

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

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,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, 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.

Councilor Fortier officially requested agenda item # 12 - Council Order #071802, Request to reconsider deed restrictions on the Right-of-Way located on Clearwater Way. (Sponsored by Chairman Blanchette) be removed from the agenda at the applicant's request.

There was no discussion on this item prior to a motion being made.

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

RESOLVED to approve removing Council Order #071802, request to reconsider deed restrictions on the Right-of-Way located on Clearwater Way at the applicant's request.

Adoption of minutes from the following meeting (s) of the Ellsworth City Council:

- 06/01/2018 Emergency Meeting.
- 06/04/2018 Special Meeting.

A TRUE COPY

1

ATTEST: _____
HEIDI-NOËL GRINDLE

Call to Order.

Pledge of Allegiance.

Rules of Order.

**Approved -
Removing Council
Order #071802,
request to reconsider
deed restrictions on
the Right-of-Way
located on
Clearwater Way at
the applicant's
request.**

**Approved - Adoption
of minutes from the
June 1, 2018
Emergency Meeting
and June 4, 2018**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

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

RESOLVED to approve adoption of minutes from the June 1, 2018 Emergency Meeting and June 4, 2018 Special Meeting as presented.

City Manager's Report.

David Cole, City Manager reported the Printing House Square parking lot located behind Water and Main Streets has been substantially completed. 80 – 90% of the stripping was completed today. There are a few areas to finish tomorrow; however, the project for the most part is complete as far as the punch list items are concerned. Cole commended Dugas Construction for the great job their company did on this project including communicating with the neighboring businesses, members of the public, and members of the community at large. The project went very smoothly considering the summer traffic and especially busy Fourth of July weekend. Cole felt this would be a project the City could be proud of for years to come. There will be an annual electronic waste collection event on Saturday, July 21, 2018 from 7 AM to 12 PM at Home Depot. This event is sponsored by the Ellsworth Noontime Rotary Club. Cole also announced there would be an E-waste collection event on August 25, 2018 at the Ellsworth High School from 9 AM to 1 PM; preregistration at Ellsworth City Hall for Ellsworth residents is required.

Committee Reports.

➤ Councilor Fortier reported there is an aggressive movement within the Green Action Committee, as part of the Green Plan planning process through the Garden Club to introduce the Council to a single use plastic bag ban. They have asked if the Council would consider holding a workshop in September or early October so that they could make a presentation on the concept. Fortier did let the Committee know that if the Council had a couple other items to discuss at a workshop level it would be possible to add this item. The Council generally only holds workshops if there a couple of issues to discuss rather than just a single concept.

➤ Councilor Fortier was honored on the last Wednesday of June to be part of the 12 member team at Maine Municipal that conducted an hour on camera taped interview with all four Gubernatorial Candidates. Each member of the Committee was allowed to ask a series of questions, the session was very informative and went

Special Meeting as presented.

City Manager's Report.

Committee Reports.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

very well. This is the first time all the candidates have been available and agreed to hold the forum on the same day.

Citizens' Comments.

There were no citizens' comments this month.

Presentation of Awards.

*Shawn Willey, for fifteen years of service with the Ellsworth Police Department.
(June)*

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

*David Hopkins, for five years of service with the Ellsworth Public Works
Department. (July)*

David Hopkins 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 #071800, 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-

A TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE

Citizens' Comments.

**Presentation of
Awards.
Shawn Willey – 15
years of service with
the Police
Department.**

**David Hopkins – 5
years of service with
the Public Works
Department.**

Unfinished Business.

Consent Agenda.

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

**Approved – CO
#071800, accept
payments on tax-**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

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,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

*Claim Deeds. **

See attachment #1 for a complete list of tax acquired timeshares that were sold during the course of the previous month.

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

RESOLVED to approve the Consent Agenda as presented this evening.

NEW BUSINESS

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

Ellsworth Lodge of Elks #2743, 317 High Street, for renewal of a City Class B License (Victualer, Alcohol and Special Amusement) and renewal of a State Club-On Premise with Catering Malt, Spirituous and Vinous (Class I) 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 Beathem, it was unanimously

RESOLVED to approve the request of Ellsworth Lodge of Elks #2743, 317 High Street, for renewal of a City Class B License (Victualer, Alcohol and Special Amusement) and renewal of a State Club-On Premise with Catering Malt, Spirituous and Vinous (Class I) Liquor License.

Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant Malt and Vinous (Class III and IV) Liquor License.

acquired timeshare units and release properties through quit-claim deeds.

New Business.

Approved - Ellsworth Lodge of Elks #2743, 317 High Street, for renewal of a City Class B License (Victualer, Alcohol and Special Amusement) and renewal of a State Club-On Premise with Catering Malt, Spirituous and Vinous (Class I) Liquor License.

Approved - Pavida Visetrut Young d/b/a Thai Sana, 321 High

A TRUE COPY

4

ATTEST: _____
HEIDI-NOËL GRINDLE

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

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,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Pavidia Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant Malt and Vinous (Class III and IV) Liquor License.

Fogtown Brewing Co LLC d/b/a Fogtown Brewing Company, 25 Pine Street, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Tavern (Class IV) Malt Only 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 Beathem, seconded by Moore, it was unanimously

RESOLVED to approve the request of Fogtown Brewing Co LLC d/b/a Fogtown Brewing Company, 25 Pine Street, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Tavern (Class IV) Malt Only Liquor License.

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

Approved - Fogtown Brewing Co LLC d/b/a Fogtown Brewing Company, 25 Pine Street, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Tavern (Class IV) Malt Only Liquor License.

A TRUE COPY

5

ATTEST: _____
HEIDI-NOËL GRINDLE

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

Jennifer Goodrich Wing d/b/a Peppers Pub Inc., 20 Water Street, for renewal of a City Class B License (Amusement, Victualer, and Alcohol) and renewal of a State Restaurant/Lounge Malt, Spirituous and Vinous (Class XI) 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 Beathem, it was unanimously

RESOLVED to approve the request of Jennifer Goodrich Wing d/b/a Peppers Pub Inc., 20 Water Street, for renewal of a City Class B License (Amusement, Victualer, and Alcohol) and renewal of a State Restaurant/Lounge Malt, Spirituous and Vinous (Class XI) Liquor License.

Melanie Omlor-Fox d/b/a Helen's Restaurant of Ellsworth, 55 Downeast Highway, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant Malt, Spirituous and Vinous (Class I, II, III, IV) 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 Hamilton, seconded by Moore, it was unanimously

Approved - Jennifer Goodrich Wing d/b/a Peppers Pub Inc., 20 Water Street, for renewal of a City Class B License (Amusement, Victualer, and Alcohol) and renewal of a State Restaurant/Lounge Malt, Spirituous and Vinous (Class XI) Liquor License.

Approved - Melanie Omlor-Fox d/b/a Helen's Restaurant of Ellsworth, 55 Downeast Highway, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant Malt, Spirituous and Vinous (Class I, II, III, IV) Liquor License.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

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,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

RESOLVED to approve the request of Melanie Omlor-Fox d/b/a Helen's Restaurant of Ellsworth, 55 Downeast Highway, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant Malt, Spirituous and Vinous (Class I, II, III, IV) Liquor License.

Council Order #071801, Request of the Public Works Director to dispose of various pieces of equipment through a third party auction service.

Lisa Sekulich, Public Works Director presented the plan to sell three pieces of equipment through the Govdeals.com website. There were three items up for auction; a 2007 Komatsu PC138 Excavator, 1998 Case 621B Loader, and 2005 Ford F-250. See attachment #2 for the complete request, GovDeals.com Financial Settlement Services – Asset Sold What Happens Next explanation and Bill of Sale for the sold equipment. All of these items were setup on the website with a reserve amount to ensure the City received at least the amount the equipment was worth as a trade-in. The auction closed on the loader and F-250 without meeting the reserve price. Those two pieces of equipment remain the property of the City of Ellsworth. The Komatsu excavator reserve price was met and exceeded. The auction ended with the City receiving a final bid price of \$29,750. Per the Govdeals.com procedures (included in the packet as attachment #2) the high bidder than paid via a wire transfer to govdeals.com the bid price of \$29,750 plus the auction fee and then picked up the excavator in Ellsworth on Thursday. Now, that the excavator has been picked up, Govdeals.com will issue a check to the City. The check should arrive next week. Sekulich plans to re-auction the loader later in the season to see if the outcome is different. Everyone agreed this process worked very well. Sekulich confirmed this is the first time this type of process has been used to dispose of equipment within the City of Ellsworth. This process was very simple, basically Sekulich submitted some pictures of the equipment and a write-up was included on the auction site. Govdeals.com provided some marketing for the equipment through a few other auto trader publications. The interest from the other publications and websites filter back to the Govdeals.com website and those sites are where a lot of the interest for the equipment orientated from. The excavator received approximately 30 bids throughout the course of the couple weeks it was on sale. The reserve price was met within 24 hours of placement on the site. The reserve price was \$18,000, the City received \$29,750 and Sekulich was hoping it would be sold for \$25,000. Councilor Hudson, was aware this topic had been discussed

