

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: OCTOBER 15, 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,
KATINA HOWES, LISA SEKULICH, MICHAEL HANGEE, JENNIFER
MERCHANT, ROBERT DORR, KENNETH WORDEN, RICHARD TUPPER,
STEVE FULLER, GARY SAUNDERS, GLENN MOSHIER, SPENCER
PATTERSON KING, DARYL CLARK, JONATHAN MAHON, MANY PAID ON
CALL FIREFIGHTERS, 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:

- *09/17/2018 Regular Monthly Meeting.*

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

RESOLVED to approve the adoption of minutes from the 09/17/2018 Regular Council Meeting as presented.

City Manager's Report.

David Cole, City Manager reminded the viewing public that Election Day is Tuesday, November 6, 2018. Polls will be open from 8 AM until 8 PM. Absentee voting will take place until close of business on Thursday, November 1, 2018, unless there are special circumstances. Cole encouraged anyone believing they have a special circumstance to contact the City Clerk. Paving for the calendar year has wrapped up; Cole noted Winkumpaugh Road, Branch Pond Road, and

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approved - Adoption of minutes from the 09/17/2018 Regular Council Meeting as presented.

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Fairground Road have all been completed. The rest of the scheduled work will be completed in the spring. Cole noted next week the boat launch located at Green Lake will be extended. This will make it easier to take boats in and out when the water level is down as it typically is in the fall of the year. Trunk or Treat will take place on Wednesday, October 31, 2018. Trick or treating will take place between 3 PM and 5 PM downtown, the parade will line up at 5 PM and start at 5:15 PM, and trunk and treat will take place in the City Hall parking lot following the parade. Knowlton Park and Harbor Park have been closed for the season.

Committee Reports.

Harbor Commission: Councilor Hamilton reported the fuel sales were up compared to the previous month. The Harbor had a very strong season. The donation received from Storage Plus was used to purchase an ADA accessible picnic table. The previously approved ice eaters have been purchased and installed. Hamilton reminded the public that this equipment will be turned on before the weather gets cold and will circulate the water so that it will not freeze around the pilings with the goal of avoiding costly damage as occurred in the past. The process to install new tanks is still underway with the scope of work being researched and designed. This project would replace the current fuel tanks. Councilor Moore added the Harbor has generated just under \$29,000 in revenue to the City. This may have been the most revenue realized to date; this number is expected to increase when diesel fuel is available at the Harbor.

Recreation Commission: Councilor Fortier reported the Recreation Commission met last week. The basketball courts will be closed for the season on either October 27 or 28 depending on when the sound curtains can be taken down. After this is completed the courts will be locked for the season. Tentatively, the second Saturday of February has been scheduled for Winter Carnival. At this time, there appears to be a lot of interest from many different groups to participate in the activities; if this works out there may be a full weekend of fun and games. The YMCA for a fee of \$3,000 will take care of the ice skating rink this year. Demeyer Field Complex will close the last week of October or immediately following the season ending for the travel soccer program. As part of the use agreement with the

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YMCA, they will be closing that facility down, the City staff will schedule the winterization of the equipment.

Citizens' Comments.

Julia Ventresco, Ellsworth resident, small business owner, and a member of the Ellsworth Green Plan subcommittee on Waste Reduction and Renewable Energy provided an update on this committee's initiative. This subcommittee is also referred to as the Ellsworth Green Action Team. Ventresco invited and encouraged attendance at the upcoming Taking Care of Business panel discussion to be hosted by the Ellsworth Area Chamber of Commerce and the City of Ellsworth. The topic of discussion will be the draft Single Use Carry Out Plastic Bag Ordinance as proposed by the Ellsworth Green Action Team. The panel will consist of representatives from the Retail Association of Maine, Penbay Chamber of Commerce, and Ventresco representing the Ellsworth Green Action Team. The event is free and open to the public will take place on October 18, 2018 from 8 AM until 9:30 AM in the Ellsworth City Hall Auditorium. The intent of the draft ordinance is to prohibit the distribution of single use carry out plastic bags in Ellsworth and encourage the use of reusable shopping bags. Ventresco explained the problems with single use plastic bags far outweigh any convenience gained by their use. They are responsible for clogging the storm drains, littering the streets and greenspaces, jamming recycling equipment, and filling up landfills. Plastic bags never biodegrade, they do breakdown into tiny toxic particles called micro-plastics. Micro-plastics enter the environment polluting the ground water, oceans, wildlife, and eventually ending up in human bodies. 15 towns and cities in Maine have adopted successful policies that significantly reduce the number of single use plastic bags in their communities; this includes nearby communities of Blue Hill and Belfast. Bar Harbor, Mount Desert, Southwest Harbor, and Tremont are currently undertaking similar initiatives. Councilor Hamilton encouraged Ventresco to schedule additional forums at different times; 8 to 9:30 AM will not be convenient for everyone. The meeting Ventresco was extending the invitation to was an Ellsworth Area Chamber of Commerce sponsored event and the Ellsworth Green Action Team was invited to present at it. Councilor Fortier noted it would be great if a City Councilor could be present at this meeting to listen. Fortier was

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unable to attend; however, Chairman Blanchette and City Manager Cole was planning on attending.

