

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

Call to Order.

Chair Hamilton called the regular meeting of the Ellsworth City Council to order at 7:00 PM.

Pledge of Allegiance.

All stood for the pledge of allegiance.

Rules of Order.

The meeting was conducted under Robert's Rules of Order and other rules adopted at the November 13, 2019 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:

12/16/2019 Regular Council Meeting.

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

RESOLVED to approve the minutes from the December 16, 2019 Regular Council Meeting as presented this evening.

City Manager's Report.

David Cole, City Manager reported he had nothing new to report this evening.

Committee Reports.

➤ *Recreation Commission:* Councilor Miller shared Todd Wagstaff and Gary Fortier made a presentation concerning the lights at Demeyer Fields and the need to

Call to Order.

Pledge of Allegiance.

Rules of Order.

Approved - Minutes from the December 16, 2019 Regular Council Meeting as presented this evening.

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Committee Reports.

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have those replaced. The original quote received was in the amount of \$150,000 for the equipment only and did not include labor fees. They have since spoken with Gilman Electric who can supply the same equipment at a cost of \$80,000. This project including labor detailed within the quote received from Gilman Electric would cost approximately \$100,000. Wagstaff/Fortier are proposing the funds to complete this project come from grants, a request for funds from the City, and fundraising efforts. Janna Richards, Director of Economic Services suggested setting up a fund to cover the maintenance of the lighting system. The Recreation Commission voted to move forward with the project; however, would like to see more solid numbers. Miller recapped the discussion on the future of parades and all upcoming recreation activities within the City, as presented by City Manager David Cole that evening. Cole felt it would be good for all requests for recreation to come before the Recreation Commission and they would take over the parades. The Recreation Commission and the Heart of Ellsworth will be meeting on this topic. A copy of the current Parade Ordinance was provided to all Commission members for review and suggestions for updates to be discussed at the next meeting.

➤ *Harbor Commission:* Councilor Moore thanked Ron Fortier on behalf of the Harbor Commission for his assistance at the Harbor over the years and especially recently for checking the wiring at the slips, fixing the cords, and the ice eaters. The Harbormaster reported the ice eaters are being monitored regularly and they may reposition a few of them shortly or as needed. Updates have been received on the badly needed dredging project particularly opposite the first buoy as the river is entered. At low tide there is often less than a foot of clearance and on moon tides the buoy is laying on the ground. The concern is how to dispose of the dredged materials because it cannot be dumped on the shore as it may be contaminated. As part of this project a survey of the ocean bottom would be conducted to see what the depth is from the ocean floor to bedrock. The fuel tank replacement plan is still on track for a spring replacement. The new hours for the Harbormaster next season will be 9AM to 6 PM. Preliminary budget discussions have begun.

Citizens' Comments.

Jo Cooper, Executive Director of Friends In Action provided an update on the Senior Playground/Adult Exercise project to be housed at Knowlton Park. Cooper thanked the City for assisting Friends In Action with writing a grant which

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provided funding to match funds that Friends In Action received through their volunteers as well as other grant funds raised for this project. See attachment #1 for the packet provided to the Council prior to this meeting. This is outside exercise equipment that will be available year round to adults and particularly the senior demographic. Cooper provided a brief history on how the project was first developed starting with a committee being formed and money being raised from a Challenge Grant. This project started with the proceeds of a \$4,000 grant to be matched with an equal amount of funds and this concept has grown from there with the help of the volunteers, grants, and a small grant from Rotary. To date \$40,000 has been raised for this project. Cooper described the various pieces of equipment as shown in attachment #1. This equipment meets the needs of people of all ages including access for those individuals in a wheelchair. There will also be some tables and benches added to this exercise area so that games such as checkers and cards can be played here as well. The exact location for the equipment has taken a while to determine due to the restrictions on Knowlton Park. This is an exciting project which has taken a number of years to reach this point because the process for raising the funds, meeting grant requirements as well as a few other slight delays associated with the process. The photos displayed within attachment #1 show the nine different pieces of equipment that will be placed at the park; over the course of the project there have been other pieces proposed. The ones being pictured are the final products as they fit within the available space without cluttering it. Councilor Kaplan was excited this type of equipment would be available to the community as well as the location would be directly across from the elder care center. Cooper noted this type of facility has been documented to gain very positive feedback all over the country and the placement was very important so that it could be used by many different people. This equipment can be used by adults of all ages and abilities; the ability to use this equipment in a wheelchair is a very important aspect of this project.

Amy Reisman, resident of Ellsworth voiced a concern about some of the intersections. Primarily she was concerned about the Water Street, State Street, and Main Street intersection located next to the bridge. She did not feel it was very pedestrian friendly. After she timed the walking light herself she reached out to Police Chief Glenn Moshier who received information from Jason Ingalls IT Administrator concerning the actual timing of the light. The data reflects a 4 second white walking sign with 18 seconds of a blinking light after it; she feels it is

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a little shorter than that. Her fear is the traffic that turns from Water Street to the Bridge is not aware that the pedestrian gets the right of way to walk. During this walk cycle there are still cars taking turns and they are not expecting a pedestrian to be in the roadway. She believes this is a safety concern and she wondered if there are any plans to address this. David Cole, City Manager stated Sebago Technics has reviewed the lights and the different timing plans for a variety of reasons. Cole stated there are some options being considered; however, at this time they are not ready to be discussed publicly. Cole was willing to personally speak with Reisman at another time. Cole agreed this particular intersection is not as pedestrian friendly as it could be; however, that would require an investment, necessary upgrades, and good data. Councilor Kaplan noted she had discussed with Cole having this intersection reviewed for its user friendly status and it has been agreed upon that there is a traffic issue at this particular intersection. Bruce Mattson the Regional Traffic Engineer from MDOT is currently looking at available options for this intersection with the City; the City has also looked at the cost associated with upgrading it to make it more pedestrian friendly. These options will not be inexpensive.

