

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
MERCHANT, ADAM WILSON, SUE MCLEAN, LISA SEKULICH, KATINA
HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

New procedure for public participation in City Council meetings:

Meetings will be held in the City Hall Council Chambers at 1 City Hall Plaza with only the allowable number of participants based on maintaining social distancing guidelines. There will be additional seating available in the 2nd floor Auditorium for citizens; those wishing to make comments on an agenda item will have the opportunity to make those live at that location through the use of technology. Emailed questions and public comments will no longer be read aloud throughout the meeting; individuals are welcome to email councilors to share their feedback on any issue. All public comments on agenda items will need to be made from City Hall during the meeting.

Meetings will continue to 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 9, 2020 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:

Call to Order.

Pledge of Allegiance.

Rules of Order.

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- March 15, 2021 Regular Meeting. (Tabled at the 4/19/2021 Council meeting).

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

RESOLVED to approve the adoption of minutes from the March 15, 2021 Regular meeting as presented.

- April 19, 2021 Regular Meeting. (Request to table).

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

RESOLVED to approve tabling the adoption of minutes from the April 19, 2021 Regular Council meeting.

City Manager's Report.

Glenn Moshier, City Manager thanked Maine State Police Trooper Bob Burke and the members of the Maine State Police Color Guard for all their assistance in organizing and facilitating the funeral services for Deputy Fire Chief Bobby Dorr on Sunday, May 16, 2021. Moshier stated on behalf of the Fire Department, citizens, and City of Ellsworth he would like to thank the following Fire Departments: Waterville, Rockland, Southwest Harbor, Bar Harbor, Lamoine, Dedham, Lucerne, Orland, Brewer, Sullivan, and many others who provided manpower to cover the Ellsworth Fire Station while the Ellsworth firefighters were mourning the loss of their brother.

Moshier announced the Memorial Day parade would be held on Monday, May 31, 2021. The VFW has made arrangements for the traditional parade to be held along with the annual Memorial Day service on the City Hall lawn.

The School budget validation election will be held on June 8, 2021; absentee ballots are currently available.

There will be a graduation parade similar to the one held last year for the Ellsworth High School graduating seniors on June 3, 2021 beginning at 5:30 PM. This will be a vehicle parade only that will start at the Maine Coast Mall and

Approved - Adoption of minutes from the March 15, 2021 Regular meeting as presented.

Approved - Tabling the adoption of minutes from the April 19, 2021 Regular Council meeting.

City Manager's Report.

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extend through High Street, down Main Street, out State Street, and end at the High School where the graduates will be observing their class night festivities. Graduation will be on June 11, 2021 at Ellsworth High School.

Moshier spoke briefly on the upcoming road closure for Franklin Street to begin on Monday, May 24, 2021 at 7:00 AM; it will remain closed until September 7, 2021. This portion of Franklin Street will remain closed for the creation of an outdoor space for the downtown diners and shoppers to enjoy. The City will be setting that area up with barricades, cement planters, picnic tables, trash and recycling receptacles, and other amenities to beautify the area.

Committee Reports.

EMS Committee. Councilor Phillips stated the EMS Committee met and the topic of discussion will be addressed later this evening as part of the agenda. The Committee met to discuss the options that are available and reviewed the contract.

Citizens' Comments.

Michael Phinney, Ellsworth resident spoke on his concerns with the Nicolin Road, see attachment #1 for his complete presentation and petition of signatures. Phinney's presentation was in support of having funding designated for some permanent upgrades to that road. The road continually has issues with muck holes in the spring as well as dust and potholes during the remainder of the year. He would like to see the right-of-ways cleared, fix and unclog the few ditches that exist, and the trees are overgrown. He believes the road is a town road with a town public landing. Phinney would like to see some of the available Federal money spent on this road; in his opinion more people use the Nicolin Road than will ever use the paved walking trail. Chair Hamilton noted this issue has come up in the past; particular where the responsibility for it begins and ends as well as who is ultimately responsible for it. Lisa Sekulich, Public Works Director provided a very brief overview of the situation past and present. The paved section of the Nicolin Road from the Bangor Road to the Railroad tracks is indeed a City owned road. The City only has a 33 foot wide easement over the road from the Railroad tracks to the boat launch to maintain year-round access to that boat launch. The City does not own the road and therefore has no obligation to perform capital maintenance on it. The City is only responsible for performing

Committee Reports.

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maintenance essentially so that people can access the boat launch that the State of Maine gave the City. Hamilton stated if this topic needs to be discussed further, it can be brought to the Council as a formal agenda item. Phinney had heard that explanation before and disagreed with the 33' wide right-of-way. He further described the work that has been completed as patchwork style and does not last. Phinney provided an explanation of what he felt adequate maintenance would be and what he saw wrong with the maintenance that has been completed by the Public Works Department. He understood that the City likely would not want to spend a lot of money to rebuild the entire road; however, it would not take a whole lot of work to improve the condition and make it more useable. Phinney stated drivers cannot see around most of the corners, the safe sight distance is non-existent for the most part, as are most of the ditches. He was concerned with the City approving subdivisions without requiring the owners to fix the road or paying an impact fee. Phinney felt the City has made it into a public road by plowing, grading, and sanding it as well as taking the school bus down the road. Hamilton noted Phinney could speak directly to a City Councilor if he would like them to sponsor a specific agenda item on a future City Council meeting.

Presentation of Awards.

Cheryl Flanders, for 5 years of service to the Ellsworth Public Library.

Cheryl Flanders was not present to accept her service award from Chair Hamilton on behalf of the Ellsworth citizens. The award will be given to her at a later date.

Recognition of KaTina Howes as the Director of the Year by the Maine Welfare Directors Association.

KaTina Howes was present to be publically recognized for being named the recipient of the Director of the Year by the Maine Welfare Directors Association. Chair Hamilton read into the record the wording on the City's plaque that was presented last month to the City in addition to KaTina Howes receiving her own plaque by the Maine Welfare Directors Association. This is an award that her peers selected her to receive from all the communities across the State. The decision was based on the service she provides her clients and the oversight to the General Assistance Program and the impact it makes. Hamilton has witnessed the incredible work performed by Howes in terms of caring for individuals within this

**Presentation of
Awards.**

**Cheryl Flanders – 5
years of service with
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**KaTina Howes –
Director of the year
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community while helping them meet their needs. This is a well-deserved award and the Community thanks Howes very much.

UNFINISHED BUSINESS

Council Order #122005, Discussion and action on EMS Services within the City of Ellsworth. (Tabled at the December 21, 2020, January 11, 2021, February 8, 2021, March 15, 2021, and April 19, 2021 Regular Council meetings).

