

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 16, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, RICHARD TUPPER, LISA SEKULICH, TINA HOWES,
JENNIFER MERCHANT, BERNIE HUSSEY, 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 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.

Chairman Blanchette made a motion to add two items which would be items #19 and #20:

Council Order #091909, Request to authorize the City Manager to enter into a contract agreement between the City of Ellsworth and Steven E. Joy regarding access to Leonard Lake Roadway for purposes of the Branch Lake Stream dam removal.

On a motion by Blanchette, seconded by Phillips, it was unanimously

RESOLVED to approve the addition of agenda item #19 Council Order #091909, Request to authorize the City Manager to enter into a contract agreement between the City of Ellsworth and Steven E. Joy regarding access to Leonard Lake Roadway for purposes of the Branch Lake Stream dam removal.

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approved - Addition of agenda item #19 Council Order #091909, Request to authorize the City Manager to enter into a contract agreement between the City of Ellsworth and Steven E. Joy regarding access to Leonard Lake Roadway for purposes of the Branch Lake Stream dam removal.

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Council Order #091910, Request to determine a public exigency related to Branch Lake Stream dam removal exists and requires the immediate taking of so-called Leonard Lake Road and to approve Order of Condemnation taking said Leonard Lake Road pursuant to 23 M.R.S.A § 3023.

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

RESOLVED to approve the addition of agenda item #20 Council Order #091910, Request to determine a public exigency related to Branch Lake Stream dam removal exists and requires the immediate taking of so-called Leonard Lake Road and to approve Order of Condemnation taking said Leonard Lake Road pursuant to 23 M.R.S.A § 3023.

City Clerk note: Council Order #091900, Discussion and action on taking by eminent domain an easement to clear the title of an existing road leading from Christian Ridge Road to Leonard Lake. (Tabled from the September 13, 2019 Special Council meeting with time certain of September 16, 2019).

This item was replaced with language provided by Legal Counsel for Council Order #091910 and the action taken later this evening resolves the request placed within Council Order 091900 that was heard at the September 13, 2019 Special Council meeting and tabled with a time certain of the September 16, 2019 Regular Council meeting. Therefore action taken tonight on Council Order #091910 will satisfy any necessary remaining action to be taken on Council Order #091900.

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

08/19/2019 Regular Council Meeting.

08/26/2019 Special Council Meeting.

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

RESOLVED to approve the adoption of minutes from the August 19, 2019 Regular monthly meeting and August 26, 2019 Special Council meeting as presented this evening.

City Manager's Report.

Approved - Addition of agenda item #20 Council Order #091910, Request to determine a public exigency related to Branch Lake Stream dam removal exists and requires the immediate taking of so-called Leonard Lake Road and to approve Order of Condemnation taking said Leonard Lake Road pursuant to 23 M.R.S.A § 3023.

Approved - Adoption of minutes from the August 19, 2019 Regular monthly meeting and August 26, 2019 Special Council meeting as presented this evening.

City Manager's Report.

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David Cole, City Manager announced that Robert Springer, son of Mike and Sidney Springer was raised to the rank of Eagle Scout. As this is a huge accomplishment the Council wanted to extend a congratulations to Robert. Cole highlighted a few of the events that will be taking place during the Autumn Gold festivities between September 27 and September 29, 2019. More information is available on Autumn Gold activities at the Chamber of Commerce website.

Committee Reports.

Recreation Commission. Councilor Hamilton reported the Winter Carnival planning is underway. One weekend being considered is the last weekend of the February school vacation week. Discussions will continue on finding the perfect weekend to attract the most participation at the activities. Another topic of discussion is exploring the development of a dog park. Hamilton encouraged anyone interested in this topic to reach out to the Commission. Fall soccer at the YMCA is underway, this season there are several teams based on the number of children participating. The basketball courts will be closed for the season in early October.

Harbor Commission. Councilor Moore reported the revenues received this season from mooring and slip fees has surpassed the \$30,000 figure. It is believed an individual will be bringing two boats into the harbor and will likely purchase another 1,000 gallons of fuel. Currently, it appears the amount of fuel sold during 2019 will be the highest amount of fuel sold to date, if this additional sale takes place. Councilor Phillips added there is an excitement for the new fuel tanks to be installed over the winter. The fuel sales have been consistent and only one boat did not arrive this season. A replacement Harbormaster boat is in the process of being purchased. This will be a second-hand boat which will save the City some money; however, still meets the needs of the Harbor.

