

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, 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:

07/17/2017 Regular Monthly Meeting.

07/31/2017 Special Council Meeting.

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

RESOLVED to approve the adoption of minutes from the 07/17/2017 Regular Monthly Meeting and 07/31/2017 Special Council Meeting as presented this evening.

City Manager’s Report.

David Cole, City Manager announced on August 29, 2017 at 2 PM Ellsworth will be celebrating the new fiber optic network. The network is anchored on one end at the Union River Center for Innovation. Among the speakers will be

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approve the adoption of minutes from the 07/17/2017 Regular Monthly Meeting and 07/31/2017 Special Council Meeting as presented this evening.

City Manager’s Report.

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Senator Angus King and Representatives from the State and Federal Agencies that have helped with this project. The open access fiber optic network is a 3 mile fiber line owned by the City and available to internet providers. The goal of this project is to make the internet more accessible within the core of the City. The second item of interest according to Cole was the various paving projects taking place throughout the City during the end of August and into September. The most notable will be on the Bayside Road from the Beechland Road to Whitaker Brook. The other noteworthy paving project will be Forrest Avenue extending from the Dunkin Donuts intersection to where it connects with the Shore Road. There will also be a drainage reconstruction, repair and upgrade project taking place within that same area. The last item mentioned was the Lejok Street/Forrest Avenue intersection traffic light is not operational yet; however, Cole has been assured by MaineDOT that it will be operational by the time school starts.

Committee Reports.

➤ *Harbor Commission.* Councilor Phillips attended the Harbor Commission meeting. The Elks Club would like to build or arrange to have built a gazebo at the Harbor Park to be located closer to the large open green space (where the wastewater treatment plant once was). Gas sales were up and the Harbor has been busy.

Citizens' Comments.

There were no citizens' comments this month.

Presentation of Awards.

Christopher Smith, for fifteen years of service with the Ellsworth Police Department.

Christopher Smith was present to accept his service award from Chairman Phillips on behalf of the Ellsworth citizens.

Jarrod Grindle, for five years of service with the Ellsworth Public Works

Committee Reports.

Citizens' Comments.

Presentation of Awards.

**C. Smith – 15 years with
Police Department.**

J. Grindle – 5 years with

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Department.

Jarrold Grindle was absent from the meeting. The certificate will be given to his supervisor for presentation at a later date.

Micki Sumpter, for five years of service with the Ellsworth Economic Development Department.

Micki Sumpter was present to accept her service award from Chairman Phillips on behalf of the Ellsworth citizens.

UNFINISHED BUSINESS

Council Order #071705, Request of the Wastewater Treatment Superintendent to purchase a plow truck for the Wastewater Treatment Facility from Darling's Commercial Sales in the amount of \$35,458 to be funded with remaining SRF program monies. (Tabled from the July 17, 2017 Regular meeting).

Chairman Phillips explained this item was included on the agenda so that it could be removed as the item has been rebid and will return before the Council in a different form at a later date.

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

RESOLVED to approve removing Council Order #071705, Request of the Wastewater Treatment Superintendent to purchase a plow truck for the Wastewater Treatment Facility from Darling's Commercial Sales in the amount of \$35,458 to be funded with remaining SRF program monies.

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.*

Public Works Department.

M. Sumpter – 5 years with Economic Development Department.

Unfinished Business.

Approved -Removing Council Order #071705, Request of the Wastewater Treatment Superintendent to purchase a plow truck from Darling's Commercial Sales in the amount of \$35,458 to be funded with remaining SRF program monies.

Consent Agenda.

Approved - Consent agenda as presented items #10 - #13.

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*Council Order #081700, Request of the Deputy Treasurer/Tax Collector to initiate civil actions in the name of the City of Ellsworth for the purpose of collecting delinquent personal property taxes. **

See attachment #1 for the complete request and list of delinquent personal property taxes.

*Council Order #081701, 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 timeshare units that were sold during the course of the last month.

*Council Order #081702, Request of the Finance Director to write off \$740.22 in solid waste charges, interest and late fees for Maynard Nash (Account # 3913). **

See attachment #3 for the complete request.