Rebecca Maddocks-Wilbur spoke concerning the Ticonic Firehouse/Community Building/Thrift Shop. She provided a brief history and why it is important. There was a discussion on the future of the Thrift Shop in 1986 and the Community Building/Ticonic Firehouse. This topic came before the Council at that time and it took approximately 3 years to make a decision. At that time, the determination was made to save the building. In 2004, the topic came up again. At that time an RFP was developed and the City decided they would like the building saved; however, the City did not want to be the party to save the building. The City wanted to find someone who would like to save the building; Webber won the proposal.

Maddocks-Wilbur stated there is a written agreement stating they would preserve the building, it also states in the agreement if there is ever any attempt to change the use of the building that it would come before the Council. Yet, Webber was able to obtain a demolition permit. The hearing is next week; that has been appealed. The ironic thing is the way this was laid out historically was that this would not come to anyone but the Council; it was already agreed upon that it would be saved and preserved by Webber. They have not done this and in fact have in their possession a demolition permit. This topic will come before the Appeals Board on October 22, 2018 and they will make a decision. According to Maddocks-Wilbur this was not the route they should have been allowed to take. The decision was made in 2005; they agreed to preserve and if at any time they wanted to do something different on that property they were in good financial standing and would provide other land to relocate the building on, yet they were granted a demolition permit. Maddocks-Wilbur believes no matter who is sitting on the Council at the time a decision is made, that decision must stand for all time. She questioned what recourse citizens have when decisions made by the Council are not honored.

Jon Mahon stated he sent a freedom of information request to the City over three weeks ago requesting a copy of the City Manager's current employment contract. As of tonight, he has not heard back from the City. He noted State Law says he will be notified within 5 days of his request and will be given an estimate of the time it will take to complete. Secondly, State Law says if the request is denied the requestor will be notified within 5 days of the request. His attorney suggested he

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come before the Council and hope they can find a resolution to the stonewalling that is happening before this matter proceeds to Superior Court. He further explained he thought only a few people would know about his request. This request did not remain confidential; Mahon was shocked and upset by this. There is no specific amount of time for the City to fill the request; the law only states within a reasonable period of time.

Judy Blood, resident of Ellsworth Falls brought before the Council meeting minutes dated December 15, 1986. An offer of \$20,000 was received from Webber Oil Company to purchase the Ellsworth Falls Community House. They were planning on demolishing the building and upgrade their station on the adjoining lot. The City Manager had been advised their offer was approximately 50% of the true market value of 1986. For that reason as well as public sentiment he recommended the Council reject the offer. Blood went on to recap, on motion and seconded it was unanimously resolved to reject the offer from the Exxon Corporation to purchase and demolish the Ellsworth Falls Community House. Blood stated again in September 1989, Exxon Corporation made a proposal to the City that they are willing to provide the funding to move the Ellsworth Falls Community House back approximately 15 feet onto a foundation. This would provide a better site distance for the mini mart which is located in that vicinity. Blood went on to read from the minutes as this is a historical building, Lawrence King Chairman of the Historical Preservation Commission has been contacted by Exxon officials with regard to moving the building. The minutes from that meeting were read into the record by Blood. It was unanimously resolved to authorize the City Manager to negotiate an agreement with Exxon or Webber Corporation regarding the Ellsworth Falls Community House. Blood has not been able to get a copy of that agreement yet.

Presentation of Awards.

Barb Bailey, for 10 years of service with the Ellsworth Dispatch Department.

Barb Bailey was absent from the meeting. The award will be given to her supervisor for presentation at a later date.

Ed Pollack, for 30 years with the Ellsworth Fire Department.

**Presentation of
Awards.**

**B. Bailey – 10 years
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Ed Pollack – 30 years

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Ed Pollack was absent from the meeting. The award will be given to his supervisor for presentation at a later date.

Ellsworth Fire Department.

UNFINISHED BUSINESS

Unfinished Business.

There were no items under Unfinished Business this month.

