

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: FEBRUARY 12, 2018

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, KELLY
HERRICK, JENNIFER MADORE, SANDRA ABBOTT, EDMUND MURRAY,
RON FORTIER, ANNE LUSBY, ADAM WILSON, MARK REMICK, BERNIE
HUSSEY, MICHAEL HANGGE, ABBY MORROW, RICHARD TUPPER, GARY
SAUNDERS, GLENN MOSHIER, REGGIE WINSLOW, SPENCER PATTERSON
KING 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:

➤ *12/18/2017 Regular Council Meeting.*

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

RESOLVED to approve adoption of minutes from the 12/18/2017 Regular Council Meeting as presented.

➤ *01/08/2018 Regular Council Meeting.*

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

RESOLVED to approve adoption of minutes from the 01/08/2018 Regular Council Meeting as presented.

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approved - Adoption of minutes from the 12/18/2017 Regular Council Meeting as presented.

Approved - Adoption of minutes from the 01/08/2018 Regular Council Meeting as presented.

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KING AND HEIDI GRINDLE.**

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

City Manager's Report.

David Cole, City Manager recognized the Public Safety Departments for an outstanding job keeping the roads safe as the roads have been very slippery. Cole cautioned the public to slow down and drive carefully. This time of the year the weather can change very quickly.

Committee Reports.

➤ *Harbor Commission.* Councilor Moore reported revenues of \$882.00 in donations. The Commission has been developing the budget for Fiscal Year 2019. Moore reported there was extensive damage at the Harbor due to the ice freezing over. It appears two of the pilings were lost and two are tilted and a dolphin has been damaged. If the damage is not fixed, there is a danger of the Harbor not opening this season. This damage impacts the ability of boaters to secure their boats at the Harbor. The gas tank project is moving forward and diesel fuel at the Harbor will be a welcomed addition.

➤ *Recreation Commission.* Councilor Fortier stated the Commission met Thursday evening rather than Wednesday due to a snow storm. They heard from almost all of the organizations that were requesting funds through the budget process this year. The Little League was not represented, the Commission will invite them to attend the City Council presentation when the Recreation Commission budget is heard. This year the Little League organization is a new request to the Commission. Following the presentations by the Organizations the Commission met to discuss the funding levels as well as the justifications for each level. Later this week the Chairman for the Recreation Commission will be submitting this information to the City Finance Department for inclusion in the budget book. Fortier reported the weather was questionable on Saturday, February 10, 2018 for the Winter Carnival. Due to the predicted weather forecast for the evening, the fireworks were cancelled early in the morning to ensure the show

**City Manager's
Report.**

Committee Reports.

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could be postponed to a later date without a financial impact. The Commission will discuss a new date for the fireworks at the March meeting. The Winter Carnival was very successful with approximately 30 cardboard sleds at Woodlawn before the rain arrived. Fortier thanked the Public Works Department for plowing the field on Friday so a parking lot could be created and for an emergency call on Saturday to apply sand to the road when it turned to glare ice from the rain. Saturday afternoon the action moved to the ice skating rink with many families skating and some even played human bowling in the rain. The overall turnout was very good considering the weather. There have been some issues with the ice skating rink this year concerning quality due to the varying weather conditions.

Citizens' Comments.

Nicholas Navarre spoke about the Ellsworth Green Plan and in particular the Walk/Bike Ability Subcommittee he chairs. See attachment #1 for the complete presentation. He spoke about the survey that was conducted to identify where residents live within the City, what areas are being used, and what problems they see with the current infrastructure. There were 225 respondents which was 7 more than the citywide visioning survey received. A list of missing crosswalks has been developed by this Subcommittee; this list has been provided to the City Planner. The list will be reviewed by the City Planner with the goal of resolving whether those can be replaced or not. A missing crosswalk is when the infrastructure is in place, there are curb cuts and the sidewalk exists; however, the crosswalk is not painted. The Subcommittee feels it is very important that as many crosswalks as possible are painted, this helps make the pedestrians at the crosswalks visible as well as sends the message to visitors that our Community is welcoming to pedestrians. Recently, a \$1,500 grant was received from American Walks to conduct work on the pedestrian path behind the Ellsworth Public Library. This work will be completed over the summer with the help of the Ellsworth Garden Club. The Garden Club will be matching the funds. The work moving forward will be directly off from the survey results; the focus will be on where the Community has said there are problems and in turn coming up with solutions to fix those. The Subcommittee will be documenting what the solutions might be as well as where people are already walking and seeing what is working in those areas and then implementing those successes in the problem areas. Chairman Blanchette

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inquired how many missing crosswalks have been identified. Navarre stated there are 17 missing crosswalks with the majority being in the Downtown Area with a few missing from the Bridge Hill area. This information is not available on the City website; however, is available on a Facebook page as well as some of the participating Organization's websites. Navarre has his contact information on the bottom of attachment #1 as well.

