

## MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, June 20, 2022 at 6:00 PM in the Ellsworth City Hall Council Chambers.

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

### AGENDA with motions

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting (s):
  - ✚ May 9, 2022 (Special meeting)
  - ✚ May 16, 2022 (Regular meeting)
  - ✚ May 23, 2022 (Special meeting)

**Motion to approve by Blanchette, second by Miller, passed 7-0**
5. City Manager's Report.
6. Committee Reports.
7. Citizens' Comments.
8. Presentation of Awards.

### UNFINISHED BUSINESS

9. Public hearing, discussion, and action on the adoption of a new ordinance entitled the Overnight Mooring and Anchorage Control Ordinance. \*\*  
**Motion to approve by Kaplan, second by Blanchette, with the amendment that if this fails, a workshop to be held, failed 1-6 (opposed Hamilton, Miller, Hanson, O'Halloran, Kaplan, Lyons)**

### 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.

10. Council Order #062000, Request of the Deputy Treasurer/Tax Collector to set the real estate and personal property tax due dates at September 8, 2022 and March 9, 2023. \*
11. Council Order #062000a, Request of the Deputy Treasurer/Tax Collector for an Order of the Municipal Officers on the application of real estate and personal property tax payments. This order will allow for the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills. \*

**Motion to approve the consent agenda by Blanchette, seconded by Miller, passed 7-0**

NEW BUSINESS

12. Discussion on determining when/if conflict of interest is present (Sponsored by Lyons) \*\*  
**Attorney Hamer presented.**
13. Public hearing and action on the application (s) for new or renewal for the following license (s):
  - Pavidia Visetrut Young d/b/a Thai Sana, 321 High Street, for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant Malt and Vinous (Class III and IV) Liquor License. \*\*  
**Motion to approve by Hanson, seconded by Miller, 7-0**
  - Finn’s Irish Pub, Inc. d/b/a Finn’s Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement, Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License. \*\*  
**Motion to approve by Miller, seconded by Hanson, passed 7-0**
  - Manny’s Greek Grill, LLC, 248 State Street Suite N for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License \*\*  
**Motion to approve by Blanchette, seconded by Miller, passed 7-0**
  - Sugar Mags Central LLC, dba Sugar Mags 142A Main Street for renewal of a City Class A (Amusement, food, arcade) and mobile vending \*\*  
**Motion to approve by Lyons, seconded by Kaplan, passed 7-0**
14. Council Order #062001, Appointment of City Officials by the City Council.
  - a. Reappointments. \*\*  
**Motion to re-appoint as presented by Hanson, seconded by Miller, passed 7-0**
15. Council Order #062102, Approval of City Manager’s appointments.
  - a. Reappointments. \*\*  
**Motion to re-appoint as presented by Hanson, seconded by Lyons, passed 7-0**
16. Public hearing and action on Council Order #062003: Authorization for Tax Anticipation Borrowing (\$2,000,000). \*\*  
**Motion to approve by Blanchette, seconded by Miller, passed 7-0**  
**No public comment was provided.**

17. Council Order #062004, Request of the Deputy Treasurer/Tax Collector to set the interest rate at 4% on overdue taxes. \*\*

**Motion to approve at 4% by Kaplan, seconded by Lyons, passed 7-0**

**Motion to move item #19 to #18 and move #18 to #19 by Miller, seconded by Blanchette, passed 6-1 (O'Halloran opposed)**

18. Council Order #062005, Request of the Public Works Director to award the bid for the Supply of Roll-off Rental Containers and Transportation of Municipal Solid Waste bid. \*\*

**Motion to approve by Blanchette, seconded by Hanson, passed 6-1 (O'Halloran opposed)**

19. Public hearing and action on Budget Resolutions for FY 2023. \*\*

**Motion to approve with a reduction to the library for \$487,200 and all others remain the same by Blanchette, seconded by Miller, failed 3-4 (Hanson, O'Halloran, Kaplan, Lyons opposed)**

**1. Motion to approve with a reduction to the library for \$500,000 by Kaplan, seconded by Hamilton,**

**1a. Motion to amend to remove the \$1,000 from the Maine Lobster fisherman request by Blanchette, failed for lack of second.**

**1b. Motion to amend to add the dispatch position back in by Blanchette, seconded by Hamilton**

**1c. Motion to amend to add the ½ firefighter back, unless the grant that was applied for is approved then the grant will fund this position by Miller, seconded by Blanchette**

**1d. Motion to amend to reduce the Ellsworth Chamber of Commerce request of \$10,000 to \$5,000 by Hanson and to give the \$5,000 to other agency's focused on transportation and food insecurities. Failed for lack of second.**

**Motion to approve the amendment (1c) for the firefighter passed 6-1 (O'Halloran opposed)**

**Motion to approve the amendment (1b) for the dispatch position passed 6-1 (O'Halloran opposed)**

**Motion to approve original motion with \$500,000 to library passed 5-0 (Hanson and O'Halloran opposed)**

20. Council Order #062006, Request of the Water Superintendent to accept a Capacity Development Grant of \$30,000 through the Maine Drinking Water Program, to hire Woodard and Curran to complete the Capacity Study of the High pressure zone and authorize the City Manager to sign all necessary documents. \*\*  
**Motion to approve by Blanchette, seconded by Miller, passed 7-0**
21. Council Order #062007, Request of the Public Works Director to extend recycling agreement with the Ellsworth American for acceptance of paper goods  
**Motion to approve by Kaplan, seconded by Miller, passed 6-1 (O'Halloran opposed)**
22. Council Order #062008, Request of the Public Works Director to purchase bulk order of culverts for drainage project  
**Motion to approve by Kaplan, seconded by Lyons, passed 6-1 (O'Halloran opposed)**
23. Council Order #062009, Request of the Public Works Director to approve an agreement with DM&J Waste Management, INC. for the acceptance of demolition debris and wood waste. \*\*  
**Motion to approve by Miller, seconded by Lyons, passed 7-0**
24. Council Order #062010, Request of the Water Superintendent to enter into an agreement with Woodard and Curran to engineer the Surry Road Water main replacement project  
**Motion to approve by Kaplan for \$157,000, seconded by Lyons, passed 7-0**
25. Presentation on the rainbow crosswalks by John Linnehan (Sponsored by Lyons)  
**Not taken up**
26. Executive Session to discuss labor negotiations between the City of Ellsworth and the Ellsworth Police Association in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.  
**Motion to enter by Blanchette, seconded by Hanson, passed 6-1 (O'Halloran opposed)**  
**Motion to exit by Blanchette, seconded by Hanson, passed 7-0**
27. Council Order #062011, Action on labor negotiations between the City of Ellsworth and the Ellsworth Police Association.  
**Motion to approve the contract by Miller, seconded by Blanchette, passed 7-0**
28. Adjournment.  
**Motion by Miller, seconded by Lyons, passed 7-0**

# City Council Minutes June 20, 2022

## **Dale Hamilton**

call to order the June 20, 2022 meeting of the Ellsworth City Council, all councilors, are present. Pledge of Allegiance. We, as far as rules are concerned, we follow Robert's Rules of Order and any other rules that the Council adopts during the annual organizational meeting. Item four adoption of the Ellsworth City Council minutes from the following meetings- May 9, 2022 Special meeting, May 16th 2022 regular meeting and May 23, 2022 special meeting.

## **Marc Blanchette**

So moved. Mr. Chairman

## **Robert Miller**

Second.

## **Dale Hamilton**

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

## **Glenn Moshier**

Yes, I'll be very brief tonight, sir. The only thing I wanted to mention is that July 12, we will have a special election for the school budget. Polls will open at 8am and close at 8pm. And you will vote at the same ward that you just voted in the last election was just a week ago. And the last day for absentee ballots is July 7. And the seventh City Hall will be open till 7pm on that day, and to make sure we capture all those ballots. And if you'd like an absentee ballot, you can come here to city hall or call and request one.

## **Dale Hamilton**

any questions or comments? All right, thank you.

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## **Dale Hamilton**

Item six committee reports. Any counselors attend any committee of any committee meetings? Any thing to address with committees? Crickets. We're moving on. Item seven citizens comments. It's a portion of the agenda where any citizen can make the comment. If it's on the agenda, you'll have an opportunity to speak at that time on the agenda item. But if it's not, you're welcome to come to the podium, state your name, where you live and make your comments.

## **John Linnehan**

First of all, thank you for your patience. I understand that three minutes and you can count my moving up here as part of my three minutes, is not a problem like that. I appreciate everybody's bearing with me on that. Good news as I found out what it is we're working on solution. So my name is John

Linnehan live here in Ellsworth. Good evening, all the counselors tonight, I have something that I've heard a lot of scuttlebutt from around the town about the school concerning me lately. And so I'm forming a coalition. And the coalition is called Coalition for excellence in education in Ellsworth. And my goal is to vote no on the Ellsworth school budget. And I'm forming my initial meeting will be on the 28th of this month, a week from tomorrow, at the Constitution Hall, and I'm inviting all parents, grandparents, concerned citizens, taxpayers, teachers, anyone Ellsworth voters who are interested in having a better quality program here in Ellsworth. There's a special guest speaker that I'll be having the other one a lot is particulars and details named Sean McBreairty, it he has a podcast, Maine source for truth. And he's done a lot of research, been on Tucker Carlson a few months ago, about the quality of the educational systems in the public school or as he refers to it, not public school system, the government school system, there's really three items that I want to address when I have the parents there, grandparents, whoever attends. And I don't know whether the parents feel the same way as I do, and often what I've observed, but the curriculums are promoting anti traditional reading, writing arithmetic basic values, and if they're replaced with critical race theory, SEL, a variety of different names on that. And I think it's social engineering really, and including the hyper sexualization of our minors and our children. So I'm very concerned with the curriculums that are involved. And I think the parents need a voice. I don't think they've been listened to I know they've been spoken at the school board meetings and venues, but I don't think they've had the voice that they need. And I feel the way for the parents to get the voice that they should have is to control the finances. The way to do it, is vote no on the school budget, and step in with a list of requirements they'd like to have and get the budget approved for those conditions. So there's three conditions that I'm concerned about. Number one is the curriculum. I don't think the curriculum is floating pro American values and traditional values we've always had. Number two, I think the budget needs to be reviewed on a line by line basis, I think \$25 million budget approximately whatever it is that it's just too much we're spending too much money in our Ellsworth school system. And beyond that, I guess I'm concerned about the children getting out. And I've spent a lot of time in various meetings. I haven't been to the Ellsworth school board meeting yet. But I've looked at a lot of the information that's been put out there. And I'm going to do more research of between now and the 28th. But from what I've talked with Sean McBrierity, who has done a lot of research and a lot of schools, including Ellsworth, that the children that are graduating, graduated with not solid scores on their achievement tests. And then in fact, they have pretty low scores. And I think, you know, I don't want to get into it. That's not my area of expertise. From what I've seen, we need to take a strong look at what the achievement tests are that we're graduating in the BASIC scores and the Math, English and the sciences like that. Thank you very much. I appreciate your time. I hope to see you I hope the council will get involved with it like that. On a week from tomorrow on the 28th. That'll be at constitutional Hall at 6pm. Thank you for your time today. I appreciate it.

**Michelle Kaplan**

Question. Assuming that the vote is that the budget was voted down? What do you see the alternative being?

**John Linnehan**

alternative would be within put a proposal together, to take back to the school board that we would approve that budget as majority people it gets voted down, put approve the budget, based on those conditions of the three areas in which I'm talking about.

**Michelle Kaplan**

Thank you.

**Paul Markosian**

Thank you, Mr. Chair. And my name is Paul Markosian in I am a citizen of Ellsworth. I also serve on the Ellsworth school board. And I want to thank the Council for voting to approve our school budget. Just a little while back, and it's very much appreciated. And I want to also thank city manager Moshier for reminding the public this evening that the special election for the citizens referendum to give final approval to the school budget is, as he said, July 12. He also mentioned early voting and absentee balloting. I visited city hall this afternoon and asked for a ballot and was given the ballot and I filled it out and turned it right back in. And it was a very easy process and simple and quick. So I'd like to urge members of the community to it's summertime and everyone's busy. So don't wait until July 12. To vote in person if unless you are sure you can do so. I'd like to urge people to go come to City Hall anytime between now and July 7 and request early voting or request an absentee ballot. Not only that, but I urge I would urge you to urge your friends to do the same. We know that this type of election is going there's only one thing on the ballot, it's the school budget. Turnout is not going to be very robust. So it's all about turnout. And we don't know from the historical record that the budget stands a better chance of passing if the turnout is greater the people who support the schools and support the budget. If they don't actually make the effort to go and vote it it's less likely to pass so please make a plan to vote. And please reach out to your friends, your neighbors, your co workers anyone who lives in Ellsworth and ask them to do the same. Thank you very much.

**Steven O'Halloran**

My name is Steve O'Halloran. I've been a resident here for 57 years. I'd like to remind everyone in this room this simple fact for every dollar government spends somebody had to earn \$1.34 have taxes withheld and then give the dollar to the government. Please keep that in mind

**Dale Hamilton**

anyone else like to speak? Seeing none, we will move on I'm item eight presentation of awards. There are no awards to be presented this evening. Move on to unfinished business.

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**Dale Hamilton**

Item nine public hearing, discussion and action on the adoption of a new ordinance titled The overnight mooring and anchorage control ordinance.

**Janna Richards**

Evening counselors. Yes, Janna Richards (and Lori Roberts). And we learned, We had brought this ordinance before the council last month in May. And the ordinance was tabled. And so we're bringing it back to this meeting. So really, since the last meeting, there's been no substantive changes to the ordinance as was presented last month. The only tweak was to the definition of overnight period, which was last month between the hours of 10 o'clock pm and four o'clock AM to which has been changed to nine o'clock pm to four o'clock AM. Other than that the ordinance stands as was presented last month. For for the council to deliberate on during this council meeting, if you so choose. Staff just wants to

clarify since I think there was discussion between counsel as well as the public as to certain specifics to the ordinance, so we just want to ensure that to clarify that the ordinance does not propose to regulate common swim floats or regular boats, canoes, kayaks, if you will, during any time of the day, whether it be overnight or during the regular day. So that would be any common swim float, or any regular boat. The ordinance does propose to regulate houseboats as defined within the ordinance. And those houseboats are only regulated in that overnight period. So if they're there during the day, there's no regulation it's only in the overnight period. And then finally, the ordinance does apply to all houseboats, whether they be registered or unregistered regardless if they are owned by a shorefront landowner or if they have the permission of a shorefront landowner at this time presently within the ordinance that's presented in front of you. So tonight, we as staff are just looking for some direction from the council. I suggested motion is here. If the council has the ability to make changes to the ordinance as as they so choose.

**Michelle Kaplan**

So a Cuddy cabin qualifies as a houseboat. And does that apply to boats that are attached to an existing dock?

**Janna Richards**

It would in this under this ordinance.

**Michelle Kaplan**

Pretty much nobody can keep their boat in if it has the toilet facility and or a V birth? Whether they own property or not.

**Dale Hamilton**

So Councilors, I'm going to pass around this. It's something that I want to propose to replace article four. And it comes from an ordinance that Belgrade had developed. And I think in part addresses what what your concern is Councilor Kaplan because they share the same in terms of the perspective about property owners. So this what this would state is that I'll just read it. The overnight mooring anchoring, tethering or otherwise securing of water vessels is prohibited on our ponds and lakes. If the watercraft possesses the following characteristics the watercraft has a flat main deck with a beam of seven feet or greater. Additionally, the watercraft is above its main deck and superstructure that contains a head and/or galley and sleeping quarters designed to modify for temporary permanent living. This regulation does not prohibit a prohibit overnight stays of personal watercraft that do not meet this definition. As long as the craft is anchored moored or secured within 200 feet of shore or tethered to a dock with the owner's permission abutting permission, does not impede safe navigation. So it gets at the place. For me, we've heard a lot of information. And they we I think this there had been general consensus among this group, at least from what I've heard everybody talking about is that we don't want to prevent we can't State law, it's not about preventing access to our lakes and ponds, recreational sporting access. There is a growing concern about overnight accommodations, houseboats renting that out that we want to get in front of and this issue certainly surfaced. Over the two years, we've been at this for two years talking about it. So what this language does is it creates, it basically says, Use the lakes, use the ponds. And if you have landowner permission, you can leave your vessel craft whatever it is there. If you don't, you take it out, and you put it in the next day. And that's consistent with how most people are

doing it now. And it's language that prohibits renting and using houseboats. So for me, that's that's what I'm proposing that we come up with some sort of language around that,.

**Michelle Kaplan**

Can't we just prohibit the rental of houseboats for overnight stays and leave everything else as it is?

**Dale Hamilton**

So we're gonna just jump just for order. Right now, this isn't a public hearing. Right now that the council is having a discussion in a moment, we'll open up the public hearing. The reason that we have this discussion first is to give you good insight in terms of what we're thinking, because we just turned it over two now for public comment. And you didn't have this, you'd be sitting there biting your tongue wanting to respond to that. So that's why we're going to have this discussion, we'll open it up to public comment, and everybody will have an opportunity to speak if you want to at that time. But please don't. Don't shout from the crowd. Let this discussion go on. I will open it up. And you see, you'll have a chance to speak.

**Steven O'Halloran**

you use the term regular boat? Could you define a regular boat?

**Janna Richards**

Any vessel that isn't a houseboat? So a fishing boat, or a canoe or a kayak or

**Steven O'Halloran**

a Houseboat is not a regular boat?

**Janna Richards**

Well, not as so. So it's like a subset. The only thing that's regulated in here is a House boat as defined in the ordinance.

**Steven O'Halloran**

So your definition of a regular vote would be any anything but a Houseboat.

**Michelle Kaplan**

Even anything that has a head. Even a center console by this definition could be considered a houseboat. This is correct.

**Casey Hanson**

For this for the ordinance for this edition that you're recommending Is it it a change to say that a boat would have to be moored or secured within 200 feet of shore? Like is that already a requirement? If you were going to say you had a boat with a Cuddy cabin, and you were going to spend the night on the lake? Now, do you have to be within 200 feet of the shore? I just, trying to figure out if that's a different thing or not.

**Janna Richards**

Can we have the Harbormaster come up and answer that question for you? He doesn't want to come up. Okay. He's saying that you can but it has to be lit.

**Casey Hanson**

so for this, you would can, we would be considering if we use this edition. It would almost change the definition of the houseboat to a flat main deck with a beam of seven feet or greater. I don't know whether that's like if you own a boat that you take out on green lake that has a caddy cabin that you sleep in with your grandkids. That's what I'm trying to protect that that person can keep doing that. Is that usually seven feet or greater? I don't. I don't know.

**Dale Hamilton**

This, this wouldn't have it. It would prohibit the overnight unless they had permission about landowner to

**Casey Hanson**

Yeah, okay. Well, that's the only thing I'm on. That's the only thing I'm personally uncomfortable with is I got some emails from people who take their boat on Green lake. They take their grandkids out and spend their night in their Cuddy cabin. I wouldn't want to restrict that activity.

**Glenn Moshier**

This ordinance would restrict that unless they had if this is adopted and they have landowner permission, or they actually own a camp.

**Casey Hanson**

Yeah, so I'm just uncomfortable with special rights for shorefront property owners.

