

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Tuesday, January 21, 2025, 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

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - December 16, 2024, Regular Meeting
 - January 7, 2025, Special Meeting
5. Presentation of Awards.
 - Mike Harris – 20 years of Service
 - Proclamation of Community Risk Reduction Week, January 20-26, 2025
6. City Manager's Report.
7. Committee Reports.
8. Citizen's Comments.
9. Councilor Comments.

UNFINISHED BUSINESS

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.

NEW BUSINESS

10. Public Hearing and action on the application(s) for renewal for the following license(s):

- ETC LLC d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C (Victualer/Liquor) and State Liquor License.
- Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
- Hancock County Auditorium Assn d/b/a The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.
- Colonial I, LLC d/b/a Colonial Inn, 321 High Street, for renewal of a City Lodging House License.

****New Business****

- Acadia Village Resort Homeowner's Association d/b/a Acadia Village Resort, 50 Resort Way for a new City Lodging License.
11. Council Order #012500 Public Hearing and action on amendments to the Ellsworth Public Library Personnel Ordinance.
 12. Council Order #012501 Public Hearing and action on the request of the City Planner to authorize the City Manager to sign a Purchase & Sale Agreement with a goal closing date of March 31st, 2025, for the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price of \$185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants.
 13. Council Order #012502 Public Hearing and action on the request of the Arbor Commission for amendments to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance.
 14. Council Order #012503 Discussion and potential action on the formation of a Comprehensive Water Protection Committee and Ad-Hoc Committee. (Sponsored by Councilor Stein)
 15. Adjournment.

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, December 16, 2024, 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

1. Call to Order. *P Lyons absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - November 8, 2024, Special Meeting
 - November 12, 2024, Organizational Meeting
 - November 18, 2024, Regular Meeting

Move to adopt N Smith, seconded by T Mote, passed 6-0

5. Presentation of Awards.
 - Katie Dakin, Dispatcher of the Year
 - Brian Smith, Officer of the Year

Both are unable to attend, waiting until they are available

6. City Manager's Report.

YMCA lease negotiation, we have extended the lease through July 1, to have time for contract negotiations with the Y and others that utilize the building.

In January, we will be hosting a recreational cannabis workshop to discuss RFP and regulatory processes; to have a time outside of the normal council meeting to figure out how we want to design the regulatory framework, scoring criteria, etc.

Also in January, there will be a council meeting or workshop regarding Maine Organics. We have talked about the current state of the process and complaints from abutters, then a second workshop with the DEP to go over State tools for mitigation efforts as well as the city tools. We have had a violation submitted as well, so the January meeting will go deeper into what the full range of tools or changes to the consent agreement and how that could go or potentially changing the smell ordinance to further regulate this type of category.

It is the end of the year, so doing a look back on some big accomplishments over the year but also looking ahead. We are starting to do SMART goal setting for the year ahead, very excited for some of the projects we have coming up, also very excited to on board a new Deputy City Manager. Just finished what is hopefully the final interview for the DCM position. It went from over 200

applicants down to 2 and both of them are excellent candidates and either of them would do well in the role.

Operationally for the new year, which will probably be a challenge but also a hope, there is a ton of growth going on here. He was adding up some of the recent things that have come to the planning board or could be coming to the board and it is over \$120 million in building investments in the community. There is the Home2 Suites at \$14.7 million, a potential investment to come, the 150-unit apartment building complex is \$22 million, the \$55 million courthouse project and \$4.2 million for the Beals Ave condominium project. However, two of the projects, a total of almost \$70 million, are in jeopardy.

Lastly, a couple big thank yous, one to our volunteers and city staff who made the Christmas in Ellsworth events a huge success, both the tree lighting and the parade. A huge shout out to Kim Fitch, from the Grand, who helped get everything organized for each event. Also, to our Police and Fire departments for everything they do and their save of the young man that fell through the ice.

7. Committee Reports.

N Smith – Historic Preservation Commission, there is an ordinance update on the agenda, which will have us aligned with the state standards. Also, the Cemetery Commission is accepting applications; they have had several people mention that there are other commissions looking for people to serve on them as well. If you go to the city's website, under boards & commissions, you can get more information on which ones are looking for people.

M Beal – sent out the updated committee list, if anyone doesn't like the ones they have been appointed to or would like to change, please let her know.

T White – Arbor Commission, they are also looking at updating their ordinance. An RFP should have gone out today (12/16) for a Public Forest Management plan. It is the hope to capture a better Forest Management plan for the Ellsworth City Public Forest.

8. Citizen's Comments.

John Linnehan – he plans on speaking for three minutes uninterrupted; during most council meetings in the comments section of the agenda, he is continuing to politely set the proper constitutional guidelines for everyone's constitutional rights as listed in the Bill of Rights article 1 first amendment. After reading the amendment, he stated that his constitutional political speech rights have been violated at the last two monthly meeting and would like that to stop starting tonight (12/16) and going forward. So, he would like to petition the Council to listen to only solution to lower the city's "out of control" property taxes. He says by replacing three of the current council members, it will help lower spending. He says that we the people need to eliminate the practice of electing people based on popularity. It is time to elect three new members that have proven track records that they support policies of financial and fiscal conservancies.

Zabet Neu Collins, Heart of Ellsworth – wanted to invite City Council and members of the public to come to Ellsworth this weekend; there are many events happening around town.

Patience Blythe, Board President of Artsworth – very small volunteer run arts center at 25 Pine St. They are having their 15th annual fire gathering Saturday (12/21), it starts at 10am goes until 7pm. They have approximately 15 local artisans and demonstrations all day and live music beginning at 5pm.

Evan Moats, Executive Director at Woodlawn – wanted to speak in support of the great partnerships he has been able to be a part of since he started, Heart of Ellsworth, the library, Artsworth. On Saturday, (12/21) they will be having their second in a series of indoor farmers markets in the new barn and Santa will be there as well. The event runs from 10am-1pm.

Heart of Ellsworth – on Thursday and Friday (12/19-12/20) at 16 State St they will be having a holiday market from 3pm-7pm and Saturday (12/21) from 10am-3pm.

Cara Romano, Director of Heart of Ellsworth, Sarah Lesko, Ellsworth Public Library Director & Austin Schuver, Frenchman's Bay Conservancy – in June, the three of them put together a proposal to apply for the community outdoor recreation assistance program (CORA) through the US Economic Development Administration and the State of Maine. They were awarded 76k grant to work on some travel and tourism sectors to strengthen outdoor recreation. The proposal was to transform Riverwalk North into a recreational and cultural tourism asset. The key feature is extending the walking path that starts behind the library and ends up in the Central Street neighborhood to make a complete loop. For the Library, the key feature is working with the Schoodic International Sculpture Symposium. They will be installing temporary sculptures along the trail to start a Union River Art Trail. Also part of the grant will address the crumbling back stairs at the library where they will be getting a ADA accessible trail to the riverwalk.

9. Councilor Comments.

J Stein – a brief update on the County Commission business; there is a special commission meeting (12/17), this is their last one before the end of the month/year where they have to commit all of their remaining ARPA funds. They had \$2.2 million, but had just committed \$1.85 million to purchasing property to build a new emergency medical facility. It is unclear how much they actually have remaining, from what he can figure out it is somewhere between \$100k and \$1m. They are still waiting for RFP responses for the medical facility project so they can get an actual number to commit. He would like to propose some options of what they could do to help Ellsworth with the funds.

S O'Halloran – what we just experienced tonight with the citizen comments no one liked, but would like to remind the council that it is 3 mins and if you get rid of citizen comments that you would get rid of the other two presentations. Perhaps sitting quietly for 3 minutes and listening to everyone's comments might not be liked but would dislike blocking out the good to block out the one. Use the gavel to make the rules and let's not overreact to comments.

