

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 20, 2017**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
AMANDA TUPPER, MICKI SUMPTER, RICHARD TUPPER, JOHN WEDIN,  
AND HEIDI GRINDLE.**

*Call to Order.*

Chairman Blanchette 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 13, 2017 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:*

*October 16, 2017 Regular Council Meeting.*

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

**RESOLVED to approve adoption of minutes from the October 16, 2017 Regular Council Meeting.**

**A vote was taken on the above motion with 6 members voting in favor (Beathem, Blanchette, Crosthwaite, Fortier, Hudson, and Moore) and 1 member abstaining from the vote (Hamilton).**

*City Manager's Report.*

David Cole, City Manager noted City Hall and the Transfer Station will be closed on Thursday and Friday in honor of the Thanksgiving holiday. Cole listed the Holiday events taking place in Ellsworth over the next few weeks. Heart of Ellsworth and the Ellsworth Chamber of Commerce were recognized for their

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the October 16, 2017 Regular Council Meeting.**

**City Manager's Report.**

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efforts in organizing the second annual Holiday Market Place; this year it is in the former J&B Atlantic building. They will be open Wednesday through Sunday each week through December 24, 2017. The Holiday Parade will be on Saturday, December 2, 2017 starting at 11 AM. The Wreaths Across America Event will be held in Ellsworth at 9 AM on Sunday, December 10, 2017. The City will hold a tree lighting ceremony in the SK Whiting Park on Friday, November 24 at 4:30 PM.

*Committee Reports.*

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

Chairman Blanchette stated this is the annual appointment of Councilors to various City committees by the Chairman of the City Council. Blanchette read into the record the committee membership appointments for council year 2017-2018; see attachment #1 for the complete list.

➤ *Recreation Commission:* Councilor Fortier reported the Recreation Committee met during the first Wednesday of the month. They discussed the end of season projects. Those projects include removing the sound curtains at the basketball courts, prepping the ice skating rink water system (thanks to the Water Department for their assistance), and perfecting the ice rink for skating. Chairman Blanchette inquired if the sound curtains were placed at both courts this season. Fortier noted the neighbor on the upper court asked for the sound curtains to not be placed due to security concerns this season; at the conclusion of the basketball season the neighbor reported this was the best season she has had since the basketball courts were built at this location. The lower court neighbors did request the sound curtains be installed this season.

*Citizens' Comments.*

Hancock County Sheriff Scott Kane was present this evening to personally welcome and invite the City Councilors and members of the public to the Wreaths Across America caravan event that will be coming through Ellsworth for the third year. This event will take place on December 10, 2017, with the caravan arriving around 9:00 AM and a short ceremony taking place at 9:15 AM. Kane thanked the City for hosting this event as well as the City Safety Departments for ensuring the safety of the event while the approximately 40 vehicles move through Ellsworth.

**Committee Reports.**

**Appointments of  
Councilors to various  
City Committees and  
Commissions.**

**Committee Reports.**

**Citizens' Comments.**

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Kane explained a new addition to the ceremony includes honoring a horse which was part of a team that escorted hundreds of military personnel to their final resting place. Councilor Fortier noted watching the caravan from High Street is an impressive site. Details were provided on how members of the public could sponsor a wreath to be placed at the Arlington Cemetery.

Gretchen Wilson, Executive Director of the Ellsworth Chamber of Commerce encouraged everyone to wear their Christmas sweater on December 15, 2017 and take part in the National Ugly Christmas Sweater Day celebration. As many businesses and organizations already incorporate wearing ugly Christmas sweaters into their events during the month of December; the Chamber is trying to have the entire City wear their ugly sweaters on the same day. After checking with the Guinness World Records discovered there is a one site event record which was held in a college gymnasium; however, there is no multi-site multi-venue record. The Chamber has applied for consideration on this record; however, have not head back yet. Wilson stated they are going to try to set a record for the most spirited City in Maine. They are media partnering with Star 97.7 and will be placing press releases across the State of Maine with the goal of placing Ellsworth on the map with at least the entire City wearing as many ugly sweaters as possible on Friday, December 15, 2017.