CONSENT AGENDA

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 #101800, Request of the Finance Director for transfer of the Defendants in Rem (criminal forfeiture Doc. No. CR-17-1123) to the City of Ellsworth and to allow the Finance Director to deposit these monies into the Police Forfeiture Reserve Account upon receipt of the funds. **

Approved - Council Order #101800, approve the request of the transfer of the Defendants in Rem in the case of State of Maine vs. Brennan Spofford pursuant to 15 M.R.S.A Section 5822 (4) (A) and Section 5824 (3) to the City of Ellsworth, and to allow the Finance Director to deposit these monies into the Police Forfeiture Reserve Account upon receipt of the funds.

See attachment #1 for the complete request including a letter from the Assistant Attorney General referencing State v. Brennan Spofford and City/Town of Ellsworth Approval of Transfer. There was no discussion on this item prior to a motion being made.

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

RESOLVED to approve Council Order #101800, approve the request of the transfer of the Defendants in Rem in the case of State of Maine vs. Brennan Spofford pursuant to 15 M.R.S.A Section 5822 (4) (A) and Section 5824 (3) to the City of Ellsworth, and to allow the Finance Director to deposit these monies into the Police Forfeiture Reserve Account upon receipt of the funds.

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NEW BUSINESS

New Business.

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

Louise Joy and Thomas Joy d/b/a Edward Joy & Sons, 129 North Street, for renewal of a City Junkyard/Automobile Graveyard Permit.

Approved - Louise Joy and Tommy Joy d/b/a Edward Joy & Sons, 129 North Street, for renewal of a City Junkyard/Automobile Graveyard Permit.

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 Hudson, seconded by Hamilton, it was unanimously

RESOLVED to approve the request of Louise Joy and Tommy Joy d/b/a Edward Joy & Sons, 129 North Street, for renewal of a City Junkyard/Automobile Graveyard Permit.

James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard Permit.

Approved - James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard Permit.

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.

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

RESOLVED to approve the request of James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard Permit.

MoFo, LLC d/b/a The Turtle Restaurant & Bar, 186 High Street for a new City Class B License (Amusement, Liquor, and Victualer) and a new State Restaurant/Lounge (XI) Malt, Spirituous, and Vinous Liquor License.

Steven Foss, owner of The Turtle Restaurant & Bar 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.

Public hearing was closed.

Councilor Fortier inquired when the applicant was planning to open. Foss stated on November 1, 2018.

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

RESOLVED to approve the request of MoFo, LLC d/b/a The Turtle Restaurant & Bar, 186 High Street for a new City Class B License (Amusement, Liquor, and Victualer) and a new State Restaurant/Lounge (XI) Malt, Spirituous, and Vinous Liquor License.

Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance.

Approved - MoFo, LLC d/b/a The Turtle Restaurant & Bar, 186 High Street for a new City Class B License (Amusement, Liquor, and Victualer) and a new State Restaurant/Lounge (XI) Malt, Spirituous, and Vinous Liquor License.

Approved - Amendments to the City of Ellsworth Code of Ordinances,

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KaTina Howes, General Assistance Director stated this is the yearly request to adopt the State maximums for the General Assistance program. See attachment #2 for the new State housing maximums that will be effective from October 1, 2018 thru September 30, 2019. There were a few increases this year which resulted in pennies compared to last year. Howes included the numbers from last year as a comparison. The majority of changes were within the food maximums. Councilor Fortier noted within Howes' monthly reports she has been in contact with the Emmaus Shelter and wondered if she had a sense of how bad of a winter season we may be facing this year. Howes noted currently, WHCA is booking out to January for taking heating applications and the program just started. There are a lot of people seeking assistance with heating needs; she has contacted the Shelter and learned for the second or third year they do not have additional funds to contribute towards heating needs. The majority of heating applications this season will be funded through the City's General Assistance program in conjunction with the limited donation funding from WHCA. Fortier reminded the public that the City has an account funded by donations that helps the less fortunate administered by Howes and is outside the General Assistance guidelines. This account is designed specifically for applicants that slip through all the other programs, after an application is taken there are discussions between Howes and the City Manager's Office to make a determination on whether that applicant will receive heating fuel assistance. If anyone from the viewing public wanted to assist with funding this account, Fortier noted checks will be accepted in the City Clerk's Department for the heat fund. This year, Howes is not holding a silent auction to fund this account; however, new this year she has developed a Warm Wishes Program. Shortly, there will be a larger banner in front of City Hall announcing the program. There will be ribbons inside City Hall for people interested in making a wish for a minimum donation of \$1. The ribbons can then be tied to the railing in front of City Hall. Howes thanked Full Circle Printing for donating the large banner to the program. Councilor Crosthwaite thanked Howes for supplying so much information especially the comparison to last year.

Chapter 36, General Assistance Ordinance as presented this evening within attachment #2.

Public hearing opened.

There were no comments.

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Public hearing closed.

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

RESOLVED to approve the amendments to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance as presented this evening within attachment #2.

