

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: MARCH 18, 2019**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,  
HAMILTON, HUDSON, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
JENNIFER MERCHANT, ADAM WILSON, LISA SEKULICH, KELLY  
HERRICK, REGGIE WINSLOW, GLENN MOSHIER, AND HEIDI GRINDLE.**

*Call to Order.*

Chairman Blanchette called the regular meeting of the Ellsworth City Council to order at 7:00 PM. He then explained due to a few recent eye surgeries he would not be running the meeting this evening. He would like to request a chair pro tem this evening.

Councilor Blanchette called for nominations on chair pro tem for the evening. Councilor Fortier nominated Councilor Hudson for chair pro tem. Councilor Moore seconded the nomination. Councilor Fortier moved nominations cease. Councilor Phillips seconded nominations cease.

The vote for chair pro tem was taken with a unanimous vote in favor of Councilor Hudson as chair pro tem.

**Hudson was declared chair pro tem for the evening.**

*Pledge of Allegiance.*

All stood for the pledge of allegiance.

*Rules of Order.*

The meeting was conducted under Robert's Rules of Order and other rules adopted at the November 14, 2018 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:

*02/04/2019 Special meeting.*

*02/11/2019 Regular meeting.*

*03/08/2019 Special meeting.*

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

**Call to Order.**

**Approved –  
Councilor Hudson as  
chair pro tem this  
evening.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption  
of Ellsworth City  
Council minutes  
from the  
02/04/2019 Special  
meeting, 02/11/2019  
Regular meeting, and**

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*RESOLVED to approve adoption of Ellsworth City Council minutes from the 02/04/2019 Special meeting, 02/11/2019 Regular meeting, and 03/08/2019 Special meeting as presented.*

*City Manager's Report.*

David Cole, City Manager welcomed Police Chief Glenn Moshier back following his recent graduation from the FBI Academy. He left shortly after New Year's Day and returned March 17, 2019. Cole congratulated Moshier on this prestigious accomplishment. Cole warned the public to drive careful as the frost heaves are beginning to cause issues; the Highway Department will address them as quickly as possible. Cole noted this winter has been particularly bad throughout the State specifically along the coast from the frost. He asked for the public's patience as these matters are dealt with. Cole gave a brief overview of the Harbor Commission meeting this evening upon the request of Councilor Moore, as he was unable to attend that meeting this month. There were a couple points of discussion and those will come before the Council this evening for further action. First, the State of Maine has granted the City of Ellsworth a \$50,000 grant to extend the harbor trail further down into the newest portion of the Park, which was the former Wastewater Treatment Plant site out to Water Street. The matching funds for the Harbor Walk Trail Connection Project is on the agenda later tonight. Secondly, the Small Harbor's Improvement Program grant from the Maine Department of Transportation had previously granted \$75,000 to the City of Ellsworth. This funding was matched by the City; however, it turned out the proposed improvements to upgrade the fuel tanks and add diesel to the mix was more expensive than originally thought. MaineDOT has agreed to increase their share by an additional \$47,000 and the City is very appreciative for that extra funding. This increase was not a scheduled expenditure, they did have to take the funding from a different source. This item will be discussed further later in the agenda. Third, Harbor fees was also discussed at the meeting and will be proposed later on tonight's agenda as well.

*Committee Reports.*

There were no Committee Reports this evening.

*Citizens' Comments.*

**03/08/2019 Special meeting as presented.**

**City Manager's Report.**

**Committee Reports.**

**Citizens' Comments.**

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Mark Whiting, resident of the Gary Moore Road was representing the Green Plan Committee this evening. He explained they were the group advocating for a plastic bag ordinance. He noted they appreciated the City Council taking this project on. They have been made aware of the fact that the State of Maine is working on something very similar and it may be preemptive of town ordinances; however, the Green Plan Committee feels the City of Ellsworth should move forward with adopting an ordinance anyway. Whiting noted if anything does happen on the State level it likely will not be enacted for a year or more. The Green Plan Committee is much closer to completing their proposed ordinance and they would prefer to enact something on a local level. Councilor Fortier inquired about a road cleanup and asked Whiting to review this project for the public. There will be a roadside cleanup starting with the Card Brook Cleanup on Saturday, April 27, 2019. The City of Ellsworth will provide the bags for this cleanup event. There will also be a cleanup event where citizens are encouraged to work on their own to cleanup along the roads they live on or roads of interest to them within the City. The trash bags will be provided by the City and handed out beginning on April 27, 2019 during the Card Brook cleanup event through May 4, 2019, the following Saturday. On Saturday, May 4, 2019 there will be an organized cleanup day. Anyone interested can meet at City Hall starting at 9:30 AM, there will be snacks available and the Cub Scouts will be part of this project. Trash will be picked up and put in the yellow bags and then left alongside the road for the Public Works Department to pick up on the following Monday, this will conclude the yearly roadside cleanup program.

*Presentation of Awards.*

There were no presentations to award this evening.

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*

**Presentation of Awards.**

**Unfinished Business.**

**Consent Agenda.**

**Approved - All items on the Consent Agenda as presented.**

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*removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

*Council Order #031901, Reservation of the City of Ellsworth's right to harvest alewives. \**

See attachment #1 for the complete request describing the City of Ellsworth's right to harvest alewives.

*Council Order #031902, Request of the City Manager to hold a Special Municipal School Budget Validation Referendum Election on June 11, 2019, for the purpose of validating the school budget and inquiring if this process should continue for another three years. \**

*Council Order #031903, Request of the Harbor Commission to appoint John Noll as a Harbor Commission member with the City of Ellsworth Harbor Commission, term to expire on June 30, 2021. \**

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

***RESOLVED to approve all items on the Consent Agenda as presented.***

**NEW BUSINESS**

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

*Atlantic Coast Inn (formerly known as Primavera Inn), 200 High Street, for renewal of a Lodging House 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.

