

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, January 8, 2024 at 6:00 PM in the Ellsworth City Hall Council Chambers

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

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

AGENDA

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:

- November 20, 2023 Regular Council Meeting.
 - November 9, 2023 Special Council Meeting.
 - November 13, 2023 Organizational Meeting.
5. City Manager's Report.
6. Committee Reports.
 - Re-appointment of Raymond Williams to the Ellsworth Housing Authorities Board as Chair. Term to expire 1/2029.
7. Citizens' Comments.
8. Councilor Comments.
9. Presentation of Awards.
 - Kevin Sawyer for 20 years of service as a truck driver for the Highway Department.
 - Brian Moon for 10 years of service as a truck driver/crew leader for the Highway Department.
 - Glenn Moshier for 20 years of service as a police officer, SGT, Chief of Police with the Ellsworth Police Department.
 - Ralieggh Ehrlenbach for 15 years of service with the Ellsworth Police Department.
 - Meghan Stubbs for achieving the Milken Family Foundation excellence in teaching award
 - Rebecca Wright for being recognized as Assistant Principal of the Year
 - Girls soccer for Class B North title (first win since 1999)

UNFINISHED BUSINESS

10. Discussion and possible action on Chapter 56 violations of Maine Organics regarding a consent agreement.

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

11. Public hearing and action on the following applications for new and/or renewal on the following licenses:

- Dave's Auto Repair and Towing, 231 Bucksport Road, Ellsworth, Maine for renewal of a City Towing/Recovery License
- 86 This!, 125 Main Street, Ellsworth, Maine for a renewal of City Class B license (Food, alcohol, amusement)
- Squid LLC, d/b/a Ellsworth Suites, 147 Bucksport Road, Ellsworth, Maine for a renewal City lodging license.
- New England Hospitality d/b/a Comfort Inn, 130 High Street, Ellsworth, Maine for a renewal City lodging license.

12. Council Order #010801, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2024

13. Council Order #010802, Request of the Highway Foreman to award an RFP for a fork truck.

14. Council Order #010803, Request of the City Manager to adopt the Hancock County Mitigation resolution.

15. Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

16. Discussion and action as a result of the executive session.

17. Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

18. Discussion and possible action as a result of the executive session to extend the contract for City Manager.

19. Adjournment.

SPECIAL MEETING OF THE ELLSWORTH CITY COUNCIL

A special meeting of the Ellsworth City Council will be held on Thursday, November 9, 2023 at 5:30pm. The meeting will be held in the Ellsworth City Hall Council Chambers.

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

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

Channel 7

AGENDA

1. Call to Order.
2. Acceptance of the November 7, 2023 City of Ellsworth Election results and to direct the City Clerk to notify in writing the persons who have been selected serve as members of the City Council, School Board and Library Trustee and their terms of office and to administer any oaths to those individuals.

Motion to accept as presented by T. Mote, second G. Lyons, unanimous.

3. Adjournment.
Motion by G. Lyons, second T. Mote passed.

**ORGANIZATIONAL MEETING NOTICE
ELLSWORTH CITY COUNCIL**

**The annual organizational meeting of the Ellsworth City Council will be held on Monday, November 13th, 2023
at 6:00 PM in the Ellsworth City Hall Council Chambers**

AGENDA (Council Version)

1. Call to Order.
2. Oath of Office.
3. Selection of Chairperson for the ensuing year.

T. Mote nominated M. Beal, seconded by C. Hanson. No other nominations. Motion passed 7-0

4. Time and place for regular monthly meeting.

Suggested Resolve: *That the City Council will hold regular monthly meetings in the City Hall Council Chambers at 6:00 p.m. on the third Monday of each month. Except the January, and February meetings, shall be held on the second Monday of the month. Should the day of the meeting fall on a holiday or Election Day, the meeting so scheduled will be held on the prior Monday at the same hour and place.*

Motion by C. Hanson, second J. Stein, passed 7-0

5. Time for agenda to close.

Suggested Resolve: *That the City Council meeting agenda close on the second Friday at noon prior to the regular monthly meeting. If that day falls on a holiday the agenda will close at noon on the previous day.*

Motion by C. Hanson, second by T. Mote, passed 7-0

6. Time for agenda to go to the news media.

Suggested Resolve: *That the City Council meeting agenda be delivered to the local news media no later than the second Friday prior to the regular monthly meeting of the Ellsworth City Council*

Motion by J. Stein, second by C. Hanson, passed 7-0

7. Manner in which meetings are to be conducted.

Suggested Resolve: *That the meetings of the City Council be conducted according to Rules of Order previously adopted by the City Council (copy attached) and shall continue in force until the Monday next following the regular city election, pursuant to Article II, Section 2.07 of the City Charter. Each meeting is to be conducted by Robert's Rules of Order unless otherwise provided for.*

Motion to approve by C. Hanson, second by N. Smith with the change of #9 to be after citizen comments and update dates for publications, passed 7-0

8. Council Stipend and the manner of its distribution. Maximum allowable stipend \$3,000 Chair and \$2,400 Councilor. Amount budgeted for FY2023 – \$2,500 for Chair and \$2,000 for each Councilor.

Suggested Resolve: *Council Chair will receive a stipend of \$ 2,500 and members of the City Council will receive a stipend in the amount of \$2,000 per Councilor for the period of November, 2023 thru October, 2024. Distribution of the stipend will be first pay period in December.*

Motion by C. Hanson, second by T. Mote, passed 7-0

9. Appointment of Finance Committee.

Motion to update during regular committee appointments by T. Mote, second by C. Hanson, passed 7-0

10. Signing of warrants.

Suggested Resolve. ***That the warrants directed to the Treasurer for payment be signed by the City Manager and 3 member(s) of the Finance Committee.***

Motion by C. Hanson that 2 members and CM can authorize, second by T. Mote, passed 7-0

11. Discussion and approval of the City Manager search process and timeline.

Timeline reviewed. Motion to accept by C. Hanson, second by N. Smith, passed 7-0

12. Adjournment.

Motion by J. Stein, second by C. Hanson, 7-0

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, November 20, 2023 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>

Channel 7

Agenda

1. Call to Order. **Motion to add item to accept bids on surplus property sale by T. Mote, second by C. Hanson, passed 7-0 (will be Item 18) and to have elected officials take oaths of office after approval of minutes.**
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting (s) of the Ellsworth City Council:
 - October 16, 2023 Regular Council Meeting.
Motion to approve by C. Hanson, second by T. Mote, passed 7-0
Oaths taken by members of the Board of Trustees
5. City Manager's Report.
6. Committee Reports.
 - Appointment of Councilors to various City Committees by the Chairman of the City Council.
 - Appointment of Matthew Welch to the Appeals Board, acceptance of Mike Wight's resignation.
Motion to accept by C. Hanson, second T. Mote, passed 7-0
 - Appointment of Jeff Gordon as an Alternate to the Harbor Commission
Motion to accept by T. Mote, second C. Hanson, passed 7-0
 - Approval of a Community Development Advisory Committee to help with the CDBG project
Motion to approve by C. Hanson, second P. Lyons, passed 7-0
7. Citizens' Comments.
8. Presentation of Awards.
 - Small Business Day Proclamation – November 25, 2023.
 - Special Presentation by the City Clerk
 - Presentation of the Downtown Project of the Year Award received in collaboration with the Heart of Ellsworth- Sponsored by Beal.

UNFINISHED BUSINESS

9. Discussion and potential action to enforce Chapter 56 via a consent agreement with Maine Organics
Motion to table by T. Mote, second P. Lyons, passed 7-0

10. Review of the FY 2022 Audit with RHR Smith

CONSENT AGENDA

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NEW BUSINESS

11. Public hearing and action on the following business licenses:

- Stephen Curtin, DBA Steamy Buddha Café, 50 Church Street for a renewal State liquor license Class I, II, III and IV and upgrade to City Class C license from Victualer.
Motion by C. Hanson, second J. Stein, passed 7-0
- Ryan Lounder, DBA Strike N Slice, 25 Eastward Lane Suite 6, for a renewal City Class C license and State liquor license Class I, II, III, and IV
Motion by C. Hanson, second J. Stein, passed 7-0
- E.T.C. LLC, DBA Dyon's, 35 Eastward Lane, for a renewal of State liquor Tennis Club class III and IV.
Motion by C. Hanson, second J. Stein, passed 7-0

12. Public Hearing and action on Council Order #112000 Request of the City Planner to approve amendments to Chapter 56.

Motion to approve by N. Smith, second by C. Hanson, passed 7-0

13. Discussion and action on Council Order #112001 Request of the Highway Foreman to award a bid for the Red Bridge Road culvert replacement.

**Move to award the bid to RF Jordan for 951,342.00 and
A contract for construction oversight to Andrew McCullough PE. ,in the amount of 23,250.00 with a
10% contingency for a total project amount of \$1,069,762.20.
To be funded from \$600,000 (\$300,000 FY23 to encumber, \$300,000 in FY24) Local Roads Capital
Improvement account (9090900-59001) and the DEP stream grant of \$125,000 from the State of
Maine and \$344,762.20 from local roads to be budget in FY25 by T. Mote, second by C. Hanson,
passed 7-0**

14. Discussion and Potential Action on Council Order #112002 to accept \$32,000 from the Community Resilience Partnership grant program. There is no required matching funds associated with this grant award and the scope of the grant is to fund an evaluation of Ellsworth's pedestrian and bicycle transportation resources within the downtown area.

Motion to approve by N. Smith, second by T. Mote, passed 7-0

15. Discussion and Potential Action on Council Order #112003 on applying for the MaineDOT's Village Partnership Initiative Planning Phase for a planning study evaluating bicycle and pedestrian infrastructure and streetscape design in the City's downtown area, with a 50% local match allocated from the Community Resilience Partnership grant, funding up to \$10,000 from the FY24 Local Roads fund, and funding up to \$15,000 from FY24 TIF funds.

Motion by T. Mote, second by C. Hanson, passed 6-1 (S. O'Halloran opposed)

16. Discussion and action on Council Order #112004 to take over the care and maintenance of Juniper Ridge Cemetery at the request of the heirs of former association members.

Motion by Nancy to take over, with the intention of within 12 months find/create a new association and give ownership back to association, to short term contract Marc as sexton with pay to be negotiated by Glenn, and to create a schedule of fees for services with report in Dec. meeting from attorney with risks/liabilities/responsibilities second by J. Stein, passed 5-2 (M.. Beal and S. O'Halloran opposed)

17. Discussion and action to approve the Arbor Commission applying for a Project Canopy Grant- Sponsored by Hanson

Motion by C. Hanson, second by P. Lyons, passed 7-0

18. Approval of surplus sales bids as presented.

Glenn reviewed and requested to not sell Item 3 or Item 6.

Motion by S. O'Halloran to accept ALL highest bids and move to the next bidder if a sale is not completed, second by J. Stein, passed 7-0

19. Scheduling of workshops for the homelessness in Ellsworth and watershed/natural resources- Sponsored by Stein

20. Councilor Comments

21. Adjournment.

Motion to adjourn by T. Mote, second by J. Stein, passed 7-0

City Council Meeting November 20, 2023

Michelle Beal

I'm going to call to order the meeting of the Ellsworth City Council for Monday, November 20, 2023.
First item Pledge of Allegiance

Michelle Beal

Item number three rules of order the Ellsworth city council meetings are conducted according to Robert's Rules of Order, unless otherwise provided for and adopted by the city council at their annual organizational meeting, which was last week. Before we go to item number four, I'm request this request to add actually two items to the agenda. The first one is we have to library trustees to take their oath. If we could do that, after we accept the minutes, and then the second item is was inadvertently left off the agenda to accept the bids for the sale of surplus property. If we could do that. After I think number 17 Before we be scheduled a council workshops.

Tammy Mote

move to add agenda items.

Casey Hanson

Second.

Michelle Beal

All those in favor. Wonderful. Thank you.

Casey Hanson

One more thing before you move on. sure that our organizational meeting we had had this conversation about moving item 19.

Toni Dyer

agenda was published before that meeting, so it will be next month before that change.

Casey Hanson

It'll be the next one. Okay. That's fine. Thanks.

Michelle Beal

Okay. Item number four adoption of minutes from the following meeting October 16 2023. Regular council meeting

Casey Hanson

moved to adopt minutes.

Tammy Mote

Second

Michelle Beal

discussion. All those in favor? Unanimous

Toni Dyer

raise your right hand and repeat after me. I state your name do swear or affirm that I will support the Constitution of the United States of this state so long as I shall continue s as a citizen thereof, so help me God. I state your name do swear or affirm that I will faithfully discharge all the duties incumbent upon as state your office for the city of Ellsworth according to the Constitution of the United States, laws of the state of Maine, Ellsworth city charter and ordinances of the city.

Michelle Beal

Okay, item number five city manager's report.

Glenn Moshier

Good evening councilors. list of things to work down through here. Some announcements and some closure notifications. So to start out Small Business Saturday is November 25. We encourage everyone to come and support our small businesses here in Ellsworth. The Christmas tree lighting, which many of you have probably noticed down in front of the building on the main street side will be also held on the 25th from three to 5pm. We will be Closing this where the parklets are usually located for Hancock Street, Franklin Street, excuse me will be closed and there'll be closure on store street during the event and partial closure in the parking area here for to provide plenty of space for people to come and enjoy the festivities and enjoy the tree lighting. We'd like to thank Dale Sproul for donating the tree from his property. And James Zuhlke for from Zuhlke tree service for providing labor, cut and move the tree to City Hall RF Jordan for providing piping material for the tree base and the Public Works Department for all of the work getting the tree installed and the sturdy basin that is there now for a tree to be for years to come. The Christmas parade will be on December 2 Starting from Knowlton Park. The parade route will follow the same as last year it will come up School Street to Main Street go down Main Street to the lower light turn and go back up State Street to Knowlton Park. And that is set for December 2. And I believe the start time is 4pm. Does that sound right? Yes 4pm. The silent auction in City Hall is still open. The last day to place bids is November 30. We have some upcoming closures City Hall and the transfer station will be closed this upcoming Thursday and Friday for Thanksgiving. normal operating hours will resume on Monday. The library will be closed on Thursday, only on Thursday. No Finance Committee this Friday because of the holiday. The next Friday's committee will be held on December 1 Here at the city hall in the council chambers starting at 8am. And city facilities will will close at noon on Friday, December 22. For the annual holiday party for the staff. The following Monday, December 25. city facilities will be closed and reopened on Tuesday the 26th. That completes my report.

Michelle Beal

Thank you very much. Any questions? City Manager?

Michelle Beal

Committee reports. First is appointment of the counselors to various committees by the chairman of the city council, I provided you a list of the appointments. If you please look at them and make sure that you're on committees that you would like to participate in. There's something that you feel very strongly that you'd also like to like to participate in that I haven't included you on, please let me know so that I can give the information to Toni.

Jon Stein

There, you want to know the ones that aren't. We'll also add the Comprehensive Plan steering committee, Arbor Commission and the Communications Subcommittee to this list. Unless anybody can think of any others

Michelle Beal

you're on it and I'm on the HCTC one. Yes. So yeah, maybe I can you and I can go over that tomorrow. And I'll give you the complete list because those aren't changing. Okay. So I'll start by tomorrow.

Glenn Moshier

Madam Chair, we'll all see you'll also need to appoint a counselor to the negotiation team for contract negotiations. You've got three this year. That will have to be negotiated.

Michelle Beal

Anything that's on the committee's. Next is appointment of Matthew Welch to the appeals board acceptance of Mike White's resignation.

Lori Roberts

Mr. White has moved out of the city of Ellsworth and Mr. Matt Welch, who is I think owner or part owner of friends and family market has taken the position put in a request that he'd be interested in filling

Casey Hanson

move to appoint Matthew Welch to the appeals board.

Tammy Mote

Second.

Michelle Beal

discussion.

Jon Stein

Can we add an acceptance of the resignation of Mark Wright as well?

Casey Hanson

We did that last. But yeah, seems like we did. But I could and except Mike White's resignation

Michelle Beal

second any discussion? All those in favor? Unanimous. next appointment of Jeff Gordon is an alternate to the harbor commission.

Adam Wilson

Good evening Council. We have two open spots on our harbor board. Alternate spots. And Jeff is a resident of Aquarius lane, and also has a boat at the harbor.

Tammy Mote

Move to approve the appointment of Jeff Gordon is the alternate to the harbor commission.

Casey Hanson

Second.

Michelle Beal

Any discussion? All those in favor? Yes. Okay, approval of community of a community development advisor committee to help with a CDBG project.

Janna Richards

High Council Janna Richards economic development director, apologies for just getting you the information this evening. You have in front of you, some committee Veterans Committee member names and their role. Last month, I was here to discuss quite a bit of submittal requirements for the Public Service Community Development Block Grant, I forgot to have this committee officially approved, the members appointed as well as we are looking for a volunteer from the council to also be on the committee. And there's a suggested motion here to approve the formation of the committee. It's an ad hoc committee. So once the grant is over, it will go away. And, you know, if you have any interest in homelessness or at risk of homelessness, that's what this program that we have applied for and gotten funds for is about. So just to give you a chance to be part of a program in working with a community partner that helps to combat homelessness and at risk of homelessness. Yeah, and also in this is just the requirements from the Community Development Block Grant about creating the committee and having the council approve and appoint the members. And then there's some bullet points on here on what the committee would actually be doing. And so they are charged with organizing opportunities for the public to be involved in the program, should that be necessary and deemed necessary. Publicizing and marketing the program, handling any complaints that are surrounded the program, there's actually a protocol for handling complaints when they come to community development block grants. And also the finances. So how, since the city is the recipient of the funds, and we will be granting those funds to the public service provider, so talking about how that's going to happen as this rolls out, and doing some program evaluation. So if it's helping the community the way that it's supposed to, or not, should we pivot and that sort of thing? And questions.

Jon Stein

During the time of this committee, how often do you suspect the meeting?

Janna Richards

so I'm hoping that once we receive the funds from the state will have a kickoff meeting, and then after that I am assuming bi monthly so not every month. But allowing us to have that discussion when we get the funds to talk about how the funds will be transferred to the organization, then letting them kick off the program, giving them a couple of months to run the program and then we'd have a chance to evaluate how things are going. So yeah, I think bi monthly makes the most sense. For the term of the grant period, which should be about a year or so

Michelle Beal

do you have any idea of when you will receive the grants and have that kickoff meeting will be like the beginning of next year?

Janna Richards

Yes. So our submittal is due in December. And so I'm hoping that by January, February, we should have the funds.

