

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, May 16, 2022 at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will continue to be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page; as well as recorded and made available live on Spectrum Channel 1303.

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

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

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 meetings:
 - April 18, 2022 Regular Meeting
Motion to approve by Blanchette, second by Hanson, passed
5. City Manager's Report.
6. Committee Reports.
7. Citizens' Comments.
8. Presentation of Awards.

UNFINISHED BUSINESS

CONSENT AGENDA

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

NEW BUSINESS (** denotes backup material included)

9. Public hearing and action on the issuance of Business License (s):
 - ✚ Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License. **
Motion to approve by Blanchette, second by Kaplan, passed

- ✚ AR-CH LLC d/b/a Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License. **
Motion to approve by Kaplan, second by Hanson, passed
- ✚ Giri Ellsworth Inc., d/b/a Ramada by Wyndham Ellsworth, 215 High Street for renewal of a City Lodging License **
Motion to approve by Hanson, second by Kaplan, passed
- ✚ Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License. **
Motion to approve by Kaplan, second by Blanchette, passed
- ✚ Douglas J. Kiehm and Racheal E. Wallace d/b/a Homestead Motel and Cottages, 143 Bucksport Road, for renewal of a City Lodging License. **
Motion to approve by Kaplan, second by Hanson, passed
- ✚ Ellsworth Casa Jalisco LLC d/b/a Casa Jalisco, 205 High Street for new City Class C License (Liquor and Victualer) and new State Restaurant (Class I, II, III and IV) Malt, Spirituous, and Vinous Liquor License **
No action. No representatives present. Motion to table by Kaplan, second by Hanson, passed (1 opposed- O'Halloran) Will place on 5/23/2022 special agenda.
- ✚ Cresswell Investments LLC d/b/a Airline Brewing Company, 173 Main Street for renewal of a City Class B (Victualer, Liquor and Amusement) and renewal of a State Restaurant (Class II and IV) Malt and Vinous Liquor License. **
Motion to approve by Hanson, second by Blanchette, passed
- ✚ American Dream Restaurants LLC d/b/a Pizza Hut, 211 High Street for new City Class C License (Liquor and Victualer) and new State Restaurant (Class I, II, III and IV) Malt License **
Motion to approve by Hanson, second by Blanchette, passed
- ✚ Flex It Café and Bakery, 142 Main Street for a new City Class C license (Victualer and Mobile Vending Unit) **
Motion to approve by Kaplan, second by Blanchette, passed
- ✚ Crazy Sumo LLC d/b/a Crazy Sumo, 75 High Street for a new City Class C license (Victualer and Liquor) and New State Restaurant Class A Restaurant/Lounge. **
Motion to approve by Blanchette, second by Hanson, passed
- ✚ 151 Main LLC d/b/a Riverside Café, 151 Main Street, for a new City Class C license (Victualer and Liquor) and New State Restaurant Class I, II, III, IV Malt, Spirituous and Vinous Liquor License **
No action. No representatives present. Motion to table by Hanson, second by Blanchette, passed (1 opposed- O'Halloran). Will add to 5/23/2022 agenda.

10. Public hearing and action on Council Order #050001, the Ellsworth School Budget Resolutions for FY 2022.
- a. Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Ellsworth Schools for FY2023.
Motion to approve for \$7,882,538.34 by Hanson, second by Blanchette, passed
 - b. Order Approving Non-State Funded School Construction Debt Service For Ellsworth Schools For FY2023.
Motion to approve for \$88,100.56 by Hanson, second by Blanchette, passed
 - c. Order Raising And Appropriating Additional Local Funds For Ellsworth Schools For FY2023.
Motion to approve for \$3,058,167.75 by Hanson, second by Blanchette, 3-1-1 (Kaplan opposed, O'Halloran abstained) failed

- d. Order Approving Total School Operating Budget for Ellsworth Schools for FY2023.
Motion to approve for \$25,037,934.25 by Hanson, second by Blanchette, 3-1-1 (Kaplan opposed, O'Halloran abstained) failed.
- e. Order Appropriating And Raising Funds For Adult Education For FY 2023 As Required By The Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A (1).
Motion to approve for \$287,753.38 by Hanson, second by Blanchette, passed
- f. Order Raising Local Funds for Food Service in the Ellsworth Public Schools for FY2023.
Motion to approve for \$208,181.09 by Hanson, second by Blanchette, passed
- g. Order Authorizing Expenditure of Grants and Other Receipts for School Department Programs.
Motion to approve by Hanson, second by Blanchette, passed
- h. Order Authorizing Disposition of Additional State Funding for Public Schools for FY2023 in the event of an increase.
Motion to approve by Hanson, second by Blanchette, failed 3-1-1 (Kaplan opposed, O'Halloran abstained)
Motion by Blanchette to approve with additional funds coming back to the City, second by Kaplan, failed 3-1-1 (Hanson opposed, O'Halloran abstained)

Special Meeting called by Chair Hamilton for 5/23/2022 to revisit the school budget.

- 11. Public hearing, discussion, and action on the adoption of a new ordinance entitled the Overnight Mooring and Anchorage Control Ordinance. **
Motion to table by Kaplan, second by Hanson, passed 4-0-1 (O'Halloran opposed)
- 12. Council Order #051602, Request of the Police Chief to allow the Finance Director to deposit forfeited funds into the Police Forfeiture Reserve Account **
Motion to allow by Blanchette, second by Hanson, passed 4-1 (O'Halloran opposed)
- 13. Council Order #051603, Request of the Public Works Director to award the Red Bridge Road culvert replacement project engineering **
Motion to approve by Blanchette, second by Hanson, passed 5-0
- 14. Presentation by Green Ellsworth on Budget Considerations (sponsored by Hanson)
- 15. Executive Session pursuant to 1 M.R.S.A. § 405 (6) D to discuss labor negotiations between the City of Ellsworth and the Ellsworth Police Association (affiliated with the Maine Association of Police-MAP)
Motion to enter by Blanchette
Second by Hanson
Passed 4-1 (O'Halloran opposed)
- 16. Adjournment.

City Council Meeting May 16, 2022

Dale Hamilton

All right. I call the order this May 16 2022 Ellsworth city council meeting. Councilor Miller and Councilor Lyons are both excused absences. Rules of Order we follow Robert's Rules of Order and any other rules that are voted in during the organizational planning meeting.

Dale Hamilton

Item four adoption of the Ellsworth City Council minutes from the following meeting is April 18 2022 regular meeting.

Marc Blanchette

So moved.

Casey Hanson

Second

Dale Hamilton

motion and a second, any discussion? All those in favor. And I should just note for the record for four members or more constitutes a quorum, so we obviously have a quorum. And voting rules remain it's for routine voting, it's a majority of the members present. So this evening it will be three or more councilors for motion to pass. Item five city manager's report manager Moshier.

Glenn Moshier

Thank you. Good evening councilors. Real quick before I get into my report, I just want to send a my heartfelt condolences and condolences out to the Merchant family. Our Officer Shawn Merchant and former Finance Director, Jenn Merchant, Shawn's adult daughter was killed over the weekend in a tragic car accident. So there's a lot of suffering in City Hall and in particular in the police department. So just want to send a heartfelt condolences out to them and the whole Merchant family and for what they're dealing with right now. But on to other things. This week happens to be several national weeks of recognition. So we have National Police Week. So thank you to all of our police officers, and dispatch staff that work diligently every day to keep us all safe. It's also EMS Week. So thank you to our firefighters and EMS folks downstairs who respond to the call when folks are in need of medical assistance. And then also public works. So thank you to all the folks in public works, who keep our streets cleared, and, and lots of other things to keep our city running. So thank you to all of those folks. And this week is national recognition for all those groups. And then finally, road closure announcement. The city's getting prepared to put the parklet back in place on Franklin Street will be happening next week. The end of next week, just in time for Memorial Day. So just wanted to let the public know and prepare them for the section on Franklin Street to be closed from Main Street to the City Hall parking lot. That's all I have, sir.

Dale Hamilton

Any questions?

Michelle Kaplan

Oh, that was a one year just for one year. Last year.

Glenn Moshier

it was. Well, last year was sort of a trial run. And we got a lot of positive feedback from the downtown merchants felt it was a valuable resource for them to have. And a lot of other folks not merchants necessarily but other folks who gave us positive feedback about enjoying the opportunity to have a gathering spot downtown. So opted to bring it back for this year and see how see how we can enhance the use of our downtown.

Dale Hamilton

Questions. Seeing none. Item six committee reports any Councilors attended any committee meetings other than the budget workshops, the ongoing budget. So I've just note that the budget workshops will continue. We'll resume those next Monday, the 23rd those are at six o'clock. Item seven citizens comments this is a portion of the agenda that any citizens can make comments that they wish just step to the podium say your name and

John Linnehan

My name is John Linnehan, I've been Ellsworth resident for 73 years. Like to read a letter to the council tonight, dear councilmen and women after the march 21 town council meeting, I felt compelled to have my attorney Justine Berry who's with me here tonight, research conflicts of interest among council members and safety regarding the colored crosswalks. Based on that research, I suggest the decision of the crosswalk be overturn for two reasons. One, a conflict of interest exists within the council to a pine on the matter and to the affirmative vote contravenes made the state laws as well as the federal Manual on Uniform Traffic Control Devices. First, I'd like to address whether a council member should have recused herself from the vote on the rainbow crosswalk based on a conflict of interest. under Chapter 40 of the Ellsworth code of Ethics conduct city officials shall not official shall not use official authority or position to influence or interfere with or affect the results of any election. Moreover, at the record of the organizational meeting held on November 9 2020, the Council adopted the rule that two council members must abstain from voting, whether it's a financial or personal conflict of interests. To add context, Councilmember Hamilton was concerned that consistent with an earlier discussion and recommendation from some community members that the city council will as a Council, as well as individual members vote on issues and take a position unless there is a specific conflict at which time the member will identify the conflict and abstain from the vote. Unfortunately, Councilmember Casey Hansen violated the town's conflict of interest code by sponsoring the discussion of the rainbow crosswalk. Pine Hansen is Councilor Hanson's child, and spoke at the meeting that night, her child described being part of the group, the group proposing the rainbow crosswalk in the first place. In that instance, Councilor Hanson owed a duty to the public to identify the conflict pursuant to chapter 40 of the Ellsworth code of ethics, and then recuse yourself from the vote. Instead, Councilor Hanson said, I think let the people make their comments and then we have our discussion. And then I'll say I'll say my comments for when I make my motion at the end of all the discussion and then later went on to vote on

the matter. Ignorance of the law is not an excuse when an elected official violates policies regarding their position. The fact that councilor Hanson is unaware that a conflict exists is concerning since she holds a public office, which may lead to questions regarding other improprieties based on chapter 40 the Ellsworth Code of Ethics conflict and the organizational meeting held on November 9, 2020 I ask that the rainbow crosswalk vote be overturned with Councilor Hanson recusing herself from the vote. Next, I think the importance of addressing the safety concern was severely overlooked except by one council member, Marc Blanchette.

Dale Hamilton

you have about 30 seconds left.

John Linnehan

Okay, thank you. The association based on the Governor's Highway Association reported that pedestrian deaths in Maine spiked 200% in 2021, based on this significant increase in investigations underway to determine what factors contributed to the sharp increase. And in closing, lastly, I am disappointed that the town of Ellsworth has chosen to favor one group over another based on their sexuality, or identification of sexuality, while putting the safety of all its citizens of risks. There were heartfelt discussions at the March meeting. However, the city council really must investigate a better, safer way to show its compassion. By having a crosswalk rainbow colored, you exclude and discriminate against the majority of Ellsworth citizens and put public safety last respectfully, John Linnehan, I do have multiple sponsors to put this item on the agenda for the June meeting. I hope that you would take it up in advance and realize it's a black and white situation, a right and wrong situation. Thank you very much.

Dale Hamilton

Any other comments?

Steven O'Halloran

My name is Steve O'Halloran. I've lived in the city for 57 years and glad to have done so. There's been much chatter in the last few years about Ellsworth conducting its own EMS service, if you will, I know that there's a committee. I had an occasion to experience a 911 call. And I believe the city of Ellsworth certainly could do a better job. Everyone did fine, but there was three firefighters and three EMS total of six people. Everyone was nice cordial. But the firefighters arrived long before the ambulance. If the ambulance was here, the ambulance would have arrived with or without the fire truck. I'm not sure of those regulations. I just would like to say that I would support the city running its own ambulance service or a different arrangement than what we have right now.