**Approved –  
CO#031901,  
Reservation to harvest  
alewives.**

**Approved –  
CO#031902, Holding a  
Special Municipal  
Budget Validation  
Referendum Election.**

**Approved -  
CO#031903,  
Appointment of John  
Noll to Harbor  
Commission, term to  
expire 06/30/2021.**

**New Business.**

**Approved - Atlantic  
Coast Inn (formerly  
known as Primavera  
Inn), 200 High  
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HERRICK, REGGIE WINSLOW, GLENN MOSHIER, AND HEIDI GRINDLE.**

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

**RESOLVED to approve the request of Atlantic Coast Inn (formerly known as Primavera Inn), 200 High Street, for renewal of a Lodging House License.**

*Morse, LLC d/b/a Tag's Sports Bar 248 State Street Suite 4 for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge Malt, Spirituous, 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 Blanchette, it was unanimously*

**RESOLVED to approve the request of Morse, LLC d/b/a Tag's Sports Bar 248 State Street Suite 4 for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.**

*Josies Country Store d/b/a Josies Country Store 126 Surry Road for renewal of a City Class C License (Liquor and Victualer) and a new State Class III and IV Restaurant 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.

Brian Muir was present, as it was required by the Licensing Ordinance in regards to new business licenses.

There were no comments.

**Approved - Morse, LLC d/b/a Tag's Sports Bar 248 State Street Suite 4 for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.**

**Approved - Josies Country Store d/b/a Josies Country Store 126 Surry Road for renewal of a City Class C License (Liquor and Victualer) and a new State Class III and IV Restaurant Malt and Vinous Liquor License.**

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Public hearing was closed.

Councilor Fortier congratulated Brian Muir on operating a very successful business in their hometown. Councilor Moore recognized the joy it brings to stop in at a former mom and pop store and find a good restaurant (and right next door to his residence is a plus).

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

**RESOLVED to approve the request of Josies Country Store d/b/a Josies Country Store 126 Surry Road for renewal of a City Class C License (Liquor and Victualer) and a new State Class III and IV Restaurant Malt and Vinous Liquor License.**

*Council Order #031904, Request of the City Manager for authorization to amend the Cooperative Agreement with Maine Department of Transportation under the Small Harbors Improvements Program to fund upgrades to the fuel tank system at Harbor Park previously approved as Council Order #011808; including additional city matching funds to come from unspent Bond Proceeds.*

David Cole, City Manager explained last year the City Council authorized \$80,000 toward the replacement of tanks at the Harbor Park. This project involves both the replacement of the existing gas tanks and the addition of diesel. This was in turn matched with \$75,000 in funding from MaineDOT plus the City independent of that was paying for the engineering expenses. The bids came in very high last year due to several reasons. This is not the best bidding environment as prices are starting to go up, contractors are very busy and this is fairly specialized work. This is further complicated as the harbor is very busy and the contractor would need to work around all the activity. The City reviewed the project with their engineer Andrew McCullough, Lisa Sekulich (Public Works Director), and members of the Harbor Commission to look for a way to work with the MaineDOT on putting together a plan that would work. The new estimate for construction is \$318,000, all parties involved have looked for ways to economize the pricing while completing the project and still keep the harbor open for the season. Cole and Tammy Mote, Deputy City Manager met with the new Commissioner of Maine Department of Transportation on this project. The Commissioner agreed with the project while seeing the importance of the marina to the community; based on this meeting he

**Approved - Council Order #031904, Request of the City Manager for authorization to amend the Cooperative Agreement with Maine Department of Transportation under the Small Harbors Improvements Program to fund upgrades to the fuel tank system at Harbor Park previously approved as Council Order #011808; including additional city matching funds in the amount of**

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agreed the MaineDOT would contribute an additional \$47,000. Out of the \$318,000 in construction costs the MaineDOT will be contributing \$122,000 or just under 40% to the project. The City in turn has already committed \$80,000 and is requesting an additional \$122,000 to make up the difference, plus cover the \$18,000 in pre and post engineering and construction management costs. The proposed funding for this project would come out of the January \$3 million bond sale that contained the rollover funds from the two bond anticipation notes that included this project. There were some financial savings within the projects that can be used for covering this expense. Tammy Mote, Deputy City Manager was present at the meeting tonight to answer any questions regarding the financial piece of the project. See attachment #2 for the complete request and Maine Department of Transportation Modification 1 to a Small Harbor Improvement Program Agreement. Lisa Sekulich, Public Works Director was present at the meeting to discuss the engineering portion of the project. Members of the Harbor Commission were present to discuss the vision as well as the strategic goals associated with the project. Cole noted if approved tonight the plan is to bid this project shortly as MaineDOT has reviewed the final estimates and everyone has worked very hard to get this project to a reasonable level. The higher cost associated with this project is not abnormal based on current market practices. Councilor Hamilton confirmed the project was previously engineered in terms of the original costs and then inquired why there were new engineering costs along with the management. He felt the management costs should have been included in the original bid which the City did not move forward on. His other question was has the MaineDOT approved everything in regards to the plan design or is this a process where a full set of plans need to be submitted and then be reviewed by MaineDOT; Hamilton asked this question in regards to the timing of the project. He was curious as to when an RFP would actually be issued and whether it was realistic that it will be completed very soon as it is already March. Sekulich answered Hamilton's first question by stating after the first design and cost documents were received they looked at how to reduce the costs which required the project to be reengineered from an above ground tank with a retaining wall to a below grade tank with less piping and associated components. There will also be some costs as the project moves to the construction phase, a majority of the inspections will be handled by Sekulich and the Harbormaster; however, some of the required inspections will fall on the engineer of record. Sekulich stated the MaineDOT has reviewed the plans, if this step is approved tonight, a final review will take place and the RFP will be placed out to bid next month at the latest. Councilor Moore asked if contractors have been inquiring about when this project may be available for bid. Sekulich has received a

