

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

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.

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

RESOLVED to approve moving agenda item #24 to agenda item #22 and to delete agenda item #23.

Before a vote was taken Chair Hamilton explained printed item #24 (Council Order #062109, Action on approving the Annual Report for Tax Year April 1, 2020 through March 31, 2021 Affordable Housing Tax Increment Financing Districts) would become item #22 and then printed item #22 (Executive Session to discuss labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D) would become #23. Then printed item #23 now item #24 will be eliminated (Council Order #062108, Action on labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit).

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

Call to Order.

Pledge of Allegiance.

Approved - Moving agenda item #24 to agenda item #22 and deleting agenda item #23.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

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:

- ✚ April 19, 2021 Regular Meeting. (Tabled at the May 17, 2021 Regular Council meeting)
- ✚ May 17, 2021 Regular Meeting.

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

RESOLVED to approve the adoption of the Ellsworth City Council minutes from the April 19, 2021 and the May 17, 2021 Regular Council Meetings as presented this evening.

City Manager’s Report.

Glenn Moshier, City Manager announced Friends in Action is planning a dedication service at Knowlton Park for the senior playground on June 22, 2021 at noon. The Ellsworth Historical Preservation Commission Museum in the Streets unveiling ceremony will be held in the Knowlton Park on Wednesday July 14, 2021 at 5:30 PM. The signs associated with the Museum in the Streets project are located all through the downtown area. The Water Street project started today; this involves some much needed pavement work to a section of Water Street. This project is estimated to be completed on June 30, 2021; weather permitting. The paving was described as taking place between the hours of 6 AM and 3 PM. Moshier announced a Council workshop has been scheduled for July 15, 2021 at 6 PM to continue the discussions regarding floating structures on Green Lake and other lakes within the City of Ellsworth. Chair Hamilton noted this is a follow up discussion as requested by the City Council during the April Council meeting.

Rules of Order.

Approved - Adoption of the Ellsworth City Council minutes from the April 19, 2021 and the May 17, 2021 Regular Council Meetings as presented this evening.

City Manager’s Report.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Moshier explained at the April Council meeting the City Council asked staff to do some further research and report back. This workshop will be an opportunity for staff to report their findings, for citizens to attend as well as provide some additional information to the Council.

Hamilton reminded the public that workshops are a time to gather information, have discussions, no actions or votes are taken during this time. This workshop will be informational in nature and if there is any action to be taken in the future it will be placed on a subsequent Council agenda.

Committee Reports.

Broadband Committee. Councilor Grindle explained this was their first meeting. Jason Ingalls, IT Administrator provided some background information concerning the existing broadband service within Ellsworth. The discussions centered around goals for the Committee and City in regards to this topic as well as a possible expansion that would make broadband services available for all of Ellsworth's citizens and businesses. There will be additional meetings soon.

Harbor Commission. Councilor Phillips reported things are moving along well at the Harbor. Gas sales are starting to pick up, boats are starting to arrive for the season, and visitors are enjoying the park.

Recreation Commission. Councilor Hamilton reported the Commission did not meet due to a lack of a quorum. He did note the Commission is searching for new members; if anyone is interested in joining that Commission now would be a great time.

Citizens' Comments.

There were no comments this month.

Presentation of Awards.

There were no presentations to award this month.

Committee Reports.

Citizens' Comments.

**Presentation of
Awards.**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

UNFINISHED BUSINESS

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 and May 17, 2021 Regular Council meetings).

Janna Richards, Economic Development Director provided some background information (attachment #1) which was provided in the packet prior to the meeting this evening. This trail serves more as a sidewalk infrastructure project than it does as a recreational trail project. It fulfills an essential need within the community to walk and bike from their neighborhood to their everyday activities. The residents are already using this form of transportation to get to school, the grocery store, or work; often times on busy roads where there are no sidewalks currently, or there are narrow shoulders. People have been seen biking where there are no bike lanes within the urban core. This trail would serve to provide a safe means of biking or pedestrian travel to those people who are currently taking part in that activity. Richards stated from an economic development standpoint it will help Ellsworth stand out against surrounding communities that are also competing for new residents and businesses. Many of them already have signature walkways that are utilized to attract people to come to their communities as well as retain their current residents. There is an added bonus to those businesses that are situated along or in close proximity to the walkway. Richards reminded the Council in the winter of 2019 the City partnered with the Maine DOT to conduct a feasibility study for this connector trail. The Council in early January 2020 approved the 50% match that was needed to help fund that study. A workshop was held with the Council in February 2021 to discuss the findings of that study. The largest source of funding that is available to the City is through the Maine DOT Bicycle and Pedestrian Funding Program. This program offers grants up to \$400,000. Within the packet (attachment #1) as well as in the memo Richards is proposing a full ask of the \$400,000 from the Maine DOT and a local match for that of \$100,000. This would allow the City to conduct phase one full engineering. Phase one includes Birch Avenue to Main Street. Phase two includes Main Street to the Sunrise Trail. The \$500,000 budget would provide the City full engineering of phase one, construction of phase one to Main Street, and then preliminary engineering of phase two which would result in this project being setup to be shovel ready so that Richards could

Unfinished Business.

Motion one:

Approved - Council Order #042108, to authorize a local match of up to \$100,000, evenly allocated from FY 2022 budgeted TIF and Local Roads funds, in order to apply for up to \$400,000 from the Maine DOT's Bicycle and Pedestrian Program to fund Phase 1 full engineering and construction and Phase 2 preliminary engineering of the City's Bike/Pedestrian Trail extension.

Motion two:

Approved - Council Order #042108, to commit to a trail maintenance plan.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

ask for additional funding in the future to construct phase two. There are two pieces of criteria that are necessary to fulfill the requirements for applying to this fund. The first requirement is that the City certifies that it has secured the required matching funds for the project. Richards is proposing that the matching funds of \$100,000 come out of the Fiscal Year 2022 budgeted TIF and Local Roads funds. Trails are an eligible expense that can be funded through TIF dollars and there is sufficient funds within that budget to be utilized as the match. Local Roads funds are also being proposed because the trail would essentially close Spring Street to traffic and turn it into a walkway or a trail. This project would basically save the money that the City would need to utilize to bring Spring Street up to City standards. The cost of performing this road maintenance would be significantly more than the match for the trail project. The second piece of criteria is that the City commit to maintaining the trail for the next 20 years. The memo that was provided within attachment #1 contains a sample budget as prepared by Richards and Lisa Sekulich, Public Works Director. The budget provides a description of what a maintenance plan would entail and the associated costs. Richards stated one important note is some of the expenses outlined within the sample budget are one-time expenses and some are annual expenses. The other important thing to keep in mind is the City does not need to budget for the trail maintenance out of the FY 2022 budget; a commitment is all that is needed at this point in order to apply. There can be a further discussion on it for either FY 2023 or 2024 depending on when this trail is actually going to be constructed. The City anticipates this fiscal year would be mostly engineering and design of the actual project. Richards summarized the request this evening was for Council to consider authorizing the local match necessary to apply for the DOT funding and also that the Council consider committing to the trail maintenance plan. Councilor Phillips stated as he read through the proposal, he did not have any concerns with the walking trail; however, he does have issues with the 20 year commitment to take care of the trail including plowing. Currently, the City does not plow the existing trail. The budget as proposed is a fairly expensive item; when considering that budget Phillips wondered if the City would be better off if they paid for the entire project through a bond. Phillips suggested not taking the free money which obligates the City to 20 years of seasonal maintenance to keep the trail open. He believed during the long term cycle of the trail there will be considerable savings for the City and then in the end not adding more work to the highway department employees especially during the wintertime. Lisa Sekulich, Public Works Director was present this evening to

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

answer questions or address concerns. Councilor Kaplan stated she was looking at the Maine DOT Bike Pedestrian plan and she noticed it was basically funded through the Federal Government's Bike Pedestrian America plan and the ultimate motive listed on the website is to get folks out of cars and onto green transport, equitable transport, as well as similar modes. Kaplan was concerned this money is specifically tied to the roads; either closing roads or taking money away from roads. She was concerned with the impact of taking \$100,000 away from the roads in the first year, then each year after taking at least \$68,000 just for the winter maintenance; in her opinion the City's roads are already bad enough. Kaplan noted according to the material she received the winter maintenance is required for the next 20 years. This could result in approximately 8% -10% of the roads labor budget for a walkable path; while the City has millions of people coming through the City using these roads every year to reach the National Park. Kaplan was not opposed to the walkable path and thought it was a nice idea; however, did not like that these grants always come with strings attached. In her opinion, it will ultimately be costing the taxpayers more money than if the Council funded the project themselves. Richards did clarify the cost would be \$50,000 one time out of the local roads because the other \$50,000 would come out of TIF funds. After that it would be \$55,200 from the Highway Department budget according to the sample budget. Kaplan inquired if this figure included the added union costs, such as the cafeteria plan, health insurance, and other associated costs. Sekulich noted the total amount estimated did include salary and benefits. Kaplan stated due to the automatic pay increase associated with the union contract the sample budget will not stay the same. Sekulich noted the Council should keep in mind, whether the City creates this path and spends \$50,000 out of the Local Roads budget or the City decides not to construct the path at some point something has to be done with Spring Street. The options at this point are convert it to a path or keep it as a road. If this section of Spring Street remains as a road the cost to bring the road back up to a decent standard would cost approximately triple the amount being asked for tonight out of the Local Road budget. Chair Hamilton stated in order for the project to be considered shovel ready and thus eligible for some other funding sources that would not necessarily come with those strings there are two things that would be necessary. 1) The City needs to clear up the right-of-way access issues and 2) the engineering. Hamilton inquired if those two things are completed then the project becomes shovel ready. Janna indicated that was correct. Sekulich explained preliminary engineering is just that preliminary in nature. At the conclusion of the