Council Order #101801, Request of the City Manager to confirm the appointment of the new Ellsworth Economic Development Director.

David Cole, City Manager explained Micki Sumpter has stepped down from Economic Development Director as of October 1. Cole publicly thanked Sumpter for her 6 years of service as Economic Development Director for Ellsworth. She will be working on a part-time basis through June to help transition and focus on the activities at the Union River Center for Innovation. The HR Committee (Beatham, Blanchette, sitting in for Crosthwaite was Hudson), Tammy Mote (Deputy City Manager), David Cole (City Manager) comprised the selection committee. Resumes were solicited for approximately two to three weeks, interviews were conducted and it was a unanimous decision of the committee to recommend hiring Janna Newman Richards to be Ellsworth's next Economic Development Director. She may look familiar to some people as she was the Ellsworth Assistant City Planner for approximately 2.5 years. Cole worked directly with Richards on different economic development presentations and analysis. Cole noted the many great attributes Richards brings with her to this new endeavor through her education, past experiences, enthusiasm and passion for the position. Councilor Fortier noted it was good to see Richards back in City Hall. Richards will begin with the City of Ellsworth on November 1, 2018.

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

RESOLVED to approve Council Order #101801, confirming the appointment of Janna Newman Richards as Economic Development Director for the City of Ellsworth.

Approved – Council Order #101801, Confirming the appointment of Janna Newman Richards as Economic Development Director for the City of Ellsworth.

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Council Order #101802, Request of the Finance Director for approval to encumber certain appropriation accounts.

Jennifer Merchant, Finance Director explained this is the annual request to encumber funds for any unfinished projects. The majority of the projects include capital improvement projects. See attachment #3 for an updated list of accounts to be encumbered. The remaining balance figures are estimates and could change after the audit. Councilor Fortier noted there are many items with small balances left on projects that have been completely finished; he would like to see the list tightened up a little more next year. The small remaining balances could be placed in an account for future expense on the original line item. Fortier was in favor of the list; the process he was describing was done a few years ago as well to clean up some of the small balances remaining on completed projects. Tammy Mote, Deputy City Manager noted they were just waiting for the final audit and then would be making that recommendation to move the balances over to the associated reserve accounts. David Cole, City Manager noted at any time the Council can vote to redirect the funds.

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

RESOLVED to approve Council Order #101802, Request of the Finance Director for approval to encumber certain appropriation accounts as presented in attachment #3.

Council Order #101803, Request of the Finance Director for approval to adjust the FY 2018 estimated appropriations and revenues.

Councilor Fortier noted this is an annual request that is the second portion of the annual actions. See attachment #4 for a complete list. There was no discussion prior to a motion being made.

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

Approved - Council Order #101802, Request of the Finance Director for approval to encumber certain appropriation accounts as presented in attachment #3.

Approved - Council Order #101803, Request of the Finance Director to adjust the FY 2018 estimated appropriations and revenues as presented in attachment #4.

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RESOLVED to approve Council Order #101803, Request of the Finance Director to adjust the FY 2018 estimated appropriations and revenues as presented in attachment #4.

Council Order #101804, Request of the Public Works Director to award the bid for a one ton work truck.

Lisa Sekulich, Public Works Director explained her request this evening is to reject the bids for a one ton work truck. On October 2, 2018 a bid opening was held for the one ton work truck and only one bid was received. That one bid was significantly over budget for the piece of equipment. See attachment #5 for the complete request, bid proposal form, and bid received. The bid specifications will be modified to hopefully bring the equipment back into the estimated budgeted amount and then place the item back out to bid.

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

RESOLVED to approve Council Order #101804, Reject the bid for the One Ton Truck.

Council Order #101805, Authorization to submit a Land and Water Conservation Fund grant application to the State of Maine in support of the Senior Fitness Station at Knowlton Park. All the financial matches will be provided from third party organizations.

Steve Fuller, Assistant City Planner explained the Council received a memo and map depicting the proposed location prior to the meeting and that information is also included in attachment #6. Fuller explained the grant money that would be applied for comes from the Land and Water Conservation Fund (LWCF), this is a Federal Program with money administered at the State level for recreation offerings such as this proposed project. The proposal for the senior fitness station, which could be used by people of all ages; however, would be specifically designed with older adults in mind was prepared by Friends in Action's staff and volunteers. They have worked very hard to conduct the necessary research, fundraising, and other groundwork for this project. Jo Cooper, Executive Director for Friends in Action as

Approved - Council Order #101804, Reject the bid for the One Ton Truck.