Dale Hamilton

Any other comments? All right. Seeing none. Presentation of awards there are no awards this evening. And unfinished business. There are no items which we will then move into new business.

Dale Hamilton

New businesses public hearing and action on the issuance of business licenses. Madam clerk has everything all set. and we have some new licenses. So as those come up, we'll check to make sure that somebody is here.

First one Shinbashi incorporated dba Shinbashi restaurant 139 High Street for renewal of a city Class C license Victualer and liquor and renewal of a state restaurant class 1, 2, 3, 4 malts spirituous and vinous liquor license. This is a public hearing. So open the public hearing. Public Hearing is open. Anybody that wishes to comment on that may do so. Seeing none I will close the public hearing. Public Hearing is closed.

Marc Blanchette

Moved to approve. Mr. Chairman

Michelle Kaplan

Second.

Dale Hamilton

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

Dale Hamilton

AR CH LLC DBA Twilight motel 147 Bucksport road for renewal of the city lodging license. This is a public hearing. So open the public hearing. Public Hearing is open. Anybody that wishes to comment may do so. Seeing and I'll close the public hearing. Public Hearing is closed.

Michelle Kaplan

I move to approve.

Casey Hanson

Second.

Dale Hamilton

Motion is seconded any discussion? All those in favor? Unanimous

Dale Hamilton

Giri Ellsworth incorporated DBA Ramada by Wyndham Ellsworth to 15 High Street for renewal of a city lodging license. This is a public hearing open public hearing. Public Hearing is open. Anybody wishes to comment? Seeing none close the public hearing

Casey Hanson

Move to approve.

Michelle Kaplan

Second.

Dale Hamilton

Motion and a second. Any discussion? All those in favor? All those opposed. Unanimous.

Dale Hamilton

Brian Langley DBA Union River Lobster Pot 8 South Street for real the city Class C license victualer and look liquor and renewal of a state restaurant class 1234 malt spirituous and Vinous liquor license. This is a public hearing open public hearing. Public Hearing is open. Anybody that wishes to comment may do so. Seeing none I'll close the public hearing. Public Hearing is closed.

Michelle Kaplan

Move to approve.

Marc Blanchette

Second,

Dale Hamilton

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

Dale Hamilton

Douglas J Kiehm and Rachel E. Wallace DBA Homestead Motel and Cottages 143 Bucksport Road for renewal of a city lodging license. This is a public hearing. I'll open the public hearing. Public Hearing is open. Anybody that wishes to comment may do so. Seeing none I'll close the public hearing. Public Hearing is closed.

Michelle Kaplan

Mr. Chairman so move.

Casey Hanson

second,

Dale Hamilton

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

Dale Hamilton

Ellsworth Casa Jalisco, LLC DBA Castle, Jalisco 205 High Street for new city Class C license liquor and Victualer and new state restaurant class 1234 malt Spirituous and Vinous liquor license. This is a public hearing public hearing is open. Do we have a representative there is no one here. That case we can't take action correct where it's a new So first, I'll close the public hearing. Public Hearing is closed. where this is a new license we require representation.

Michelle Kaplan

I propose we table.

Casey Hanson

Second.

Dale Hamilton

Motion and a Second. All those in favor? Aye. Those opposed? One opposed? Motion passes that is tabled. (O'Halloran opposed) What I would say is where we're having a special meeting on Monday prior to the budget meeting, if you could reach out to them, we could add that item as well and move that license along.

Steven O'Halloran

Were these people advise they had to be here. Thank you,

Marc Blanchette

Mr. Chairman if per chance they happen to show up they think the meeting is at seven, for instance. I'd like to be able to go back to this one item.

Dale Hamilton

Absolutely. Anything that's on the table, you can put it back on the table during that meeting or subsequent meetings. So so if somebody is representing Casa Jalisco and is listening, please come down to City Hall.

Dale Hamilton

Creswell Investments LLC DBA Airline Brewing Company 173. Main Street for renewal of a city Class B Victualer. Liquor and amusement and renewal of a state restaurant class two and four malt vinous liquor license. This is a public hearing. Public Hearing is open. Anybody that wishes to comment may do so. Seeing then public hearing is closed.

Casey Hanson

Move to approve.

Marc Blanchette

Second.

Dale Hamilton

Motion and a second. Any discussion? All those in favor? All those opposed? Unanimous.

Dale Hamilton

American Dream restaurants LLC DBA. Pizza Hut 211 High Street for a new city Class C license liquor and Victualer and new state restaurant class 1234 malt license. public hearing is open. Anybody that wishes to comment may do so. So I'll close the public hearing. Public Hearing is closed. Any questions?

Casey Hanson

Motion to approve.

Marc Blanchette

Second

Dale Hamilton

Any discussion? All those in favor? Unanimous? Thank you.

Dale Hamilton

Flex IT Cafe and Bakery 142 main street for a new city class C licensed Victualer and mobile vending units. This is a public hearing open the public hearing public hearing is open. And you anybody that wishes to comment may do so. Seeing none, I'll close the public hearing. Public Hearing is closed.

Michelle Kaplan

move to approve.

Marc Blanchette

Second.

Dale Hamilton

Motion and a second. Any discussion? All those in favor? Unanimous.

Dale Hamilton

Crazy sumo LLC DBA Crazy Sumo 75 High Street for a new city class C licensed Victualer and liquor and new state restaurant Class A restaurant lounge. There's a public hearing open the public hearing. Public Hearing is open. Anybody that wishes to comment may do so. Seeing none I will close the public hearing public hearing is closed.

Marc Blanchette

approval Mr. Chairman.

Casey Hanson

second

Dale Hamilton

motion and a second. Any discussion? all those in favor. Unanimous

Dale Hamilton

And 151 main LLC DBA Riverside cafe 151 Main Street for a new city Class C license Victualer and liquor and new state restaurant class 1234. Malt Spirituous and vinous. Liquor license. This is a public hearing open the public hearing. Public Hearing is open. Public Hearing is closed.

Casey Hanson

move to table.

Marc Blanchette

Second.

Dale Hamilton

All those in favor. Aye. Those opposed. Motion passes item is tabled. And if they don't appear this evening, we will add it to Monday. (O'Halloran opposed)

Dale Hamilton

All right item 10 public hearing and action on council order number 050001. The Ellsworth school budget resolution resolutions for FY 2023. What we'll do is we'll come back to, we have to vote on each one separate. So I'll come back to read each one at that time. But at this point, I'll turn it over to the interim superintendent to present.

Katrina Kane

Good evening. Nice to see you again, just briefly, because I know we've reviewed this in depth at the budget meeting and also with the school committee. But just to recap a few things about the school department budget. In general for this year, the total local contribution this year represents a 1.36% increase, or \$155,001.35. The biggest drivers in the budget this year coming up for that for fiscal year 23 Are electricity. As everyone has been talking about EEMS, the anticipated increases \$71,000 and at EHS, it's \$97,000. So \$168,000 of the increase are those anticipated costs, supplies for things, such as are needed at Hancock County Technical Center, for example, the welding program, all of those supplies have increases. Regular instruction has an increase for two additional educational technicians. Those are regular ed technicians that will be available to help students that need to come out of the classroom for a little bit and perhaps don't have any other services. But it will benefit those students and allow the rest of the classroom to continue learning until we can support those students and have them shift back in to their regular room. And then there are just other regular increases from collective bargaining agreements for insurance and salaries. But essentially, offsetting those pieces are some excellent increases in revenues. And some additional revenue from the state almost half a million dollars, which is helpful. Our enrollment is staying steady. So those pieces are great, other than the technical center where the enrollment is 100 students to over 300. So some nice changes happening there. And then really other changes such as adult education, having increased just as the same with the schools in rent and electricity. So those are really the biggest drivers, as we discussed last time. And I will take any questions that you have

Dale Hamilton

can you just address the electric? Because there's some nuance to that that was presented the workshop that the public be interested in?

Katrina Kane

Yes. What more would you like to know about that? Those are, you know, essentially? Well, for EEMS in particular, that system, as you know, we don't have, we don't have oil there. But it is geothermal driven. So it's all electric, at the elementary school and then for the high school. So those are just what we're anticipating in increases for next year. Based on what we're seeing right now.

Dale Hamilton

Didn't you lose the contract that for that you had to go back out because the company

Katrina Kane

we did the vendor that we have a contract with went out of business. And so we are paying standard rate right now correct Carolyn? for all schools for electricity until such time as we can lock in with a new vendor. And they are watching the market. And so we're hopeful that we will not be having standard rate moving forward. But it'll take a little bit until we know exactly where we'll be.

Michelle Kaplan

So you said that some of the increases are because of collective bargaining agreements with increased salaries and increased insurance?

Katrina Kane

Well, the insurance so health insurance goes up every year, typically, anywhere from eight to 10%. And then collective bargaining agreements that we have for the educational technicians, teachers, for example. So those are just they're the cost of their salaries. We have several teachers moving into the master's degree lane next year, which is great. They continue their education. So instead of being on The Bachelor scale, they move to the master scale. So that's Great for our students. So, so those are the anticipated costs of their wages increasing for next year? Yes. In the following year, next year, we will be many of those collective bargaining agreements are due to be revisited. And I, I did mention in our workshop that going forward, particularly for hourly employees, I expect a larger impact down the road in order to keep up with local conditions for hourly employees,

Michelle Kaplan

what is the percentage paid by employer versus employee on the insurance?

Katrina Kane

It would depend on, I'm not sure if that's the same for each collective bargaining agreement. So I'm calling business manager Carolyn Heller to help me with that.

Carolyn Heller

There we go. That's better. So for the teachers, they pay 80% of I'm sorry, the school department pays 80% of the policy, single through family for Ed Techs, and most hourly employees, we pay single insurance, anything above a single plan, its employees cost.

Michelle Kaplan

That's just a single payment plan, the employer pays

Carolyn Heller

100% for attacks, administrative assistants, and so forth. Bus drivers, school nutrition staff.

Michelle Kaplan

So the increase in cost of insurance because I'm looking at, you know, inflation is hitting everybody hard. And everybody else's insurance goes up too. But, you know, when you're dealing with monies that are coming from taxpayers, they're getting less and less to go around. You got 8% inflation right now, but only 5%. You know, some people lucky if they get a 5% Raise. And you know, if you have a set dollar amount of 100,000 or 50,000, for your family income, and taxes go up and gas has gone up and food has gone up. There's not as much of that pie to divvy up among the families that are paying your salaries and your insurance and everything else. And every year, things are going up. And where's the breaking point?

Carolyn Heller

Yeah, well, we've actually been very fortunate in Ellsworth. Our insurance is through the MEA benefits trust, as anthem through mea benefits trust. For the past two years, we had no increase. This year, we have an 8% increase. These increases along with the cost of electricity. That's why we did not introduce a lot of the things we would have liked to put into the budget this year. There are a lot of capital improvement projects that we're pushing aside. And there are some positions that many in leadership felt very strongly we needed to add to support this the instruction and safety of staff and students. And we're not doing that, because we have an appreciation for what a difficult time this is for everybody. So we really tried to hold line.

Dale Hamilton

Other questions?

Michelle Kaplan

How many staff are being added?

Katrina Kane

There are two staff two regular education technicians that are being added. And for I believe, for special education.

Carolyn Heller

We didn't remove two, we have moved two out of the grant so just two

Michelle Kaplan

and the grant covers it for the first two years. But after that it's if we decide to keep it it's on the Ellsworth taxpayer.

Katrina Kane

Yes, unless another grant comes around, which sometimes happens, our Title One Funds, for example, could increase. And so if it's a position that hasn't been funded locally, we can then pay those positions out of that grant funding. So we're always looking to use those resources first, as much as possible.

Michelle Kaplan

And so I think in worst case scenario is two years from now. There's no grant, and we decide not to renew the position. The people that are hired, would they understand that they might have a job only for two years?