Glenn Moshier, City Manager stated the Council had received the proposed EMS Service Agreement prior to the meeting in the Council packet. See attachment #2 for the proposed Agreement for Emergency Medical Services. The agreement has been discussed a couple of different times in relation to the rates with a start date of July 1. This agreement provides the City with EMS services via Northern Light Medical Transport for the next three years. This agreement was discussed at the EMS Committee meeting last week. If the Council approves the agreement tonight, it would afford the City the opportunity over the next three years to continue the discussions concerning where the City wants to take EMS services in the future. Councilor Phillips stated the EMS Committee had a lively discussion on this topic as well as it has been discussed as a full Council and it may not be something that everybody on the Council agrees with or thinks is the best avenue. This agreement appears to be the best choice at this moment and the only choice the City has right now; Phillips feels the Council must act on it and cannot run the risk that it would present to the citizens if they failed to take action this month. If the Council does not act affirmatively on this topic the citizens of Ellsworth would not have an ambulance service. Councilor Blanchette stated he does not like 95% of the agreement; he believes it is overall a deal that is heavily weighted towards Northern Light. He agreed with Phillips, this is the only option available to the City at this moment. Blanchette will vote for this agreement because the City needs an ambulance service for the residents. He wanted the residents to know if they call a Northern Light ambulance, it may or may not arrive right away. They will be assigning two ambulances to Hancock County, not just Ellsworth but the entire County. Blanchette stated for the expense to the City is not a great deal; however, it is the only deal that has been presented. The City has reached out to other firms, there has been no interest whatsoever by any other ambulance firm. Councilor Kaplan noted when those two ambulances are out on calls or inter-facility transfers they will park another ambulance in Dedham which would be

Unfinished Business.

Approved - Council Order #122005, Agreement for Emergency Medical Services with Northern Light Medical Transport for the contract as presented in attachment #2.

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available to answer a call in Brewer or Ellsworth. Unfortunately, if the City does not approve this agreement the City will not have an ambulance service. Kaplan agreed this agreement buys the City time to look at different options for protecting the City of Ellsworth. Councilor Grindle clarified the City Firefighters that are EMS certified are still required to attend every single call as well. Kaplan confirmed yes, they are. Councilor Lyons was not impressed with the agreement; however, understood the City had to take it or they would not have access to an ambulance service. He felt the City should start as soon as possible trying to figure out how to obtain an ambulance service for Ellsworth. Chair Hamilton agreed with all the earlier statements. He did point out that Northern Light is making a decision to contract and there are certain elements within the contract that they are agreeing to, and the City is paying for. It is important for the City to have an opportunity to pay attention to that and it would be helpful if maybe quarterly Northern Light presented an update to the City Council. This would allow an opportunity for an exchange of information and also allow the public to be a part of the discussion and understand how those contractual obligations are met. Hamilton noted in fairness to not only Northern Light but all ambulance services in the State, this is an issue that goes beyond every ambulance service and is a State level concern in terms of how these services are funded. The way it is currently handled leaves communities and residents at great risk. The hope was that residents would understand the bigger picture as it relates to funding and advocate concerning this topic at the appropriate place for it to be ultimately resolved. The City Council is only addressing the contract before them and the need to move that forward so the residents can have a level of security. Hamilton had similar concerns with the wording which has already been addressed and he will vote in favor of the agreement to ensure the residents of this community have access to that important service. Phillips noted Moshier has advised them that the terms in this contract are very similar to the ones Northern Light currently uses with other municipalities, so the City of Ellsworth will not have a unique contract. The per capita cost for the City of Ellsworth is less than some other municipalities throughout the State while others are paying much higher rates at \$20 to \$40 per capita to have a very similar agreement.

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

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RESOLVED to approve Council Order #122005, Agreement for Emergency Medical Services with Northern Light Medical Transport for the contract as presented in attachment #2.

Council Order #042108, Discussion and action on supporting the bike/pedestrian path extension project with local support through a future funding source. (Sponsored by Councilor Blanchette; tabled at the April 19, 2021 Regular Council meeting).

Councilor Blanchette explained in several meetings with Maine DOT they have told the City that the 20% share for a design of the entire length of the project from Birch Avenue through to High Street, including building the first part of that extension from Birch Avenue to Main Street would be approximately \$100,000. Blanchette felt with people needing to get out, the need for sidewalks, families needing places to go with their children, whether it is to walk, or ride bikes this is the perfect opportunity. The existing path from Birch Avenue through to Ellsworth Falls has been in existence for 10 years. It is an extremely popular path, used by well over 100 people in the summertime, and many people on a daily basis. It is used a little less during the winter; however, people of all ages, and physical or mobile abilities use this path. Blanchette noted to have this path extended to High Street is a win-win situation. The school uses this path for their outdoor track team, for practice runs, and children use it to walk to and from school. As part of the project, a portion of Spring Street would need to be abandoned. From Main Street to Park Street would become the path, there would be a 10' paved path 15' off from the railroad tracks just the same as currently exists. Councilor Phillips inquired if there is a timeline of when the funding will become available or when an actual plan will be available for review. Blanchette stated they have been told as soon as the City's share has been approved then Ellsworth will move up; the build would be within three years. Phillips stated the City still does not know how much the project will ultimately cost. There has been some research done; however, the final cost is still unknown except for the possible design. Blanchette confirmed that Phillips was correct, the City has nothing in writing from the State except a promise; it was noted anything in writing would come after the approval of the funding. In Blanchette's opinion to not fund this project would be doing a disservice to the Community; this will give the City that de facto sidewalk on Oak Street as the path runs parallel to Oak Street. The path is approximately 200' from Oak Street. This is a very safe and

Approved - Tabling Council Order #042108, Discussion and action on supporting the bike/pedestrian path extension project with local support through a future funding source until the June Council meeting.

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wide area where especially little children can walk, bike, or run ahead of their parents. A lot of other communities have similar paths that are widely used and popular in those locations. Blanchette noted every municipality needs to have amenities and with those come new residents and businesses. Phillips was not disagreeing that the extension is a great idea and it will be used; he is disagreeing with the process. He stated when the Council is deciding on an item they are aware of the obligations when they sign up and agree to a project; this is a project where the Council has no idea if, when, what, or even how much it is going to cost. There has been nothing provided in writing the only thing that has happened in regards to this project are discussions and promises. Phillips found it hard to believe the State did not have some kind of a program that the City could apply for and then the City would indicate if they wanted to complete the project. It seemed appropriate for the State to provide something tangible at this point. Glenn Moshier, City Manager interjected that the City staff was hoping to bring a more complete packet to the June Council meeting. Staff who has put a lot of time and effort into the planning and have a better understanding of the process going forward will be prepared to speak during the next Council meeting. Moshier explained \$100,000 will move the project from the concept phase into the next phase which includes engineering for the further extension of the path. This would be basically from Main Street up to the existing Sunrise Trail; that portion will require extensive engineering, and there are multiple different options that are being explored. Moshier explained the \$100,000 will fund the construction phase from where the trail currently ends to the Main Street portion and then the next phase of this investment will come with cost estimates on extending it further. Councilor Kaplan stated one of her concerns was the path must be ADA compliant; she questioned whether this would require year round maintenance. Blanchette explained there is a question on that requirement in regards to plowing, sanding, and salting; the current path is not maintained to that level. Kaplan wondered what the annual cost would be to maintain the path. If it is not maintained during the winter and it is supposed to be in order to comply with ADA regulation, would the City be opening themselves up to liability if someone slips and falls? Lisa Sekulich, Public Works Director explained these are all of the topics staff was planning on presenting information on at the next Council meeting. The Maine DOT does have a program through the Trails Program. That is the same program that funded the PPI, a study was just conducted, and an application for that program is due in August. The goal was for staff to present this information next month and request the \$100,000 matching funds to the Maine

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DOT's \$400,000 for a total of a half a million to start the engineering as well as the construction portion of the first phase. As part of the presentation next month, a sample contract would be presented based on the City receiving the funding. The sample contract would address the maintenance requirements. The questions asked this evening will be covered in the presentation next month.

