

## MEETING NOTICE

**The regular monthly meeting of the Ellsworth City Council will be held on Monday, February 13, 2023 at 6:00 PM in the Ellsworth City Hall Council Chambers**

The meeting will 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

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.

**Motion to take 9a ahead of others by S. O'Halloran, second by C. Hanson, passed 7-0**

4. Adoption of Ellsworth City Council minutes:

- ❖ 12/07/2022 Special Council Meeting.
- ❖ 1/9/2023 Regular Council Meeting.

**Motion to approve by T. Mote, second by M. Beal, passed 7-0**

5. City Manager's Report.
6. Committee Reports.

**Motion to add the following to Local Road by G. Lyons, Rob Shea, Marc Blanchette, Steve Beatham, Rob Lyles, second by M. Beal, passed 7-0**

**Remove D. Hamilton from Recreation Commission, replace with S. O'Halloran**

7. Citizens' Comments.
8. Presentation of Awards.

- Special Promotion  
Promotion of Firefighter Benjamin Freedman to the rank of Captain by Chief Guillerault, Deputy Chief Doug Belletete and members of Mr. Freedman's family- **To be presented at the March meeting to allow for attendance of members of the Fire Department.**
- Edmund Murray for 30 of service at the Ellsworth Public Library
- Ellsworth Arbor Day Proclamation (Sponsored by Hamilton)

**Motion to approve T. Mote, second by G. Lyons, passed 7-0**

## UNFINISHED BUSINESS

9. Continued discussion on 16 Fifth Street property at the request of the Tax Collector  
**Motion to use auction company by D. Hamilton, second by T. Mote, passed 6-1 (SO)**

- A. Discussion and possible action to allow Kerry Karst to remove personal items from the property (O'Halloran)

**Motion to allow Karst Family to call City Manager for removal of personal property by S. O'Halloran, second by M. Beal, M. Beal noted this is not a Council decision and lies with Manager, D. Hamilton noted this is not a council matter and we are taking over the functions of city staff stepping in where Council isn't needed- bigger ramifications down the road, G. Lyons agree to work with city for belongings a month or two ago, S. O'Halloran added not everyone is comfortable calling city hall like 'we' do, wanted to make this clear to the family, 1-6 (DH, TM, GL, CH, MB, JS)**

## CONSENT AGENDA

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

## NEW BUSINESS

10. Public hearing and action on the issuance of Business License (s):

- Atlantic Coast Inn, 200 High Street, for renewal of a City Lodging House License.  
**Motion by Hanson, second Lyons, passed 7-0**
- ETC LLC, dba Dyons, 35 Eastward Lane for renewal of a City Class C and state liquor license  
**Motion by Beal, second Mote, passed 7-0**
- Colonial Inn LLC, 321 High Street for renewal of a City Lodging House License.  
**Motion by Beal, second by Lyons, passed 7-0**
- Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.  
**Motion by Mote, second by Lyons, passed 7-0**
- Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Class III and IV Restaurant Malt and Vinous Liquor License.  
**Motion by Lyons, second by Hanson, passed 7-0**
- Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.  
**Motion by Lyons, second by Mote, passed 7-0**
- GC Pizza Hut, LLC d/b/a Pizza Hut, 211 High Street, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class IV) Malt Liquor License.  
**Motion by Lyons, second by Stein, passed 7-0**
- The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.  
**Motion by Lyons, second by Mote, passed 7-0**