Citizens' Comments.

There were no citizens' comments this month.

Councilor Fortier asked everyone to keep the Fire Service members, especially those impacted by the event in Farmington this morning in their thoughts. A member of the Farmington Fire Department lost his life during this tragic event.

Committee Reports.

Citizens' Comments.

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Fortier reminded the public that when you see an emergency vehicle on their way to an event move out of their way, they have an important job to accomplish.

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

*Council Order #091901, Request of the City Clerk for approval on the time polling places open for the November 5, 2019 State of Maine Referendum Election and City of Ellsworth Municipal Election as 8:00 AM. **

See attachment #1 for the complete request.

*Council Order #091902, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the November 5, 2019 State of Maine Referendum Election and City of Ellsworth Municipal Election. **

See attachment #2 for a complete list of Wardens and Ward Clerks for the November 5, 2019 State of Maine Referendum Election and City of Ellsworth Municipal Election.

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

RESOLVED to approve the consent agenda as presented this evening.

Presentation of Awards.

Unfinished Business.

Consent Agenda.

Approved - Consent agenda as presented this evening.

Approved – Council Order #091901, time polling places open as 8:00 AM on 11/5/2019.

Approved – Council Order #091902, appointment of Wardens and Ward Clerks for 11/5/2019.

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NEW BUSINESS

New Business.

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

Hane Yee, Inc., d/b/a China Hill Restaurant, 301 High Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License.

Approved - Hane Yee, Inc. d/b/a China Hill Restaurant, 301 High Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, 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 Phillips, seconded by Moore, it was unanimously

RESOLVED to approve the request of Hane Yee, Inc. d/b/a China Hill Restaurant, 301 High Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License.

Joseph A. Lusardi d/b/a Maine Organic Therapy, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.

Approved - Joseph A. Lusardi d/b/a Maine Organic Therapy, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer 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.

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

RESOLVED to approve the request of Joseph A. Lusardi d/b/a Maine Organic Therapy, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.

Provender, LLC d/b/a Provender, 112 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV), 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 public comments.

Public hearing was closed.

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

RESOLVED to approve Provender, LLC d/b/a Provender, 112 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV), Malt, Spirituous and Vinous Liquor License.

Eastward Bowling Lanes Inc., d/b/a Acadia Bowling Bar & Grill, 25 Eastward Lanes, for renewal of a City Class B License (Victualer, Liquor, and Arcade) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

**Approved -
Provender, LLC
d/b/a Provender, 112
Main Street, for
renewal of a City
Class C License
(Victualer and
Liquor) and renewal
of a State Restaurant
(Class I, II, III, IV),
Malt, Spirituous and
Vinous Liquor
License.**

**Approved -
Eastward Bowling
Lanes Inc., d/b/a
Acadia Bowling Bar
& Grill, 25 Eastward
Lanes, for renewal of
a City Class B
License (Victualer,
Liquor, and Arcade)
and renewal of a
State Restaurant
(Class III and IV)**

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

RESOLVED to approve the request of Eastward Bowling Lanes Inc., d/b/a Acadia Bowling Bar & Grill, 25 Eastward Lanes, for renewal of a City Class B License (Victualer, Liquor, and Arcade) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Council Order #091903, Request of the Public Works Director to approve a contract with Josh Wellman from DM&J Disposal for food waste collection at the Transfer Station.