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

RESOLVED to approve tabling Council Order #042108, Discussion and action on supporting the bike/pedestrian path extension project with local support through a future funding source until the June Council meeting.

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 #052100, Request of the Recreation Commission to accept the resignation from Shane Lowell term to expire on June 30, 2021. **

*Council Order #052101, Request of the Recreation Commission to appoint Daron Goldstein term to expire on June 30, 2022. **

*Council Order #052102, Request to accept a donation of labor and materials for the installation of a footbridge on the walking path in the Shore Road vicinity. **

*Council Order #052103, Request of the Library Board of Trustees to disband the Library Special Collections Committee. **

Consent Agenda.

Approved - Consent agenda items as presented this evening.

Approved – CO #052100, Shane Lowell resignation.

Approved – CO #052101, appointment of Darion Goldstein.

Approved – CO #052102, donation of labor and materials for a footbridge.

Approved – CO #052103, disband the Library Special

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

Collection Committee.

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

NEW BUSINESS

New Business.

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

Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 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 - Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 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.

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 Kaplan, it was unanimously

RESOLVED to approve the request of Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 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.

Charles B. & Ariela L. Zucker d/b/a Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License.

Approved - Charles B. & Ariela L. Zucker d/b/a Twilite Motel, 147 Bucksport 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.

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Public hearing was closed.

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

***RESOLVED to approve the request of Charles B. & Ariela L. Zucker d/b/a
Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License.***

*Manny's Greek Grill, LLC, 248 State Street Suite N for renewal of a City Class C
License (Liquor and Victualer) and renewal of a State Restaurant (Class III & IV)
Malt and Vinous Liquor License.*

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

***RESOLVED to approve the request of Manny's Greek Grill, LLC, 248 State
Street Suite N for renewal of a City Class C License (Liquor and Victualer) and
renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.***

*Brian Langley d/b/a Union River Lobster Pot, 8 South 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.*

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.

**Approved - Manny's
Greek Grill, LLC, 248
State Street Suite N
for renewal of a City
Class C License
(Liquor and
Victualer) and
renewal of a State
Restaurant (Class III
& IV) Malt and
Vinous Liquor
License.**

**Approved - Brian
Langley d/b/a Union
River Lobster Pot, 8
South Street, for
renewal of a City
Class C License
(Victualer and
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HEIDI GRINDLE.**

Public hearing was closed.

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

RESOLVED to approve the request of Brian Langley d/b/a Union River Lobster Pot, 8 South 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.

Following the vote, Councilor Phillips inquired when the Lobster Pot would be reopening for the season. Mr. Langley stated he was hoping for around June 5 or a few days after. Langley felt it would be more like a normal year; he is looking forward to guests returning to sitting down at tables.

Douglas J. Kiehm and Racheal E. Wallace d/b/a Homestead Motel and Cottages, 143 Bucksport 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 Blanchette, seconded by Kaplan, it was unanimously

RESOLVED to approve the request of Douglas J. Kiehm and Racheal E. Wallace d/b/a Homestead Motel and Cottages, 143 Bucksport Road, for renewal of a City Lodging License.

Council Order #052104, Appointment of Suzanne McLean as Tax Collector by the City Council and confirmation of the appointment as Deputy Treasurer.

**Malt, Spirituous and
Vinous Liquor
License.**

**Approved - Douglas J.
Kiehm and Racheal E.
Wallace d/b/a
Homestead Motel and
Cottages, 143
Bucksport Road, for
renewal of a City
Lodging License.**

**Approved - Council
Order #052104,
Appointment of
Suzanne McLean as**

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DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HEIDI GRINDLE.**

Jennifer Merchant, Finance Director explained the Finance Office has chosen Suzanne McLean to serve as the City's tax collector; by State Law this position requires the Tax Collector to be annually appointed by the Municipal Officers. See attachment #3, for the complete request. McLean joined the City from the Town of Gouldsboro where she served as the Deputy Tax Collector, Registrar of Voters, Freedom of Access Officer, and Deputy Clerk. McLean was originally hired to be the Tax Clerk and has been employed by the City for six months. McLean was present at the meeting.

**Tax Collector and
Deputy Treasurer
with a term to expire
on June 30, 2021.**

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

RESOLVED to approve Council Order #052104, Appointment of Suzanne McLean as Tax Collector and Deputy Treasurer with a term to expire on June 30, 2021.

Council Order #052105, Request of the Public Works Director to accept MPI Funds from MDOT for necessary work on the Christian Ridge Road and authorize the City Manager to sign the documents.

**Approved - Council
Order #052105,
Request of the Public
Works Director to
accept a Municipal
Partnership
Agreement with
Maine DOT for the
reconstruction of a
portion of the
Christian Ridge Road
and to allow the City
Manager to sign
required
documentation.
Funding for this
project to be from the
Local Roads Capital
Improvement Account
(9090900-59001).**

Lisa Sekulich, Public Works Director explained she has been working for approximately 1.5 years with Maine DOT to secure funding for redoing a section of the Christian Road from approximately Bucksport Road to Grant Street. The City has been approved for funding beginning on January 1, 2022; originally it appeared the City would be on the 2023 list. Sekulich is requesting the municipal partnership agreement of a 50/50 split up to a maximum from the Maine DOT be approved this evening. The Maine DOT will contribute \$475,000; with the City matching \$475,000 or whatever it costs above and beyond the \$950,000. This price includes engineering and construction for that section of the road. See attachment #4, for the complete request including the State of Maine Department of Transportation Municipal Partnership Agreement. Chair Hamilton inquired if Sekulich was anticipating completion during the next fiscal year. Sekulich noted if the funding is not received until January 1, 2022, the engineering will need to be completed first which will be completed in 2022 and then with any luck construction could start in late 2022 or early 2023. It would be approximately 1 to 1.5 years before the road will be rebuilt.

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

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RESOLVED to approve Council Order #052105, Request of the Public Works Director to accept a Municipal Partnership Agreement with Maine DOT for the reconstruction of a portion of the Christian Ridge Road and to allow the City Manager to sign required documentation. Funding for this project to be from the Local Roads Capital Improvement Account (9090900-59001).

Council Order #052106, Request of the Public Works Director to accept a bid for the FY2021 paving projects.

Lisa Sekulich, Public Works Director reminded the City Council that the paving contract was not put out to bid in early FY2021. At this time, the paving contract is being placed out to bid for FY2021 to be completed by July 1, 2021. A bid opening was held on May 13, 2021; six RFPs were requested only two bids were received. This was due to contractors being very busy at this point in time. See attachment #5, for the complete request including the bids submitted, spreadsheet with bid results, and Invitation to Bid documents. Eurovia-Northeast Paving and Wellman Paving were the only two that returned bids. Eurovia-Northeast Paving, previously known as, Lane's Paving was the low bidder; therefore, Sekulich is requesting the bid be awarded to them. Councilor Phillips inquired how the unit prices compared to those from last year. Sekulich noted they are approximately \$10 - \$15 per ton higher. Phillips noted the prices will likely continue to creep up.