**Dale Hamilton**

The special rights are that in terms of all the the short term property owners in the city of Ellsworth, they're paying taxes are four and a half million dollars, they are afforded some rights to use their property in that manner. And part of the issue for house boats that have proliferated in other parts of the state is the fact that they can be placed out there, they can be rented, and they're not paying any kind of property tax, and they sit very close to the property owners, that creates a problem in terms of that equity issue when you're talking about fairness, so So I think it's reasonable to be able to have an ordinance that restricts that I think that there are plenty of property owners that would give the people that you're talking about permission to be able to moor/anchor off their property in those situations. And that would that would allow for it, if we created an ordinance, that had that kind of flexibility.

**Casey Hanson**

Well, I live on the union river, so I pay the taxes that I pay, because I live on the union river. And I know that I don't own the water. And I don't think that I should own the water. So I mean, I've said from the beginning, I'm not against trying to set up an ordinance that keeps people from living on the lake or, or renting on the lake and creating a city out there. I'm really not against that. And I'm I'm but I won't vote for one that gives special rights to the shorefront owners, I just won't.

**Steven O'Halloran**

I may not be correct. But I'm me. And I think the root cause of this whole issue is behavior. Not sleeping on the water or sleeping on the boat, aren't we really after the root cause of this is you're trying to change behaviors. And you're never going to change the behavior without becoming friends of everybody. And I would encourage people to think about that. This ordinance is not going to change the behavior of anybody as a matter of fact, it might aggravate. My thinking is this, that this whole ordinance thing is about the behavior of particular individuals. And until that's addressed, a change of behavior, that's really what people want. Because the behavior can happen even worse, if this goes through, I truly believe that everyone in this room is after behavior changes, not ordinance changes.

**Michelle Kaplan**

I agree with Casey. Insofar as we both live on the union River and our property, I don't know where on the river you live, but its tidal. And people that live on tidal properties know that our land stops at the low watermark. And people have the right to use up to the high watermark, which gives you that no man's land. And because it's tidal people can come in from anywhere at any time. And it's just a given, that no one owns the water. No one. It's free for everyone to use for however they choose to use it. And to sit there and say, Oh, well, we're going to create this ordinance for define superstructure, you know, or we're going to create that ordinance. It's going to restrict everybody that lives on the lake and everybody that even has a Cuddy cabin on the lake, because now according to this, you can't even keep that on your dock. I mean, that's not helping anybody. Why don't people just say, Look, you know, all you have to do, if you've got to do any ordinance, if your big fear is that people are going to be bringing in big house boats and putting them all on the lake just prohibit the rental of house boats on the lake period. It solves the problem. And we're left with with the one superstructure that I believe you actually own property on Green Lake. So he's the shorefront owner. Problem solved.

**Casey Hanson**

I wonder whether I mean is the problem of having something that's anchored or moored close to other dwellings would there be a way of writing it so that it had to be a certain distance from other dwellings? Or maybe an option would be to limit the number of consecutive nights that you can spend on a watercraft. Like I said, I'm willing to think about a way to make the ordinance work. I'm just not interested in giving special rights to shorefront owners and also wanting to keep the lake available for, again, people who want to go out and spend a night on their boat with their grandkids.

**Dale Hamilton**

So why don't I open up to public comments, and maybe we'll hear something. So this is a public hearing open the public hearing, public hearing is open. And if you'd like to speak, you can come to the podium, state your name where you live, and you will each have three minutes, you'll be able to speak once on the topic to give everybody a chance to to have their say,.

**John Linnehan**

I'll get up just to break the silence. John Linnehan, I live here in Ellsworth. And I think also, like many towns and many government agencies already it's over regulated. And I'm for no more ordinances that should be health, safety, noise, basic ordinances, like that I think we get said, You've been two years

on this ordinance right here, which to me, the waters that public lands or public waters that are open to everybody. That should be that way. If I go in, I do damage or I'm boisterous. And I'm out there having a wild drunken orgy out there. You know, I should be arrested. You already got laws to protect that. But I think I think we're over regulated as a city. And I think you want it shouldn't pass no matter how many conditions or how you rewrite it. Just my opinion. Thank you.

**Audrey Tenney**

Audrey Tenney, live here in Ellsworth, I own property on the Dedham end, or side of a green light for many years, president of the Green Lake Association. And I would just like to comment on another consideration, which is and I concur with Mr. Linnehan about ordinances that oversee health and safety. I'm concerned about the health of the lake, the purity of the water, this is one of the cleanest, cleanest lakes in the state other than the pristine lakes in the northern part of the of the state. And, you know, perhaps you could consider putting in a pump station for sewage. You know, it there are no restrictions, as I understand it, for what a houseboat needs to have, in order to to operate safely in the interest of the health of the lake, and other people who choose to swim in it. Thank you

**Jason Spinney**

my name is Jason Spinney. I live in Ellsworth as well. The first thing I want to say is the tax thing was brought up with you actually said how much taxes the Ellsworth Green Lake specifically brings in for the waterfront or maybe that was for all the ponds and lakes and Green Lake. But about all the other citizens of Ellsworth that use those lakes that pay a lot more than 4.5 million in taxes. Just consider that the people who would be restricted from that lake which is one of the reasons I live in this town. I love that lake have spent all my time in that lake. I use it year round. I don't just use it the summertime seems to be everyone's big concern. We use it winter and summer. We fish we swim our kids, everybody enjoys the lake. We know lots of people who bring up Cuddy's. And then I basically the way this is written, you're restricting people from toilets and sleeping areas, which means people are going to start using the lake without a toilet facility when they probably should have one or would have one. But they're afraid they can't moor because they're going to be caught with a toilet. So now where are they going to use the bathroom. You know, we actually have a good toilet. We have a facility we also have a public landing that has a restroom. The 90% of people use our toilets basically for emergencies. I just want to say I think it's it's absolutely absurd. The way this ordinance is written, you're you're basically giving landowners on the lake rights over every other citizen in the town. We all pay taxes to We've always enjoyed the lake just like everybody else. Letting some people come in and tell us how to run the lake year round. I disagree with the ordinance. And I hope it doesn't pass. Thank you.

**Glenn Moshier**

make a correction of the way the ordinance is written there is no preference given to landowners. He's the Chairman has recommended a change to the current ordinance but the way it's written there is no preference.

**Andy Hamilton**

Good evening, members of the council. My name is Andrew Hamilton. For 38 years I've been defending property rights here in the state of Maine. This talk about shorefront property owners being given special rights. It's got to be put in context of what really needs to be put in context is why Dedham

could act in one I recall 35 and adopt by 34 to nothing vote with representative Sherm Hutchins, a Republican legislator moderating the meeting. And without debate, town meeting adopts a moratorium on long term mooring. If you don't think this is an issue, then why doesn't the next community on Green Lake think it's an issue? We believe that there is the way to have a balanced compromise that protects the ability to have reasonable craft on the lake. Here's my simple amendment, which I've offered previously to meeting. And I'd like questions about it this time if you have any questions about what the amendment proposes, for the purpose of this would be right at the end of the definition of houseboat. For the purpose of resolving any doubt. The term houseboat shall not refer to Common swim float, or any boats other than houseboats that are moored adjacent to the shore of the lake. I agree with Councilor Hanson. I agree with Councilor Kaplan. Although I would say the tidal rights are different than riparian rights on a lake. And it has taken centuries for the courts in Maine to understand that, but we could go through a litany of court cases that establish that in Maine, it's public access for reasonable use. I agree with Councilor O'Halloran who says that there's a behavioral issue here. But I think that behavioral issue is only going to multiply based on economics, that people don't have to pay property taxes. And they don't have to pay for shorefront property, which is elevating in price. And they can simply rent a place for a long time morning. We existed in the summer of 2020 for the entire summer with a house float in our cove an entire summer. And there were days when six boats would moor up to that as a floating Marina. And there was a day when a house a amphibian plane came in and parked on the beach right next to the party that was going on. If you think you buy shorefront property owner to see that. I have to say it's not right. We're not looking for any special rights. We're just looking for this definition to be adopted as part of the current draft ordinance. It's time for reasonable action. The term houseboat shall not refer to common swim floats, or any boats other than houseboats that are moored adjacent to the shorefront of the lake. So if it's moored adjacent to the shorefront it's pretty clear that's a property owner. What's not been clear until a councilor O'Halloran echoed something that council Chair Hamilton said at the last meeting. It's about respect. If we have respectful behavior, do you think we'd be in front of you? We've not had respectful behavior for three summers. And it's going to happen more because other people have found their way to Rangely Lake, which took action to Belgrade lake which took action to Moosehead Lake which took action and I submit to you councilors. Lakes are a little bit different than tidal waters in terms of how you can regulate. The legislature has taken a sweet time getting around to it But they're gonna act. And they're gonna act because it's public access for reasonable use. Stressing water quality, stressing navigational safety, stressing the short front views. Would you like to have an RV parked in front of your property on a public street for the entire summer? I submit not. That's not reasonable use.

**Michelle Kaplan**

Just argue. When you bought the property, you bought the property, right?

**Andy Hamilton**

Yes, on a lake.

**Michelle Kaplan**

But you didn't buy the view.

**Andy Hamilton**

I bought, I bought property on a lake, subject to reasonable use. I knew the public would have access on it. I grew up in Aroostook County on on cross Lake, I fished the waters of cross Lake and square lake. I fished in front of people's property all the time. So do a lot of folks on Green lake, but they don't park their their their ice shack on pontoons for an entire summer, in front of a property.

**Michelle Kaplan**

But they do for an entire winter.

**Andy Hamilton**

No, no for a couple of months in a winter. And that's fine. We ice huts are part of the tradition of Maine. But it's fundamentally different if you've got a cold winter that really keeps only the most rugged from staying overnight. Compared to the summertime when it's warm. water travels on a lake. It's been said that we have the ability to use the disorderly conduct provision of the statutes, but it doesn't work. We're six miles in off Route one A. If you say that these craft can be there, they're going to be there. And they're going to be there all the time. It's happened three summers running, please Dedham's acted. If Ellsworth doesn't act, we're going to be right in the crosshairs for a lot of activity. So if you want to ignore shorefront rights altogether, if you want to ignore shorefront, property owners don't do anything. But we plead with you please take some action that's reasonable, so that we can have some relief for at least a summer. Please.

**Steven O'Halloran**

I just would like to ask a question. Rental camps, okay. In your experience on the lake. When people rent a camp for a week, or two weeks or whatever? Do those actions that you can't see. But you can still hear? Is that fair to say? In other words, if you're if you're talking about these people having this wild party, I don't know what time the party ends, maybe it never ends. I don't know. Again, that's behaviors. But my question is, you know, is the rental camps in your area on the lake that have some of the same outside of the view have some of the same qualities? In other words, they rent a camp for a week, so they're going to party every night until whatever? There's loud hooting and hollering and swimming and all that. Have you experienced any of that?

**Andy Hamilton**

Do I have your permission? Yes, Mr. Jellison, who's here in the audience, can tell you all about his rental property. He built, supervises and maintains that property. There ain't loud music play from his rental camp. There are folks who have no respect for the rights of others who come in, allow six of their friends with boats, including a couple that are here tonight. They just come on in and tie up to the Houseboat and we're supposed to tolerate it-Lest we'd be bullied into accepting it. That's what's really going on here. It's a lack of respect, Mr. O'Halloran. And you said it right at the end of the last meeting. respect for the rights of others is a basic human dignity. It's not being accorded on Green lake. It bothers me, I have to speak up, I had to do something.

**Steven O'Halloran**

I'm not in dispute. If I may speak, I'm not in dispute with with with your argument. What I'm a dispute with is I don't think this is going to fix the real issue of behavior. I'm not in disagreement with you. I think

the respect thing that I mentioned before, I think the behavior but the behavior can go on and get worse with or without the ordinance.

**Andy Hamilton**

But here's here's the challenge. I was contacted by somebody who was a Coast Guard, sailor and she said I want to set up a houseboat business on Rangely lake, but I'm being prevented by a community that doesn't want houseboats on the lake. And I said, Ma'am, I'm not sure I can represent you, you should talk to council for the town. The reason I know t'is coming is like, our office does work for the town of Greenville, Moosehead Lake. There was a chapter that ran for six years. If you think by not doing anything tonight, we're gonna, it's not gonna happen. This is a committed group of property owners, and you see a ton of them in the room tonight. And just because philosophically, you don't think you need an ordinance doesn't mean we're going away. We're going to hang in there because we support respectful use by the public, of public waters, public access for respectful use is fine. I talked to Tim Peabody, the Deputy Commissioner of IFW. And he said, You're right Andy, it's got to be respectful use. That's what the law book says. It's not happening. And ordinances are necessary when respect is not a chord. It's a boundary provides a boundary.

**Casey Hanson**

I just had a question about when I haven't seen the house float in person. So I don't really know, is the lack of respect, a noise issue or a visual issue?

**Andy Hamilton**

There are three primary shorefront property owners in a cove that includes about 1000 feet of unoccupied shorefront, the public has traditionally assumed they can come in and use that private property. That's actually not in accord with the law. But custom develops and develops are all three camp owners can see the house float, and the House float serves as a floating marina on several occasions, and six or seven boats will come in and tie up to the house float. So imagine being out your window on the union River, and you had a house float there that stayed the entire summer. And on some days, six or seven boats would tie up. We counted 21 People wonder 21 people out your front window. You may want to diminish the rights of shorefront property owners. I say don't treat them as special. Just recognize those rights. Please.

**Casey Hanson**

I certainly don't want to diminish that I was just trying to figure out is the problem noise? Or is the problem visual? And it sounds like it's a visual to seeing if

**Andy Hamilton**

it's visual noise and its effect on water quality.

**Casey Hanson**

And is it noise late at night? Or it's really just daytime noise? Are people living on their night after night?

**Andy Hamilton**

Now there was one night they lived on the boat because the Maine Warden service was out. And there had been partying and drinking. So they lived on the boat that night.

**Casey Hanson**

So I mean, I'd be very interested to hear. In some ways, I almost think maybe this is worth labeling again, because I would really like to hear any option for creating an ordinance or a description of what a House boat is. I'm not comfortable with just saying House boat and then letting people decide whether they do or don't want to call something else. But I think we'd have to define it if we were going to put it in an ordinance. The way it's defined in our current ordinance is anybody wants to go spend the night on their boat?

**Andy Hamilton**

Councilor Hanson, I think it is something that we all have struggled with. And in order to properly solve this problem, you do have to know exactly what you're dealing with. I think that the council chairs proposal, what I proposed are both efforts to make clear that house boat shouldn't include a common dock. And it shouldn't have swimming dock it shouldn't include a boat other than houseboat. But but the time is nigh to act. And if you feel you need more definition, then I would be willing to entertain better definition of houseboat. There are a variety of approaches that have been taken by the 16 communities that have regulated House boats already. And it's not just this particular house float that has shown a lack of respect. It's also house boats that are coming Moosehead Lake and Rangely Lake is now starting to deal with it. Ellsworth is a huge geography. And one of the most precious resources you have or your life. There has to be balanced. But by God, I think if you don't deal with houseboats, they're coming. And we've already seen it. We're gonna see more.

**Dale Hamilton**

So I guess I just want to comment in terms of and I'm really this is an honest question in terms of understanding what we're talking about our houseboats and having them overnight and how What I'm looking at is that balance in terms of what rights are being taken away. I just heard that there was one night that you stayed in that that one location. It doesn't prohibit the use of the lake and the ponds for the rest of the time at all, so what is what is being limited? And I'm just wondering if Mr. Spinney if you could articulate that for me, because I just have a hard time understanding what our rights are being limited rights that were given to us by the state of Maine. By not letting us more overnight, which has always been. It's always been not against the law in the state of Maine, it's for a long time, everybody can use the waters. Everybody in the state of Maine owns the waters. Anybody who even comes to Maine can use the waters. So your concern is about... what I'm trying to get specific to understand and I'm trying to really understand your our right is to use the water. Our House boat is literally eight by 24. It's built on the deck of a pontoon boat. So anybody with an average size pontoon boat has the same exact deck as we do except for we just have a structure on top of it. We're not there's no possible way you could ever fit 21 people on it. It's the size of a normal sized pontoon deck. We've never had six people on it. And I would ask everyone's counsel is going to listen to him basically accuse, us of all these accusations if he could prove it, you know, come up with some pictures or anything. I mean, we've never had 21 People are so for him to come in here and say that are a lot of the accusations that have been made. It to me is ridiculous that we have to come in and fight it when he's not hasn't really

proved anything. Yeah. And I know for you this is this is a really important issue. So I believe, and I'm trying to understand some that's why I'm trying to get specific. Your concern is is that you want to be able to leave your craft there. That's the issue. You don't want to have to take it out at the end of the day and put it back,. We wouldn't take it out. There's plenty of property owners that we could park in front of it or on our side. With every day we'd bring it right back to where it is. Every single day we used it wasn't a houseboat, it would be a pontoon boat that didn't have a toilet, which is unfortunate, because it's nice to have that out there was this emergency. So that's what it's trying to understand is what rights this this ordinance prohibits for you. And so that's why that's why I'm digging because I'm trying to understand your perspective. But that's pretty much it. It's basically taking away the right for us to moor about there, which is our right.

**Steven O'Halloran**

Again, we're getting back to my behavioral point. And I'm wondering, is there any thought to the mobility of this is it doesn't have to be in one spot? i It appears that. if it appears to me that we've aggravated some particular property owners on the lake, and whether this passes tonight, or doesn't I sense it's not going to pass? But that's just a sense. Is there any interest in finding some common ground to maybe mobilize this around? We've got a summer here ahead of us. Is there any, any thought that would help everybody find a little bit of common ground that we can move this boat around a little bit and not leave it in one spot if that's the fact that it has been?

**Dale Hamilton**

It's not the fact that it has been the first year we had in three different locations. It did spend the majority of the summer in front of this property owner. But we also spent time in Dedham. And on the far other side of Green Lake in Ellsworth, last year, we only spent about a month and a half in the Ellsworth side in front of the property owner and then we spent the whole rest of the summer in Dedham. And, and then we can even see a camp from where we were unless you went all the way across the lake. So it is incorrect.

**Steven O'Halloran**

again, I guess where I'm going with this is there's something that could be moved weekly or something to to come up with some sort of, of peace agreement here, without an ordinance, a gentleman's agreement. Is there any thought of that, that we could find some mobility of this structure? So I'm not trying to make someone else's problem. This around, but you know, if someone put up with it for a weekend, it would be a lot different than if they put up with it for a summer.

**Dale Hamilton**

I agree, actually. And we are absolutely willing to do something like that. Gene actually recommended that in one of the early meetings that he would actually come out and mediate. We agreed. I don't think the other party ever did. So we're we were 100% for that. Unfortunately, it's gotten a lot more nastier since then with a lot of accusations and I honestly feel like I'm being harassed at this point with every time I come in here and listen to what they have to say when 90% of it's incorrect. So we actually we propose that, Gene proposed it, we agreed to it. It never happened on the other side.

**Steven O'Halloran**

Again, let's put the past behind us the past behavior of the past. Yeah. Is there any interest in squelching some of this animosity? And trying to find some common ground? So we're not ordinating the world to that is, and I'm not saying that they'll never be an ordinance. I'm not saying that I'm the one vote. Okay. But it would seem to me that everybody in this room, we've taken this to the ratchet this up pretty high here. And if we put the past behind us and the mobility of this boat, would this house structure or whatever it is? I don't know. I just seems to me like, it might be some common ground there to get some peace this summer. Would you be in agreement?