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

trail feasibility study there were four potential options for phase two. Preliminary design will take the City to a point where one of the available scenarios has been decided upon, alignments have been completed, determined which right-of-ways need to be purchased or easements that need to be obtained, has the basic geometrics, and creates a cost estimate. The cost estimate would be for the chosen route; it will not have the fine details. This process will bring the project closer to shovel ready than it is right now but will not identify exactly where each catch basin is located for example. Sekulich noted with the information that will be obtained through preliminary design engineering the project will be closer to the end; however, does not allow the project to be placed out to bid. Richards explained by moving forward with the preliminary engineering the City would have some of the required cost estimates which are necessary to apply for more funding. Kaplan stated her concern was the winter maintenance requirement stipulates that the City must be ADA compliant; this is not just for wheelchairs but also covers older people and individuals with mobility issues (on foot). She was concerned if there was ice present someone could slip and get injured. Kaplan was concerned that an alarming amount of salt and sand would be required to keep that in a fashion that would protect a more feeble population. She mentioned there are waterways that pass under the trail that might cause environmental issues. Sekulich noted economic connections can be made as well as safety of pedestrians in general. This will be an avenue that connects Main Street to the schools and residential areas as well as eventually High Street. Sekulich stated everyone wants a sidewalk on Oak Street; however, that cannot happen at this point because the City is waiting for Maine DOT as well as other reasons. This would serve the same purpose. Instead of using Oak Street pedestrians would go up one or two streets and still have access from the schools and the downtown area. Sekulich is determined this will serve more as a sidewalk than a trail. It will require maintenance in writing as well as in practice and that will be to the same standard used for the current sidewalks, according to Sekulich. This trail would be kept accessible as required in the 20-year maintenance agreement as well as for the safety of the citizens. Councilor Blanchette explained the local roads money is not just for roads; it is also designated for sidewalks, bike lanes, and other forms of transportation. He stated to equate that money to only roads is a misnomer. He addressed the concern with ADA access by explaining to his knowledge the rules stipulate reasonable care to keep it clear. It would not be kept any clearer than the sidewalks are during the winter; at some points there will be snow and ice on it. Depending on the size of

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

the storm, number of available employees, and equipment breakdowns it might even be two or three days before it can be taken care of. Blanchette spoke with Senator Collins Office and Maine DOT at length about this topic; they seem to be in disagreement with each other. Senator Collins Office was surprised the program stipulates that the trail be kept clear during the wintertime; they indicated a better approach would be to clear half of the trail so that the trail could be used all four seasons. This would allow for cross-country skiing in a safe manner for example. Depending on the winter weather the trail may or may not be ADA compliant; however, there is an out in the agreement as long as the City makes a reasonable attempt. Councilor Lyons mentioned a person could also walk down State Street where a sidewalk currently exists and it is sanded and plowed to get from point A to B; this route would be much easier. Richards noted the issue is the citizen might already be on that side of High Street; which seems to be the one street that is difficult to cross. The idea behind this project is in time the City could try to fix the light at the Merrill Furniture Store to be an avenue for citizens to cross over to the Ellsworth Shopping Center. This is a smaller piece of a larger puzzle in creating connectivity to allow people to cross High Street in addition there is a bunch of new housing units being built in the Washington Street and Foster Street area. This trail would make it possible for children to walk to school safely from that area. Lyons stated using the crosswalk systems that are already in place by using State Street to High Street would be a safer route than using the proposed trail. The entire trail would be 5 to 6 miles to maintain (calculated on going up and back); it was estimated that this additional work would require an additional full-time employee. Hamilton felt it would be absurd to hire a full-time employee just for this project. Sekulich noted currently when a truck breaks down, the mechanic goes to the garage, works on the truck, and the sidewalks do not get addressed for up to a day later depending on when an employee can get back in the sidewalk machine. Ultimately, this new full-time employee would be someone dedicated completely to the sidewalks and trail. This would allow the Public Works Department to better maintain and keep up with the current sidewalk system as well as this additional six miles. Currently, the sidewalk machine has the longest route by a significant amount compared to the plow trucks; which translates to approximately 30 plus miles of sidewalks every storm. To add another six miles is fairly significant; this would be the catalyst to move the City into potentially hiring an additional full-time position which would be dedicated to pedestrian travel. Blanchette stated this is a four tenths of a mile section (eight tenths if calculated up and back) which is now

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

being described as a six mile responsibility. This portion is from Birch Avenue to Main Street; the section that was previously built by the State 10 years ago, opened in October of 2011 was from Birch Avenue to Ellsworth Falls. The City is under no obligation to plow or clear the section from Birch Avenue to Ellsworth Falls and the City never has maintained it to that level. That stipulation was added in 2015 with DOT and the City trail was created four years prior to that requirement. Blanchette reminded the Council that the current trail is heavily used; he provided some estimates on the number of people he has witnessed using the trail. He went on to explain this is a safe trail for adults, children, seniors, and anyone who wants to use it; they do not need to worry about traffic or that their safety will be impaired while using this trail. He went on to discuss the added health benefits to the citizens when a trail of this nature is available in their City. Kaplan noted while researching the DOT walkable, bikeable project and the green transport concept she noticed specifically it was about environmentalism and to get people out of cars and onto green transport. The description also stated they wanted these bikeable, walkable paths within a two mile radius of all schools, which does fall into that category. The question Kaplan had was in regards to the fact there is already a school bus that takes children from that two mile radius to school; she wondered how this trail would impact the school bus schedule. She questioned if the distance would be extended to require children who live within that two mile distance to walk to school. Hamilton noted walking trails are a positive addition to communities across the Country and within this State where they have them. They do add value to a community and opportunities for economic development. Hamilton noted there are so many studies available on those facts that this project cannot be debated on that alone. Water Street is not going to have a sidewalk; nor is it even up to the specifications the City would like to have it at. Along with Water Street there will be many other places within the City that will never have adequate sidewalks or any sidewalks. Hamilton noted to be able to create a walking trail is a positive thing for the community; how the City pays for it is important. The costs that go into it in terms of how much the City pays for it absolutely is a consideration especially when there are so many competing demands. It must be reviewed in the context of the value it brings and how it can be leveraged to receive as much free money as possible to support it. Hamilton knows there are grants available that once the project is shovel ready do not come with requirements for additional capital. Hamilton felt this was a project that has a lot of merit. He felt the City needed to be smart on how much they spend on the front end and how it is handled to get it ready

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

as quickly as possible to start leveraging more money and reduce the costs on taxpayers. This will connect the ATV trail/Sunrise Trail to the City, hopefully it will propel getting a crosswalk in that area so that people can cross to that entrance. It has the potential to connect the entire City in a way that does not exist currently. Hamilton was hoping the Council would not take the route of saving a few cents now and miss the opportunity for leveraging a lot more in return. Councilor Phillips stated he had no issue with the plans for the trail. He is opposed to the proposal being discussed tonight because it comes with strings. Based on the proposed budget it would be an additional \$1.1 million over 20 years as well as obligates the City every year to take care of it. If the project is approved he does not have any issue with it; however, feels the City would be just as intelligent to fund it themselves and not accept the strings that come with that free money or particular grant. Phillips clearly understood the benefits of walking and how it is tied to quality of life as well as how it would be a great addition to Ellsworth. He stated the City would be remiss to not consider the 20 year obligation that comes with accepting this particular grant. Glenn Moshier, City Manager noted the \$500,000 being proposed this evening is to complete the trail from where it ends now to Main Street. Phase two is approximately \$1.5 million to complete. If the City were to fund phase one then the City would need additional funding to perform the engineering and the 60% that was going to be funded within the \$400,000 with Maine DOT in order to start the process that includes the second phase. If the City wanted to seek Maine DOT funding for phase two which will be more costly they would still be held to the maintenance requirement. Phillips noted the maximum on this grant is \$400,000 which would not cover the full project cost and the City would still need to find funding sources for the remaining \$1 million. Richards agreed additional funding sources would be required and she has already identified one. The one she found would fund \$120,000; although, some municipalities have waited until they found a funding source to cover the entire project, most funding sources are cobbled together or fundraising is conducted to reach the final goal. Bonding is an option; however, it is unlikely the entire project will be funded with the same source unless it is congressional earmarked dollars. Kaplan inquired if Richards had looked into the raise grants or tiger grants. Sekulich noted those are bigger DOT grants; it was not clear if this particular project would fit the criteria. Kaplan believed the Now Build (Build Now) project are specifically for the walking/biking trails. Richards explained the grant the City is seeking is through the Federal Highway Administration which is the same agency the Tiger Grant is