**\$134,500 to come  
from unspent Bond  
Proceeds.**

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call of inquiry from the retaining wall contractor, that part has since been cut out of the plans, outside of that she has not received any calls from interested contractors. Hamilton asked Mote to explain if the funds were restricted to certain projects or are they available for other uses. Mote explained when the City Council authorized the borrowing in 2017 as part of that authorization the City can go above and beyond if there are savings from other pools of money because the City Council has already authorized this project. Within that authorization it states the City Council is allowed to spend more than what was originally estimated as long as the City Council has the money available. Hamilton clarified for that specific project the City could use those funds; however, they could not be used for a different project. Mote stated the unspent bond proceeds from the whole pool that the City identified. Hamilton confirmed would have to go to those identified needs. Councilor Fortier noted this would basically be handled like a change order. Cole agreed some projects will go over, some will come in under and at the end hopefully it all evens out. Fortier noted in the past, projects have been estimated very close so that the correct bond is obtained, this time projects remained in a bond anticipation funding status until the final numbers were known and then the City borrowed the appropriate amount of money instead of guessing at it. Chairperson Pro Tem Hudson, inquired about contractor inflation because of the time of year and how busy companies are; she wondered if the funds from the MaineDOT had a timeline associated with them. Hudson wondered if it was possible to postpone the construction for another year so that better construction rates could be obtained and still use the money from the MaineDOT. Cole noted they expect the City to move forward in a reasonable timetable. The project end date is June 30, 2020 which anticipates all the way through to final inspections. Sekulich noted when the current schedule was developed it was intentionally made less restrictive whereas the first schedule was so restrictive it was believed to be impacting the prices received. The first documents only allowed work to be completed while the harbor was closed this time work can be completed while the harbor is open but there are restrictions on certain aspects. For example, how long the harbor can be without fuel; the contractor will tell the City how they will maintain fuel rather than the City telling them when they can and cannot be in the harbor. Sekulich felt it could be delayed; however, she still feels the 2019 season is the best option to complete the project before the June 30, 2020 deadline. Cole agreed previously this project was designed to be completed in the narrow window of fall and spring. The problem for a contractor with this plan is even if they have access to both windows they have remobilization fees associated with leaving and coming back to a job site. Cole felt this new schedule could be beneficial. Fortier stated the end result is he

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will support this item; however, he is not happy with the increase in price. The indication is the project payback period will take 159 years with the sale of fuel only; however, this is a project the City has partnered with MaineDOT on and for the sake of maintaining that positive relationship this project needs to be completed. Fortier felt this project needed to be completed so the 5 and 10 year goals could be started at the Harbor. Fortier noted many people have told him they are looking forward to the offering of diesel fuel at the Harbor. Hamilton noted they are in a process now where capital items are being reviewed and trying to get to a place where items can be prioritized. This is the type of item that prompted Hamilton to want a new process, as the City Council is about to vote on a very expensive item. This is outside of the scope of having an opportunity to justify it against other needs and in 3 months the budget process will be in full swing. There will be discussions on a lot of needs without the luxury of vetting those. Hamilton is not stating he is opposed to the project, he believes the tanks do need to be replaced; however, it is just the timing of looking at items in isolation and missing the opportunity to collectively justify the project. Councilor Phillips noted the harbor is an important part of the community; however, approximately 10,000 gallons of fuel is currently sold at the harbor per year. Phillips provided some numbers based on the number of gallons sold compared to the profit made on a gallon which proved this project will be very expensive without a payback period. This will be a service and a chance to enhance the harbor rather than a revenue source. Phillips felt at the earlier pricing this was a good project; however, at \$318,000 it is a substantial investment for a small amount of fuel sales.

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

***RESOLVED to approve Council Order #031904, Request of the City Manager for authorization to amend the Cooperative Agreement with Maine Department of Transportation under the Small Harbors Improvements Program to fund upgrades to the fuel tank system at Harbor Park previously approved as Council Order #011808; including additional city matching funds in the amount of \$134,500 to come from unspent Bond Proceeds.***

Hudson asked for clarification on the unspent bond proceeds only going toward the harbor. Mote stated for this particular project, yes, the City is okay. Mote has another request further in the agenda and that one needs an additional authorization. The City is covered with this request. The \$134,500 can only be spent on the Harbor or the other projects that were listed within the Bond and BAN documents.

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Mote listed the acceptable projects on which those funds could be spent. She further explained if the City is outside of those scopes then the City Council will need to approve an additional authorization which is one of the last items on tonight's agenda. Hudson stated if those funds are not used for this project then the City Council could vote on an authorization to spend it on a different project or also referred to as a reallocation of funds.

**A final vote was taken with 4 members in favor (Blanchette, Fortier, Grindle, and Moore) and 3 members opposed (Hamilton, Hudson, and Phillips).**

*Council Order #031905, Request of the Deputy Treasurer/Tax Collector to award bids for tax-acquired property.*

Kelly Herrick, Deputy Treasurer/Tax Collector stated on March 8, 2019 bids were opened for 37 Acadia Village Resort Timeshares and 9 properties that were acquired for non-payment of real estate taxes. The City received bids on 2 of the timeshares and 8 of the properties. See attachment #3 for the complete request and bids received. Herrick is recommending to award the tax-acquired properties to the highest bidders as listed on attachment #3.

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

*RESOLVED to approve Council Order #031905, Request of the Deputy Treasurer/Tax Collector to accept the bids from the highest bidders as indicated on attachment #3 and to release said properties through Quit-Claim Deeds as presented.*

Before a vote was taken Councilor Phillips questioned the property located at 1753 Bangor Road having an assessed value of \$96,300 and receiving a bid in the amount of \$20,000. Herrick explained a higher bid was received on that property; however, the bidder rescinded his offer. Phillips stated he would approve all the bids with the exception of that one; he would like to remove that one and allow the City to dispose of it. He personally felt the value of that parcel was substantially more than the \$20,000 offered; he did not feel it was a good move to allow that parcel to go for such a small amount of money. Councilor Blanchette noted he thought that parcel has been for sale for at least a year; however, was not sure of the asking price. Blanchette agreed that would be a great deal for the buyer at \$20,000. There was a short discussion on the current status of that parcel. Councilor Fortier

**Approved - Council Order #031905, Request of the Deputy Treasurer/Tax Collector to accept the bids from the highest bidders as indicated on attachment #3 and to release said properties through Quit-Claim Deeds with the exception of the Bucksport Road property and 1753 Bangor Road.**

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felt the current owners did not walk away from the property, it appears someone is living at the property and whoever purchases this parcel will have to go through the process of eviction. He questioned whether City staff has researched the title to see if it is clean or not; the City would only be issuing a quit-claim deed on the property. Fortier felt the City should accept the bid, it is only one acre of land, and let someone else deal with the property. Chairperson Pro Tem Hudson stated the same argument could be made for the Bucksport Road property as well. It is assessed at \$99,700 and the high bid is \$10,004.75. Fortier noted there is a lot of swampy areas on that parcel. There was a short discussion on the value of this property. Herrick did not have any additional information on the properties. Fortier stated his motion stands. He feels the City has had adequate time to sell these properties and getting them on the tax rolls before April 1 so that they are taxable properties again is paramount to the success of that program. He felt the City should honor the bid process.