*Council Order #081703, Acceptance of Brett Alexander's resignation from the Recreation Commission with a term to expire on June 30, 2019. **

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

RESOLVED to approve the consent agenda as presented items #10 - #13.

NEW BUSINESS

Public hearing and action on the application for the following licenses:

Barb & Kevin Buza d/b/a Silver Saints Sanctuary, 33 Birch Avenue, for renewal of a City Lodging License.

Approved – Council Order #081700, initiate civil actions for collecting delinquent personal property taxes.

Approved – Council Order #081701, accept payments and quit-claim deed timeshare units.

Approved – Council Order #081702, write off solid waste charges.

Approved – Council Order #081703, B. Alexander resignation from Recreation Commission.

New Business.

Approved - Barb & Kevin Buza d/b/a Silver Saints Sanctuary, 33

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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 Blanchette, seconded by Moore, it was unanimously

RESOLVED to approve the request of Barb & Kevin Buza d/b/a Silver Saints Sanctuary, 33 Birch Avenue, for renewal of a City Lodging License.

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 Fortier, seconded by Blanchette, 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.

Council Order #081704, Request of the Fire Chief to purchase five (5) Scott Self Contained Breathing Apparatus (SCBA) units.

**Birch Avenue, for
renewal of a City
Lodging License.**

**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,
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Approved - Council

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Richard Tupper, Fire Chief stated this is an annual request that is consistent with the self-contained breathing apparatus (SCBA) replacement program established during FY2011. The request increased to five units this year opposed to the traditional four units each year, see attachment #4 for a complete explanation. The reason for this increase was last year the face pieces needed to be upgraded to the high temperature model to coincide with the air packs the department owns. A decision was made at that time to purchase one less SCBA unit so that the face pieces could be purchased. Purchasing five new SCBA units this year puts the department back on the established rotation program, this plan keeps all the units in compliance with the industry standard.

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

RESOLVED to approve Council Order #081704, to purchase five (5) Scott Self Contained Breathing Apparatus (SCBA) units for \$4,855.00 each from Fire Tech & Safety totaling \$24,275.00 from the Fire Department capital outlay budget 210-54001.

Council Order #081705, Request to authorize City Manager to approve an agreement with WBRC Architects for engineering services related to developing a plan for a new public safety building.

Chairman Phillips explained the public safety building has been the topic of discussion countless times since his first term on the Council. The presentation tonight is comprised of different aspects from all the internal discussions as well as comments heard from outside sources over time. See attachment #5 for the complete request as well as the Amendment to the Professional Services Agreement, WBRC Exhibit A Fee Schedule, and list of Public Safety Building Committee Members. Richard Tupper, Fire Chief stated the Committee reconvened to discuss this topic approximately two years ago. Property locations throughout the City have been discussed and explored; at this time the recommendation is to construct the public safety building on the high school baseball field. The Committee is requesting to hire WBRC Architects Engineers firm because they have been involved in the project since the Committee was considering a standalone fire station on the Bryant E. Moore School property.

Order #081704, to purchase five (5) Scott Self Contained Breathing Apparatus (SCBA) units for \$4,855.00 each from Fire Tech & Safety totaling \$24,275.00 from the Fire Department capital outlay budget 210-54001.

Approved - Council Order #081705, authorize the City Manager to enter into an agreement with WBRC Architects for professional engineering services related to developing concept plans for a new Public Safety Building and authorize the Finance Director to withdraw \$70,000 from the Fire Department Reserve Account.

