

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 17, 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: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

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 allowable number of participants according to the Governor’s executive orders. Citizens may email questions and public comments on the public hearing agenda items as well as other items 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.

Facebook: <https://www.facebook.com/ellsworthme>

YouTube: <https://www.youtube.com/c/CityofEllsworthMaine>

*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:*

*07/20/2020 Regular Monthly Meeting.*

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

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the July 20, 2020 Regular Monthly meeting as presented.**

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TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

**RESOLVED to approve adoption of minutes from the July 20, 2020 Regular  
Monthly meeting as presented.**

*City Manager's Report.*

David Cole, City Manager noted that the Public Works Crews have been busy. New wood chips have been added to the Knowlton Park playground. A new pedestrian bridge to access the water safely was added at the Green Lake Boat Launch. Nomination papers are available now for School Board, City Council, and the Library Trustee Board. The Nomination Papers are due on or before September 18, 2020. There will be a public meeting on the proposed extension of the bike pedestrian trail out to the Sunrise Trail. The public meeting will be on August 26, 2020 at 6 PM. The City will be moving the voting place for Ward Two which is currently located at the Community Church of Christ to Your Place Community Center. This will be the same location where Ward Two was prior to the 2016 Presidential Election. This change will impact the General Election on November 3, 2020.

*Committee Reports.*

*Harbor Commission.* Councilor Phillips attended the Harbor Commission meeting and things are going well. There are only 2 or 3 moorings that have not been filled this season due to personal circumstances by the owners. Gas sales are down a little bit; however, diesel has been sold. Diesel has not been available before, overall the number of gallons sold is up over last year. The public restrooms are open and the public seems to be enjoying the Harbor. David Cole, City Manager thanked the State of Maine who through the first Healthy Maine Grant funded the cost of maintaining the bathrooms located at the Harbor and the Knowlton Park.

*HCTC Feasibility Study* - Chair Hamilton and Councilor Grindle attended a follow-up meeting on the HCTC Feasibility Study. This Committee took a hiatus during the beginning of the COVID-19 Pandemic. The Committee and the process has resumed to secure a firm to conduct a study on repairing and/or building an addition to the current HCTC building. The goal is to have a facility that will meet the needs of the students now and in the future. The Committee was at the point of vetting the proposals that had been submitted as part of the RFP process earlier in the year. Hamilton felt this would be coming back to the Council fairly soon for review and discussion.

**City Manager's  
Report.**

**Committee Reports.**

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*Citizens' Comments.*

Jon Stein, Ellsworth resident, Ellsworth business owner and a Board member of Heart of Ellsworth spoke via zoom this evening on Fogtown's response and how the business pivoted constantly through the legislative changes and safety protocols during the COVID-19 Pandemic. Stein explained over the past six months their priorities at Fogtown have been first and foremost safety of the employees as well as the customers, and community. They have been focusing on keeping the business afloat. The products have been changed, where and how they are sold, they switched to offering free deliveries, and curbside pickups. They have been very focused on the Ellsworth Community. Their core belief is that a healthy downtown community where they are operating is paramount to their success. Even though finances have been tight during the Pandemic they have prioritized giving to groups such as Northern Light Hospital in Ellsworth, Black Lives Matter, Restaurant Workers Fund, Maine Community Foundation, and a number of other causes. Fogtown wants the year-round community and traveling tourists to feel welcomed and inspired by the City. Stein stated it takes work and collaboration between businesses and downtown organizations like the Heart of Ellsworth and Healthy Acadia as well as collaboration with the City Council. He thanked the City Council for taking this step and inviting Stein to speak this evening. Last month, the City Council asked Healthy Acadia to help work on a budget plan with the purpose of keeping the Community safe, stimulating economic growth, and recuperating some of the losses associated with the Pandemic. This budget would be used with a second round of the State's Keep Maine Healthy Grant. Heart of Ellsworth was also paramount in this planning stage; Stein was involved in creating the budget plan as a Board member and small business owner. Stein was happy Ellsworth applied for the small amount of funding during the last round as well; he also noted because of this collaborative effort Ellsworth was awarded a higher level of funds under this round. Stein was hopeful the Council would approve the next round of funding this evening. This grant will utilize State funding to help businesses by providing them with sanitizer, face masks to provide to customers, informational brochures, and guidance on figuring out the safety protocols so they are not left trying to figure out these details alone. This grant will also provide funds on how to get the word out on how Ellsworth is open for business in a safe manner. Stein felt many businesses have been lost due to the Pandemic. He felt if everyone pulls through this together, Ellsworth will come out on the other side a vibrant City. Fogtown has done some de-escalation training and reworked the outdoor space, started contact tracing, recreated cleaning plans, and has developed signage. Stein noted it has been very difficult on his employees to enforce

**Citizens' Comments.**

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distancing and mask wearing while also trying to perform their job duties. He stated that when more businesses enforce these same safety protocols, when signs are put up around the City, with the support of City Hall; this united front makes it very much easier on the businesses and their employees. Stein is hopeful this type of collaboration within the City businesses and its organizations can continue; not only does the City need a united face during the Pandemic but once things return to normal they need to stay united in order to make Ellsworth the best City it can be. Stein felt the focus needs to be on the beautiful but underutilized waterfront, bolster the downtown, and improve walkability. Last year the City helped Fogtown by installing parking signs on Elm Street to make use of the available parking, provide more parking for visitors to walk around downtown and visit businesses. Stein felt additional sidewalks are needed downtown with more crosswalks. He thinks Ellsworth is on the brink of something great, we need to let travelers know that Ellsworth is “hip” and we need to make it an even better place to live for the year-round community and let new people know it is a great place to move to as well.

Councilor Moore took this opportunity to thank the Ellsworth businesses who have done such a great job to make the City look good. He noted the flower gardens, well maintained lawns, and properties. Moore noted it is fun to drive by places that have been properly maintained.

Councilor Kaplan noted there were a few emails that were received during the week asking the Council specifically about a houseboat at Green Lake and the noise ordinance at the basketball courts. Chair Hamilton noted he received those emails as well and they have been passed along to the City staff to address individually. David Cole, City Manager stated he visited Green Lake to see the Houseboat which appears to look like an ice shack on top of a pontoon. No one was around the boat at the time. There is no motorization on the equipment, so technically it is not a houseboat; it is pulled around the Lake. To address this structure, Cole felt it would require an Ordinance to enforce this as well as State Laws may have an impact.

The second concern involved loud music and colorful language at the basketball courts. Cole noted this concern falls under the opinion of the Police Department. They will determine if something is violating the Ordinance. Glenn Moshier, Police Chief stated whenever noise complaints are received at the basketball courts, officers respond to quiet the situation down or move the violators along. It is difficult to enforce language; however, the Police Officers do address violations within the posted rules. Chair Hamilton reminded the public that the courts are next to houses and most people using the courts do so respectfully and those are

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open under the guidelines that exist by the Governor. Hamilton advised users of the courts to be mindful of the posted rules and have fun while playing basketball.

*Presentation of Awards.*

*Abby Morrow, for ten years of service with the Ellsworth Public Library.*

Abby Morrow was absent from the meeting. The award will be given to her supervisor for presentation at a later date.

*UNFINISHED BUSINESS*

There were no items under Unfinished Business this month.

*CONSENT AGENDA*

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

*Council Order #082000, Request of the Tax Collector/Deputy Treasurer to initiate civil actions in the name of the City of Ellsworth for the purpose of collecting delinquent personal property taxes. \**

See attachment #1 for the complete request.

*Council Order #082001, Request of the Planning Board to promote Nelson Geel from an alternate member on the Ellsworth Planning Board to a full Board member with a term to expire of 06/30/2022. \**

See attachment #2 for the complete request.

*Council Order #082002, Request of the Planning Board to appoint Molly Friedland as an alternate member of the Ellsworth Planning Board with a term to expire of 06/30/2021. \**

**Presentation of Awards.**

**Abby Morrow- 10 years with the Ellsworth Public Library.**

**Unfinished Business.**

**Consent Agenda.**

**Approved - Consent agenda as presented this evening.**

**Approved – CO #082000, initiate civil actions in the City’s name for collecting delinquent personal property taxes.**

**Approved – CO #082001, promote Nelson Geel, term to expire 06/30/2022.**

**Approved – CO #082002, appoint Molly Friedland alternate, term to**

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See attachment #2 for the complete request.

*Council Order #082003, Request of the Ellsworth Planning Board to accept a resignation letter from David Burks with a term to expire on June 30, 2025. \**

*Council Order #082004, Request of the Planning Board to promote Marc Rich from an alternate member on the Ellsworth Planning Board to a full Board member with a term to expire of 06/30/2025. \**

See attachment #2 for the complete request.