Spencer Patterson King a resident of Ellsworth was present to ask the City of Ellsworth to adopt Indigenous People's Day, see attachment #2 for the complete proposed resolution. This resolution would be in lieu of Columbus Day, held on the second Monday of October. Patterson King felt adopting this would be in keeping with the City's record of recognizing Native American's contributions to Ellsworth. For example, the City just named the new road to the High School Lejok Street. The proposed resolution is based on the other resolutions that have been passed within the State of Maine recently. The resolutions were created in consultation with Wabanaki leaders such as Maulian Dana, Tribal Ambassador Penobscot Nation and Tribal Chief Clarissa Sabattis from the Houlton Band of Maliseet Indians. Patterson King read into the record (attachment #2A) a statement from Maulian Dana, Tribal Ambassador Penobscot Nation. Councilor Hamilton inquired since this type of request for a resolution with a permanent recognition has never come before the City Council in the past; whether Patterson King had any thoughts on the criteria the City Council should establish in terms of dealing with similar requests as a general practice. This would ensure each one is vetted on a consistent basis. Patterson King did not have any insight on that topic; he had just planned to make his comments on this topic and then got carried away and drafted a proposed resolution. His goal was to present the City Council with something to look at as a reference. He recognized whether the City Council used any of the proposed language or not, was completely at their discretion; he was leaving the process details up to the City Council.

Presentation of Awards.

- Presentation of Firefighter of the year award by Fire Chief.

This presentation was tabled as the recipient was sick and could not attend the

**Presentation of
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Tabled - Firefighter
of the year award.**

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meeting.

➤ Edmund Murray, for twenty-five years of service with the Ellsworth Public Library.

Edmund Murray was present to accept his service award from Chairman Blanchette on behalf of the Ellsworth citizens.

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 #021800, 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 #3 for the list of timeshare units that were sold during the course of the last month, along with the sale price and purchaser information.

*Council Order #021801, Request of the Deputy Treasurer/Tax Collector to release properties redeemed during the 30 day redemption period ending January 11, 2018 through Quit-Claim Deeds (the complete list is available in the City Clerk's Office) and authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.**

See attachment #4 for the property information on parcels redeemed during the 30

Edmund Murray – 25 years of service with the Ellsworth Public Library.

Unfinished Business.

Consent Agenda.

Approved - Consent agenda as presented.

CO #021800 – Quit-Claim timeshare units to new owners.

CO #021801 - Release properties redeemed during the 30-day redemption period.

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day redemption period ending January 11, 2018.

*Council Order #021802, Request of the Deputy Treasurer/Tax Collector for approval of a Real Estate Purchase Installment Contract (REPIC) between the City of Ellsworth and Tammy Carter. **

CO #021802 - REPIC between the City and Tammy Carter.

*Council Order #021803, Request of the Deputy Treasurer/Tax Collector for approval of a Real Estate Purchase Installment Contract (REPIC) between the City of Ellsworth and Robert Snow. **

CO #021803 - REPIC between the City and Robert Snow.

*Council Order #021804, Request of the Recreation Commission to appoint Tammy Mote as a member to the Recreation Commission term to expire June 30, 2019. **

CO #021804 - Appoint T. Mote to Recreation Commission term to expire 6/30/2019.

*Council Order #021805, Request of the City Manager to appoint a representative and alternate to the Maine Service Center Coalition. **

CO #021805 - Appointment representative and alternate to Maine Service Center Coalition.

See attachment #5 for the Resolution for Membership and Appointment of Voting Delegate Representative (David Cole) and Alternate to the Maine Service Center Coalition (Gary Fortier).

*Council Order #021806, Request of the Housing Authority to appoint Jarad Wilbur to the City of Ellsworth Housing Authority Board, term to expire 01/01/2023. **

CO #021806 - Appoint J. Wilbur to Housing Authority Board term to expire 1/1/2023.