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Although the vision changed for the use of that property, WBRC holds the background information on the Fire department side of the project. The proposed project now includes a combined public safety building. Some of the original background information will need to be amended on the Fire Department side and the Police Department needs will be added to the project. Tupper explained early in the process an internal review was conducted on both the Fire and Police Departments to determine what space is needed compared to what they currently have. It was determined both departments have outgrown their space at City Hall. There is a tremendous amount of new technology available to bring the departments into the modern era in relation to security, storage, segregated areas as well as dedicated rooms to clean the gear and apparatus in compliance with best practice models. Currently, the space available does not allow for this, and areas that are available are makeshift in nature or requires equipment to be moved first to allow room. The Police Department currently does not have garage space to keep the cars; forcing the cars to stay running all day throughout the winter so they are in proper condition to be used when needed. Current conditions are not an efficient way to conduct business. The Fire Department is starting to experience limitations with the sleeping quarters as well. As the City grows and the needs for additional personnel are determined this will become an issue. As a new building is created, potential growth elements will be planned for within the design. Glenn Moshier, Police Chief highlighted the areas his department is in need of when considering a new public safety building. Moshier noted the Police Dispatcher Center is also in need of expanded space due to their role in dispatching for the Police Department, Fire Department, and Trenton Fire Department. As the City, Police and Fire Departments all grow and expand their roles the Dispatchers are tasked with more responsibilities such as service the phones, run the radio system, and act as the receptionist for the Chief, Supervisors and Officers. There is no room for expansion in the Dispatch Center which currently only allows for one dispatcher at a time. As they look toward the future expansion capabilities are needed to potentially allow for multiple dispatchers during a shift in order to handle the workload. Currently, this is a difficult area to work in due to the limited ability to leave as there is only one dispatcher working during a shift; taking a break to use the restroom or have a meal break requires having an officer cover the desk for them if one is available. Currently, room does not exist for them to have facilities in close proximity to their work station.

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The Department has three female officers, one female detective and 10 other patrol officers who all work in the same area. They all share a common restroom and there is only one locker room for both males and females. The command staff which includes the sergeants and lieutenants currently share one office space which is difficult if more than one is working at a time. This office space has been converted from a locker room, which was once the breakroom/ kitchen area. As the department has expanded they have been forced to take over all available areas. Supervisors are in need of space to counsel officers, prepare confidential paperwork, and other items of business that require a level of security. This space is not available within the squad room. The Detective's office is crowded with investigation gear that is shared by all the officers. The evidence locker has been cleaned out; however, still remains very small and crowded. Officers are now forced to eat at the same desk they are processing evidence and paperwork. There currently is no secluded area within the department to get away from their desks. Moshier also noted the current crowded conditions is a violation of many codes including fire codes. Another item to consider is the overall safety and security of City Hall, considering many of the people entering the Police Department lobby are in a bad situation. Moshier noted the public has complained about parking limitations due to the cruisers and officer's personal vehicles occupying so many spots. Councilor Fortier noted the Fire Department is currently lacking space to offer segregated housing for a female engineer if one were hired. This request is the first step in finding out how expensive a public safety building will be, the next step would be presenting it to the public and lastly the public will vote on whether or not to bond the money necessary to construct the public safety building. Phillips recognized the need for the public to hear the reasons behind the Council's decision to get to this point in the process. Councilor Beathem noted the request this evening gets the Council back to the point they were at when they took a break from looking at the construction of a new public safety building. There was already a plan on file as well as the money for this request has already been set aside. As part of the sale of the Bryant E. Moore property there was \$70,000 reserved for this step in the process. This request has not been looked at lightly with discussions extending over a two year time period to consider every possible situation as well as answer as many questions as possible. The present facility has been working for approximately 80 years with one remodel in 1999. Beathem felt the time has come to look at the concept and develop a plan for a

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new public safety building. Councilor Blanchette agreed with Beatham; he has been on the Committee for the past 2+ years and agrees the needs are there. Blanchette noted the increased requirements in training was not mentioned tonight. Often the room does not exist in the Fire Department for this to take place. The newer equipment is much larger and therefore takes up more floor space which is not available. The equipment that is now required by the different safety standards and State, Federal and insurance mandates require storage room that does not exist within the current dimensions of City Hall. For the above reasons, Blanchette feels the public safety building is necessary. Phillips opened the discussion up to the audience to comment or ask questions.

