

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 16, 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, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAULT  
THOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
HARRIS, AND CALE ROBERTS.**

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 unanimously*

***RESOLVED to approve removing item #16 (Council Order #082105, Request of the Public Works Director to approve the purchase of a single axle plow truck from Daigle and Houghton) from the agenda this evening. There are still some details that need to be finalized.***

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

***RESOLVED to approve replacing item #16 with a discussion on the process to increase the number of School Board seats from five to seven.***

*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

**Call to Order.**

**Pledge of Allegiance.**

**Approved -  
Removing item #16  
from the agenda this  
evening. There are  
still some details that  
need to be finalized.**

**Approved -  
Replacing item #16  
with a discussion on  
the process to  
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of School Board seats  
from five to seven.**

**Rules of Order.**

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than three (3) minutes on any one item on the agenda. In addition, the person may speak not more than two (2) minutes in rebuttal.

Adoption of minutes from the following meeting (s) of the Ellsworth City Council:

- 07/19/2021 Regular Monthly Meeting.

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

**RESOLVED to approve adoption of minutes from the 07/19/2021 Regular Monthly Meeting as presented.**

*City Manager's Report.*

Glenn Moshier, City Manager announced the Local Roads Committee will be meeting on Tuesday, August 31, 2021 at 6:00 PM in the City Hall Council Chambers. Moshier requested that members of the public wishing to attend this meeting come with ideas on priorities for the local roads. Moshier discouraged this workshop from turning into a complaint session on work that has been completed in the past. The goal of the workshop is for a fresh perspective and insight into some areas and roads that might need to be addressed. The Council will be in attendance as well as City staff. Moshier noted the City Broadband Committee is in the process of developing a survey for City residents in order to better understand the broadband needs within the City. More information will be available through email, postal service, City Facebook page and on the City website. There has been a lot of discussion on broadband at the City level as well as the County level; this may be a good use for the American Rescue Plan Act (ARPA) funds. Moshier announced on September 2, 2021 at 6:00 PM in the City Hall Council Chambers there will be a Marijuana Adult Use Council workshop. Representatives from the Maine Office of Marijuana Policy will present information and update the City Council on the current laws regarding this topic as well as what some of the most recent updates are dealing with adult use marijuana. Moshier notified the public that on Friday, August 27, 2021 City Hall will be closing at noon. The City staff will be enjoying an employee appreciation barbecue at Harbor Park. The City Councilors were encouraged to attend this event. Moshier reminded the public that the Hazardous Household Waste Collection will be held on Saturday, August 28,

**Approved - Adoption of minutes from the 07/19/2021 Regular Monthly Meeting as presented.**

**City Manager's Report.**

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2021. This will be held at the Ellsworth High School. Permits are available at City Hall. Moshier is still looking for one volunteer to assist with this event for a four-hour block of time. This person would be directing people, confirming the information on the permits, and verifying participants are residents of Ellsworth. Other towns will have volunteers at the event as well. The volunteers will not be handing the materials. This event will take place from 9 AM to 1 PM.

*Committee Reports.*

**Committee Reports.**

*Harbor Commission* – Councilor Lyons stated the Commission has been working on creating a few more parking spaces. Once the final details have been worked out this concept will be brought to the Council for consideration.

*Burial Grounds Rescue* – Councilor Blanchette provided an update on an expenditure the Council approved earlier this year for the second year preservation of the Old Burying Ground Cemetery. This is located behind the Congregational Church behind City Hall. This year the preservation work was completed last Monday, Tuesday, and Wednesday. Blanchette wanted to let the public know that through this project 8 stones were rescued. Those stones were laying in the mud for several years; they have since been cleaned and professionally repaired. The stones are now standing; there were also several stones that were leaning and those are now standing straight as well. There is a lot of work remaining to be done in this cemetery; next year the plan is to work on the back of the cemetery. There are still 50 to 60 stones on the ground; these stones belong to Ellsworth’s founders, veterans, and the earliest citizens of the City. Blanchette is hopeful the Council appropriates the same amount of money next year so that the work can continue with the same Preservationist and the same number of volunteers. The volunteers all donate their time and the only fee is for the Preservationist.

*Broadband Committee* – Councilor Grindle announced this project has received a \$5,000 Connect Maine Grant. This will help the City offer a survey with data collection. A draft of the survey should be available next week. This will include a speed test city-wide; it is really important that residents complete the survey so that it can be determined who is underserved, who is unserved, and who is overpriced. This information will help the Committee formulate a plan on how to provide broadband services to all of the residents.

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*Recreation Commission* – Chair Hamilton noted although the Commission is struggling to find a time to meet; there is a request on the agenda tonight to add a member to the Commission. There are still open positions on this Commission if there are members of the public that would like to serve in this capacity.

*Citizens' Comments.*

There were no citizens' comments this month.

*Presentation of Awards.*

*Chad Wilmot, for twenty years of service with the Ellsworth Police Department.*

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

*John Wedin, for fifteen years of service with the Ellsworth Water Department.*

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

*Joshua Steward, for five years of service with the Ellsworth Police Department.*

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

*Cale Roberts, for five years of service with the City of Ellsworth.*

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

Added to the agenda this evening was a special recognition by Councilor Blanchette to Heidi-Noel Grindle, City Clerk in honor of her 25<sup>th</sup> wedding anniversary which happened to be this evening.

**UNFINISHED BUSINESS**

**Citizens' Comments.**

**Presentation of Awards.  
Chad Wilmot - 20 years with the Police Department.**

**John Wedin – 15 years with the Water Department.**

**Joshua Steward – 5 years with the Police Department.**

**Cale Roberts – 5 years with the City of Ellsworth.**

**Heidi-Noel Grindle, 25<sup>th</sup> wedding anniversary.**

**Unfinished Business.**

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There were no items under Unfinished Business this month.

**CONSENT AGENDA**

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

*Council Order #082100, Request of the Tax Collector/Deputy Treasurer to initiate civil actions in the name of the City of Ellsworth for the purpose of collecting delinquent personal property taxes.*

See attachment #1 for the complete request.

*Council Order #082101, Request of the Recreation Commission to accept a resignation letter from Nicholas Turner with a term to expire on June 30, 2022.*

*Council Order #082102, Request of the Recreation Commission to appoint Kimberly Fitch as a member of the Commission with a term to expire on June 30, 2023.*

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

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

**NEW BUSINESS**

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

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

**Consent Agenda.**

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

**Approved – Council Order #082100, initiate civil actions in the name of the City of Ellsworth.**

**Approved – Council Order #082101, Nick Turner’s resignation.**

**Approved – Council Order #082102, Kim Fitch term to expire 06/30/2023.**

**New Business.**

**Approved - Margs Mex Ellsworth, LLC d/b/a Margaritas**

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*License.*

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

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

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

Public hearing was closed.

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

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

**Ellsworth, 191 Main Street, for renewal of a City Class B License (Amusement, Liquor, Victualer) and renewal of a State Class A Restaurant/Lounge Malt Liquor, Wine, and Spirits (Class XI) Liquor License.**

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

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***III, IV) Malt, Spirituous, and Vinous Liquor License.***

*Maine Organic Therapy d/b/a Curaleaf Maine, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.*

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

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

***RESOLVED to approve the request of Maine Organic Therapy d/b/a Curaleaf Maine, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.***

Before a vote was taken Councilor Kaplan noted that as she was reviewing their application paperwork she was hoping to see that they had some sort of a warning label included for the adult use of marijuana. She has patients that are pregnant and have medical marijuana cards for their nausea despite the fact that marijuana use in pregnancy has been shown to increase the incidence of autism. It has also been linked to increasing the incidence of low birth weight, small head size, and other conditions. It also causes cognitive dysfunction in breastfeeding mothers. Adult use of marijuana is associated with the increased incidence of schizophrenia, bipolar, psychotic episodes, cyclic vomiting syndrome, as well as a host of other medical problems. Any other medical facility has to have the benefits and risks presented to the patient and then the patient can make an informed decision. In this case Kaplan did not feel this industry was providing information on the potential risks to the patients; even a pharmacy provides all of the possible side effects available when a patient picks up their prescription. She was hoping that if there is a medical industry like this one they would include some of the medical side

**Approved - Maine Organic Therapy d/b/a Curaleaf Maine, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.**

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effects, the known permanent side effects. Kaplan inquired if there is a way the City can make that part of the licensing for adult use and medical marijuana ordinances at some point. Chair Hamilton thought that might be a question to be explored later because his understanding with this particular license is that it is completely regulated by the State of Maine. Hamilton did not believe the municipalities had the ability to regulate medical marijuana but rather the State rules and Statutes govern those facilities. Kaplan noted the rules are subject to local regulation. Hamilton stated that would likely be a question to pose to the attorney to understand better or have City staff research it and identify the answer. That would not be action the Council could take this evening; however, it is certainly something that can be explored at a later time. Councilor Lyons agreed with a warning label. City Manager Moshier stated having been there and toured the facility they do have an educational component. When a new patient comes to the facility they meet with them and discuss certain information. Kaplan noted their new patient material does not mention side effects, it just explains how to use the products as well as the different forms and methods available for using the products (smoking, vaping, edibles, topicals, and tinctures). However, nowhere in the patient packet is there mention of a single adverse effect that can be had from frequent chronic marijuana use or marijuana use by pregnant and breast feeding adults. Kaplan would just like people to have the material to make an educated decision. They carry mostly the Sativa brand which has the most THC content of all of the products. Moshier inquired if the responsibility of that educational component be on the medical provider who is providing the patient with the green card. Kaplan noted a patient can get a medical marijuana card for a minor inconvenience (such as a hangnail). Most people go online and fill out a form, they don't even see a doctor before receiving a medical marijuana card. The cards generally cost \$25. Kaplan noted this is not what it was intended to be. When there is adult use there should be an educational component provided to the patient at the time they get the medication if it is truly medication. Councilor Miller agreed with Kaplan; however, they are in compliance with the state law and the City does not have an Ordinance. There should be a warning label on the products; however, they are meeting all their requirements now and maybe the Council can talk about that in the future. If an Ordinance is drafted that would be a good point to bring up but right now they are in compliance with all of the State and City regulations. Councilor Phillips agreed with Kaplan in the aspect people should try to be educated; however, at this point it is legal. Hamilton suggested one way to carry

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forward this request is on September 2 when the workshop is held lets add that as part of the process.