Katrina Kane

Yes. Fortunately, with a system as large as Ellsworth is typically what happens is staff that we have that are hired already look for the openings that are happening within the system and shift into those positions first. So especially with educational technician positions where there's such a shortage of people to fill those roles. I, I don't know Ellsworth history, but I think it's been a very long time since districts have had to had to ruff or reduce, you know, reduce a position because of something like that usually, through attrition, retirements, things of that nature. There's something that comes to open that that people shift into.

Michelle Kaplan

So we wouldn't be looking at like a lawsuit or contract problem two years from now.

Katrina Kane

Right. Good question. No, and grant funded employees. That's right in their work agreement, that they understand that they're grant funded, Title One staff and folks of that nature, yes.

Marc Blanchette

Katrina, Carolyn mentioned some capital improvement items that were set aside, I'd be curious to know what are the top two was set aside that didn't make the cut

Katrina Kane

the top two that didn't? Well, one of the largest pieces that didn't make the cut, that needs a long term solution in conversation in partnership with the city is the the track and the lighting at the track both the surface and the lighting is going to be going to be very costly, but it needs to be resurfaced. And the replacing the lights will be very challenging. And we know that in partnership with the fire department who has talked to us about the challenges with changing those out. The other piece is replacing the fire panel at the high school. That will be a large project probably 135 to \$150,000. But again, it's an aging building. And so that will be need to be done. There is a list of about 10 items, but those are the really the highest priority pieces other than I would say the roof which rather than doing all at once is being done in six phases. And I would this would be a good point to make a correction I spoke in error. When you asked me at the workshop about the about the roof the section I spoke of was not the section that had been done. That's the next section to be finished. And that is in the budget to be done this coming year the piece that was leaking in around the library area that you asked about.

Marc Blanchette

Okay. Are ARPA funds available, you have 900,000 left, you can take those, any of those funds available for any of these high priority.

Katrina Kane

So those funds are actually being used for other facilities improvements, so that we do not have to put them in the local budget. Those are pieces that are life and safety issues. So for example, the high school windows that we talked about on the second third floor that don't open there are 26 windows, I believe. And it was something else that bleachers- second, the other side, we did the home side, and we need to do the visitors side of the bleachers as well. And we'll know once we're out to bid, we'll have a better idea of exactly what those what those pieces will be. I think that estimate that we have is probably as we discussed last week, probably far lower than what it will realistically cost to do the windows but again, the life and safety piece that needs to be done.

Michelle Kaplan

It was something I underlined that I thought was kind of interesting. Oh here under supplies. You have EHS fine art supplies, \$10,000. PE health supplies 4600. Science, zero. Page three of 29. hard to believe that you wouldn't need any money for science.

Katrina Kane

I am wondering if it's in a different place because for example, I know for science at the high school, we're replacing the high school science tables or the original tables that we use in the labs. And those are slated to be to be replaced. So but the ticket the amount of the item is is such that it probably is under equipment instead of a supply just because it's more than \$500 and then otherwise,

Michelle Kaplan

on page 3 of 29 line 104..

Carolyn Heller

The, during COVID, with all of the grant money that we had, we were buying a lot of supplies so that kids would not be sharing. So the students weren't using the same beakers and what have you. So I suspect that we have plenty of supplies at this time. And that's why that rather, we have plenty of equipment. So I have to trust my high school science teachers to put in the request that they need and to, hopefully not put in things they don't.

Dale Hamilton

I'll just make a comment that I made at the workshop this. So in this budget, there's \$2 million of essentially funds that are carried over because they're unspent from prior years. And so that \$2 million is filling a hole in terms of that we don't need to fund as taxpayers for this coming year. Last year, I think it was 1.8 million that we used. And so as we start to move out, in future years, the amount of carryover funds will become less. And at some point, those expenses that the cost of operating our schools, unless there's some dramatic increase in terms of other revenue and state and whatnot, could be represent a big cliff for the city in the next three, three to five years. So it's just something that I think the whole community needs to understand how that budgets constructed and what's being put into it

that at some point, that could represent a pretty significant issue for the city. And, and I know, we had a little bit of discussion about trying to work more collaboratively as a Council and the school board, which I think would be the right direction for the city to start planning and coordinating costs so that we can be more efficient and prepare for for that.

Katrina Kane

Absolutely.

Michelle Kaplan

Also, under regular elementary field trip, line 57. On page two, it shows it looks like it's a part time position, or is that you borrowing somebody from another class, because it also comes with field trip retirement, at \$107 And so I'm wondering, are we paying retirement for part time employees? Or is that because it's a full time employee who works somewhere else who covers the field?

Carolyn Heller

It is the latter. So these are regular bus drivers who will pick up field trips during the day. And retirement is paid if they're members of MainePERS. It's based on a percentage of the wages. So there's always a little bit of money that follows them on the retirement lines.

Dale Hamilton

Any other questions? All right, let me read the entire item, and then I'll open the public hearing. So public hearing and action of council order number 050001. The Ellsworth school budget resolutions for FY 2023. A) order approving state local EPS funding allocation for public education from kindergarten to grade 12 For Ellsworth schools for FY 2023 B) order approving non state funded school construction debt service for Ellsworth schools for FY 2023 C) order raising and appropriating additional local funds for Ellsworth schools for FY 2023 D) order approving total school operating budget for Ellsworth schools for FY 2023 E) order appropriating and raising funds for adult education for FY 2023 as required by the Maine Revised Statutes title 20 dash a MRSA section 8603 dash a one F) order raising local funds for food services Ellsworth public schools for FY 2023 G) order authorizing expenditure of grants and other receipts for school department programs. H) order authorizing disposition of additional state funding for public schools for FY 2023. In the event of an increase Where this is a public hearing or open the public hearing, public hearing is open. Anyone that wishes to speak on this item may do so at this time.

John Linnehan

John Linnehan from Ellsworth, I would like to see the school budget voted down with any increase. I think there is tough times out there, a lot of people are feeling it financially. And I think the school needs to hold the line on I'd like to see a cut, but at the very least hold the total budget down with no increase.

Dale Hamilton

Anyone else like to speak. Seeing none, I will close the public hearing. Public Hearing is closed.

Steven O'Halloran

I'm going to abstain from voting on this. My wife is an employee of the school department. And I feel that that's a conflict of interest. And I'm going to step aside

Dale Hamilton

we haven't get to voting, I will say what I said every year since I've been on the council, my wife is also employed by the school department. However, I have a different opinion on the matter. We as a council can only approve the top line of the budget, we don't have any authority for line item votes, which means we can't influence decisions that are made in terms of pay, benefits or anything else, all we have authority over is that top line budget. Once the council settles on and approves a budgets, whether it's this one or another one, it then goes out to the community for the final authorization by the community as a referendum item. So as far as the definition of personal gain, there is no ability for for me to have personal gain by voting on this matter. So I always disclose the fact that my wife is employed, but I also do not believe that it is a conflict of interest. yes, we have to take each one of these items separately, A through H.

Michelle Kaplan

And so when we do this, this is for the total line each one or is this.

Dale Hamilton

So each one has a separate amount associated with it, which is embedded in each item. And there should be are those in front of it's in the packet

Casey Hanson

can I say it this way motion to approve state local EPS funding allocation for public education from kindergarten to grade 12 for Ellsworth schools for financial year 23.

Marc Blanchette

We need an amount in the motion.

Casey Hanson

for \$7,882,538.34.

Marc Blanchette

Second,

Dale Hamilton

have a motion a second? Before we get to the vote, just to remind that, that even though there's an abstention from voting, we still require three to pass because it's the number of members present, not members voting. The other thing that I would say, just to make sure that all counselors are aware of if any counselor believes that another counselor does, in fact, have you have a different opinion about a conflict. You can bring that up and there can be a discussion and a vote on that as well so that you have that discretion. I just want to make sure that everybody is clear on that before we get into the voting.

Michelle Kaplan

And why does it require three?

Dale Hamilton

Because it's the number of counselors present. You have to have a majority vote and It's based on the number of councilors present. So if there's an abstention, it's still the members still present. They've just deciding because of a conflict that they can't vote. So it doesn't change that requirement for the threshold. So we have a motion and a second. On Item A any discussion? Seeing none, all those in favor? Motion passes.

Casey Hanson

move to approve non state funded school construction debt service for Ellsworth schools for financial year 23. For \$88,100.56.

Marc Blanchette

Second

Dale Hamilton

motion and seconds. Any discussion?

Michelle Kaplan

Where's that on this sheet? It's in the budget. Yes, I'm trying to figure out where it is over here.

Dale Hamilton

Motion, a second. All those in favor. Motion passes.

Casey Hanson

Motion for appropriation of additional local funds as required by Maine Revised Statutes title 20 A 15690 3 A to B for \$3,058,167.75.

Marc Blanchette

Second,

Dale Hamilton

have a motion a second. Any discussion? All those in favor? All those opposed? One opposed motion passes. (Kaplan Opposed)

Gary Fortier

doesn't Charter require four affirmative votes to pass anything.

Dale Hamilton

It requires the majority. We will double check. Oh, that's fine. It will save us from redoing if we're doing. Clerk what I see is that we have to have four members or more for a quorum. And then voting states

that the council may act only by ordinance order resolve all ordinance, orders and resolves except budget resolves must be confined to one subject, the budget order resolve must be confined to the subject of operations only. No ordinance order or resolution will be adopted or effectuated except by a majority vote of the council except as provided by this charter. So that would, by definition, majority vote of the council would mean four as opposed to the quorum.

Casey Hanson

that's how it reads to me.

Dale Hamilton

No budget resolves we just have to We can't vote all of it at once we have to break it up. That's what that's referring to.

Casey Hanson

Yeah, this says, quorum voting three or more trustees constitute a quorum for the purposes of voting, each trustee has one vote for the purposes. An affirmative vote of a majority of a quorum constitutes a majority vote for the board and is required for all board action. With the exception of a determination of vacancy, which requires. So that's that with the exception of a determination of vacancy, which requires the affirmative vote of four trustees. I don't know what your determination of vacancy is. That's section 804.

Marc Blanchette

Vacancy would be when there was a seat that is vacant on the council. Not necessarily one, just

Casey Hanson

because you weren't here tonight. Okay. So I think you're right. Three is good.

Dale Hamilton

Any other opinions on that?

Marc Blanchette

Gary, Are you finding anything that we aren't

Gary Fortier

I just got a cell phone. My eyes are bad. So I'm working.

Dale Hamilton

So that's in the charter under

Casey Hanson

Section 804 is quorum voting. And that says, a majority of the quorum constitutes a majority vote.

Dale Hamilton

And so that defines the term majority vote, which then in section two uses the term majority vote. So that puts definition to that

Marc Blanchette

I believe we're good to go.

Dale Hamilton

No, that's fine. I just wanted to make sure that everybody had a chance to weigh in if there's a difference of opinion because I need to make a ruling on it as chair so I want to make sure I give everybody a chance to

Jason Ingalls

Section 8 is the library that I just want to point out.

Dale Hamilton

Okay, that's the library Thank you. So eight does not pertain to this I apologize. This is messy but we want to get it right so that we vote correctly. It's it allows voting by the majority, if you have a quorum, which we do, then the rules are that to vote an item in is by majority. And so whatever that quorum is, if it's four, then obviously then you need three votes. If it's five, you need three votes, that that part is clear. Otherwise, we wouldn't be able to conduct business. So my question is, why would we be that would define the majority vote embedded in that? I would think I wouldn't think that because otherwise all of the votes not just this vote would require four votes each time which would surpass the majority threshold

Gary Fortier

Under Section 10.05 word usage and definitions. Definition majority vote is the affirmative vote of four members.

Casey Hanson

I just read that to mean when all seven of us are here.

Dale Hamilton

Gary, can you step up? I want to ask you a question

Gary Fortier

that came off someone else's phone. It's not on my phone.

Dale Hamilton

So this is saying that you can this is for any vote that definition? So if we have a situation where we, we can vote and we can take action on any item. Tonight we have five members, and that the authorization to approve is based on a majority. However, your it's your opinion that this definition requires the threshold is we don't reach four affirmative votes, then it doesn't pass

Gary Fortier

for last 27 years. That's how we've run? Yes, sir.

Dale Hamilton

So it's got to be it's the affirmative, we can still take votes. And as long as we reach that threshold, we're fine.