*Council Order #082005, Request of the Planning Board to appoint Patrick Lyons as an alternate member of the Ellsworth Planning Board with a term to expire of 06/30/2022. \**

See attachment #2 for the complete request.

*Council Order #082006, Request of the Harbor Commission to accept a resignation letter from Steve Henry with a term to expire on June 30, 2023. \**

*Council Order #082007, Request of the Housing Authority to appoint Jodi Abbott to the City of Ellsworth Housing Authority Board as a Tenant Representative with a term to expire of 09/01/2024. \**

*Council Order #082008, Request of the Historic Preservation Commission to appoint Thomas Clark as a member with a term to expire on June 30, 2022. \**

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

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

**NEW BUSINESS**

*Public hearing and action on the application for the following licenses:*

**expire 06/30/2021.**

**Approved – CO #082003, accept David Burks resignation.**

**Approved – CO #082004, promote Marc Rich, term to expire 06/30/2025.**

**Approved – CO #082005, appoint Patrick Lyons alternate, term to expire 06/30/2022.**

**Approved – CO #082006, accept Steve Henry resignation.**

**Approved – CO #082007, appoint Jodi Abbott term to expire 09/01/2024.**

**Approved – CO #082008, appoint Thomas Clark, term to expire 06/30/2022.**

**New Business.**

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*Hailee Carter d/b/a The Crafty Baker, 56 Deane Street, for a new City Class C (Victualer and BYOB Liquor only) License.*

Hailee Carter was present via zoom technology, as it was required by the Licensing Ordinance in regards to new businesses.

Public hearing was opened.

Councilor Phillips inquired when The Crafty Baker might be opening. Hailee Carter indicated the goal is September 1, 2020.

There were no comments from the members of the public.

Public hearing was closed.

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

**RESOLVED to approve the request of Hailee Carter d/b/a The Crafty Baker, 56 Deane Street, for a new City Class C (Victualer and BYOB Liquor only) License.**

*Margs Mex Ellsworth, LLC d/b/a Margaritas Ellsworth, 191 Main Street, for a new City Class B License (Amusement, Liquor, Victualer) and a new State Class A Restaurant/Lounge Malt Liquor, Wine, Spirits (Class XI) Liquor License.*

David Reesman and Virginia Moscato were present, as it was required by the Licensing Ordinance in regards to new businesses.

Public hearing was opened.

Councilor Moore inquired when they might be opening. They are planning on opening next week. Councilor Kaplan wondered if there would be a grand opening. Reesman indicated it would be as grand as allowed under the current executive orders. The plan is to have a good party when we are on the other side of COVID-19. The Council welcomed the new business to Ellsworth.

There were no comments from the members of the public.

Public hearing was closed.

**Approved - Hailee Carter d/b/a The Crafty Baker, 56 Deane Street, for a new City Class C (Victualer and BYOB Liquor only) License.**

**Approved - Margs Mex Ellsworth, LLC d/b/a Margaritas Ellsworth, 191 Main Street, for a new City Class B License (Amusement, Liquor, Victualer) and a new State Class A Restaurant/Lounge Malt Liquor, Wine, Spirits (Class XI) Liquor License.**

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

**RESOLVED to approve the request of Margs Mex Ellsworth, LLC d/b/a Margaritas Ellsworth, 191 Main Street, for a new City Class B License (Amusement, Liquor, Victualer) and a new State Class A Restaurant/Lounge Malt Liquor, Wine, Spirits (Class XI) Liquor License.**

*LIL MAKZ, LLC d/b/a Hidden Vibes Taproom, 59 Franklin Street Suite 2B, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Class A Lounge Malt, Spirituous, and Vinous (Class X) Liquor License.*

Public hearing was opened.

Glenn Moshier, Police Chief explained his opposition to signing the renewal for this liquor license application. This particular business has been a bar in town for many years; the previous owners had their host of issues. They were always willing to work with Law Enforcement to bring a stop to a majority of the complaints, including fighting, as well as many of the other problems they were facing at the establishment over the years. Under this particular owner since opening last September the business has again began to have many of the past issues. Some of these fights under this owner have been significant with large numbers of people and include fighting in the parking lot. This causes a significant concern with officer safety, often there are 2 to 3 officers responding to a parking lot fight with 40 to 50 people involved. This was the situation with one of the fights during early September. There was an incident where a patron was severely injured in one of the fights and was transported to the hospital with facial injuries. Officers responded to 24 complaints of this type in the first six months of the establishment being open. The complaints involved either fighting, disorderly patrons, people were over served and asked to leave, patrons were found in the community intoxicated to the point where they could not walk, and one individual was found passed out on Main Street. These occurrences involve Police intervention by assisting to remove the disorderly patron from the establishment or having to call a taxi for the patron to make it home safely. These events were commonplace in the six months they were open and they were not open during the peak season due to COVID-19. They were open the colder winter months of October through December they were not open during the summer months. The Officers on many occasions responded to find actual bar employees engaged in fighting with patrons. The employees were

**Tabled - LIL MAKZ, LLC d/b/a Hidden Vibes Taproom, 59 Franklin Street Suite 2B, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Class A Lounge Malt, Spirituous, and Vinous (Class X) Liquor License until the application is complete.**

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provided training by Sargent Willey at their establishment and were advised they are not to be putting hands on people, rather they could defend themselves but if they needed someone removed from the business they needed to call law enforcement. There were multiple incidents following that training where employees were still fighting with patrons. In February, the Police Department attempted to meet with the owners to review some of the issues being experienced, as well as discuss the several liquor violation summons that had been issued to them. Some of those had been settled with Liquor Enforcement at the State level. One of those was a fine for allowing visibly intoxicated patrons to remain and there were two other counts that included visibly intoxicated persons to remain on premise. Those were settled; however, there are still four other outstanding liquor license violations still pending. Those have been placed on hold because of COVID-19. In comparison Moshier explained another similar establishment in that same six month period only had 6 police response calls and had 4 bar checks. There were 17 bar checks at this establishment in order to make an effort to keep the peace, keep people safe, and to maintain a sense of order for people visiting the bar. On the first of March, there was a meeting with the Ellsworth Police Department, owner of the business, and the State Liquor Enforcement team to review some of the violations. Shortly after the establishment was closed due to COVID-19; it is not clear if they have any intentions of improving or following the recommendations for the State and Local agencies.

Councilor Phillips confirmed at this point the establishment has not reopened.

Corey Bedard, owner of Hidden Vibes was present and stated he was not aware of the two violations that are still outstanding. If he was aware of those he would have taken care of them. Bedard stated the employees were a big problem for him. It was his first year owning a business, he has never held this type of position before, and he did release all of his staff and has since hired all new staff. His staff has been trained and they are ready to get back to business. Bedard noted that a lot of the time he could not physically make people comply and a lot of things did happen out in the parking lot. He tried to stop as much as he could but recognized he could not be there for every single event. Bedard agreed there were a couple large fights and those employees are not allowed back on the property. Everyone has been retrained so that he can adhere to the guidelines of the State of Maine.

Chair Hamilton explained to the Councilors that Dwight Tilton, Code Enforcement Officer sent an email letting the Council know that the Code Office has not been able to make contact with the owner. They have not been able to conduct the

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annual inspections therefore leaves that piece of the approval process void. Bedard inquired how that would be achieved, he stated his phone number is listed everywhere and he has called as well as had meetings with the City Council and State Liquor Enforcement. He explained he has had meetings with everyone and no one has made him aware of these kind of situations. Bedard stated he emailed the Police Chief as well. Heidi-Noel Grindle, City Clerk explained to Bedard that Lori Roberts with the Code Enforcement Office had tried to call him and received a message from the phone stating the voicemail was either full or not set up at this time. Bedard stated he had his phone shut off all day because he was nervous about tonight. So today was completely understandable why he did not receive the calls. Other than this he had meetings with everyone, he tried to be on their side, and he tried to use them as a tool instead of against him. He felt like there were more people coming to his establishment and with that type of crowd it does bring a little bit of craziness. He tried to enforce everything he possibly could but there was only so much he could at one time.