*Presentation of Awards.*

*Small Business Day Proclamation – November 25, 2017.*

Chairman Blanchette read the Small Business Day Proclamation (attachment #2) into the record. An original signed copy of the Proclamation was presented to Cara Romano with Heart of Ellsworth and Gretchen Wilson, Ellsworth Chamber of Commerce, Executive Director.

David Cole, City Manager explained there has been another request made for a Proclamation tonight from the Health Equity Alliance, formerly the Down East AIDS Network. December 1, 2017 is World AIDS Day, this Organization is planning a couple of events to take place in Ellsworth. The events include a human ribbon at the Ellsworth High School and a vigil on the Union River. Chairman Blanchette read the World AIDS Day Proclamation (attachment #3) into the record. As a representative was unable to be present this evening a signed copy of the Proclamation will be presented at a later date.

**Presentation of  
Awards.**

**Small Business Day  
Proclamation.**

**World Aids Day  
Proclamation.**

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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 #111702, Request of the Deputy Treasurer/Tax Collector to accept payments on tax acquired time share units per the attached spreadsheet and to authorize the City Manager to release said properties through Municipal Quit-Claim Deeds. \**

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

*Council Order #111703, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2018. \**

The Branch Lake boat and aero plane sticker fee was approved at \$0 for the calendar year 2018.

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

***RESOLVED to approve the consent agenda as presented this evening.***

NEW BUSINESS

*Public hearing and action on the following business licenses:*

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

**Unfinished Business.**

**Consent Agenda.**

**Approved - Consent agenda as presented this evening.**

**Approved – CO #111702, payments on tax acquired time share units, issue quit-claim deeds.**

**Approved – CO #111703, Set Branch Lake sticker fee at \$0 for calendar year 2018.**

**New Business.**

**Approved - VFW 109, 419 Main Street,**

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

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

*Provender, LLC d/b/a Provender, 112 Main Street, for a new City Class C License (victualer and liquor) and a new State Restaurant Class I, II, III, IV, malt, spirituous and vinous Liquor License.*

Daron Goldstein, was present, as it was required by the Licensing Ordinance in regards to new businesses.

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

Public hearing was opened.

There were no public comments. Councilor Fortier asked the applicant what type of cuisine they would be serving. Goldstein explained they would be offering contemporary American cuisine, very approachable where anyone can come in and eat with a little upscale casual atmosphere. Fortier welcomed the new business.

Public hearing was closed.

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

**RESOLVED to approve the request of Provender, LLC d/b/a Provender, 112**

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

**Approved - Provender, LLC d/b/a Provender, 112 Main Street, for a new City Class C License (victualer and liquor) and a new State Restaurant Class I, II, III, IV, malt, spirituous and vinous Liquor License.**

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*Main Street, for a new City Class C License (victualer and liquor) and a new State Restaurant Class I, II, III, IV, malt, spirituous and vinous Liquor License.*

*Council Order #111704, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000).*

Amanda Tupper, Deputy Treasurer/Tax Collector requested authorization to waive the automatic foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000). It came to the City's attention approximately 2 years ago that the ownership was in question. The City has waived foreclosure the past two years, to allow time for the ownership question to be resolved. Tupper has confirmed with Mr. Piper that the ownership has now been determined on the property. Piper was present in the audience this evening. Now that he has ownership of the property, he is in the process of selling it. The goal is to sell the property before the December 6, 2017 foreclosure date; however, he would like the City to waive foreclosure just in case the sale does not go through in time. If the City waives foreclosure, all taxes will be paid in full at the time of the closing.

*On a motion by Fortier seconded by Hudson, it was unanimously*

**RESOLVED to approve Council Order #111704, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000).**

*Council Order #111705, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 1311 Happytown Road (Map 108 Lot 013-00N-000).*

Chairman Blanchette noted this obligation has been satisfied prior to the meeting.

