

## MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, March 21, 2022 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.

**Motion to move item #8 Presentation of Awards to after #5 City Manager's Report by Blanchette, second by Miller, unanimous**

**Motion to change the date on #13 from June 8, 2019 to June 14, 2022 by Miller, second by Hanson, unanimous**

3. Rules of Order.

4. Adoption of Ellsworth City Council minutes:

❖ 02/14/2022- Regular Council Meeting

**Motion to accept by Miller, second by Kaplan, unanimous**

5. City Manager's Report.

6. Committee Reports.

7. Citizens' Comments. (*John Linnehan, Cara Romano, Tabitha White and Gwen Clark spoke*)

8. Presentation of Awards.

- John Fink- For 30 years of volunteer service to the Ellsworth Planning Board including 22 years as the Chair.
- Ellsworth Arbor Day Proclamation
- MLEAP Accreditation Award (presented by the Maine Chiefs of Police)

### 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.

9. Council Order #032100, Reservation of the City of Ellsworth's right to harvest alewives.
10. Council Order #032101 Request of the Tax Collector for approval of a Real Estate Purchase Installment Contract between the City of Ellsworth and Peter Cabanillas.
11. Council Order #032102 Request of the Tax Collector to release properties redeemed during the 30 day redemption period ending March 15, 2022 through Quit-Claim Deeds (the complete list is available in the City Clerk's Office) and authorize the City Manager to release said properties through Municipal Quit-Claim Deeds.
12. Acceptance of the resignation of Planning Board member John Fink
13. Council Order #032103, Request of the City Manager to hold a Special Municipal School Budget Validation Referendum Election on June 08, 2021, for the purpose of validating the school budget.
14. Council Order #032104 Promotion of Molly Friedland from Alternate to Regular Planning Board Member

**Motion to approve all Consent Agenda items by Blanchette, second by Miller, unanimous**

NEW BUSINESS

15. Public hearing and action on the issuance of Business License (s):
  - The Eagles Lodge, Inc., 278 High Street, for renewal of a City Lodging House License.  
**Motion to approve by Blanchette, second by Miller, unanimous**
  - Colonial I, LLC d/b/a Colonial Inn, 321 High Street, for renewal of a City Lodging House License  
**Motion to approve by Kaplan, second by Lyons, unanimous**
  - Asset Management Inc. d/b/a Riverside Café, 151 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, and Vinous Liquor License.  
**Motion to approve by Miller, second by Kaplan, unanimous**
  - Ellsworth Moose Lodge #2698, 47 Foster Street, renewal of a City Class B License (Amusement/pool tables, Liquor, and Victualer) and renewal of a State Class V, Club w/o Catering Malt, Spirituous, and Vinous Liquor License.  
**Motion to approve by Kaplan, second by Lyons, unanimous**
  - Josie's Country Store d/b/a Josie's Country Store 126 Surry Road for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class I, II, III and IV) Malt Liquor, Wine, and Spirits Liquor License.  
**Motion to approve by Blanchette, second by Kaplan, unanimous**
  - Morse, LL d/b/a Tag's Sports Bar for renewal of a City Class A License (Amusement, Liquor, Arcade and Victualer) and renewal of a State Class XI, Restaurant/Lounge Malt, Spirituous and Vinous Liquor  
**Motion to approve by Hanson, second by Kaplan, unanimous**
16. Council Order #032105, Request of the Public Works Director to extend the contract for center and sideline striping and authorize the City Manager to sign the contract.  
**Motion to approve by Kaplan, second by Lyons, unanimous**

# City Council Minutes March 21, 2022

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**Dale Hamilton**

I call to order this March 21 meeting of the Ellsworth City Council. First order: Pledge of Allegiance.

**Marc Blanchette**

Mr. Chairman, can I make a motion to move the presentation of awards number eight, right after number five, the city manager's report.

**Dale Hamilton**

So a motion to move item eight to number after number five. Is there a second? Any discussion? All those in favor? Unanimous. We'll move eight after five.

**Robert Miller**

like to make a motion to change the date on item 13 From June 8 2021 to June 14 2022.

**Dale Hamilton**

Is a motion is there a second?

**Casey Hanson**

Second?

**Dale Hamilton**

Any discussion? All those in favor? Unanimous.

**#3-Rules of Order and #4 Approval of Minutes**

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**Dale Hamilton**

All right, item three rules of order. We follow Robert's Rules of Order and then any other rules that we might adopt during the organization planning meeting. Item four adoption of Ellsworth City Council meetings 2/14/2022 regular council meeting.

**Robert Miller**

Make a motion to accept the minutes.

**Michelle Kaplan**

Second.

**Dale Hamilton**

Motion a second. Any discussion? All those in favor? Unanimous. Item five city manager's report.

## #5 City Manager's Report

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### Glenn Moshier

Thank you, Chair Hamilton. So just a couple of quick announcements and then a couple of more lengthy announcements that I'll try to be quick with. Just to let folks know that street sweeping has begun. So you should be checking the city website for specifics on updated scheduling for your area. Also just wanted to make a quick announcement that as of yesterday, the excuse me as a Friday the basketball courts have been open for the season. So sure sign that spring is upon us at least, we'd like to think so. So just a couple of other quick announcements just have a little bit more detail to them but I'm very pleased to announce that the city is sponsoring a donation drive for items needed desperately in the Ukraine. So the city of Ellsworth is providing a collection point for those seeking to donate supplies to displaced people in Ukraine. The donated items will be transported and shipped overseas by NU-DAY a New Hampshire based nonprofit organization. The city is accepting these donations to be dropped off during the normal business hours or after hours and weekends at the Ellsworth Fire department, which is downstairs here at City Hall. Items will be collected through 8pm On Thursday, March 24. Monetary donations are also accepted online at [www.NUDAYsyria.ORG/Ukraine](http://www.NUDAYsyria.ORG/Ukraine) or via mail at Post Office Box 521. Windham, New Hampshire 03087. Other needed items include generators, solar chargers and flashlights, food such as baby food, canned items, dried goods, granola bars and so on. Other items and supplies are listed on the city of Ellsworth webpage. And at [Ellsworthmaine.gov/Ukraine](http://Ellsworthmaine.gov/Ukraine). NU-DAY request items to be new, unexpired and not packaged in glass. NU-DAY also has a list of its most needed items on [amazon.com](http://amazon.com). Ukraine emergency list. For more information about the collection, you can feel free to contact City Hall, specifically Janna Richards or Elena Piekut. And the second announcement that I'd like to make is also something that is I'm excited to announce that the Ellsworth Police Department in conjunction with healthy Acadia, and with the good graces of Helen's restaurant will be hosting a Tip a Cop fundraising event on Monday April 11 at 5 to 7 pm to raise funds for our Downeast Project Hope. For those of you who may or may not be familiar with Project Hope it's a heroin based prevention effort. It's police led initiative and the community wide effort that works to connect area residents seeking treatment with recovery resources and treatment they need locally and or out of state. We initiated the program in 2016. And at this point, our funding, which has come in the forms of local donations and private donations, as well as grant funding has reached a point where there's not a lot left. So we're looking for folks to come out and enjoy a good meal with some probably not so great service and donate to a very, very worthy cause. If you'd like to learn more about Project Hope you can connect with the Ellsworth Police Department or contact Tracy Crossman at Healthy Acadia. And if you'd like to make a financial contribution to Project Hope, and are unable to attend Helens, you can always do that at the Ellsworth Police Department or through Healthy Acadia. So those are my two items that I wanted to report out on. And then real quickly, I just want to circle back around on an issue that Councilor O'Halloran had brought forward regarding excise tax just to let the citizens know and also Mr. O'Halloran that we followed up after that conversation with the Bureau of Motor Vehicles to do a little research into the issue, and hopefully bring some closure as to what transpired and bring the excise tax income back here to the City of Ellsworth. And through that transaction, and through that communication with the Bureau of Motor Vehicles. We found that all of the applications listed on the mailing had a mailing address of P O Box 592 in Ellsworth. And these are the vehicles registered to Mr. O'Halloran and under the business of P. E. O'Halloran, Inc. All vehicles registered listed the same Ellsworth mailing address, but gave a legal residence of 81 McCaw Road in Hampden. So as a result, there was some more research put into that address the meaning of that

address and the specifics around the collection of excise tax. And according to title 36, part two chapter 111, subsection 1484 place of payment 3-C, the excise tax on a motor vehicle owned by a corporation or a partnership must be paid to the place in which the owners registered or main office is located except that if the owner has an additional payment excuse me, additional permanent place of business where motor vehicle are customary kept the taxes on these vehicles must be paid to the place where the permanent place of business is located. Through the research, the inspector was contacted the Bureau of Corporation Elections and Commissions, and inquired about the most current address used by P. E. O'Halloran, Inc, and found that the corporation address is listed as being physically located at 525 Bangor Road and Ellsworth with a peel box of 592 and Ellsworth, the same as listed on the title application submitted by the business. He was unable to find any specific business place of business for PE O'Halloran listed in Hampden. So as a result of all that, the good news is Mr. O'Halloran has recently registered two vehicles in Ellsworth, I'm assuming without any complications. And going forward, there is recourse for the city of Ellsworth within three years from the date of excise tax levy, under the authority of this paragraph, a municipality, county or motor vehicle owner that feels the excise tax has been improperly leveraged may request a determination of this question by the State tax assessor. So the city we will be following up on that request and seeing what, if any monies we can recover from the town of Hampden, that should rightfully have been paid here to the city of Ellsworth. And that concludes my report, sir.

**Dale Hamilton**

Thank you. Any questions?

**Steven O'Halloran**

I just like to say thank you for looking into that and making it available to me to register in my own town. Thank you.

**#8 Presentation of Awards**

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**Dale Hamilton**

Other questions? All right. Well, now we move number eight up so we will now do the presentation of awards. And the first presentation Goes to an individual that (and I hit this mic and I'm gonna get in trouble) to an individual who has really provided some outstanding service to Ellsworth for many, many years so I want to call up John Fink. (presentation to Mr. Fink). And I have a official proclamation in recognition of Arbor Day. This is something that we have presented in the past and we're renewing that this year as well. A copy will be available to the public as needed. So that that's been signed. And then the MLEAP accreditation award presented by the Maine Chiefs of Police.

**Jim Willis**

Good evening, my name is Jim Willis. I'm the Police Chief from Bar Harbor and Town of Mount Desert. I'm here representing the Maine Chiefs of Police Association. I used to be the president of it. And I'm currently the chairman of our MLEAP which is the Maine Law Enforcement Accreditation program. A little bit about the program. It's a voluntary process, which was developed by law enforcement professionals in Maine to assist agencies in the efficient and effective delivery of law enforcement services and the protection of individuals rights. Accredited agencies reduce risk, liability, and enjoy a

15% discount from our liability insurance carrier. MLEAP contains about 160 standards dependent on how the agency is run. Contained in eight different chapters. Chapters include administration and organization, professional standards and conduct, training, personnel, records and information management, use of force, law enforcement operations, unusual situations, communications, processing and transportation, court security if it's applicable, and property and evidence management. The Ellsworth Police Department started preparing for their accreditation process more than two years ago. Their entire policy manual has been redone to fit the standards of our program. Officers had to be retrained, new procedures put into place. The Ellsworth Police Department is the fourth agency in the state of Maine to go through this process. It's quite an accomplishment formally Chief Moshier formally signed up for the assessment for Ellsworth on November 4 of last year. They use a platform software platform we call powered EMS, which really helps streamline the process. Much of the assessment was able to be done remotely by our assessors. Our assessors were here on site on February 22. And everything went just beautiful. So on behalf of the Maine Chiefs of Police Association, I'm proud to present you with your accreditation status.

## **#6 Committee Reports**

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### **Dale Hamilton**

Okay. Committee reports any councilors attended any committees.

### **Marc Blanchette**

Mr. Chairman, attended the third and final meeting of the local roads committee. Before we begin the budget process, that committee will be making the recommendation to the entire council, amounting to \$1.75 million in roads, repair and maintenance this year, largest amount that we've ever offered up. And for all intents, it's still not a drop in the bucket. Costs have gone up tremendously. Even in some cases, finding crews finding companies to even bid on the work much less do it is getting more and more difficult. But it was certainly was driven into our head, the main thing that we have to pay attention to going forward is drainage. There's no sense in fixing the road on the surface, if the drainage underneath it is inadequate, because it will just fail. So we'll see how that goes. And the as we work our way through the budget process.

### **Dale Hamilton**

Other councilors attend any committees. Councilor Miller and I attended the Recreation Commission. And the Recreation Commission is going to be getting back to the process that they've used prior to the pandemic in terms of reviewing requests for funding for this year. So they're going to be having, they've sent out the information to all the entities that have submitted requests, asking them to participate in and present in person on April 12, for a five minute presentation, so that they can then make recommendations to the city council in terms of requests for recreational items. They also in the meeting, they reviewed the parade and the tree lighting ceremony to look at what went well and where improvements could be made. So they're looking at some planning to start even earlier this year and to make that event or those events larger as they go forward. And the meeting will be now is taking place on the third Tuesday at six o'clock. I also want to present to the Council for discussion and hopefully agreements to be able to schedule the budget workshops. What I'd like to propose if Monday's work let me just start with that as a general statement, do Monday's generally work for at six o'clock. Yes. Okay. So if we schedule them starting April 25 and then follow all the Mondays so be April 25th, May 2, May

9, the 16th we have a regular council meeting, and then we would resume the budget meetings on May 23 and May 30. We may not need the 30th in terms of all of it, but it would give us at least the two Mondays in June to wrap things up if we need to, but it would give us enough buffer that we can take our time have thorough discussions, bring items back. So if we start on that April and plan to work all those Mondays, we can make adjustments as we go. But it certainly will give us enough time before we vote on the final budget at that at our June meeting.

**Michelle Kaplan**

Is there a way we can have that put in the Outlook calendar?

**Dale Hamilton**

Yes, yes. Yeah. What Manager Moshier will do is then schedule the actual, once he has the dates, he'll look at which make which groups make sense to on which nights to present and to move that forward so that the school board is going to have to present earlier in the process. And so that will be on the docket. And come we'll just move forward, if that works. All right. Okay, then that's what we will do. Any other committees? All right. Citizens comments. So this is part of the agenda where citizens can make comments. If it's if there's an agenda item are listed, you'll have an opportunity at that time to talk about an agenda item. But any other items that you wish to speak to you can. We are this evening, obviously, we have a lot of items, a lot of interest. We are limiting all comments this evening to three minutes. Councilor Miller will be timing that when when you reach three minutes, I'm going to say time's up. And so move to the mechanic period at the end of your your last word. And, and that way we'll be able to treat everybody fairly. So we don't end up in a situation where somebody keeps going for another minute or so we'll we'll cut off at three minutes. When you speak please introduce yourself and the town you're from. We like to have Ellsworth residents go first. And then if you're not an Ellsworth resident, you can speak afterwards. So with that said, Would anybody like to make citizens comments?

**#7 Citizen's Comments**

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**John Linnehan**

Good evening councilors. I'm John Linnehan, I live here in Ellsworth. I just like to make an observation. I'm 73 years old was born here lived here all my life raised my family here, owned a lot of businesses through the years, a lot of real estate through the years. And I've talked with a bunch of business people over the last one, probably, I'd say, two to three months. And I'm concerned that there's a very serious problem of over regulation in our community, against the business community. I know we'd like to bill ourselves with being business friendly, and all that. But from what I've observed from watching some of the things in the newspaper, when I've talked to people over there, I believe, when not this is friendly the way we used to be. And I would like to see us take a stand when things come in. And we really look at ordinances closely. I don't think we need the ones we have. And I think we're over regulated, it makes it very productive and had to businesses to produce small businesses, the energy that drives our country. It's been the same here in Ellsworth, and I believe it's hurting our economy here. It's not providing jobs for young people. And I think it's crippling the tide. There's several areas I want to deal with. And I'm going to deal with the appropriate divisions personally on it. I want to be a good neighbor. I don't want to be a hard guy to get along with. But, you know, I want to make sure that this is a good place that my family is left now one's in Indiana because of the Maine situation here and one's in Bangor, but I'd like to see him come back to this community make it the way it was when I was

growing up. So that's my goal. And I'll be talking about different departments within the city of Ellsworth, again, as a good neighbor, not as a guy trying to be a jerk to give people a hard time. Thank you very much.

### **Cara Romano- Heart of Ellsworth**

Good evening. My name is Carl Romano. I'm the director of heart of Ellsworth, our downtown organization. I'm here very quickly this evening to make counselors and the attending residents here in Ellsworth aware of a project that we're working on, called asset mapping. We're working to sort of assess the downtown assets, potential gaps and opportunities in our community. And this study that we're working on is very focused on the downtown. We are working in concert with Franklin Savings Bank, main Community Foundation, of course heart of Ellsworth and the city of Ellsworth to bring a organization, a group here called hub collective. And the project is to the project goal is to set a strategic direction for heart of Ellsworth, the city of Ellsworth and downtown businesses. We're looking to align current programs that are entrepreneurial based that heart of Ellsworth operates and to make those sort of line up nicely with revitalization projects that are happening in and around the downtown district. We're really looking to sort of highlight the Entrepreneurship programming that we have been working on for the past few years. And to sort of really figure out how we are able to arise from the COVID related issues that have come for small businesses, as well as community members, we are really looking to foster stability and growth and to meet the ever evolving needs of both the business and the community here in Ellsworth, from April 13, to the 15th, hub collective will make a visit here to downtown Ellsworth. And the title of the workshops are called manifesting Maine, where including on site visits to downtown businesses, and we're hosting a variety of discussion based community groups to collect data and information on what folks want to see in the next five to 10 years of their downtown. So we're looking to capture clear common vision and to sort of create an approach that's going to serve everyone and identifying, as I said earlier, the assets and potential gaps in our community. And we're trying to make our downtown that's already wonderful, sort of even more of a welcoming place for businesses and community. And then we'll be trying to figure out how we can turn some of those deficits into assets for our community. The end product is that we'll be creating a tool that is both engaging, easy to understand and helpful for all levels of decision making that's involving the downtown Ellsworth community. And the concept is to really have this activity be a preamble to the 2023 comprehensive plan that is slated to happen next year. Each of the counselors I gave you a three page packet that had both the press release, as well as a lot more detailed information about the study. And the last piece of exciting news is this concept that I just put in front of you is the first phase, the second phase or time. Okay, thank you.

### **Dale Hamilton**

See, and that's how you put a period on the. Thank you.

