

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Tuesday, February 18, 2025, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - January 21, 2025, Regular Meeting
5. Presentation of Awards.
 - Tyler Kennedy – 10 years of service
6. City Manager's Report.
7. Committee Reports.
 - Request appointment of William Fogle to the Historic Preservation Commission.
8. Citizen's Comments.
9. Councilor Comments.

UNFINISHED BUSINESS

CONSENT AGENDA

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

NEW BUSINESS

10. Council Order #022500 Ratification of the contract for the incoming Deputy City Manager.

11. Council Order #022501 Public Hearing and action on the request of the Public Works Director to accept the bid for local roads paving.
12. Council Order #022502 Public Hearing and action on the request of the Public Works Director to accept the proposal to perform a major service on the Wastewater Department Dewatering Centrifuge.
13. Council Order #022503 Update from the City Manager on the Brae Drive private utilities line issue.
14. Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.
15. Adjournment.

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Tuesday, January 21, 2025, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

AGENDA

1. Call to Order. *City Manager Pearce absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - December 16, 2024, Regular Meeting
 - January 7, 2025, Special Meeting

Move to adopt December 16, 2024, T Mote, seconded by T White, passed 6-1 (P Lyons abstained)

Move to adopt January 7, 2025, T Mote, seconded by T White, passed 7-0

5. Presentation of Awards.
 - Mike Harris – 20 years of Service
 - Proclamation of Community Risk Reduction Week, January 20-26, 2025

6. City Manager's Report.

Deputy City Manager announcement – after an extensive search from over 200 applicants and multiple rounds of interviews, we are pleased to announce the appointment of Sara Devlin as Deputy City Manager, effective February 10, 2025. Sara is an Ellsworth resident, who has extensive expertise in community planning, organizational leadership and infrastructure development to support the city's operations and strategic goals. She comes to us from the Bangor Area Comprehensive Transportation System, where she was their Executive Director. She has also had leadership roles with the Maine Turnpike Authority and the Greater Portland Council of Governments.

Heart of Ellsworth – HoE would like to invite the community to their 2025 Annual Meeting on February 5th from 5:30-7pm at 16 State Street. This will be a special celebration as they are celebrating 10 years of revitalizing downtown Ellsworth.

Community Development Block Grant (CDBG) – we are excited to announce the launch of a Façade Improvement Grant Program for downtown businesses and commercial property owners. This is funded through a Community Development Block Grant which offers matching funds to help revitalize building exteriors and enhance downtown. The program offers a 3-to-1 match for private investments with grants up to \$25,000 per project. Applications are due by March 14, 2025, at 12:30pm and will be reviewed by an advisory committee.

Clerk and Tax Office Temporary Relocation – the Clerk and Tax offices will be temporarily relocating to the second-floor auditorium for the month of February while their first-floor space is remodeled. To facilitate the move, these offices will be closed Friday January 31st and will reopen in the temporary location on Monday February 3rd. All services will be fully available during this time and visitors can access the temporary location via the elevator or stairs in the entrance hall.

Organization Funding Requests – a reminder to organizations submitting funding applications, the deadline is Friday February 14, 2025, at 12:30pm. Clear and detailed requests are critical.

Fire and Ice Festival – taking place from January 31 – February 2. This will include a film festival, winter market and a fireworks display. The Grand will host the Banff Film Festival with screenings Friday and Saturday at 7pm and Sunday at 2pm. Woodlawn will host an indoor winter craft & farmer's market on Saturday from 10am to 1pm. On Saturday at 5pm, there will be fireworks launched from the Ellsworth High School softball field.

7. Committee Reports.

J Stein – Recreation Commission met last week and this morning (1/21), public is always welcome. There will be a planning meeting tomorrow morning (1/22) at 10am at the Moore Center to discuss the Fire and Ice event, anyone wishing to get involved is welcome to attend. The Rec Commission also went forward with purchasing a synthetic ice rink. This is a pilot program, they purchased 16x16 foot series of panels which are made for indoor or warm weather skating.

8. Citizen's Comments.

John Linnehan – has spoken at past meetings about his desire to educate voters on the kind of candidates that he believes should be on the City Council. To lower the property taxes, we must have Councilors that vote to reduce spending and limit the size and scope of government. By doing this, he has been told that he is breaking the City Council rules, however he does not interpret what he is doing to be breaking them. If the city and the Council believe that he is in violation, he would like to state that he is violating on purpose for his uninterrupted allotted time. He is going to continue to advocate for some members of the Council to be removed at the next election and the city's rule against politicking and political activities is unconstitutional.

9. Councilor Comments.

J Stein – had a number of people reach out to him regarding the sidewalks not being cleared. The two sidewalk plow scrapers are down and being repaired and will be back up soon.

Mike Harris, Public Works Director – at least two of the machines will be back up and running tomorrow (1/22) so they will be out clearing all the sidewalks and apologies that people were not able to access the sidewalks.

N Smith – this was the second snowstorm of the season that has fallen on a holiday. She would like to note that crews were out Sunday night into Monday, Martin Luther King Day, and we wish that we could time the snowstorms better. She would also like to show her appreciation for the work that they do.

UNFINISHED BUSINESS

CONSENT AGENDA

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

NEW BUSINESS

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

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

Move to approve T Mote, seconded by P Lyons, passed 7-0

****New Business****

- Acadia Village Resort Homeowner's Association d/b/a Acadia Village Resort, 50 Resort Way for a new City Lodging License.

Move to approve T Mote, seconded by N Smith, passed 7-0

11. Council Order #012500 Public Hearing and action on amendments to the Ellsworth Public Library Personnel Ordinance.

Sarah Lesko, Library Director – not sure if she should be present, it isn't technically an ordinance, it's approved by the Board of Trustees. They are adding the paid family medical leave and the benefit changes that were added to the city's personnel ordinance in November.

Move to approve as necessary amendments to the Ellsworth Public Library Personnel Agreement to reflect changes made to the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance, P Lyons, seconded by J Stein, passed 7-0

12. Council Order #012501 Public Hearing and action on the request of the City Planner to authorize the City Manager to sign a Purchase & Sale Agreement with a goal closing date of March 31st, 2025, for the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price of \$185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants.

Matt Williams, City Planner – this is a continuation from the November meeting, when the grant funds were accepted. The Purchase & Sale Agreement has been drafted and reviewed by both the city's attorneys and the sellers attorney. The only due diligence that is left is the title work, and he received the newly written legal description of the property today (1/21), and the lawyers have that so they can finish the title work.

Mary Blackstone – would like to congratulate the city and the City Planner for securing the funds for this enhancement of the public forest. It will have a major impact on the quality of our drinking water and the recreational opportunities for the community.

Motion to authorize the City Manager to sign a purchase and sale agreement with a goal closing date of March 31, 2025 for the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price of \$185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants, T Mote, seconded by N Smith, passed 7-0

13. Council Order #012502 Public Hearing and action on the request of the Arbor Commission for amendments to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance.

Casey Hanson, Arbor Commission – there was a tree ordinance that was adopted in 1991 and is very minimal and that was largely ignored. In the fall of 2023, the Arbor Commission was reassembled and one of the goals was to look at the ordinance and update it and make it more relevant. The new ordinance now has your basic purpose, definitions, defines and clarifies the Tree Warden position, the goals of the commission, permit requirements, specifies that we would follow the American National Standards Institute specification for pruning and shade tree care, the relationship between the tree ordinance and the forest management plan, defines protections for trees on City property and violations.

Councilors had some questions regarding wording in a few sections and made suggestions on how to make it clearer. There was also a question regarding the Land Use Ordinance and if the information in section 7.2 would be better suited for that ordinance instead of the Tree Ordinance. The spirit of the intent of this ordinance is the trees are an important resource and updating it would bring measurable benefits to the city by reducing storm water runoff, improving air quality and supporting biodiversity. Studies have demonstrated that the economic and environmental advantages of protecting and planting trees in urban areas include boosting property values and enhancing public health.

Mike Harris, Public Works Director – his concern is how is this going to affect his crew's ability to do the work that they need to do. At times when they are ditching, trees have to be removed, or they are in the right of way and are blocking side distance and would have to be removed.

The Tree Warden would be working with his department, and would be aware of what is going on so there would be nothing extra and no permits for the things that are done under the purview of the city. The public would also be able to contact the Tree Warden if needed.

Councilor Smith – would like to speak in support of the Arbor Commission and sometimes you have to cut the trees and sometimes they add so much to quality of life in a community. So having this extra step where there is a consideration of does the tree need to be cut down or is there another way to address the issue is good.

Councilor White – thank you for the work on this and would like to further push this update because trees are so important to us here in Ellsworth and in Maine, it is what makes us in her opinion one of the most beautiful places in the world to exist. Without protections for our trees we risk losing all of that and creating more work for our Public Works team, a lot less desirable property values for our homes so we really want to do whatever we can to protect and preserve our trees.

There is currently a member of the Public Works department that is working on his Arborist certification. There is no intention to destroy trees, but in the event that there is a situation where they have a road opening permit they would get some advice on it and at some point a decision has to be made.

After some discussion, there were concerns raised about the permits because the way it reads, it makes it seem like any time there will be cutting that a permit is required but there is no clear description of what the requirements are. There needs to be clearer standards and requirements for the permit process. There were also concerns because of vagueness whether, if the appeal process were to be started, a court would throw the case out because there was not clear guidelines.

The council would like the Arbor Commission to add specific details about the permit requirements and how that decision will be made and what document is referenced. Also, recommendations for a fee structure and maybe an earmark where the fee goes.

Motion to table, P Lyons, seconded by J Stein, passed 6-1 (S O'Halloran opposed)

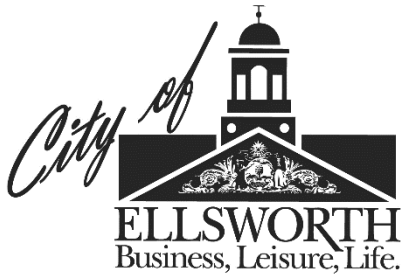
14. Council Order #012503 Discussion and potential action on the formation of a Comprehensive Water Protection Committee and Ad-Hoc Committee. (Sponsored by Councilor Stein)

This was brought up briefly during the discussion about drinking water. The goal of this committee is to work with and advise the City Planner, local expert organizations and stakeholders, as well as other city departments to develop specific protective ordinances that aim to ensure the protection of our watersheds and drinking water. These changes are to be in line with the 2025 Comprehensive plan, newly ratified by the council. The committee will recommend these changes to the council for review and possible adoption, with the possibility of an additional workshop prior to council action and public hearing. Direction from the council will be needed through the process and instead of lengthy workshops or City Council meetings, communication with this group could be a subcommittee or ad-hoc committee that could report back to the council when necessary. Had thought this could be a working group instead of a committee because it could be staffed with current board and commission members where a committee may or may not need to accept applications.

Matt Williams, City Planner – it was made pretty clear through the comp plan that people don't want development around our lakes. It would be looking at how to improve what Branch Lake has now and how to replicate that for others, like Green Lake and Graham Lake. He thinks that a working group makes sense because there will be a large staff presence and outside stakeholders whereas an ad-hoc committee is usually more just councilors but either option would work. Councilors Stein and Beal will participate and Councilor Lyons would like to be kept in the loop.

15. Adjournment.

Move to adjourn, N Smith, seconded by T White, passed 7-0



City Manager

1 City Hall Plaza ♦ Ellsworth, ME 04605-1942

Phone (207) 667-2563

www.ellsworthmaine.gov

Memo

To: Ellsworth City Council

From: Charlie Pearce, City Manager

Date: February 13th, 2025

Subject: Ratification of Appointment of Deputy City Manager



Suggested Motion: *I hereby make a motion for the Ellsworth City Council to ratify the appointment of Sara Devlin as the Deputy City Manager as an administrative employee reporting to the City Manager, in accordance with the City Charter and applicable personnel policies, effective immediately.*

Background

Pursuant to the City Charter and municipal administrative structure, this motion affirms the appointment of Sara Devlin Deputy City Manager as an administrative employee under the direction of the City Manager. This designation ensures clarity in reporting structure, administrative oversight, and operations.

Job Description with general duties described is attached to this briefing packet. This marks a return of the Deputy City Manager position which has remained vacant since the departure of the previous Deputy City Manager in 2020.

Press Release Announcing Sara Devlin's Hire

Ellsworth Welcomes Sara Devlin as New Deputy City Manager

The City of Ellsworth is pleased to announce the appointment of Sara Devlin as Deputy City Manager, effective February 10, 2025. An Ellsworth local, Ms. Devlin brings a wealth of knowledge and expertise in community planning, organizational leadership, and infrastructure development to support the city's operations and strategic initiatives.

Ms. Devlin joins the City of Ellsworth from the Bangor Area Comprehensive Transportation System (BACTS), where she served as Executive Director. After earning a master's degree in Community Planning and Development, she began a career at the Maine Turnpike Authority as Government Relations Liaison, where she worked for nearly a decade before advancing to Director of the Metropolitan Planning Organization at the Greater Portland Council of Governments. Ms.

Devlin brings extensive experience in grant acquisition and management, including securing a \$500,000 Safe Streets for All grant. She has a proven ability to build strong relationships with key stakeholders and has made substantial contributions to regional infrastructure projects.

“Throughout my career, I have always worked under the guidance of a board or council,” said Ms. Devlin. “I thrive in a team environment and have had the privilege of growing organizations, leading major capital projects, and facilitating community outreach initiatives.”

As Deputy City Manager, Ms. Devlin plans to work alongside the City Manager Charlie Pearce and staff to establish a strong foundation for growth, focusing on sustainable and reliable infrastructure, alongside policies that preserve Ellsworth’s character while promoting directing development to key areas of this growing community. She looks forward to strengthening partnerships with federal, state, and local stakeholder, as well as with residents, whom she considers one of the city’s most valuable resources and deserving of meaningful engagement. She looks forward to spending more time in the community and building strong connections.

After an extensive search that received around 200 applications with many strong candidates across Maine and the country, the Hiring Committee and City Manager Pearce determined that Ms. Devlin is the right fit for the role. “Her exceptional leadership, expertise in planning and infrastructure, community engagement, and grants management make her perfectly suited to help shape a bright future for Ellsworth. I’m excited to work alongside her and achieve great things for our city.”

Ellsworth holds a special place in Ms. Devlin’s heart, rooted in family traditions and memories at her grandparents’ camp on Branch Lake. Her great-grandfather was an Ellsworth High School graduate, and after returning to the area in early 2020 following two decades in Portland, Ms. Devlin is eager to deepen her engagement with the community and raise her family here.

“Working as Deputy City Manager aligns perfectly with my experience and aspirations and is an opportunity to serve a community I cherish,” she remarked. “I look forward to collaborating with residents and businesses to make Ellsworth the best place to live, work, and play.”

Additional Background on Sara Devlin: <https://www.linkedin.com/in/sara-devlin-8443604b/>

Ellsworth City Charter on Administrative Appointments:

file:///Users/cpearce/Downloads/Ellsworth-Charter-Complete-Effective-7-1-2024.pdf

Sec. 6.03 - Appointed Administrative Officials. The Council will annually appoint the following appointed Administrative Officials. Except as provided herein, appointed Administrative Officials will be subject to the City’s Personnel Rules, will report to the City Manager, and will perform the duties ascribed to them by general law, this Charter, City Ordinance, or assigned to them by the City Manager. (a) Assessor. The Assessor may not be removed from office based on disagreement with respect to assessing practice employed by the assessor where such practice is generally accepted and lawful; (b) City Clerk; (c) Treasurer; (d) Tax Collector; (e) Agent to the Overseers.

Sec. 6.04 - City Attorney. The City Attorney will serve as chief legal advisor to the Council, the City Manager and all City departments, boards, agencies and commissions, except for a School Board and except in matters involving criminal activity and prosecution. The City Attorney may

represent the City in all legal proceedings and perform any other duties prescribed by ordinance and law. The City Attorney may be a law firm under contract with the City, or an employee of the City of Ellsworth appointed by the Council in which case the City Attorney will be considered an appointed Administrative Official.

Sec. 6.05 - Confirmed Administrative Employees. The City Manager will annually appoint the following Administrative Employees subject to confirmation by the Council, provided that the City elects to create, fill, and maintain such positions. In the event the City elects to create, fill, and maintain a department head position or deputy department head position not listed herein, such positions will be deemed to be confirmed Administrative Employees. Confirmed Administrative Employees will be subject to the City's Personnel Rules (unless a member of a collective bargaining unit), will report to the City Manager, and will perform the duties ascribed to them by general law, this Charter, City Ordinance, or assigned to them by the City Manager. 21 Effective July 1, 2024 (a) Building Inspector; (b) Building Maintenance Supervisor; (c) City Planner; (d) Code Enforcement Officer; (e) Community Development Director; (f) Electrical Inspector; (g) Emergency Preparedness Director; (h) Fire Chief; (i) Harbormaster; (j) Health Officer; (k) Plumbing Inspector; (l) Police Chief; (m) Police Lieutenant; (n) Superintendent of Highways; (o) Superintendent of Wastewater Treatment; (p) Superintendent of Water Department; (q) Technology coordinator (r) Tree Warden; (s) Welfare Director; and (t) Any Deputies or alternates to any of the above positions.

Sec. 6.06 - Oath of Office. Upon hire, promotion, appointment, or confirmation, all appointed Administrative Officials and confirmed Administrative Employees, police department personnel, and the City Manager must be sworn to the faithful discharge of the duties incumbent upon him or her and to support the Constitutions of the United States and the State of Maine, the laws of the State of Maine, this Charter, and City ordinances.

Job Posting (Deputy City Manager)

Job Title: Deputy City Manager

Salary Range: \$80,000-\$115,000

The City of Ellsworth, Maine, is seeking a mission driven and dynamic Deputy City Manager to join our leadership team. Working in close partnership with the City Manager to oversee the operations of a complex and vibrant organization, this role offers a unique blend of strategic leadership, public service, and community impact. It's a chance to make a significant difference in a rapidly growing city, working with a dedicated team of professionals committed to excellence and continuous improvement.

With a \$35 million operating budget, over 100 full-time and 20 part-time employees across 19 departments, including Human Resources, Finance, Economic Development, Code Enforcement, Police, Fire, Legal, Planning, Schools, Library, Clerk's Office, Social Services, Assessing, Communications, and Information Technology, the Deputy City Manager will be instrumental in driving organizational success and enhancing service delivery to meet the needs of our growing community. Municipal experience is a plus but not required. The ideal candidate is a results-oriented team builder and systems level thinker; a dynamic project manager with an exceptional ability to identify and tackle priorities.

Position Purpose:

In partnership with the City Manager, the Deputy City Manager will help support and coordinate the operations of all City departments, ensuring alignment with the City's strategic goals and objectives. This position includes oversight of special projects, interdepartmental initiatives, and the implementation of policies set by the City Manager and City Council. The Deputy City Manager will liaison with the community and provide professional advice and counsel to the City Manager, City Council, and various officials, departments, boards, and committees on the development, implementation, and administration of policies, regulations, and statutory requirements related to the administration and operation of the City.

Key Responsibilities:

- **City Operations Management:**

Facilitate the operations of the City in accordance with city ordinances, city charter, and all state and federal laws. Serve as a liaison between the City Manager and department heads, keeping the City Manager apprised of departmental activities and progress towards city goals. Provide oversight of professional contractors and consultants as needed.

- **Leadership & Supervision:**

Supervise a subset of department heads and administrative staff under the direction of the City Manager. Participate in hiring, training, performance evaluations, and discipline of senior management personnel. Establish policies and procedures for all city functions and oversee and participate in the resolution of inquiries and complaints from the public and other organizations.

- **Policy Development & Implementation:**

Commented [NS1]: this seems unnecessary, an interested candidate will see this on the website.

Commented [NS2]: nothing here about the teamwork required within Konu framework. this is not a git'er dun kind of job, it's about so much more

Commented [NS3]: "results'oriented" seems more jargony than helpful. There's no reference here to the human skills highlighted in Konu training. It's not so much being results-oriented as achieving immediate outcomes while enhancing the city's human resources.

Commented [NS4]: clarity of roles is essential here.

Provide professional advice to the City Manager, City Council, and various officials on policy, goals, regulations, and statutory requirements related to the administration and operation of the city. Develop and implement city-wide plans, policies, and procedures to support the city's strategic goals.

- **Administrative Systems & Decision-Making Support:**

Develop and maintain administrative systems that streamline day-to-day operations of City Hall, ensuring that time, information, and decision processes are effective and efficient. Facilitate communication among the leadership team and across the organization, connecting work streams and preventing the development of operational silos. Ensure expedient decision-making timelines by facilitating accurate and timely information flow between relevant parties, and support the City Manager and leadership team in navigating uncertainty and risk.

- **Community & Stakeholder Engagement:**

Serve as an additional liaison to the City Council, attending all meetings and providing briefings on pending agenda items and other city issues when the City Manager is unavailable. Engage with residents, businesses, and community organizations to understand their needs and incorporate their feedback into city planning and operations.

- **Project Management & Special Initiatives:**

Coordinate special projects, including the planning, design, implementation, and evaluation of city initiatives. This may include the formulation of a Grants Consolidation and Management system and a new Parks and Recreation Department or the proper resourcing of such activities within the roles and obligations of city staff, non-profit/business partners, and volunteers.

- **Strategic & Long-Range Planning:**

Assist the City Manager with strategic and long-range planning for the city. Participate in planning efforts at the local and regional level, monitor pending legislation for impact on the City, and ensure compliance with new legislation. Prioritize integration and implementation of the City's 2035 Comprehensive Plan where possible.

Essential Skills & Attributes:

- **Empathy, Maturity, & Situational Sensitivity:**

Possess the empathy to listen, the maturity to navigate complex situations, and the sensitivity to adapt to evolving circumstances. Demonstrate a strong focus on productivity and the efficient use of time and resources.

- **Organizational & Political Awareness:**

Ability to navigate complex organizational structures and political landscapes, anticipating and averting potential problems while supporting the City Manager/Council vision.

- **Communication & Collaboration:**

Commented [NS5]: This seems the most critical, and requires a unique skill set that may be quite different from the other roles you hope to fill with this person.

Commented [NS6]: this is one of your primary roles.

Commented [NS7]: Agreed, and this should be clear in the roles you assign.

Strong communication skills with the ability to connect people across the organization, ensuring clear and consistent information flow. Proactively address issues to prevent the development of silos and to facilitate collaborative problem-solving.

- **Decision-Making Support:**

Help the City Manager and leadership team navigate through uncertainty and risk, providing critical information and insights that facilitate timely and effective decision-making.

Qualifications:

- **Education & Experience:**

- Those with and without a formal college degree are encouraged to apply. As stated above, the ability to get results and a proven track record of doing so are the primary qualifications for this position.
- Bachelor's/Masters degree in Public Administration, Business Administration, Political Science, or a related field may be preferred if the essential skills and attributes are met.
- At least 7-10 years of progressively responsible experience in the private/non-profit sectors or municipal government/public administration, including significant supervisory experience.

- **Knowledge, Skills & Abilities:**

- Strong leadership and interpersonal skills, with the ability to build effective relationships with elected officials, department heads, employees, and community members.
- Ability to analyze and interpret data, develop city-wide plans and policies, and communicate findings clearly to decision-makers.
- Excellent verbal and written communication skills, with a demonstrated ability to present complex information to diverse audiences.
- Ability to manage multiple projects simultaneously, work under pressure, and maintain confidentiality.
- Proficiency with standard office software, including word processing, spreadsheets, and databases.

Job Environment:

- The Economic Development Director's work is performed under typical office conditions. This position may require frequent work outside of business hours, including evening meetings and occasional weekends.
- Occasional remote work is allowed though due to the significant in person citizen/staff/council demands of the role, in person work will be the bulk of the working environment for this role.
- The role involves contact with various organizations, particularly regional, state, and federal agencies, as well as attorneys, the press, and the general public. The position requires the ability to handle confidential information, including personnel records, litigation matters, and collective bargaining strategies.

Benefits:

Commented [NS8]: I think this is a role and not a skill

Commented [NS9]: looks good.

Commented [NS10]: agreed

Work-Life Balance:

- Generous paid time off. Employees can earn up to 7 weeks of paid time off per year! Carry over option up to 480 hours.
- 12 paid holidays per year.

Retirement Options:

- Retirement savings plan with City matching contributions, to help employees plan for a secure future. Additional option to be part of the Maine Public Employees Retirement System (MPERS).

Career Development:

- Opportunities for professional growth through training programs and workshops.
- Tuition reimbursement for continued education, empowering employees to further develop their skills and knowledge.

Financial Security:

- Short Term Disability to cover non-work related injuries or illnesses for up to 52 weeks per year.
- Life Insurance options for employees and dependents.

Health and Wellness:

- Competitive and affordable health insurance plans including medical and dental coverage to ensure employees, and their families stay healthy. Employer covers 93% of the monthly medical insurance premium!
- Wellness program to support our employee's physical and mental well-being.
- Employee Assistance Program.

Application Process:

Qualified candidates are encouraged to submit a cover letter, resume, and references to the HR specialist Lorina Look, at llook@ellsworthmaine.gov. The position is open until filled, but interested applicants are strongly encouraged to apply as soon as possible. The City of Ellsworth is an equal opportunity employer and welcomes applications from all qualified individuals.

About the City of Ellsworth:

As the "Biggest Little City in Maine" (97 Square Miles but only around 9000 people), Ellsworth offers a unique blend of historic charm and rapid modernization. Ellsworth is not just a gateway to nearby Acadia National Park but is a destination in its own right, offering residents and visitors a unique blend of past and present. Incorporated in 1800 and named after Oliver Ellsworth, a signer of the Declaration of Independence and the Constitutional Convention, this early American city boasts a quality of life and place in community that is unmatched in Maine. Nestled in the heart of Downeast Maine, the city of Ellsworth is a professional, recreational, and cultural hub as well as the primary retail service center for

over 80,000 people in the Hancock and Washington County areas (a landmass more than twice the size of Rhode Island.) With its historically preserved downtown and scenic landscapes (including the Union River, three lakes, and a marina along the Maine coastline), Ellsworth is an outdoor enthusiast's paradise. The city is rich with recreational and cultural opportunities, offering a high standard of living, an affordable cost of living, and a workforce that is both skilled and productive (a labor force participation rate of . The city has excellent public schools and robust business and non-profit sectors. This is a place where institutions like Churches, Rotary Clubs, and the Chamber of Commerce are still pillars of the community and where multi generations of families have committed to ensuring there sense of place is preserved. It also has unique challenges, such as dealing with the around 4 million tourists who pass through en route to Acadia each year, and the millions more who visit during the summer as they access the rest of Downeast Maine. Ellsworth is also [considered the 2nd best place to invest for short term rentals](#) in the country. These intense visitor/regional service center pressures put an enormous amount of infrastructure strain on the local tax base/city staff and services requiring innovative approaches to organizational design and state/federal financing support. These pressures also offer unique opportunities for the city to grow its year round tax base through expanded business and residential opportunities as [Ellsworth is projected to grow over the next five years](#) at much higher rates than the surrounding region. The position of Deputy City Manager is an extraordinary opportunity to help shape the future of a city where the American Dream is alive and well. If you are a mission-driven leader with a passion for public service, this is your chance to make a lasting impact in a very special place.

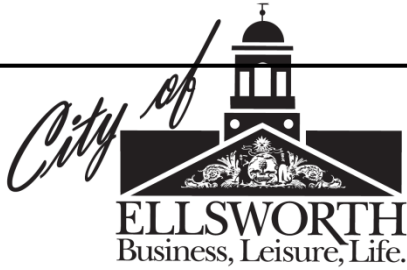
Commented [CP11]: This section is still under development.

Commented [JS12R11]: You could pull (parts of) this section directly from the intro of Comp. Plan, for consistency

Commented [CP13R11]: Can you send me a link to that? Couldn't find it on this site.
<https://www.ellsworthmaine.gov/compplan2035/>

Commented [JS14R11]: I just have so many draft snippets of the plan iterations now, I can't find it either. Matt should have the current version. sorry

Commented [CP15R11]: Bahahahahaha. Will ping Matt on. Looking forward to seeing the comp plan, aligning it against the Business Attraction Plan, and then prioritizing and iterating on getting the things done through process and funding via bond/grants/new revenue generation etc. Had a good presentation on parking meters yesterday that I'll be coming to Finance Committee about soon. Lots of money on the table there. The kind of money that could present fund 4-6 million in additional bonding for infrastructure without raising taxes.



From the Desk of Mike Harris

1 City Hall Plaza • Ellsworth, ME 04605
Phone (207) 667-7315 • Fax (207) 667-9757
mharris@ellsworthmaine.gov



TO: Ellsworth City Council
FROM: Michael Harris, Wastewater Superintendent
DATE: 2/11/2024
SUBJECT: Approval Request – Major Maintenance Service for Dewatering Centrifuge

Motion

*Move to approve the expenditure of **\$29,300** from the Wastewater Department Capital Improvement Account for GEA Westfalia to complete a major maintenance service on the Wastewater Department's dewatering centrifuge.*

Background

I am requesting approval to proceed with a **major maintenance service** on the Wastewater Department's dewatering centrifuge. The centrifuge is a critical component of our sludge processing operations, operating **daily** and processing over **6 million gallons of hauled waste annually**.

The last major service was performed **three years ago**, and routine maintenance is necessary to ensure continued efficiency and reliability. GEA Westfalia, the manufacturer, has quoted a cost of **\$29,300** for this service. This amount may increase slightly if additional parts are needed beyond the standard service components.

Financial Details

The service will be funded through the **Wastewater Department Capital Improvement Account**.

GEA Mechanical Equipment US, inc. GEA Westfalia Separator Division - 400 S Wuthering Hills

City of Ellsworth WWTF
86 Bayside Road
Ellsworth ME 04605

Period of validity
12/29/2024 to 01/30/2025
Offer No. 8700.552.094 Date 12/30/2024
Enquiry No. customer
from 00/00/0000
Customer No.
14212053
Co-ordinator
David Wilkes
Tel.:

Quotation

Terms of delivery
Incoterms 2020
EXW Ex Works Naperville

Terms of payment currency: USD
30 days

Trading conditions

*****THIS IS AN ESTIMATE OF THE APPROXIMATE COSTS*****

***Final charges will be totaled at the completion of the service and may differ from the quotation. ***

***A purchase order is required before work can be scheduled, or parts shipped. ***

Unused Parts can be returned within 10 days of completion of service for full credit.
Any parts to be returned AFTER service is completed must be sent back within 10 days of the service date
otherwise you will be charged a Restocking fee of 20%.
Returns will be shipped to the below address AT CUSTOMERS EXPENSE:

GEA Mechanical Equipment US, Inc.
400 S. Wuthering Hills Dr.
Janesville, WI 53546

GEA Mechanical Equipment US, Inc.
GEA Westfalia Separator Division
400 S Wuthering Hills Drive, Janesville, WI, 53546 USA
Tel: +1 201 767 3900
www.gea.com

Goods and services provided in accordance with GEA Mechanical Equipment US, Inc. Standard Terms and
Conditions of Sale.

City of Ellsworth WWTF
86 Bayside Road
Ellsworth ME 04605

Offer No. 8700.552.094 Date 12/30/2024
Enquiry No. customer
from 00/00/0000

Equipment

230598 Ellsworth WWTP, Ellsworth, ME,US 0014212053
0010-0224-200 8007-298 /UCD 345-00-32

****PRICES VALID FOR 30 DAYS FROM DATE OF QUOTE****
****LABOR & TRAVEL TIMES ARE ESTIMATED AND SUBJECT TO CHANGE****
****EXPENSES WILL BE INVOICED AT ACTUAL COST****
****PLEASE INCLUDE QUOTE NUMBER ON PURCHASE ORDER****

This is in accordance with GEA's terms and conditions which can be provided upon request.

Item	Material Designation	Qty	UQ	Net (USD)	Price (USD)
000003	0021-3222-810 SET OF NARROW V-BELTS	1.00	PC	402.11	402.11
000006	0021-3223-810 SET OF NARROW V-BELTS	1.00	PC	339.47	339.47
000009	0007-2624-750 GASKET	1.00	PC	49.02	49.02
000012	0004-3177-768 PACKING CORD	1.00	M	82.80	82.80
000015	0015-0124-000 HIGH PRESSURE GREASE	10.00	PC	81.15	811.50
000018	0004-2214-780 GASKET	1.00	PC	37.02	37.02
000021	0021-3227-020 SET OF COUPLING COMPONENTS	1.00	PC	153.10	153.10
000024	8405-3286-010 SHAFT SEALING RING	1.00	PC	780.22	780.22
000027	8405-3286-020 SHAFT SEALING RING	1.00	PC	1,961.48	1,961.48
000030	0004-3164-850 SHAFT SEALING RING	1.00	PC	1,486.58	1,486.58

GEA Mechanical Equipment US, Inc.
GEA Westfalia Separator Division
400 S Wuthering Hills Drive, Janesville, WI, 53546 USA
Tel: +1 201 767 3900
www.gea.com

Goods and services provided in accordance with GEA Mechanical Equipment US, Inc. Standard Terms and Conditions of Sale.

City of Ellsworth WWTF
86 Bayside Road
Ellsworth ME 04605

Offer No. 8700.552.094 Date 12/30/2024
Enquiry No. customer
from 00/00/0000

Equipment

230598 Ellsworth WWTP, Ellsworth, ME,US 0014212053
0010-0224-200 8007-298 /UCD 345-00-32

Item	Material Designation	Qty	UQ	Net (USD)	Price (USD)
000033	0007-2061-830 GASKET	1.00	PC	46.74	46.74
000036	0007-1790-830 GASKET	1.00	PC	144.43	144.43
000039	0007-2539-830 GASKET	1.00	PC	76.20	76.20
000042	0007-2826-830 GASKET	1.00	PC	113.09	113.09
000045	0007-3545-830 GASKET	2.00	PC	536.91	1,073.82
000048	0007-1921-550 GASKET	2.00	PC	61.64	123.28
000051	0007-1945-750 GASKET	2.00	PC	11.14	22.28
000054	0004-3023-850 SHAFT SEALING RING	3.00	PC	646.39	1,939.17
000057	0007-2648-750 GASKET	1.00	PC	39.87	39.87
000060	0007-2482-750 GASKET	1.00	PC	16.09	16.09
000063	0007-1997-750 GASKET	4.00	PC	19.11	76.44
000066	0004-3163-850 SHAFT SEALING RING	2.00	PC	880.10	1,760.20
000069	0007-3219-750 GASKET	1.00	PC	83.68	83.68
000072	0004-3164-850	1.00	PC	1,486.58	1,486.58

GEA Mechanical Equipment US, Inc.
GEA Westfalia Separator Division
400 S Wuthering Hills Drive, Janesville, WI, 53546 USA
Tel: +1 201 767 3900
www.gea.com

Goods and services provided in accordance with GEA Mechanical Equipment US, Inc. Standard Terms and Conditions of Sale.

City of Ellsworth WWTF
86 Bayside Road
Ellsworth ME 04605

Offer No. 8700.552.094 Date 12/30/2024
Enquiry No. customer
from 00/00/0000

Equipment

230598 Ellsworth WWTP, Ellsworth, ME,US 0014212053
0010-0224-200 8007-298 /UCD 345-00-32

Item	Material Designation	Qty	UQ	Net (USD)	Price (USD)
	SHAFT SEALING RING				
000075	0026-5874-300	1.00	PC	154.81	154.81
	SECURING RING				
000078	0011-3214-470	1.00	PC	969.56	969.56
	ANGULAR CONTACT BALL BEARING				
000081	0004-3020-300	2.00	PC	220.52	441.04
	NILOS GASKET				
000084	0011-1019-190	1.00	PC	1,606.18	1,606.18
	CYLINDRICAL ROLLER BEARING				
000087	0011-6019-400	1.00	PC	1,112.13	1,112.13
	GROOVED BALL BEARING				
000090	0015-0124-000	10.00	PC	81.15	811.50
	HIGH PRESSURE GREASE				
000093	9300-0002-900	1.00	PC	0.01	0.01
	SERVICE - WORKING HOURS				
000096	9300-0002-910	1.00	PC	9,900.00	9,900.00
	FIX PRICE SERVICE				
000099	9300-0002-202	1.00	PC	1,200.00	1,200.00
	INVOICING OF FREIGHT ACCORDING COSTS				
Net value:				29,300.40	USD
Tax				0.00	USD
Sum total				29,300.40	USD

GEA Mechanical Equipment US, Inc.
GEA Westfalia Separator Division
400 S Wuthering Hills Drive, Janesville, WI, 53546 USA
Tel: +1 201 767 3900
www.gea.com

Goods and services provided in accordance with GEA Mechanical Equipment US, Inc. Standard Terms and Conditions of Sale.



City of Ellsworth WWTF
86 Bayside Road
Ellsworth ME 04605

Offer No. 8700.552.094 Date 12/30/2024
Enquiry No. customer
from 00/00/0000

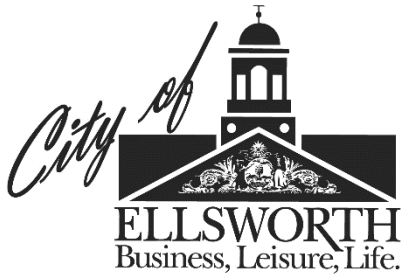
Equipment

230598 Ellsworth WWTP, Ellsworth, ME,US 0014212053
0010-0224-200 8007-298 /UCD 345-00-32

We thank you for your inquiry and look forward to receiving your firm order.

GEA Mechanical Equipment US, Inc.
GEA Westfalia Separator Division
400 S Wuthering Hills Drive, Janesville, WI, 53546 USA
Tel: +1 201 767 3900
www.gea.com

Goods and services provided in accordance with GEA Mechanical Equipment US, Inc. Standard Terms and Conditions of Sale.



City Manager

1 City Hall Plaza ♦ Ellsworth, ME 04605-1942

Phone (207) 667-2563

www.ellsworthmaine.gov

Memo

To: Ellsworth City Council

From: Charlie Pearce, City Manager

Date: February 13th, 2025

Subject: Brae Drive Water Infrastructure and Private Road Status



Background

In the fall of last year, I was contacted by a Brae Drive resident regarding a water leak on the road that required repair. Upon review and consultation with Public Works, Water/Wastewater Department staff, the City Planner, and prior City Managers and Councilors, it was determined that Brae Drive is a private road and as such, the City is legally prohibited from using taxpayer funds to repair the infrastructure, including water lines within the private roadways, unless specific circumstances apply.

Considerations:

Residents of Brae Drive presented several arguments for City intervention, including:

- Previous repairs performed by past Public Works Directors that could set a precedent.
- The potential for the leak to worsen, causing further damage or creating a public health risk.
- The fact that residents pay water and sewer bills, which they believed should cover infrastructure repairs.
- The uniqueness of the situation being a subdivision in center of town next to other roads that were accepted as city roads.

Upon legal and financial review, it was determined that the City cannot use taxpayer funds to repair private road infrastructure in a similar way to how we cannot repair internal water or sewer lines within private homes.

Resident Engagement & City Review

We conducted two meetings with Brae Drive residents. The first meeting allowed the city manager to hear their concerns, and the second included participation from the Public Works Director, Wastewater Superintendent, City Planner, and other staff.

Additionally, the Finance Committee was informed of the situation and concluded that repair costs should not be borne by the City at this time. The Maine Public Utilities Commission (PUC) was consulted regarding the emergency nature of the issue, and they confirmed that the City is not responsible for these repairs under existing regulations. A letter from the PUC, included as an attachment, further supports this conclusion.

At the Finance Committee meeting, we also discussed implementing a note on water bills clarifying that payment is for water delivery and sewage disposal from public lines only and that repairs to private subdivision lines are the responsibility of homeowners or homeowner associations. Notably, Brae Drive does not have a formal homeowner association.

Final Determination & Next Steps

The City cannot assume responsibility for the repair of this private infrastructure. If the water leak worsens and is determined by the Water Superintendent or Public Works Director to be an emergency, the City may intervene to prevent public harm but will bill all Brae Drive residents for the cost of the work.

Alternatively, residents may opt to bring the road to City standards. If they choose this option, the City could bond for the project, and a special assessment would be levied on Brae Drive residents to cover the cost over a designated period. Some though not all of the residents of Brae Drive have expressed opposition to this idea.

Or this council could rule that this is a special circumstance and instruct the city manager to pursue cost estimates and funding sources for the repair of the lines at total city expense.

Historical Precedent & Expert Opinions

As part of my research into this subject I consulted a prior Ellsworth City Manager who noted that they reached the same conclusion when the issue was presented to them in the 1990's:

- That Brae Drive was never accepted as a public way due to improper construction and the lack of an appropriate right-of-way. Thus, the road and underground utilities remain the responsibility of the developer and property owners who bought homes there.
- He further noted that the most appropriate resolution would be a Special Assessment District for Brae Drive residents, spread over 15-20 years, using a front-foot measurement for cost distribution. The right-of-way issue would need to be resolved through voluntary property transfers or eminent domain.

Legal & Municipal Policy Considerations

- **Public Roads vs. Private Ways:** A municipality has no legal right to spend public funds to repair, maintain, or plow private roads (Opinion of the Justices, 560 A.2d 552 (Me. 1989)).
- **Subdivision Regulations:** Private roads remain private unless explicitly accepted by the municipality, including all associated underground utilities.
- **Street Acceptance Process:** The City's ordinance (Section 917) outlines strict criteria for private roads to be converted into public ways, requiring compliance with construction standards, petitions from residents, and financial security measures.

Public Outreach & Next Meeting

A formal notice has been mailed to Brae Drive residents informing them that this matter will be discussed at the upcoming City Council meeting:

- Date: February 18, 2025
- Time: 6:00 PM
- Location: City Hall - Council Chambers

Residents were encouraged to attend and provide input on potential issues/solutions that I may have not outlined well enough here.

Conclusion

While I sympathize with the difficulties faced by Brae Drive residents, we must adhere to legal and fiscal responsibilities in my decision-making for the city. I believe the staff has explored all possible solutions that would allow for City intervention without explicit Council authorization or funding. Ultimately, this issue reflects a broader challenge facing private road residents across Ellsworth.

I look forward to discussing this matter further at the Council meeting.

Attachments:

- Letter from Maine PUC
- Matt's Presentation and Summary of Street Acceptance Policies
- Resident notification letter:
- News article on Brae Drive water leak: https://www.ellsworthamerican.com/news/brae-drive-residents-may-be-on-the-hook-for-water-leak-repairs/article_a865157a-b72d-11ef-a2ca-a346069cf1f0.html

Residents of Brae Drive got a sympathetic hearing but little else upon asking the council to accept their private way as a city street. The road's right-of-way is only 33 feet wide; city standards call for 50 feet. "We're just asking the city to consider waiving the width requirement for winter maintenance purposes," said Ralph Sargent.

Code Enforcement Officer John Dunn recommended against the request, Mayor Spreng said, because "it would set a precedent and make it difficult to enforce current street standards."

Brae Drive developer Robert Ray was informed by the city in 1986 that the street "could never be accepted by the city," Spreng said. He reminded Sargent and several other residents of the street that the city council has already refused to accept the road twice. "It's not a new issue," he said.

"You may have a remedy against Mr. Ray but it's not the city's place to step in," Foote told the residents.



Brae Drive

Tax Map 140

Public Road vs. Private Way

A privately owned road, commonly called a “private road,” is a road over which neither the municipality nor the general public has the right to pass by vehicle or on foot. Anyone using or repairing a privately-owned road without the owner’s permission is subject to an action by the owner for trespass (see 14 M.R.S.A. § § 7551-A and 7552; and Hatch v. Donnell, 74 Me. 163 (1882)).

In general, a municipality has no legal right to spend public funds to repair, maintain or plow privately owned roads (Opinion of the Justices, 560 A.2d 552 (Me. 1989)). In emergency cases, such as a house fire in the winter, it is legal to send a snowplow down a privately owned road so that the fire truck can get in, but the owner is responsible for ensuring that the road is sufficiently maintained to allow the plow to get through.

Laws About Subdivisions

Exploring the regulations surrounding subdivisions

If the road is not accepted as a public way at the time a subdivision is created, the road is a private way.

Utilities under the road are also private unless explicitly accepted as public by the municipality.

A common reason for the formation of Homeowners Associations and Road Associations is the mutual care of shared assets that would be burdensome for a single property owner to maintain on their own.

Process of Public Roads

Understanding how private ways become public roads

917 STREET ACCEPTANCE AS PUBLIC WAYS

917.1 Intent. This section establishes guidelines and procedures to be followed by the City Council for the acceptance of properly constructed streets for maintenance by the City of Ellsworth. Streets being considered for acceptance must be connected to a public way and be paved.

917.2 Application. A request for street acceptance shall be made to the City Manager and include the information listed below. The City Manager and/or the City Council reserves the right to request additional information, as deemed appropriate, including, but not limited to, professional/peer review, street construction costs, and financial security.

- A. Request. A written request from the developer/owner or the abutters to place the street acceptance request on the City Council Agenda.
- B. Petition. A petition signed by a simple majority of the property owners who have the legal right to use the road supporting or acknowledging the request.
- C. Deed. A copy of the deed(s) with accurate legal description of the subject road.
- D. Engineering Report. An engineer's report assuring that the street is built to the standards in effect at the time of construction or Planning Board approval, or description of deficiencies, proposed improvements and standards.
- E. Construction Plan. A time schedule and financing plan for any needed construction.
- F. Financial Security. The City Council may assess a construction cost or financial security for final construction tasks such as, but not limited to, final course pavement.
- G. As Built Drawings. Prior to final acceptance of a street as a public way, the City Council may require detailed "as built" construction drawings showing a plan view, profile, typical cross-section of the street and existing streets within 200 feet of any proposed intersections, as well as all utilities and infrastructure. "As built" construction drawings shall be prepared by an engineer.
- H. Code Enforcement Officer Report. The City of Ellsworth Code Enforcement Officer, in conjunction with the City Highway Foreman, shall inspect the road to record its condition, verify the engineer's report, and submit a written report to the City Manager. Inspection by the Code Enforcement Officer and Highway Foreman should take place between May 1 and November 1.
- I. Utilities. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- J. Professional/Peer Review Cost. When required, the applicants shall pay any professional/peer review costs to the City who in turn will pay the consultant.

917.3 Decision Criteria. Pt. 1

- A. City Council Review. The City Council shall consider all applicable information prior to making a decision, including City street standards, applicant submittals, professional/peer review reports, public benefit criteria, occupation rates and City economic factors.
- B. Economic Factors. Given the number of unaccepted streets in Ellsworth and associated maintenance cost in connection with their acceptance, the City Council will make any final acceptance decision dependent on the availability of fiscal resources, budgetary constraints, and other criteria as established in this policy.
- C. Pre-agreement. In consideration of economic factors, developers who intend to build a street and desire to ask the City Council to take ownership of the road may submit a Letter of Intent to the City Planner. The letter shall include the road type, location, uses that it will serve, and a construction schedule. The City Council may consider the Letter of Intent at their next regular Council Meeting and whether to take ownership of the road once it has been constructed and to the standards of this Article. The City Council may include a time limit for the adoption of any street.

Pt. 2

D. Street Standards. Streets shall meet the following design and Construction Standards. i. ii. For streets approved after May 7, 2009, the City Council will ensure strict compliance with the design standards of this Article. For streets approved between August 20, 2007 and May 7, 2009, the City Council will ensure strict compliance with the design standards of Chapter 35 (repealed on May 7, 2009) in effect at the time of Planning Board Approval. iii. For streets approved between July 19, 1999 and August 19, 2007, the City Council shall aim to have the streets meet the design standards of Chapter 35 in effect at the time of Planning Board approval. In certain exceptional circumstances the City Council may consider alternative standards. iv. For streets built prior to the adoption of Chapter 35 (September 19, 1977) and before July 18, 1999, the council may consider alternative standards. In cases where the creation of a street is not linked to a Planning Board approval, other means will be used to best establish the creation of the road such as but not limited to deeds.

E. Alternative Street Standards. In the event the City Council agrees to consider alternative design standards, it will use the standards published by the American Association of State Highway and Transportation Officials (AASHTO) – most recent version. When AASHTO standards are applied, the design of the street shall, in the opinion of the City Council, provide adequate access to public service vehicles (i.e. fire, plow and garbage trucks, school buses, etc.) and shall not pose a threat to the health, safety, and welfare of the residents of Ellsworth. The City Council may assess a construction cost fee and/or financial security for any part of the road.

Pt. 3

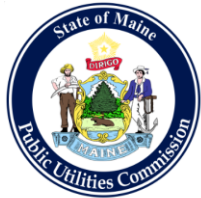
F. Growth Area Streets. The City Council shall accept Growth Area streets, meeting standards as public ways if they serve commercial or mix-use developments and improve mobility, safety, stormwater runoff, or exemplify smart growth principles as presented in the International City/County Management Association (ICMA) Getting to Smart Growth and Getting to Smart Growth II publications.

G. Occupation. The City Council shall accept streets meeting standards as public ways when occupied as follows: i. ii. Growth Area Streets having at least three lots with occupied dwelling units; having at least 30% of all its residential lots with occupied dwelling units; and having an average road frontage not to exceed 250 feet per lot. Rural Area Streets having at least three lots with occupied dwelling units; having at least 60% of all its residential lots with occupied dwelling units; and having an average road frontage not to exceed 400 feet per lot. NOTE: Properties abutting the intersection of the street under consideration for acceptance and an existing publicly maintained street do not count toward the occupied legal lot threshold calculations.

H. Public Benefit. The City Council may accept streets meeting standards as public ways when the occupation threshold calculations above are not met if the acceptance of the road will clearly improve mobility, safety, stormwater runoff, or the development exemplifies smart growth principles as presented in the International City/County Management Association (ICMA) Getting to Smart Growth and Getting to Smart Growth II.

Q&A

Please share your questions & comments.



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Philip L. Bartlett II
CHAIR

Patrick J. Scully
Carolyn C. Gilbert
COMMISSIONERS

Amy Dumeny
ADMINISTRATIVE DIRECTOR

December 9, 2024

Cindy Cowing
15 Brae Drive
Ellsworth, ME 04065

Re: CASD Case No.2024-C-4026 – Ellsworth Water Department (EWD)

Ms. Cowing

On October 10, 2024, you contacted the Consumer Assistance and Safety Division (CASD) regarding a dispute with EWD over a “water main” repair. You explained that the water line servicing Brae Drive in Ellsworth had developed a leak and as a rate payer you believe that EWD should be responsible for the cost of repairs. However, municipal records indicate that Brae Drive is designated as a private road, and as such the water district is not obligated to bear the cost of the repairs. You have requested the CASD to investigate your dispute.

As part of my investigation, there appears to be a shared understanding among the Water District and Ms. Cowing that the Brae Drive subdivision service line did not conform to municipal construction standards when the service line was built in the 1980’s. As a result, the municipality refused to accept the road as a “public way” and Brae Drive was designated as a “private” road.

In discussing the water infrastructure with the EWD Superintendent, since the water line servicing Brae Drive does not meet code and therefore, would require a full rebuild. Based on the facts as presented, the EWD is not obligated to assume ownership of a private service line that fails to meet the code for purposes of conducting repairs and absorbing the costs. Any change in designation from private to public would require a large financial investment from the EWD and its customers in order to replace the current service line.

Commission rules state the following:

Chapter 62 (1)(L) **Service Line:** “Service line” means a water line running from the water main to the customer’s establishment.

Chapter 62 (3)(C)(1) **Service Line:** The water utility will determine or approve the size, location, and material of the service line. The water utility must install, own, and maintain the utility portion of the service line (historically known as the service drop), as described in, and subject to the payment and other requirements of, Chapter 65 of the Commission’s Rules. The customer is responsible to pay for, install, own, and maintain the customer’s portion of the service line.

Chapter 65 (1)(L) **Service Line:** A water line installed at the customer’s expense extending from a main to serve a single customer, a single multi-unit dwelling building or complex of a single commercial or industrial development. The service drop portion of the service line shall be owned by the utility and shall extend from the main to the curb stop (shut-off valve). The curb stop shall ordinarily be at the edge of the right of way.

Ultimately, the Brae Drive water service lines, as they are currently constructed, would be considered the equivalent of a service line extension from the established water main. This designation would leave the owners of the homes located on Brae Drive Road financially responsible for repairs associated with the water leak or potential upgrades of the water lines located on Brae Drive.

Homeowners and water customers of the Brae Drive Road can on their own, or in the aggregate, choose to negotiate with and/or solicit the services of the water district, or contract with an agreed upon third party vendor to address the necessary improvements required by commission rules and the water department's terms and condition standards. Negotiations of the service line improvements may establish a path to transfer ownership of the water service line to the EWD. As we also discussed on the phone, if you disagree with the narrow interpretation while reviewing your case you may request for a review of my decision or submit a TEN PERSON COMPLAINT for the Commissioners consideration.

The applicant, customer, or utility may file a request for a review of this decision to the Commission by filing a notice of review with the Administrative Director of the Commission within 10 calendar days after the date of this decision. Late filings may be denied. Notices of review should be submitted by email to: maine.puc@maine.gov or in writing to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, ME 04333-0018. The notice of review must state the specific reasons why the CASD decision is incorrect. Upon receipt of such a request, the Commission will consider the CASD's decision to determine whether further investigation is warranted. The Commission may decline to investigate the matter further, send it back to CASD for further action, or open a formal Commission investigation. The customer and the utility will be notified when the Commission reaches its final decision. A utility may not disconnect a customer's service during the 10-day review period, or until a notice of review that is properly filed is decided. A non-residential customer filing a request for a review involving a disputed payment arrangement must pay any new charges that accrue while the review is pending.

If you have any further questions about your case, you may call me at 800-452-4699. If I am assisting another customer and you reach my voice mail please leave your name, your phone number, the CASD case number as referenced at the top of this letter and the reason for your call. You may also reach me by US Mail at: Maine Public Utilities Commission, 18 State House Station, Augusta, ME 04333-0018 or by email at CASD9.PUC@maine.gov

Respectfully,

Consumer Assistance and Safety Division
Maine Public Utilities Commission

CC: Ellsworth Water Department

Subject: Upcoming City Council Meeting Agenda Item– Brae Drive Private Utilities Update

Dear Brae Drive Resident,

We are reaching out to inform you that the City Council will be discussing the ongoing Brae Drive private utilities issue during its upcoming meeting. The City Manager will be providing an update to the Council on this matter, including potential options for consideration.

The meeting will take place on:

Date: February 18, 2025

Time: 6:00pm

Location: City Hall- Council Chambers

Your feedback is important to the City Manager and City Council as they evaluate possible solutions. We encourage you to attend this meeting to share your thoughts, concerns, and suggestions regarding this issue.

We appreciate your attention to this matter and look forward to your participation in the discussion.

Sincerely,