Phillips noted it sounded like a lot of the issues stem from over serving patrons and therefore he wondered if he had taken any kind of training. Bedard stated he has hired all new bartenders and new bouncers who are trained and qualified by the State of Maine. They have been registered. Bedard stated all of the bartenders are now certified through Our Serving which is an approved State of Maine course. He agreed more training might be advisable. Hamilton noted at this time, establishments of this nature are not allowed to reopen under COVID-19 guidelines. Bedard confirmed at this point he is a Class X establishment and they must remain closed. He has invested a lot into this business and is not willing to let it all go. He would like to be prepared so when the day comes that allows him to reopen he is ready. Councilor Kaplan inquired before COVID-19, how many customers on average he had. It was estimated to be approximately 50 – 100 between 5 PM and 1 AM. She furthered inquired how much the average check would be. Bedard stated a typical check would be \$25 with the average drink costing \$8 each. He further explained that most people purchase 2 or 3 drinks for themselves and sometimes purchase drinks for other people. Some bills are higher and some people are paying for other people as well. Kaplan noted some bars who have experienced problems will hire a uniformed officer or a uniformed security guard to assist them; she inquired if he had considered adding this presence. Bedard stated he did implement a dress code for the bouncers because they used to wear plain clothes prior to him purchasing the bar. Wearing a security shirt did seem to break the tension a little bit between everyone and when the patrons saw the security shirt they would regain some control. He would consider the idea of hiring uniformed officers. Councilor

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Blanchette inquired if this establishment also had to serve food. Bedard indicated he is required to serve food; however, he does not have a kitchen. He is licensed under a limited menu; which allows him to serve pizza. The pizza and full bar menu is purchased from Mike's Country Store. Blanchette asked if he has ever ran out of food. Bedard stated he has never ran out of food; he always has hot pockets available which was approved by the Liquor Enforcement Officer. Kaplan did not believe until the application is complete, the Council could act on it. Bedard will be arranging for the final inspections to be completed once he finds out who he needs to speak with. Hamilton told Bedard to contact the Code Enforcement Office and they can let him know exactly what he needs. Hamilton stated it sounds like he has taken some positive steps with changing the employees, getting the training, and following Moshier's guidance. Hamilton believed it would be important during this interim period to find out about the outstanding violations (2-4). He further stated hearing these kinds of concerns about what is happening is very concerning because the citizens of this community want a nice environment. They want a safe environment and do not want to be caught up in that type of activity. When Hamilton hears some of the things the owner did not know, for example, "I was waiting for someone else to call me", those things really fall to the owner to know and follow-up with. During the period Bedard is waiting to reopen he should be talking with Chief Moshier again in terms of reviewing his plans. Then come back to the Council to explain more about taking ownership of what he has been doing and what he will be doing as well as how he really wants to move forward to create a safe environment. If he is doing that, great, Hamilton would certainly wish him well with his business. It must be a safe business for everyone. Councilor Moore thought when Bedard returns to a Council meeting it would be helpful to hear some evidence on what is lacking and the steps taken to correct it, as well as exactly what has been done to move forward in a positive manner to get this license. Moore recognized he had made a financial investment; therefore, it is in Bedard's best interest to be his own advocate in finding out exactly what he needs to do so that he is not blindsided. Bedard stated he would definitely take a step back, look at everything, and consider what has been said this evening. The Council wished him good luck.

There were no comments from the members of the public.

Public hearing was closed.

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

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

**RESOLVED to table the request of LIL MAKZ, LLC d/b/a Hidden Vibes Taproom, 59 Franklin Street Suite 2B, for renewal of a City Class B License (Victualer, Alcohol, and Amusement) and renewal of a State Class A Lounge Malt, Spirituous, and Vinous (Class X) Liquor License until the application is complete.**

*Daniel C. Potts d/b/a Lakeside Cedar Cabins, 397 Mariaville Road, for renewal of a City Lodging License.*

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Daniel C. Potts d/b/a Lakeside Cedar Cabins, 397 Mariaville Road, for renewal of a City Lodging License.**

*Acadia Area Restaurant Group Holding., d/b/a Pat's Pizza Ellsworth, 396 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.*

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RESOLVED to approve the request of Acadia Area Restaurant Group Holding., d/b/a Pat's Pizza Ellsworth, 396 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.**

**Approved - Daniel C. Potts d/b/a Lakeside Cedar Cabins, 397 Mariaville Road, for renewal of a City Lodging License.**

**Approved - Acadia Area Restaurant Group Holding., d/b/a Pat's Pizza Ellsworth, 396 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 17, 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: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

*Melanie Omlor-Fox d/b/a Helen's Restaurant of Ellsworth, 55 Downeast Highway, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant Malt, Spirituous and Vinous (Class I, II, III, IV) Liquor License.*

Public hearing was opened.

Councilor Kaplan inquired why there were two applications submitted. One has a note on it that Pete is not the owner and that one has all the signatures on it. The other application where only Melanie is the owner just needs the signatures. Heidi-Noel Grindle, City Clerk stated it related to the timing of the application. The original renewal application was created while working from home and somehow the old ownership carried forward onto the version Melanie Omlor-Fox received and signed. Grindle included the updated version so that the Council could see the ownership has been updated for future renewals. As the owner had already signed the first renewal application the licensing bodies signed the same version.

There were no comments from the members of the public.

Public hearing was closed.

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

**RESOLVED to approve the request of Melanie Omlor-Fox d/b/a Helen's Restaurant of Ellsworth, 55 Downeast Highway, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant Malt, Spirituous and Vinous (Class I, II, III, IV) Liquor License.**

*Presentation of the Annual Update by Catherine Longley, Chief Operating Officer for the Jackson Laboratory. (Sponsored by Chair Hamilton)*

Chair Hamilton stated there has been a request to reschedule this presentation for either the September, October, or November agenda.

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

**RESOLVED to approve removing the presentation of the Annual Update by Catherine Longley, Chief Operating Officer for the Jackson Laboratory from tonight's agenda.**

**Approved - Melanie Omlor-Fox d/b/a Helen's Restaurant of Ellsworth, 55 Downeast Highway, for renewal of a City Class C License (Victualer and Alcohol) and renewal of a State Restaurant Malt, Spirituous and Vinous (Class I, II, III, IV) Liquor License.**

**Approved - Removing the presentation of the Annual Update by Catherine Longley, Chief Operating Officer for the Jackson Laboratory from tonight's agenda.**

**RECORD OF REGULAR MEETING  
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**DATE: AUGUST 17, 2020**

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

**CITY COUNCIL ABSENT: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

*Council Order #082009, Request of the Public Works Director to accept the Mineral Screening Bid.*

Lisa Sekulich, Public Works Director stated this bid is for the yearly screening of the winter sand from the City pit to sand the roads with. On August 11, 2020 a bid opening was held, 4 RFPs were requested and 4 bids were received. See attachment #3 for the complete request, bid results, and low bid from KJ Dugas Construction Inc. Sekulich is recommending KJ Dugas as they are the low bidder and have performed this work in the past for the City. Councilor Phillips inquired if there was sand remaining from last winter. Sekulich confirmed there was nothing left in the shed following last winter. Councilor Moore inquired how many years' worth of sand remains in the pit. Sekulich noted there is still an ability to dig down but some of the banks would need to be reestablished. Sekulich estimated the pit will have adequate sand in it for another 10 to 15 years. This is based on what is left open and then working back towards Simmons Pond.

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

***RESOLVED to approve Council Order #082009, the bid for mineral screening to KJ Dugas Construction at the rate of \$2.65 per cubic yard for screening City sand. The City also reserves the right to order sand screened from January through April 2021 at a price of \$3.65 per cubic yard.***

*Council Order #082010, Request of the Public Works Director to accept the Winter Salt Bid.*

Lisa Sekulich, Public Works Director explained this bid is for the yearly supply of winter salt. On August 12, 2020 there was a bid opening, five RFPs were requested and only two bids were received. One company sent a decline to bid letter. See attachment #4 for the complete request, bid results, and low bid from New England Salt Co. at a rate of \$50.25 per ton. This rate was actually down from the bid last year. Sekulich noted the City worked with them last winter and it was a successful relationship; they were very responsive and timely. Sekulich is requesting to award the bid to New England Salt Co. this year. Councilor Phillips inquired what the bid amount was last year; Sekulich noted the rate last year was approximately \$50.40. Although, the rate is not down much from last year it is still a better rate than some other local municipalities received based on the volume Ellsworth uses in a season.