### **Tabitha White**

I have a feeling I may be cut off too. But Hi, my name is Tabitha White. I'm a certified arborist and a green Ellsworth and Garden Club volunteer. I'm here today in anticipation of the proclamation being signed for Arbor Day. And we wanted to thank the city council for signing that and kind of share what are the some of the accomplishments we've done over the past couple years. And we let's see here the 2021 we actually Ruth Foster of the garden club member raised over \$16,000 and to the for individual

and commercial donations to support the tree pruning, replanting and landscaping around City Hall and city manager Moshier support for this effort was a really important part of the process. In November, Lisa and Adam of the Public Works Department along with a crew or a volunteer crew from Green Ellsworth and Garden Club and the community did a pilot planting program of eight maple trees across from the McDonald's on high streets. Those 16 volunteers who came out at 8am on a cold November morning when raving, or left raving about how great the process went and was really eager to do more tree plantings here in the future. Also in 2021, the Frenchman Bay Conservancy, he broke ground on a new community tree nursery that will allow us to buy smaller trees for a much cheaper price and grow them on to ensure that we have better quality and success with plants or trees when they get planted out in our community. The ground of the Jordan homestead preserve was prepared and amended and posts for protective fencing were set in anticipation of planting the first 80 trees in the nursery that will happen this spring, which will be our Arbor Day event the last Friday of April. Working on this planting will be volunteers from the Frenchman Bay conservancy the Ellsworth Garden Club green Ellsworth, Downeast's Trout Unlimited and teachers and students from the Ellsworth Elementary School. On the strength of all this work our community now qualifies to be recognized by Tree City USA. And green Ellsworth has developed the application for us to receive that designation shortly, which includes signs that we get to post all over our city. So we wanted to thank again the city of Ellsworth and our partners and donors and volunteers for being able to achieve that this year. So thank you and

**Dale Hamilton**

and you had 40 seconds yeah.

**Steven O'Halloran**

My name is Steve O'Halloran. I've been a resident of this city for 57 years. Last month, I spoke about an experience I had. And I'd like to thank Mr. Moshier, for working with me to get that problem solved so I can register or pay excise in the town that I live in. The second point I'd like to remind everybody in this room, every citizen, every committee member, every council member, is every dollar we spend, somebody somewhere had to earn \$1.34 had approximately 25 cents 25% taken from their check, they net \$1 They brought that to City Hall. And they gave it to City Hall. They still don't have any money themselves. I just like to point that out that every dollar we spend somebody somewhere had to earn \$1.34 Thank you.

**Gwen Clark**

My name is Gwen Clark, and I'm used to getting gavel down even before I start, so this will be a new experience. I'm here addressing the Ellsworth city council to encourage the councillors to hold the school board to a standard of transparency and accountability to the city of Ellsworth to the taxpayers and to the parents of the and the Ellsworth schools children. The other schools receive money from numerous surrounding communities for those communities to have a school for those communities children's to attend. And not only does Ellsworth get this money, but for the past two years Ellsworth schools have received \$20 million in eser funds \$20 million. These this money is not included in the school budgets in either amounts, what was purchased, or how it was spent. Ellsworth students have been behind in state standards for over three years. 20% of that money is to be used to bring students up to the learning level. There is no transparency within the school budget. Taxpayers and parents should know where or how this money was put to use. And the city council has the ability to bring these

funds to the light of the city. They get 4 million in the first eser funds. 16 million in the second eser funds and our students are still behind I have one more thing. The rainbow crosswalks. I have friends and relatives in the LG

### **Consent Agenda #9-#14**

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#### **Dale Hamilton**

That's gonna that's on an agenda item so you can speak at that time on that item. All right. You'll have three minutes. Anyone else like to make citizens comments? Seeing none, we will move on the Consent Agenda. All Items with an asterisk are considered to be routine will be enacted by one motion there'll 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. Item nine Council order number 032100 reservation of the city of Ellsworth right to harvest alewives. Number 10. Council order number 032101 requests of the tax collector for approval of real estate purchase installment contract between the city of Ellsworth and Peter Cabinillas. Item 11 Council order number 032102 requests of the tax collected to release properties redeemed during the 30 day redemption period ending March 15 2022 through quitclaim deeds. The complete list is available in the city clerk's office and authorize the city manager to release said properties through municipal quitclaim deeds. Item 12 acceptance of the resignation of planning board member, John think. Item 13 Council order number 032103 requests of the city manager to hold a special municipal school budget validation referendum election on June 14 2021 For the purpose of validating the school budget and item 14 Council order number 032104. promotion of Molly Friedland from all alternate to regular Planning Board member. Would any council members like to remove any of those items? Oh, I misspoke. On item 13. Let me just read it again. Council order number 032103. request to the city manager to hold a special municipal school budget validation referendum election on June 8 2022. For the purpose of validating the school budget. Thank you Council.

#### **Marc Blanchette**

Approval. Mr. Chairman

#### **Robert Miller**

second,

#### **Dale Hamilton**

have a motion a second any discussion? All those in

#### **Gene Lyons**

Number 10. installment contract who is sell somebody some land purchase?

#### **Glenn Moshier**

is Sue here. Sue's probably better suited. It's a repic Correct.

#### **Sue McLean**

It's a REPIC, Yeah. It's it's just allowing this person to pay off their taxes.

**Dale Hamilton**

All right. motion a second. Any other discussion?

**Gene Lyons**

And the person that's going to Molly Friedland. She here? Yes. To regular so you're already on alternate? You're just gonna work full time.

**Molly Friedland**

The regular voting Planning Board.

**Gene Lyons**

And how long does that? Does that go like until November when you have an election to elect somebody or

**Dale Hamilton**

the it's an appointed position. So the it gets reappointed annually by the by the council. Okay. You have to stay for 30 years. That's a new rule. Motion Second. Any other discussion? All those in favor? Unanimous. New business. Item 15. Public Hearing and action on the issuance of business licenses, Madam Clerk, everything in order.

**#15 Public Hearing and action on business licenses**

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**Toni Dyer**

All except for the last one Morse LLC DBA tags. Theirs has not been inspected yet, is slated for this week. So should you approve that it will be conditional on their approval and the passing of their code and fire inspection will not be issued if they did not.

**Dale Hamilton**

So in terms of approving that we should add language at that time a motion to conditional

**Michelle Kaplan**

should be amended to include that language on the actual order.

**Dale Hamilton**

Yes, when we get to it, somebody will need to make that Alright, so public hearing The Eagles lodge incorporated to 78 High Street for renewal of a city lodging house license. This public meeting so open the public meeting. Public Meeting is open. Would anybody like to make a comment? I was all excited first time. Alright, close the public hearing. Public hearings close.

**Marc Blanchette**

Any comments? Approval, Mr. Chairman.

**Robert Miller**

A second.

**Dale Hamilton**

All in favor? Unanimous. Colonial Inn LLC DBA. Colonial in 321. High Street for renewal of a city lodging house license. So public hearing. I'll open the public hearing. Public Hearing is open. And we like to make a comment. I will close the public hearing public hearing is closed

**Michelle Kaplan**

Chairman Move approval.

**Gene Lyons**

Second.

**Dale Hamilton**

Motion Second. Any discussion? All those in favor? Unanimous

**Michelle Kaplan**

Asset Management incorporated DBA Riverside cafe 151 Main Street for renewal of a city Class C license Victrola and liquor and renewal of a state restaurant class 1234 mile Spirituous and Vinous liquor license. So public hearing open public hearing. Public Hearing is open. Any comments? Public Hearing is closed.

**Robert Miller**

Move to approve Mr. Chair

**Michelle Kaplan**

Second

**Dale Hamilton**

motion a second. Any discussion? All those in favor? Unanimous. Ellsworth Moose Lodge number 2698 47 Foster street renewal of a city Class B license amusement pool table liquor and Victualer and renewal of a state class five club without catering malt spirituous and vinous. Liquor license. Public Hearing open public hearing. Public Hearing is open. Public Hearing is closed.

**Michelle Kaplan**

Chairman approval

**Gene Lyons**

Second.

**Dale Hamilton**

Motion in seconds all those are any discussion? All those in favor? Unanimous. Josie is Country Store DBA Josie's Country store 126 heavy road for renewal of a city Class C license Victualer liquor and renewal of a state restaurant class 123 and four malt liquor Wine and Spirits liquor license. This is a public hearing open the public hearing. Public Hearing is open. Anybody wish to comment? Public Hearing is closed.

**Marc Blanchette**

Approval Josie's Mr. Chairman.

**Michelle Kaplan**

Second

**Dale Hamilton**

motion a second. Any discussion? All those in favor? Unanimous. Morse LLC DBA a tag sports bar for renewal of a city Class A license amusement liquor arcade in Victualer and renewal of a state class 11. Restaurant lounge malt Spirituous and Vinous liquor. It's public hearing public hearing is open. Public Hearing is closed.

**Casey Hanson**

Motion to approve with the addition of approval contingent on passing inspection on Thursday.

**Michelle Kaplan**

Second

**Dale Hamilton**

There's a motion a second any discussion? All those in favor? Unanimous.

**#16- Sideline Striping**

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**Dale Hamilton**

Item 16. Council order number 032105 request to the public works director to extend the contract for center and sideline striping and authorize the city manager to sign the contract.

**Lisa Sekulich**

Good evening all Lisa Sekulich public works director I got a few of the next ones on the agenda. So let's get on it. So this one is asking as usual every year to extend the contract for to Lucas striping to do our long line. So that's the skips and the double yellows and the white long lines throughout the city. They've done it for years. So since before I've been here, and I would like to continue it with a an increase this year due to the cost of materials which has increased significantly over previous years.

**Dale Hamilton**

Questions. Action.

**Michelle Kaplan**

Chairman Move to approve as presented.

**Gene Lyons**

Second.

## **#17- Marking road symbols**

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### **Dale Hamilton**

Motion a second. Any discussion? All those in favor? Unanimous Item 17. Council order number 032106. requested the public works director to extend the contract for marking words, symbols, stop bars, parking lines, crosswalks, and authorize the city manager to sign the contract.

### **Lisa Sekulich**

Same type of thing except this time it's stop bars or crosswalks are only and arrows. city wide. We had a contract or we put it out for RFP last year. And with the potential to extend it for an additional two years, one year at a time. And so I'm asking at this time to extend it with Newman ground effects with again a price increase due to material costs over previous years.

### **Marc Blanchette**

with this 25% price increase can be looked at doing any vinyl on any of the crosswalks arrows.

### **Lisa Sekulich**

Yeah, the as we discussed last time, it would be almost double the cost to do .

### **Marc Blanchette**

But the life is at least double if not triple

### **Lisa Sekulich**

depending upon the condition of the roadway in which you put them on.

### **Marc Blanchette**

The crosswalks downtown. Right now they're gone.

### **Lisa Sekulich**

Correct. So there's a couple things to keep in mind the price, a whole number of things last year. I don't know if any of you remember there was a shortage of urea because of the Texas plants that got frozen. There was some catastrophic, frozen freezing thing down in Texas which caused problems with getting paint so there was paint shortage last year, including the D O T that didn't get a lot of things painted last year. So he painted with what he could get last year not necessarily what we would want but what he could get. This year, he is looking at using a better quality product and hopes that it would last longer. And then there's also the option of doing touch up paint in the fall for certain areas that have worn off. You know, certain high traffic areas are worn off, and we want to redo them, we can do them a second time. If they were like,

### **Marc Blanchette**

What would be the problem with putting in 1,2,3,4 of them as a test.

### **Lisa Sekulich**

So here's the problem. If we do 2,3,4 of them, your price per each is going to be extraordinary. If you're going to bring them up here, you have to like two companies that can do it. One of them's out of

Vermont, I believe. And then the other one is out of North of Bangor, I can't think of where it is. So there's one reasonably close problem is we are small compared to the cities and towns that they do these kinds of things for the D O T, to get them here, it's going to cost us a lot of money. If we're going to get them here and pay the money to get them here, you might as well do enough that it makes sense to there's a mobilization costs, right? So if you're going to mobilize and pay that mobilization costs, you might as well have them do a handful of them. Or more than a handful of them. I'm sorry,

**Marc Blanchette**

we don't know until we try rather than paying.

**Lisa Sekulich**

For the problem also being Marc that if we go that option, I'm not sure how quickly I'm going to get them here at this point in time. So we could be waiting till June or July. And I don't think we want to do that.

**Marc Blanchette**

Then might I suggest then, if we want to run a test, and the time is going to be shaky. Let's try it up on the walking path. For instance, the crossing behind EBS,

**Lisa Sekulich**

right, but that's not going to give you a true test for what they can endure a walking path doesn't have the vehicle or traffic that's going to show you the longevity of it. I think it wouldn't be worth it and wouldn't be a good

**Marc Blanchette**

we have to try something sometime. And then if we put it when we put it down in mid to late May, if we're lucky. By September, they're pretty much gone. And if we can get the vinyl the inlaid vinyl to last couple of years and be able to be seen whether it's a stop bar whether it's a crosswalk, an arrow whatever, year round and only have to do it every other year for instance. To me that's a win win. And I think we'd be remiss not to try it that the company north of Bangor

**Lisa Sekulich**

they won't even return my calls when I called them the only people that returned to my calls was the one in Vermont.

**Marc Blanchette**

Well, I have a phone too I know how to call them

**Michelle Kaplan**

because this is this price gonna change at all depending on what we've decided for item number 23.

**Lisa Sekulich**

No, I mean it'll be one less crosswalk but it's pennies and pennies on the dollar essentially. Oh, yeah, he would still do the white. Yeah, sure. Right. Sorry.

**Gene Lyons**

So, like red, they're wiped away. Now. That's because he was like an inferior paint last year, obviously. Right? So how long do they usually

**Lisa Sekulich**

like gonna get they're gonna get wiped out every winter no matter what.

**Gene Lyons**

Right? We use vinyl with the plows going over them and everything. I know

**Lisa Sekulich**

vinyl with the plows, the differences is their ground. They grind out the pavement and they're inset so the plows, the plows will have a couple of years where they're scraping. I mean, every year you lose an eighth to a quarter of an inch of pavement depending on how much we're scraping the ground every year. So depending upon the year and how much plowing we do at some point, we will be scraping off the plastics in the problem. And the discussion I had with the people from Vermont is that when you do these plastic inlay as they normally do on when you have brand new pavement because everything's smooth, everything's level, they come in, they grind everything. You know, as we plow, everything's fairly smooth. You do a main street where you've already got ruts and you're trying to you're gonna grind And then you're gonna have high spots, you're gonna have low spots, so it will grind. plows are going to hit the top and you're going to take out sections of it and it just becomes less beneficial to do it on existing roads that have cracks, bumps, heaves, tire

**Gene Lyons**

good. This wide of a place where the cars travel here, it pushes it down and you got little humps and right, those probably get ground on a lot more than the

**Steven O'Halloran**

So this vinyl inlay stuff, yeah, we get this straight. We pay good money for pavement and then we pay someone to come in and grind it up.

**Lisa Sekulich**

Right they come in and they do just like it's called micro grind. And they grind just a little bit. You know, they grind quarter to a half inch into the pavement and then they it's it's thermoplastic so it's essentially heated plastic that melts to the pavement

**Steven O'Halloran**

I'm not in favor of paying for pavement and paying to grind it

**Michelle Kaplan**

Move to approve the request of the public works director to extend the agreement for arrows Lane designation stop bars, crosswalks striping and Newman ground effects at the new 2022 unit prices per the attached.

**Robert Miller**

Second

**Dale Hamilton**

motion a second any further discussion. All those in favor? Unanimous.

### **#18 Christian Ridge Road engineering project**

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**Dale Hamilton**

Item 18. Council order number 032107 requests of the Public Works director to award the Christian Ridge Road rehabilitation project engineering.

**Lisa Sekulich**

Alright, so on Thursday, March 10, the city of Ellsworth accepted proposals for engineering work on the Christian Ridge Road rehabilitation project. This project is a we got a grant from it's called an MPI grant or municipal partnership initiative with the Maine DTD to redo the section of Christian Ridge Road from the Bucksport road to approximately Grant Street. The first step of that is engineering. So we put out an RFQ to five different engineering firms. And we received two different proposals. After reviewing the proposals by the review team, which was myself, the highway Foreman and a counselor. We are recommending to award the project Haley Ward, who, as some of you may know, was originally CES out of Bangor, they got bought out and their new name is Haley Ward. They have done work for the city previously. And they have it's a qualifications based scoring rubric. And it was a close scoring. But they did come out ahead as they have a larger staff and more relevant, comparable projects that they've done. So

**Steven O'Halloran**

could you share with the city and the people in this room? The bids? The amount of the bids?

**Lisa Sekulich**

Well, yes, the so like I said, it's a qualification is based not price based. It's not lowest bid. But this firm was \$60,000. And the other firm was 49900. So it's not the cheapest, but like I said it has more than one on staff engineer. And all these services are in house versus multiple subcontractors. And the other engineer has not done anything of this scope. For a comparable project he's done. They've done a lot of work for the city. And it's all been great work and I have no qualms with the engineer. It's just apples to apples. They have not done anything comparable to this.

**Steven O'Halloran**

I just like to go on record as saying that. When I learned what you just shared, I was shocked i You got one firm from Ellsworth at 49900 and you've got one firm for Bangor at 60,000. And I just can't in good conscience give that business to an outsider. When you have a qualified company in Ellsworth, that's a taxpayer that's \$10,000 Less. As a matter of fact, if the situation were reversed I would support the Ellsworth business

**Lisa Sekulich**

Which is understandable. Like I said, it's based on qualification, how we rank them as qualification, not cost is how we did the ranking.

**Steven O'Halloran**

Our taxes are based on money. And I'm disgusted to think that we would seek a bid from an Ellsworth firm, and then toss them out and pay someone else. 10 grand, more of hard earned money. I'm disgusted.

**Gene Lyons**

is there a specific reason why you don't think Andrew McCullough could do this project? I, I

**Glenn Moshier**

just want to if I may, she never said that he couldn't, is purely the two bids were opened. And they were assessed purely based on experience, the qualifications of the firm, the staffing levels of the firm to get this job done, and the type of work that they've done in the past. And as, as Lisa has stated, the city has done a lot of work with Mr. McCullough, and has absolutely nothing bad to say about him or the job that he's done. But this, again, was solely based on comparing the two firms, not the individuals, not whether they're residents or non residents, purely the qualifications of the firm. And to answer to Councilor O'Halloran, you certainly as a council member, have the ability to make a motion, that we don't accept the bid that's being recommended by the committee, and that we go with the alternative bid. So you don't have to be disgusted, you can actually make the motion that we go in a different direction.

**Steven O'Halloran**

Thank you.

**Lisa Sekulich**

So if you don't mind, one of the other things I'd like to know and just whether it puts you at ease or not, is generally when we go after engineering firms, or we put together price quotes or estimates for engineering firms, you generally assume engineering is going to cost between 10 and 15% of the project costs, right. Right now we're looking at a project that's \$950,000. Ish, which would mean that 10% itself would be 95,000. were significantly under what normally is estimated for engineering costs for a project of this type and size. So it's not yes, there's a \$10,000 difference, but it's not. They're still both good prices, not unexpected range of dollar figures.

**Dale Hamilton**

Just say that, I, when you put the bid together in the first, prior to setting it out, you had established standards for the RFQ. In terms of specs, it wasn't done. On the backside of the process, it was done in the on the front side in terms of being able to have a comparison to look at all those factors. And I certainly understand the perspective in terms of looking at cost and looking at if somebody else has a business in Ellsworth they think those are important considerations. I do think that like any RFP, one of the things we have to do is to make sure we're getting the best product, we just had a discussion about what kind of paint should we have? We should always have that discussion. Because there's

sometimes there's value in spending more for something than spending less sometimes there's value in going with a company outside of Ellsworth than a company in Ellsworth. And I think it's legitimate for that kind of discussion. I think what you did was you met with a committee, you're making a recommendation. And now we have the final say. And then we can weigh all of those things, we can come up with our conclusion. And at the end of this discussion we'll make about based on your recommendations and based on these other factors. So I appreciate the process. And I just think it's important that that's part of any RFP process, everybody has the same opportunity to present information. And it wasn't like you didn't make anything up at the end of it. You just went by the criteria that you established on the front.