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

RESOLVED to approve Council Order #052106, Request of the Public Works Director to award the FY2021 Maintenance paving contract to Eurovia-Northeast Paving per the attached pricing (attachment #5). The Contract amount to be funded from the Local Roads Capital Improvement Account (9090900-59001).

Public hearing and action on Council Order #052107, the Ellsworth School Budget Resolutions for FY 2022.

- a. Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Ellsworth Schools for FY2022.*

Approved - Council Order #052106, Request of the Public Works Director to award the FY2021 Maintenance paving contract to Eurovia-Northeast Paving per the attached pricing (attachment #5). The Contract amount to be funded from the Local Roads Capital Improvement Account (9090900-59001).

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- b. Order Approving Non-State Funded School Construction Debt Service For Ellsworth Schools For FY2022.*
- c. Order Raising And Appropriating Additional Local Funds For Ellsworth Schools For FY2022.*
- d. Order Approving Total School Operating Budget for Ellsworth Schools for FY2022.*
- e. Order Appropriating And Raising Funds For Adult Education For FY 2022 As Required By The Maine Revised Statues, Title 20-A M.R.S.A. §8603-A (1).*
- f. Order Raising Local Funds for Food Service in the Ellsworth Public Schools for FY2022.*
- g. Order Authorizing Expenditure of Grants and Other Receipts for School Department Programs.*
- h. Order Authorizing Disposition of Additional State Funding for Public Schools for FY2022 in the event of an increase.*

Daniel Higgins, Ellsworth Superintendent of Schools provided an explanation on the proposed School Budget. See attachment #6 for the complete request, suggested motions, spreadsheet of expenditures and revenues, as well as the Notice of Amounts adopted by the Ellsworth City Council (for informational purposes only, the signatures will be obtained on Thursday night). Since the presentation on April 12, 2021 the School Board and staff have been working on finalizing the budget and creating a final document; this was approved by the School Board unanimously on April 27, 2021. The budget that was approved on April 27, 2021 was based upon the budget that was approved by the State of Maine Legislature back at the end of March and is reflected in the April 5, 2021 #8279 subsidy documents. Since the School Board budget meeting with the City Council the tuition revenues have been updated based upon the completion of the recruiting process by the Ellsworth High School staff and HCTC staff. They have completed the nickeling and diming process of the budget documents. The focus areas still include staffing to meet the enrollment, shifts, trends, address increased needs for students, trauma, social and emotional needs. The budget includes a proposed new program at HCTC called Cybersecurity; this program already has a good sized enrollment for a first year program. This budget continues to support the ongoing maintenance plan. Higgins reminded the public that funds to support the Ellsworth School budget come from the following sources: State support in the form of subsidy allocations and debt service reimbursement. He also noted that the document provided to the Council

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(attachment #6) is based upon the budget that was approved at the State level at the end of March. The proposed budget does not include anything with regard to Governor Mill's proposed updated budget. The other source of funds which support the School Department operations are tuition revenues from communities with school choice and local citizen support through property tax revenues. Higgins reviewed the revenues section of the proposed budget documents. The mil rate applied to this budget will be 7.9 mils rated against the evaluation; this would require the City to raise \$8.599 million dollars as a local contribution in order for the School System to receive full State subsidy. This represents a decrease of over \$82,000 from last year. Additionally, the School will see an increase of \$161,679 in subsidy for Pre-K through Grade 12 education. Higgins stated the School Department will also receive support from the State for career and technical education programs. There will be an increase of \$35,990.47 which is just under \$1.7 million to support that program. Higgins directed the City Council to look at the tuition and CTE assessment lines. When the School Department presented at the Council budget workshop held on April 12, 2021 the School was proposing approximately an \$111,000 increase in tuition payments to the School system; through the final recruiting process it has become apparent there will be a projected \$152,000 increase in tuition revenues. This increase will offset the local assessment. Additionally, the CTE assessment line has been increased by \$26,649; this is a little bit lower than what was presented during the workshop. The reason for this decrease was because some budget reductions were identified within the HCTC budget. This is still a positive element because there will be increased revenues coming in to the assessment line. Higgins addressed the revenues within the Adult Education section; when the School presented during the April 10, 2021 workshop it was estimated that there would be a \$79,000 increase; however, they found some budget reductions as well as they are going to apply \$35,000 of Fund Balance to offset expenditures in adult education.

Higgins addressed the expenditures side of the budget as well. In the Regular Instruction there is an increase of 6.09%. The reason for the \$12,000 increase is they found during a final review of the budget the expansion of the Pre-K program to be five days a week on a full day basis was not included in the original numbers. This cost is estimated at \$24,000. They also found a \$12,000 reduction due to a successful bid process on the replacement of Chromebooks for student one-to-one computing at the Ellsworth High School; this will net a \$12,000 increase on that line item. The Career and Technical Education line item had additional changes. When

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the School attended the Council workshop in April, the Cybersecurity program included a cost for renovations to the facility, supplies, and equipment, as well as a full-time instructor. Higgins stated through the School Department's work with the University of Maine at Augusta it became apparent that the University is a proponent of cybersecurity programs. They are going to provide a full-time instructor for the School Department to serve the students virtually; therefore, the full-time instructor expense has been removed from the budget and replaced with a .5 full-time equivalent Ed Tech level position with some technology experience to be with the students on sight. By restructuring this position it results in a reduction in cost for that program. Another change within the budget deals with suspending the Marine Trades Program for one year which was located at the Mt. Desert High School. Through the recruiting process it became apparent that there was not sufficient enrollment to continue that program. This suspension results in a reduction of \$67,000 in the budget. This was a program in which the School Department receives subsidy causing that calculation to be adjusted. There will be a reduction of \$13,600 in subsidy. Higgins stated that is why instead of a \$140,000 to \$150,000 increase in the CTE; there is only an approximately \$40,000 increase.

Higgins noted within food services an increase was already discussed in the earlier workshops and currently there is one more piece that is being worked on. Last year, when the budget was designed it was based off from projected revenues or what they expected to have for lunch sales. At the time, that budget was created last year the goal was to have the students back in school full-time. The bulk of the year was spent with half or less than half of the students in school on a daily basis; as a result, the revenues to support the Food Service Program are lower than what had been projected. Two weeks ago an estimate was created on what the School might need to transfer from the General Fund to make that program whole for the year; it is approximately \$93,000 that might need to be transferred. Higgins explained that because only half of the students that were expected were coming into the school paying for lunch; even though, the State was reimbursing at a higher level the revenues were still not available to support the program. Less money was spent on food and equipment; however, there is still a gap to make up. The good news on that front is since the School has returned to five day instruction with the majority of the students attending there has been a healthy uptick in those revenues. Higgins expects that \$93,000 amount to be reduced. The budget for next year is anticipating having all of the students back in school this fall; therefore, this budget was based on the traditional reimbursement of funds that the School receives from the

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Department of Education. The School Department's understanding is there will be a higher level next year similar to what is in place this year. Hopefully, that will help make up for the deficit this year. following the work on the budget since April 12, 2021 and then approved by the School Board is the total local appropriation on the part of the citizens in the amount of \$11,566,605.76 or an increase of \$6,300 over what was appropriated last year.