Lisa Sekulich, Public Works Director explained DM&J/Maine Organics approached the City about the potential for having a food/seafood collection bin at the Transfer Station for food waste composting. They would supply the totes and the signage for what is and is not acceptable within the recycling bin. DM&J/Maine Organics would pick up the totes weekly or as needed and then take them over to their composting facility. This would be beneficial to the City as it takes some of the food waste out of the collection cycle which gets taken to PERC; as well as being beneficial to the environment by composting organic materials. Josh Wellman from DM&J/Maine Organics was present this evening to answer questions. See attachment #3 for the complete request. Councilor Fortier noted as a member of the Solid Waste Committee this option is slightly less expensive than the same tonnage being delivered to PERC. This has an added benefit to the Ellsworth citizens that want to compost this type of material instead of burning it. Fortier also explained the brand new compactors will last a lot longer if they do not have to process this material; currently the seafood waste has been eliminated from this process. The compactors are working very well right now and over time this type of material will impact the equipment in a negative way, so removing the organic material from interacting with the equipment will extend the life of the machines. David Cole, City Manager noted this is a pilot project right now to see if it will work and if the Ellsworth citizens will participate by bringing their organics to the Transfer Station. If this is successful, DM&J/Maine Organics may be placing the bins in other locations as well. Fortier asked that the paperwork be completed and the bins weighed when they leave the Transfer Station so that the City can judge the success of the program. Wellman explained there will be a sign near the bins as well as the Transfer Station attendant will distribute a brochure with the information on what can be accepted and what materials cannot be accepted. For example, fruits, vegetables, meats, cooked pasta, breads, liquids, fish waste, seafood, bones, and

**Malt and Vinous
Liquor License.**

**Approved - Council
Order #091903,
Request of the Public
Works Director to go
into an agreement
with DM&J/Maine
Organics to have
food waste collections
at the Transfer
Station and allow the
City Manager to sign
such an agreement.**

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many other items can be composted. The totes will be setup at the Transfer Station, residents will bring their food waste to that location in their own buckets, and dump it into the large tote. Then they can distribute their other trash to the compactors or recycling center. This information will also be on the City website so that residents will understand the process before arriving at the Transfer Station. The only things immediately determined to not be allowed will be any packaging materials, plastic, cardboard and others to be added. The food waste can be mixed together, there is no need to separate types of food.

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

RESOLVED to approve Council Order #091903, Request of the Public Works Director to go into an agreement with DM&J/Maine Organics to have food waste collections at the Transfer Station and allow the City Manager to sign such an agreement.

Council Order #091904, Request of the Public Works Director to award a proposal for the replacement and installation of overhead doors at the Transfer Station.

Lisa Sekulich, Public Works Director explained her request is to replace a few of the doors at the Transfer Station with the hope of an additional door being replaced next year. Two quotes were requested, both vendors conducted a site visit to the Transfer Station to measure and inspect the current doors; only one company submitted a quote. See attachment #4 for the complete request and estimates from PDQ door. Sekulich originally budgeted \$34,000 for this project; however, replacing all four metal rollup doors and two entry doors would have exceeded this budgeted figure. In order to stay within budget based on the quotes received, Sekulich is requesting to replace two of the entry doors and two of the metal rollup doors. Compactor #1 which is the one closest to the recycling center will be replaced as well as the smaller door at this location because it is currently unusable and permanently remains open. The large door at this location has been sticking and experiencing motor problems for the past 18 months. The total for the requested project this year would be \$23,408.50 to PDQ Doors. There will be some minor electrical expenses to rewire the new motors which will be added to the overall project costs. Sekulich requested the remaining funds be allocated to the next budget cycle to fund the remaining two rollup doors and possibly some windows. Overhead Door did not submit a price quote. Chairman Blanchette confirmed the entry doors are hollow and not insulated; Sekulich was unsure why

Approved - Council Order #091904, Request of the Public Works Director to replace the doors at the Transfer Station and award the work to PDQ Door and to allow the City Manager to sign all necessary documentation. This project to be funded from the Transfer Station Capital Improvements Account 9009090-59023.

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the existing doors would be hollow and not insulated. The quote was for replacing exactly what is currently at the Transfer Station; both entry doors enter into a heated space. The space is kept at 50 degrees at night and not a lot warmer during the day. Councilor Fortier questioned whether \$10,000 could be found within the budget to fund this entire project, while all the equipment is at the Transfer Station to complete the project. Fortier thought the mobilization costs might increase the price on the other two doors. Councilor Phillips felt there was likely not much mobilization costs associated with the other two doors; and it was a single bid so it was unclear if the doors were competitively priced or not. Blanchette was willing to entertain a motion to look into insulated doors rather than the hollow doors. If it is a reasonable amount to substitute insulated doors for the hollow doors then authorize the City Manager to purchase those without the requirement to come back to the Council. Sekulich was comfortable with this plan; it appeared there would be adequate funds within the budget for this project to make that adjustment.