**Lisa Sekulich**

Yep. And just for everybody information real quickly. Sorry. Gotta find it now. The rubric that we used to score them is based on 30% of the qualifications of the consultant team 30% on the project understanding approach 20% on their prior experience with relative or comparable projects 10% on references that they put for the comparable project and then 10% on their schedule quality, so they put together a schedule and tell me how quickly they can get this done for us, because I would like to hopefully be paving Christian Ridge Road and, and a year or so from now. So those are all factors. I got put into that scoring rubric.

**Robert Miller**

Lisa, we're both companies be able to get the job done in time to pave by next year this time.

**Lisa Sekulich**

Do you both have the capabilities? Yes. My concern, and this has nothing against Andrew, for the other Ellsworth firm Andrew's a one man show. If something happens to him. Something changes. There's no backup with going with another out of Bangor firm. If one person is out of commission gets sick, whatever somebody else steps in and the process continues. It's a different staffing level a different setup. And the biggest thing, like I said is those are my two issues is the one man show versus a full on staffing and then comparable projects. He has not done anything of this size caliber in the past or that he showed me this is something that Haley Ward does on a normal basis for many other towns throughout the state of Maine.

**Steven O'Halloran**

Have you done a project of this magnitude? Magnitude of as an engineer

**Lisa Sekulich**

myself? Yes, I've done something 10 times bigger than this. Yes.

**Steven O'Halloran**

So you could step in if there's a problem?

**Lisa Sekulich**

Well, I'm not designing it now.

**Steven O'Halloran**

So you have the capabilities.

**Lisa Sekulich**

I don't have do I have the capabilities probably do I have the time and the staff? Not so much.

**Steven O'Halloran**

I understand. And I'd like to make something clear. I don't care who you give it to. You're not gonna be paving next year at this time. This is March.

**Lisa Sekulich**

Well, a year in a month or two, hopefully. Ideally, would be next May or June? Yes. That's right.

**Gene Lyons**

So so to be clear, Andrew, we believe could do the job. Yeah, I mean, I personally, he's a great engineer.

**Lisa Sekulich**

I have no issues with Andrew. It's just

**Gene Lyons**

What's the worry? I mean, the worry is that he wouldn't be able to get the paper with the prints to here and everything all designed on time. Or you're worried that it wouldn't be like a quality project or the other one? Or

**Lisa Sekulich**

I think there is some definite differences in level of detail. Potentially. Yes. And when I've seen plans from both different engineering firms,

**Gene Lyons**

when I'm so did we, like, give him an invitation to bid this job.

**Lisa Sekulich**

Five engineers got all the same RFP paperwork, which is included in the Package, yes.

**Gene Lyons**

When you, when you ask somebody to bid a job and they put in a bid, I think it would be responsible. If they're a good reputable outfit, you ask them to bid. And that price is lower to use that person.

**Lisa Sekulich**

Right? But it's not a low bid scenario. It's a qualification based scenario.

**Gene Lyons**

Then why send

**Lisa Sekulich**

it's a ranking thing, and Andrew got a 94 Let's say CES got a 96

**Gene Lyons**

It's not bad. But why send him an invitation if you're not going to accept his bid?

**Lisa Sekulich**

Because I sent it to five of them I can't accept all of them

**Michelle Kaplan**

says kind of like you're flying in a plane and you have a local pilot who may be scored a 75 on his final pilots test, but the further away pilot who is a little more expensive, scored a 99 on this pilots test. Which one do you want?

**Lisa Sekulich**

Essentially,

**Marc Blanchette**

Mr. Chairman, Move to approve the request of public works director to award the Christian Ridge Road rehab engineering to Haley Ward on an amount not to exceed \$61,500 with funding coming coming from the main DoT MPI grant and local roads account 90901900 Def 59001.

**Casey Hanson**

Second,

**Dale Hamilton**

have a motion a second, any further discussion? Just one question in terms of the scoring because they were those the actual scores that you just

**Lisa Sekulich**

know, pulled them out. So three of us scored so each one of them was going to score differently. they were close. 92 94 87-86-87-96 So I mean, everybody has a different

**Dale Hamilton**

any other further discussion? All those in favor, All those opposed? Motion passes. Thank you.

**#19- Purchase of raw water pump**

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**Dale Hamilton**

Item 19 Council order number 032108 requests of the water superintendent to purchase a new water pump for the water treatment plants.

**Lisa Sekulich**

So the memo is from me but I'm gonna have Reggie join me. We're here tonight to request that council allow us to go into an agreement Woodard and Curran to procure and then oversee the replacement of

one of the raw water pumps. At the water treatment plant. There are two existing raw water pumps at the treatment plant on a branch leak. These pumps are the ones that pump the raw lake water to the plant to be filtered and processed to be turned into clean drinking water. These pumps are original pumps that were installed in the early 90s One of the pumps has been mostly out of commission for years and we have relied solely on the second pump for getting water to the plant and to the citizens due to the age and the need for redundancy on pumps we're requesting to purchase a new Raw water pump to replace someone that has been out of commission for the city has to reliable pumps to make sure that the water continues to flow into town without issue.

**Dale Hamilton**

Any comments?

**Steven O'Halloran**

is this a? This This was not put out to bid this is just something that you're comfortable with Woodard and Curran? And you want to award the contract to them?

**Lisa Sekulich**

Correct. So Woodard and Curran has been our engineer for water and wastewater for years. They are the ones that would be specking it out and overseeing to make sure that it's it was long it along with Reggie, excuse me to make sure that everything was put in correctly in place and

**Steven O'Halloran**

cities had a good experience with this firm . Have any problems in the past? Why is it something like this wouldn't go out to bid is that it's just common thing they know the system and it makes more sense just to hire them.

**Lisa Sekulich**

Correct. And you know, procuring pumps to this point in time is there's a fairly significant lead time. So to have somebody come in and relearn our entire system, and it just it takes shortens up some of the time.

**Steven O'Halloran**

Do you have the pump already?

**Lisa Sekulich**

No we don't that's all we're asking. They're gonna procure it that this this prices for everything. It's for the pump, and Woodard and Curran to oversee and they're really not doing a lot other than just making sure we got the right pump, the right fittings, the right. It's mostly for the actual pump work.

**Steven O'Halloran**

Is there any any issues with putting a new pump in? And the one that's going now is this something that we should consider doing both at the same time?

**Reggie Winslow**

At this point, I wouldn't do both. We are planning to hopefully get a new plant in 3-5 years time spend the money and replace.

**Lisa Sekulich**

And if we do get the new plant and more like five years, but three to five years. This is a pump that can be reused. You know what I mean? It only be a few years old. So I'm able to keep it online to keep water flowing while we're building the new plant and then put it in as a backup at the new plant.

**Steven O'Halloran**

So if you did two at once, what would change in this price from your perspective as an engineer?

**Lisa Sekulich**

It would probably I wouldn't say I would quite double it probably be 20 So probably be another 21-25 ish I think to most It is, like I said the pump,

**Steven O'Halloran**

how old is the, the the existing pump that is working now.

**Reggie Winslow**

So the plan was built in 1990. And that's on the pump.

**Steven O'Halloran**

So they're both the same age,

**Reggie Winslow**

they're both the same age, this pump that is being replaced, has been before due to flooding. It's never been right since then, um, it has been repaired, but is non functional.

**Lisa Sekulich**

It's putting air in the system, which then throws off all the the meters in the filtration process, and it's more harm. And it's than it's worth at this point to try to run it.

**Steven O'Halloran**

But they're both the same age. And they both could go to a new plant.

**Lisa Sekulich**

The 32 year old one would probably get phased out. And then if we bought the new one now it would that one would go to the new. Oh, if we both did once. I don't know that because it all depends on what we design for the new plant. So

**Steven O'Halloran**

Didn't you say that one would go to the new plant,

**Lisa Sekulich**

right one could tell it's based on location, and it's also based on elevation correct. So the pump has to be able to, if the new plant is higher, we may have to upsize pump to get the proper lift to get to the new plant. But the one that's there right now essentially would just, I think remain in its own little building as a backup plant, or a backup pump type of situation. Thank you.

**Marc Blanchette**

Mr. Chairman, Move to approve the request to the public works director and water superintendent to go into an agreement with Woodard and Curran to procure and oversee the replacement of one of the raw water pumps at the water treatment plant. The project bid is not to exceed \$148,000. And to be funded from the water department fund balance

**Michelle Kaplan**

Second

**Dale Hamilton**

and motion a second, any discussion? All those in favor? All those opposed. One opposed. Motion passes.

**Lisa Sekulich**

Thank you.

**Steven O'Halloran**

May I go on the record is saying The reason I oppose the project is I believe that they're both the same age now's the time to do both, not just one and then one next week.

**#20 Moratorium extension**

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**Dale Hamilton**

Just a heads up for everybody. At the conclusion of item 22. I will we will take a brief three to five minute break just to give the councilors a chance. Because we have a lot of other agenda items. So I just want to recognize we'll take a quick break for a moment after item 22. Okay, so moving on. Item 20 public hearing and action to extend by 180 days the moratorium ordinance regarding medium large scale solar energy systems.

**Elena Piekut**

Good evening councilors Elena Piekut city planner. So most of you will recall in October, you adopted a moratorium ordinance covering large and medium scale solar energy systems that is set to expire on April 16. This spring. So this request is essentially grants us a little bit more time to make some progress on that process. That's done in sort of 180 day periods, we could come back sooner and propose amendments if prepared, but the proposed motion would extend it to this coming October. There's two tests that the Council must find in order to take that action, which is that the problem giving rise to the need for the moratorium still exists and that reasonable progress is being made to alleviate the problem giving rise to that need. So I provided a fairly detailed memo detailing that for you. Essentially, the problem still exists because the conditions haven't really changed. And what we had

seen prior to adopting the moratorium was seven projects in a year in less than a year and a half. So it was pretty rapid and high demand. The second condition reasonable progress. So I've been talking with the planning board a little bit about how they'd like to approach it. I think they'd like to have like a joint workshop with you all to further talk out what the concerns are and how they can be addressed in the ordinance. And also they would like the assistance of someone with some expertise on those energy markets and policy. So I've been in contact with a consultant who the city has used before for other topics with expertise not only in renewable energy, but really all forms of energy markets within the Northeast. So hoping to engage them and get some amendments potentially if that's the solution that they see best fit proposed prior to the end of the extension period.

**Dale Hamilton**

Questions, comments?

**Steven O'Halloran**

I have a question and I and a comment. Could you share with the public? You said the seven projects in the city before you put the moratorium on? Correct? That's correct. And two of those projects, the city is actually reaping proposed savings and electricity for the city of Ellsworth, correct? Yes. And after that was made, so two of those projects the city is considering or thinking that they are going to receive a savings from this project? Correct. And then there was a moratorium put on at Project seven. Okay. To me, it looks really bad for the city to endorse a project to get the benefit of perceived savings. We don't know if it's really for real yet. But I understand it's close to being seen if it's for real. And then moratorium, no one else could have any savings, no one else can have any product. And you had a six month is that right? Six Month moratorium after the city got its own benefit?

**Dale Hamilton**

Nope. Incorrect.

**Steven O'Halloran**

What is the correct?

**Dale Hamilton**

So if Can I please. So the projects that were the city's projects were previous to other project applications. So it was not that the city voted to move into a project. And then then the council said, now we'll stop it. All the projects that had come before the city, that were sitting in front of the planning board, where applications had been made. And it's only the process, it doesn't just happen overnight, somebody doesn't just walk in the door and say, oh, I want to start a project. What we said as a council was, make sure those projects go forward. They're in the pipeline, they're already there, we're not going to touch those. But before we move forward any further because there were so many, that the discussion that we had was the concern about as a city, we don't have enough information to know, what are the risks, benefits? What are the planning, one of the things I hear constantly in this community is about lack of planning, a lot lack of foresight for the future, what do we want to have happen? And so that was the basis of the discussion, not because the city was a partner in the project? It was because there were so many projects that we had authorized, up until that point that we said, let's take a pause while there's no other applicants in the pipeline. And let's have a discussion about

this and put a six month moratorium. And now we're at that point of saying what should we do at this point going forward? So it wasn't not linked to not because of it was a part of the overall landscape.

**Steven O'Halloran**

That's very well could be true. And thank you for that information. But even with that information going forward, I think that it looks bad. It looks dirty. And I don't think it's fair, that the city reaps the benefit, and then puts the brakes on anything. I respect the fact that ones in the pipeline didn't get affected, but said no more, no more for six months. And now you want another six months, I'm in total disgust and disagreement.

**Dale Hamilton**

I'll just make one other comment that just so everybody's clear. When Councilor O'Halloran says that the city benefits, it's actually the taxpayers benefit. The decision to enter this was the the reality that this project whether the city became involved or not, this project had already received authorization and the benefits of this process in which they get the tax deferral and all of that the savings that are created for the city means that the tax payers will pay less in terms of taxes to cover the electric costs. That's what this is about. And if we didn't buy into the project, the project would have gone somewhere else they would have sold it to some other entity. So it's it's not the city is a decision that was made was made on behalf of the taxpayers. And that's certainly what my vote was was was about.

**Robert Miller**

even if even if they did build in the same spot and we didn't take advantage somebody would have taken advantage of it. It's not it's not that we you know, we just went behind every body's back and did this. There was somebody was going to get the tax credits, and I was hoping that it would be the people of Ellsworth. And that's the way it turned out. Luckily,

**Casey Hanson**

have a question, which is, is the discussion about the medium to large scale solar energy systems? And what the planning board wants to do with it isn't related to the comprehensive plan? Is it a discussion that would make sense, in combination with the comprehensive plan? Are there really two totally different things?

**Elena Piekut**

Um, I think it's certainly is something that should be addressed through the comprehensive planning process. Since 2004. You know, energy has changed significantly. And it almost couldn't have been anticipated that long ago that this is something that we would see. However, it's going to be quite some time until a final plan is presented to the Council for adoption and to the state for a finding of consistency. So I don't really think it would be proper to extend and extend and extend the moratorium that long. I think we have sufficient information and sufficient like comparable land uses that it can be permitted by zoning and addressed by the site plan review and performance standards. Without needing to address it in the comp plan. I think you run into more of a legal concern, if you were to extend it and extend it and extend it based on that rationale. But we will address that topic, I would say in that process.

**Casey Hanson**

And so the workshop that you were saying that there would be a workshop between the planning board and the city council about Yes. When would you? When would you think that would be?

**Elena Piekut**

Well, since you'll be so busy with budget workshops, perhaps before you start that? I think we could get that consultant secured by that time. Yes.

**Steven O'Halloran**

To your point, Mr. Chairman, the city did get the benefit, the project was going to go without getting benefit for the taxpayers if the benefit overcomes we haven't seen it yet. Maybe it will. But to my point, is putting a moratorium prevents other citizens, potentially from getting the benefit of what the city is getting.

**Michelle Kaplan**

So finding that with research, a lot of times you have these investors in solar, the solar infrastructure is so great, that by the time the investors reap the benefits, and that energy is sold to the grid, it's actually costing the General citizen, higher energy costs. And then what else is known as strategy.

**Gene Lyons**

That's like, I think when we put that moratorium on what you're talking about, who cleans it all up in 10 years, or 20 years or five years? We don't know a lot about it, whose responsibility is to clean it all up? Because there may not be anybody around to clean it up unless we do it ourselves. So there was a lot of other questions why we put that on.

**Michelle Kaplan**

yes, and if they if they open solar farms here in Ellsworth, they're under no obligation to sell that energy to the citizens of Ellsworth, if they sell it to the grid to the highest bidder.

**Steven O'Halloran**

I'd like to point out they can't sell the energy if they don't build it.

**Elena Piekut**

So when I think that the consultant that we're looking to work with could speak to a lot of these questions, and that's the value in having a giant workshop. And just also don't forget that there is a public hearing involved in this item.

**Gene Lyons**

So so we had six months, but what did happen? Do we not get together and probably could have gotten together that six months to figure this out. So can we extend it again? Can we get it done this time?

**Elena Piekut**

Yeah, I mean, that's remains the goal. Had to have a conversation with the planning board and start communicating with that consultant, you know, found a name for that person. There's not a whole lot of people who provide that service. And that was something that they had asked for.

**Gene Lyons**

think we got a lot of, we still have a lot of unanswered questions, but I think we should probably jump on it and get them answered.

**Marc Blanchette**

Mr. Chairman, moved to extend the medium and large scale solar energy systems moratorium ordinance for a period of 180 days from April 16 2022 pursuant to 30, a MRSA section 43562 as attached here too, as the problem giving rise to the need for this moratorium still exists and reasonable progress is being made to alleviate this problem.

**Dale Hamilton**

Before there's a second, I'm going to open the public hearing for comment, and then we'll come back. Public hearing, I'll open the public hearing. Anybody wishes to speak on the site, and they may.

**Lucille P**

My name is Lucille Pole. And I just have a question really hoping you can answer. Will you be involving the Ellsworth Green Action Team in the process of sorting out the solar farms?

**Dale Hamilton**

Well, it will be any any workshop if we public, there'll be public meetings. They're all they're all public meetings. Absolutely. Anyone else? Right, close the public hearing.

**Unknown Speaker**

Solar energy is not cost effective. It's one of the reasons your electric bills are going up so high. In 20 years, those solar panels will be dead. Then they create massive hazmat, have you thought about setting up an escrow account for that purpose. Where if you want to have a solar farm, you have to have an escrow account to cover the decommissioning costs, and treat it as hazmat, not regular trash.

**Dale Hamilton**

That's what Councilor Lyons was referring to one of the issues that came up and why we had the moratorium that was one of those items was to address that.

**Dale Hamilton**

I just wanted you to know that that was the previous discussion. So close the public hearing. We have a motion.

**Casey Hanson**

Second, the motion.

**Dale Hamilton**

Okay. Motion a second, that discussion can happen.

**Michelle Kaplan**

Do we need to amend the date? For voting on it today?

**Elena Piekut**

No, I don't think so.

**Marc Blanchette**

No, the the six months expires on April 16, the original six months. It's extending

**Dale Hamilton**

its extending from the date it expires.

**Gene Lyons**

So if we extend it in that amount of time, everybody gets together and figures. Wow, we should just bring this back and open it up. We can do that. prematurely. Yeah. Okay. Yeah. Yeah. We're not. We're just saying extend it. But we might be able to get this resolved before. Questions that I rarely have unanswered in

**Steven O'Halloran**

What was done during the six month moratorium?

**Elena Piekut**

Don't you have a motion on the table?

**Dale Hamilton**

We do. But it's part of the discussion. So counselors can ask questions.