*Council Order #021807, Request of the Board of Appeals to appoint Michelle Begin (currently an Associate Board Member) as a Full Board Member, term to expire 06/30/2022. **

CO #021807 - Appoint M. Begin to full Appeals Board member term to expire 6/30/2022.

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*Council Order #021808, Request of the Board of Appeals to appoint Jarad Wilbur as an Associate Board Member, term to expire 06/30/2019. **

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

RESOLVED to approve the consent agenda as presented.

NEW BUSINESS

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

Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV)

**CO #021808 -
Appoint J. Wilbur to
Associate Appeals
Board member term
to expire 6/30/2019.**

New Business.

**Approved - Ell
Gov's, LLC d/b/a
Governor's
Restaurant, 253 High
Street, for renewal of
a City Class C
License
(Victualer/Liquor)
and renewal of a
State Restaurant
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Malt and Vinous
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**Approved - Sanjeeva
Abeyasekera d/b/a
Serendib, 2 State**

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Malt and Vinous Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Council Order #021809, Request of the Deputy Treasurer/Tax Collector to offer for sale by sealed bid various properties that have been acquired for non-payment of real estate taxes. (Complete list available at the City Clerk's Department).

Jennifer Madore, Interim Finance Director stated the foreclosure date for unpaid FY 2016 taxes was December 6, 2017. Those parcels that foreclosed were mailed a 30-day redemption letter, which states all taxes, interest and lien costs must be paid within 30 days in order to redeem their property. In accordance with Chapter 10: Ordinance for the Maintenance, Administration, and Disposition of Tax Acquired Property a resolve to offer for sale by sealed bid on the remaining unpaid parcels is being requested at this time. The remaining unpaid parcels include 35 timeshare units. See attachment #6 for the complete request along with the bid notice, Request for Bids document and list of properties to be sold. Councilor Fortier noted this is the first time he noticed a large amount of the units are close to or are in prime time. Some of the units appear to be higher in value than what is normally seen at foreclosure time.

Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Approved - Council Order #021809, Request of the Deputy Treasurer/Tax Collector to offer for sale by sealed bid 35 timeshare units acquired for the non-payment of real estate taxes. (Complete list attached to minutes as attachment #6).

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

RESOLVED to approve Council Order #021809, Request of the Deputy Treasurer/Tax Collector to offer for sale by sealed bid 35 timeshare units acquired for the non-payment of real estate taxes. (Complete list attached to minutes as attachment #6).

Council Order #021810, Request of the City Manager to accept conveyance of a parcel of land from the Ellsworth American to the City of Ellsworth for the purpose of facilitating parking lot improvements within the Water Street area.

David Cole, City Manager explained the City has budgeted up to \$200,000 for the reconstruction of the parking area behind Water and Main Streets. As part of this process Cole is proposing the City accept the donation of land from the Ellsworth American to help facilitate this project. In 1995, the City Council supported the conveyance of this particular parcel of land to the Ellsworth American in order to help facilitate an economic development project located in the downtown area. The production facility is still located in this area. The land that was conveyed was .13 acres of the City's parking lot in order to achieve the appropriate lot coverage ratio under the City's Uniform Zoning Ordinance. The City is planning to rebuild this lot and the particular lot that was conveyed to the Ellsworth American included some very restrictive deed covenants; for all purposes it was controlled by the City through restrictions. The restrictions included the land could not be built on, had to remain as public parking, and was to be regulated for parking by the City. Today the lot coverage ratio no longer exist per amendments to the Uniformed Zoning Ordinance in 2012. Alan Baker on behalf of the Ellsworth American has offered to donate the property back to the City. See attachment #7 for the complete request as well as a letter from Baker. Terry Carlisle from the Ellsworth American was present at the Council meeting this evening. Councilor Fortier noted the parcel is only .13 acres not 1.3 acres as previously stated this evening by mistake. This is not a large piece of land; however, is a very central piece of land to the complete picture in that location.

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

Approved - Council Order #021810, Request of the City Manager to accept the donation of a parcel of land from the Ellsworth American to the City of Ellsworth for the purpose of facilitating parking lot improvements behind Water and Main Streets.

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RESOLVED to approve Council Order #021810, Request of the City Manager to accept the donation of a parcel of land from the Ellsworth American to the City of Ellsworth for the purpose of facilitating parking lot improvements behind Water and Main Streets.

