

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: FEBRUARY 10, 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,  
MIKE HANGGE, DAN HIGGINS, PAUL MARKOSIAN, GARY FORTIER, DICK  
FENNELLY, MIKE HARRIS, KELLY HERRICK, JENN MERCHANT, BRENDA  
THOMAS, JAKE TAYLOR, NICOLE GROHOSKI, 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:

*01/13/2020 Regular Council Meeting.*

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

**RESOLVED to approve adoption of minutes from the 01/13/2020 Regular Ellsworth City Council meeting as presented.**

*City Manager's Report.*

David Cole, City Manager stated Gaftek started the fuel tank replacement and upgrade project this week. The project is expected to be completed in the next four to six week window, which should be well in advance of the Harbor Park opening for the season in May. City Hall and all departments and facilities with the exception of essential personnel will be closed on February 17 in recognition of President's Day. Trash collection will not be impacted by the Holiday. March 3, 2020 is the Presidential Primary Election day and there will also be one referendum

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the 01/13/2020 Regular Ellsworth City Council as presented.**

**City Manager's Report.**

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question. On March 5, 2020 there will be a marijuana workshop held at City Hall from 2 PM to 4 PM with a snow date of March 10, 2020 at the same time. This workshop will be offered by the Maine Municipal Association's Legal Department. Cole reminded the public that on March 14 and March 15 there will be activities held in honor of Maine's Bicentennial birthday. This year the Winter Carnival will be held in conjunction with this event. More information on the upcoming events can be found on the City's website.

*Committee Reports.*

*Harbor Commission.* Councilor Moore noted the Harbor Commission will be meeting on Wednesday this week.

*Recreation Commission.* Councilor Miller noted the Recreation Commission met and a few members from the community addressed an interest in finding a different location for the pickle ball court. It is very early in the process as they need to gather cost estimates and research the project a little more. There was a discussion on the future of parades based on the Heart of Ellsworth no longer handling the organization and implementation of parades. There will be additional meetings to discuss parades in the future with the Recreation Commission being in charge of them. A written report was submitted by Shane Lowell in his absence. Lillian Frank and Benton Bird were approved for recommendation to the Council as student members. Discussions were also held on the Bicentennial and Winter Carnival. The Dog Park was also discussed; Nick Sarro has already raised some money toward this project. There is an online website that encourages residents to donate money toward this project. A location is still needed for the Dog Park. Budget requests will be heard at next month's meeting.

*HCTC Steering Committee.* Councilor Grindle invited a few members of the Committee to speak this evening. Brenda Thomas, Chair of the School Board explained since the Ellsworth Business Corporation approached the Ellsworth School Department about 18 months ago there have been many discussions about how this project would benefit the community and the need for a skilled workforce. The Hancock County Technical Center was built approximately 40 years ago. Ellsworth owns that building and it is a component of the educational system of Ellsworth; however, it is operated as a center and offers programming to all Hancock County students. The student numbers at the Hancock County Technical

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Center have grown over the years and the course offerings have changed and expanded during that time. Currently there are 10 programs being offered at HCTC and 2 programs being offered as satellite programs. The current plan is to add cyber security and/or hospitality travel and tourism in the near future. The goal is to have a facility that is used for more than the 8:00 AM to 3:00 PM timeframe. The new building or renovations would house adult education programs and secondary education programs. It is possible a course that is no longer offered during the regular school hours due to lack of participation may be offered in the evening to a large group. The ability to expand the use of the technology center would allow more courses to be offered and trainings that would further develop the area's workforce. This venture would be a partnership with the Ellsworth Business Development Corporation (EBDC). Jake Taylor, EBDC Board Member and HCTC Feasibility Study Committee member provided a brief history behind the idea for the HCTC feasibility study. One of the reoccurring issues that was being discussed at the EBDC Board level was the availability of workforce. In identifying this problem one of the solutions the EBDC Board came up with was HCTC and CTE2.0. This has been discussed on many levels as a vehicle to train the next generation of workforce. One item that contributes to the issues faced by HCTC currently as well as limits their success is the overall square footage. The availability to make the space quickly convertible to be retooled to meet local market demand and student interest at the time is another challenge faced. After discovering these items EBDC engaged the local sending schools' superintendents as well as the Ellsworth School Board to introduce the ideas and receive a sense of support. It was during this process that EBDC learned there had already been an effort behind the scenes to discover what could be done with the current building. In 2017, an application was submitted to get HCTC on the State's funding schedule for renovations or new school construction. After that list was compiled and sifted through, HCTC landed at #18. It was estimated the funding cycle in those years would only cover the first 8 – 12 projects. The next funding cycle would put a new building into use in 2033 based off the past formulas and matrix. Although this is not an exact formula, upon learning this EBDC introduced the idea of a P3 to provide the necessary funds for building renovations or replacement. This would be a challenging approach; however, had a lot of support from the interested players. The next step in this process was to define the size, scope, and need of the project. The most logical way to obtain this information would be to conduct a feasibility study specifically regarding the building. The HCTC Feasibility Study Committee is comprised of 2 City Councilors, 2 Ellsworth School Board members,