Jon Stein, resident of Ellsworth, part owner of Fogtown Brewing Company, as well as Heart of Ellsworth Board member was present to provide an update. Former Council member Gary Fortier had requested a follow-up report be presented six months following the July Council meeting where the Fogtown Brewing Company renewal license was heard. There were some concerns regarding Elm Street which is a City Street just north of Fogtown, noise levels, and other concerns regarding their events. Fogtown recently had their second birthday party. Since the Council meeting in July, Fogtown has installed solar equipment on their roof and is now 72% solar efficient. One of their brewers was able to purchase a house in Ellsworth, which increases the young people being able to live in Ellsworth. They have had over 25 events for live music in their establishment as well as 10 – 15 more fundraiser events for non-profits and local charities. Several \$1,000 has been raised but more importantly than that awareness surrounding the different charities and fundraisers has been accomplished. There have been no official complaints from neighbors; however, there have been some communications via email between some of the neighbors within the group just looking for information on when events would be taking place so that they could put signs up requesting visitors not park in front of their houses on Elm Street. Stein thanked the City for placing no parking

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signs on Elm Street that was very helpful as it was confusing prior to the signs being placed. Since the signs have been placed drivers are only parking on one side of the street rather than both; most of the cars are parking facing the correct direction and efforts continue to be made on educating those who are not parking according to regulations. Continued efforts are being made by Fogtown and the neighbors to keep Elm Street safe and parking friendly. They are currently following all Ordinances for Fire, Code, and Noise. Dwight Tilton, Code Enforcement Officer visited the property with the decimal meter to verify a couple of different areas complied with the requirements; once the hut was finished over one of the compressors it was certified as compliant with the City Noise Ordinance. The Council thanked Stein for coming back and providing an update on the concerns voiced in July. Chair Hamilton noted during this season the doors are likely closed at Fogtown unlike during the summer when the majority of the concerns were raised with noise levels. Hamilton asked that as spring approaches possibly that would be a time to have another meeting and have it on the agenda to be able to hear the voices from the surrounding area. The goal would be by that time the community meeting would have been held and the concerns will be completely resolved. Stein stated he would be happy to meet again whether it was here at a Council meeting, at Fogtown, or at one of the neighbor's homes.

Chair Dale Hamilton made a correction and offered an apology to Chief Tupper. Hamilton contacted Tupper the day after the December Council meeting to apologize, because at that meeting he raised a point and concern that within the Capital Budget the tanker was not included as it was requested by the Committee; however, the document Hamilton was referencing at that meeting was a previous version. Hamilton did call Tupper the next day as well as let the Council know that he had made a mistake and the tanker had been included. Hamilton does not want to make public statements that are incorrect and he certainly wants to correct them publically when he does. That apology was extended in public so that the public realizes Tupper had complied with what was asked of him and his department in regards to capital requests.

Presentation of Awards.

Michael Harris, for 15 years with the Ellsworth Wastewater Department.

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Michael Harris – 15
years with the**

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Michael Harris was not present to accept his service award from Chair Hamilton on behalf of the Ellsworth citizens. This presentation will be moved to next month.

World Aids Day Proclamation.

Chair Hamilton explained in between the November Council meeting and prior to the December Council meeting he presented a copy of the attached Proclamation (see attachment #2) to the Health Equity Alliance. Hamilton wanted to make the public aware of the Proclamation which was recognition of World Aids Day. He read a small portion of the World Aids Day Proclamation into the record.

UNFINISHED BUSINESS

Council Order #121901, Request of the Public Works Director to authorize payment for motor repairs to the highway 2009 International plow truck #34. (Tabled at the December 16, 2019 Regular Council meeting.)

Lisa Sekulich, Public Works Director explained most of the questions from the December 16, 2019 Council meeting have been answered within attachment #3, which also includes an hourly rate comparison from franchise truck service dealers. After researching other hourly rates from franchised truck service dealers throughout the state, Colwell's rate of \$105 per hour was significantly less than most of the other big truck dealerships in the area. Sekulich along with David Cole (City Manager), and Bernie Hussey (Foreman) met with Mr. Colwell at his office to discuss the City's purchasing procedure, the events leading up to this request, and brainstorming the future; the meeting was successful. He did acknowledge the City had been asking for quotes and they were not exactly received; a discussion was had on the future and the importance of receiving those prior to the work being completed even if they are a rough/high estimate. The City needs to know the worst case scenario in the future and then would rather be pleasantly surprised if the actual expense comes in lower than anticipated. Sekulich is requesting permission to authorize payment for the work that was completed as the truck was needed. Councilor Moore confirmed the dialog appeared to be very good between the parties. Sekulich confirmed it was a very good conversation. Moore stated it was comforting to confirm a local company was more than competitive price wise. David Cole, City Manager noted he expressed to the management team last week

**Wastewater
Treatment Dept.**

**World Aids Day
Proclamation.**

Unfinished Business.

**Approved - Council
Order #121901,
Authorize payment of
\$23,360 to Colwell
Diesel.**

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the requirement that vendors must submit estimates or receive pre-authorization before they proceed with work. The management team will tighten up on enforcing this requirement as well. Cole noted he had heard positively from the Fire and Public Works Departments that Mr. Colwell has been known to come out at night to get trucks running again, he is local, and has a long-term relationship with the City. Cole stated Colwell acknowledged he said he would submit an estimate and then did not do so; he understands the need to do that in the future.

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

RESOLVED to approve Council Order #121901, Authorize payment of \$23,360 to Colwell Diesel.

