for the Council to authorize the issuance if the voters approve the referendum. See attachment #6 for the complete Bond Order authorizing the City's General Obligation Bonds (and notes in anticipation thereof) in an amount not to exceed Four Million Nine Hundred Fifty Thousand Dollars to finance the repair, renovation, and expansion of the current Ellsworth Public Library facility, all subject to approval of the voters of the City of Ellsworth. The draft referendum question is also contained within attachment #6. Chairman Crosthwaite noted the Board of Library Trustees was represented in the audience.

Public hearing was opened.

**Approved - Council Order #091506, Title: Order authorizing the City's General Obligation Bonds (and notes in anticipation thereof) in an amount not to exceed \$4,950,000 to finance the repair, renovation, and expansion of the current Tisdale House portion of the Ellsworth Public Library facility, all subject to approval of the voters in the City of Ellsworth. And approve the Order as found in attachment #6. The**

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Councilor Fortier stated throughout all the discussions on this project, everyone seemed very solid in agreement that \$1.5 million in private donations would be combined with the bond to make the project successful. The Council has language before them tonight that includes those private donations in the bond package. This would mean that if the Library only raised \$250,000 in private donations, then the bond would not be sold on a project that cannot be completed. The Council is also considering requiring a sunset provision, allowing for example 24 months to raise the private donations. Fortier asked if the Library Trustees were comfortable with this plan. The Finance Committee was concerned with having a \$4,950,000 bond outstanding as future financial plans are developed, especially when considering there is a \$10,000,000 cap each year.

Ronald Fortier, Chair of the Board of Library Trustees, stated at some point during the planning stages this was discussed. R. Fortier stated the projected costs as estimated by the architect and engineer along with the Committee includes a list of “must do” items. These items include work on the Tisdale House, the basement for the Tisdale House, necessary work associated with a new basement for the Tisdale House, site development, demolition and removal associated with the old basement as well as ledge removal. The “must do” items are estimated to cost \$4,700,000. R. Fortier stated if the referendum bond question passes, it will cover only the “must do” list. The wording as suggested could place the project in jeopardy if the all of the projected private donations were not raised. This project is estimated to take between twelve months and eighteen months to complete. During this time period, the expectation is more donation money would come in. R. Fortier did not have any concerns with adding a sunset clause to the wording.

Chairman Crosthwaite stated a sunset provision would have to be added now, so that the wording is on the ballot. This would allow residents to know exactly what they are voting on and how the match would work. This concept has been discussed at the Finance Committee meetings which R. Fortier attended. Depending on the outcome of the vote on November 3, the project may need to move to the back burner, keep on trying to raise funds or take some time to think about the overall project and move on from there. The project is important because it preserves and protects the Tisdale House, gives the patrons the space needed for the services they seek, upgrades the utilities and adds efficiencies the City and taxpayers deserve.

**order submitting  
Ellsworth Library  
Order to  
Referendum is also  
approved as found in  
attachment #6.**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
TERI DANE, AMANDA TUPPER, RONALD FORTIER, ANNE LUSBY,  
SHERIDAN MONTGOMERY, SANDRA ABBOTT, RAYMOND WILLIAMS,  
WENDY LESSARD, LAWRENCE WILSON, RICHARD TUPPER, AND LARRY  
GARDNER.**

Councilor Blanchette inquired if this referendum were to pass has the Board developed a yearly budget to reflect the increased space, additional staffing, additional utilities, and additional furniture. R. Fortier explained they have not added any additional staff members into this project. The planning process, when considering the new layout of the library, was done with the understanding that the Library would be able to operate with the normal staffing levels when completed. There is a possibility in the future a part-time custodial employee will be needed. If the cleaning of the additional space in the building becomes an issue, than an additional employee may be considered.

Blanchette inquired what the total cost for the expansion, renovation, and repair project would be. R. Fortier stated the latest estimates from the architect firms is \$6.29 million total including the bond funds and private donations. The cost was broken down by the square foot within that cost estimate, also included in this figure are the architect fees that would be needed to take the project to the next level. The next level would be preconstruction which involves the blue prints, the site development fees, permitting fees, Fire Marshall's review, and the review by City officials. This figure is believed to encompass all the different fees associated with the final project.