**Dale Hamilton**

Possibly. I mean, it's obviously gone pretty far now. But what we were reasonable people in the beginning, but if he would have actually come up to us reasonably and said, hey, you know, we'd appreciate it if maybe you moved it around, or, you know, is there any chance we could talk to you guys about it, but instead, it was more yelling at us from shore to move your crap out of my cove? And this type of stuff here. It was never, ever a gentleman to gentleman talk.

**Steven O'Halloran**

So we can't put that behind us?

**Dale Hamilton**

I can, yes. Sure. I would agree to something that like Gene suggested in the beginning, which I thought was a great idea

**Steven O'Halloran**

How about the Green Lake people. What are your thoughts on that? (No was shouted from the crowd).

**Dale Hamilton**

I guess, I just, I just want to pull up pull it back a little bit, in terms of, because we are dealing with a in front of us a proposed ordinance on on Houseboats. So I and I appreciate what you're talking about. Because I think that that certainly is the issue that brought it in front of us. For me, the issue, though is is as this issue surfaced, it was about the proliferation of house boats in other communities and getting out in front of it. And and I'll just point out that at no point have I said, Boy, well, let's make sure that all boats get off the lake, let's make sure that you don't have use of it. There's nothing that restricts the use, and I wouldn't be in favor of that. And the state law doesn't permit that. For me, it's talking about specifically, houseboats, rentals. That's the issue that I think we have to get out in front of. And that's the issue that is, is what's driving this ordinance. It's not about to regulate what's happening between you and property owners. It happens to be about the house boats and you just made a comment in terms of your your boat would change. It's it's not about pontoon boats. There's not an ordinance about that. So I that I just wanted to say that that that's for me. It is about the houseboat issue. I think whether we deal with it tonight. I do think that at some point, Ellsworth with the number of bodies of water that we have, we will be dealing with it at some point. So I think it's a reasonable topic to take up as long as we don't limit people's rights to use the waters. I couldn't agree more with rentals. I don't think it should be used for commercial use, but that's not what we're doing. No I understand. Thank you. My name is Harry Moore. I have property on Green lake I'd like to put my two cents worth in on this whole issue.

I've heard both sides. But one of the things I've noticed I'm read across the lake from where they moor their pontoon their pontoon boat, or not pontoon but a houseboat. That houseboat has been there now for two weeks unoccupied. It is anchored out in front of the property that doesn't belong to them. And by the neighbors that I am in contact with. I'm on the Green Lake Association and I am on the water quality and you know, I'm quite interested in how the lake is used. I've looked at invasive plants I look at the all the things that go on to the lake to keep it as it is, which is pure. But the big issue in my opinion is to allow a person to anchor in front of somebody's property. If they're going to use it in their there well, that's one story. But the other story is if it's left their unoccupied day after day. And the people in houses are looking at that structure that is not really nice sight, is is takingaway from their enjoyment and tranquility of their place. That's my opinion. I wouldn't like to have them sitting in front of my house. And I don't think you would like to have him in front of your house. But that's the way it is. And so one more thing. Last year, there were threats on Facebook, that if you open your mouth, you come back your house is going to be painted black. In other words, what you're saying, is that, is there some kind of way that we can get around this without people being angry and be able to work together? Well, when you make threats like that, and when I leave here tonight, and I go home, I don't know what kind of threats are going to be because the last meeting I had a person here point their finger at me and say you wait. And I didn't put my fishing shack out because I figured this that would be doing something to my ice shack. I mean, that's the kind of the what's happening on the lake. It's getting to be a threatening thing, and it's not good. So I think an ordinance is you have to live by, they would come around and be more civil. Thank you for listening to me.

### **Terry Pinkham**

Terry Pinkham lived in Ellsworth 40 years. I've heard a lot of talk tonight about environmental impact, things like that. This, this float doesn't even have a motor on it. Just so everyone realizes that all the rest of these boats that are floating in the water all evening all summer long. They're bilges are leaking oil, they've got gas coming in and out of them. Ours doesn't have any of that. Okay, and there's a public restroom provided for us at the public boat launch on Nicolin road. That's what's used. It's put there by the city of Ellsworth so that we can use it. Okay. I've been a Maine guide for the past 12 years, I'm steward of the environment. I don't throw trash in the water, I don't allow it in my presence. We take very good care of that lake, I fish it. I fish it year round. If somebody drops something in the water loses something off there snowmobile along the way across the ice. I'm always the first guy to pick it up. And there's people here that know that. Bud Moore is one of them. That's how I treat the lake. So anybody who accuse us of trashing the lake or using as their own personal playground, willy nilly, that's, that's just incorrect. And I hope you guys truly understand that. Because that is a fact. Thank you for your time counselors.

### **Lois Lenfest**

My name is Lois Lenfest. I live on Green Lake. And I live right across from the public landing. Last year after the meeting, he found out where I lived. And they came. And they circled and circled with their jet skis calling out which I think your behavior problem right there that you were speaking of, should not be permitted for him to do that. And not only that, I have seen four or five of those boats come in, they all have motors. He's right. They all circle the lake and they get off the lake. They don't stay there. And they don't party and they don't misbehave towards people that have property on that lake that want to see the lake. If that was your property, and you were looking at it him like that, I'm sure you would be a

little upset yourself too. I get very annoyed when I see him and he's doing things to people out there that he shouldn't be doing. And he had more than 21 people at one time, if you would like I can submit a lot of pictures. And I can also submit the pictures and the videos that he took while he was trying to demean me for coming to this meeting and speaking out.

### **Terry Pinkham**

I've never met this lady in my life and I have no jet skis or ever have she's confused.

### **Dale Hamilton**

You know, let me just let me, let me just say this, you obviously, each of you have a right to say whatever you want. And if you choose to go down the road of attacking one another, that's your choice. We're here to talk about an ordinance about houseboats, trying to have a discussion about that and understand the pros and cons of it. Unfortunately, this evening, it's turned more into the back and forth about and I understand the emotion that's going back and forth. But I can tell you sitting here, it doesn't give me any more information about which direction to go and how to go. I think that that if that if the dispute the personal issues are there, and they're real. If you choose to air that here, so be it, you get one chance to speak, but we're not going to have the back and forth. I would prefer that people come to the podium and talk about the merits of having a houseboat ordinance or not?

### **Unknown**

okay, the only thing I see is its differences. As you say ice shacks are out there, ice shacks don't move around, they stay there, you're right. But he doesn't move around, he stays there. Let me tell you something right now, I think that if he puts that boat right in front of Mr. Moore, and I and a wind came by it blow him over. That boat is not safe in the wind. That's why he has to move it down the lake. So he can get it protected from the wind. So it should be some kind of an ordinance on our lake, I bet you 10 bucks, he wouldn't go on branch Lake. Thank you.

### **Hank Israel**

I'm Hank Israel. I'm a property owner on Green Lake as well. And I'm just coming up to speed on on this issue. So there was some mention of offering a permit, like a three day permit or something like that, as we, as you started the discussion to I kind of wanted to hear more about that. Because it does sound like there's two issues that we're trying to resolve one is access to the lake. The second issue that we're trying to resolve is really the safety of the water and not expanding the usage of continuous, you know, boats on on the lake. So is there a way that we can solve that? I think you mentioned the permit process, is that something that we could add here to say, hey, absolutely to support a three day, you know, things that, hey, I can take my grandson out on the lake, I think that's absolutely what we want to be able to do, and treat it with permit. And then if someone doesn't treat the permit with respect, then there's an opportunity to say you can't get another permit, because you didn't treat the landowners or the lake with the respect that we expect. The last thing that, you know, just listening to the property owners and the users of lake which I think we all really appreciate the opportunity to leverage is really understanding the safety of this, is there a way in the ordinance, we can say what's an acceptable receptacle for human waste, and actually require that in order to use it overnight. And then that way, we're all on the same page. And I think adding to the ordinance, something around rental property and

the tax associated with that totally makes sense. So that it gets taxed out of existence before that can really take heat if we're really trying to solve the issues that we've talked about here.

**Casey Hanson**

My understanding when we had this conversation before was that the idea of having either moorings that were public or permits for more for mooring is that we don't have a Harbor Master for our ponds. So it's it will be hard to create something like that without someone who was in charge of it. That the my understanding that Yeah, right.

**Glenn Moshier**

That's correct. So one of the ordinances when the staff got together and began drafting this ordinance, one of the ordinances that we that we looked at and considered was a mooring registration, which would allow individuals who own property to register the moorings and you could regulate activity on water in that method, but a mooring registration it was we quickly determined acquire additional staff and we just didn't have the infrastructure in place to go that route. But because we would we need a Harbormaster who specifically for inland waters, as opposed to our Harbormaster, who currently now does, does just the harbor, and so we went a different direction.

**Janna Richards**

just on that note, like Dedham. Um, you talked about Dedham. I'm just having a moratorium and in the language in that That moratorium is that a house boat. I'm just kind of going off the cuff here. I don't have a copy in front of me. But I houseboat cannot be moored on the lake for more than four hours, I believe is the timeframe. So we wrote this ordinance, with directive from the council telling us no overnight mooring, right. But that is a direction that we could go in is we could say there's a certain amount of time that you can sit in a place on the lake, whether you be moored or you be anchored. And then after that amount of time, you have to leave, you have to go. The issue with that is enforcement. How do you know that they've been there, they've gone they've come back, they've gone. I guess the only way of doing that is to rely on documentation from others who then would submit a complaint. And that would be a way that you wouldn't have to have some sort of a permit system or, you know, extra cost or staff involved in that. So really, you know, I don't think Dedham explains in theirs, how they're going to enforce it just a straight up. You cannot be in the same place with a houseboat for more than four hours.

**Michelle Kaplan**

But this still covers cuddy cabins that are moored to a private dock.

**Janna Richards**

Dedham exempts the landowner.

**Gene Lyons**

So I'm wondering how many people have applied for permits to have rental house boats on any lake in the city of Ellsworth.

**Glenn Moshier**

There is no permitting. They just show up.

**Gene Lyons**

so how many out there right now that are being rented out? houseboats? twenty, ten, four, zero?

**Andy Hamilton**

Because there's at least five that we're aware of. One is now on Phillips Lake.

**Gene Lyons**

Phillips Lake isn't an Ellsworth.

**Andy Hamilton**

I'm just I'm just saying nearby waters.

**Gene Lyons**

I mean, how many people are renting house boats on an Ellsworth on a lake? Is there all we're doing by sitting and talking about is giving people ideas that are watching on TV? Hey, we now have houseboat! N I'm just frustrated with this whole thing? Because it's been three years now. Three years I saw I've heard it's time to put it to bed one way or the other.

**Casey Hanson**

I guess I think there is an ordinance that should be passed to avoid city floating on the lakes. And I guess I wonder maybe I can ask you this Janna? Is there any reason like part of the thing that people seem bothered by is that it's right in front of their house? So is there any reason we could not have an ordinance that says mooring than x amount of distance between any other dwelling? Could we put that in the

**Janna Richards**

distance from a dwelling? Well, I believe you're encouraged to more up within a certain amount of distance. Yeah, up the shore.

**Casey Hanson**

But maybe we have to come up with an ordinance that is a little bit more specific about what a House boat is and more specific about avoiding rentals.

**Janna Richards**

So I can read to you what the definition is from chapter 55, which is our water supply protection ordinance. This only applies to branch lake. So houseboat is defined as no vessel fitted for use as a dwelling or residence or occupied As such shall be permitted. So what the definition of a dwelling or a residence is a toilet facility and a bedroom, which is essentially what is being defined in the ordinance as presented now. Then we have the, as you probably know, the harbor ordinance, since you live on the union River. The definition there is a floating structure, a residential or commercial floating structure on or in the waters of the city of Ellsworth that is designed or fitted out as a place of habitation or

temporary lodging by persons other than the owner or operator. So there's a difference there, and which is not principally used for transportation regardless of the capability of the structure to propel itself across the water. A floating structure is not a vessel as defined by the US Coast Guard or watercraft as defined by the Inland Fisheries and Wildlife. This definition is intended to include houseboats used for seasonal or short term rental habitation. That's a very lengthy definition. The purpose of that was to ensure that there would be no houseboats and short, short term rentals at the Union River at the harbor.

**Gordon Workman**

Gordon Workman, Ellsworth. And I'm just curious, did anyone look up the law of who actually owns the waterways? Because what I'm looking at, it says, since colonial days, Maine, courts have held that surface waters of 10 acres or more, and tidal waters fall under what is called the public trust. This means that the ultimate ownership resides in the people of the state, and that the government has a consistent duty to protect those for future generations. Now, does that mean the state of Maine what does that mean, local government? Because maybe we're getting into a situation where it could go to the state. Just question. Well, I'm saying it says people of the state. So that means everyone owns all, anything over 10 acres, supposedly, but state government? So are we talking about something that we maybe we're not supposed to be talking about? Maybe I'm just, I just was looking at that.

**Dale Hamilton**

Would anyone else like to speak?

**Scott Oxley**

Scott Oxley, I'm a resident of Ellsworth live on the lake as well. I just really want to echo something that Councilor Hanson has already referenced, and Chairman Hamilton's already referenced. And that's thinking down the road a bit, I understand we're just talking about one Houseboat, we poured a lot of energy into it thus far. But I'm more concerned as a resident and and of someone that resides on the lake, I'm not worried about one, two, or three or four house boats. I am concerned and would like the city to address the future of houseboat use on lakes and ponds here in the city of Ellsworth, because I think the day is coming. And it's easy to focus all of our efforts on one relationship and one House boat. But I really ask that this council thing down the road a bit, because I think it's inevitable that we're going to have to address this. Now like to see the city be ahead of the curve on this. So thank you.

**Dale Hamilton**

Anyone else?

**Lane Rowe**

Lane Rowe, I property on the lake Green Lake. I just want to echo what Scott had to say. Because when the the house float came, I thought, brilliant idea. I have tight space at home in on the lake. That might be the solution where we do when we have extra people. And you just have this extra float and have them all out there. I'm one person. But I think there's a lot of other people who think brilliant idea. And to just reiterate what Scott said, I think it's really important to get ahead of things, rather than to be chasing a problem. And I just want to bring to mind the whole problem that we're having with Airbnb, in our communities, where we have this proliferation of short term rentals. No one thought of that was

going to be in our future. And now we're chasing not, I don't know what Ellsworth is doing. But a lot of communities and cities are chasing this issue of taking brilliant ideas, taking properties and renting them out and making money. So just reiterating and I apologize to say what has already been said. But as Scott said, it is wonderful for you. I'm applaud you to be thinking ahead and trying to get ahead of a problem. And , I live next to the float but in fact, I live around the corner practically so it doesn't. This particular problem doesn't affect me, but I just can see that. I mean, I might make a housefloat, put it out there. So anyway, it's just, I think that it is a great idea. And it's a moneymaker down the road not next year. But you know, even if it was 10 years from now, do you want to be fighting it then? So just a thought. Thank you.

### **Patty Hamilton**

Patty Hamilton on Green Lake, I've tried to be very quick. I know it's going to be a long night. I echo what the last two speakers said. I think it's difficult. This is a new and unexpected use of public lands, just, you know, National Parks are having trouble. I was reading about out west homeless individuals are now camping out on public lands, and people are trying to figure out what to do. Those are also for the public to use at any time. And so how do you how do you regulate those? These are really tough questions. I noticed in your on your website, you had a 2015 visioning session with the community and there was one of the major focuses that was that drew attention was the quality of the lakes and keeping the Lakes Clean, because that's something all the people in Ellsworth really value. And I think this is a step in that direction. I think it is difficult, you've been wrestling with it. But I think there there are some good language for definitions of House boats. And I think getting ahead of it and getting on top of it now not having to go back and do this, again, would be really helpful. And it is a good idea to look into the future and try to head this off for for bigger. I do think that, as Lane said, With Airbnb's and rentals, there was an article in The Bangor Daily not too long ago saying the House boats were on the rise because people couldn't afford where they were staying. If you can stay rent free someplace for a couple months, then why not? Thank you very much.

### **Dale Hamilton**

Anyone else? Picking up the gavel? Anyone? All right. I will close the public hearing. Public Hearing is closed.

### **Robert Miller**

Well, I don't like ordinances. I don't like government getting involved with people's personal businesses. But I think in this case, one is necessary. But I don't know if this is the one. And I'm for some changes to this one. I think we could have something that's fair for everybody. But not sure what that is. Maybe the long term mooring is a good idea. I'd like to see something like that on there.

### **Casey Hanson**

I agree with Councilor Miller that I just don't think the one that we have written is the right one, which is not to say that it isn't important. I can't say that after listening to all this discussion, that I can pop it in my head what it is, that should be right. It has something to do with how we define houseboats and has something to do with having clear language about rentals. However, it's going to be regulated, however we make the ordinance is going to need to be regulated in a certain way. And we're going to have to

really think about what that looks like. So those are the important things to think about it. But I don't see that we have something in front of us today that really makes is fair or makes sense.

**Dale Hamilton**

I would agree with both of you on that. I do think I agree. I don't think we should have ordinances just one definitely not to regulate behavior or deal with a one off issue. But not unlike planning. All the ordinances we have around land use. We have to look ahead, and we should look ahead as a city in terms of what do we want the city to look like and there are issues that surface, you know, we have proposed 142 new units are being proposed. That kind of development has an impact on the city. And if we're not thinking ahead and planning ahead, it can get away from us as a city and we can edit then it becomes too late. So I think this it's a lake, but it has some issues that need to be considered by the city to ensure the preservation of what we as a community want for our lakes and ponds. I think there are some things that definitions and that we could improve upon. And look at I for me again it's it's about out that issue of the proliferation of houseboats. So if we need to develop that, this, again, to your point Councilor Lyons, we don't have to rush in if it's not an issue today, but we need to continue the discussion. And I would be in favor of just moving this along. We, again, we don't ever have to make a motion, we can just move it along and make a recommendation that perhaps is a workshop with city staff to further deal with this issue and, and try to get it right the first time.

**Gene Lyons**

So I'd recommend since many people have said that they don't like clearly don't want rental house boats, maybe there'll be no rental house boats. And then further recommend that maybe the parties get together and talk about it and try to move the thing around, be respectful of each other, not just one party, be respectful of both parties, be respectful with each other. If somebody needs me to sit in on it, I will gladly you get out of line i'll knock your heads together. You can't say I'm just saying that together and just be respectful with one another. make something work

**Michelle Kaplan**

I mean. Yeah, I think that prevent the rental of specific house boats. Cuddy cabin, you can't live on a cuddy cabin. Seriously, I like the Coast Guard definition of a houseboat, which is more realistic. But preventing the rental of houseboats seems to be an issue. And then the number of nights stayed. So you know, a week here, seven days tops, you know, then you got to move it a certain distance away from its original spot, would be fair. So because I mean, you could move it 20 feet, and it's technically moved, just because you pick up anchor or moved 20 feet away. So if you made it, you know, you have to move 1000 feet or 500 feet, that would seem more reasonable to accommodate people who have personal use of a structure that they built. But also allow the property owners where yeah, they got to put up with for a week, I put up with Elver nets, they're ugly as heck, okay. But it's a necessary evil because it's a living people are making. So and I know it's temporary. So knowing that, yeah, you're gonna put up with it for a week. But in a week, it's down the line somewhere, it's somebody else's problem. And this way, it's a compromise that makes everybody happy, in my opinion.