Michelle Beal

Sorry, this is last minute, but just put anyone like to volunteer to help Janna?

Casey Hanson

but if you don't, I'm willing to.

Janna Richards

I don't mind if you both want to be on the committee. That's okay. We can have two.

Patrick Lyons

Can you describe a little bit more about what you anticipate the grant how it's going to be used as far as

Janna Richards

the grant app, the grant funds? Yep. So this is a public service community development block grant. So we partnered with families first community center on North Street, they are running a new program called the helping hour so they will be open designated hours per week where people who are either homeless or at risk of homelessness can go in and speak with one of their staff people or their volunteers, in order to get services that they might need assistance applying for housing or for heating assistance. They will also take a portion of the grant funds to put toward heating assistance, as well as housing assistance. Navigating any of the section eight voucher system also access to like tangible household items that if you are a person that is getting a home for the first time that you may not have like lamps, things of that nature. I think that about rounds it out and then some funding toward marketing and publicizing the program through like star 97. Seven deals with American local media

Patrick Lyons

was the idea of this is successful, and it's evaluated that we'd work towards finding a way to make this more permanent or

Janna Richards

Yes, so the matching funds are actually coming from a significant portion of their fundraising. So it'd be great if you know they can continue those fundraising efforts and be able to make this more sustainable over time. The additional funds through the community development block grant allows them to do it for a longer period of time and to assist more individuals than they would based on their own fundraising. Thank you. You're welcome.

Casey Hanson

Move to approve the formation of the Community Development Advisory Committee, which will be an ad hoc committee to work on the city's 23/24 Public Service Community Development Block Grant and to appoint the members listed to the committee as well as to city council.

Patrick Lyons

Second,

Michelle Beal

any more discussion? All those in favor? Thank you. Thanks.

Michelle Beal

Okay, number seven citizen comments. This is the portion of the agenda where we invite citizens of the city to discuss anything that they would like. We've just asked them to keep it to three minutes. And the other is, is to talk about something that's not on the agenda. Any items that are on the agenda, you'll have an opportunity to speak on those at that time. What come on up to the podium.

Dale Basher

Good evening Council and city members. My name is Dale basher and I live in working out the city of Ellsworth. And I serve very fortunate to serve as the housing director for Downeast community partners. Last year, we put on a concert to warm a winter's night at the grant. And it was very successful. We had over 200 people there. And and we're planning to do that again this year. On February 24. We were this year. I don't know if a lot of people know it, but our heating assistance was cut by over 50%. So a lot of people that received like a \$1,200 benefit last year probably want to receive in between five and \$600 this year, so the need is ever greater, has been at least in my 14 years of working at this organization. So having a special emergency type fund like our thought program has been critical in keeping people warm especially in these trying times. So We are asking to be approved for another \$1,000 Like we didn't like we asked for last year and it was very successful event thanks to you. And we would like to bring this item to your agenda for next month if possible. Thank you

Michelle Beal

presentation of awards. Small Business Day proclamation.

Michelle Beal

All right, Ellsworth Small Business Day proclamation November 25 2023. Whereas the city of Ellsworth, Maine celebrates our local small businesses, and the contributions they make to our local economy community. According to the United States Small Business Administration, there are currently 33.2

million small businesses in the United States representing 99.9% of all businesses with paid employees in our country. And whereas 32% of the small business owners in the United States say inflation is their biggest business challenges challenge right now. And 20% of new small businesses closed within a year only with only 35% of new businesses making it to the 10th anniversary. And whereas 68 cents of every dollar spent in the small business stays in the local community. And further every dollar spent at a small business creates an additional 48 cents on local business activity. And whereas 72% of consumers report this Small Business Saturday inspires them to shop small and dine at independently owned restaurants, and up to 65% of small businesses annual revenue was generated during the holiday season last year. And whereas the city of elsewhere supports our local businesses that create jobs, boost our local economy and are critical to the overall health of the United States. And whereas organizations across the country have endorsed the Saturday after Thanksgiving, as Small Business Saturday. Now therefore, be it resolved that the city of Ellsworth hereby proclaim Saturday, November 25 2023, as Small Business Saturday and Ellsworth and be it further resolved that the city of Ellsworth urges the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year.

Michelle Beal

And I would like to add that I do. And I know the city manager had already mentioned that by Saturday is Small Business Saturday and all of our businesses downtown and then on High Street and all around the city will be open and it'd be great if people can get out and support them.

Michelle Beal

The next is a special special presentation by the city clerk.

Toni Dyer

So I just wanted to say something about a very special election worker that we have. She has a true heart of community service. Sylvia Lock has dedicated more than 25 years of service to the Ellsworth clerk's department and many more years prior to that in New York where she lived. In her 25 years, Sylvia has worked at least 57 elections that I can confirm the last couple of November elections, we have also celebrated her birthday which is usually a day or so prior to the election. We've had cake and sang and the voters of Ward four have sung along with us and got cake on their way out. So Sylvia your dedication and service are unmatched and we are forever grateful for your continued service. Happy 100th year and we are inviting you back for not one but three elections in 2024.

Michelle Beal

it's hard to follow. Okay, the next. I guess the wording on the agenda is a little bit incorrect. The next item is a presentation of the Smart Growth award and plaque from Grow Smart Maine received in collaboration with the heart of Ellsworth.

Cara Romano- Heart of Ellsworth

Thank you everyone. That's a tough act to follow congratulations My name is Cara Romano. I'm the director of heart of Ellsworth and two years ago now, in collaboration with the city of Ellsworth Economic Development Department, specifically Janna Richards, our economic development director, we embarked on a year long study for asset mapping of our of our downtown and the title of the project

was manifesting Maine. We worked together with the consultants and then did a lot of community outreach with folks in the downtown and surrounding areas of the city to sort of try and figure out what our opportunities were, and what our assets are in the downtown. And then together, we put together a really nice study that was then gifted to the city of Ellsworth, as well as gifted to other groups. And in copies of it ended up existing in other areas of the city, there's a copy of the entire asset mapping for the in the city of Ellsworth Public Library. So we, unbeknownst to us, a couple of statewide awards were received by the asset mapping process. And so in 2023, we received as the city of Ellsworth and Hart of Ellsworth two prestigious awards, one from the main downtown center. And then the other tonight that I'm here to present with Nancy, our newest one of our newest city councilors, the Smart Growth award. And I am actually if it's okay, gonna let Nancy kind of talk a little bit about the smart growth because I'm not sure if I would do the process justice. And then maybe perhaps we can then give the award to the city. So or however this goes,

Nancy Smith

I was thrilled to see that the city of Ellsworth was nominated. We've been doing Smart Growth awards, this is our sixth year. And eligible people plans and projects can be nominated either self nominated or for others. We have criteria about lasting impact statewide significant statewide significance. And we also have a panel of independent judges, there are four judges that are outside of grow smart, not staff, not board members, and it's a mix of conservation development, and probably in downtown organizations. And so the nomination we had a fair number this year, and this is one of four that was awarded at our summit on October 19, in Waterville. And I think what distinguished to this was the the breadth of the research that was done. And the collaboration between the city and I and the heart of Ellsworth and the outcome being meaningful and ready to be moved forward and make it and it's so it's a wicked cool plaque. Do you want to?

Nancy Smith

Oh, wow. Yeah. So this one is for the city of Ellsworth. And so I will. I don't know. I feel like you should be presenting more than me, but no, I think.

Nancy Smith

It's beautiful.

Casey Hanson

Can I say one more thing while we're still in the awards section. I heard through the grapevine today that our chief of police and city manager was just sworn in as the president of the Maine Chiefs of Police Association. So I just think we should congratulate Glenn on that.

Michelle Beal

Item nine unfinished business discussion and potential action to enforce chapter 56 via a consent agreement with Maine organics.

Diane O'Connell

Yes, good evening Council. My name is Diane O'Connell and I'm an attorney with Rudman and Winchel. I'm stepping in tonight for John Hamer, who prepared the consent agreement that I believe was in your packet. And I believe that this was approved for him to prepare it at your last meeting. So if

you have any questions on that, I'm here to try to answer those for you. Essentially, as you probably know, the purpose of having an administrative consent agreement is to come to a resolution on a violation and avoid having to go to the expense of an enforcement action. This one here is sets out the background of the matter, and it sets out essentially, what would happen if they fail to comply with it? I believe that copies also be sent to the property owners. I'm not sure if

Michelle Beal

the council have any discussion on this? Questions? Questions?

Nancy Smith

I watched this at the last city council meeting and curious I guess a little bit more about the process has there been conversation and that this really is a consent of the to you know, the city and the business a little bit of background on the process that got us from last month to this month? It would be helpful.

Diane O'Connell

And I am not entirely sure what's happened in the intervening month. But this is the first draft that's really been presented to the council at this point for to look over and approve. I think before it really moves forward to having further discussions with the property owners. Okay. Lori might have to say, I don't know if you've had any further discussions.

Lori Roberts

submitted via email a copy of the consent agreement for his review. So he could see the same thing you were working on.

Jon Stein

It seems the key clause here is compliance means stopping odors detectable beyond property once was there talk or thoughts about how the detection happens either from code or legally. So

Lori Roberts

there is a odor testing kit, we don't have one. But I think it was mentioned in the planning board meeting before approval that they would consider buying one. But if I'm going to be the one doing it, I think the city should probably purchase that. But I have a nose too. So all I'm doing is the the test is very similar to going there and smelling it, then smelling this n butanol chemical, and it takes it away from my nose, and then re smelling so it's really not something I stick across the property line or I hold across the property line to detect an odor. So it's a bit of a bizarre thing.

Casey Hanson

Yeah, it's still your nose a regard. Right? That's it sounds like it's some smell

Lori Roberts

anything chemical with my nose? I don't have to.

Patrick Lyons

So that's the test. Laurie is use the beam. How much does the doing? How much are the test costs between

Lori Roberts

500 and 1000?

Patrick Lyons

And how many times going to be used? Okay. I think we'd want some kind of test like that, because unfortunately Lori's not going to be with the city. What much longer? I think we want some kind of consistent baseline rather than no one person's stink is another person's you know, I don't doesn't ask my wife. I can never smell anything. I think I think we want some something consistent in that regard to be fair to the landowner in the city. As far as if it's No, I think one thing we want to consider is if it's a cost between 500 500 and 1000 dollars where that money comes from

Michelle Beal

Does it record anything? Or is it just puts? Does it say that there's an order?

Lori Roberts

Yes, I think it would say I'm not certain. I really don't know exactly how it's used. The DEP was going to have one or may have one that they may use. But I, again, I think if I'm going to be responsible for making this determination, I should have something that's been approved for this type of border. Complex.

Patrick Lyons

Yeah, just I think it's in everyone's best interest that we have more clarification in this consent agreement. That's exactly or the best as we can, how this odor will be, you know, this test will be applied against what's fair to everyone. So there's a so I don't know what that looks like, maybe it's a we ask council to draft something up, and we get a better sense of what this test looks like. And then maybe one thing to consider is if the cost be part of the consent agreement, payment from the property owner, or, or something along those lines. So I think that's, again, I think we just want to have because this just goes into perpetuity as well. So we want to have some consistency

Jon Stein

in the speaking of perpetuity it was my understanding last meeting that that consent agreement was to ratify the problem not to just have consistent money coming in from fines and fees, it was to actually incentivize a fix. So there probably should be some update.

Diane O'Connell

I think in that regard, it would make sense to have some sort of measurable standards put in the consent agreement and maybe some milestones of ways that the operation can be modified in order to reduce the odors that's something I can work with the property owners.

Tammy Mote

Move to table

Patrick Lyons

Second,

Michelle Beal

all those in favor.

Michelle Beal

Okay, this is the auditor is on here. The next item is to review the FY 2022 audit with RHR Smith.

Ron Smith

Yeah, listen, I'm sitting in a car pulled over on the side of the road.

Glenn Moshier

Finance Director come on down to the next contestant?

Anne Laine

This is Ron Smith. He is the head of our HR Smith, who does the audits for the city. This is discussion of the audit of fiscal year 22. I was not here in fiscal year 22. But I know a lot about the audit. So he is the best person to make this presentation. So I will leave it to Ron.

Ron Smith

Good evening, everybody. Can everybody hear me? Yes, we can. Yeah, listen, I apologize for not being there physically in person. I just I just could not make it this evening. But But we both blended in and thought it would be good with a couple of new council members to kind of like pick off and a couple of months ago in September when I talked to the Finance Committee and went over the 22 audit kind of where we were at in 23. And you know, what's, what's left to be done? And, you know, and really, you know, some of the some of the talking points in 22 and 23. And I'll go kind of recap that conversation. You know, Michelle, if you think that that would be beneficial for the new counselors. Yes, please. Yeah, so So going back to that financially, you know, to kind of start off with in a good place you era's financially, the city, you know, is on good financial grounds operationally for the city itself. And for the school department, I had a chance a few few months ago, I believe that, you know, talk to the, to the school department and make a presentation, you know, financially, you know, at 22 What we're seeing for 23, same with the city, financially, the city, you know, is in the school department, and both financially, you know, certainly, you know, very solid, you know, in, you know, in their flooding, couple of areas, concerns that we see with the city is a sewer operational deficit that, you know, kind of maintained itself at about a billion dollars, you know, on 630 22, we're kind of seeing that land at about the same place, and 630 23. And city, you know, the castle capital project funds, you know, when the financing, it declares in this audit that we're about to embark in, and 630 23, you know, even with the debt that the city committed to some of this capital projects, what's like, some of these capital projects were over budget, you know, over the past, probably as many as three going back four years, and kind of like evolving into today, and we're putting that mask somewhere, you guys are out about a million dollars in now that we that we were really trying to put our arms around right here and kind of see, you

know, which projects went over budget. So those are the two, you know, financial concerns that we saw, you know, coming up through 22, going through into 23. But the real story is that, you know, as got to the, you know, the the financial policy, procedural fiscal struggles, you know, of the city. And now, some years back, the city lost a lot of institutional knowledge, you know, in its finance department with some long standing finance people, and I would probably say, as we've talked about, at the Finance Committee meeting, there's been a lot of turnover in the finance department. And, you know, and a lot of that institutional knowledge left the city, a lot of the accounting pedigree, you know, that came in after that it was really, it wasn't there, you know, is the best way I can say it, and certainly some of the accounting struggles, and some of the internal struggles to move pieces of paper, you know, from point A to point B utilization of many different software's utilization of spreadsheets to try to create a map amongst the software's, there was a lot of struggles of the city finances, which, you know, literally, you know, for the past 444 and a half years, because literally led to the city, struggling, you know, with its internal financial best practices, and, certainly, we put a lot like the management letter in place for the, you know, for the, for the city, and, you know, so had some conversations with, you know, kind of like, like addressing what those were, and what the blueprint would be to, you know, to get to some best practices, but I think that the turnover in the finance department, you know, going back some time losing somebody long standing people, and, you know, quite frankly, literally almost 100% turnover in that finance department over the past year, year and a half, that's really hurt the city and put it in put up, put them behind the eight ball, you know, as far as you know, you know, let alone giving us information to audit, you know, correct information to audit, that's really, you know, I kind of think, you know, financially even though I can kind of paint a real good picture, and that's why I started off on that, you know, on that footing, you know, really kind of the struggles on how to get the members on a piece of paper, you know, have been chronic issues with the city, it was an all hands on effort by the by the city, finance department, by the school finance department, to bring in fiscal year 22 across the finish line, I understand that you're one of your key finance people laugh. So we're working with and, you know, try to bring this chart of accounts implementation across the finish line, that's been that that has been a challenge in itself, you know, work with your new software company and work with your payroll company to create the necessary bridges. But, you know, there's just there's been a lot of struggling and, you know, we just hope that you know, that sometime, as I told the finance committee before March 31, you know, that there, we should have an ambitious timeline to be presenting this all this audit all in front of you guys by March 31. So we can really kind of get back to get back on track and meet the, you know, a lot of the regulatory deadlines, which is March 31 2024. And we're really hoping to get there you guys. We really have, there's a lot of work to do. You know, you know, again, with some of the recent turnover, you've had your finance department, we continue to work with Anna, you know, for lack of a better way to kind of help the city and her on struggle, but, you know, there's there's another Herculean effort going on you guys and, you know, and it's all hands on deck again. For the 23 audit, so

Michelle Beal

any questions?

Steven O'Halloran

You mentioned the sewer department. Any suggestions?

Ron Smith

Yeah, I mean, we've got we've gone over rate increases, we've got over rate studies, kind of like the, you know, the chronology. And Glenn helped me out, wasn't there, you know, discussion and kind of some movement, you know, this past fiscal year going into this fiscal year to kind of take a deeper dive into the math of the, you know, the various components operationally, infrastructure and various budgets of the various, the line items within the sewer budget and bringing in the outside engineers and doing such. Yes,

Glenn Moshier

yep, we did that. For the, for the biosolids, not the full operation, just the Yeah, that process.

Ron Smith

And I think that that's something that you guys are going to have to explore, you know, again, just, you know, just really do the, you know, to kind of get there and really check the math on the operations, because it's pretty clear that, you know, operationally, it looks like for the past few years, you've maintained, but the problem is, is there was a hole to kind of dig out of, and that's really where the plan needs to start is, what are we going to do to kind of like dig out the hole now that we've kinda, you know, for lack of a better word stopped, you know, this, the, this, this increase of this deficit getting bigger and bigger, it appears at that stop, you know, but again, we got a hole to climb out of, and I think that there's going to be some, some, some, many solutions, and we talked about this a little, you know, at the Finance Committee, you know, mall, and one of the solutions really is kinda, you know, putting some debt in there, you know, looking at long term to, you know, to put into the sewer, I'm looking at that as an option to, you know, to kind of like bridge the gap, you know, crawling out of that cumulated, you know, up until we've only got two years of, instead of institutional knowledge, but from elsewhere, but this is, this is kind of a long standing problem over at the sewer. And, you know, for the past two years, you know, it's kind of been tainted stabilized, but there's going to be need to, I think, some short term things and long term things. And I think that would be something to consider as well. So

Michelle Beal

if I may, I think Ron, we talked about that in finance committee and talking about the way to offset that depreciation number. Because that really, that \$20 million dollar plant, that number is still so incredibly high tide. And,

Ron Smith

Michelle, the good news is for the city and broad government in the state, I mean, the State's got \$2.5 billion, it's just starting to get released to the localities, for infrastructure needs upgrades, rural development is going to be a key player that EPA, the bond bank, Michelle, and I think, as I said, at that finance committee, as we start to get more of the details here over the next six to eight months, I really think that the city could be a big benefactor there as it really kind of looks at looks at itself and the mayor and develops that short term and long term plan into go get some of this money that's going to be out there and available for a lot of the communities for infrastructure needs of what your wastewater certainly would fit that profile.

