

**RECORD OF EMERGENCY MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: MAY 4, 2020**

**TIME: 6:30 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

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

**CITY COUNCIL ABSENT: MILLER**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE AND TAMMY  
MOTE.**

**KEY SPEAKERS LIVE ON THE PHONE: LISA SEKULICH.**

In accordance with An Act To implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec G-1 1 MRSA §403-A Public proceedings through remote access during declaration of State of Emergency due to COVID-19, the meeting will be held live at 1 City Hall Plaza in the City Hall Council Chambers with only the City Council, City Manager, and Deputy City Manager present. Citizens may email questions and public comments on the agenda items to be heard this evening to Chair Dale Hamilton at [dhamilton@ellsworthmaine.gov](mailto:dhamilton@ellsworthmaine.gov) prior to and throughout the duration of the meeting. The meeting will be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page; as well as recorded and made available live on Spectrum Channel 1303.

*Call to Order.*

Chair Hamilton called the emergency meeting of the Ellsworth City Council to order at 6:30 PM.

Hamilton noted the Council is meeting live; however, are socially distanced appropriately apart in the Council Chambers. There will be less than 10 people in the room this evening as well. Hamilton stated for the public's benefit as the Council moves through the agenda if they would like to present a comment they will need to email him at [dhamilton@ellsworthmaine.gov](mailto:dhamilton@ellsworthmaine.gov). As the comments come in he will address them live. For members of the public that are watching on Facebook that site will not be monitored for comments; if the public has a comment they would like heard they must send it to the email address that was provided. Hamilton stated the entire city of Ellsworth needs to be recognized in terms of how everybody has managed this very difficult situation. The amount of going out of your way to help other people, the consideration of, the thoughtfulness, of whether it is making masks or helping out neighbors. Hamilton has seen this Community come together long before there was any kind of mandates. This Community has really rallied around doing the right thing and are looking out for each other. There have been many sacrifices made during the last month and half within the Community. Hamilton felt this should be noted and appreciated.

*Council Order #052000, Request to approve a contract for the Oak Street Project.*

Lisa Sekulich, Public Works Director presented via telephone this evening.

**Call to Order.**

**Approved - Council  
Order #052000,  
Request to award the**

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Sekulich stated the request is for the overlay paving of Oak Street; on Thursday the 23<sup>rd</sup> of April the bid opening was held. Five bids were requested and only two were received back. See attachment #1 for the complete request, bid result spreadsheet, individual bid sheets from the companies submitting a formal bid, and the invitation to bid packet. Sekulich is requesting this evening to award the contract to Northeast Paving aka Lane in the amount of \$153,592. Lane has a history of working with the City successfully. It is believed they will do an excellent job on this project. The scope of this project is for just an overlay at this point. The goal of this project is to make the road smoother while the City works with the MaineDOT on a longer term fix. The ultimate goal of rebuilding the road will be exceptionally more costly than the current project.

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

***RESOLVED to approve Council Order #052000, Request to award the Oak Street Paving Project to Northeast Paving per the attached (attachment #1) pricing and allow the City Manager to sign all necessary documentation. The Contract to be funded from the Local Roads Capital Improvement Account (9090900-59001).***

*Discussion on the upcoming budget workshops.*

Chair Hamilton explained his goal with this item tonight was to develop a schedule for the budget meetings and to discuss a process for reviewing the budget. The City Council is not behind in this process yet this year; however, there will be a lot of unknowns within this budget. All the information will not be available until later in the process. Hamilton wondered if it would make sense to have the Department Heads have some meetings that are a little bit longer and consecutive to get the presentation out to the Councilors and then use the remaining meetings between May and June to dive into the budget and have the time to vet it. Traditionally it is a slower process with one presentation and then return the next three or four Mondays to finish the presentations. Hamilton was considering condensing that process to allow more time to develop the overall budget. Councilor Phillips inquired if the budget meetings would be by zoom or in the Council Chambers live. The consensus of the Council was to hold the meetings live in the Council Chambers, similar to this evening. Hamilton noted it would need to be structured so that the public could participate in the same manner they are this evening. During the presentations there cannot be more than 10 people in the Council

**Oak Street Paving Project to Northeast Paving per the attached (attachment #1) pricing and allow the City Manager to sign all necessary documentation. The Contract to be funded from the Local Roads Capital Improvement Account (9090900-59001).**