Blanchette assumed the costs will be 15% higher than the costs provided by the architects once the project is placed out to bid. R. Fortier felt if the project came in above the financial resources available the Board would work closely with the two lowest contractors to try and bring the project back into a cost arena they could handle. If this was not successful, the plans would be reviewed to see how this project could be reduced to fit back into the financial scope. This process of cutting square footage or technology may add up to a year onto the estimated completion date. The original square footage has been reduced over the course of the planning stages; the priorities have been adjusted from the start of the project which originally was estimated at \$12 million. There was a short discussion on how square footage is considered in projects of this size and the impact of reducing or increasing square footage has on the overall cost of a project. There are still a lot of unanswered questions regarding final costs of the project until the next phase of drawings are completed, the bid documents are created, and the project is actually bid out. R. Fortier felt the cost estimates are a little higher than the actual costs will be. A 4% per year cost increase contingency has been built in.

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Councilor Perkins stated the way this is written as she is reading it right now if this referendum question were to pass, then the total cost of the project would have to be the \$6.45 million version of the project. If the matching funds were not received, then nothing could be completed on the project. However, there is a plan where it is possible to complete \$4.7 million which would be covered entirely by the bond proceeds that the City would take out. Perkins wondered if the entire project should be thrown out if the \$1.5 million is not received in private donations or is it worth proposing to the voting public that the \$4.7 million version be completed. The question becomes does the Council want to go with the \$4.7 million version of the project fully funded by tax money or only complete the project if the \$6.45 million version can be completed.

R. Fortier stated the reason the architects were asked to break the project costs out this way was to cover the “must do” list (preserve the Tisdale House and modernize it). The carriage house portion of the project would be removed, as well as some other portions of the project would be removed, leaving only the “must do” portions of the project. The items that would remain actually pay for themselves over time with the efficiencies completed on the physical plant. G. Fortier stated the “must do” list does not include any expansions. The “must do” list includes infill, the existing framework, upgrades to the lighting, and heating, central court toiletries. It would not include the walkway or the carriage house portion of the project. This would only repair and renovate the current structure. The new construction on the carriage house and entry corridor would be removed. The new basement expansion fit-out and capping for the 1991 addition would be removed from the \$4.796 million project. The \$4.796 million project will cover basically renovations to the existing buildings, repair and upgrades, Tisdale House new basement, Tisdale House fit-out basement, and percentages for equipment, infrastructure, demolition, and site development. The new construction per square foot is less expensive than renovating an old building. As this is an old building, historical compliance requirements must be met. The building has been tested and proven to contain some lead paint and a very small amount of asbestos that will need to be removed. Another expensive portion of the project is removing ledge so that a basement can be constructed. R. Fortier stated in response to comments by Perkins, if the bond referendum passed, R. Fortier would like to use the bond proceeds to start on the Tisdale House portion of the project.

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Councilor Moore was hopeful that the matching funds are captured, as the Library has been a very important piece of Ellsworth. Moore explained that a stipulation of the Library deed requires the building to remain a library or the building will revert to the family.

Crosthwaite asked with the additional square footage will that result in the need to purchase a lot more books. Crosthwaite explained his question referenced the additional space to be used for books, designed for people, and designated for future computer use. R. Fortier stated the space is being designed to keep up with the future needs and noted a workstation for technology takes up more square footage than a space for books does. Storage space is being designed for electronic media as well which takes up as much shelf space as books do. R. Fortier explained the findings from the space study and how the results relate to future needs. Having the floor space available to reconfigure as needs change was also considered in the preplanning stages. G. Fortier added the space has not been designed yet; it is still in the conceptual phase. If this referendum passes, the next step is to enter into a contract with the architectural engineering firm to create construction drawings. At that point, specific questions can be answered.

Blanchette inquired if the Library is maintaining its status as a library or moving into the realm of becoming a museum by housing different collections. R. Fortier stated the collections would be related to genealogy and history; there have been requests made by very serious researchers to have their collections housed at the Ellsworth Library for the public to view. The collections that are currently housed at the Library have been referred to as some of the most important within New England. The housing of these collections was taken into account during the space studies. The Library expansion, renovation, and repair project is expected to meet the needs of the community for the next 20 plus years.