**Dale Hamilton**

So I'll just make a motion that we table the issue and continue the discussion with city staff to try to develop this further,

**Glenn Moshier**

tabling indefinitely or the next month, because I just wouldn't I just want to add, the staff has put in an enormous amount of time in the current draft. And the draft comes directly from guidance, we were provided last year by some of the very members who are sitting on this council. And so without, I mean, so far, I've heard a whole bunch of different ideas, but nothing that's going to give the staff any clear direction on what way to go with with an ordinance. So by continuing to just table this one particular ordinance, we're not not making progress, I think you vote down the ordinance that's been put in place that we've presented to you. And then we go back to the drawing board with a with starting all over again with a workshop to get feedback and ideas from you all as to what you want to see in an ordinance. And then we go back to the drawing board and come back with something else because I don't think what we have now is necessarily going to be able to be adapted to fit all of the different concepts and ideas that have been put forward here by different counselors. And my fear is that six months from now, we're going to have potentially different counselors that we're going to go in a whole different, potentially direction. So

**Dale Hamilton**

since I didn't recognize the second yet, there's not a real motion on the table. The so I would just say that I think it's six of one half dozen the other. I what I'm hearing tonight is that there's more work that needs to be done that the current draft doesn't do it. And I don't think we collectively know what that is. So that's what I'm hearing. So my motion to table it is to give it extended time not necessarily next meeting, but we have to figure out what that next step will be when Ever that will be. So we'll do the same thing that that you guys suggested. So I'm still not recognizing the second until,

**Marc Blanchette**

Mr. Chairman, I would submit that we have sat on our thumbs for two years. And done nothing. We've held public meetings, you know, the staff has spent hundreds and hundreds and hundreds of hours doing this. And for us to just kick it under the rug, kick it down the road, however, we'd like to phrase it again tonight, without a vote is doing the residents of Green Lake a vast disservice. They have been here half a dozen times, give or take. I don't think it's fair to ask them to come again. Let's vote it up, or vote it down.

**Dale Hamilton**

If somebody would like to make a motion,

**Gene Lyons**

Motion to vote it down.

**Dale Hamilton**

That's a motion and a vote. what am I supposed to have a motion and a vote?

**Gene Lyons**

Motion to just, you know, get rid of this ordinance, vote it down and re re go back to the drawing board.

**Dale Hamilton**

So how do we how do we I think we for a motion . So this is a motion to to vote on the ordinance as presented. Is that fair?

**Gene Lyons**

I don't want it.

**Dale Hamilton**

Yes, we do have our attorney here that could help, I think I'm doing a good job.

**John Hamer**

If I make make a recommendation, it's always good for him to make your motion in the affirmative. So even if you don't agree with it, and you're going to vote no make the motion in the affirmative, so that people understand if you're voting yes, you're voting to approve the ordinance. And if you're voting no, you're voting to not accept the ordinance. And it doesn't matter what your position is, because you can always vote no on your motion. So that's just my recommendation.

**Dale Hamilton**

I don't think he wants to make that push.

**John Hamer**

This is what lawyers think about all night long.

**Casey Hanson**

I want to make your I want to agree with your motion. But I don't I think all this work, at least for me. And I know I'm new. I feel like all of this conversation has been really worthwhile to me. I feel like I understand a lot more about it now. So I think making a motion to whether we vote this down and make a new draft or just adjust this in some major overhaul kind of way. We should capitalize on the momentum we already have and what we have learned so far. Which I'm sort of saying I I like your motion because to my mind your motion means we're going to have maybe a workshop meeting in the next month to create a different draft that addresses the issues that we brought up.

**Michelle Kaplan**

Chair moved to approve the proposed overnight mooring and anxious anchorage control ordinance.

**Dale Hamilton**

There's a motion.

**Michelle Kaplan**

Is there a second?

**Marc Blanchette**

can you repeat that please

**Michelle Kaplan**

move to approve and post overnight mooring and anchorage control ordinance.

**Dale Hamilton**

motions. Is there a second?

**Marc Blanchette**

Second? God, let's move this thing along. We've been added now and a half tonight

**Dale Hamilton**

have a motion and a second. Further discussion. I so my discussion on this issue is on the motion is that I think if we need to spend more time on it, I would I will vote against the current draft with the understanding that that we need to continue the discussion and that this this will not be the end of it. This will come back to the Council. Mr. Chairman,

**Michelle Kaplan**

is that a friendly amendment to move to approve the proposed overnight mooring and anchorage control ordinance and if it fails to revisit it at a workshop?

**Dale Hamilton**

Sounds good. Do you accept that friendly amendment?

**Marc Blanchette**

You may knock yourself out.

**Dale Hamilton**

Any other discussion? Seeing none.

**Marc Blanchette**

So this is a motion to approve as was entered tonight. Correct? Okay.

**Dale Hamilton**

All those in favor of approving the motion as presented this evening. All those opposed? Motion fails. What it does do though, if we will continue this in a workshop that we will schedule. And I do want to say thank you to the city staff, I know you've spent a lot of time and I also want to say to the public on both sides. This is a has been a long process. And I know obviously with the energy in here, it's an emotional issue. But I also think that from a city perspective, this is what you would want to have happen to make sure that the city and government gets it right. And here's all sides. And yes, it's been a long haul, but but there's more work to do. And that's what we intend to do. So hopefully, you'll all contribute to sharing your ideas about make this better, so that we can kind of find that balance. Thank you. Real quick. There's at there's no more public comment on this. It's, it's done at this time. What I'm prepared to

so, I'm a resident of the lake, I'm also an attorney, I'd be more than happy to work on the proposal, a possible resolution to this problem

**Dale Hamilton**

should so with if you can just if you can just share your information with Janna All right, I'll just I'll keep going reading through. So the Consent Agenda consent agenda all items with an asterisk are considered to be routine and 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.

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**Dale Hamilton**

Item 10. Council order number 062000. requested the deputy Treasurer Tax Collector to set the real estate and personal property tax due date to September 8, 2022. And March 9, 2023. Item 11. Council order number 062000 a request to the deputy Treasurer Tax Collector for an order the municipal offices on the application real estate and personal property tax payments. This order will allow for the tax collector and treasurer to apply tax payments against the oldest unpaid tax bills. Anybody like to remove one of those items? Seeing none, is there a motion?

**Marc Blanchette**

So moved. We have motion.

**Robert Miller**

Second.

**Dale Hamilton**

Any discussion? All those in favor? Unanimous. New business item 12 discussion on determining when if conflict of interest is presents. Counselor Lyons. I'll turn it over to you.

**Gene Lyons**

I was yeah, I everything in the last three months. All I hear is conflict of interest, conflict of interest, everybody has a conflict of interest. I asked 10 people I get 10 different answers what the conflict? You know, what is the definition? So I think why we asked you to come tonight was to maybe clarify if you can, what a conflict of interest is I've got to like get the gold standard. So that I know. Definitely, in my mind, what is actually a conflict of interest.

**John Hamer**

Sure, and good evening, everybody. My name is John Hamer attorney for the city. And the the place you always start is with your own city codes. The city has adopted a code of ethics, which actually sets forth what a conflict of interest is. So that's, that's really the first place to look. And I want to I want to point out a couple things about the definition and how it applies to the council in general, because the council is is a unique body, a governmental body because a lot of what you do is legislative work, you you pass laws and you take actions that affect everybody. And those types of actions. There are very few if any actual conflicts of interest that come into play with those types of legislative actions. You can have it because if you didn't as a practical matter, then everyone's gonna have a conflict and no one

would be able to sit there and make the decision. So when you're when you're passing a budget that affects the entire city affects each and every one of you because you're taxpayers, but it's not a conflict of interest, because you are in fact taking a legislative action. The conflict of interest provisions that most apply to you. I won't say exclusively for the most part will come into play when you're taking Action on somebody's individual rights, such as granting a liquor license, or when you are awarding the purchase of goods and services. In those circumstances. Your code of ethics says that city officials, including councilors shall not participate directly by means of deliberation, approval, disapproval, or recommendation in the purchase of goods and services for the city, and the award of contracts as well, where there is knowledge of financial interest or special interest other than that possessed by the general public. So that means that if you are sitting on a potential award of a contract, and you own part of the business, you'd have a direct financial interest in the contract, you need to disclose that, once you've disclosed that the council can then all take a quick vote, say yes, that's a conflict of interest, You're excused. And actually, what would happen when you have a conflict is you'd have to come down out of out of the High Castle and join the members of the public and you can participate to the same extent as any member of the public can participate, you wouldn't be able to deliberate, you wouldn't be able to take the vote. And you're physically separated from the rest of the council. So that's what happens when there is a conflict of interest. But so it's relatively simple when you've got a financial interest. Or if you're your spouse, you know, is the owner of the business in question? That's not direct, indirect financial interest. But certainly, it's clear enough to everybody that that you shouldn't be voting on that particular contract. For a variety of reasons. At some point, the, the relation will be will be far enough away that it won't really affect your judgment. And so the council can, can question people, when you raise the possibility of a conflict, then the council can say, Well, do you think you can still evaluate and take action on this in a fair and impartial manner? And if the person says, No, just you know, that's my favorite third cousin, on my ex wife side and you know, then fine, then the person should sit down. But if the person says no, that, you know, that's a very distinct relation, I see them on the houseboat once in a while, maybe this is too soon for that, but I you know, I see them relatively rarely. And so you know, I think that I can evaluate this fairly, and if the board agrees, then then the person will be able to remain and stay and take action. Okay, so, so financial interests, pretty straightforward. There is discussion in here about special interest. Special Interest is a bit more nebulous, and it's designed to encompass all sorts of situations where that where the person may not be able to evaluate the application or the, or the award of the contract fairly, based on other considerations, and, you know, the relation who's involved, it may not have any financial impact on them, but it could have a family impact on them. And so maybe there's no financial interest, but because of the relationship, there is a special interest, or if the person has, you know, over the past years, gotten up and spoken against something publicly and said that there's no way in heck I'd ever approve a contract with, you know, this particular snowplow person, because, you know, I don't think they do a good job and or whatever the reasons are, but if they've been so vocal about it as to raise a question about unfair bias, and that's the situation where you have a special conflict, or could have a special conflict, the same procedure should should attach. If there's even the appearance of impropriety, you bring it up at the council meeting and councilors decide, is this something that's going to be either financial or special conflict that would prevent you from realistically taking part in a fair and neutral evaluation of the of the contract or the award or whatever it happens to be. So there's always it's always in favor of disclosing a potential conflict so that that people aren't surprised later on that, gee, you know, your distant relative was involved and, you know, you could get some some public

relations issues from that later on. But it's always a good idea to to, to disclose potential conflicts. If you've got one of those situations that would require that kind of analysis. So any kind of quasi judicial anytime that you're dealing with the award of a contract, purchase a good services or any type of action on an individual rights that's that's when the court For diminish rules really can, if it's something that deals with the general legislative function of the council, you know, people can lobby you left and right. And there's nothing wrong with that.

**Dale Hamilton**

So in terms of kind of the adjudication process of a conflict, would you alluded to here in terms of the rules spell that out or the ethics and the charter in terms of if somebody discloses, or if a counselor feels like somebody else has a conflict, there's a process? Is it is it accurate to state that that's part of that legislative body, that the rules that we follow, we legislate that when we make those decisions, as an entity in terms of if if the council doesn't feel that somebody has a conflict? And that person votes? That's perfectly fine. Is that a correct interpretation of the adjudication process?

**John Hamer**

Yes, that's That's correct. You, you police yourselves. So once the question of a conflict has been put on the table, the board gets to evaluate it, or the council gets to evaluate it and make a decision based on information you have, yes, this is conflict. No, it's not a conflict. Most of the time, you know, you might not even need to have the formal evaluation. Because if it's if it's financial, it's pretty straightforward. But what you don't want is you really don't want to have a counselor, individually recusing themselves and reducing the vote, because that's really just a no vote. And that's, depending upon the party, it may or may not be fair to the parties, but But yes, you do. You police yourself, and you make that decision as a board.

**Dale Hamilton**

And so when the public will have different opinions, and we welcome that voice, and that may point out a conflict. But at the end of the day, the process is, as you stated, we we have a responsibility to to make that decision. And we make that decision based on how we individually interpret that potential conflict.

**John Hamer**

I won't say that there will never be a time when someone won't challenge the award of a contract based on conflict of interest, where the board hat or the council has taken a vote. what I will say is that I'll feel strongly that I'll win that case. once the the main purpose is to get the potential conflict on board. And air it, so everyone knows what the issue is. And then if, if six other reasonable people think that yes, you don't have a conflict, and you can proceed, that's pretty strong evidence. Even four, that would work.

**Casey Hanson**

So you're saying, If I think I have a conflict, and nobody else on this board thinks I have a conflict is my responsibility to vote?

**John Hamer**

If if you have brought it out, and you put all the facts on the table, and the board has voted, and said you do not have a conflict of interest, then you really don't have any reason not to vote? Because you've been cleared by the rest of your of your counsel.

**Casey Hanson**

Can I give you some examples? And then can you tell me? Yes, I think that's a conflict of interest, or No, I don't think it is or no, because it's for us to decide.

**John Hamer**

Happy to have that discussion with you? After the meeting? Maybe not tonight, but some time later on. And we can talk about the extent of some of the potential hypotheticals. I'm happy to go with hypotheticals.

**Casey Hanson**

I have been accused of having a conflict of interest in situations where I don't think I have a conflict of interest. But I guess that's not, you're not here to tell us that tonight. We're the ones who make that decision.

**John Hamer**

Your responsibility as a counselor is to when you're dealing with a situation that requires disclosure. So the purchase of goods and services, awarding of contracts, or some other action where you'd have a financial, like the award of the business license or something like that, in one of those situations, if you have something that could potentially be a conflict, your responsibility is to bring it to the council's attention, tell them the facts, and then let them decide whether that is a conflict or not.

**Dale Hamilton**

And likewise, could a counselor raise an issue about a, if I felt like councilor Miller had a conflict with something I could say, counselor, I think you have a conflict. This is what I think it is. And I'd like the rest of the council to talk about that.

**John Hamer**

absolutely I mean if if the public is is present, and they have the opportunity to speak they could raise it as well. Certainly in a bid opening it might be the case but

**Gene Lyons**

If we all decide there is no conflict of interest, somebody from the public who thinks there is could actually go to court or something. And

**John Hamer**

they could do that anyway, whether or not once you've taken the step to disclose and have it considered by the by the Council and the council is made a finding that you do not have a conflict, it would have to be a pretty egregious case for a court to ever agree with the plaintiff. But it doesn't take much to file a complaint. So it could happen. But I again, I'll take odds on that case,

**Robert Miller**

So just to be clear, conflict of interest will be raised. And there will be a vote by the council to determine if that person should be allowed to vote every time.

**John Hamer**

That's the best practice. Like I said, there may be some situations where it's so clear that it can be perfunctory. But theoretically, I

**Gene Lyons**

think I've got a pretty good idea now.

**Dale Hamilton**

So open up for the public.

**John Linnehan**

I'm John Linnehan, and I was talking with councilor Lyons vote this particular issue. Like Gene, I just want to see things done correctly and properly, I can live with whatever vote they, as long as I believe that then ethically, morally, and according to the law, I'm going to make my point real quick, because you really quoted the laws that I was going to read off and like that, and I have no question about the laws down there, I just want to tell you this, there's two different sides looking at this. And my ulterior motive is, is there's going to be two or three council seats coming up this fall. And I want to make sure this is an important thing to me. I'm trying to recruit people right now business people to come up and take some of these seats that are available. So the conflict of interest from my position, which I believe that has been here at the council. And again, nothing personal, anybody, I don't mean these personal anyway, it's just my opinion of how they were handled on that. So I'm looking at it, not to go to court not to hire an attorney, not to say there's the finance, personal thing, but I want it known and on record, because when I recruit I'm going to pattern my recruiting sort of be, I believe there's been unethical has been a code of ethics violated by a couple of counselors, and I believe he should have people that don't do that. So that being said, I'm just gonna just recite a couple things that you already said just for making an example of it. The Council adopted a rule the council members must abstain from voting. When there's a financial a personal conflict of interest, I think the financial fairly easy to decide it was a conflict, the person was a little bit harder to decide. But I think more important, and it goes on to say that when there is a potential or an appearance of a conflict of interest, the counselor should identify the conflict and abstained from the vote. I guess I want to word this carefully only because they kind of is just there's also like 25 presentations, Rainbow crosswalks. And I don't know if that's what Casey is going to allude on one of the questions or not, I have no problem combining them. They kind of relate like that maybe in the question. And answering I like that, if it helps or whatever, it helps if it helps for to expedite the situation like what have you to say on that? I'll just make my comments. And you guys can say, Yeah, we agree. We don't agree or whatever. I just want to go on record where I feel there's a conflict of interest.

**Dale Hamilton**

These are the same ones you've articulated in the past, correct?

**John Linnehan**

Correct. Right. So I guess I'll go in these right here. I believe that there's been conflicts of interest in two or three different cases, I feel as if maybe another potential one coming up later tonight on the executive session agendas. But my concern is, is that there has been a situation where a counselor sponsored an item never identified there was a personal relationship with the matter in question there. And then further went on to vote on it like that. So it wasn't, as you said, you the appearance of evil spirits of doing it incorrectly. And that didn't happen on that particular issue on the rainbow crosswalks. That night, it was won by one vote. And I believe that by what you read here tonight, that the appearance of the conference and non disclosure did was a violation of that conflict. And so I personally feel I just want to make sure it goes on record. That's my opinion. That's what I feel happened like that. I think that's a clear not on finance, but apart from a personal perspective. It wasn't disclosed it wasn't told that there was a relationship. Nothing was said that it was sponsored and voted on by the person, Councilor Hanson. And again, nothing personal. I just believe that was the wrong way to do that. So that's what I wanted to make it known I wanted on record, because when I go to recruit counselors to come to run for the council office this fall, I want to present those things as areas that I have a conflict when I have a situation where I don't think it's correct. And I don't think it's the right way to do that. Again, I'm not gonna reread all the things you have, I have the same laws written down here. And I think just is the one the on just to summarize this, when I think you already mentioned this one, I just want to put a spotlight on how some councilors fail to act under 30 dash a MRS 2605-6 appearance of conflict, which states officials must attempt to avoid the appearance of a conflict by their disclosure or their extension. And I don't think either one happened in those particular cases. So I'm here just to make that state and make that case. Again, I understand the council can make a decision whether they agree with or they don't agree. And you know, I'll live with it. I just wanted on record my position.

**Steven O'Halloran**

Prior to your your words here, I'd like to get back to something that was said, Casey asked our city attorneys who's paid to be here, if she could run a couple of scenarios by him that being done in private doesn't help the rest of us. Why can't we do that?

**Gene Lyons**

For example if a council member has a spouse that is a board member of a very active local organization.

