

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 19, 2016

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: ONE SEAT VACANT

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
POLICE DEPARTMENT, FIRE DEPARTMENT, RICHARD TUPPER, HAROLD
“PETE” BICKMORE, GARY SAUNDERS, MIKE HANGEE, AND CHAD
WILMOT.**

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 meeting (s) of the Ellsworth City Council:

- 08/05/2016 Special Meeting.
- 08/15/2016 Regular Monthly Meeting.

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

RESOLVED to approve the adoption of minutes from the August 5, 2016 Special Meeting and the August 15, 2016 Regular Monthly Meeting of the Ellsworth City Council.

City Manager’s Report.

David Cole, City Manager directed the audience’s attention to the television screen for a viewing of the five winning photographs from the City’s photo contest. Cole announced the winners by popular vote by those logging onto the City’s website to cast a vote. The photos will be used on the City’s new website which is scheduled to go live in October. The new website will have the capability for signing up to

Call to Order.

Pledge of Allegiance.

Rules of Order.

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receive automatic notifications for minutes, agendas and other important material, as personalized by the user. Autumn Gold events start this Thursday and wrap up on Saturday; Cole directed interested viewers to the Chamber of Commerce’s website for a complete list of events. Knowlton Park including the comfort station will close for the season on October 11, 2016. The splash pad will stay open until that time; however, it has been programmed to shut off if the temperature falls below 65 degrees.

Committee Reports.

➤ *Harbor Commission.* Councilor Moore invited Adam Wilson, Harbor Master to present the report this month. Wilson reported the season is drawing to an end. The restrooms were repainted along with the trim this season, the Ellsworth Garden Club completed the gardens, and now boats are starting to leave the Harbor. This coming weekend is Autumn Gold with many activities being held at the Harbor; Wilson listed some of the events along with the times. Councilor Crosthwaite inquired if a formal thank you card had been sent to the Garden Club; David Cole, City Manager stated if not he will be sure one is sent. Councilor Phillips added that a new food vendor’s proposal was reviewed at the monthly meeting as a possibility for next year. Part of the discussion included presenting viable proposals to the Council earlier for the upcoming season.

Citizens’ Comments.

There were no citizens’ comments this month.

Presentation of Awards.

Presentation of Commendations for providing life saving measures.

Harold “Pete” Bickmore honored Sargent Glen Moshier, Officers Shawn Merchant and Andrew Weatherbee, and Sheriff Deputy Dana Austin with letters of Commendation for their willingness to administer Naloxone along with extending life saving measures to a resident of Ellsworth until emergency personnel arrived on the scene. Bickmore recognized Chief Deputy Pat Kane and Lieutenant Tim Cote from the Hancock County Sheriff’s Department for attending the presentation this evening.

Committee Reports.

Citizens’ Comments.

**Presentation of
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Letters of
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Bickmore recognized Dr. Daniel Reinke from the Maine Coast Memorial Hospital for his role in training the officers in the use of Naloxone and for helping Bickmore develop the Narcan Policy with a certificate of appreciation. Unfortunately, Reinke could not be present at the meeting.

Bickmore honored Anthony Zerrien, Jeremy Ray, Hunter Fernald, Jennifer Fernald, and Ricky Miles for their quick thinking and team effort in avoiding a potential tragedy on Green Lake with letters of Commendation.

Richard Tupper, Fire Chief honored Jack Carlin and Adam Wilson, Ellsworth Harbormaster for their quick thinking and team effort in avoiding a potential tragedy at the Ellsworth Harbor, with letters of Commendation.

UNFINISHED BUSINESS

Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 5, Sewer Ordinance, Article 10, Section 1008: Abatements. (Tabled from 8/15/2016 Regular Council meeting, public hearing was not held.)

There was no discussion prior to a motion being made.

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

RESOLVED to approve tabling public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 5, Sewer Ordinance, Article 10, Section 1008: Abatements.

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 #091604, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the

Unfinished Business.

Approved - Tabling public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 5, Sewer Ordinance, Article 10, Section 1008: Abatements.

Consent Agenda.

Approved - Consent agenda as presented this evening.

Approved - CO #091604, Wardens

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*November 8, 2016 State of Maine General/Referendum Election and Municipal Election. **

See attachment #1 for a complete list of Wardens and Ward Clerks for the November 8, 2016 State of Maine General/Referendum Election and Municipal Election.