**A final vote was taken on the above motion with 3 members voting in favor (Fortier, Hamilton, and Moore) and 4 members voting in opposition to the motion (Blanchette, Hudson, Grindle, and Phillips).**

**The above motion failed to pass.**

*On a motion by Hamilton, seconded by Grindle, it was*

**RESOLVED to approve Council Order #031905, Request of the Deputy Treasurer/Tax Collector to accept the bids from the highest bidders as indicated on attachment #3 and to release said properties through Quit-Claim Deeds with the exception of the Bucksport Road property and 1753 Bangor Road.**

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

*Council Order #031906, Request of the Deputy Treasurer/Tax Collector to offer for sale by public sale timeshare units located at Acadia Village Resort, acquired by non-payment of real estate taxes. (Complete list available at the City Clerk's Department)*

**Approved - Council  
Order #031906,  
Request of the  
Deputy  
Treasurer/Tax  
Collector to set a sale**

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**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,  
HAMILTON, HUDSON, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
JENNIFER MERCHANT, ADAM WILSON, LISA SEKULICH, KELLY  
HERRICK, REGGIE WINSLOW, GLENN MOSHIER, AND HEIDI GRINDLE.**

Kelly Herrick, Deputy Treasurer/Tax Collector explained on March 8, 2019 there was a bid opening for the 37 timeshare units that were acquired for the non-payment of real estate taxes. Bids were received on 2 of the timeshare units, the remaining 35 did not receive bids. Herrick is requesting authorization to add the remaining 35 timeshares as listed on attachment #4 to the existing \$100 sale list. This list of timeshare units is on a first come first serve basis. This will make a total of 239 timeshare weeks available for sale by the City. Councilor Moore inquired if there could be a renewed effort to get out of this entanglement. Councilor Fortier suggested having the City Manager direct the City Assessor to find a better way; this used to be taxed as one unit and the Timeshare Association would then handle distributing the tax obligation per unit. Fortier felt the City was now a real estate agent for a timeshare failure. Chairman Pro Tem Hudson inquired when and why this process was changed. Fortier remembered at some point a previous tax assessor felt this was a more fair way to handle the tax responsibility as well as increase revenue for the City. Unfortunately, it seems to have only increased the work burden on the tax department. David Cole, City Manager noted it is very complicated to undo this process especially without the cooperation of the Timeshare Association. He will explore this further; however, did not want to give any expectation that there is an easy fix to this situation. Shortly after Cole joined the City, he researched this topic and located one community in Western Maine that was taxing timeshare units in the same way Ellsworth does. Phillips felt a good indicator of how much these units are truly worth is evident in the fact that less than 20 units have sold per year even at \$100 each.

**price of \$100.00 each for the 35 timeshare units, which are detailed on attachment #4, and to write-off any remaining tax balance once they are sold.**

*On a motion by Phillips, seconded by Grindle, it was unanimously*

**RESOLVED to approve Council Order #031906, Request of the Deputy Treasurer/Tax Collector to set a sale price of \$100.00 each for the 35 timeshare units, which are detailed on attachment #4, and to write-off any remaining tax balance once they are sold.**

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

Reggie Winslow, Water Department Superintendent explained the Water Department has very few fees and the ones they charge for certain services still result in the Department losing money for performing that service. Winslow stated the fees the Department could have gained for Fiscal year 2018 would have been

**Approved - Amending the Water Terms and Conditions as proposed this evening and contained within the**

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just under \$4,000. The fees proposed in attachment #5 will not be a huge revenue source; however, will help recuperate some of the cost that the Department is losing. When the proposed fees were compared to those in similar communities they still remained lower. Councilor Blanchette inquired whether the deactivation and reconnection fees were due to residents going to Florida. Winslow noted some are, when this happens a resident will call the Water Department and a service order is created, the water is shut off, and the meter is removed. Blanchette asked if a “package deal” could be offered in these situations. Winslow believed the way the fee schedule works it would still be less expensive than hiring a plumber to do the same thing. This is not a very high cost to the resident. Councilor Hamilton asked Winslow to list the type of service and the proposed fee for the public’s benefit. See attachment #5 for this information. Winslow noted the After Hours Reconnection Fee which is currently \$37.50 is proposed to increase to \$100. The reason for such a large increase is because the staff member is paid for a minimum of 2 hours at a rate of time and half, with a fee of \$37.50 it does not cover the hourly rate the City has to pay for the staff member to go to the residence and turn the water back on. The Bulk Water Setup Fee is new and is proposed to be \$65; this covers the cost of the application fee plus the time for the staff member to go out, assemble the meter to the hydrant, and take it down once the applicant is finished with the water. The water that went through the meter is charged separately from the \$65 fee. Councilor Fortier noted the water users have been paying for these expenses because they are paid for out of the general fund. The proposed fees will help bring this situation to a truer user fee system, where the one using the service is actually paying more of the associated expense for that service. Winslow noted the proposed fee increases do not actually impact water users that are current on their water bill. The operating costs are funded through water revenues. Fortier felt the fees were fair and consistent with other water districts in the region. Councilor Moore provided his observation that if someone has their water turned off for not paying the bill, more than likely there has been a trail of efforts to correct the situation by City staff which probably goes way beyond the associated fee.

**minutes as  
attachment #5.**

Public hearing opened.

Judy Blood, resident of Ellsworth Falls, asked the Council to consider the idea that the City is charging double to those residents that could probably least afford it. Blood was referring to the reconnection fee increasing from \$25 to \$50.

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
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Gordon Workman, Ellsworth resident, wondered if it would be less expensive for a resident leaving for Florida to just shutoff the value. There was a short discussion concerning this topic, it would be approximately the same fee based on water alone; however, may be less expensive if the impact caused by the sewer charges are calculated in as well. Workman further inquired if the fees are increased to cover certain services, would the remaining water users who do not use those services see a reduction in their bill. It was generally agreed there would not be a reduction in the water bills; however, there may be a slowing in the increase in water rates over time. Tammy Mote, Deputy City Manager noted based on numbers from last year, only 4 people would have been charged the \$50 for reconnecting their service. Water service is not an eligible expense under the General Assistance guidelines. Winslow did mention that if a resident calls and schedules their water to be turned off at the street, the water bill stops from that point on, and then they can call and resume service when they return. As long as they leave everything in place within the house and the Water Department staff does not touch any of it then they will no longer receive a water bill. It was unclear if the same thing would be true for a sewer bill; however, Fortier noted the sewer bill is based on the water usage.