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

through. The Tiger Grant divides the money between different types of projects, there is the ability to apply for bike/pedestrian trails. This is one out of a few that the City could apply for. Richards explained the reason she is recommending this particular grant at this time is because the City has been encouraged by DOT to apply for this one and the deadline is July 15. The intention is before a grant is written and signed she wanted to present it to the City Council and determine if the eligibility criteria can be met. Kaplan inquired if this trail would be open at night and if it would be well lit. Richards noted there are currently no regulations at this time in regards to whether the current trail can be used during the day or night and she assumed this portion would be handled the same way. Hamilton inquired if it would make sense to have the entire length of the project engineered, expend the funds on that, and then pursue the dollars to build it. Once it is shovel ready the City could take advantage of more funding and if ultimately it takes the City back to this particular resource, great. Hamilton felt to chop it up, spend that much, and then do this next phase was hard to grasp. He inquired what the disadvantage would be to have the engineering completed for the entire project, get it all ready, and then start working on finding the funding to build it. Richards explained the stipulation at least behind another grant she was considering was that the end product has to result in a trail. In this particular case, the City would at least have the beginning of a trail, phase one of a trail. The City would have to look into if you can apply for full engineering costs and that is it. The City would not be able to fund the entire engineering for the whole trail plus the construction of the first phase. Sekulich indicated that would be possible if the Council approved spending more money than is being proposed at this time. Hamilton inquired what the cost would be to engineer the entire project, then seek funding and resources to build it; he believed the City would then have no stipulations if they were not pursuing this particular funding. Sekulich noted engineering for each phase would cost approximately half a million between the two phases; the total expense was estimated to be \$325,000 for phase one. Kaplan stated in looking at the Now Build projects (which used to be the Tiger Grant) there is a specific goal of integration of walkable bikeable paths into the transportation sector and that specific grant is offering up to \$1.4 million for rural communities/cities. She believed the City would qualify for this grant and in connection with comments made by Hamilton she questioned why the City would not look at the entire project and seek funds to complete the entire project; this appeared to have fewer strings. Sekulich was not positive that the Build Grants would have fewer strings associated with them. She

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

noted they could and would look into that grant although it is still federal dollars and run through the same program. The Build Grants and Ship Grant (received for the Harbor) both came with the ADA and maintenance type stipulations. Kaplan stated some of the research and backing are provided by the Robert Wood Foundation. Hamilton stated the cost to maintain the trail is a discussion for later in the process and can likely be completed for less money. He felt if the City is able to leverage \$1.4 million to pay for something versus \$500,000; having the entire project ready to go makes more sense. The concern is the City ends up not moving the project forward quickly enough. If the City is committed to this trail from Point A to Point B, Hamilton felt it should be ready to go, do all that work and as it is being done the City can be applying for different funding to start building it. The building can be accomplished in phases; however, to do it the way that is being discussed this evening it is going to take whatever amount of time it takes to engineer, and then the first phase will be built, time will go by and then the City will decide to complete the engineering for the next phase that engineering will take a lot longer. Hamilton felt the work should be completed on the front end and move the project along in a way that he feels would be faster and leverage more funding. Blanchette stated that suggested process will not get a project built or move the ball any. The City will still have a street that is not used, that is in horrible condition, and has a lot of ownership issues. The process as Hamilton stated will not clear up any of the issues between the Railroad, State, and property owners. Councilor Grindle explained her understanding was phase one and phase two were going to be engineered basically simultaneously. If the City commits to this, the City will also at the same time be moving forward with phase two and then once that is preliminarily engineered the City can apply for funding. Sekulich noted this was a correct explanation. She further explained the funding request is for \$100,000 on top of the Maine DOT's \$400,000; with an additional \$150,000 or so full engineering could be obtained and construction on the first phase. The \$100,000 is the minimum that has to be matched on the Maine DOT grant; however, if the City approves \$250,000 then the City can add onto the contract for engineering services. Thus, receiving full engineering for phase one and phase two as well as construction of phase one. It is not that full engineering cannot be obtained at this time. Hamilton was concerned a timeline has not been provided on how long the engineering will take. His thought was it might take 12 to 18 months to engineer and clear up the right-of-way issues and construction cannot even take place until that process is completed. The City will not be accomplishing anything for 18

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

months. His point was if the City could start the engineering and complete phase one and the City commits to continuing the engineering and cleaning up the other items then the City can start the construction under the same time frame that it would have if the City were just doing this one section. There should be an overall clear plan that keeps the project moving forward and be able to seek funding. Grindle believes this is the plan as described by Hamilton. She clarified the plan is for the City Council to commit to the \$100,000, the maintenance can be discussed later. However, to approve building a great trail and state the City is not going to maintain it is irresponsible as well. The City really needs to have the sidewalks and this trail maintained; it would be very short sighted to approve building it and then state we are not planning on taking care of it. The future maintenance responsibility must be kept in mind. The plan is to approve \$50,000 of taxpayer funding, \$50,000 of TIF funding, and a commitment to discuss the maintenance issue. Grindle feels this is a win-win considering it has been estimated to cost \$150,000 plus just to fix Spring Street. Phillips reiterated his only issue is the maintenance, it is the obligation piece; this is not to mean the City should not maintain it. His concern is just with the language "obligated" by the State and Federal Government to do something. Blanchette noted the maintenance issue should be noted it is specifically winter maintenance (plowing), the year-round maintenance such as fence repairs or similar issues is currently being done. Hamilton clarified the Council is committing to the funding, so the grant can be applied for. In the interim, in terms of the grant there is time to complete some of this work of pulling it all together, such as stating what it will cost for engineering, the timeline when phase one engineering can be started, then move to phase two engineering, this is when the City can start applying for funding to start building phase one, and it keeps moving. The City can then develop that prior to accepting the funds. Richards clarified the City will be receiving funding to build phase one as long as the City is awarded this grant following approval to move forward with the application process. The City will receive full engineering of the first phase and preliminary engineering of the second phase. That preliminary engineering of second phase will give the City the opportunity to start applying for grants for phase two. While they are building phase one, Richards will write as many grants as the Council would like and try to fundraise for more money as needed for phase two. At that point the City will have a definitive path of where the trail will go and how much it will cost the City. Richards agreed with Grindle the maintenance piece can be discussed later; the only requirement is the City commit to maintenance;

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

however, the cost associated with it can be determined between the Council and staff. Grindle mentioned the maintenance expense can be funded out of TIF funds because it qualifies as an acceptable expense. The packet (attachment #1) includes a page from the TIF application that has been approved by the State in 2011. Community-wide municipal investments means TIF funds can be placed throughout the entire community and one of those listed is costs related to planning, design, construction, maintenance, grooming, and improvements to new or existing recreational trails etc. TIF funds can be utilized which is why it was stated a portion of the new (if there is) employee's salary could be paid out of TIF dollars and the equipment costs. Blanchette stated he would like to make two separate motions.

Motion one:

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

RESOLVED to approve Council Order #042108, to authorize a local match of up to \$100,000, evenly allocated from FY 2022 budgeted TIF and Local Roads funds, in order to apply for up to \$400,000 from the Maine DOT's Bicycle and Pedestrian Program to fund Phase 1 full engineering and construction and Phase 2 preliminary engineering of the City's Bike/Pedestrian Trail extension.

A final vote was taken on the first motion with 6 members voting in favor (Blanchette, Grindle, Hamilton, Kaplan, Miller, and Phillips and 1 member voting in opposition (Lyons).

Motion two:

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

RESOLVED to approve Council Order #042108, to commit to a trail maintenance plan.

Before a vote was taken on the above motion, Hamilton inquired if that was a requirement of the grant. Richards indicated the requirement as stated in the grant application is the applicant has committed to maintaining the proposed project's

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

improvements including winter maintenance for the next 20 years. The key word is committed. Kaplan questioned if the funds have to come from highway funds or could it be solely funded from TIF funds. Richards explained if the employee is responsible for other tasks that are not related to the trail those hours spent on other tasks cannot be paid for with TIF funds. However, if that position is solely hired for and only conducts tasks associated with the trail, then yes the position can be fully funded by TIF funds. This was the reason behind providing the figures indicating only a portion of the expenses would be funded through TIF funds. Hamilton questioned the proposed motion because it obligated the City to a specific funding source within the motion. He would prefer a motion where the City commits to maintenance and then the plan is developed; year one might look different than year 15. Hamilton felt, to state that in the motion would bind the Council to a certain way of funding. It was agreed this would meet the letter of the application and is flexible enough to be discussed later. This is all dependent on if the grant is awarded to the City; if it is not awarded the discussion does not need to happen.

Hamilton offered a friendly amendment to the motion made by Blanchette and seconded by Grindle to say the Council is committing to maintenance and leave out how it will be funded. Blanchette accepted the friendly amendment and Grindle seconded it.

A final vote was taken on the second motion with 5 members in favor (Blanchette, Grindle, Hamilton, Kaplan, and Miller and 2 members in opposition (Lyons and Phillips).

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; tabled at the May 17, 2021 Regular Council meeting)

Motion failed to pass.

Chair Hamilton noted he did not hear much one way or the other over the last month in terms of whether this change would impact anyone. He believes it is one of those situations where 7 PM impacts some people, while others will be impacted by 6 PM. Hamilton did not receive an overwhelming reaction in either direction. Councilor Kaplan noted as a mom it provides her extra time to cook dinner before attending a 7 PM meeting. Councilor Phillips inquired if the time of the meeting is set by Charter, or at the Council's annual organizational meeting. If that is the case

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

it cannot be adjusted at this time. It was clarified that the time of the monthly meeting is set at the annual Organizational meeting; it was not known for sure if the Council could alter that during the course of a year. Phillips felt there was only a few more months remaining in this Council year and it could be discussed at the next annual organizational meeting. Councilor Miller noted the School Board meets at 6 PM; they moved their meeting from 6:30 PM to 6:00 PM. He felt the bigger meetings with the City should have a uniform starting time. Councilor Lyons was fine with a 6 PM or 7 PM start time; he would need to set aside the time to attend either way.

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

RESOLVED to approve Council Order #052109, to move the City Council meetings start time to 6:00 PM.

Hamilton was in agreement with Phillips, waiting until November makes sense in terms of it is the organizational meeting and is a good time to consider this type of change.

A final vote was taken on the above motion with 3 members voting in favor (Grindle, Lyons, and Miller) and 4 members voting in opposition (Blanchette, Hamilton, Kaplan, and Phillips).

The motion failed to pass.

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 #062100, Request of the Deputy Treasurer/Tax Collector to set the real estate and personal property tax due dates at September 9, 2021 and March 10, 2022. **

Consent Agenda.

