

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 9, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
KEVIN KANE, MICHAEL HANGGE, GLENN MOSHIER, DARYL CLARK,
BOBBY DORR, RICHARD TUPPER, TONI RYAN AND HEIDI GRINDLE.**

Call to Order.

Chairman Phillips called the regular meeting of the Ellsworth City Council to order at 7:00 PM.

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 14, 2016 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:

12/09/2016 Emergency Council Meeting.

12/19/2016 Regular Council Meeting.

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

***RESOLVED to approve adoption of minutes from the December 09, 2016
Emergency Council Meeting and December 19, 2016 Regular Council Meeting as
presented.***

**A final vote was taken on the above motion with 5 members voting in favor
(Beathem, Crosthwaite, Fortier, Hudson, and Phillips) and 1 member
abstaining from the vote (Moore).**

City Manager's Report.

David Cole, City Manager stated the Winter Carnival is scheduled for February 11, 2017. Cole highlighted a few of the events to be held that weekend and encouraged interested parties to watch for a full schedule of activities to be posted

Call to Order.

Pledge of Allegiance.

Rules of Order.

**Approved - Adoption
of minutes from the
December 09, 2016
Emergency Council
Meeting and
December 19, 2016
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presented.**

**City Manager's
Report.**

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soon on the City website and Facebook page. Cole mentioned the Jackson Lab project at the former Lowe's Site received final approval from the Ellsworth Planning Board. This will be the largest commercial project Ellsworth has ever had with an anticipated opening date of March 3, 2018 at noon. The upcoming year will see a large number of rental units being constructed according to the Code Enforcement permitting log. Cole thanked the City staff which worked so hard on these projects.

Committee Reports.

➤ *Recreation Commission:* Councilor Fortier explained the Recreation Commission met on the first Wednesday of the month. The big item of discussion was Winter Carnival. The ice skating rink will open tomorrow morning, January 10, 2017. During Winter Carnival the ice skating rink will be open for free skating until 1 PM at which point planned activities will take place. Fortier listed a few of the planned ice rink activities. The Commission continued to work on the FY 2018 budget. There has been some damage recorded at Demeyer 3 from the third base light pole falling down during a wind storm and causing the fence to be crushed. The lights are in excess of 35 years old. Upon the request of the City an engineer tested the remaining poles and submitted a letter stating the other poles need to be removed due to center rot and cracking. The Commission is developing a proposal for replacing the poles and fixtures with updated technology.

Citizens' Comments.

Chairman Phillips stated during this open session the Council cannot and will not be discussing personnel issues.

Russell Torrey a resident of Ellsworth and former on-call member of the Ellsworth Fire Department returned three medals (two firefighter of the year and one medal of valor) he received during his career with the Department.

Gordon Workman had two items he wished to present to the Council this evening. The first was in regards to the written reprimand that appeared in the Ellsworth American and later resignation by the now ex Police Chief. He would like to see a full nonbiased investigation conducted to see why the Chief resigned. The second item Workman addressed was the City Charter. He would like consideration on an amendment to Section 3 Powers and Duties of the City Manager. In light of what

Committee Reports.

Citizen Comments.

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has happened, he felt all Department Heads impacted by administrative corrections should be discussed by the City Council first before any actions are taken. He felt this is important because any actions taken against a Department Head pretty much ruins the relationship he would have had with the personnel under him.

Nadine Lewis, citizen of Ellsworth shared her feelings upon learning of the written reprimand and later resignation. The only time she was proud to be a citizen of Ellsworth was during a police matter this past Fall which was handled professionally under his command. She voiced a concern with the appearance of the recent appointments and then what seemed to be the next day the Chief resigned.

Presentation of Awards.

There were no presentations to award this evening.

Chairman Phillips requested consideration on adding 10B to the agenda this evening.

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

RESOLVED to approve by unanimous consent of the six members present adding item 10B just prior to the Executive Session. To be listed as discussion and action of appointing an Interim Police Chief.

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.*

Presentation of Awards.

Approved - By unanimous consent of the six members present adding item 10B just prior to the Executive Session. To be listed as discussion and action of appointing an Interim Police Chief.

Unfinished Business.

Consent Agenda.

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BOBBY DORR, RICHARD TUPPER, TONI RYAN AND HEIDI GRINDLE.**

There were no items under the Consent Agenda this month.

NEW BUSINESS

Public hearing and action on the application (s) for issuance of the following business license (s):

Jeff & Diane Kelly-Lokocz D/B/A 86This!, 125 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III & IV) Malt, and Vinous Liquor License.

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses and that no delinquent tax or utility bills exist.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Jeff & Diane Kelly-Lokocz D/B/A 86This!, 125 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III & IV) Malt, and Vinous Liquor License.

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

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses and that no delinquent tax or utility bills exist.

Public hearing was opened.

New Business.

Approved - Jeff & Diane Kelly-Lokocz D/B/A 86This!, 125 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III & IV) Malt, and Vinous Liquor License.