Christopher Barnes asked if there was a baseline cost for the public safety building to the Ellsworth taxpayer. Phillips stated at this time the Council does not have an anticipated dollar amount for the building. Barnes inquired what the City's current bond debt standing is and how many property tax payers are in Ellsworth. Tammy Mote, Finance Director stated approximately 9,500 tax bills were just mailed out. The City's bond rating through Standard and Poor's is AA- and through Moody's it is AA3. Currently, the City has approximately \$47 million in outstanding bond debt. This is broken into Water, Wastewater, School and City obligations; the City alone has approximately \$10 million in bond debt. The School Department's approximate \$25 million in bond debt is State supported which means the City is reimbursed for those payments. The Water and Wastewater Departments are enterprise funds, therefore they pay for any outstanding debts with their own revenues. Councilor Crosthwaite explained the reason a baseline cost figure has not been determined is discussions have extended for two years and until recently the number of departments occupying the new building had not been determined. At one time discussions involved having the County safety departments including the RCC located in this building. He also noted both Chiefs have been visiting different public safety buildings throughout the State especially the newly built ones. The costs and sizes of buildings have been very wide in variation. There has been a lot of research conducted; however, the project details are not that far along to have concrete prices available. David Cole, City Manager noted the key objective with the request this evening is to determine exactly how much a public safety building that meets Ellsworth's need will cost.

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Jason Carter was opposed to placing the public safety building on the baseball field. The safety concern mentioned by Moshier concerned Carter as the high school will be very close to the public safety building and the middle school is not located very far from the building as well. Carter also noted the issue of trying to replace the ball field was a concern, as well as the material below the ball field is all ledge and granite. He inquired if any thought had been given to moving just the Fire Department and relocating the Police Department to the existing Fire Department location. This reorganizational plan would cut the cost down on the new public safety building tremendously. Carter felt the new location was terrible and it would be difficult to sell this new location to the public. Phillips stated the Ellsworth Superintendent has been involved in the decision to purchase the property and use that for the public safety building. Within the earlier discussions the Superintendent thought it was a good idea to have the Police Department located next to both schools. Carter noted relocating the baseball field behind the high school is an additional cost on top of just building a public safety building; however, general comments indicated this plan may cost less money than purchasing another piece of property for the new public safety building. Carter inquired what happened to the idea of the City purchasing the old Collier building for relocating offices into that building and establishing something in that building.

Joel Horne was concerned with the percentage taxes and spending have increased since 2003 when he moved to the City. Phillips understood Horne's concern with the tax liability associated with the cost to construct a new public safety building. The Council is aware that they need to be cognitive of the cost and the potential impact it will have on the taxpayer. Unfortunately the City is limited to property taxes for funding department budgets. Horne inquired if the public safety building could be located within the Bryant E. Moore Community Center.

Ken Shea questioned why the baseball field would be destroyed to construct a public safety building. Shea was on the building committee when the baseball field site was originally selected 25 years ago. The reason that site was selected was because it was a reasonably level site and fairly shallow. The area behind the school will be very expensive to build on. The softball field was economic to build in 1992/1993 at the present location because of the material that had to

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be removed and ledge had to be blasted during the construction of the school. This material will not be available now if the baseball field is constructed in the general vicinity of the current softball field. The baseball field will be approximately twice the size of a softball field. Currently, there is parking available for the tennis courts and baseball field there is no parking at the softball field. Shea felt this would be a terrible location to put a baseball field. He felt it will not be economical to build a field in the proposed location, the cost will be shocking. Shea questioned why the previous Knowlton School and Moore School lots were repurposed while discussions were taking place on this topic. He felt those lots would have been more economical to develop for this purpose, rather than reconstructing the baseball field in a new location. The \$47 million in debt was also a concern to Shea as was how high the taxes in Ellsworth are compared to those in surrounding towns. Shea was curious why there had not been more discussions with the County on sharing dispatching services; Phillips noted that there have been ongoing discussions for several years on this topic.