Michelle Beal

Thank you. Does anyone from the audience have any questions? All right.

Jon Stein

Whose job and cities would that be to look into infrastructure grants and such to Ron jjust mentioned

Michelle Beal

the finance director does usually does most of that. But also personally, I feel that until we get the 23 audit we do have by the way, we have many grants right now for the wastewater we have the High Street pump station, we have the Water Street pump station, and we have several very large principal forgiveness loans that are out there. So we are doing that it's just we can definitely continue with the with that plan. But what hopefully once we get 23 done, and we have numbers that we can really use, the hope is to have a good capital improvement plan, including for those are enterprise grants. So there's supposed to be paid for themselves. So there's, there's a, you know, a hope that once we get this, this 20 twos cleared out, get 23 cleared up and start on some really good numbers. We can through the Finance Committee, make some good plans,

Casey Hanson

and two years, and he was saying, hopefully that'll be done before this year's budget season so that we'll have that information heading into that.

Michelle Beal

that so we'll be doing our budget. Probably hopefully, by the end of February, we'll start workshops, maybe beginning of March, is it still possible to have the 23 audit

Ron Smith

that's why I'm spending so much time with Anne right now. And I know what the kind of the departure of Mae it was a big loose and we can't let fall because we're literally working with, you know, paychecks for the payroll and benefit data and Caselle to create that map to quickly get it in the Munis and take advantage of the bridge now that that we're developing with Caselle, we're really hoping to get you guys some reports, sometime real, real real soon in January here, you know, because we're going to test it out, they've created us a testing site, you know, so and, and I can look for, but we just got some, we got some work to conduct, you know, make sure that we don't bring in some of those struggles, you know, of your, of your Tyler software system into caselle. And that's really what we're working hard on right now, folks is that bridge, you know, to get you that information budget and actual, you know, and where you're at physically this year, and kind of give you a blueprint to where we think you guys landed at 630 23. So you can go in and with this budget cycle with some information for sure. So

Michelle Beal

thank you to anyone else. Cuz

Ron Smith

Caselles telling us, you know, literally, we're gonna be talking about the migration of this data and using these bridges in December you guys, so that's good news. You know, it gives us you know, about four

to six weeks to, you know, to test this out, make sure that everything comes over as as, as as seamlessly as possible. We all know that that doesn't work, you know, quite to plan. But, you know, we really have spent a lot of time you know, making sure that when the data gets imported into Excel, you guys are going to have up to date financial reports, and you know, and we'll have the math on where things ended at 630 23. So you guys will have that as you go into, you know, the front end of your budget season.

Michelle Beal

okay. We do not have a consent agenda tonight. So on to number 11 new business, public hearing and action on the following business licenses. (see agenda for details)

Michelle Beal

Item 12 Public hearing and action on amendments to Chapter 56

Matt Williams

everybody so in your packet, you should have a memo kind of walking through all the changes. Things are a state requirement, I probably won't spend too much time on them. I'll just briefly explain them and say that we have to do them. So start Chapter 56, Article four shoreland zoning, one of the new requirements from the States is to provide the public some background, the state passed, SB 2003, which is a piece of legislation that is meant to try and encourage housing opportunities in Maine really relates to accessory dwelling units and affordable housing developments. And so there were certain requirements based on this law. So for chapter 56, Article four, part of that law is that you can't outright ban two family dwelling units, anywhere in a zone and currently in our shoreland zones for the resource protection and drinking water protection zones. It specifically lists a ban on those. So all other dimensional density requirements remain unchanged, but we're just removing that wording that specifically outlines the ban.

Nancy Smith

Then if I may a question on Article four as I was reading this, LD 2003 called for the end of exclusive single family residential where residential is allowed. So I was looking at the question that came to mind is do we currently allow residential within resource protection zone and drinking water protection? So yes, okay. Just wanted that clarification before we kept going, thank you.

Matt Williams

That's the only changes in Article four though. So it's just on the table of uses, there are two sentences that have to be removed to come into compliance. So next section, chapter 56 is Article eight performance standards. There were two major changes. One dealing with the accessory dwelling units and other dealing with affordable housing developments. In Section 826, I was covered that real quick which was the affordable housing development, bonuses, this is all required by state law. I just really took word for word from LD2003 What they are requiring us to include. So those are the only changes in that portion of Article eight. And then in Section 805 is where covers accessory dwelling units are. Some changes have been made that are not required. One of these changes is currently as the code sits an accessory dwelling unit cannot exceed 50% of a principle buildings floor area. So the board after discussions we've included a MAX SIZE altogether where can't be more than 50% of the principal buildings floor area. But 50% of that building's floor area would be greater than 750 feet it has to stop at

750 feet. That's the MAX SIZE an accessory dwelling unit can be and then the state required us to include a minimum size for ad use which was 190 square feet. The types of accessory dwelling units previously this is types changed slightly previously in the code. It did not list having an attached single family dwelling unit as an accessory dwelling unit. So we've changed that to include so you have an accessory dwelling unit within a home attached to a home or as a new structure altogether. Separate from the single family home the accessory dwelling unit requirements and exemptions this is all based on Holly 2003. So listing out the if you could not construct an adu on your lap. So Ellsworth is pretty permissive with AD use anyway, we allow them in essentially every zone. But if you still would have to follow some dimensional requirements and density requirements to build an adu in some of the zones but it doesn't really changes that or density is no longer something that slipped out for a free to use your first one but we only allow one on a lot. And so then the bonus is for all the ad user provider underneath of that these are all state required. And then so you don't have to include more parking for an adu. You don't have to meet necessarily the density and lot size requirements of a zone to build an adu. And the setbacks. Ellsworth already did this anyway. But let me spell it out. Again, just if you build a ad within the same structure as a single family dwelling unit we're attached to it the setbacks are the same as the single family dwelling unit doesn't count as having two dwelling units. So it's not like doubling the setbacks or anything like that. One thing that we are changing or adding that at least has to be does not require is kind of a step into the short term rental restrictions. So again, we're already very permissive with accessory dwelling units Ellsworth it LD2003 is now permitting someone to build one on a lot where we it's probably a lot where we necessarily don't really want a ton of development or want at us necessarily. So if LD2003 is going to allow someone to construct this now, we'd prefer it to be for year round rentals for housing. And so part of the short term rental regulation is if it's a if it's an adu that has to use LD2003 to be constructed as part of the certificate of occupancy. Would you have a draft of which adds the restriction for this? It has to be for the first 10 years of its existence, year round rental, not short term rental. Any questions on ad use? The

Jon Stein

year round was a minimum of 28 days I think

Matt Williams

it was yeah, it was. So the shortest month is February. So it was if it was less than 28 days, it's considered short term rental.

Matt Williams

Any other questions on the performance standards? So then finally, there were or not finally, for article 11. The only change was a reference article eight, where it discusses the affordable housing parking bonuses. Article 11 is just parking standards in general. So someone might look there for those bonuses and not see them. So it's just giving them a direction to look to Article eight, or they're explained. Then an article 14 There are a number of definitions that have been added to including affordable housing defining that based on how LD2003 looks at affordable housing and the definitions they use. Out cover those LD 2003 specific ones first, centrally manage water system comparable sewer system doesn't need a growth area, which we really should have had to find before but it's just in the comp plan will just determine where those are currently, it's our urban core. And then

Matt Williams

pretty sure those are most of the LD2003 required definitions that have been added. And then some of the optional ones, changes that were made are to kind of the lodging and dwelling unit related terms in our ordinance, so creating more specificity for Hotel Motel, allowing a boarding house to you're not really considered a boarding house unless you're giving a long term study of 30 consecutive days or longer. Bed and Breakfast is of a size limit now. Max 30 occupants writing definition of cooking facilities, we currently enforce this definition of cooking facilities when looking at what creates a dwelling unit or not. But now it's spelled out so that developers know ahead of time. There was some moving around of definitions, not really adding them just replace moving them around within the ordinance. And yeah, any question on those definitions?

Michelle Beal

One question is it sounds like there's some some good changes in here, especially with clarification, but do you have concerns or does Lori's code enforcement officer have concerns that some of these things are going to cause or may cause issues down the road? Just changing parking standards? And I mean, we're going to people parking and roads or, you know, just things like that is there.

Matt Williams

I mean, I I don't necessarily agree with the state that there shouldn't be some type of parking requirement for an adu, but the state's requiring that we follow that. So it's not really up to us.

Lori Roberts

We don't have right now anything for duplex. So that's two units, two dwellings. It doesn't start until you go through your war, where you have to add a one and a half parking spaces per unit. So it's not really changing that too much for me, right.

Matt Williams

It's just practice, it may create an issue but it shouldn't it should be a case by case basis where it probably won't affect too much. Okay. One thing I did forget to mention was the addition of tiny homes as a definition, which is just expanding again, the types of housing that people can kind of have more guidance on than the city.

Matt Williams

It's pretty much by size but it's a dwelling unit permanently constructed on a frame or chassis that may be placed on a foundation and designed for use as a permanent single family home or an accessory dwelling unit that complies with national standards for plumbing propane, fire life safety and construction and then does not exceed 400 square feet. And then does not exceed any dimension allowed for operation on a public way. And then also, if it is on a chassis, it can't be powered by a motor.

Jon Stein

And it still has to be greater than that. 190 minimum.

Matt Williams

That's the minimum size. And then the maximum size is 400 square feet.

Patrick Lyons

I'll just say, I was on the planning board, when we worked on this with the planning staff and I would say there was a lot of thought and conversation and multiple meetings where this was addressed. I think the product is a careful and thought out. proposal for the City Council.

Michelle Beal

Okay, this is a public hearing. Public hearings open. Is there anyone that would like to ask me questions make any comments? Public hearings closed.

Nancy Smith

If you're looking for further discussion I would. Having been on the other side of this, I was doing the advocacy work in working through two years of LD2003. And thank the city staff for their work. I'm excited to see something that's theoretical that I advise to be able to see it in the place where I live and when the time is right. I would love to make a motion to accept the changes as is presented. I've got it. I didn't know. If it's time, I moved to approve the proposed amendments to chapter 56 unified development ordinance article four shoreland zoning article eight performance standards, article 11 parking standards and article 14 definitions.

Casey Hanson

Second,

Michelle Beal

any discussion?

Casey Hanson

I just want to reiterate what Nancy said we had one group meeting with the planning board and us to talk about all the ins and outs of a LD2003. And it seemed like an incredible amount of work and things to understand and boring details. So I appreciate all the effort that was put in for that. Thank you. No problem.

Michelle Beal

It's probably like spreadsheets to you for the discussion, all those in favor. Thank you.

Michelle Beal

Okay, number item 13. Discussion and action on council order. 112001. request of the highway Foreman to award a bid for the red Bridge Road culvert replacement.

Adam Wilson

Good evening Council. Here tonight requesting the council approve a contract with RF Jordan, the material you should have in your packets. This needs to be done as soon as we can only because the contractor does need to order the pipe arch, which has quite a bit of a lead time on it. And we have an in stream work window set by the DP from the 15th of July through the first of October. The city was

originally started looking at this in 2014. And they have explored all the options of rehabilitating it. And the only one that's really any good is to replace it.

Casey Hanson

I actually forgot to but I meant to bring out last year's budget book to see was this a line item in the local roads capital improvement. So for

Adam Wilson

the last two years been identified in the local roads that we've set money aside. And we also have a DEP grant of 125,000.

Casey Hanson

And we have enough money in what we had approved

Glenn Moshier

725,000 right now between the local road budget from FY 23, and what we budgeted in FY 24. So the request is going to be to budget the remaining 344 In FY 25 to complete the project. But we're Adam and I have been working with Janna and wouldn't encourage as well to try to look at potentially securing some alternative funding. But we need to award the bid so that they can get what they need ordered and we can get on the word schedule because they have such a tight window of opportunity to get that done. So

Casey Hanson

if we award the bid today, we're not necessarily saying this is where all the money comes from. We're just a word In the bid, well

Glenn Moshier

you would identify it to be funded out of local roads. And then if we're able to find alternative funding sources, via we're working with the fish organizations like Trout Unlimited, and because it is a fish passage issue, if we're able to secure other funding, then when we prepare, prepare our FY 25 budget, that number, that 344 number will be less whatever additional funds we're able to secure.

Michelle Beal

When the motion is made, though, if we could say, the dollar amount from the stream grant, the dollar amount from this year's budget, and then the dollar amount that we will, we're going to promise to budget from 25. Because if not, we could literally be overdrawn the account. And we definitely don't want to do that.

Glenn Moshier

And dollar amount that we need to encumber from FY 23.

Nancy Smith

A question again, background as I get up to speed was this, what caused the need for the replacement? Is it over time? Was there a single incident? You said it's since 2014? It's been identified as a problem.

Adam Wilson

So yeah, so the city identified it back in 2014. And they hired Andrew McCullough then, to look at what we could do, I mean, culverts only have such a long lifespan, you know, and the reason why this has been pushed off is because it is such a huge undertaking. You know, it's, it's very expensive, but it's to a point where we must do this. There's really, there's no other viable option to replace this.

Nancy Smith

And I'm just looking for the background. So it was just the age. Absolutely.

Glenn Moshier

So the culvert is the bottom is basically entirely gone.

Nancy Smith

and then a second question, if I may, it ties back, I think to the unloading to other funding. Is this being sized to meet the reality now of more extreme weather events and perhaps larger than it currently is? Or where it was before it started to rust? And maybe yes, absolutely.

Adam Wilson

It's actually a bank full with times 3.2 point five, I believe, which is the DEP standard.

Nancy Smith

Okay. I said that my that may help with some funding when you're looking to upsize due to things that are happening with more extreme weather events. Cloudy,

Janna Richards

just add a little to the background there on the side of fish passage. So back in 2014, when it was identified, The Nature Conservancy had just finished doing their mapping of stream crossings where their actual viable fish populations and the red Ridge Road branch Lake stream was identified, which is why that stream crossing grant we were eligible for that because you have to show that there is some sort of viable fish population there. In 2014 we have a map of the ones that meet the criteria for viable fish populations. And I believe this is the third time that we've actually applied for a stream crossing grant and we have been successful every single time. The difference here is that in the ones that we've replaced in the past they are smaller much smaller projects in comparison to this is a big one has been made this kind of kicked down the road so

Glenn Moshier

Adam, correct me if I'm wrong, but the D O T has already placed a weight limit on the road, right? Yes, they project is completed, they're going to reduce that even further to which we'll go over it will essentially stop traveling, which probably you're okay with John.

Tammy Mote

was Andrew able to identify why this came in way over? budget? I mean, it's the cost of materials is

Adam Wilson

it it's the cost of materials and the cost of labor. We only had we had two betters our children in main Earth

Patrick Lyons

is the culvert one of those bottomless culverts that are designed for fish it is

Adam Wilson

it's concrete embankments on either side, and then there's a metal arch that goes over from side to side.

Patrick Lyons

And that helps us be eligible for those strands for treatment.

Nancy Smith

I would point out as well one of the bills that was carried over the legislature's of On issue for funding for culverts. So there are, this is a statewide issue, they know they need the resources and there may be an opportunity to support that kind of investment that then goes out to the communities.

John Deleo

My name is John DeLeo. I've lived in Ellsworth for a little over 47 years, I lived on red Bridge Road for a little over 43 years, I live approximately half a mile north of red bridge red Culvert, it's not really a bridge. And I'm looking at the council packet for the information on this today. I have a copy of the memo that Adam sent about DOT instructing you to post it back in 21 for a weight limit of 22 tons. And I know the city did post it. And at either end of red Ridge, Christian ridge and Bangor road. signs they posted at each end says bridge posted ahead and it gives them mileage to where the bridge is 2.8 miles. Christian Ridge is I think 2.2 coming in bang. But it doesn't mention anything about what the weight limit is, until you actually get to the bridge itself. And on either end of the bridge, right where the guardrail start, says weight limit 22 tons. So when those signs went up, I thought, you know, if you're trying to keep heavy trucks off that road, it would make sense that you tell them what the weight limit is, when they turn on the road. So I contacted went through the city portal, fix it through the highway department when Lisa was still here, and her basic response was, Well DOT told us to put them signs up, we have no plans on enforcing the weight limit. So it's like, you know, goes back to 2014 I didn't realize went back that far. I mean, if the DOT bridge inspector wherever inspectors is a him as bridges are really bad. You know, shouldn't the city until it gets fixed be more cognizant of overweight trucks going over that bridge and I can guarantee you that I live there, there's logging trucks coming up that road all the time, including tractor trailers, I would guess Adam II would have more information, more knowledge on that, but you're talking about 80 90,000 pounds of weight on track to trail logging drugs. So that's one concern I had should a sign we put the weight limit at either end of the road to try and keep those heavy trucks off. The other the other point I wanted to make is is in the in the bid package says that in stream work is only allowed from July 15 to September 30 of 2024. And the road can be

closed for a maximum of 45 days. I just wonder does more directed towards the chief is is red bird road, if some of you are not aware of it is is basically a bypass for one day especially when something happens on route one a from red bridge to Christian range or even further to North Street union or bridges times that, that due to a crash or some other incident. One A gets totally shut down. And so obviously, an all traffic comes down red bridge. So during next summer, at the height of tourist season, you're gonna have red bridge totally shut down possibly for 45 days. So I'm just asking, I know it's still a ways away but some thought should be given to if you shut down when a for for a big crash. What happens to traffic analysis if you thought traffic was bad on a day to day process, you know what happens when something like that happens. Obviously, I'd like to say that's up to Glenn to figure out. But, you know if, if until it's fixed, if God says normally should be something No, no more than 44,000 pounds going over that. You know, should the city do something about actually enforcing that thank you

Adam Wilson

As far as if the road gets shut down, you know, it would be an inconvenience for everybody. But they could go all the way through happy down out there Winkumpaugh, you know, it's not ideal. But that's part of the reason why it's so important to replace this culvert

Michelle Beal

as far as the signs so that people know,

Glenn Moshier

we can, I can assure you I never had that conversation about enforcement so and never gave any instruction that we wouldn't enforce it. So certainly, if if we've been told that the road you know that there's integrity issues with that road and that they're recommending a weight limit, then we would absolutely enforce it and we can change those signs to reflect that for sure.

Michelle Beal

else like to speak? That's a question.

Tammy Mote

Move to award the bid to art Jordan for \$951,342 and a contract for construction oversight to Andrew McCollough PE in the amount of \$23,250 with a 10% contingency for a total project amount of \$1,069,762.20 to be funded 600,000 from local roads capital improvement account 125,000 for the DEP srteam grant from the state of Maine and 344,762.20 for future budgeted amounts (\$300000 encumbered from FY23, \$300000 FY24).

Casey Hanson

Second.

Nancy Smith

question for clarification, is there enough flexibility in there with the encumbrance language that allows us to accept other funding that may come from other sources? So we have that flexibility? Still?

Michelle Beal

Yes. It pretty much what we're saying is that nothing else this amount of money has to come. We have to know.

Patrick Lyons

Yeah, we can say future funding. Funding or grants or

Michelle Beal

we clear on the motion. And second, I have to repeat it. Very good. Okay. Additional discussion?

Steven O'Halloran

Adam, you said that this was looked at and determined and needed some repair in 2014, which is pushing 10 years ago. This is a million bucks. Is there? Is there anywhere in the city road system or the city, your department that should be higher on priority than this? Or is this high priority in neurons? In

Adam Wilson

my eyes, it's a very high priority because as John pointed out, when there's an accident on one A, this is the bypass by this is pretty

Steven O'Halloran

pretty important. So if you had your choice, this is the most important

Adam Wilson

for the immediate needs. Yes. Okay.

Steven O'Halloran

Thank you.

Michelle Beal

Any other discussion? All in favor?

Michelle Beal

Thank you

Michelle Beal

Okay, item number 14. Discussion and potential action on council order. Number 112002 to accept \$32,000 from the community resilience partnership grant program. There is no required matching funds associated with this grant award and the scope of the grant is to fund an evaluation of Ellsworth, Ellsworth Pedestrian and Bicycle Transportation resources within the downtown area.

Matt Williams

Hello, yeah. So back in February the Council adopted Resolution and have an agenda item on joining the state's community resilience Partnership, which is a C program helps look at climate resilience throughout the state and helps me support these fun programs to improve their situation in that regard. After that vote in February, we were turning our staff tournament application to join this community

resilience partnership, receive confirmation in May. And we began working on our grant application. prior discussions with DOD for the village Partnership Initiative grant, which is also the council has also had a presentation on the past. And this seems like a good matching fund opportunity for our project within that scope, which will be discussed in the next agenda item. So we did we filled out our grant application. In September, we found out that our grant was awarded for \$32,000 To perform this study. And so we come before you now to ask that the council request to accept the \$30,000 to be used for evaluation of Bike Ped infrastructure, particularly in our downtown and residential areas.

Michelle Beal

Any questions?

Jon Stein

What was the timeline look like? We approve this for the completion of the report.

Matt Williams

So previously, when talking to do t, the planning process would start the plan would take over over the course of the next year has to be done by next October, roughly. So the plan would start relatively soon boat discussion with DoD would have talked about specifically what the timeline looks like for the plan.

Cara Romano- Heart of Ellsworth

I just want to offer since this is in the downtown area, that heart of Ellsworth is of service in any way, shape or form that we can to help anything process along. Thank you have you held

Matt Williams

agenda item materials discusses a working group with community partners that are related to the downtown.

Nancy Smith

Ready for a motion I move that we authorize the city manager to execute the necessary agreement to accept a \$32,000 grant from the climate resilience partnership Community Action grant program for a study to evaluate Ellsworth Pedestrian and Bicycle Transportation resources within the downtown area.

Tammy Mote

Second

Michelle Beal

discussion. All those in favor?

Michelle Beal

number 15 discussion and potential action on council order 112003. On applying for the Maine DOT's village Partnership Initiative planning phase, we're planning study evaluated bicycle and pedestrian infrastructure in the streetscape design in the city's downtown area with a 50% local match allocated from the community resilience partnership grant funding up to \$10,000 from the FY 20 for local roads fund and funding up to \$15,000 from FY 24. TIF funds.

Matt Williams

So discuss that village Partnership Initiative planning phase project, I've been having a lot of discussion with the main deity about performing and Ellsworth downtown area. And we're now asking for allocation of funds for this project. So the OTS estimated that the total cost of the plan would be around \$108,000. And so it was using the community resiliency Partnership Grant. Just accounting for potential increases in costs are the study staff is asking for, again, the allocation of funds as described, our 50% match would be the 32,000 from the community resilience partnership \$10,000 from local roads, up to \$10,000, I should say from local roads and then up to \$15,000 from TIF funds, if necessary. And the scope of that work is included in your packet and kind of goes through the deliverables and tasks associated with it. Questions Questions?

Patrick Lyons

Describe it a little bit for the public.

Matt Williams

So we're really looking at a study area that starts up on a by the high school or state tree I should say where the high school where it intersects with one A and then coming down to Main Street and Water Street. And then some of the residential roads off of Main Street, Hancock, Franklin those areas and looking really at the potential for parking needs assessments, changes to increase parking efficiency wayfinding issues for the study area. traffic movement studies for that area. So where traffic is headed The road diet in Beautification and then also how to increase pedestrian circulation or Bike Ped circulation I should say. So increasing sidewalk potential for new sidewalk construction, maybe bike lanes just depends on which right away we have looking at signalling issues for the upper and lower light on Main Street

Michelle Beal

any questions?

Tammy Mote

Move to approve the Maine DOT village Partnership Initiative planning phase application with required matching funds allocated from up to 30,000 of the community resilience partnership grant funds up to 10,000 from FY 20 for local roads funds, and up to 15,000 from FY 2014 funds.

Casey Hanson

Second

Michelle Beal

discussion. Thank you do have just one question, the money the amount of money you have coming in from the local roads from the budget. I know I spent months on it. But was this included in there? It was okay. Thank you.

Patrick Lyons

I'm not familiar with our TIF funds.

Janna Richards

We have an economic development tif. So these funds come from the economic development tif. There's a TIF map I can show you where the districts are located within the city. And so the funding that comes in for that we have a TIF plan that is complies with state standards. And so you can utilize TIF funds for certain activities. And downtown improvements and just pedestrian bike projects in general fall under two of those actions that we can utilize TIF funds for that good. Oh, yeah,

Patrick Lyons

no written tifs and done all that. Okay. So we have three TIF?

Janna Richards

Well, we have we have the economic development tif, we have housing tips in workforce, workforce housing, senior housing and workforce housing.

Patrick Lyons

I'll have more questions later. You know, but just to learn more about those not.

Michelle Beal

We haven't planned that. Yeah, we could send out. Absolutely, that'd be great.

Michelle Beal

Further discussion? All those in favor? declined. Thank you. All right. Thank you. Thanks.

Michelle Beal

Item number 16 discussion and action on council order 112004 to take over the care and maintenance of Juniper Ridge cemetery at the request of the IRS, former association members.

Anne Laine

Good evening. I'm the finance director Anne Laine and I have a little handout for this. But this lady who was the last surviving member of the Association for Juniper cemetery walked into my office this summer, and she was desperate to find someone to take over the care of this cemetery. And the city has held the reserve for a while and she essentially handed over the checkbook and walked out the door. So one of my deputies kind of took over the legwork on this project. She went out and looked at the cemetery to see what kind of condition it was in. She met with Marc Blanchette to kind of find out what do you do in this situation? We spoke to have an attorney with MMA about what the what they would need to do to basically hand over this, or allow the city to do anything to help them. So they had a sort of ad hoc committee of people meet to be the association and dissolve the association. And that was where they left it in August. So there's some basic information about the cemetery there. Like I said, we do hold the reserve, which is about 30,000. Little over, we have an operating account, it's held at TD, we use that to pay for mowing and maintenance. As you can see, there are 41 veteran graves there. So by law, the city is obligated to maintain those and that is the state's record of veterans. So that's essentially what we have to to answer to is the care of those particular graves. So they're not located in any one section, as you can see there throughout the cemetery. So we have had some discussions, some minimal discussions about this in Finance Committee, because as I said, this is not normally something that would come through finance, I just happen to be in the right place at the right

time when this lady came through. So I'm trying to help them out. And so I think it Marc, if he'll come up here, part of what we talked about is trying to form a new association, because there, it's still an active cemetery. There's still people who own plots, who plan to bury people, I've had two or three inquiries, just in the time that I've been here. I've been involved with this, which is just a few months. So seems important that that we should try to to help these people kind of put this back together, forming Association. There's enough people Marc knows better than I don't live in Ellsworth. So I'm not entirely sure that we can put together an association to take over this responsibility. And that's what I'm looking for. permission from city council to try to do that tried to form a new association, Parks agreed to be the interim secretary, we find one. Carry on the normal operations of the cemetery, we're required to do just, you know, because it's the right thing to do human beings. Yeah. So that's pretty much all I know about it. Want to add anything?

Marc Blanchette

There isn't much I could add, other than I would hate to see the cemetery go inactive. There's a lot of families that currently own lots there. Some have recently purchased them, some have had them for decades and decades. And to have to tell these people know that you can no longer make use of them, I think would be a mistake. So I'm willing to to help the city to this. I know you're in a tough spot. And it's it's the same thing that I do at at Woodbine. So, taking this on would be no you know, nothing earth shattering by any means. But if it would help the city and oppo to help the the families and current owners until a new committee can be formed, then I'd be happy to do that.

Patrick Lyons

I'm sorry, I guess I'm so what is the request of the city to take over the ownership of the cemetery?

Anne Laine

is not so much the ownership is at this point, just management the properties deeded to the cemetery. It's a little bit unclear. I had a couple of interesting experiences with trying to figure out deeds in Ellsworth. But basically what we want to try to do is just to form a new association and kind of send them on their way with the rest of the cemetery. So it's already in the city's budget, to have fund the cemetery. It's among all the cemeteries that we fund. So rather than just letting you know, closed down, and I just feel like it would be not the right thing to do. I think that, you know, we've held a reserve fund for the cemetery for some time. So there's no reason to do that we should try to keep it open, keep it functioning, make good on. You know, with the families that already own lots there.

Patrick Lyons

Yeah, so the city does this for other cemeteries, what you're requesting,

Anne Laine

what we do is we provide funds for perpetual endowment to other cemetery, all the cemeteries, for

Tammy Mote

to take care of the maintenance for just the veteran sections that's required

Patrick Lyons

is that what we're doing for we're not,

Tammy Mote

we're not paying for, like this would mean that we'd be taking over all of the mowing, and we'd pay for the whole thing, what would happen is they would send us a bill and like, whatever percentage of the veterans are in that cemetery, they would charge us for that amount, and we'd have to pay it. That's what's budgeted right now.

Patrick Lyons

So the request here is beyond that is to take over the entire cemetery, do we do that for any other cemeteries, and those are

Glenn Moshier

no active cemeteries, we do. There are other cemeteries that we maintain entirely, because there's no longer association or anyone, but they're not active. So there's not any active burials taking place in those, that would be the difference here. But unfortunately, as as has been stated, There is currently there's no, so if somebody owns a plot, or somebody would like to bury a loved one in that cemetery, there's no one to go to right now. There's no association, there's nobody who has the information, that capacity to do anything for those people. So that's essentially what the city is asking to do, is to take over that role, somewhat on a temporary basis, potentially, because the goal is going to be to stand up a new association. Hope we're hopeful that that can happen, that may never happen. And at some point, it will come back to the council to make a determination, you know, long term, what you want to do with the cemetery, whether you want to continue to essentially operate the cemetery or potentially look at closing it off to, you know, any selling new plots, and that sort of thing for the future.

Casey Hanson

So if we said no to this request, then does the cemetery automatically become inactive? And if you own a plot, like there's nothing you can do with it? It's not like an automatic thing. Yeah, sounds

Toni Dyer

so we actually have 30 days from the date of their request. Well, from the date that it's filed with the clerk, the council has 30 days to act on it. I date stamped their request November 2, so you have 30 days from November 2 to act on their request. And our attorney had emailed me earlier in November with his recommendation since we wanted to establish a new association. So under 13, MRSA, subsection 1221, a cemetery group may vote to transfer cemetery. But there must be a written agreement of all the owners, that agreement gets filed with the clerk, which I've done as of November 2, the council has 30 days to act. And then once the Council makes a decision, if you were to vote to take it over today, I have to file their minutes of voting to get rid of it and your vote, to take it at the Registry of Deeds. And that creates the deed and the ownership in the city's name. And then as we find an association to create a group of people, we would then do the same process and give it over we would make a new deed transfer over.

Casey Hanson

So you have already so everybody who owns a plots you've already communicated with because those are the people who had to agree to move it to us or no Yes or No, that one lady who walked. So has there been, I guess, I'm only asking and I don't want this to go fallow, but um, has there been any communication with the people who own a plot to say, Hey, if you guys don't form an association, you might lose this thing

Toni Dyer

there hasn't the clerk's office maintains a very, very bland list of cemeteries and their contact information. And we had three or four people on our list for Juniper. Last year, we started to get numerous calls grass was knee high, and it was unkempt. And then we were getting calls. Someone wanted to bury their grandfather. And that's when it really became a big issue. We're getting calls repeatedly last year, which kind of created where we're at now it's we've got to figure out how to how to take care of it at this point

Casey Hanson

you do with what did you do with those calls,

Glenn Moshier

Last year, last summer, but the year before we did reach out to this Miss White. And there was there was one or two others that she put us in contact with, but they were all in the same situation, their elderly, their health was failing. And none of them had the capacity to stand.

Toni Dyer

A few that were younger, whose their parents or grandparents were on it, they had no desire to step up and in, deal with it themselves. So we just we're hitting a brick wall, nobody, nobody knows what to do, nor have the time or the capacity to either start to serve in lieu of their family, or continue to serve because of their own issues.

Casey Hanson

It seems like if we take it, it just seems hard for me to believe that if we take it on, it's going to be temporary, because if you couldn't find anybody in the last year, once we own it, no one's going to be like, Hey, I know what I want to do in my free time. The

Toni Dyer

struggle, though in the last year is we really couldn't actively look for committee because it's not ours to staff. So I think if we were to own it, we could, you know, Maura's great was getting those things out to the public and trying to solicit people to come and want to be part of that. So we haven't actively tried in a large reach. We've just tried by contacting those that we know might have an interest in that. We may have better luck, once it's if we were to take it officially.

Marc Blanchette

So Casey Woodbine has a very active board with people that are very interested in it. It's my educated guess that Juniper can have the very same thing I think people just aren't aware of they don't know

that. The only time you deal with a cemetery, to be honest, is when there's a death. And there's a burial that needs to take place. Other than that, you know, the people that have interest in that cemetery, I'm sure don't know anything about this, or know very little about it. So I don't think it would be an issue to get a board together in in short time,

Nancy Smith

I'd make a suggestion and actually volunteer to help make it happen is I'm looking at the blue squares. There are whether it's the VFW, American Legion or others that care for veterans, as well as now that apparently I'm on the historic preservation commission. I'm a member of the historical society, I think that there are to Mark's point there are people who care about these kinds of things, whether it's just the veterans who are buried here, or more broadly, this is this is elsewhere. It's history. I'm It's extraordinary. I mean, the legend even shows veterans from World War as though there were only one back when when

Casey Hanson

a lot of them are civil war. Yeah, well, I

Nancy Smith

know when I'm saying the Spanish, revolutionary war. I mean, this is extraordinary. So I would like to see us resolve it tonight and take do whatever we need to do, because this is our only meeting before December 2, and then I'm willing to work. Those are the groups that come to mind for me, if the families that hasn't worked, then let's get a group together. So in the discussion phase, before there's a motion, if we can look at a motion that would be we do what we need to do to take possession, if that's the right language, with the goal of Is it six months, or it's 12 months that we have an association that we can transfer ownership to in the future, but But I agree it's the right thing to do. It's something to do, we can't lose this. And this is our one chance to do that. And I'm willing to reach out and do what I can to help form and maybe work with Marc on forming, inviting people to come to an association. I have ideas but no direct experience with this and it sounds like you do. So maybe we can work together to put together ideas for Association over the next six months, 12 months.

Tammy Mote

If we were to take this over, I would like to recommend some sort of stipend for Mr. Blanchette for his services as the interim Sexton so

Michelle Beal

I agree with that, I mean, you can't grant it's very nice of you to volunteer for something like that, but it's it's a job and responsibility. Like my other piece is is it is is the right thing to do for the people that have plots, but there's still several acres for my understanding that can be sold. And as the city wants to get into the business of selling plots, or to hold that until a new association has been formed,

Marc Blanchette

I don't think you want to stop selling any plots. That's, that's probably one of the easier parts of being a Sexton is meeting, you know, an individual or family up there, and having them select the plot. I mean,

after all, that's part of your the monies that can be used for maintenance, for mowing, and or stone repair, if that was needed.

Michelle Beal

And I agree with that. The thing is, is that if we don't find an association, we have now just made a larger cemetery that the city has to take care of, and the money will run out. I mean, we don't have perpetual care funds. And then we still need to decide if we did that, then we would need to decide how to sell them how much to sell them for. And there's, there's a lot that would go into that. And hopefully, it also may encourage an association to come in and make those decisions. If we just say, you know, we will take care of what's there. We will allow people that have their plots, we have a Sexton that will take care of helping to do that. But was temporarily stop until there are a lot of decisions that need to be made upon that piece and not something that the city staff is equipped to take over and take care of

Marc Blanchette

the the city staff wouldn't necessarily be taking over. You're talking as far as sales. the easiest thing to do is what the previous sexton at Woodbine Bill Clark did put a sign up near the entrance. You know if there's any questions, or if you need any help with anything, you put the name and the phone number. And I get a lot of phone calls on on Woodbine. And it's no, it really is no great shakes to meet people there. Whether it's Woodbine or whether it's juniper. You know, to answer the question, if they're just looking for Grandpa, you know, where's the burried? Well, we have the map

Michelle Beal

that I understand and that.

Steven O'Halloran

Could you maybe explain the process that was in place 15 years ago? How would somebody have bought a plot from this association? 15 years ago? Can you lay that out?

Marc Blanchette

I'm sorry, from Juniper. Yeah. I had no idea. I wasn't involved with juniper.

Steven O'Halloran

Okay, how about the one you are involved with? How would what how does that work today?

Marc Blanchette

Woodbine, you buy a right to burial? Supreme Court about 20 years ago, said you cannot sell a plot in a cemetery. Because that that says that you have ownership. You can't have ownership of a plot. You have a right to burial. Cemetery retains the ownership of the plots backing

Steven O'Halloran

So someone wants to bury their loved one in Woodbine? They don't call the city of Ellsworth and they call an association. So how does the city direct them to that or or is it just known? There's a sign out there, like you said, the

Marc Blanchette

city has directed people to me. Word of mouth and the sign I suppose.

Steven O'Halloran

So this one we're discussing tonight, no one here knows how that one's worked. The last Sexton that was there or anything like that.

Anne Laine

Yeah. We have extensive records and very detailed maps with names the

Marc Blanchette

one of the problems that will occur. If if Juniper is allowed them, shall we say wither on the vine. There will still be burials taking place their families are going to say you If I own a plot, I'm going to take and I'm going to use it doesn't matter whether it's open or not. When that happens, there will be no records kept. If their plot is from here to here, they're going to guestimate. Well, we'll dig the hole over here, you're gonna start hitting caskets or burial bolts on either side of it. You're going to be infringing on somebody else's plot. It's imperative that records be kept. Up who's oppose of who was buried? Where and when?

Michelle Beal

What would you like to do?

Nancy Smith

trying to form it all well, immediately doing research on cemeteries and Ellsworth. If we can crowdsource a motion, which I think is what we're doing here, I make a motion that we that the city of Ellsworth accept ownership of juniper cemetery, temporarily with the intention of within 12 months, transferring that to a newly formed association that would carry on the role of administration. Thank you, for the cemetery. Period. And then is there a second sentence?

Tammy Mote

Hire Marc?

Nancy Smith

Hire Marc Blanchette is sextant for a with a stipend. I don't know how you determine what that is. What's your

Casey Hanson

stipend do you get for the other for the work that you do in the other?

Marc Blanchette

I'm sorry.

Casey Hanson

What stipend do you get for the work that you do in Woodbine? So we can match it?

Nancy Smith

We can double that

Michelle Beal

to be determined

Casey Hanson

not to exceed \$15,000?

Nancy Smith

Is that sufficient? And then on my, I don't know what to do with the rest of it. I'm willing to kinda work with others who try to find it Association, build an association in that time.

Casey Hanson

Second, I don't think your second bar has to go on the motion. But I second.

Jon Stein

at the comprehensive plan, sub committee, historic preservation, there were a couple folks that brought up cemeteries and wanting to know and asked me to request from finance director as well, we'll have those funds worked and there was some interest from the starkest

Nancy Smith

names and contact info and we'll do anything between veterans historical, or historic and people who live elsewhere. There's got to be enough people that care enough to keep this from becoming something that

Michelle Beal

I couldn't tell if he was scratching your head.

Steven O'Halloran

So I'm a little confused about the pay. Could we maybe he's zero in on that a little bit. You mentioned up to 15,000. No, I understand, but the records may not know that was a joke. So that was my only concern. I mean, I agree that we can let this go by the wayside. I mean, I'm sure other towns have had to go through this process. Do you know of that?

Marc Blanchette

Yeah. Ask bluehill What happened to them? A year ago.

Steven O'Halloran

Could you tell us

Marc Blanchette

Sexton went on went to Florida in the winter, apparently, as he always does. And in his absence last fall, I believe, or early spring I think it was last fall. A burial took place. Right church wrong pew. Yeah,

yeah, they owned a lot in the cemetery but person was buried in the wrong line. Or someone else's lot. So it's easy to do.

Toni Dyer

In your town, you have to dig them up.

Steven O'Halloran

More pain for the loved ones, right?

Nancy Smith

I mean, that again, very somebody

Patrick Lyons

Yeah, I think everything that's been said, makes sense to me. But my lawyer ran, I was looking at the statutes, and there's some potential liability to a municipality, they don't properly maintain a cemetery. It's under their control and things of that nature. I think that we should do everything we can to get an association together. So this isn't the city's ownership of. And I think if we don't have an association in a year, we need to figure out what's, you know, do we really want to isn't sitting in our bowl in the cemetery in perpetuity, because we don't own any other cemeteries are not active, inactive ones. Okay. Because that means that mean, we have to foreclose it, because I don't think I have concerns about

Patrick Lyons

I just have concerns about the city, maintaining a cemetery, an active cemetery. So I think in a year, if we can't find an association, one consideration would have to be to just, you know, if, if no one else is going to take this on, do we need to, you know, I guess, foreclose on the cemetery, and no longer have it be active or something? Because, again, I think it's, I'm all for helping the cemetery organization and finding a new board of trustees and organization. But I think we just need to be careful that getting into the cemetery business, for lack of better term, there's some risk there. I see.

Nancy Smith

I think having that out there, prompts the conversations and some decisions to be made in the next year.

Tammy Mote

I did, just to make Councillor O'Halloran more comfortable and maybe part of motion, have the city manager bring back to the Finance Committee. You know, what, what the agreement was between?

Michelle Beal

So Finance Committee can't make decisions, but

Tammy Mote

no but can update us on it. So

Michelle Beal

if I could, could I add a friendly amendment? I would just like to amend the Yeah, I would have been talking and thinking at the same time, I'm trying to think of how to work this. So yeah, so I'd like to amend your motion to include that there would be no new sales of lots in that year. Until an association is created.

Nancy Smith

I'm hesitant to do that. I think Marc made good points about there's revenue coming in. Again, thinking about families who if we're talking about grandma and grandpa grandpa's fairy, their grandma dies and grandma dies or other gentleman, we go through this buying a family pot, how many family members do you want to be able to bury? It's it's gut wrenching? If it's the role of the sextant is to sell cemetery plots in addition to the other maintenance, then it then it's appropriate. And maybe if that process, I don't know if we have if it matches Woodbine, like what their fees are. So I'm not I guess I'm not I'm more concerned about, it's good to have revenue coming in. But it's also good to be able to accommodate people who want to be buried there. And I'm not clear on what the downside would be of continuing sales in that year.

Michelle Beal

The biggest downside would be is what happens in a year if we can't get an association together. So now we're going to see even more plots that are being ready for burial. And the other piece of this is, if it is, if you would not like to add the amendment, then I would ask that we have something come back to the council with a plan for how we're going to sell them how much we're going to sell them for. And actually a plan of how many lives we think that we go to plots we think that we could have. I just want it to be in my because I send this to Marc and I don't want anything to happen to Marc. But he's a Sexton. And he's about the only one in town now, honestly. And so if anything happened to him, and if he wants to go to Florida. And you know, for the winter, what do we do we have I mean, it's bad enough that we're going to have people that have plots, but now we're going to people that want to buy them. And we don't have a way of saying no, it's such a temporary thing.

Nancy Smith

Can I propose it be something like either there's a disclaimer for plots that are sold in this time period that would come up with a language but that you know, it's uncertain how On the city's gonna maintain it, or you do something like plots can be sold if they are to be used in the next 12 months, because I see your point about, you're creating an expectation that we don't plan to fulfill. Exactly.

Michelle Beal

And I mean, but the liability of doing that, and I don't think you really can put a disclaimer because this is where we get into this is that city staff, if Marc isn't around, and they have it belongs to us, city staff is going to be responsible for coming up with those answers, and selling them or anything like that. And again, we're just not, we're not in the business of selling plots, and we're gonna have people that don't know about the disclaimer, or don't have the accurate information. You know, there's just so many if you have a board, and that's what they really focused on, I can see selling the plots. But when you've got a city and you've got staff, and you've got one Sexton who is going to have 100% of the responsibility for doing this, because none of I mean, nobody else is going to do it. I just think we're, if if

our intention is to have an association, that we should just do what we have to do to maintain, absolutely, to allow the people to be buried, but not make this a bigger. I don't want to say issue but issue by adding on to the size of the cemetery and the responsibility of the cemetery, that we don't even plan on keeping

Marc Blanchette

Michelle, you have four active inquiries right now to buy on burials

Michelle Beal

to buy or bury about they already own burials

Marc Blanchette

and plot as a as a Sexton. I would hate to have to tell people, hey, my hands have tied. You gotta wait another 12 months. And we're going into winter. I've never sold the plot in the wintertime. You know, it's it's roughly a eight month, a year, seven month a year business so to speak. It isn't as difficult, as is what I believe you're thinking it is. It's pretty easy and straightforward. If they want to buy a plot, you know, row C, grade 12. Make a checkout. So they have Ellsworth, I give them a right to burial. Sale, and enter it in the in the records. And at some point, the funeral home or family. Nowadays, a lot of families will do a burial because it's just the cremation urn. And so funeral homes of families will call and say, you know, grandpa died? He has a lot of juniper. Can you tell me which one it is, I go up, I flag up the four corners of it. And the the funeral home will either send their excavator up, or sometimes the family will come in with the with a shovel or two and, and do it themselves.

Michelle Beal

And I understand that, and I'm going to give up in a second. But can't be that easy, because bluehill had an issue. And that the issue is is because it's a municipality, and it's one person that knows what's going on. And so, but no, I mean, but seriously, and so that's that's my worry.

Steven O'Halloran

Do we know when the last was handed to you?

Marc Blanchette

I mean, nothing has been handed to me. Yeah.

Steven O'Halloran

I'm talking to the finance director. Oh, so when this lady handed you her records of checkbook and all of this good stuff. Was there anything said about this nine people waiting to go in this families that want to buy or was you they just gave you the stuff and that was it?

Anne Laine

My recollection is I believe there was some interest. You may recall that Christina actually handled this project with Mary White. But I have the notes that Christina left for me. And I had people that came to City Hall, who had we're kind of in limbo, since this has all started still trying to find out what's going on. What can we do? I had some people come all the way from Washington and I couldn't do anything. It

was awful. And they We're coming to bury, I think their grandfather was just around. I mean, he was, you know, cremains, as they call them, but

Casey Hanson

we've done no burials since the day that you got that

Anne Laine

not none that we know about. That's the problem is that people will just go and do it. Because vigilante bury, though

Glenn Moshier

your action tonight, we have no authority over that cemetery. We can tell people, they can bury you. We can't sell them plots. When we did have people come to the city, we did refer them back to Mary. But that

Casey Hanson

was, you know, Mary, there's no. So it seems like what we want to do is limit the scope of our liability. And that the two ways of doing that are limiting the time period or limiting what activity happens there. I would hate to have us tell someone that grandma can't be next grandpa. So, and it sounds like you're comfortable enough, sort of taking on the responsibility for that for this 12 month period. And I think Nancy's motion was specific in its timeline. So we've only agreed to 12 months, or we could even make it shorter and make it six months to again, to limit our liability, and get the word out there into the universe to be like a who out there is going to take this on. To me, I guess I think limiting the time either to 12 months or six months. makes the most sense. And then let it go on as it is let people be buried there. And by plots if they need to

Marc Blanchette

six, six months won't be enough, Casey, that gets you through to May, essentially, cemeteries across the state are closed.

Casey Hanson

But don't you just need to find humans in that time.

Nancy Smith

But this is to form the association. Is that right? That's the timeline to form an association to

Casey Hanson

take it over. And that couldn't be done in six months,

Nancy Smith

I think I was gonna suggest in order to address your concern in a way that feels comfortable, I think, to your point, tightening the timeframe. This is to form the association, not anything physically happening at the cemetery. And again, if people people, human nature, we respond to deadlines, and if the word is out six months from now, like that's how much we're gonna be having a very uncomfortable

conversation. So those of you who are interested, we have six months to put together an association and I'm willing to do the work to help out next counselor. So

Tammy Mote

I'm comfortable accepting us taking the cemetery, but I would like to see next month and we'll come back with a plan, because we don't know how much we're assigned a lot the plot for it and just have some sort of plan in place before we decide to start selling. So that would be my recommendation to approve this. And then have the costs and how it's all going to be handled this would also cover the portion with Mr. Blanchette as the sextant and what type of segment we're going to provide to him. That's just

Casey Hanson

so basically, you're suggesting we take it over now, but we don't sell any new plots until this next meeting when we have this all this information coming up?

Patrick Lyons

Yeah, I like that idea. Just just on that, I think, I don't know. It sounds like we reached out to Maine Municipal Association about this, but not our original

Anne Laine

legal, no to legal MMA.

Patrick Lyons

Yeah. But we did reach out to our own attorneys to

Toni Dyer

I did just about the actual taking our process.

Patrick Lyons

I just, I would be more comfortable if we had someone give us like, what's the liability here to the city? And

Toni Dyer

I did not ask our attorney liability.

Patrick Lyons

Yeah, I think net for next month would be helpful to have some kind of an here's how you proceed. And just, you know, here's what's here's what to be aware of, and that would help us inform, you know, next month's decision as well.

Steven O'Halloran

couple of thoughts, questions, if your will smaller towns manage their own cemeteries? Is that fair to say? Right. I mean, a lot of the small towns you have to call the town office to get a lot purchased or arrangements or what have you, right. Yep. Okay. I would just say this. I I think if we take this over, it's

ours. I don't think there's any turning back. And if small towns are doing it, I'm certainly I don't like this position. But if small towns are managing it, if we if we vote tonight to take this over, it's ours. No one in their right mind is gonna form an association and take it back. You I'd be surprised. I might be I hope I am. But I just want to throw that out there that if small towns are managing their own seven cemeteries

Marc Blanchette

small towns of managing cemeteries much larger than this one, if I had to guess 200 250 burials up there now? I don't know how big the land, the entire lot is. But I know there's just a lot of empty.

Steven O'Halloran

if small towns are managing this, I mean, certainly it's the private sector is much better for but if we take this over, this is ours. No one in their right mind is gonna take this over from us, I don't believe and I hope I'm wrong. But I also looking for. I also don't know that we have a whole lot of choice to be a community. You know, we're, we're always looking to spend money on certain things that we feel that we need. I don't know. I think it's a real disservice if we don't step up to the plate here.

Marc Blanchette

Ellsworth maintains the original burying in ground across the street, and has for probably damn near 200 years.

Michelle Beal

There's no burials there. I'm sorry. You mean the one by the there's no one being very there anymore. Yeah, I don't have a problem maintaining, we have to make we have to provide money anyways to for the for the veterans.

Jon Stein

So it sounds like next month, we want to see a response from the city's lawyer just outlining potential liabilities and what we should be on the lookout for. We also want to see a general sort of menu of what's available for people if they want to, you said there were eight parties interested pool for? Are they okay? Do you think in your opinion to wait another month?

Anne Laine

I mean, I haven't had authority to talk to them or say anything. So that's going to be the first thing that I do?

Patrick Lyons

Well, if there's no mean, as you said, this time of year, there's no burials, correct. Sounds to grab a period there to figure things out before we need to make that determination.

Michelle Beal

Okay, before we get further into this, I just want to clarify we have a motion in a second. Do you want to say that one more time, Nancy, I need to ask you to do? I'm hoping

Nancy Smith

somebody I bet she wrote it down and we can amend it, I think for the report back if we need to next month with so detail.

Toni Dyer

I have a motion to take ownership. And that was in 12 months, establish a new association, relinquish our ownership to this association, and the interim to hire Marc Blanchette as a sextant with a stipend to be determined in negotiations with the city manager to create a list of fees. I got the attorney give us some liability for the December agenda.

Michelle Beal

Well, yep, were you added on to that motion? I think it stopped. The actual motion stopped, I think, given that statement, okay.

Casey Hanson

And then we can make I could make a friendly amendment to add with a report back at the December meeting, about cost of plots, and also comment about liability from our attorney. whether I should add the friendly amendment to change it to six months instead of 12 months.

Marc Blanchette

The problem was six months casing. Like I said, that takes you through to next May. That's when the cemetery would reopen. So if you have somebody called in May, June, July, during the summer and early fall. They said look, we need to have a burial take place. Can you send somebody, you know, to tell me where the Lord is flag it out? If you would, please. Well, six months. I'm going to be gone. Sure.

Casey Hanson

But I think the idea would be in six months the association will have formed by then so you will be able to be gone because the association will I have taken over by six months. And

Marc Blanchette

I can tell you from experience six months into taking over the sexton job at Woodbine, I was still calling Bill Clark. And I was six months into it. Okay, Bill, now this has happened. Now that has happened. It being a sextant is not a, you can't flip the switch and know everything about it. There isn't a hell of a difference from six months and 12 months. It's

Toni Dyer

if you were to get an association, and under 12 months, they'll have to come back to the council to then relinquish the ownership, which you would have the right to do within that period.

Casey Hanson

So make sense. Yeah. So if it's, it's basically it's a maximum of 12 months. So if all of a sudden this association appears tomorrow when we want to make it, we could

Toni Dyer

they would just come with a request, you would do another vote. I'll record the registry. And then you could even make a motion to have Mark still be interim Sexton with them to work through that, that phase. But yeah, I think you could short

Casey Hanson

so fine. I won't make that part. It's a friendly. So the friendly amendment will only be reporting back next month about cost of plots for selling plots in during this interim period. And a report from our attorney about what liability we're taking on by doing this.

Patrick Lyons

And just with that liability, also, what our responsibilities are, I guess, more not just liability, like, what is the city's now what are we doing? Like, what are we required to do? And what if any, is there like liability for the city?

Michelle Beal

Do you have a second on the amendment?

Michelle Beal

Actually, wait a minute. Don't do that. My head do you accept that amendment? Yes, your motion. Okay. Now I need a second.

Jon Stein

Second.

Nancy Smith

question on the way Toni recited the motion, does it matter? Can we say it's the intention to form an association in the next 12 months, that's

Michelle Beal

what your motion said.

Nancy Smith

I can't guarantee we're going to set an intention.

Toni Dyer

And with the intention within 12 months to create a new association, in the interim to hire Marc Blanchette as sexton with a stipend negotiations with Glenn. And in the next 30 days to establish the report on costs of services at the cemetery, as well as a report from our attorney on the liability and responsibility that the city has for taking said cemetery.

Nancy Smith

Work. One last question is the word hire appropriate or contract with?

Casey Hanson

to keep talking about this? Because I'm bored of it. But um, should it it says with the intention of 12 months, but should we be clear that we're only agreeing to take this over for 12 months? I

Nancy Smith

think that's clear. But if you want to make explicit, but I

Michelle Beal

think you can do that. Once we have it. Once we have it, we have it.

Marc Blanchette

Well, you know, I'm glad I'm on this slide at the

Toni Dyer

but I think once we have it after 12 months, and we have not been able to find it a group we'll just have to decide we're bringing

Nancy Smith

put it on the agenda for next December.

Steven O'Halloran

I don't know if I mean you have a motion in a second. And there's been many friendly amendments and twisting and turning here. Could we clear this up? Because I'm really not sure what were

Toni Dyer

The motion is to assume ownership of Juniper cemetery, 12 months we will form a new association of members of the public that we will give ownership back to them in the interim a contract with Marc Blanchette to be Sexton he shall be paid a stipend that will be determined between him and City Manager and in your December council meeting. You will receive a report from Marc the costs of services at the cemetery, as well as a report from the city attorney on liability the city is assuming by taking this over as well as our responsibility is what is required of us and taking us over.

Michelle Beal

Got it? Clearly Does everyone agree this? Favor? All right. All in favor? Okay. All decline.

Michelle Beal

Okay, motion carries.

Casey Hanson

item 17. I am on the newly formed Arbor Commission, which is a group of incredibly knowledgeable foresters, and urban tree management people.]I sort of think there are three things that we're thinking about on that committee. One is, we're trying to figure out how much money we spend on trees in Ellsworth. And like, what funds that come from this is something we're kind of working on. The other one is, as you all might remember, we have a tree ordinance. And one of our first desires was to have that committee look at that tree ordinance, which was written, I think, in 1991, or something like that,

and update it. And then of course, that will come back here. And part of that is to think about the tree working, we have always basically forced the city manager to be the tree warden. But the committee is going to work or the commission is going to work together to provide guidelines, credentials, responsibility, duties for future tree wardens, and reviewing similar guidelines and ordinances for other committees. So that I'm just telling you all about that, that that's happening. The thing that I'm asking you about tonight is that the city has gotten grants project canopy grants in the past, usually with help from like green Ellsworth, or the garden club or Frenchman Bay Conservancy. And now the arbor commission would like to lead a project canopy grant application to bring in funding for rejuvenated urban urban forestry program for an urban forestry program for our city. And so people on the Commission have been involved in applying for these grants in the past. So they're very knowledgeable about how to apply for the grant. But they only want to go into the work of applying for the grant. If we all agree we would like them to do that. So we can apply to up to for up to a \$12,000 grant, which needs to be matched by the city. But the match can be covered either entirely in part by in kind contributions, like staff time use of equipment, donated materials, like using trees that we grow in our community tree nursery or volunteer time, including from Arbor commission members, nonprofit community volunteers, as well as like actual money money from the city. So I don't know if we have to vote on this. I know I said action. But so maybe we do vote to say yes, Arbor commission, please move forward and apply for this \$12,000 grant to bring in money for rejuvenated urban forestry program. Does that make sense? And are there questions? But no hard questions about trees, because I'm the only person on that, who doesn't actually know anything. And I think

Toni Dyer

last time we have this are in our match was all done through in kind services. However, like we didn't actually have any fun. So just throw that

Casey Hanson

out there. But in the past, we have not had funds and it's I don't know that we that we necessarily will need to although we might need to

Jon Stein

the Frenchman bay tree growth project with those trees be used for this and with those being ventilation, they

Casey Hanson

could it's one of the things that could be used as an in kind donation.

Jon Stein

There's a lot of value entry there, and then it costs

Steven O'Halloran

Could you give me an example of where this tree or trees would be planted?

Casey Hanson

Well, the whole point of applying for this money is to make is to basically make the plan for what the question that you're asking like, we as a city, where should we put trees? What kind of trees should we put there? Do we have a plan for how we maintain those like, that's our urban forestry plan. That's what we're getting money to make. And so then all of these really smart people who know about stuff like that, will have input into that, so that we're making smart decisions. So one example I learned about it, the committee at the committee meeting is like, if you plant big oak trees on the side of the road, then they grow into the power lines, and then the power companies, cut them down and mangle them and they look weird. If you're smart about it, you know, what, what kind of tree to plant there that won't grow high enough to interfere with the line. So it's that kind of knowledge that would go into a plan.

Steven O'Halloran

But when I go into branch pondforest trail and plant a tree, we're gonna do it somewhere.

Glenn Moshier

So if I may, Mr. O'Halloran, the last canopy grant that we got applied for and got the trees that are planted along the side of Rite Aid, the the high street side of Rite Aid, I think there's five of them. Those were all paid for through a project canopy grant in the city, matched in kind with our labor, our highway department dug the holes and set the trees and

Steven O'Halloran

so its intent is for everyone

Casey Hanson

to enjoy. Not Yes, like, Yes, everyone to enjoy. And also like, you know, trees. Again, I'm not the smart one on this, but like trees help our planet, they protect it from erosion and things like that. So

Tammy Mote

there was also a project canopy at Knowlton Park

Casey Hanson

Yeah, and so the great thing about this arbor permission, and these amazing people who are just coming for free and giving all this knowledge is they already have applied for these grants successfully in the past, they know how to do it, they just want our approval before they put in the effort, that when the time comes, they're gonna come here, and we're going to be like, oh, yeah, we did want you to do that. And we do accept that.

Michelle Beal

And so and so this is a planning grant, though not a, to plan to make a plan of where we need trees. That's what this is, right? I just want to look

Casey Hanson

sure that that's, it's, it's to fund our urban forestry program. So I don't know if it's completely 100%, all planning versus some planning and some action. But it is all towards the endpoint of

Glenn Moshier

if it's like the last one, they identified locations. And then they brought locations. So they received funding, and they identified locations, and then we worked with them to narrow down because of right away issues and other things to what, what would work. And that was when the Rite Aid strip was identified. I think and I'm not sure because I haven't haven't attended that meeting. But I think it's probably a similar situation where they'll identify locations throughout the city where potentially we could plant trees, and then it'll be up to the city and that committee to work through, you know, which ones we actually want to.

Casey Hanson

Yeah, and the only the only question I can't quite answer I don't quite remember, all I can figure that out for you is, how much of this \$12,000 is just in creating the plan for us to work from versus also like, like you said, actually choosing, like moving forward with the plan, choosing specific trees and putting them someplace. But it's all in towards the mission of the arborg. Committee that our work permission to operate within that plan to create outcomes.

Patrick Lyons

So understand that it's \$12,000 that they would go out and get so it's not the city's money, and it's going to be used for planning and or purchasing trees. Yeah. And then the city's obligations would be in kind support, most likely, most likely.

Casey Hanson

Yeah, more generally, with the kind of great you have to prove you that the city is behind you. So our agreement allows them to say the city is behind us in this project, and is willing to commit. And like I said, I'm not we're not making a specific commitment of dollars. But it's acknowledged that in the past, in kind, donations have been adequately

Nancy Smith

it It sounds like you're looking for us to support again, the intention, and that they will come forward with a specific proposal that will then be the next step. Correct. But if we at this point, say trees are stupid, then that would be good information for them to have correct,

Casey Hanson

they shouldn't. And that is going to say, sure, but they shouldn't bother putting in that effort if we say we don't support this. So we can say, I think if we officially supported by making a motion and making a vote, they can put that on their application as city has officially, like, supported this motion. My proposed motion is to approve an arbor commission application for a project canopy grant. Or, or anyone else who wants to make a different proposal, for them to initiate an apple approve for them to apply.

Patrick Lyons

Second

Michelle Beal

discussion? All those in favor?

Michelle Beal

Unanimous.

Michelle Beal

item 18 would be for the approval of the sale of surplus property.

Glenn Moshier

Excellent. So essentially, we had a yard sale. And we got rid of a bunch of, for lack of better term stuff that we just didn't need any longer. Most mostly vehicles related. So I'll go down through the list there are a couple items that we've decided not to sell because of the they have more value than what was they were bid for. But to start out number one is a boss plow eight foot super trip edge straight blade. It hasn't been used for a couple of years. And the high bid for that piece of equipment was \$200. So I'm asking that you accept the \$200 bid for that plow. The number two was the 07 Chevy pickup truck that we didn't get any bids on. So we will not be selling that. Number three is a 1995 international dump truck for lack of a better description. And the high bid on that was \$600 and the highway Foreman Adam has asked that we deny that bid and keep that he says that they can scrap it for more than the \$600 bid. So he would like to not accept that \$600 bid on that 1995 International 4900s d t 466. number four as a 2000 John Deere backhoe loader and the high bid for that was \$929 and that high bid was for that was James Buteau and we ask that you allow that sale to transpire for \$929 for the 2000 John Deere backhoe. Number five is a 2017 Ford Explorer Police Interceptor with 108,000 miles on it. It has some electrical issues and the high bid for that vehicle was \$4,125 to an ED Gray, we ask that you would approve that sale. Number six was a 2009 Chevy 1500 extended cab pickup truck. The high bid for that was \$1,000. We would ask that you would deny that refuse that bid, as that truck has more value than \$1,000 that we can seek to sell elsewhere. Number seven was 2011 RMV Spaulding MFG. Dual axle trailer formerly our Hot Box trailer for pavement and that high bid was \$500 to David chapa. And we ask that you accept that bid \$500 For that trailer. Number eight was a 2017 Ford Explorer police interceptor with 132,000 miles on it. And the high bid for that was \$2,050. And we would ask that you accept that bid for that vehicle. Number nine a 2015 Chevrolet two wheel drive pickup with 106,000 miles on it. And the high bid for that vehicle was 3700 To Frank Ryan, we ask that you accept that bid. Number 10 is a 2005 Sundance 17 foot fiberglass boat. And the high bid for number 10 was to a James Buteau for \$1,491. We ask that you accept that bid. Number 11 was a 2003, Starcraft 16 aluminum foot boat? The high bid for that? Oh, I'm sorry. Yeah, I skipped number 10. Number 10. Was the 2005 Sundance 17 foot the high bid for number 10 was \$866. ask that you accept that bid. The 2003 StarCraft aluminum 16 foot boat number 11. The high bid was \$1,491, we ask that you accept that bid. And number 12 Is your tow behind road sweeper. And high bid for that was \$500 to Nankervis trucking. And we ask that you accept that bid. And we ask in the motion. If you're so inclined to accept all of those bids that you also authorized us to move on to the next highest bidder should the high bidder back out. We have contacted all of the high bidders and notify them that they did receive the bid. And most had some had paid most of expressed still interest with the exception of two to do. Right one mark Kaplan who's the high bidder on one of the on number eight the cruiser, we have no contact information for that individual. So and what was the other one? Toni, do you remember?

Nancy Smith

for those you asked about accepting the second highest bidder, are those still within us that some of them have a minimum bid to they still meet the standards that Adam thought was acceptable?

Steven O'Halloran

I just like to I don't want to discourage future sales. And I think if you I realize you have the right to accept or reject all bids. But I would think in this case, these are all pretty small valued items. I would think that the city would just put this to bed and give it all to the high bidder and not pull out based on valuations. But the time the city spends junking this asset, and resources of the city spending junking this asset, or recycling it or selling it for scrap or whatever you want to call it, you're gonna spend everything you accept. And I would just make a suggestion that if there's a bid on the product, let's take the high bid and let's move on this. The city has more things to do than to mess around with an opinion of value. I also think that it discourages people that did a bid on it. Not to bid again. So we're going to get rid of some surplus. Let's get rid of it.

Jon Stein

We did those two, that number three, number six, to clarify where their minimum bids put on the items and

Glenn Moshier

they did meet the minimum. But I would just I would just ask that you consider your staff and their input in before you make any decisions as to what to do with those pieces of equipment. Because staff is aware of things that perhaps contribute beyond just the dollar price tag. So

Steven O'Halloran

If I may, then why wasn't the minimum bid higher?

Glenn Moshier

Because the intention was to get rid of the equipment, the surplus equipment?

Steven O'Halloran

Again, I would suggest getting rid of it, especially if they've met the minimum bid.

Jon Stein

Yeah, that can be frustrating if you meet a minimum bid

Tammy Mote

does jeopardize the integrity of your bid process as well.

Steven O'Halloran

I would move that the city accept the high bid of each auction item or each advertised item in this round of surplus equipment.

Jon Stein

Yeah, I would second that with the friendly amendment of Glenn suggestion of moving to the next highest, first highest unable to contact it's fair.

Nancy Smith

Question. Does that cover the if they cover the minimum bid, the minimum requirement?

Casey Hanson

The My only hesitation is kind of what Glenn said, which is I have a hard time if the city staff is making a recommendation. They know I have a hard it's hard for me to say I know better than what they think about what they can do with those that equipment. That's my only hesitation about

Jon Stein

it. I don't know I'm sure that he's right that that they could get more value selling for parts but it should in the middle of it. We

Michelle Beal

Further discussion? All those in favor?

Michelle Beal

Unanimous.

Michelle Beal

Item 19 Well, this is what it says scheduling for the homelessness and Ellsworth and watershed natural resources. Counselor Stein.

Jon Stein

We had just to catch up the new members here. We had a meeting a few months ago, where a number of folks from the three entity team to present some thoughts and give us sort of a holistic, comprehensive view of both watershed resource protection and other sets of organizations give us a view of the unhoused population and Ellsworth, the barriers to accessing resources and then what those resources were sort of where we're at holistically. It should have looking back on it probably should have happened when we had more time in a workshop type of a setting. So there's no action here but I just wanted to get a sense of if this new council is interested in a workshop on either of those two topics, and if so, which one more pressing and what sort of timeline I'd be happy to do sort of what I did before which was to contact for example, the men's shelter the home make Maine healthy TV a family's first the city's general assistance Tina runs that program of Habitat for Humanity, and any other suggestions that anybody has with the goal of giving this council as comprehensive as possible view of homelessness, housing, you know, for lack of a housing department within the city, basically, educating ourselves on that topic, because I think it's only a matter of time before, what we're seeing elsewhere in the state in Bangor, currently, that's been happening in Portland comes in a more dire way to Dallas Fort Worth, and we're already hearing dummies community partner looking for heating fund for people, etc. So the more than we know, when things do come across this table, the more intelligently we can react and make make good decisions that help the entire community rather than just being reactive to certain. certain symptoms of the entire homelessness crisis, we can react in a way that maybe is

proactive. Anybody has thoughts or wants to ask me to, by email, ask for some dates when we can have either of those workshops? I'd be happy to do that. And we have slots in which we want to have them first. Yes.

Casey Hanson

I thought we had agreed at that at the last meeting that that was how that ended was that we were

Patrick Lyons

the watershed natural resources. Can you explain that a little bit about that the focus of that workshop would be

Jon Stein

so that was in concert with a comprehensive plan, which has a section sectioned off for natural resources and also forestry, and agriculture. But the view of some members of our community namely green Ellsworth, green plan down the same Federation, Mary Blackstone has in a number of those organizations and pressure Bay Conservancy and some others sort of thinking that seeing the slow pace of ordinance changes just because that's how they go, that talking about these issues sooner than later would be more effective. Figuring out how we can actually unite ordinance changes, start talking about before results from the Comprehensive Plan start coming in so that when we learn about what was most dire from the comp plan, you can be ready to tackle ordinances and adopted things like where to put in watershed protections and residents areas around the link fence.

Nancy Smith

Thoughts? Yes, I love. I love the concept of being able to approach these, in tandem, that you really as we're talking about housing, talking about housing while we're protecting natural resources, I think is the smart way to do things. When you're talking about the homeless crisis. I'd also love to see in that I need information about whatever we have data on current housing units and the construction that's happening now to better understand our current housing stock. And I know there's I'm not asking for a large scale inventory, but simply whatever staff already has on that information so that we can put that into the here's, here's the issue with the crisis and the risk. And here's what we have so far, to be able to offer both of those and I think if it's maybe one workshop on the homeless crisis, another workshop on the natural resource sector, and then maybe a conversation about it maybe twice at the same time would be interesting. And hopefully line up well with the with the complaint committees. Yes.

Michelle Beal

If we do that, for the unhoused survey, Bangor just had a workshop on this this issue and he had some really great speakers from very different aspects of the of the problem from mental health to drug use to just not being able to find a home. And if we did that, I would like to see all of that myself. It was an incredible. I was watching some of that and it was an incredible discussion and I learned a lot and actually former Councillor Dale Hamilton He was one of the panelists for that. And I think if we're going to I think it should be a learning process of that way, I would like to learn a little bit more about it myself. Just just so we can have an understanding of how this how this is all working within the state of Maine and why? Because it isn't my understanding, it's it's not a lack of houses or housing. It's, it's a much bigger issue than that. So I would like to have that on here, too. And the watershed resources. I think

that's a completely different subject from the unhoused. How we're going to protect our resources and the watersheds. So I'm sure we would probably need to for that. And that definitely. That that definitely would be green Ellsworth. But it needs to be math from planning and, and, and a good understanding for him to be able to provide information and a good understanding about ordinances that we have now for protection. Because branch Lake has its own, as we all know, and move on, I would like to, I think would be a really great opportunity for the council to learn about one of our most precious ordinances. So I can't see doing both of those and an hour and a half workshop.

Jon Stein

If you had to pick one for that first. Especially as we get into winter, with December, mid December be too early.

Casey Hanson

January. After after the holidays, yeah, yeah.

Jon Stein

Also, after I hear back from folks who spoke last time, I'll send a list out of here's who I was thinking of asking so that everyone can send me a word about this. There's a link to the Bangor Council discussion as well as we can watch that.

Michelle Beal

Item 20 Council comments. Do we have any comments tonight?

Patrick Lyons

One, just very excited to be here. It's great working with you all. At the Meet the Candidates forum, I made a promise to fix a slide. Yes. So I would, but I obviously know there's a process and I don't want to do do anything out of turn. So I guess the question is for staff is, what's the process to inquire about how the types of infrastructure is done, and we

Glenn Moshier

We have the slide. Okay, problem is right there, not the right one, because they don't make that slide anymore for that playground set. So we're currently exploring whether we can potentially alter the slide slightly so that it can work. But then does that diminish any? Or does that create a liability for the city? So it is being worked on but the shorter answer is shy of replacing the entire playground, that slide may never be replaced. Because if it's too much of a liability, if MMA will cover us, if we alter the slides so that it'll fit, then the only other options would be essentially toward that off so that there's no slide there. And then look at potential for but we do have a slide. Okay, so

Jon Stein

the playgrounds and that particular playground come up almost every Recreation Commission meeting. That slide, particular slide comes up as well. Okay. But I'll talk about its tomorrow morning as well. So I'll bring that up and let them know they have a champion.

Michelle Beal

Item 21 Motion to adjourn.

Tammy Mote

So moved.

Jon Stein

Second.

Jon Stein

All in favor. Thank you, everyone.

**CITY OF ELLSWORTH, MAINE
ADMINISTRATIVE CONSENT AGREEMENT**

In re Matter of:

Maine Organics, LLC, 15 Industrial Road, Ellsworth, Maine

This **ADMINISTRATIVE CONSENT AGREEMENT** (the “Agreement”), is made and entered into this ____ day of _____, 202____, by and the **City of Ellsworth**, a municipal corporation located at One City Hall Plaza, Ellsworth, Hancock County, Maine (the “City”) and **Maine Organics, LLC**, Maine limited liability corporation with a place of business located at 15 Industrial Road, Ellsworth, Hancock County, Maine (“Maine Organics”).

WHEREAS, Maine Organics is the operator and party in possession of a compost facility located at 15 Industrial Road, Ellsworth, Maine (the “Property”); and

WHEREAS, the Property received site plan approval from the Ellsworth Planning Board to operate the compost facility on July 5, 2017; and

WHEREAS, the Ellsworth Unified Development Ordinance, Chapter 56, Article 8, §801.3(B) provides that “[n]o land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground or habitable elevation”;

WHEREAS, the Ellsworth Code Enforcement Office has visited the Property on a weekly basis and has verified odors on fifteen (15) occasions since January 1, 2023;

WHEREAS, between since August 22, 2023, the City has received twenty-two (22) odor and bird complaints related to operation of the Property from neighbors;

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Agreement, the City and Maine Organics agree as follows:

1. Maine Organics admits to producing offensive odors perceptible beyond its lot lines in violation of Ellsworth Unified Development Ordinance, Chapter 56, Article 8, §801.3(B) on fifteen (15) occasions since January 1, 2023, and the date the date of this ACA.
2. Maine Organics agrees to institute immediate changes to its operating procedures to ensure that it does not produce offensive or harmful odors perceptible beyond its lot lines in the future.
3. Maine Organics agrees to pay to the City a total of \$1,000.00, to cover the City’s legal fees within thirty (30) days.
4. Maine Organics shall provide its neighbors and the Code Enforcement Officer with contact information so that neighbors may directly report unreasonable odor levels to Maine

Organics. If direct efforts to address odors is unsuccessful, a neighbor may file an odor complaint with the Code Enforcement Officer.

5. In the event the City receives a complaint about odors from Maine Organics, the Code Enforcement Officer will, as the Code Enforcement Officer's schedule permits, go to the complaining property to determine if there is an odor level that would, in the Code Enforcement Officer's opinion and sole discretion, unreasonably interfere with the use and enjoyment of the affected property.

6. If the Code Enforcement Officer determines that there is an unreasonable level of odor, the Code Enforcement Officer will go to Maine Organics to confirm that the odor detected on the property is the same odor being produced by Maine Organics.

7. If the odors are the same, the Code Enforcement Officer will contact Maine Organics and Maine Organic will have a short but reasonable period of time to abate the odor. If the odor is controlled, then no further action will be taken at that time. If the odor is not controlled to the reasonable satisfaction of the Code Enforcement Officer, Maine Organics will be in breach of this Agreement.

8. Provided Maine Organics complies with the terms of this Agreement and is not in breach, the City will refrain from filing a land use enforcement action regarding prior violations and will waive penalties that would normally be levied on such violations except as provided herein.

9. In the event that Maine Organics breaches the terms of this agreement, it shall be liable to the City for liquidated damages in the amount of one thousand five hundred dollars (\$1,500) for violations that occurred prior to execution of this ACA, plus the City may file a land use enforcement action seeking penalties pursuant to 30-A M.R.S.A. § 4452 for any violations occurring after the date of execution of this ACA, attorney fees and costs incurred in enforcing this Agreement or a land use enforcement action, and an order to enjoin the facility from operating.

10. Nothing herein shall be construed to:

A. limit the City's authority to enforce any other land use or permitting requirements related to Maine Organic's use and occupancy of the Property;

B. require the City to file a land use or other enforcement action (the City at all times retains its prosecutorial discretion); or

C. create a private cause of action.

11. This Agreement shall be interpreted in accordance with the laws of the State of Maine.

12. This Agreement constitutes the entire Agreement between the parties and supersedes all prior oral or written representations and statements between the parties. This Agreement is enforceable only by the City; it is not intended to create a private right of action.

13. This Agreement may only be amended by mutual agreement of the parties, provided that said amendment or modification shall have been reduced to writing and signed by both parties.

14. Neither the failure by the parties to insist upon strict performance of any provision of this Agreement, nor to exercise a remedy consequent upon a breach thereof, nor the acceptance of full or partial performance during the continuance of any breach by the other, shall constitute a waiver of any such breach.

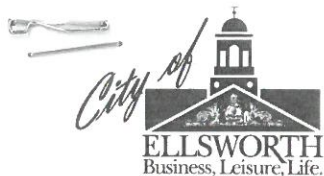
IN WITNESS WHEREOF, the City and Maine Organics have caused this Agreement to be executed as an Agreement under seal as of the day and year first above written.

**CITY OF ELLSWORTH, MAINE
MANAGEMENT**

MAINE ORGANICS, LLC

By: Glenn Moshier
Its: City Manager

By:
Its:



City Clerk
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 669-6604 ▪ Fax (207) 667-4908
clerksoffice@ellsworthmaine.gov

BUSINESS LICENSE APPLICATION

CUSTOMER #84

APPLICANT: DAVE'S AUTO REPAIR & TOWING

MAILING ADDRESS: SUKEFORTH, DAVID JR. DAVE'S AUTO REPAIR & TOWING INC 231

Bucksport Road ELLSWORTH, ME 04605

MAP LOT: 026003001000

BUSINESS TELEPHONE: 207-667-1105

FAX NUMBER:

EMAIL ADDRESS:

NAME OF BUSINESS (DBA): DAVE'S AUTO REPAIR & TOWING

LOCATION OF BUSINESS: 231 BUCKSPORT ROAD

NUMBER OF EMPLOYEES:

NATURE OF BUSINESS: TOWING COMPANY

DESCRIPTION: TOWING/RECOVERY

PROPERTY OWNER: SUKEFORTH, DAVID

BUSINESS OWNER: SUKEFORTH, DAVID JR. PHONE NUMBER: 207-667-1105

EMERGENCY CONTACT:

DAVID SUKEFORTH JR.: 207-460-8557

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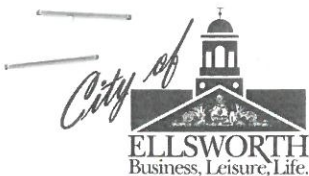
SIGNATURE:

DATE:

LICENSE EFFECTIVE FROM:

EXPIRES: 12/31/2024

1558
PH 12/18/23
called 12/16



City Clerk
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 669-6604 ▪ Fax (207) 667-4908
clerksoffice@ellsworthmaine.gov

BUSINESS LICENSE APPLICATION

CUSTOMER #63

APPLICANT: 86This!

MAILING ADDRESS: KELLY-LOKOCZ, JEFF KELLY-LOKOCZ, DIANE 125 MAIN STREET
ELLSWORTH, ME 04605

MAP LOT: 134035000000

BUSINESS TELEPHONE: 207-610-1777

FAX NUMBER:

EMAIL ADDRESS:

NAME OF BUSINESS (DBA): 86This!

LOCATION OF BUSINESS: 125 MAIN STREET

NUMBER OF EMPLOYEES:

NATURE OF BUSINESS: CLASS B

DESCRIPTION: FOOD ALCOHOL AMUSEMENT Public Hearing Notice Fee

PROPERTY OWNER: KELLY-LOKOCZ, JEFF

BUSINESS OWNER: KELLY-LOKOCZ, JEFF PHONE NUMBER: 207-610-1777

PARTNER:

Diane Kelly-Lokocz: 207-505-0175

PARTNER:

Jeff Kelly-Lokocz: 207-669-5514

EMERGENCY CONTACT:

Lois Baxter: 207-825-4117

:

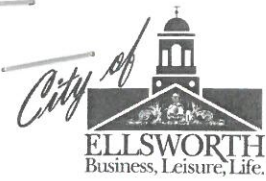
SIGNATURE:

DATE: 12/7/23

LICENSE EFFECTIVE FROM:

EXPIRES: 12/31/2024

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PH 12/15/23
called 12/16



City Clerk
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 669-6604 ▪ Fax (207) 667-4908
clerksoffice@ellsworthmaine.gov

BUSINESS LICENSE APPLICATION

CUSTOMER #577

APPLICANT: ELLSWORTH SUITES

MAILING ADDRESS: ROBIN WELLMAN PO BOX 401 LEVANT, ME 04456

MAP LOT: 026008000000

BUSINESS TELEPHONE:

FAX NUMBER:

EMAIL ADDRESS:

NAME OF BUSINESS (DBA): ELLSWORTH SUITES

LOCATION OF BUSINESS: 147 BUCKSPORT ROAD

NUMBER OF EMPLOYEES:

NATURE OF BUSINESS: LODGING

DESCRIPTION: LODGING Public Hearing Notice Fee

PROPERTY OWNER: AR-CH LLC

BUSINESS OWNER: SQUID LLC PHONE NUMBER:

EMERGENCY CONTACT:

DANIEL WING: 207-713-9995

PARTNER:

ROBIN WELLMAN: 207-951-4861

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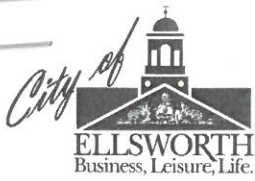
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DATE:

LICENSE EFFECTIVE FROM:

EXPIRES: 12/19/2024

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PH Reg. 12/18
called 12/16



City Clerk
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 669-6604 ▪ Fax (207) 667-4908
clerksoffice@ellsworthmaine.gov

BUSINESS LICENSE APPLICATION

CUSTOMER #578

APPLICANT: DBA COMFORT INN

MAILING ADDRESS: JOHN GUERTIN 168 SOUTH RD EAST KINGSTON, NH 03827

MAP LOT: 135047000000

BUSINESS TELEPHONE:

FAX NUMBER:

EMAIL ADDRESS:

NAME OF BUSINESS (DBA): DBA COMFORT INN

LOCATION OF BUSINESS: 130 HIGH STREET

NUMBER OF EMPLOYEES:

NATURE OF BUSINESS: LODGING

DESCRIPTION: Public Hearing Notice Fee LODGING

PROPERTY OWNER: NEH15LLC

BUSINESS OWNER: NEH15LLC PHONE NUMBER:

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SIGNATURE:

DATE:

LICENSE EFFECTIVE FROM:

EXPIRES: 12/19/2024

1539
PH Reg 12/18
emailed
dated 10/16
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Public Works Department Fork truck

Bid Announcement

The City of Ellsworth is accepting bids for the purchase of a new Forklift

Bids must be submitted by 11:00 AM, January 3, 2024:

City of Ellsworth
City Clerk's Office
One City Hall Plaza
Ellsworth, ME 04605

Bids will be opened at the above time with the award to be made later. The City of Ellsworth reserves the right to accept or reject any or all bids in the best interest of the community.

General Requirements

1. Failure to comply with any of the general requirements may be grounds for rejection.
2. Bids must be received no later than the time and date specified below:
Time: 11:00 AM
Date: Wednesday, January 3, 2024
3. The specifications listed are the minimum acceptable. Any deviation from the specifications shall be specifically and individually enumerated in the space provided marked "**Deviation from Specifications**" and attached check list completed.
4. All bids shall be submitted on the forms provided.
5. All bids must be in sealed envelopes and have written or type on the front of them **Mark Envelopes– "Bid for Forklift**

6. All prices quoted shall be firm for a sixty (60) calendar day period.
7. Unit shall be the latest model available (manufactured in 2023 or 2024), fully tested, serviced and ready to operate.
8. Payment shall be made to the successful vendor within 30 calendar days of the date of satisfactory delivery and acceptance by the City of Ellsworth.
9. Prices quoted shall include furnishing the equipment, all delivery costs, and ready for use at a location determined by the City.
10. In the quotation all vendors should describe the warranty provided with the equipment, the term (in months, hours, etc.), and the coverage (which components of the equipment, parts, labor, transport, shipping, etc.).
11. The City of Ellsworth reserves the right to reject any or all quotes, or parts thereof, and to waive any informality therein should the best interests of the City be served therein.
12. Specifications given are not meant to be restrictive. The vendor shall certify that the item proposed is equal to or of better quality than required by the specifications.
13. Chosen Bidder shall supply on delivery 1 hard copy/paper copy of operating, parts and shop Manuals along with electronic equivalent, either CD or free web based site. A retainer for 5% of the contract may be held pending receipt of these manuals.

**BID SPECIFICATIONS
2023/2024 forklift**

GENERAL:

The equipment called for shall be a propane fueled fork truck
Minimum Engine 2.4-Liter engine
Transmission power shift
Tilt steering column
Power steering
Low oil/overheat engine shutdown
Dual element air cleaner
Tilt cylinder covers
Counterweight
Electronic parking brake

Base capacity before adding attachments be 5,000lbs @24 inch load center.

MINIMUM LOAD CAPACITY:

4500 LB

DIMENSIONS:

Width dimensions of the entire unit shall not exceed 43 inches

Brakes: oil cooled disk brakes

Minimum tire sizes: Drive tires-6.5x10 Steer tires 5x8

Mast: 3-stage

Tilt Cylinders: 6-degree forward /5- degree back

Minimum Carriage: 41inch wide/hook type

Forks: 48-inch longx48inch wide X1 1/2 inch thick

Rotator: 4500 lbs. -360degrees

Overhead Guard: Standard height

Hydraulic Lines: 3 way for attachments

Hydraulic Valve: 3 section valve with three levers

Mirrors: Large overhead center mirror

Seat: Standard vinyl safety seat

Seat Belt: Standard

Direction Control: Single lever with Forward and Reverse

Grab bar: rear grab bar with horn button

LP Tank cradle: Standard mounting with spare tank provided

Lights and alarms:

Standard overhead strobe mounted on OHG, Auditable back alarm, 2 front and 2 rear LED flood lights,

Deviation from Specifications

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Please list all manufacture warranties along with options for extended warranty, service contracts, and service availability

CITY OF ELLSWORTH
CAPITAL IMPROVEMENT EQUIPMENT REQUEST FORM
FY 2024

DEPARTMENT:	Public Works	CONTACT PERSON:	Lisa Sekulich / Adam Wilson
PROJECT TITLE:	Fork Lift		
LOCATION:	Transfer Station/Recycle Center		

DESCRIPTION OF PROPOSED EQUIPMENT PURCHASE:

Replace current Forklift with similar size equipment with rotator attachment.

JUSTIFICATION & USEFUL LIFE:

(Purchases will be evaluated based on one or more of the following criteria: Public Health & Safety, External Requirements, Technology, Percent of Population Served, Economic Development, Impacts on Operating Budget, Expected Life of Improvement, Availability of Financing, Relationship to Adopted Plans, Intensity of Use, Scheduling, Benefit/Cost, Special Needs, Timeliness, and Public Support. Please be sure to address any of these as applicable.)

Current Forklift was purchased used. It has had various leaks and issues the last few years and is nearing the end of its useful life. A Major repair was done in late 2022, but it is only going to continue to cost us more in the future. Safety works was on site to do forklift training for us and noted that the forks are rounded out and need replacing.

FORM OF ACQUISITION (check appropriate): ____X____ Purchase _____ Lease	TOTAL ESTIMATED COST: \$40,000
NUMBER OF UNITS REQUESTED: 1	PROPOSED FINANCING: <i>Please describe how the proposed project will be funded. Some options may be General Tax Revenue, User Fee Revenue, General Obligation Bonds, Reserve Funds, Special Assessments, Grant Proceeds, etc.</i> General Taxation
PURPOSE OF EXPENDITURE (check appropriate): ☒ Scheduled Replacement ☐ Present Equipment Obsolete ☒ Replace worn-out Equipment ☐ Expanded Service ☐ New Operation ☐ Increase Safety ☐ Improve Procedures, records, etc.	

REPLACED ITEMS:			Prior Year's		
Item	Make	Age	Maint. Cost	Breakdowns	Rental Costs
Forklift	Dynamo DAE G20E3	10+		\$9500	
RECOMMENDED DISPOSITION OF REPLACEMENT ITEMS(S):					
			____X____ Trade-In	_____ Sale	

To: City Of Ellsworth
1 City Hall Plz
Ellsworth, ME 04605-1942

Date: December 26, 2023
Our Ref: 23WDD434-0

Phone: 207-664-4695

We respectfully submit this quotation for the following NEW Toyota Internal Combustion Lift Truck (1 each):

TOYOTA MODEL 50-8FGU25, Internal Combustion Lift Truck, quality engineered with the following specification:

- Pneumatic Tires
- LP Gas Powered - UL Type "LP" Rating

This forklift is equipped with a 3-Way Catalytic Muffler System as standard equipment, and conforms to current Federal EPA and California ARB regulations for off-road large spark ignited engines.

- **SYSTEM OF ACTIVE STABILITY™ (SAS)**
Toyota's industry exclusive System of Active Stability (SAS) helps reduce lift truck instability by electronically monitoring and controlling various functions of the lift truck.
 - Active Control Rear Stabilizer
 - Active Mast Function Controller (AMC)
- **AUTOMATIC FORK LEVELING**
- **PREMIUM, 4-WAY ADJUSTABLE, FULL SUSPENSION SEAT WITH ORANGE, NON-CINCHING SEAT BELT**
- **LCD MULTI-FUNCTION DISPLAY II**



Photo may portray optional equipment not included in your quotation.

Mast 3-Stage (FSV) mast with full free lift. Mast specifications:
Maximum Fork Height - **189"**
Overall Lowered Height - 84.5" (Overhead Guard Height - 83.10")
Free Lift - 36.4" with standard Load Backrest

Lifting Capacity Base Model Capacity - **5,000 lbs. @ 24" load center**

Actual capacity ratings stated above are based on standard features, options, and attachments available through Toyota at the time of quoting. Non-standard features, options, and attachments may affect actual capacity ratings. Please contact your Toyota sales representative for additional information.

Tilt 6 degrees forward and 6 degrees backwards

Carriage ITA Hook Type 40Carriage

Forks	Forks 48" x 5" x 1.6" - Class II
Load Backrest	48" High Load Backrest
Attachments	3 Way Valve (With 3rd Function Internal Hosing) Rotator, Total T14-45-00FB
Speeds	Travel Speed: 11.20 mph Lift Speed: 118 fpm
Engine	2.2L 4Y-US Industrial LP Engine 136 cubic inch displacement, 4 cylinder, overhead valve (OHV) Net Torque Rating: 112 @ 1800 rpm SAE ft-lb Net Horsepower Rating: 51 @ 2570 rpm SAE HP
Transmission	Automatic Transmission 1 speed forward, 1 speed reverse standard.
Steering	Load Sensing Hydrostatic Power Steering with Tilt Steering Column
Wheels and Tires	Front Tires: 7.00-12-12PR (Pneumatic Wide Tread) Rear Tires: 6.00-9-10PR (Pneumatic)
Additional Equipment	LED Strobe Light (Amber) LED Rear Working Light Back-up Alarm Rear Assist Grip with Horn Button Center Mounted Mirror 33 lb. LP Steel Tank (qty 2) UL Approved Model Type "LP" Operating & Parts Manual

Warranty	12 Months or 2,000 hours whichever occurs first: Basic 36 Months or 6,000 hours whichever occurs first: Powertrain
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Warranty coverage for non-standard option components will be covered by the manufacturer of that component and not covered under the Toyota forklift standard or powertrain warranty.