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

RESOLVED to approve Council Order #091904, Request of the Public Works Director to replace the doors at the Transfer Station and award the work to PDQ Door and to allow the City Manager to sign all necessary documentation. This project to be funded from the Transfer Station Capital Improvements Account 9009090-59023. Further motion to look into insulated doors from PDQ Door and if the price difference between a hollow core door and an insulated door is more or less negligible then to authorize the City Manager to purchase those rather than having it come back to the Council again.

Before a vote was taken Fortier stated under the motion as projected in the packets (attachment #4) the City Manager understands the intent and it is pretty clear that the cost would be under a \$15,000 change order so he would be able to authorize that change anyway. David Cole, City Manager noted if this motion is approved tonight, staff will look at the cost of replacing the entry doors with an insulated model, explore the funding, as well as bring the information back to the Finance Committee for their consultation. Blanchette took his motion off the table and Moore removed his second to the earlier stated motion.

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

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RESOLVED to approve Council Order #091904, Request of the Public Works Director to replace the doors at the Transfer Station and award the work to PDQ Door and to allow the City Manager to sign all necessary documentation. This project to be funded from the Transfer Station Capital Improvements Account 9009090-59023.

Council Order #091905, Request of the Public Works Director to apply for a DEP Stream Crossing Culvert Grant.

Lisa Sekulich, Public Works Director explained she is requesting approval to apply for a DEP Stream Crossing Culvert Grant. This grant is specifically for municipally owned stream crossings that are in need of repair or replacement with a structure that will benefit wildlife and fish passage. Sekulich is considering applying for the location where the Red Bridge Road crosses over Deadman Brook. See attachment #5 for the complete request, description of grant, and map showing the area to be included within the request. Sekulich stated with the pending removal of the old Branch Lake Stream Dam and with the hope of restoring fish passage at this location; this culvert is just upstream from the old dam and is a barrier to allow fish into the Deadman Brook from the Union River/Leonard Lake. Sekulich is requesting permission to apply for this grant and if awarded the intention is to commit future funds from the Local Roads budget to this project. The DEP maximum amount per project is \$95,000 with no minimum match required. Although, some match is required; more investigation is needed into this project before an exact cost estimate can be provided. Based on Sekulich's basic estimates this project cost slightly over the allowable \$95,000 in grant funds. This location has had a history of beaver issues and the installation of a larger 3-sided box culvert will help to alleviate that issue in the future. Councilor Hamilton stated although he doesn't feel this is an unworthy request; the question he has is in relation to the Local Roads future budget. He noted the earlier Local Roads meeting (which he was unable to attend) had many items identified in terms of the limited number of budgeted dollars. Hamilton would want this project to be factored into that mix of priorities and also to learn more about what the actual costs will be prior to applying for a grant not knowing how much of the Local Roads Budget will be used if awarded, especially outside of a priority list. Hamilton is not in favor of this request as it stands currently. Sekulich noted the City can apply for this grant and if awarded the City can turn the grant down. There is a back-out no harm clause, if the City deems this to not be a priority. This is a two year grant, once it is awarded the City has two years to potentially use the

Approved - Council Order #091905, Request of the Public Works Director to apply for a Maine Department of Environmental Protection Stream Crossing Grant with required match funding coming from future local roads budget.