Councilor Beathem agreed paper books will never go away; however, he wanted to focus on the repair and stabilization of the Tisdale House. R. Fortier stated the plan involves emptying out all of the materials located in the Tisdale House temporarily. A contractor from the area, who has already provided them with a very good price, will pick the house up and bring it out onto the lawn enabling the site development contractor to remove the ledge. A foundation will be created that will provide usable space and support the building. Then, the Tisdale House will be placed back

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on the foundation. The building will need insulation. Any improvements made to the outside of the building will be in compliance with the historical requirements. There are funds built into the estimates to cover the cost of hiring a consultant to help meet the historical requirements. Heat, electrical, air conditioning units, data, and plumbing will be modernized. The ceiling will be replaced as it was when the Tisdale House was a home and not a library. The replacement will be in accordance to historical requirements. When the ceiling is replaced, it will add square footage to the building as well as useable space on the second story. R. Fortier provided a brief history relating to the removal of the original ceiling. The estimate on this portion of the project, without the architecture and engineer costs, is \$3.3 million. Beathem inquired what costs made up the remaining \$1.4 million in project costs. R. Fortier stated the additional \$1.4 million is related to legal contingencies, costs associated with relocating bookshelves and other items around in the library, architect and engineering consultants, permits and testing, fees and services. Beathem inquired if the new basement under the Tisdale House will be unfinished. R. Fortier stated finishing the basement is included in the "must do" list. The new 1,705 square feet basement will be finished into useable space within the \$3.3 million project.

Beathem's biggest concern is the fact a question will be placed out to the voters and it will not specifically tell them what they can expect to receive with the bond proceeds. R. Fortier stated the goal is within a week to start publicizing this project. As part of getting the word out to the public and providing education R. Fortier did not see why the architect could not provide a written description of what the project entails. Crosthwaite inquired if a narrative could be added with a list of individual prices broken up, not as part of the ballot but the order itself. State referendums traditionally have this information made available, and a narrative of how that money will be allocated. G. Fortier stated understanding every one of the listed items and associated cost will be the best guess of an architect. Heidi Grindle, City Clerk, indicated that information could be included at the polls as long as it is written in a format that does not appear to be advertising material. Crosthwaite stated it would be just a cost breakdown. R. Fortier inquired if a narrative could be placed with the poster and drawing of the project. This information could be located at City Hall until the absentee polls open at the City Clerk's Department.

Moore inquired how long the project of lifting the house off the existing foundation

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and putting it back on the new foundation would take. R. Fortier estimated this portion of the project could take as long as 6 months to complete. The removal of the contents from the Tisdale House, along with finding a secure location for those materials, a temporary customer entrance, and all the issues that go along with creating a temporary space during construction has all been calculated into the cost of the project. G. Fortier was hopeful this item could be approved tonight, allowing the Library time to advertise the project and receive the \$1.5 million in private donations so that the Library can move out while the renovations are being completed. The best scenario is for the building to be vacated for a year to eighteen months in order to complete the project.

Public hearing was closed.

G. Fortier stated he feels with proper supervision and control, the City has to fund the “must do” list and allow the Trustees the latitude to raise the funds to do the needs. He feels as the owners of the building, the City would be remiss not to approve the bond issue. The time restraint of a twenty-four month period to raise the \$1.5 million in private funds will not be necessary as the requirement for a match is not being recommended. Moore agreed with Fortier. Perkins would like to see the bond question as proposed to voters to be clear that the voters are approving \$4.9 million to complete a renovation of the Tisdale House. Any money that is raised outside of that would be contributed toward additions or upgrades. It must be clear what the taxpayers are receiving for their money. The figure of \$4,950,000 is the cost of the “must dos” plus the bond expenses. G. Fortier stated if he were to propose the motion, he would leave the match requirement completely out of the proposed motion. The motion would approve the \$4,950,000 to fix the Tisdale House; if the bond passes in November, the Finance Director will start the paperwork to get a bond out, allowing the City to receive bond anticipation money, hire an architect to complete the final design (which is part of the \$4,950,000 figure), so that the bid documents can be created, which in turn will start the construction phase. This project is in a concept phase at the moment, there has not been any engineering work completed yet and a final design of the project does not exist yet.

