

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MARCH 20, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON AND CITY MANAGER DAVID COLE

KEY SPEAKERS PRESENT: TAMMY MOTE, JEN MADORE, ELIZABETH BARNES, JEREMY BARNES, GLENN MOSHIER, REGGIE WINSLOW, RAYMOND ROBIDOUX, MICHAEL HARRIS, MICHAEL HANGGE, GARY SAUNDERS, 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:

02/24/2017 Special meeting.

02/24/2017 Regular meeting.

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

RESOLVED to approve adoption of Ellsworth City Council minutes from the 02/24/2017 Special meeting and the 02/24/2017 Regular meeting.

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

City Manager's Report.

Tammy Mote, Deputy City Manager presented the City Manager's Report on behalf of David Cole, who was home ill. Mote reported that there would be a

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approved - Adoption of Ellsworth City Council minutes from the 02/24/2017 Special meeting and the 02/24/2017 Regular meeting.

City Manager's Report.

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Special Council Meeting on next Monday evening (March 27, 2017). The agenda for that evening will be the two items tabled tonight. One of those items is the State Street drainage project, a request will be made this evening to table that item while the City finalizes an agreement with MaineDOT. Mote reminded the Council following the Special Council Meeting at 5:30 PM there will be a Council Workshop. The Workshop will begin at 6:00 PM with the purpose of discussing possible amendments to the Sewer Ordinance and Fire Protection and Prevention Ordinance. The third item of interest was on April 12, 2017 at the Moore Community Center there will be a breakfast forum titled "Ellsworth Rising". The purpose of this forum is to provide information on investment opportunities in Ellsworth. Anyone interested in attending this forum may contact Micki Sumpter.

Councilor Moore introduced a special guest this evening. The guest was Robert Springer, a boy scout working toward achieving his Eagle Scout rank. The meeting this evening is part of the requirement for earning the communications merit badge.

Committee Reports.

➤ *Harbor Commission.* Councilor Phillips reported he only made the conclusion of the meeting and Councilor Moore was not able to make the meeting this month. There was nothing noteworthy to report this evening.

➤ *Recreation Commission.* Councilor Fortier reported the Recreation Commission met the first of the month. The outside agencies that traditionally request funding from the Recreational Commission through the budget process presented. When the Commission meets in April they will be discussing the ice skating rink cleanup. Fortier and Police Chief Glenn Moshier had a meeting with a resident concerning the basketball court. The topic of discussion was the level of activity being observed behind the sound curtains and the possibility of not installing the sound curtains this season. This season will serve as an experiment whether the sound level is impacted by the curtains or not as well as if the neighborhood feels safer with the sound curtains removed or not. Fortier will discuss this trial period formally with the Commission at the April meeting. The requirement to install the sound curtains was made through a Council motion; therefore, Fortier may be returning to the Council for approval to waive installing the sound curtains this season.

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Citizens' Comments.

There were no citizens' comments this month.

Presentation of Awards.

Recognition of the Wastewater Treatment Facility for having been selected by the New England Water Environment Association (NEWEA) to receive its 2016 Wastewater Utility Award.

Michael Harris (Wastewater Superintendent), Raymond Robidoux and Jeremy Barnes were present to receive the award.

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 #031700, Reservation of the City of Ellsworth's right to harvest alewives. **

See attachment #1 for the complete request describing the City of Ellsworth's right to harvest alewives.

*Council Order #031701, 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.**

Citizens' Comments.

Presentation of Awards.

Wastewater Treatment Facility award from (NEWEA).

Unfinished Business.

Consent Agenda.

Approved - All six items under consent agenda as presented this evening.

CO #031700, Approval to harvest alewives.

CO #031701, Approve payments on timeshare units and issue quit-claim deeds.

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See attachment #2 for a complete list of timeshare units that were sold during the course of the last month.