Approved - Council Order #101805, authorize the City Manager to apply, on behalf of the City, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the development of a senior fitness station at Knowlton

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: OCTOBER 15, 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, KATINA HOWES, LISA SEKULICH, MICHAEL HANGEE, JENNIFER MERCHANT, ROBERT DORR, KENNETH WORDEN, RICHARD TUPPER, STEVE FULLER, GARY SAUNDERS, GLENN MOSHIER, SPENCER PATTERSON KING, DARYL CLARK, JONATHAN MAHON, MANY PAID ON CALL FIREFIGHTERS, AND HEIDI GRINDLE.

well as volunteers Janice O'Brien, Tom and Diane Dunn were present at the meeting this evening in support of this project. The grant application considers money Friends in Action has already secured from other grants, private donations and fundraisers to leverage additional funding through the LWCF program. This program offers up to a 50% match for the total cost of a project. This would mean if successful the grant would allow Friends in Action to potentially double the amount of money they have already raised. The proposal does not call for any city tax dollars to fund the project. The grant requirements do not allow a nonprofit such as Friends in Action to apply for funding and requires the municipality to submit the application. The Planning Department is present this evening seeking City Council authorization for this reason. The supplied motion for this request comes directly from the LWCF application guidance document. The application deadline is November 16, 2018 and the Planning Department is working closely with Cooper and the Dunn's on the application. Fuller introduced Cooper who stated Friends in Action was delighted to partner with the City on the Senior Center as well as by accepting the planning assistance which was necessary to follow up on the designation of the City of Ellsworth as an age-friendly municipality by AARP. Ellsworth was the second municipality in the State to receive this designation; there are now over 70 municipalities with this designation. As part of that designation the municipality needs to develop a plan; Friends in Action were pleased to take the lead on this initiative for the City. A survey of the community was conducted particularly on outdoor activities and the availability of places to exercise. Cooper had heard about the senior outdoor fitness equipment and was very intrigued by it; however, Friends in Action does not have the land to install such equipment on. Cooper approached the City Council with this idea approximately a year ago; at the time AARP offered Friends in Action a matching grant. At that time, the grant was in the amount of \$3,500 and the City Council was gracious enough to approve in theory the concept of placing the equipment at Knowlton Park. Cooper presented some of the potential equipment that would be purchased; the exact equipment has not been determined yet. A final decision would depend on how much funding they receive. Cooper explained the different ways they have already raised money toward this project. There has been a lot of community excitement around this project. Councilor Hudson reiterated this project will not be funded with taxpayer dollars. The request tonight is to approve authorizing Friends in Action to apply for a grant under the City Manager. Friends in Action will provide the matching funds

Community Park; and further authorize the City Manager to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.

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for this project; those will not be coming out of the City's accounts. Cooper stated that is correct, Friends in Action has already raised the necessary matching funds. They are only looking for the City's assistance in applying for an additional grant. Initially, Friends in Action were considering four pieces of equipment; if they are able to secure the grant they could purchase more. Two pieces of equipment will be wheelchair accessible; Cooper explained how those pieces of equipment work. The idea behind the equipment is to be social, fun and offer a different type of workout. When the first grant was offered shortly after the designation of being an age-friendly municipality the plan was to purchase the equipment in phases. This new grant opportunity would allow for a larger variety of equipment to be purchased at one time. Cooper explained purchasing tables would be an exciting portion of the project. This would provide a place for people to gather and socialize which is a big piece of this project. At least two of the tables will be wheelchair accessible. Councilor Moore liked the proposed location for the equipment. Councilor Hamilton inquired how this project fits into the overall plan for Knowlton Park. He wondered what other needs have been identified for the park and how the park will be utilized. David Cole, City Manager noted first he did not believe a nonprofit could apply for the funds. The City will be acting as an agent. There are other issues with the park that in Cole's opinion need to be addressed. He feels to make it more age friendly upgrades may be necessary to the walking trails including an asphalt or hard surface. Cole stated this was a good project to pursue as Friends in Action had been very successful in raising funds to this point; this opportunity would basically double their energies toward this project. Representatives from the Department of Conservation toured the Park and a group of people looked at the location to figure out where it made the most sense to locate this equipment. The site was reviewed so the placement would not preclude something in the future, which might be considered a priority. There has been a great deal of thought given to the placement. In this case, the project will need to raise their own matching funds to make the project a success; however, the City will have ongoing maintenance responsibilities in the future. Fuller noted that landscape architect Sam Coplton and engineer Andrew McCullough were consulted in regards to the best location within the Park for this equipment. The placement was determined with an eye to the whole park and with like features grouped together. The footprint of the project is very modest; the Park is approximately 5 acres in total size. Councilor Hudson inquired if this equipment would be on an impervious surface or on green