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grant funds. Even if the City accepts the grant funds and then ends up not using the funds they can return the funds without any penalties. Based on a similar project the City recently completed, this project is estimated to cost approximately \$150,000 range. There is a possibility of receiving a 2/3 grant opportunity on this project. This will not change the elevation of the road by a noticeable amount, if at all. Hamilton inquired if this project was already on the priority list or was this project being considered because there is a grant available. Sekulich noted there were multiple projects being considered when deciding which one to use these grant funds on; one would have cost 1 million dollars so the \$95,000 would not have a large enough impact. This project moved up on the list because of the removal of the dam and the opportunity to have the grant fund 2/3 of the project cost. The application deadline is November 12, 2019 and a decision will be made by the DEP in January. David Cole, City Manager explained on the next Local Roads Committee meeting agenda will be an item concerning opportunities to leverage State and Federal dollars similar to these. Cole also noted that even if this grant is awarded it will need to come back to the Council for final approval; although the City should not apply for money that they plan to turn down either. This could be seen as wasting the State's time. This grant is not guaranteed to be available next year; this is specifically for municipally owned roads only. This grant cannot be used on a DOT road or private road. The grant requests information on saved maintenance costs over the years. Currently, it can take 2-4 hours each time the beavers block the culvert, only to return in a day or two and find it blocked again. There are many culverts throughout the City that experience this problem; however, the conditions surrounding this culvert make it eligible for grant funds to offset the municipal cost to address the concerns. There are other ones Sekulich has on her list to fix; however, they are on DOT roads or private roads and therefore not eligible for these grant funds. Councilor Fortier was in favor of approving at least applying for the grant as the City still has time to turn it down prior to spending any tax dollars on it. Chairman Blanchette agreed with Fortier, he did not see the harm in applying for this grant opportunity. Hamilton echoed Cole in that he does not feel projects should be applied for that the Council is not planning to move forward on. There are other culverts that get blocked as well and this would require approximately \$55,000 to be taken out of the Local Roads budget. If this is not a higher priority than another already identified project Hamilton cannot support the use of those funds in this nature. As that information is not available to vet with this request, he is not comfortable voting on something that is not being looked at through that lens. It is great to receive \$95,000 but if this is project number 30 on a list of 500 projects; then the Council needs to vet whether

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the \$55,000 has more value in the other 29 projects than it has in project #30. Cole stated if the project does not have value it will not compete very well in this very competitive pot of funds. Although, in the eyes of the Public Works Director of all the eligible projects and needs this project rose to the top. Cole could not say how the members on the Local Roads Committee would think in the end as they have not gone through that process yet but often times projects rise up based on partnering opportunities. Cole also understood what Hamilton was saying about prioritizing projects and that step has not been taken yet; however, this is a pot of funds that just came up and is non-reoccurring. It is not known whether they will become available again, generally they are only for State roads and this time they are only for municipally owned roads.

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

RESOLVED to approve Council Order #091905, Request of the Public Works Director to apply for a Maine Department of Environmental Protection Stream Crossing Grant with required match funding coming from future local roads budget.

A final vote was taken with 5 members voting in favor (Blanchette, Fortier, Grindle, Moore, and Phillips) and 1 member voting in opposition (Hamilton).

Council Order #091906, Request of the Wastewater Superintendent for approval to purchase a pavement cutter with remaining funds in the Wastewater Construction Account.

Chairman Blanchette noted there was a request to remove this item from the agenda this evening.

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

RESOLVED to approve removing Council Order #091906, Request of the Wastewater Superintendent for approval to purchase a pavement cutter with remaining funds in the Wastewater Construction Account from the agenda this evening.

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

**Approved -
Removing Council
Order #091906,
Request of the
Wastewater
Superintendent for
approval to purchase
a pavement cutter
with remaining funds
in the Wastewater
Construction
Account from the
agenda this evening.**

**Approved -
Amendments to the**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 16, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, RICHARD TUPPER, LISA SEKULICH, TINA HOWES,
JENNIFER MERCHANT, BERNIE HUSSEY, AND HEIDI GRINDLE.**

KaTina Howes, General Assistance Director stated this is the yearly request to adopt the State maximums for the General Assistance program. See attachment #6 for the new State housing maximums that will be effective from October 1, 2019 thru September 30, 2020. There was an increase this year within the individual portion, which took a few years to implement. This will not negatively impact the General Assistance budget according to Howes. Councilor Hamilton mentioned as a side note, he heard from a business contact in another portion of the State who complimented the way in which Howes manages the program.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve amendments to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance as presented this evening within attachment #6.

Council Order #091907, Request to approve a contract between the City of Ellsworth and Northern Light Medical Transport that provides quarters at the Ellsworth Fire Department and authorize the City Manager to sign all necessary agreements.