**Elena Piekut**

So as I stated, before, I spoke with the planning board about it. We kind of I mean, I do wish I had gotten started a little bit sooner. But we kind of got through the holidays. And I don't think the planning board met in December, I think it was. So we had a couple of conversations about that. Looked at schedule. And it was partly like, once I'd had those conversations, found the consultant contact from the city's previous efforts in this area. And initiated that conversation, then once you start looking at the scheduling to do one or more joint workshops to do the appropriate, noticing holding public hearings at the planning board. Probably a workshop just for the planning board to do the work of looking at the current ordinance drafting new amendments. So they have a whole process. And it probably also will involve significant mailing costs to a lot of if not the entire city, every property owner because you might be taking away a type of use. So all of that, then, on top of that the council's public hearing process to line up all those timelines and all those meetings becomes kind of challenging, and it became clear that well, so now we can't do it. You couldn't extend it in April, because you'd be a couple days late. I mean, it could be done. But this made the most sense. timewise to give it a little bit more time and other things

come up in the meantime. So there's been some big projects and unexpected things as well. I mean, we also, you know, one of the things that I think the planning board as well struggled with was there wasn't much discussion at the council when this came up, about what the concerns were. So we have regulations in place. Now When I mean, when I say regulations, I mean, the three types of solar, plus energy storage were all created as land use categories in the zoning ordinance. And then performance standards were developed for them back in the spring of 2020. So a lot of thought was put into it adopted, or recommended for adoption by the planning board and adopted by the city council. And then this is kind of that was progress. And then there's a stop on it. And there wasn't much discussion about what the concerns were other than it's new. We don't know much about it. It's maybe subsidized. So there's not much to parse through that, which is the reason that they the board, sees the need for a joint workshop with you all.

**Gene Lyons**

If we extend it tonight, is there any reason why you can't get jump right on it and get all the information, you can try to get this together so that we either let it expire or if we can get with people and get this moving forward?

**Elena Piekut**

Yeah, we can. I mean, like I said, I think probably best to try to do something before you get underway with budget workshops. Since you'll have a meeting every week for a month or more. Yeah. All right.

**Dale Hamilton**

All right. See no more discussion. All in favor of the to approve the motion. one opposed motion passes.

**#21- Planning Board appointment as Planning Committee for Comprehensive Plan**

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**Dale Hamilton**

Item 21. Council order number 032109 request of the city planner to designate the planning board as the planning committee responsible for preparing the comprehensive plan in accordance with means growth management act 30, a Mrs. A chapter 187.

**Elena Piekut**

So again, Elena packet city planner. This is kind of just a formality. In my mind, this allows us to take next steps on yet truly beginning the comprehensive planning process. So a request to designate the planning board as the planning committee, defined by state law with the general responsibility for overseeing the development of the plan. So that doesn't mean that the planning board would do all of the work. We kind of discussed this last last month, when I presented to you on the process. You know, I don't expect every single Planning Board member to be significantly invested, but they would kind of oversee the process meaning the public hearings and setting up the format for a steering committee and report back to the planning board, but somebody needs to be designated under state law in order to bear that responsibility.

**Marc Blanchette**

Mr. Chairman, moved to designate and, and establish the Ellsworth planning board as a planning committee for city of Ellsworth pursuant to 30 dash a MRSA chapter 43443242.

**Dale Hamilton**

Second, motion a second, any discussion? All those in favor? All those unanimous Thank you.

**#22- Transfer station staffing**

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**Dale Hamilton**

Item 22. Council order number 032110. Request of the public works director to change a part time position to a full time position at the transfer station.

**Lisa Sekulich**

That evening, Lisa Sekulich public works director. Sorry, I have a pile here. So I'm here tonight to request a change in staffing levels at the transfer station and recycling center. The solid waste Committee met on March 1 To discuss this change and staffing levels and are supportive and they were supportive of bringing this request to the full council. I'm requesting that a part time seasonal position be changed to a permanent full time position. This request was made the transfer station and recycling center would be staffed with two full time employees. This would allow us to open the transfer station backup to citizens for full days on Tuesdays and Thursdays.. as we previously were open now we're only open half days on Tuesdays and Thursdays. This additional help at the transfer station is needed. The Highway Department for the better part of the year has had to supplement staffing up there, even though themselves where they were understaffed. The extreme amount of cardboard we're receiving at the recycling center as well as other recyclables we believe is mostly due to the amount of people who have turned to ordering items online during the pandemic and then recycle responsibly the numerous boxes the items are shipped in the funding for the second position was previously funded by Acadia disposal districts in payments of about \$27,000 a year. Last two years Acadia disposal district stopped Bringing their stuff to us in late 2019 or early 2020, I believe. The last two years FY 21 and FY 22, we have had a substantial increase in recycling revenue, both due to price increases over what we saw in 2020. As well as due to the amount of items we're processing. In FY 21, after the crash of recycling, we estimated we would only bring in about 8000 in recycling revenue, we actually received about 27,000. So then this year, we upped it to about 10,000. And to date, we have a received over 39,000 and recycling revenue. I believe the change of positions makes sense for the employees at this location, the citizens of Ellsworth and the city in general.

**Michelle Kaplan**

is going to result also an increase in health insurance benefits.

**Lisa Sekulich**

No, it would go back to what it was before

**Michelle Kaplan**

time off sick days, retirements and all of the other benefits go on full time to retire that

**Lisa Sekulich**

So yeah, so it would be so would be an increase. One of the things I didn't include in the packet is for discussion purposes, yes, there would be an increase potentially in some of those benefits, right? That the part time seasonal does not get. But one of the things to remember about the transfer station is there's multiple sources of revenue for the transfer station. So we have a residential stickers that we all get for our trash. There's commercial revenue, which is basically if you get scaled, not really commercial, it's homeowners can do it. And then there's some like apartment complexes and stuff that gather and bring their trash. There's recycling revenue, there's township user fees, and then lastly, the city appropriation with the increase in recycling revenue, even with this additional position cost the city appropriation based on the numbers I ran and it'll be in your council or your packets for the budget. The city appropriation actually remains about the same or goes down

**Marc Blanchette**

Mr. Chairman,

**Casey Hanson**

I was just gonna say the same thing you say which is motion to approve the change of a part time position to full time position at transfer station

**Robert Miller**

second

**Dale Hamilton**

We have motion in a second. Further discussion. All those in favor?

**Lisa Sekulich**

Thank you much.

**Dale Hamilton**

Alright, we will take a three and a half minute break.

\*\*\* Intermission\*\*\*

**Item #23- Rainbow Crosswalk**

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**Dale Hamilton**

For the record that was more than three and a half minutes. But you still want to get three minutes at the podium. And we will enforce that I know we have a lot of people speaking this evening on this subject. And I just want to remind everybody, I think everybody knows this. But obviously, when presenting you're presenting to the council, your opinion, I think we can have a respectful conversation about this. And that's, that's part of our process is to make sure that it's respectful that it's not attacking anybody. If that should happen, then I will certainly jump in to re-direct the conversation so that it's positive and productive. But with that, let me introduce the item. And we'll go from there. So item 23, discussion and action regarding painting up across rainbow crosswalk on Main Street and sponsored by Councilor Hanson. So I'll turn it over to you for

**Casey Hanson**

Yeah, so I think the thing that makes the most sense, since this is really the students presentation is we'll let the students present first. And then I think, let the people make their comments. And then we have our discussion. And then I'll save, I'll say my comments for when I make my motion at the end of all the discussion. So go ahead.

**Dale Hamilton**

And if you could, again, just say your name and where you're from, and

**Ms. Kutny**

Hi, I'm Carrie Kutny. I am a teacher at Ellsworth High School. And I am the faculty advisor to the Gender Sexuality diversity Alliance group at Ellsworth High School. I am not going to introduce the project, I'm going to let the students do that. But before I introduce them, I just wanted to explain like what is in the packet that we gave you. The first is some statistics, which are the most recent that we have better statewide from the Maine integrated youth health survey. And this is a survey where the state of Maine through DHHS and the Department of Education do a survey for all public high school students. And they do this every two to three years. They have not done it since 2019, because of COVID. And I don't know if they're going to do it again this spring or next year. But they they ask all types of questions regarding health. And when these statistics came out, it was very clear that the LGBTQ community faced a lot of health disparities. And when the students were talking about this, that's what launched this project. So I will let them talk about it more in detail. But that's what is in your packet. The second thing is a photo from Nick Navarre who is a local photographer of the area where we would like to put the crosswalk so you can sort of visualize where it's going to be. Let's see. So as far as the GSD is concerned, this year, we have 27 active members at Ellsworth high school this year, we have 536 students that was as of today. So that's 5% of the student body. Many are not here, it takes a lot of courage as a teenager, especially to come and address an issue that is this personal and this sensitive, and put yourself in that kind of position of vulnerability. So I would just really like to acknowledge how courageous these students are, because they really are here on behalf of their friends who can't be here, and to make Ellsworth a better place. So with all due respect, I'm going to turn this over to the students and let them tell you all about this, this project. Thank you very much. And I'd like to introduce our vice president Elizabeth Ford she's gonna say,

**Elizabeth Ford**

Hi, I'm Elizabeth Ford. I'm a junior at Ellsworth High School, and I've lived here all my life. I guess to really begin it was about I think, year ago now that we first or a year and a half ago that we first brought this to city council as an idea to prevent bullying in our schools. And really, and discrimination in our community really. And when it first came to city council, it was mostly a we want this crosswalk, we'll do whatever you'd like. We'll put it wherever you'd like but or that fell through we're now presenting again, with more specific spot in mind and addressing some of the concerns that were brought up from last time. At this point, we are planning on putting it in the Franklin Street, right in front of City Hall right over there actually. And it would be low traffic. And it also is where there's a lot of concern about safety last time would be a low traffic area, and it's where the parklet is in summer. There might be like no traffic during the summer where many people are walking around. While the D O T does say it's very safe.

That was a concern last time that we wanted to address to be sure that every person was heard. And from that I'm going to kind of go into that Some of the statistics that we were talking about LGBT students are much less likely to have support from adults, and more likely to experience violence that's in your packet. And I think it's a really important thing to think about because we are LGBT community isn't really given that much support. There's support from friends, maybe family, but many people don't have that. I think it's really important for our community to show that publicly with this crosswalk. And I have also collected data from a sample of 100 Ellsworth high school students as a statistics project. This was taken in September of 2021. These students were selected by blocking off the grade level variable, in order to make sure that any effects of grade level may have on the statistics would be taken to account. We also randomly selected three advisories from each grade, using a number generator to make sure it's completely random and I had no bias. The survey was then given to all students in these advisories. From my research, I found that 31% of the students surveyed identified as part of the LGBTQ community 30 out of 31 students, or 96.8% of these students who identify as part of the LGBTQ community suffered from anxiety. This was about this is compared to the 49.3% of the non LGBTQ plus students that identified as having anxiety showing the large disparity in mental health. 67.7% of LGBTQ plus students suffer from depression in my survey, versus 13% of non LGBTQ plus identifying students. That means that LGBTQ plus students in a sample were more than five times more likely to suffer from depression.

### **Dale Hamilton**

So just three minutes hard, but I want to ask, are all of all you going to speak? Or you do you have individuals who are speaking on behalf because if that's the case, then we can extend time? If you have a few representing the voice.

### **Elizabeth Ford**

yeah, I was gonna do I think a majority of the speaking if that is all right, okay. And summarize the statistics showing how mental health disparity of LGBTQ students is just how much they suffer more than the opposing students. And I can speak to my personal experience with this, like, I had trouble coming out. For the longest time due to these public comments of hate and discrimination, reading through like, Ellsworth American article comments, or just public comments on private Facebook pages. I didn't feel safe coming out. I didn't think that if I came out, I would be supported by community. I wasn't even sure if I'd be supported by friends, because it's hard, not knowing if that makes sense. But I had to come out in school even because I see how the other students are treated, and how people referred to the LGBTQ community saying, Oh, that's 'so gay'. And negative term, used as a negative term and kind of say, oh, being gay or trans is bad. And that made me really scared to come out, knowing that there's people in my community that will not support me and hate me just because of something identified with. But I ended up coming out last year to my family and some friends, mostly because of the pride fest that we had last year, as a result of this crosswalk, actually. I saw how, when I saw how many people came to that Pride Fest to support us. I really felt how many people do support us and how many people really won't judge me and won't hate me for who I am. And I think that's really beautiful in the way that if we show the support and inclusion in our community that people will feel safer, people will feel more welcomed in our community. And really, I think having that crosswalk as a community representation of this community supports you this government supports you. And that is the kind of discrimination that I'm talking about won't be tolerated. And while we have some of these

crosswalks at the schools, children aren't the only people affected by this. Many people in the older generations were never allowed to mention the words gay or trans, or bisexual or any of those words, and I think it's really important to help those closeted people from generations ago who didn't have the chance to come out to give them that support the kind of empowerment that they really need. Yeah. And I think really having that crosswalk there as a public sign that we support all people who come here is a really important thing to have, especially where, while the rainbow represents LGBTQ plus community, it also represents inclusion in general. We don't only support LGBTQ Plus community was we're all people and we accept them no matter what their beliefs, their identity, their race, their nationality, any of those things. We accept all people. And yeah, I think I'm gonna turn it over to Katie.

### **Cady Gleason**

Hi, my name is Cady Gleason. I'm a freshman at Ellsworth High School. I've lived here for four years. And I just want to come here today to say how, even like the small acts like painting a crosswalk can impact our community as a whole. Last year, we painted the crosswalks. And off of that stemmed the Ellsworth pride fest. And that brought in so much positivity and so much community to Ellsworth, I think there was a lot of acceptance shown. And we showed that we were like welcoming people. And I really think that it brought in business too. I know that's a big factor for some of the people in this room. I know a lot of businesses profited off of all the tourists coming in, because I know that tourism can be a problem. I know a lot of people go straight through Ellsworth, right into Bar Harbor. And that can be a problem because, you know, we're missing all of that. And Bar Harbor, it brings in a lot more. But last year, we brought in quite a bit out of that, even, like, noticing that a small act like painting a crosswalk, like brought something big like that and brought, like a lot of people together. And it made a lot of people feel more accepted in the community. And I know, towns all over Maine are getting closer to that. And I know a lot of media has been watching. So I don't have too much to say. But I really think that doing something small even it's, it brings a lot of good. So that's basically all I wanted to say. But yeah, thank you

### **Ren Hammond**

I am Ren Hammond and I am a senior at Ellsworth High School and I have been in the city of Ellsworth for over eight years. One big part about a crosswalk is that it will help prevent bullying of anyone really not just people of the LGBT community, in places where there are other rainbow sidewalks, a lot of the bullying for not just LGBT people, but people of all of the backgrounds have also gone down. It shows that the place where these crosswalks are, aren't just a place that will tolerate bad information about people or discriminate against people of different backgrounds. And this also greatly affects the LGBT people. It gives them a I guess symbol to help them get the confidence to be who they are. According to some of the statistics. There are 38% of LGBT people who think get attacked based on just their sexual orientation versus only 4% of people who aren't LGBT. And then 26% of people get attacked for their gender expression, while only 8% of people who aren't LGBT people do. It also helps them boost their mental health. One big thing about LGBT people it not being accepted is their mental health. About 64% of LGBT students feel sad or hopeless for two or more weeks in the past, versus non LGBT people, which is only 27% and nearly half of LGBT students have long term emotional or behavioral problems expected to last six months or more LGBT students are nearly four times as likely to have serious or seriously considered suicide in the past year. And yeah, I would like to, Abby.

**Abigail Barnes**

Hi, my name is Abigail Barnes. I am a senior at Ellsworth High School and I have lived in Ellsworth my whole life. Today I'm actually going to read two statements prepared by two people who couldn't be here today. So first, I'm going to be reading a statement from a senior named Amber Ray Pesek. i My name is Amber Rae Pesek. I'm a senior at Ellsworth High School. I have gone to EHS all of my high school career and we have a rainbow sidewalk. I love our sidewalk and what it stands for. I'm an ally to the LGBTQIA community. And I am proud of that. I believe that representation of the LGBTQIA community is so so important. I really, I would really like everyone who was here to take the time to think about the kids who are afraid to come out or do not have any representation for who they feel they are just having a rainbow sidewalk could change someone's life. And for that reason, EHS is GSDA should be allowed to paint a rainbow sidewalk. Sincerely, Amber Pesek. The second statement is from a freshman named Leif Ford. As a member of the LGBTQ community, I have faced a lot of challenges. within the school, there's a certain amount of harmful stereotyping towards us. People commonly will use the term gay as an insult, or as a term to insult people saying things like that's so gay. And what are you gay? It makes me extremely pained and uncomfortable to hear when a term for community that I am a part of is being used to make fun of others. It's making it sound like it is bad to be gay. Having a rainbow crosswalk will help to make Ellsworth a more accepting place and to help erase the prejudice surrounding the LGBTQIA. Community. Sincerely, Lee Ford Thank you.

**Ms. Kutny**

I think the students are done speaking. Do you have questions for us?

**Dale Hamilton**

Not at this time. I do want to make a comment.

**Steven O'Halloran**

I have a comment. Sure. Very impressed with all the young people here that has the courage to get up and speak or just attend this meeting. It's very impressive. And I think everyone deserves a round of applause.

**Ms. Kutny**

I'll just add that I've been a teacher for a really long time. And I have over the past year and a half or two years never had a group of students who have written and received a grant in the 1000s of dollars. Elizabeth did a research paper to get statistics on the LGBTQ community in Ellsworth high school because we didn't have that information. It's not often you get a kid who just writes a 15 page paper because we need to know they have gone to umpteen million zoom and in person meetings with many of you over the past year and a half. Just the amount of research and dedication and time they have put into this project is really impressive. And they are very impressive bunch. So I'll stop talking now.

**Dale Hamilton**

So we will open it up for for comment. I know everybody's here. If you want to speak obviously you want you want to have your say. But I would ask that if you hear something that's been said, just to reference it. If you rather than going in and repeating ourselves, if the points been made, we've heard it.

