

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

Call to Order.

Councilor Fortier called the special meeting of the Ellsworth City Council to order at 8:00 AM in the absence of the Chair.

Councilor Fortier called for nominations for chair pro tem to run the meeting. Councilor Moore nominated Fortier to serve as Mayor for the day (chair pro tem). Councilor Hamilton seconded the nomination. Moore moved that nominations cease.

Fortier called for a vote to cease with nominations.

All Councilors voted unanimously in favor of nominations ceasing.

Fortier called for a vote on the nomination of Fortier for Mayor for the day (chair pro tem).

All Councilors voted unanimously in favor of Fortier as Mayor for the day (chair pro tem).

Unfinished Business.

Public hearing and action on proposed amendments to the City of Ellsworth Code of Ordinances Chapter 3, Harbor Ordinance. (Public hearing held and then tabled at the October 21, 2019 Regular Council meeting).

Chair pro tem Fortier noted all members should have the information in their packets, see attachment #1 for the material that was provided. Mark Remick, Harbor Chair stated the proposal has changed in response to comments provided during the October 21, 2019 Regular Council meeting. The original proposal would have allowed berthing in the Harbor throughout the winter. That is still a topic for consideration; however, the Harbor Commission needs time to respond to the concerns raised. In the interim the proposed amendments being considered are to extend the berthing season to December 15 and then allow berthing again in the spring once the worst of the ice is out of the harbor and through the river. The fee schedule has also been included within attachment #1 as well as the new Extended Season Slip Application. This amendment will not cost the City money it is a

Call to Order.

Election of chair pro tem.

**Approved –
Councilor Fortier as
chair pro tem.**

Unfinished Business.

**Approved -
Amendments to the
City of Ellsworth
Code of Ordinances
Chapter 3, Harbor
Ordinance as
presented in
attachment #1, to
include extending the
boating season.**

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

utilization of a public resource which allows the City to capitalize on the opportunity. Councilor Hamilton reiterated his concerns from the previous meeting in regards to the liability for the City and related costs. There is a cost to have the Harbor open in terms of staff time which has not been accounted for. Hamilton was also concerned about the safety issues if it is an open Harbor; that means the City has a responsibility to make sure all of the conditions are safe for anyone who is using the Harbor. There will be slippery conditions and related safety issues. There has not been information provided yet that addresses those particular concerns. Remick stated those concerns are important; however, are already being covered. The concern of slippery ramps, moorings, floats, and walkways are covered under the insurance policies and operational policies currently. According to Remick no changes are needed to those documents as the City is already covered because they deal with slippery conditions during the summer as it relates to rain, fog, and in the spring there is a film that appears on all horizontal surfaces. The Commission is not asking for additional staffing. The slips are already being provided and staffing does not need to be added to those, the boater comes in and ties up. The water and power will not be used and have already been turned off. The only service available is a place to dock. Councilor Moore inquired if boaters have inquired about having additional services available. Remick stated the proposal clearly states water, sewer and electricity hookups are not available during the extended season. Remick stated the ice eaters will already be at the Harbor and this amendment uses that equipment to keep the warm water coming up through and the ice off the apparatus. The success of this equipment was tested last winter during the brutally cold temperatures in late January and through February. The Commission is not recommending at this time to offer berthing surfaces during those critical times of the winter. Only the curtained areas of the season are being extended. Fortier felt the Commission met the Council in the middle concerning their requests; winter berthing was a little much the first year after the ice eaters were installed. He felt this amendment was acceptable. Fortier spoke with the interested parties for this extended season and determined they are very appreciative of this opportunity, do not mind paying to stay there, and clearly understand they cannot stay all winter long. This proposal especially helps the commercial users of the Harbor and he can support this new amendment. Hamilton appreciated there are policies around existing policies; however, he raised the question with City staff whether the question has actually been asked concerning ice at the Harbor. He was concerned if due diligence was not conducted around mitigating risk that would impact policy. He wondered if there are activities the City needs to be doing to ensure the policy remains intact and does not shift the liability onto the City. For example, if there is ice buildup during this time period