**Approved - Council Order #082009, the bid for mineral screening to KJ Dugas Construction at the rate of \$2.65 per cubic yard for screening City sand. The City also reserves the right to order sand screened from January through April 2021 at a price of \$3.65 per cubic yard.**

**Approved - Council Order #082010, Request of the Public Works Director to award the FY2021 Winter Salt Supply contract to New England Salt Co. at a cost of \$50.25 per ton of delivered road salt. The Contract amount to be funded from the Highway Department operating budget.**

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**DATE: AUGUST 17, 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: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

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

**RESOLVED to approve Council Order #082010, Request of the Public Works Director to award the FY2021 Winter Salt Supply contract to New England Salt Co. at a cost of \$50.25 per ton of delivered road salt. The Contract amount to be funded from the Highway Department operating budget.**

*Council Order #082011, Request of the Public Works Director to purchase a bulk quantity of road culverts.*

Lisa Sekulich, Public Works Director stated this request is one that was new last year and was so successful she would like to request it again this year. Last year, was the first time in many years where a bulk number of culverts were ordered at one time. This process saves the City money because the price is based on the volume purchased. A larger quantity purchased fills the truck and when it is delivered nets the best price, compared to purchasing piece by piece. Last year, approximately \$5,000 was saved by purchasing in bulk; this year the savings are estimated to be the same. Sekulich is requesting a few less culverts this year because there are some remaining from last year. Quotes were received from 3 different vendors. See attachment #5 for the complete request and the lowest quote received from Hammond Lumber Company. Sekulich is requesting to award the purchase to Hammond Lumber Company to purchase approximately \$22,594 worth of culverts. Councilor Phillips clarified the Public Works department does receive the culverts in bulk and then they are held in stock at the Highway Garage. This is not a pre-purchase that is picked up at Hammond Lumber as needed; they are actually delivered and on-site. Sekulich noted they are currently cleaning up a space to organize them this year; it was discovered last year that organizing the culverts by size would be helpful. This process worked out very well and allowed work to be completed in the spring because the supplies were already on hand and paid for during a time when the budget is traditionally tighter. It also helps because the crew is not busy with one-off drives for culverts. Chair Hamilton inquired if the quantity is purchased based on what is needed for a season. Sekulich noted the quantity and size are based on what roads have been identified for paving over the next budget year or two and how many driveways generally need replacement over that period. For the most part this planning has been adequate; rarely the need comes up for just one in a particular size that might be gone. Councilor Moore was concerned a large portion of funding has to come from the Local Roads budget to fund these types of expenses as there are so many places especially in town that could use a little extra pavement. Sekulich noted the expense that is being funded

**Approved - Council Order #082011, a purchase agreement for a bulk order of culverts from Hammond Lumber Company for \$22,594.45. \$16,552.09 to be funded from local roads (9090900-59001) and \$6,042.36 from the Highway Department general fund (1030300-53038)**

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
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from the Local Roads budget line item will be used on roads that are being prepped for paving. That expense is directly related to the need to pave at that location, which is the reason for replacing that particular culvert. The culverts being funded out of the Highway budget are for the random driveway culverts.

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

**RESOLVED to approve Council Order #082011, a purchase agreement for a bulk order of culverts from Hammond Lumber Company for \$22,594.45. \$16,552.09 to be funded from local roads (9090900-59001) and \$6,042.36 from the Highway Department general fund (1030300-53038)**

*Council Order #082012, Request of the Facilities Manager to approve a contract for Knowlton Park Mowing and Grounds Maintenance Services.*

Steve Joyal, Facilities Manager was present via the zoom call. Joyal noted two quotes were obtained for the landscaping at Knowlton Park excluding the mowing portion. The mowing is currently being completed by the Public Works department. Four companies were contacted for quotes; three were interested and one did not submit a quote. Two companies indicated they did not have the time to offer that type of service this season. The two quotes were received from Atlantic Landscaping and Goodall Landscaping. See attachment #6 for the complete request and low bid from Atlantic Landscape Construction. Goodall Landscaping submitted a quote in the amount of \$17,850 compared to the quote received from Atlantic Landscape Construction in the amount of \$16,278. Atlantic Landscape Construction is a local company that actually performed the first year of maintenance at Knowlton Park. At that point, the City changed to Goodall basically because the City decided to change the current fertilization techniques. The contract was then awarded to Natural Lawns of America, which is part of Goodall Landscaping. Goodall Landscaping can no longer offer the mowing service at a reasonable price because they are now located farther away and that is why the City decided to obtain new quotes for this service. Atlantic Landscape is very interested in being able to take this contract back over as they are part of this community and are very vested in the Knowlton Park project.

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

**RESOLVED to approve Council Order #082012, Request of the Facilities Manager to award the contract for Knowlton Park Landscape Maintenance to**

**Approved - Council Order #082012, Request of the Facilities Manager to award the contract for Knowlton Park Landscape Maintenance to Atlantic Landscape Construction at a cost of \$16,278.00.**

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**CITY COUNCIL ABSENT: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

*Atlantic Landscape Construction at a cost of \$16,278.00.*

*Council Order #082013, Request of the Police Chief to award a bid for (2) two new 2021 police cruisers, and authorize the City Manager to sign all necessary agreements.*

Glenn Moshier, Police Chief explained the request has been changed to purchase two 2020 Ford cruisers. When bids were requested they were looking for the 2021 models in anticipation they would not be able to obtain the 2020 models. They had been told there were no more 2020's available in the area. However, two of the vendors submitted quotes on the 2020 models that they would have available in the near future. Now it appears the 2021 models are going to be on an extended wait. The timeframe would be approximately January or beyond to receive the 2021 models. Both vendors provided pricing for the 2020 and 2021 models. See attachment #7 for the complete request, bid results, and low bid from Quirk Ford of Augusta. The low bid was from Quirk Ford of Augusta for two 2020 model Ford Explorer Interceptor cruisers in the amount of \$67,618 minus the \$12,020 for the trade-in of the two vehicles being replaced by this purchase. The final cost of the purchase would be \$55,598. Councilor Phillips inquired if there were any noticeable changes between the 2020 and 2021 models; Moshier indicated no changes at all. Councilor Blanchette stated in the past some other departments (Code Enforcement) have requested using the old cruisers and wondered if there has been any discussions on keeping one of these cruisers and passing it down to that department. Moshier recalled that topic was not discussed this year; last year there was some discussion about passing one of the old cruisers to the Code Enforcement department. The existing Taurus is in need of some repairs, Moshier noted this is a good year to make that change. Moshier noted if the bid is accepted for the 2020 models the cruisers should be received in mid to late September. The mileage on the two trade-ins would remain below 100,000 miles. Last year, was not a good year to make this change because the new cruisers took so long to come in and during that time the mileage on the vehicles for trade-in was significantly increased. Moshier noted the HCTC Law Enforcement program has also expressed an interest in possibly purchasing one of the trade-in vehicles to be used within that program. Moshier has been involved in discussions with Amy Boles at HCTC about that possibility. There is a potential for selling the vehicles outright rather than trading the vehicles in. The trade-in value varied between the bids; however, the trade-in from Quirk was approximately \$6,000 per vehicle. The two cars being traded are essentially identical except for a slight variance in the mileage. They are both the same model year. Blanchette understood that if the vehicle is sold to the

**Approved - Council Order #082013, Request of the Police Chief to award a bid to Quirk Ford of Augusta in the amount of \$55,598 for (2) two new police cruisers, to be funded from the Police Cruiser Capital Improvement account (9090900-59007). With the provisory that if he has a chance to sell those other two trade-ins that he will spend no more money than that.**

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School Department it will be sold for a higher price than what the City would receive for a trade-in value. Moshier noted the School would like to use the vehicle for mock traffic stops and other types of training avenues for the students so a lot of the equipment would remain with the vehicle. The light bar, some of the other lighting, and the cage for examples. The cage cannot be reused on the new cruisers because it will not fit in the newer models. The radio would be replaced with one of the department's old radios so they could use the radio for mock trainings. The camera system would be removed because those are very expensive and is not anticipated to be replaced. The computers will be removed from the old cruisers. The remaining equipment would remain for the school's purpose; this equipment would increase the value of the vehicle. Moshier will be working up a cost estimate on those aspects of the vehicle plus the value of the cruiser to ensure the School is getting a good deal but also the City is recovering some of the money that will be needed to replace that equipment. Some of that equipment cannot be reused anyway; however, does have value to other municipalities that have the older vehicles. Richard Tupper, Fire Chief explained the vehicle currently being used as the Code Enforcement/Fire Inspector vehicle is in poor condition and this vehicle would be a great improvement for that Department. Tupper did make the suggestion that this would be a good time to make that change when he submitted his budget. Councilor Miller inquired if any change with the trade-ins would delay the Police Department from receiving their cars. Moshier did not believe it would cause any delays. The purchase within the City would be between the Code and Police Department; Moshier was not sure how financially that would work. As far as the School, if a bid is approved tonight Moshier will reach out to Boles immediately and see what their financial plan would be in regards to this purchase. Typically, when the Police Department receives the cruisers they make payment upon delivery. It could delay the transfer by a day or two, it should not be significant because if the School Department does not have the funding than Moshier would just go through with the trade-in from the dealership. Councilor Kaplan inquired if the Council Order would need to be amended, if the purchase is approved but the trade-in is not accepted. Chair Hamilton recommended modifying the motion to include that either trade-in or provide to Code and/or HCTC. This would make all the options available and then when more information is available the staff will make the best selection of options based on that information. Councilor Moore suggested authorizing the City Manager to make an alternative decision. Phillips suggested approving it for the numbers provided within the bids and if there is an alternative that provides a maximum price that can be spent. That way the Council will know how much the expenditure is and if Moshier can get more for the trade-ins through different avenues that will just reduce the price. This

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

will provide for a maximum amount for the purchase as well as secure the cruisers before they are sold to another department.