Gary Fortier

It's similar to your prohibition of adding anything to the agenda unless there were six members present. Tonight, you couldn't add anything because you only have five. So that's over and above what a normal majority vote would be. But I knew it was in there. And thank you to my friend Miss Linnehan has better eyes than I do and found it. The definition of majority is four affirmative.

Dale Hamilton

we're going to table it. So based on that, I think that does sound clearer in terms of if the standard is that you have to have a minimum of four affirmative votes for an item to pass it when you get down, you can have a quorum. And as long as we reach that threshold of four, we can those items will pass. If we end up in a situation like the last vote where we don't reach for affirmative votes, then the item does not pass. So it doesn't mean that we can't conduct business. And it doesn't mean that we can't pass initiatives when when our membership is below the seven. It just means that we have to have four in the affirmative on each matter.

Marc Blanchette

On a budget item, or any item

Dale Hamilton

based on this, it would be any

Casey Hanson

And for these things that we're voting on that have individual items, we can pass some but not others. That's like a possible thing to do.

Dale Hamilton

Well, if we don't pass the whole, I'm assuming for the school board. If we don't pass the whole, it has to go back.

Casey Hanson

And then we have to have a special election.

Dale Hamilton

And then we have to we have to resolve this

Marc Blanchette

special meeting.

Casey Hanson

Can we revote on those things now that we know something different than we knew before?

Dale Hamilton

At this point, I'm going to call for a brief recess, put the council in recess. We need to get this right. And do our best to make sure that we're we, we have that down. And I'd rather spend a few minutes consulting and doing that. So we'll take a recess for a few minutes and then and then return. So, in terms of just looking through this, and trying to sort this out and appreciate Mr. Fortier raising with his experience on the council, his years of experience, that's very helpful. I think this is the first time we've had a situation that I've been involved in that we've had this low number. And so the interpretation of it, the way that it reads is that it defines majority votes. And it and so a majority vote is for in four members in the affirmative. That's the definition. We can we can conduct business, as a Council, as long as we have a quorum, which is four or more. However, it also states that that definition, which is capitalized is capitalized throughout the rest of the charter, so that that meaning follows wherever that is put. So in the course of passing ordinances, resolutions, we are still required to have to meet that definition, which is four or more, even though we are our numbers are less, the majority requirement in terms of a vote doesn't apply if that definition isn't met, as well. So we have to meet that definition in our votes. All the votes, we've taken up to this point up to that last vote, we've met that threshold, and we can continue to vote on items. But we have to meet the threshold of four or more for an item to pass, we'll revisit the where we were with the budget. And second, I do want to have interim superintendent just step up to explain what the process looks like and, and all of that going forward so that everybody understands. I know we have a motion on the table, but this is important for the council will have the full information before we continue voting.

Katrina Kane

So two pieces, if this article fails, it would mean we will not meet the deadline to go to referendum, is that correct? And so and that has already been put in put into place, I'm you know, we would have to go back and I believe that would that piece of the process would have to be done. I'm not sure what the cost to the city is to do that seven or \$8,000, I believe. So additionally, this particular article, the \$3 million additional local, what happens is outside of the EPS formula, there are items that are not covered or not recognized or fully funded on under that formulas. So this additional local piece covers special education costs, technology costs, transportation costs, such as bussing, professional development costs for teachers, and for all staff actually in system administration costs. So. So the school department, essentially, if this article doesn't pass would have to determine what we would do going forward in order to bring a budget back that would pass and I don't I don't think we'll find \$3 million in paper and pencils, I can assure you of that.

Dale Hamilton

all right. So with that said, we, we had a motion, we had a second and we voted and the motion did not pass based on that. If there would be one councilor that could put this back on the table. If not, we'll move on to the next because we've already voted and the only way to revisit a vote is to have a member of the majority vote. In this case, it would be not passing would have to put it back on the table to revisit.

Casey Hanson

I'm sorry, you're saying the person to put it back on the table would be have to be a person who did not vote for it,

Dale Hamilton

correct? Correct. That's the way that that way because otherwise, issues would just put it back on and on and so forth. So it's got to come from that. So I just want to make sure everything's clear about that process. And otherwise, we will move on to 10 D order approving total school operating budget for Ellsworth schools for FY 2023.

Casey Hanson

So there's still an opportunity to put it back on the table. If you do either one of you want to put it back on the table. Knowing that it's probably going to cost us 1000s of dollars to have to revisit this.

Michelle Kaplan

But if we can save hundreds of 1000s of dollars by looking at a different number that will be different.

Dale Hamilton

And councilor O'Halloran can't put it on. He already he abstained from the vote, so he's not in that. Okay.

Dale Hamilton

So then d, is there a motion?

Casey Hanson

Motion to approve total school operating budget for Ellsworth schools for financial year 2023 for \$25,037,934.25

Dale Hamilton

A motion is there a second?

Marc Blanchette

Second?

Dale Hamilton

Is there discussion? All those in favor, aye. All those opposed? Motion fails. (Kaplan opposed)

Dale Hamilton

Item E order appropriating and raising funds for adult education for FY 2023 as required by the Maine Revised Statutes title 20 dash a MRSA section 8603 dash a one

Casey Hanson

move to approve appropriating raising funds for adult education financial year 23 as required by the Maine Revised Statutes, so forth for \$287,753.38.

Marc Blanchette

Second,

Dale Hamilton

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

Dale Hamilton

F water raising local funds for food service in the Ellsworth public schools for FY 2023.

Casey Hanson

Move to approve the order to raise local funds for food services in the Ellsworth public schools for financial year 2023 or \$208,181.09. Second,

Dale Hamilton

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

Dale Hamilton

G order authorizing expenditure of grants and other receipts for school department programs.

Casey Hanson

Move to approve the order to authorize expenditure of grants and other receipts for school department programs.

Dale Hamilton

We have a motion. Second, have a second any discussion. All those in favor. Motion passes.

Dale Hamilton

H order authorizing this position of additional state funding for public schools for FY 2023 In the event of an increase

Casey Hanson

Move to approve the order authorizing disposition of additional state subsidies.

Dale Hamilton

Second, hey discussion.

Marc Blanchette

And that stipulates that it goes way up. We're about to get the answer. Just want to make sure that's part of the motion.

Katrina Kane

So it doesn't stipulate where I know the last time this happened, that the school department use some of the funds to add some expenditures for I believe it was staffing that were needed that came to light since the budget had passed and the rest they use to decrease the local appropriation.

Dale Hamilton

You have a friendly amendment you want to suggest

Marc Blanchette

that it comes back to the city rather than the school board. And the reason we did that last year between us because I totally forgot to make that motion a year ago. In prior years, I've made it several times. My feeling on that is that once the citizens have voted to appropriate X amount of dollars if the city was to come in into I'm sorry if the school was to come into more dollars like they did last year 675K That it should all be returned to the, to the residents.

Katrina Kane

I understand that. And I wasn't here. So I don't know exactly the circumstances the same thing happened. In Hancock, we did exactly as you said, only because we were able to nothing else had come to light, it was all returned to citizens. So I think it would be a conversation. Absolutely. That would happen at the time pending, of course, whatever your motion is that passes. So thank you. I appreciate that.

Marc Blanchette

I would offer that as a friendly amendment.

Dale Hamilton

Councilor Hanson, do you want to accept your motion?

Casey Hanson

What if I don't want to accept

Dale Hamilton

you just say you don't want accept? And then we vote on the motion on the table?

Casey Hanson

So the question is, If the state wants to give the school more money, do I want to say what my motion was? Was it goes to the school? Or does it come to the city? Then I don't want to accept it.

Dale Hamilton

Okay, so we have a motion in seconds. On order, authorizing disposition of additional state funding for public schools for FY 2023, in the event of an increase any further discussion?

Michelle Kaplan

So it's, yes, if there's an increase, it's all going to go to the school, but not to the taxpayers, as it reads now,

Dale Hamilton

as it reads now, it's not included in this particular motion. That doesn't mean that another motion can't be made in after this one, but the motion that's on the table we have to vote on. So as it reads now, as

it's been presented, it does not stipulate where the funding goes, should the state provide additional funding. All those in favor? All those opposed? Fails. All right. So,

Marc Blanchette

Mr. Chairman, yes, they make a motion on that item.

Dale Hamilton

If you met

Marc Blanchette

that would move approval of the order authorizing disposition, disposition of additional state subsidy. In the event, the Ellsworth school department receives more education subsidy than the amount indicated in its budget, that the monies will be returned to the city.

Dale Hamilton

We have a motion.

Michelle Kaplan

Second,

Dale Hamilton

second, discussion. All those in favor? Opposed, Motion fails. So we're same place we were. So portions of the school budget have been authorized. However, they cannot go out to referendum partially approved. The items that did not pass include C, D, and H. As chair, I have the authority to call a special meeting of the Council, I am calling a special meeting of the Council to take place prior to our budget workshop on Monday, next Monday, the 23rd. There's already some items scheduled but we will also have a special meeting to revisit the school budgets that's provided the school board is able to meet and come back and present. I'm seeing a nod. So the council should be aware and the public should be aware that we will have a special meeting next Monday, the 23rd to revisit the budgets. We're not going to leave this there. However, if there are recommendations from the council to the school board in terms of particularly what you would like to see changed so that they can have that information in their deliberations that would be helpful. So if council members would like to share their feedback with the school board, that would be helpful.

Michelle Kaplan

I just think that we can do a little bit better on the cost to the taxpayers.

Dale Hamilton

Any other comments,

Marc Blanchette

the the only change I would make is where any additional funding goes. Other than that, I'm fine with it.

Dale Hamilton

And Capitol Hill even though you're not voting, you're certainly welcome to share feedback.

Steven O'Halloran

I'll stay out of it. Just want to thank you

Dale Hamilton

Okay, moving on. Item 11, public hearing discussion and action and adoption of a new ordinance entitled The overnight mooring and anchorage control ordinance.

Glenn Moshier

Chair, I'd like to start off this discussion. We have some folks from the city who have worked hard on this ordinance here. But before we get into the, the meat and potatoes of the ordinance, I just want to say a couple of things. First of all, this ordinance was drafted by, by city staff that the guidance and the request of the council and in drafting this ordinance, a committee was formed. And several meetings were held. And the discussion was, we took into consideration many of the public comments that were brought forward at the multiple public hearings that were held over the course of last year, as well as guidance and from the council as to what they would like to see in an ordinance. So that's the where the ordinance stems. And in addition to that, you know, I just wanted to make sure you can see we have a significant crowd here tonight, most of whom are here regarding this ordinance. And I would just ask that we don't revisit the issues of the past. This ordinance was not written specifically to address one particular issue that we had repeatedly come up last year, the ordinance is to address an overreaching issue with the lakes and ponds in the city of Ellsworth, a concern or environmental concerns concern for a potential threat of individuals getting House boats, putting them out on our lakes, and renting those out for short term rentals. And what that would look like for our citizens, not only those who live on the lakes, but those who like to recreate on the lakes as well. In addition to that, this ordinance is also again, at the guidance of the council who who gave the direction to the staff to do this. We looked specifically at an overnight ban, to prevent folks from staying overnight on the on our great ponds. And in addition to that, you'll see the definition of houseboat is pretty broad, to encompass more than just a traditional, what you would think of a houseboat scene with living quarters, and, and so forth. So I think the staff did a good job to try and meet the council's expectations with this ordinance. And I hope that folks, if they do have comments about the ordinance that they direct those comments to the council, specifically about changes or things they'd like to see different in the ordinance and not revisit the issues that we had in the past on Green Lake because that's not what we're here for.

Steven O'Halloran

Could I just remind you, the two of us wasn't present for this. So this is brand new to us. And I'd like to hear everything that everyone's got to say.

Glenn Moshier

Well, I guess my only my only response to that would be counselor O'Halloran it is that that's not what the agenda item is. The agenda item is specifically the ordinance not to redress all the issues that we had last year on Green lake. But if the

Michelle Kaplan

Does this ordinance apply to everyone, including the people that own property on the lake, or does it just apply to people who don't own property on the lake?

Glenn Moshier

No, there's no provision in the ordinance for to allow property owners to moor of the craft that's described as a houseboat overnight and reside on that craft.

Michelle Kaplan

A lot of small watercraft have, you know, like a cubby or Cuddy cabin or a little V berth or something like that. Yeah, that could be applied to as a houseboat. If it's got the porta potty and the, the Cuddy cabin, then people who own property wouldn't even be able to put their own boats overnight.