David Cole, City Manager noted the agreement that has been crafted and vetted through the Legal Counsels is materially much the same as the agreement they are operating under. See attachment #7 for the complete request, proposed contract, and signed agreement dated November 2, 2018. Since last November extending to the present time, the Northern Light Transport ambulance service has been housed at City Hall through a Facilities Agreement. This request extends that Facilities Agreement in much the same fashion with some changes that were requested by the Deputy City Manager to make the relationship more efficient.

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

**City of Ellsworth
Code of Ordinances,
Chapter 36, General
Assistance
Ordinance as
presented this
evening within
attachment #6.**

**Approved - Council
Order #091907, the
revised housing
agreement between
the City of Ellsworth
and Northern Light
Medical Transport
that provides
quarters at the
Ellsworth Fire
station as presented
in attachment #7.**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

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HAMILTON, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, RICHARD TUPPER, LISA SEKULICH, TINA HOWES,
JENNIFER MERCHANT, BERNIE HUSSEY, AND HEIDI GRINDLE.**

RESOLVED to approve Council Order #091907, the revised housing agreement between the City of Ellsworth and Northern Light Medical Transport that provides quarters at the Ellsworth Fire station as presented in attachment #7.

Council Order #091908, Discussion and action on the request of the Deputy City Manager on behalf of the residents for acceptance of Alexis Way located within Deer Meadow Subdivision based on the approval criteria set forth in the adopted Road Acceptance Policy.

Tammy Mote, Deputy City Manager explained in May 2017 the residents of Deer Meadow Subdivision petitioned the City of Ellsworth to accept their road, Alexis Way, as a City Street. Because the road did not meet the City road standards they asked the City to bring the road up to the acceptable standards and in turn they would reimburse the City for the improvements through a supplemental tax assessment. The City hired Andrew McCullough, PE to evaluate the condition of Alexis Way and determine the necessary improvements that would be required to bring the road to City Standard. Based on McCullough's evaluation the road needed some fine grading, shoulder and ditch work, and paving. The City Council approved the upgrades and authorized the borrowing. The construction is now completed and the final step in this process is for the Council to accept the road as a public way. See attachment #8 for the complete request, letter of compliance from Andrew McCullough, PE, Deer Meadow Subdivision Road Association Affidavit, and Agreement between the City of Ellsworth and the majority of owners to the lots abutting Alexis Way. The total cost of engineering, construction costs, estimated bond interest, and attorney fees for the road improvements is \$152,056. The residents have paid their statutory one third requirement prior to construction. The remaining balance will be assessed through a supplemental tax bill each year to each of the residents. Mote will be coming back next month to authorize an additional \$25,000 in borrowing for this project. Mote explained last year, the City Council authorized \$80,000 to construct the road which was based on the initial estimates and then the bid came in much higher than expected. That figure has already been calculated into the amount the resident's will be reimbursing the City. There will be no financial impact to the residents of the road; the City just needs to add the additional amount into the figure they borrow to cover this project. The City Council was aware of this earlier and it will be recaptured through the supplemental tax not through general tax dollars. This same process was completed approximately seven years ago with Fieldstone Way and it was successfully

Approved - Council Order #091908, request of the residents of Alexis Way to accept the road as a public street.

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ELLSWORTH CITY COUNCIL**

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PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, RICHARD TUPPER, LISA SEKULICH, TINA HOWES,
JENNIFER MERCHANT, BERNIE HUSSEY, AND HEIDI GRINDLE.**

converted to a City road. This process will rename Alexis Way to Alexis Road. They have met all the requirements to become a road.

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

RESOLVED to approve Council Order #091908, request of the residents of Alexis Way to accept the road as a public street.

Council Order #091909, Request to authorize the City Manager to enter into a contract between the City of Ellsworth and Steven E. Joy regarding access to Leonard Lake Roadway for purposes of the Branch Lake Stream dam removal.