Councilor Kaplan inquired if the students are currently being charged for lunches. Higgins explained that through the school lunch program a law was passed that the State would reimburse for all students that receive lunch. All students are receiving lunches for free because the School is receiving a reimbursement from the State to cover that expense. Higgins stated even with that change, they were only feeding roughly half of the student that are enrolled in the Schools because they were coming every other day. If parents continued to put money on their lunch accounts and were not charged for lunches, they should contact the Food Services Director Ray Daley to verify the amount on the account and then be issued a refund.

Councilor Grindle inquired when the final State subsidy figures would be available. This budget is based on the March figures; Higgins noted right now those are the final figures. What is not known is what the Governor has proposed for an updated budget. There is supposed to be \$187 million for general purpose aid and on the municipal side Higgins understood there should also be some revenue sharing. An estimate on those figures were provided today; however, the final figures will not be known until the Legislature votes to approve a budget that has been amended. There is no guarantee this is what will happen; however, information provided today indicated with the budget that has been proposed: \$187 million dollars would commit the State to reaching 55% of the cost of education across the State (as was voted on many years ago). This would not increase the total allocation for education, what it would do however is decrease the required local contribution of a municipality or mil rate expectation on the sheet and increase the State subsidy allocation by the same amount. Basically a reduction in the mil rate from 7.9 to 7.26 mils was proposed in the information provided during the afternoon of this meeting. The numbers indicate a \$690,000 decrease in required local allocation. There would be a similar increase dollar for dollar on the line that says State subsidy allocation. Higgins identified there is an item within the Council Orders that addresses three options for handling any additional funding. These include expending additional funding within the cost centers, place those additional funds

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into a reserve account that has already been approved, or the Council could reduce the local allocation. Higgins stated for the public's benefit the Council must take action tonight on the budget because there is a budget validation referendum scheduled in June. The actual final figures may not be available from the State until June at the statutory adjournment date before the budget is approved at the State level. The Council Order does provide the opportunity to discuss that topic and any additional funding that may become available. Grindle wondered if there was \$3.3 million unspent or will be unspent at the end of the year. Higgins stated that information does have the current expenditures listed. When the School Department reported at the Council workshop they tried to obtain projected ending balances; on April 12 the School Department was just over \$2 million. It was estimated to be slightly lower than that now because the School Department has had some additional expenditures. Those numbers have been factored into the decision to put \$1.8 million towards fund balance. Higgins also recommended consideration on some dollar amounts to put into Reserve Accounts in order to position the School for the future. The final audit has not been returned yet. He did not want to make that formal recommendation tonight although the School is highly confident of those figures. Grindle remembered Higgins had a number of Reserve accounts in mind and asked him to provide a quick number on the allocation to those Reserve accounts. Higgins stated they are considering a Special Education Reserve: \$150,000; Minor Capital Reserve Account: \$200,000; and either into a General Education Reserve or an HCTC Minor Capital projects Reserve Account: \$100,000 which would be a total of \$450,000. This would still allow the School Department to manage the Fund Balance moving forward. Higgins reminded the Council that during the FY2021 budget the School Department applied \$1.32 million and in FY2022 they are projecting to apply \$1.8 million for the next budget. The School Department is able to do this because during the past two years they expended less money than was budgeted; partially due to the pandemic and then this year the School Department had a terrible time finding adequate staff. The School will not be able to sustain those levels of fund balances indefinitely.

Chair Hamilton stated the \$1.32 and \$1.8 transfer into the fund balance should be kept in mind; hopefully the 55% will be funded and there will be close to \$700,000 available to think about. Hamilton noted this will be a pretty significant increase next year; the assumption is the School Department will be spending the entire budget. The pandemic impacted the budget and the spending pattern during that time. Hamilton stated it is something to be aware of moving forward; the allocation

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was increased quite a bit. Depending on whether it is next year or the year after there has to be some kind of softer landing or else it will be a big hit on the bottom line in the future. Higgins stated things are starting to look promising; however, the next couple of fiscal years could present challenges; it is imperative that the Community continue to look forward and view it on a long-range basis so that there is not a cliff impact.

Councilor Lyons inquired how much of the COVID funds were still available and what could those be expended on. When there was a deadline of expending the funds by December 30; the School Department found ways to support keeping the schools open and safe. They were creative; however, met their needs. Higgins explained there have been several sets of funds that have come forth. He explained the different funds, when they were received, and how the funds were spent. Higgins explained the funds known as ESSER 2 are still remaining; there was \$888,000 and ESSER 3 which is like the American Recovery Program Funds in the amount of \$1.9 million. The School is still reviewing the final requirements for spending those funds. Some of the things being considered are: what kinds of staffing will be needed next year to help students recover from any learning loss that they may have had, to support social, emotional, mental health, and to support physical health. Everyone is expecting as life moves forward, the pandemic ends, and things return to normal the pieces will need to be in place and staffing available to support the Schools moving forward. Those are the types of things the School is researching for expending those funds on. The deadline for expending those last two sets of funds extend out until 2023 and 2024. Those funds can be used to support the Schools and supplement what is already taking place, they cannot replace funds already within the budget. Lyons inquired if funds could creatively be used to support the pedestrian/bike trail because the kids use the trail and the school recently purchased new mountain bikes that could likely be used on that trail. Higgins was not sure but he did not think so because he has not seen the final rules on the last set including the almost \$2 million. Everything available from the other sources of funds stated, it has to be directly related to COVID, keeping your schools open, and safe. Higgins stated he is making a mental note for this potential connection because it might be possible to make that argument for supporting that project. Lyons thought with parts of the City lagging in broadband; it might be possible some of the funds could be used toward the expanded broadband project within Ellsworth. Higgins was not aware of any particular broadband project; however, they have expended a large amount of funds to make sure all of the

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students have connectivity. The School purchased many hot spots. Lyons was wondering about the Route 179 area and adjoining section in that direction where kids do not get adequate service. Higgins thought they could make an argument to spend funds on a situation where a student could not connect and the School could park a bus in that area with a hot spot connected; if it is a project that is not directly connected to the School then those funds could not be used.

Councilor Kaplan asked Higgins to define what he meant when referring to social, emotional, and mental health. Higgins stated the School is looking at using these funds to hire a board certified behavioral analyst to support the Special Education Program. Special Education students were hit particularly hard with only being able to attend School every other day. In some cases having a difficult time accessing their programs. In addition to challenges academically a lot of students that were in those programs experienced some emotional challenges. They are looking at professional development for the staff, supplementing the guidance program, and supplementing the social worker program, to make sure that students as they come back to School and continue to be in School have access to those services. The Summer School Program is not attracting a lot of interest this year; a lot of families and students would like a break from school and that is understandable. It has been a long difficult 15 months for everybody. Higgins stated they are also looking for an opportunity to use those funds for summer camps. For activities that provide children with social and emotional growth and developmental opportunities while taking a break from academics.