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2 EBDC Board members, and 1 Community member. This group has completed both internal and local research, spoken to the School Department extensively, the City Council in depth and conducted a lot of research to understand what a project like this involves. An RFQ has been issued. Four firms returned proposals in response to the RFQ, the four firms have been interviewed, and the Committee has tentatively selected a firm. The Committee is in the process of working on a complete scope of work and negotiating a contract. The goal is to formally present the contract in the near future. Councilor Grindle thanked the EBDC Board and the Ellsworth School Department for identifying the need and their willingness and expertise to support the need. Grindle provided a few news articles that support this project and the future need for it.

*Capital Planning Committee.* Chair Hamilton noted this committee has had one meeting so far with a few more scheduled. There are 3 community members participating in this committee. This committee will be reviewing all of the capital items for this budget cycle including five years out and then making recommendations that will come back to the Council during the budgeting process.

*Citizens' Comments.*

There were no citizens' comments this month.

*Presentation of Awards.*

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

Michael Harris was present to accept his service award from Chair Hamilton on behalf of the Ellsworth citizens.

*Tyler Kennedy, for 5 years with the Ellsworth Fire Department.*

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

**Citizens' Comments.**

**Presentation of  
Awards.**

**M. Harris – 15 years  
with the Ellsworth  
Wastewater  
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**Tyler Kennedy – 5  
years with the  
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UNFINISHED BUSINESS

**Unfinished Business.**

There were no items under Unfinished Business this month.

CONSENT AGENDA

**Consent Agenda.**

*CONSENT AGENDA: All items with an asterisk (\*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

**Approved - Consent agenda as presented.**

*Council Order #022000, Request of the Deputy Treasurer/Tax Collector for approval of a Real Estate Purchase Installment Contract (REPIC) between the City of Ellsworth and Jenny Nichols. \**

**Approved – Council Order #022000, REPIC between the City and Jenny Nichols.**

See attachment #1 for the complete request and REPIC agreement.

*Council Order #022001, Request of the Deputy Treasurer/Tax Collector to release properties redeemed during the 30 day redemption period ending January 22, 2020 through Quit-Claim Deeds (the complete list is available in the City Clerk's Office) and authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.\**

**Approved – Council Order #022001, release properties redeemed during the 30-day redemption period.**

See attachment #2 for the property information on parcels redeemed during the 30 day redemption period ending January 22, 2020.

*Council Order #022002, Request of the City Manager to appoint a representative and alternate to the Maine Service Center Coalition. \**

**Approved – Council Order #022002, appointment of D. Cole and T. Mote to the Maine Service Center Coalition.**

See attachment #3 for the Resolution for Membership and Appointment of Voting Delegate Representative (David Cole) and Alternate to the Maine Service Center Coalition (Tammy Mote).

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

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**RESOLVED to approve the consent agenda as presented.**

**NEW BUSINESS**

**New Business.**

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

*Colonial I, LLC d/b/a Colonial Inn, 321 High Street, for renewal of a City Lodging House License.*

**Approved - Colonial I, LLC d/b/a Colonial Inn, 321 High Street, for renewal of a City Lodging House License.**

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

Public hearing was opened.