*Council Order #031702, Acceptance of Sandra Carter's resignation from the Ellsworth Housing Authority Commissioners Board, with a term to expire on January 1, 2019. **

**CO #031702,
Approve resignation
S. Carter, Housing.**

*Council Order #031703, Acceptance of Candy Perkins' resignation from the Harbor Commission, with a term to expire on June 30, 2017. **

**CO #031703,
Approve resignation
C. Perkins, Harbor.**

*Council Order #031704, Appointment of Steve Henry as a member of the Harbor Commission with a term to expire on June 30, 2017. **

**CO #031704,
Approve S. Henry
term to Harbor.**

*Council Order #031705, Request of the City Manager to hold a Special Municipal School Budget Validation Referendum Election on June 13, 2017, for the purpose of validating the school budget in conjunction with the Special State Referendum Election. **

**CO #031705,
Approve Special
Municipal Election
on June 13, 2017.**

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

RESOLVED to approve all six items under consent agenda as presented this evening.

NEW BUSINESS

New Business.

Public hearing and action on the issuance of Business License (s):

Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

**Approved - Asset
Management Inc.
d/b/a Riverside Café,
151 Main Street, for
renewal of a City
Class B License
(Victualer, Liquor,
and Amusement) and**

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

Public hearing was opened.

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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 Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

Capital Pizza Huts, Inc. d/b/a Pizza Hut, 211 High Street, for renewal of a State Restaurant (Class I, II, III, IV) Malt 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 Capital Pizza Huts, Inc. d/b/a Pizza Hut, 211 High Street, for renewal of a State Restaurant (Class I, II, III, IV) Malt Liquor License.

Primavera aka Jasper's Motel, 200 High Street, for a new Lodging House License.

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

Chairman Phillips inquired from Michael Hangge, Fire Inspector if this license was for the motel portion only. Hangge confirmed it was for licensing the motel only at

renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.

Approved - Capital Pizza Huts, Inc. d/b/a Pizza Hut, 211 High Street, for renewal of a State Restaurant (Class I, II, III, IV) Malt Liquor License.

Approved - Primavera aka Jasper's Motel, 200 High Street, for a new Lodging House License.

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this time as the restaurant is currently under construction. An opening date for the restaurant has not been set yet.

Virginia Moscato was present, as it was required by the Licensing Ordinance in regards to new business licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Primavera aka Jasper's Motel, 200 High Street, for a new Lodging House License.

Council Order #031706, Presentation by Heart of Ellsworth for approval to use City streets and properties in the downtown area for the Taste of Ellsworth event planned for the summer of 2017.

Cara Romano, Executive Director from Heart of Ellsworth presented the concept plan for an event called Taste of Ellsworth scheduled for June 24, 2017. The event is planned to take place in the corridor between Elizabeth's and the JB Atlantic Building. They would like to have the lower section of Franklin Street closed to traffic as well as Store Street allowing access for the 8-10 vendors. Included within the vendor section is a beer tent. Romano would like Franklin Street and Store Street closed to through traffic from 1:00 PM until 9:00 PM this block of time will include setup, event, and cleanup. The actual event will take place from approximately 4:30 PM until 8:30 PM. The event is planned for June 24, 2017 with a rain date of June 25, 2017. The proposed activities include family friendly games behind the JB Atlantic Building, two different bands will be located where City Hall parking lot begins and Store Street ends, and food vendors will be setup in and along Franklin Street. Wallace tent will be providing all the tables and chairs. Plans are being finalized to team up with Healthy Acadia so that they could receive a portion of the proceeds for their food drive. Heart of Ellsworth is currently working on securing sponsorships throughout the City. The goal is to

Approved - Council Order #031706, the request of Heart of Ellsworth for the use City streets as outlined this evening under all the City's registrations and licensing requirements for the June 24, 2017 or June 25, 2017 event as presented.

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have this event yearly on the last weekend of June to celebrate the community and residents. Gary Saunders, Deputy Fire Chief stated the Public Safety Departments have met with Heart of Ellsworth and designed alternate routes for responding to emergencies while this event is taking place. Discussions were held on creating a safe environment with those streets being shutoff to through traffic. Glenn Moshier, Police Chief stated the Police response time will not be impacted by this event; however, an agreement was reached to have law enforcement present at the event. This requirement was reached especially because of the beer tent in an effort to ensure the beer is consumed in the proper places and for traffic safety in light of streets being closed completely. Councilor Crosthwaite inquired about the restrictions with proximity to a church when alcohol is being served. Michael Hangge, Fire Inspector noted the beer tent entrance would need to be 300 feet away from the Church entrance. It was generally felt there was plenty of distance between the beer tent and the Church. Councilor Fortier inquired if Romano felt more than 250 people would be attending. They have applied for a Mass Gathering Permit; however, due to the space limitations only 150 tickets can be sold. Fortier congratulated Heart of Ellsworth and Romano's leadership in presenting this project early to the Council.