- Finellis of Maine LLC, dba Finelli's, 12 Downeast Highway for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant Class III and IV license.  
**Motion by Hanson, second by Stein, passed 7-0**
  - Casa Jalisco, 205 High Street for renewal of a City Class C license and renewal of State Restaurant Class I, II, III, IV) liquor license.  
**Motion by Lyons, second by Hanson, passed 7-0**
11. Council Order #021300 Request of the Harbor Commission to award a food vendor contract for the Harbor Park  
**Motion to approve by C. Hanson as presented, second by G. Lyons, passed 7-0**
  12. Council Order #021302 Request of the Water Superintendent to accept bids for a new water department truck  
**Motion to accept the bid as presented (\$43,450 without trade) by G. Lyons, second by C. Hanson, and recommendation on sale of 2015 truck, passed 6-1 (SO)**
  13. Council Order #021303 Request of the Public Works Director to award the Christian Ridge Reconstruction project  
**Move to approve the request of the Public Works Director to award Christian Ridge Roads reconstruction project to RF Jordan and Sons for \$1,531,385.00. Project to be funded from MaineDOT MPI Grants Funds (\$475,000) and Local Roads Budget (9090900-59001) by M. Beal with option to revisit funding source once the audits are complete to see if there is a more appropriate account or potential shortfall, second G. Lyons, passed 7-0**
  14. Presentation, discussion, public comment and potential action on adopting a Community Resilience Partnership resolution.  
**Motion to adopt the Community Resilience Partnership resolution as presented by T. Mote, second by C. Hanson, passed 6-1 (SO)**
  15. Council Order #021304, Request of the Water Superintendent to have the High School water tank repaired.  
**Move to approve the request of the Water Department to allow Statewide Aquastore to make the necessary repairs to the State St Water Tank in the amount of \$56,800, funding to come from water department Capital account 6565370-55001 by C. Hanson, second by G. Lyons, passed 6-0 (SO)**
  16. Discussion and potential action on support of to Warm a Winter's Night fundraiser (sponsored by Hanson)  
**Motion to approve \$1,000 to DCP for Ellsworth Residents and \$1,000 to City Emergency Heating Fund from undesignated fund by C. Hanson, second by M. Beal, passed 6-1 (SO)**
  17. Determination of where funding requests should go for social service vs. recreational (Sponsored by Hamilton)  
**Staff to continue working to create a way to present a layout for recreation and/or social services.**
  18. Discussion and possible action on separating the City Manager/ Chief of Police into 2 positions held by 2 individual people at the end of the current contract in place that expires 01/16/2024. (Sponsored by O'Halloran)
  19. Executive Session pursuant to 1 M.R.S.A §405 (6) A for Personnel Matters to conduct employee review.

*Maine Revised Statutes allow bodies or agencies to hold private executive sessions under certain criteria. These types of private proceedings do not include any decision-making, motions, or final authority. They are discussion only. The purpose under the law for such proceeding related to personnel is to protect individuals' reputation, right to privacy, employment conditions, evaluation, and other personnel related topics.*

**Motion to enter by Hanson, second by Mote, passed 6-1 (O'Halloran opposed)**

**Motion to exit by Mote, second by O'Halloran, passed 7-0**

20. Councilor Comments

21. Adjournment

# City Council Minutes from February 13, 2023

**Dale Hamilton**

Call to order the City Council Meeting February 13 2023. All councilors are present. Pledge of Allegiance.

**Steven O'Halloran**

Could we move nine a ahead of nine for ease of discussions?

**Dale Hamilton**

Take that as a motion. Is there a second?

**Steven O'Halloran**

The family's here. And if we could just talk about granting them permission to remove their personal property and then get on to the discussion about what happens to the actual crime.

**Dale Hamilton**

Take that as a motion. Yes. So if there's a second.

**Casey Hanson**

Second,

**Dale Hamilton**

that's the second. Any discussion? All in favor. So we'll switch that around. Thank you.

**Dale Hamilton**

Item three rules of order. We follow Robert's Rules of Order and other rules that we developed during the organizational meeting. item for adoption of Ellsworth City council minutes 12/7/22 Special Council meeting and 1/9/23 Regular council meeting.

**Tammy Mote**

Motion

**Michelle Beal**

Second

**Dale Hamilton**

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

**Dale Hamilton**

Item five city manager's report manager Moshier

**Glenn Moshier**

Yes. Good evening. Just a couple of quick announcements first off just to let the public know that city hall will be closed on February 20. in observance of Presidents Day, I'd just like to congratulate the Ellsworth High School cheerleaders who won their first ever Class B state championship over the weekend. And lastly, the Ellsworth Area Chamber of Commerce is challenging residents to spend \$20 on the 20th at one of Ellsworth's, many different shops and stores. Encourage all residents to participate and support local business.

**Jon Stein**

Any questions?

**Dale Hamilton**

All right, Item six committee reports any counselors attend committees that they want to report on.