There were no public comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Colonial I, LLC d/b/a Colonial Inn, 321 High Street, for renewal of a City Lodging House License.**

*Josie's Country Store d/b/a Josie's Country Store 126 Surry Road for renewal of a City Class C License (Victualer/Liquor) and renewal of /upgrade to current State Restaurant (Class III and IV) Malt and Vinous Liquor License to include Spirits (Class I).*

**Approved - Josie's Country Store d/b/a Josie's Country Store 126 Surry Road for renewal of a City Class C License (Victualer/Liquor) and renewal of /upgrade to current State Restaurant (Class III and IV) Malt and Vinous Liquor License to**

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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THOMAS, JAKE TAYLOR, NICOLE GROHOSKI, AND HEIDI GRINDLE.**

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

**RESOLVED to approve the request of Josie's Country Store d/b/a Josie's Country Store 126 Surry Road for renewal of a City Class C License (Victualer/Liquor) and renewal of /upgrade to current State Restaurant (Class III and IV) Malt and Vinous Liquor License to include Spirits (Class I).**

*Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) 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.

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

**RESOLVED to approve the request of Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.**

*Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) 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.

include Spirits (Class I).

**Approved - Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.**

**Approved - Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant**

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THOMAS, JAKE TAYLOR, NICOLE GROHOSKI, AND HEIDI GRINDLE.**

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.**

*Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 57 – Frenchman Bay Regional Shellfish Conservation Ordinance.*

Tammy Mote, Deputy City Manager explained 10 years ago the Council adopted the Shellfish Conservation Ordinance along with 6 other municipalities. The purpose of the Ordinance is to preserve and manage the clamming resources in the Frenchman Bay Region. At the same time, 7 municipalities formed the Municipal Joint Board to oversee the program through an Interlocal Management Agreement. The Interlocal Management Agreement names the City of Ellsworth as the Administrative Municipality which oversees the administrative duties including licensing, reporting, financial oversight, and employing a shellfish warden. The City receives \$3,200 annually to provide that service. All the expenses and payroll for the program are received through licensing, municipal appropriations from the 7 communities, as well as from fines and fees. With new staff and City Council the City has decided it no longer wants to employ a shellfish warden due to the liability and risk as well as the City has no jurisdictional oversight within the other 6 communities of the harvesting program. The City has been working with the Joint Municipal Board to find a solution concerning removing this position as a City employee. During this process, other municipalities have been approached, the County government has been contacted, and there has been no success in resolving this concern. Mote and the Municipal Joint Board have been working with the City's Attorney and a solution has been identified. Rather than having a city employee the Municipal Joint Board will contract through an RFP process with an independent contractor for this service. The City would continue to serve as the administrative municipality. See attachment #4 for the complete request, copy of the Frenchman Bay Regional Shellfish Conservation Interlocal Management

**(Class III and IV)  
Malt and Vinous  
Liquor License.**

**Approved -  
Amendments to the  
City of Ellsworth  
Code of Ordinances,  
Chapter 57 –  
Frenchman Bay  
Regional Shellfish  
Conservation  
Ordinance.**

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Agreement with amended language, and copy of the Ordinance containing the amended language. Mote clarified tonight the Council would be voting to make the necessary amendments to the Ordinance as well as the Interlocal Management Agreement. Those have been included within the packets as well as contained within the minutes as attachment #4. The language basically changes the language from a city employee to a contracted position. Richard Fennelly a member of the Municipal Joint Board was present this evening to address concerns or answer questions. Councilor Kaplan inquired what the actual cost savings would be. Mote explained a budget has not been created yet; this program is not funded through the individual municipalities. The program pays for itself so it does not involve local tax money besides the annual municipal appropriation of \$3,000. After this amendment is approved the next step would be to determine a budget. David Cole, City Manager added currently there are three roles involved within the program. The City Clerk oversees the role of licensing, the Finance Director oversees the role of handling the money from the licenses, appropriations, and fines; in both of these cases the Department Heads are willing to continue to serve in these roles. The third role was the enforcement of the program which was being handled in the Police Department; that role was becoming burdensome although not financially. It was becoming an administrative burden because the shellfish warden was conducting most of their responsibilities in other towns. This amendment may have some indirect benefits to the City but will be a wash financially.