Glenn Moshier

So i guess that's the point of this meeting is for people to bring up changes that perhaps they'd like to see in the ordinance and for the staff to potentially make those changes.

Dale Hamilton

So let's, why don't we have the ordinance presented so that everybody's aware of what the public participation in terms of what it says what it what it is, and then we'll, we'll get into the public hearing for comments and then the council will have an opportunity to also discuss it.

Janna Richards

Good evening councilors. Janna Richards economic development director,

Lori Roberts

Lori Roberts Code Enforcement

Janna Richards

so in your packet that you received, there is some history on this issue, the greater issue that's happened over the past year and a half actually, probably longer than that since we started getting complaints in the summer of 2020. Regarding this issue, so we're going on probably two years now. So in your packet, you'll see that there is a memo prepared, particularly regarding this ordinance. But then there's also the ordinance itself, the draft ordinance itself, as well as two sets of minutes that cover from April 2021, as well as September 2021, when this issue was brought forward to the council at that time, and in between there, there was actually a workshop that was held in June of 2021. So this has come before the council three times now and this would be the fourth time to present this ordinance. So just wanted to provide a little bit of that history and what's in your packet. So at the final or the last meeting that we were at in September of 2021. I just wanted to read into the record what the motion was that was taken that night and that was approved. So it was to authorize city staff to develop an ordinance that restricts the overnight mooring or anchoring of boats floats, houseboats or other floating structures to landowners and or individuals who have received written permission from the landowner. So the draft ordinance that you have in front of you, just in summary prohibits houseboats from mooring or anchoring, and there's a definition of that within the draft ordinance. On overnight period. There's also a

definition of that in the draft ordinance, which is 10pm to 4am. except in cases of emergency. Obviously, there can be breakdowns and things like that on the water on any great pond in the city of Ellsworth, so not specific just to Green Lake but also branch pond, as well as Graham Lake and parts of Toddy and lower Patten pond. This has not applied to the Union River, that is Chapter Three of our existing ordinances. And just Furthermore, branch Lake has its own set ordinance because it is the city's drinking water supply. So there are special regulations in chapter 55 that pertain to that. So throughout the past, you know, year and a half, we've heard several comments and concerns from both the public as well as the council. In this committee that we formed of staff, we tried to narrow down the focus of what those concerns really are. And so we came up with the fact that there was a need for environmental protection on our great ponds within the city of Ellsworth, as well as a concern for property rights and a need to regulate extended or overnight stays on great ponds. So with that in mind, we drafted the ordinance that's in front of you. I will just say that the directive from the council was to regulate boats floats, house boats and other floating structures. The definition that is within the draft ordinance in front of you, is broad enough to encompass boats floats, or other floating structures so long as sleeping and or toilet facilities, permanent or temporary are found upon or within the craft. The council's motion also asked that we restrict the overnight mooring anchoring to landowners and or individuals have received written permission from the landowner. As manager Moshier noted that staff believes that if the primary purpose of the proposed ordinance which is environmental protection and extended to regulate extended overnight or short term rentals on great ponds, that the ordinance should apply to all houseboats on great ponds in Ellsworth, regardless of ownership by a landowner or permission from the landowner. That said, the research that we've done on this issue, there are places that have put a mechanism in place where landowners as well as people who have permission from landowners are allowed to have a houseboat on the lake overnight. It just requires paperwork to be filed with ever whatever entity so the best example that I have for you is the state of New Hampshire actually regulates the overnight mooring of houseboats on there. They're not called Great ponds there but you've got like Lake Winnepesaukee, let's say everybody, I think is familiar with that lake. Since it is a state system, any landowner on Lake Winnepesaukee is required to file a notification to their Department of Environmental Protection that basically says, I will be having a houseboat moored at my house or anchored at my house for however long that's going to be. And it's got registration number, whatever on it. So that there's some sort of paper track to that, that vessel. And then the same occurs that if you are a landowner, and you are letting a friend or family member or whatever, do the same at your household, that you provide that written notification. So we don't have a system like that in place in Ellsworth, currently, something like that would have to be created to be able to have a tracking system. You notice that the hours of overnight are 10pm to 4am, which would pretty much probably fall on the off hours of our code enforcement office. So while the code enforcement office can field violations, it would moreso fall on our police department to have to effectively enforce this ordinance. I think, I think that's it. Obviously, we're here to take any questions, if there are any.

Michelle Kaplan

So if somebody buys their property, and their daughter or son brings their boat out, it's got a V berth and a toilet, they cannot moor that boat without the paperwork

Janna Richards

So with this ordinance, they wouldn't be able to do it at an overnight period at all. If there was a change for a landowner or with landowner permission, then there would have to be paperwork behind that. And so I'll just kind of repeat while the rationale while we didn't include it, is because if there's an environmental concern, and a concern for short term rental, and overnight regulation and stays, should it the question that we were stuck with is should it matter? should it matter? If, you know, I like to think that I'm a good steward of lakes, but you know, maybe my guests aren't. And so is there going to be a similar issue where you know, the only difference is that you have so if there is an issue, you have an address, so you can actually go speak to somebody and hold them accountable when the case that if it's not a landowner, then there's no tie there. So you have to have some sort of tracking to be able to understand, you know, that if they have not supplied notification that they're going to be staying at a household, they would automatically be in violation.

Michelle Kaplan

And so a lot of our lakes are owned by people who don't live in Maine, the properties around them are owned by people who don't live in Maine. And so would this apply to those boats if they're trailing them up from other states and possibly bringing milfoil with them?

Janna Richards

Yeah, so there's no differentiation as whether it's an in state resident out of state resident, it's it's overarching, and umbrella's every, every person that would have a houseboat on any lake

Michelle Kaplan

And houseboat is described as any facility or any boat within which are sleeping quarters and toilet facilities.

Janna Richards

So it's any ship boat, raft, float, catamaran or marine craft of any description upon or within which are located sleeping and or toilet facilities, regardless of whether such facilities are of a permanent or temporary nature.

Michelle Kaplan

So that could be just Cuddy cabin or a V Berth. And so as a property owner, you wouldn't be able to moor your boat there.

Casey Hanson

You'd have to take it out at night. It's according to this or according to this ordinance.

Dale Hamilton

And I just remind everyone, as well as that. This is the first draft of an ordinance. As a council, we can take lots of different action, you all know that we can approve it or not approve it, we could send it back for revisions, we can make recommendations for revisions. I personally, I think that when we get to an ordinance of this substance, locally, my preference would be that we would have all the entire council here to to vet that. And so I think, for me, it would be nice to be able to send back our feedback so that

it can come back to the full council at some point in the near future to look at. That's just my personal opinion on that. But we don't have to. It's not just necessarily an up or down vote on what's in front of us. We have lots of options to pursue around this particular issue. I do know that the state has it's been batted around a few times at the state level hasn't nothing's happened yet, but there's been some push for a statewide ordinance. Again, my personal feeling is that the, the more you can do at the local level, the better it is to address situations that come up. So anyway, those are my comments just on in terms of what we can do as a council with this particular agenda item this evening. Councillor Blanchette?

Marc Blanchette

I don't own a boat. And I have no idea what a Cuddy cabin is. Can someone explain what that is, please?

Michelle Kaplan

It's where you have sleeping quarters in the V berth. The front of the boat, the pointy part?

Marc Blanchette

Thought you were referring to some kind of bathroom. All right

Casey Hanson

i was just thinking that sleeping, toilet facilities are pretty easy to figure out because there's chem toilets or whatever. A sleeping facility might be trickier to decide if something was a sleeping facility,

Janna Richards

yep, so it offers broad interpretation. Probably for a reason. This was also looked at from the state of New Hampshire, I'm assuming they might have some people that are creative with where they sleep and might have had issues with it. So this gives broad authority and discretion. But pillows, blankets, mattresses, you know, the like,

Casey Hanson

but I'll just say just to say that I appreciate that the way that you have written it is for all people to follow the same rules. I live on the union river, the river is not mine. So I follow the same rules. I get to live near the river and look at it, but I follow the same rules as everybody else on the river. And I think the lakes should be the same

Michelle Kaplan

So if there are no sleeping quarters or toilet facilities, and somebody just anchors their boat, does that apply here? Its anchor for the summer.

Janna Richards

No, no. So if you have a regular boat, rowboat, let's say canoe, kayak, whatever. No, no toilet facilities, no sleeping quarters, then it's allowed to be moored or anchored sorry, overnight, on the lake

Michelle Kaplan

I don't know where they use the restroom.

Dale Hamilton

But since this is a public hearing, I will. I'm going to open the public hearing. Public Hearing is open. And I just want to we have a large group. With potentially a lot of people wanting to speak, we will adhere to the three minute rule, you'll have three minutes to say what you want to say. I will stop you at the three minutes and ask you to stop talking at that point. I would also based on history with this item. This this is an issue that the council is taking up in terms of a an ordinance that's been presented to us you're welcome to say what you want. But please direct your comments to the council, not to the audience. This is not going to be not going to allow it to get into a debate between individuals share your perspective your feelings with us, so that we can consider your opinion. But don't get in the back and forth. The other piece is that you will have an opportunity to speak once and only once once everybody has had the opportunity to speak we will close the public hearing and then the council will take up the matter and move it forward. So with that I would invite anyone to just please state your name, where you live and then feel free to say what you want.

Patty Hamilton

Good evening, my name is Patty Hamilton. I live at 493 Scott's neck way. And first up I want to thank the council and thank the drafters because they did an amazing job. I know it's been a really difficult issue. And we've been talking about it for some time. So I really appreciate all the efforts that have gone into it. I know that you know we have traveled other places and particularly down south this is a big issue. And I think it's a big issue for us coming here or I know locally, there's been many communities that have adopted ordinances. They're all a little different Casco Belgrade, Sydney, Winthrop, Rangeley, Wayne, some are bigger communities. Some are smaller, some have more lakes, some have smaller lakes. But lots and lots of communities are struggling with this very issue. So again, thank you for taking it on. And for, for wanting to protect the water quality of the pristine resource that's here in Ellsworth, Maine. And balancing the needs of Lake owners and visitors. I think that's very important. I do agree with Councilor Kaplan that the, the definition might need a little tweaking because it's, you know, whether you might say, regardless of the facilities. I'm not an expert in that kind of thing. But it seems like that might need a little tweaking. And the hours perhaps could be sunrise or sunset. Those are just a couple of suggestions that I have. Again, thank you. Thank you very much.

Marjorie Adams

I'm Marjorie Adams, and I live on Scott's neck way on Green Lake, I want to thank you for considering this ordinance, I would certainly support it. I live in a certain zone, there's all the areas in town are zoned so you know, what to expect in your neighborhood if they're going to be houses or businesses or that sort of thing. So I know how close my property owners will be except my property that abuts the lake. As it is right now I could end up with a unexpected neighbor, or even a neighborhood. And I think people who live on a lake, it's expected to be just water instead of living facilities, however temporary. Thank you for considering it.

Elaine Row

Elaine Row. I live on Scott's Neck way. And I too want to thank the Council for taking on this hard task. And I would also like to thank Councilor Kaplan for her suggestion that we have an issue with maybe tightening up a definition. And I don't really have too much to say that hasn't already been mentioned.

But I really appreciate the fact that we're trying to balance homeowners and people who are recreating on the lake. And I think this is a really good solution that people can come out during the daytime, do what they want, anywhere they want. But it's just at nighttime, you have to go away. And I really applaud everyone's efforts at this. I know it's been really tough. So thank you very much.

John Linnehan

My name is John Linnehan. I'm opposed to the adoption of any new ordinance of this type. I think as with is like a lot of the states in our country. It's already overregulated. I believe there's laws in effect that can prevent problems like the people are trying to do without having an ordinance of that type. I think if there's the laws that are already on the books and disorderly conduct, there's damage to destruction out there. Those are already there to protect the people that are out there. I'm for individual freedoms. I'm for constitutional freedoms for our country, and I believe the ordinance any type of adoption of this new ordinance of this type should be turned down.