Following a vote by the Council, Terry Carlisle from the Ellsworth American thanked the Council. She also wanted to remind the public that in 1995 the Ellsworth American was considering moving the printing operations as well as the entire operation to the Thorsen Road due to space limitations off from Water Street. At that time the City Council and City Manager came up with a very unique solution to that problem which allowed them to build where they currently are and keep their 50 employees Downtown. The Council extended their appreciation to Alan Baker in turn.

Council Order #021811, Request of the City Manager to accept a proposal from Prock Marine for emergency structural repairs to the marine facilities and supporting structures at Harbor Park.

David Cole, City Manager noted as Councilor Moore stated earlier this evening, there was significant damage at the Harbor recently. There are pilings and dolphins that need to be reset due to a confluence of weather conditions in early January, including near record high tides, storm surge, and extreme cold and ice. The damage is extensive based on the estimate received from Prock Marine; their quote is in the amount of \$75,395. See attachment #8 for the complete request as well as a letter from Andrew McCullough and the quote from Prock Marine. Cole noted it will cost approximately \$23,000 just for mobilization which is standard for this type of business. If this work is approved this evening it will not be completed until approximately June 1, 2018 based on the availability of Prock Marine. McCullough investigated the situation and based on the specialized nature of the work and Prock's familiarity with the Harbor his recommendation is to hire Prock Marine. If there is additional work that is necessary at the Harbor the option is available to add it to the scope later. It is very important the City commit to Prock Marine very soon to ensure they can complete the work as close to June 1 as possible; as Councilor Moore noted earlier this evening if the work cannot be completed the boating season will be negatively impacted. Harbormaster Adam

Approved - Council Order #021811, Request of the City Manager to accept a proposal from Prock Marine for emergency structural repairs at Harbor Park Marina, to be funded through the reallocation of Bond Anticipation Note proceeds.

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Wilson and Harbor Commission Chair Mark Remick were both present at the meeting this evening to answer questions or address concerns. Cole suggested the financing for this project come from unallocated Bond Anticipation Note proceeds from the January sale or future funding either way this project needs to move forward quickly. Councilor Fortier noted this project must be completed or the Harbor would need to be closed for the season. This damage interferes with the ability to secure boats in the Harbor or even use the Waterfront. Fortier felt the proposed funding plan is acceptable.

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

RESOLVED to approve Council Order #021811, Request of the City Manager to accept a proposal from Prock Marine for emergency structural repairs at Harbor Park Marina, to be funded through the reallocation of Bond Anticipation Note proceeds.

Councilor Beathem did not want to place a dollar amount in the motion.

Public hearing and action on amendments to the Ellsworth Water Department Terms and Conditions.

Reggie Winslow, Water Superintendent explained currently the Maine PUC does not have anything on record stating the City has voted to invest or NOT to invest. This has been the situation since the Water Department has been City owned in 1985. If the City decides against approving the language NOT to invest, it could be responsible for paying for at least half of developer's costs to extend water to their properties. The expenses paid for by the City Water Department under this provision would be assessed to the City Water Department rate payers. This would cause the rates to increase because these additional expenses to the Water Department would need to be captured. See attachment #9 for the complete explanation, State Statute Title 35-A Public Utilities Part 6: Water, and Chapter 65 Public Utilities Commission Water Main Extension and Service Line Rule. If the City Council votes tonight NOT to invest, the City/Water Department would continue to do business as they have since 1985; based on past practice only and not through a formal vote of the City Council. Councilor Fortier stated this type of

Approved - The changes in the Ellsworth Water Department Terms and Conditions to NOT invest in private water lines and projects.

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CITY COUNCIL ABSENT: HUDSON

KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, KELLY HERRICK, JENNIFER MADORE, SANDRA ABBOTT, EDMUND MURRAY, RON FORTIER, ANNE LUSBY, ADAM WILSON, MARK REMICK, BERNIE HUSSEY, MICHAEL HANGGE, ABBY MORROW, RICHARD TUPPER, GARY SAUNDERS, GLENN MOSHIER, REGGIE WINSLOW, SPENCER PATTERSON KING AND HEIDI GRINDLE.

arrangement is also referred to as opting out. There is a formula outlined in Chapter 65: Water Main Extension and Service Line Rule that calculates the City share of a project. Winslow believed the City could still partner with a developer on a project the City sees value in contributing to the expense of. That decision to partner and contribute funds would need a formal vote as that cost would be dispersed to the Water Department rate payers and definitely a PUC review.