Approved - Consent Agenda as presented this evening.

Approved - Council Order #062100, set the real estate and

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Standard annual request.

*Council Order #062101, Request of the Deputy Treasurer/Tax Collector for an Order of the Municipal Officers on the application of real estate and personal property tax payments. This order will allow for the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills. **

Standard annual request.

*Council Order #062102, Request of the City Clerk for review and acceptance of the results from the June 8, 2021 City of Ellsworth School Budget Validation Special Municipal Referendum Election. **

See attachment #2 for the complete results.

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

RESOLVED to approve the Consent Agenda as presented this evening.

NEW BUSINESS

Public hearing and action on the application (s) for new or renewal for the following license (s):

Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant Malt and Vinous (Class III and IV) 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.

**personal property
tax due dates.**

**Approved - Council
Order #062101,
application tax
payments against the
oldest unpaid tax
bills.**

**Approved - Council
Order #062102,
Review and
acceptance of the
June 8, 2021 School
Budget Validation
Special Municipal
Referendum Election
results.**

New Business.

**Approved - Request
of Pavida Visetrut
Young d/b/a Thai
Sana, 321 High
Street, for renewal of
a City Class C
License (Liquor and
Victualer) and
renewal of a State
Restaurant Malt and
Vinous (Class III and**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Public hearing was closed.

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

RESOLVED to approve the request of Pavida Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant Malt and Vinous (Class III and IV) Liquor License.

Luhrs Empire Inc. d/b/a DragonFire, 248 State Street, for renewal of a City Class B License (Victualer, Liquor, and Arcade < 12 devices) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

RESOLVED to approve the request of Luhrs Empire Inc. d/b/a DragonFire, 248 State Street, for renewal of a City Class B License (Victualer, Liquor, and Arcade < 12 devices) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Giri Ellsworth Inc. d/b/a Ramada by Wyndham Ellsworth, 215 High Street, for a new City Lodging license.

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

Andrea Glidden, General Manager was present to represent Giri Ellsworth Inc., as

IV) Liquor License.

Approved - Request of Luhrs Empire Inc. d/b/a DragonFire, 248 State Street, for renewal of a City Class B License (Victualer, Liquor, and Arcade < 12 devices) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Approved - Request of Giri Ellsworth Inc. d/b/a Ramada by Wyndham Ellsworth, 215 High Street, for a new City Lodging license.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

it was required by the Licensing Ordinance in regards to new businesses. This is the same operation as in the past, just new ownership. The current plan is for it to remain as a Ramada.

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 Giri Ellsworth Inc. d/b/a Ramada by Wyndham Ellsworth, 215 High Street, for a new City Lodging license.

Council Order #062103, Appointment of City Officials by the City Council.

New appointment – Joshua McIntyre, Treasurer

See attachment #3. Glenn Moshier, City Manager introduced Joshua McIntyre as a longtime resident of the City of Ellsworth. He graduated from Ellsworth High School and is taking advantage of the opportunity to return to the City and serve his hometown community. McIntyre comes to the City with a wealth of knowledge and experience in the world of finance. The City is excited to have him on board. McIntyre confirmed the facts Moshier stated. He clarified that he moved back to Maine approximately four and a half years ago. When this opening became available it was the perfect opportunity to return to Ellsworth where his family still lives. He stated he is off to a great start settling into his work, conducting meetings with his colleagues, and learning how the City operates.

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

RESOLVED to approve Council Order #062103, Appointment of Joshua McIntyre as Treasurer this evening (attachment #3).

Reappointments.

**Approved - Council
Order #062103,
Appointment of
Joshua McIntyre as
Treasurer
(attachment #3).**

Approved - Council

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Chair Hamilton noted within the packets and attached to the minutes are the lists of reappointments (attachment #3).

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

RESOLVED to approve Council Order #062103, Reappointments as presented this evening (attachment #3).

Council Order #062104, Approval of City Manager's appointments.

New appointments - Joshua McIntyre, Finance Director

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

RESOLVED to approve Council Order #062104, Appointment of Joshua McIntyre as Finance Director this evening (attachment #4).

Reappointments.

Chair Hamilton noted within the packets and attached to the minutes are the list of reappointments (attachment #4).

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

RESOLVED to approve Council Order #062104, Reappointments as presented this evening (attachment #4).

Public hearing and action on Council Order #062105: Authorization for Tax Anticipation Borrowing (\$2,000,000).

Jennifer Merchant, Deputy Finance Director stated there was a bid opening on June 18, 2021 at 10:00 AM for a Tax Anticipation Note (TAN). This is an annual request. The proceeds of the TAN will be used for financing governmental activities and obligations of the City in anticipation of funds to be raised by taxation; or simply for cash flow purposes. Attachment #5 contains the written

**Order #062103,
Reappointments as
presented this
evening (attachment
#3).**

**Approved - Council
Order #062104,
Appointment of
Joshua McIntyre as
Finance Director
(attachment #4).**

**Approved - Council
Order #062104,
Reappointments as
presented this
evening (attachment
#4).**

**Approved - Council
Order #062105:
award the Tax
Anticipation Note
(TAN) low bid to Key
Bank at an interest
rate of 0.50 percent
for a \$2 million TAN**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

request and bid results. A cash analysis was prepared in order to determine how much money the City would require. It was determined that \$2 million would best fit the cash needs for the City this year. Seven different bids were received from local banks; Merchant read the results into the record as they are stated within attachment #5. She is requesting the bid be awarded to the low bidder of Key Bank at an interest rate of 0.50% for the total interest of \$9,972.60. This was a very aggressive bid. There was a detailed discussion on why the City needs to borrow money just to pay back interest on it in response to concerns brought up by Councilor Lyons. Merchant explained this is only for cash flow purposes due to the tax revenues do not start arriving until September. This money is generally borrowed for a month or two and in most cases the obligation is satisfied quickly. Merchant explained last year the entire lump sum of the TAN was obtained from Key Bank starting in July; however, Merchant and Josh McIntyre, the new Finance Director have been discussing taking the TAN out on an as needed basis this fiscal year. This may result in not using the entire TAN before taxes start arriving to cover the weekly obligations; therefore, less interest will be paid. McIntyre explained when the financial needs were reviewed from this year as well as the past couple of years it appeared the overall cash flow situation was a bit better in previous years. Based on this information, they tried to add some flexibility as far as using the TAN on an as needed basis rather than taking it out as a lump sum this year. He believes as the City moves forward the Finance Department along with Glenn Moshier, City Manager can look at some cash flow management strategies which might reduce the need for a TAN. McIntyre confirmed what Hamilton was explaining earlier about the TAN being related more to the timing of available cash versus having the money available overall. He believed there was a possibility with some minor amendments the City might be able to get to the point where a TAN may not be needed in the future.

**as presented in
attachment #5.**

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

**RESOLVED to approve Council Order #062105: award the Tax Anticipation
Note (TAN) low bid to Key Bank at an interest rate of 0.50 percent for a \$2
million TAN as presented in attachment #5.**

Public hearing and action on Budget Resolutions for FY 2022.

Glenn Moshier, City Manager noted there have been many meetings and workshops concerning the proposed budget. Moshier extended a sincere thank you to Jenn Merchant for her hard work on this budget as well as all of the Department Heads who put a significant amount of effort into preparing fiscally responsible budgets, and the Councilors for sitting through the discussions and associated workshops. Attachment #6 was provided prior to the meeting with the summary sheet. Moshier has broken the figures down a little bit further. The administrative budget stands at \$4,241,552. Public safety is budgeted at \$3,622,454, this number was broken down because everyone is extremely interested in the public safety line items. The Police budget this year has been calculated at \$1,486,336; this budget is down 0.89 percent from last year. The Fire Department's budget is \$1,449,879; that is an increase of 10% from last year. A significant portion of that increase was a result of the Northern Light service agreement that was approved a couple of Council meetings ago as well as payouts to that account forced a significant increase. Public safety also includes the Dispatch which has a proposed budget of \$207,739. Public Works Department this year has a projected budget of \$1,881,947. The Public Library has a proposed budget of \$648,172. The total municipal operating budget as well as the others listed stands at \$12,684,124 which translates into a 1.51% increase over last year. The Capital Improvement Budget currently stands at \$1,175,000, when the Capital Improvement Budget is added to the operating budget it results in an increase of 2.94% to the final budget. The City appropriations for the School Department stands at \$11,566,606, which is a .06% increase. Councilor Kaplan questioned the reference earlier in the meeting to the Administrative budget being \$4,241,552 because the figure in attachment #6 equals \$5,113,116. The final total according to the packet is \$13,555,688 and Moshier reported \$12,684,124. Hamilton called for a five minute recess while the budget was reviewed by the Finance Department and the City Manager in response to the observation by Kaplan.

There was a recess from approximately 8:25 PM to 8:30 PM.