Public hearing closed.

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

**RESOLVED to approve amending the Water Terms and Conditions as proposed this evening and contained within the minutes as attachment #5.**

**A final vote was taken with 6 members voting in favor (Blanchette, Fortier, Grindle, Hudson, Moore, and Phillips) and 1 member voting in opposition (Hamilton).**

*Council Order #031907, Request of the Finance Director to write off uncollectible water account balances, per spreadsheet available in the City Clerk's Department.*

Reggie Winslow, Water Department Superintendent stated currently there are several accounts that are past the 6 year mark for sending them to collections. The total for these accounts is a little over \$1,300; some accounts are under \$60 and the fee a collection agency would charge to collect those balances is more than the outstanding amount would be. See attachment #6 for the complete request as well as the list of accounts proposed to be written off at this time. The total amount

**Approved - Council Order #031907, Request of the Finance Director to write off \$2,149.14 in past due closed water accounts per the attached documents (attachment #6).**

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proposed to be written off is \$2,149.14. Chairman Pro Tem Hudson was surprised to see RSU #24 on the list. Lisa Sekulich, Public Works Director noted this is not the correct list. The RSU #24 accounts have been combined and an attempt will be made to collect the outstanding balances. They should be removed from attachment #6 this evening as they have been added to the collections list. There are rules that do not allow the City to withhold water service at a new location until the prior location is paid in full, if an applicant has outstanding water balances within the City. The same is true if a different party requests water service at a location that has an outstanding balance, they are considered a new customer and therefore can setup a water account at that location. Winslow noted if there is a trend documented then the Water Department can ask for a deposit first; the deposit has to be held and if it collects interest that would have to be paid back. There is a PUC process that has to be followed when collecting a deposit. There have been discussions on a Department level to keep better track of any trends so that a deposit system could be used in the future. There have been several attempts to collect on these accounts. Councilor Moore inquired if some of the accounts are in names of deceased residents. Winslow noted there are a couple of accounts with that status.

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

**RESOLVED to approve Council Order #031907, Request of the Finance Director to write off \$2,149.14 in past due closed water accounts per the attached documents (attachment #6).**

*Council Order #031908, Request of the Harbor Commission to amend the Harbor Fee Schedule.*

Adam Wilson, Harbormaster explained there are two fees contained in attachment #7 that were overlooked last year when the fees were amended. The fee increase is very minimal and impacts the Outer Harbor Mooring Fee and the Weekly Slips Rental. The Outer Harbor Mooring Fee is increasing from \$10 to \$25 which will make it the same rate as the Float Dock Moorings. These both have to be inspected every other year and this fee helps cover the associated cost with performing these inspections. The Weekly Slips Rental which applies to the transient boaters will be increased from \$150 to \$200 if approved this evening. Transient boaters can rent these slips for two weeks at a time and then must leave the slips for 7 days before renting one of those slips again. If there is availability they are allowed to come

**Approved - Council Order #031908, Request of the Harbor Commission to amend the Harbor Fee Schedule as attached (attachment #7).**

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back for another two week period. Wilson noted the Ellsworth Harbor fees are very low compared to all the other harbors in close proximity to Ellsworth.

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

**RESOLVED to approve Council Order #031908, Request of the Harbor Commission to amend the Harbor Fee Schedule as attached (attachment #7).**

*Council Order #031909, Request of the City Manager for approval to sign a Memorandum of Agreement between the City of Ellsworth and the Downeast Salmon Federation for removal of the Branch Lake Stream Dam.*

David Cole, City Manager explained approximately 2 years ago Downeast Salmon Federation approached the City about a potential partnership where, if they could raise the funds would the City allow them to remove the Dam structure at Branch Lake Stream Dam. This Dam has not been functioning for approximately 20 to 40 years. The Downeast Salmon Federation's goal is to enhance water quality and fish passage. The City has the additional question of liability with that structure being there and in bad shape. Discussions have included if the Downeast Salmon Federation can raise the necessary funds and provide the City with all the assurances in terms of covering liability, indemnifications, and contracting activities to take out the Dam, then Cole would bring the agreement before the City Council to consider. See attachment #8 for the complete request, memo from Michele Gagnon providing a brief history on this request, and the Memorandum of Agreement between Downeast Salmon Federation and the City of Ellsworth. Lisa Sekulich, Public Works Director explained more than 20 years ago the City stopped impounding water at that Dam. She has been working with the Downeast Salmon Federation to create a memo of understanding that covers the City and requires them to have all the pertinent environmental permits, bonding capacities with contractors, and liability insurances to cover any potential risk to the City throughout the process. Councilor Moore inquired if the Dam is removed will it change anything dramatically. Sekulich stated it will not change Branch Lake at all, the stream will still function as a stream; the Dam located at the Lake will control the flow. The reason behind removing the Dam is solely for fish purposes and water quality at the junction between the stream and the Union River. Brett Ciccotelli, a Fisheries Biologist that works with the Downeast Salmon Federation explained this Dam does not make Branch Lake, it is at the very bottom of the Branch Lake Stream. It is right at the point where Branch Lake Stream enters into

**Approved - Council Order #031909, Authorize the City Manager to sign and execute an agreement with the Downeast Salmon Federation under the conditions noted in the attached memorandum of agreement (attachment #8).**

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Leonard Lake. It is an impoundment that exists seasonally because the Dam has been abandoned. Due to the Dam being abandoned for so long there is a spillway that will open and close based on debris that fills it up over time. The goal is by removing this, the stream located below Branch Lake would be opened for any fish that are passed up into the Union River into Leonard Lake or Graham Lake and then back into the river system. Ciccotelli stated this project is exciting for them for a couple of reasons: 1) there are some partners that are willing to make it happen and at no expense to the City and 2) with the relicensing of the two hydro powered Dams on the River there are some assurances that there will be better improvements for fish passage. Some of the improvements will take longer up to 15 years or so; however, as those happen and are phased in this will be some of the first habitat that is available for Atlantic Salmon to access in the River System. To have this habitat ready as those improvements are made will be a positive thing for the species recovery process as well as this opens up habitat for the blueback herring which is a species that mixes in with alewives and is actually part of the municipal harvest. Currently, there are not as many habitats identified for these species so this will add some places for those fish to go and then that will contribute back into the municipal harvest. Councilor Fortier inquired if this project would cause a request to stock more in Leonard Lake. Ciccotelli did not think so; however, that would be a DMR decision. The Downeast Salmon Federation is a non-profit group supported by membership and foundations. They work a lot with Federal and State Agencies, and the US Fish and Wildlife Service has been their main partner on this project particularly with design and providing funds. They have had to alert the Maine DMR and IF&W about this project.