**Dale Hamilton**

So can I call Scott. But I just just to set the context. I don't mean to interrupt, but I want to make sure before he answers that that he understands is this isn't a hypothetical situation. So we're moving from a hypothetical to situations that we're actually dealing with. And you should know that because it's that it's a difference between a hypothetical and real situations, I just wanted to go on record.

**Michelle Kaplan**

Reserving people's privacy in the process. So if a council member has a spouse that is a board member of a very active local organization that comes to the council seeking funding, for whatever

purpose, and that same board actively helped you in your campaign? Would it be a conflict of interest for you to vote on that funding for that organization?

**Casey Hanson**

Can I just before you answer that question clarify because it is about me. So if my husband is an unpaid board member for a local nonprofit. And they definitely did not help me with my campaign. My husband helped me with my campaign, but the nonprofit didn't have any, any interaction with my campaign. But, again, unpaid volunteer board member for a nonprofit organization. And as part of our budget process, we do vote for money to be given to various nonprofit organizations. Does that sound like a conflict of interest?

**John Hamer**

Okay, so I'm gonna start by giving you a disclaimer that this is the top of my head reaction in terms of evaluating these particular instances. And, and I reserve the right to change my mind later on. But from what it sounds like, to me is the first question you should be asking, Is this a legislative function that you're dealing with? Or is it a quasi judicial function such as a permit or granting of a contract? Anytime any organization comes to you asking for money? It's a legislative function, because there's no right to it. There's no statute saying, you, you can apply for this. It's completely discretionary to the council. So I think that this situation describes a legislative function of the council. And as there's no conflict of interest in terms of voting on it, because you're not voting to accept one contract over another. Do I think it's a good idea to have a disclosure? Uh, yeah, I think that probably might have been a good idea. Do I think it's a conflict of interest? No, I don't think it's a conflict of interest,

**Michelle Kaplan**

even though we turned down other nonprofits.

**John Hamer**

Again, it's completely discretionary. the granting of grants to charities is completely discretionary. I do think it would have been a good idea to disclose that but I do not think it was a conflict of interest because it was a legislative function to make that decision.

**Casey Hanson**

want me to present the other issue? Yeah, answer, if you see fit. A high school group of students presented a proposal to paint a rainbow crosswalk on Franklin Street. There was no money we weren't, we weren't paying for the group was paying for itself. So it was merely an approval to allow the group. My child was actually not in the group. So part of that accusation was that my kid was in the group, but they're actually not in the group. But they did show up, they do care about the issue, as do I. And they did show up on the evening that the decision was made and the discussion was had. Is that a conflict of interest, because my child cares about the issue that I voted on.

**John Hamer**

Again, I think this goes back to this distinction of legislative functions and quasi judicial functions. And if a group comes to you asking permission to do something, which there's no right to do, it's not, it's not an award of a contract. It's not purchasing goods and services, it's not granting a permit in the like, it

would be for a food handler's permit or something like that. It's granting permission. So I don't think that that would be a conflict of interest. If your child or any family member was part of the group making the presentation to the council, I think it would have been wise to have to disclose that if they were a member of the group in general, but not making the presentation. You know, that's probably not as important.

**Michelle Kaplan**

Yet they had the that particular group, the adult sponsor, also happens to be on that same nonprofit organization, which her husband is a board member of.

**John Hamer**

Again, I just don't see this as being a conflict of interest. I think this is part of the legislative process. And the council has the discretion to grant or not grant and anybody, any member of the public can come up and pitch their views to you in private and saying, when you go to the meeting, think about this. And because it's a legislative function, then they can do that. It's always a good idea if there's a connection, that you disclose it. In any context, that's a good idea just to avoid the appearance of impropriety. But unless you're making decisions in the in the quasi judicial arena, I think it's just part of the legislative process. I don't see it as being a conflict.

**Dale Hamilton**

And I would just want to go on record to that to remind everybody that that there's this verbally saying, this is the situation. And then there's the part where we all know, that was that was identified repeatedly throughout the conversation, the relationship between counselor Hanson during that situation, so that that potential conflict was out there. And repeatedly, we've also numerous times I know, I have said to the council, when we conflict issue has surfaced, that the council has the ability to address it if there's a concern, and that's that we didn't formally vote, but there was certainly there was no no one on this council expressed an interest to pursue it for a vote. So that's that's part of what I'm hearing as well is that we have responsibility. If we do think it's a conflict, by all means, we should say I'd like to have that on the table for discussion, so that we can determine whether we collectively as a body feel it's a conflict or not. And to date we we haven't no one's taken that that action.

**John Linnehan**

Yeah, just I appreciate you guys taking the time to hear me out tonight. My position is that it should have been disclosed that night, as your attorney is represented like that the very least should have been disclosed. And it wasn't sponsored is voted on, because won by one vote. And I think this should have been referred to as I disagree. It's a conflict of interest. I'm not mad at anybody by anyone a cup of coffee. I just wanted to have my day in court, if you will present it and I'm going to use it to recruit more members from City Council this fall. So I appreciate your time and effort. Thank you very much.

**John Hamer**

Yeah, I'm going to suggest that everyone take a look at the code of ethics section five, at some point in the near future, because it is very specific as to what is a conflict of interest. And it's not a bad idea to review it. But it is specific to the purchase of goods and services, the award of contracts and personnel actions. There's some something in there about that as well. So those are the, under your ordinance.

That's that's what you have to be most mindful of with the with the reminder, of course that if it's going to if it's going to get loose, and he might as well disclose it upfront, even if it's not required to just because it's good practice to do that.

**Dale Hamilton**

For me, what's helpful is that distinguishing legislative action that that really separates out in terms of because I think that section is being interpreted as involving all actions, even when it's legislative that and that distinction really helps to define that a little bit better. Any other questions, comments? Anybody else from the public? All right, we will move on. Thank you very much. Appreciate it.

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**Dale Hamilton**

All right, item 13 public hearing and action on the applications for new or renewal of the following licenses. And I will apologize because I'm sure I will mispronounce the name. Pavidia Visetrut Young DBA Thai Sana 321 High Street for renewal of a city Class C license, liquor and victualler and renewal of a state restaurant Malt and Vinous class three and four liquor license, this is a public hearing open the public hearing. Public Hearing is open. Seeing no interest I'll close the public hearing. Public Hearing is closed.

**Casey Hanson**

Move to approve.

**Robert Miller**

Second

**Dale Hamilton**

motion a second. Any discussion? All those in favor? Unanimous

Finns Irish Pub incorporated DBA Finns Irish pub 156 Main Street for renewal of a city Class B license amusement victual and liquor and renewal of a state restaurant class 1,2,3,4 Malt, Spiritous, Vinous liquor license, and this is a public hearing open the public hearing. Public Hearing is open. Would anybody like to speak? public hearing is closed.

**Robert Miller**

Move to approve.

**Casey Hanson**

Second.

**Dale Hamilton**

The motion a second any discussion? All those in favor? Unanimous

Manny's Greek Grill LLC to 248 State Street Suite N and for a renewal of a city class C license liquor and Victualer and a renewal of the state restaurant class three and four malt and vinous liquor license this public hearing public hearing is open. And they like to speak. Seeing none public hearing is closed.

**Marc Blanchette**

Members presented.

**Robert Miller**

Second.

**Dale Hamilton**

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

sugar mags central LLC DBA Sugar Mags 142. A Main Street for renewal of a city class A amusement food arcade and mobile vending. This is a public hearing open and public hearing. Public Hearing is open . Seeing none public hearing is closed

**Gene Lyons**

Move to approve.

**Michelle Kaplan**

Second,

**Dale Hamilton**

any discussion? All those in favor? Unanimous.

---

**Dale Hamilton**

Item 14 Council order number 062001. Appointment of city officials by the city council a reappointments. Those are listed in our packets

**Casey Hanson**

Move to approve.

**Robert Miller**

second.

**Dale Hamilton**

Any discussion? All those in favor? Unanimous motion passes.

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**Dale Hamilton**

Item 15. Council order number 062102 to approve the city manager's appointments a reappointments in listed in our packets

**Casey Hanson**

approve as written.

**Gene Lyons**

Second

**Dale Hamilton**

motion is second. Any discussion? All those in favor?

**Marc Blanchette**

Mr. Chairman, yes. Just want to point out to Mr. Moshier. You have the honor once again this year. Yeah, tree warden. I think personally, it's last on the list I think it should be top of the list.

**Glenn Moshier**

I was I was hoping I wasn't going to get removed from that position.

**Marc Blanchette**

I can I can hear your excitement.

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**Dale Hamilton**

item 16 public hearing and action on council order number 062003. Authorization for tax anticipation, borrowing \$2 million

**Josh McIntyre**

Good evening counselors Josh McIntyre finance director, I handed out a separate page today that has slightly different language on the bottom for this probably might be best to go from that. But on page 96 of your packet, you can see the documentation for the banks that submitted bids annually. It's been the practice of the city to borrow \$2 million through a tax anticipation note, we put out an RFP to six banks received four replies in the bids with their interest rates are listed there. Really straightforward process in the past, we've usually we take it out on drawdown the money on July 1, we pay it back on June 30. Last year, we were also approved for 2 million, we only ended up drawing down 1 million and interest rates. So the total interest dollar values in the third column of your of the memo would be what the interest would be if the full amount was drawn down on day one and repaid on day 365. I don't anticipate that it'll be that high and nearly at all this year. But the fact I'd like to kind of move away from the tan is Councilor Lyons brought up last year at this time. We did reduce the borrowing significantly for the current fiscal year. And I would assume that we can do that going forward as well. But I still think it's in the best interest of the city to have this available to us this year.

**Dale Hamilton**

And just for anybody, this is essentially it's a cash flow issue timing issue in terms of when tax revenue fees are coming in and

**Josh McIntyre**

going through the summer. The new fiscal year particularly with a lot of highway projects going on a lot of cash going out the door. The last tax bills were due in the first week of March. They're not due again until September 8th, 9th or 10th Usually, so there can be some little bit of cash flow problems getting to the September tax date. But I think we're getting better making progress on that. But the right now it's our best interest.

**Marc Blanchette**

Mr. Chairman, yes. Move to award the tax anticipation note low bid, the First National Bank at an interest rate of 2.87%.

**Dale Hamilton**

hold on that because it's a public hearing and I have to open up a public hearing. I'll open the public hearing the public hearing is open when anybody like to make a comment. I'll close the public hearing. You have a motion.

**Robert Miller**

Second

**Dale Hamilton**

And a second. Any discussion? All those in favor? Unanimous.

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**Dale Hamilton**

item 17. Council order number 062004 requests of the deputy Treasurer Tax Collector to set the interest rate at 4% on overdue taxes.

**Josh McIntyre**

Josh McIntyre again, Sue McLean, our tax collector was not able to be here tonight. This is an annual thing that we set the interest rate. For the last several years we've had it set as 6%. The state this year is only allowing up to 4%. So we're asking that we set the rate at 4% for the year.

**Dale Hamilton**

Discussion.

**Gene Lyons**

motion to approve.

**Casey Hanson**

second.

**Dale Hamilton**

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

**Marc Blanchette**

We need the amount in the in the motion the of the

**Michelle Kaplan**

Chairman moved to approve counsel order 062004 requests of the deputy tax collector to set the interest rate at 4% on overdue taxes.

**Gene Lyons**

Second,

**Dale Hamilton**

motion a second discussion. All those in favor? Motion passes. alright with that we will take a five minute break before we get into the budget and we're back. I'll call us back to order.

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**Robert Miller**

Like to make a motion to move Item 19 ahead of item 18 on the agenda.

**Marc Blanchette**

Second.

**Dale Hamilton**

Motion a second. Any discussion? All those in favor? All those opposed? All those in favor? I'm in favor. Unanimous? Oh no. Oh you get I saw the hands. Let's start over. Motion to move item 19 above 18. All those in favor. All those opposed? One against. So motion passes. So the new 18 Council order number 062005 requests of the public works director to award the bid for the supply of roll off rental containers and transportation of municipal solid waste bid.

**Lisa Sekulich**

Good evening councilors. Thank you for that as we have a vendor here, and this should hopefully be fairly quickly. So back in June 7, we had a bid opening for a three year contract for the supply of roll off containers and transportation of our municipal solid waste from the transfer station to the PERC facility as well as some of the other possible facilities when when it if PERC shuts down or tipping floor 10 RFP's for sent out only one bid was received on time we got a second bid in the mail, but it was not on time. Copies of the bid that we received on time and is acceptable is included in your specifications. And I'm asking that we award the bid to Pine Tree slash Casella at the rates shown on your sheet.

**Steven O'Halloran**

So what was the amount of the late bid?

**Lisa Sekulich**

Well, actually, it was more expensive than this one.

**Steven O'Halloran**

That's okay, what's the amount of the late bid

**Lisa Sekulich**

containers was \$12,000 each, for a total of \$36,000 just for container rentals. And then the trip to perc \$600 A trip to Juniper Ridge was \$850 A trip? Norridgewock was \$950 A trip and fiberright with 600 A trip.

**Steven O'Halloran**

If I may ask one more question was the \$36,000 of ownership or rental

**Lisa Sekulich**

rental. Well, that's what I asked for. So I'm assuming that's what they quoted.

**Dale Hamilton**

Further discussion

**Marc Blanchette**

Mr. Chairman, move to approve the request of the public works director to accept the three year bid from Pine Tree Waste INC, a Casella company for the supply of roll off rental containers and transportation and municipal solid waste from the transfer station per the Attached bid form. Contract set to expire on June 30 2025.

**Casey Hanson**

Second,

**Dale Hamilton**

motion second discussion. All those in favor. Aye. All those opposed? One opposed, the Motion passes.

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**Dale Hamilton**

All right item, a new 19 public hearing and action on budget resolutions for FY 2023. And before we get into it, I just want to kind of set the stage so we understand what we can and can't do and we need to do this evening. So because the portion of the entire city budget being the school will not be voted on. We can't move forward the entire budget into next year. What we can do this evening is vote on the municipal side. And we can we can get the municipal side completed and voted on. But at the same time, whatever that turns out to be whatever that budget is, we will then also as part of the motion, have a continuing resolution that will allow the city to continue to operate under the current budget formula, pending the vote of the school budgets or I should say pending the successful vote of the school budget. If it doesn't pass, the continuing resolution will go as long as we're able to. So I just want to be clear that we need to do both of those. So what we're voting on this evening is the municipal side as we were planning and as we do, we just can't enact the full city budget, because all of the whole budget comes together. And once it's once it's all set and the final number, that's when the mill rate is set and all of that. So just a little bit of a change this year in terms of how we move that forward.

**Casey Hanson**

If the school budget is approved by the city on the election, the next meeting, then we will move to approve the whole thing. Is that what you're saying?

**Dale Hamilton**

Yeah, well, what will if so if there's two ways of doing it, we can pass this. And if the if the school budget passes, this motion can say upon if it passes, then it automatically goes forward. If it doesn't, then it starts the process over on the school side, meaning that will go back to the school board. And the school board will then have to develop a budget, which then comes back to the Council for approval or whatever. Once that's approved by the council, it then goes back out to the community for a vote. So that so if it passes, then yes, it will we can make the motion that it moves forward. If it doesn't, then it will be a continuing resolution until such time that that it passes and we have a full budget. Does that make sense to everybody? Clear. So I don't want it. Obviously, important issue, want to make sure we're on the same page going into it. Any comments on that? All right, so with that this, this will be a public hearing. But as we have done, we should certainly start with some discussion to let the community know where, where our thoughts are, where we're headed. And then we'll open the public hearing. And we'll go from there.

**Casey Hanson**

I have a general question. Mostly for people who have been on the council in the years past, over the last couple of several months, there's been an allusion to projects or things that have been kicked down the road that are going to come to fruition and need to be dealt with. Do you think that the budget as it's written now, it's moving in the direction of addressing those things? Versus do we have to be worried that the budget is kicking more things down the road? Does that question make sense? No, because I don't because I've only heard kind of allusions to it. So I don't really know what the specifics are.

**Michelle Kaplan**

I believe that this budget is what people can afford right now. As far as if we got everything on our wish list, we'd have \$25 mil rate.

**Casey Hanson**

Yeah, no. And of course, I don't want everything on the wish list. But I'm just referring to this kind of general idea that, well, there's going to be stuff we have to deal with. And it's all coming down the pike. And we've ignored it for this long. So when you look at this compared to budgets in your past, are we starting to address those things with this budget?

**Glenn Moshier**

I certainly don't want to speak for any Council. But so a lot of the issues that are many of the issues that you've probably heard, as far as you know, projects that have been kind of kicked down the road, so to speak, a lot of them are being addressed outside of the budget, with the congressional spending earmarks that we've put in for, grant money that we've recently received from, from the DEP for infrastructure upgrades both at our wastewater, as well as within the water department, the serie road project you've heard a lot about in this budget does move that project forward, the pump station on Water Street, and hopefully eventually the pump station on High Street, which are both moving forward

with this budget. The 1.5 or 6 million that's currently in this budget for public roads is the highest amount that we've allocated for public roads. I don't dare say ever, but as long as I've been a part of the budget process, and we hope to get, you know, to make some headway there. Part of the grant funding that we're receiving is to deal with not just wastewater but also deal with drainage issues, which will help to move some of these road projects forward that we, you know, that and drainage issues that we've had around the Oak street and downward towards the river issues that have been needing to be addressed. So I think a lot of those projects that infrastructure based stuff is some of it is being addressed in this other is being addressed through grant funding and other resources that the city has sought out. Other larger infrastructure issues dealing with the need for future need for new water treatment plant. There's been you know, for years there's been conversations about a public safety building or what do we do with our with our emergency response, folks, first responders as they continue to grow and outgrow the space that they currently have some of the needs of This building and other facilities, the highway, garage, and other facilities, those are other major spending that aren't being addressed in this budget. But unfortunately, those are things that, Councilor Kaplan, just stated, would be cost prohibitive in this current environment to try and address those issues right now. But by having them on our radar, and continuing to plan and look at doing those in the future, seeking out other revenue sources to help offset the cost of those, whether it be additional grant funding, and, and things of that nature. So they're not necessarily getting addressed, but they're also not just getting kicked further down the road, because we do plan to continue to look for resources and address them in the you know, in the coming years.

**Robert Miller**

I think this budget is does a good job of addressing our current needs and looking forward without reducing I mean with with reducing the mil rate. without things are always gonna get kicked down the road, if you will. But I think we do a good job in this budget of looking at those things that are down the road and planning for them. And with the money that we have now. While still reducing the mil rate.

**Steven O'Halloran**

like to ask the finance director a question. This was alluded to back in one of the workshops. First of all, I guess I need to make a statement. I don't care what the evaluations are. And I don't care what the mill rate is, what I care about is what Mr. And Mrs. Taxpayer have to send into City Hall. That's what I'm concerned about. And my question to you is this. How much the taxes go up? With this budget, to Mr. Mrs. taxpayer?

**Josh McIntyre**

Well, this this week, last week at the workshop, remember, we did provide a sheet that was supposed to show you what it would be for a median median household value in the city, which is 175, according to the tax assessor. So it was up by Excuse me. It was down by about \$18.

**Steven O'Halloran**

Okay, so total taxes collected last year. And total taxes collected this year on this budget. I understood it to go up.

**Glenn Moshier**

It goes up when we calculate in the anticipated assessed value increase.