Terry Pinkham

Well, here I am again, my name is Terry Pinkham, but a Ellsworth resident for 40 years at both 474 Bangor Road and 586 Nicolin Rd spent my entire life as we've talked about before, on green lakes, specifically in the waters of Maine, and I've never heard of any thing being drafted like this. We spend the winter out there in ice shacks to the tune of 120. We sleep in them overnight. People have to go to the bathroom out there as well. That's not being an issue. Nobody cares about that for six months out of the year, but for some reason, these three summer months are a gigantic issue. And as far as being able to see the beautiful lake in front of your house. I mean, these ice shacks are out there and much more egregious than any kind of floating structure, which we're the only house float on any lake in Ellsworth area. So I'd just like to say that I am opposed to any ordinance in any manner restricting title 127 article 17 which the Great Ponds of Maine act and that's all they say thank you for your time councilors.

Andy Hamilton

Andrew Hamilton 493 Scots neck way. First, I just want to say some thank yous to Councilor O'Halloran. Thank you for your truck that took care of a landscape company that got stuck on the hill. And you were able to get them up the hill. They were working on our camp property this winter and without your company. I don't know what we would have done. So thank you to council chair, Dale Hamilton to Glenn Moshier city manager to all councilors of the city of Ellsworth, thank you for your patience and the opportunities to learn together. I thank economic development director Janna Richards for developing an overnight mooring ordinance. I think it makes sense. It says unlike ice shacks that are out there in the winter, which we absolutely tolerate. It's part of Maine tradition. There's something new that's happening on Maine waters, and New Hampshire waters, and all waters the United States. And that is you're gonna see overnight rentals. I've seen it with Bed and Breakfast rentals on on the upland, we're now seeing it on the waters. And I think you got to do something. And I think this is a sensible stuff for you to take. I do have three tweaks, I'd like to suggest that the ordinance and that suggests you might table it to a meeting, as your council chair suggested when all city councilors can be present, can hear opinions on this. The first suggestion I'd make is the hours of 10pm to 4am don't allow for regular sleep. If you have grandkids like we do. He goes to bed around eight o'clock. If there's partying that continues until 10 o'clock in the evening, that can be a problem. So we'd

recommend 8pm which is on average sunset in Maine. If you look at the sunset and sunrise charts, you'll see that the second thing I would suggest is that you do make provisions similar to what the state of New Hampshire has done for Winnepesaukee and other waters in New Hampshire. And just clarify that if an owner wants to place a swimming float, or a Coast Guard registered watercraft out in front of their property that they give notification to the city with their property address so that they can be tracked either by the police department or the code enforcement office, and that notification should be on file. Finally, I would suggest that the definition of houseboat be be tightened. I think that's a good definition. But I think you could say upon which are located possible overnight occupancy facilities including but not limited to toilet, sleeping or cooking facilities. We've had a lot of litigation in Maine as to what constitutes a residential dwelling. One can take themselves outside the the ambit of residential dwelling by simply removing either sleeping or toilet facilities. Facilities, three minutes. All right. Thank you. I'll respect your limit. Thank you.

Dale Hamilton

Any other comments? All right, seeing none. I will close the public hearing. Public Hearing is closed

Casey Hanson

I just have a question, which is, as it's written, would this also apply to ice shacks?

Janna Richards

No,

Casey Hanson

because they're not floating? Can I say one more thing, which is that just seems like the people who are in this room who are property owners, I haven't heard any opposition to the idea that if you have a boat with a chemical toilet, or a bench for sleeping, you have to take it out every night. I would have expected there to be opposition to that part of it. But I didn't hear any just noticing that.

Michelle Kaplan

And there's nothing about what you can moor during the day, and how close to the shore it can be. So can I make a motion that we table it for clarity?

Casey Hanson

Can I ask one quick question before we go to your motion, which is in some of the other information that you sent us? It sounds like if we approve an ordinance like this, we are also agreeing that we're going to need to create a new staff position to enforce the regulation. No, okay.

Glenn Moshier

enforcement would be handled within the police department. Complaints of this nature typically would come in in the morning, and code is available to assist, then they will be asked to assist the police, but issue of any eventual summons would have would be the hand of the police department.

Casey Hanson

Okay. I'm just reading this part of the memo that says whether the council considers regulation of floating structures or moorings or both a new staff position would need to be created in order to enforce such regulations.

Janna Richards

yeah, that was the memo from last June 2021, prior to the meeting in September, when the directive was given for this type of regulation.

Michelle Kaplan

And would we have to get a police boat at some point? Because if they're in the middle of the lake recreating and overnight, for days on end, then how are you going to get to them?

Glenn Moshier

Well, we have a drone, which could accomplish most of our goal. But if we didn't need to, we could either rely on we have a boat within the fire department that we can utilize, or also the warden service has boats that you get access to

Dale Hamilton

So there was a motion? Is there a second?

Casey Hanson

Second

Dale Hamilton

motion and a second to table the item, all those in favor to table? All those opposed? Motion passes. The item is tabled.

Janna Richards

Is so sorry, I don't mean to still be up here. But so we heard a lot of the feedback from the public on some of the tweaks that they would like to see, but not a lot of that feedback from the council. Councilor Kaplan did hear maybe some changes to the houseboat definition. But there was comments about the hours from one of the public comments, as well as the potential to add cooking facilities, the potential to regulate floating rafts regardless of whether they had the sleeping quarters or the bathroom facilities. So is it possible to get more council feedback based on that public comment at the next meeting? Because otherwise, we don't have anything the staff doesn't have anything to go off up to make modifications to the existing ordinance or the draft.

Steven O'Halloran

I'll give you some feedback. I'm not sure it's gonna be popular and I'm not sure it's a representation of this council. But I'm against ordinances, but I'm for everybody getting along and finding a way on Green Lake and branch Lake and what have you to let everybody have their fun and, and try to be respectful of everybody. I think there's a root cause of this whole thing here. And I would ask everyone to respect To everyone, whether you're a camp owner, renting a camp and partying until midnight, or rather you're

a float guy, or whatever you are. We're all adults. And I'm not answering your question, but I am giving you some feedback as an individual that this is a lake, people are going to have different enjoyment styles, not for any of the foolishness that's going on. And if you're really concerned about the lake, how about testing everyone's septic system. As worried about a few fishermen doing the wrong, we've got several camps around all the bodies of water. And if we're really concerned about the environment, I think there's many places we could start. And one thing would be helpful if everyone respected everyone's properties.

Michelle Kaplan

I also think that if the concern is short term rentals, that if you had language in there specifically, designating short term rentals are prohibited on the great ponds of Ellsworth, that would be that would solve that problem.

Casey Hanson

I would guess I would say that my feedback is mainly, that I want the regulations to apply to everyone whether they own property or don't own property. And otherwise, I guess I would mostly be maybe interested to hear more from the community of people who live in that area in terms of what, whether it's sunset, to sunrise, whether it's 10 to four, that doesn't make any difference to me. And I do want to know, I mean, this seems like this seems, I guess, I don't spend as much time out there, but um, a lot of boats will have to come out of the water at night. And maybe that's just not true. And everyone just has little boats that don't have toilets and don't have a bench that you can put a cushion on. So I would want to, I would just want to know that it's that's what the community really wants it to be. I'm comfortable with the idea of making an ordinance to protect, to protect the environment and to protect the intention of the enjoyment of the waters, swimming, fishing, ice fishing, boating, things like that. I'm comfortable with the idea of the ordinance, I just want to make sure it's evenly applicable to people who live here, people who live on a lake or people who do not live on the lake.

Michelle Kaplan

Yeah, going along with what Councilor Hansen said, you know, as far as the, the ordinance, be careful what you wish for, because you might just get it. And if nobody can have any kind of a boat that's other than a canoe or kayak, and then, you know, kind of limits your recreating ability, even if you do own property.

Dale Hamilton

So my feedback is a couple things. One is fully support, and it's a state law, the great ponds act, absolutely everyone has a right to access the lakes, they have a right to access those bodies of water. Through the undeveloped land, not develop land, you don't have a right to go through individual private landowner property. But you have a right to enjoy the lake. And that should remain and we should never have ordinances that would prevent that from happening. At the same time, in terms of taking out, we haven't now, people who go from lake to lake to fish will put their boats in, they'll fish for the day, and they'll leave. And so I think the idea of this in terms of the rental, that should be a part and should probably be spelled out a little clearer. In terms of that aspect of it. I do think there should be provisioned for for landowners to have whatever vessels they have, if they're not renting it out, they should be able to have those anchored and moored on the property. So I think that would that would

help to clarify the some of that. But it should it should not prevent people from using it. And then in fact, I remember the conversation that we had, where that was discussed as what if scenario and that there seemed to be some agreement not in terms of wanting that but If it came to that, that that would be okay. And then just a general comment kind of along the lines of Councilor O'Halloran stated. These are issues that are complicated. And there are different sides to the issue. But it's a legitimate issue to, to discuss. You whatever your perspective is, this is the process. It's public input. This is Democracy in terms of being able to have opinions and you can be have strong opinions about it. What I find frustrating is listening and seeing and reading the social media posts that turn it into something way beyond just having a discussion to threatening people property threatening people in general, and turning it into something that it doesn't need to be. We can we can have honest disagreements, and we can have discussions and I think for Ellsworth, isn't that what we want for a community that we can disagree and have difference of opinion. And not every vote that the council takes is going to fit everybody in this room, it's going to vary. That's the part of that's what's great is you have a vote in terms of if you don't like decisions that are being made, then you can elect somebody else and try to push it forward. But I hope that the community becomes more tolerant in terms of recognizing that we can have discussions and all kinds of issues come to this council, all kinds of issues come to the council, some you like, some you don't. But if you don't like it, come and share your thoughts. But do it respectfully, and don't do it in the way that I've seen some of it on social media, I just that doesn't get anywhere. And I can tell you as somebody who votes certainly doesn't want me to vote in favor of that position for the person that is creating that kind of position and threatening.

Steven O'Halloran

there was a hand out in the audience there.

I know. The only thing I would say as far as you're cuddy thing, most of the homeowners have to vote register, so that everybody knows what boat was goes with what house

Marc Blanchette

one of the things I would like to add, is the time 10-4 seems to be a bare minimum, to say the least I'd like to see that extended, extended a little bit. Whether you want to go with a strict time, you know, nine to five, whatever, eight to six, whatever it is, sunset to sunrise might be a more palatable thing to consider.

Janna Richards

Yeah, so I'll just provide some feedback as why we the morning time at least was chosen was to allow for fishermen who want to get out on the water and have an early start. being someone that goes on Green Lake to recreate to look for salmon. I know that we go earlier than the sun rise, sometimes. No, I'm fishing. Yeah. Fishing. But there might be a bucket on board that could potentially be a temporary bathroom.

Steven O'Halloran

I saw another hand out there in the audience.

Terry Pinkham

Our vessel is registered and we also own property on the lake.

Dale Hamilton

Anything else in this manner? All right. Thank you.

Glenn Moshier

Chairman. we're tabling this for June meeting. special meeting next week?

Dale Hamilton

No, not the special meeting next week. No. This is not

Glenn Moshier

need the time to make revisions and public notice and all that.

Dale Hamilton

And I would I guess I would leave it to staff to come back and let us know when you can place it on on the agenda. If you can get to it. And June or July just I think the public would appreciate the advance notice. And if you're not going to be able to present something that's definitive, then we should know that so. All right, count, item 12. Council order number 051602. requests of the police chief to allow the finance director to deposit forfeited funds into the police forfeiture reserve accounts.

Glenn Moshier

So you should all have in your packet the background information around the forfeiture, drug related case, individual is found to be in possession of a presumptive amounts. So monies that he had on him which he admitted abortion on for drug proceeds were seized. And we need the Council authorization for us to move forward in the court system with forfeiture.

Michelle Kaplan

Has this person been convicted?

Glenn Moshier

So the so the council has to approve that we will accept them accept the money. And then the court proceedings will take place. And if he's convicted, and the forfeiture goes through, and then will receive. So we haven't actually, court process has not taken place yet.

Casey Hanson

We have to give the okay first court process goes by and then if he's convicted.

Michelle Kaplan

So where's the money now?

Glenn Moshier

The money hours in our evidence.

Michelle Kaplan

So it's in your possession now, but you need permission to actually keep it into in your possession.