A final vote was taken on the above motion with 6 members voting in favor (Blanchette, Grindle, Hamilton, Kaplan, Miller, and Moore) and 1 member abstaining from the vote (Phillips).

Public hearing and action on enacting Ellsworth Code of Ordinances, Chapter 62 Taxation of Timeshare Estates Ordinance. (Tabled at the December 16, 2019 Regular Council meeting; public hearing was held at that time.)

Jim Killam, Acadia Village Resort was present to answer questions or address concerns the Council may have this evening. Councilor Kaplan inquired if the City had investigated adjusting the rates that the resort is being taxed on. Larry Gardner, City Assessor stated he has not had the time to look into the finalized value. He has been working on it; however, it will likely take a month or two to complete that process. Chair Hamilton noted for the record the topic being discussed this evening is consistent with State Statute, which is Title 33, Chapter 10A. This Statute covers the collection and receipt of money for taxes and tax bills; this section is related to timeshares and protects municipalities by issuing an Ordinance which details the proper way to collect the taxes for timeshare units. This Statute describes the escrow account process as well as the understanding that the managing entities have the ability to not only place liens on those weeks for unpaid taxes but also have the ability to recoup those amounts during the sale or rental of those units moving forward. There is a mechanism built into the State Statute that allows for recoupment of that which is not available for the City when the foreclosure process

**Failed to pass -
Approved enacting
Ellsworth Code of
Ordinances, Chapter
62 Taxation of
Timeshare Estates
Ordinance and delay
the implementation
until July 1, 2021,
first day of Fiscal
Year 2022.**

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is completed and the City takes final ownership of the unit. Councilor Kaplan reminded the Council that one of the timeshare unit owners stated in the last meeting that each deed is taxed individually by the week. that particular property if it were a single family residence anywhere else would be taxed at approximately \$2,500; however, because it is part of a timeshare it is taxed individually by the week on each individual deed that owner has. Kaplan felt this process doubles if not triples the tax, and she is not convinced this process is actually fair for those taxpayers. She was wondering if the City would be looking at how this is completed and whether it is fair to tax the parcel on its use opposed to its actual value. Gardner provided a statistic he found on the average median home value in Ellsworth being \$175,000 which equates to a tax obligation of \$63 per week. The median timeshare unit is \$67 per week or slightly higher than the median home. The ranges for taxes with that establishment are between \$33 per week and \$133 per week for the nicer weeks such as in July. There was a discussion concerning the value associated with homes regardless of the time of year it is owned compared to the value associated with a timeshare based on the week, even though it is an already existing property in Ellsworth. Gardner explained there are in season weeks and off season weeks, there are weeks for holidays, and summer weeks, those would sell for more than non-summer weeks here in Maine. Kaplan contended the use is the same; she feels the structure has a specific value. For example, if the entire parcel was sold to an outside company and the use was changed to year round apartments it would have a set value. Gardner agreed it would have a set value; however, it cannot be valued as a one set value. David Cole, City Manager made the point that this situation is closer to a hotel and the associated room rates. The price of a hotel room in July is very different than in January, because in a way they are income properties and this is as well. Gardner noted these are all good questions and reasoning; he is considering them and comparing them to those facilities as he analyzes the units. It does appear to have a similar comparison to apartment buildings and lodging facilities. He would hypothetically look at the facility as if it were not a timeshare resort and what its value would be and then compare that to where they are at now. Kaplan felt it made more sense to look at it as a destination and whole unit with that value being divided equally amongst all of the owners based on their ownership rather than the week they own. Gardner noted that thought process makes sense; however, he must also take into consideration the range of sales already determined at the time the weeks were originally sold. The original sale price was set according to

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whether it was an in season week or off season week and therefore had different values based on the time of the year. This process was how they were sold and analyzed as well as brought forward to the State. There has been reductions in value since the very beginning as well as through the years. Councilor Moore noted it would seem if the prices were equal throughout it may be difficult to sell a number of weeks in the winter as well as other less desirable timeframes; this scenario might also be difficult for the business. Gardner mentioned these units have the ability to be rented as well by the owner of the week; the rent for a more popular week will be a lot higher than the off season weeks. One single week can produce income. Killam felt the evaluations are pretty accurately reflected in the time period where there was a sales and marketing company handling the sales at the timeshare facility. At that time the sale prices ranged from \$4,000 to \$15,000 per week; that company closed in 2009. Killam has been with the timeshare since 2004 or 2005 and he doesn't believe there has been a sale in that timeframe more than \$3,000; this was likely a summer week with a yearly ownership. Killam did not think they had any property assessed for less than \$3,000. Considering 15 years of sales history how can the current tax evaluations be justified. Killam felt Gardner had an option of assessing the facility as a timeshare week by week or he could evaluate it as an individual building. Hamilton felt it was a good point that Kaplan raised concerning the evaluation component. It might factor into the timeline the Council considers if the Ordinance is approved in terms of timing that evaluation of the property with the implementation of the Ordinance. The Ordinance itself is not about the evaluation process or the evaluation of the property itself; it is more about the mechanism of how the taxes are collected and paid to the City. There is a definite connection between the two items and likely should be considered to make sure the property is valued with a process that the Council is comfortable with. The proposed Ordinance deals with the mechanism of the managing entity taking the responsibility to establish an escrow collecting that tax obligation from the owners of the timeshare units and then distributing that money to the City annually. Killam understood the proposed Ordinance; however, felt it would be causing a financial stress on the property if this Ordinance was enacted before the values reflected a fair assessment. Killam is not opposed to taking over that part; he just would like it to be fair when and if they take the collection portion over. Rusty Weymouth, President of the Homeowners Association stated the timeshare resort is not financially well off. He felt if the Council passed the Ordinance as is this evening, it will be a direct line to bankruptcy for the resort. At