Public hearing was opened.

There were no public comments.

Public hearing was closed.

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

**RESOLVED to approve the amendments to the City of Ellsworth Code of Ordinances, Chapter 57 – Frenchman Bay Regional Shellfish Conservation Ordinance.**

*Council Order #022003, Request to approve amendments to the Frenchman Bay Regional Shellfish Conservation Interlocal Management Agreement.*

**Approved -  
Amendments to the  
Frenchman Bay**

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This Council Order was explained in conjunction with the prior agenda item. There was no additional discussion prior to a motion being made. See attachment #4 for the complete request, copy of the Frenchman Bay Regional Shellfish Conservation Interlocal Management Agreement with amended language, and copy of the Ordinance containing the amended language.

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

**RESOLVED to approve the amendments to the Frenchman Bay Regional Shellfish Conservation Interlocal Management Agreement.**

*Council Order #022004, Discussion and action on adopting the Recycling Reform for Maine Resolution.*

Gary Fortier, member of the Ellsworth Green Action Team introduced a request that the City Council support a Resolution; see attachment #5 for the complete request, proposed Recycling Reform Resolution, proposed Legislature, and approved signed Resolution as provided to the Council prior to the meeting this evening. The Resolution will support a legislative measure that is yet to have a LD# attached to it. This would require a producer liability/responsibility program similar to other issues within the State, for example the bottle bill, batteries, and tires. This would place more of the financial responsibility on shippers or manufacturers of the product that municipalities and therefore individuals cannot recycle. Fortier was requesting a unanimous vote to allow David Cole (City Manager) to sign the provided Resolution (see attachment #5) and send it on. Fortier read a list of municipalities that had already signed the Resolution as of a month ago.

Nicole Grohoski, State Representative, member of the Green Action Committee, and Ellsworth resident explained the overarching concept is that packaging comes into existence because of items the citizens want inside of that packaging, it then falls upon taxpayers to pay for the disposal of that packaging. Grohoski noted that is not really the correct place for that financial burden to be placed. It should be on the packaging right at the start and the producers of that packaging. In Maine 16 to 17 million dollars a year is spent just on disposing of packaging waste, depending on the municipality that could be approximately 30% – 40% of all the waste it manages. This is a significant amount, some can be recycled and some cannot.

**Regional Shellfish  
Conservation  
Interlocal  
Management  
Agreement.**

**Approved - Adopting  
the Recycling  
Reform for Maine  
Resolution contained  
in attachment #5.**

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This policy which is currently used in 5 Canadian Provinces and dozens of other Countries is a great way to promote recycling and have it be affordable, so that when the market shifts our community can continue to recycle products. It also helps to incentivize better and less packaging. The producers would be required to pay based on the amount and quality they contribute to the waste stream; this method will provide an incentive to change their packaging. This is already happening within other Countries where this type of packaging reform already exists. The concept of the Resolution is to show the City's support of this approach of shifting the burden from taxpayers back to producers. The Resolution is not an endorsement of specific bill language; that would never be the request as the rate that the language changes is very rapid. This is only an endorsement of the concept. Chair Hamilton stated the idea of removing material from the waste stream seems to be one no one would argue against. The process of accomplishing this was addressed at a workshop earlier this month as well as whether this process actually accomplishes that goal. The answer at that time was probably not, maybe on a long term basis if more States participated. Hamilton noted this really is a tax on those companies to help support municipalities. He noted Maine is a small State and likely will not change the way producers' package items very much and the \$16 million will get passed back onto the consumers. Hamilton listed his concerns as the following: the impact of cost shifting, the expense for purchasing material, and the language that says the Department also enforces this section by banning the sale of products of those producers that fail to participate. Initially, it was stated it would be up to the producers and if they did not participate they would pay a larger tax; however, when Hamilton sees language about banning sale of products it really concerns him. He is uncomfortable with the State banning sales of products to force corporations to participate in something that as you get down into the language of it could change every two years according to what the recycling market is. Hamilton noted there are still a lot of questions surrounding what the real cost is, the cost of setting up the entity that the State will contract with to collect and manage all this, as well as many more unanswered questions. Hamilton's question to Grohoski was why not take the time to look at this, obtain cost data, and have a defined process rather than just trying to push it through by selling it as cost savings for municipalities. Grohoski recognized it may not appear the State has answered all of the questions Hamilton raised; however, it has been researched and because there are the 5 Canadian Provinces as well as Countries in the EU, India, and New Zealand there is a lot of data to review and support this concept. In the Canadian Provinces that do not participate in Extended Producer Responsibility (EPR) the

