

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 16, 2015

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: MOORE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, AMANDA TUPPER, JENN MADORE, AND TERI DANE.**

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

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

- September 21, 2015 Regular Council Meeting.*
- October 13, 2015 Special Council Meeting. (6:00 PM)*
- October 13, 2015 Special Council Meeting. (6:30 PM)*
- October 19, 2015 Regular Council Meeting.*
- October 23, 2015 Special Council Meeting.*

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

RESOLVED to approve adoption of minutes from the following meetings of the Ellsworth City Council:

- September 21, 2015 Regular Council Meeting.*
- October 13, 2015 Special Council Meeting. (6:00 PM)*
- October 13, 2015 Special Council Meeting. (6:30 PM)*
- October 19, 2015 Regular Council Meeting.*
- October 23, 2015 Special Council Meeting.*

Call to Order.

Pledge of Allegiance.

Rules of Order.

**Approved - Adoption of minutes from the following meetings of the Ellsworth City Council:
September 21, 2015 Regular Council Meeting.
October 13, 2015 Special Council Meeting. (6:00 PM)
October 13, 2015 Special Council Meeting. (6:30 PM)
October 19, 2015 Regular Council Meeting.
October 23, 2015 Special Council Meeting.**

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City Manager's Report.

David Cole, City Manager stated Maine Department of Transportation will be holding a public hearing on December 1, 2015 at 6:00 PM in the Council Chambers to hear comments on the railroad crossing permit for the Forrest Avenue Extension Project. This will be the new entrance to the High School, scheduled for construction next spring in conjunction with the MaineDOT's Route 1A Reconstruction Project. Abutters to the project will be notified individually; however, members of the general public are also welcome to attend. Cole publically thanked MaineDOT for expediting the public hearing to ensure the City was ready to move forward on this project in the spring.

Cole reminded the public that the City Council has commissioned Starboard Leadership to work with the City, community groups, and staff toward the development of a community vision. The next step in the process is an online survey for anyone who is interested in providing feedback on living, working, or doing business in Ellsworth. The survey will be available now through at least Thanksgiving. Cole provided the website address of where the survey could be located as well as encouraged the public to fill this survey out. Councilor Fortier inquired if the IT Department could add the link to the survey on the City's website homepage to make it easier for the public to locate. The link is currently on the website as well as the Facebook page. Hard copies of the survey are available at City Hall.

Committee Reports.

➤ *Recreation Commission:* Councilor Fortier reported the Commission met and discussions included taking down the basketball court sound curtains. This project has since been completed after two work sessions. The Public Works Department removed the sound curtains and stored them for the winter. The Commission is now working on the final details for the placement of the ice skating rink at the Knowlton Park. There are some minor issues with the slope and grade at the designated location. There will be a meeting on Wednesday at the location to discuss a possible solution.

Appointment of Councilors to various City Committees by the Chairman of the City Council.

Chairman Crosthwaite announced the appointments of committee membership for

City Manager's Report.

Committee Reports.

Appointment of Councilors to various City Committees.

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the 2015-2016 Council year. The list of appointments as read into the record by Crosthwaite, have been included in the minutes as attachment #1. Crosthwaite announced the two new Committees are Public Safety Planning and Park and Leisure; staff members will be added as the committees are developed. The purpose behind the new Committees was explained.

Citizens' Comments.