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

**RESOLVED to approve removing Council Order #111705, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 1311 Happytown Road (Map 108 Lot 013-00N-000) from the agenda this evening.**

*Council Order #111706, Request of the IT Systems Administrator to purchase*

**Approved - Council Order #111704, Request of the Deputy Treasurer/Tax Collector to waive foreclosure on the property located at 931 Bangor Road (Map 075 Lot 013-000-000).**

**Approved - Removing CO#111705, waiving foreclosure on the property located at 1311 Happytown Road (Map 108 Lot 013-00N-000) from the agenda this evening.**

**Approved - Council**

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*traffic signal software and components.*

Jason Ingalls, IT Systems Administrator explained this year a significant amount of time has been spent looking at the traffic signal system throughout the City. In approximately 2008 or 2009 the City had originally installed a coordinated system for the signals. The system was never fully implemented and therefore has never worked 100% correctly. Ingalls explained this was in part because of different technologies being held together by various adapters and connections to make it all work. This system was never fully completed. In 2013, one of the on street master controllers failed, which basically destroyed this system. Since that time the City has been operating under a hybrid system. Part of the system runs coordinated but requires Ingalls to physically go out to the 8 signals on a regular basis to set the time on the clocks to be sure they are all synchronized. Ingalls has been working with Sebago Technics, the City's traffic engineering firm, they are in the process of completing a signal inventory and mapping project. When that is complete there will be a baseline of the equipment that exists in the field. Sebago Technics will be recommending a maintenance plan. See attachment #5 for the complete request and Centracs Quotation from Econolite. Ingalls stated the City needs a coordinated system that can manage all 12 signals. Currently, the majority of the City's controllers are from Econolite. The ability to have communication to all 12 signal cabinets now exists. The City now has the proper technology to install the type of system that is being proposed in attachment #5. This will eliminate all the old communication problems that existed before because it will be a standardized system. The centralized system will notify the City if there are any faults in the field based on real time by sending email alerts. The public safety departments can have access and see the camera feeds at the signals that have camera detection. This will also allow the engineering firm to access the system from their office in South Portland to make necessary adjustments or view problems with the signals. Ingalls explained this is the first step toward the future of the entire signal project; without this system the City cannot build upon the capabilities. There are advanced features that can be added in the future that will allow the City to have coordination based on traffic flow. Rather than having flat timing plans this system can actually adapt on the fly to heavier traffic patterns. David Cole, City Manager discussed the positive aspects of this signal proposal from an economic development point of view. Councilor Beathem questioned how soon after spending \$101,508.10 on the first step of the project would the additional pieces need to be purchased. He did not want to spend this much money, then wait too long into the future before completing the next few steps; therefore, losing the benefit of this first step. He

**Order #111706, the request of the IT Systems Administrator to proceed with the proposal from Econolite to upgrade the City's signal systems and install the Centracs Advanced Traffic Management System. The purchase price of \$101,508.10 to come from TIF funds (Beckwith Hill TIF District).**

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questioned how much more money and equipment was needed before the proposed system would be useable. This information will help him make his decision on this request. Ingalls stated one good thing about the coordinated timing for the 8 signals (from a past expenditure) is they are still around and can be copied over to the new system making those work again. Sebago Technics have been reviewing the data to update the plans and bring them current to the actual traffic flow patterns. Ingalls has stopped this process until Jackson Lab opens so that those traffic counts are reviewed and not the counts we currently have. Jackson Lab will have a big impact on those numbers. Ingalls anticipates putting aside \$10,000 - \$20,000 next fiscal year to fund Sebago Technic's development of a coordinated plan and to implement it on this system. Ingalls feels as soon as next year the City can be making good use of this system. Beathem clarified approximately \$20,000 more is needed to put this system online and make it as efficient as possible. Ingalls noted there are many plans that can be developed and this may not cover all situations; however, will provide a base level set of timing plans for a year round operation. Beathem would like the most efficient system as possible; however, just would like to know the complete financial obligation to do so upfront. He does not want to see the system put in place and then just sitting there for a period of time and not be used. As part of the \$101,508.10 the City will receive a system upgrade to all of the signals which converts them to the same equipment as well as is a hardware refresh. Beathem inquired if the adequate uncommitted TIF funds existed to fund this purchase. Tammy Mote, Finance Director confirmed the funds are available. Councilor Crosthwaite inquired if this proposal covers all 12 intersections and the 25 licenses. Some of the licenses could be sold. Ingalls recommended keeping 2 licenses for future growth. There was a short discussion concerning the process of selling licenses. Chairman Blanchette inquired if signals could be added to this system without issue. Ingalls stated the City could add signals and they would be integrated into the system as long as the correct equipment is ordered and installed during the construction phase and communication can be placed in the cabinet. Fortier questioned whether there was a need to include equipment requirements into the City policy/ordinance governing entrance permits. Councilor Hamilton inquired what the installation timeframe would be and questioned when the warranty would start. Whether it would be at the time of purchase or at the time the installation is completed. Ingalls could not answer the warranty question; however, he would assume and push for the date of installation. The arrival time on the controllers is 3-4 months, the hardware will be received around March; however, the software could be installed within a month or two. The goal is to have the project completed prior to tourist season. There will be an annual maintenance plan associated with