*Council Order #091605, Request of the City Clerk for approval on the time polling places open for the November 8, 2016 State of Maine General/Referendum Election and Municipal Election as 7:00 AM. **

*Council Order #091606, Request to promote James Barkhouse from 1st Alternate Member to Regular Member of the Planning Board with a term to expire June 30, 2018. **

*Council Order #091607, 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. **

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

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

RESOLVED to approve the consent agenda as presented this evening.

NEW BUSINESS

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.

and Ward Clerks for the November 8, 2016 State of Maine General/Referendum Election and Municipal Election.

Approved - CO #091605, Polls opening at 7:00 AM.

Approved – CO #091606, James Barkhouse, Planning Board full member, term to expire 6/30/2018.

Approved – CO #091607, quit-claim deed timeshare units.

New Business.

Approved - Daniel Potts d/b/a Lakeside Cedar Cabins, 397

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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 Beathem, 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.

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 Blanchette, it was unanimously

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.

Joseph A. Lusardi d/b/a Maine Organic Therapy, for relocation of an existing Medical Marijuana Dispensary License including a City Victualer License from 9 Carriage Road to 3 Myrick Street - Suite B.

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

**Mariaville Road, for
renewal of a City
Lodging License.**

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

**Approved - Joseph
A. Lusardi d/b/a
Maine Organic
Therapy, for
relocation of an
existing Medical**

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Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Joseph A. Lusardi d/b/a Maine Organic Therapy, for relocation of an existing Medical Marijuana Dispensary License including a City Victualer License from 9 Carriage Road to 3 Myrick Street - Suite B.

AARGH Inc., d/b/a Pat’s Pizza, 396 High Street, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Malt, Spirituous, and Vinous (Class I, II, III, IV) 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 Phillips, seconded by Fortier, it was unanimously

RESOLVED to approve the request of AARGH Inc., d/b/a Pat’s Pizza, 396 High Street, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Malt, Spirituous, and Vinous (Class I, II, III, IV) Restaurant Liquor License.

Hane Yee, Inc. d/b/a China Hill Restaurant, 301 High Street, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License.

**Marijuana
Dispensary License
including a City
Victualer License
from 9 Carriage
Road to 3 Myrick
Street - Suite B.**

**Approved - AARGH
Inc., d/b/a Pat’s
Pizza, 396 High
Street, for renewal of
a City Class C
License (Victualer
and Alcohol) and
renewal of a State
Malt, Spirituous, and
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III, IV) Restaurant
Liquor License.**

**Approved - Hane
Yee, Inc. d/b/a China
Hill Restaurant, 301**

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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 Phillips, seconded by Blanchette, it was unanimously

RESOLVED to approve the request of Hane Yee, Inc. d/b/a China Hill Restaurant, 301 High Street, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License.

Overeas LLC d/b/a Sylvia’s Café, 248 State Street Suite #8 (Mill Mall), for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Overeas LLC d/b/a Sylvia’s Café, 248 State Street Suite #8 (Mill Mall), for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

High Street, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License.

Approved - Overeas LLC d/b/a Sylvia’s Café, 248 State Street Suite #8 (Mill Mall), for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

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Public hearing and action on an amendment to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance.

Heidi Grindle, City Clerk, presented this request on behalf of the General Assistance Director. This is the yearly request to adopt the State maximums for the General Assistance program. See attachment #3 for the new State housing maximums that will be effective from October 1, 2016 thru September 30, 2017. Grindle stated this year the change will make each member of the household eligible for \$2.00 more per month in assistance. No other changes are being recommended at this time to the Ordinance.

Public hearing opened.

There were no comments.

Public hearing closed.

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

RESOLVED to approve the amendment to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance as presented this evening within attachment #3.

Council Order# 091608, Request of the City Clerk for approval to relocate Ward 2 voting place from Your Place Community Center located at 4 Old Mill Road to the Community of Christ Church located at 283 State Street beginning with the November 8, 2016 State of Maine General/Referendum Election and Municipal Election.

Heidi Grindle, City Clerk stated a few years ago, the road configuration was redesigned so that a large percentage of the voters using that polling place do not naturally pass by the current location in the normal course of business. This location is often confusing for new voters to find and based on this observation the City Clerk’s Department started searching for a more user friendly location. The Secretary of State’s Office allowed a location outside of the district to be considered as this Ward is very limited in available buildings large enough to

Approved - Amendment to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance as presented this evening within attachment #3.