Jim Newett, a resident from 6 Parcher Street expressed his opposition to the proposed 10 condominium unit development that was presented to the Ellsworth Planning Board. The project has been heard on a preliminary level, a site visit was held, and will return to the Planning Board on December 2, 2015 potentially for final approval. Newett's primary concern was the zone had been changed from Residential Zoning to Neighborhood Zoning without residents of Ellsworth realizing this had happened. He felt the proposed 11 unit condominium unit (10 new units and one existing unit that will be included in the final plan) would overload the area. This will double the number of cars, the population, and impact the infrastructure in that area. Particularly, Newett is concerned with the impact on the sewer and water pressure in that area. He questions whether the existing almost 50 year old infrastructure built for a neighborhood of approximately 12 houses can handle approximately 22 or 23 houses. Newett asked for an explanation on how the water pressure would be affected, especially in the case where the water is being utilized to extinguish a fire. Another concern included storm water runoff, particularly in regards to the railroad bed that is located in the neighborhood. Newett noted he was aware of a recently completed housing study which may have indicated a need for more housing of this nature. He briefly mentioned his hope for a moratorium on this project. Chairman Crosthwaite stated the housing survey that is currently underway is for senior housing and has not been completed yet. Paul Ouellette, a resident of 70 Park Street addressed concerns facing the neighborhood he lives within. See attachment #2 for the comments from Ouellette in opposition to the subdivision project on Parcher Street. He requested a motion be made approving a moratorium regarding the City Ordinance on the Neighborhood Zoning. Ouellette stated a group of approximately 20 neighbors have met on at least two occasions to discuss concerns with this proposed project. Approximately 17 of the neighbors presented their concerns to the Planning Board at the November meeting. Ouellette listed some of the many concerns that can also be found in attachment #2. He went on to provide reasons why a moratorium on this project would be in order.

Citizens' Comments.

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Councilor Fortier understood the concerns as they were addressed, his concern would be in order to enact a moratorium it would require a two week public notice. This would need to be completed on a special meeting agenda. Crosthwaite stated a motion tonight would be unacceptable; the Council would need to research the legalities in regards to an application that is already in progress. He stated the Council would research this and do everything possible to move it along if that is what needs to be completed. The Council was not opposed to having a special meeting if so needed. The Council appeared to agree with Crosthwaite's plan of action. Crosthwaite thanked Ouellette and Newett for attending the meeting and sharing their concerns. If anyone would like to hear the concerns shared at the Planning Board meeting, the video can be found on the City's webpage.

Presentation of Awards.

Tom Farley, for 5 years of service with the Ellsworth Wastewater Treatment Plant.

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

Small Business Day Proclamation – November 28, 2015.

Chairman Crosthwaite explained the weekend following Thanksgiving appears to be the big weekend for retail sales everywhere. This idea has come up in recent years, the City decided to recognize the concept this year. See attachment #3 for a copy of the Proclamation that was presented and read into the record by Crosthwaite. The proclamation was presented to members of the Chamber of Commerce, members of the Downtown Business Association and other small business owners that were present at the meeting.

UNFINISHED BUSINESS

Council Order #101501, Action on the item from Executive Session. (Tabled from 10/13/2015 Special Council Meeting)

There was no discussion before a motion was made.

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

RESOLVED to approve denying the request.

Presentation of Awards.

Tom Farley – 5 years Wastewater Treatment Plant.

Small Business Day Proclamation – November 28, 2015.

Unfinished Business.

Approved - Denying the request.

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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 #111502, Request of the Deputy Treasurer/Tax Collector to accept payments on tax acquired time share units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds. **

See attachment # 4 for a complete list of timeshare units sold during the previous month.

*Council Order #111503, Appointment of David Cole to the League of Towns. **

David Cole appointed to the League of Towns.

*Council Order #111504, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2016. **

The Branch Lake boat and aeroplane sticker fee approved at \$0 for the calendar year 2016.

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

RESOLVED to approve the consent agenda as presented this evening.

NEW BUSINESS

Public hearing and action on the following business licenses:

VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.

Consent Agenda.

Approved - Consent agenda as presented this evening.

Approved – CO #111502, payments on tax acquired time share unit, issue a quit-claim deed.

Approved – CO #111503, Appt. David Cole to League of Towns.

Approved – CO #111504, Set Branch Lake sticker fee at \$0 for calendar year 2016.

Approved - VFW 109, 419 Main Street,

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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 Beatham, it was unanimously

RESOLVED to approve the request of VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.