**Approved - FY 2022
budget as presented
this evening within
attachment #6 in the
amount of
\$20,822,790.**

**A second vote was
taken on this item for
clarification
purposes.**

**Approved - The FY
2022 budget as
presented this
evening within
attachment #6 in the
sum of \$20,822,790
which constitutes the
estimated
requirements for
various city accounts
for fiscal year 2022
based on the budget
submitted by the
City Manager as
provided by the
Charter. We raised
assessments upon the
inhabitants of the
City of Ellsworth and
upon the State's non-**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Moshier explained the confusion was the numbers he announced had the TIF expenses separated out and the sheet that was included in the packets (attachment #6) did not. When the TIF expenses of \$871,564 are added directly into the administration line item the result equals the discrepancy. Ultimately, the total appropriations equal \$14,733,688. The overall budget number the Council is voting on tonight is \$20,822,790 which includes the School appropriation. Moshier highlighted the amounts budgeted for a few of the outside organizations and agencies as the following:

- The snowmobile club \$1,500
- Chamber of Commerce \$10,000
- Friends in Action (operating) \$5,000
- Eastern Agency on Aging \$1,000
- Downeast Transportation \$2,500
- Hospice Volunteers of Hancock County \$1,500
- Ellsworth Free Clinic \$1,000
- WIC program \$1,500
- Friends in Action \$1,200
- Loaves and Fishes \$5,000
- Emmaus Homeless Center \$1,200
- Everybody Eats \$500
- Families First Community Center \$1,000
- Your Place Inc. \$500
- The YMCA \$62,000
- Concert Band \$1,400
- The Grand Auditorium (programming) \$7,500
- The Grand Auditorium (vacation movies) \$2,500
- The Grand Auditorium (Summer Concert Series) \$3,000
- The Grand Auditorium (Educational Programs) \$8,000
- Ellsworth Music Institute \$2,500
- The Challenger Program \$2,500
- The Parade \$5,000
- Ice rink maintenance and supplies \$3,200
- Beautification for the Downtown (new line item this year) \$2,500

Councilor Grindle provided a clarification on the Beautification for the Downtown line item; she proposed this item because she wanted to keep it consistent. It was

resident proprietors with the City for the present municipal year and that the sums hereby appropriated any additional sums as otherwise provided for the amount for each purpose being specified.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

originally requested by the Heart of Ellsworth, the goal is to have the Heart of Ellsworth submit invoices for the beautification purchases (flowers or similar items) and then the City will reimburse them. This is similar to what happens with the ice rink and the Downeast Family YMCA. It was the Council's intention for that process to be consistent. Hamilton thanked the City Manager and the staff for putting together the budget which is a difficult and complicated task. There are many moving parts particularly with some staff stepping into new roles and all while dealing with a Pandemic. Hamilton felt creating and adopting a budget is one of the more important roles the Council has in overseeing taxpayer dollars. The budget that is created must reflect the needs of the City in a way that doesn't overburden the members of the community and the taxpayers. This is always a delicate balance. Although, there is a slight increase in the mil-rate it has remained pretty flat over the last five years; that is remarkable considering the state of the economy and needs of the City. There are plans in motion where some of the projects and particularly the road issues, capital expenditures, and capital purchases will be addressed. There is a rhythm that is taking place where the City is able to leverage some of their resources more efficiently and get better results without having to put a tremendous amount of burden on taxpayers. In addition to thanking the staff and employees who worked hard on the budget, Hamilton thanked the Council as it is a long process. No one will agree 100% on the budget; however, he feels the Council has done a good job in presenting something that is reasonable for the Community.

Public hearing opened.

There were no comments.

Public hearing closed.

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

RESOLVED to approve the FY 2022 budget as presented this evening within attachment #6 in the amount of \$20,822,790.

Prior to a vote on the above motion Councilor Phillips inquired where the Waste Water and Water Department budgets were. He inquired if they are generally enacted at the same time. The intention was to have those budgets attached within

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

attachment #6 as well; there was an administrative oversight and those were left out of the packets only. The information for those two budgets has been on the website along with the other budgets. Hamilton stated there will be one motion for the municipal side and then a separate motion for the enterprise accounts.

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

Phillips inquired if the Council had finished with the Water side; he was questioning if Reggie Winslow, Superintendent of the Water Department was still determining how much to adjust. Moshier stated the Lagoons Project and the Surry Road Project have been removed from this budget proposal. These items can be brought back at any point when the information is available; however, they are not prepared at this time. In the meantime some funding sources are being explored as well as a rate study will need to be conducted. Through the assistance of Woodard and Curran the Water Department is taking a look at what can possibly be leveraged by combining multiple significant projects together into one larger package because there are a lot more funding sources available for 12 to 13 million dollars than there is for a 3 million dollar project and another 4 million dollar project. The total Water Department budget (added to attachment #6) was \$1,335,778.

Moshier reviewed the highlights of the budget:

Wages of \$324,908

Employee benefits \$35,000

Electricity \$90,000

Heating fuel \$6,500

Chemicals \$84,000

Materials and Supplies \$78,000

Contractual services/engineering \$38,100

Account Services \$4,000

Contractual services miscellaneous \$40,000

Vehicle maintenance \$18,000

Vehicle insurance \$3,000

Liability insurance \$5,600

Workers Compensation \$7,500

Health Insurance \$74,622

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Miscellaneous expenses \$70,000

After considering all of the above expenses the subtotal is \$879,230. The Water Department did have \$127,105 in total Capital Expenditure requests and a debt service of \$329,443. Once all those numbers are considered the budget arrives at \$1,335,778. Hamilton stated this item would fall under the budget Council Order #. Phillips felt the other concern was it did not appear in the public record; so what went out to the public did not include that budget and the resolution for it. Phillips questioned whether it could be acted on this evening and the Council may want to consider a continuing resolution until the next meeting. Clerk Heidi-Noel Grindle stated action on the Municipal Budget was properly noticed and this portion was just accidentally left out of the Council packets. Lisa Sekulich, Public Works Director stated the Enterprise funds have never been a separate item or vote as long as she has been with the City. Hamilton confirmed the public had access to the information in terms of the material. This material has been in the public copy of the budget books in City Hall as well as online. The Water and Wastewater summary sheets were just not in the Council packets printed in preparation for this meeting. Jennifer Merchant, Finance Director confirmed the budget information was available on the website; however, the resolution wording was not on the website. Merchant distributed the missing portions of attachment #6; the intention was for this summary to be provided to Council in the packets. Hamilton clarified the information related to the budget was posted and included the enterprise accounts (Wastewater and Water Departments). The budget summary sheets were not included in the Council packets along with the proposed resolution language. That portion was excluded in terms of the total amounts. Hamilton would suggest since the public has had this information, they are aware of it, nothing has changed with it other than understanding some of the information Moshier just shared in terms of putting on hold those two projects. At this time, the City is not pursuing a rate increase; if there is a movement on that front it will be brought back to a Regular Council meeting. Hamilton asked Moshier to finish reviewing those accounts and then the Council will go back and vote on the entire budget again having the entire attachment #6 included. The Council vote will be very clear that it is inclusive of everything. Moshier reviewed the Wastewater Department budget. On the final page of the packet (attachment #6) the total Wastewater Treatment Plant budget is \$1,783,622. A line item by line item description was not provided since the Council had attachment #6 in front of them which included this

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

information. Kaplan noted these amounts (total Water and Wastewater Department budgets) do not change the overall budget. That was confirmed as being a correct statement; those are enterprise accounts. The funding is not from taxation.

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

RESOLVED to approve the FY 2022 budget as presented this evening within attachment #6 in the sum of \$20,822,790 which constitutes the estimated requirements for various city accounts for fiscal year 2022 based on the budget submitted by the City Manager as provided by the Charter. We raised assessments upon the inhabitants of the City of Ellsworth and upon the State's non-resident proprietors with the City for the present municipal year and that the sums hereby appropriated any additional sums as otherwise provided for the amount for each purpose being specified.

Council Order #062106, Request of the Deputy Treasurer/Tax Collector to set the interest rate on overdue taxes.

Sue McLean, Deputy Treasurer/Tax Collector stated this is the yearly request to set the interest rate on overdue taxes. The maximum interest rate allowed by law is established by the Treasurer State of Maine and is based on the prime rate that is published in the Wall Street Journal. This year the State Treasurer has posted the maximum rate at 6%. See attachment #7 for the complete request. In the past, the City has stayed within two to three percentage points of the maximum rate; however McLean is recommending that the City remain at 6% for at least another year. The City's interest rate has been set at 6% for the past four years. Councilor Kaplan stated there are some taxpayers in Ellsworth that are having financial difficulties with paying their taxes. She provided an example of a particular resident that is facing a difficult time paying their taxes and she found it hard to imagine charging him 6% on the past due amount.

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

RESOLVED to approve Council Order #062106, request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

Approved - Council Order #062106, request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Prior to a vote taking place Kaplan inquired what the City does if the taxpayer cannot afford the 6% interest rate. Hamilton noted there is a process that individuals can go through in terms of requesting assistance; this is not the end of the process.

A final vote was taken with 5 members voting in favor (Blanchette, Grindle, Hamilton, Miller, and Phillips) and 2 members voting in opposition (Kaplan and Lyons).

Council Order #062107, Request of the Interim Fire Chief to accept a revised agreement between the City of Ellsworth and the County of Hancock to provide fire protection and emergency services to Fletcher's Landing Township for a term of three years.

See attachment #8 for the proposed Hancock County Fire Protection Emergency Response Service Agreement and letter explaining the request. Gary Saunders, Interim Fire Chief/Deputy Fire Chief stated this contract is the same as the previous contract the City had over the past few years. The only change is this contract is for a three year period. It is in the amount of \$17,500 per year paid to the City. Saunders stated the Fire Department responded to that area 15 times last year. 10 of those times were for EMS calls; that was up by 4 calls from the previous year. This is still a great agreement for the City as far as calls are concerned. Saunders explained the Fire Department responds to those calls as first responders per the City license with Northern Light Medical Transport (NLMT). If NLMT are not available a mutual aid ambulance would be conducting the transport; the Fire Department is responding to the Township for EMS calls just as first responders. The Fire Department also responds to structure fires, vehicle accidents, and all of the other calls as in the past. If the Fire Department is available they are required to respond to all EMS calls within the City of Ellsworth. Saunders clarified this contract only applies if the Fire Department is available as well; if there is a call in Ellsworth and the staff is committed to a call in Ellsworth they will advise Fletcher's Landing they cannot respond to that call at this time. Hamilton explained this agreement was originally for fire service, it was not inclusive of EMS. Saunders explained last year's contract did include EMS services; that was built into the language. The only change from last year to this year is the three-year term. This will coincide with when the contract with NLMT expires; at that time

Approved - Council Order #062107, Request of the Fire Chief to accept a revised agreement between the City of Ellsworth and the County of Hancock to provide fire protection and emergency services to Fletcher's Landing Township for a term of three years for the annual sum of \$17,500.00.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

this contract can be reassessed.