Approved - Council Order# 091608, Request of the City Clerk to relocate Ward 2 voting place from Your Place Community Center at 4 Old Mill Road to the Community of Christ Church located at 283 State Street for all future elections beginning with the November 8,

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accommodate the number of registered voters. After touring the Community of Christ Church it was found to be ADA compliant, with a large room which lends itself nicely to arranging the polling equipment in a flowing manner. The polling place will be located directly off from the parking lot which can hold approximately 60 vehicles opposed to the current location which can only hold 20 cars. On August 11, 2016, I applied to the Secretary of State’s Office for the relocation of Ward Two currently located at Your Place Community Center (4 Old Mill Road) to the Community of Christ Church (283 State Street) for all future elections beginning with the November 8, 2016 State of Maine General/Referendum Election and Municipal Election. On September 1, 2016 the Secretary of State’s Office granted contingent approval on this application until final action could be taken by the Ellsworth City Council on September 19, 2016. This contingent approval was granted following discussions with Julie Flynn, Deputy Secretary of State on the positive aspects of this move for the voters as well as providing her with a proposed layout of the polling place and a Municipal Self-Certification for Voting Place Accessibility form. One potential concern Julie had with moving the polling place outside of the district was if the move caused more travel time for the voters. This should not be an issue because the difference in mileage between the two locations is 1 mile.

Councilor Fortier noted this will be a great move for the voters of that area; it will be safer to access and has better visibility. This will offer a more comfortable atmosphere for the staff with a full kitchen and is a nice facility. Councilor Blanchette inquired if arrangements would be made with the construction crews for Election Day access to the Church. David Cole, City Manager agreed that topic would be on the weekly meeting agenda with MaineDOT. Chairman Crosthwaite inquired if the voters residing within Ward Two would be notified of this change. Grindle stated she was waiting for the final approval from the Council before mailing a postcard to each registered voter alerting them of this change, placing banners at three separate locations within that district, and placing a display advertisement in the Ellsworth American. The banners will be placed in the right-of-way next to Your Place Community Center, at the intersection of the Bangor Road and Mariaville Road, and in front of the new polling place. All of our election related advertisements will also have the new location indicated on them.

**2016 State of Maine
General/Referendum
Election and
Municipal Election.**

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RESOLVED to approve Council Order# 091608, Request of the City Clerk to relocate Ward 2 voting place from Your Place Community Center at 4 Old Mill Road to the Community of Christ Church located at 283 State Street for all future elections beginning with the November 8, 2016 State of Maine General/Referendum Election and Municipal Election.

Council Order #091609, Request of the City Manager to award the bid for a new railroad crossing in conjunction with the Forrest Avenue Extension Construction Project.

David Cole, City Manager provided a recap of summer projects. The first project was the State of Maine’s Route 1A/State Street Project, where the City is participating and funding the intersection and signalization that will support the new entrance to the High School. The City is also participating with sidewalks and utilities. The second project awarded to R.F. Jordan involves the actual construction of the new entrance road to the High School and is being funded with City funds exclusively. The request tonight is the last step, which involves constructing a railroad crossing that will accommodate the new entrance road. This project will be funded with federal funding (90% of the funds come through the Maine Department of Transportation and 10 % come through the City). Under the MaineDOT’s Locally Administered Projects program (LAP) there are many requirements to be met; Tammy Mote, Deputy City Manager/Finance Director has been overseeing this portion. Having put out the bid according to the MaineDot’s specifications the City received two bids. The bids were opened on September 15, 2016. CDL Electric Company, Inc. was the low bidder in the amount of \$237,131. The other bid was received from R.F. Jordan Construction in the amount of \$553,200. The recommended action this evening would be subject to MaineDOT’s final approval. The bid documents have been reviewed by Hedefine Engineering and found to be in order and responsive to the bid. The results of the bids, bid tabulation spreadsheet and Letter of Recommendation from Hedefine Engineering as well as a copy of the lowest bid are contained in attachment #4. CDL is a known entity to VHB and the bid submitted was in line with the engineering estimates provided by VHB. This bid per federal funding requirements does include a Bond in regards to the performance of the work. MaineDOT’s share will be approximately \$213,000 and the City’s share will be approximately \$23,713. The City is very grateful to the MaineDOT for providing 90% of the funding. Councilor Fortier inquired if the City has requested changes to the Ellsworth

Approved - Council Order #091609, Request of the City Manager to accept the bid from CDL Electric Company, Inc. for a new railroad crossing in conjunction with the Forrest Avenue Extension Construction Project (subject to Maine Department of Transportation final approval). These services will be funded by the Locally Administered Project funds (90% - \$213,417.90) and the Local Roads Capital Improvement Account (10% - \$23,713.10).