**Steven O'Halloran**

Right. That's my point. If so, what is that number? How much more are we asking of the taxpayers with this budget?

**Glenn Moshier**

\$175,000 median home their that their tax bill will go up \$50, the current mill rate of 17.93 and increase the assessed value of 175K.

**Steven O'Halloran**

home in Ellsworth or the median home in Ellsworth to 50 dollars for real estate? right, what's the total amount is what I'm getting. Total amount of the tax the total aggregate amount of the tax bills last year compared to this year for this budget.

**Josh McIntyre**

Will the amount to be raised by taxes in FY 20 was 20.13 million and this year, we have 21.04 million.

**Steven O'Halloran**

20.13. Okay. And this year is roughly a million bucks. We're asking our taxpayers to give us

**Josh McIntyre**

a little bit 900,000

**Steven O'Halloran**

Going up 900,000, not impressed.

**Michelle Kaplan**

That is partly because we are dealing with a lot of these contracts. If you have a \$20 million budget last year. And you have mandated 5% increases in salary for a set number of employees. You already starting at 5% above the 20 million plus the goods and services and the inflation that we are dealing with. If we stay with the exact same budget as we did last year, we have to give up something. So we have to give up roads or we have to give up the staff

**Dale Hamilton**

well that's that's what we're here to do. That's the budget that's in front of us is the budget that we are talking about

**Steven O'Halloran**

900000 bucks would give the taxpayer or million bucks. If there's a million dollars across the city would give the taxpayer the same bill as last year. They could put that towards their oil bill

**Glenn Moshier**

wouldn't be the same because the evaluation is still happening to increase. So the tax, the taxes are still going to go up. Because even if you hold your your ask to the same dollar amount, that assessed value is still increasing.

**Steven O'Halloran**

So you're still going to collect the money.

**Glenn Moshier**

taxes are still going to go up.

**Dale Hamilton**

So that this is what we've been dealing with for every Monday since March, in terms of going through it and trying to identify, there seems to be a consensus to increase some of the budgets. And tonight we have to reconcile that. So this is this is where we're at. So if you have a proposal in terms of where you want to cut 900,000, you have that right to do,

**Marc Blanchette**

Mr. Chairman. I don't make it, I think it's well known I'd start with the library. \$76,000 increase in the budget, in my opinion, is completely unwarranted. Also, to ask the citizens of Ellsworth paid nearly twice the cost than a citizen of an outlying area, who has a library card. To me, it's just unfathomable. Raise the cost of the card to what was it 60 bucks, it's now 30 to 35. The cost of the Ellsworth taxpayer in round numbers is \$60. Why is not the residents of other towns paying the same cost? Why are we paying the costs for them? That hasn't, that has not been explained sufficiently. And I would roll back that \$539,000 back to the 463 of last year, because they have not explained their request. Furthermore, I have a question, Adam. How many employees in the on the city highway right now please? I'm sorry, I didn't hear. (Adam Wilson from the back replied 12) You've been there quite a while. What's the high number that we've had in the past?

**Adam Wilson**

High number of employees?

**Marc Blanchette**

Yes, sir. The high has been 12.

**Adam Wilson**

Prior to me, there was 15. And that was many years ago.

**Marc Blanchette**

And my point on that the department has been cut three people. And yet we asked him to do more and more and more and more. With three people less. I think it's short sighted on our part to cut that proposed addition to their department, taking them up to 13 people and son of a gun the 70000 given to the library with more or less pay for that. And to be honest, I'd rather have a the streets and sidewalks

plowed in a the proper amount of time in the winter time and or repaired in other parts of the I think the money would be would be better spent.

**Casey Hanson**

I just had a question related to Councilor O'Halloran. Question about how much tax revenue is increasing? Are there more taxpayers this year compared to last year? Or more businesses paying taxes?

**Josh McIntyre**

the tax assessor could speak to that better. I don't know that there's been an appreciable increase.

**Steven O'Halloran**

I just like to point out that the library budget is asking for the same amount they asked for seven years ago and I haven't seen that from any other flat budget since 15. I don't see any flat budgets going back from 15

**Dale Hamilton**

I'm not going to make it about the library. But I do, just in terms of that we've because we've, we've talked about this repeatedly, it's still an increase from where it's been the last two years. And the comparatively speaking, when we started this, we did look at a comparison to other like communities like libraries. And just in terms of my personal feeling is that we have not seen the data to suggest otherwise, I would agree, if we're going to leave the budget the same as it's being proposed. One thing that I would insist on that we should make a part is, we should, to your point is that anybody that purchases a library card should purchase it at the same cost that the Ellsworth resident that we're paying for out of tax dollars. And so that should be \$60. We should not be subsidizing other people in other communities, and that will push them they can go to their town, and they can push the issue. We should be focused on the citizens of Ellsworth, period. And if we're not going to do that, if we're going to say the library will treat differently, then where else do we turn to make reductions comprehensive?

**Casey Hanson**

I guess this is the time that we're talking about the library, I assume. Yes, when we go individually, but we don't charge people from other towns to drive on our roads that we plow. Our library is a valuable asset. We've seen degradation to the library over the last couple of years with the cuts. I really think it's just a matter of do we value this institution? Or are we going to support it so that it can still exist with a Director that stays with librarians that stay with a roof that doesn't collapse? When people from outlying towns come in and use our library, it benefits the city, it just does. So this thing about charging them \$60 For a library card. That just seems crazy to me, all we're doing is asking them to go shop and Blue Hill in Bar Harbor instead. But anyway, we can talk about the library when it's time to talk about the library, I think.

**Dale Hamilton**

we will get to a place where there will be a motion about the budget. And then we

**Casey Hanson**

if we want to make a motion about the library, we should just make it.

**Dale Hamilton**

Well, I think we should make a motion about the budget. And then there can be other motions that are made with that. That's the proper way to do that. So let's so we have the budgets in front of us, the motion might be made to approve the budget, someone else can then make a motion to say I'd like to amend the budget with this, and then we deal with that item, and then somebody else can make another motion. And that's the proper procedure for for doing that. We tried to have, you know, reach some consensus prior to tonight. So we wouldn't have to go through this multiple iteration.

**Casey Hanson**

We don't all think the same way about the library

**Michelle Kaplan**

I support library.

**Casey Hanson**

You tell me when it's time for me to make a motion about the library.

**Dale Hamilton**

We need to have a public hearing first. Right now we're just we're in discussion. We'll turn we'll open up for public hearing, then we'll come back. And we'll sort through the mess of motions that I think we're going to have ahead of us. But I do think it's an important distinction is that we don't agree in terms of I don't know the degradation, I think the pay for the the librarian was good pay comparable competitive, and and we have a system of oversight. The oversight for the budget is different than the oversight of the library. The Board of Trustees, by charter oversees the library, if there were other issues in terms of the libraries, that's for the board of trustees to deal with. All we deal with as a council is the budget ultimate. So how everything else plays out is beyond our ability and control. We don't have that. Manager Moshier does not have oversight of that department. So he can't influence they provide some support, but at the end of the day decision making so it's more complicated than just a straight line where we think we should appropriate XYZ. At the end of the day. There's a different system and structure that the city has put in place to

**Casey Hanson**

Sure, but if the director of the library feels like the city council is always trying to cut the library cut the library that affects morale that affects someone's decision to stay.

**Dale Hamilton**

so there was one cut, let's just a historical context. Two years ago, two or three years, two years ago, there was there was one cut, the library budget was reduced down to A level that that that council felt was competitive with other libraries. That was the cut, the next year, it would remain the same. This year, the what came before this council was an increase. So there's only been one cut, there has been ongoing cuts.

**Michelle Kaplan**

But in fairness, they had to come up with reserve money or money that was already in existence, that they had to see them through. those funds are gone.

**Dale Hamilton**

But those that was intended, and the Council at the time voted to utilize and appropriate dollars. So that would give them time to to address the financial piece. That was that was part of it. So let's not forget about that reality. It wasn't just cut.

**Michelle Kaplan**

just since that time, they have gone to town meetings, they've knocked on doors, they've held fundraisers, I don't know of any other librarian that has to basically go from town to town door to door, looking for people to buy a library card or for towns to support their library other than their own city. That's embarrassing.

**Dale Hamilton**

Yeah, that's the choice of the trustees of how they manage that. That's not the council. So the recruiting going to town to town how they want to do that. That's not the council,

**Michelle Kaplan**

what are the choices they have, you say you need this much money, you go out and find it,

**Dale Hamilton**

if they want to go above, and I'm just telling you my perspective, if they want to go above the appropriated amount, because they are a different type of entity within the city, public works can't go to other towns and they we don't serve other towns in public works. But they are a different kind of entity. If they want to go beyond what the budget is that's been approved, then they have to raise that. And how they choose to do that is up to them. And they have repeatedly. And in fact, my first year on the council, I sat in one of my first meetings was a strategic planning meeting that the library had they brought in a consultant, and they talked about the need to go to surrounding community, that didn't come from the council. That was their strategic planning, they talked about it. So let's not connect the decision in terms of reducing a budget with forcing them to do something that that you think is degrading, that was their choice.

**Marc Blanchette**

question on the library. If they had come in with a \$639,000 ask Would there be counselors at this table saying, Okay, let's give them 639. Just because you asked for something? Doesn't mean that that's what you're going to get. My suspicion here is that the old line ask high see what we can get? Because we know we're going to be cut. There still has not been any extra explanation of why they need a one to 16% increase in why they think it's fair for Ellsworth residents to pay 60 bucks ahead. A head, not a taxpayer but a head. When a card holder in a family and you really truthfully only need one card in a family. Not everyone in the family has to get a card pays 30 bucks. You were upset at a school budget meeting when you understood that Ellsworth was paying 19 or 18 And I think it was \$19,000 a head.

When out of town tuition students were paying about half of that eat \$9,000 But yet, you seem to think it's okay now that Ellsworth pays more per head than an out of town student why the flip flop?

**Michelle Kaplan**

Because on this budget according to the librarian and the baseline cost is the same. \$29,000 difference I asked her point blank. For those numbers, and she showed me that she still has the maintenance costs. She still has the staff cost, she still has the lights cost, she still has the heating cost, she still has the repair cost there's a lot of the costs don't change regardless of the number of cardholders

**Marc Blanchette**

If you don't have the same amount of people coming in through the door every day, then you don't need the same amount of staff. Staff is the biggest cost in any business, whether it's a municipal, whether it's private business, whether it's a public business, that so then if you don't need the staff, then you cut your cost there. The \$29,000, as I said before, was just a lark. There was no basis to that whatsoever.

**Dale Hamilton**

So what I would say in this discussion, I obviously I have a different perspective, I think that the library budget as proposed is going to pass based on our discussion. So that's, that's my sense, in terms of the votes. So in terms of but I think it's, it's still my responsibility to voice my concern, I'm not going to propose that we cut it, I don't think it's going to happen. So that's kind of a waste of a motion. But I do think that it's also important to point out that if we're talking about, if there's a concern about the level to which the budget is at, and that we have a responsibility to the citizens, then let's just be clear that what we're voting on with this part of it is an increase, that that is an increase. It's an increase from last year for the library. I think it's going to pass in here. But everybody needs to know in the community, that that's what we're voting on that that's embedded in this budget. I would, I think we need another firefighter. I think we absolutely need another firefighter. And as we go forward with the number of calls, I don't support that in this year, I don't think we should be adding any positions given where we're at with the economy, I think it adds too much burden on the community, I think we can get we have a pending hopefully grant that we'll be able to bring on some additional firefighters mid year. And I think next year is certainly will be a critical time where that would need to happen. But I'm okay with it with it. Because I think we need to make sure that we also sure up our staff in the city and address the budget. So for me, it's always about compromise and trying to find it but it's also being honest about what we're doing. And the reality is this library is an increase over last

**Casey Hanson**

a 3% increase over last year's budget.

**Dale Hamilton**

But's it's an increase.

**Marc Blanchette**

I'm sorry, how much?

**Casey Hanson**

last year's budget for the library was not from the taxpayer the budget, because they had rollover funds was \$648,172. That's how much it cost to run the library last year, this year, they're asking for \$673,523 because they don't have those same rollover funds. That is a 3% increase in how much it costs to run the library.

**Marc Blanchette**

And where did those rollover funds come from? Unspent pull monies that was given to them by the taxpayer in previous years

**Casey Hanson**

that they had because of COVID said because they couldn't

**Marc Blanchette**

COVID had nothing to do with it

**Dale Hamilton**

So it was carryover funds that were appropriated back to the library.

**Casey Hanson**

But my understanding from what Amy said is the reason they had all those funds is because they couldn't do the work they used to do during the years of COVID.

**Dale Hamilton**

No their personnel cost did not change. They they they kept all their staff kept working during they just didn't work on site.

**Marc Blanchette**

It's a 16% increase- \$464000 now they want \$539000 from the taxpayer

**Steven O'Halloran**

little different subject, but in this budget. I couldn't I can't believe that we couldn't get rid of a million bucks pretty easy. And with the taxpayer, same bill, they have increased costs, everyone has increased costs. And I'd like to point out and Josh, I need your help here. Okay. I'd like everyone to know that our expenses are really 15 million, and there's a projected revenue of 5.7 million that we're taking in. So of that 5.7 million not only we taxing Mr. And Mrs. Taxpayer over and above that we're asking for other revenues from them, as well. And maybe some of these revenues don't come directly from our taxpayers, but line by line here. I don't know you've got a \$5.7 million revenue forecast. That brings our our net budget down to nine and a half million. So how much of that \$5.7 million are we asking over and above our taxes from Mr. And Mrs. taxpayer. Is all of that coming for our city that revenue \$5.7 million is that all come from our city? It doesn't doesn't it?

**Josh McIntyre**

No but 1.9 is intergovernmental mostly from the state. Road revenue sharing, tree growth reimbursement, state revenue sharing, homestead reimbursement. So there are 2 million of it is coming to us from the state.

**Steven O'Halloran**

Okay, so a 5.7 million. We're asking for another 3.7 million from our citizens,

**Josh McIntyre**

in addition to their regular property taxes, yes.

**Steven O'Halloran**

In addition to their property taxes, correct. Okay. That's what I'm just trying to figure out of the 5.7 million after property taxes, we're going to ask not just this year, every year, the citizens of this Ellsworth is going to package up 3.7 million and drag it down to City Hall.

**Josh McIntyre**

One way or another? Yes.

**Michelle Kaplan**

enterprise accounts.

**Josh McIntyre**

I'm sorry, no, those are not those are not enterprise accounts.

**Dale Hamilton**

Can you give some examples?

**Josh McIntyre**

let's see. IT services revenue. There's a \$20,000 for services that they provide to somebody else. I think actually the county works it pays our IT people for some stuff. We get \$20,000 from the sale of alewives from what comes in there. So that's not coming directly from the taxpayers. We have a cable TV franchise fee that's paid for us by Time Warner of about \$90,000. So that comes in, it's not coming from the taxpayers. So, payment in lieu of taxes. I can't remember exactly who does that. But there's 27,000 paid there. Jax, there's a different one. So there are a number of there's financial water supply revenues, there's different there are many different categories. So we have here on section three, you can see but there is vehicle excise tax, but not all of I should have not said quite that all it was coming from citizens because there is like the cable TV franchise, there are some funds that come in, they're not directly from citizens.

**Steven O'Halloran**

give me a number. An estimate.

**Josh McIntyre**

well, 3.7 If you take away this intergovernmental, intergovernmental from the state, it's not really broken down that way. So it's going to be really ballpark and I'll say another two and a half million, I guess.

**Steven O'Halloran**

that the citizens of this town of bring into City Hall? Yes, half the budget, half of the revenue comes from our

**Dale Hamilton**

for fees like licenses. And so like, yeah, so a developer coming in that that would include fees associated with

**Josh McIntyre**

Yes. And planning, code enforcement fees, stuff like that.

**Marc Blanchette**

Excise tax would be the biggest one Josh

**Josh McIntyre**

vehicle excise taxes, but were estimating about 1.6 million.

**Dale Hamilton**

Which is state

**Josh McIntyre**

state mandated.

**Steven O'Halloran**

But yeah, just my point to the public is that we're not just asking for \$15 million here. Where, in addition to their tax bill, where we're asking for another two and a half million from the people in this city to bring it to City Hall.

**Marc Blanchette**

for purchases that they make, such as licenses, such as excise tax, such as fees.

**Steven O'Halloran**

I didn't say it wasn't a purchase. I'm just saying that we're asking another two and a half million over and above their their tax revenue on property.

**Dale Hamilton**

Yes. Okay. So Councilor O'Halloran you just stated minute ago that you think we could find a million dollars? I'm certainly open to hearing that. I'm not closed off to what,

**Steven O'Halloran**

six and a half percent of the \$15 million expenditures? So my feeling is this that this city can't find a million dollars and send a tax bill the same as last year?

**Dale Hamilton**

Come on. But that's for us to do. So. What what do you want to cut?

**Steven O'Halloran**

Turn to your department heads.

**Dale Hamilton**

We've been doing that for some time since April. So what are your ideas?

**Steven O'Halloran**

My ideas is to send this back and get this thing cut by a million bucks on the taxpayer the right amount.

**Dale Hamilton**

Right, I'll pause for a minute and we'll open the public hearing. See if there's anybody wants to comment. Public Hearing is open would anybody like to speak on the budget.

**John Linnehan**

John Linnehan from Ellsworth. I'll keep it short on this one. I think the budget should remain exactly the same as last year, I would like to see a million dollar cut. But I know that's not going to happen, but it should stay exactly the same. So I believe the council should turn it back to whatever department heads we'll make the decision. I'm not gonna I haven't been to the budget meetings. So I don't know specifically what you should have it. But I think that the total amount that the taxpayer should pay should not go up a budget should stay the same. It's out there. You know, I've been around a few times I've turned a lot of brokedown businesses have been foreclosed and shut down, turn them into profits. I know how to take bad things that make them good and make them good financially. City of Ellsworth living on the edge, I think and a lot of other government agencies as well. So I think we're pushing too far. And we need to cut that back. So I'd like to see the taxes stay the same as the Council could do that. Thank you very much.

**Dale Hamilton**

Anyone else we can make a comment.

**Gordon Workman**

Gordon Workman, Ellsworth. I do get a fee on my Spectrum Bill \$6 a month for town franchise Fee. So the taxpayer does pay that in the last time I checked, it was around 125,000 that you guys collected. That's what the last time I did. That was a couple of years ago. So anyway, I just I throw that out there, we do get taxed on that because of the fees passed to us.

**Dale Hamilton**

We don't have control over that. Anyone else like to speak? Seeing none, I will close the public hearing. Public Hearing is closed.

**Michelle Kaplan**

I'd just like to say that if you get the exact same budget, as you did last year, that means that because of the mandated increases in salaries, per the unions, and for the contracts, then we have built that additional monies of 5%, whatever is going to cut into the pavement, we can buy the salt, we can buy the equipment we can buy to take care of the roads,

**Josh McIntyre**

all of which cost significantly more, I'm sorry to interrupt, but all those materials or costs are up as well.

**Michelle Kaplan**

But again, we're going to have less revenue to be able to do we have to do without them. We have to keep the same staff because we have contracts, and those contracts have been negotiated. And then you have automatic pay raises. And with those pay raises come increased payroll taxes, etc. So we're still paying that if we had the exact same budget, that means we do without salt for the roads, gas for the vehicles or whatever. It's kind of an, you know, we're stuck because, yeah,

**Gene Lyons**

we've all experienced everything.