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space. Fuller explained that is still being investigated with the manufacturer to determine the best fit. Some of the ADA pieces may need a hard surface. Hudson stated she was concerned about the location as a certain percentage of the area must remain as green space and cannot be impervious in nature. It was noted attachment #6 contains a map of the proposed location for the equipment. Councilor Fortier echoed Hudson's concern as the entire Park was a tradeoff for the new Wastewater Treatment Plant. The impervious space requirements and the agreement with DEP was discussed when the ice rink was being developed and modified. Fortier recommended researching the percentage of allowable impervious surfaces at this location and particularly in regards to paving the walkways. There was a lengthy discussion concerning the potential locations based on the number of pieces of equipment that can be purchased based on the amount of money available. Fortier was in support of the project; however, wanted to remain in compliance with the DEP agreement. Cole noted this project is in the concept stage with the Department of Conservation; if the City is chosen for the next stage then the next level of due diligence will be completed. That stage will involve figuring out how to best engineer this and place the equipment. Cole did not believe the DEP agreement required the entire 5 acres to be set aside as green space; although the ice rink is located in the center of the piece of property set aside for green space. Councilor Beatham mentioned more and more activities are being moved into this Park; he reminded the Council they need to be aware of keeping open spaces. He cautioned the Council to think about placing items that limit the ability to use the open spaces. He is not against the project; he just wanted to caution the City Planning Department and City staff that the more that is placed in this location the less opportunity the City has for open spaces. It was estimated that the placement would take up approximately 1,400 to 1,500 square feet.

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

RESOLVED to approve Council Order #101805, authorize the City Manager to apply, on behalf of the City, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the development of a senior fitness station at Knowlton Community Park; and further authorize the City Manager to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.

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Discussion and action on Council Order #101806, Request to approve an agreement between the City of Ellsworth and Northern Light Medical Transport (formerly known as Capital Ambulance) to provide short-term quarters at the Ellsworth Fire Department to facilitate the startup of an ambulance service in Ellsworth.

David Cole, City Manager explained Joe Kellner from Northern Light Medical Transport (NLMT) was present tonight to discuss the proposal which was presented to the Council as attachment #7 in the packets provided prior to the meeting. The attachment also contains a presentation, memo from Richard Tupper (Fire Chief) on the description of station modifications, and an itemized list of materials and services needed to accommodate NLMT. Cole noted last week the Committee that was looking at the EMS issue met to review the proposal and discussed this with Kellner and other staff. Much of what was discussed will be covered this evening. The proposed document Shared Use Facility Agreement has been provided to the Council as part of attachment #7 and Kellner is prepared to address any questions the Council may have. Cole stated the Council provided direction back in August on moving forward with a series of workshops to look at training needs for upgrading the skills within the Fire Department and the First Responders as well as the role the City would have in the overall future of EMS services. Nothing has changed in that direction. What has changed is that Kellner approached Cole a few weeks ago in regards to concerns they had while looking for space combined with some communities not moving forward with the services from NLMT which they were expecting to have as those communities had been included in County Ambulance's service area. Kellner was looking for a temporary situation for approximately 9 months to give enough time to sort out what their long term facility needs should be. Cole noted it is of critical importance to the City that this fledgling service get up and going. He felt it would be important to bring the matter before the Council this evening to hear their proposal. Kellner explained he oversees the EMS services throughout Northern Light Health one of the agencies of Northern Light Medical Transport (formerly Capital Ambulance). NLMT started service in this area on August 31, 2018 at 5 PM immediately following County Ambulance discontinuing service. They started covering the entire coverage area previously serviced by County Ambulance. Kellner prepared a lengthy presentation

Approved - Council Order #101806, an agreement between the City of Ellsworth and Northern Light Medical Transport to provide short-term quarters in the Ellsworth Fire Department to facilitate the startup of an ambulance service in Ellsworth as presented (attachment #7). Authorize the City Manager to proceed with the City's due diligence.