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FENNELLY, MIKE HARRIS, KELLY HERRICK, JENN MERCHANT, BRENDA  
THOMAS, JAKE TAYLOR, NICOLE GROHOSKI, AND HEIDI GRINDLE.**

cost of items are identical between those providences. The other Providences are now getting on board because they have realized they are paying for other people to have better waste management. The cost is being shifted to all consumers; Grohoski stated we are already paying for Extended Producer Responsibility for recycling in Canadian Providences and other Countries. The cost for products is the same and the cost it does add to products is under a penny. In places this is happening, the consumers are not paying a lot more to help them. One of the strengths that Grohoski sees with this legislation is the fact that all Maine Municipalities could have a more uniformed recycling and waste management program, in terms of what is accepted. One of the challenges when residents move between communities is they are unaware of what can be recycled within that community and it can also shift within the same community. If consistency can be reached it will lead to a better outcome; there is a Statutory goal of 50% recycling that has been on the books since approximately the 1980's. The State is at 37% recycling currently. Places like the Canadian Providences are in the 60% – 70% recycling range and they are paying less per capita than the State is for that outcome. Grohoski stated there are multiple other New England States that have noticed Maine is just a little further ahead of them on this concept and are just waiting to see Maine's plan and the details. At that point they may synchronize up with Maine so that there can be a regional management approach. This network definitely includes Massachusetts, Connecticut, Vermont; Grohoski was unsure about New Hampshire. This is a chance for Maine to be a leader. There was a lengthy discussion on the cost of products in Canada compared to those in the US and whether that increase is due to the impact of Extended Producer Responsibility or other factors. Councilor Kaplan would like to see some real numbers on what the actual cost added for a program like this would be. In regards to food packaging what is the increased rate of spoilage, for fragile packaging what is the increased rate of breakage and will those costs be added on to the consumer. Grohoski clarified the costs are the same for neighboring Canadian Providences that do and do not participate in this program. The US prices are not the same compared to the Canadian Providences. Kaplan would prefer educating the public in better purchasing choices rather than have a government tell the manufacturer what they have to do. Grohoski stated the goal of the Legislation is to create a market that incentivizes behavior that helps the environment and helps the taxpayers. Hamilton was still concerned about the strong language in regards to banning products that do not participate, on top of taxing them more. Grohoski stated her knowledge in regards to that concern is in other jurisdictions where this

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: FEBRUARY 10, 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,  
MIKE HANGGE, DAN HIGGINS, PAUL MARKOSIAN, GARY FORTIER, DICK  
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has been included they have all complied. The reason that language is included is because sometimes it is easier for a company to just pay a fine than participate. Multiple options have been provided for participation, for example it allows a company to manage its own packaging waste stream, report that to the DEP, and then they do not have to participate in this program. There are over 500 brands that pay into the program in Quebec that also sell their products in Maine. Many companies are already familiar with this system. There are exemptions within the bill as written for companies that have less than a million dollars in revenue here in Maine, Maine companies that have a single point of sales, and if they have less than one ton of packaging material. These exemptions cut out the really small companies that would experience a management burden from this program. Councilor Blanchette voiced two concerns: one was any increase a provider encounters with changing their packaging would be passed onto the consumer and he believed it would be more than a penny increase. The second concern was the letter from the Green Action Team quoted that this language has not yet received the final formatting as a draft bill. Details of the final bill may change before it goes to a vote by the Legislature. Blanchette felt this information conflicted with the request to support the proposal and he felt it was premature for the Council to approve this request as there is no final language. Blanchette was not in favor of supporting this request without anything in writing. Fortier stated the request was not to approve the wording on the bill; the request is to approve the concept of an extended producer responsibility which would pass the cost onto the producer of the item. Fortier noted this would be similar to the Maine Bottle Bill where a bottle of soda cannot be sold if the producer doesn't participate. Tires cannot be sold in Maine unless the distributor collects a recycling fee. An automobile battery cannot be purchased within the State of Maine without paying a core charge which is not returned until the core is returned. Maine has an excellent track record of making these programs work. If support is given tonight it can be withdrawn at any time the bill reaches a point where the Council is uncomfortable. Fortier reminded the Council it is only the concept that is being approved this evening. Councilor Moore agreed it was extremely important for the Council and City to endorse the study or the concept as they are not voting for a bill. This concept will become increasingly more important to everyone as time goes on. Moore felt the producers may find a way to package the goods more efficiently if the bill language could be worked out. Moore agreed with approving the concept. Kaplan noted when it was stated that everyone pays a tire fee, bottle deposit, battery core charge, the point was the consumer pays that fee. The manufacturer does not pay that fee; the consumer is.