**Dale Hamilton**

And I just quickly enough. I just want to comment in terms of I understand the suggestion to take it back. I personally don't agree with that approach. I think that that's what we've been doing with the city staff. I think manager Moshier has been responsive. He took several discussions went back and actually reduced the budget even more. And I think that's been the process. I think an obligation is one of the biggest responsibilities we have as a Council is to set the budget each year, it's by far the biggest impact on the citizens. I don't think sending it back to the city staff, I would expect manager Moshier to come back with the same budget that he's presented, because that's what he feels based on his department what they can get by with, if we want to make changes to it. That's up to us. And we should we should make those changes. So for me, it's the work is tonight. And that if if we need to reduce it, increase it, whatever we come up with, that's what we should be doing at this point. So

**Steven O'Halloran**

I just wanted to echo I realized everything has gone up. But we can't reach into the taxpayers pocket. Just because everything has gone up. We got to find ways to be creative. And to keep a flat budget, like the library has done since 50. That means everyone has to come up with six and a half percent because in their budget, the way I see it, if everyone can come up with six and a half percent, it doesn't take long to come up with a million bucks with some of these expenditures here. Postpone a couple of police cars postpone a dump truck. Postpone something from the fire department. You know the the taxpayer is not only getting increased taxes but they They're gonna increase. They're gonna deal with

all these expenses that we're talking about what Gene just mentioned. This isn't a bottomless pit that we can just reach into because we think we need it.

**Marc Blanchette**

I've been on the council nine years this month. I've seen years where police cars have been postponed. I've seen years where fire trucks have been postponed. I've seen years where city highway equipment has been postponed. And every damn one of those postponements costs us money, more money down the road than what it would have cost us if we had bought the damn things originally. This thing of postponing and trying to get more blood out of a turnip and putting more repair cost into outdated equipment that should have been retired last year. cost us money every year, we can talk budget money till we're blue in the face. But to postpone anything is going to cost more next year. I'm sure all the PD cars this year are much more than than we were last year. Same with the snowplow equipment. Same with any fire equipment. Everything has gone up. If we postpone it again, we're gonna pay more next year. There's a cost to postponing

**Robert Miller**

I agree with everything Councilor Blanchette has said, and it's everything that I was gonna say. And I think the responsibility is on us. And if you want to make suggestions, please make suggestions. Otherwise, you know, let's move along.

**Glenn Moshier**

I just like to just say that, if I thought there was a million dollars that could be cut out of this budget, it would have been cut out of this budget, what I brought forward, through all my conversations, sitting through hours and hours of these meetings, meeting individually with all of the individual department heads, going through their budgets, painstakingly line item by line item, cutting \$250 here out of office supplies, just because we think we can get by without buying a few more paper clips. That's how minut details we've gone through the budget to come forward with a budget that I felt under the circumstances, with the situation financially for everyone in our city that was as fiscally responsible as we could possibly be, and still maintain the level of services that we maintain in the city and provide the level of service that our citizens expect from us from everyone here at City Hall.

**Dale Hamilton**

And, as I've said, I mean I'm I understand where we're at, I think the compromise for me is I'm going to keep pushing on on issues that that I feel passionate about, but I think that the compromises what's been put in front of us, and unless there's a specific proposal to make some other very specific reduction. I think this is a good budget. It's minimal impact overall. And the reality is, is that part is the number one concern, we hear about our roads, we have a lot of miles of roads more than any community and putting the amount of dollars to that to address that. We have to do it. And we have to do it at some point. And we did it in a year where it's not driving the budget into an outrageous levels. So if it wasn't this year, if it wasn't for the valuation issue, it would be a decrease. But that's that's out of our control around what's required around the valuation. So for me, I would certainly look for a motion to pass this budget and start the process.

**Marc Blanchette**

Mr. Chairman, I would move that we pass the budget as presented with the exception of the library, instead of being \$539 to make it \$487,200, which is a 5% increase over the last year to cover their cost that have gone up due to inflation. That's an increase of \$23,200.

**Casey Hanson**

Can you just say it one more time I didn't hear your numbers.

**Marc Blanchette**

The ask this year is \$539. Last year was \$464. I would propose an increase in their budget of 5%. In line increase costs, that that's 23,200.

**Casey Hanson**

And what's that number?

**Marc Blanchette**

\$487,200.

**Michelle Kaplan**

Mr. Blanchette? Would you be amenable to splitting the difference and going for \$500?

**Marc Blanchette**

No, ma'am. \$500 makes it 9%

**Michelle Kaplan**

Still less than 10?

**Marc Blanchette**

Yep. The employees on average, it depends on which department. But I believe that you use the number 5% increase, there's no reason for them to get more than a 5% increase. I think \$487,200 is sufficient. And that is a huge amount compared to other libraries, in like sized communities, as per the email that the chairman sent us, two, three days ago.

**Dale Hamilton**

So I just we have a motion. Is there a second?

**Robert Miller**

Sorry.

**Dale Hamilton**

Okay, now we have discussion.

**Michelle Kaplan**

I couldn't agree to \$487, I could agree to the 9%. split the difference. But I certainly could not agree to the \$487. Because they're kind of stagnant in their growth there. Just doesn't seem to make sense to me and other departments have gone up as much as 13 and 16%.

**Marc Blanchette**

If they raise their card fee, out of town residents to \$60, the same amount that Ellsworth residents are paying, that will garner their extra 4% to 12,800.

**Casey Hanson**

So it won't, because they'll just go to a different library, which is what they're already doing. I won't approve a budget that lowers the appropriation requested from the library. I won't, because the city council has been trying to balance the budget on the back of the library for the last several years. Average over the last four years increase requested from all the different departments, I add it all up and the library has been at minus 1.25%, compared to most other departments around 4 to 5%. Increase. And I don't think it's fair to balance a budget on the back of a library again. So I won't vote for it.

**Robert Miller**

It's not balancing the budget in the back of the library is bringing the library into reasonable amount compared to others towns our size. It has nothing to do with balancing the budget on the back of the library. It's being fair to the citizens of Ellsworth.

**Casey Hanson**

Don't think we need to debate it that much more. I just won't vote for it.

**Dale Hamilton**

So a motion and second, any other discussion? So we're very clear about the motion. It's to pass the budget. With that change for the I'm just waiting if there's more discussion. All right, then we will vote all in favor of the motion. All opposed. motion fails. Other motion?

**Michelle Kaplan**

Mr. Chairman, I would vote to pass the budget with splitting the difference as a compromise at that 9% putting into an even \$500,000 for the general general fund appropriation for the library.

**Dale Hamilton**

There's a motion I'll second. So we have a motion a second discussion.

**Marc Blanchette**

where does that leave their other town card fee?

**Michelle Kaplan**

That's up to the board.

**Casey Hanson**

As Dale said, that's not really our business.

**Marc Blanchette**

The Board has let me down in the past, from what was said to what was done. And as far as I'm concerned, that's the track record. And I don't, I don't expect anything different will be done this year. The Ellsworth taxpayer is still on the hook. Every resident in Ellsworth is still on the hook to pay double what a household, not every resident in that household, but a household has to pay for a library card. And that's just unfathomable. You didn't like it when it was that way when you thought it was that way with the school board. But you're okay doing it with the library? What's the difference? Well,

**Michelle Kaplan**

\$25 million difference is a big difference between \$19,000 and \$9000

**Marc Blanchette**

I'm talking principal. What's the difference? It's okay. For the library to charge the Ellsworth resident more than out of town. But it wasn't okay for the school board to do that.

**Michelle Kaplan**

Not that many libraries charge out of town.

**Casey Hanson**

all those people who come in shop at our stores, money comes in from those

**Dale Hamilton**

one at a time please.

**Casey Hanson**

Money comes in from those people coming in having a library that is functional that has good librarians that has a director that has a beautiful place for people to visit is good for the city.

**Michelle Kaplan**

And all the businesses in town you know they're filling up. And the library's is an attraction for that. It helps keep our town vibrant.

**Marc Blanchette**

You two make it sound as if every visitor that comes into Ellsworth pops into the library and makes use of it.

**Casey Hanson**

No, it's that every every visitor that comes into the library also goes in shops at stores,

**Marc Blanchette**

not necessarily

**Casey Hanson**

70% They did a tally.

**Marc Blanchette**

That's like saying everyone that goes up on Beckwith Hill stops in at Walmart or Mardens or Tractor Supply or whatever. No

**Michelle Kaplan**

Talking about a compromise.

**Dale Hamilton**

So we have a motion and a second. We're in discussion. Any further discussion?

**Michelle Kaplan**

If we don't do the compromise, the next thing is going to be a vote on the full full monty

**Marc Blanchette**

No there could be a vote on a compromise between your number and my number. There can be you know, all kinds of votes

**Dale Hamilton**

Any further discussion? All right, seeing that everybody understand the motion? Could you repeat it? Yes. So the motion on the table is to pass the budget as presented with the amendment to reduce the library budget to \$500,000.

**Casey Hanson**

Ellsworth appropriation.

**Dale Hamilton**

Yeah, the Ellsworth the tax appropriation.

**Gene Lyons**

I have one question for Josh. How much would that change the taxes if you cut em- \$5 bucks

**Josh McIntyre**

Dropped they would theoretically drop the mill rate to 17.86. So 17.94 so .08.. It would be seven bucks,

**Gene Lyons**

seven bucks \$7 I mean, so keep it at what's a need to run the library for the year

**Casey Hanson**

\$7 To convince all these people to go to some other city to spend their money.

**Marc Blanchette**

I don't think people are going to go from Hancock Trenton Lamoine Surry. to Blue Hill to the Marden's over there, but to the Walmart.

**Dale Hamilton**

So while we're still in discussion, I would just point out because we will get accused of picking on the library. I want to point out that no one here has yet to make any other suggestions about cutting. I hear a lot of conversation about reduce reduce, but I'm not hearing any motions from anybody else on this council to do that, except for this one. So for me personally, hearing nothing really negates that argument that that we're picking on the library. This is one part of it, if you have a suggestion to make other cuts. I'm not interested in here repeatedly hearing that you're picking on library picking the library, no one's coming forward with with other

**Marc Blanchette**

Maine Lobsterman Association. They came in this year for the first time asking for money. And we said, Sure, we'll give you 1000 bucks. That's I knew there weren't any lobster waters in Ellsworth. And people said, Well, yeah, but there's restaurants that, that that serve lobster. That has nothing to do with it. We're here for the Ellsworth residents. We aren't here for the Maine lobster men's association. And there's no reason that we should give them \$1,000. If you guys are truly interested in getting this budget down to as minimal as possible, we would do away with that. And, and to make matters worse, we give them \$1,000. but we cut \$500 from the hospice. I'm telling there's a lot more people in Ellsworth that are dealing with hospice and the illnesses of the aging, then then there are concerned about lobsters.

**Michelle Kaplan**

Heart of Ellsworth money was how much 5850

**Casey Hanson**

I think it was 3500 this year.

**Michelle Kaplan**

For flowerpots, people want roads, they don't know that they want to pay their taxes that they they're paying for roads, bridges, schools, fire police, you could do without flowerpots. But that could be something they do on their own.

**Dale Hamilton**

Right now we're dealing motion that we have the motion, because the motion is that if this passes, we will have passed the budget. So if there are other motions or amendments that need to be made, if there are any other changes that counselors want to make, before we take this vote, now the vote may not pass. But before we take it, you have to understand that that motion on the table is to pass the budget with this one change. And that's why I'm pointing out if there are other amendments that anybody wants to make. Now's the time to consider that before we vote on the main motion.

**Marc Blanchette**

I think we should remove the \$1,000 for the MLA.

**Dale Hamilton**

Is that a motion?

**Marc Blanchette**

Yes.

**Casey Hanson**

So we just add the motion to the other motion?

**Dale Hamilton**

we will vote on the subsidiary motions first. Whether we accept that. So the way it will work is that the motion that councilor Blanchette is putting on the table is to amend the original motion. So we have to we have to take that vote first. That will either pass or not. And then we go back to the overall so we're

**Casey Hanson**

so the motions will add Ding ding ding and we will vote on them

**Dale Hamilton**

Because it's kind of you want to change the main motion before we vote on it. So, we have a motion is there a second? We do not have a second. So we will continue discussion on the main motion.

**Marc Blanchette**

I have a question. Manager Moshier- dispatch. We're getting more and more and more calls. Especially for Medical. That fire department goes on. Do you know in round numbers, the increase in calls. But that entails what Chief? Might you

**Scott Guillerault**

Last year 1200 EMS calls were in 1600 calls total 1617 calls total last year 1200 of those were EMS. This year, as of today, I believe we're at 800. I'll tell you exactly what the last one was. So we're on track right now to do upwards of over 1700 calls this year.

**Marc Blanchette**

And so who's taking these calls? Is it? Is there one person that does this?

**Glenn Moshier**

We have one, we staff our dispatch, which handles police, fire, and EMS, one person.

**Marc Blanchette**

We're going to come up against the bad spot and that road is I surmise as the calls increase, if we keep just one person on, for dispatch to handle all those calls.

**Glenn Moshier**

Yeah, there's, there's I mean, there's a couple of issues with, with this with a single dispatcher, it's a safety issue, right for all personnel involved, or the police fire, EMS services, because one person can only divide their attention so many times. So when there's multiple situations going on, it's really difficult for that one person to be able to pay attention in so many different directions,

**Marc Blanchette**

that person is taking the phone calls from the public, answering the radio, from police, fire, and EMS.

**Glenn Moshier**

And then also to add to that, servicing citizens when they come to the counter as well. So there's, there's multiple layers, and as our EMS increases, our EMS call volume increases, the same thing is happening on law enforcement side, it's not like law enforcement is dropping off our call volume has consistently increased year after year, year after year. And so the position that was added in the dispatch was to add a fourth dispatcher, who would work Monday through Friday as a backup dispatcher like 11 to seven was the shift that was considered because it would get us through the busiest time, law enforcement typically between 3pm and 7pm is our highest call volume. And so to help have support through that call volume time, as well as you know, be able to support the fire and EMS, that additional personnel is eventually going to be needed, because there's no way around it.

**Marc Blanchette**

The cost on that with salary and benefits, again, round numbers,

**Glenn Moshier**

the the cost for the employee just payroll is between \$43 and \$47, depending on the level of training or experience the individual may have. And then the additional costs or benefits is around \$20000.

**Marc Blanchette**

\$60000 to call it \$70000.

**Michelle Kaplan**

Might I add that 1700 calls, works out to 4.65 calls per day, or 0.19 calls per hour. Okay.

**Marc Blanchette**

that's just on fire.

**Scott Guillerault**

but that's a tough, that's just I agree with the statistic. Okay. But the problem is, is we'll take example, last night, you said 4.5 calls a day, they ran for four call five calls last night between nine and midnight. So that number varies from day to day and hour but we can't, we could turn around and put a fix to say they run 4.5 calls a day. But there are days where they run 10 or 12 calls, there are days that they run two. so when you're talking about a dispatcher and them having to handle those calls from 7am until 11pm on top of the police department and then you can only the average person can only concentrate on one thing at a time and being forced to listen to the police channel and the fire channel and having

to prioritize which one has the more important call going on at that particular time. If they're simultaneous, then answer a phone. It's just I wouldn't even ask my own guys to do that. Let alone ask somebody who's who's stuck inside that office with no relief. It's just way too much work. You're you're going to lose people that way. You're going to lose people out. It's too much. It's too much

**Marc Blanchette**

and I I think that a dispatcher should be added back into the budget to alleviate what we all know is going to happen, there's going to be an omission made of some kind, there's going to be wrong information of some type handed out. And that's going to open up the city to a huge liability lawsuit. And for the \$70,000 to put the chances of that happening. Of getting rid of those chances, to me is a good investment.

**Michelle Kaplan**

Is that a motion?

**Marc Blanchette**

I'll make that a motion.

**Dale Hamilton**

Is there a second? I'll Second, because I want some more discussion,

**Robert Miller**

Well, I think I think a bigger need would be the firefighter that he's asking for. There's a that's a huge safety issue not having enough firefighters at a scene is like a huge safety issue.

**Marc Blanchette**

It is we've got three grants out there, we're gonna get the answer

**Scott Guillerault**

here's the thing I want. I really want to relay this not kind of discourage you. But a grant it's only an application, there's no guarantee. It's heavily competitive. And they we may not know they have until September 30. So if I rely on waiting for a grant to find out if I can fill that one position till September 30, we've passed that opportunity in this budget cycle. To put that one person that we're asking in hopes that we'll get the three but I have one shift that short already. All the departments of the city are running short, and it's hard to prioritize. I'm passionate about my department. I'm concerned about the safety of my my crews. I'm concerned about the safety of the people out in the city. They're running, they're running calls left and right running a lot of EMS they're on scene longer times now than they've ever had to be because the other night they were waiting for an ambulance from PAC. They had an ambulance coming from Bangor to run a call here because our contracted ambulance sent their second ambulance to Bangor yesterday to offset their staffing problem. Shortchanging us to one ambulance overnight. PAC is now complaining we've city manager I have both received emails from a mutual aid ambulance concerned about the number of times they're spending here and Ellsworth.

**Marc Blanchette**  
Chief what is pac?

**Scott Guillerault**

I'm sorry, Peninsula ambulance coming out of Blue Hill. Thank you. So our citizens are relying on our personnel to stay on scene longer than 10 minutes to do basic level care waiting for ambulances to get here. The problem is being shortchanged on personnel puts us in a situation like last night when we had four calls going at the same time, we now have to have calls on deck waiting for us to get to those calls. Last weekend, we couldn't even get to a call because we were short shift. And we we weren't able to respond to a call. Because we were waiting on scene for an ambulance. For me, we're at kind of a no win situation here. We know what the plan is for the future. We identified it in the workshop where our staffing needs to be over the next two years. But if we forego it this year, it's going to cost us more next year. And then we want to get to that number. By the time we do an ambulance service. We increase that cost even more. Yes, I'm going to continue to push and try and get grants to help offset some of that cost over time. But it's not a guarantee. The guarantee right now is if I put the one firefighter on the short shift that all my shifts are at five we can make do with that. I can make do with that one extra guy and we can make things happen. If the grant comes through, then we've got three years with those with those three additional people. But that's if the grant comes through.

**Marc Blanchette**

So what if we if another firefighter was added to the budget, but not to come in until next January, you know, six months into into the year.

**Scott Guillerault**

That was actually a request

**Marc Blanchette**

with the stipulation that that goes away if you get your grants in September

**Scott Guillerault**

You're still gonna short shift. I understand I see the compromise,

**Dale Hamilton**

Delay until the next fiscal year where then you could get to that No,

**Scott Guillerault**

I seen a compromise. So I'd be willing to do that just for me as I want to get that shift to where it needs to be, I understand where we are at the budget, I don't want to be the only one here who feels like I'm being selfish. But at the end of the day, just like the other departments, we have to provide a product to the city, it costs money to do it. All of us came in as low as we could. With the exception of what it costs, our salaries, we don't control our salaries. So most of us stayed pretty low on our budget, I know I did my best to try and keep our budget as flat as possible. You actually, as a Council put money into mine to cover the fuel expenses that, you know, again, I looked at February, not looking at it going up another dollar 50 A gallon. So I'm just letting you guys offer me money to help me out. So the

compromise? Yes, I would agree with the compromise that if we do get the grant by September 30, that I'd be willing to, to forego the January firefighter for now and look towards adding that person in July of next year.