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the software; the cost is approximately \$5,000 after the second year. The first two years of the maintenance plan are included in the purchase. Blanchette sees this project as part of the economic plan for the City, which is part of the reason for funding the project out of TIF funds. Councilor Hudson clarified the relationship between the data being collected from the Jackson Lab project and the implementation of the software and hardware associated with this project. Ingalls explained the system can be installed prior to the data collection. The timing plans will not be implemented until after. When this project goes live, the existing timing plans will be used. This hardware upgrade and consistency among equipment is necessary before the timing plans can be implemented and make the best use of the system.

*On a motion by Fortier, seconded by Hudson, it was unanimously*

**RESOLVED to approve Council Order #111706, the request of the IT Systems Administrator to proceed with the proposal from Econolite to upgrade the City's signal systems and install the Centrac's Advanced Traffic Management System. The purchase price of \$101,508.10 to come from TIF funds (Beckwith Hill TIF District).**

*Council Order #111707, Request of the City Manager to extend the Franklin Street Parking Lot Lease Agreement.*

David Cole, City Manager explained in 1992 the City of Ellsworth received funding through the State of Maine to encourage infrastructure. The monies were used to build the Franklin Street parking lot. The City entered into a 25 year lease with the Methodist Church. The City has a ground lease with the Church in the amount of \$1 per year for each of the 25 years. In turn the City has been given public parking rights especially during the peak tourist seasons and the Church has used the parking lot for their Sunday services, funerals, weddings, and special events. The City has maintained the parking lot as a public parking facility, performed the plowing and basic maintenance. The lease is due to expire on December 23, 2017. Discussions have been taking place between the City and the Church and it appears that it might not make sense to enter into another 25 year lease at this time. The City is recommending placing a 1 inch overlay on the parking lot as there has not been any maintenance completed over the 25 year period. There is some curbing and drainage that needs to be completed at this location. The improvements are estimated to cost \$40,000; however the final figures have not been submitted at this

**Approved - Council Order #111707, authorize the City Manager to negotiate and execute a lease agreement for the Franklin Street Parking Lot with the United Methodist Church of Ellsworth for a period of approximately one year consistent with existing terms and conditions under the current lease agreement dated December 23, 1992.**

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time. Cole is recommending a one year agreement with the Church at a de minimus lease payment. This would allow time for the City to complete their budget, determine what if any improvements the City is willing to make at that location and then negotiate a term which would allow the City to recover their investment in the property. See attachment #6 for the complete request, draft lease agreement, and the current lease agreement dated December 23, 1992. The proposed lease has been reviewed by Doug Jones, Chairperson of the Board of Trustees for the Methodist Church and the City's legal counsel.