Chair Hamilton noted the School Board and Superintendent have been following the rules that have been put in front of them; they have had no choice but to do that. The following statements are not a reflection on the Ellsworth Superintendent or the Ellsworth School Board. Hamilton found it remarkable that there are millions of dollars being funneled in because everyone is faced with addressing what has become a very significant concern, emotional and mental health needs of the children because the schools were closed. The way that the schools were closed in this State and other States impacted this situation. Hamilton hoped in the future there will be more consideration given around that type of impact so there can be an honest debate and discussion in determining what is in the best interest of the kids based on the facts and information that is available. He felt it was a travesty that now many children need extra support because of the toll this pandemic placed on them. In his opinion, some of that is based on decisions that have been made, not

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by the Ellsworth Superintendent or the Ellsworth School Board. He gave the Ellsworth School Board, the Ellsworth Administrators, and teachers incredible credit for what they have done to support the kids and getting them back into the school system; they deserve a lot of recognition.

Higgins noted they are still working on the biggest challenges of reopening completely. They have brought back all of the students with the exception of two grades that want to be back. Additional changes were published this morning; however, one thing that did not change was the requirement to maintain the six foot distance when the students are eating. According to the health and safety guidelines the School can open things up a little bit more.

Kaplan inquired if the School was going to require vaccinations for 12 year olds and up. Higgins stated no. She then inquired if any of this emotional health was geared towards combating the opioid epidemic; this starts in high school. Higgins stated a lot of the resources that the school guidance and social workers have put together are looking at all causes of social and emotional distress. Certainly substance abuse is part of that and throughout this pandemic that is something that increased in many places.

Councilor Blanchette questioned in regards to the disposition of additional state subsidy would it all be given to the School Department. Higgins stated no, the School Board has presented three or four different scenarios on how any additional funds could be distributed. In the past, extra funds were divided 75% toward reducing the local assessment and \$35,000 to fund a different project. The important part was there was a conversation on how to handle those additional funds. There is a potential for a large sum of additional funds and if the proposed budget passes; at the time the additional funds become available Higgins may advocate for funding some projects that were either removed from the budget or have been put in the application for grant funds (which cannot be filed yet), as well as putting a portion towards reducing the local appropriation. There needs to be conversation on what is in the best interest of the community, schools, and taxpayers. Higgins did not have a percentage in mind at this point. Higgins stated the School system has not mandated or required the vaccine; however, they have made the opportunity available for interested staff members and eligible students. An on-site clinic will be held for students age 16 and above, tomorrow. Communication will go out to parents tomorrow for an on-site clinic next week for students 12 and above. Kaplan

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KAPLAN, LYONS, MILLER, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
MERCHANT, ADAM WILSON, SUE MCLEAN, LISA SEKULICH, KATINA
HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

inquired if students who choose to get fully vaccinated will still be required to wear a mask at school. Higgins stated until the rules concerning schools change, the answer is yes. He explained the National announcement states one thing; however, there is language that follows stating very clearly this does not apply to schools.

Lyons asked if Higgins had thought about possible reductions if the voters do not pass this budget at the Election. Higgins stated the School Board is at the point that they were able to include in this budget some additional staff to support increased enrollment. This budget is made up of between 65% and 85% costs to support staff. If the voters during the budget validation referendum vote not to approve the budget, they will not be given the opportunity to tell the School how much to reduce the budget by. The budgeting process has to be repeated by the School Board, then the City Council has to approve a new budget, and then that budget goes back out to the voters. Higgins stated yes, the School Board has a prioritized list of necessary expenses which is how they arrived at a figure for tonight. If further reductions are necessary, they will likely involve cutting staff and programs. He presented the entire list during the workshop on April 12; however, the School has presented a budget this evening that does not provide a significant increase to the local tax base on an annual basis. Last year, there was a tiny decrease, this year there was a \$6,000 increase overall. He hopes the voters recognize the fact that the School Department has submitted responsible budgets the past few years.

Public hearing opened.

There were no public comments.

Public hearing closed.

Grindle inquired if the numbers within the Council packet changed (attachment #6). Higgins stated the numbers that were in the packets today should reflect what is in the proposed budget this evening. Nothing has changed; the spreadsheet referenced this evening is just a different layout of the same numbers contained within the Council Orders provided as part of attachment #6.

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

RESOLVED to approve City Council Order #052107a: ORDERED that the

**Approved - City
Council Order
#052107a: ORDERED**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
MERCHANT, ADAM WILSON, SUE MCLEAN, LISA SEKULICH, KATINA
HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$8,599,676.67) and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

The School Board Recommends \$8,599,676.67

that the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$8,599,676.67)....

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

RESOLVED to approve City Council Order #052107b: ORDERED that the City will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12.

The School Board Recommends \$83,059.34

Approved - City Council Order #052107b: ORDERED that the City will raise and appropriate for the annual payments on debt service The School Board Recommends \$83,059.34.

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

RESOLVED to approve City Council Order #052107c: ORDERED that the City of Ellsworth raise and appropriate \$2,463,536.36 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$2,463,536.36 as required to fund the budget recommended by the school board?

The School Board recommends \$2,463,536.36 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$2,463,536.36. This amount is needed to cover the School Department's expenses that are not recognized or fully funded by the State's funding model: Facilities/Maintenance costs, Special Education costs, Technology costs, Transportation costs, Professional Development costs, and System Administration costs.

Approved - City Council Order #052107c: ORDERED that the City of Ellsworth raise and appropriate \$2,463,536.36 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$2,463,536.36

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

Before a vote was taken Daniel Higgins, Ellsworth Superintendent clarified the additional local article pertains to when essential programs and services was first passed into law; the philosophy behind it was that the total allocation that is listed within the subsidy line is a representation of what high quality school districts expend as a baseline amount. Along the way, between when that was passed in 2005 or 2006 forward it has changed, where essential programs and services became the expenditure ceiling. So philosophically it has changed, that is the reason the Council sees additional local dollars. These are needed funds to support operations of the School.

A final vote was taken following the explanation with all members voting unanimously in favor.

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

RESOLVED to approve City Council Order #052107d: ORDERED that the City of Ellsworth will authorize the School Board to expend for the fiscal year beginning July 1, 2021 and ending June 30, 2022 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommend \$23,437,190.48

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

RESOLVED to approve City Council Order #052107e: ORDERED that the City of Ellsworth appropriate \$243,787.19 for Adult Education and raise \$243,787.19 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

Approved - City Council Order #052107d: ORDERED that the City of Ellsworth will authorize the School Board to expend for the fiscal year beginning July 1, 2021 and ending June 30, 2022Recommend \$23,437,190.48

Approved - City Council Order #052107e: ORDERED that the City of Ellsworth appropriate \$243,787.19 for Adult Education and raise \$243,787.19 as the local share...