M Beal – does agree with Councilor O'Halloran that she would hate to block the good with the wonderful things that are happening in the city, however the reason for the agenda item is so that people can speak to the council about ideas and requests that they have. It gives them an

opportunity to speak to all the councilors at once, which is not always easy to do. What is being said and what was asked of people to do is to respect their wishes and the wishes time and other audience members. What was spoken about tonight had nothing to do with council business, it was inappropriate for a council meeting.

N Smith – process matters and what matters to her is respect for the institution, respect for the seats that they hold. When someone is out of order, it has nothing to do with animosity or who the person is. Campaigning is inappropriate and it is an abuse of the city's space and technology.

Manager Pearce – will try to bring options. They had their organizational meeting where they decided on this and this is a nonpartisan body discussing very serious business. There are other cities/towns that have similar rules against politicking at meetings. Would like to speak with legal counsel and get all the options.

UNFINISHED BUSINESS

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.

NEW BUSINESS

10. Public hearing and action on the application(s) for renewal for the following license(s):

- David Sukeforth Jr d/b/a Dave's Auto Repair and Towing, 231 Bucksport Road, Ellsworth for renewal of a City Towing/Recovery License.
- ~~The Fuzion Buffet, 200 High Street, for renewal of a City Class C License.~~
- Katina Stanwood d/b/a Black Moon Public House, 142 Main Street, for renewal of a City Class B License and renewal of a State Class I (Malt Liquor, Wine and Spirits) License.

Removing The Fuzion Buffet, they are not ready to be voted on as they are currently closed for business.

****New Business****

- Thai Sana, 321 High Street, for a new City Class C License and a new State Class III & IV (Malt Liquor and Wine) License.

Move to approve, J Stein, seconded by T Mote, passed 6-0

11. Council Order #122400, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aero plane sticker fee at \$0 for the calendar year 2025.

John Wedin – Chapter 55 requires a council vote every year on the fee for Branch Lake stickers. For the past 20 years it has been voted to keep it set at \$0, to encourage people to come and boat protectively on our drinking water source.

Move to approve the request of the Branch Lake Water Steward to set the Branch Lake boat and aero plane sticker fee at \$0 for the calendar year 2025, T Mote, seconded by N Smith, passed 6-0

12. Council Order #122401 Presentation from the Police Department outlining the Memorandum of Understanding with anticipation of having an AMHC social worker working with the Police Department.

Chief Bires – one thing they have recognized in the Police Department is the need for a mental worker embedded within the department to help out with mental health type calls. They spoke with other agencies that have a worker within their department and the feedback was extremely positive and successful. So the administrative staff met with Ashley Pesik of Aroostook Mental Health Center (AMHC) and have worked out a plan to have a social worker to work within the PD. This is set to begin January 8, 2025, they have already established a Memorandum of Understanding (MOU). Ashley is a licensed clinical social worker and is the supervisor for the crisis team. She is a clinical supervisor for Hancock and Washington counties for AMHC, their expertise is people in crisis, people with severe and persistent mental illness, people who are suicidal or homicidal and they provide assessments within the communities. They are a contractually obligated organization through the State of Maine to do mental health assessments and link people to the appropriate level of care. Historically they existed to be gatekeepers for psychiatric institutions, but now it is more catching people in the communities and getting them the correct care. Jails are the largest psychiatric institutions in the country and before they get to the jails they deal with law enforcement, so partnering with the PD will start the process. It is an MOU instead of a contract because there are no dollars exchanged, they are paid through the state, and it is a partnership. They will have a schedule and will be working with different officers and a vehicle. The idea of embedding it is they can improve relationships and work more collaboratively, so there will be someone available anytime even if the person who typically works with the PD isn't available. With this model it will allow them to more effectively respond to a call, without the collaboration there would be a delay in care, so they are able to help more people.

*It was requested by the City Planner to do item #14 before #13 because the Comprehensive Plan needed to be approved before talking about the housing study.

- ~~13. Council Order #122402 Presentation of the City of Ellsworth Housing Needs Assessment and Housing Study from the City Planner and the consultant team of Berry Dunn.~~

14. Council Order #122403 Public Hearing and potential action to adopt the Ellsworth 2035 Comprehensive Plan and authorize the City Planner to submit it to the State of Maine for approval.

Matt Williams, City Planner – there was a recent workshop to review the Comprehensive Plan and to give the council a first look at the full plan and to ask questions of the team. So now they are here to present the final plan. This has been a year and 8 months in the making and they are ready to have council review and adopt the plan so that it can be submitted to the State for acceptance.

There were many steps and processes in forming this plan including many meetings of the Planning Board, Steering Committee and City Council.

Keri Ouellette & Ali Tobey of BerryDunn – they are thankful to everyone who has been involved in this process. They are presenting it, but it is the city's plan and a community wide effort that they helped put into a package. There were five (5) phases of this project beginning in April of 2023 with the Inventory and Analysis phase. Concurrently, phase 2, the Visioning Phase, was conducted to broadly look at community needs, values, priorities and desires for the future. The information gained from phase 2 was used in phases 3 and 4 and compiled into the final planning phase which is phase 5 and where we are currently at in the process. The city's last comprehensive plan was developed in 2004 and since then has seen numerous changes. The planning process establishes an updated baseline to understand where the community is today.

Move to adopt the Ellsworth 2035 Comprehensive Plan as presented and authorize the City Planner to submit it to the state for approval, T Mote, seconded by T White, passed 6-0

13. Council Order #122402 Presentation of the City of Ellsworth Housing Needs Assessment and Housing Study from the City Planner and the consultant team of BerryDunn.

Concurrently with the Comprehensive Plan, BerryDunn, the planning office and Economic Development, engaged in a housing study to look at the housing needs in our area and what forces are impacting that and what solutions might be available to the city moving forward. The key findings that came out of the needs assessment were that Ellsworth's population is growing and that its demographics are changing. The older population is increasing while the number of families with children is declining, and school enrollment has declined 7% from 2020 to 2024. A little over 5 years ago, people in Ellsworth who made the median income could afford the median home price but today 79% of those living here cannot afford the median home price with their current income. Additionally, a larger number of renters and homeowners are housing cost burdened, which means that they spend over 30% of their income on housing. Some considerations for a housing strategy include addressing housing needs at all levels and providing opportunities for a variety of housing types, focusing on the needs of current residents and addressing needs for employers. Through the process they developed 18 initiatives, which were organized into three broad categories. Strategy one is decrease development costs, strategy two is increase utilization of housing and strategy three is increase development opportunities.

15. Council Order #122404 Public Hearing and action on the request of the Historic Preservation Commission for amendments to the City of Ellsworth Code of Ordinances, Chapter 39, Historic Preservation Ordinance.

Jen Sala, Historic Preservation Chair – did her best in the memo to outline why and what purpose this is going to serve and the bigger picture for the community. One big thing for the community is opening the door to more grant funding, which is not limited to the city or the Historic Preservation commission but to all the city departments and to other nonprofits as well that are involved in the cultural and arts sectors. None of the requested changes in the ordinance change the way the commission operates or what their responsibilities are, it is mostly in language and definition. This is an important thing for economic development in the future.

Move to adopt amendments to the City of Ellsworth Code of Ordinances, Chapter 39, Historic Preservation, to be in compliance with State of Maine Historic Preservation office requirements necessary to apply for certified local government status with the Federal Government, N Smith, seconded by J Stein, passed 6-0

16. Council Order #122405 Discussion on proposed changes to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance.

T White, Arbor Commission Chair – when Arbor Commission started in August, they were lucky to be able to start it because there was an ordinance already from 1991. Since it hasn't been updated since 1991, they are hoping to present a more robust ordinance that will go along with the comp plan's number two guiding principle of protecting and preserving the natural environment and encourage sustainable and resilient growth, which trees are a huge part of. This will bring us up to speed and to where we should be for protecting and preserving trees.