Cellar Bistro, LLC d/b/a The Cellar, 112 Main Street, for a new City Class C License (Victualer/Liquor) and a new State Restaurant/Lounge (Class I, II, III, IV) Liquor License (Malt, Spirituous and Vinous).

Joseph Baranello and Thomas Halpin were present, as it was required by the Licensing Ordinance in regards to new businesses.

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 Cellar Bistro, LLC d/b/a The Cellar, 112 Main Street, for a new City Class C License (Victualer/Liquor) and a new State Restaurant/Lounge (Class I, II, III, IV) Liquor License (Malt, Spirituous and Vinous).

for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.

Approved - Cellar Bistro, LLC d/b/a The Cellar, 112 Main Street, for a new City Class C License (Victualer/Liquor) and a new State Restaurant/Lounge (Class I, II, III, IV) Liquor License (Malt, Spirituous and Vinous).

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Council Order #111505, Discussion and action on the request for additional funding for the expanded scope of the construction and installation of fiber for the Ellsworth Broadband Project.

Jason Ingalls, IT Systems Administrator stated the City has been working with Tilson Technology to build a fiber optic network. Tilson proposed a route to the City Council in February. That proposal would have started on Water Street at the previous Wastewater Treatment Plant location and extended to the Commerce Park. The reason that route was being proposed at the time was because of a potential incubator facility located within the Commerce Park. Since that time, the potential site has fallen through opening an opportunity to rethink the potential route for the network. Further discussions indicated a route that included High Street would be more beneficial. See attachment #5 for a complete description of the project, including a map of the newly proposed route. The new route essentially starts at the previous Wastewater Treatment Plant extends to Church Street, across to Oak Street, through that intersection down High Street to the intersection with the Beechland Road. The former route was approximately 2 miles long. The new route will extend just over 3 miles. A little over a mile of fiber is being added to the newly proposed route, in order to accomplish this approximately \$30,000 in additional funding is needed. This funding will be used for the additional fiber and splice work needed to install the additional connection blocks. Ingalls stated another positive aspect of the new route is it will pass by three communication towers on High Street. This could open up additional uses of the fiber network to feed any number of potential radio based broadband technologies. Tilson proposed two options that the City is not pursuing at this time. They proposed increasing the fiber count from 144 to 288 for an additional \$43,000. A larger shelter was also proposed, the City is not looking to pursue that option at this time. The City is currently negotiating with a potential service provider that may necessitate the larger shelter. Depending on the final outcome of those negotiations, Ingalls may need to come back to the Council for approval on expanding the shelter. The fiber network will expand into the Harbor Park. This project presented an opportunity to add the Harbormaster's office to the network. David Cole, City Manager noted there have been discussions on adding a second phase expanding fiber out the Bangor Road to connect that end of the commercial court. The sway in this direction of the City mirrored the work of the Ellsworth Business Development Corporation and the City's Economic Development Office while considering where the best place to site potential incubator facilities might be within the City. Another added bonus with the new route is the new fiber network will not need to be relocated due to the Rt. 1A construction project which will be taking part shortly

Approved - Council Order #111505, up to an additional \$30,000 for the expansion in scope of the COBI Fiber Network Project to reach Beechland Road to be funded by proceeds from the sale of the former Colliers Nursing Home facility. The total project cost is not to exceed \$308,445.

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after this network is scheduled to be built. Chairman Crosthwaite inquired how long the build-out takes before consumers could start utilizing the new fiber network system. Ingalls indicated the time estimate would be late summer 2016 or early fall if the project started tomorrow. Most of the time is spent in preparation for the project including things such as obtaining the necessary permits and the make ready on the pole. The actual construction takes very little time, approximately a month or two. Ingalls described this project as the last mile fiber network. There is a lot of fiber already located in Ellsworth; however, it is not easily accessed. The existing fiber was not designed to be connected to easily. This project is the last mile which makes it easy to connect into and receive gigabyte service or greater. Cole stated the idea behind this project is not for the City to be competing with any providers. He related the project to building a new highway where anyone can drive on it, if they want to participate. This will help expand economic development possibilities within Ellsworth. Fortier pointed out this would be a toll highway; users of the network will pay a fee for utilizing the available service.