Stephen Shea agrees with the points made by Ken Shea; however, was particularly concerned with what the exact motion will be this evening. He questioned how WBRC was selected for the project. Phillips explained that firm has been involved with the project since the first concept discussions several years ago. They currently have a majority of the background information and have experience in this type of project. Shea questioned if proposals have been requested from other firms as it appears this may be a new project. Initially proposals were requested and WBRC was awarded the contract at that time. Fortier was on the initial Committee and therefore provided a brief background on the project. Proposals were submitted on designing a building where Seaport Village is currently located. Interviews and discussions were conducted with all the firms at that time and the Committee recommended WBRC. They were picked this time as an extension of the same contract. Shea stated it has been a long time and it should be revisited. Shea clarified whether they were being hired to design a facility which suggests a site has been selected. Phillips stated the baseball field is the preferred site by the Committee. Shea felt there are alternative ways to accomplish constructing a new building in an economical manner and should be considered because the tax rate in the City is high. Blanchette noted that when other architect firms were considered in the

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beginning the additional fees from time and travel were very high based on the distance they would be commuting for this project. Shea felt a feasibility study might be needed at this time. He wondered what the City had planned for the space the Fire Department currently occupies. The funds for the request this evening have been budgeted for and carried forward as designated funds for several budget cycles.

Cole stated as part of this process early on the possibility of moving the baseball field must be looked at to ensure there is not a fatal flaw in that plan. To finish this work product it must be site specific; however, before that it will be determined how practical it is to relocate the baseball field. This is only the preferred alternative; however, it is not cast in stone. Fortier stated he agrees there should be a partnership with Hancock County to create a new safe top of the line dispatch center. He would also like to see consideration be given to including emergency medical services in this project. This concept is being researched currently as to whether it is something Ellsworth should offer or not. Fortier agreed the taxes in Ellsworth are high; however, last year out of all of the service center communities in Maine, Ellsworth had the second lowest tax rate. Bar Harbor had the lowest tax rate. The motion tonight will result in a concept plan only not complete architectural plans. It is believed within the contract one of the first hurdles will be determining this site is suitable for the project. Cole noted that if this project will not work at this site, the Committee will need this type of technical assistance in locating a suitable site.

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

RESOLVED to approve Council Order #081705, authorize the City Manager to enter into an agreement with WBRC Architects for professional engineering services related to developing concept plans for a new Public Safety Building and authorize the Finance Director to withdraw \$70,000 from the Fire Department Reserve Account.

Public hearing and action on Council Order #081706, Order authorizing the issuance of up to \$1,180,000 of the City's General Obligation Bonds to finance miscellaneous road and parking lot improvements and other capital projects.

**Approved -Authorizing
the issuance of up to
\$1,180,000 of the City's**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

Tammy Mote, Finance Director explained the City is seeking authorization to borrow \$1,180,000 for various projects. This request is just for authorization; Mote will bring the award of a Bond Anticipation Note or the Bond back to the Council at a later time. The five proposed projects were listed, described, and amount of potential borrowing noted.

State Street Drainage Reconstruction, Repair, and Upgrade.

The City Council has already approved the contract with Ranger Contracting Inc. This project is estimated at \$700,000. The City will borrow approximately \$400,000 with the State contributing \$300,000.

Bayside Road Reconstruction, Repair, and Upgrade.

This project is estimated at \$120,000.

Harbor Fuel Tanks Replacement.

The estimated cost for this project is \$160,000. The City has submitted a SHIP grant application to cover half of the project at \$80,000. This authorization is part of the grant application where the City Council approves the borrowing; however, the funds will not be borrowed until the grant application is approved.

Water Street Parking Lot Reconstruction, Repair, and Upgrade.

This project has been reviewed by an engineer and they estimate the cost to be approximately \$170,000 including contingency and engineering fees. The City's Bond Counsel suggested authorizing \$200,000 in case the project came in higher than the original estimate.

Alexis Way Reconstruction, Repair, and Upgrade.

The total estimated costs of improvement are \$88,500. There would be additional reimbursable costs such as attorney and engineering fees. The residents are responsible for signing an agreement with the City and paying a third of the total project costs before the project begins. The City's Bond Counsel suggested authorizing \$80,000 in case the project came in higher than the original estimate.