17. Council Order #122406 Discussion and action on request of the Finance Director for discussion and action on the final allocation of ARPA funds.

Nate Moore, Finance Director – the American Rescue Plan Act (ARPA) was enacted right after Covid-19 in 2021. These funds are intended to be used for investments in water, sewer, and broadband infrastructure, public health expenditures, and addressing the negative economic impacts of the pandemic on communities. We received an allotment of funds, approximately \$950k, what is left is \$92,748.14 which needs to be allocated by 12/31/24. The funds don't need to be spent until 2026 but need to be allocated. Recommendations for remaining funds are Public Works upgrades, purchases including a Loader's first payment of \$38,500, PW facility locker room and bathroom renovations at \$25,000, and City Hall first floor painting at \$40,000. Other recommendations to consider Healthy Acadia warming center and bucket truck for the PW department.

J Stein – had a conversation with the district representative from Jared Golden's office, who has some familiarity with the Congressional allocation of ARPA funds, and they connected him with the Treasurer who explained that it would be possible to obligate ARPA funds to a sub award account. Which could be used to grant to organizations that applied to us for assistance.

Tracy Crossman, Community Health and Support Manager at Healthy Acadia – she oversees the warming center. The center is open every night but 8am-4pm on Saturday and Sunday is when they have no one to work. They have elderly and disabled people sometimes and it is difficult for them to find somewhere to be for 8 or more hours. They see approximately 20 people a night.

S O'Halloran – when he was elected in 2021, he was told we had \$400,000 in ARPA funds, then \$440,000 and then \$880,000; he would like to give credit to Nate for finally showing how much we ended up receiving, which was \$952,000. It was surprise money that he wanted to give back to the taxpayers but got no traction with that and the same with a park that everyone could enjoy; instead the money has been picked at and made many expenditures when we could have done something that would have made more of an impact. There have been times that we have had debt service paid from the ARPA money and he believes that it is foolishness. Doing something that you couldn't have normally done would have been a better solution.

Mike Harris, PWD – loader was originally brought in the budget as a request and then cut from it because of doing an option for BAN/bond. It is necessary for operations of PW. They have two loaders; one has 12,000 hours on it and it is at the end of its useful life and is currently being used at Wastewater to load trucks and the other machine is at the Highway garage. The issue they have is that during a storm they need one loader to load salt sand on the dump trucks and the other one would typically be down in the parking lots and places like that moving snow around.

There was a suggestion made to take the entire amount that is left to be allocated and give it to the library because they came to the Finance Committee with approximately \$250,000 in work that

needs to be done. In response to the suggestion of the library getting the funds, they will be going for a congressionally directed spending package which would maximize a potential city match to Federal match.

There was discussion about the bucket truck and how it would help PW and possibly Water and Wastewater, but it would not be ideal for anything that IT and Facilities would need it for. It is a well-maintained truck and very difficult to find especially for this price.

Move to allocate from the remaining ARPA funds \$25,000 toward the bathroom and locker room project, \$25,000 toward the purchase of a bucket truck, \$17,000 toward the Healthy Acadia warming center and \$72,833 toward the library renovation, J Stein, seconded by N Smith, passed 5-1 (T Mote opposed)

18. Council Order #122407 Discussion and action on the request of the Facilities Manager to allow the City Manager to enter into a contract to complete medium and high priority maintenance items for the North Ellsworth Communications Tower.

Jim McLean, Facilities Manager – was asked to try to get this project started by the PD and FD last year. It took some time to track down anyone who does this kind of work, but was able to find two companies, Structural Components Co. and NDC Communications LLC.

S O'Halloran – bought the property beside where the tower sits and was told by the PD that there were possibly anchors for the tower on his property. Is willing to give the city a little piece of ground there so it is certain that the anchors are on city property but is also fine with the way it is, but if he were to sell the property someone might have a problem with it.

Move to approve the request of the Facilities Manager to allow the City Manager to enter into a contract with NDC Communications as the low bidder in the amount of \$18,283.75 to complete medium and high priority maintenance items listed in the inspection report completed by Structural Components Co to be funded with previously allocated ARPA funds, T Mote, seconded by J Stein, passed 6-0

19. Council Order #122408 Public Hearing and action on the request of the Public Works Director to purchase and finance a vac truck.

Mike Harris, PWD – the vac truck was approved in this budget cycle. They had three trucks brought in for demonstrations and they received quotes for. The low bid was \$587,000 from CN Wood, which included an extended warranty. NCL was originally suggested by a vendor for financing and then Council recommended looking at local banks. The First came in with a lower interest rate of 5.31% compared to NCL which was 6.2%.

Move to approve the request of the Public Works Director to purchase a combination jetter vac truck from CN Wood for \$587,000, financed by First National Bank over a term of 7 years with cost shared equally among Wastewater, Water and Highway departments through their respective budgets with the first payment for Highway Departments portion as determined to be secured by the Highway Equipment Reserve account, J Stein, seconded by N Smith, passed 5-1 (S O'Halloran opposed)

**It was requested by the City Manager and all council members agreed to move item #23 before everything remaining because it was late and there were citizens present to speak on the item.*

23. Council Order #122412 Update on Alternative Courthouse location project.

City Manager Pearce – as mentioned previously we are facing some pretty critical projects for the City of Ellsworth that could be transformative. A summary of work to date, they have done three community/Council workshops since July. Before the second workshop, we issued a request for information and received twelve (12) submissions for alternate locations. At the second workshop, the alternate locations were presented to the council and the community for a discussion. The general consensus from the council and community was that the Wardwell property was the preferred option for further review. He went back to the Judiciary between workshops two and three to see if they would be amenable to the Wardwell property. The Wardwells were amenable to potentially doing a land swap with their property for the one the state had purchased on the Surry Rd. There have been negotiations with the other abutting property owners regarding a road going through their properties. The Wardwell property meets a lot of the technical requirements that the state had including south facing views and central urban core location. Next steps include completing the feasibility studies and if the feasibility can be met, he would call for a January 7th special Council meeting with all of the memorandums of understanding (MOU) for building the road, easement purchases and the land swap with the Wardwells. If the council decided to move forward then it would be up to the state whether they would move forward, but if the city decided not to move forward there would be the question of whether they would be amenable to not put additional roadblocks to the state to move forward with the Surry Rd or if there was a different avenue they would want explored.

Robert Grant Sr – a taxpayer and resident of Ellsworth, who's family has paid taxes here for over 100 years. He is against the project completely not knowing the facts. If the taxpayers are paying it should be spread out between all county communities because it isn't just an Ellsworth project. How did we get on the hook for building the road?

City Manager Pearce – there is a variance between \$700,000 using mostly public and a mix of private contractors and estimates for fully private contracting around \$900,000 and adding contingency would put it up to \$1.2 million.

Mike Harris, PDW – what we are talking about here is a preliminary budgetary figure on what we are going to do with the road. To the question as to whether we are capable of building the road, we are capable of building it. Items that Mr. Grant is talking about are things that come up during building a road, like screening gravel, which we pay to have our gravel screened. As far as expertise, machinery and materials, we have our own pit and materials to contribute, are there other costs involved in that, and the answer is yes; but it is not going to cost as much as it would to have a contractor do it.

S O'Halloran – he has believed from the beginning that the state is going to end up building on the Surry Rd. He shares the same thoughts that Mr. Grant does and to reinforce it, at one of the workshops, he asked how much did it cost to build Myrick Street and the answer was approximately \$2.45 million. If the road was built for that much that long ago, there is no way today, even though this would be a smaller road, that it could be done for only a million dollars. The Public Works department was designed for maintenance not construction so if they are road builders why didn't they build the job on the Christian Ridge Road.