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

**RESOLVED to approve Council Order #031909, Authorize the City Manager to sign and execute an agreement with the Downeast Salmon Federation under the conditions noted in the attached memorandum of agreement (attachment #8).**

*Council Order #031910, Request to approve a construction overlimit permit for MaineDOT to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the City of Ellsworth in support of construction operations for a specific projects to be named by MaineDOT in the near future.*

**Approved - Council Order #031910, Approve and execute agreement with MaineDOT to issue an overlimit permit to contractor on**

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There was no discussion before a vote was taken; see attachment #9 for the complete request.

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

**RESOLVED to approve Council Order #031910, Approve and execute agreement with MaineDOT to issue an overlimit permit to contractor on MaineDOT projects {WIN 23951.00 and WIN 23953.00}, including bonding provisions as needed to protect the municipal roads from damage, and further authorize the City Manager to execute a Heavy Loads Exemption Permit to carry out the intent of this agreement.**

*Council Order #031911, Discussion and action on the Clam Warden position for the Frenchman Bay Shellfish Program.*

David Cole, City Manager explained in December 2018 the City Council discussed the appointment of a City Council member to the Shellfish Committee and whether the City could continue in the enforcement role for the program. Since that time Tammy Mote, Deputy City Manager has worked with the leadership of the Shellfish Alliance to look at other options they may pursue in regards to the enforcement piece. Police Chief Glenn Moshier was present this evening. In December he shared some of the concerns he had from the Police Department side, particularly enforcement outside of his jurisdiction. At the December meeting, Cole believed the sentiment was to revisit this topic in March or the Spring. Cole did not believe we were in the position yet to recommend a particular course of action. Councilor Fortier stated based on the Deputy City Manager just having a conversation with the Sheriff on this topic, the fact that the Police Chief just returned from the FBI Academy, and they really need to have an opportunity to discuss that conversation before they try to answer questions from the City Council; he would like to suggest the City Council table this item until next month. This would give them time to come back with a report as well as meet the 60 day window, before July 1. Tammy Mote, Deputy City Manager explained Chief Moshier, Cole, herself, and two members of the Shellfish Program met with the Sheriff today. The Shellfish program representatives would not be willing to move forward with the proposal for

**MaineDOT projects {WIN 23951.00 and WIN 23953.00}, including bonding provisions as needed to protect the municipal roads from damage, and further authorize the City Manager to execute a Heavy Loads Exemption Permit to carry out the intent of this agreement.**

**Approved - Tabling Council Order #031911, Action on the Clam Warden position for the Frenchman Bay Shellfish Program. Ask Staff to research with the County Commissioners and the Frenchman Bay Shellfish Program a process that we can maintain the viability of the enforcement that leaves Ellsworth without any liability. The City of Ellsworth still wants to be a partner in the program.**

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a full time certified police officer as there is not enough money within the program to pay for this level of enforcement. The startup fee to obtain this level of enforcement would cost approximately \$150,000. They are looking at other alternatives, which includes the possibility of two part-time officers and the program leaders do feel like that would be sufficient. This would remove the costs associated with the benefits. Moshier was part of this discussion and the question came up of whether the City Council would be willing to keep those employees on as City of Ellsworth employees with the program paying for them. They would not be carrying a gun. Moshier stated initially this item was brought forward based on his concern that the Police Department has an officer outside of their jurisdiction who is carrying a firearm, licensed to the City. This officer is working under the umbrella of the Ellsworth Police Department while enforcing laws outside of the jurisdiction of the City of Ellsworth. For a time, that individual was commissioned by the Sheriff but the Sheriff later rescinded that commission due to some outside influences the Police Department had no control over. This was concerning as the Police Department had very little control and regulation over what he did; it became clear to Moshier there was a liability issue on the part of himself and the City as a whole having this individual continue to be employed under that status. It was brought forward to the Sheriff's Department because there is a more direct link to them since the Communities are all part of Hancock County. The Sheriff indicated today, the cost to do this would be cost prohibitive for the program. He further indicated if the law enforcement function was removed from that individual the Sheriff's Department, not the County but the Sheriff's Department, did not have any interest in pursuing any type of partnership or control over those individuals whether it be on a part-time or full-time basis. After that discussion there was a short meeting on where to go next for the sake of the Committee. There was also a discussion concerning a non-law enforcement function with two part-time employees falling under the umbrella or the direct control of the County, but that would have to be presented to the County Commissioners as an option. The hope tonight was to get guidance from the City Council as to what direction this request should move in. Previously the indication was the City Council wanted to get out of the enforcement of these rules and violations entirely and Moshier still supports that opinion. At the same time, without enforcement the program cannot exist according to DMR regulations. This would further mean all the individuals that rely on this program for their livelihood would no longer have the ability to harvest clams in the multiple towns. Moshier stated if there are no other options, meaning the County is not willing to take on the role of supervising and employing these individuals, along with conducting the enforcement on a civil level than Moshier