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

RESOLVED to approve Council Order #062107, Request of the Fire Chief to accept a revised agreement between the City of Ellsworth and the County of Hancock to provide fire protection and emergency services to Fletcher’s Landing Township for a term of three years for the annual sum of \$17,500.00 as presented in attachment #8.

Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 4, Fire Prevention Codes and Ordinances.

Gary Saunders, Deputy Fire Chief provided a brief history on this Ordinance. The original Ordinance was proposed in 2008 by former Fire Chief Jon Marshall and former Fire Inspector Mike Hangge. Saunders stated he interviewed Marshall and Hangge and learned they proposed the original language because the use of light weight building material was just entering the market. The original proposal was for all residential homes in the City of Ellsworth to have a sprinkler system. They understood that requirement would be tough to have approved, they compromised by providing three options within the version of the Ordinance that was approved by the City Council. The three options for developers of subdivisions are the following: 1) If there is a water main close, the project could hook into the water main and provide fire hydrants every 1,000 ft. or so. 2) Provide an underground cistern or water tank consisting of 10,000 gallons every 1,000 feet or so. 3) To have the homes sprinkled. The version of the Ordinance that listed the above three options was approved by the City Council in 2008. Up to this point it has worked well; NFPA 1142 has been used as a standard as well as listed those three options in providing water supply for fire protection within the housing developments. The subdivisions are essentially developing neighborhoods with up to 14 or more lots. The goal with adding that language to the Ordinance was to ensure there was some type of water supply for fire protection purposes. Saunders was requesting tonight that the Council entertain a motion to keep Chapter 4 as it was written to include the above stated three options for fire protection. NFPA 1142 also provides the authority having jurisdiction the leeway to negotiate what the three options look like. Saunders provided the example of an underground cistern is required in the

Motion failed.

Repeal Chapter 4 of the Fire Prevention Ordinances necessary inspectors are not available to keep construction projects going.

The Council agreed to have a workshop on this matter within the next 7-10 days. Out of the workshop will come some different agenda item that will have action taken on it at a later Council meeting; this agenda item has been resolved.

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Ordinance every 1,000 feet, this is one case where a compromise could be made. A possible compromise might be instead of one every 1,000 feet there is one centrally located and it is 20,000 gallons. The Fire Department is willing to work with developers while consulting the NFPA 1142 standards for guidance on meeting those requirements. Saunders noted if the Council would like to workshop this topic there are some educational components that could be addressed at that time. During a workshop a discussion on what light weight construction material is, how it burns, what happens when it is under a fire load, and what different sprinkler systems offer for residential homes might be helpful to understand. See attachment #9 for a memo from Thomas Canavan, Fire Inspector, brief history on the Ordinance written by Gary Saunders, emails and letters presented by Christopher Derr. Councilor Phillips recognized he was on the Council at the time this language was added to the Ordinance. At the time, sprinkler systems were a relatively inexpensive way to accomplish this goal and a good working choice. Phillips stated over time, as well as Derr's letter (attachment #9), has brought up some valid points and questions; it seems sprinklers are not as simple to get inspected and there may be other issues associated with the inspection process. Saunders had read Derr's letter and acknowledged he had some valid points; however, he felt there were some areas the Fire Department and City could work with Derr within that Ordinance. Saunders reminded the Council that NFPA 1142 does provide some latitude for cases like this. The market for inspecting some of the sprinkler systems could be improved; however, that is something that can be done at the market level not at the City level. Chair Hamilton explained his understanding of the problem right now is that the City has several developments underway that are ready but are being held up and the individuals cannot move into them. The developers cannot move on the project because they cannot get the sprinklers inspected due to the market conditions; there are no inspectors available to do that. Hamilton stated now there is a project that has been approved for sprinklers without the ability to get them inspected which means the project is stopped. He asked Saunders if the City/Fire Department had the ability to provide a waiver on the inspection to allow those projects to move forward or not. Saunders stated the developer of those projects has the right and ability to come back to the Planning Board and pick another one of those options. The answer would be no, as the Ordinance stands now the City/Fire Department cannot do anything with the sprinkler issue. Hamilton clarified when Saunders stated there is room for negotiation, does the Department have room to negotiate with the sprinkler system. Saunders stated the system being discussed is a

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

13D system and is regulated by the State Fire Marshal's Office. Hamilton noted as long as that option is kept in the Ordinance the projects are not able to move forward. Saunders stated the projects can move forward. It was stated the projects could move forward; however, it might be more expensive, it would require the plans to be changed, and possibly a new approval by the Planning Board. Councilor Kaplan stated this Ordinance troubled her on several levels. She was concerned with requirements within the Ordinance in connection to affordable housing and lowering the cost of housing for people. The Council would be approving options within this Ordinance that greatly increase the cost of building. Kaplan also questioned if this requirement applies to any specific lot size and does it consider a particular density measurement. Saunders explained the requirement has to do with residential subdivisions where a developer is creating a project to subdivide land to make money by selling the lots off; in many cases without a thought to fire protection or safety of responding firefighters. Kaplan inquired if the developer sells the lots off individually and then the homeowner decides to build on their own property would they have to comply with one of the options, if it has not already been done. Saunders explained the developer is responsible for complying with one of three options when they are developing the property; they can install fire hydrants, put in underground cisterns, or they can require the person who purchases the house lot to install sprinklers when they build the home. The developers are provided with three choices and then the decision is left up to the developer as to what the water supply for fire protection will be. The City/Fire Department is not requiring anyone to install a sprinkler system in their homes. If a family of modest income chooses to purchase a lot in a subdivision that does not have option one or two and therefore are required to install a sprinkler system in the home they choose to build. They will need to take that requirement into account when calculating how much they can afford when making the lot purchase and later the house purchase. Kaplan felt it was basically punishing the modest income family in favor of large developers that can afford these large systems. NFPA stands for National Fire Protection Association. Kaplan looked up the NFPA and learned that their Board is basically made up of people who sell fire equipment, people who service fire equipment, people who sell sprinkler systems; therefore, creating regulations that are actually self-serving in her opinion. She is not implying they are not looking out for firefighter safety; however, it is also kind of a little self-serving. She was concerned with the NFPA having a conflict of interest with this requirement. Saunders stated these are the standards Fire Departments are provided

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

with to conduct their work. Councilor Lyons stated if the same modest income couple purchases three acres on Route 179 not attached to a subdivision they can build a house without installing any system. Saunders explained that is correct because they would not be part of a subdivision that is impacted by this ordinance; although, they would still be required to build the house to code, use low flow toilets, and other requirements that might be in the law. Lyons inquired what would make that house any different than the one in a subdivision. Saunders explained the idea is the developers are creating neighborhoods with roads, electricity, and developments with no thought on what will happen if there is a fire. The Fire Department can take some water with them; however, there are a lot of places in Ellsworth where they would need to travel a fair distance in order to find an adequate water supply to address a fire in a cluster housing development.

Public hearing opened.

Christopher Derr, local installer of Uponor AquaSAFE 13D Fire Suppression System stated he has some experience with the inspection problems as described earlier in the meeting. Derr referenced the email he sent to the Council in preparation for this meeting (attachment #9); that should address a lot of the concerns. Derr explained he had a 5.5 acre parcel he subdivided on the Happytown Road into 3 parcels which then became a subdivision. At that point, Derr was required to choose one of those three options. At this location, there is no city water service. At least one underground water storage tank would have been required at an upfront cost of \$20,000. That cost would be after the fees associated with creating a subdivision and the expenses associated with two Planning Board meetings. The only other option Derr had was to install a fire sprinkler system in the homes; this option has definitely diminished the value of the lots. He has sold one lot; however, there are always questions concerning the fire sprinkler system. The Happytown Road part of Ellsworth has a lot of manufactured homes, single, and double wide homes. These systems through the way they are put in place, inspected, and permitted basically eliminates having a single wide, double wide, or even potentially a manufactured home on the lots within the subdivision on the Happytown Road. Most single or double wide homes are built out of state, then to have someone install the systems at that location would create an inspection issue in Maine. Once the home arrives in Maine it is handled through the Maine Fire Marshal's Office not the outside location where the home was built and the system