Clarence Grant – when the state came in did they come to the city before they bought the piece of land or did they buy the piece of land and then it was left to the city to figure out how to do it? City Manager Pearce responded to the question with, the state did come to the City Planner and former City Manager, he believes before the land was purchased and they were told that they could build there. Mr. Grant believes that if they had come to the council with their proposal they would

have gotten the negative feedback and then not have purchased the property. He also believes that it seems like now that the State of Maine is dropping this in our laps.

20. Council Order #122409 Public Hearing and action on the request of the Public Works Director to purchase and finance a loader ~~purchase~~.

Mike Harris, PWD – the loader was originally in the budget and then going to BAN it but didn't. They put out an RFP and received bids, the low bid was disqualified because it didn't met all the bid specs and there were some critical errors with that, so they recommended the John Deere loader for \$217,550. This would also look at being financed though the First with the same interest rate and first payment deferred to next year. The loader is critical to winter operations for moving snow and salt/sand and also gets used in the summertime for moving materials.

Move to approve the request of the Public Works Director to purchase a loader from United C&F for \$217,500 financed by First National Bank for a term of 7 years with the first payment deferred until the fall of 2025 until then secured from the Capital Equipment Reserve account, J Stein, seconded by T Mote, passed 6-0

21. Council Order #122410 Discussion and action on the request of the Finance Director to award a \$2,575,000 Bond Anticipation Note (BAN).

Nate Moore, Finance Director – last month the council approved the BAN, so he reached out to 7 local banks. He received five (5) bids back and the low bid was First National Bank at 5.31%.

Move to award the Bond Anticipation Note to the low bidder First National Bank at an interest rate of 5.31% for a \$2,575,000 BAN as presented, T Mote, seconded by J Stein, passed 6-0

22. Council Order #122411 Request of the Public Works Director to purchase a plow truck as part of the BAN.

Mike Harris, PWD – They totaled plow truck last year and were looking at banning it but were under the impression that they wouldn't get it for a year, however one became available immediately. In the interim they were looking to buy a used plow truck but that option is gone, so he would like to request that the council allow them to purchase a plow truck that is complete and ready to go with plowing equipment that is already being held for us.

Move to approve allocation of \$256,000 from the recently approved Bond Anticipation Note for the purchase of a replacement plow truck from Daigle and Houghton and to authorize the City Manager to execute the necessary agreements, T Mote, seconded N Smith, passed 6-0

- ~~23. Council Order #122412 Update on alternative Courthouse location project.~~

24. Adjournment.

Move to adjourn, T Mote, seconded by J Stein, passed 6-0

MEETING NOTICE

A special meeting of the Ellsworth City Council will be held on Tuesday, January 7, 2025, 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

1. Call to Order.
2. Public Hearing and action on the Court House Location.

City Manager Pearce – this is the fifth formal conversation regarding the alternative Ellsworth Courthouse proposal and location. Would like to thank the council for the incredible amount of time dedicated to this effort and the community who were at the original courthouse discussion. This really felt like a team effort with a lot of people that really understand the impact of this decision for the city; especially the State Judiciary who every step of this process has been helpful and responsive to feedback and questions. Is happy to report that they have reviewed our due diligence on the surveys from the Wardwell Property and are comfortable with what has been done and that it would be a good place for the new courthouse. Tonight, (1/7/25), we have three options, we can move forward with the alternative proposal, we can take no action which would allow the state to build on the Surry Road location, or we could pursue a moratorium on courthouses in Ellsworth. The courthouse was originally across the bridge as well as city hall and when this area began to grow, they moved them to the current locations, and now as Ellsworth continues to grow we are looking to bring the courthouse more into the Urban Core, to help growth in that area. (showed the audience the final survey of the Wardwell Property) The city would facilitate the swap of their 17.9 acre parcel for the state's 17.9 acre parcel on the Surry Road. One reason for the timing of this and the flurry of activity over the last 4 months to bring this option to the table is the state has a Bond Council deadline of January 15th, where they will decide whether to keep the Surry Road property or swap it for an alternative location. The Wardwells have also offered a right to first refusal for a period of time on their entire acreage of this property, not just for the courthouse project but as the city thinks about the full potential use of these properties to develop in the Urban Core. It could offer an easement for a parking area so that we could have Ellsworth's first public parking access to the rail trail, which currently doesn't exist; and also give more access to the Card Brook area. Looking at the zoning map, that is part of the Comprehensive plan, the

Surry Road location is in the neighborhood zone and the Wardwell property is in the Urban zone, so from a comprehensive, long-term planning perspective this location seems to be the more appropriate place for a project like this. It could also be an anchor for further development within the Urban core. Part of the wording, if the council were to agree to this location as an alternative, would instruct the City Manager to actively seek other funding opportunities to reduce the financial burden of the city for the road development. There could be some conservation potential that could help mitigate the funding of the road costs. Had a conversation with Senator Grohowski today (1/7), and she would be more than happy to put a bill to the state requesting funding for the road. There is also a potential cost share option with the Maine DOT at the intersection, they are going to be redoing High Street in the spring, so it would be a good time to work out details for the intersection portion. There were also questions at the last meeting as to whether some cost could be defrayed from our Public Works department and whether they have the expertise to do road building, to which the answer is yes. If the council doesn't want to move forward with the Wardwell property, we will stay involved, but there would be no financial obligations required from the City. We would make sure that the state adheres to local planning environmental regulations, monitor progress, and provide necessary city updates. If the council didn't want to pursue either of the first two options, they could pursue a moratorium on developments of this type in Ellsworth for a period of time. This would not be the recommended option, but wanted to have it as a possibility in case either of the other two options were not liked.

Councilor Beal – thank you (to City Manager Pearce) for the amount of work that you have done over the last several months. With the information you've been able to provide, the communication with the Judiciary and the citizens of Ellsworth, and the communication and transparency of this process, you have done an excellent job.

Councilors asked for some clarification as to when the construction of the road on the Wardwell property would begin, it was mentioned that it wouldn't be before or until 2027. The road would likely begin in 2026, following final DEP permits, final surveying and final analysis. The construction road, which would be a gravel road off Long Lane, would begin as soon as projects are approved and that would be something that Public Works could complete.

Councilors also talked more about the costs and whether there would be opportunities for reimbursement from the state on pieces. The \$1.5 million that is mentioned for Bond/BAN funding is the total liability to the city of a totally privately funded road. There is already potentially around \$100,000 from what the state was going to do to upgrade the Surry Road water and sewer stations that could be credited back to the road. As previously mentioned, there will be other funding mechanisms that we will be looking into. Also, future tax growth and revenue in the area, with the different projects currently in the pipeline and adding more to our water and sewer lines, so there will be additional revenue there as well.

Public Hearing opened.

Robert Grant Sr – this is all a great fantasy, but how can you vote for something when you don't know the cost. The \$1.5 million is “at most” but it is not guaranteed. The wetlands, the state put rules regarding the 250ft all the way around it, how are we now able to go right up to it?

City Manager Pearce – to respond to Mr. Grant's questions, this number isn't one that was just thrown together, it came from multiple meetings with Andrew and Steve, to develop a good

estimate to be the benchmark for where we are at. We will be under the estimate because of the credit from the State and looking into other sources of funding.

Gordon Workman – there is one fact that he says he keeps not hearing about; what is the involvement of the Hancock County Commissioners on this?

Councilor Stein – he did give a brief overview of the development on this project from the last 6 months or as long as it has been known about to the Commissioners, they had a few questions, to which he sent them the memo and let them know that this meeting was happening, however none of them were able to attend, unless they are watching.

Gordon Workman – well seeing that the courthouse was built with “courthouse” on it and they took over part of the building for their commissioning projects and Sheriff department, among other things, they have limited the size of the space. If they can’t expand their courthouse to benefit the courthouse then the County Commissioners should be involved with some type of value. This shouldn’t end up being all Ellsworth paying for this project, in fact all the Hancock County towns should be involved with this because they use it. If each town was charged some kind of a fee that would knock down the cost to us.