**This was a discussion only, no formal action was taken or required.**

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Chambers in order to maintain the distancing. Councilor Moore inquired if presenters can be shuffled in and out as necessary; however, maintaining 10 people at all times. It was confirmed that would be the process with staff being called into the room as needed or calling in by phone. Councilor Blanchette inquired if there were any exceptions to the Governor's orders concerning gatherings of less than 10 people. No one was aware of exceptions that could be requested. It was noted that only one Department head presents at a time anyway and the arrangement of having one staff member come in at a time would work better than a zoom conference. If a department head would like to consult with their colleagues during the presentation on a specific topic they could call them by telephone; generally it is the department head that presents the requests. The plan was approved to meet live for the budget hearings in the City Hall Council Chambers. Moore suggested to get the process started the traditional Monday format might be good. The first budget meeting would be held on Monday, May 11, then the following Monday is the regular Council meeting (May 18), the following Monday is a holiday (May 25). There was a brainstorming session on what days of the week would work. Cole reminded the Council that normally the School budget is on the May Council agenda for approval after presenting their proposed budget to the budget committee. This year because the budget validation vote will not be held until July 14 there is no urgency to hear the school budget requests early in the process. Cole noted after discussing this with Hamilton earlier in the day, it was thought possibly the School budget could be heard in May and then have Council action at the June regular Council meeting. This would still provide adequate time to hold the budget validation vote on July 14. It appeared Mondays, Tuesdays, and Thursdays worked best for Councilor Kaplan in May; those seemed like available days for the remaining Councilors as well. The budget books will be ready on Thursday and can either be delivered or picked up on Friday. The tentative schedule of 6:00 PM meetings on May 11, May 21, and May 28 was decided on for a starting point. The goal would be to try and get through as many presentations as possible during those three meetings and then there will be time in June to finish the presentations and address the Capital requests. The Capital Planning Committee will need to be reconvened as well to start considering how that process will work together with the budget cycle. There will be a follow-up discussion in the next day or two concerning the order that departments are heard.

*This was a discussion only, no formal action was taken or required.*

*Council Order #052001, Request to approve a ~~Resolution~~ Letter regarding the*

**Approved - Council**

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*response to the Governor's reopening plan.*

Chair Hamilton noted the Council had received a copy of the draft letter for discussion at tonight's meeting. See attachment #2 for the draft letter to Governor Mills. This letter contains recommendations to the Governor regarding her phased in approach to reopening the economy. Councilor Moore stated he felt the letter was well written and presented in such a way that it appears to be polite. Moore liked the idea it was written from the prospective of everyone being on a team to achieve the goals. Hamilton did not read the entire letter into the record; however, did state over the course of the last several weeks he has had an opportunity to join some zoom meetings with businesses. He has had conversations with business leaders and emails from businesses to discuss the concern around being able to reopen. When the plan came out there was an immediate reaction by the business community regarding the plan and there was a feeling that it had a lot of arbitrary elements within it. At the expense of small business some larger businesses have been able to open while the small businesses have not been able to. There are a number of concerns. Hamilton stressed he has not heard from any business owners that are saying just let me open my doors and move forward. They are all saying let me open my doors and I will do it safely. We will protect the community, we know how to protect the community, we want to protect the community and furthermore the consumers will demand that anyway. The businesses in Ellsworth are ready and prepared to provide that level of safety just like every other business that has been operating since this pandemic started. Some businesses have been operating and have been doing that safely. There is no reason why other businesses cannot do the same. The phased in plan presented some significant roadblocks, the largest on is the notion that anyone visiting the State this summer must be quarantined for 14 days. This will effectively eliminate tourism season for this area not to mention it is very difficult to enforce. This will shut down lodging and when this was announced reservations started getting cancelled for the summer. The letter being proposed this evening is not about being an adversary with the Governor. It is about being an ally from the perspective of our businesses. The Businesses and Community have ideas resulting from the facts and the available data. The facts for this rural community are there have been a total of 10 confirmed cases. Hamilton noted there are likely more people who have the virus without being tested; however, the severity of those who have contracted COVID in this Community can be looked at. It is known that out of the 10 people that have contracted it; one person has been hospitalized and nine people have recovered. The impact on this community has been very small. That is in large due to being rural and also due to

**Order #052001,  
approve the letter as  
attached (attachment  
#2A) and forward it  
to the Governor of  
the State of Maine.**

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the safety precautions taken by this community. When there are more people in this area these safety precautions will be more difficult; however, it represents our ability to be able to provide safe and effective resources. If this is not addressed and a change is made to this phased in approach there will be people who will lose their livelihood and others who will be permanently impacted for many years to come. The letter is meant to serve as a voice to the Governor that the City wants to be a part of the discussions and part of the solutions. Hamilton has received numerous emails from businesses as well as from citizens who are not business owners who are supporting this notion of being a partner, having a voice in this process, and looking for change in a safe way. Councilor Kaplan noted she understands the risks; however, the numbers have not played out. The sheer volume of patients they were anticipating has not happened, whether it is because things were closed down or Mainer's are very good at following the recommendations. Kaplan agreed some of the restrictions are not logical. She thought if the residents had a voice and the businesses could be heard it would help; this is not just about safety but also about free liberty. Councilor Phillips agreed with Hamilton's thought process for trying to get the Governor to move a little off center. He believed there is a certain social responsibility for all of the citizens and he thinks the businesses will be careful. Individuals also need to be cognizant of behaviors relating to personal hygiene and safety. If this continues for another month not just the businesses will be in financial trouble but also the people employed at those businesses. Kaplan inquired if anyone knew what would happen with all the J-1 Visas and whether that workforce would even come to the area. Hamilton commented that in no way is this letter a political statement or a party issue. This does not represent a political ideology. The entire meaning behind the letter is the plan that has been submitted does not meet the needs of the Ellsworth Community and the businesses. This letter is an opportunity to bring together the community and to do it in a safe way. The City's role is to help support the safety of the Community and if that can be accomplished in supporting businesses as they roll this out. The City might not have the answers but they might have the clout in terms of if there is a need for purchasing in bulk PPE or some other avenue. The goal of the City is not to manage businesses or run businesses but rather support the safety of the Community as they come online. Moore felt it was very important to have more people speaking out in a responsible way to provide more ideas in making the transition back from this pandemic. He agreed everyone needs to be responsible for their decisions and daily safety measures and sometimes people need to be allowed to make their own mistakes; unfortunately, it could impact other people. Councilor Blanchette felt this was a very well written letter; there was