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

RESOLVED to approve Council Order #031706, the request of Heart of Ellsworth for the use City streets as outlined this evening under all the City's registrations and licensing requirements for the June 24, 2017 or June 25, 2017 event as presented.

Council Order #031707, Presentation by Dobbs Productions for approval to utilize Local Public Access Channel 2.

See attachment #3 for the request from Jason Ingalls, IT Systems Administrator as well as the proposal from Acadia Channel & Ellsworth Public Access Channel.

Jeff Dobbs of Dobbs Production stated the approval by the City this evening would still be subject to the approval of Spectrum (formerly Time Warner Cable). Dobbs presented a brief history on his 37 years in this line of work. The basic request this evening was to use the City's Local Public Access Channel 2 (PEG 2). All the necessary documents, policies, and proposed contracts have been provided to Jason

Approved - Council Order #031707, the request of Dobbs Productions, conditional on Dobbs Productions securing a lease agreement with Spectrum/Charter, to utilize local public access channel 2

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Ingalls, IT Systems Administrator this evening.

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

RESOLVED to approve Council Order #031707, the request of Dobbs Productions, conditional on Dobbs Productions securing a lease agreement with Spectrum/Charter, to utilize local public access channel 2 (PEG 2) and subject to renewal on an annual basis.

Council Order #031708, Request of the Police Chief to approve the agreement between the City of Ellsworth and the Hancock County Commissioners for the Regional Communication Center third shift dispatching services.

Glenn Moshier, Police Chief stated in September the Council approved having Hancock County Regional Communications Center take over the third shift dispatching services for a 6 month pilot program. This arrangement was necessary because of staffing issues within the Ellsworth Dispatch Department. The pilot program has been very successful and cost effective. A few adjustments were necessary mostly in the data entry requirements. The Hancock County Commissioners have agreed to continue the program on a yearly basis with extended hours of coverage. The new contract will cover 7 days a week from 11:00 PM to 7 AM which is extremely beneficial from a scheduling prospective. See attachment #4 for the complete request as well as the contract between the City of Ellsworth and the Hancock County Regional Communication Center. Tammy Mote, Finance Director noted the City is saving approximately \$45,000 a year through this arrangement for just one shift. Councilor Fortier explained he had concerns with the level of service the City was receiving; however, after having some discussions last week he can now support this item. The concerns were primarily in regards to the fire side of the dispatch services. It appears there are some adjustments that can be made to improve the data entry, timing, and goals on a fire scene. There was a discussion on paying the County once each fiscal year rather than issuing a check monthly for such a small amount of money. Mote stated she would confirm with the County if they were comfortable being paid twice a year rather than monthly. Moshier was concerned with how the 30 day exit clause would be handled if the City basically prepaid the County through a once or twice per fiscal year schedule. Currently, the City is being billed monthly for this service by the County.

(PEG 2) and subject to renewal on an annual basis.

Approved - Council Order #031708, Request of the Police Chief to approve the agreement between the City of Ellsworth, Maine and the Hancock County Commissioners for the Regional Communication Center third shift dispatching services as presented in attachment #4 and authorize the City Manager to sign the document on behalf of the City Council.

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

RESOLVED to approve Council Order #031708, Request of the Police Chief to approve the agreement between the City of Ellsworth, Maine and the Hancock County Commissioners for the Regional Communication Center third shift dispatching services as presented in attachment #4 and authorize the City Manager to sign the document on behalf of the City Council.

Before a vote was taken Fortier offered a friendly amendment to add the language “authorize the City Manager to sign the document on behalf of the City Council”. The friendly amendment was accepted by Moore and Blanchette.