Lisa LaRue – is against the Surry Road location, they haven’t done their due diligence on the engineering and feels that in the long run they may find that the site doesn’t work for them. The Wardwell site provides a much more suitable location, with larger acreage for the placement of the buildings, drainage, stormwater and expansion, which is something that needs to be thought about. At the Surry Road location they would not have the expansion room, they are boxed in pretty tightly. It is interesting to her that they are unwilling at this time to commit additional funds upfront to achieve the best long-term outcome. They should provide some of the funding to build the small section of road they are requiring the city to do; they must have anticipated at any building site to meet their needs because no site is completely ready to go. They are trying to force the city to hand over a good location without some additional cost to them. It is her thought that they may force our hand, and the city may decide not to move forward with the road, but the city should still work with the Wardwells to acquire the land for the future of Ellsworth. We would be able to find other developers that would be more than happy to make the infrastructure improvements needed, and the city could ensure that the land is now used for the best interests of the community.

Ed LaRue – first would like to thank you (Charlie) for all his hard work. He believes that Surry Road is a terrible location, not just because he lives on that side of the bridge. He has had people tell him that they won’t buy a house there because they can’t get across the bridge in the morning, so he thinks it would hurt us more to add to the traffic. His taxes have gone up quite a bit in the last few years, and he doesn’t want them to go up more but thinks that it is “foolish” to think that if you put the courthouse in the “ready-made” location on the Surry Road that it isn’t going to cost the city anything. This is going to cost the city something no matter where it goes, so to put it someplace where you can invest now and reap the benefits now is a smarter idea.

Teri Sargent-Smith – she disagrees with the idea that there won’t be any city cost on the Surry Road, if it were to get to that point. She was told by someone that the city promised a sidewalk, which is expensive; we would need a turning lane, additional lighting, and water/sewer and storm water improvements which would all be significant city funds that would be required to put the courthouse at the Surry Road site. She had her house appraised twice in the fall because she didn’t

believe the first one was accurate. The appraiser asked her where she stood on the courthouse, and she told her that they were fighting it and that there was an alternative location. The appraiser told her that it was still on their website and her appraisal was \$100,000 less than it should have been because she appraised it as though the courthouse was still going on the Surry Road. She brought in another appraiser, and they did the same thing, so she would like to know if the city is prepared to lower the property values on that side of town because that is what it is going to do to all of their values. She believes this is something that the council needs to take into consideration when they are voting on this and that this needs to be looked at as an Economic Development opportunity for the city. The council has the opportunity to start something “fabulous” with this road. She doesn’t want to pay for it or to have her taxes go up, but she is willing to because she believes that we will find funding for it and it is for the future.

Ralph Jordan – is against the courthouse being on the Surry Road because of the traffic and also thinks that the alternative location is a good spot. He thinks the courthouse should stay where it is and that it is still possible for that to happen. He has a cautionary note, his father built the grain store off Merrill Lane in the 70’s, so it may cost \$1.5 million to put the road in but if you take a drive behind LL Bean there is a 30ft tall piece of ledge and farther up the railroad tracks there is ledge on both sides and there is also cement under where the bank is.

Penel Houghton – is there anything in the comprehensive plan that limits what the Wardwells can do with the Surry Property?

City Manager Pearce – no there is not. There is interest in conservation and just like any other property owner they would have to apply by our rules and regulations.

Councilor Beal – it is a neighborhood zone and if that were to be changed it would have to come to the council through multiple public hearing processes, so it is not a quick process.

Penel Houghton – it sounds like to her that the Wardwell property is better known cost wise with all the work that the city has done and that the state has put to it so there is a better understanding of that property than the Surry Road property. Surry Road they still don’t have a lot of information done in the work up of understanding how they can use the property, and she agrees with the other people that it is very likely that there will be a lot of costs racked up because we don’t know a lot.

Leslie Harlow – would like to echo the comments of Councilor Lyons that this is a great opportunity for Ellsworth to have a generational nudge. She has lived here most of her life and has watched the evolution of what she calls “hobnob” developments, where someone was fortunate to be able to buy the land and develop it and the city had to put some roads in but it wasn’t with an overview. We are unique and unlike any other town in Maine because we are a town of 9,000 people but in the summer 5 million people managed to drive through here, and we have not figured out how to make that work to our benefit. She thinks that this project that is being proposed in a part of town that could be more evolved as part of the urban compact/urban core is a very unique opportunity. She lives on Beals Ave and has watched the progress with the planned community at the end of their road and has thought that it is the beginning of that and it all just seems to make sense.

Mary Blackstone – would like to know more about Card Brook watershed from an environmental perspective. It was mentioned that there have been conversations with Frenchman’s Bay Conservancy and that conservation will be part of the process on the Wardwell Property. Currently Card Brook, where it connects with the area that is planned to be developed, becomes

an urban impaired stream. From the DEP's standpoint, the primary reason for the impairment is impervious surface and storm water drainage into Card Brook, so that is something that would need to be addressed.

City Manager Pearce – the conversations with Frenchman's Bay have been very initial. We hope to bring them in as more of a partnership on how we best preserve this. When we look toward developing the full area what would be most important to protect and what would be most important to limit impervious service to make sure we don't have water run-off.

Councilor Smith – this isn't a decision to sacrifice Card Brook in order to do this, there are the setbacks that are required but if Frenchman's Bay were to put some money in as conservation, there is no reason for them to conserve what already can't be developed because of law. It would be conserving more and having recreation areas and more wildlife areas beyond what is required by law. On the state level what she has found interesting, within the last 5 years, is that land conservation groups are saying we need to be part of the solution for housing. They used to do only conservation for conservation's sake and for wildlife and then they realized that their mission should be broader, and it should be about people having access to these areas. Now conservation groups are saying there's a housing crisis for people and while we're looking at what makes sense to conserve for different uses, we do need to look at what land we might have that would make sense for development.

Mary Blackstone – I really appreciate the extent to which you are thinking broadly to include conservation, residential and the courthouse development. She would like to remind you that on the DEP's website, under the Card Brook section, the first mechanism they have to amend the impaired status is reducing, addressing the impervious surface. That is the existing impervious surface, now we are talking about putting more impervious surface, not just the courthouse but at least two other developments in the Card Brook watershed. She believes that people are excited about this development because it has the potential for economic development in that area, which would be good if it happens, but would like to point out that the DEP rules are going to be changing with respect to wetlands and small streams. They are currently working on legislation to radically change the rules, so the extent to which further development is going to be possible for the area is up for question.

Doug Smith – he grew up in the white house on Water Street where the brook comes out. They moved out 64 years ago, but the water was brown back then as well; so he doesn't want people to think that in a few years, if it gets approved, that we did something to Card Brook.

John Linnehan – this was a great presentation; he doesn't have an issue with either property or the moratorium. His only concern that he would like the council to consider, what is the impact on the property taxes. If there is any increase with any option, he hopes that they will vote no; he isn't saying that they aren't good projects but can we afford them.

Eric Martiog(sp?) – lives off the Surry Road, what he has to say doesn't go against the Surry Road option, he would prefer it not to be there because it will mess up traffic, but anyone who has driven on High Street between 3:30pm and 6:00pm in the summer understands that the traffic might be worse there than it is on the bridge. Is there a plan in place for reducing the amount of traffic or the impact on traffic? Also, he is an employee of the Jackson Lab and is part of a group that is moving to Gainesville because they can't afford to live here because there is no housing. He is in

favor of the Wardwell Property because he thinks that it might provide an opportunity for growth that could benefit both Jackson Lab and Ellsworth at the same time.

City Manager Pearce – on the traffic piece, he has talked to the state, and they would do a traffic study if we were to move forward on the Surry Road and they would also do the same on High Street. Something that has also been discussed is, is it possible to create a bypass. That would be the second piece of this because the courthouse part is first, but with all the pieces of the comp plan and the housing needs assessment that this could also start addressing those needs.

Councilor Smith – something that is happening beginning this year is a partnership with the Department of Transportation, through a grant secured by Thriving Communities, that will look at what is going on on High Street. This is a two-and-a-half-year project to look at how we manage the functionality of High Street, it is looking at land use and the traffic patterns.

Dale Hamilton – he does think that there is an opportunity for development for housing, however realistically there is a lot of other work that needs to be done to make the lower prices. Debt service, what that means is something else that is due or needed to be purchased, would be given up as a result of taking on this project, so he feels the council should think about what is going to be needed in the next 3-5 years or taxes will go up. He also believes that there aren't only three choices. He would encourage the council, that if they are going in the direction of authorizing this expense, that they consider authorizing up to and directing the City Manager to conduct further negotiations with the State.

Public Hearing closed.

Councilor Stein – first, would like to thank everyone for coming out. The neighborhood from Surry Road initially put this on our radar, he hadn't heard of it until they came to us with their concerns. That created this discussion and potential opportunity for the city. He has been in contact with the Commission over the last couple months trying to increase communication between the city and the commission. There are very few people that go to talk during their public comments, he thinks that we would do well as a county to have more people go to the commission.

On a motion from Councilor Lyons:

Whereas, the City of Ellsworth recognizes the need for a new courthouse facility and supports a state/city partnership to achieve this goal;

Whereas, an alternative location for the courthouse has been identified to better serve the needs of the community and judicial system;

The City Council hereby moves to:

- 1. Authorize the City Manager to facilitate a land swap agreement between Alice Wardwell and the State of Maine's Judicial Bond Council for a 17.9-acre parcel off of High Street (number not yet assigned; Tax Map 21, Lot 15) in exchange for a 17.9-acre parcel owned by the State of Maine at 120 Surry Road for the State of Maine Judiciary to construct a new courthouse facility on the Wardwell property.**
- 2. Instruct the City Manager to negotiate and execute an easement purchase agreement with the Adams and Merrill property owners for parcels off of High Street (Adams: Map 131, Lot 73; Merrill: Map 131, Lot 40, and Map 131, Lot 41), funded through the Local Roads Account. These funds are to be allocated for the purpose of**

constructing a roadway connecting High Street to the proposed courthouse facility on the Wardwell property.

3. **Authorize the City Manager to enter into a contract with the State of Maine's Judicial Branch. The contract shall define the standards and timelines by which the City will fulfill its obligation to construct a road to the proposed courthouse facility not to exceed \$1.5 million in City issued Bond Anticipation Notes (BAN) or Bond funds.**
4. **Instruct the City Manager to actively pursue state, federal, and all other funding opportunities to reduce the financial burden on the City for road development. This effort shall include proposed zoning and land use modifications aimed at spurring housing and economic development and generating new tax and fee revenue from road and utility usage in the City's Urban Core Growth Area. The City Manager shall provide a funding report on the city road project quarterly until the project closes.**
5. **Direct the City Manager to pursue a rights-of-first-refusal agreement on the remaining Wardwell properties off of High Street (Tax Map 21, Lot 15), considering potential:**
 - a. **Conservation easements,**
 - b. **Developer partnerships, and'**
 - c. **State and Federal road and infrastructure improvement programs.**

Effective Date: This motion shall take effect immediately upon passage.

Seconded by Councilor Smith.

Discussion on the motion:

Councilor Smith – came in tonight still with an inquisitive mind, and eager to hear from people; she does appreciate those who spoke and the turnout. What struck her tonight, is the public opposition early on to the Surry Road was about quality of life and the appropriateness of directing growth to Surry Road. The opposition to the Wardwell property is the cost of the access road, they are very different concerns. There seems to be a sense that the Wardwell property is the right property, and she agrees, it is just a kicker that there's a significant cost to it. What she has heard tonight is an affirmation of those two perspectives and the fact that we have avenues we could still pursue to bring down the cost. The key here is to take that long term approach, the "generational nudge," and what they decide tonight will nudge where and if development happens and if Ellsworth grows. In her day job they talk about change is coming and one of the values you have in engaging at the local level is determining how that change will happen rather than having it done to you, that you can step in and say this is how it is going to happen. Another issue that has come up a few times is the frustration of why the county isn't paying for it, it is actually a state thing even though it is a county courthouse. There isn't yet a mechanism for a community, that is a service center, which Ellsworth is and the county seat, to have the communities that benefit from those services help pay for them. We deal with it for multiple issues, and there has yet to be legislation successfully passed to help, which could possibly be another conversation to have with our representation about how we manage that.

Councilor Beal – she feels the same way, we knew all of this information but didn't have the aspect from the public, so again thank you for coming out and talking with us, the pros and cons. They are both needed when you are making a decision like this. As she has listened to everyone, there are a lot of things that the city has done where we have put money into conservation projects for recreation, and Myrick Street even though it isn't the most popular street, we did get out money back from that and we have an area that can be developed. The business park is fully built out and we are receiving tax dollars from that and will continue to. The biggest one that we did was Branch Lake, the conservation effort that was done on the lower end, we were able to bring recreation to Ellsworth and at the same time save our water supply.

Councilor O'Halloran – the Surry Road location is less than optimal. He sat in on a meeting with Matt and the Wardwell family and he said at the meeting that no matter what happens, that some good is going to come out of this process. He plans to vote against this proposal because to commit city staff to build development projects is a mistake. He thinks that this development should be for private enterprises and not government. It is not a popular opinion, but he doesn't believe that the city needs to be in the development business. The city can grow by lowering the barriers and treating people coming to the city better than they do. There is no one at the meeting tonight from the state or the county and there is no guarantee that the state is going to go forward with this if it passes.

With a vote of 6-1 (S O'Halloran opposed), the motion passes.

3. Adjournment.

Motion to adjourn, P Lyons, seconded by T Mote, passed 7-0.



Community Risk Reduction Week January 20 – 26, 2025

Whereas, every 23 seconds, a fire department in the United States responds to a fire somewhere in the nation.

Whereas, fires nationally were responsible for 3,670 civilian deaths and 79% of these fatalities in 2023 occurred in the home.

Whereas, fires nationally were responsible for 13,350 civilian injuries and 77% of these injuries in 2023 were also related to fires in the home.

Whereas, an estimated \$23.2 billion in property damage nationally occurred as a result of fire in 2023.

Whereas, wildland/urban interface (WUI) related fires remain a concern nationwide with multibillion-dollar losses as a result in 2023.

Whereas, the fire service responds to a growing number of medical calls for service, surpassing 80% of total call volume in some jurisdictions.

Whereas, Community Risk Reduction is a data-informed process to identify and prioritize local risks, followed by integrated and strategic investment of resources to reduce their occurrence and impact.

Whereas, the value of community support from local, state, and national partners to address community risks is recognized to meet the demands on paid, combination, and volunteer members of the fire service.

Whereas, the goal of Community Risk Reduction is to reduce the occurrence and impact of emergency events for both community members and emergency responders through deliberate action in the areas of the five E's of Education, Engineering, Enforcement, Emergency response, and Economic incentive.

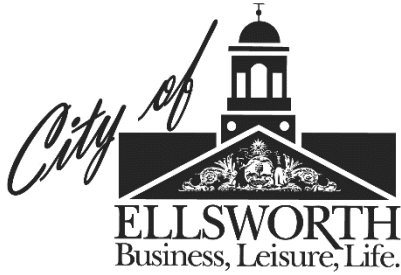
Whereas, most fire-related and many medical calls for service are preventable, with the five E's performed as part of an integrated Community Risk Reduction program.

Whereas, Monday, January 20, 2025, is Martin Luther King Day and is nationally recognized as a National Day of Service and an opportunity for communities to reduce the risk in their community through a series of educational and other programs.

THEREFORE, BE IT RESOLVED, That the week of January 20, 2025 – January 26, 2025, be designated as CRR Week, a grassroots initiative of fire service professionals across the nation to raise awareness of the importance of CRR in the fire service community and an opportunity to make communities safer.

WITNESS, my hand and seal this the 21st day of January.

_____, City Council Chair



Executive Assistant to the Manager

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 669-6680

edowling@ellsworthmaine.gov

Memo

To: City Council
CC: Charles Pearce, City Manager
From: Ebony Kramp-Dowling
Date: January 21, 2025
Re: Business Licenses

Suggested Motion:

Move to approve the Business License renewals for ETC LLC d/b/a Dyon's, Sanjeeva Abeyasekera d/b/a Serendib, Hancock County Auditorium Assn d/b/a The Grand and Colonial I, LLC d/b/a Colonial Inn.

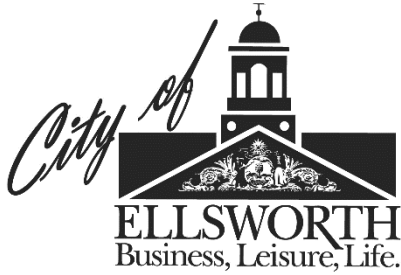
All licensing fees have been paid, inspections done and licensed signed off on by all required departments.

Suggested Motion:

Move to approve the Business License application for Acadia Village Resort Homeowner's Association d/b/a Acadia Village Resort.

Background:

It has become a practice for Acadia Village Resort to rent units that owners do not plan to use at the request of the owner. In doing so, they have discovered that it is necessary to have a business license with the city not just the state.



Memo

To: City Council

CC: Charles Pearce, City Manager

From: Sarah Lesko, Library Director

Date: December 23, 2024

Re: Amendments to Ellsworth Public Library Personnel Ordinance

Suggested Motion:

Move to adopt Amendments to the Ellsworth Public Library Personnel Ordinance to reflect changes made to the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance.

Background:

This memorandum is to formally request the City Council's approval of proposed amendments to Ellsworth Public Library Personnel Ordinance. These changes are intended to ensure compliance with recent State of Maine legislative updates, clarify current personnel policies, and enhance the City's ability to attract and retain qualified employees.

Summary of Proposed Amendments:

1. Maine Paid Family and Medical Leave Act Compliance (Chapter V, Section 9)

- Effective January 1, 2025, the City will comply with the State of Maine's Paid Family and Medical Leave Act. This includes a 1% contribution on employee earnings, with 0.5% to be deducted from employee earnings and a matching 0.5% contribution from the City.

2. Performance Evaluation Schedule (Chapter III, Section 6)

- Proposal of a new performance evaluation schedule. Performance evaluations are essential for both new hires and existing employees, as they provide structured opportunities for feedback, goal-setting, and professional development.
- The updated performance evaluation schedule provides the City with the necessary data to aid in employment decisions such as promotions, compensation adjustments, and potential leadership placements.

3. Dress Code (Chapter IX, Section 19)

- Amendments to the Dress Code will provide clearer guidelines for employees and managers while allowing for flexibility. A more modern dress code policy allows departments to choose attire that is comfortable and suitable for their specific job functions, which can positively impact productivity and morale.

4. Addition of Juneteenth (Chapter V, Section III)

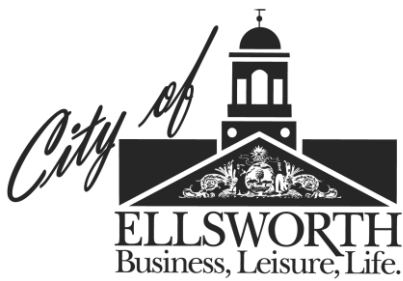
- Juneteenth is both a federal and state recognized holiday. Adopting Juneteenth as an official holiday in the Personnel Ordinance ensures that the City remains aligned with federal and state holidays.

5. Additional Revisions

- New Hire Training: Language has been updated to designate the Human Resources Department as the responsible department for assigning training courses to new employees. (Chapter III, Section 8)
- Benefit Eligibility: Amendment to designate the Human Resources Department as the responsible department for assisting employees with benefits they are eligible to receive. (Chapter V)
- Paid Holidays for New Hires: Proposal to remove the provision that does not allow new employees within 30 days of hire to be eligible for paid holidays. (Chapter V, Section 3)
- FMLA: Amendment and clarification to the Federal Family and Medical Leave Act section of the Personnel Ordinance (Chapter V, Section 8)
- Unpaid Leave of Absence: Reduction of unpaid leave from 180 days to 90 days. (Chapter V, Section 10)
- Paydays: Removal of advancing paychecks to employees utilizing paid time off. (Chapter VI, Section III)
- Severance: Removal of Severance Pay for retiring employees. (Chapter VII, Section 8)
- All other proposed revisions are housekeeping items.

Rationale:

The proposed amendments address recent legislative requirements, improve transparency, and bring our policies into alignment with state and federal standards. Adopting these changes is essential to provide equitable and legally compliant employment conditions for City employees, thereby fostering a supportive and fair work environment.



MEMORANDUM

To: City Council

From: Matthew Williams, City Planner

CC: City Manager Pearce

Date: January 9, 2025

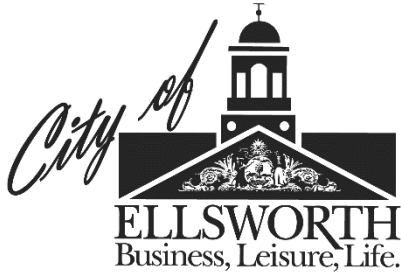
RE: Purchase and Sale Agreement for Branch Lake Public Forest Expansion

Suggested Motion

Motion to authorize the City Manager to sign a Purchase & Sale Agreement with a goal closing date of March 31st, 2025 for the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price of \$185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants.

Background

As discussed at the November Council meeting, the City is finalizing the purchase of 279.1 acres of land to expand the Branch Lake Public Forest. The attached Purchase and Sale Agreement outlines the terms of the purchase and sets a closing deadline of March 31st, 2025. The only outstanding piece of due diligence left to complete is the title work, which will be completed by the end of the month.



Arbor Commission

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 667-2563

ellsworthmaine.gov

Memo

To: City Council

CC: Charles Pearce, City Manager

From: Tabatha White, Arbor Commission Chair

Date: 1/2/2025

Re: Amendments to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance

Suggested Motion:

Move to adopt the amendments to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance.

Dear Members of the City Council,

The Ellsworth Arbor Commission is writing to formally request the opportunity to update the city's existing tree ordinance. While the current ordinance has served its purpose, it is now outdated and falls short in promoting tree planting, preservation, and protection, which are critical to supporting the long-term health, beauty, and resilience of our community.

- We propose an updated ordinance that incorporates improved preservation standards, clear penalties for violations, and initiatives to increase tree planting while integrating modern urban forestry practices. These changes will better align Ellsworth with the growing body of evidence that trees should be treated as a public utility and an appreciating investment.
- An updated ordinance would bring measurable benefits to the city by reducing stormwater runoff, improving air quality, and supporting biodiversity. Numerous studies have demonstrated the economic and environmental advantages of protecting and planting trees in urban settings, including boosting property values and enhancing public health.
- The Arbor Commission is deeply committed to advancing Ellsworth's urban forestry efforts. We believe that this update will help create a more sustainable and vibrant future for our city while fostering a stronger sense of pride and connection among residents.

Thank you for your consideration of this request. We look forward to working with you to implement these important changes and are happy to answer any questions you may have.