**Dale Hamilton**

So a couple of things. One is, one I appreciate that. two city works, or government works a little bit different than the private sector, you can't recruit if it's not in the budget. So one of the concerns would be if you lost a firefighter and hopefully that won't happen. But then you're you're stuck in terms of not starting that recruitment process. So by having this in the budget, we won't be spending, it takes time to recruit. But without being in the budget, it can't happen. The other thing that I think is just I think it's worth noting, and everybody in the community knows this understands this, the economy is well beyond the control of this group. And what's happening in the economy is is a problem across the board. And it impacts staffing for municipalities in the same way that it impacts staffing for any type of business period. Workforce is a huge challenge, recruitment for these challenging positions, first responders, I won't get into the whole reason why I think some of that exists. But that has took a tumble through the pandemic coming out of the pandemic. There are lots of reasons why we can't recruit. And so when we start talking about being competitive, to meet the needs of our citizens, I think we do have to listen to some of that. So I appreciate you still advocating and not just deferring to where we were at. I could support that. I guess the dispatch position. I think you took that position out back out. would want to know, would you want that back end? Does it? Is it going to end up in a situation where you could lose other people? What's your crystal ball on on that?

**Glenn Moshier**

Without question, I took all three of the new positions out. Because I felt that there was some desire to see that amongst the council. But there's without question that by not bolstering our dispatch, and continuing to have them be forced to work with such an exceptional workload. We're down one dispatcher now and have that for a couple of months. So it builds on the wear and tear of the individual employees, you know, we're likely to have, without some relief, we're likely to have additional personnel leave. So it is absolutely a matter of shoring up our current staffing by giving them the resources they need. And in this particular case, was like the fire department. And absolutely, with the highway department as well. These additional staff are the resources that our folks need to help alleviate some of the workload that has been thrust upon them over time. And, and without it. I think all of us can get by I think all of our departments can get by but there's a ultimately there's a price that my crystal ball. I can't tell you exactly. You know what that will be. But if there is potential there, that without resources, additional staff are going to leave and get burnt out. And they're going to they're going to leave.

**Dale Hamilton**

So yeah, let me just stay where we're at. So go don't get lost. And I think this was the motion. So we have a motion and a second to add the dispatch position back into the budget. That was the motion that's on the table. And we're in discussion. So if there's another motion, certainly can entertain that

**Robert Miller**

I have a motion to go with a compromise that we talked about with the chief of the fire department.

**Dale Hamilton**

Okay, so you want to add in back in the position that would start in January,

**Robert Miller**

with the stipulation that he got the grant.

**Marc Blanchette**

I would second that.

**Dale Hamilton**

So we have a motion and a second. So that is the motion we are now voting on.

**Casey Hanson**

So that's a full time person. But starting in January,

**Dale Hamilton**

yes.

**Gene Lyons**

And as with Michelle's motion about 500,000, for the library, yes,

**Dale Hamilton**

we're still that this main motion? that still sits here. And we're two motions deep. I think we can go further.

**Casey Hanson**

Yeah, we need a whiteboard.

**Dale Hamilton**

This is going to be a test. further discussion on the motion by Councilor Miller. On the fire? Seeing none, all in seeing none for a split second. Now seeing that there is more discussion.

**Steven O'Halloran**

I just simply need clarification on what we're voting on.

**Dale Hamilton**

I do too. So what we're voting, so we had a main motion by Councilor Kaplan to accept the budget as presented, amended with the amendment that the library would be at 500,000. So that was our motion, there was an amendment to that motion to restore the dispatch position. And before that was voted on, there was amendment to restore the firefighter position with the compromise that the grant funds. So that's we have to work backwards now to approve those amendments.

**Steven O'Halloran**

So could you just announced the amendment that was

**Casey Hanson**

Can I add one more motion?

**Dale Hamilton**

Sure. My ability for recall is gone. But go ahead.

**Casey Hanson**

I don't feel super strongly about this. But I just wanted to propose it. And if no one seconds it, then I don't feel as passionately about it as I do about the library. But when we look at outside organizations, and so social services Section Eight, I noticed. And it's all very weird and arbitrary. As we discussed, we went through the thing that we do give the Chamber of Commerce like significantly more than any other organization twice as much as any other organization. And I know the Chamber of Commerce is important. And I don't mean to diminish the importance of the Chamber of Commerce either to the city or to the businesses. But when we talk a lot about Mr. And Mrs. taxpayer, who we are thinking about a lot, I just wonder if that money would be better served, helping the people in our city who are struggling to get by, with the things that we know cost a lot more, namely transportation and food. So my suggestion, my motion, would be to give the Chamber of Commerce \$5,000 This year, and to redistribute the remaining 5000 For Downeast transportation, friends and action, Loaves and Fishes, families first, And Downeast community partners. So distribute that money into the people into the organizations that are helping with transportation and helping with food. That's my motion.

**Dale Hamilton**

Is there a second? Hearing no seconds, puts us back to the motion on the table, which is the motion we are now voting on is counselor Miller's motion, which is to restore the full time firefighter position with a start date no sooner than January 1, 2023. And should the city receive the grants that we've applied for the grants would then cover that position going forward for at such time that we receive the grants. clear on that?

**Casey Hanson**

I can ask one question about that. So if it has, so if we approve that position, and it's going to be in the budget for the amount of money that it is, and then we win the grant, what will happen to that amount of money

**Dale Hamilton**

that will be unspent funds that and that will be up to the council to decide at a later date of what happens to go to reducing, all kinds of things. Okay. All right, all those in favor of the motion. All those opposed? One opposed? It passes. Next motion on the table is the motion to restore the dispatch position. Full time, it was a full time position, full time position. All those in favor of restoring the dispatch position. All those opposed? Motion passed And we're back to the main motion of the rest of the budget with the change to the library of \$500,000 appropriation at a tax base. All those in favor. All those opposed? two opposed. Motion passes. So with that, we have one other motion that needs to be made. Going back to what I said at the beginning. This is a motion for the continuation

**Robert Miller**

motion to approve the continuing resolution as presented to extend all regular necessary business expenditures as required until final budget approval.

**Marc Blanchette**

Second.

**Dale Hamilton**

Motion and Second. Any discussion? All those in favor? Unanimous. All right. So did you capture all those changes?

**Casey Hanson**

So since we just voted the way we voted, if the school budget passes, July 12, is an automatic go, we don't need to do this vote again.

**Dale Hamilton**

Right, because everything has been approved at that point. And it was forward to continuing resolutions, takes it forward to the point that it's successful. If it's so until there's a final budget, if the school board if the school budget doesn't pass, it's gotta go through all the process again, until it does. And as long as that takes that will be in a continuing resolution going forward.

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**Dale Hamilton**

item 20. Council order number 062006 requests of the Water Superintendent to accept the capacity development grant of \$30,000 for the Maine Drinking Water Program to hire Woodard and Curran to complete the capacity study with a high pressure zone and authorize the city manager to sign all necessary documents

**Reggie Winslow**

Reggie, water department superintendent, we have the high pressure zone from Brown's Appliance to on top of Beckwith hill. There has been continuing development in that area, we're having some pressure fluctuation issues. the drinking water program has given us a grant for \$30,000. The total project is slated to be \$40,000. So and we are looking to hire Woodard and Curran to do the study and see what potential upgrades we may or may not need

**Marc Blanchette**

to we're going to spend 10 instead of 40. Correct? You ready for motion?

**Michelle Kaplan**

And the developer that's putting the 142 units, how much is he going to contribute?

**Reggie Winslow**

None to that. But without without that, then that gives them that creates more of a problem for the water department a strain on the existing system.

**Dale Hamilton**

So to that point where we're still talking about this, I think you raised a good point. And I would just ask manager Moshier. I think that since that is such a large proposal that has a significant impact on many city services. If we could in July have staff come and talk about that, to give just an understanding of what what are the what do you see as potential issues problems beyond not talking about the authorization of it or the approval of what the planning board does, but just the larger context of what we might need to be thinking about in terms of what might come before us as far as services and things like that. So it would be helpful to understand that because that certainly is a big, big project

**Marc Blanchette**

Mr. Chairman, moved to authorize the city manager to accept that capacity development grant in the amount of \$30,000. On the Maine Drinking Water Program, and also hire Woodard and Curran to complete the capacity study of the high pressure zone. project will be funded from the award awarded grant and the water department operating budget account number 6565370-63510.

**Robert Miller**

Second

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**Dale Hamilton**

discussion, all those in favor. Unanimous Item 21 Council order number 062007 requests of the public works director to extend recycling agreement with the Ellsworth American for acceptance of paper goods.

**Michelle Kaplan**

In April 2019, the city went into an agreement with the Ellsworth American to accept their newsprint, the extra papers and the extra actual paper that they get for making newspapers for recycling at our recycling center. The city entered into this agreement when the American approached us without a place to recycle their materials through the closure of the coastal recycling facility in Hancock. The Ellsworth American, City Manager Moshier and myself met to discuss the interest in renewing the contract for another three year period, both parties would like to continue the arrangement with the following amendments. The contract will be in effect from July 1 of this year, till June 30, 2025. And we are proposing to change the rate to \$20 a ton to process their materials, a decrease of \$20 a ton from the previous three year contract. This was due to the fact that back in 2019, when this agreement was set up. The ability to sell this type of material was limited because the whole China thing was going on. And we now actually are making more selling the products then we were back in 2019. So to be fair to them, we lowered what they would pay us to take the material, it does allow for a review or to change should the recycling market drop back out again. So this is this is what we're going into what it allows either side to come back to the table, if something drastically changes.

**Marc Blanchette**

Can they come back as many times as deemed necessary?

**Michelle Kaplan**

they could I don't see that they will. I think it's more of a safeguard on our side. If the market falls out. They will need to increase.

**Marc Blanchette**

I think there's a good you know, is city working with a local business. It's good for both of us.

**Michelle Kaplan**

Move to prove.

**Robert Miller**

Second

**Steven O'Halloran**

Could you could you recite again, what the revenue was? In the previous contracts?

**Michelle Kaplan**

The revenue they were they were paying us \$40 A ton to take it.

**Steven O'Halloran**

Okay. And now you're proposing that they pay 20? Yep. And that's being made up in market.

**Michelle Kaplan**

And that's been made up yet. Back in 2019. When we started selling the recycled material for them, we were making about \$39 a ton. We're making substantially more than that now. Close to \$120 a ton depending plus or minus depending on when we sell it. But again, that market is all over the place. It can be 120 today and 35 tomorrow, so but it's significantly more than what it was in 2018. Thus, we chose to drop it 50% And take the safe route for the next three years.

**Steven O'Halloran**

Is there any thought that maybe it would be a better solution to enter into a one year contract? With this volatile market?

**Michelle Kaplan**

We could but that's why we put in the clause to be able to renegotiate after at any point during the contract. We just have to notify them that we want to renegotiate so that you know if it's six months or 24 months and we find that we need to we can sit down and just say. Honestly it just saves me from getting up here every year.

**Steven O'Halloran**

Well if there's a substantial disagreement in the negotiations,

**Michelle Kaplan**

we can terminate at any point in time I think it's 60 day notice for termination so.

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**Dale Hamilton**

Any other discussion? motion and second. All those in favor? All those opposed. Item 22 Council Order number 062008 a request of the Public Works director to purchase bulk order of culverts for drainage project.

**Michelle Kaplan**

Let's see this one is requesting to order a bulk order of culverts to sorry, the replacement of a drainage line that goes from Oak Street down to school street running between a Park Street and Church Street this line is in need of replacement. And the line has failed both at Oak Street and at a basin behind a home off of Park Street. So I'm asking him to buy about 30 pieces of culvert didn't we have an order like this last year for bulk culvert? So yeah, we've had bulk culvert purchases in the past those have been more they've been less specific. It's been we've bought 12, 15's 18's and we use them for driveways we use them for kind of just to have a stockpile of them. So that as we come through things we have this stuff on hand to fix them. This is a purchase that is a for a specific location, a specific amount for a specific location and the one behind the homeowners home that city property. We have an easement to drainage easement the chairman move to approve the request to the public works director to purchase bulk order of culverts for drainage projects.

**Gene Lyons**

Second.

**Dale Hamilton**

Motion and second. Any discussion?

**Steven O'Halloran**

Question. Was there any solicitation for other quotes

**Michelle Kaplan**

Not specific to this one but every year usually February/March I reach out to the local vendors that have culverts ADS, EJP, Hammond lumber, and i Whoever has the cheapest I get price quotes from different various ones and whoever's the cheapest is who then I have gone with for purchasing culverts. So Hammond Lumber for the last few years has been the cheapest previous to that it was Viking lumber. So it's depends on who has the better deal at that point in time.

**Steven O'Halloran**

And so when did you check this price?

**Michelle Kaplan**

I did not check this particular price. But they were cheaper when when I requested a price for each different piece each different size and what was that? I think March. February/March

**Marc Blanchette**

we need the amount on the motion.

**Michelle Kaplan**

\$36,746.70 from Hammon lumber

**Casey Hanson**

second

**Dale Hamilton**

Any other discussion? All those in favor? Those opposed? So how can I just ask you a question on that? Free feel free not to answer just was it because it didn't go out to bid Is that why you're opposed to it because of the spending?

**Steven O'Halloran**

Well, I'm thinking that an order like this it would have been a simple phone call to check prices again. You're basing you know we'd if we'd had three estimates brought forward that would be prudent or maybe at least to it sounds to me like like we're assuming they're the least expensive option because they were before.

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**Dale Hamilton**

and Thank you. Yeah, I just think it's helpful for the future. So that if that's the issue then then might be able to be addressed for future. Okay, I skipped item number 23. Council order number 062009. request of the public works director to approve an agreement with DMJ waste management corporate for the acceptance of demolition debris and wood waste.

**Lisa Sekulich**

So in August 2010, way before I was here, the city of ceased collection of demolition debris and wood waste and enter into an agreement with the Ellsworth demo disposal for for the acceptance of these materials. The city entered into this contract after Ellsworth demo located their waste facility behind our transfer station. This contract ensures that the Ellsworth residents are provided a fair pricing for Wood and demolition debris, Josh Wellman of DMJ waste management formerly Ellsworth demo disposal has expressed an interest in renewing this contract for another three year period. With the following proposed amendments, the contract will be effective July 1 of this year till June 30 of 25. And the change in the demo disposal rate from 155 per tons with a \$5 minimum which is a \$30 increase from the previous three year contract. Again, fuel prices on that kind of thing is driving the increase. This is not money. This the city paid no money for this. This is just him saying that yes, Ellsworth residents can bring these materials to his facility to dispose of them at this is the rate he's going to charge them per our solid waste ordinance. It says that we will offer these services to our residents. And since we stopped collecting them, we contract with him to take them for us at these rates.

**Gene Lyons**

what would happen if we said no.

**Lisa Sekulich**

That's the question of the day. Back to 2010. Before I was here, I don't know really what happened. This has been an ongoing thing since 2010. Previous to that we did take these materials, we really don't have the room at our facility any longer as well as it was just a mess. And so it was easier, cleaner, whatever you want to call it to have them facilitate those materials. Or that service, I guess.

**Steven O'Halloran**

couldn't Ellsworth residents, go to this business? And ask if they will accept it without a contract? What's the purpose of the contract? I guess they're in business to accept this stuff, right?

**Michelle Kaplan**

I think it just, again, this is speculation on my side. I think it's because it says in our ordinance, we will offer the services. So by having a contract, we have a contract that he has to take them for three years. It is us reassuring our citizens that for the next three years, you have place to take that old refrigerator or your deck that you demolished or whatever we as a city can tell you we have a place you can take it. This is that same service that when I drive up and I got a load of carpets, the guys come up and take it off. And then

**Lisa Sekulich**

But yes, that is the same place and all it is is saying there's a \$5 minimum. So if you just bring that five pound piece of carpet, he's still going to charge you \$5 That's the minimum he's going to charge you but he's going to charge you \$155 ton. Honestly most residents are going to fall in the \$10 to \$50 range. When they drop stuff.

**Marc Blanchette**

Sometimes those residents fall into the category. That's all you got a dump it get out of here. So Josh is pretty easygoing. As Michelle said they're very helpful out

**Lisa Sekulich**

They're very helpful. You know, when we pick up TVs and refrigerators and stuff on the side of the road, that's where we take them. And honestly, nine times out of 10, we just throw it in the scrap metal pile and we don't pay anything for getting rid of.

**Marc Blanchette**

without a contract, he could charge us anything he wanted to

**Lisa Sekulich**

without a contract. He could.

**Marc Blanchette**

You know, yeah, there's an increase, but I'm sure his cost. I know costs have gone up to say the least.

**Robert Miller**

So motion to approve.

**Gene Lyons**

Second

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**Dale Hamilton**

Motion and second. Any discussion? No. All those in favor Item 24 Council order number 062010 Request of the water superintendent to enter into agreement with Woodard and Curran to engineer the Surry road water main replacement project.

**Reggie Winslow**

Hello again Reggie Winslow Water department superintendent. Again we received money from the drinking water program state revolving funds or grant capacity to development and they are going to fully fund the design of the Surry road water main project 157,000 Now we will have to pay this upfront or not in full but we pay it first and then it's a full reimbursement of funds. This is to run a new water line down the Surry road from Laurel Street to hillside drive or to this country store. It will also eliminate the cross country section of water main and remove asbestos cement pipe and old cast iron pipe with lead joints

**Gordon Workman**

does that affect you?

**Reggie Winslow**

Goes up Westwood drive just beyond Gordon's house. Okay. Cut through the woods there on the opposite side of the road over to Mountain View and then to hillside or hillside then Longview.

**Michelle Kaplan**

Move to approve the request of the water department superintendents to enter into an agreement with Woodard and Curran to engineer the Surry road water main replacement project.

**Gene Lyons**

Second,

**Michelle Kaplan**

to find the number here. \$157,000

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**Dale Hamilton**

motion and second. Any further discussion? All those in favor? Unanimous. Thank you all very much. And item 25 presentation on the rainbow crosswalks by John Linnehan sponsored by councilor Lyons.

**Gene Lyons**

I believe he got his question answered during number six hours ago.

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**Dale Hamilton**

So we can we can dispense with that. So yes, yeah. All right. All right. Item 26 Executive Session to discuss labor negotiations between the city of Ellsworth and the Ellsworth Police Association in accordance with MRSA title one chapter 13. Section 405. Paragraph six D.

**Robert Miller**

So moved.

**Marc Blanchette**

Second

**Dale Hamilton**

Motion and Second. All those in favor? All those opposed? We are going into Executive Session.

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**Dale Hamilton**

All right, item 27. Council order number 062011 action on labor negotiations between the city of Ellsworth and the Ellsworth Police Association.

**Robert Miller**

I make a motion to approve the contract.

**Marc Blanchette**

Second,

**Dale Hamilton**

have a motion and second. Any discussion? All those in favor? Unanimous approved. Is there a motion to adjourn?