Approved - Council Order #071801, approve the sale of the two remaining pieces of equipment on Govdeals.com at the reserve set by City staff and accept the sale of the 2007 Komatsu Excavator for \$29,750, that has already sold.

A TRUE COPY

7

ATTEST: _____
HEIDI-NOËL GRINDLE

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

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,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

before and this was the right direction to take for disposing of the equipment; however, she questioned the way the motion was phrased. The motion states the Council is moving to approve Sekulich's request and accept the sale. The concern is the sale has already taken place and the equipment has been picked up. It didn't appear the Council has the option to vote no at this point. Sekulich saw the motion as closing the loop on the sale, as the Council has to approve the sale of equipment. Hudson felt the loop should be closed ahead of the bidding next time. Councilor Fortier noted he and Councilor Beathem were discussing that concern and thought possibly next time Sekulich should approach the Council for approval on the minimum bid amount and the reserve amounts so the Council can authorize the sale of the equipment once the bid price has reached the reserve amount. The only hesitation Sekulich had with that idea was it is not really advantageous to put the reserve amount out in the public arena because it could negatively impact exceeding the reserve amount. Hudson suggested having the reserve amount in the Council packets to approve; however, not announcing the amount. Fortier noted once the information is available it becomes a public record. The Council will do some research to find the best way to address this concern. Sekulich included the procedure for Govdeals.com in the packet as attachment #2 to demonstrate the short turn-around time between accepting the bid price, having the equipment picked up and then the City receiving their money for the property. Councilor Hamilton noted since there are still two pieces of equipment that have not been sold, he suggested making a motion tonight addressing this issue so that Sekulich has the ability to move that forward. He believed the wording could be changed to allow for the sale of the other two pieces and accept the one that has been sold.

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

RESOLVED to approve Council Order #071801, approve the sale of the two remaining pieces of equipment on Govdeals.com at the reserve set by City staff and accept the sale of the 2007 Komatsu Excavator for \$29,750, that has already sold.

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

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

A TRUE COPY

8

ATTEST: _____
HEIDI-NOËL GRINDLE

**Approved - Entering
executive session at
7:19 PM for the
purpose of discussing**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

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,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

RESOLVED to approve entering executive session at 7:19 PM for the purpose of discussing personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

Tammy Mote, Deputy City Manager joined the executive session.

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

RESOLVED to approve adjournment from the executive session at 7:38 PM.

Council Order #071803, Discussion and action on the item from the executive session.

Chairman Blanchette stated the Council had agreed in principle on general terms for a contract extension for Manager Cole; however, they are still working on the exact wording. This item will be considered for approval on the next Council meeting or possibly a special Council meeting if one is scheduled in the meantime. Councilor Fortier noted this would allow the Council to see and review the full document.

No formal vote was taken this evening.

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

RESOLVED to approve entering executive session at 7:39 PM for the purpose of discussing labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

Tammy Mote, Deputy City Manager joined the executive meeting. There will not be any formal action following the executive session except to adjourn the meeting.

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

A TRUE COPY

9

ATTEST: _____
HEIDI-NOËL GRINDLE

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

Approved - Adjournment from the executive session at 7:38 PM.

No formal vote was taken this evening.

Approved - Entering executive session at 7:39 PM for the purpose of discussing labor contracts in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

Approved -

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JULY 16, 2018

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LISA SEKULCH, KELLY HERRICK, JENNIFER MADORE, GARY
SAUNDERS, REGGIE WINSLOW, BERNIE HUSSEY, DAVID HOPKINS,
RICHARD TUPPER, AND HEIDI GRINDLE.**

RESOLVED to approve adjournment from the executive session at 8:09 PM.

Adjournment.

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

RESOLVED to approve adjournment at 8:10 PM.

**Adjournment from
the executive session
at 8:09 PM.**

**Approved -
Adjournment at 8:10
PM.**