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this point the City cannot collect the taxes, but the City expects the resort to pay for taxes that they cannot collect either. He felt this Ordinance was very unfair to the resort; the problem in his opinion is the evaluations. The City knows the worth of the weeks as is shown on the deeds that are recorded at the time of the sales. Even though during the previous 5 – 10 years a majority of the weeks have sold for \$100 - \$200 he is not in favor of placing that low of a tax evaluation on the weeks. The timeshare resort requires minimal services from the City. He feels the City is more equipped to collect the taxes; that is not the expertise of the timeshare resort. Weymouth felt the timeshare resort was a large economic engine for this area. He has seen Ellsworth promoting small business recently and in his opinion this proposed Ordinance will kill the timeshare resort which is a small business. Hamilton noted the State Statute states something different from his understanding; there is an escrow that gets established. The managing entity shall pay to the municipal tax collector all money that has been deposited into the escrow for the purpose of tax payment. If the amount paid from the escrow account is not sufficient to discharge all taxes and tax related costs due and owing; the managing entity shall place a lien on those timeshare estates whose owners have not contributed to the escrow account as provided in Section 594 and pay the outstanding amount no later than 30 days after the date it has collected the taxes and costs from the delinquent owner or has foreclosed the lien and sold the timeshare unit to a new owner. Hamilton stated in his opinion this does not sound like the same language Cole is talking about in terms of the Ordinance. The managing entity itself is not paying the full tax obligation; they are paying it after it has been collected. Hamilton wondered if the proposed Ordinance aligns with this; Cole's understanding was the managing entity was responsible for making the City whole. Cole directly asked the City Attorney that question and received a clear answer that the City would be made whole in regards to the tax obligation. It is also his understanding there are many other timeshare resorts that handle the tax collection in this manner; it is the managing entities responsibility to collect the taxes from their members. Weymouth felt to make the City whole the resort would need to start paying the tax obligation for members who have not contributed. Weymouth was unsure if the timeshare resort could foreclose on a unit as easily as the City could as small claims court requires a time commitment. This will add a lot of work to the office staff at the timeshare resort. Councilor Miller was not clear if the State Statute as read by Hamilton still allowed the Ordinance as proposed to leave the managing entity responsible for paying the full tax obligation

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even if members have not contributed to this obligation. Tammy Mote, Deputy City Manager confirmed the City legal counsel was specifically asked if taxes were not collected through an escrow, it would still be the responsibility of the managing entity to pay those taxes. That would ensure every single tax bill issued by the City would have a zero balance due. Gardner used the number of 50 timeshares that foreclosed this past year and based on that number the median value of the foreclosed weeks is \$2,300 making the weekly tax obligation \$43.26. If the \$43.26 obligation is multiplied by the 50 weeks it leaves an outstanding tax obligation of \$2,163 for the managing entity to cover. Gardner felt the associated cost will not really be for the tax obligation but rather the extra administration for collecting the taxes. Cole stated he could get further clarification from the City's legal counsel on this matter. He does remember explicitly asking and that is why the timeshare association is concerned because they also believe they will need to make up for the shortfall in taxes being collected on the remaining units. Weymouth noted the association is in the process of a rental and sales agreement with the City which is almost completed. This agreement will work great between the City and the timeshare resort because they are prepared and knowledgeable on how to sell the timeshare weeks. Weymouth would like to see the proposed Ordinance go away for a number of years because it is not good for anybody; during this time have the City Assessor work with the manager at the timeshare resort on some reasonable evaluations. Weymouth's concern was the cost of ownership associated with the units and in order for them to be successful this cost must remain low. Councilor Blanchette inquired if the implementation of the Ordinance went away until July 1, 2021 would that give everyone time to get up to speed. Weymouth did not believe so unless the evaluations come in where they need to be. They need a higher percentage of ownership if the City is going to expect the timeshare resort to pay money on taxes they cannot collect. Kaplan inquired if the slate could be wiped clean on any outstanding taxes owed at this point before the Ordinance is enacted and allow the Assessor time to reassess these values. Mote explained the Timeshare Ordinance was amended to state once a timeshare week forecloses all of the outstanding taxes are written off. Those weeks currently have a zero outstanding tax obligation at this point. Hamilton took a consensus poll from the Councilors on whether anyone was ready to propose a motion for further discussion. Moore would like to move forward with the understanding if the Ordinance is passed there is still room to make amendments if needed later, he would at least like to get it on the books and explore where it can take the City.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

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

**RESOLVED to approve enacting Ellsworth Code of Ordinances, Chapter 62
Taxation of Timeshare Estates Ordinance and delay the implementation until
July 1, 2021, first day of Fiscal Year 2022.**

Louis Sirois asked for a point of order from the Chair in regards to whether the public hearing was still taking place. The formal public hearing was held last month, this matter was tabled for the Council's discussion. The public meeting was held last month and the agenda item was carried forward for the Council to make a decision on the enactment of the Ordinance. The public meeting portion was held and closed and the Council is continuing their discussion as a Council on the matter. Hamilton requested time to deal with the motion at hand and then will move on from that point. Moore did not feel the Council had a clear vision of what the final outcome would be on this matter. This Ordinance provides an outline and further cooperation will be needed from both the City and the timeshare resort. Miller agreed with Moore; however, would not like to move forward with passing the Ordinance at this time. He would like to delay voting on this Ordinance until July 1, 2021; however, he is not for passing it at this time. Councilor Grindle is in agreement with Miller; based on the language within the State Statute and how that relates to how the City has drafted the proposed Ordinance. She did not feel it was fair to ask the other owners to contribute to the portion that cannot be paid. Grindle would like to receive further clarification on that portion before moving forward on this request. She would also like to see the administration piece addressed as well. Blanchette noted by getting this Ordinance on the books at this time it allows the City 17 months to work out the finer details with the resort. Kaplan stated it would allow 17 months to review the evaluations and be sure they are being taxed fairly. Hamilton noted if anyone from the public would like to make comments tonight, please be sure those comments were not made or addressed during the public hearing previously held, he would allow brief comments at this time. Sirois, resident of Ellsworth acknowledged he did speak last month and was very long in his presentation at that time. Tonight he prepared his points so as to remain short and to the point. He skipped the points made last month; see attachment #4 for the remaining comments made this evening. Kaplan inquired was there a reason Acadia Village Resort could not send one invoice for the maintenance fees and tax