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

RESOLVED to approve Council Order #111505, up to an additional \$30,000 for the expansion in scope of the COBI Fiber Network Project to reach Beechland Road to be funded by proceeds from the sale of the former Colliers Nursing Home facility. The total project cost is not to exceed \$308,445.

Before a formal vote was taken Fortier noted \$250,000 of the \$308,445 was in grant funds.

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

Council Order #111506, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000).

Amanda Tupper, Deputy Treasurer/Tax Collector explained Title 36 of the Maine Revised Statutes states that the municipal treasurer can waive the automatic foreclosure by a vote of the municipality's legislative body. If a waiver is recorded, the tax lien mortgage remains in force but does not automatically foreclose. Instead, court action would be needed to foreclose at a later date, if desired. Waiver

Approved - Council Order #111506, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 931 Bangor Road

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of foreclosure is typically used when a municipality wishes to avoid acquiring property that may be burdensome. Based on this Tupper is requesting to waive foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000). It came to the attention of the City that there are questions regarding the ownership and/or assessment of the building/land at this location. After speaking with the lawyers it is felt the questions will be answered by the parties involved and the taxes paid in full before the property is in this position again next year. If this matter is not resolved, the City would still have the ability to foreclose next year. Councilor Phillips felt having this issue resolved before next year may be very optimistic.

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

RESOLVED to approve Council Order #111506, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000) as requested.

Executive Session to discuss the condition, acquisition or the use of real or personal property in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C.

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

RESOLVED to approve entering executive session at 7:42 PM for the purpose of discussing the condition, acquisition or the use of real or personal property in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C.

David Cole, City Manager and Micki Sumpter, Economic Development Director was invited to remain in the executive session.

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

RESOLVED to approve adjournment from the executive session at 8:15 PM.

Council Order #111507, Discussion and action on the item from the executive session.

See attachment #6 for a complete explanation and copy of the purchase and sales agreement, as there was no discussion on this item prior to a motion being made.

(Map 075 Lot 013-000-000) as requested.

Approved - Entering executive session at 7:42 PM, discussing the condition, acquisition or the use of real or personal property in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C.

Approved - Adjournment from the executive session at 8:15 PM.

Approved - Council Order #111507, authorize the City Manager to execute all documents

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

RESOLVED to approve Council Order #111507, authorize the City Manager to execute all documents necessary for the acquisition of the Community Health and Counseling Services land and building located at 415 Water Street in Ellsworth at a price of \$125,000, plus up to \$30,000 for property and building improvements. In addition, up to \$25,000 for first year operating costs associated with utilizing the CHCS property as a business incubator. These requests totaling \$180,000 are to be funded from the proceeds from the sale of the Collier's property.

Before a vote was taken, Councilor Fortier thanked Micki Sumpter, Economic Development Director publicly for her extensive work on this project and the successful outcome. Chairman Crosthwaite stated it is exciting because this has been a project that has been promoted by the Ellsworth Business Development Corporation (EBDC) and he thanked the members of that Corporation for their diligence as well. The name of the incubator program that will be located at this site is Union River Center for Innovation. Sumpter explained the thought process behind the name which was created by EBDC prior to this building becoming available. There are already interested parties for the incubator program.

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

Adjournment.

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

RESOLVED to approve adjournment at 8:18 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

necessary for the acquisition of the Community Health and Counseling Services land and building located at 415 Water Street in Ellsworth at a price of \$125,000, plus up to \$30,000 for property and building improvements. In addition, up to \$25,000 for first year operating costs associated with utilizing the CHCS property as a business incubator. These requests totaling \$180,000 are to be funded from the proceeds from the sale of the Collier's property.

**Approved -
Adjournment at 8:18
PM.**