But if you feel like you have to make the point, I'm not obviously going to stop you and say that's been said. But just keep that in mind. Because we have a lot of people and we want to make sure we give everybody a chance to at least have an opportunity to speak. So again. You can just go up one at a time, your name where you're from and and your comments. And we'll just keep rolling through. So once somebody is done, we can jump right in

### **John Linnehan**

Good evening, I'm John Linnehan. I live here in Ellsworth. And I'm going to approach this issue from a little different perspective. I am a Christian. I'm born again. I'm saved I know Jesus Christ as my personal Savior. I was saved when I was 26 years old, a little bit older than these young people here not much. Since that time I spent the last 45 Approximately years reading and studying what I believe is the word of God the Bible. I base my life on the principles that are in it over and over and over. And I'm here opposed the rainbow crosswalks from a spiritual and moral reasons. And I want to encourage the council to vote no on this issue. And I wanna just read you one Bible verse. And it's kind of summarizes where I'm headed this right here. And it's second Timothy 3:16. It says, All scripture is given by inspiration of God. And it's profitable for teaching, for reproof, for correction, for training in righteousness. In simple terms, it just says, A God's Word, the Holy Bible tells us what's right, what's not right, how to get right and how to stay right. I've based my whole life for 45, six years now on the Bible on those principles in it. And I have also send the video to the council members, I've posted it on my website, just because I know three minutes was a long amount of time. So if you go to my website, just John Linehan on Facebook rather, and look on there, I've got a video and system, educational video, of why LGBTQ etc, is a sin, according to the Bible is cinecon. If the Bible, it's not the viewpoint that God has, it's not acceptable in God's sight, doesn't mean God hates people no more than he hates a murderer, He doesn't hate the murder, he hates the sin of being a murdering somebody. It doesn't mean people hate just because you disagree. I respect every person who spoke here today, I just have a different opinion of what they are on that. But you know what, it doesn't matter what their opinion is, what my opinion is, or what the council's opinion is, in my opinion, all that matters is what God's Word the Holy Bible says. And for centuries after centuries, that word has been the foundation that our nation is built upon. Our nation is built on biblical principles and a constitution. And I live by both of those documents, I have them both up here with me. Our nation is founded on those principles. So I encourage people here to really take a stand. If you love young people, which I do, and I That's why I would take the stand like I am, I may be the only one here today, that doesn't matter. I believe what I'm saying is truth. And I've raised two sons, seven grandchildren, and I believe in telling young people the truth, then they can make a choice. Everybody has a decision a choice to make. But I believe if I didn't tell you what I'm talking about there, and just let it go about, then it would be not influencing people in the right community in the right way. So I encourage you to take a look at God's word. Watch the video I have on there. It clearly says that God doesn't hate anybody. I don't hate anybody. God loves people. And so don't I? Is that a time period period? I thank you. I didn't recognize it as thank you for your time today. I appreciate it.

### **Pine Hanson**

Hi, my name is Pine Hanson. I've lived in Ellsworth almost all of my life. I'm a sophomore at Ellsworth High School. And I just I really didn't plan anything to say today. But I just feel that I've done a couple things with the GSDA before. And I've helped paint the crosswalks. And I helped out with the pride fest.

And being at those events have they've just felt. Right. They've given me a sense of belonging that I really didn't feel like I had, you know, four or five years ago when I came out. And I think that, yes, respecting everyone's opinions is very important. Um, I'm sorry. But I think that and that, yes, telling the truth is important. And I think the truth really here is that our community does support you, and does care that you are safe, and that you are loved and that you are supported. And I think that the crosswalk is really the best way to show that. And as I believe Katie said that it's really the way to lead to bigger and better things for our community. Thank you.

### **Mark Worth**

Hi, I'm, thank thank you for the opportunity. I'm Mark Worth. I am a resident of Ellsworth. I'm Minister emeritus of the Unitarian Universalist Church of Ellsworth, and I'm here to speak in favor of the rainbow crosswalk and in support of our young people here. Three minutes is too short a time to preach a sermon. And so I won't try to debate every biblical verse that there is but I do know that Jesus himself never spoke against LGBTQ people or, or their relationships in any words that we have of his in the Bible, but He did say, take the log out of your own eye before you try to take the speck out of your neighbor's eye. He said, Judge not so that you will not be judged. He said, Love your neighbor as yourself. And so I'm here to speak about my faith in the inherent worth and dignity of every person. And in my support for this effort, and for these brave young people, thank you.

### **Gwen Clark**

My name is Gwen Clark. And I wanted to say that just something briefly about the rainbow crosswalks, I have friends. I have relatives who are involved in the LGBT plus community. And I think overall, we believe in equal rights, we don't believe in special rights. I have older friends, that are members of the LGBT community who are really a little taken back because the new generation is out there. And like I said, they believe in equal not special. I've sat in a school parking lot and watch the school crosswalks. I've had kids come up to me and say I need to get across the street through this traffic, and I don't know how to get there. And so you have to use the crosswalk. And they refuse to use the crosswalk because they are afraid that they're going to be judged. So it's a damned if you do damned if you don't situation. But I might suggest, I might suggest that that's a safety issue, not a popularity statement. And if we're going to have inclusive, and diversity in our community, that we do so as American citizens because we are all inclusive, and I suggest that maybe we make a red, white and blue crosswalk and do it for the month of July.

### **Nate Hanson**

Hi, I'm Nate Hanson, I'm a parent here at Ellsworth, I've got one kid who's gone off to college and another kid who you just heard from. As we heard from some of the kids stories, these gestures matter in real ways to kids and in real, concrete outcomes in how they feel their mental health, whether they try to hurt themselves, in some cases, this is not some theoretical issue. This is a real issue of the children in your community, trying to help other children and adults in your community to live free and healthy lives, the way many of us do in ways that we take for granted every day, without ever considering how privileged we are to not be concerned with the way that our neighbors and others in our community. Judge the way we the way we are who we love, and the way our families have come together in a loving and natural ways. We take that for granted because we just happen to live in a way that the world is decided that's the right way. And we don't have people come up to this podium and say that

just the way we live is a sin to compare it to murder. So pause and consider that this is not a theoretical issue to many of the people in this room, and the people who love them. There are other ways that we can express inclusion and support for all sorts of people in our town. We do that when we light up our tower above City Hall pink to recognize breast cancer survivors and we put that on, we put those emblems on our police cruisers. We have banners for our Armed Forces downtown that we hang to support our veterans. We have all sorts of ways that we can express our support for all sorts of people painting a crosswalk with the American flag colors. Another great idea and if people want to raise money and engage in a civic process and propose that As a gesture of support and inclusion and welcoming in our town, and by all means do it. But don't not do it and then use that as a argument against the gesture of love and support these kids have brought to make Ellsworth a safer and more loving and more accepting place for everyone. So I hope that in the future, when the next group comes with a proposal for whatever gesture of support and inclusion that they'd like to come up with, that you also approve that just as I firmly hope you'll prove this, thank you.

### **Brynn Stevenson**

My name is Brynn Stevenson, I'm a freshman at Ellsworth High School. And I've also lived here all my life. I'm not really prepared to speak today. But I'd like to make it clear that I don't think this is in any way endangering people by having a crosswalk. I don't think I've ever seen anyone struggle to use the crosswalk to cross the street. Um, but I also think that showing your support and helping people with their mental issues will be more productive than fearing that people are fearing to be judged by supporting other people. And I think just the two things don't even contrast. They you can't compare them because they're just two different safety measures. And I think just one is more important. Thank you.

### **Gordon Workman**

My name is Gordon Workman and I live in Ellsworth, been here for 61 years this year. Kudos to you guys for standing up. I like it. It's great. But what I've seen on Facebook pages, doesn't show the back. Expect that you want to discuss it on Facebook. And that's a problem. I see. I think crosswalks in general is a public place. It shouldn't be for any group to be used for an agenda or organization. I don't. It doesn't matter what group it is. I think that's us town property, taxpayers property. That's just a neutral. Because in the last few years, what's happened in Ellsworth, we've had marches. We've had BLM in here. We never had this stuff before. And I'm afraid that we may change our atmosphere how we are and Ellsworth, because I love everyone. I've known Ralph for years. I've known him. He knows I don't judge people for who they are. There's a lot of people now just don't don't judge people for who they are. And I think if we just stay neutral, I respect that the human race and not judging on symbols, or categories, or whatever. We're better off. Because once you start dividing when you're going to have problems in the future. Thank you.

### **Lindsey Cirard**

Good evening. My name is Lindsey Cirard. I'm a junior at Ellsworth High School and I have been here my entire life. I've never lived in a different home or a different city. I think that changing the atmosphere in our town is not necessarily a bad thing. The friends that have approached me personally and said, Hey, I trust you and I would like to come out to you. They're are wonderful people. And there are some friends that I have that say, please keep this a secret because of my parents were to find out.

Bad things would happen. And I think that having a welcoming atmosphere where these students can truly be themselves and truly feel as though they're safe. Would be a wonderful thing and I am 100% and supportive. Thank you

**Shane King**

My name is Shane King, I'm probably going to get blasted for this. But I heard a man of the cloth speak up. He didn't speak up about the fact that God instituted marriage between a man and a woman. He didn't talk about the fact that we're not supposed to have sex before we're married. So these children shouldn't even be worried about sex right now. Our teachers should not be teaching our kids about our morals, and our sex at home at this school.

**Dale Hamilton**

Just stop here for a second. Just, I just want to ask everybody in here, when somebody's speaking, we want to hear what people are saying. This isn't going to turn into a rally. It's I want everybody to listen to what the speaker is saying. And not engage in inside Chatter is hard enough to hear. But it's also inappropriate. Thank you. Thank you.

**Shane King**

I just want to say, I love everybody. I really do. I care. I want to talk about when I was that age, and I was trying to fill my heart with anything, just trying to feel whole. I filled it with drugs, I filled it with sex, I filled it with rock and roll. And you know what, nothing ever filled that hole. Not a sidewalk. God filled that hole. And I think that we need to start teaching our kids stuff in school that needs to be taught in school. And we need to start teaching our kids stuff at home that needs to be taught at home. So thanks for letting me speak.

**Margarita Nadeau**

Hi, I'm Margarita Nadeau, I'm a senior at Ellsworth high school. So I actually I live in Trenton, but I have gone to Ellsworth school my whole life. And I would just like to point out the fact that we should respect everyone's opinions, and beliefs. And especially like religion, there are so many different religions, and we should respect all their opinions and you know, where they're coming from, and their personal experiences, you know, like that they have found happiness religion. But it also like to point out that this issue is with the local government. And a founding principle of this country was the separation of church and state. And so I would just like to ask you that these religious stories, and these religious beliefs do not sway this government issue. Thank you.

**Fred Byard\***

Hi, my name is Fred Byard lived here for over eight years. I'm older than 99% of you. Maybe 100. Who knows. The point I'd like to make is when I was growing up in age of these kids, we had some queer guys in our class in high school. And call someone queer back then, was one of the most derogatory things you could say to a kid. We didn't even know about feminist or lesbians or whatever. But gay guys, they were. They were targets. They couldn't wait to graduate from high school. So they could move to San Francisco. That was their solution. We don't want these kids going to San Francisco. For them, I mean, to see how things have changed for a group. This lies in the kids in the LGBT community, to come out in public and talk to old people. Let me be critical here that stuck in the 1960s.

Judging by some of the comments that I've heard from, from some of the people out here in the audience, I went to the pride fest last summer. I think I'll blame my daughter. Because we moved out here because the grandchildren. I was amazed at the warmth and the friendliness, and the camaraderie of the hundreds of people that were there. Something with five years ago in Ellsworth would have been absolutely unthinkable because they know their targets. And I think we owe it to them to say, to say, come up here and stay neutral means don't do anything for our kids. Doesn't make sense. And as one gal said, Boy, the problem crossing sidewalk it is simple , it is supportive of the children in this town. And to turn our backs on them to relegate them to more depression, more hard feelings more bullying, because we can't see the changes happening around here. That's the sinful stuff here. That's not what these guys are talking about that that would be the sin is to leave these kids in the lurch.

### **James Doughty**

Hello, my name is James Doughty. I've been in Ellsworth for about 10 years now. I just want to speak, A lot of these speakers have touched on what I want to speak about, right to the point. This crosswalk is a symbol of acceptance. And I'm thinking about all the all the young people out there that don't feel like they can come out yet. They are not going to be accepted by their family, they don't feel like their friends will accept them and so forth. They're feeling isolated, just like most teenagers always have some form of isolation in there as they develop, but this community really suffers from that when they don't feel like they'll be accepted by anybody, including their own family. And seeing something like these crosswalks go in. Even if they can't come out, even if they can't bring themselves to talk to their family or their friends yet. They'll know they're not alone. They're not as alone as they feel like they are. They'll know they can. The other people are, have worked on this and are getting through this. And isolation leads to depression, depression leads to suicide. We don't want that for our kids. We want our kids to know that they have hope. Even if they can't come out yet, they have hope so that they don't go down that path. And that's really all I have to say.

### **Ralph Jordan**

Hello my name is Ralph Jordan. I lived in this community for 61 years, with the exception of the eight years that I put in the United States Navy. In that time, I raised my hands three times to swear to uphold and protect the Constitution of the United States. I don't recall seeing the word except in there except for this or except for that person. The only thing I want to say tonight. A couple of things actually that the first thing I want to say is I am so extremely proud of the people you feel so much for it took me 34 years to show as much courage as these young people did tonight to say this who is this who I am. This is why love and to get that love back. We're talking about paint. And it should be simple, right? Paint is a substance. But it's powerful because it can do probably the most powerful thing that we can do today to start a conversation this is who I am. This is who I love. I love this town. I love it so much that we had this Pride festival last year. It's something I never thought I'd see in my life. And once again, I just so proud.

### **Chris Osterbauer**

Good evening, my name is Chris Osterbauer. I've been a nurse at Maine coast hospital for the last 25 years. I too want to commend these young people for coming out and engaging in this process and working to make our community a better place. Last fall Northern Light Maine Coast hospital and Blue Hill Hospital painted internal rainbow colored crosswalks for a couple of really good reasons. First of all,

not only do rainbow crosswalks look really good. They maintain pedestrian safety. Second, they imply inclusivity the two hospitals and and their shared Diversity, Equity and Inclusion council wanted a visible sign saying you're welcome here. In today's world, so many of us feel isolated, marginalized, and unwelcome. There's nothing as demoralizing as not feeling wanted. This is unhealthy for the individual and for our society. And it doesn't have to be this way. Rainbow crosswalks clearly demonstrate that a hospital a school or community is open and affirming to all the residents and visitors and Maine coast hospital. One patient told me when they saw the rainbow crosswalk, that it was much easier for them to walk through our door. That person heard our message. My daughter's university town of about 4000 people had a rainbow crosswalk. And when I saw it, I felt instantly that this could be a great place for her to be knowing that the community supported diversity and had a welcoming attitude. I wanted that for my daughter. I wanted her to live in a place like this. I want Ellsworth to be a place like this. Finding ways to let people know that they're important and welcome is essential for the well being of individuals and businesses in our community. For our hospitals painting rainbow crosswalks was a low cost, high reward project. And it's been well received and appreciated. So thank you so much.

### **Matt Quinn**

Matt Quinn from Trenton where I'm a little jealous of those crosswalk talk. Our town's not big enough to have those yet. You guys are kicking ass. Don't let a few of these old guys kick you around. Six hours ago, when this meeting started, there was a great idea. I think we need to ground the pavement down so we can let this thing last for years and years and years using the poly urethane heating thing. Paint the crosswalk guys. Thank you.

### **Elizabeth Ford**

Really quickly, I just wanted to add some of you forgot to mention to the public. We I think we sent that in a letter to you guys, but I wanted to make sure everyone knew about it. So we got a grant from healthy Acadia to pay for all the costs of the crosswalk, not only for the paint supplies, but also for any labor that may meet be used to make it. So if while the GSDA is certainly more than willing to paint it. If you guys want the public works department to paint that crosswalk we are willing to pay for that labor. And I just need to be mentioned really fast before we close the public comments. Thank you.

### **Dan Chase**

Dan Chase, a United States Marine, sworn to defend the Constitution against all domestic enemies, including councilman. Now the best way to defend the Constitution is to stop people from becoming its enemies. That's why I'm here. They're talking about saying, Oh, I see this and I get this message, do you not that means free speech, and you're looking to invade its propriety. The United States Supreme Court has said that for the state to enforce a content based exclusion must show that US regulation is necessary to serve a compelling state interest that it is narrowly drawn to achieve that end. The state may enforce regulations of the time, place and manner of expression which are content neutral and narrowly tailored to serve a significant government interest and leave open ample alternative channels of communication. public property which a state has opened for use by the public as a place where expressive activity is the second category, and the Constitution forbids a state to enforce certain exclusions from a forum generally open to the public, even if it was not required to create the forum in the first place. content based prohibition must be narrowly drawn to effect a compelling state interest.

That is Perry Ed Association V. Perry local Administrators Association, Supreme Court 1983. I'm going to give this to one of you. I'm sorry, I didn't realize how many I'd need and is full of case law. Here's the thing ladies and gentlemen, I can put up a flag on my house that says gay pride, gay suck. I have that right because I am not in government. Government has to be content neutral. You cannot provide a message that says we love gays, any more than you can put up a message that says we hate gays. And by the way, do you remember the gay 90s I'm talking the 1890s. Guys, when everybody was happy, because it was great economic times, the homosexual community stole that gay word that used to have a different meaning. The rainbow, that's a promise from God not to flood the world. Again, they stole that too. These symbols have more than one meaning. That's the whole point. And these words have more than one meaning. If you wish to take and violate your oath that you took that's in Maine's Constitution, to become accountable, to become an enemy to the Constitution by violating the duty of being content neutral, go ahead and put the crosswalk. And don't be surprised if you find a suit against you for that. And if you don't find one, there should be I don't care about it being for this group or that group. That's not my point. It's irrelevant what the group is. But if you put in gay pride in this crosswalk, I should be able to go to the next crosswalk and write God hates gays, do you think that'd be appropriate? I don't, I don't think it'd be appropriate either to say gays are great, because that is protected speech and being a public place. You can't do that.

#### **Dale Hamilton**

Because only because if I start doing that, then everybody will talk again, and they'll get in trouble.

#### **Alex Doughty**

Hi, I'm Alex Doughty I have lived here in Ellsworth for about 10 years. And I am a senior in the Ellsworth High School. I am one of the lucky ones, I come from a very supportive family who have always been sure to tell me that they don't care who I end up with, as long as I'm happy. And I have known for years, I'm lucky. I'm lucky to have this community and be allowed to be a part of it. i There are many kids who don't have that many kids in our school, who don't know, who don't aren't part of this community because their family won't let them know what to say. I have friends who are still afraid to fully come out to their family. Because they support one part like, for example, though, they'll support their children being gay, but not trans. But they fit in both of those parts of the community. And they're afraid of what the consequences will be if they come out. I think that this crosswalk will spark even a little bit of hope in children. It's 1,000% worth it. There are when I see the rainbow flag hung in one of the stores on Main Street I before I came out I that filled me with so much happiness, because I knew that I that some place i'm accepted. That's one place I don't have to fear going. And this will, this sidewalk will show that our government supports us and they're not going to discriminate based on who we are, who we love, who we identify we identify as it will show that we accept and don't hate them to respond to proposals about the reset. The government doesn't support hate speech and to write on across crosswalk from the government that saying I hate gays. That is actually against the Constitution. I believe. It's not what the government stands for as far as I understand. And this decision is up to you. It is it all depends on how you want to represent.