Perkins inquired if the voters pass the \$4,950,000 bond, will that provide the necessary funds to move forward with the architecture and design work. G. Fortier

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felt this would be adequate. By the time this phase is complete, it will be known whether the Library was successful in raising the \$1.5 million in private donations. Phillips asked Mote how this dollar figure would equate to a tax payer for the cost of the bond on an annual mil-rate basis. Mote estimated this would translate into a ½ mil increase based on a 10 year bond. The City has traditionally had 20 year bonds on structures. Beatham confirmed with R. Fortier that the \$4,950,000 figure will not complete anything outside the Tisdale House. R. Fortier confirmed that is correct. This bond will not fund any other portion of the project; the entire bond will be spent only on the Tisdale House. R. Fortier confirmed this was an accurate statement.

R. Fortier stated the one piece of information that has not been formulated into the equation is the amount of utility money that the City through the Library budget would stand to save on a yearly basis once the Tisdale House is insulated. Currently, that building has little to no insulation. The new heating system will be more efficient than the current system which is approximately 48% efficient, this will result in potential savings to the taxpayer. Blanchette was uncomfortable with all the figures being based on the best guess of an architect; he was fearful that once the engineering and final plans are completed the costs could be significantly higher than the \$4,950,000 bond amount. R. Fortier stated if the worse case becomes a reality, than the project will be reviewed to see what can be completed with the money that is available and those plans will come before the Council. There was a short discussion on the cost of the Moore Community Center in comparison to this project scale. The Library Trustee Board has discussed the possibility of only completing the Tisdale House portion of the project at this time. They purposely requested from the architect that the figures be broken down into different projects besides the Tisdale House. If the Trustee Board can raise the \$1.5 million plus in private donations over the next 8 months to year, than the other pieces of the project can be incorporated. If the private donations are slower coming in than anticipated, than at least the process to preserve the Tisdale House can get started.

Blanchette inquired what effect if any the passing of this bond would have on the City's ability to finance the construction of a new public safety building in the next 1 to 3 years. Mote explained the financing could be structured to receive half the funds in one year and the other half the following year to stay in compliance with the \$10 million bank qualified tax exempt status. There was a short discussion on

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the potential financing of a public safety building. Beathem inquired and Crosthwaite agreed the bond question would need to be amended to remove the expansion language and simply state the repairs and renovations to the Tisdale House of the Ellsworth Public Library. G. Fortier felt the expansion language should remain in the bond question, just in case the bids come in at \$4.5 million on the project than that would leave a small amount of money to complete the interior renovations which included the center corridor. The corridor would join the Tisdale House to the existing 1991/1992 addition. There was a short discussion on whether to leave the expansion language in to allow the bonded funds to be utilized if the bids come in lower than expected versus taking the language out to avoid the public reaction if they vote for an expansion and there are not adequate bonded funds to complete that portion of the project. Beathem believed the bond question must represent what the voters will get with the use of the bond proceeds. G. Fortier felt that was the responsibility of the Library Trustees over the next few weeks to educate the public on how the bond proceeds will be used. Blanchette was worried about whether the voter had enough information on the ballot itself to make an informed decision, in the event they do not hear any other information on the project through the media or other avenues prior to Election Day.

G. Fortier felt once the Tisdale House is lifted up and placed on a basement that would constitute an expansion. Currently, there is only a crawl space under the Tisdale House. Useable square footage has been added to the project. Crosthwaite felt if the matching funds requirement was left in the question than that would also be allowing for an expansion beyond the \$4,950,000 project cost. G. Fortier was fearful if the match requirement remained in the bond question the Library Trustees would not be able to move forward on the Tisdale House project until they receive the \$1.5 million in private donations based on the wording presented. If the referendum question is approved without the match, over the winter the bond anticipation note can be obtained, an architect can be hired, the design plan created, and the engineering of the repairs to the Tisdale House finalized. Simultaneously, the Trustees can continue to raise private donations for the expansion project which includes the carriage house and the renovations to the 1992 addition. G. Fortier felt if the match requirement is left in, the project will be tied up for 24 months. He was not personally willing to wait that long to get started on preserving the Tisdale House. Beathem stated, if the voters approve spending \$4,950,000 on the Tisdale House so be it; however, he wants it to be specified that it is the Tisdale House and

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it has nothing to do with expanding the Library beyond that one section. G. Fortier felt this would cause an issue because when the Tisdale House is repaired it will lead to repairing the connection between the Tisdale House and the 1992 addition. This was not part of the original Tisdale House; it was added on as a connector. Work will need to be completed in that square footage. G. Fortier felt all these questions had been resolved during the May meeting when this item was originally authorized. Blanchette did not feel a new basement constituted an expansion. He felt it could be considered stabilization. He would like to see a time limit attached to this project.