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 changes in the Ellsworth Water Department Terms and Conditions to NOT invest in private water lines and projects.

Council Order #021812, Request of the Water Superintendent for acceptance of a private water main as a city owned and operated water main and associated easements as part of the Beckwith Pines Housing project.

Reggie Winslow, Water Superintendent explained currently the water line that services Beckwith Woods located on Beckwith Court is an 8" private line. The City has no records of what materials were used or how it was installed. It has been determined that the first 200' of the portion along the driveway is located under some very large pine trees. If the Council approves accepting this private water main, there will be an understanding with Mike Wight the Developer that any trees removed during the repair of a leak associated with this water main will not be replaced by the City. This understanding will be included in the easement language. See attachment #10 for the complete request. In front of the Beckwith Woods Association buildings the water line is approximately 8 feet from the buildings. There are trees and decorative light poles on top of the water main in that section; therefore, Winslow is not recommending to accept that portion. The first 200' would service Beckwith Woods Association and when Mike Wight's

Approved - Council Order #021812, issue the intent of the City of Ellsworth to approve the acceptance of a portion of waterline on Beckwith Court from High Street to where the waterline will split to serve Beckwith Woods and Beckwith Pines as soon as we do our due diligence on the installation and materials and we

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: FEBRUARY 12, 2018

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, KELLY
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project is completed his line would split off at that point for the Beckwith Pines portion. Those two sections will remain private. David Cole, City Manager noted the PUC requires if there are two customers coming off from one private line it then becomes a public main; this requirement is the driving force behind the request this evening. This topic came to light as part of the request before the Planning Board for the Beckwith Pines Housing Project. Cole noted if the Council authorizes the Water Superintendent to accept the property there is still a number of conditions that have to be met. For example, a determination on the present condition of the line and the granting of an easement from the necessary parties on conditions acceptable to the City are still needed. Winslow had a copy of the plans in case the City Councilors wanted to see them. Chairman Blanchette inquired exactly how much of the line was the Water Department considering taking over, whether the condition of the line was known at this time and if the material used was known yet. Winslow stated it would be approximately 220 feet of water line and at this time the condition of the line is unknown as well as the material used. This is part of the stipulation that will be included in the agreement of taking over the line. If it does not meet the Water Department's specifications then the City will not assume responsibility of that 220 feet of water line. The water line was installed in the 90's. Councilor Hamilton clarified if the current condition of the water line does not meet the specifications then would the developer be required to bring the waterline up to specifications. Winslow stated if it does not meet the specifications then the developer would need to enter into a line agreement with Beckwith Woods Association or Beckwith Pines could drill a well per the requirements of the Ordinance. The location of the Beckwith Pines property allows them the opportunity to drill a well if they so choose as a public main does not actually cross directly in front of this property. The very last option would be petitioning the PUC to provide a waiver requiring a line agreement. Blanchette inquired if there would be a liability to the City within this arrangement. Winslow stated only the trees that extend up the first 200 feet. Councilor Fortier stated the trees will only be removed if there is a leak. Fortier questioned why a few months back when the Wastewater Superintendent was discussing this project he did not want to take over the sewer line from the street to the first manhole; he further wondered why the City did not approve a utility easement for the entire width of the roadway. Winslow noted the waterline is located down Beckwith Court and the wastewater line is on the backside of the property. They are located in two

**have proper
language that
satisfies our needs
for an easement.**

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different locations and directions. The only section the Water Department would be financially responsible for would be the first 200 feet, if the piping was found to be inadequate and broke. The acceptance by the City/Water Department is subject to inspecting the waterline. If a well is drilled the Water Department would miss the opportunity to have 8 more customers on the water system, have the possibility of them being required to install residential sprinklers for their safety, and drilling a well to accomplish that is a huge financial expense. Fortier was in favor of accepting the waterline. Councilor Beathem inquired by what means Winslow would determine the condition and quality of the pipe in the ground. Winslow explained the developer would be required to dig a couple of test pits down onto the main so that it can be physically seen and inspected. Hamilton clarified in order for this approval to move forward the inspections and testing would need to be completed first. Winslow stated before the final agreement is accepted the testing and physical inspection will be conducted. Hamilton wondered if it were necessary to approve this request tonight in order to move that work forward. Winslow did not believe the approval this evening was necessary as it had been approved by the Planning Board already. Cole explained yes this request could be tabled; however, the developer has not yet purchased the land and the more clarity that is available the better when deciding whether to invest in the site. This request could be tabled for a month; however, Winslow cannot conduct the inspection until spring. This request is being driven by the State's requirements through the PUC that one private line cannot be connected to another private line. The City's interest can be protected through the conditions that were put forth before ever accepting the waterline. The trees will not be an issue as long as there is a functioning easement that allows the trees to be cut. It is unlikely a leak will run the entire length which would result in only one or two trees being permanently removed as well as the possibility exists that a tree will never need to be removed.