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

causing someone to slip and fall and the City is not doing anything about that will the policy cover the City. For Hamilton, those are the types of questions that need to be answered. He is not against the idea of extending the season; however, is against rushing the opportunity without answers to some very important and critical questions. If the answers are not available and the questions have not been vetted through the correct channels he does not feel the City should be subjected to those risks. Remick noted they have verified with the manufacturers of the structures that they will tolerate regular salt or calcium chloride. It was believed City staff could spread salt on the two gangways and the floats that support the slips, as those are the only areas being used. Lisa Sekulich, Public Works Director could not verify whether the insurance question had been investigated or not. She confirmed the salt would be fine to apply to the surfaces without causing damage. Sekulich believed the intent was to have the people who are berthing at the Harbor salt their own fingers where their boat is located, and the City would salt the main float area. She indicated this was something that could be added to the list along with sidewalks and everything else the Public Works Department is responsible for during the winter; she could not guarantee how quickly it would be completed or if it would be listed as a priority. The interim Harbormaster is also a plow truck driver during this time of the year. Councilor Phillips noted the general policy even during the winter has been to have a staff member check for ice as well as the docks pretty much daily. Sekulich confirmed they are checked and are a priority as it relates to the ice eaters daily. Phillips noted the extra time would be spent on spreading salt if needed on the floats. The camera system could also be used to check on branches that have fallen or other conditions that might be present at the Harbor. Fortier confirmed this inspection could be completed with a cellphone or laptop computer. Councilor Hudson stated she understood Hamilton's concerns but wondered how a slippery sidewalk be different from a slippery boat ramp as it pertains to the City's insurance policy. She particularly wondered if the City is covered on the main spots why it might exclude the Harbor as it is just another City facility. Hamilton stated what he had previously heard was what could be done and not an actual plan for maintenance; if the City is not specifically addressing that issue and have a plan to do so than the City is not mitigating the risk. The concern was not the property would be excluded but rather what is the actual plan to ensure the area is safe during the winter weather and if the insurance company recognizes that as an adequate plan for this type of setting. Phillips inquired from City Manager Cole if the Maine Tort Laws would offer protection to the City in situations such as this for outside recreational areas. David Cole, City Manager believed the City would be protected by the tort laws as well as the points addressed are well taken; this area must be maintained to a standard which includes having an active plan and treating

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

it with the same diligence that is used on the sidewalks. However, there have been cases of negligence and this area cannot be ignored. Phillips stated this has been witnessed on the sidewalks involving tripping and other activities the City has no control over. Phillips stated as far as implementing a plan that would fall under the Public Works Director to develop and put in place once this is approved. Cole questioned what is referred to as the curtain periods. Remick noted it is specified within attachment #1 as December 5 through April 2; however, snow could arrive earlier so a plan must be in place.

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

RESOLVED to approve amendments to the City of Ellsworth Code of Ordinances Chapter 3, Harbor Ordinance as presented in attachment #1, to include extending the boating season.

Hamilton went on record as voting in opposition because he feels the City is rushing to implement a last minute idea. He doesn't feel all of his concerns have been resolved and he doesn't have a clear vision on what the overall plan is to make this possible.

A final vote was taken with 4 members voting in favor (Fortier, Hudson, Moore, and Phillips) and 2 members voting in opposition (Grindle and Hamilton).

Council Order #101913, Request of the Harbor Commission to amend the Harbor Fee Schedule. (Tabled at the October 21, 2019 Regular Council meeting).

Chair pro tem Fortier explained this follows the vote just taken on the amendments to the Ordinance. The consensus was the Council did not need a presentation concerning this item prior to a motion. See attachment #2 for a copy of the proposal as submitted prior to the meeting.

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

RESOLVED to approve Council Order #101913, Request of the Harbor Commission to amend the Harbor Fee Schedule as presented in attachment #2.

Approved - Council Order #101913, Request of the Harbor Commission to amend the Harbor Fee Schedule as presented in attachment #2.

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

A final vote was taken with 4 members voting in favor (Fortier, Hudson, Moore, and Phillips) and 2 members voting in opposition (Grindle and Hamilton).

New Business.

Chair Fortier asked the Council to consider adding the Request of the IT Systems Administrator to purchase a new traffic light detection camera as the next agenda item this morning. This item can only be added through a unanimous affirmative vote by the six members of the Council present.

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

RESOLVED to approve adding Council Order #111901, Request of the IT Systems Administrator to purchase a new traffic light detection camera.

Council Order #111901, Request of the IT Systems Administrator to purchase a new traffic light detection camera.

Jason Ingalls, IT Systems Administrator explained during the windstorm and associated electrical issues last week the signal at McDonald's suffered a power surge. This spike in electricity destroyed the battery backup unit powering the cabinet and ultimately led to the failure of the detection camera facing Downeast Highway. Ingalls was able to bypass the battery backup for the moment and this can be addressed at a later time; however, the more critical issue is that the light does not have the ability to detect traffic. The light is running in a constant cycle and hold pattern for the maximum amount of green time on the Downeast Highway approach regardless of vehicle demand. This causes needless delays on the High Street approach while motorists wait for nonexistent traffic on the side street. See attachment #3 for the complete request. Ingalls spoke with Electric Light Co the vendor for the traffic signal maintenance; they are not able to repair the old camera system. This system is approximately 10 years old; Electric Light Co recommended replacing this system with the Aldis Gridsmart camera system currently being used throughout the City. They have provided an estimate of \$19,850 installed for the Gridsmart 360 camera system. This purchase is being requested at a special Council meeting because of the tight timeline due to pending weather conditions. Once cold weather sets in the underground conduits used to pull the cables through will not be as accessible. Electric Light Co has assured Ingalls they can be on site soon enough to run the cables and get this system

New Business.

Approved - Adding Council Order #111901, Request of the IT Systems Administrator to purchase a new traffic light detection camera.

Approved - Council Order #111901, authorizing the City Manager to purchase an Aldis Gridsmart camera system from Electric Light Company in the amount of \$19,850 to be funded \$14,626 from the Traffic Camera CIP account and the remainder from the Local Roads CIP account.