*On a motion by Hudson, seconded by Moore, it was unanimously*

**RESOLVED to approve Council Order #111707, authorize the City Manager to negotiate and execute a lease agreement for the Franklin Street Parking Lot with the United Methodist Church of Ellsworth for a period of approximately one year consistent with existing terms and conditions under the current lease agreement dated December 23, 1992.**

*Council Order #111708, Request of the Deputy City Manager to reject the bid for the Alexis Way construction project.*

Tammy Mote, Deputy City Manager/Finance Director explained in June of 2017 the City Council had approved upgrading Alexis Way and applying a special tax assessment to the residents of that road for those improvements. Andrew McCullough, the Engineer on the project had estimated the cost to be approximately \$100,000 which would include the engineering costs, legal costs, as well as the construction costs. McCullough prepared the bid documents and distributed them to multiple local contractors. Only one bid was returned and that was significantly higher than what was budgeted. The residents would be required to absorb the additional costs. See attachment #7 for the complete request including the proposal from R.F. Jordan and Sons Construction, Inc. Under these circumstances, Mote is requesting the bid be rejected and requesting authorization to go back out to bid in the Spring. This will allow the residents additional time to secure the financial funding for the project as well as provide a better bidding environment. Chairman Blanchette clarified that this process has been explained to the residents. Mote confirmed the person representing the residents living on Alexis Way has been informed of this situation and the intent to bid the project again in the Spring. They are in agreement with the proposed strategy and agreed it makes sense to wait until the Spring to secure the best pricing.

**Approved - Council Order #111708, rejecting the bid for the Alexis Way construction project contained in attachment #7.**

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*On a motion by Hudson, seconded by Beathem, it was unanimously*

**RESOLVED to approve Council Order #111708, rejecting the bid for the Alexis Way construction project contained in attachment #7.**

*Council Order #111709, Request of the Fire Chief to dispose of the forestry truck.*

Richard Tupper, Fire Chief explained the fire truck which Tupper requested permission to accept as a donation approximately two years ago from an individual has turned into a difficult situation. Over those two years the City has been fortunate not to experience a forest fire that would require the use of that truck. The individual that donated it feels the department should have used it for many other purposes in addition to fighting forest fires. Tupper does not feel that truck is designed for that purpose and therefore has not used that truck in the past two years. Tupper has received 10 complaint letters from this individual over the past two years and therefore Tupper is requesting permission to return the truck to this individual. Tupper would also like to return the shelter he donated to the department for storing the truck in. The donor's initial letter requested the truck and shelter be given back to him if the department ever decided they did not need or want it any longer. The donor has specified in his letter that he will send a towing company to pick up the truck. In one of the letters the donor would like to take this truck back and donate a different truck to the department which could be used for a different purpose. Tupper is not interested in that arrangement. The truck in question this evening was returned to the donor from another community before being donated to the City of Ellsworth.

*On a motion by Moore, seconded by Hudson, it was unanimously*

**RESOLVED to approve Council Order #111709, Request of the Fire Chief to dispose of the Forestry truck by giving it back to Mr. Brian Hogan along with the associated shelter.**

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

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

**Approved - Council Order #111709, Request of the Fire Chief to dispose of the Forestry truck by giving it back to Mr. Brian Hogan along with the associated shelter.**

**Approved - Entering executive session at 8:00 PM for the purpose of discussing labor contracts in**

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AMANDA TUPPER, MICKI SUMPTER, RICHARD TUPPER, JOHN WEDIN,  
AND HEIDI GRINDLE.**

**RESOLVED to approve entering executive session at 8:00 PM for the purpose of discussing labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.**

accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

Tammy Mote, Deputy City Manager attended the executive session.

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

**RESOLVED to approve adjournment from the executive session at 8:45 PM.**

Approved - Adjournment from the executive session at 8:45 PM.

*Council Order #111710, Discussion and action on the item from the executive session.*

Approved - Removing Council Order #111710, Discussion and action on the item from the executive session from the agenda this evening.

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

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

**RESOLVED to approve removing Council Order #111710, Discussion and action on the item from the executive session from the agenda this evening.**

*Adjournment.*

Approved - Adjournment at 8:46 PM.

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

**RESOLVED to approve adjournment at 8:46 PM.**

**A TRUE COPY**

**ATTEST: \_\_\_\_\_  
HEIDI-NOËL GRINDLE**