#### **Dale Hamilton**

Is there anyone else

**Marleina Ford**

I'm Marleina Ford. I've lived in Ellsworth for 20 years, I've been an educator for 22 years. And I know most of these kids from the time they were little, because I have three students who go to other schools. And I will keep it short. I'm a teacher. And last year in, I was in a new school, and I hung up in my classroom, the progress flag, just a rainbow flag with a triangle, that also includes blue, pink, brown and black, to show progress towards a better time. But there's still things that that need to be done. And it supports people of color, as well as the LGBT QA plus community. I hung out in my classroom with a history of the flag and said nothing about it. I found a note on my desk and post it with really bad spelling, really bad handwriting because kids had been typing way too much. And it said, Thank you, I feel safe. That's all it said. I had a student come to me this year, I walked in my room and saw that flag in my new classroom, because now you know, I have my own room now instead of having to move cart to cart like I did last year. And it's hanging up on my wall with the history of what the flag means. And I had students come to me and said, I know that I can be who I am. Because I see it on your wall. They know they're safe, when they walk in my room, no matter who they are, what their name is. Now, that might not have been before, how they dress, where they came from, what their last name is, whether they believe in God or not. They know that I accept those kids as who they are and how they come. And all that was is a three by four piece of fabric on a wall. So having something as simple as some paint slapped on the ground in a safe manner, and properly applied by D O T or whoever needs to do it in the proper way with a white and filled with color with the right amount of flex or not. It's a symbol. And the symbol is just as simple as someone saying, I'm seen. And someone was thinking of me. And unfortunately, there's a lot of kids and adults that have grown up and not felt that. And you think oh, we shouldn't talk about this stuff with kids. That's something we should talk about in the home. Well, we do talk about things in school of we have, you know doughnuts with dad, muffins with mom. We have those kids that don't have either of those for whatever situation that is. We talk in kindergarten about families and people in the community. And there's kids that don't have families. And all their families may look different. But we still talk about them. And for many, many years, kids whose families maybe did not look the same as everyone else's, they were not represented. And maybe they didn't have mom to bring for muffins or dad to bring for doughnuts, but we still did it. And it's the Time now for a community to step up and let these people know that they are seen. And we are thinking of them.

**Bridget Kutny**

Hi, my name is Bridget Kutny. I'm the daughter of Mrs. Kutny. And I've lived in Ellsworth for 11 to 12 years. I think that this crosswalk is in support and with the Constitution, because what does the Constitution say? All men are created equal. It's as simple as that. And what does a couple colors on the ground mean? In terms that they aren't equal? Like? You know, it doesn't make sense to me how some people think that this crosswalk can be so offensive. Jesus said, Love your neighbor. Love thy neighbor technically. And I am so proud of these people for having the courage to stand up and say these things, because just the fact that having to say those things take so much courage is a huge part of what is wrong with the world. Thank you.

**Abigail Young**

I'm Abigail Young. I am a junior at Ellsworth High School and I'm the president of the Gsta. And putting paint on the sidewalk is no more of showing favoritism, then lighting up a Christmas tree at Christmas

time, which we do. And if we can do that and the Constitution in Choose separation of church and state, why can't we paint a rainbow crosswalk?

### **Tara Young**

Hi, I'm Tara Young, I've been working in prevention for more than 20 years, some of that has been in my 27 year military career. And I just first off want to say I'm so proud of all these kids have been working with him for a couple of years. And they are amazing. The first person that we know that I know of that was recorded, saying kids these days basically, was Aristotle and was like, many, many years BC so people have been saying kids these days, for the longest time. And anytime I hear that after I have been, especially in the last two years after working with this group of kids, it just, I just, I'm just beside myself, because I've never in my life, worked with more amazing kids than I have. In the last 10 years in Hancock County. I've worked with kids all throughout the county, and the dedication and passion and excitement that they've shown for this crosswalk project and for pride fest. And all the work that they've done, they put in so many hours and so much hard work. And I've learned so much about process of how to go about writing letters to boards and going and speaking in front of people, it's been amazing to watch them do that. And they've just, they've been so dedicated in working in prevention. We look at evidence based practices, what works to help kids stay mentally healthy, and stay away from substance use while they're too young to be using any any substances like alcohol, that they're underage or any substances that are illegal. And an evidence based strategy that is proven to work time and again is getting kids involved in making change and doing beautification projects. It's an evidence based strategy. And these kids have been just so involved in so active and I'm just so proud of everything that they've accomplished. Thank you

### **Abigail Miller**

Hi, I'm Abigail Miller, and I'm here because a friend couldn't be here and wanted me to bring a letter to you. This is from one of your local Ellsworth businesses and this is from a business in which this crosswalk would potentially impact the most this is from sugar mags from the location that our lovely group of students have picked out. This proposed crosswalk would be directly in front of their business. So from Sarah at sugar mag she says the statement is on behalf of the Bowden family owners of sugar mag central sugar mag Central is a retro candy store old fashioned arcade and indoor play space. Our main entrance is located on Main Street currently there are no painted crosswalks, no pedestrian signage and zero safety Round, round double crossing popup signs our community visitors, children, customers etc. cannot safely cross Main Street anywhere. The proposed rainbow crosswalks will be directly in front of our business. The new crosswalks will provide financial relief to the city budget as funding has been raised by our students and all Maine D O T regulations have been satisfied by the materials and design. The paint that was used last year caused premature wear and tear as it was thinner than previously used. Multicolored crosswalks outlined in white providing bright welcoming entrance to our entertainment retail and restaurant epicenter. Above all, we want our business to expand and continue to provide an amazing Maine experience for everyone. These crosswalks represent kindness, inclusiveness, happiness, and a reminder that Ellsworth wants you here. We are a community who understands that we are all in this together that our children are important, and that their voices are important and that everyone matters. We hope that with your votes tonight, you will demonstrate all of these values as we choose you to best represent our little slice of heaven and not to

exclude but to welcome everyone in our community. Thank you for your time Jesse, Sarah, Marguerite and Fisher Bowden.

**Dale Hamilton**

Is there anyone else that wants to speak? Are you sure? Once I turn all right. Well, thank you. I appreciate all the comments and the manner in which they were conducted. So I'll turn it back over to Councilor Hanson. And then we'll open up for council discussion

**Casey Hanson**

Well open for council discussion, and I'll save my comments for when I make my motion, okay?

**Robert Miller**

Well, I'm prior military also. And I don't feel like putting some paint on a sidewalk, is gonna violate my oath. Today me, I don't I didn't hear the suicide rate like I did last year, I know it's a lot higher. It's a lot higher amongst these kids than it is amongst other kids on the sidewalk other cities have painted these crosswalks. And done in formal studies because they've actually had them up for a couple of years. Not only were they less safe, they were more safe. That's what the studies are showing. And they're also been being kept cleaner, because people come out and actually take care of them. So also, if you're going to be painting for paint that's 25%, higher now this year, I would like everybody to adopt a sidewalk to raise the money and raise the money for the paint.

**Michelle Kaplan**

So we have two crosswalks at the school, one at the hospital. And then if this is approved, then there's one on Franklin streets at the parklet. Then what? Is there another goal after that?

**Elizabeth Ford**

I don't know. Well, really, I guess the main goal of these crosswalks is to, of course, inclusion acceptance of LGBTQ plus people in our community. And of course, bringing more business to downtown, which we saw a lot last year through our selling of masks and stickers and local businesses. But we've also done the Ellsworth pride fest. And moving forward, we're going to continue doing that as an annual event. And we are also looking to hang our banners again in June alongside the American flag. And I'm not really sure where you're going. But that's kind of our plan for the next few years.

**Michelle Kaplan**

Okay, so I guess my question is, are we starting with one crosswalk this year? And then another one next year? Or is it

**Elizabeth Ford**

I plan to kind of keep it here at sprinklin? Street? That'd probably be the last one that our group puts down. Other groups may do more or whatever. But that's kind of the one we're going to upkeep and repaint every year and make sure we have the funding to do that. Yeah,

**Ms. Kutny**

we've been so focused on getting this one crosswalk past that, no, we have not actually discussed additional projects in the future. And I think because it does cost money, and it involves fundraising and getting grants to upkeep it. You know, like I don't know if it's realistic for a school group to do more than one. Especially if we have other projects that we want to do.

**Dale Hamilton**

I just want to make a couple comments. First, my position hasn't changed from my vote the last time in which I've voted in favor of it. I would like to say that the worst thing we have going in our society is social media. And I would, I would urge individuals on all perspectives to use social media a little more responsibly. And because I think this allows us to have a discussion and have a dialogue and form understanding when we have differences. Social media that doesn't do it, and quite honestly, on whether you're for or against this particular issue, that some of the the name calling and the way that that plays out, really is in opposition to what is being suggested here. And it really is it that's the thing that tears communities apart. And so I think conversation like this is what we need to do. And if you're sitting at your computer, well I guess, see this my age. If you're sitting with your smartphone and you're responding Think twice before you comment or how you comment, think about how somebody is going to take that and read it and understand that some we can have differences of opinion and even on this issue. You know, I've, I've seen some things in terms of because somebody was opposed to it, that somehow that automatically puts them in the category that they're biased and discriminatory. And that isn't the case. I know, individuals who have sat here and had votes. Sometimes this is a government, you're talking about government process, government is incredibly messy. Bureaucracy is messy. What's good is when it involves everybody. That's That's what government really is at its strength. But sometimes we disagree. And sometimes we reach decisions, not because we're doing it for these alternative reasons. But because we have a difference of opinion. And that's where I just hope as a community, we continue to build on this kind of discussion, rather than the social media kind of discussion that we've all seen and an encounter. And then the last thing I would say is that I want to echo everything in terms of all of you in terms of not because you're here for this particular issue. But You're impressive because of the way you've done it. Not only your courage in terms, you've heard everybody talk about your courage. But when you think when I think about in terms of young people being able to step forward and advocate or step forward and do it, well, I don't know why you did a 15 page paper and not get credit for it. I'd go back to the teachers and get some credit for that. But that's the kind of stuff that's impressive. And you are showing what the future of Ellsworth is going to be like. And that's that in of itself is impressive. So, so thank you for, for being here. And thank you for advocating but thank you for being you.

**Marc Blanchette**

Mr. Chairman, was one of the three people that voted against it last time? And over the last year and a half? To be honest, I haven't seen anything or heard anything that really changes my mind. I've seen many untruths, from some of the people that are supporting you kids from the adults. In most cases, I would take some of their advice with a grain of salt. And the reason I say that, let me let me read you a few things that we've the Councilors have gotten in the emails from: Amanda Clark, and some of your colleagues are trying their best to recreate the town from Footloose. For god sakes. No, there wasn't a councilor at this table was trying to recreate the town from Footloose. Get a grip from Kristin Schlafer.

Okay, the MDOT is responsible for testing and setting safety standards. They have stated without any doubt that rainbow or brightly colored crosswalks are safe. No, they have not. They have stated that in a 25 mile an hour less zone, they are acceptable. They said nothing about safety. There's a big difference. On 3/12, Nick, Nevarre, and this is one this this gets to the the social media comment. Will you be voting on the side of acceptance and equality or will you'll be voting on the side of hate and division. So if I vote against it, all of a sudden I'm on the side of hate and division. I don't have a thing against you guys, against you kids. I love every one of you. You did a great presentation tonight. And it took a lot of balls to do what you did. But it has there is no hate and division involved in this. On 3/13 and Joseph Nebosny there are no safety issues involved. Really. It's a crosswalk. It's designed to get you across the street safely. For three years now, I've had an eye issue bright lights at night and I don't play well together in the sandbox, especially on these crosswalks now that can barely be seen. I want to make sure that I can get across that street safely to the young woman who said have you ever seen anyone struggling to use a sidewalk? Yes. I have a gentleman over here with the cane three times, I've seen him walk across the short distance. Three times that I've seen him almost fall to the floor. be lucky that you have two strong legs and two strong eyes, all of you people. It isn't always going to be that way. On 2/27, Peter Lione, please don't hide behind safety issues. We all know that's not real. bullshit. It is real. I have I represent 8300 people in this city. I can't take just one group of people and give them what they want. And then cast aside everybody else. I have to weigh everything. I want to make sure people get across these streets safely. Don't let ever let anyone tell you that safety is not a factor in this decision. That is just so wrong. It is completely effective. On 3/2 Nate Hansen, calls veterans, veterans Nate a subset of our community. That was infuriating personally, to me. Apparently, you have never ever knelt at the foot of veterans grave cleaning it, having a conversation with them. No matter how long ago they died. I've done it over 200 times. And to refer to them as a subset. If it wasn't, if it wasn't for the veteran. Excuse me. You can't respond. He can't respond. Right now he's he's responding to an email wasn't for the veterans of this

### **Dale Hamilton**

We're not gonna get in. Listen, everyone, please. Listen. Listen, we gave everybody an opportunity to speak let's let it let me finish. Because the next thing I will say is that if we can't have this discussion, if it's going to be interrupted, and I understand your frustrations, but if it's going to be interrupted, we will clean out the room and conduct our business without anybody here and I don't want to have that. So please let the discussion happen. And we'll move forward just like we listened to you. Please let me you don't have to agree with what's being said. All I'm asking you to do is listen. Thank you.

### **Marc Blanchette**

If it wasn't for the veterans of this country, we wouldn't be having this meeting tonight. Having this discussion, there's a very good possibility of that. Never, ever, ever. deface the name of the veteran? I also find it somewhat unusual that of all the comments here tonight. Not one word was mentioned of the rainbow flags that were hung up for the month of June last year. I believe there were ten of them, or nine so Did that make anyone safer? I don't know. I'm just I. I'm of the belief that putting paint down on the sidewalk makes it unsafe for the public at whole. And if there is a if it is approved, I would suggest that the crosswalk that the black of the pavement and the white of the paint not be disturbed by having collars bump up to it. In other words, let's say the the line is 18 inches wide each. Each line is 18 inches. Have your colored blocks. No bigger than two thirds of that are no no bigger than two thirds of

the whole white structure and have it centered. At least that way your white paint is going still is is going to still be contrasted against the black of the pavement and can be seen. The two crosswalks at the high school. I'm sorry at the at the two schools, they're very, very difficult to see when it's raining. And they're very difficult to see after about six weeks, that they've been down because the dirt has gotten on them. The colors are somewhat, they're dark, they're using dark reds, dark blues, there's nothing bright about them. And so after the sun gets on them, and after the vehicles go over them, and they get covered, and they're extremely difficult to see, you can't see the white, the, in fact, the one at the high school, The White Stripes is much narrower than the color blocks, it should be the other way around, you have to make safety a priority. Thank you.

**Dale Hamilton**

Councilor O'Halloran.

**Steven O'Halloran**

I'd like to apologize for the nasty tone that I just experienced.

**Dale Hamilton**

One of the things I would ask our counselors to think about at least consider as you're mulling over your vote, I think the location mitigates some of the safety concerns in in that we're we're looking at turning that area into a permanent parklet. Which means that traffic will not be turning down that road anymore. And it will, it will address a lot of the safety issues. So I just asked, I hear the safety concerns, I asked you to consider that with this particular issue and and perhaps there's a way to take some of the issues about making sure that the the white is standing out and and work collaboratively to design it to have something that that meets all of those conditions. So I just put that out there for for thinking. Councilor Hanson

**Casey Hanson**

It's been said before, but I just want to say again how proud I am of you kids came up with a thoughtful, caring, wonderful, fully funded plan to show your peers that you're there for them and you care for them. And I think there's a real likelihood that that makes people safer. I'm unbelievably proud of you. And I'm even more proud of you because you came before this group and and you were rejected by this group two years ago. And yet you knew your plan had merit, you knew how important it was for your community. And so you persisted and you responded to the safety questions that were brought forth. And you're back here today putting yourself in a position of being rejected again. And I just think that requires incredible courage and bravery. I know that when you came the last time that is one of the reasons that inspired me to run for city council and be a part of this community because I was really inspired by you guys. Of course, there's this argument that we shouldn't support you over other groups, but that really doesn't hold water because we do support other groups in this town. We hang flags, honoring our armed forces in this town and the City manages and displays those flags. I'm not a veteran, but I love living in a city that celebrates its veterans. And October we like to cupula pink to honor people who are fighting breast cancer. I'm not a breast cancer survivor. But I love living in a city that supports its breast cancer fighters. At Christmas time this year, the city funded erecting a Christmas tree to celebrate the Christmas season. I'm not a Christian. And I love that Christmas tree and I love living in a city that celebrates the people who celebrate Christmas at that really wonderful

time of year. There's no reason not to celebrate this group exactly the same way we celebrate all of those other wonderful groups. It's part of what makes the city great. This morning, I counted the number of emails that we got that we city councilors received from constituents about rainbow crosswalks over the last couple of weeks. And there were 16 emails in favor of the project and three opposed to the project. That's just people from Ellsworth, I wasn't counting anybody outside of Ellsworth. Last fall when I was running for city council. I was very outspoken in my support for the LGBTQ community in Ellsworth. And I received more votes from this from voters in this city than any other candidate did. I am convinced that Ellsworth is a community that wants to support these students. We are a caring, inclusive and welcoming city and supporting this plan will confirm that. As I've been pondering the issue over the past several weeks, the phrase that keeps popping into my mind is that it takes a village to raise a child. And I think about the ways that my kids growing up here in Ellsworth, have been formed by living in Ellsworth and I really think that saying rings true for me it does take a village to raise a child. We are the village. These are our children. I hope my fellow councilors will join me in showing love and acceptance to these amazing students. And with that I move to accept the GSDA proposal to paint a rainbow crosswalk on Franklin Street.

**Robert Miller**

And second

**Dale Hamilton**

motion a second further discussion. Councilor Kaplan.

**Michelle Kaplan**

so I get to disagree with the rejection aspect. When I abstained last year, it was because there were some outstanding questions that I had had. I wasn't for or against rainbow crosswalks half the time. I just want to make that perfectly clear. And that as far as the military flags and the pink ribbons, those cover a cross section of the community. Doesn't matter what race even what gender a person is, you can still get breast cancer. As far as military service, people evolve, sexual identities and races and socio economic status, all join the military, we all lose someone. As far as the rainbow crosswalks, especially the one on Franklin Street, being unsafe. I don't see it as unsafe as it was made out to be last year, where the federal government was actually taking money away from certain communities that put the rainbow crosswalks in places over 25 miles per hour. And they told those communities, if you don't remove the crosswalk, we will withdraw that federal funding. That was my big bugaboo last year, knowing what budgets are like and being accountable to taxpayers. I am a big believer in equality. Not equity, but equality, equality for everyone. I am from the Martin Luther King era. And one thing Martin Luther King said, as far as race, he wanted to be judged not on the color of his skin, or in today's world, your sexual preference, your sexual identity, whatever, but by all the content of your character, and I say let's go one more. Let's not judge anyone. On any circumstance. Okay, I had the privilege of meeting don't ask me all your names again. But with Griffin, Ren, Elizabeth, Alex, Abbey and I forgot the name of the first one I told you I was gonna forget but I met with them and they spoke from their heart and they moved me into tears and I don't think any kid should go through go through some of the things that these kids went through you hit me right there nobody does that. So I'm not opposed to the crosswalks.

**Dale Hamilton**

Any further discussion Seeing none, all those in favor of the motion All those opposed? Motion passes. For the record, you now have to stay for the rest of the meeting. But they're leaving anyway. So we're gonna we're gonna continue so if you can just all right,

**Item #24- City Waste Water plant acceptance of sewage by Non-Ellsworth residents**

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**Dale Hamilton**

Item 24 discussion and action to request the city wastewater treatment plant only accept sewage from pipe connected Ellsworth residents, effective June 30 2022 sponsored by Councilor O'Halloran

**Steven O'Halloran**

Can we give them just a minute,

**Dale Hamilton**

I know I'm done. This is to move them along.