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

**RESOLVED to approve Council Order #082013, Request of the Police Chief to award a bid to Quirk Ford of Augusta in the amount of \$55,598 for (2) two new police cruisers, to be funded from the Police Cruiser Capital Improvement account (9090900-59007). With the provision that if he has a chance to sell those other two trade-ins that he will spend no more money than that.**

Before a vote was taken, Moshier agreed that motion would satisfy his request. Kaplan questioned whether the motion should say spend no more money than \$67,618. Phillips believed they would only be spending a maximum of \$55,598 as it is explained in the bids provided. Kaplan noted that is with the trade-ins. David Cole, City Manager explained that amount is calculated based on the trade-in value or any offset realized through selling the cruiser (s) out right. There is a potential that the City will actually make some money if they are able to sell one of the cruisers to the School. Miller noted the overall purchase should actually be less expensive than \$55,000 if the sale takes place between the City and HCTC. The consensus of all involved was the motion would satisfy the worst case scenario if the purchase does not take place and they rely on the trade-in values only.

**A final vote was taken on the above motion with all members voting unanimously in favor.**

*Council Order #082014, Discussion and action on the request of the Public Safety Planning Committee concerning the role of Emergency Medical Services within the Ellsworth Fire Department.*

Councilor Phillips explained along with himself, Councilors Miller and Kaplan meet with Richard Tupper (Fire Chief), Glenn Moshier (Police Chief) to have a final discussion on moving ahead on this topic. Tupper presented a valid point that moving ahead would allow him to continue the process for offering emergency services within the financial amount he is proposing. This will come with a cost; however, is a public service that Phillips thinks should be offered. The ambulance service does a fine job; however, there are instances where they are not available. Understandably, not everything can be prepared for and this would allow for another alternative for the safety of the citizens. There was evidence from both

**Approved - Council Order #082014, the request of the Committee to accept the recommendations of the Committee to continue with the basic EMS licensure.**

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KAPLAN, MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

Chiefs that while at emergency scenes there have been times additional assistance was needed due to the time delays for an ambulances to arrive on scene. There will be additional costs associated with training, dispatch services, and ultimately equipment. Currently, Tupper is proposing using existing equipment for this purpose. However, eventually Phillips sees the need for purchasing a smaller vehicle, which would be an easier response vehicle compared to the larger expensive fire trucks to carry the equipment. Councilor Miller agreed with Phillips statements concerning the extra costs reaching possibly \$19,000 a year. Miller recognized this expense would still be far less than purchasing our own ambulance, stocking it, and staffing it. It has been identified that Northern Light has delays in covering the area with 2.5 ambulances; this model of offering services will help the City save more lives and make the residents a lot safer for the most reasonable price. Councilor Kaplan agreed with the previous statements. Phillips felt if the majority of the Council agrees he would like the City to move ahead with the plan Tupper has to implement this service. If this plan goes on for a year or two and there are issues it can be adjusted or stopped, this does not have to be a permanent situation. After hearing the testimony and seeing the evidence in favor of this project; it appears for a marginal expense at this point, it is in the City's best interest to move forward in meeting these needs. Chair Hamilton read the one comment that has come through on this topic "Mr. Chairman, I write to support the continued approval licensure of the Ellsworth Fire Department at the basic EMT non-transport level, previous correspondence has stated my reasons. The members of the EFD have worked extremely hard to supply quality assistance to our citizens and guests in their time of need. And, I ask the City Council to allow them to continue. Thank you for your time. Gary Fortier. Hamilton noted from reading through the Department Reports, there have been 90 plus calls responded to; this is evidence of the need to at least provide assistance. Hamilton questioned the ability to triage the calls; having this licensure there may be the ability to determine the Fire Department is not needed on certain calls. The ambulance service will have the ability to make the determination on whether the Fire Department needs to respond. This would be appropriate and there will be a system in place to delineate that need. Miller confirmed the ambulance can wave off the Fire Department if the ambulance determines they are not needed on that particular call. Hamilton noted that happens currently as well.

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

**RESOLVED to approve Council Order #082014, the request of the Committee to accept the recommendations of the Committee to continue with the basic EMS**

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**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

*licensure.*

*Council Order #082015, Request of the Fire Chief to accept a revised agreement with the County of Hancock for providing Fletchers Landing Township fire protection, Emergency Medical Services Basic Level Non-Transport, and other emergency services.*

Richard Tupper, Fire Chief explained last month an agreement was presented to the City Council that did not include this service. Tonight, Tupper is requesting amending the agreement to include providing EMS services to Fletcher’s Landing Township at an additional cost of \$2,500. This would be the same agreement that was approved last month except with the additional fee for offering the same services that have been offered recently. See attachment #8 for the complete request and revised agreement with the City of Ellsworth and the County of Hancock for providing Fletchers Landing Township fire protection, Emergency Medical Service Basic Level Non-Transport, and other emergency services as listed in the agreement. Councilor Phillips inquired if there was a chance they would agree to pay an additional amount to cover a small vehicle. Tupper stated that topic has not been discussed yet; however, if the Council would like he could have that discussion with them in the near future.

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

**RESOLVED to approve Council Order #082015, Request of the Fire Chief to accept a revised agreement with the City of Ellsworth and the County of Hancock for providing Fletchers Landing Township fire protection, Emergency Medical Services Basic Level Non-Transport, and other emergency services as listed in the agreement (see attachment #8).**

*Council Order #082016, Request of the Development Services Director to accept the Keep Maine Healthy Grant in the amount of \$59,400.*

Janna Richards, Development Services Director was present via zoom technology to explain last month the City applied for and was awarded the first round of grants through the State Department of Health and Human Services Keep Maine Healthy Program. This program was opened for a second round and the City applied for additional activities. The City was awarded \$41,580. The activities that were proposed through the grant application were to promote physical distancing and public health. This will include the purchase of additional PPE (hand sanitizer and

**Approved - Council Order #082015, Request of the Fire Chief to accept a revised agreement with the City of Ellsworth and the County of Hancock for providing Fletchers Landing Township fire protection, Emergency Medical Services Basic Level Non-Transport, and other emergency services as listed in the agreement (see attachment #8).**

**Approved - Council Order #082016, authorize the City Manager to accept a \$41,580 grant from the State of Maine Department of Health and Human Services “Keep Maine Healthy 2020**

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**CITY COUNCIL ABSENT: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

masks). A working group was created during the first round of funding to help with the public education campaign to promote safety and stability among residents, business owners, employees, and visitors. This group will continue building on their efforts using the remainder of the round one funding and then utilize round two funding. The additional efforts will include expanding a radio advertisement “Ellsworth thanks you” into signage, printed advertisements, and social media advertising. The round two application also included assistance to local businesses through a partnership with Healthy Acadia. Healthy Acadia will be contracted to provide proactive education to the City’s businesses on best public health practices, the DECD checklist, guidance and any further assistance in obtaining information on additional resources the city may be able to provide businesses. This is a part-time contract position with Healthy Acadia. See attachment #9 for the complete request and Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign – Round 2 guidelines, the City application, grant awards, and expense spreadsheets. At this point, only preliminary approval has been granted by the State. Richards is requesting pending final approval the Council authorize the City Manager to accept the grant from the DHHS Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign in the amount of \$41,580.

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

**RESOLVED to approve Council Order #082016, authorize the City Manager to accept a \$41,580 grant from the State of Maine Department of Health and Human Services “Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign” to fund public education, physical distancing and public health support, and local business assistance activities.**

*Council Order #082017, Discussion and action on the concept and development of the Spirit of America Award. (Sponsored by Chair Hamilton)*

Chair Hamilton explained this request was brought to the City. It is a recognition that some municipalities across the State are participating in to recognize a resident for outstanding service. Hamilton felt in order for this Council to consider such an award they should develop a recommendation of whether or not they would like to participate in it, gather the materials, review it, and then develop the parameters on how the City would actually implement this on an annual basis. The criteria would also need to be determined. Hamilton was trying to determine if there was an interest by the Council to take part in this process and then to determine whether this task should be assigned to an existing committee or whether to create a short-

**Municipal COVID-19 Awareness Campaign” to fund public education, physical distancing and public health support, and local business assistance activities.**

**Approved - Council Order #082017, as not participating in the concept and development of the Spirit of America Award.**

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**TIME: 7:00 PM**

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**CITY COUNCIL PRESENT: BLANCHETTE, GRINDLE, HAMILTON,  
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**CITY COUNCIL ABSENT: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
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term ad-hoc committee to look at it. If there is not an interest to pursue this topic than that decision should also be determined. Councilor Blanchette inquired if there was a group behind this proposal. Hamilton noted there is not a group behind it, it was just brought to his attention this exists and that other communities are using it. This was a request and recommendation by an individual within the community that it be discussed. Blanchette clarified the Council would be charged with picking out one person each year. Hamilton confirmed it would be up to the process to determine, it could be through a committee; that would be the details that need to be determined through the first part of this request. If there is an interest Hamilton would like to see some parameters around the process so it is not completed on a one-time basis and then forgotten about. Councilor Phillips felt this was a noble cause; however, personally he was not interested in being on the committee. Councilor Kaplan would not mind being involved in the process and serving on the committee.