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

was installed. If the trailer arrives in Maine with a fire sprinkler system the structure must have a rough-in inspection or final inspection and a float test. Sometimes this type of purchase requires a lot of coordination of details depending on whether the system was inspected out of State during the rough-in. That would be a lot of complication for a trailer that is \$50,000 - \$60,000 and meets the standard of affordable housing. If the home arrives from out of state without the system installed, then the ceiling needs to be taken down to install the system and ultimately ends up being a lot of extra work. Derr installs the fire sprinkler systems as a limited fire sprinkler contractor and does see the benefits of the systems. He is not disputing that part; however, they are for life safety not for structure safety. They are designed to allow a person time to get out, activated on a per room basis, and heat activated. Councilor Grindle inquired how much do the approved systems cost. Derr stated estimates are not available because it is not based on a per foot cost; the cost is based on the layout of the home. The price is designed on the individual room size, if the room is over a certain size or if a closet is over a certain size it now requires a sprinkler system; therefore a lot of variables go into developing a price estimate. Some other factors that contribute to the cost of the sprinklers is the layout of a home combined with if the water faucets and toilets are on a perimeter, whether the fixtures are available throughout the home to tie into or not. These systems can be used as a multi-purpose system; however, a majority of the time they work out better as a standalone system. Derr stated for a two story home with a finished basement so there are 3 floors with sprinklers at today's cost would be approximately \$30,000. Derr stated he currently does not have anyone to inspect the systems. He has a representative responsible managing supervisor (RMS) that is located in Minnesota for these systems. The RMS representative is the person who has the qualifications through the Fire Marshal's Office as described in the attached email (attachment #9). This is highly subjective and is based on a five-year continuous history of installing these systems which currently is being determined as a rolling five-year period. You cannot have any gaps in between, been disqualified, or removed from the list. Currently, the inspector Derr had in this area was taken off the list. All the available inspectors are in the Southern part of the State; Derr provided a list of those people in his correspondence with the Council. Most of those inspectors are small business owners who do their own work in the southern part of the state, are not inspecting companies so therefore do not perform this type of work for others. Even if Derr could hire one of those inspectors it would add significant travel costs to come to Ellsworth as well as

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

scheduling issues. This concern was raised back in 2017 when the City was in the same position with inspections. At that time, Michael Hangge became certified because it was obvious that out of town particularly Southern Maine RMS representatives were not interested in taking on extra work, and if they did the fee was very high in order to make it worth their time and to cover travel expenses. A couple years ago it cost \$1,000 to hire an inspector and that fee is likely higher now with the increased fuel prices. Phillips remembers the discussion back when this language was approved, the systems would add approximately \$3,000 to \$5,000 to the cost per home. Phillips remembers thinking at the time it would increase the cost of the home and keep driving up the cost of homes and thus make building it more unaffordable. Derr stated even a standard one story home with a finished basement would be approximately \$20,000. Hamilton questioned if there are existing developments now that have these fire sprinkler systems installed. Derr stated as far as he knows there is one on Green Lake in the Neville Shore Subdivision and his on the Happytown Road. He believed all other subdivisions that previously had the sprinkler system option approved has since decided to install the tanks. Namely they are owned by groundwork contractors who can install the tanks in a much more affordable manner and they are also already adding infrastructure as part of the project. One of Derr's biggest concerns with the Ordinance is it doesn't differentiate between minor and major subdivisions. Derr's subdivision on the Happytown Road is a minor subdivision it was not a major subdivision. Hamilton clarified whether Derr has actually already installed sprinklers at that location. Derr stated no, he has not installed sprinklers yet; he has only selected this option. He could not afford to install the tank into the ground to then sell lots for a little over \$12,000 each. That option did not make financial sense. Derr had the land available and those would have been an excellent affordable option for somebody who wanted to live a little bit out of town. This would provide affordable lots in Ellsworth when most lots are selling for \$40,000 each. Kaplan stated this statement goes back to her original point where this requirement is creating a barrier to entry for the modest income family versus the well-funded family. Derr stated this requirement effectively bans mobile homes in any of these subdivisions because it is very complicated. Kaplan noted anytime a regulation is created the initial cost might be \$3,000 to \$5,000; however, as demand due to the regulations are becoming more popular from region to region that drives up the cost as well. Grindle stated Neville's Way is located on Green Lake so she questioned whether the lake would count as a water supply. Scott Guillerault, Fire

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

Chief stated the accessibility currently to Green Lake is not available for the Fire Department to utilize as a water source. A right-of-way would have to be created or some other arrangement made in order for the Fire Department to reach the water source and then they would have to have the capability to pump back up to the roadways. The current apparatus does not have that capability to be able to get that close to the water and remain on stable ground. Guillerault explained for a 2,000 square home, two to four tankers would be needed from outside communities because the City does not have the ability to handle it themselves. That would mean a lot of road traffic, trucks on the road, and a mobile water supply being brought to the scene from out of town departments. While it takes those communities 10 to 15 minutes to reach the scene; the department will be emptying a truck of water every 6 minutes approximately. Then the department is waiting for water to come to the scene. Having access to the Lake would be great and it has been discussed today as a possible viable option. There are other solutions that could be considered and looked at down the road that would help the department offset some of that. Guillerault stated the reason workshopping this topic was suggested earlier in the meeting was so these other options could be discussed before making changes to the Ordinance. Guillerault stated he would be 100% in favor of sprinkler systems if they are able to have them installed in homes because it is a life safety issue and the goal is for people to make it safely out of the home. They are also great for the firefighters, they can offset the system and it works well to help with property conservation; however, at the end of the day it is about life safety and people getting out of a house in a timely manner. They are asking for cisterns to be put in place so the Fire Department has a water supply closer to those residents to be able to fight the fire with while they wait for other tankers to get on the scene; 10,000 gallons goes a long way while fighting a fire. Guillerault stated in his experience most fires can be extinguished with 10,000 gallons of water; that is a significant savings for being able to provide property conservation at the same time. The goal is to have less damage to the home if possible. Kaplan reiterated this requirement is creating a barrier to entry for home ownership for modest income families and one of the things the Council has discussed at agnostium in Ellsworth is affordable housing. She stated when a barrier is created such as this whether it is a homeowner who is renting or a first-time homeowner it is cost prohibitive for them. This causes them to continue to rent in an apartment where they do not have equity and it seems unfair. Guillerault understood that reasoning; however, he would like the opportunity to come up with options for that and be able to manage

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

through those problems. There is some equipment that can be looked at in line with accessing the right-of-way down to the water in appropriate cases and be able to have those put in place. The Fire Department has been looking at some other options that might help that situation; that might eliminate cisterns or residential sprinklers. Before that decision can be made there has to be an opportunity to discuss those options before the Fire Department comes before the Council with those alternatives. Guillerault cannot fix the situation with the Fire Marshal's Office that is something the Department will look at in the future in regards to creating legislative action to attempt to make some changes in that way. That would be an avenue for changing the inspection process for the sprinklers. The Fire Department has looked at various ways to expand the cistern distance in an effort to cut down on the cost to install them. At the end of the day, once the affordable housing is built the question remains how the City provides protection to the residents of those homes; Guillerault as Fire Chief is charged with that obligation. Kaplan inquired how those residents were protected 20 years ago; she indicated they were educated and smoke detectors were installed in every home and now there are carbon monoxide detectors in every home. Guillerault agreed slowly over time more safety has been added into every generation of homes and the process of building residential homes. Although Kaplan understood that explanation, those levels of safety such as home fire drills, second floor escape ladders, and smoke detectors are affordable safety measures even by low income standards. Hamilton inquired from Derr is there an immediate need; he had misunderstood the issue concerning whether there were homes that had been developed with sprinklers already installed that were just waiting for an inspection. Derr stated there is one home they will be starting over the next couple of weeks. Hamilton inquired from Derr's perspective is there time to hold a workshop or does Derr need action sooner. Derr explained he has to submit and pay for the plans to be sent out to Minnesota; they will design the entire system as well as determine the piping size and sprinkler head size and all the other details associated with the system. The company then submits those plans to the Fire Marshal's Office who will ultimately issue the permit; the RMS representative who will conduct the inspections must be listed on that plan in order to receive the permit. As of this moment, Derr does not have that person, so he cannot even install the system until he has that permit. Derr is waiting to install the sprinkler system in a house that is currently under construction. He has not bothered to go ahead with the other two; currently those are just groundwork. Derr stated the house is sitting there right now, it is weather tight;

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

however, he cannot install the sprinkler system without a permit, which is specifically stated by the Fire Marshal's Office. Hamilton asked if the inspection is required because the City has tied it to the rules or is that the way it has to be. The systems cannot be installed without it going through the inspection process. Derr stated it is because the City has the Ordinance for these systems. The most common and only one available in this area is the Uponor AquaSAFE 13D Fire Suppression System. The City does not have the authority to waive the inspection, even if they were to vote to waive the inspection requirement. Derr stated the inspection requirement is regulated by the NFPA 13D Code. Hamilton clarified Derr is requesting permission from the City Council to remove the requirement to sprinkle the building. Derr stated his recommendation from experience with both ends of the sprinkler system and creating a minor subdivision is in order to protect the most amount of people this Ordinance should be geared toward major subdivisions of a certain number of lot sizes and to install the underground tanks. The underground tanks are an asset to everyone, they can use that tank for any structure within that subdivision. The sprinkler system is only going to protect that particular home and more particularly whatever room it is located within. Derr explained with a small subdivision it is impossible for him to have installed a tank regardless of the upfront costs. With that location it does not make financial sense to install that tank. In a larger subdivision the cost can be spread out over the number of lots as well as the project already includes installing new infrastructure. Derr's subdivision on the Happytown Road did not require a new road to be built, no new infrastructure was required; they all have access to the main road. His subdivision is at a standstill right now; the pipeline is backing up as those lots sell. There are now two homes where the groundwork has started on one and the other will be starting fairly soon. It is very difficult to become an RMS representative because of the Fire Marshal's rule; that is a regulation not a law. In regards to the other two certifications, Derr spoke with NICT about the certifications because he was considering getting certified himself. After reviewing all the logistics associated with this certification it did not appear that certification would be possible and likely would not help with this type of system anyway. Hamilton stated this topic is complicated beyond just the issue brought by Derr in regards to an Ordinance amendment. One of the unknowns is whatever action the Council were to take would likely require Derr to go back to the Planning Board. The Planning Board is then going to have to go through this whole process again. Hamilton stated it sounds like there are potentially some options available to be discussed at a workshop. Hamilton