David Cole, City Manager noted this bond and bond anticipation note will be open for at least a year or two. The maximum time allowed for the bond to remain open is three years. See attachment #6 for the complete overview of the

**General Obligation
Bonds to finance
miscellaneous road and
parking lot
improvements and other
capital projects. And
also to authorize Council
Order #081706 per the
attached written order.**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

five projects as well as the Order authorizing the issuance of up to \$1,180,000 of the City's General Obligation Bonds to finance miscellaneous road and parking lot improvements and other capital projects.

Public hearing opened.

There were no comments.

Public hearing closed.

Councilor Fortier inquired if Mote would be utilizing the Maine Bond Bank or a private sale. Mote stated she will be looking at local banks for a private sale opposed to a public market. There was a short discussion on the payoff schedule of the City's \$10 million in debt obligations. The City's portion of the \$47 million debt is 21% compared to the School's 54% and the remaining debt belongs to the Water and Wastewater Departments. There is one bond that is 30 years out.

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

RESOLVED to approve authorizing the issuance of up to \$1,180,000 of the City's General Obligation Bonds to finance miscellaneous road and parking lot improvements and other capital projects. And also to authorize Council Order #081706 per the attached written order.

Council Order #081707, Request of the City Manager to approve milling and paving of the west bound travel lane on Main Street from the vicinity of 156 Main Street to the lower lights at the intersection of Main, Water and State Streets.

David Cole, City Manager explained this project involves milling and paving of the west-bound travel lane on Main Street from approximately the intersection at Hancock Street to the lower lights at the intersection of Main and State Streets. A price was obtained from Lane Construction under their current contract with the City based on the current rates and volumes. See attachment #7 for the complete request. The original project started in the vicinity of 156 Main Street

Approved - Council Order #081707, authorize the increase of the City's paving agreement with Lane Construction by up to \$15,000 to an amount not to exceed \$521,384.39, with the \$15,000 to be funded

**RECORD OF REGULAR MEETING
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DATE: AUGUST 21, 2017

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

at a cost of approximately \$12,400; after discussions with Larry Wilson, Public Works Director it was believed to make more financial sense if the project was extended up to the Hancock Street intersection with the projected cost increasing to approximately \$15,000. The reason this side of the street has been identified for improvement at this time is due to the bumpy and irregular condition on the west-bound side, particularly below the Hancock Street Intersection down to lower Main Street. The east-bound lane will need to be done in the near future. It is not currently in the same condition as the section in question and can be addressed through the normal budget process over the next two to three years. Wilson confirmed that the project will be started after Labor Day in conjunction with the milling project on Union Street; this schedule takes advantage of the mobilization costs for the equipment as it is necessary for both projects. The expected completion date is expected to be mid-September. The roads will remain milled for a day or two; however, the schedule could change according to weather conditions. There was a short discussion on the underlying conditions in that area that may have contributed to the poor subbase found in this general area on Main Street. A new apron would not be possible during this project at the entrance of Hancock Street because that would require a different piece of equipment than will be used for Main and Union Streets. Wilson has obtained a quote for completing this work on both Franklin and Hancock Streets and this will be presented to the Councilors shortly.

through uncommitted funds under the Local Roads Program.

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

RESOLVED to approve Council Order #081707, authorize the increase of the City's paving agreement with Lane Construction by up to \$15,000 to an amount not to exceed \$521,384.39, with the \$15,000 to be funded through uncommitted funds under the Local Roads Program.

Council Order#081708, Request of the Finance Director to withdraw up to \$8,000 from the Moore Community Center Reserve Account for repairs to the air handlers on the roof of the Moore Community Center.

Tammy Mote, Finance Director explained during the past year, the air handlers at the Moore Community Center have not been functioning properly and the building is unable to remain cool. This is due to the air handlers "tripping" or

Approved - Council Order#081708, Request of the Finance Director to withdraw up to \$6,675 from the Moore Community Center

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

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FORTIER, HUDSON, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

triggering the alarm. This causes the maintenance supervisor of the YMCA to make many trips to the roof to reset and restart the air handlers. After consulting with an outside HVAC contractor, it was determined that the condenser fan motor on one unit and one exhaust fan on the other unit were broken which caused the failure and malfunction of the circuits. Three bids were obtained with the lowest bid being submitted by Mechanical Services at a cost of \$6,675. See attachment #8 for the complete request including the bid documents. The funds for this project will be withdrawn from a reserve account that was established in July 2016 for future repairs to the Moore Community Center. This account currently has a balance of \$13,450, which is made up of remaining project funds from July 2016.