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

**RESOLVED to approve Council Order #082017, as not participating in the concept and development of the Spirit of America Award.**

Before a vote was taken on the above motion, Kaplan felt the Council could find out more about it first. Hamilton was comfortable with it from the perspective that it can always come back to the Council. He encouraged some further review on it informally and if there is a group that is interested in this then there can be a more thought out proposal created and brought back to the Council for consideration. Kaplan felt it would be fair to table it until there is more information.

**A final vote was taken with 5 voting in favor (Blanchette, Grindle, Hamilton, Moore, and Phillips) 1 member voting in opposition (Kaplan) and 1 member abstaining from the vote (Miller).**

Chair Hamilton read into the record a comment he received. Gary Fortier sent a comment stating anytime the Council can recognize a citizen, they should do it.

*Council Order #082018, Discussion and action on creating a rainbow crosswalk within the City of Ellsworth. (Sponsored by Chair Hamilton)*

Carolyn Kutny, facility advisor to the Gender Sexuality Diversity Alliance at Ellsworth High School explained how this project began to take form. A group of

**Citizens' comment.**

**Approved - Council Order #082018, the Council form an ad-hoc committee with representatives from**

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students from this Alliance continued to meet even through COVID-19 (through Zoom technology) afterschool. During the month of May, the students were talking about Pride month which is during June. This happened to coincide with the release of the Maine Integrated Youth Health Survey. The survey is a bi-annual survey that the Maine Department of Health administers to all high school students in Maine. The results of the survey really showed how much the LGBTQ community is suffering in terms of the bullying, feeling safe at school, violence on and off school grounds, feeling like there is a lack of adult support, lack of adults that care about them in their community, substance misuse, depression, anxiety, suicidal ideation, attempts, and even dying by suicide. The numbers are definitely significant which generated discussions and it was decided that the students wanted to do something to raise awareness and sort of solve this problem. One particular student who had seen the crosswalk in Bangor suggested possibly doing the same thing in Ellsworth. Although this is only paint, it is a symbol of caring, acceptance, and feeling valued within your community. This would also help to demonstrate that everyone, of every age, is welcome in Ellsworth and that this is an okay place for everyone to be. Kutny did provide a couple of statistics as well as posted the Maine Survey results in the Facebook comments. The School Board has endorsed this project, the Alliance Group will paint some crosswalks on School grounds. The group feels this is a community issue that extends beyond the schoolyard; therefore, they are hoping to bring this concept to the Downtown area. By doing this it will raise awareness and make sure everybody knows that it is okay to be in the LGBTQ community in Ellsworth and the Community is happy you are here. Councilor Miller inquired where they were planning on putting the crosswalks. They have some ideas and are not committed to any one place; they are willing to discuss the final location with the City Council. They like the idea of one crossing Main Street (between Finn's and the Grand) or even further down the street, one on State Street (by the Public Library), one by Third Street (Knowlton Park), and one on Forest Avenue (by the backside of the YMCA). They were hoping to paint 2-3 different crosswalks and feel like these are some very good options. The students applied for a grant through Healthy Acadia and they received the grant. During the next three years not only will this group be able to pay for the paint initially to paint the crosswalk, they will be able to repaint them next year, and the following year too. After those three years, this group will be reapplying for the grant so it is possible they could have this grant for 6 years. If that does not work out they feel strongly they could fundraise for the cost of this project. It is not a significant amount of money, the cost estimates are a few hundred dollars in paint. Heart of Ellsworth has generously offered to cover the cost of the supplies (rollers and tape). The group also discussed having an annual community event in the Spring to repaint the crosswalks and call

**the GSDA group, members of this Council, and City staff to look at all aspects of the issues that were raised tonight in terms of Ordinances and logistics so that a full recommendation can then come back to the Council.**

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it something fun such as “Paint the Town” and invite community members to help paint. The group was hoping to get started before school starts, particularly on the ones located on school grounds. The Pandemic will change the plans slightly but social distancing will not be a problem. They would like this to become an annual event in Ellsworth. Lisa Sekulich, Public Works Director explained concerning the location according to MDOT the whites of the crosswalks have to remain as is. The painting would have to take place in between the white bars. The other requirement is the speed limit on the road where the crosswalk is painted must be 25 miles an hour or less. This will determine which crosswalks are eligible for painting. Sekulich was most concerned about who will be painting the crosswalks. The safety of everybody is a concern; Sekulich would be uncomfortable with people who have not worked within the roadway completing the painting. In her opinion, the Public Works Crew should be responsible for painting the crosswalks if the Council approves the project. The only safe time based on traffic to paint on Main Street would be overnight. There are several safety issues associated with this project as far as getting the work completed. Sekulich did not believe anyone under the age of 18 by law can be within a traffic control work zone. David Cole, City Manager noted these are Federal and State rules; the proposed crosswalks are all on State Roads except the one proposed for Third Street. These are just concerns and could be discussed and worked out with the group. If approved, there would potentially be city staff time and potential overtime expenses. Councilor Moore recognized this group was asking for some respect and some understanding; unfortunately, he did not think that painting a crosswalk was the right way to go. He supports so many other things even this project on the school grounds; however, on a road where the traffic is often going more than 25 miles an hour he is not in agreement. He feels this project could be distracting and there should not be anything except the traditional lines in the crosswalk along with the markers that are out there. Moore stated it is too easy for a driver to look for just a moment and miss someone in the crosswalk; the safety of it is the sole reason he is not in favor of the project. Kutny explained she discussed this with one of the Public Works employees in South Portland and they said because the Maine DOT finds it safe and legal they did not feel like there would be a problem with visibility or safety. A few people indicated that the bright colors would make it more visible and that it might actually be safer, compared to the plain white crosswalk. Kutny stated they would be more than willing to work with Sekulich to ensure they are following all of the regulations and laws. She did speak with Bruce Mattson in the Bangor office of the Maine DOT. He indicated he personally felt that the piano key style of crosswalk is the safest and that is primarily the style located within Ellsworth. In Mattson’s opinion the City would be in a good position already based on the current

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infrastructure to make this a project that would be safe. This group is also concerned about safety particularly within a crosswalk so they are more than willing to work with Sekulich and with the laws and regulations. Kutny recognized the irony of the situation is this project really is about safety of the LGBTQ community. Peter Lione, noted he did not think the crosswalk would be any more distracting than some of the very attractive windows on Main Street or people sitting and having coffee at Flex-it. He did not feel the distraction issue was a valid argument, personally. Sekulich noted one of the positive aspects of Main Street for the crosswalk would be the availability of the portable signs that say crosswalk and yield to pedestrian. If a rainbow crosswalk is approved for crossing Main Street, they would make sure it was one that had those traffic cones associated with it. The Council had received emails prior to this meeting that did not indicate they wanted (one specifically stated it was not to be read into the record) or provided permission to read those into the record this evening. Hamilton read the response from Glenn Clark; I feel we have enough rainbow crosswalks in Ellsworth with the approval of them at the schools. I also feel that if we are to stay on the political correct line that any further permanent markings in downtown Ellsworth should be an all lives matter or keep America great motives by showing pride in our Country as well. From Nate Hanson, Dear Councilor Hamilton, I hope you and the other Council members will strongly support the initiative shown by the group of Ellsworth students who have raised money and created a plan for painting rainbow crosswalks at two locations in Ellsworth. I look forward to seeing the Council support this project. Another one stated: Members of the Ellsworth City Council as a parent and teacher, I've personally seen the benefits that a supportive and inclusive community has for children that identify a members of the LGBTQ community. I hope that the City Council will support and approve the request to paint crosswalks in our community with the pride flag colors. Respectfully, Kyle Snow. Gwen Clark provided some more ideas for crosswalks, red, white, and blue; black and white with a blue line just sharing some ideas here. Jon Stein, owner/manager Fogtown Brewing Company, Fogtown would be very happy to help sponsor the crosswalk painting. Another comment stated if we are able to close Main Street for the Taste of Ellsworth, for the Christmas Parade, or Memorial Day, they should be able to close the road for a short time in order to allow a group to have an event to paint a crosswalk. As for the safety issues other cities have their crosswalks in even busier areas such as the intersection of Main Street and State Street in Downtown Bangor. The bright colors bring more attention to the crosswalk than faded white or the beige and brick ones I have seen elsewhere. That was from Marlana Ford. Abigail Miller stated these concerns have all been researched and addressed by this group, they have checked very box, crossed every T; if you need these questions answered