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

RESOLVED to approve Council Order #021812, issue the intent of the City of Ellsworth to approve the acceptance of a portion of waterline on Beckwith Court from High Street to where the waterline will split to serve Beckwith Woods and Beckwith Pines as soon as we do our due diligence on the installation and materials and we have proper language that satisfies our needs for an easement.

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Council Order #021813, Request of the Police Chief to designate Knowlton Park, Harbor Park, Demeyer Field Complex, and Moore Community Center as a Safe Zone.

Before Glenn Moshier, Police Chief explained the request before the Council this evening; Councilor Fortier stated this request came forth from a discussion Councilor Hudson had at the Finance Committee level. Moshier is seeking authorization from the City Council tonight for the City Manager to approve four locations as Safe Zones. This designation will put the four locations on equal footing as the School Zones when it comes to dealing with violations of drug nature and the criminal statutes. By designating these areas as Safe Zones anywhere within 1,000 feet of those areas become included in that Safe Zone and any drug activity within the area can and will have the associated charges elevated to an aggravated factor. See attachment #11 for the complete request. Moshier explained through a few examples what this would mean to particular drug related charges. This would only apply to drug violations. The two requirements are the City designates the areas as being in the Safe Zone and the areas need to be posted. This is necessary to notify the public that it is designated as a Safe Zone, Drug Free zone and the Statute must be included. Councilor Hamilton stated he strongly supports this request, this is the right direction for the City to take, it sends a strong message in terms of what the City values and identifies the areas where kids are located is essential. Moshier noted there are a few other areas being considered; at a later date the areas may be expanded. This is a first wave as there will be some expenses associated with the designation. The signs are estimated to cost between \$25 and \$35 per sign and each area requires extensive signage in order to ensure all the requirements of the law are met. Chairman Blanchette inquired about the 1,000 foot buffer and how far out within that buffer are the signs required to be posted. The signs and violations will be handled similar to how they are within the School Zone. There was a technical explanation given on how the signage and property lines are handled in this situation. The Moore Community Center will be included even though it was not included in the proposed motion. Initially, there was a question whether it could be included as it is a City property currently being leased. Also, the question of whether it already qualified as a School Zone due to the existing daycare and preschool being located within the building. Through

Approved - Council Order #021813, authorize the City Manager to designate Knowlton Park, Demeyer Field Complex, Ellsworth Harbor Park, and Moore Community Center as Drug Free Safe Zones in accordance with Maine State Statute Title 30-A and with our thanks to Police Chief Moshier.

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discussions it was decided the best thing to do would be to post the parking lot and ensure the location was covered either way.

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

RESOLVED to approve Council Order #021813, authorize the City Manager to designate Knowlton Park, Demeyer Field Complex, Ellsworth Harbor Park, and Moore Community Center as Drug Free Safe Zones in accordance with Maine State Statute Title 30-A and with our thanks to Police Chief Moshier.

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

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

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.

Jennifer Madore, Interim Finance Director attended the executive session.

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

RESOLVED to approve adjournment from the executive session at 8:24 PM.

Council Order #021814, Discussion and action on the item from the executive session.

There was no discussion before a motion was made.

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

RESOLVED to approve Council Order #021814, the one year contract with the Ellsworth Firefighters as presented (attachment #12), and authorize the City

Approved - 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.

Approved - Adjournment from executive session at 8:24 PM.

Approved - Council Order #021814, the one year contract with the Ellsworth Firefighters as presented (attachment #12), and authorize the City Manager to sign

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: FEBRUARY 12, 2018

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PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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Manager to sign said document on behalf of the City Council.

**said document on
behalf of the City
Council.**

Adjournment.

**Approved -
Adjournment at 8:25
PM.**

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

RESOLVED to approve adjournment at 8:25 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**