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

**RESOLVED to approve Council Order #091506, Title: Order authorizing the City's General Obligation Bonds (and notes in anticipation thereof) in an amount not to exceed \$4,950,000 to finance the repair, renovation, and expansion of the current Tisdale House portion of the Ellsworth Public Library facility, all subject to approval of the voters in the City of Ellsworth. And approve the Order as found in attachment #6. The order submitting Ellsworth Library Order to Referendum is also approved as found in attachment #6.**

Crosthwaite clarified that Fortier did not include a match or time limit. Beathem reiterated he will not be supporting the motion as he feels the question misrepresents to the public what the \$4,950,000 is for. If that amount was for the total project, he would want to include the match. Beathem could not support the question as it has been offered. Fortier asked if Beathem could support the motion if it were amended to state "repair, renovation, and expansion of the Tisdale portion of the current Ellsworth Public Library. Beathem stated he could support the motion if that language was added. Fortier offered the added language as a friendly amendment to the original motion, Moore seconded the additional language. Blanchette asked for an explanation of what the expansion portion of the motion included. Fortier feels if the Tisdale House is picked up off from a slab and is placed on a full foundation that would constitute expanded space. That would add square footage and would increase the taxable value of the property. Larry Gardner, City Assessor, stated if a foundation is finished, or if originally the property is evaluated with a crawl space or slab, and then a basement is placed under the structure that would add value. A higher taxable value would be added if the

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basement were finished. Blanchette inquired from R. Fortier if the added basement would provide public space or would it be used for storage and utilities. R. Fortier indicated part of the new basement space will be set aside for utilities and part would be used for storage. As part of a future project, not connected with the Tisdale House, the Trustees would be moving some of the existing storage out of that space to transform that area into public space and then moving the storage into the Tisdale House. A small room will be added in the new basement space for the custodial staff. Crosthwaite stated he felt it would help to clarify if a short narrative were added to the bottom of the ballot. G. Fortier was not opposed to adding that language to the ballot. Crosthwaite stated the language would contain the items that would be completed and the value of each one. The total would be at the bottom reflecting where the money was being used. There was a short discussion concerning the possibility of adding confusion for the public by authorizing bond proceeds to fund this project while private donations were also being collected.

**A final vote was taken with 5 members voting in favor (Beathem, Crosthwaite, Fortier, Moore and Perkins) and 2 members voting in opposition (Blanchette and Phillips)**

*Council Order #091507, Request of the Deputy Treasurer/Tax Collector to award the bid for the tax acquired property located at 884 Happytown Road (Map 89 Lot 002).*

Councilor Fortier declared a conflict of interest and excused himself from this Council Order; he has a long standing business relationship with the high bidder and his parents.

Amanda Tupper, Deputy Treasurer/Tax Collector explained bids were opened on August 27, 2015 for the sale of a parcel of land located at 884 Happytown Road (map 089 lot 002-000-000). See attachment #7 for the complete bid results on the five bids received. Tupper recommended awarding the bid to the higher bidder, Christopher Derr in the amount of \$15,001.28.