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nothing within it he would change. One of his other concerns besides businesses is churches. He has heard from a few families how they miss being able to attend church; those remain closed at this time as well. Blanchette would like to see that changed as well; he is hopeful churches will be able to provide plans that would keep people safe as well, so they can reopen. Kaplan noted she is hopeful the graduations from 8<sup>th</sup> grade through senior graduations could also resume with safety measures in place.

Hamilton received an email from Nick Navarre, with a question “Who is the letter from, I am assuming it is not on behalf of Ellsworth citizens?” Hamilton’s response to the question was this will be a letter from the City Council representing opinions and comments they have heard but it is coming from the Council to the Governor.

Hamilton ended by stating this is not without the recognition for the safety, health, and welfare of the community and citizens. There will be additional things the City may want to see within the community and needs to be done to prevent the spread of this virus. However, when the data and facts are reviewed there are populations in the State that are more vulnerable to COVID than others. The City definitely wants to take the steps to protect those individuals and there are ways to do that while opening businesses at the same time.

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

**RESOLVED to approve Council Order #052001, approve the letter as attached (attachment #2A) and forward it to the Governor of the State of Maine.**

Navarre asked, why the public was never invited for comment on this letter perhaps the letter could have contained not only the prospect of encouraging openings but also encouraging relief funds. Hamilton noted that is why this meeting was scheduled and one of the reasons for the special session was to provide opportunities for the public to weigh in and provide feedback. Unfortunately the situation is very time sensitive and the Council needed to move quickly on this topic. That is why the meeting was scheduled so quickly for this evening. Hamilton noted in regards to encouraging relief funds he certainly thinks this is an ongoing discussion; this letter is just the beginning in terms of raising some points and hopefully creating an opportunity for dialog. The hope is other issues can be raised as this moves forward. Moore felt the letter contained the necessary

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concerns without expanding it too far. It could end up being a very long list of items and a document that has too many pages. He felt this was nice and concise and is a starting point. Navarre responded, then why was my comment read after voting. Hamilton noted Navarre's comment came in after there was a motion and a second and the Council was in the process of voting; the item was not at the point for further discussion. He felt Navarre's question had been answered and it would not have changed the outcome of the vote.

*Executive session to discuss the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disposition of the information would prejudice the competitive or bargaining position of the body or agency in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C.*

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

**RESOLVED to approve entering executive session for the purpose of discussing the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disposition of the information would prejudice the competitive or bargaining position of the body or agency in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 7:06 PM.**

David Cole, City Manager, Tammy Mote, Deputy City Manager, and Gary Fortier, a member of the Solar Committee remained in the executive session. Fortier noted for the record he is alone in his office, no one will be joining him in the executive session and he will be disconnecting after the first executive session (item #5) is adjourned.

Chair Hamilton noted for the benefit of the public, the Council will not be reporting out after the executive sessions.

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

**RESOLVED to approve adjourning from executive session in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 7:26 PM.**

**Approved - Entering executive session for the purpose of discussing the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development ... MRSA Title 1, Chapter 13, Section 405, Paragraph 6C at 7:06 PM.**

**Approved - Adjourning from executive session in accordance with**

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE AND TAMMY  
MOTE.**

**KEY SPEAKERS LIVE ON THE PHONE: LISA SEKULICH.**

*Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.*

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

**RESOLVED to approve entering executive session for the purpose of discussing personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 7:06 PM on the official record and technically at 7:27 PM when the first executive session of the evening ended.**

David Cole, City Manager and Tammy Mote, Deputy City Manager remained in this executive session.

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

**RESOLVED to approve adjourning from executive session in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A at 8:09 PM.**

*Adjournment.*

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

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

A TRUE COPY

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

**MRSA Title 1,  
Chapter 13, Section  
405, Paragraph 6C at  
7:26 PM.**

**Approved - Entering  
executive session for  
the purpose of  
discussing personnel  
matters in  
accordance with  
MRSA Title 1,  
Chapter 13, Section  
405, Paragraph 6A  
at 7:06 PM on the  
official record and  
technically at 7:27  
PM when the first  
executive session of  
the evening ended.**

**Approved -  
Adjourning from  
executive session  
MRSA Title 1,  
Chapter 13, Section  
405, Paragraph 6A at  
8:09 PM.**

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