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they should have sent these questions to Carrie previously. This is not a new concept; this has been done in many towns. The research and statistics show that supporting these kids is extremely needed to not do so is to fail these kids. Jon Stein stated safety is a concern; however, it is not others place to determine what is best or is the most needed for groups like these. We must listen to these organizations like GSDA, when they tell us what they want/need; that is how you support others. Another comment stated I am writing to ask you and the City Council to support the initiative to paint rainbow crosswalks in town. I believe this is very important and is a visible way to show support for our LGBTQ community, as has been done in a number of Maine towns and cities. Our son, now a voter, has given me permission to say he supports the measure, he says it's a cool idea and he can't see why it would not be approved. Our daughter a sophomore is an enthusiastic supporter who says she is willing to help with the painting, if needed. Thank you for your leadership during these strange pandemic times and thank you for considering this measure for inclusivity in our community, Sarah Demarke. Those were the comments received this evening. Previous comments expressed similar issues about safety, issues about whether or not the City needs Maine DOT approval. Location was an issue that had come up as well. There were several emails expressing support for the project. Cole noted in regards to the Maine DOT issue all the City would need to do is meet their specifications. This section of the road is within the Urban Compact; the City manages the area while meeting DOT specifications. Sekulich noted the DOT and State of Maine revised their crosswalk Statues approximately a year ago. Those do allow for painting in between the white crosswalks in areas where the speed is less than 25 miles an hour, the white has to remain, and the paint that is used in between the white has to be non-retro-reflective. This would mean at night you would not see the rainbow colored bars. Sekulich confirmed there are crosswalks throughout the City that would meet the DOT requirements and since the City is an urban compact it falls back on the City to determine where and how. Cole explained the colors used for directional purposes by the DOT cannot be used for this rainbow crosswalk project. Sekulich noted it is strongly recommended not to use common colors such as red, green, and orange. These are federally defined in regards to what they mean for direction. Glenn Moshier, Police Chief echoed his support for Sekulich in regards to concerns about having the group especially young people in the roadway painting these crosswalks. He does not have any objections to the concept of it or the idea of it. Moshier agreed the safest route would be to have the public works crew actually paint the crosswalk at night when there is a lot less traffic. Councilor Blanchette inquired why they wanted to paint the crosswalks. Kutny explained that is what the students decided they wanted to do and they have seen it in other Cities. She also

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explained a crosswalk is a symbol of safety. It is a place that you are safe. There is some metaphoric meaning with the crosswalk and the purpose of this project. This is a very affordable project and does include grant money. There are also adults willing to help paint, if there are safety concerns in regards to people under 18 being in the roadway; Kutny was willing to sign a waiver of liability so that she could paint in the roadway. This would be a visible sign of safety. Kutny stated her group was not present this evening to censor anyone if other people are interested in doing similar projects they consider it none of their business. She felt they would need to be held to the same standard. Did they find funding, are they willing to do the work, and, do they have a maintenance plan. Blanchette is concerned motorists will be drawn to the colors in a crosswalk and not notice the pedestrian. Blanchette applauded the kids for their thoughts, their efforts, and the work that has been put into this project; however, in his mind this all comes down to safety. He was uncomfortable with changing the safety of a pedestrian crosswalk into a piece of art with or without meaning is the wrong message to send. Councilor Phillips noted this concept is not new in the Country nor in the State of Maine. There is no data to support the rainbow crosswalk is any more dangerous than a standard crosswalk. He felt the point of the entire discussion was to decide whether the Council would like to support this concept to show support for the diversity of our citizens. The logistics associated with the project need to be worked out as voiced earlier and Phillips agreed wherever the crosswalk is located it should have the additional signage next to it. This request just comes down to whether a majority of the Council supports the concept or not. Phillips did not agree with the safety concerns as stated especially with the speed limit so low. He would have no problem with 1 to three crosswalks in certain areas within the City after hearing the presentation and seeing the support for the project. Councilor Grindle stated she is impressed with Kutny and the students as well as their courage, positivity, and hard work that has gone into this idea. She has listened to the many discussions and she does have concerns about some of the statistics and the comments. She is concerned that the students are experiencing bullying, violence, and harassment in our schools. She would like a little more information on that and would like to work toward fixing that. She is also concerned with the statistics that LGBTQ students feel that the adults in their community do not support them. She would like to know why they feel that way and how that can be changed. Grindle stated one reason she cannot support this concept at this point is what we allow for one we must allow for all. She also feels logistically the City does not have enough crosswalks to allow for all causes to come and paint the crosswalks. Grindle did want the students to know that because she does not support the painting of the crosswalks it does not mean she doesn't support them. She is going to ask this group to do a little more work

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and recognized the work that has already been put into this project. Grindle asked, how else the community can support this group besides painting the streets. Kutny inquired if the City was positive they have proper signage for all of the current crosswalks, are they all painted, and well maintained for the safety of the pedestrians right now. Kutny agreed there is a lot of work that the group still needs to do on this issue. The kids feel this way because of the comments that adults have been willing to write online, whether it be on Facebook, the Ellsworth American articles, or the Bangor Daily news articles. There was a lengthy discussion on what other things can be done to add diversity training, as well as how to understand other types of people and their families in an age appropriate way for grades K-12. This group likes the idea of the crosswalk because it is visible, everybody who drives through the City has to acknowledge it, has to talk about it; no matter what happens with the outcome of this meeting she is delighted this group has got Ellsworth talking about something prior to this not a lot of people were willing to talk about this topic in a meaningful way in a public forum. Kutny disagreed that if the Council approves this project they must approve every other request. If that were really true this group would not be here asking the Council for permission; they could identify the fact that the Maine DOT allows for this activity and then start painting. They are here tonight asking for permission, as well as to receive validation that this project is worthwhile. Kutny did state South Portland, Bangor, and Orono have painted their crosswalks and not one other group has asked to paint anything else. Hamilton read another comment from a citizen who stated the argument concerning people's eyes being drawn away is mute, no one made an argument against the senior class having their names on light poles not once, saying that is just another way to push the LGBTQ community back and make them feel less important than other kids in the community - Abby Miller. Hamilton noted for young people to be this involved and invested in their community is a good thing. Hamilton does not believe this has to be a controversial issue. At the very heart of the request is acceptance. There is an Ordinance which discusses painting sidewalks and streets. From that perspective those logistical things can be overcome; however, it was unclear if tonight was the place to deal with them. If there are ordinances and precedents in place and a good process is not set up tonight then it could potentially be set up for failure. Hamilton felt the best path forward would be to say personally I support the idea; however, we need to implement a structure and parameters as a City so this will be successful. The due diligence does not have to take years to complete it can be completed fairly quickly. This process would not be unusual for the Council when facing a new request. The nature of the request was not the issue, the logistical issues need to be addressed quickly, and then the request can come back quickly and have a much better outcome for both

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short and long term. Hamilton and Grindle were pleased a conversation has been started and should continue in a way that is formal beyond just this one request as the process moves forward. Lione, noted he is thrilled to see these kids have taken on this project. When he was their ages this could never have existed or would he have ever dreamed this is what could happen one day. This project is very meaningful to these kids but it is also very meaningful to all of the people in the Community of any age to be acknowledged. He wants everyone who drives through Ellsworth to know this is a place everyone can feel safe, good, and accepted. Abby Young, resident of Ellsworth stated according to the main youth integrated health survey in 2019, 24% of gay and lesbian high school students in our County considered suicide compared to 6% of straight high school students. Miller inquired if the other cities had their public works departments paint the crosswalks for them or were they able to paint it themselves. Kutny was not sure who physically painted the crosswalks; she was willing to find the answer and get back to the Council. She felt offering to do the work themselves would be helpful; it did not occur to her this would be a point of contention. In Bangor and Orono, the public works departments did physically perform the painting. Cole noted it is not an issue of liability or absolving liability it is the Federal Works Place Standards that drives this requirement. A comment from E Matthias III, was read into the record as do not stand in the way of these children, it has to start somewhere, stand with your community. Another comment was read into the record as, Let's install additional pedestrian and blinking crosswalk lights. The Main Street crosswalks are very dangerous even with just the black and white and especially during the seasons before they are repainted and are barely visible. If the issue is really safety, let's make all our crosswalks safe for everyone, then paint them rainbow colors to support these kids -Jon Stein. Tara Young, resident of Ellsworth stated if there is a need for additional money to cover overtime for the Public Works Department to paint the crosswalks, she believed that would be a reasonable amount of money for the Committee to discuss approving or maybe they could fundraise to cover that expense. This was not seen as a hardship. Blanchette stated he actually finds the crosswalks on Main Street to be quite safe. He has never had an issue with any of them. Councilor Kaplan stated before this vote, she wanted to gauge community interest. She conducted a very informal poll (not sure how many were Ellsworth residents) the results were approximately 80% in favor. She did say she would abide by the will of the voters. There will be some people who are upset no matter how we vote. This is about these kids, they have put their heart and soul into this project. She would not want to disappoint kids but at the same time these are public streets and they are everybody's streets. This needs to be up to the voters, the voters should have a say so in what they get. Kaplan wondered if this is something