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

installed if approval is granted today. Ingalls explained there is existing conduit so the road does not need to be dug up; however, the conduits do have moisture in them and they will freeze. It is not impossible to run cable under these conditions; however, it will be more costly due to the time to steam the conduits out. Due to the cost associated with waiting a month or two it would likely postpone this project until spring ultimately causing the signal to be messed up all winter. Councilor Phillips inquired if any of these repairs could be covered by insurance. Ingalls, did not believe this failure would be covered. David Cole, City Manager noted he asked the question; Penny Weinstein is currently checking with the insurance company. Cole stated if funds can be recovered the City will pursue it; however, in the meantime resources have been identified to pay for this project. These funds can be returned to the account if the insurance company determines it is a covered expense. This project will cost approximately \$19,850; there is currently a little over \$14,000 available in the Traffic Camera Reserve fund. The balance for this project would be taken out of the Local Roads Account. This failure mutes the new timing plan that was implemented in late August; without that detection the timing plan cannot work. Councilor Grindle inquired if there was a way to ensure this does not happen again. Ingalls explained the battery backup was in the cabinet in order to protect against an electrical spike; however, the protection failed. The unit was over 10 years old and should have been replaced years earlier. It costs between \$10,000 and \$15,000 per cabinet to install new battery backup units. Ingalls confirmed the new cameras are the same type that are currently being used throughout the City. He further explained the cameras were not purchased solely to watch traffic (that is a side benefit); the actual purpose was for vehicle detection. An added benefit is the remote viewing capability at City Hall, which is not recorded. Cole noted the cameras are also a counting mechanism, which is critical to establishing timing plans. The counting module was not purchased for this camera in an attempt to keep the cost down where this was an unexpected expense; however, can be added at a later date. This is one of the intersections where the ability to count the traffic is not as critical because counts can be obtained at the Walgreens intersection which would be very similar to those at this intersection. Ingalls believed the counting module would add approximately \$5,000 to the cost of this repair. The nice feature is the equipment is counting all the time; however, the data cannot be obtained until the license is purchased. If the data is determined to be needed at a later date, the license can be purchased and the counts will be available.

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

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

RESOLVED to approve Council Order #111901, authorizing the City Manager to purchase an Aldis Gridsmart camera system from Electric Light Company in the amount of \$19,850 to be funded \$14,626 from the Traffic Camera CIP account and the remainder from the Local Roads CIP account.

Chair Fortier explained at this point in the meeting, a recount is scheduled to take place on the election results. Fortier suspended this meeting until the recount is completed. At that point the Council will resume business; some of the Councilors may need to leave while others may come and go throughout the recount. The Councilors do not need to be physically present during the entire recount process.

Call to Order.

Chair Fortier called the special meeting of the Ellsworth City Council back to order at 11:55 AM following the recount of the election results.

Councilors present following the recount: Fortier, Hamilton, Grindle, Moore, and Phillips. Councilors absent following the recount: Blanchette and Hudson.

Council Order #111900, Review and acceptance of the November 5, 2019 City of Ellsworth Election results and to direct the City Clerk to notify in writing the persons who have been elected to serve on the City Council (three year expiration term), Library Trustees Board (one, two and three year expiration terms), and Ellsworth School Board (three year expiration term).

Chair Fortier noted the Council witnessed a recount of the results from the November 5, 2019 City of Ellsworth candidate election. The results were virtually unchanged with the exception of two additional votes for Gene Lyons. Fortier noted the results within attachment #4 are accurate with the amendment of two additional votes for Gene Lyons. The motion as supplied within that attachment is still valid.

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

RESOLVED to approve Council Order #111900, acceptance of the November 5, 2019 City of Ellsworth Election results as presented in attachment #4 and to direct the City Clerk to notify in writing the persons who have been elected to serve on the City Council (Marc S. Blanchette, Michelle R. Kaplan, and Robert P. Miller), Library Trustee Board 3 year term Anne S. Lusby, Library Trustee Board

Call to Order.

Approved - Council Order #111900, acceptance of the November 5, 2019 City of Ellsworth Election results as presented in attachment #4 and to direct the City Clerk to notify in writing Council (Marc S. Blanchette, Michelle R. Kaplan, and Robert P. Miller), Library Trustee Board 3 year term Anne S. Lusby, Library Trustee Board 2 year term S. Craig MacDonald, Library Trustee Board 1 year term Ann M. Dyer and Ellsworth School Board (Jennifer

**RECORD OF SPECIAL MEETING
ELLSWORTH CITY COUNCIL**

DATE: NOVEMBER 08, 2019

TIME: 8:00 AM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT: BLANCHETTE

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, JENNIFER
MERCHANT, LISA SEKULICH, JASON INGALLS, AND HEIDI GRINDLE.**

*2 year term S. Craig MacDonald, Library Trustee Board 1 year term Ann M.
Dyer and Ellsworth School Board (Jennifer Alexander and Paul Markosian).*

**Alexander and Paul
Markosian).**

Adjournment.

**Approved -
Adjournment at
12:00 PM.**

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

RESOLVED to approve adjournment at 12:00 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**