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KAPLAN, MILLER, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
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FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

obligation. Hamilton wanted to give the public an opportunity to speak; however, did not want to open the discussion back up for matters not related to the motion at hand. Moore acknowledged when this topic first came up he had no idea it would become this complicated. Councilor Phillips noted as this topic is debated it appears the concept that this is a business has been lost. Although it is an unusual business that sells basically air. It has a time and a place with a building in existence but what is being sold to the individual is a non-existent product. It is a different and unique thing but at the end of the day it is an operating business. As far as the business having to pay the taxes for those who do not pay that is actually what happens when the City of Ellsworth does not collect; that shortfall impacts all of the taxpayers not just those that created the problem in your business. When the City does not get paid, the funds come from everyone else who pays their taxes. Phillips stated the question of value is a completely different topic which has been debated for a lengthy amount of time. That is an issue between the City Assessor and the owners within the organization. The City Council cannot dictate which process the assessor uses to reach the evaluations; that has its own process. The City Council may not agree with both sides of that topic but that is outside the purview of the Council. Phillips agreed if the Ordinance is passed it should not be implemented immediately, there are other questions to be answered especially regarding the language within the State Statute versus the language within the Ordinance. Phillips explained the motion on the floor will be voted on and depending on whether it passes or not, it can then be removed and sit a little awhile rather than bringing this back for a further debate next year or next month.

A final vote was taken with 1 member voting to approve (Blanchette), 5 members voting in opposition (Grindle, Hamilton, Kaplan, Miller, and Phillips), and 1 member abstaining (Moore).

The motion failed. Unless there is further action requested by the Council on this matter in the future, it will not automatically be placed on a future agenda. Moore would still like to see over the next year to year and half an attempt made by City staff and Acadia Village Resort to work something out. This concept has concerned the Council for a while, the fact of the matter is this topic takes a lot of time. Moore would like to think the City will set up a schedule of meetings to try and work through this and reach some kind of common goal. Cole felt the master lease agreement which was passed at the December 16, 2019 meeting means the

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

City is now in a fuller partnership with Acadia Village Resorts in order to try and sell the 300 stranded units. The outstanding taxes have been removed from those units. It will take time to reassess the 2,800 weeks with various values considering some are half weeks and others are full weeks. The Assessor will work diligently on this, the City will report back on this, and finally Cole will receive clarification from the City legal counsel on this matter as well as have him attend any future meetings on this topic. This is a very complicated; tax collection is not Cole's forte. Hamilton noted for him this topic is not dealing uniquely with a certain group of taxpayers; it is a unique business. Timeshares are complex and there are different ways of managing it; that is the reason Hamilton brought the State Statute this evening. As a business they need to operate and figure out how to operate within the confines. The Council needs to be consistent in terms of how the application of taxes are collected, who is doing that and when it involves a timeshare this is definitely an area there have been some very legitimate concerns raised about that process; not unlike the timeshare collects the homeowners dues and maintenance fees. When those are not collected and those units sit vacant the associated costs are absorbed in different ways by the business and at some point are passed onto the remaining owners. This is all part of the discussion in terms of just trying to arrive at something fair. Hamilton felt this was a fair item for the Council to be discussing and there have been some good points made. This topic needs to continually be discussed with a lot of dialog and discussion in between now and whenever this topic may be revisited by another Council. Weymouth thanked the Council for not passing this Ordinance this evening.

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 #012000, Request of the City Clerk for approval on the time polling places open for the March 3, 2020 State of Maine Presidential Primary Election as 8:00 AM. **

Consent Agenda.

Approved - Consent agenda as presented.

Approved - Council Order #012000, Time polling places open for the March 3, 2020

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

*Council Order #012001, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the March 3, 2020 State of Maine Presidential Primary Election. **

See attachment #5 for the complete list.

*Council Order #012002, Request to appoint David Burks (currently an alternate member) to the Planning Board as a full member with an expiration date of June 30, 2020. **

*Council Order #012003, Request to appoint Marc Rich to the Planning Board as an alternate member with an expiration date of June 30, 2020. **

*Council Order #012004, Request to appoint Jeffrey Toothaker to the Board of Appeals as a full member with an expiration date of June 30, 2024. **

*Council Order #012005, Request to appoint Mike Wight to the Board of Appeals as an associate member with an expiration date of June 30, 2024. **

**State of Maine
Presidential Primary
Election as 8:00 AM.**

**Council Order
#012001,
Appointment of
Wardens and Ward
Clerks for the March
3, 2020 State of Maine
Presidential Primary
Election.**

**Approved - Council
Order #012002,
Appoint David Burks
Planning Board full
member expiration
6/30/2020.**

**Council Order
#012003, Marc Rich
Planning Board
alternate member
expiration date
06/30/2020.**

**Approved - Council
Order #012004,
Jeffrey Toothaker
Board of Appeals full
member expiration
06/30/2024.**

**Approved - Council
Order #012005, Mike**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

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

RESOLVED to approve the consent agenda as presented.