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

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KEVIN KANE, MICHAEL HANGGE, GLENN MOSHIER, DARYL CLARK,
BOBBY DORR, RICHARD TUPPER, TONI RYAN AND HEIDI GRINDLE.**

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

Troy A. Adams d/b/a Jaspers Restaurant & Motel, 200 High Street, for a City Class C License (Victualer/Liquor), to be combined with the recently approved Lodging House License and renewal of a State Class A Restaurant (Class A) Malt, Spirituous, and Vinous Liquor License. (Traditionally licensed as a City Class A License Establishment (Victualer, Liquor, Lodging and Amusement).

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses and that no delinquent tax or utility bills exist.

Public hearing was opened.

Nadine Lewis inquired if Jasper's Restaurant and Motel had been sold yet. Councilor Fortier and Chairman Phillips confirmed the sale has not been finalized yet.

Public hearing was closed.

Fortier clarified the reason the request is before the Council this evening is so the restaurant can be operational during the pending sale. This would also allow the applicant to continue making money during this process.

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

RESOLVED to approve the request of Troy A. Adams d/b/a Jaspers Restaurant & Motel, 200 High Street, for a City Class C License (Victualer/Liquor), to be combined with the recently approved Lodging House License and renewal of a State Class A Restaurant (Class A) Malt, Spirituous, and Vinous Liquor License.

Vinous Liquor License.

Approved - Troy A. Adams d/b/a Jaspers Restaurant & Motel, 200 High Street, for a City Class C License (Victualer/Liquor), to be combined with the recently approved Lodging House License and renewal of a State Class A Restaurant (Class A) Malt, Spirituous, and Vinous Liquor License. (Traditionally licensed as a City Class A License Establishment (Victualer, Liquor, Lodging and Amusement).

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*(Traditionally licensed as a City Class A License Establishment (Victualer,
Liquor, Lodging and Amusement).*

*Council Order #011700, Request of the City Manager to accept a ten-foot
easement from Herbert C. Haynes, Jr. for a pedestrian trail to connect to the City
Forest.*

Tammy Mote stated this request is to accept an easement that has been gifted to the City from Mr. Robert C. Haynes, Jr. The easement will provide connectivity from the City Forest property to a north westerly parcel that the City owns as the result of a court settlement in regards to the Lafreniere Subdivision. Accepting this easement will provide an area for developing a walking trail which will connect another city lot resulting in over 500 acres of connected recreational land. This easement is described in attachment #1 and also noted on the attached survey plan. Chairman Phillips noted this concept has been discussed with the City Planner and Code Enforcement Officer to include another use to the property. Councilor Fortier inquired if the City would be accepting the land that extends from “C” to “D” on the attached survey plan. The ten-foot easement is basically a walking path that provides access to the back property comprised of approximately 200-300 acres. Councilor Moore stated the documents require the City to keep this parcel clean, posted and in the same condition as all the other trails the City maintains.

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

**RESOLVED to approve Council Order #011700, Request of the City Manager to
accept a ten-foot easement from Herbert C. Haynes, Jr. for a pedestrian trail to
connect the City Forest to Lafreniere Way (formerly referred to as Lafreniere
Way).**

*Council Order #011701, Discussion and action of appointing an Interim Police
Chief.*

David Cole, City Manager stated he is recommending the Council appoint Acting Police Chief Glenn Moshier as the Interim Chief until such time as a permanent Police Chief is named. Councilor Fortier noted that the City Manager appoints the Police Chief position and the Council confirms that appointment. To be compliant with State laws the Interim Police Chief would be sworn in and assume all duties and responsibilities of the Police Chief during this term. Currently, Moshier is

**Approved - Council
Order #011700,
Request of the City
Manager to accept a
ten-foot easement
from Herbert C.
Haynes, Jr. for a
pedestrian trail to
connect to the City
Forest to Lafreniere
Way (formerly
referred to as
Lafreniere Way).**

**Approved - Council
Order #011701, the
appointment by the
City Manager of
Glenn Moshier as
Interim Police Chief
and confirm that by
City Council vote.**

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Acting Chief per the job description for the Captain position. The Acting status is intended for times where the Captain would fill in for the Chief such as illness, vacations or other similar short term purpose.

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

RESOLVED to approve Council Order #011701, the appointment by the City Manager of Glenn Moshier as Interim Police Chief and confirm that by City Council vote.

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

Chairman Phillips noted there will be no action following the Executive Session.

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

RESOLVED to approve entering executive session at 7:27 PM for the purpose of discussing personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

Fortier further clarified this executive session will be for the annual evaluation of the City Manager and the Council will not be discussing any other personnel business while they are in executive session.

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

RESOLVED to approve adjournment from the executive session at 7:50 PM.

Adjournment.

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

RESOLVED to approve adjournment at 7:51 PM.

TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE

Approved - Entering executive session at 7:27 PM for the purpose of discussing personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

Approved - Adjournment from executive session 7:50 PM.

Approved - Adjournment at 7:51 PM.