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(see attachment #7); however, elected not to go over it unless time allowed later in the evening. He explained the request tonight is for the Council to consider a pilot program of experiencing what it would be like to house the ambulance service in the same quarters as the Fire Department. The recommendation is to consider a 9 month pilot program as described in the draft agreement; this would include cohabitation of the ambulance and the Fire Department personnel. This would not include any shared staffing; for example the Fire Department personnel would not be expected to routinely drive the ambulance, likewise ambulance personnel would not be fighting fires. Although, the ambulance personnel could assist on the fire scene with rehabilitation activities, water or bottle changes if that was desired; they could also offer the Fire Department certain medical training opportunities. They could not offer a full EMT or EMR class; however, it may be possible to offer continuing education. Any lease agreement NLMT signs would require a substantial buildout modification of any facility. They looked at several options both inside and outside of Ellsworth. The lease terms have averaged between 3 and 5 years in length at a fairly substantial lease rate. Under the proposed pilot program 2 ambulances would be housed along with four crew members at any given time within the Fire Department. This has been structured to have zero financial impact on the City of Ellsworth. NLMT would pay directly for any modifications or upgrades to the Fire Department, which at this point appear to be minor in nature. Kellner listed a few of the necessary items such as an oil cooling heater for the pickup truck and a cover for the boat which will be displaced by the ambulances. There will need to be a few minor electrical amendments and the addition of temporary partitions essentially heavy curtains to separate the living quarters rather than building walls. This arrangement would provide time for NLMT to look at and discuss what the best future for EMS in the City of Ellsworth would be. Kellner stated his commitment to this process is to always remain transparent and share any and all data. This arrangement will also allow time to determine what the actual revenue will be compared to their projections. Currently, there are some financial concerns with the service moving forward. The attached presentation provides more information on the financial reports. Kellner explained the billing process and described the financial restraints ambulance companies face. They have demonstrated substantial success in other communities with fire department partnerships and/or community partnerships. Cole noted Richard Tupper, Fire Chief was present at the meeting tonight to answer questions or address any

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concerns particularly in regards to capital improvements necessary to facilitate this move. The Deputy City Manager has reviewed the numbers and what the incremental costs would be to the City. Councilor Moore reiterated this request is for a temporary arrangement and the City is currently faced with the need for an ambulance service. The City is growing in population and this is an opportunity for both the City and the ambulance company to learn. Councilor Hamilton noted there appears to be overwhelming support from the residents to have an ambulance service available. At the same time, as the Council has started holding discussions and talking about long term planning there are also questions about the planning process and how this arrangement fits in. Hamilton noted some of his questions are intended to walk through both sides of the situation to give the public an opportunity to hear how it relates to the previous discussion, long term planning versus the short term issue. Hamilton asked Kellner what his timeline was for a response from the City to feel comfortable in terms of his operations. Kellner noted as far as the temporary arrangement was concerned the sooner the better. The challenge they are currently facing is the ambulances are being stored outside. They have temporary heaters in them; however, once the winter weather arrives they will face some response time issues if this situation continues. Long term, if a multi-year plan could be reached by spring that would be a good target goal; this would give time to complete it in a meaningful way. Hamilton noted according to the attached presentation approximately 44% of the net revenue comes from the City of Ellsworth; that volume of calls is fairly significant. The patients being transported out of the hospital subsidizes the operations to a degree; this is approximately \$993,000 in revenue or a little under half. Ellsworth is just under half of the total billable 9-1-1 transports out of Ellsworth at approximately 1,054 during the previous full year. Hamilton noted this appears to be very significant in terms of the volume and the need. He inquired if over this period of time NLMT would be looking at economy of scales to make the service more affordable and accessible to more communities or are they looking at one sole relationship with the City of Ellsworth. Kellner stated there are a number of things he will be looking at during this time. He noted the other ambulance services have a desire to expand as well to help cover fixed costs. This is a high fixed cost operation. Ultimately, they would like to work together. From a State level there are fewer ambulance services in general. Communities that need help approach them regularly, the long term situation is unclear. They also want to review the cost of health care. Kellner gave

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an example based on reports he ran since starting service in Ellsworth, regarding types and frequency of calls to the same patient, which is a non-billable service. He explained different ways they can look to manage that situation, as well as programs they are investigating as an organization based on the concept of Community Paramedicine. Kellner explained other possible reimbursement opportunities that may exist in the area. They are working with different payers to help prevent trips to the hospital; this will help augment revenues. Payers are very interested in this concept. Councilor Fortier noted he supported this agreement. He feels both the City and the Ambulance Company can determine through this relationship if it is a compatible arrangement or if it causes disruptions to the Fire Service. Fortier thinks this is a great pilot program, particularly because of the knowledge of where the two ambulances are located as well as how busy they are. He hopes the next step in this process following the public meetings is an agreement that the Ellsworth Fire service will excel one or two levels higher in their training which will make working together better and more efficient. Fortier sees this becoming an incredible partnership for the benefit of the taxpayers because the reality is the outlying communities NLMT services pays approximately \$9 per person per capita to receive that service. Ellsworth will not incur that fee, because NLMT will be living in our facility and paying their own expenses. Fortier estimated based on 8,000 citizens, Ellsworth would potentially save \$72,000 a year. If the City went out on their own to start an ambulance service, they may spend \$600,000. He concluded this would be a great opportunity. Chairman Blanchette noted the agreement with other communities includes a 3% increase each year above the \$9 per citizen rate. Councilor Beatham stated the City will continue to look at the ambulance service, as well as hold meetings in house, and public meetings to gain as much information from the public, the department, and the ambulance service as possible. This information will ensure whatever Ellsworth does in the future will be the best option for the City of Ellsworth as well as the ambulance service. This trial period may be what allows the City to work out agreements in the future which will benefit both sides to the maximum. Beatham feels if the City did not do this step it would be an opportunity missed. In the past he has said to be cautious and take the time to be sure of each decision; however, this opportunity actually buys the City that time to look at things. Beatham is in favor of this item tonight. Blanchette noted the first EMS workshop will be held on Monday, November 26, 2018. Councilor Hudson noted this is not a final decision on the City's part. This is a temporary