**Capital Reserve Account
for repairs to the air
handlers on the roof of
the Moore Community
Center.**

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

RESOLVED to approve Council Order#081708, Request of the Finance Director to withdraw up to \$6,675 from the Moore Community Center Capital Reserve Account for repairs to the air handlers on the roof of the Moore Community Center.

Before a vote was taken Councilor Fortier noted the published agenda stated an up to \$8,000 appropriation and therefore wondered if Mote was comfortable with the motion stating \$6,675. Mote confirmed she was comfortable with the lower amount because at the time the agenda had to be published the exact amount was unknown. The \$8,000 was based on the highest proposed amount received at the time.

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

Council Order #081709, Request of the Human Resource Manager to purchase a TimeClock Plus v7 Professional Edition and associated software from TimeClock Plus.

Chairman Phillips stated this concept was discussed at an earlier Finance Committee meeting as it has been a topic of interest for a while now. Tammy Mote, Finance Director stated this would be an electronic style time clock and

**Approved - Council
Order #081709, Request
of the Human Resource
Manager to purchase
the hardware and
software for**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

will help maintain better records as well as track time and job costing. The software will allow specific reports to be created that cannot be created currently as well as save Department Heads and the HR Manager time in processing payroll. This software will also have the ability to maintain vacation and sick time more efficiently. Currently, sick time and vacation time is tracked manually on an Excel spreadsheet. With this new type of system employees can log on to the software and access their sick time, vacation time and paid leave totals. This expense will be funded with monies remaining after the MUNIS software project was completed. See attachment #9 for the complete request as well as the price quote. David Cole, City Manager noted the current process for requesting time off will be automated through this purchase. The leave balances will also be printed on the paycheck stubs. This software will provide an electronic timestamp of when employees are on and off worktime. Mote stated the fee tonight includes the software and a few terminals particularly for Departments belonging to a Union. Departments outside of Unions may be included in the future and would use their computers to log their work hours.

implementation of the TimeClock Plus at a cost of \$18,818.02; to be funded from the Information Technology Capital Improvement account (9090900-59003).

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

RESOLVED to approve Council Order #081709, Request of the Human Resource Manager to purchase the hardware and software for implementation of the TimeClock Plus at a cost of \$18,818.02; to be funded from the Information Technology Capital Improvement account (9090900-59003).

Council Order #081710, Request to terminate the Collective Bargaining Agreement between the City of Ellsworth and the Ellsworth Highway Unit Council #93, AFSCME, AFL-CIO that expired on June 30, 2017.

Tammy Mote, Finance Director stated as discussed at the July Council Meeting, the collective bargaining agreement between the City of Ellsworth and the Ellsworth Highway Unit Council #93, AFSCME, AFL-CIO expired on June 30, 2017. See attachment #10 for the memo explaining the request as well as the compete contract. The Highway Department employees have withdrawn from AFSCME and are currently operating status quo under that contract. The plan is to terminate that contract officially and the next agenda item will address the

Approved - Council Order #081710, Request to terminate the Collective Bargaining Agreement between the City of Ellsworth and the Ellsworth Highway Unit Council #93, AFSCME, AFL-CIO that expired on June 30,

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

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

CITY COUNCIL ABSENT:

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.

guidelines the employees will operate under in the interim of signing a new contract.

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

RESOLVED to approve Council Order #081710, Request to terminate the Collective Bargaining Agreement between the City of Ellsworth and the Ellsworth Highway Unit Council #93, AFSCME, AFL-CIO that expired on June 30, 2017.

Public hearing and action on the request to enact Chapter XI of the City of Ellsworth Code of Ordinances Chapter 34, Personnel Ordinance, titled Special Provisions Applicable to Highway Department Employees.