Glenn Moshier

Because after the after the trial, if the court orders that the money be returned to the individual, then we return the money. If the court upholds the forfeiture than the money then retains you the police department.

Steven O'Halloran

Maybe give me a lesson here. What happens to the money once you receive the money?

Glenn Moshier

So the money goes into our police departments forfeiture account, and those funds can only be used for certain things. equipment, they can't be they cannot be used to pay for salaries, but it can be used for equipment or other needs that the police department has.

Marc Blanchette

And it comes before the council. Correct? Yeah,

Glenn Moshier

before we spend any recommendation would come to the Council for approval.

Marc Blanchette

Mr. Chairman, I move to approve the request of the transfer of the defendants in REM in the case of State of Maine versus Austin Craig Hamilton pursuant to 15 MRSA section 5824 Dash three and section 5826 Dash eight of the Maine Revised Statutes to the city of Ellsworth, and to allow the finance director to deposit those monies into the police forfeiture reserve account upon receipt of the funds.

Casey Hanson

Second,

Dale Hamilton

motion a second further discussion. All those in favor Aye. All those opposed? Motion passes. Item 13. Council order number 051603 with requests of the public works director to award the Red Bridge Road culvert replacement project to engineering

Lisa Sekulich

Good evening councilors Lisa Sekulich public works director. Back in April I was at the council meeting to have this group except the DEP stream crossing grant funds for the replacement of the Red Bridge Road over Branch Lake stream culvert. Had the assistance with application to the Maine DEP for this funding from Andrew McCullough engineering. I'm now requesting this group approve an engineering contract with Andrew McCullough engineering to complete the design and then oversee the construction phase of the culvert replacement project.

Michelle Kaplan

Which is replacing the culvert right?

Lisa Sekulich

Yes, a new culvert and then the road actually get brought up a little bit and all new pavement and the whole

Michelle Kaplan

So if we're just replacing the culvert, which is already previously been engineered by whoever put the culvert there in the first place, why do we have to engineer it again.

Lisa Sekulich

So this culvert is 30 plus years old. There's something now called stream smart. Which requires you to do 1.2 times bank full width. It's for animals, and fish and that type of thing. So the current culvert is too small. And so we have to engineer to have a bigger culvert

Michelle Kaplan

How big is the culvert now?

Lisa Sekulich

I wouldn't I don't know off the top of my head. But the new one is going to max out. I believe it's 24 feet 26

Michelle Kaplan

the one now is at least 15-20.

Lisa Sekulich

Probably 15.

Michelle Kaplan

And so animals and fish can't get through that.

Lisa Sekulich

So whole different DEP regulations. It's a requirement of DEP and Inland Fisheries.

Steven O'Halloran

what's driving this whole project.

Lisa Sekulich

The fact that the current culvert is failing.

Steven O'Halloran

Or could you elaborate a little bit when it's

Lisa Sekulich

It's at the end of its useful life, the culvert is starting to rot out. Okay, when the metal culvert rots out, and it gives away the whole road is going to collapse. So in the next five years, seven years, 10 years, I can't say for sure. If we left it and did nothing, we can end up with a giant sinkhole, essentially or a collapse.

Steven O'Halloran

Did you solicit other bids? Or did you

Lisa Sekulich

this one does not require So previous depending upon where we get money and how we get money from different entities. They require different there's different requirements for putting out RFPs this one does not require an RFP. So Andrew helped with the application to the DEP for the funding. And thus I'm then asking to continue using his services

Marc Blanchette

Mr. Chairman, move to approve the request of the public works director to award engineering of the Red Bridge Road over the Branch Lake stream culvert replacement project to Andrew McCullough engineering for not to exceed amount of \$57,100 funding for this project to be from the local roads capital improvement account 9090 900 Dash 59001 and grant funds.

Casey Hanson

Second

Dale Hamilton

a motion a second discussion.

Michelle Kaplan

it's already been engineered?

Lisa Sekulich

It's not a regular culvert you put in the ground. So a round culvert that the highway department puts in the ground piece plastic, there's no engineering involved. This type of culvert is going to be it's not just a culvert it's considered a culvert because it's metal. It's corrugated. It looks like culvert, but it has concrete headwalls on the bottom so that the metal will not rust out. It's taking out right now. It's a full metal culvert, bottom rusts out, everything collapses. We're going in and we're putting in concrete foundations, head walls, and then a corrugated metal top, essentially, totally different things, still considered a culvert. But that's something that requires engineering. So essentially a smaller bridge. And this is for engineering as well as construction oversight. So when we get to the part where we're actually building it, he'll oversee to make sure the concrete is tested, and it's good and it's going to last us for the next 50 years. He's going to make sure that they do soil compaction, he's going to make sure that the asphalt it's he's going to assist us to make sure that what we spend this money on is going to last Outlast probably all of us in this room.

Michelle Kaplan

And we don't have anybody within our staff that could do something similar.

Lisa Sekulich

Engineer this, probably not.

Michelle Kaplan

Probably not or definitely not.

Lisa Sekulich

I have never done one like this before myself. Could I potentially. Do I have the time? No.

Dale Hamilton

Is this for the roads commission committee, this has been something that's been identified right?

Steven O'Halloran

if there's a need I'm all for giving it to the local engineer. Thank you for working with this man.

Lisa Sekulich

I do on many occasions.

Michelle Kaplan

and so this this, this is something that we are required by the Maine Department of Environmental Protection to do

Lisa Sekulich

No, it's something we're requesting to do before it fails.

Dale Hamilton

But when we do it, whether it's now or in the future, it does require the engineering,

Lisa Sekulich

it will require engineering.

Dale Hamilton

So what at whatever point,

Lisa Sekulich

at whatever point we do it, it will have to be engineered?

Casey Hanson

Because whatever point we do it, we have to follow DEP rules

Lisa Sekulich

when we will forever have to do the 1.2 times bank full width. Yes.

Marc Blanchette

And I would guess that engineering of a failed culvert that has collapsed is a whole hell of a lot more expensive than the engineering cost of a replacement culvert

Lisa Sekulich

engineering may be the same, but the construction will be 10 times more

Dale Hamilton

Right. We have a motion a second. Any further discussion? All those in favor? Unanimous.

Lisa Sekulich

Thank you. And we there was a picture when I came in April of the type of culvert I'm talking about. So if you have your April packet, it shows more of what it looks like.

Dale Hamilton

Thank you. Item 14 presentation by Green Ellsworth on budget consideration sponsored by Councillor Hanson. Do you want to introduce it? Sure.

Casey Hanson

I have asked members of Green Ellsworth to give a presentation tonight. Green Ellsworth is a community organization that was started in 2017 as a collaboration between the Ellsworth Garden Club and the city planners office, so it's a collaboration between our community and city staff. Over the course of the three years after that, over 2000 members of our community engaged with the process through surveys, interviews, workshops, and other meetings. After the three years of gathering information from the citizens, businesses and stakeholders that volunteers created a green plan document in 2021, outlining this strategic plan to protect our community in the categories of water, food and farming, land, transportation and energy and solid waste. In the past five months of being a city councillor, I've heard a lot about essential infrastructure projects that have been kicked down the road and now need to be addressed. All of these projects will require time, money and energy. Unless we plan to continually raise taxes which nobody wants. I think the only way to tackle these large goals is to engage members of our community. Green Ellsworth has an impressive number of volunteers, many of whom have expertise in Ellsworth's natural resources. They are willing to volunteer their expertise for the benefit of our community. And they have shown that they are willing to do the legwork that can help the city successfully apply for grant money to help offset the costs of these necessary projects that we've put off in the past. So Gary Fortier and Nicole Grohowski are going to present a greenhouse worth document that we received back in February with their advice about budget concerns which felt appropriate during this budget season.

Gary Fortier

Thank you, councillor Hanson for sponsoring this. First off, I apologize for the snafu earlier. I couldn't sit there and be quiet and let you guys get yourself in trouble. So thank you for dealing with that in the way

you did. As councilors mentioned, this is a citizens group. I was asked as a city councilor back in 17, to be the liaison between that table and the group by Michelle Gagnon, city planner. I have branched out into the Ellsworth Green action team, which does the solid waste and energy efficient end of it. That's where my interest was. Tonight on the table, not knowing whether you have in your packet, I put a four page document, which is what you should have received in February. I apologize for the notes on it. I have my dirty copy. I didn't have a clean one to photocopy for you. One of the most important issues that we as a group have been working on is trying to position Ellsworth for a successful comprehensive plan. All the studies that you see listed on page one, we as a group feel are necessary in order to do a full depth comprehensive plan. There's a lot of money involved. But there's a lot of money to be lost. You ask all your planners and economic development how many points you lose immediately on grants when they find out you don't have a current comprehensive plan. We're in violation of state law because we don't have one. So they take points away. I'm gonna go down just highlight a few of the budget allocations that what we did was take a chronological steps of the green plan and pick off, pick off the, what we thought were the most important, immediate capital improvements and funding that we as a group thought we wanted you to tackle first. And as I said, on the first page, you've got all the studies. And I'm just going to touch on this. We've got an incredible code enforcement office, but you're understaffed. since Dwight Tilton left building in Ellsworth is exponentially rose faster than we've kept up with staff. So that's, that's, I think, the one position in here that we would love to see you do something with. Sustainability seed funding- Planner Gagnon years ago, we had a fund like that for drainage issues. And has I don't think it's been used in the last few years. Card Brook, we all know that the city's gonna have to do something pretty substantial out there to meet with the DEP need some grant money that may already be in a budget, I haven't seen this year's budget. And someone made a comment previous that if you really want to protect your lakes, start tracking septic systems, excellent point. Branch Lake group did a comprehensive water quality study around the lake a couple of years ago. Point source pollution is a big threat out there. You'll see in here that we're looking at pooling some money with possibly Orland to get rid of the sedimentation that comes from joint drainage and roads out around four corners Winkumpaugh and happytown. We don't think that's a taxpayer issue. We think that's a water quality issue. That similar to when we bought the fen property years ago to protect, it's much cheaper to protect the quality of the water then clean it after it's dirty. And just so you know, 1/3 of the city tax dollars derived from shorefront property. So when that property gets devalued, your tax base goes down. Volunteers designate \$20,000 in matching funds and work with partner organizations of which we have numerous, I'm not going to try to list them here. But if you go on our website at green.ellsworth.org, you will see a number of local organizations that are partnered with us in this effort. We'd like to continue the partnership with the City on a project canopy grant that we just did by McDonald's. We'd like to continue with that. There's a good opportunity at the Jordan homestead down the bayside road. Frenchmen Bay Conservancy is building a tree farm, fence it in and nurture trees up so we can plant them all over the city. That may be something that the city is interested in partnering with. To replace some of the ones on high streets you have to pay full dollar form. Comprehensive transportation color to study big money. I would suggest that you people that have been elected in the last five years have heard a lot about the traffic in Ellsworth. When I first got on and 92 All I heard was the traffic in Ellsworth. We haven't fixed it yet. So another thing to do with transportation is I know the manager has people working on it. But we need to take over the streetlights turn them into LEDs. Now that we've cleared the net energy billing hurdle of being able to include the street lights on the billing. It's a no brainer to get them done for the environment and as well as the

pocketbook. Drainage improvements. I don't think Councilor Blanchette was there when we talked about when the hospital built their emergency room they were talking about starting up on Carlisle Street and going into the river with an all new drainage system. That was probably \$8 or \$9 million back then. Guess what, it's probably \$18 to \$20 Now, it's going to be \$30-\$35 I've in a couple of years. So that's one of those capital improvement projects you may want to be looked at to bond now and pay as you go to get it done. Some of our members are really interested in following up with the manager on converting over to some EVs electric vehicles. I know we were, he tried to get one in the last budget cycle, it just wasn't anything around. Cost cutting and revenue generation proposals,

Marc Blanchette

Gary, on the EV vehicle, either EV or hybrid. I'd stick with the hybrid.

Gary Fortier

There are some places I agree with you. I don't want to cop cars sitting on the Bangor road run out electricity.

Marc Blanchette

Well. I don't want I don't want staff driving a car or getting hung up in traffic, let's say on 1A in the wintertime. And you know, they've got 20 minutes of heat left.