NEW BUSINESS

*Public hearing and action on the application (s) for issuance of the following
business license (s):*

*Jeff & Diane Kelly-Lokocz D/B/A 86This!, 125 Main Street, for renewal of a City
Class B (Victualer, Liquor, and Amusement) and renewal of a State Restaurant
(Class III & 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 and that no delinquent tax or
utility bills exist.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Jeff & Diane Kelly-Lokocz D/B/A
86This!, 125 Main Street, for renewal of a City Class B (Victualer, Liquor, and
Amusement) and renewal of a State Restaurant (Class III & IV) Malt and Vinous
Liquor License.**

*GC Pizza Hut, LLC d/b/a Pizza Hut, 211 High Street, for renewal of a City Class C
(Victualer and Liquor) License and renewal of a State Restaurant (Class IV) Malt*

**Wight Board of
Appeals associate
member expiration
date of 06/30/2024.**

New Business.

**Approved - Jeff &
Diane Kelly-Lokocz
D/B/A 86This!, 125
Main Street, for
renewal of a City
Class B (Victualer,
Liquor, and
Amusement) and
renewal of a State
Restaurant (Class III
& IV) Malt and
Vinous Liquor
License.**

**Approved - GC Pizza
Hut, LLC d/b/a Pizza
Hut, 211 High Street,**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

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 Kaplan, seconded by Blanchette, it was unanimously

RESOLVED to approve the request of GC Pizza Hut, LLC d/b/a Pizza Hut, 211 High Street, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class IV) Malt Liquor License.

Susan Scherbel d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class III & 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.

On a motion by Miller, seconded by Kaplan, it was unanimously

RESOLVED to approve the request of Susan Scherbel d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

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

Approved - Susan Scherbel d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Other (Auditorium/Theatre) 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 public comments.

Public hearing was closed.

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

RESOLVED to approve the request of The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.

Presentation by the Ellsworth Historic Preservation Commission on the Museum in the Streets project.

Carla Haskell, former member of the Preservation Commission, businesses owner, and architect explained this project has been in progress since 2014; although, they have worked diligently it has required a lot of time. Present this evening were the following members from the Historic Preservation Commission: Carolyn Ackerman, Terri Cormier (also the Historic Society), and William Fogle (also President of the Historic Society). This project also includes community partners. The goal is to raise funds from grants; the City is partnering on this project particularly as it relates to obtaining grants. This project will be a walking tour through Ellsworth and describing certain historic sites. One of the exciting aspects is the building which remains on the site will not always be the article that represents the historic attributes but rather in some cases the site will contain the history as well as the buildings that once occupied those sites. There will be opportunities for business sponsorships. For a \$500 donation businesses can be

Approved - The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.

Presentation only – No formal action taken or required this evening.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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KAPLAN, MILLER, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
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FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

represented on the sign project. There are 19 signs along with 2 index style boards; the index boards will be located at Knowlton Park and the other at the intersection of Main, State, and Water Streets. The specific locations for the 19 signs can be provided to the Council at a later date. Over the years they have been working on this project they have tried to accommodate a variety of different aspects of the City's history so that it is not just building related; it actually includes ship building, activities involving the great flood, and historic fire. The project includes an accompanying website which will be finalized once all of the signs have been installed. The group has met with the Public Works Department to discuss the process and the timeline of working with them on spotting where each sign will be located. The Ellsworth Planning Department has also been involved in the process and the group has received feedback along the way. Carolyn Ackerman stated they have anticipated the entire project to cost \$25,000. Information Panels have produced signs that are internationally recognized; the Maine based business provided a quote of \$13,800 for the 2 panels, \$3,000 for the posts, \$1,000 to make available brochures that will be available at various spots throughout Ellsworth. Funds have also been included not only for the installation but for ensuring future maintenance. They currently have nearly \$10,000; \$5,000 was contributed by the City from Bangor Hydro in regards to the large grey pole at the corner of Main and State Streets. They have received \$4,495 from individual businesses and grant money to date. The plan is to apply for some additional grant funds as well as asking businesses and individuals to help sponsor signs and help in any way they can. There is an excitement for this project as it relates to other projects taking place in the downtown area as well as being Maine's 200th anniversary. The goal would be to get the information to the manufacturer this spring so it is ready for this summer. Terri Weed Cormier a member of both the Ellsworth Historic Preservation Commission and the Historic Society presented a sample of some of the work the group has been completing while they are working on this project. This work involves gathering a lot of photos and information over the years. The Historic Society is very excited to help sponsor this project; it is something that is really needed in Ellsworth. This project will provide the community and the students an opportunity to not only visit the museum but also to take part in the walking tour. Councilor Moore inquired about the cost to make one of the index style signs; it was estimated to cost \$1,500. A breakdown of the costs would be available at a later time; currently all the pricing is based on the number of signs being purchased as part of the entire package. The package includes 19

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KAPLAN, MILLER, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT:

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LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

informational signs and 2 large index style panels. Individuals and businesses can sponsor one of the 19 plaques for \$500. Following this presentation letters will be mailed out to businesses seeking donations. There are a couple of different options in regards to the placement of the index style boards particularly at the intersection of Main and State Streets. There will be discussions held between this group and Public Works Department prior to the placement of the signs. They are considering a space in between the grey pole and an adjacent object which would allow the sign to be attached safely to those two elements. They will be keeping ADA requirements as well as winter maintenance of the sidewalks in mind while deciding on placement of the signs. The large and small signs will primarily be pole mounted; however, some can be wall mounted. David Cole, City Manager noted this is a great project as well as this presentation was made this evening because the signs will be placed on City streets. Cole noted this group may also be applying for grants whereas the Historic Preservation Commission is an instrumentality of the City. Cole wanted the Council to be aware of the connection between the City and the Commission in regards to grant funds and requests. The City currently has an account to house these funds in.