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
MERCHANT, ADAM WILSON, SUE MCLEAN, LISA SEKULICH, KATINA
HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

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

RESOLVED to approve City Council Order #052107f: ORDERED that the City authorizes that the sum of \$179,546.19 is hereby raised for All Other Expenditures (the Food Service Program) for Fiscal Year 2021-22; and that the Ellsworth School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well-being of the food service program.

Before a vote was taken Councilor Kaplan stated the number on the bottom of the worksheet described in attachment #6 states \$176,546.19 and questioned if this was a typo. Dan Higgins, Superintendent of Schools stated that was a typo on the spreadsheet, and should be \$179,546.19 instead.

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

RESOLVED to approve City Council Order #052107g: ORDERED that in addition to amounts approved for the Fiscal Year 2021-22 School Operating Budget, the School Board be hereby authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not appropriated for the School Operating budget.

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

RESOLVED to approve City Council Order #052107h: ORDERED that in the event the Ellsworth School Department receives more state education subsidy than the amount included in its budget, the School Board be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or

Approved - City Council Order #052107f: ORDERED that the City authorizes that the sum of \$179,546.19 is hereby raised for All Other Expenditures (the Food Service Program) for Fiscal Year 2021-22...

Approved - City Council Order #052107g: ORDERED that in addition to amounts approved for the Fiscal Year 2021-22 School Operating Budget, the School Board be authorized to expend such other sums as may be received from federal or state grants or programs.....

Approved - City Council Order #052107h: ORDERED that in the event the Ellsworth School Department receives more state education subsidy than the

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HEIDI GRINDLE.**

decrease the local cost share expectation, as defined in Title 20-A, section 15671-A(1)(B), or local property taxpayers for funding public education as approved by the School board.

Before a vote was taken Councilor Blanchette asked Dan Higgins, Superintendent of Schools to clarify for the public's information exactly what the above motion means. Higgins stated if by action of the Legislature additional funds in the form of State subsidy are sent to the Ellsworth School Department this Order gives the School Board authorization to work with the City Council. Some options, on how to use those funds are: 1) Expend those funds for items the school took out of the budget. 2) Put some of those funds into a reserve accounts either in existing or to be created. 3) To reduce the local appropriation. As was done three or four years ago there was a collaborated effort on combining a few of the above options to agree on how those funds would be allocated. Blanchette wondered if the wording "who will work with the School Board, meaning the City Council" be included within the above motion. Higgins did not feel that language needed to be added to the motion. This is a common place Council Order among school districts; Higgins believes his record confirms he has worked with the City Council all along and this language does not need to be included within the motion.

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

Council Order #052108, Request of the Wastewater Superintendent to accept a quote for repairs to the aeration blower located at the Wastewater Treatment Plant.

Michael Harris, Wastewater Superintendent explained there is an aeration blower at the Wastewater Treatment Plant that has a failed core. It has been sent to Korea; a quote in the amount of \$29,840 has been received from the manufacturer. See attachment #7 for the complete request including a quote from APG Neuros. This piece of equipment is required for the plant to function correctly.

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

amount included in its budget, the School Board be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or decrease the local cost share expectation, or local property taxpayers for funding public education as approved by the School board.

Approved - Council Order #052108, accept the price quote from APG Neuros in the amount of \$29,840 to be funded from the Wastewater Treatment Plant Capital Reserve Account.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
MERCHANT, ADAM WILSON, SUE MCLEAN, LISA SEKULICH, KATINA
HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

**RESOLVED to approve Council Order #052108, accept the price quote from
APG Neuros in the amount of \$29,840 to be funded from the Wastewater
Treatment Plant Capital Reserve Account.**

*Council Order #052109, Discussion and action on a proposal to change the start
time of the Council meetings to 6:00 PM. (Sponsored by Chair Hamilton)*

Chair Hamilton explained this request has come up in terms of trying to make the City Council meetings a little more convenient to attend for the public, City Staff (especially as the meetings have been extending later into the evenings), and most of the other Committees/Commissions/Boards have start times of 6:00 PM. Hamilton was curious if there was any interest by this Council to change the start time or not; he realized nothing was perfect and some people may not be able to attend that early. Councilor Phillips felt years ago the start time was set at 7:00 PM and that was based on a traditional workday of 8 AM – 5 PM. This start time allowed those who worked time to finish their day, change, and arrive at City Hall at a reasonable time. This also allowed people who wanted to attend the meeting the same opportunity. Phillips noted maybe life has changed; however, he thought that was the reason the time was set that way and never amended. Councilor Lyons noted sometimes he is hard pressed to arrive at City Hall by 7:00 PM; however, he has the ability to make a different arrangement if it is necessary. There are times Lyons does not finish his workday until 6:00 PM; Phillips also shared that work schedule prior to his retirement. Lyons could make arrangements to make a 6:00 PM meeting, if that was the will of the Council. Councilor Blanchette was fine either way; however, he was leaning toward keeping it the same. Blanchette felt it might make it more difficult for the employees that attend the meetings because they would have to stay between the end of the day and the beginning of the meeting without an opportunity to go home first. Lyons wondered if the employees would rather stay over and have the meetings get over a little earlier. Glenn Moshier, City Manager noted the employees present this evening normally do stay in Ellsworth between 5 PM and 7 PM. Lyons stated putting the employees above himself he thought it might be better to start the meetings at 6:00 PM; he had mixed feelings about it. Councilor Kaplan was curious what the other employees in the room felt about changing the time of the meetings. The consensus of the employees in the room was they are in favor of the earlier start time. Moshier stated the concept came up during a Management meeting. The question was raised because all of the other meetings such as the

**Approved - Tabling
Council Order
#052109, Discussion
and action on a
proposal to change the
start time of the
Council meetings to
6:00 PM.**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

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PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HEIDI GRINDLE.**

Planning Board, Commission meetings, and the Budget Workshops were all scheduled to start at 6:00 PM. There was no good answer for why the City Council meetings have remained at 7:00 PM when that question was raised. This question was brought to the Finance Committee to see if there was a reason or justification specifically dictating a 7:00 PM start time. The thought process was as the Council meetings have started to extend until 9 PM or 10 PM the suggestion was made for the meetings to start at 6:00 PM instead so employees might be able to get home a little earlier. Moshier honestly felt it might be an option that would appeal to the Council as well. He was confident that the 3 staff members present this evening as well as himself would stay through regardless of whether the meetings start at 6:00 PM or 7:00 PM, with the exception of running out for a quick dinner or short errand. The majority of staff members do not travel home and back prior to Council meetings. Lyons stated he would be in favor of moving the meetings to 6:00 PM, rather than be selfish. Blanchette inquired if the Council could change the time of the meetings mid-way through the term; Hamilton did not know whether the Council could do that or not outside of the rules. The meeting time was voted on at the annual Organizational meeting in November. Phillips felt the Council should stand by the time until the November Organizational meeting; that seems like the appropriate meeting to consider adopting new rules. Hamilton suggested if a Councilor were to make a motion to table this discussion it would allow time to hear from the public as well. He felt Phillips made a good point that the Council does not want to prevent the public from participating either. Hamilton encouraged members in the community to share their thoughts on this topic. Grindle was willing to make a motion to table the discussion because it is an important topic.