**Steven O'Halloran**

Thank you, Mr. Chairman. When I became a counselor, I was taken to city facilities around the city. And one of the things I noticed was how much outside sewer we were getting delivered by trucks that may or may not have been from outside the city. And that concerns me when I see the financial statements of that particular department in the red. Now admittedly, the financial statements that I have analyzed are from June of 2020. And I had at a finance meeting mentioned that maybe we should look into that we have a an asset there that might be being wore out quickly, that we have to pay for. And when I saw so many outside trucks coming in, I'm like, Wow, this this is scary. I saw a trash pump, perceived to be jumping the system a little bit. And I'm not saying that's the truth, because I know nothing about the sewer. But when I see a facility like that, that was built for the city of Ellsworth. And it is being used by more than the city of Ellsworth. That makes me nervous when I saw so many trucks coming in there wearing out the infrastructure and the financial statements that the accountant had prepared. That was paid 1000s of dollars says that there's a loss there. It concerns me. And therefore, I would like to see the city of Ellsworth except sewer from the paying sewer customers in this enterprise account. Therefore, I bring that before you tonight for discussion and possible action.

**Mike Harris**

my name is Mike Harris. I'm the Ellsworth wastewater superintendent. And so I just like to really just lay it all out there for you guys. So you can see.

**Dale Hamilton**

Before you start, I guess I just want to jump in and ask a couple of questions of Councilor O'Halloran, I I questioned whether this is the right forum for this initial discussion. I think there's a lot of information that should be vetted through the finance committee, that there's a lot of preparation work that should be collected to bring it back to this council because I don't think we can do do justice to this issue. without having it vetted in that manner. I just I think this is it hasn't gone through that process where a committee can dive into it and get that information. And so that's, that's what I would suggest is that we we utilize that process to gather the information that we've that we need. absolute legend.

**Marc Blanchette**

Mr. Chairman, I agree completely. Therefore, I would move that we table this indefinitely.

**Robert Miller**

Second,

**Dale Hamilton**

there's a motion to postpone indefinitely second discussion on that motion.

**Michelle Kaplan**

So this is something that could be looked at at budget time. When we're doing the budgets,

**Mike Harris**

I can give you an information need right now. Okay. The department shows a negative loss because of depreciation. Depreciation is a non cash transaction. Okay. That's an accounting thing.

**Dale Hamilton**

I just have to stop here because we have a motion. Yep. Sorry, I had a second on the table. And we're in discussion.

**Steven O'Halloran**

To clarify, I didn't bring this to the Finance Committee. And it was kicked around and I had suggested that perhaps we have an accountant look at this a CPA firm. Because depreciation is a part of that loss. And I'm using round numbers, a half a million dollar loss with \$300,000. Depreciation, those are round numbers very round. Okay. And I did bring that before the finance committee, as you know, and it was not well supported. It makes me nervous when I see all of this debt on this facility.

**Dale Hamilton**

So it just don't want to interrupt but right now, we the motion that we have to debate is to postpone indefinitely, not the the issue at hand. So right at this point, that discussion has to be about the merits of postponing or not postponing this discussion.

**Steven O'Halloran**

Okay, then if that's the case, I would like to say that I'm in opposition of tabling this issue and kicking it down the road. This is a real issue. For the City of Ellsworth, I did go through the Finance Committee. And I think that this is the only forum if the Finance Committee didn't want to hear it.

**Casey Hanson**

if we table it indefinitely, is that the proposal table indefinitely? That would mean if it goes back to finance committee or another committee and more information is found out it can come back here?

**Dale Hamilton**

Yes, it can come back at any time that it just needs to be reintroduced.

**Michelle Kaplan**

What's wrong with just hearing what he has to say and just, I'm trying to get so so you're saying that you see trucks dropping stuff off, and then you also see a loss. And I don't understand what the problem is, which is hearing it out.

**Dale Hamilton**

That's your argument in terms of not postponing. Any other comments about the motion? On the table?

**Gene Lyons**

I guess I wonder, without those trucks dumping, if it would be a bigger loss. And so I don't know, maybe like you said, we need to get together and actually figure out what it would be without them trucks dumping what it would be with them. What would wear out quicker if they weren't dumping it maybe in the end.

**Dale Hamilton**

So let's wait. Let's act on this motion, which we have to do by Robert's Rules. And then after whatever that decision is, we can take the next step in terms of where where we go next, depending on what the vote is. But we have to by Robert's Rules, we have to act on the motion on that's been put on the table. Any other discussions about the motion? All those in favor of postponing this item indefinitely? Five, All those opposed to two the motion passes. Now in terms of where this goes, there can be a referral to committee. If, if that motion wants to be made, where that committee, whatever it is, I'm assuming the Finance Committee would then be tasked with vetting this issue and getting those questions answered. And then bringing that product back to this council so that it's a directive from the council. that for whatever committee is tasked with. So if somebody wanted to make that motion, that could be the next step in terms of what you're talking about. That's one possible solution. I only throw that up there as a potential option.

**Casey Hanson**

I would make that motion to send this question to finance committee to discuss and bring back to city council. So

**Michelle Kaplan**

second,

**Dale Hamilton**

motion and second. Any discussion? Seeing none, all those in favor? All those opposed? All those abstaining? Motion passes. So the Finance Committee will be tasked with vetting it. So we'll set up a time Finance Committee, we'll set up a time to have you come, we'll gather the facts. When that those facts are gathered. We'll put this back on the agenda and go from there.

**Item #25- City Waste Water to no longer dump product in Ellsworth**

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**Dale Hamilton**

Item 25 discussion and action requests the city Wastewater Treatment Plant no longer dump any product in Ellsworth, effective June 30 2023, sponsored by Councilor O'Halloran.

**Steven O'Halloran**

My comment or my reason for putting this on is I'm told that our contract ends with the contractor that we lured to town to have this composting site at appears that the signed contract ends on June 30 2023. The city has entered into an agreement to with this company in the industrial park to accept our sludge. I believe that we're contributing to our own problems there. I would like to see the city no longer dump and create all of these problems. I feel like we're we're creating some of our own problems by dumping at that site. Therefore I bring before the council tonight this motion to no longer dump our is it sludge product.

**Mike Harris**

I call it biosolids.

**Steven O'Halloran**

okay biosolids in this city. Prior to that my understanding is we were taking it to a landfill a number of them

**Mike Harris**

were taken into another compost facility.

**Steven O'Halloran**

okay. Outside of Ellsworth. Okay. So I bring this before you tonight for discussion and possible action to make sure that we stopped contributing to our own trouble here in this town.

**Marc Blanchette**

Mr. Chairman, I move we table this indefinitely. The contract with the company expires June 30 2023. And if we don't have a contract, we can dump there anyways. Anyway. Looking at the lateness of the hour, what is the sense of even discussing this? When the contract expires our right to dump their expires. So it's, it's we already know that we can't dump there after June 30 2023.

**Dale Hamilton**

So you have a motion? Is there a second?

**Robert Miller**

Second

**Dale Hamilton**

motion a second discussion on postponing this indefinitely? Just when it's time to renew the contract, it'll just come up in council anyway.

**Michelle Kaplan**

When it's time to renew this contract, it would just come up in council anyway.

**Mike Harris**

Yeah, I mean, we have a contract with Maine organics Josh from Maine Organics is here tonight and yeah, that's correct. I mean, at this at this time, it's a good possibility that the contract will not be renewed. But it's completely his business decision whether he decides that he would end the contract or come to put in a bid with the city to have another contract. And at that time, you guys would have the option to

**Dale Hamilton**

so Councilor O'Halloran, in terms of where we have a motion to postpone indefinitely. Just wondering if if you agree that perhaps if this motion passes, perhaps having Mr. Harris present an alternative plan based on what he just said in terms of its, it's going to expire, there needs to be an alternative Would that be something that he could come back to? And we could then vet that issue at that time? If you're

**Steven O'Halloran**

asking my opinion, my opinion would be everyone so far that has spoke on this issue, it seems that is assuming that we can't dump without a contract. Is that the truth?

**Mike Harris**

Yeah, I can just take my stuff to Josh's site. Yeah, too bad Josh. I'm dumping here anyway.

**Dale Hamilton**

I don't want to drift too far from the motion on the table. Any other comments about postponing this indefinitely? Right. All those in favor of postponing indefinitely. All those opposed? One opposition.

**Item #26- Enforcement of the Odor Ordinance**

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**Dale Hamilton**

Item 26 discussion and action to request the city of Ellsworth enforce the current odor ordinance by June 30 2022, sponsored by Councilor O'Halloran.

**Lori Roberts**

Hi, my name is Lori Roberts. I'm the code enforcement Interim officer.

**Dale Hamilton**

Lori, can you just wait to say I got to turn it over to Councilor O'Halloran to introduce the item.

**Steven O'Halloran**

I bring this before you tonight. I'm not having a very good record here. But I'm here anyway. So here we go. It seems to me that everybody's scared to deal with this ordinance. And we've got an illegal act legal representation, I'm told that says that it would be hard to enforce an odor ordinance. So I feel like if we need to put an end to this problem. And it's been going on for close to five years, maybe four years, is that fair? Four to five years, maybe somewhere near right here. And at some point, we get to draw a line in the sand. And this needs to stop the these businesses are being affected by this. And I'm I'm here tonight to say whether it's tough to enforce or not tough when force my understanding is it's an

ordinance. And it's there for a reason. And my vote, or my suggestion would be on June 30 22. To attempt to get this problem under control and enforce this ordinance.

**Marc Blanchette**

Mr. Chairman, given that Mr. O'Halloran has some business interest in the park, via a retail display on the corner of that park, I would ask that as far as discussion and action on this item, that he recused himself, because of that conflict.

**Steven O'Halloran**

Actually, it's the odor that brought me to that area. When I first brought this up, I had nothing there. And I have an overflow yard there now. Because I was dealing with everyone's complaint about this, I rented that spot for three months to put sold buildings, and there's no operation. And it's the odor that brought me there to be frank with you.

**Marc Blanchette**

Operation and not, you still have some products stored there. That gives you a conflict of interest, as far as this is concerned.

**Dale Hamilton**

So in terms of trying to get over, I guess that a couple of questions I have, and I'm sure you get to this, but I just wanted to throw them out in advance. So you're thinking about it. One, I understand that the city regulates some of this with our ordinance, but some of this is also regulated at the state level. So if you could talk about that, and I'd also be interested in terms of the ordinance what the ordinance says and what the enforcement what that means. What does that mean the city to enforce and what are we enforcing and what have we done? Those? Those are the kind of questions I have.

**Michelle Kaplan**

I'm just wondering. I have smelled stealer at times, and it's it really is overwhelming. But how do you differentiate the smell of the landfills are not landfill but the transfer station versus the smell of the compost facility. And I can only tell you that they do smell different, but how do you it's they're both in the same industrial park. So if you enforce it for one, how do you not enforce it for another?

**Dale Hamilton**

And the answer is,

**Lori Roberts**

well, one is licensed through the DEP. And that would be the compost facility. And, again, our past responses to complaints, we had sent them to the DEP. And in meetings with our attorney, I just wanted to make sure that we were doing going about it the right way. And the attorney suggested that they made we make sure that they're following their operations manual that the planning board approved. And so with additional complaints that we've received as of the beginning of this year, because that's when I met with the attorney, I have been going out, sometimes with Mike, sometimes with other people in our office at least once a week, or when we have a complaint. And I was able to schedule a meeting with Mr. Johnstone from DEP who is now in charge of this Mr. C has retired who

was in charge of this project. And through the DEP and his suggestions were, again, following the operations manual, about when someone comes to complain that they, the compost facility, hands them a complaint form so they can log what time it was, was it the time that they were getting product delivered? Either the seafood? Or was it the time that we were getting sludge delivered? All of those are supposed to be logged through his operation, and being able to either cross reference as to what was happening. His other suggestion, a suggestion was that smaller piles, the air or the arrows, or how do they win rows, these win rows of product are airing out they should be smaller piles, and that would tend to not produce as big of an odor. And then when they go to turn them again, it wouldn't produce as big of an odor. They're covered with Chip wood chip when they come and they try not to turn them now since we've received so many complaints. They try not to turn these piles when the wind is blowing and they have a wind sock there. They have pretend Falcon there which the seagulls don't like. And as we've been going out and they're doing these procedures, it doesn't smell as bad. I can't even smell it when I'm going down the Moriahville road or going down the industrial road. I can only smell it when I get on to the site. And I'm right there where they're doing the work. And Mr. Johnstone also suggested that that they compost maybe the Jackson lab shavings to also be able to put on top like they would the wood chips when the product arrives to lower the smell. So I, Josh says he can regulate when the seafood comes. He can. His son suggested maybe putting the Jackson lab shavings in a room or in a section where there's a blower which blows air through it to keep it to get it going. I didn't know much about

**Dale Hamilton**

So what all that with all that that you talked about? If if there were some motion that said that the city of Ellsworth needs to enforce the current odor ordinance? What would be different than what's happening now?

**Lori Roberts**

They all we could do is fine them.

**Dale Hamilton**

And what does that look like?

**Lori Roberts**

Well, it can be 100, up to \$100 a day to \$2,500 a day and each day is a new violation.

**Dale Hamilton**

And what what would that be subjected to in terms of what would qualify that? What would how would you determine a violation of odor? What what standard is used for to measure that? So that what would

**Lori Roberts**

Oh, it's not supposed to cross the property line. Is that what you mean?

**Dale Hamilton**

Well, I don't know what the I don't know how you interpret the ordinance. I'm trying to understand if if, if there's this an enforcement that we're not doing, what does that look like as

**Lori Roberts**

I would have to consult with the attorney about how to approach a fine? We've never fined anybody through the Ellsworth Code Enforcement Office.

**Mike Harris**

So far, so answer your question. We don't have the technology to quantify the odor. And by the way, at this point in time neither does the DEP, which he was very clear about saying, and they don't have anybody qualified to conduct the odor testing if they did have the equipment. And so I don't think that it's proper to try and enforce an ordinance based on subjectivity. That's what I think it's very clear that you do need a standard to say, let's further the example say, hydrogen sulfide, hydrogen sulfide is what you smell when you smell sewer, people rotten egg, or that's hydrogen sulfide, there are meters, I can detect the level of hydrogen sulfide in the air and tell you, Hey, you're not supposed to go about 10 parts per million, and you're at 50 parts per million. And so therefore, you're violating, we don't have that we don't have that capability state, right, at this point in time doesn't have that capability. And so that's what makes enforcing the odor ordinance, particularly challenging, as well as, as was mentioned by Mrs. Kaplan. If you're going to do it for one, then you have to be consistent and do it for all. So now we're going to talk to our transfer station now we're gonna talk to maine shellfish. Now, you have to talk to the wastewater plant, and we haven't been putting out odors like, it was like we used to on Water street. And so that was the discussion, I was having the attorney to basically say, you're opening up a can of worms, and you are not set up to be able to fulfill the obligations, they're going to put on yourself to enforce it.

**Steven O'Halloran**

So I want to be clear that, that I'm after eliminating the odor. Okay, um, I'm not about and I think my past experience and comments here would be very clear that I said from the beginning, I'm not after making someone's life difficult. I'm not after hammering somebody with a fine. What I'm after, is the people to be able to drive by that, and not call and tell about this odor. And it seems that if we're gonna have an ordinance on the books, that's not enforceable, and let's get rid of it and smell up Ellsworth.

**Dale Hamilton**

I kind of want to make this a broader discussion as well, as is we've run into, since my time on the council, other types of issues that are very difficult to subjectively measure noise, having businesses that that are located in residential settings, but they're there we are allowed they're zoned appropriately and their their parking has become a question. And this is quite honestly, the challenge that I think we face as members of the city council when these issues come before us that the city faces when the issues come before. And and quite honestly the discussion about we talked about earlier about regulations and too many ordinances and not being business friendly way to draw the line. Being B there are ordinances for a reason. And a lot of times, they're very subjective, to get towards a goal to get to a place when there seems to be an issue to try to work it out. And you're trying to find solutions, which is what I hear that you've been trying to do is to find solutions, and it's not hard and fast. And I think this is the issue. I don't think there's I don't think the issue the ordinance is not being enforced. I don't think there's I agree, give if the if the if we can't measure it, then perhaps we change it somewhat. But But enforcing enforcing it, I don't think is an option. I don't think there's anything there to enforce. I

think it's incredibly you just said it's subjective. And so if we're going to be business friendly, let's not say okay, if tomorrow when you drive down the road and you sniff it's okay, that's a \$500 smell, versus no that's \$2,500 smell. Now, I'm not in favor of that kind of process. So I think we have to recognize the the subjective nature of this

**Michelle Kaplan**

you know, what's the use of having an ordinance if you're not gonna enforce it, but at the same time you said, you've never fined anyone

**Lori Roberts**

no, we would, we would try and get more i If you were violating the ordinance, I would try and work with you send you a letter, if you're not going to comply, you know, we're looking for compliance, I'm not looking to fine people. So we would work with you to comply with.

**Michelle Kaplan**

And then additionally, I mean, you can, I think that the way you could measure it is in its impact on neighboring properties. For example, if somebody has a upholstery, for example, that they can no longer sell, because it has those flavors in it, if that would be a way that you could measure it as far as impact to me. Properties, physical properties, a smell going through the air is, you know, if it's temporary, just over a course of an hour, that's not that big of a deal. But if it's day in a day out, and I believe that actually, I smelled it more in the summertime, in the wintertime, some of those moist products are frozen, even though they're turned, they are frozen, and that mitigates some of that odor. So I would say that you'd have to look over it over a course of months to see if that's impacting it. The other question I would have is, you know, the biosolids that we're bringing there, do they contain PFOS? What's that doing to the water table? There? Is a river nearby? You know, is that PFOS? Are there PFOS products in the sludge that's being brought there? Actually, I'm glad you asked that question, which isn't really related to the order. So do you want me to answer now, so really quickly, if you can do it under 10 words?

**Mike Harris**

Now, so our stuff is tested, tested 2020 2021 results came back. And our PFOS levels are well under the established limits set by the state to the point where you could take the biosolids that are produced from Maine organics, spread it on the same piece of property 100 times and still not meet the minimum screen level. And then there's three different chemicals. So two the chemicals, 100 times the third chemical, you'd have to spread it maybe 80 times before it would actually meet the minimum level. So we're one of the communities that can say that our stuff is very low level PFOS contamination.

**Marc Blanchette**

Mr. Chairman, I'd like to ask the chief of police a question. If you see a car speeding on High Street, and you stop and write him a ticket and taking the court and you have to go testify, you have no equipment. You just say? No, he was going too fast. Is that going to hold up in court? Thank you. If we have no way of measuring, protesting, the state has no way of measuring, protesting. Why? Why are we going on and on and on about this? We have no way to support any kind of supposed Odor Ordinance of Ellsworth.

**Gene Lyons**

A question? Okay. Are you currently doing everything you can to keep the smell down?