This was a presentation only, no formal action was required or taken this evening.

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

KaTina Howes, General Assistance Director stated there has been a small increase to Appendix H (burials and cremations maximums) of the General Assistance Ordinance. An overall review was conducted on the cost to perform a burial or cremation and determined the fees have remained the same for many years; however, the costs have increased during that time period. The funeral homes have been forced to write-off large sums of money whenever the municipality is involved in paying for those services. After review by the State, there has been a slight increase in the maximums. This is the only appendix that has been changed at this time. See attachment #6 for the new State housing maximums that will be effective from October 1, 2019 thru September 30, 2020.

Public hearing was opened.

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

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

There were no comments.

Public hearing was closed.

On a motion by Kaplan, seconded by Moore, 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 #012006, Request of the Director of Development Services to authorize the City Manager to accept a grant award of \$25,000 from the MDOT PPI Grant Program for a design study to extend the City's Bike/Pedestrian Trail.

Janna Richards, Director of Development Services explained the City applied for a Maine Department of Transportation Planning Partnership Initiative Grant in early December. The purpose of that grant application was to help fund a study that would look at alternatives for connections between the City's existing bike/pedestrian trail which ends around Birch Avenue and connecting that with the Sunrise Trail which ends around Beals Avenue and High Street. This would be a feasibility study, assessment, and review for how to safely cross between those two trails, as well as improvements that need to be incorporated at road crossings. There is one major crossing at Main Street that would need to be heavily considered in terms of traffic flow and patterns. The impacts of placing a crossing at this location would need to be determined in regards to how this would affect existing traffic patterns and safe pedestrian crossing. This would be reviewed for whether it could be a standard crosswalk, or if it would need flashing beacons. Signage would be included within the study. The City was approved for the grant in December; the grant requires a 50% match. The City was funded with \$25,000; the local match will be funded equally from TIF funds within the Economic budget and the Local Roads budget. See attachment #7 for the complete request, Ellsworth Bicycle/Pedestrian Trail Assessment, and Maine Department of Transportation Two-Party Planning Partnership Initiative Agreement. Councilor Miller noted Richards and City Manager Cole attended the Recreation Commission meeting to ask for approval from the Commission to move forward with this project. The

Approved - Council Order #012006, Authorize the City Manager to execute the necessary agreement to accept a \$25,000 grant from the MDOT PPI Grant Program for a design study to extend the City's Bike/Pedestrian Trail, with a 50% local match evenly allocated from budgeted TIF and local roads funds.

**RECORD OF REGULAR MEETING
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DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
LARRY GARDNER, MIKE HANGGE, RICHARD TUPPER, LISA SEKULICH,
JANNA RICHARDS, KATINA HOWES, KELLY HERRICK, BERNIE HUSSEY,
TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
FOGLE, GLENN MOSHIER, AND HEIDI GRINDLE.**

Commission voted unanimously in favor of doing so. Councilor Phillips stated likely this is the next required step in the process to receive future funds from the State to expand this trail. Cole noted in order to place this in a work plan, the DOT will require a potential scope of work. This is a design study. Chair Hamilton noted he has heard consistently from the public that walkability and having more opportunities within the City is a high priority for many people. He felt this was a great opportunity. Councilor Blanchette stated this is an extension of the bike/pedestrian path to meet up with the Sunrise Trail; it is not an extension of the motorized Sunrise Trail. Blanchette was very much in favor of this project; Councilor Kaplan was in favor as well.

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

RESOLVED to approve Council Order #012006, Authorize the City Manager to execute the necessary agreement to accept a \$25,000 grant from the MDOT PPI Grant Program for a design study to extend the City's Bike/Pedestrian Trail, with a 50% local match evenly allocated from budgeted TIF and local roads funds.

Council Order #012007, Request of the Director of Development Services to authorize the purchase of updated aerial imagery under the State's GIS Orthoimagery Mapping Program at an estimated cost of \$19,000, to be funded with Tax Increment Financing (TIF) funds.

Janna Richards, Director of Development Services explained the City has the opportunity to purchase 6" resolution orthoimagery from the State's GIS Orthoimagery Mapping Program. The City currently has the 2014 6" resolution imagery; this information is used frequently. In planning and development it is used for mapping site location and development, it is also used by public safety and public works. This information is used when other organizations seek the help from the City in making maps for them; this information is used for a base map layer. This information is on the City's public GIS website accessed by residents of Ellsworth as well as other people who are interested in relocating to the City of Ellsworth. Richards felt this is a great investment for the City to make. See attachment #8 for the complete request, State of Maine Orthoimagery prices Hancock County, details of the Orthoimagery Mapping Program 2017-2022, and Notice of Intent to Participate. Due to economy of scale and local buy in from