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

Council Order #031709, Request of the City Manager to approve and execute an agreement between the City of Ellsworth and the Maine Department of Transportation to cost share the necessary drainage improvements in the State Street/Forrest Avenue vicinity.

There was no discussion before a motion was made to table this item.

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

RESOLVED to approve tabling Council Order #031709, Request of the City Manager to approve and execute an agreement between the City of Ellsworth and the Maine Department of Transportation to cost share the necessary drainage improvements in the State Street/Forrest Avenue vicinity.

Council Order #031710, Request of the City Manager to approve engineering services with Hedefine Engineering for the necessary drainage improvements in the State Street/Forrest Avenue vicinity.

There was no discussion before a motion was made to table this item.

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

**Approved - Tabling
Council Order
#031709.**

**Approved - Tabling
Council Order
#031710.**

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RESOLVED to approve tabling Council Order #031710, Request of the City Manager to approve engineering services with Hedefine Engineering for the necessary drainage improvements in the State Street/Forrest Avenue vicinity.

Council Order #031711, Request of the Public Works Director to extend the contract for certain road striping services to Jordan's Striping.

Tammy Mote, Finance Director/Deputy City Manager explained the City has been designated as an Urban Compact which means that the roads located within a defined area are the responsibility of the City, including maintenance and road striping. See attachment #5 for the complete request as well as the unit pricing from Jordan's Striping. The next two agenda items deal with extending the current agreements for the two different types of road striping needs. The first request is to extend the agreement with Jordan's Striping for arrows, lane designations, stop bars, and cross walks at the same unit pricing as last year. The second agenda item covers the striping of the yellow centerlines, dotted lines, white solid lines and fog lines to Lucas Striping. They have inquired whether the City would consider entering into a three year contract with a half a cent per linear foot increase this year. Mote explained the City has been working with the same companies for years and both companies are great to work with and no issues have been encountered. Chairman Phillips noted a few years ago the City approved the low bid contract amount and encountered multiple problems that season. Phillips felt both these companies have performed the work to a satisfactory level. Councilor Moore stated he voiced this same concern last year; however, felt it was worth mentioning again regarding the quality of paint not being as durable as it was years ago. The paint is dull and does not hold up as long as it once did. Phillips noted this seems to be a problem in most communities. Councilor Fortier noted there are more cars on the road now as well as the City did not perform the fall striping last year. Mote confirmed the fall striping was not done because the year before there was no benefit recognized from this added expense. After the fall striping paint was subjected to the salt, sand, and plowing from the winter the lines were still very faded in the spring.

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

Approved - Council Order #031711, Request of the Public Works Director to extend the agreement for arrows, lane designations, stop bars and cross walk striping to Jordan Striping Service, Inc. at the unit prices per the attached proposal (attachment #5).

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RESOLVED to approve Council Order #031711, Request of the Public Works Director to extend the agreement for arrows, lane designations, stop bars and cross walk striping to Jordan Striping Service, Inc. at the unit prices per the attached proposal (attachment #5).

Council Order #031712, Request of the Public Works Director to extend the contract for center and sideline striping to Lucas Striping, LLC.

There was no discussion prior to a motion being made. See attachment #6 for the complete request as well as the unit pricing from Lucas Striping, LLC.

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

RESOLVED to approve Council Order #031712, Request of the Public Works Director to extend the agreement for centerline and sideline striping to Lucas Striping, LLC at the unit prices per the attached proposal (attachment #6).

Before a vote was taken, Councilor Beatham noted a ½ penny increase per foot in some cases is over a 10% increase in the cost of striping. Based on the price increasing over the cost of the previous contract, this is not a true extension of contract. Beatham recognized even with the increase the unit pricing was still good; however, for the sake of the public he wanted to note this is a significant increase.

A vote was taken on the above motion with 5 members voting in favor (Blanchette, Crosthwaite, Fortier, Moore, and Phillips) and 1 member voting in opposition (Beatham).

Adjournment.

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

RESOLVED to approve adjournment at 7:52 PM.

Approved - Council Order #031712, Request of the Public Works Director to extend the agreement for center line and side line striping to Lucas Striping, LLC at the unit prices per the attached proposal (attachment #6).

Approved - Adjournment at 7:52 PM.

A TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE