

SPECIAL MEETING NOTICE

A special meeting of the Ellsworth City Council will be held on Thursday, April 3, 2025, at 6:00 PM in the Ellsworth City Hall Council Chambers.

Meetings will be broadcast live on:

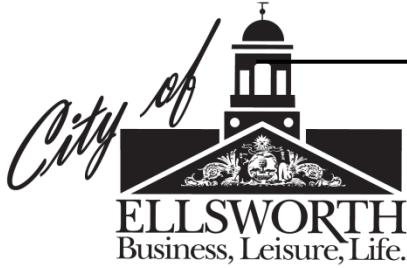
Facebook: <https://www.facebook.com/ellsworthme>

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

Spectrum Channel 1303

AGENDA

1. Call to Order.
2. Council Order #040300 Public hearing and action on the request of the Public Works Director for the approval of purchasing necessary hardware associated with the MaineDOT High Street Project.
3. Council Order #040301 Public Hearing and potential action on a proposed ordinance to more effectively control nuisance odors within the City of Ellsworth. This ordinance will outline how to determine an objectionable odor, compliance requirements, and enforcement procedures.
4. Adjournment.



From the Desk of Mike Harris

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



Sewer Manhole

TO: Ellsworth City Council
DATE: 3/12/25
SUBJECT: Approval Request – High Street Hardware

Recommended Motion:

To authorize the purchase of 55 manhole rims and covers from E.J. Prescott in the amount of \$23,047.20; 40 water boxes from Ti-Sales in the amount of \$7,360.00; and three 12" insertion valves including installation in the amount of \$57,321.00, with funding to come from the reallocated 2023 General Obligation Bond funds designated for the High Street D.O.T. project.

The Public Works Department is requesting Council authorization to purchase materials necessary for the upcoming Maine Department of Transportation (DOT) project on High Street. The project is scheduled to begin April 6th, 2025. To avoid delays, these materials need to be ordered immediately to ensure timely delivery and installation.

Quotes have been obtained, to ensure the most cost-effective pricing. The materials and associated costs are as follows:

- **55 manhole rims and covers** – E.J. Prescott – **\$23,047.20**
- **40 water boxes** – Ti-Sales – **\$7,360.00**
- **Three 12" insertion valves (including installation)** – **\$57,321.00**

Total Cost: \$87,728.20

Funding for these purchases will come from funds reallocated from the **2023 General Obligation Bond (G.O.B.)**, originally designated for the Water Street Pump Station project, and now directed toward the High Street MaineDOT project.



36 Hudson Road
Sudbury, MA 01776-2039

800-225-4616
978-443-2002
Fax: 978-443-7600
www.tisales.com

Quote	QTE0071343
Quoted To	Mike Harris
Date	06/26/2024

Sold To: Ellsworth Wastewater Dept.
1 City Hall Plaza
Ellsworth ME 04605

Ship To: Ellsworth Wastewater Dept.
333 Water St.
Ellsworth ME 04605

Customer Number	Telephone	Fax	Job Location	Job Name	Territory Manager	
ELLW1	(207) 667-7315		Ellsworth	Domestic	Steve Clements	
Expires	Estimated Delivery	Freight		Terms	Master Number	
08/24/2024	To be determined	Allowed		NET 30	378369	
Item Number	Description			Quantity	Price	Extension
MHFC2606SD	26" X 6" Manhole Frame & Cover, Sewer, 1-1/8" Thick Lid Domestic			55	\$523.00	\$28,765.00
	Shipping direct from vendor					
NI-MHFC2604SD	26" x 4" Manhole Frame & Cover Marked Sewer, 1-1/8" Thick Lid Domestic			55	\$504.23	\$27,732.65
	Shipping direct from vendor					
KIT-GBTFN	5'Gate Box Complete Top Flg W/Cover 26 X 36 North American			40	\$184.00	\$7,360.00
Quoted By:		Bob Soar				
Visit our website @ www.tisales.com				Subtotal		\$63,857.65
				Other Charges		\$0.00
				Tax		\$0.00
				TOTAL DUE		\$63,857.65

If you are in agreement with this quote and wish to order, please sign, date, and fax back to 978-443-7600 or email us at orders@tisales.com

Signature: _____ Date: _____



36 Hudson Road
Sudbury, MA 01776-2039

800-225-4616
978-443-2002
Fax: 978-443-7600
www.tisales.com

Quote	QTE0076913
Quoted To	Ray
Date	03/19/2025

Sold To: Ellsworth Wastewater Dept.
1 City Hall Plaza
Ellsworth ME 04605

Ship To: Ellsworth Wastewater Dept.
333 Water St.
Ellsworth ME 04605

Customer Number	Telephone	Fax	Job Location	Job Name	Territory Manager
ELLW1	(207) 667-7315		Ellsworth	Domestic	Steve Clements
Expires	Estimated Delivery	Freight	Terms	Master Number	
05/18/2025	4-6 Weeks	Allowed	NET 30	390570	
Item Number	Description	Quantity	Price	Extension	
MHFC2604SD	26" x 4" Manhole Frame & Cover, Marked Sewer, Domestic Shipping direct from vendor	55	\$510.65	\$28,085.75	
Quoted By: Ryan Hourihan					
			Subtotal	\$28,085.75	
			Other Charges	\$0.00	
			Tax	\$0.00	
Visit our website @ www.tisales.com			TOTAL DUE	\$28,085.75	

*If you are in agreement with this quote and wish to order, please sign, date, and fax back to 978-443-7600
or email us at orders@tisales.com*

Signature: _____ Date: _____

CITY OF ELLSWORTH WATER DEPT
225 HIGH STREET
SUITE 11
ELLSWORTH, ME

04605

TEAM EJP Bangor ME
Everett J. Prescott Inc.
32 Prescott Street
P.O. Box 600
Gardiner, ME
04345

Telephone: 207-990-5000

Bid expires on 04/19/25
Page 1

3/20/25 Bid ID: 5560682 FRAMES AND COVER

Quantity	Sell Per	Description	Unit Price	Extended Price
55 54	EA	26X4 EJ MH FRAME 2264Z	205.57	11,100.78
55 54	EA	26 EJ MH COVER SEWER 2111A	213.47	11,527.38

Subtotal: 22,628.16

Tax: .00

Bid Total: 22,628.16

23,047.20

Quote: 273444



6/27/2024

1:13:19 PM

Customer:
Ellsworth, City of
1 City Hall Plaza - Ste. 1

American Concrete Industries
1717 Stillwater Ave.
Veazie, ME 04401
Tel: 207-947-8334

Job Name:
MH Frames and covers

Job City:
Ellsworth

Domestic

1	127000	26" DIA x 4" Frame & Sewer Cover - Domestic	\$551.50	\$551.50
1	127000	26" DIA x 6" Frame & Sewer Cover - Domestic	\$572.00	\$572.00

Structure Total: \$1,123.50

Sub Total \$1,123.50

Sales Tax \$61.79

Grand Total \$1,185.29

Sincerely,

Thank you for considering our quote for this project. If you have any questions, please give me a call.

All above items are subject to engineer's approval.

Quantities shown are estimates only, billing based on materials delivered.

Payment terms are NET 30 days from date of invoice, only with approved credit agreement.

Otherwise, payment is due at time of delivery. No retainage is allowed.

Please note this proposal may be withdrawn if not accepted within 30 days.

Acceptance: _____ Date: ____/____/____

All Returned Products are subject to a 20% restocking fee.

Returned precast retaining wall and curbing is subject to 50% restocking fee.

Custom Product are NOT returnable.

All products MUST be in resalable condition to be returned.

All product MUST be returned within 30 days of original delivery.

You MUST have your original invoice or proof of delivery in order to return products.

Required boot clamps and sealant are included in the price of the structure.

Additional clamps or sealant will be billed accordingly.

Delivery of culvert sections over a 3 day period are included in the quoted price.

If more sections are needed per day, additional charges will be added.

Butyl rubber joint sealant(not joint wrap)is included.

If required, concrete sealants are to be supplied and applied by others.

Delivery to jobsite is included unless otherwise noted. Unloading and setting to be completed by contractor.

Deliveries to take place between Monday and Fridays during normal business hours. Additional charges will be added for nights and weekend deliveries.

CITY OF ELLSWORTH WATER DEPT
225 HIGH STREET
SUITE 11
ELLSWORTH, ME

TEAM EJP Gardiner, ME
32 PRESCOTT STREET
GARDINER, ME

04605

04345

Telephone: 207-582-2006

3/04/24 Bid ID: 5528910 ELLSWORTH, ME - (3) 12" EZ VALVES

Page 1

Quantity	Sell Per	Description	Unit Price	Extended Price
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TEAM EJP IS PLEASED TO PRESENT
THE FOLLOWING PROPOSAL. PRICES
ARE BASED UPON ALL MATERIAL ON
THIS QUOTE

DUE TO VOLATILE MARKET CONDITION
PRICES ON ALL PVC, HDPE, COPPER,
AND DUCTILE IRON ARE SUBJECT TO
CHANGE AND ARE NOT FIRM UNTIL
TIME OF SHIPMENT.

DIRECT SHIPMENTS DO NOT INCLUDE
ADDITIONAL FREIGHT CHARGES OR
FUEL SUR CHARGES. ESTIMATES WILL
BE PROVIDED AT TIME OF QUOTE BUT
ARE NOT FIRM UNTIL EXACT SHIP DA
TE, AT WHICH TIME ACTUAL FREIGHT
WILL BE ADDED.

EJP TECHNICIANS WILL NOT ENTER
EXCAVATIONS UNLESS CONTRACTOR
HAS TAKEN EVERY PRECAUTION TO
ENSURE 100% OSHA COMPLIANCE.

FOR ALL TAX EXEMPT JOBS TEAM
E.J. PRESCOTT REQUIRES RECEIPT
OF A TAX EXEMPT CERTIFICATE
PRIOR TO ANY SHIPMENTS OR
DELIVERIES. IF CERTIFICATE IS
NOT ON HAND TAX WILL BE CHARGED.

ALL OF TEAM E.J. PRESCOTT'S
SERVICE TECHNICIANS HAVE THEIR
OSHA 30 HOUR CARDS.

3	EA	12 EZ VLV BABA OR 13.20-13.30	16,607.00	49,821.00
		12 WEEK LEAD TIME ON THESE ITEMS SPECIAL ORDER TEST PIT FOR OD RECOMMENDED		
3	EA	12" EZ VALVE INSERTION LABOR	2,500.00	7,500.00
		AN 8X8 MH BOX IS NEEDED FOR THIS APPLICATION		

Continued Next Page

CITY OF ELLSWORTH WATER DEPT
225 HIGH STREET
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32 PRESCOTT STREET
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Telephone: 207-582-2006

3/04/24 Bid ID: 5528910 ELLSWORTH, ME - (3) 12" EZ VALVES

Page 2

Quantity	Sell Per	Description	Unit Price	Extended Price
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THESE CANNOT BE DONE ON AC PIPE

1	EA	OVERNIGHT ONLY IF NEEDED	300.00	300.00
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SINCERELY,

ROBBIE MAHEUX
ROBBIE.MAHEUX@EJPRESCOTT.COM
207-582-2006
FAX 207-582-7747

CITY OF ELLSWORTH WATER DEPT
225 HIGH STREET
SUITE 11
ELLSWORTH, ME

04605

TEAM EJP Bangor ME
Everett J. Prescott Inc.
32 Prescott Street
P.O. Box 600
Gardiner, ME
04345

Telephone: 207-990-5000

3/26/25 Bid ID: 5561151 VALVE BOX SET QUOTE

Page 1

Quantity	Sell Per	Description	Unit Price	Extended Price
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WE ARE PLEASED TO PRESENT THE
FOLLOWING PROPOSAL. ALL PRICES
ARE BASED ON ALL MATERIALS
LISTED. DO TO VOLITILE
MARKET CONDITIONS PRICES ON
HDPE AND PVC ARE SUBJECT TO
CHANGE.

OUR SERVICE DEPT IS FULLY
EQUIPPED AND CAN PERFORM MANY
SERVICES TO HELP YOU COMPLETE
YOUR PROJECT. DIGITAL LEAK
LOCATING, LEAK SURVEY, MAIN LINE
TAPS, AND LINE ACCEPTANCE TESTS
FOR BOTH WATER AND SEWER.
POLYETHYLENE FUSION UP TO 54
INCH AND QUICK VALVES FROM FOUR
TO TWELVE INCH. CALL YOU EJP REP
FOR ADDITIONAL INFORMATION ON
ANY OF THESE SERVICES.

MILEAGE IS BILL AT \$1.50 PER
MILE ROUND TRIP FROM THE CLOSEST
EJP GARAGE.

THE CUSTOMER IS RESPONSIBLE FOR
ALL EXCAVATION WORK, TRENCH
DEWATERING, TRENCH WALL SUPPORT
AND LABOR ASSISTANCE FOR THE
SERVICE TECH. ANY CHARGES CAUSED
BY THE EXCAVATION/SITE NOT BEING
100% OSHA COMPLIANT WILL BE FOR
THE CUSTOMER'S ACCOUNT. THE
SERVICE TECH WILL NOT ENTER ANY
SUB-OSHA AREA.

WE ARE PLEASED TO ANNOUNCE THAT
WE NOW CAN OFFER INTERNAL TV
INSPECTION OF SEWER AND DRAIN

Continued Next Page

CITY OF ELLSWORTH WATER DEPT
225 HIGH STREET
SUITE 11
ELLSWORTH, ME

04605

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Telephone: 207-990-5000

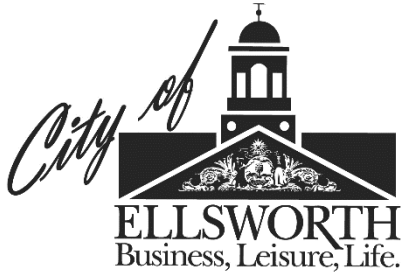
3/26/25 Bid ID: 5561151 VALVE BOX SET QUOTE

Page 2

Quantity	Sell Per	Description	Unit Price	Extended Price
		LINE WITH FULL DVD REPORTING. WE ALSO NOW OFFER NO DIG REPAIR OF SEWER PIPE FROM THREE INCH TO TWELVE INCH WITHOUT THE NEED FOR BY-PASS PUMPING. ***** *****		
40	EA	VALVE BOX SET 36B BOTTOM, 26T WITH SHIFTING FLANGE, WATER COVER	209.40	8,376.00

DAVE WYMAN
TEAM E.J. PRESCOTT
DAVE.WYMAN@EJPRESCOTT.COM
207-990-5000-SHOP

Subtotal:	8,376.00
Tax:	.00
Bid Total:	8,376.00



Code Enforcement

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 667-2563

ellsworthmaine.gov

Memo

To: City Council

CC: Charles Pearce, City Manager

From: Robert Grant, Code Enforcement Officer

Date: March 31, 2025

Re: New Draft Odor Ordinance For Commercial and Industrial Uses

Recommendation/ Suggested Motion:

WHEREAS, *the City of Ellsworth recognizes the importance of maintaining a clean and healthy environment for its residents, businesses, and visitors; and*

WHEREAS, *excessive and persistent odors can negatively impact public health, quality of life, and economic development within the community; and*

WHEREAS, *it is in the best interest of the City to establish reasonable regulations to prevent and mitigate nuisance odors from industrial, commercial, agricultural, and residential sources while balancing the rights and interests of property owners and businesses; and*

WHEREAS, *the City Council has reviewed the proposed amended Odor Ordinance, which establishes clear definitions, thresholds, enforcement mechanisms, and penalties for violations;*

NOW, THEREFORE, BE IT RESOLVED *that the City Council of Ellsworth hereby adopts **Chapter 66: Odor Ordinance for New and Existing Commercial and Industrial Uses** as presented, effective immediately upon passage and in accordance with applicable laws; and*

BE IT FURTHER RESOLVED *that the City Manager and relevant departments shall take the necessary steps to implement and enforce this ordinance, including public outreach and education as appropriate.*

Background:

March 18, 2024 the City Council voted 6-1 to approve the Consent Agreement between the City and Maine Organics. The consensus since that time has been that the Consent Agreement is not working as intended. On January 9, 2025 the City Manager and the Code Enforcement Officer lead a Council workshop to determine a solution to the problem of the Consent Agreement and the City's odor

ordinance in general. The Council instructed the City Manager and Code Enforcement Officer to have a new Odor Ordinance drafted that would limit the ability of new and existing commercial and industrial uses within the City from emitting noxious or harmful odors beyond their lot lines using Sanford, Maine's Odor Ordinance as a guideline.

March 17, 2025 The City Council was presented with the rough draft of the new Ordinance. Two minor changes were recommended as well as tightening up the language and formatting:

- Councilor Smith recommended that the “Code Officer of their designee” be added to the language of the Ordinance so that someone other than the Code Enforcement Officer can respond to a complaint in the case I am unavailable.
- Councilor Lyons wanted to see the Appeal process go directly to Superior Court and not the Appeals Board. His reasoning was that it would make the process cleaner and faster to resolve.
- I instructed Tim Pease to tighten up the wording of the Ordinance and make it as legally sound as possible.
- Tim also fixed the formatting issues with the wrong or duplicate letters in the subsections.

As presented, I think this new Commercial and Industrial Use Odor Ordinance gives the City a better ability to address odor issues that arise from Commercial and Industrial uses.

CHAPTER 66
ODOR ORDINANCE FOR COMMERCIAL AND INDUSTRIAL USES
CITY OF ELLSWORTH, MAINE

Section 1 - Authorization.

This article is adopted pursuant to 30-A M.R.S.A. § 3001 and the City's Home Rule authority as provided for in Article VII-A of the Maine Constitution and Title 30-A M.R.S.A. §§ 2101 through 2109.

Section 2 – Purpose.

The purpose of this Ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the City of Ellsworth, to protect the environment, to promote the development of an economically sound and stable community, and to provide for the prevention, control, and abatement of odors that may create a public nuisance.

The City finds that because most odorous pollutants have a complex chemical composition and may elicit a broad spectrum of responses by the receptors, special methods must be employed in their measurement and characterization. Although analytical data are more precise and may be useful in identifying a source, it is the human response or the sensory data that is most critical in determining the necessary degree of odor control. Analytical data may be used to specify permissible emission levels from a source, but sensory data must be employed to assess the impact in the surrounding community. The latter is the City's primary concern.

Section 3 - Administration and Enforcement.

This Ordinance is enforced by the City of Ellsworth Code Enforcement Officer, or their designee. Throughout this Ordinance, any reference to the Code Enforcement Officer includes the Code Enforcement Officer as well as their designee.

Section 4 – Application.

This Ordinance applies to all new and existing commercial and industrial land uses and activities in the City of Ellsworth, regardless of whether a use has been issued a land use permit, license, or other agreement.

Section 5 – Prohibited Odors.

No commercial or industrial land, building, or activity may:

- A. Release noxious or offensive odors that are injurious or dangerous to health, or

- B. Release offensive odors that unreasonably interfere with the use and enjoyment of others' properties for an unreasonable period of time.

Section 6 – Odor Observations.

Odor observations shall be undertaken in a location at or beyond the property line of the source of the odor, at or near places where people live or work. The Code Enforcement Officer shall have the discretion to determine the appropriate location.

Section 7 – Enforcement.

In the event that the Code Enforcement Office receives a complaint or otherwise becomes aware of a violation of Section 5, the following process shall be used:

- A. Upon receiving a complaint, the Code Enforcement Officer shall investigate the source of the odor to assess the situation and discuss odor compliance with the land owner and/or operator. This discussion is intended to be an informal attempt to resolve the issue and may include asking the owner/operator what is being done to mitigate odors, providing information and suggesting means to address odors, such as an odor management plan.
- B. If informal efforts to address a violation of Section 5 are unsuccessful and the Code Enforcement Officer, or their designee, detects an unreasonable level of offensive odor beyond the property lines, the Code Enforcement Officer may, after informing the City Manager and City Council, issue to the owner and/or operator a written Notice of Violation with a time frame for compliance. The Code Enforcement Officer may extend the compliance deadline if the Code Enforcement Officer finds that the owner/operators are, in the Code Enforcement Officer's sole discretion, actively working to resolve the issue.
- C. If the owner/operator does not comply with the Notice of Violation and the Code Enforcement Officer determines, in the Code Enforcement Officer's sole discretion, that releases of noxious or offensive odors that are injurious or dangerous to health, or releases of offensive odors that unreasonably interfere with the use and enjoyment of others' properties for an unreasonable period of time continue, the City may, but is not required to, file an enforcement action under M.R. Civ. P. 80K seeking fines, attorney fees, corrective orders, injunctions, and other appropriate relief as allowed by 30-A M.R.S. § 4452.

Section 8 - Miscellaneous

- A. This Ordinance does not create a private enforcement right.
- B. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,

distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

- C. A Notice of Violation issued pursuant to Section 7(B) may be appealed to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.