**Josh Wellman**

Yes, we are. And that's why I stood up here. I just wanted to tell everybody that we haven't had when she gets a complaint. Usually I get complaints. It's emailed or whatever. And we haven't had any for probably a month and a half. Because we've been doing all kinds of different things we have with the winds blowing towards the neighbors. We don't do anything. If the winds blowing towards the north. Okay, that's flip piles, that screen that's go at it. We've been working nights, we've been working weekends, we work on Sundays, just to make things happen because our busy season is coming up to sell the compost is springtime. So we've been doing all kinds of different things to make it better because we don't want to be a pain of neighbors. We don't want to cause you guys problems. We just want to do business. So we're doing everything that we can. And we're actually working on some other things with the US. wildlife management for the birds, we're working on some different things with them. So, you know, I just want to let you guys know, we're trying everything to make it work for everybody. Yeah, so

**Gene Lyons**

you understand where everybody's coming from too, right? Totally does. Yeah.

**Josh Wellman**

Yeah. I mean, it's it the product smells sometimes coming in. So as soon as it comes in, we're mixing it, mixing it and covering it. And like Lori said, some of the ideas that the DEP had, you know, we're using those ideas as well. We're studying it we're we're doing everything that we can to make it work

**Dale Hamilton**

Councilor O'Halloran, Do you want to turn Your agenda item into a motion to see where it's at. I

**Steven O'Halloran**

I do not I would like to ask another question, if I may. So it appears that you are really tackling this issue to solve some of the neighbor. problem, right, some of the commuter problems, yes, some of the other problems. So from the time we started until when I first brought this up this complaint that when I got elected, everyone come at me about this. You think you're a better neighbor today than you were three months ago?

**Josh Wellman**

I do. But one of the things that people don't understand with the compost process, you get an odor, and there might be multiple odors, but it takes time to take care of those odors, it doesn't happen like that. It takes, it could take months to take care of the odors, I mean, you can cover everything. But it can just it can be it can be complicated. It can be complicated, because if you have a pile that is going anerobic, and you just cover it, well, eventually you got to dig into that pile and remix it. And if you're doing that, while you're mixing it all sudden the wind blows towards the neighbors. So what we do now is we email the DEP, Roger Johnstone, we tell them what we're doing. Hey, we're gonna screen today, we're going

to mix today, we're going to do this today, if you get a complaint, we just want to let you know, this is what we're doing. And we're going to do it when the wind isn't blowing towards them. But every now and then, as you guys all know, the wind changes. So

**Steven O'Halloran**

absolutely. But it seems to me that you folks, from what I'm hearing tonight is it's a better place than it was is. And it will be worse in the summer the odor will improve in summer?

**Lori Roberts**

Because they have no place to send compost right now. Nobody needs it, you know, in the summertime is when they're getting rid of their product. Right now. They're just accepting. Nobody wants to buy

**Josh Wellman**

we're screening and we're mixing and we're processing.

**Dale Hamilton**

Will the compost helped my wife from killing all the plants.

**Glenn Moshier**

If I may Councilor Hamilton, I think one major difference between now and three months ago is standing at the podium right now. And three months ago, there was very little communication between the city and the property as a business owner, and now and the DEP, and now there's a much more active, cooperative atmosphere. We're engaging with the business owner and the business owner is engaging with us, DEP is involved. And we're working together collectively to try and resolve the issue. Three months ago, there was very little communication. When we got a complaint. As Lori said, we forwarded on to the DEP and the DEP would do. God knows what with it, Mr. Wellman would occasionally hear complaints himself. But now that I think we've engaged, he certainly has been respectful and responsive. So you know, to the complaints into the issues. And I think as we continue to work with him, work with the business, work with the DEP to come up with ways to mitigate, not eliminate, because that's really not an option. But to mitigate the smell. I think that that's going to be a win win situation for for everybody. I think that's what the major improvement has been over the last three plus months.

**Michelle Kaplan**

Would we entertain tabling it for 120 days to see how they do over the coming months as we go into summer

**Steven O'Halloran**

well, I would. If there's progress being made, I would support tabling it for longer. Because the last thing we want is to clobber a business. But the same thing that we want is we want the smell factory I want the smell factory to disappear. And I know a lot of the neighbors do. And now does it have to disappear totally I don't think so. But if we're improving it I'm I'm game for revisiting this 6-12 months as long as there's a game plan in place here and it sounds like to your credit that suddenly everyone's working

together with which I think is really what we want. We, you know, we want a win win for everybody. We don't want to clobber you and help the businesses in the park while the residents driving by. I guess there's quite a few residents in the area that have

**Gene Lyons**

Are there other places that do the same exact procedure? Like, what towns have those places where I go, and just kind of smell you know?

**Josh Wellman**

Lincoln wastewater treatment, he does sludge multiple times, they're kind of sat down below, but they've had odor complaints. They've had, you know, from time to time, you know, what their, what their composting naturally smells.

**Gene Lyons**

So they're places that really just don't have in it because like, Bar Harbor,

**Josh Wellman**

he sought to compensate.

**Gene Lyons**

Because they used to, but they don't . Okay, yeah, that's what I was wondering, because I never heard of any complaints in there. But yeah, I'm actually loaded stuff there myself. And I didn't realize

**Mike Harris**

So some history for you. That wasn't there wasn't another compost facility, a much bigger compost facility called soil preparation. soil preparation was shut down because they didn't want to comply with okay. But then there's an even the biggest one of the stages as Casella. Briscoe, which is called New England organic, who we used to bring our stuff to in unity. And they have been in operation for many, many, many years. And, you know, they, they're probably the most comprehensively operating place that there is, but they still have dealt with occasional odor issues

**Josh Wellman**

from time to time. It's just gonna happen.

**Michelle Kaplan**

Lincoln, is that why they call it stinking? Lincoln? No. No. So would you be amenable to a postponing this for a year?

**Steven O'Halloran**

Absolutely. I just want an end game for the people in the community.

**Dale Hamilton**

yeah, just for the record, that we don't have to even take any action. If we don't have to have a motion, we can just let the agenda go. And if you feel like you want to bring it back in a month, or well, you can always do that. But I was

**Steven O'Halloran**

I'm pleased that we're here having this conversation and hearing about progress. No, I just want an end game here to this whole thing. Is is an end game. Progress doesn't happen overnight. And if everyone's working at it and do your credit as you said three months ago that wasn't happening with let it go.

**Dale Hamilton**

I tried to do Okay, next. Moving on.

**Steven O'Halloran**

Thank you.

**Item #27- Request all City Departments to remain open, regardless of weather**

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**Dale Hamilton**

Item 27 discussion action request all city departments remain open regardless of weather sponsored by Councilor O'Halloran.

**Steven O'Halloran**

I want to bring this to this board's attention that I've seen City Hall closed during perceived snowstorms and weather and it's it's on a safety platform each time that to keep our employees safe. And I'm struggling with that I'm not against the employee taking the Sick Day, personal day, day off because of the slippery weather. But I am I struggle with the people that have an inside job don't have to come to work. They close City Hall and the people like the fire the police and public works have to work in the weather and I'm not against individuals making the decision that the roads are too slippery and take the day off. But I I am against living in Maine and closing City Hall. Having half of our crew work and half of our crew not work and the crew not working has an inside job. Therefore I would like to see that be an individual employees choice, not a management decision.

**Michelle Kaplan**

the road crews would prefer to have as few people traveling the roads while they're trying to clean them as possible. I mean, I see your point. But I think that the fewer people on the roads in inclement weather, the better and then if we say Look you're not gonna To get the day off, then we're forcing people more people on the roads which could lead to more accidents.

**Marc Blanchette**

So, this is inane on its face for a city councilor to propose that all city employees must show up, regardless of the weather, putting their life at danger, putting themselves on the road, putting other people on the road. Add danger also, is one of the dumbest damndest things I've ever heard. And I move to table this indefinitely.

**Dale Hamilton**

have a motion. Is there a second

**Robert Miller**

Second?

**Dale Hamilton**

Motion a second discussion on postponing indefinitely?

**Steven O'Halloran**

Just like to comment, if I could, that. I just heard that I was forcing people to come to work. That's not my goal.

**Marc Blanchette**

Is that a discussion on the motion? Now is that a discussion on?

**Dale Hamilton**

The motion is to postpone indefinitely. So let's Yeah, we have to we have to discuss that motion at this point

**Michelle Kaplan**

I'd like to discuss the motion. But I don't think that we should be calling any motion or anybody's thing that they brought forth dumb or inane. People bring forth.

**Marc Blanchette**

I didn't say the person was I said the proposal was

**Michelle Kaplan**

Well, any proposal, it doesn't necessarily mean that it's dumb or named, it just means if this is something a counselor felt, and now we're determining whether we're going to postpone indefinitely, I'm not opposed to postponing indefinitely. But I am opposed to calling any promotion or any proposal dumb or inane.

**Dale Hamilton**

Any other comments on the postpone.

**Casey Hanson**

I'm in favor of postponing it mostly because I don't. I didn't look in the charter. But I don't want to be the one who decides that. I don't want the city council to be the one who decides that. So I will support the postponement.

**Dale Hamilton**

And I I would agree with I think there's some personnel issues related to the charter in terms of where our line begins and ends with city employees. And I'm also concerned about, we have multiple unions

and multiple union contracts. And some of this is is definitely embedded in those contracts. And I would want to know much more about those two issues, before taking any action on that. So I agree, I think there may be a need to collect some information. And if there were that information were available, I I would certainly feel more comfortable discussing it. So I also that's where I'm with postponing.

**Gene Lyons**

So is somebody gonna gather the information,

**Dale Hamilton**

but we can talk about that after this after we resolve this motion that's on the table? All right. See no more, all those in favor of postponing indefinitely? All those opposed? One opposed? Motion passes.

**Steven O'Halloran**

Can I make one comment? Now that the motion is over? My comment, I don't want to force employees to come to work, I want them to be able to make that choice. And I heard my fellow counselor, put a few words out of my mouth that I didn't care for. And I simply think that and fine. We've we've talked about it, and it's over. But I simply think that leaving that decision to the employee, when we're asking half of them to come out and not the other half. Again, if they feel they don't want to come calling don't come but closing City Hall. Perhaps we ought to give some money back to the taxpayers if we're gonna do that.

**Dale Hamilton**

So we'll move on, I am going to make one general comment as chair. And I'm not addressing this to any one person and include myself in this comment. I think one of the things that we really should look at, to your point, Councilor Kaplan, is how we discuss issues both in terms of responding to each other, but also how we respond to members of city staff. And how we come across and present ourselves. I don't think we're representing collectively the way that we want to as a city council, and I think we can we can choose that words a little bit better in all directions and have conversations that we can disagree. But I think how we choose to portray either each other or staff is is something that we should Just bear in mind going forward. So that's that's all I'll say about that.

**Item #28- Allowing Non-Ellsworth residents to vote in School Board elections**

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**Dale Hamilton**

Item 28 discussion and actions to allow non Ellsworth residents that utilize Ellsworth schools be allowed to participate in the municipal school board elections sponsored by Councilor Kaplan.

**Michelle Kaplan**

So I was asked by some non residents actually, to sponsor this because they have children that attend the Ellsworth school system. And they feel frustrated that they don't have a voice in choosing who makes decisions that affect their children. How will be implemented is problematic because, you know, if somebody has multiple choices of where they go to school, does that mean that if, if they have a kid at MDI and a kid at Ellsworth are gonna vote in each one? Well, that's something for other municipalities to decide. But I think that at least allowing them to have a voice in those processes, and how, whether or not it would be to have a collective board member that represents outlying

communities, or if they got to participate in choosing representatives from Ellsworth, that make decisions that affect their children, especially since they do pay to they do pay taxes, and a portion of the taxes goes to the tuition that pays for their children to go to school. I think that the citizens, Yes, you would ask me. So I think that the citizens could probably speak.

**Dale Hamilton**

So let me let me let me just upfront so I can be very clear. Robert's Rules and the chair, I cannot entertain and will not entertain any motion that violates law. This would be an illegal act, we are not an RSU. We don't combine entities, it's illegal for someone from a different municipality to vote in another municipality election. And that's what we would be endorsing. We cannot do that. So there is no motion that will be made, that I will accept. Now, as the council, you can overrule the chair, in that case, if you if you think that that's an error, but I'm just being very clear on the front end, before we even go down that road of discussion. I think it's it's not going to happen as a motion unless the council overrules it. Because it's illegal. It can't happen.

**Steven O'Halloran**

could we have the discussion?

**Dale Hamilton**

What's the purpose?

**Steven O'Halloran**

That wasn't my question. My question is, can we have the discussion?

**Dale Hamilton**

And I'm asking what the purpose was, why would we do that? You can roll your eyes, but.

**Michelle Kaplan**

the purpose would be to allow those that have no voice currently in their own students education, to have at least a voice at least hear them out. Even if we can't do anything we can least let them be heard.

**Robert Miller**

Ellsworth residents have already voted on this subject and voted overwhelmingly against any such discussion. It was four to one. It was four to one. Our charter also states that in the event, the city withdraws from an RSU, which we did, the five members of the board will be elected by voters of the city.

**Casey Hanson**

can I make a motion to table indefinitely this topic since it's illegal, and there can be no motion?

**Robert Miller**

Second,

**Dale Hamilton**

there's a motion a second discussion on the motion. Councilor Kaplan?

**Michelle Kaplan**

So I guess my question is, in fairness, if a resident has a student, a resident of an outline town, and there's several

**Dale Hamilton**

we've got to stop it we we have to debate the motion, the motion on the table. So the discussion is about the motion to postpone indefinitely.

**Michelle Kaplan**

Okay, so you're you're taking away my voice now.

**Dale Hamilton**

No, I'm following Robert's Rules, which we all agree. That's what we follow. I'm following Robert's Rules. That's all I'm doing.

**Michelle Kaplan**

You're not even entertaining, hearing discussion, you're just

**Dale Hamilton**

Let me let me provide some some clarity so that you understand the Robert's Rules and you can do your own research. When there is a motion and a second, we have to have discussion and debate on the motion that lays on the table, which it does. there is no other motion that is on the table. There's no other motion that takes precedent. I have to follow that. We have to dispose of that motion first. Once that is resolved. I am happy to move it for whatever the decision is, which is made by the council not by me. I'm only following the procedures of Robert's Rules, that's what we agreed to. That's what we follow. I can't change that. It's not arbitrary. I can't someday say as chair. Okay, I'll follow this rule. I won't follow that. That's the motion. And that's the discussion. Is there any other discussion on the, on the motion to postpone indefinitely?

**Michelle Kaplan**

Yes, as I started to say, without having this discussion, and just tabling it indefinitely? How do you suppose someone who has a student who attends the city of Ellsworth school has it has a choice in who makes decisions that affect their children's lives? That was my question.

**Dale Hamilton**

No. Any other discussion on postponing indefinitely?

**Casey Hanson**

I think we can postpone indefinitely, and I'm just trying to think about the rules because it would be illegal to move forward with any motion. And the people who live in outlying towns do have to have choice about their children's schooling.

**Michelle Kaplan**

We can disagree, because they don't have a choice.

**Marc Blanchette**

Can we vote on the motion, please.

**Dale Hamilton**

Any Council? No. No, yeah. All those in favor of postponing indefinitely. All those opposed? Those abstaining but how are you gonna vote? You've got to vote one way or the other.

**Gene Lyons**

All right. So I say this, to postpone indefinitely.

**Dale Hamilton**

Yes. Motion passes.

**Gene Lyons**

But I do want to say something. I believe this came about because of parents who I think went to a school board meeting. And absolutely were not heard and minions waste or matter. So they relayed to me. And they wanted to be heard. And I guess so I don't know if maybe we should take more time when we're talking with parents and maybe listen to him.

**Item #29- Executive Session- Personnel Matters**

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**Dale Hamilton**

Item 29 executive session pursuant to one MRSA section 405 6 for personnel matter.

**Robert Miller**

The motion to go into Executive Session

**Casey Hanson**

Second.

**Dale Hamilton**

All those in favor of going into executive session. All those opposed, One opposed. (O'Halloran opposed)

Motion to exit by Blanchette, second by Miller, unanimous

Motion to adjourn by Hanson, second by Blanchette, unanimous

17. Council Order #032106, Request of the Public Works Director to extend the contract for marking words, symbols, stop bars, parking lines, crosswalks and authorize the City Manager to sign the contract.  
**Motion to approve by Kaplan, second by Miller, unanimous**
18. Council Order #032107, Request of the Public Works Director to award the Christian Ridge Road Rehabilitation project engineering  
**Motion to approve by Blanchette, second by Hanson, 4-3 (Hamilton, Lyons, O'Halloran opposed)**
19. Council Order #032108, Request of the Water Superintendent to purchase a new water pump for the Water Treatment Plant  
**Motion to approve by Blanchette, second by Kaplan 6-1 (O'Halloran opposed)**
20. Public Hearing and action to extend by 180 days the Moratorium Ordinance Regarding Medium- Large Scale Solar Energy Systems  
**Motion to extend the moratorium by Blanchette, second by Hanson, 6-1 (O'Halloran opposed)**
21. Council Order #032109- Request of the City Planner to designate the Ellsworth Planning Board as the Planning Committee responsible for preparing the Comprehensive Plan in accordance with Maine's Growth Management Act- 30-A M.R.S.A., Chapter 187  
**Motion to approve by Blanchette, second by Miller, unanimous**
22. Council Order #032110-Request of the Public Works Director to change a part-time position to a full-time position at the transfer station  
**Motion to approve by Hanson, second by Miller, unanimous**
23. Discussion and action regarding painting of a rainbow crosswalk on Main Street- Sponsored by Hanson  
**Motion to approve the GSDA proposal to paint a rainbow crosswalk on Franklin Street by Hanson, second by Miller, passed 4-3 (O'Halloran, Blanchette, Lyons opposed)**
24. Discussion and action to request the City Waste Water treatment plant only accept sewage from pipe connected Ellsworth residents effective June 30, 2022.- sponsored by O'Halloran  
**Motion to table indefinitely by Blanchette, second by Miller, passed 5-2 (O'Halloran, Kaplan opposed). Motion to send this question to Finance Committee to discuss and bring back to City Council by Hanson, second by Kaplan, passed 5-1-1 (O' Halloran opposed, Blanchette abstained)**
25. Discussion and action to request the City Waste Water Treatment Plant no longer dump any product in Ellsworth effective June 30, 2023- sponsored by O'Halloran  
**Motion to table indefinitely by Blanchette, second by Miller, passed 6-1 (O'Halloran opposed)**
26. Discussion and action to request the City of Ellsworth enforce the current odor ordinance by June 30, 2022- sponsored by O'Halloran  
**Request by Blanchette that Councilor O'Halloran recuse himself as he has business interest in the Park.**

27. Discussion and action to request all City departments remain open, regardless of weather-sponsored by O'Halloran  
**Motion to table indefinitely by Blanchette, second by Miller, passed 6-1 (O'Halloran opposed)**
28. Discussion and action to allow non Ellsworth residents, that utilize Ellsworth schools be allowed to participate in the municipal school board elections- sponsored by Kaplan  
**Motion to table indefinitely by Hanson, second by Miller, passed 5-2 (O'Halloran and Kaplan opposed)**
29. Executive Session pursuant to 1 M.R.S.A. § 405 (6) A for a personnel matter  
**Motion to enter by Miller, second by Hanson, passed 6-1 (O'Halloran opposed)**  
**Motion to exit by Blanchette, second by Miller, unanimous**
30. Adjournment.  
**Motion to adjourn by Hanson, second by Blanchette, unanimous**