**A vote was taken with 6 in favor (Blanchette, Grindle, Hamilton, Lyons, Miller, and Phillips) and 1 vote in opposition (Kaplan).**

*Presentation of the Annual Update by Michael McKernan, Director, Government and Community Relations - Maine for the Jackson Laboratory. (Sponsored by Chair Hamilton)*

Katie Longley, Chief Operating Officer at the Jackson Laboratory shared their mission as well as the fact that they work on genomic solutions for disease. They also work with the global biomedical community to improve human health. Longley addressed how Jackson Lab (JAX) responded to the pandemic and how they have grown their team in Ellsworth. Their workforce worked throughout the pandemic; they never closed. They were very pleased not to have any layoffs or furloughs. JAX also had a testing facility where they could test all of their employees who came to work asymptomatic. They administered over 28,000 tests; right now they are encouraging but not mandating vaccines at the facilities. JAX has an approximately 73% vaccination rate. During the pandemic they donated tests and PPE to first responders, and were very engaged especially with the Town of Bar Harbor in helping the hospital. JAX also collaborated with the University of Maine and the Maine Maritime Academy by conducting testing. Over 4,600 tests were performed at the Maritime Academy and then run at JAX testing lab. They have also been very involved in the research side of the pandemic and many of the facility members are involved in studying COVID. Ryan Tui is conducting work with the State of Maine on the long term effects of COVID also known as Long COVID and some of the variants. Nadia Rosenthal is working with the cardiac response in COVID. The Charles E Hewitt center in Ellsworth has recently hired their 100<sup>th</sup> employee. The groundbreaking was in August 2016 and phase 2 has just been finished. The project completion date for the entire facility is now 2023, which is ahead of schedule. With 100 employees being hired within 3 years that places them ahead of schedule in the 10-year plan, which is to hire 370 employees. JAX just increased their hourly wages for the frontline workers most of whom are in Ellsworth; this wage was increased from \$15 to \$18 per hour. They realized they are competing for workers among the retail market who also increased the hourly

**This item was a presentation only; no action was taken or required this evening.**

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rate; however, they have great health, dental insurance, on-site health services, a competitive retirement plan, tuition reimbursement, and other benefits to offer as well. They hope the benefits along with the increased hourly rate make them an employer of choice in the City of Ellsworth. JAX has added two days of paid volunteer service and have increased their paid parental leave policies. JAX has many job openings currently. Councilor Kaplan inquired regarding the average level of education required to be eligible for a frontline position at the Ellsworth facility. Longley stated it depends on the position; however, they are fairly flexible. There are approximately 70 positions open between Ellsworth and Bar Harbor. If interested members of the public go to [www.JAX.org](http://www.JAX.org) and click on careers the minimum education requirements will be listed and oftentimes it is a high school education. They also have a very good training program and once an employee is trained up in Ellsworth that minimum increases from \$18 to \$20.25 an hour; this is a several months long training program. JAX is very pleased to invest in their employees; one way they do this is to offer tuition reimbursement as well as push to further the education of their employees. If an employee has worked at JAX for over six months and they want to pursue an associate or bachelor degree JAX will contribute approximately \$6,000 a year towards tuition reimbursement. Michael McKernan, Director, Government and Community Relations-Maine shared some great economic impact data as well as other things JAX is doing within the community. He stated JAX remains the largest employer in Hancock County; they are the third largest employer in the State of Maine. If only the non-profits are considered they are the largest non-profit in the State of Maine other than the large hospital systems such as Northern Light and Maine Medical. Currently, JAX in Maine is paying 146 million in wages and benefits to over 1700 jobs (this is not the same as employees). In 2020, they had capital expenditures exceeding 51 million dollars. That created approximately 400 jobs in those industries supporting those capital projects. They had less visitor spend in 2020, there were less people traveling; there was 280,000 in visitors spend compared to 2019 when there was over 14 million dollars of visitor spend in Maine. JAX is hopeful that the visitor spend figures will increase. Of the economic activity it generated over 25 million dollars in payment of State and local taxes. The total Maine economic impact is 630 million dollars contributing to the creation of approximately 5,000 jobs in the state of Maine during 2020. Currently, Ellsworth and Bar Harbor have the same number of employees residing in each location. According to the 2020 data there was 365 in Ellsworth; however, during 2021, there has been an uptick in employees

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within the City of Ellsworth. Out of those employees approximately 315 live in the City of Ellsworth, approximately 199 own homes therefore contributing to property taxes (exceeding \$670,000). It was estimated that JAX is doing business with about 112 vendors within Hancock County; the number of vendors located in Bar Harbor have been removed from the above number. Currently, JAX pays \$224,000 in water and sewer bills, and in 2020 they made a voluntary contribution to the City of Ellsworth in excess of \$51,000. The top Ellsworth vendor out of the 112 mentioned previously is Dead River at \$1.2 million. The second Ellsworth vendor is R.F. Jordan at \$481,000. Other high ranking Ellsworth vendors were E.L Shea and F.W. Webb. Although not in Ellsworth, Downeast Transportation is also a large vendor of JAX. In addition to Economic Development JAX is making quantifiable contributions to the community by providing each employee with two days of paid volunteer service. The goal is for employees to dedicate this time to supporting their non-profit or community program of interest. They have involvement within the Grand, the Library, and a larger presence in the Schools. In December, they will make their 2021 community contribution of \$53,045. McKernan explained JAX has partnered with Hancock County Technical Center (HCTC) since its inception. When HCTC students enroll in the biomedical support program they have a highly focused program that will prepare them largely for entry into a biomedical profession. The students study at JAX on handling research animals, laboratory safety, how to operate when there is hazardous material in a research environment, this training is at the same level a JAX employee would receive. This provides those students a real advantage over other students who either do not receive the training or receive more generic training. Students are given the opportunity to conduct research at JAX during the academic year, they have time out of their day when they can travel to the Bar Harbor location or they can work remotely through a video conference with one of the investigators on their own research project. Many of the students participate in the Maine State Science Fair; this has been the highlight of the partnership between JAX and HCTC. He provided a few examples of student success stories. JAX is able to offer Ellsworth High School students who have participated in the Fair an opportunity to go to college for free or for greatly reduced costs. Councilor Miller thanked JAX for everything they did for him personally while he was working with them and particularly for allowing the Pfizer vaccines to be stored at their facilities. This allowed so many people to be vaccinated especially the 12 to 16 year old populations. McKernan stated he would communicate that to the large number of

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**DATE: AUGUST 16, 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, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
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members of that team who were involved in the distribution, sharing of resources, and knowledge with members of the community. There were quite a few people who were involved in that process. Chair Hamilton noted what Miller just stated mixed with the presentation this evening was a very good example of the importance JAX has in the Ellsworth community. He thanked JAX for what they do and the time they dedicated to the presentation this evening to share an update.

**This item was a presentation only; no action was taken or required this evening.**

*Council Order #082103, Request of the Public Works Director to accept the Mineral Screening Bid.*

Lisa Sekulich, Public Works Director stated on August 11, 2021 the City accepted mineral screening bids; this is an annual request for the winter sanding needs. Four RFPs were requested and three bids were received. See attachment #2 for the complete request, bid results, and low bid from KJ Dugas Construction Inc. They have provided the mineral screening during previous years including last year. The City has had a successful working relationship with KJ Dugas in the past.

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

**RESOLVED to approve Council Order #082103, the bid for mineral screening to KJ Dugas Construction at the rate of \$2.55 per cubic yard for screening City sand. The City also reserves the right to order sand screened from January through April 2022 at a price of \$3.55 per cubic yard.**

*Council Order #082104, Request of the Public Works Director to approve the Water St Pump Station – engineering Scope Adjustment/additional costs.*

Lisa Sekulich, Public Works Director referenced attachment #3 for the complete request and memo from Woodard & Curran explaining this Water Street Pump Station Upgrade Scope Adjustment – Design and Construction Phase Services. Sekulich summarized that there has been a request for a scope and fee adjustment for the work on the Water Street Pump Station Project. As stated in the attached material the request is for a total increase of \$42,500 based on issues/concerns with

**Approved - Council Order #082103, the bid for mineral screening to KJ Dugas Construction at the rate of \$2.55 per cubic yard for screening City sand. The City also reserves the right to order sand screened from January through April 2022 at a price of \$3.55 per cubic yard.**

**Approved - Council Order #082104, the request of the Public Works Director to increase the design-engineering fee for the Water Street Pump Station project by \$31,875 and to**

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abutting property owners and taking the project to the Board of Appeals for variances on setbacks due to the size of the lot, as well as the efforts required to procure a pump ahead of the construction contract. The need to procure a pump early in the process was due to concerns with the future availability of that equipment and the anticipated long lead time to secure that type of item based on COVID setbacks with material shortages, and design constraints. A representative was present this evening from Woodard and Curran to answer any questions. Sekulich noted after discussions with the City Manager and Wastewater Superintendent she is recommending to pay 75% of the request.

**allow the City  
Manager to sign  
required  
documentation.  
Funding for this  
project to be from  
bond proceeds/future  
funding.**

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

**RESOLVED to approve Council Order #082104, the request of the Public Works Director to increase the design-engineering fee for the Water Street Pump Station project by \$31,875 and to allow the City Manager to sign required documentation. Funding for this project to be from bond proceeds/future funding.**

Councilor Kaplan inquired if this project has already been approved at an initial price and because once the work started it was discovered the project would be more complex. Sekulich indicated that was a true statement. Nate McLaughlin, from Woodard and Curran was willing to describe the challenges they encountered as well as the reasons for their request for additional funding. Chair Hamilton summarized the increase was due to the price increase with the pump and the delay in receiving the pump. There was also added time due to the property challenges that were identified. McLaughlin explained when they enter a design effort there are two primary challenges; knowing what the project is and what the design effort will be. In this case the site is very small, it is very difficult with property line setbacks, river setbacks, and through the process it was learned that the project would be limited to the site as it existed. There would not be any sort of consideration given for additional property rights or easements. Through that effort there was a number of iterations they had to go through to propose different configurations and went through a second bidding process for the pumps as previously mentioned. There was no margin for error to leave some of those decisions to the general contractor; Woodard and Curran was forced to design around the specific pumps that were going to be installed. This project had to go

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before the Zoning Board of Appeals and ended up being a much greater effort than originally planned. Kaplan inquired if they anticipate any other increases on this project. Sekulich noted there is a potential for an increase during the construction phase. McLaughlin noted looking ahead they have recommended that the City hold off on bidding the project right now. The bidding climate in the industry is challenging around the availability of contractors, resources, and equipment. If the infrastructure package gets approved and more funds are brought into the industry this advice to hold off on bidding might be reconsidered. The project as designed is more complicated than originally conceived and so they are envisioning that the time it takes to construct may be longer. The contract duration that was given to the contractor may be longer than originally perceived. Councilor Phillips summarized the project is likely to cost more money to complete the project. He acknowledged a lot of the particulars are far above Woodard and Curran's control.

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

*Council Order #082105, Request of the Public Works Director to approve the purchase of a single axle plow truck from Daigle and Houghton.*

At the beginning of the meeting the following motion was made:

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

***RESOLVED to approve removing item #16 from the agenda this evening. There are still some details that need to be finalized.***

*Discussion on the process to increase School Board membership from five to seven which would require a Charter change.*

At the beginning of the meeting this item was added by the following action:

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

**RESOLVED to approve replacing item #16 with a discussion on the process to increase the School Board seats from five to seven.**

**Approved -  
Removing item #16  
from the agenda this  
evening. There are  
still some details that  
need to be finalized.**

**This was a discussion  
only; no action was  
taken or required  
this evening.**

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Abigail Miller, member of the Ellsworth School Board explained the Board is only at the inquiry stage. The School Board has looked into how many members would be beneficial; the Board feels it would be best to have seven members as the Council does. The School has approximately the same budget as the Council, they are responsible for all the children the schools look after, the staff (the school staff is larger in numbers than the City staff), and they recognize the fact that when you are educating children it is a very sensitive topic. There are a lot of voices out there and having a board of five instead of seven doesn't allow for as many voices to really be heard. Miller felt they were at the point where the Board is ready to explore that option. Four out of five Board members voted to approve hearing from the City Council on this topic because the way the information is written for this City it is in the City Charter that the School Board will have five members. Therefore, in order for the School Board to figure out anything more they must come before the Council. The School Board would like to hear from the Council what their options are and what the process would be to increase the Board membership. Chair Hamilton explained the reason this request is on the Council agenda is to be sure everyone within the Community understands what the thought process is for the School Board in terms of the potential of requesting this type of action. The School Board is regulated by the Charter. Changes to the Charter require specific processes to be followed according to State Statutes; these ultimately include the voters. This agenda item is the start of that process and making sure that everybody in the Community has a chance to hear about this inquiry; tonight is just informational. Glenn Moshier, City Manager explained he reached out to Legal Counsel and received the guidance he needed to explain exactly what the process would look like. The School Board is identified in the Charter as a five member board so in order to increase that number the City would have to essentially have a Charter amendment. The process to complete this would be for the Council to propose an amendment or the amendment can be proposed by a petition. There needs to be a public hearing after the amendment is proposed and following that public hearing the Council would need to pass an Order to place the question on a ballot. The passage of the Order must be at least 30 days prior to the Election. Councilor Kaplan inquired if the amendment is proposed to increase the size of the School Board tonight; it would then be placed before the voters in November. Moshier indicated that would be correct. The increase in the Board size would not actually increase until the following Election year. That would be

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correct, unless the Council approved placing the additional positions on a different election (in June) or call a special election. The November ballot could not have the Charter amendment and the candidate contest for the additional members. Kaplan explained her understanding based on watching the School Board meetings is the request is partly based on the number of Committees everyone must be on that there is a feeling that each Committee is not getting the entire attention that it deserves because the School Board members are donating so much of their time. A. Miller clarified it takes up a lot of time; each of the Board members serving on the number of Committees they do and giving those Committees their attention and giving the public their due process, it becomes a lot for just five members. This much responsibility and commitment discourages people from being on the School Board. Especially residents who work full-time, some people manage it very well; however, for some members it is a lot. There is a concern in order to keep good people, to make the workload lighter; however, at the moment they would not be ready for the Council to make a proposal for an amendment until she took this topic back to the Board to officially vote on increasing the Board size. Right now, they have only voted to find out the process. It has just been over the past few years the Board members are hearing from the public that there are just so many sides to everybody's input on School topics and it does seem more necessary than ever to have everybody be heard. It is very important for all residents to have their representation properly on the Board. Hamilton noted the School Board has raised this issue and they may decide to bring this forward as a formal request to the Council but there may also be momentum within the Community as well. The language relating to a petition is a Community driven process and if there is that interest within the Community to present that for the ballot that is the other avenue that can be pursued. This request does not have to be presented by the Council it can be presented by the Community through a petition. Two avenues exist for making changes to the Charter and ultimately placing the item on a ballot. The other component although not really significant; however, one that should be mentioned there is a financial obligation associated with increasing the Board size. There is a stipend attached to the School Board members which would just need to be taken into account and budgeted for once they were elected. Depending on the Election cycle and how the entire process rolled out there may be a need for a special election. There would be a burden of costs associated with that decision as well to the City. A. Miller stated she understood the financial portion was important; however, it is very minimal when considering how small the stipend is

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and how many hours the Board members dedicate. The Board is not anywhere near properly compensated for the time they put in for School Board when you look at the Charter and what the stipend was supposed to be for. It was designed to be for X amount of hours per year. The School Board members are so far over that number, it can no longer default on that to say this is why we cannot. If the School Board is going to keep going at this, it would be cheaper to just bring two more members on board than to ever even think about properly compensating the Board for the hours they are working. Moshier indicated that is not at all what he was referring to. A. Miller stated but in other places it is different so people do need to know that. Places like Florida those members get paid approximately \$40,000 a year. According to A. Miller, there are a lot of people in this community that have this very odd impression that for some reason the Board members are paid as if they are a full-time positions and they are not. Moshier clarified that was certainly not his implication; he was simply pointing out that if the Charter is amended to expand the Board the budget would also need to be adjusted to accommodate the stipends. Councilor Blanchette asked for the benefit of the public what the School Board compensation is per member. She could not remember what it was before taxes; however, thought it could be \$3,000. It was determined to be the same as City Council members at \$2,000 which is also per Charter. There is a big distinction considering the emails the Board members have had lately to make sure that people do understand that; basically both the City Council and School Board are volunteer positions. Councilor Lyons felt if it was a volunteer position then pay should not be brought up in the reasons to increase the Board size. A. Miller stated the only reason they are paid is to legally bind the members to the rules; they do not pay the members for the hours they work. Lyons explained he serves on the Council because he wants to; the \$2,000 means nothing to him concerning his time doing it. Lyons was hopeful if the Council votes on anything to do with anything in the City the last time we had 9,000 people together to vote only 166 people cast a ballot. Lyons wished everyone would hear him in the City of Ellsworth tonight and exercise their right to vote on all issues placed before voters. It is embarrassing that only 166 people voted in June. Hamilton stated the Election is in November and based on the process even if this appeared on the September Council agenda, there would then have to have a public hearing after that which would not happen until October and that would not provide enough time for 30 days in advance of the November Election. Other than scheduling a special election, Hamilton does not believe the Council will be able to move this issue for this Election cycle. A. Miller

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noted even if it is put off until then and did a special election they would probably eventually need a special election to elect the additional members. The current system of cycling their membership would need to be considered; currently they stagger the terms by 2, 2, and 1. Adding a couple more members to the Board in Miller's opinion, would make this a reasonable position which would then attract good people who are willing to put forth their time to serve on the Board. If the question of whether to increase the School Board to 7 members was placed on a ballot hypothetically, to be approved by the voters or brought forward by petition the School Board would still need a special election. The special election would be to elect members to the Board based on the need to stagger the terms. Hamilton stated all he was referring to was a determination on whether or not the Community supports it the Council will not hit November's Election. This referendum question would either be on the June Primary which would be the next scheduled Election or the Council would need to schedule a special election earlier than that. Hamilton was stating that as a potential timeline for the Council to consider. A. Miller did not feel there was a way to avoid a special election. Hamilton felt that depended on when the original vote is held and then it would need to be determined whether that calls for a special election or if that gets held until June and then if it passes in June then there would be a determination whether to wait until November to elect new (additional) members or is there a special election. It is a rolling question and may not be decided all at once. A. Miller stated it is complicated; she was clear concerning the process. She inquired if Hamilton or the Council had any questions; there did not seem to be any questions from the Council or audience.

**This was a discussion only; no action was taken or required this evening.**

*Council Order #082106, Request of the Public Works Director to approve the purchase of a wheeler plow truck from Daigle and Houghton.*

Lisa Sekulich, Public Works Director explained this purchase would be for a tandem axle or wheeler plow truck used to update the current fleet by replacing one of the oldest trucks (a 2006). See attachment #4 for the complete request and quote from Daigle & Houghton. Following discussions with multiple vendors and consideration on information from previous bids Sekulich would like to request permission to purchase the 2022 plow truck fully equipped from Daigle and

**Approved - Council Order #082106, the purchase of a 2022 International Tandem Axle plow truck with plow, wing, dump body, and associated gearing supplied by**

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Houghton. The chassis is currently available at their Hermon facility and then it will be sent out to be fitted with the plowing gear to the City's specifications at HP Fairfield's. Due to market and material issues, International is currently not taking any new truck orders and the build dates are into the late 2022 or early 2023 for anything if the City were to go out to bid right now. Western Star is also shut down and therefore not pricing out trucks or accepting bids at this time because they do not have price points for late 2022 or 2023. It is by coincidence that this vendor has one in stock; Sekulich contacted other vendors and they either do not have any vehicles or have ones she would not be interested in. Councilor Phillips confirmed this truck is currently on the lot and he confirmed what Sekulich was stating was true. Sekulich stated it was and she looked at the truck the other day. Phillips noted the request indicated the plan was to sell the 2006 that this truck would be replacing. The other two trucks included in the plan to dispose of, Phillips agreed with selling. Phillips felt due to the way the 2006 was constructed and because it is extremely heavy duty vehicle and for what little money the City could obtain for it; he felt it should remain in the fleet. Sekulich noted it does have the highest mileage at approximately 122,000 miles versus trucks with significantly lower mileage. Sekulich stated there was a discussion held concerning keeping this vehicle as a backup plow truck; the problem is it is kind of big for the routes where the small trucks are used on. It is easier to put a small truck on a big truck route than it is to put a big truck on a small truck route; that being said Sekulich was not opposed to keeping the truck if that was the decision. This thought pattern was the reason the truck was not scheduled to be traded in on the new truck but rather sold outright by the City. This plan was believed to bring more revenue into the City than trading the truck in as well would essentially allow the City to keep it for another season. Phillips agreed with Sekulich purchasing the truck; however, did not necessarily agree with selling the existing 2006 truck. Councilor Blanchette inquired about the extended warranties. Sekulich stated after inquiring about those she is requesting to purchase the five-year engine, extended vehicle coverage, and the automatic transmission coverage. That will basically cover an additional four years on the truck full bumper to bumper, an extra three years on the engine, and an extra two years on the transmission. This would cover five years total, it is not an additional five years. At this point there will not be a trade in; if Sekulich decides to sell it that will take place via online auction. The price will not change on the bid. Sekulich noted if the motion is approved for purchasing the truck, the funding will need to come from the Highway Capital Improvement Fund; opposed to the bond which

**HP Fairfield, from  
Daigle and Houghton  
for a sum of \$191,928  
with funding coming  
from the Highway  
Department Capital  
Improvement  
Program.**

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was in the motion. At this time it was not approved as part of the Bond. Blanchette inquired if the \$191,000 included the price of the extended warranty. Sekulich noted that was correct; the chassis cost \$108,500, 13' dump body plus the plowing equipment cost \$77,456, the existing stainless steel spreaders are being retained by the City, so those do not need to be replaced, there is a request for a stainless steel oil pan which will cost \$1,600; however, has been replaced multiple times because they rust out easy, and the five year engine extended vehicle and transmission coverage. Councilor Kaplan noted the request is for \$191,000; however, looking at the actual quote this includes the trade in amount of \$20,000 for the 2006 International. Sekulich stated the quote also includes the spreaders which the City did not need which is why the prices were broken out on the memo attached in the minutes. Hamilton clarified this is the truck that the Council approved as part of the Capital Improvement budget. The Bond proceeds do not include a truck; there was some confusion and that is the reason one truck was removed from the agenda this evening.

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

**RESOLVED to approve Council Order #082106, the purchase of a 2022 International Tandem Axle plow truck with plow, wing, dump body, and associated gearing supplied by HP Fairfield, from Daigle and Houghton for a sum of \$191,928 with funding coming from the Highway Department Capital Improvement Program.**

*Council Order #082107, Request of the Water Department Superintendent to award the bid for a new 1 ton 4WD regular cab work truck, and authorize the City Manager to sign all necessary agreements.*

Reggie Winslow, Water Department Superintendent explained six bids were requested and received a few back. His recommendation is award the bid to Darlings at a price of \$60 more than the lowest bid; however, the truck will be available 50 days sooner. This will be a 1 ton gas single wheel pickup. See attachment #5 for the complete request, bid results, and bid specifications. Councilor Phillips noted one of the companies had a truck in stock; he wondered if Winslow had a truck that would last the next 6 months including through the winter. Phillips approved of purchasing the truck from Darlings as they pay a substantial

**Approved - Council Order #082107, the request of the Water Department Superintendent to purchase a Ford F-350 from Darlings Ford in Bangor at a cost of \$33,334.00 to be paid from the Water Department Capital**

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L THOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
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amount of tax money to the City of Ellsworth compared to Quirk of Augusta.

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

**RESOLVED to approve Council Order #082107, the request of the Water Department Superintendent to purchase a Ford F-350 from Darlings Ford in Bangor at a cost of \$33,334.00 to be paid from the Water Department Capital Improvement account.**

*Council Order #082108, Request of the Wastewater Superintendent to approve a contract for cleaning and inspecting the sewer mains.*

Michael Harris, Wastewater Superintendent explained this request is for cleaning, vacuuming, and running a camera through the sewer lines at a price of \$42,580. This project was also approved last year with the same company at a very similar beneficial price point for the City. Councilor Phillips inquired if this operation is fully self-maintained with the exception of dedicating one employee to monitoring the service. See attachment #6 for the complete request and the Clean and Inspect Gravity Sanitary Sewer Lines, Ellsworth, ME agreement.

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

**RESOLVED to approve Council Order #082108, the request of the Wastewater Superintendent to approve the proposal from the Ted Berry Company for \$42,580. With funds coming from the Wastewater Sewer Line Maintenance Budget Line.**

*Council Order #082109, Request of the Wastewater Superintendent to approve a proposal to clean the storage and septic tanks at the Wastewater Treatment Plant.*

Michael Harris, Wastewater Superintendent explained this is an annual request to clean out the septic tank because it does accumulate a lot of grit and debris. This material if not cleaned out will cause issues with the pumps and other equipment over time. This year, Harris is asking in addition to the normal scope of service to clean one of the sludge storage tanks that has accumulated a large amount of grit. See attachment #7 for the complete request and proposal to Clean Septic Receiving

**Improvement account.**

**Approved - Council Order #082108, the request of the Wastewater Superintendent to approve the proposal from the Ted Berry Company for \$42,580. With funds coming from the Wastewater Sewer Line Maintenance Budget Line.**

**Approved - Council Order #082109, the request of the Wastewater Superintendent to approve the proposal from the Ted Berry Company for \$17,850 to clean the tanks.**

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ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 16, 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, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAU  
L THOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
HARRIS, AND CALE ROBERTS.**

Tank and Aeration Tank agreement.

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

**RESOLVED to approve Council Order #082109, the request of the Wastewater Superintendent to approve the proposal from the Ted Berry Company for \$17,850 to clean the tanks. With funds coming from the Wastewater Building Maintenance Budget Line.**

*Council Order #082110, Request of the Police Chief to award a bid for (2) two new police cruisers, and authorize the City Manager to sign all necessary agreements.*

Glenn Moshier, Police Chief explained the department would like to purchase a Ford F-150 Police pursuit package pickup. The basic reasoning behind the request to move away from the typical fleet Ford Explorer vehicle is that it provides the opportunity to have the bed of the truck to carry barricades for road closures, accidents, and other events. This also provides the opportunity to pick up bicycles when they are found as well as other miscellaneous items that are large and difficult to fit in the back of the Explorers. Moshier is requesting the purchase of the 2021 F-150 from Darling's. The second portion of the request is for a 2021 Chevy Tahoe Police package. This is also a deviation from the traditional vehicle and the main reason behind this decision is because they have been told by multiple sources that the Tahoe has been receiving approximately \$20,000 in trade-in value compared to the traditional \$4,000 to \$6,000 the City has been receiving from their trade-ins on the Explorers over the past few years. The Department felt for the investment of just a few thousand dollars for the Tahoe the potential trade-in value far exceeds what the City is currently receiving for the Explorers. Moshier agreed that now might be the time to consider switching to that type of vehicle. They have had some recent issues with the 2021 Explorers as well both last year and this year; nothing major just consistent problems with the vehicles overall. The most recently purchased vehicles have not been as reliable as the earlier models (2019/2018) of the Explorers. Councilor Phillips questioned whether the Explorers had a major design change in either 2020 or 2021; Moshier confirmed they did. Phillips wondered if the Tahoe was substantially larger than the Explorers. Moshier stated the Tahoe would be quite a bit bigger than the current fleet of vehicles and that is one of the reasons the Department is interested in purchasing one and gain some

**With funds coming from the Wastewater Building Maintenance Budget Line.**

**Approved - Council Order #082110, the request of the Police Chief to award a bid to Quirk Ford of Augusta in the amount of \$41,368.00 for a 2021 Chevrolet Tahoe police package; and to award a bid to Darlings of Bangor in the amount of \$35,350.00 for a 2021 F150 Police Pursuit pickup. Both to be funded from the Police Cruiser Capital Improvement Account (9090900-59007).**

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experience with it patrolling the City's roadways. The Explorer is a very convenient vehicle for patrolling in the area that the City covers within the Urban areas because it has a smaller wheelbase and smaller turning ratio. The Tahoe will be larger so it will be interesting to learn whether that really makes any difference. Phillips inquired if the larger vehicle would add comfort for the officers getting in and out of the cabin. Moshier stated it definitely would; the Sheriff's Department has also switched to all Tahoe's, they are not currently purchasing any more Explorers. The Sheriff's Department is the main source of information on the potentially increased trade-in values. Councilor Kaplan inquired if there is a difference in the gas mileage for the Tahoe compared to the Explorer as well as the pickup compared to the Explorer. Moshier was not sure how those vehicles compare in regards to gas mileage; although, he suspects there will be a marginal difference. The current Explorers have an 18 to 20 miles per gallon of gas performance. The expectation is the pickup will get between 17 and 19 miles per gallon. The Tahoe was unknown as it is a bigger vehicle; Councilor Blanchette stated according to his research it is close to 12 or 13 miles per gallon. See attachment #8 for the complete request, bid results, and bids from the requested vehicles. Councilor Lyons was curious if the City could sell the potential trade in vehicles directly for more money than they would currently receive by trading them in to the dealership. Moshier stated they have explored selling the vehicles in the past; however, never through a private sale in the manor Lyons was describing or similar to the way the Sheriff's Department is doing. The City has considered selling them on some of the internet websites and there was not much of a difference; however, they could look into selling them through a private sale or through sealed bids in the same way the Sheriff's Department handles their sales. Lyons noted these vehicles might be useful for other City Departments to use in the course of work. Moshier agreed since the trade in value was so low it might be worth keeping the vehicles if the City has a use for them. Councilor Miller questioned whether the sealed bid process states a minimum bid so anything below that could be refused. Moshier confirmed a minimum bid could be set on the vehicles.

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

**RESOLVED to approve Council Order #082110, the request of the Police Chief to award a bid to Quirk Ford of Augusta in the amount of \$41,368.00 for a 2021**

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*Chevrolet Tahoe police package; and to award a bid to Darlings of Bangor in the amount of \$35,350.00 for a 2021 F150 Police Pursuit pickup. Both to be funded from the Police Cruiser Capital Improvement Account (9090900-59007).*

Before a vote was taken Blanchette mentioned in the previous item it was noted how much Darlings pays in taxes to the City compared to Quirk Ford of Augusta. The bid from Darlings on the Tahoe was approximately \$450 higher than the Quirk bid. Moshier indicated he understood where Blanchette was headed in regards to the request to award the bid to Quirk rather than Darlings; however, Darlings does not have the vehicle. The Police Department would be waiting until spring at the soonest and Quirk has the vehicle on hand. Moshier stated the F-150 from both dealerships have been ordered and expected to arrive in October; which is why the recommendation is to award the bid to Darlings on that vehicle. The Tahoe is available at Quirk right now and Darlings would likely not have one for at least six or seven months. It was simplified as the Department would be purchasing (1) Ford F-150 from Darlings and (1) Chevy Tahoe from Quirk Ford of Augusta.

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

*Council Order #082111, Request of John Linnehan for a grand-fathered exemption from Ellsworth Code of Ordinances Chapter 25, Discharge of Firearms; Section 1. (Sponsored by Councilor Lyons)*

John Linnehan, Ellsworth resident presented a packet of information, see attachment #9 for a copy of Chapter 25, Discharge of Firearms Ordinance as well as the complete packet provided by Linnehan. The initial request was presented in person to Glenn Moshier a few weeks ago in order to find out the right flow to present this request. Following that discussion the suggestion was made to bring this concern to the City Council. Linnehan is requesting Council action to grandfather the discharge of firearms based on the State of Maine's Ordinance/Laws that allow a discharge distance of 300' based on the Linnehan family owning this property approximately 10 years prior to the City enacting an Ordinance on this topic in 1969. He explained the use of grandfathered just as a general term it may be called a variance or an exception; whatever the legal terminology would be could be left up to the City Council. His family has owned

**Approved - Denying Council Order #082111, the request of John Linnehan for a grand-fathered exemption from Ellsworth Code of Ordinances Chapter 25, Discharge of Firearms; Section 1.**

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**CITY COUNCIL ABSENT:**

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the property and he has used it for a shooting range and other things since 1960 and the Ordinance in question (found in attachment #9) was presented in 1969. Linnehan presented a survey of the 30 plus acre lot which shows the location of the approximately 25' by 150' target shooting range outlined in red with directional arrows showing that no shots are fired in the direction of any neighbor. As part of the presentation there are eight pictures of the small target range with professionally installed 10' high gravel berms behind all targets for additional safety. He has shot up there occasionally for years without those safety features installed. He contacted the City office approximately a month ago to notify them he would be doing more target practicing on his property as he always tries to have an open communication style with the City on improvements he has made to his property. Linnehan wanted to be sure if there were any calls from local residents stating there were shots fired they would know it was him on his own property. According to Linnehan, the request for Council action this evening is based on past and present usage by the Linnehan family prior to the current Discharge of Firearms Ordinance enactment and their intent to continue through this approximate 60-year history his family has had ownership on that property. The family has always maintained communications with the Ellsworth Police Department about their usage of this property during their many years of ownership. This includes a past discussion which he had a few weeks ago concerning a 300' discharge distance as per the State of Maine Law. It was just during the last few weeks that he became aware of the City's 300-yard Ordinance. Linnehan explained the Police Department did receive a call concerning shooting and then contacted him to make arrangements to see where he was shooting. Both officers who responded seemed very pleased with the location and safety attributes that were incorporated into the range. Upon investigating the range they inquired if it was located 300-yards away from his neighbor's dwelling. As Linnehan had no idea if it was located 300-yards away they measured and found it was not; at that point it was the first he had heard of such a requirement. Prior to just a few weeks ago, Linnehan has not had conversations on this topic with the Police Department for approximately 15 to 20 years. Until recently he has not used the range for much shooting and up until this point that distance had not come into question; however, moving forward he is going to use the range quite a bit for his own private shooting. This new increased activity is the reason he wanted to address this concern in advance. His request for a variance is based on the State Law of 300' as that is the distance he has always operated under. In researching this topic, he would like to bring to the attention of

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the Council he believes it meets the requirement of a variance because his family has been there many years before the Ordinance was enacted. He believed by looking at the documents the intent of the Council in 1969 was to require the 300' to mimic the State not the 300-yards. Linnehan was not requesting an amendment to the Ordinance; in his opinion there are not many properties or families that are in the same position that he is. He would like to take care of this concern in a simple way and just ask for a variance. Linnehan noted item 2 on page 3 section 2 item 2 of the Ordinance states the provision of this chapter shall not apply as follows any person acting in defense of person or property. He personally interprets this to allow him to practice and develop his shooting skills as part of his acting in defense of his personal property. He is concerned with what is happening Nationwide and realistically with some of the events taking place on the news and seeing things happening that indicate there will not be time for a police department to respond to everything in a timely fashion. In that event, if there is an incident at his house he will be prepared to defend his family with firearms and he would like to be a skilled defender of that. He does not want to be someone who is not proficient in that area which leads to the reason he wants to do more practicing at his shooting range. After discussing item #3 within the Ordinance with the Code Enforcement Office as well as others in the Community he was not familiar with the term Urban Compact Zone and according to his knowledge he feels the City may be incorrectly using that term within the Firearms Ordinance. This zone is defined by the State Highway Commission now known by the Department of Transportation. He has spoken extensively with the Maine D.O.T locally as well as with their office in Bangor. He learned the main purpose of the Urban Compact Zone is to determine who is responsible for maintaining the State Roads; either the City or the State. This designation had nothing to do with the discharge of firearms and should not be used within a local Ordinance. He did not think it was the intent or purpose of that designation. The City has an Urban Zone and Neighborhood Zone; however, he did not see an Urban Compact Zone which is what led to his research to see where that zone is located. According to the restrictions within the Urban Zone and the Neighborhood Zone he would be allowed to have a shooting range at his home. He felt the reference to the Urban Compact Zone was incorrectly referenced within the Ordinance. He believes there are other inconsistencies within the City's Unified Development Ordinance. Linnehan noted his property is not in the Urban Zone; however, it is in the Neighborhood Zone. According to the zoning laws the purpose of the Neighborhood Zone is to "recognize these transition areas and provide for a

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well-planned compatible mixed-use environment.” “It encourages a combination of land uses which might be regarded as incompatible.” “Those uses located in this zone shall be landscaped to ensure compatibility and screening.” “The purpose of this zone is to protect existing and attract new residential neighborhoods.”

Linnehan noted his usage of the land is an existing usage which he believes is not located within the Urban Compact Zone because that is not the definition of the way the State defines it. In closing, Linnehan believes he has the Constitutional right on his property to have a shooting range as he has designed and built. The Constitution of the United States guarantees this right in what is commonly known as the Second Amendment. “It states a well-regulated militia being necessary to the security of a free state the right of the people to keep and bear arms shall not be infringed.”

Linnehan researched what “well-regulated” means and determined it meant well-practiced, proficient and prepared to do its duty in an effective fight. Based on this research Linnehan wants to be able to protect his family according to his Constitutional rights and he wants to be proficient and well-practiced to be able to do that. The Constitution also guarantees every citizen has the right to keep and bear arms and this right shall never be questioned. Linnehan encouraged the City Councilors to tour the range anytime. He is a member of two separate public ranges and those have a similar type of berm but not as condensed as he has. Linnehan is extremely concerned with the safety aspects of the range and therefore went above and beyond even though it is smaller than a public range. Linnehan has also installed “Active Shooting Range – Please no trespassing” signs along the entire perimeter of his property.

Councilor Kaplan indicated if she looked at the entire Section One it states what is unlawful and ends with “except by owner, resident, or persons authorized by the owner or resident”. Kaplan inquired if that would mean because Linnehan is the owner it does not apply to him. Linnehan stated it was explained to him that it pertains to being 300 yards away and he is not meeting that setback limit from a dwelling. Kaplan stated considering the year the Ordinance was enacted being 1969 based on the amount of hunting that was taking place; she felt it would make more sense that it was meant for people coming onto the property and hunting within 300 yards of a dwelling. There is language that says except by owner, resident, or person authorized by the owner or resident; she took it to mean someone who had permission to hunt on the property. This would be opposed to posting the land as no hunting or no trespassing. Kaplan imagined the way the

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Ordinance reads like Linnehan is exempt. Councilor Miller understood the Ordinance to indicate Linnehan would be exempt from the regulations within the document. Hamilton interpreted the Ordinance as if there is a single house and your house is the only house within 300 yards and there are no other homes in that area that would exclude the owner from the Ordinance. However, if there is another homeowner within that 300 yard distance now the property owner is in violation of the Ordinance. A gun cannot be shot unless there is a single property and there are no other houses around it then the Ordinance would not prohibit the property owner from shooting. A property owner/ or any other resident cannot discharge a gun within 300 yards of another home. Following Hamilton's interpretation of the Ordinance, Kaplan noted the Ordinance states except by the owner and he is the owner. Hamilton clarified Linnehan would not be the owner of the other house. Kaplan noted the other house is not on his property. Hamilton and Glenn Moshier, City Manager stated that house is still located within 300 yards of where Linnehan is discharging a gun. Councilor Lyons questioned whether it would be okay if all the other neighbors gave permission for Linnehan to discharge a gun within the 300 yard distance. Hamilton did not believe that would be true. Miller asked Linnehan if there was a spot on the property that would satisfy the 300 yard setback from all the neighboring homes. Linnehan was not sure if there was a spot or not; that would require 900'. The reason Linnehan constructed it at this location was because it was the safest location period on the lot for any type of shooting. It is in the direction of a house; however, it would be approximately 1,500' lengthwise away. On the sides of the lot it would not be possible to have 900', or that is his feeling. In order for Linnehan to possibly reach the setbacks the range would need to be relocated to the top of the hill; right now the range is located in a very low place where the berms keep everything down there. Councilor Phillips noted that within 150' of the property line on the right side there are 40 to 50 houses. There is a school located less than 300 yards away, another school located approximately 400 yards away, and the property is surrounded by people. Phillips understands Linnehan's desire to shoot; however, he feels it is a poorly conceived location and there is no decent or possible way to meet the setbacks without disturbing countless other people. Phillips could not see the logic of trying to disrupt the whole neighborhood for Linnehan's satisfaction of firing a gun on his property when it would disrupt people on Western Avenue, Argonne, Holt, Wichita Way, Shore Road, the schools, Fieldstone, and Oakfield development. Phillips could not support this proposal even in light of the safety measures Linnehan feels he put in

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place; accidents could still happen. Moshier spoke to legal counsel concerning the concept of approving grandfathering an applicant. The advice Moshier was provided stated grandfathering is not allowed on an Ordinance. Those are put in place and enacted to be the letter of the law from that day forward. If a person is engaging in an activity and then the Ordinance goes into effect then a person can no longer engage in that activity. The process in order to reach a resolution in this case would be to either do nothing or amend the Ordinance. The process to amend an Ordinance would need to be completed and whether that is warranted with this particular circumstance or simply because the Ordinance was written in 1969 Moshier was not sure. Hamilton noted he did not feel this was a matter of gun rights and ownership, it is a safety issue. Within the presentation, it did not appear Linnehan was arguing there should not be any kind of restrictions in terms of where people can shoot. Linnehan confirmed that was not his intent; the State law is 300'. Linnehan felt it needed to be a reasonable fair thing; that is what Hamilton heard him say. Although, Linnehan does not feel 300 yards is fair. Hamilton wondered what are the safety parameters in place and is 300 yards the right distance or is it 300'. If there needs to be a change on the distance and there is momentum for that kind of request then Hamilton could support a discussion in the future about changing the Ordinance. Hamilton agreed in terms of grandfathering he did not believe the Council could approve that anyway. The idea of grandfathering sets the City up for an endless array of exceptions which would lead to even greater safety threats from properties that may not be as large as Linnehan's. Councilor Blanchette inquired if this would be a shooting range just for Linnehan to use. Linnehan indicated that was correct, it would be a private range. Blanchette questioned what if he wanted to use it, neighbors wanted to use it, or if friends wanted to shoot with Linnehan, would that be allowed. Linnehan indicated that it could be used with permission or invitation only; this would not be just for Linnehan to use. Blanchette wanted to clarify that issue because he was reminded of the Ordinance dealing with fireworks. Approximately four years ago when that was passed a lot of people were very upset with the use of fireworks due to the close proximity to their homes and the noise from them. Blanchette was concerned if Linnehan held a Western Shootout on the weekend at the range with 6 to 10 people that could cause a substantial amount of noise pollution for the number of homes located in that area. Blanchette had concerns with the potential amount of noise that could be generated from this type of activity. Linnehan stated he would be willing to limit the availability of the range to his family and one guest for each;

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he would just like to be able to shoot and practice at this location. Lyons inquired how many rounds Linnehan has used in the last 6 months; he indicated likely only 15 rounds. He has not shot until he completed the range including the berms. Lyons stated he hates seeing Ordinances stop people from doing anything they would normally do on their land; he hates seeing people not be able to use their land for what they want to use it for. Hamilton inquired if Lyons felt any property owner should be able to shoot weapons on their property regardless of how close they are to other homes. Lyons noted his neighbors used to shoot next to his house, 1,000s of rounds a day and it was likely closer than a 100 yards; he did not care because it was not bothering him. Hamilton inquired if Lyons felt Ordinances should address safety issues, to protect citizens, or the schools. Should people at a house located right next to a school or the park be allowed to shoot? Hamilton felt the issue before the Councilors this evening was to determine what reasonable safety measures should be addressed within an Ordinance. He welcomed Lyons to suggest a plan to change the scope of an Ordinance he does not like; however, to state the City should not have Ordinances would create a lot of problems and particularly for an issue like this one. Hamilton was in favor of Ordinance that keep people safe and protect the Community. Lyons said he is in favor of Ordinances that keep people safe and protect the Community, in this case he sees a 10' berm of dirt as safe. He has personally shot into gravel and the bullet stops a foot and half into the gravel. If a bullet hits the gravel or a tree it will not leave. The plan presented this evening seems safe to Lyons, all the trees that are in place for a backstop would act as protection if the bullet somehow left the gravel. The issue tonight for Lyons would be the potential for a source of noise pollution if anything. He does not see a safety issue with this plan at all based on his own experiences. Kaplan stated most gun ranges have gun sights and the sections are 10' apart; a few space the people 3' apart. Kaplan noted bullets do not project sideways; they only travel forward where the gun is shooting. Kaplan inquired if Linnehan would be using any long range rifles at the range. Linnehan indicated he has not been using those; however, he could. He indicated with the berms, 150' is plenty to handle anything he might shoot safety wise. Linnehan indicated he is not in a position to shoot anything that would rise above the berm. Linnehan uses 9 millimeter brass casings, so there would not be any risk of poisoning the groundwater. Kaplan wondered if there is a possibility that if someone were to have a property similar to this one and enclosed it, they could apply for a permit to have a private indoor range. Moshier stated the Ordinance does allow for an enclosed range. The Code Enforcement Officer would

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ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 16, 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, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAULT  
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determine what constitutes an enclosed area. Linnehan indicated he does not want an enclosed range; he loves the outdoors. He looked at the definition of an enclosed range and it doesn't need much; however, he is not looking for an indoor type of range. Kaplan is in support of residents using their property the way they wish so she was wondering how wide the property is. One side looks like 471' and the other appears to be the same so there is close to 1,000' of property side to side; it just happens the range is just in the one spot where the restrictions within the Ordinance do not agree. Kaplan felt the Ordinance needs to be eliminated for everyone; however, there are cases where properties are very close that want to build a range. Kaplan is gun rights all the way; however, in this case there needs to be a workaround for this situation and that might be enclosing the range as the Ordinance allows for that. Hamilton noted the request as presented cannot be approved as legal counsel has stated the Council does not have the authority. There is no action the Council can take tonight on this. Hamilton proposed if there is another avenue that a Councilor would like to pursue that can happen; however, that has to come forward in a different Council meeting. Phillips stated since the request to grandfather cannot be done he moves the Council deny the request.

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

***RESOLVED to approve denying Council Order #082111, the request of John Linnehan for a grand-fathered exemption from Ellsworth Code of Ordinances Chapter 25, Discharge of Firearms; Section 1.***

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

Following the vote, Linnehan asked if his next step would be to try to have the distance changed from 300 yards to 300 feet. That would ultimately solve his problem. Hamilton recommended meeting with City staff to have that discussion about what challenges that might create because the City staff are the ones that would come forward to the Council with their recommendation. If there are some barriers that complicate this with the different Code requirements that could be resolved or brainstormed. Linnehan inquired which City staff he should speak with. Moshier indicated Linnehan would need to speak with Moshier, Code, and

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Planning.

*Council Order #082112, Presentation, discussion, and action on utilizing the additional school funding.*

Daniel Higgins, Ellsworth Superintendent see attachment #10 for a copy of the memo referenced in regards to the action taken by the School Board as well as the financial information described within the presentation. Higgins stated for the benefit of the public, at the August 12, 2021 meeting the School Board discussed the additional subsidy received when the second budget was passed by the Maine State Legislature. Just under \$700,000 in additional school subsidy was received; during the May City Council meeting while the School budget was being approved an Order was passed providing three options for using any additional subsidy received. The School Board has had several meetings that have involved the School Board's Finance Committee. The School's Finance Committee met with the City's Finance Committee including Chair Hamilton and City Manager Glenn Moshier. Following that meeting, the School's Finance Committee made a recommendation to the School Board and ultimately the decision was to take the \$696,000 in subsidy and disperse it in three options. 1) Increase expenditures in Board approved cost centers in the amount of \$127,614.82. They are requesting to increase the expenditure for a teaching position at the Ellsworth High School from halftime to a one point full-time equivalent. That is something that came about after the budget was approved. The second increase would be the cost center for Hancock County Technical Center (HCTC) by \$91,850 to replace a boiler that went down after the budget was passed. 2) Create a Tax Stabilization Reserve in the amount of \$369,067.82. The purpose for that would be to prepare for the unknown expenses that might happen in the future. This would be an opportunity to still return those funds to reduce the local tax burden; however, not all at one time. This concept has been discussed many times before in regards to the Fund Balance on the regular side of the budget. If too much of that is used in one year, it is setting an artificially high amount of money and creating a potential cliff in subsequent years. The intent of the tax stabilization reserve is to provide an opportunity to distribute that money back to taxpayers in subsequent years. From the conversation with the City's Finance Committee on Friday morning at that time the School Finance Committee was recommending approximately \$119,000 to be used to reduce the local tax commitment for FY 2022. The proposal that was approved by the School Board

**Motion as proposed and voted on failed to pass.**

**Resolved – To not support Council Order #082112, the School Board's plan as presented this evening (attachment #10).**

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with a request for support from the Council was to reduce that local tax commitment this year for education by \$200,000. Higgins discussed the spreadsheets that were distributed prior to the meeting as well as contained in attachment #10. One of the spreadsheets showed the budget that was ultimately passed by the School Board, the City Council, and the voters on June 8, 2021. The second spreadsheet was a reflection of what Higgins just described as numbers approved by the School Board, illustrating the difference between those two budgets. The School Finance Committee members were present this evening (Paul Markosian, and Muneer Hasham). Councilor Kaplan questioned how much the School received in additional subsidy. Higgins explained when the State passed their second budget they amended the local and state share. The state share of education went up to 55%, which has been the goal for a number of years. This also reduced the local amount required to raise to obtain subsidy. This resulted in an increase of \$696,000 in subsidy coming to the City of Ellsworth or public schools. Kaplan was viewing this as taxes in general and the fact that people are over taxed as it is combined with the anticipated tax increases after they just passed this \$3.5 trillion package through the Federal Government. Likely there will be more funding for the Schools; however, the taxpayers are still going to be over taxed. Kaplan felt that the more money that can be returned to the taxpayers the better. Hamilton inquired if the Tax Stabilization Fund would become a restricted account that can only be used for a certain purpose which it has previously been identified for. Higgins confirmed that was correct. Hamilton questioned how these dollars would be restricted. Higgins explained while they work through the budget for FY 2023, the School will look at where the FY 2022 budget stands, what the State subsidy will be for FY 2023, what are the expenditures anticipated to be for FY 2023, and at that point in time if the decision is made to use those funds in FY 2023 the School Board would come back to the full City Council and obtain approval to use it for that purpose. That is the only purpose it could be used for. Hamilton clarified the first step is to approve the proposed School budget or to suggest overall not per line item if there is X number of dollars in the Tax Stabilization Fund the Council could state they are recommending cutting the budget by the amount in the Tax Stabilization Fund if it has not been used and then the School could use that Fund for that purpose. In essence that fund would eventually go to the taxpayer. Higgins explained by using \$200,000 of that money to reduce the local tax burden this year; it is not a case where a check is going back to the taxpayers. This is a situation where there is a reduction in what the local

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commitment needs to be. The \$369,000 would have that same purpose in subsequent years. Hamilton inquired if these dollars could be used for example to replace the roof; that would be a capital expense item and this money would be used to reduce the overall budget. It would be a dollar amount that would come in to reduce the overall budget; Higgins confirmed that was a correct example of how those funds would impact the budget. Councilor Miller noted there are other needs such as the roof that will not get any less expensive to replace or fund. Ultimately, that particular issue could cause additional damage and cost more money in the long run. It is a delicate balance and if this plan is what Higgins feels is the best option, Miller will support that decision. Higgins added that is the recommendation of the School Finance Committee and the entire School Board approved it as well. Councilor Blanchette stated the taxpayers of Ellsworth during the last 16 to 18 months because of COVID have been through difficult times a lot of them have not complained, they have just made their budgets tighter and did what they had to do. In many cases, they did not seek any outside help or ask for anything. The School budget was approved by the taxpayers and the City Council for what it was. The State has since decided they are going to finally pay the 55% they promised to contribute 15 years ago. Blanchette stated now that extra funding that has come back to the City should be reimbursed to the taxpayer, not next year, not through some scheme of depositing it into a Tax Stabilization Fund. Blanchette felt that Fund would be equivalent of a slush fund; he felt it would be spent on anything other than tax stabilization; however, it will be spent. Blanchette referenced the \$91,000 budgeted for the furnace was already in the existing budget. Higgins disagreed that expense was not approved as part of the existing budget. He explained during the budget process initially the furnace was in there because the School anticipated that budget failing. Ultimately, before the School knew about the potential for additional subsidy, they reviewed the fund balance and they were going to recommend once the audit was completed putting an amount of money into a Capital Reserve for HCTC to cover that cost. Blanchette confirmed those funds would be withdrawn from the existing fund balance; Higgins confirmed that was correct. Higgins explained the recommendation is to use the additional subsidy funds to pay for the boiler now because it died a couple of weeks later. Once the audit is completed the School's recommendation will be to put that fund balance into either a Capital Reserve for the entire School District or Special Education Reserve because those are costs that are increasing rapidly, that is a place to have that money. Higgins explained in all due respect, this is not a scheme, this is not a

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slush fund, the School has been very transparent with how they are recommending the funds be used; there is nothing to be hidden here. Blanchette stated he would like to see the School take the \$697,000 and return it to the taxpayers. He understood there are currently other expenses as well as in the future there may be other expenses, and in some cases there may not be other expenses. He cannot operate on conjecture; he must operate on facts as the voters elected him to do.

Raymond Williams, Ellsworth resident reminded the public that in 2004 the voters of Maine approved a referendum question that was created by a petition of the people. The referendum question was designed to bring the share paid by the State of Maine for elementary and secondary education to 55% of the funding spent in each year. This initiative was supported by the Maine Education Association (MEA), Maine School Management Association, Maine Municipal Association, as well as various business and labor interest groups. Williams believed the theory behind the initiative was to in some way reduce property taxes; he predicted the MEA supported the Referendum because it would provide a more stable amount of money for their purposes. Williams believes prior to 2004 the State contribution toward the elementary and secondary education was approximately 45%; over the past 17 years it has increased ever so slowly. There may have been a few years over that period of time the way the figures are calculated that the percentage may have bent backwards a little bit. Williams stated because of this formula the City has not faced this problem before; there may have been one time a few years ago where a larger amount of money was received because the Legislature changed the subsidy late in the process. Quite often when the subsidy was increased it was not decided at the last minute so there was time to incorporate it into the proposed budget; during most years the increased subsidy was not utilized for tax relief. Williams felt this year because of the way the budget was completed, passed very early on a majority vote; the State Department of Education could get its original figures out. The City had those figures in order to base this budget on. Eventually, there was a supplemental budget presented by the Governor and passed by the Legislature. The passage of the supplemental budget brought the State contribution up to 55%. This caused the City of Ellsworth to receive \$696,500 and \$682,000. Williams recalled at the May 2021 Council meeting, Council Order #052107 (h) was addressed in regards to the three provisions on how any increase in State education subsidy after the fact could be spent. He thought it might have been at that time wise for members of the Council to have put some percentages into each

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of the three categories or just delete two of the categories. He proposed deleting the categories of increase expenditures for school purposes in cost centers categories approved by the school board and to increase the allocation to reserve funds. The Council should have just ordered that all of the money be used to decrease the local cost share; however, that did not happen. Williams supported Blanchette's proposal that all of the money should be spent this time on reducing taxes. If something is not done to reduce taxes this year to get the benefit of this new money for the taxpayers it is not going to happen. It will not happen next year because the money that comes in next year will all be in general subsidy and Williams suspected it will be very difficult to figure out what amount of it is tied to the increase in spending at 55%. This year the Council knows what the figure is and it can be used to give Ellsworth taxpayers a rather substantial reduction in taxes. Williams subtracted the \$696,000 from the amount the School Department originally requested at the May 2021 Council meeting and determined that amount would be a good fair reduction for the City. He suggested that the Council make a motion to reconsider Council Order #052107 (h) to provide that all or a substantial portion of it, not necessarily all of it; however, possibly half a million to \$600,000 should be designated to decrease the local cost share expectation for local property taxpayers funding public education. Hamilton reminded the Council that the way the motion was made, only the School Board would have the authority to allocate funds as they chose with the understanding, this was not part of the resolution. In subsequent discussions about that the School Board said they would work in good faith with the Council to allocate those dollars. Councilor Grindle questioned what the Council's motion would be because the Council has already voted to allow the School Board to spend it the way that they see fit. The School Board has already had discussions with the Council on this topic. Grindle did not feel the Council had the authority to say how much. Hamilton believed based on that motion the City Council does not have the authority to vote the plan up or down. The School Board has brought it back to the City Council as they said they would in terms of working collaboratively with the Council for its feedback, which the Council is providing. Hamilton did not think what the Council sent to the voters and what the voters approved was the language that said any additional funding the School Board would approve. That is what the voters voted, that was the language that they voted for. Hamilton stated once the Council moved it to the vote and once the citizens voted that is what they decided. The Council does not have the authority to then overturn the voters by directing those dollars differently. The Council does not have that authority, that is not what

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the Council voted, and that is not what the Community voted. Councilor Lyons noted there were only 166 voters. Blanchette inquired if it was mentioned in what the citizens voted on, if extra money came from the State. Hamilton believed it was. City Clerk Heidi-Noel Grindle was asked for the official ballot language for clarification on what the voters voted on at the June election. The language on the ballot simply asks "Do you favor approving the City of Ellsworth school budget for the upcoming school year that was adopted at the latest Ellsworth City Council meeting for that purpose." Clerk Grindle stated the voters are voting on the figure provided on the Notice of Amounts adopted by the Ellsworth City Council (Total General Fund and Adult Education School Budget Amount as Approved by the City Council, May 17, 2021). Higgins explained it is a scripted question that is provided by Statute, it does not include the language described by Hamilton. Higgins stated that the discussion that is held every year when that Council Order is passed in the budget is that if there is additional money, even though the School Board has the ultimate authority it would be to do it in good faith. Higgins stated the motion the School Board approved was to approve the disposition of additional subsidy with a recommendation for Council support. The Council could say we don't support it. The School Board members are doing this in good faith; the intent is to increase it by a small portion to cover two items that were really needed and to provide tax relief to the voters and citizens, just not all in one year. Higgins stated in response to Grindle's question, a suggested motion would be to express support or to not express support. That type of motion would put it back in the hands of the School Board to decide if they want to go back and maybe put more into reduction this year. They might approve a smaller reserve. Higgins could not make that decision on behalf of the School Board. Higgins restated that the recommendation that is coming from the School Board is to use the just under \$700,000: \$500,070 of it to go towards tax reduction. Councilor Kaplan stated the voters approved a set amount of \$22 million and change. Higgins stated that was correct. Now the City has available closer to \$23 million with the additional school funding from the State. Kaplan stated if the City doesn't put this back towards the taxpayers, does that make the school amount that is collected this year closer to \$23 million; it is just that more is coming from the State. In essence, everyone is still paying for it; however, the voters approved approximately \$22 million. Higgins explained the voters approved an initial budget of \$23,680,977.67. With the changes being discussed the increase would make it \$23,808,000. The difference being considered would be a local assessment of a budget that was approved by the voters on June 8,

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2021. The local assessment that was passed by the voters was \$11,566,605.76. What the School Board approved and is requesting support on tonight would reduce that amount by \$200,000 this year. Higgins stated the tax rate will determine how much is collected. Under this proposal the other \$369,000 would be used in subsequent years to keep that tax burden stable. Higgins stated history will show that since Ellsworth withdrew from RSU 24 (back in 2014) there was one year (2016) where the Council approved a significant local tax increase because of subsidy issues. The local assessment has remained relatively stable for the past five years. One year it has been 3%, all of the other years it has been less than 3%. In three of the years, there has been a reduction, less than a half a percent, and less than a half percent increase. Higgins felt the School Board was being very responsible. Last year, in light of the Pandemic the School Board had made a decision before even coming before the Council to submit a budget with a zero increase in local taxes on citizens. This year the budget that was approved by the voters had an increase of \$6,300 spread across all the taxpayers of Ellsworth. The record of the School Department shows that they are trying to bring forth budgets that adequately and appropriately fund public education that are not a financial burden on the taxpayers. Paul Markosian, Ellsworth resident and member of the School Board stated the School Board has been very mindful since withdrawing from the RSU of trying to maintain a local contribution level that is consistently low. The goal is to not have increases from year to year that are very significant. The School Board is always mindful that something might come up that will cause a bigger increase than they would like to see in subsequent years. Markosian stated the reason the idea of creating a tax stabilization account came about was the School Board wanted to be prepared for whatever might be coming down the road next year. Just in case an increase was going to be needed next year this account would help keep that at a level that would be acceptable to most people. The goal of the School Board is to keep any projected increase in the range of zero to 1%; however, they do not know what may happen next year with State subsidy and other internal growth pains. Markosian stated the School Board developed a good faith plan to return it to the taxpayers; however, not all at once. If the Council does not wish to give their support to this plan; the School Board is willing to have more discussions on what they might be able to do differently or not. Overall the School Board did feel this money belonged to the citizens of Ellsworth. They wanted to find a responsible way to return it to them without setting the Board up for next year where they may have to ask for more from them. This was a way the Board could

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offset that need. Blanchette stated using that analogy the School Board seems to be creating an atmosphere of fear. The City does not know what is coming down the road; however, using that train of thought the City should be upping the tax rate a little bit to have a bigger cushion. The City is not doing that. Blanchette felt the School Board was creating a bigger cushion for themselves by not returning that money this year. Markosian stated the School Board is not recommending this plan out of fear but rather prudence and to try and keep the local contribution stable. By creating a Tax Stabilization Fund the money is earmarked for returning to the taxpayers. Markosian recognized they could have done it differently and maybe they will go back and reconsider how they handle it. He was not sure how that conversation will go. Kaplan understands the need for the boiler system and this has been a topic of discussion over the year. She can accept that without a doubt; however, at the same time when the State is giving back more of the reimbursement they are giving taxpayers back more of their own money.

*On a motion by Beathem, seconded by Lyons, it was*

***RESOLVED to not support Council Order #082112, the School Board's plan as presented this evening (attachment #10).***

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

**The motion as proposed and voted on failed to pass.**

*Council Order #082113, Presentation, discussion, and possible action on entering into a zero payment lease agreement for two Hyundai electric vehicles.*

Glenn Moshier, City Manager explained this opportunity was presented by a representative from Rowe Ford who advised Moshier of this program through Efficiency Maine. The program allows municipalities to apply for and obtain essentially what is grant funding through Efficiency Maine to offset the cost of a lease for electric vehicles. Moshier viewed this as a unique opportunity for the City to explore what is probably the future as far as fleet vehicles. Moshier believed several of the Council members have personal experience with electric vehicles; he

**Approved - Council Order #082113, the request of the City Manager to complete all the necessary paperwork to enter into a \$0 payment 36 month lease agreement with Rowe Ford of**

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personally does not. The goal was to see if the Council would be in support of this unique offer and Moshier did not want to miss out on taking advantage of the program if this was something the Council had an interest in. The details of the program are basically a 36 month lease on a Hyundai Ioniq which is fully electric with zero payments and zero costs for the vehicle on the part of the City. Obviously, there are insurance costs, registration expenses, so it doesn't come completely without some financial obligation. See attachment #11 for a copy of the complete request and proposed form letter. Councilor Kaplan indicated these are rebates, they are enhanced rebates, so the City will have to pay something up front. She noted as with all rebates there are conditions so she wondered what the catch might be. Moshier explained the rebate is through Efficiency Maine; therefore, the City does not pay any money up front. Efficiency Maine essentially pays for the difference between the dealer rebates and what the City would have to pay for the vehicle. There will be zero payments being made by the City. Councilor Blanchette stated the Efficiency Maine rebate is taken care of in the showroom. Councilor Miller clarified at the end of the 36 month term the City just returns the vehicle. Kaplan asked what the City plans to use these vehicles for. Moshier explained the City could just apply for one vehicle or up to two vehicles. He indicated the options for using the vehicles would be mostly internal options. The Code Enforcement Office has two officers so this would allow them to go in separate directions if needed. As pointed out earlier in the meeting by Councilor Lyons, Jason Ingalls (IT Administrator) could use a vehicle as he frequently has to travel around the City to fix traffic lights. He currently uses his personal vehicle for this work. Members all throughout the City that travel across the State for different trainings, seminars, and other events and they currently use their personal vehicles or rent a vehicle. There are a host of opportunities for these vehicles while at the same time removing some of the potential liability from having employees use their personal vehicles for work obligations. In addition, every department has travel expenses built into their budgets and the addition of these types of vehicles in the future for City employee use could reduce those line items within individual budgets and be placed in one specific budget for fleet vehicles. Chair Hamilton believes there will be some minimal costs associated; however, there will be many more savings in terms of reducing what the City pays for renting vehicles. Hamilton asked that there be a clear policy that would mandate the use of those vehicles; for instance when they are available and someone needs a vehicle they use those vehicles first and foremost. He felt this was a great opportunity to explore

**Westbrook Maine for  
up to two Hyundai  
Ioniq Electric  
Vehicles.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 16, 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, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAU  
LTHOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
HARRIS, AND CALE ROBERTS.**

this option especially while there is limited costs associated with them and clearly there will be savings for the City. Moshier stated Bangor does have a couple vehicles they are using for a variety of different purposes some are within the Police Department. They are not currently being used for frontline vehicles; however, Moshier is viewing this as a learning opportunity for the City. This is likely the future model vehicle to some degree and this is a low cost way for the City to educate ourselves on what electric vehicles can offer. Kaplan felt that explanation was great; however, she will never be in support of the electric cars as long as the batteries are made with cobalt. This is mined in the Democratic Republic of Congo using slave labor and she will not participate in action that engages in slave labor, child labor, and takes advantage of the poorest population on the planet. Councilor Lyons inquired whether the Hyundai was one of the companies that offered a guarantee to not use that type of battery or take part in that type of labor. Kaplan stated you can view the documentaries about the sourcing of Cobalt. Councilor Blanchette indicated the one expense the City may have to consider is a charger at City Hall; depending on which model the City receives the battery is only good for 124 or 170 miles per charge. The charging time on a level two charger similar to the style on Franklin Street would take four hours. Moshier stated initially the City would use the Franklin Street chargers at night, while those are not likely to be used by the public. In the near future, there will be additional charging stations located at Knowlton Park. There will be multiple options available without actually installing charging stations at City Hall. As part of the policy, Moshier stated it could address having Law Enforcement move the vehicles once they have completely charged. Kaplan encouraged people to look at the sourcing of the Cobalt used in the batteries.

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

***RESOLVED to approve Council Order #082113, the request of the City Manager to complete all the necessary paperwork to enter into a \$0 payment 36 month lease agreement with Rowe Ford of Westbrook Maine for up to two Hyundai Ioniq Electric Vehicles.***

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

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAULT  
THOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
HARRIS, AND CALE ROBERTS.**

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

Scott Guillerault, Fire Chief referenced attachment #12 which contains his memo on the proposed amendments, proposed amendments to the Ordinance, as well as a chart containing municipalities with fire suppression regulations for residential use. All of the attached revisions were based on Council recommendations from the last Council meeting. Also included in the attachment was the information as requested by Councilor Grindle during the previous Council meeting.

Public hearing was opened.

There were no comments.

Public hearing was closed.

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

***RESOLVED to approve the revisions as written (attachment #12), to the Ellsworth City Ordinance – Chapter 4, Fire Protection and Prevention Ordinance Article 7 Section 7.5 & 7.5.4.***

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

Councilor Phillips thanked those involved for their due diligence on getting this finished.

*Executive Session to discuss labor negotiations between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.*

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

**Approved - The revisions as written (attachment #12), to the Ellsworth City Ordinance – Chapter 4, Fire Protection and Prevention Ordinance Article 7 Section 7.5 & 7.5.4.**

**Approved – Entering executive session for labor negotiations between the City of Ellsworth and Ellsworth Fire**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: AUGUST 16, 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, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAU  
LTHOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
HARRIS, AND CALE ROBERTS.**

**RESOLVED to approve entering executive session for the purpose of discussing labor negotiations between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D. 9:55 PM.**

Glenn Moshier, City Manager remained in the Executive Session with the City Councilors. Chair Hamilton noted the City Council would be returning from Executive Session to report out.

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

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

*Council Order #062114, Action on labor negotiations between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC.*

There was no public discussion on this item, prior to a motion being made and voted upon.

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

**RESOLVED to approve Council Order #062114, the tentative agreement between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC (see attachment #13).**

Before a vote was taken Councilor Kaplan noted the Councilors are just voting on a verbal understanding of the tentative agreement. They have not actually seen the

**Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC per MRSA Title 1, Chapter 13, Section 405, Paragraph 6D at 9:55 PM.**

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

**Approved - Council Order #062114, the tentative agreement between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC (see attachment #13).**

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**DATE: AUGUST 16, 2021**

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

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER GLENN MOSHIER, HEIDI  
GRINDLE, TONI DYER, SUE MCLEAN, JOSH MCINTYRE, JENNIFER  
MERCHANT, ADAM WILSON, LISA SEKULICH, SCOTT GUILLARAUULT  
THOMAS CANAVAN, JOHN WEDIN, REGGIE WINSLOW, MICHAEL  
HARRIS, AND CALE ROBERTS.**

document. Councilor Lyons agreed they were just basing their vote on everyone's word on the agreement. Kaplan indicated she trusts Councilor Blanchette.

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

*Adjournment.*

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

**RESOLVED to approve adjournment at 10:11 PM.**

**A TRUE COPY**

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

**Approved -  
Adjournment at  
10:11 PM.**