**Jon Stein**

Rec Committee met last month there was some talk of Demeyer and Wilson fields and maintenance needed there does not seem to be a long term maintenance plan and we're discussing with the YMCA that partners provides insight to those fields. A work plan moving forward. The Rec committee is hoping to expand applications the rec through is sort of a pass through for the city funds to fund different rec activities by different organizations like the YMCA. So we're hoping to standardize an application to let people know what the recommender is looking for in terms of applications to make it easy to apply. And to make it equitable by getting the applications out and advertising them. Next meeting will be February 28. Tuesday morning. Thank you. Yeah. My big boys here. Next recommended meeting will be Tuesday, February 28. Right here 8:30 In the morning. The public of course is Welcome. Please come listen, give some opinions during public comment. We'd love to hear from you. Historic Preservation Committee will meet Wednesday at 4pm in these chambers as well. Also public meeting and public is welcome and encouraged. The Communications Subcommittee that was assigned by this council two months ago met we we discussed the possibility of releasing City Council agendas earlier, usually doing so on the Monday the week before the council meeting and perhaps even earlier, passing these to other local organizations as well for help disseminating the agenda discussed potentially doing another survey to see what has changed since 2019 survey results said that most citizens got their city news directly from the website or from Facebook, which is where the city tends to try to post a lot of news and we're trying to direct more people directly to the website where all the agendas are posted as early as possible. We often hear from people after the fact after meetings, we get a lot of comments and emails, which is great. We would love to have more people. And this is really incredible to see all of you here this evening as well. So for those who are curious how it can work is if you read the agenda, which is published, the week before the meeting on the city website, in the Ellsworth American and through other various channels, and something speaks to you, you can come to these meetings as you've done. And you're welcome to speak during public comments, and specifically on certain agenda items as well where the public are welcome to comment. You can also email any of the counselors up here, first, initial first name followed by last name at Ellsworthmaine.gov. We'll get back to you as soon as possible. And we will answer questions about how to seek information from the city as well.

**Michelle Beal**

The harbor commission met last Thursday. And they really are talking about it's exciting, but opening up the harbor and docks and walkways that you need. But they also are talking about capital improvements. And they're still defining the work that needs to be done. For the Cribs, they put in a request for financing and the budget. But they would like they're going to define that dollar amount more before the budget is ready to be spoken about. And then the Finance Committee meets every Friday morning at 7:15. One of the items on the agenda is we invite people in to talk about projects with the staff to come in and talk about projects that may be coming out. And so we can have an idea about funding, make recommendations to the council. But the other thing that was really wonderful last Friday is Amy Boles, the superintendent of the school department, Paul Marksoian and Kelly McKenney from the school board came to talk with us about the school department and funding and what is coming up. And we're going to start having regular communications with the school department. And once a month, if not more, and we'll be talking about the upcoming budgets, upcoming issues that they want. And even you know the possibility of the city and the school department sharing services to to save funding. So it was a great meeting. I learned a lot. And it's been quite a while since I've been involved in school finances. And I think it's with Amy and the school board. I think it's going to be a great communication.

**Casey Hanson**

Guys, quick question about Have we had any progress on streaming the Finance Committee meeting? Streaming? Because taping or whatever

**Michelle Beal**

we haven't been taping have? We haven't yet?

**Glenn Moshier**

talked about it multiple times. And we've never, you've never come up with a final decision whether you want it recorded, just audio or video, it would

**Casey Hanson**

just be great for like I work at that listen to it. And I would love to be able to listen

**Michelle Beal**

We can talk about it later. But I think we it was the audio because the video was hard because no one's in here at 7:15 to start it up for us so that we can at least get them on. I apologize. No, that's okay.

**Dale Hamilton**

Just add one piece to the Finance Committee. One of the things we've asked the counselors to think about next month, we'll be talking about getting a schedule for the budgeting, budget meetings, workshops. And one of the things that we discussed in the finance committee was the possibility of scheduling more frequent budget meetings so that we can get through the presentation from staff and have more time as a council to then have discussions about the entire budget as opposed to just doing it once a week. So it's something to think about obviously, it compresses the schedule and more time in terms of of the week. So if you could just be thinking about that. And then next month, we'll it'll be on the agenda to put a schedule together and we can make that decision on how we want to proceed.