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

wondered if the Council could expedite a workshop that would include members of the Planning Board, Fire Department, and Derr. He was concerned even if the Council took action and the only action the Council could take would be to change the Ordinance dramatically which is not going to happen tonight considering the technicality in terms of waiving all parts of it. Hamilton felt Derr would be in a better position if the Council moved to a workshop and tried to work through this issue and come to some type of resolution collectively. Otherwise, Derr may get bogged down in further delays. Phillips stated in regards to the sprinkler system requirement this went from an affordable option to an expensive one and now between the Fire Marshal and inspection process it is virtually a catch 22. This has been turned into an impractical solution of bureaucracy. Phillips stated if the sprinkler system option is left in nothing is solved; however, Hamilton stated if that part is taken out tonight the rest of the Ordinance states three options exist. Now, there will only be two options left; since the third option was selected and it has been eliminated; Derr will need to go back to the Planning Board to be approved for use of option one or two. Hamilton noted the remaining options do not appear to be cost effective for smaller subdivisions either. For that reason this concept is more complex than just eliminating the sprinkler system. Hamilton was interested in hearing the ideas the Fire Department has and was hopeful that it would result in a faster solution for Derr. There was an explanation provided on all the added components associated with sprinkler systems. Grindle inquired if this Ordinance was statewide or if it was specific to Ellsworth. Saunders explained there are other communities out there with similar requirements. Back in 2008, the original proposal was any residential home in the City of Ellsworth shall be sprinkled. This was originally added to protect against the lightweight construction materials such as chipboard; they are low cost, economical, and work great until there is a fire. They also ignite quickly because it is only glued together. Saunders explained the caveat in exchange for using this lightweight construction material those homes would be sprinkled. The State allowed the lightweight construction portion of that building code; however, they did not adopt the mandatory sprinkler systems. The City of Gorham has a regulation that if any residential structure is built it will be sprinkled. Councilor Blanchette inquired if there is any kind of middle ground with this topic. He inquired if the building were to be constructed not using the lightweight materials could that requirement be rescinded in that case. Saunders noted if it is in a subdivision that would be difficult to regulate as each landowner might elect to use different building materials. The underground cistern is great but

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

they do nothing to put the fire out until the Fire Department arrives and ties up manpower to pump water out of the tanks to put on the fire. Unfortunately, manpower is the key component that the Department is missing at this time. Saunders listed some of the positive aspects of a sprinkler system as it relates to the shortage with manpower. Sprinkler systems are a life safety system; however, they are designed to catch a fire in the incipient stage and a majority of the time it will contain or extinguish the fire by the time the Fire Department arrives on scene. The other issue is if a home is on a well and the power goes out the only available water will be what remains in the line.

Public hearing closed.

The consensus was a workshop would be in order (in the short term) to work out some of these issues. Lyons wanted to make a motion to repeal Chapter 4 and dispose of it. The same problems will resurface a month from now and it will continue to be a problem. There are houses that need to be built. Lyons felt the City should repeal it and if the Fire Department wants to work on something new than it could be looked at. Glenn Moshier, City Manager noted even repealing it is not going to fix Derr's issue. The deeds and subdivision plans all have a statement indicating this requirement is in place and they would have to go back to the Planning Board. They cannot move forward with their current subdivision and their plans even if the Council repeals this Ordinance. Derr stated during the Planning Board process it was brought up that if it were ever to be repealed that was a Lot Covenant that was on the subdivision map; if that Ordinance is repealed that covenant would go away. That would not require another Planning Board meeting or anything else. Repealing that would just wipe that requirement off because that is how it is stated, per that Ordinance is what requires it. If that Ordinance does not exist any longer that lot covenant doesn't exist any longer. Hamilton stated Lyons is free to make that motion; however, he would not support it. If the Council repeals it completely that means any development that comes into the Planning Board from this point forward until there is some new resolution developers are free to construct and do whatever they want. That may not be in the best interest of the City and all parties. Hamilton would prefer more information to understand the issue in terms of the options and to do that in the necessary speed to address Derr's conflict as it is time sensitive. He was not comfortable treading into just eliminating an Ordinance of that significance without more facts. Derr also noted

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

townhomes/apartments do not have to install fire sprinkler systems; they can have a fire separation wall every two units. Only single family homes are required to have sprinkler systems, which reflects poorly on the affordability concern. Hamilton agrees a change is necessary; however, just based off the information provided this evening it is unclear how many subdivisions are in their second meeting. Kaplan did not understand why the Council could not repeal the current Ordinance and still have a workshop to work on a better option overall.

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

RESOLVED to repeal Chapter 4 of the Fire Prevention Ordinances necessary inspectors are not available to keep construction projects going.

Grindle stated she does not have enough information to make that decision. She understands where the motion is coming from; however, would like a day or so to review more facts as well as speak with community members.

Lyons felt Derr explained the situation very well and there are still building codes they must adhere to. The houses will still be safe and for the last 50 years they have been building houses without sprinkler systems. He noted not many houses burn in Ellsworth during a year. Lyons did not see it as a catastrophic thing if the Council repeals the Ordinance and then starts working on something different if that is what the community wants to do.

Moshier added please be cautious because the City currently has in front of the Planning Board a subdivision on Denver Way which consists of 14 two apartment buildings that are within 5 feet of each other and if the Council repeals this they will not be required to install the 20,000 gallon cistern. They already have it in their plan and will be installing that. If the Council repeals this Ordinance, that is just one subdivision that will be putting those homes and people in peril. Moshier provided details on that subdivision and the safety of this potential decision on that project. Moshier sympathized with Derr; however, this decision is a dangerous one without more information. Hamilton put a time frame of the next 7 to 10 days to hold a workshop on this topic. He is not willing to take the risk of unintended consequences; he wants to help too but it needs to be done responsibly. The original plan for that was going to be 7 buildings with four apartments in each

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

building which would either require a) fully sprinkled building with a fire alarm system that would have been very expensive or b) engineered high challenge firewall. Saunders explained what the developers decided to do as both of those options were extremely expensive; the changes were allowed under the current code. This project will be on Denver Way and called Denver Trail; located off from the Bangor Road. Blanchette has sympathetic on both sides of this issue; however, he realizes he does not have enough information on this topic. He would be in favor of having a workshop in 7 to 10 days rather than eliminating the Ordinance this evening. Derr did remind the Council that the Planning Board has the authority to require certain things if they so choose.

A final vote was taken on the above motion with 2 members voting in favor (Lyons and Miller) and 5 members voting in opposition (Blanchette, Grindle, Hamilton, Kaplan, and Phillips)

Motion failed.

Hamilton requested a workshop be scheduled immediately. The Fire Department needs to put information together on this topic as they are aware there is an issue. This Ordinance needs to be preserved for the larger developments. The goal of the workshop is to find a good solution for this situation.

The construction will remain stopped as they operate under existing ordinances.

No action has been taken to change the current situation.

The Council agreed to have a workshop on this matter within the next 7-10 days. Out of the workshop will come a different agenda item that will have action taken on it at a later Council meeting; this agenda item has been resolved.

Councilor Miller left the Council meeting following this agenda item and was not present to vote on the remaining items.

Council Order #062109, Action on approving the Annual Report for Tax Year April 1, 2020 through March 31, 2021 Affordable Housing Tax Increment Financing Districts.

**Approved - Council
Order #062109, the
Annual Reports for**

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

An earlier vote this evening moved Council Order #062109 up on the agenda. Glenn Moshier, City Manager explained the Council has been provided with the Annual reports within attachment #10. Attachment #10 contains the complete request and the Annual reports for Leonard Lake, Oriole Way, and Oriole Way Senior within the City of Ellsworth. The requirement is for the Council to review and approve the annual reports. The three TIF districts are Oriole Way, Leonard Lake, and Oriole Senior; the reports contain only a description of those individual TIF projects and a couple questions about changes to those. There have been no changes to those districts they remain as they were intended to be.

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

RESOLVED to approve Council Order #062109, the Annual Reports for Tax Year April 1, 2020 through March 31, 2021 for the Affordable Housing Tax Increment Financing Districts, Leonard Lake, Oriole Way, and Oriole Way Senior in the City of Ellsworth.

Executive Session to discuss labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

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

RESOLVED to approve entering executive session to discuss labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 10:00 PM.

Chair Hamilton noted the Council will not be reporting out following the executive session. Glenn Moshier, City Manager remained in the executive session. Councilor Miller was not present for the executive session.

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

Tax Year April 1, 2020 through March 31, 2021 for the Affordable Housing Tax Increment Financing Districts, Leonard Lake, Oriole Way, and Oriole Way Senior in the City of Ellsworth.

Approved - Entering executive session to discuss labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Labor's District Council on behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit at 10:00 PM.

Approved -

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL**

DATE: JUNE 21, 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, DANIEL HIGGINS, THOMAS CANAVAN, SCOTT
GUILLERAULT, GARY SAUNDERS, REGGIE WINSLOW, LISA SEKULICH,
JANNA RICHARDS, SUE MCLEAN, JOSH MCINTYRE, ELENA PIEKUT, AND
HEIDI GRINDLE.**

**RESOLVED to approve adjourning from executive session in accordance with
MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 10:07 PM.**

*Council Order #062108, Action on labor negotiations between the City of Ellsworth
and the Massachusetts and Northern New England Labor's District Council on
behalf of Local 327, Ellsworth Wastewater Treatment Plant Unit.*

**An earlier motion and vote this evening removed this Council Order from the
agenda.**

Adjournment.

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

RESOLVED to approve adjournment at 10:07 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Adjourning from
executive session in
accordance with
MRSA Title 1,
Chapter 13, Section
405, Paragraph 6D at
10:07 PM.**

**An earlier motion
and vote this evening
removed this Council
Order from the
agenda.**

**Approved -
Adjournment at
10:07 PM.**