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

**RESOLVED to approve Council Order #091507, Request of the Deputy**

**Approved - Council Order #091507, Request of the Deputy Treasurer/Tax Collector to accept the bid from the highest bidder as indicated on attachment #7 and to release said property through a quit-claim deed.**

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*Treasurer/Tax Collector to accept the bid from the highest bidder as indicated on attachment #7 and to release said property through a quit-claim deed.*

**A final vote was taken on the above motion with 6 members voting in favor (Beathem, Blanchette, Crosthwaite, Moore, Perkins, and Phillips) and 1 member abstaining from the vote (Fortier).**

*Council Order #091508, Request of the City Manager to accept a proposal from Woodard and Curran for sewer design and coordination services for the State Street project.*

David Cole, City Manager, explained MaineDOT has plans to reconstruct Route 1A from approximately the Union River Bridge to the intersection of State Street and Oak Street. This project is scheduled to go out to bid in March of 2016. In February 2014 the City entered into a contract with Woodard & Curran to design infrastructure improvements associated with MaineDot's upcoming US Route 1A project. Typical of these projects, the City is doing necessary upgrades and adjustments to its utilities along the corridor to take advantage of the cost benefits of the road being "open". This utility design work is being completed by Woodard and Curran and being provided to MaineDOT to include in the bid package for next spring. The original scope of work for City utility improvements included only the replacement of the existing water main. At that point, it was not anticipated that sewer work would be required. As the project was being designed, a center turning lane was added to the project, which in turn pushed the sewer lines underneath the shoulder of the road. There are other accommodations that are required, especially around a new box culvert at Davis Brook. This will give Davis Brook a much larger passage way. See attachment #8 for the proposed contract modification for engineering services and adjusted scope of services with Woodard & Curran. The total additional costs are \$15,000. The additional costs for engineering services to design the sewer improvements are \$10,000 and for MaineDot coordination is an additional \$5,000. Cole is requesting the Council authorize the Manager to modify the current agreement to allow for the additional \$15,000.

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

**RESOLVED to approve Council Order #091508, Request of the City Manager to**

**Approved - Council Order #091508, Request of the City Manager to modify the Woodard & Curran contract for sewer design engineering services at an amount not to exceed \$15,000; to be funded from the Wastewater Professional Services account (6036360-52011).**

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*modify the Woodard & Curran contract for sewer design engineering services at an amount not to exceed \$15,000; to be funded from the Wastewater Professional Services account (6036360-52011).*

*Council Order #091509, Request of the IT Systems Administrator to purchase a new Network Storage Appliance.*

Jason Ingalls, IT Systems Administrator, explained he is requesting permission to purchase a new network storage device. When the new Virtual Server Infrastructure was purchased in 2013, a storage device was also purchased which has turned out to be under serving the City's needs. Ingalls has worked extensively with the vendor to try and rectify the issue, without a satisfactory response from them. After a technical discussion of the various efforts that have been tried in an effort to fix the device, it still works very slowly and has proven to be unreliable. Ingalls has found a group of other users with the same exact problem on the same model as the City owns. Based on this information, combined with the efforts that have gone into complying with everything, the vendor has suggested unsuccessfully resolving the issues Ingalls has researched a new storage system. A technical description was provided on the new storage unit. See attachment #9 for a complete explanation on the purchase and the quote received on the purchase. Ingalls solicited 3 quotes for the new unit from PC Mall Gov, CDW-G and GovConnection on August 24 with a due date of September 2. He received 2 responses by the deadline; however, they both exceeded the budgeted figure. Ingalls requested that the low bidder of PC Mall Gov remove the cost for the extended warranty as this option can be added next budget cycle. During the first year of ownership a factory warranty will be in place. The School Department will be covering half of the purchase price because this storage device will also host their server. Ingalls has already received a purchase order for the School's share of the purchase. The existing unit can be reused within the City, a technical explanation was provided.

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

**RESOLVED to approve Council Order #091509, purchasing the HP MSA 2040 as quoted (attachment #9) by PC Mall Gov in the amount of \$24,799 to be funded by \$10,000 from the Network Storage Capital Improvement Account and \$2,399.50 from the Server Replacement Capital Improvement Account with the**

**Approved - Council Order #091509, purchasing the HP MSA 2040 as quoted (attachment #9) by PC Mall Gov in the amount of \$24,799 to be funded by \$10,000 from the Network Storage Capital Improvement Account and \$2,399.50 from the Server Replacement Capital Improvement Account with the remaining \$12,399.50 to be reimbursed by the Ellsworth School Department, (Ingalls has an approved purchase order in his possession).**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: SEPTEMBER 21, 2015**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, TERI DANE, AMANDA TUPPER, RONALD FORTIER, ANNE LUSBY, SHERIDAN MONTGOMERY, SANDRA ABBOTT, RAYMOND WILLIAMS, WENDY LESSARD, LAWRENCE WILSON, RICHARD TUPPER, AND LARRY GARDNER.**