David Cole, City Manager explained for the benefit of the public approximately 3 years ago the City was approached by the Downeast Salmon Federation with the idea of removing the remnants of the Branch Lake Stream Dam. This has not been in operation for decades. The goal was to remove the obstruction to the fish passage. This concept was brought to the Council and approval was given last March on an agreement between the City of Ellsworth and the Downeast Salmon Federation. The agreement allowed for the removal of the dam and the use of the City's access road from the Christian Ridge Road to the Dam. Through that process J.E. Butler LLC was hired as the contractor. Through the process of conducting a preconstruction meeting and discussing the logistics of the project they met with the property owner where the road easement traverses. In the spirit of working with the property owner who was concerned with potential damage to his private property the Salmon Federation commissioned a survey. Through that survey it was discovered that the 1889 easement as laid out and where the actual road went wandered off. The end result was the property owner posted the property with no trespassing signs. The City's position was even though much of the road was no longer in the original easement the City had prescriptive rights. It is known by many people that if for example you own a camp and have had access over a roadway you continue to have those rights after a certain period of time. Under the advice of Legal Counsel, rather than going to court and settling the dispute through a quiet title action, the attorney advised it would be less expensive for all parties to do this as a taking of a new easement that follows the roadway. As of last Thursday night the property owner emailed the City with the idea of taking down the no trespassing signs and working out an arrangement that could accommodate this demolition. Last Friday morning, during the Special Council meeting the Council directed the City Manager to work with the property owner to

Approved - Council Order #091909, to authorize the City Manager to enter into an agreement with Steven E. Joy to ensure adequate access to Leonard Lake Roadway for purposes of the removal of the Branch Lake Stream dam and related activities.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 16, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, RICHARD TUPPER, LISA SEKULICH, TINA HOWES,
JENNIFER MERCHANT, BERNIE HUSSEY, AND HEIDI GRINDLE.**

develop an agreement that would accommodate the demolition. See attachment #9 for the complete request, additions to amend City Council agenda, Memorandum of Agreement between Downeast Salmon Federation and the City of Ellsworth, Work Agreement for Branch Lake Stream Dam Removal, and Leonard Lake Roadway Access Agreement. This agreement has been negotiated since Friday with the assistance of Legal Counsel, and various conversations with the property owner. The property owner's primary concern is damage to his property. The Code Enforcement Officer and Cole visited the site on Friday afternoon with a tape measure and identified the septic tank that the property owner had noted as well as an electrical box that the owner was concerned about. Mr. Joy (the property owner) stated he would make his loop road available for turning the equipment around which removed the need to take any additional property for those logistical purposes. The agreement before the Council this evening covers Joy's concerns as well as addresses the needs the Council voiced on Friday morning in order to move forward with this project. Cole noted within the agreement with the Downeast Salmon Federation and a subsequent agreement with the Contractor they are required to carry \$5 million in umbrella coverage which will cover any damages that may occur and restoration that may be necessary. The agreement as contained in attachment #9 has been signed by Joy within a photo sent to the City Manager and following the approval tonight Cole can sign the agreement. Hopefully, this approval will allow the City Council to withdraw the condemnation order that would take the new easement.

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

RESOLVED to approve Council Order #091909, to authorize the City Manager to enter into an agreement with Steven E. Joy to ensure adequate access to Leonard Lake Roadway for purposes of the removal of the Branch Lake Stream dam and related activities.

Council Order #091910, Request to determine a public exigency related to Branch Lake Stream dam removal exists and requires the immediate taking of so-called Leonard Lake Road and to approve Order of Condemnation taking said Leonard Lake Road pursuant to 23 M.R.S.A § 3023.

There was no discussion before a motion was made.

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

**Approved -
Withdrawing
Council Order
#091910, Request to
determine a public
exigency related to
Branch Lake Stream
dam removal exists**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: SEPTEMBER 16, 2019

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: HUDSON

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, RICHARD TUPPER, LISA SEKULICH, TINA HOWES,
JENNIFER MERCHANT, BERNIE HUSSEY, AND HEIDI GRINDLE.**

RESOLVED to approve withdrawing Council Order #091910, Request to determine a public exigency related to Branch Lake Stream dam removal exists and requires the immediate taking of so-called Leonard Lake Road and to approve Order of Condemnation taking said Leonard Lake Road pursuant to 23 M.R.S.A § 3023 from the agenda.

Adjournment.

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

RESOLVED to approve adjournment at 7:57 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

and requires the immediate taking of so-called Leonard Lake Road and to approve Order of Condemnation from the agenda.

Approved -
Adjournment at 7:57
PM.