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thinks the Ellsworth Police Department would be willing and able to continue to do. This would not be Moshier's first choice of a solution because with this still comes a host of issues and concerns about how to deal with an individual that is enforcing civil violations in communities outside of Ellsworth. They are City of Ellsworth employees falling under the supervision of the Ellsworth Police Department. There would need to be a plan on how to deal with those individuals when there are complaints, issues, or concerns especially if those individuals are confronted with situations on the flats. The details of how to address cases where the employee is assaulted on the flats or sustains an injury while on the job would need to be worked out in regards to how the program would be held responsible. Chairman Pro Tem Hudson asked if this organization through their own funding paid for this position. The City pays in the \$60,000 range for this position and the Sheriff was estimating \$150,000 to take on this position. Currently, the position is not held by a fully sworn Ellsworth Police Officer, so he is not part of the Union, is not on the Police pay scale, and does not receive the same benefit package. The way the Sheriff made it sound if they were to accept responsibility for this position it would be a sworn deputy falling under their pay scale, benefit package, and having a vehicle. Hudson asked if there have been discussions with the other municipalities involving asking for their assistance and support with this concern; she indicated this is clearly a County responsibility. She felt this should not be a function of the City of Ellsworth but rather Hancock County; if other municipalities joined the discussions at the County Commissioners meeting it may have more power in reaching an agreement. Hudson felt if the City does not provide this the County would have to provide this service. Moshier agreed, that was part of the conversation today with the two individuals from the Committee. They were hoping for clarification, if it is the wishes of the City Council that the Ellsworth Police Department no longer supervise or have control over the enforcement action whether it is law enforcement oriented or just civil then the hope is they could get that sense and clarification, go back to the individuals and say you have to go to the County Commissioners and see if they are willing to take on this role because right now the vote of the City Council is that we no longer want to fill that role. That is the type of clarification they are hoping for to go back to them and say this is the wishes and if they go to the County Commissioners and they are told absolutely not we are not getting involved in this then it will come to the point where the entire program either takes on the role, the individual towns take on the role, or someone else steps forward and takes on that responsibility or no one does and the entire program goes by the weigh side. At that point the City could step back forward and say since no one else will do it, if we have a vested interest and see that there is value in maintaining this

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relationship and program then we can decided to take on a new role which is to manage these two part-time employees that have no law enforcement powers. This will reduce the liability as far as those two individuals out there, but the way Moshier sees it there is still considerable liability on the part of the City. They are still City employees. Councilor Blanchette stated there are 13 people in this group that are Ellsworth residents, and therefore allowed to dig in the other communities that are part of the Frenchman Bay region. Ellsworth does not have any harvestable clam flats as far as Blanchette is aware; the only flat is just below the sewer outlet and that is permanently closed. Blanchette stated if we elect to pull out completely then those 13 people will not be allowed to harvest in any of the other Communities; however, on the other hand there are a lot of liabilities that the City carries if we continue with the program even with the two part-time employees. Blanchette would like to see what the County Commissioners have to say about the program and their take on what they can offer. Fortier provided the history behind the program and the reasons why these seven towns which were not previously part of a shellfish program felt there was a need to develop this type of program. Whenever Southern Maine was closed due to red tide the harvesters from that area would over harvest the flats in Hancock County and particularly the Frenchman Bay region. This was a method to preserve an asset for local harvesters and a determined number of non-resident harvesters. Fortier feels it has worked very well as far as the asset management goes; currently the City has a problem with the enforcement management and he feels there are a lot of moving pieces that still need to be resolved. Fortier would love to see the City Council get out of the supervision piece of it, we have contributed our share it is time for someone else to do that piece now. Fortier does not want to vote to destroy the program because the City is not willing to support that piece of it. Fortier further felt there were more questions than answers right now, the next step is to get with the County Commissioners. Fortier suggested maybe a couple of City Councilors join with a couple of Shellfish members and have that conversation with the County Commissioners on enforcing the Ordinance to protect the asset. Fortier agreed 100% with removing the guns from the responsibilities of the position. He was not ready to vote on this item tonight based on the questions that remain. Councilor Moore felt something should be able to be worked out with the Sheriff's Department or the County but it doesn't seem like Ellsworth alone can solve this issue. Cole noted at the League of Towns meetings, Scott Atkins the County Administrator has been at those meetings and there have been discussions concerning shared services among towns. This does not necessarily mean every town has to be involved, just where you have small communities that by banning

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together under the County umbrella might be a more economical way of accomplishing tasks. The County has seemed opened to that process, it might make sense with 7 communities involved to address it with the County Commissioners. If the Sheriff's Department is not interested that is fine it doesn't necessarily have to fall under the law enforcement powers. Hudson felt jurisdiction wise it makes the most sense for this to be a County responsibility. Legally, it is possible for a City of Ellsworth employee to enforce the Ordinance; the Clam Warden Statute gives the position through the individual communities the authority to enforce those civil violations based on the organization and group. The position does have the jurisdiction and authority for the civil violations the criminal matters he was at one time enforcing was only granted by the Sheriff's Department to have jurisdiction over those matters. Those powers have been rescinded, so at this time the position has no jurisdiction to enforce criminal matters outside of the City of Ellsworth; the position only has the ability to enforce civil violations.

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

**RESOLVED to approve tabling Council Order #031911, Action on the Clam Warden position for the Frenchman Bay Shellfish Program. Ask Staff to research with the County Commissioners and the Frenchman Bay Shellfish Program a process that we can maintain the viability of the enforcement that leaves Ellsworth without any liability. The City of Ellsworth still wants to be a partner in the program.**

*Public hearing and action on Council Order #031912: Amending Order #081706, as previously amended by Order #041810 to Reallocate Unspent Bonds Proceeds to Harbor Walk Trail Connection Project.*

Tammy Mote, Deputy City Manager explained in August 2017 the City Council authorized the issuance of up to nearly \$2 million to finance the cost of the State Street drainage project, Bayside Road reconstruction, Harbor fuel tank replacement, and the Water Street parking lot. The final costs came in under budget leaving an available balance to finance other projects. Mote explained on March 6, 2019, the City Council approved the City Manager to sign and enter into a project agreement for a grant under the Recreation Trails Program through the State of Maine for the Ellsworth Harbor Walk Trail Connection Project. The match for this grant is \$30,716; as was discussed earlier in the meeting this would be the point where a request is needed to reallocate those unspent bond proceeds to this particular

**Approved - Council Order #031912: Amending Order #081706, as previously amended by Order #041810 to Reallocate Unspent Bonds Proceeds in the amount of \$30,716 to Harbor Walk Trail Connection Project, and also to authorize the attached written**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: MARCH 18, 2019**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,  
HAMILTON, HUDSON, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
JENNIFER MERCHANT, ADAM WILSON, LISA SEKULICH, KELLY  
HERRICK, REGGIE WINSLOW, GLENN MOSHIER, AND HEIDI GRINDLE.**

project. See attachment #10 for the complete request and the official order Titled: Order Amending Order#081706, as previously amended by Order #041810 to Reallocate Unspent Bond Proceeds to Harbor Walk Trail Connection Project.