Approved - Council Order #012007, Authorize the purchase of updated aerial imagery under the State's GIS Orthoimagery Mapping Program at an estimated cost of \$18,850, to be paid with Tax Increment Financing (TIF) funds available from the FY2020 Economic Development Budget.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JANUARY 13, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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many municipalities the City is able to purchase this information at a fairly reduced rate. This year Richards is requesting an additional \$850 to purchase the MrSID mosaic file of the imagery. In the past the imagery was provided as separate tiles and since the City is very large when the imagery is uploaded to be used it takes a very long time. A compressed file would reduce the load time and make the process easier for all users of the information. The cost for the 6” resolution is \$18,000; however, the 3” resolution would cost \$53,000. Richards explained the pros and cons of the different levels of resolutions available. Councilors Moore and Blanchette agreed some of the imagery that is available from this request is amazing. Councilor Kaplan inquired what this imagery does for the City that Google Maps is not able to do. Richards explained the resolution of Google Maps is not very good. Google Maps will update their imagery based on the State’s imagery. Zooming in on Google Maps imagery will produce a very pixelated image, it is not easy or useful to take a snapshot of a Google Maps image to be used in a project. There is also a coordinate file that comes with the imagery being requested this evening that lines up perfectly with the City’s coordinates that would not happen with a snapshot or clip of Google Maps. Property lines can be viewed on this imagery by selecting this as the base map and then turn on the City’s parcel layer. Richards cautioned the viewing public that this information is for planning purposes only; please do not make permanent improvements or spend money on a project without first obtaining a survey of the parcel. This will provide a general idea of where items are located. The cost for this imagery will come out of economic development funds for many reasons; most importantly is if someone is interested in investing in Ellsworth this information is invaluable because it gets to a level where a business can make critical decisions. Attributes can be added to the images and data can be created from this information. Cole noted the City has this opportunity because the County is purchasing images at this time; if they were not moving forward the City would not be able to take advantage of this important timing.

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

RESOLVED to approve Council Order #012007, Authorize the purchase of updated aerial imagery under the State’s GIS Orthoimagery Mapping Program at an estimated cost of \$18,850, to be paid with Tax Increment Financing (TIF) funds available from the FY2020 Economic Development Budget.

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Council Order #012008, Request of the Police Chief to renew the Regional Communication Center Third Shift Dispatch Services Agreement between the Hancock County Commissioners and the City of Ellsworth.

Glenn Moshier, Police Chief explained he would like to continue the current contract with the Hancock County RCC for overnight dispatch services. This is the third year of the agreement and they have asked for a 3% increase; which covers the cost of the contractual pay increase for the current dispatcher they employ. See attachment #9 for the complete request and Agreement between the City of Ellsworth and the Hancock County Regional Communication Center. The service has worked very well for the City. At the cost of \$29,292 it is still well below what it would cost the City to have their own dispatcher for that time period. The City is not seeing a full 3% increase because over the last year the City discontinued dispatch services for the town of Trenton. They have contracted independently with the RCC for all necessary hours. Based on this change the contract has actually decreased since last year. Moshier stated he does not have any complaints and the overall service the City receives from the RCC is probably not up to the exact standards he has with the Ellsworth Dispatch at least from the police side of the services. They have provided a service that is comparable, they have assisted at times when the City is experiencing a shortfall of employment and needed coverage for a short period of time. It has been an outstanding agreement and he does not foresee any reason why it would not continue to be.

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

RESOLVED to approve Council Order #012008, the agreement between the City of Ellsworth, Maine and the Hancock County Commissioners for the Regional Communication Center Third Shift Dispatching Services as presented in attachment #9.

Council Order #012009, Request to approve a consultant agreement with a firm for the purpose of conducting a facility study for the Hancock County Technical Center.

Chair Hamilton stated at this time the Committee is working diligently; however,

Approved - Council Order #012008, the agreement between the City of Ellsworth, Maine and the Hancock County Commissioners for the Regional Communication Center Third Shift Dispatching Services as presented in attachment #9.

Approved - Removing from the agenda Council Order #012009, Request to approve a consultant

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they are not ready to bring this forward to the Council. Hamilton would like a motion to remove this item from the agenda.

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

RESOLVED to approve removing from the agenda Council Order #012009, Request to approve a consultant agreement with a firm for the purpose of conducting a facility study for the Hancock County Technical Center.

Council Order #012010, Request of the Finance Director to withdraw up to \$25,000 from Capital Reserves for professional services relating to the Solar/Renewable Energy RFP including legal and technical review as well as conducting due diligence.

David Cole, City Manager stated the City issued a request for proposals for solar/renewable energy projects back in the fall with a due date of December 18, 2019. There were 9 proposals submitted and it appears a lot of options are on the table. The Solar/Renewable Energy Committee was appointed by the Council Chair and includes Miller, Grindle, Gary Fortier, plus staff; they are scheduled to start formally reviewing the proposals a week from tomorrow (January 21). Up to this point George Wood (Woody) has had a long term relationship with the City and has guided the City on energy matters in the past. Woody has been working with the City, his guidance to this point has been crucial, this is a very complicated project and in the end the goal is to get a favorable long term up to 20 years power purchase agreement that will save the taxpayers money. See attachment #10 for the complete request. Due to upcoming negotiations, Cole was not at liberty to give many details. The net metering credit from the State is just under 15% for qualified projects. The City purchases 5 million kilowatt hours of power a year through the school and the City including all the component units. For every penny the City is able to go below the .15 cents the City will save \$50,000. There is a lot of upside potential; however, the City needs expert guidance from George Wood in addition to hiring appropriate legal counsel. If this is approved, Cole will consult with the Finance Committee as this process moves along. This is an exciting project; however, is new ground. Councilor Moore noted this could result in substantial savings for the City and will be a good project.

agreement with a firm for the purpose of conducting a facility study for the Hancock County Technical Center.

Approved - Council Order #012010, Authorize the Finance Director to withdraw up to \$25,000 from Capital Reserves for professional services relating to the Solar/Renewable Energy RFP including legal and energy consulting services, and authorize the City Manager to procure such services as needed.

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TERRI CORMIER, CAROLYN ACKERMAN, CARLA HASKELL, WILLIAM
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On a motion by Phillips, seconded by Moore, it was unanimously

RESOLVED to approve Council Order #012010, Authorize the Finance Director to withdraw up to \$25,000 from Capital Reserves for professional services relating to the Solar/Renewable Energy RFP including legal and energy consulting services, and authorize the City Manager to procure such services as needed.

Adjournment.

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

RESOLVED to approve adjournment at 8:55 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Approved -
Adjournment at 8:55
PM.**