Sincerely,
Tabatha White
Chair, Ellsworth Arbor Commission

CHAPTER 43
TREE ORDINANCE

Section 1. Arbor Commission Established

The Arbor Commission is hereby established. The Arbor Commission shall consist of nine individuals appointed by the City Council. The purpose of the Arbor Commission is to undertake projects supporting the planting, maintenance, removal and pruning of trees on the streets or other public sites in the city.

Section 2. Master Tree Plan

The Arbor Commission shall have the authority to formulate a master street tree plan with the advice and approval of the City Council. The master street tree plan shall specify the species of trees to be planted on each of the streets or other public sites of the city, to which all planting shall conform thereto.

Section 3. Abuse and Mutilation of Public Trees

Unless authorized by the Arbor Commission, no person shall damage, cut, carve, transplant or remove any public tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of such tree. The city may recover the full cost of repair or replacement of such mutilated tree.

Adopted July 8, 1991

A true copy

Attest: Terri A. Kelley City Clerk

Tree Ordinance

[Replacement for the current Tree Ordinance, Chapter 43 approved in 1991]

Article 1 Purpose:

- 1.1 To advance and safeguard public health, safety, and general welfare through the regulation of trees and shrubs on City of Ellsworth property, including those in rights-of-way and other public plantings.

Article 2 Definitions:

- 2.1 Person: Any individual, firm, corporation, association, partnership, or organization.
- 2.2 Property Owner: The person owning the property as shown by the City of Ellsworth tax assessor's records.
- 2.3 Public Hazard: A condition of any tree or shrub that constitutes a hazard to persons or property.
- 2.4 Public Property: all property owned, leased, or occupied by the City of Ellsworth.
- 2.5 Public Trees: all trees and shrubs on public property, including City rights-of-way.
- 2.6 Tree Warden: An official of the City of Ellsworth appointed by the City Council who shall have the care and control of all public shade trees upon and along Town roads and public rights of way and in the parks and public lands of the City of Ellsworth. That official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees.

Article 3 Tree Warden:

- 3.1 The City Council shall annually appoint a Tree Warden and an alternate Tree Warden with forestry and/or arborist credentials. The Tree Warden oversees all work on public trees, including assessment and removal of public hazards, and works with the Arbor Commission to enforce and administer the provisions of this ordinance.
- 3.2 The Tree Warden shall make regular reports to the Arbor Commission.
- 3.3 Any person or organization, including the Arbor Commission, may appeal, in writing, any ruling or order issued by the Tree Warden by filing a notice of appeal with the Board of Appeals within seven (7) days of the date of the ruling or order.

Article 4 Ellsworth Arbor Commission:

- 4.1 The Arbor Commission shall consist of 8 full-time members and one alternative appointed by City Council, the majority of which must be Ellsworth residents or property owners. Each full-time member will be appointed for a staggered number of years. Their appointment and term of office will expire on June 30 of each year.
- 4.2 All members of the Arbor Commission serve without compensation.
- 4.3 The Arbor Commission, along with the Tree Warden, shall formulate arboriculture and forest management policy and oversee the implementation of this ordinance and the City's Comprehensive Forestry Management Plan.
- 4.4 The Arbor Commission shall maintain a list of the City's Heritage and Ecologically Significant Trees and undertake to have them appropriately cared for and preserved.
- 4.5 The Arbor Commission shall administer the Ellsworth Tree Trust according to provisions laid out in the City's Comprehensive Forestry Management Plan .
- 4.6 The Arbor Commission shall assist with code enforcement of the Unified Development Ordinance (Chapter 56) as it relates to the preservation, planting and care of trees.
- 4.7 The Arbor Commission shall assist the Planning Board with developing appropriate standards for arboriculture and assist the Technical Review Team in advising on and reviewing applications to the Planning Board.

Article 5 Permits:

- 5.1 A permit, secured in advance from the Tree Warden, is required for any activity related to public trees and landscaping plans on public property.
- 5.2 Permit Applicants must possess a current Maine Arborist License and adequate insurance coverage in accordance with the State of Maine General Laws.
- 5.3 Permits shall be valid for a period of no longer than one (1) year from the date of issue, unless otherwise specified or terminated.
- 5.4 Permittees must notify the Tree Warden forty-eight (48) hours prior to any activity.
- 5.5 Exceptions: Any tree work done on public trees by volunteers or City employees under the supervision of the Tree Warden shall not require a permit. Utility

companies that subcontract tree trimming to teams that include Maine State licensed arborists shall not require a City permit.

Article 6 Specifications and Standards:

- 6.1 ANSI Contract Specifications and Pruning Standards for Shade Trees shall be followed.

Article 7 Tree Planting, Maintenance, and Removal:

- 7.1 Authority to Plant or Remove Trees on Public Property: Trees must be selected and located in accordance with this ordinance and the City's Comprehensive Forestry Management Plan.
- 7.2 Landscaping plans for public spaces submitted for approval by the Ellsworth Planning Board shall include a Tree Preservation Plan reviewed and approved by the Tree Warden.

Article 8 Protection of Trees on Public Property:

- 8.1 During Excavation or Construction, trees must be guarded with a substantial barrier at a minimum 4' high.
- 8.2 No person shall deposit anything on the ground which may impede the free passage of water, air or fertilizer to the roots of any public tree.
- 8.3 Under no circumstance shall any person cut, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree; allow any substance harmful to trees to come in contact with any public tree; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
- 8.4 It shall be unlawful for any person to interfere with any Ellsworth employee, volunteer, or contractor hired by the City of Ellsworth, while engaging in tree care and maintenance authorized in accordance with this ordinance.

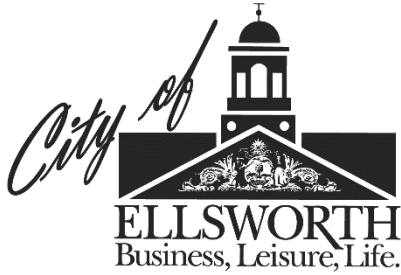
Article 9 Violations and Penalties:

- 9.1 Violations of this ordinance may result in fines and penalties.

- 9.2 If, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a public tree occurs, the penalty shall include the replacement value of the public tree, calculated as specified in the City's Forestry Management Plan.

Article 10 Severability:

- 10.1 Invalidity of any section, clause, or provision shall not affect the validity of the ordinance as a whole.



City Council

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 667-2563

ellsworthmaine.gov

Memo

To: City Council

CC: Charles Pearce, City Manager

From: Jon Stein, Councilor

Date: January 9, 2025

Re: Water Protection Ordinance change committee

Suggested Motion:

Move to form the Comprehensive Water Protection Committee, and Ad-Hoc Committee, for the purpose of creating new, and updating existing, ordinances aimed at protecting Ellsworth's watersheds and drinking water, as outlined in the Ellsworth 2025 Comprehensive Plan.

Background:

The goal of this Committee is to work with and advise the City Planner, local expert organizations and stakeholders like Green Ellsworth and other conservation groups, as well as other relevant city departments to develop specific protective ordinances that aim to ensure the protection of our watersheds and drinking water. These changes are to be in line with the 2025 Comprehensive Plan, newly ratified by the council (still pending State confirmation). The Committee will then recommend these changes to the Council for review and possible adoption, perhaps with an additional public workshop prior to council action/public hearing.

Green Ellsworth has been working on this issue for a while now, and Mary Blackstone, that group's principal contact, has had some more recent conversations with Matt regarding working on these changes. Direction from the council will be needed throughout the process; instead of lengthy workshops, an ad-hoc committee could give direction when needed, maintain communication with this group, and report back to council when necessary, until these ordinances are ready for full council input and approval. This will save time and allow this project to move forward without several lengthy council workshops.

This ad-hoc committee could have one or two councilors, a member of the Comp Plan steering committee (now implementation committee) member, and at least one staff member. The

Committee will identify key stakeholders and representatives of local organizations to advise the city on the above goals.