*remaining \$12,399.50 to be reimbursed by the Ellsworth School Department, (Ingalls has an approved purchase order in his possession).*

*Council Order #091510, Request of the Fire Chief to purchase 2 Scott Self Contained Breathing Apparatus (SCBA) units.*

Richard Tupper, Fire Chief, explained he overlooked the requirement of conducting a formal bid process on a purchase over \$10,000. Today, Tupper approached two vendors in an effort to receive two new quotes. Both quotes came in at the same price which was approximately \$1,000 less than the price on the original proposal. Tupper was willing to table the item this evening to allow time for a formal bid process; however, if the Council so chose to award the bid this evening, he would be happy with either vendor. The total price for the two units was \$10,230 from both vendors. One vendor was IPS and the other was Fire Tech and Safety. Councilor Phillips confirmed Tupper did find the same unit less expensive now than when he originally requested quotes from IPS. The price initially requested from Tupper was the price he received during the budget process and as an updated price when Tupper arranged for the paperwork on this item. See attachment #10 or a complete explanation of the request as well as the quotes received from IPS. Tupper explained the reason he was originally requesting to sole-source the bid was based on the experiences from last year. Last year, there were some concerns with Fire Tech and Safety's service and the backup of those sales through Scott (brand). The Fire Department has been using IPS for all their purchases and services in the past. The original price was \$11,220 the new price is \$10,230. Councilor Fortier accurately stated that IPS currently performs all the annual maintenance on the Departments units. Tupper stated the reason he stays with this company is they have mobile units which allow the company to come to the Fire Department when performing the two tests they conduct annually. Fire Tech and Safety requires the units to be sent away for the annual testing, which requires a time commitment. Phillips did not feel Tupper needed to go back out to bid for the purchase.

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

**RESOLVED to approve Council Order #091510, to purchase two (2) Scott Self Contained Breathing Apparatus from Industrial Protection Services for \$10,230.00 from the Capital account 9090900-59014.**

**Approved - Council Order #091510, to purchase two (2) Scott Self Contained Breathing Apparatus from Industrial Protection Services for \$10,230.00 from the Capital account 9090900-59014.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: SEPTEMBER 21, 2015**

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**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, TERI DANE, AMANDA TUPPER, RONALD FORTIER, ANNE LUSBY, SHERIDAN MONTGOMERY, SANDRA ABBOTT, RAYMOND WILLIAMS, WENDY LESSARD, LAWRENCE WILSON, RICHARD TUPPER, AND LARRY GARDNER.**

*Council Order #091511, Request of the Finance Director to write off principle solid waste fees, late fees, and any other applicable costs for various accounts per the attached spreadsheet.*

Tammy Mote, Finance Director, stated the Treasurer's Office has been in the process of "cleaning up" old solid waste accounts. Amanda Tupper, Deputy Treasurer, compiled a list of severely delinquent solid waste accounts. Some of these accounts include bankruptcy cases, deceased customers, and many of these customers could not be located by the Finance Office or the collection agent. See attachment #11 for the complete list of Solid Waste Accounts to be written off. All of these accounts have more interest charges than the actual principal amount. In the past, if the Council has written off a customer's account, they have been permanently shut off (on a credit basis) from the transfer station. This would also disallow disposal of trash on the annual free trash disposal day. Mote mentioned that account #522 should state the account open date as 6/25/2005 instead of 6/25/2015 as indicated on attachment #11. Councilor Fortier noted most of the fees were likely related to the disposal of demo debris which the City no longer accepts at their facility.

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

**RESOLVED to approve Council Order #091511, Request of the Finance Director to write off \$2,023.64 in solid waste fees and \$6,212.72 in interest per attachment document (#11).**

*Adjournment.*

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

**RESOLVED to approve adjournment at 9:03 PM.**

**A TRUE COPY**

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

**Approved - Council Order #091511, Request of the Finance Director to write off \$2,023.64 in solid waste fees and \$6,212.72 in interest per attachment document (#11).**

**Approved - Adjournment at 9:03 PM.**