**order (attachment #10).**

Public hearing opened.

Phil Hopkins from Sargent Drive asked if there was any possibility that the money could be placed in the road budget instead of trails. He was thinking specifically the Winkumpaugh Road, as he has been promised many times over the last 62 years that the road would be fixed. Some pieces have been fixed over the years; however, on Sunday crushed stone was brought out to fix holes on the road. He also noted a portion of the crushed stone was placed on the Happytown Road as it was nearly unpassable last night. Hopkins asked if there is any extra money from anywhere in the budget he would like to see it go on the Happytown and Winkumpaugh Roads. He questioned why the City Council could not develop a ten year plan to rebuild a quarter of a mile each year and get the 2.5 miles of road completed. This would start where the black top ends right now up to the four corners where the Happytown Road is and possibly the next piece of the Happytown Road from the four corners up to where that becomes black top could also be included which is approximately .5 miles. Hopkins did not feel a ten year plan would be unreasonable; he realizes making all the improvements in one year would be out of the question. There are a lot of people living in this area of the City and the road conditions are not good year around. The road is higher than the ditches in some places and lower in a lot of other places so the water cannot get off the road. There will never be a decent road in that area until the road is rebuilt, it needs a new base, ditches, and culverts. This does not need to be as expensive as the last project was up there; according to Hopkins there was a lot of work completed up there that was not needed. Hudson confirmed Hopkins is referring to fixing approximately 3 miles of roadway in that area.

Gregg Tabbutt, President of the Sargent Drive Road Association, agreed with the comments and concerns as addressed by Phil Hopkins. He further asked the City Council to prioritize their spending within the City, not just on this one but others that come up throughout the year. Tabbutt felt this area of the city seems to be getting the short end of the stick; the road is pretty bad. Councilor Fortier replied to Tabbutt's comments by explaining that Chairman Blanchette appointed a new Committee this year referred to as the Capital Projects Committee. The goal of this Committee that has only just started to meet is to look at all of the capital projects

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and prioritize them. Fortier encouraged Tabbutt to forward his concerns and ideas on to this Committee. He also agreed that it would cost significantly more to do a quarter of mile a year than committing to the project and completing it in one season and bonding the project so that it can be paid for over 10 years.

Judy Blood, resident of Ellsworth Falls, noted that every time the Winkumpaugh Road washes out and the silt leaves the road it goes right into the City's water supply (Branch Lake).

Jon Stein, owner of Fogtown Brewery, was hoping to hear a description of what the harbor side trail might look like and where it might run.

Lisa Sekulich, Public Works Director, stated the final details of the trail still need to be worked out as it relates to the final materials. Essentially, the trail will connect the current large gazebo located at the Harbor Park over to the smaller gazebo and then back out to Water Street.

Councilor Hamilton inquired if these funds could be moved to other projects or if they had to be associated with those original projects. Mote explained the City Council can reallocate these funds to other projects. Hamilton confirmed, these funds can be totally reallocated. Mote explained that is what happened with this one because it does not really relate to the project that was approved, that being the Harbor Fuel Tank Replacement Project. The Council was able to approve additional funds to the Harbor Fuel Tank Replacement Project. In this case, the request is to reallocate funds to the Harbor Trail Connection Project because it is a completely different project. Hamilton echoed comments made by Fortier as the City Council gets into the budgeting process and the budget meetings are held, Hamilton was hopeful that citizens are able to attend, listen, and weigh in on the discussions regarding capital needs. There are a lot of needs within the City and those need to be planned for and prioritized; Hamilton recognized it is most helpful to this process when there is more input.

Public hearing closed.

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

**RESOLVED to approve Council Order #031912: Amending Order #081706, as previously amended by Order #041810 to Reallocate Unspent Bonds Proceeds in**

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**DATE: MARCH 18, 2019**

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**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,  
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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
JENNIFER MERCHANT, ADAM WILSON, LISA SEKULICH, KELLY  
HERRICK, REGGIE WINSLOW, GLENN MOSHIER, AND HEIDI GRINDLE.**

*the amount of \$30,716 to Harbor Walk Trail Connection Project, and also to authorize the attached written order (attachment #10).*

*Executive Session to discuss labor negotiations between the City of Ellsworth and the Ellsworth Highway Department Unit, Local #327, Massachusetts and Northern New England Labors' District Council in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.*

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

**RESOLVED to approve entering executive session at 8:46 PM for the purpose of discussing labor negotiations between the City of Ellsworth and the Ellsworth Highway Department Unit, Local #327, Massachusetts and Northern New England Labors' District Council in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.**

Tammy Mote, Deputy City Manager attended the Executive Session.

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

**RESOLVED to approve adjournment from the executive session at 9:06 PM.**

*Council Order #031913, Action on proposed contract between the City of Ellsworth and the Ellsworth Highway Department Unit, Local #327, Massachusetts and Northern New England Labors' District Council.*

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

**RESOLVED to approve removing Council Order #031913, Action on proposed contract between the City of Ellsworth and the Ellsworth Highway Department Unit, Local #327, Massachusetts and Northern New England Labors' District Council from the agenda this evening.**

*Adjournment.*

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

**Approved - Entering executive session at 8:46 PM for the purpose of discussing labor negotiations between the City of Ellsworth and the Ellsworth Highway Department Unit, Local #327, Massachusetts and Northern New England Labors' District Council.**

**Approved - Adjournment from the executive session at 9:06 PM.**

**Approved - Removing Council Order #031913, Action on proposed contract between the City of Ellsworth and the Ellsworth Highway Department Unit.**

**Approved- Adjournment at 9:06 PM.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: MARCH 18, 2019**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE, FORTIER, GRINDLE,  
HAMILTON, HUDSON, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
JENNIFER MERCHANT, ADAM WILSON, LISA SEKULICH, KELLY  
HERRICK, REGGIE WINSLOW, GLENN MOSHIER, AND HEIDI GRINDLE.**

**RESOLVED to approve adjournment at 9:06 PM.**

**A TRUE COPY**

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