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Kaplan noted when the cost of production is increased that will be passed onto the consumer through inflation. She felt educating the public to make better choices relating to the amount of plastics and other materials that are being used to package a certain item is a better option. Kaplan felt this proposal would be harmful to consumers and she was not sure she could support this item yet. Grohoski noted the consumer is already paying through their tax dollars. She also noted that for all the consumers that want better packaging and less of it that choice is not available at the stores. If the consumers are ever to be given that choice, than a system must be created in which a choice will happen. Currently the manufactures number one goal is to package the product as inexpensive as possible. Online sales are accounted for in this proposal as well. There was a short explanation on what alternative packaging options there could be based on the current recycling market. Councilor Phillips noted there will be a cost shift; the producer will package the item anyway they feel will work to get the item delivered in one piece. The material will be divided according to the current regulations on how to dispose of it and any remaining pieces will be disposed of at the taxpayer's expense. At the end of the process it will not be the manufacturer that pays that price. Phillips felt this is only a concept and that perhaps by moving the cost to those making the product it will be a starting point and when the final bill is developed there will be some funding returned to the municipalities to help with the expense. The consumer may start paying more; however, it will provide consumers with a choice of which products they want to purchase based on the cost to dispose of the packaging materials associated with that item. Phillips explained the associated cost as becoming more of a user fee than a general taxation cost. Hamilton was concerned that the State does not have a good track record of passing dollars back to Municipalities; Municipalities are still not at 55% of education funding or GA funding the way it was authorized. That is another legitimate question to raise. The hope is all the questions raised this evening will be considered during the creation of the bill, as it doesn't exist currently. Hamilton noted conceptually it makes sense to a point, but all the detail pieces for him to rise to the point of whether he can endorse the proposal has not been satisfied. Based on what DEP presented a year ago, which is the department that will be crafting the bill it raises concerns shared by Hamilton. Grohoski brought the Council's attention back to the Resolution that was submitted to them prior to the meeting (see attachment #5). The Resolution establishes not an endorsement of a bill but support of the concept. Grohoski stated if a municipality wanted to sign on they could and then amend certain sections they did not support.

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Martha Dickinson, member of the Green Action Committee and Ellsworth resident encouraged the Council to review the Resolution and edit as you feel necessary. Dickinson agreed recycling must be improved within the State of Maine as well as Ellsworth. She reminded the Council that when the extra fee is paid on a bottle, the consumer receives that fee back when they return the bottle. This is the same process used for other items such as tires and batteries.

Robin Snyder-Drummond, Ellsworth resident and member of the Green Action Team stated she agrees with Kaplan about educating the public. She has seen solutions and ways of educating the public designed before; however, many times they are not implemented. Education will come when consumers are presented with options.

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

**RESOLVED to approve adopting the Recycling Reform for Maine Resolution contained in attachment #5.**

**A final vote was taken with 4 members voting to approve (Grindle, Miller, Moore, and Phillips) and 3 members voting in opposition (Blanchette, Hamilton, and Kaplan).**

*Adjournment.*

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

**RESOLVED to approve adjournment at 8:10 PM.**

**A TRUE COPY**

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

**Approved -  
Adjournment at 8:10  
PM.**