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

RESOLVED to approve tabling Council Order #052109, Discussion and action on a proposal to change the start time of the Council meetings to 6:00 PM.

Council Order #052110, Discussion and potential action on Summer Use of Downtown Parking Spaces. (Sponsored by Chair Hamilton)

Chair Hamilton stated earlier in the meeting there was a discussion concerning some changes being made downtown to add some green spaces and access. The reason for this discussion is to make sure that the Community is aware of that

This was a discussion item only, no action was required or taken this evening.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HEIDI GRINDLE.**

request as well as other things that are happening to maybe free up some parking spaces and access. The Council is fully anticipating a very busy summer even with the limited parking; the goal is for all merchants to be able to have patrons find parking spaces to be able to visit their stores. There will need to be a collaborative effort if this plan is going to work for everyone involved. Glenn Moshier, City Manager explained the Franklin Street situation is something that was broached last summer with Downtown Merchants to look toward creating a space where restaurants could expand into the outdoors based on the COVID restrictions. There was interest from the Downtown Merchants but it never reached fruition; the City at that time did not have any funding to support this project. Entering this season the City was anticipating continued restrictions placed on restaurants and there was still a lot of discussion and motivation within the Downtown Merchants to see this space created, not only for dining but just an outdoor gathering space for shoppers too. Through conversations with Moshier had with Lisa Sekulich and Janna Richards the planning started to take form including the finances that would be needed based on that vision. There was money, specifically set aside by the City Council for the City to utilize for the benefit of businesses that had been negatively impacted through COVID. The plan included expanding upon the idea to close down Franklin Street, have the Public Works Department make picnic tables, purchase barricades, stone planters have been added, as well as whisky barrel planters, including lots of flowers; many of the elements have been donated. The hope is that on May 24, 2021 the park will be created and opened shortly after to add a nice gathering spot in the center of the City. The goal is to monitor the use of this area by the amount of activity that takes place there and then move forward in the future based on whether it was viewed as a valuable endeavor or not. Councilor Kaplan inquired what happens to the park when the businesses close for the night. Moshier explained the park will not close at night; although, the area does have surveillance videos of the parking lot so it will be watched over at night. This area is safely lit at night as well as the umbrellas do have lights in them. The individual businesses were not polled; however, most of the conversations have gone through the Heart of Ellsworth. Everyone Moshier has spoken with or heard comments from have been very positive. Lyons was concerned some restaurants would feel disadvantaged because of their distance from the park; however, Moshier stated everyone's understanding is this would be a take-out dining area only. Even in light of the COVID restrictions being lifted there will still be people who are not comfortable eating in restaurants, especially if they are crowded so this park provides a nice

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KAPLAN, LYONS, MILLER, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HEIDI GRINDLE.**

alternative. There will be a hot spot available for internet access; however, there will not be restrooms available. Daron Goldstein from Provender was encountering technical difficulties joining the meeting remotely; however, he wanted to let the City Council know he was interested in blocking off two parking spots in front of his restaurant starting on Memorial Day. This would be for the safety of the tables he would be offering out door service at. Moshier explained he had a conversation with Goldstein earlier before the final plans were made for the park. During these conversations, Moshier had granted Goldstein authority to continue the same dining experience he offered last year concerning dining outside of his restaurant on the sidewalk. The importance of this arrangement for his restaurant is it expands his ability to offer table service which is a much different experience for the diner compared to taking the food away from the restaurant in a box to eat at a picnic table. Goldstein felt it was important for his restaurant to be able to continue offering this level of ambiance to his customers. Moshier felt for the impact that two parking spaces which are directly located in front of his restaurant (only serving dinner at this point) has to the rest of the downtown area is fairly minimal. Moshier felt the benefits of reserving those two parking spots was worth the interruption. The reason for the two parking spaces being taken up is purely safety; he could do the same seating without actually taking out those two parking spaces. This was initially Moshier's request because he did not want diners to be sitting at the edge of the sidewalk and have someone trying to parallel park right next to their table running the risk of potentially hitting someone with a car. Moshier stated the only other impediment to parking that he has had requests for throughout all of the season last year and into this year was from Finn's Restaurant. They requested several months ago to be allowed to put signage out designating parking for their specific takeout pickup location. They were granted permission to do that with the understanding that it is not enforceable. Even though the signs ask that it be reserved for Finn's pickup anyone can park there and they will not be towed or asked to move; this is strictly courtesy signage. Generally, people seem to be very receptive and mindful to the idea. Hamilton felt it was important to discuss this topic and moving into next summer will be a different situation; parking is pretty limited, and everyone wants the merchants to be successful. This appears to be a good group effort and the merchants are all aware of what is going on Downtown and are supportive of it. Moving forward into next year that could become problematic if every business wanted to take two spots; given the circumstances this summer and the fact the State is still on the fringe of the Pandemic it is a good way to support businesses.

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
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HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

This was a discussion item only, no action was required or taken this evening.

Council Order #052111, Request of the City Manager to confirm the appointment of Scott Guillerault as Fire Chief and Director- Emergency Management for the City of Ellsworth.

Glenn Moshier, City Manager was very pleased to announce that Scott Guillerault has accepted the Fire Chief position for the City of Ellsworth. He was in Ellsworth with his wife last week. Moshier spent time with Guillerault exploring ideas and plans for the future as well as explaining and providing a lot of the historical information about the Fire Department. Guillerault was able to spend time with Gary Saunders as well, unfortunately, extenuating circumstances prevented him for spending a lot of time with the firefighters. There was an opportunity to meet and talk with many of them. Guillerault is very excited about the opportunity to return to Maine. He is originally from the southern part of the State and now has a daughter and grandchildren who live in Newport. See attachment #8 for the complete request. Guillerault and his wife are returning "home" from Beaufort South Carolina where he is currently a firefighter paramedic for the County of Jasper. He has 30 plus years of experience in the fire service including some time spent in Maine where he started out as a volunteer firefighter. In his current role in Jasper County, one of his subsidiary duties aside from being a firefighter and paramedic, is being responsible for recruitment, retention, and organization of their volunteer fire services. Moshier felt Guillerault would be a fantastic addition to the Fire Department; his first day with the City of Ellsworth will be June 21, 2021. Beaufort does have an ambulance service; therefore, Guillerault has a fair amount of experience and knowledge in that area to share with the City of Ellsworth.

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

RESOLVED to approve Council Order #052111, confirm Scott Guillerault as the Fire Chief and Director- Emergency Management for the City of Ellsworth.

Adjournment.

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

Approved - Council Order #052111, confirm Scott Guillerault as the Fire Chief and Director- Emergency Management for the City of Ellsworth.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: MAY 17, 2021

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PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

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

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, JENNIFER
MERCHANT, ADAM WILSON, SUE MCLEAN, LISA SEKULICH, KATINA
HOWES, GARY SAUNDERS, DANIEL HIGGINS, MICHAEL HARRIS, AND
HEIDI GRINDLE.**

RESOLVED *to approve adjournment at 8:55 PM.*

A TRUE COPY

ATTEST: _____
HEIDI-NOËL GRINDLE

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