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agreement which will allow the City to have an ambulance service and NLMT has a place to conduct business. This allows the City and ambulance service time to figure the relationship out before committing to a long term situation. Hudson felt it was the best of both worlds. She questioned the three scenarios listed in the proposals and wondered if those were three permanent options moving forward or were those proposals for the temporary arrangement. Fortier noted the subcommittee is recommending option 2 out of the three scenarios to present this evening. Hudson clarified whether the subcommittee could decide that or whether the Council was deciding on a proposed scenario tonight. Fortier agreed the subcommittee does not decide on which option; however, option 2 was the direction NLMT listed in their proposal for tonight. Blanchette stated tonight would be for approval on the framework and then have the City Manager move forward with discussions with NLMT. Cole noted a legal review would be conducted as well as ensure the insurance provider is satisfied that the City is properly covered and that no additional coverage is required. Cole suggested this topic be brought back given the timeframe involved assuming this concept needs to move relatively quickly. It was believed NLMT needed to know in principle the level of willingness on the Council's part to move forward and work out the details. Fortier asked for the topic to be brought back to the Council during a Friday morning Special Council meeting to get this agreement going. Hudson wondered if this could wait until the Regular November Council meeting. Cole confirmed there are already a couple of other special meetings scheduled prior to the Regular November Council meeting that could include this matter. It is possible this could be heard sooner; however, time is needed to work things through. Hamilton recognized it has been explained well in terms of the circumstances that led up to this request to be held at this Council meeting. However, he felt it was important to reiterate and acknowledge the fact there is an appearance that the Council spoke about having a process including the community in those discussions and then the next meeting the Council comes forward with a short term plan to create a partnership. Hamilton stated this item is about a partnership in regards to the arrangements; at the same time there is a real issue in terms of ensuring there is access to an ambulance service in this community. Hamilton noted for him the issue is very much two different processes; voting to agree to this item tonight is agreeing to the opportunity to ensure the City has EMS services available now. It in no way has anything to do with future planning. When discussions are held on how much the City would be saving on this

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per capita he feels that when the City is 44% of the revenue it is really more of a partnership. Hamilton does not feel the City wants to nor does the community want to pay for other communities and that type of assessment is exactly what the City would be doing. Moving forward there will be a totally different discussion concerning where the City ends up and to make those decisions the public will need to be included at a public forum. Hamilton wanted to go on record as stating he sees this as two very separate issues. He reiterated for him it is a matter of making sure the City has EMS services now and the future is yet to be decided. Cole noted at the Committee meeting last week it was stressed that this topic was a parallel track and that nothing has changed since the August and September Council meetings in terms of the Council directives to move forward with the public workshops. A final note was made that it will be a 9 month agreement.

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

RESOLVED to approve Council Order #101806, an agreement between the City of Ellsworth and Northern Light Medical Transport to provide short-term quarters in the Ellsworth Fire Department to facilitate the startup of an ambulance service in Ellsworth as presented (attachment #7). Authorize the City Manager to proceed with the City's due diligence.

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

Following the vote Councilor Fortier stated part of the motion should have been to authorize the City Manager to proceed with the City's due diligence. Councilor Moore seconded this additional wording to the motion that was voted on.

Before the meeting was adjourned Chairman Blanchette noted this was the last Regular Council meeting for Councilors Beathem and Crosthwaite. He thanked the Councilors for their service to the citizens of Ellsworth, their leadership, and guidance to members of the Council. Other members of the Council echoed these same thoughts as well as added their own tokens of appreciation for their

Councilors Beathem and Crosthwaite were thanked and recognized for their years of service.

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mentorships over the past years as well as their knowledge and skills which were very essential over the time they were on the Council. It was noted they would both be missed very much. The number of hours each of them contributed to make the City a better place was recognized. Councilor Beathem thanked the City staff for their tremendous job and noted he has worked with seven different managers. Councilor Crosthwaite thanked everyone that has had a part in the time he has been on the Council.

Adjournment.

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

RESOLVED to approve adjournment at 8:35 PM.

**Approved -
Adjournment at 8:35
PM.**

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**