Tammy Mote, Finance Director explained upon the termination of the Contract the employees need a document that allows them to have their benefits remain at status quo. Currently under the AFSCME contract, the employees have additional negotiated benefits that are not accounted for in the City's Personnel Ordinance. Last month the Council directed staff to incorporate the Union Contract benefits into the City's current Personnel Ordinance. The HR Manager has completed this within the document attached (attachment #11). David Cole, City Manager noted this document was created under the advice of legal counsel. Councilor Fortier believed the intent was to keep the employees at status quo and remove all references to the Union and their rights within the Union. The document for the majority meets that expectation; however, there is one reference within Article 14, page 6 of the new Personnel Ordinance under Retirement Health Savings (attachment #11) that references year three of the contract. This reference needs to be removed or insert the year within the document. The suggestion was made to include language within the motion tonight that allows other incidental references to the Union to be removed on a staff level. This would cover errors and omissions and therefore does not change the meaning or intent of the Ordinance.

Public hearing opened.

There were no comments.

2017.

Approved - enacting Chapter XI of the City of Ellsworth Code of Ordinances Chapter 34, Personnel Ordinance, titled Special Provisions Applicable to Highway Department Employees. In addition, that employees represented by Chapter XI of the Personnel Ordinance receive any COLA increase approved by Council during the duration of this Ordinance, including the 2% that was approved for the current fiscal year effective July 1, 2017. Additionally, staff is authorized to make incidental changes in wording that does not change the intent of the

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

Public hearing closed.

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

RESOLVED to approve enacting Chapter XI of the City of Ellsworth Code of Ordinances Chapter 34, Personnel Ordinance, titled Special Provisions Applicable to Highway Department Employees. In addition, that employees represented by Chapter XI of the Personnel Ordinance receive any COLA increase approved by Council during the duration of this Ordinance, including the 2% that was approved for the current fiscal year effective July 1, 2017. Additionally, staff is authorized to make incidental changes in wording that does not change the intent of the Personnel Ordinance, if more words have been left in referencing the Union.

Before a vote was taken Councilor Beathem questioned if the motion meant it would be retroactive to July 1, 2017 or should it be included as a pay raise in the next pay period. There was a short discussion on this topic. The motion as stated implies the raise is retroactive to July 1, 2017 as well as the intent is to hold employees harmless during this transition period. The clarification was approved by Fortier and seconded by Moore. Beathem noted it should be documented that it will likely take two to three weeks for the retroactive pay to be included in the employee paychecks.

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

Executive Session to discuss labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

There was no discussion prior to a motion being made to enter executive session. The Council requested Tammy Mote and Jen Madore join the executive session.

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

Personnel Ordinance, if more words have been left in referencing the Union.

Approved - Entering executive session to discuss labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 8:24 PM.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: AUGUST 21, 2017

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
MICKI SUMPTER, RICHARD TUPPER, GARY SAUNDERS, JENNIFER
MADORE, CHRIS SMITH, LAWRENCE WILSON, DARYL CLARK, LARRY
GARDNER, GLENN MOSHIER, BARB BAILEY, PAID ON CALL
FIREFIGHTERS, POLICE OFFICERS, AND HEIDI GRINDLE.**

RESOLVED to approve entering executive session to discuss labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 8:24 PM.

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

RESOLVED to approve adjourning from executive session for the purpose of discussing labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 8:36 PM.

Council Order #081711, Discussion and action on the item from the executive session.

There was no discussion before a motion was made. See attachment #12 for the complete Wastewater Treatment Plant Contract as presented.

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

RESOLVED to approve Council Order #081711, the contract between the City of Ellsworth and the Local Union 327, Ellsworth Wastewater Treatment Plant Unit and authorize the City Manager to sign such document (attachment #12).

Adjournment.

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

RESOLVED to approve adjournment at 8:38 PM.

Approved - Adjourning from executive session at 8:36 PM.

Approved - Council Order #081711, the contract between the City of Ellsworth and the Local Union 327, Ellsworth Wastewater Treatment Plant Unit and authorize the City Manager to sign such document (attachment #12).

Approved - Adjournment at 8:38 PM.

A TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE