

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, August 15, 2022 at 6:00 PM in the Ellsworth City Hall Council Chambers.

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

AGENDA - CC

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting (s) of the Ellsworth City Council:
 - 07/18/2022 Regular Monthly Meeting. **
 - 07/25/2022 Special Meeting **

Motion to approve by Blanchette, second by Miller, passed 7-0

5. City Manager's Report.
Reviewed: Nomination papers, Motor Vehicle registrations, Concert series, Historic Preservation commission members needed
6. Committee Reports.
Casey Hanson gave Library update
7. Citizens' Comments.
**Speakers: John Linnehan
Steven O'Halloran**
8. Presentation of Awards.
 - ❖ Jarrod Grindle, for ten years of service with the Ellsworth Public Works Department.
 - ❖ Joshua Newman, for five years of service with the Ellsworth Public Works Department.
 - ❖ Brian Clement, for five years of service with the Ellsworth Public Works Department.
 - ❖ Chris Smith, for twenty years of service with the Ellsworth Police Department.

UNFINISHED BUSINESS

9. Discussion and potential action on the Charter review process
Motion to hold workshop to get public input by Kaplan, second by Lyons, passed 7-0

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

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which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

10. Council Order #081501 Request of the Harbor Commission to appoint Christina Petros to the alternate position *
11. Request of the Historic Preservation Commission to accept resignation from Carolyn Ackerman (this leave 2 vacancies on this Commission) *

Motion to accept by Miller, second by Kaplan, passed 7-0

Nomination of Jennifer Sala to the Historic Preservation Commission by Miller, second by Hanson, passed 7-0

NEW BUSINESS

12. 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 License. **
Motion to approve by Miller, second by Blanchette, passed 7-0
 - 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. **
Motion to approve by Blanchette, second by Miller, passed 5-2 (Kaplan and Lyons opposed)
 - Pepper’s Pub, 20 Water Street for renewal of a City Class B license and renewal of a State Class A Restaurant/Lounge liquor license. **
Motion to approve by Blanchette, second by Miller, passed 7-0
13. Council Order #081502, Request of the Public Works Director to accept the winter sand/Mineral Screening Bid. **
Motion to accept the bid for mineral screening to KJ Dugas Construction at the rate of \$3.85 per cubic yard for screening City sand and gravel. The City also reserves the right to order sand screened from January through April 2023 at a price of \$6.00 per cubic yard by Hanson, second by Miller, passed 7-0
14. Council Order #081503, Request of the Public Works Director to enter into an agreement for storm drain mapping and engineering with Woodard and Curran **
Motion to enter into an agreement with Woodard and Curran for Culvert and Storm Drain assessment and allow the City Manager to sign required documentation. Work to be complete with a not to exceed amount of \$280,000 to be funded from Maine DEP grant funds previously accepted by the Council by Hanson, second by Miller, passed 6-1 (O’Halloran opposed)
15. Council Order #081504, Request of the Public Works Director to enter into an agreement for curbside trash removal with Casella/Pine Tree Waste. **
Motion to approve the request to award the 5 year curbside trash pick up contract to Casella/Pine Tree Waste per the RFP response and subsequent proposal option and to authorize the City Manager to sign required documentation. This agreement will be in effect from August 15, 2022-June 30, 2027. Motion by Kaplan, second by Miller, passed 6-1 (O’Halloran opposed)

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16. Council Order #081505, Request of the Waste Water Superintendent to enter into an agreement for the High Street pump station project with Woodard and Curran. **
Motion to approve the request from Woodard and Curran in the amount of \$220,000 to be funded from the D.E.P. \$2,000,000 ARPA Grant that the City has been awarded for this project by Blanchette, second by Hanson, passed 6-1 (O'Halloran opposed)
17. Request of the Economic Development Director and the City's Broadband Committee to move forward with Phase II of the Connect Maine Authority Planning Grant scope of work, which will include a Request for Proposals and result in a Broadband Feasibility Study. Further, request to consider designating at least one City Councilor to participate in the RFP drafting and review process. **
Motion to approve the request to move forward with Phase II of the Connect Maine Authority Planning Grant scope of work, which will include a request for proposals and result in a broadband feasibility study. Further, approve the designation of a City councilor to participate in the RFP drafting and review process by Hanson, second by Miller, (amended to include and/or other services by Kaplan) and appoint Miller, passed 7-0
18. Request of the Economic Development Director and the Ellsworth Business Development Corporation to move forward with a Request for Proposals in order to update the City's Business Development and Attraction Plan. Further, request to consider designating at least one City Councilor to participate in the RFP drafting and review process. **
Move to approve to move forward with a request for proposals in order to update the City's Business Development and Attraction plan. Further, to designate a City Councilor to participate in the RFP drafting and review process by Kaplan, second by Blanchette and designate Hamilton and Hanson to serve, passed 7-0
19. Request of the Economic Development Director and the Ellsworth Business Development Corporation to consider eliminating or modifying the City's interest in a 100-foot right-of-way to the right of the cul-de-sac at the end of Commerce Park, and over Tax Map 42, Lot 8-1, per City Council minutes from March 16, 2015, given existing conditions on that lot and the abutting lot, and contingent on the sale of the abutting lot to Frenchman Bay Conservancy. **
Move to approve to eliminate or modify the City's interest in a 100 foot right of way to the right of the cul-de-sac at the end of Commerce Park, and over Tax Map 42 Lot 8-1, per City council minutes from March 16, 2015, given existing conditions on that lot and the abutting lot, and contingent on the sale of the abutting lot to Frenchman's Bay Conservancy by Hanson, seconded by O'Halloran (amendment by Blanchette contingent on the sale to FBC and put into conservation) not accepted by Hanson, Hanson clarified her motion is to eliminate the ROW, O'Halloran was in agreement to maintain his second, (amendment by Kaplan to modify ROW to 40-50 foot) not accepted by Hanson, 2-5 (Hamilton, Kaplan, Miller, Lyons and Blanchette opposed)
- Move to approve to eliminate or modify the City's interest in a 100 foot right of way to the right of the cul-de-sac at the end of Commerce Park, and over Tax Map 42 Lot 8-1, per City council minutes from March 16, 2015, given existing conditions on that lot and the abutting lot, and NOT contingent on the sale of the abutting lot to Frenchman's Bay Conservancy by Kaplan, seconded by Blanchette, with a 40 foot ROW, (amendment by Blanchette to make ROW 50 foot) accepted by Kaplan, seconded by Miller, passed 7-0**

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20. Remote Participation Ordinance discussion and potential action (Sponsored by Hanson) **
Motion to approve the policy as drafted by Hanson, seconded by Miller, passed 4-3 (Blanchette, Kaplan, O'Halloran opposed)
21. Establish a rule which prohibits councilors from usurping existing procedures for commenting on issues that have not been placed on the agenda. (Sponsored by Hamilton)
Motion to approve by Hamilton Effective immediately and remaining in force until changed by a majority vote of the Council, councilors will not be permitted to leave the council table for the purpose of addressing the council as a member of the public. The Chair is prohibited from recognizing a councilor who is requesting to speak from the public podium. This rule does not apply when a council member has been removed from a discussion due to a conflict of interest, seconded by Blanchette, 4-3 (Lyons, O'Halloran, Kaplan opposed)
22. Executive Session to discuss labor negotiations side agreement 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
Motion to enter by Miller, second by Blanchette, passed 6-1 (O'Halloran opposed)
23. Council Order #081506, Action on labor negotiations side agreement between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC.
Motion to approve by Blanchette, second by Hanson, 7-0
24. Approval of the State of Maine MainePERS retirement plan contract previously approved during labor negotiations. (This item has been approved in labor negotiations for Police and Fire, the State needs this action to formalize this change) **
Motion by Blanchette, second by Hanson, passed 7-0 (wording attached for record, page 5)
25. Adjournment.
Motion by Blanchette, second by Hanson, passed 7-0

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City of Ellsworth's MainePERS Plan Change for Police Officers, Dispatchers and Firefighters/EMS

To see if the City of Ellsworth will vote to change its plan for eligible public safety employees effective September 1, 2022, for future service only.

The City agrees to:

- a) Provide coverage for its police officers, firefighters, emergency medical services employees and dispatchers who work more than 20 hours per week and who are not temporary or seasonal as defined by the appendix to MainePERS Rule Chapter 802 under Special Plan 2C for service rendered after August 31, 2022. Service rendered by police officers, firefighters and emergency medical services employees before September 1, 2022 remains under Special Plan 4C; and service rendered by dispatchers before September 1, 2022 remains under Regular Plan AC.
- b) Continue to provide Regular Plan AC to all other employees, including school support employees and appointed officials, who work more than 20 hours per week and who are not temporary or seasonal as defined by the appendix to MainePERS Rule Chapter 802.
- c) Continue to exclude employees and appointed officials who work 20 hours per week or less or who are temporary or seasonal as defined by the appendix to MainePERS Rule Chapter 802 and elected officials from participating in the plan.
- d) To authorize Glenn Moshier, City Manager to sign the Amended Agreement between the City and the Maine Public Employees Retirement System.

Motion/Article approved as written.

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