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that could be passed on to the voters and let the voters decide or if the Council should just go with the majority of what people have said, so far. Kaplan felt even if this project did not pass, there are plenty of private buildings that a beautiful mural could be painted on. She would be willing to help paint a mural on a building. Miller agreed with Kaplan, in that the kids showed a great deal of initiative in figuring out how to receive funding, writing letters to the School Board and City Council. This activity has demonstrated a lot of community involvement. He is not willing to crush their enthusiasm; he felt they should be allowed to paint a couple of crosswalks. Hamilton inquired if there would be a willingness for members of Kutny's group to work in collaboration with the City Council on a short-term committee to develop a recommendation around that so the Council can address the logistical piece and be sure they do not create an adversity simply because of those issues coming up after the fact. Kutny stated they would absolutely be willing to work together on this project. They did not have a commitment to any particular crosswalk for this very reason, they wanted to remain flexible and be able to work with the Council. Phillips inquired who would be on the committee that is being discussed. He envisioned the Committee being the Police Chief, Public Works Director, and City Manager. Then they would meet with this group and decide what works logistically, areas that they feel would be safe, and then either bring it back to the Council or not. Maybe the Council could just agree with the concept and allow them to paint two or three crosswalks. He questioned how much this concept needed to be debated as everyone has their own opinions on the process. Kaplan suggested a more of a middle of the road approach, narrowing down the number of crosswalks; she believed an excellent location for this crosswalk would be Main Street right next to the Grand. It would not be several crosswalks because there are already two at the schools and this would just make a third one. Benjamin Snow, Ellsworth resident and senior at Ellsworth High School stated seeing something like this would be really awesome. His freshman and sophomore year he saw a lot of adults and kids using plenty of colorful language meant in a derogatory sense to people who were or were not in the LGBTQ community. It definitely created a mindset that the adults around him that were not personally known to him either did not like him or were working against him. Hearing a lot of support from places like Fogtown Brewery has made his week, knowing those places do support this project. He believes the crosswalks are a great idea and he would actually drive up Main Street to go to work rather than take his usual route. Moore stated this group has done a great job, they should all feel very proud of themselves, and he did say if this passes with painted crosswalks, he will not lose any sleep. Hamilton noted out of all of the comments received throughout this process and including the ones read into the record this

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evening they have shown a lot of acceptance, understanding, and support. So far, they have not received the types of comments that would make one feel terrible about the type of community they live in. In trying to draft a motion, Hamilton felt having a resolution to support it and then having an opportunity to work with this group knowing that they have two crosswalks started and the Council can pull this committee together very quickly, have that discussion, work out those parameters, and then move it forward from there. It would be consistent with other processes associated with similar requests.

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

*RESOLVED to approve Council Order #082018, support the requests of the group to have a rainbow crosswalk in Ellsworth. The amount and location to be determined after a small committee of perhaps the Public Works Director, Police Chief, maybe the City Manager, and the group asking has sat down and discussed where and what.*

**A vote was taken with 3 voting in favor (Hamilton, Miller, and Phillips), 3 members voting in opposition (Blanchette, Grindle, and Moore), and 1 member abstaining from the vote (Kaplan). This motion failed to pass.**

Phillips was unsure of the ability to abstain from the vote in this case. Hamilton noted in this case with a 3 to 3 vote the motion does not pass.

Hamilton made a motion that the Council form a working committee with representatives from Ms. Kutny's group, GSDA group, members of this Council, and City staff to continue to work on a proposal. Bring that forward, working out the logistics and come back to the Council with the proposal.

*On a motion by Hamilton, seconded Miller, it was*

*RESOLVED to approve Council Order #082018, the Council form an ad-hoc committee with representatives from the GSDA group, members of this Council, and City staff to look at all aspects of the issues that were raised tonight in terms of Ordinances and logistics so that a full recommendation can then come back to the Council.*

Before a vote was taken on the second motion that was made and seconded, Grindle asked the logistic piece. Does Hamilton mean, just property logistics, or would it

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 17, 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: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

include the Ordinance logistics. Hamilton indicated it would include all of those pieces that were discussed this evening that related to this physical project. That committee will come back to the Council to make a recommendation based on that process. Phillips addressed the abstention from the prior vote on the first motion. He felt under Robert's Rules of Order if a Councilor cannot express a conflict of interest the vote is recorded as affirmative. This was supplied to Phillips from a previous Councilor (Fortier) based on language he found in Robert's Rules of Order. It is a fairly limited amount of reasons why you can abstain and if there is a conflict of interest in your opinion and can state it then that would be a reason you can abstain. There was an understanding that abstentions were generally financial in nature. Hamilton stated on quick review it is correct; however, there is also the ability within Robert's Rules of Order that members are not required to vote. In effect, members can vote for, against, or not vote. In that case your vote obviously does not count. From Robert's Rules of Order, do abstention votes count? Answer: the phrase abstention votes is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting and as a consequence there can be no such thing as an abstention vote. In the usual situation where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote. Since what is required is either majority or two-thirds of the votes cast. On the other hand if the vote required is a majority or two-thirds of the members present, or a majority or two-thirds of the entire membership an abstention will have the same effect as a no vote. Even in such a case; however, abstention is not a vote and is not counted as a vote. Hamilton summarized what that means is it would be a non-vote. A member does not have to vote. In that case it reduces the majority down to the individuals that do vote. In either ruling of this, it would still come out 3-3 where it doesn't prevail. It has no effect on the outcome of the vote by not voting. There is no requirement for a member to vote according to Robert's Rules of Order. This information came from the Official Robert's Rules of Order site. The motion made by Hamilton and seconded by Miller is still on the table for discussion. Miller stated he would be happy to serve on this committee if one is appointed. Phillips inquired if that means the Council in the end supports the issue or does that mean we just table it and talk about it again and let it die another death. Hamilton clarified it means the Council keeps the process going and the discussion going and for him that is an important part of this process. It will make sure the discussion is continued and he is proposing that framework for that to happen. Moore felt if this was done there would be some better information to base a decision on. The motion will be an opportunity to think this out a little more and learn a little more. Kaplan stated it would also be good for the kids to be part of it.

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

**CITY COUNCIL ABSENT: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

**A vote was taken with all members voting unanimously in favor.**

*Council Order #082019, Discussion and action on the creation of a committee to support funding the Library and appointment of Councilors to that Committee. (Sponsored by Chair Hamilton)*

Chair Hamilton explained the Council had identified they wanted to bring together a committee of the members of the Board of Library Trustees, community representatives, and two members of this Council to work on addressing the issue of surrounding communities in terms of funding. This was a process that the Council had endorsed during the budgeting process. Hamilton stated this is the process for identifying which Councilors would be interested in participating on that committee. Councilors Kaplan and Grindle indicated they would be interested in participating on that committee.

Chair Hamilton appointed Councilors Grindle and Kaplan to this Committee.

Chair Hamilton read a comment from a member of the viewing public. This person stated this is a misuse of an abstention. I don't believe there is a conflict of interest. You may not abstain simply because you do not want to decide – Jon Stein

Hamilton believed this comment was addressed with the reference to Robert's Rules.

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

***On a motion by Blanchette, seconded by Miller, 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 9:30 PM.***

Chair Hamilton noted the Council will not be coming out of executive session with a report.

David Cole, City Manager remained in the Executive Session with the City Councilors.

**Appointed \_  
Councilors Grindle  
and Kaplan to this  
Committee.**

**Public comment.**

**Approved - Entering  
executive session for  
the purpose of  
discussing personnel  
matters in  
accordance with  
MRSA Title 1,  
Chapter 13, Section  
405, Paragraph 6A at  
9:30 PM.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 17, 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: ALL PRESENT.**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, RICHARD  
TUPPER, LISA SEKULICH, GLENN MOSHIER, AND HEIDI GRINDLE.**

*On a motion by Phillips, 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 9:52 PM.**

*Adjournment.*

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

**RESOLVED to approve adjournment at 9:53 PM.**

**A TRUE COPY**

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

**Approved -  
Adjourning from  
executive session at  
9:52 PM.**

**Approved -  
Adjournment at 9:53  
PM.**