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Elementary/Middle School traffic movement permit, which currently prohibits buses from turning left at the Dunkin Donuts intersection. Requesting this amendment would allow for the most efficient bus routes available.

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

RESOLVED to approve Council Order #091609, Request of the City Manager to accept the bid from CDL Electric Company, Inc. for a new railroad crossing in conjunction with the Forrest Avenue Extension Construction Project (subject to Maine Department of Transportation final approval). These services will be funded by the Locally Administered Project funds (90% - \$213,417.90) and the Local Roads Capital Improvement Account (10% - \$23,713.10).

Council Order #091610, Request of the City Manager to approve a Local Project Agreement between MaineDOT and City of Ellsworth regarding MaineDOT's Rt.1/Rt.3 Mill and Fill Project.

David Cole, City Manager stated MaineDOT is planning to resurface the Union River Bridge at Water Street. This would include the structure itself plus the approaches (Route 1 and 3). On the east side there would be a section of approximately 70 feet remaining from where the approaches end up to the Water Street/Main Street intersection. This section would not be completed as part of the MaineDOT project as it is a local responsibility. This is also very much in need of rehabilitation (see attachment #5). The State has offered to include this approximately 70 foot additional segment, as part of the 1 ½ inch “mill and fill” project planned for the Union River Bridge. Provided the City commits to funding 100% of the cost of resurfacing that particular section of roadway. Cole is recommending that the City accept the offer, leaving a rutted section stranded between the newly paved bridge and the more recently improved intersection at Main and Water Streets makes little sense. This work would otherwise not get completed until the rest of Main Street is resurfaced sometime in the future. Cole felt \$10,000 was a very good deal for the City as this will be completed at the MaineDOT's unit pricing. Cole noted this expense does not include replacing two traffic loops, that work would be completed separate from this agreement. One quote has already been obtained for the new loops at a cost of \$4,000; it is possible the second quote will come in less. MaineDOT will be placing this project out to

Approved - Council Order #091610, authorize the City Manager to enter into an agreement with the Maine Department of Transportation to undertake the milling and repaving of approximately 389 square yards of pavement surface on Route 1 and 3 adjacent to the Union River Bridge at an estimated cost of \$10,000 to the City of Ellsworth to be paid for from the Local Roads Program Fund.

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bid very shortly. The work will be completed this fall. Councilor Fortier inquired if the traffic controller being quoted has the capability of synchronizing with a camera. Cole stated this avenue is being investigated; however, it is a \$6,000 fix to the signal to add the capability of varying the lighting times. To install a completely new signal would cost approximately \$30,000; however, more research is being done on this option. A new camera would cost approximately \$25,000.

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

RESOLVED to approve Council Order #091610, authorize the City Manager to enter into an agreement with the Maine Department of Transportation to undertake the milling and repaving of approximately 389 square yards of pavement surface on Route 1 and 3 adjacent to the Union River Bridge at an estimated cost of \$10,000 to the City of Ellsworth to be paid for from the Local Roads Program Fund.

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

There was no discussion prior to a motion being made to enter executive session.

There will be no further action taken this evening except to adjourn from the meeting.

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

RESOLVED to approve entering executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 7:44 PM.

The Council requested Tammy Mote join the executive session.

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

RESOLVED to approve adjourning from executive session for the purpose of discussing personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 8:30 PM.

Approved - Entering executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 7:44 PM.

Approved - Adjourning from executive session for personnel matters MRSA Title 1,

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 19, 2016

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: ONE SEAT VACANT

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
POLICE DEPARTMENT, FIRE DEPARTMENT, RICHARD TUPPER, HAROLD
“PETE” BICKMORE, GARY SAUNDERS, MIKE HANGEE, AND CHAD
WILMOT.**

Council Order #091611, Discussion and action on the item from executive session.

This item was removed from the agenda. No action taken or required at this time.

Adjournment.

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

RESOLVED to approve adjournment at 8:30 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Chapter 13, Section
405, Paragraph 6A at
8:30 PM.**

**Removed from
agenda this evening.**

**Approved -
Adjournment at 8:30
PM.**