We offer a Toyota factory authorized warranty on all new Toyota Material Handling Equipment.



**UPGRADE TO
TOYOTA 360 SUPPORT PLUS!**

Includes 1 year of scheduled planned maintenance (up to 4) and additional product assurance.

*Not applicable to all models. See here for more details: www.toyotaforklift.com/360-support

Investment	Price-Toyota Model 50-8FGU25 as specified above:	\$41,779	Each
	Net Price:	\$41,779	Each

Financing and Maintenance A broad range of competitive and flexible financing options are available through Toyota. Financing requires credit approval. Terms and conditions are subject to change.

In addition, Full Maintenance and Planned Maintenance programs are available.

Terms and Conditions Payment: On delivery
Delivery: Will advise at time of order.
F.O.B.: Delivered
Prices are exclusive of any sales or use taxes now in force or which may be made effective in the future by any federal, state, or local governments.
Lease offerings subject to credit approval.
Conditions subject to change to those in effect at time of delivery.
Your signature on this proposal constitutes an order.
Please contact your Toyota sales representative for additional information.

TELEMATICS AND DATA COLLECTION

The equipment in this proposal is enabled with the MyInsights system ("System") which collects certain location and operational data concerning the equipment and transmits it to Toyota Material Handling, Inc. for processing and analytics. This proposal is subject to the contractual terms and data usage policies for the System found at <https://www.toyotaforklift.com/myinsights-legal> ("System Terms"). Acceptance of this proposal, or otherwise using the equipment, constitutes acceptance of the System Terms and the formation of an agreement between Customer and Toyota Material Handling, Inc. based on the System Terms. Customer may opt-out of data collection features for the System as provided in the System Terms. Failure to opt-out signifies Customer's consent and agreement to the collection and usage of data in accordance with the System Terms.

Sincerely,
W. D. Matthews Machinery Co.

Accepted:
City Of Ellsworth

Cash Price \$ _____
Financed Payment* \$ _____ Per Month _____ Months

By: _____

By: _____

Name: Devon Day

Name: _____

Title: Territory Manager

Title: _____

Date: _____

*Financing requires credit approval. Terms and conditions are subject to change.

Optional Equipment
(not included in this Quotation)

Item	Price	Accepted*
1. Toyota 360 Support Plus 3 36 Months/6,000 Hrs Carriage to Counterweight Warranty 60 Months/6,000 Hrs Major Parts and Component Warranty Up to First (4) PM's Included (Parts and Labor)	\$799	
2. Toyota 360 Support Plus 4 48 Months/8,000 Hrs Carriage to Counterweight Warranty 60 Months/8,000 Hrs Major Parts and Component Warranty Up to First (4) PM's Included (Parts and Labor)	\$999	
3. Toyota 360 Support Plus 5 60 Months/10,000 Hrs Carriage to Counterweight Warranty 60 Months/10,000 Hrs Major Parts and Component Warranty Up to First (4) PM's Included (Parts and Labor)	\$1,199	

** Customer: please signify acceptance of an option by initialing in the space provided.*

Deviation from Specifications

- 1. Only one LED rear working light available**
- 2.**
- 3.**
- 4.**
- 5.**
- 6.**
- 7.**

Please list all manufacture warranties along with options for extended warranty, service contracts, and service availability

BID SPECIFICATIONS
2023/2024 forklift

GENERAL:

The equipment called for shall be a propane fueled fork truck
Minimum Engine 2.4-Liter engine
Transmission power shift
Tilt steering column
Power steering
Low oil/overheat engine shutdown
Dual element air cleaner
Tilt cylinder covers
Counterweight
Electronic parking brake

Base capacity before adding attachments be 5,000lbs @24 inch load center.

MINIMUM LOAD CAPACITY:

4500 LB

DIMENSIONS:

Width dimensions of the entire unit shall not exceed 43 inches

Brakes: oil cooled disk brakes

Minimum tire sizes: Drive tires-6.5x10 Steer tires 5x8

Mast: 3-stage

Tilt Cylinders: 6-degree forward /5- degree back

Minimum Carriage: 41inch wide/hook type

Forks: 48-inch longx48inch wide X1 1/2 inch thick

Rotator: 4500 lbs. -360degrees

Overhead Guard: Standard height

Hydraulic Lines: 3 way for attachments

Hydraulic Valve: 3 section valve with three levers

Mirrors: Large overhead center mirror

Seat: Standard vinyl safety seat

Seat Belt: Standard

Direction Control: Single lever with Forward and Reverse

Grab bar: rear grab bar with horn button

LP Tank cradle: Standard mounting with spare tank provided

Lights and alarms:

Standard overhead strobe mounted on OHG, Auditable back alarm, 2 front and 2 rear LED flood lights,

CORE IC PNEUMATIC



GREAT OUTDOORS

- ▶ System of Active Stability™ (SAS)
- ▶ 3000 - 6500 lb. Capacity
- ▶ 10.9-11.5 mph Travel Speed with Full Load
- ▶ LCD Multi-Function Display
- ▶ Automatic Fork Leveling



50-8FGU15-32 | 40-8FGU15-32

CLASS
5

INTERNAL COMBUSTION ENGINE PNEUMATIC TIRE

ToyotaForklift.com

ONE TOUGH CUSTOMER

THE TOYOTA CORE IC PNEUMATIC FORKLIFT. Take on the most demanding jobs — tough outdoor applications very much included. Construction sites. Lumber yards. Indoor/outdoor warehouses. With the Toyota Core IC Pneumatic, the stability and power are in your hands. And underfoot, where high-performance pneumatic tires provide a reassuringly strong grip on uneven surfaces. Get ready to get stuff done.

3000 – 6500^{LB.}

CAPACITY





CORE IC PNEUMATIC ADVANTAGES

- ▶ **SYSTEM OF ACTIVE STABILITY™ (SAS)**
automatically detects potentially unsafe conditions and engages additional safety features for increased operator protection and reduced product and forklift damage
- ▶ **ACTIVE MAST CONTROL** responds automatically to enhance stability of loads handled at high lift heights
- ▶ **FORWARD TILT ANGLE CONTROL & REAR TILT SPEED CONTROL** act automatically in uncertain situations to protect the operator and reduce product and forklift damage
- ▶ **ONE-WAY AUTOMATIC FORK LEVELING** levels forks parallel to the ground from back tilt position with the push of a button
- ▶ **TWO-WAY AUTOMATIC FORK LEVELING**, on mini-lever and joystick control options, levels forks from back tilt and forward tilt positions
- ▶ **STRUCTURALLY RUGGED MAST CHANNEL DESIGN** provides maximum load capacity retention by limiting mast deflection
- ▶ **CONTROL AREA NETWORK (CAN-BUS)** communication technology for quicker, more reliable control of truck functions with fewer components





► **STANDARD LCD MULTI-FUNCTION DISPLAY**

puts customizable performance, operational data, and QR code diagnostics right at your fingertips

- **DURABILITY BY DESIGN** including tilt cylinder protection boots, stamped steel engine hood, fully sealed air intake, plate-iron front fenders, and moisture-resistant electrical connections

► **REINFORCED LOAD BACKREST EXTENSION**

with recessed fasteners reduces potential for product damage

- **PREMIUM COMFORT SEAT** utilizes high-quality materials and a multitude of adjustable settings to deliver a smooth ride, shift after shift

- **IMPROVED ERGONOMICS** including load-sensing power steering, 11.8" steering wheel, dash-integrated amenity tray, and oversized cup holder

- **WELDED, ROLL-FORMED OVERHEAD GUARD PILLARS** provide maximum operator protection with improved entry/exit and load visibility

- **STANDARD LED HEADLIGHTS** lower operational costs due to reduced amp draw and no filament



MORE GET UP, GET OUT & GO

More power for big loads. More durability for heavy, harsh conditions. More grip for uneven surfaces. More material-handling prowess to knock off every item on your outdoor to-do list. Whatever the challenge, the Core IC Pneumatic is up for it.

VISIBLY BETTER

Forward, up, back. Any way you look, you'll appreciate the clear, open sight lines of the Core IC Pneumatic. Mast hosing is tucked away, overhead guard bars are oriented for maximum visibility, and the mast crossmember doesn't block your view of the fork tips. The standard LCD multi-function display, conveniently located on the dash, features QR code diagnostics for ease of access to operational and performance data.

SAS

SYSTEM OF ACTIVE
STABILITY

STABILITY: NOW AN ACTION VERB

Toyota's System of Active Stability™ springs into action when operators encounter unanticipated load and speed conditions.

Active Control Rear Stabilizer senses potentially-dangerous turn speeds and widens the forklift's center of gravity to decrease the likelihood of a lateral tip-over.

Active Mast Control automatically limits operator actions that could cause the forklift to tip forward or backward. Forward tilt control monitors load weight and mast height, then acts to limit forward tilt in potentially-unstable situations. Rear tilt control slows tilt speed to half, decreasing the chances of spilling unsecured loads and increasing forklift stability.

AN INVESTMENT THAT PAYS YOU BACK

Some competitors are content to design and build a forklift with systems bought off the shelf. Toyota demands better for its customers. It's a forklift with better components and meticulously planned integrated systems that work together to deliver intuitive, dependable performance day after day. Toyota forklifts don't often require service. But when they do, it's fast and easy — by design. And legendary Toyota quality means more productivity over the lifecycle of your forklift, along with lower repair costs. Higher residual value is another bonus.

YOUR SPECIALIZED FORKLIFT

You can count on Toyota's Core IC Pneumatic Forklift to fit your material handling needs. Everything from fork attachments to accessories, and nearly unlimited special design request possibilities allow you to customize a forklift for your application.

INDUSTRIES



Brick, Block & Pipe



General Warehousing



Distribution



Lumber



Factory



Paper



General Manufacturing



Retail

FUEL TYPE

LP / DUAL FUEL

UP TO **11.5** MPH

TRAVEL SPEED WITH FULL LOAD





"I'M HERE TO MAKE SURE YOUR FORKLIFTS DON'T TAKE VACATION DAYS."

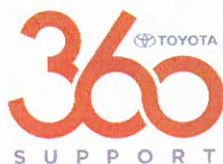
Butch - 360 Technician, ProLift, Cincinnati, Ohio



HELP IS ALWAYS HERE WITH TOYOTA 360 SUPPORT.

The industry's best and most comprehensive dealer network quickly delivers Toyota Certified Technicians to your work site. These specially trained technicians can also help assess your warehouse and facility needs to recommend the right equipment for the job. And with the largest fleet of material handling equipment, Toyota 360 keeps your business running at full speed.

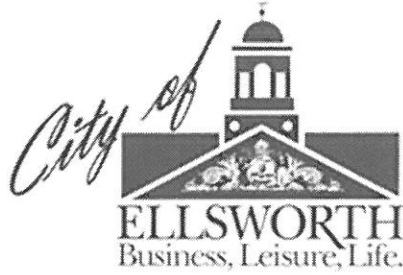
ToyotaForklift.com/360-Support



YOUR BUSINESS IS RIDING ON IT.

Some product features described herein are optional. Please consult your dealer for specifications. Details of specifications and equipment are based on information available at time of printing and may change without notice. Photos may not reflect physical trucks.





**Public Works Department
Fork truck**

Bid Announcement

The City of Ellsworth is accepting bids for the purchase of a new Forklift

Bids must be submitted by 11:00 AM, January 3, 2024:

City of Ellsworth
City Clerk's Office
One City Hall Plaza
Ellsworth, ME 04605

Bids will be opened at the above time with the award to be made later. The City of Ellsworth reserves the right to accept or reject any or all bids in the best interest of the community.

General Requirements

1. Failure to comply with any of the general requirements may be grounds for rejection.
2. Bids must be received no later than the time and date specified below:
Time: 11:00 AM
Date: Wednesday, January 3, 2024
3. The specifications listed are the minimum acceptable. Any deviation from the specifications shall be specifically and individually enumerated in the space provided marked "**Deviation from Specifications**" and attached check list completed.
4. All bids shall be submitted on the forms provided.
5. All bids must be in sealed envelopes and have written or type on the front of them **Mark Envelopes– "Bid for Forklift**

6. All prices quoted shall be firm for a sixty (60) calendar day period.
7. Unit shall be the latest model available (manufactured in 2023 or 2024), fully tested, serviced and ready to operate.
8. Payment shall be made to the successful vendor within 30 calendar days of the date of satisfactory delivery and acceptance by the City of Ellsworth.
9. Prices quoted shall include furnishing the equipment, all delivery costs, and ready for use at a location determined by the City.
10. In the quotation all vendors should describe the warranty provided with the equipment, the term (in months, hours, etc.), and the coverage (which components of the equipment, parts, labor, transport, shipping, etc.).
11. The City of Ellsworth reserves the right to reject any or all quotes, or parts thereof, and to waive any informality therein should the best interests of the City be served therein.
12. Specifications given are not meant to be restrictive. The vendor shall certify that the item proposed is equal to or of better quality than required by the specifications.
13. Chosen Bidder shall supply on delivery 1 hard copy/paper copy of operating, parts and shop Manuals along with electronic equivalent, either CD or free web based site. A retainer for 5% of the contract may be held pending receipt of these manuals.

BID SPECIFICATIONS
2023/2024 forklift

GENERAL:

The equipment called for shall be a propane fueled fork truck
Minimum Engine 2.4-Liter engine
Transmission power shift
Tilt steering column
Power steering
Low oil/overheat engine shutdown
Dual element air cleaner
Tilt cylinder covers
Counterweight
Electronic parking brake

Base capacity before adding attachments be 5,000lbs @24 inch load center.

MINIMUM LOAD CAPACITY:

4500 LB

DIMENSIONS:

Width dimensions of the entire unit shall not exceed 43 inches

Brakes: oil cooled disk brakes

Minimum tire sizes: Drive tires-6.5x10 Steer tires 5x8

Mast: 3-stage

Tilt Cylinders: 6-degree forward /5- degree back

Minimum Carriage: 41inch wide/hook type

Forks: 48-inch longx48inch wide X1 1/2 inch thick

Rotator: 4500 lbs. -360degrees

Overhead Guard: Standard height

Hydraulic Lines: 3 way for attachments

Hydraulic Valve: 3 section valve with three levers

Mirrors: Large overhead center mirror

Seat: Standard vinyl safety seat

Seat Belt: Standard

Direction Control: Single lever with Forward and Reverse

Grab bar: rear grab bar with horn button

LP Tank cradle: Standard mounting with spare tank provided

Lights and alarms:

Standard overhead strobe mounted on OHG, Auditable back alarm, 2 front and 2 rear LED flood lights,

Deviation from Specifications

- 1.
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Please list all manufacture warranties along with options for extended warranty, service contracts, and service availability



901 Center St
Auburn, ME
800.341.6702
207.784.9311

309 Sheep Davis Rd
Concord, NH
800.341.6702
603.225.1171

297 Hartford Pike
Shrewsbury, MA
800.341.6702
508.798.3411

TO : **City of Ellsworth**
One City Hall Plaza
Ellsworth, ME 04605

Telephone : (207) 667-2563

Date : 12/26/2023

Quotation : 20658

Prepared By : Devon Day

Estimated DOD : 22 weeks, subject to prior sale

I am pleased to submit the following quotation for your consideration.

(1) Bobcat Forklifts G25N-7 LP GCT 2.4L Engine 5,000 lb. Capacity, I. C. Pneumatic Tire Forklift

Configured Options

UL Rating	UL Rated Type LP
Brakes	Oil-Cooled Disc Brakes
Tires	Single Pneumatic 7.00-15 12PR Drive / 6.50-10 10PR Steer
Mast	3-Stage Full Free Triple High Visibility MFH 189" OAL 86" FFH 60"
Tilt Cylinders	6° Forward / 5° Back
Carriage	Hook Type 43" Wide - High Visibility - Class II
Forks	Hook Type - Pallet - 2.0" x 4" x 59"
Load Backrest	44" Wide x 47" High
Overhead Guard	Standard Height - 86"
Hydraulic Lines	3-Way For Attachment
Hydraulic Control Valve	3 Section with 3 Levers
Mirrors	Large Rear View Mirrors
Seat	Vinyl Suspension Seat
Seat Belt	Orange
Direction Control	Standard - Lever Direction Control
Grab Bar	Rear Grab Bar with Horn Button
LP Tank Cradle	Standard Mounting
Warning Lights	Strobe - Amber - Mounted Above OHG
Warning Device	Back-Up Alarm (Outside Mount)
Front Work Lights	(2) Front Flood Lights - LED
Rear Work Lights	(2) Rear Flood Lights - LED
Radiator	Standard Radiator
Warranty	Bobcat Assurance - Standard 2 Year / 3,000 Hour, Powertrain 3 Year / 6,000 Hour, OCDB 5 Year / 10,000 Hour



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297 Hartford Pike
Shrewsbury, MA
800.341.6702
508.798.3411

Standard Equipment

GCT 2.4L Engine and ODB
Power Shift Transmission
Oil Cooled Disc Brakes
Power Steering
Tiltable Steering Column
Engine Shutdown
Dual Element Air Cleaner
LP Tank Mounting
Interior Tilt Cylinder Covers
Mirror - Panoramic

Other Equipment & Accessories

Total Rotator 4,600lb
(2) LP Tank
Operating/Parts Manuals

Total Price F.O.B Delivered Ellsworth, ME :

\$ 39,960.00 plus tax

Pricing subject to change due to market volatility.

Proposal Authorization:

Signed and accepted on behalf of:
City of Ellsworth

Signed and accepted on behalf of:
W.D. Matthews Machinery Co.

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date



Public Works Department Fork truck

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2023/2024 forklift**

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HANCOCK COUNTY HAZARD MITIGATION PLAN – 2024 UPDATE

MUNICIPAL RESOLUTION

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property and lives in Hancock County;

And whereas the creation of a multi-jurisdictional Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

And whereas, the municipalities in Hancock County are committed to the mitigation goals and measures as presented in this plan;

Therefore the Boards of Selectmen of the incorporated towns and the Councils of Bar Harbor, Bucksport and Ellsworth hereby adopts the Hancock County Hazard Mitigation Plan 2024 Update.

AUTHORIZING SIGNATURES – Town/City/_____

Location of Signatories_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____

Name _____ Title _____ Date_____