Gary Fortier

That's a management decision we're just recommending. They were some conversation in the 2004 comp plan about open space development fees- was never done. The city wide policy of idle city vehicles to reduce use of fossil fuels, very easy to do. Expand recycling, that's one from my committee that I serve on. Even if you get \$1 a ton for a number four plastic, you're saving \$78 a ton not having to lug it to PERC. So there is a savings there. And with everything being blown around the city, we had roadside pickup this spring and got bags and bags and bags and stuff off side of the road. Plenty of grants out there shore and harbor planning grants main coastal program, AMERICAN rescue plan Act funds haven't seen the list of where you expect to spend those. That's about all I'm going to talk about other than it's it's been very interesting to work with this group of environmentally conscious people. But they're there for the right reason. We're trying to help the city get to a comprehensive plan that matches what our citizens want. We've had 30 or 40 presentations on Zoom and in person attended by two to 3000 people total. And we've taken their input and we put it into this plan. I invite you to go on our website, the whole plan is there. It's an enormous I'm going to turn it over to our state rep. Nicole Grohowski. Until you get done with me, don't you who is going to talk to you about what assets there are through the state?

Dale Hamilton

Yes, sir. So I The question I have is the reality about energy costs. What we all know, is it costs to produce energy, regardless of what type of what way you're producing it. And we all know where the electricity is at now. We also know that there's limits on how that electricity is produced and the cost. So there's always a cost, it's a matter of who's paying for the cost. And, and I don't always hear that perspective, that balance, of the reality in some of these proposals, in terms of pushing costs in one direction, and not looking at the overall efficiency and effectiveness of that. And it's not to say that there

that isn't doesn't have a role and a place. But I guess I'm wondering where the committee stands in terms of having an open mind and to look at the reality of situation and balance that plan was something that's sustainable from a fiscal perspective, because what I know is that any plan that is going to be too expensive that cannot be afforded by the majority of the population is never going to be constructed. And so if there isn't a willingness to look at that and come up with a balanced approach, then the positive parts of it get lost just on that basis alone. And so I'm just I'm wondering, I don't see that in the plan. I don't see it in the overall plan I see one side presented. Is there a willingness of the committee to really look at that issue?

Gary Fortier

Absolutely. Absolutely. And I agree with you 100%, I wouldn't feel comfortable charging up my EV or anything. And saying that it's rechargeable. If I knew that that electricity was being made with natural gas, or oil or coal. It's like the solar project that the city signed on with, we can't say that we're using solar power. We're not we're buying the energy credits. And the team that we had working on that I was part of after I was off Council. Everybody's getting your 15% off your light bill, if you sign up community solar, while your team negotiated a 26% discount on these credits. So that's unheard of in this area for a company to do that. But this is a group of knowledgeable, responsible people that will look at everything if you ask them to.

Steven O'Halloran

if if there was one thing that in your mind floats to the top in this list, what would that one thing be?

Gary Fortier

personally get a comprehensive plan done. It is going to feed all the grantsmanship that'll help us do the rest of it. But until you get a comprehensive plan, on the books approved by citizens in the state, we lose points in every grant we go. personally, I'm not speaking from the whole Green plan but for me it would be to get the darn plan done. And green Ellsworth standing ready and willing to be part of that. Because we have the people we have the expertise to do that. So we stand ready and willing to help. Thank you.

Michelle Kaplan

Yes. Are you familiar with the 17 Sustainable Development Goals from the UN agenda 2030. I recommend that you read that because that's where all of this is actually coming from. It was signed by 160 nations in I believe it was 1992. And it's not just about green. Green is the mask for the control that this represents Agenda 2030. It started off as agenda 21. The agenda for the 21st century. The new one is agenda 2030, which is the agenda that we have to reach by 2030. And then of course, agenda 2050. And once you familiarize yourself with that, and dive down that rabbit hole, start looking at the UN meetings from the UN, which I want a clean environment. I want sustainability. I like walking paths. But for every every thing you give up here in a grant, you have to give up something

Gary Fortier

trade off for everything.

Michelle Kaplan

Yes. It talks about moving all Americans around the globe away from a meat based diet. All of us.

Gary Fortier

Marc would agree with that, but I wouldn't.

Michelle Kaplan

But you may not have a choice. All of the things that you see going up in price right now are by design, gas, beef, milk, eggs, dairy. It's by design, look at the meeting minutes under UN agenda 2030 which is where this stuff is based on 17 Sustainable Development Goals. Okay, it specifically talks about population control. It talks about reducing the global population. And it's not conspiracy theory, when it's in the United Nations, open meetings that you can watch for yourself. And this stuff, I can sign on to EVs but EVs don't pay gas tax. Okay, those gas taxes helped build the roads. \I think that some of the things are great. I would not be with anything that's restricting anyone's individual liberty, or their private property rights. Just because I want to put a culvert in a ditch does not mean that that's a wetland. And they started this from the ground up with planning boards, the International Commission on environmental initiatives started it by training the planning boards, with restrictive codes, that they could then control private property rights. And I think the more people that know about agenda 21, agenda 2030 and agenda 2050, the more we can fight back against it. It's the very reason I ran for Council.

Casey Hanson

Well, I just think green Ellsworth. I mean, Gary, who's the spokesperson for it tonight didn't know about plan 2021. So I think we can safely assume that green Ellsworth as an organization isn't part of a global UN related conspiracy. I mean, its goals are to solve some of the problems that we're having locally. And there's only going to be one, that money is going to come from the taxpayer or it's going to come from some kind of grants, there's no other way. So

Gary Fortier

I tell you, folks, I have on my wall I have in my office. I call it an ME wall. It's got all my plaques and letters from governors and stuff like that. I have one up there, where I was accused of treason by a former city councilor, because I advocated to join the MDI League of Towns, and that was a UN doctrine, League of Cities. That had nothing to do with us. But I actually have a notary accusation of treason. So

Michelle Kaplan

the grants come with strings. And those strings come with restrictions. And the restrictions come with ordinances, especially when we looking at a comprehensive plan.

Nicole Grohowski

Good evening, everyone. Nicola Grohowski, citizen of Ellsworth, your state representative, sorry, we didn't get to sort of finish our presentation before we went to questions. But I mainly we've been here a long night. I know. So I don't want to go on for long. But I mainly wanted to point out how many citizens how many of the people that we both serve, have participated in this process, have come to that with

their own personal expertise, professional expertise, not being guided by anyone but their own knowledge and experience living in this community. And in the many jobs that they've had. They've come together, they've listened to citizens and other residents of the region to come up with this plan. As Gary ably went through the document, we have identified a lot of places for short term action. You'll notice on that document, there are a lot of places where we've identified where the American rescue plan funding could come from. And other places we've identified where there are state opportunities, those are really important to me, because when I knock on doors of constituents in this community, I hear a lot about problems that need to be solved, but also the competing concern about taxes. So I think it behooves all of us who've serve the citizens of Ellsworth to look for opportunities to supplement taxpayer dollars in order to solve these problems. Additionally, I think it's important that we look towards citizens who are willing to give their time and their energy in kind, and their expertise to help us solve these problems. For a number of years, people on the committee that I serve on with Gary the Ellsworth Green Action Team have been asking, Could citizens join the solid waste committee, we see that there are councilors on that committee who really want to participate, but there are so many burdens on your time, as public servants, I fully recognize that, and I thank you for that service, because I know it's not easy. And so we wonder, you know, could we help, you know, we have knowledge we have time, we have experience to share to Gary's point about recycling, the amount of money we could make if we were recycling boxboard right now is significant. Those prices have gone up in the market. And there are citizens who would be happy to be consulting with the city and suggesting opportunities for generating revenue because we do not want any of the things that we're proposing to end up costing taxpayers more than what they're already paying. Now. In fact, we'd like to see savings through doing maintenance at the time we should be doing maintenance, accessing grants when they are available. Yes, we should look at the stipulations in the grants to make sure that they benefit the citizens that we serve, but we shouldn't shy away from them and I agree 100% with Gary, that the number one thing we need to do is finish that comprehensive plan. I looked on the website, the state website today about the Community Development Committee block development grants and found that we haven't received one since 2016. Between 1994 In 2016, we received \$3.6 million, Bucksport, in that time has received \$5.7 million. I think that we need to do better for our citizens, because that is money that they are not paying through their taxes to solve the problems that we hear about every day, such as what's going on with our traffic? Our do we need extra street lights? Do we want a walking path along the river, there are so many of these concerns that I hear that I'm sure many of you hear that we'd like to address, but we need to be sensitive to how we address them. So I just want to say it's been a privilege to work with many of you as we've served concurrently. And that if there are programs at the state level that you have questions about, that I can get information about or you wonder is Ellsworth eligible or not, you can always feel free to reach out to me, staff can feel free to reach out to me, I want to make sure that the solutions we're creating at the state level benefit people here in Ellsworth, and don't go to benefit other communities and not us, because I work really hard with my colleagues to try to create programs that will solve the problems that I hear about. But we have to make sure that we are accessing them here as well. So I just want to say that I'm happy to be a resource. I'm thrilled to hear from your Public Works and your economic development director, a plan to access a new infrastructure adaptation fund for stormwater, the application is due at the end of this month, and they have an application in process that I'm very supportive of. So I just want you to know that there is a lot of interest from staff to do this kind of work and to connect with, state, resources. But any opportunities that I see, I always try to flag them. And certainly if there's ones that you have

questions about as counselors or staff have questions about, I want to be that resource so that we can solve problems for the citizens of Ellsworth. Thank you.

Glenn Moshier

I just want to add that we have staff members, particularly economic development director, Janna and, and Lisa Sekulich, in our public works department that work on grant applications version daily, and they're always pursuing different opportunities and ways to divert the cost of many of the needs of the city. And they work tirelessly to find additional funds to to make that burden lessen on our citizens. So I certainly, and we certainly are willing to and anxious to help to offer and work with others who want to help to further that cause. But I think it has to be said that our staff works tirelessly to pursue those opportunities, as it is.

Dale Hamilton

Anything else?

Michelle Kaplan

I would just note that, you know, as far as the restricting property rights, you know, it's just interesting that it's requesting that we increase the code enforcement officers to a total of 3. So that's just kind of goes along those restrictions. And I mean, yes, I like trees. I like the water, but I not for restricting private property

Nicole Grohowski

I would just comment on that point. I believe that right now you have one code enforcement officer and one person who's doing administration for that office, whereas previously, we had two code enforcement officers.

Glenn Moshier

Well, we have we have a code enforcement officer, and we have a deputy who also does fire and life safety. So we still have to code. And actually our administrative person in there is also learning and has capacity to do some code enforcement as well. But she has received some certification.

Casey Hanson

I had just heard and I can't actually remember who I heard this from that, like, for example, on branch lake that there are people who are building things without getting permits for them. And not that the code enforcement officers aren't working hard but if they had more support staff, then they could be following up on these things that are being that would be losing Ellsworth money if people aren't getting permits or paying for the buildings they actually have on their property.

Glenn Moshier

That's not done by Code Enforcement. That's done by assessing. Code enforcement goes out and enforces building code, fire life safety codes and, and they all of the information that comes through the planning department, through goes through code for inspection, and certainly if they find out about construction, they will go to that site immediately. And follow up with that. I'm not aware of any construction on branch lake that's going on without Correct Code enforcement involvement and building

codes and building permits. And certainly, if they do, and we find out about it, we can go out and code can pursue that and get those building permits after the fact.

Casey Hanson

Yeah, I should ask for specific examples of that. I just can't remember who told me.

Dale Hamilton

I do agree with the data, I think, a plan and that's why I've supported us moving forward with the comprehensive plan. I think you have to have a plan first, and then come up with strategies and come up with the right strategies to solve the right problem. And I think that probably there's this group's out in front because you've been doing the work, and you move to the place of with some recommendations, but I do think as a community, everybody needs to have that opportunity to participate. And then we can prioritize and come up with the solutions that that work to solve whatever the problem is, that are identified in that, that planning efforts. So thank you. All right. Thank you. Item 15 executive session pursuant to one MRSA section 405 6 D to discuss labor negotiations between the city of Ellsworth and Ellsworth Police Association, affiliated with the Maine Association, Association of Police MAP.

Marc Blanchette

So move,

Dale Hamilton

motion,

Casey Hanson

Second.

Dale Hamilton

Motion a second. All in favor. All opposed? we are going into Executive Session.