**Gene Lyons**

So local road Committee met on January 30. Talking about roads and which ones are going to get repaired and which ones aren't. We aren't to that point yet, but I would like to add four people to that committee to get approved. So motion to approve Rob Shea, Mark Blanchette, Steve Beatham and Rick Lyles to that committee.

**Dale Hamilton**

Is there a second?

**Michelle Beal**

Second,

**Dale Hamilton**

any discussion? All those in favor their appointed. the last piece that I have for report is on the rec Commission. The members of the rec Commission found that the early morning timeframe or beginning of the morning 8:30, is was best for that group. That's a time that I'm not able to make it work. So I've notified that the rec commission that come off of that committee, we It doesn't make any sense for me to just have my name attached if I can't attend it. So I wanted to raise it to see if anybody here is going to participate. But if there was another member interested, that commission can have two representatives from the council,

**Jon Stein**

usually the third Tuesday at 830 in the morning.

**Dale Hamilton**

there's one voting position, and then one other position that exists.

**Steven O'Halloran**

I would be interested.

**Dale Hamilton**

thank you.

**Steven O'Halloran**

I've got a lot to learn.

**Dale Hamilton**

We will add you. And if I change, thank you. Any other committees?

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**Dale Hamilton**

Item seven citizens comments, this portion of the agenda where citizens can come to the podium, say your name. And you have approximately three minutes to comment on anything you'd like if it's on the agenda. You'll have a chance at that time to speak to the agenda item so you don't have to take up the three minutes for that. So anybody that wishes to speak me go to the podium now.

**Robert Hessler**



Robert Hessler from Ellsworth. I just brought a slick presentation. I want to talk to us for a couple of minutes about what I think is a really dangerous intersection for pedestrians in downtown Ellsworth. And that's the intersection of Main Street, Water Street and State Street. I think the most dangerous crossing is Mexico apart from that probably think the most dangerous crossing is between Serendib and Emmaus Center, there are a couple of things factors that come into that the crosswalk is set back from the intersection a good bit, so you're not that visible. There's a lot of traffic, especially in the afternoon. That comes up Water Street, this is roughly North here comes up water street is given a, when the light turns green, they're given a green arrow in the left lane and the right lane has a green light. When that turn ends, they get a yellow arrow and then a green light. So it never says stop. If there's no traffic coming down State Street, and there's a long line of traffic coming up Water street I think that you might even get a situation where cars increase in speed. When they are making the left hand turn. That's exactly when the walk signal comes on. To cross to a Emmaus center. As soon as that left hand light for left hand, like goes from yellow, back to green. You're told to cross in the in November, December, and January, when it's dusk, by the time you get the highest afternoon traffic. It's especially dangerous. For some people, it's more dangerous. If you're not tall. You're not going to be seen well. If you think that crosswalk signals should function properly, you're in danger. Because this one it says to cross and it might be the most dangerous Time to cross that street. I personally used to cross from Water Street across a lot. And also the Serendib to Emmaus I still do quite, at least a couple times a week. And it's always a challenge. I see tourists, guests, visitors really confused at that intersection. And each one of the crosswalks. I've seen younger people that I eventually found the nearest place to park, park my car and walk back to make sure that they would make it across that intersection. Tonight, I had my I had my front my hands on the fender or the hood of a pickup truck that didn't stop when I was crossing with the light. And that's it. I think it's really dangerous. I have a little picture. This is the the cross button. Not at this intersection for the intersection. High Street Oak Street and it's yours. So high street, Oak Street and Main Street. And there is there are several feet of sea roses. several feet of sea roses between the sidewalk and the button. And it just sort of sort of makes sets the tone for how seriously the city takes pedestrian safety. Thank you

### **Steven O'Halloran**

before you leave, I'd like to get a picture of your visual aid. Very nice.

### **Marc Blanchette**

Good evening counselors Mark Blanchette. First of all, this is very much an unfamiliar position. Speaking from here, all the times i've talked in this room, so I'll try my best. I just wanted to stop by this evening to say thank you on behalf of Ellsworth residents, to the Ellsworth Highway Department employees from a hellish rainstorm two days before Christmas, to this past cold snap that we recently had, not to mention a couple of very difficult storms in between. We came out of them relatively unscathed. Due to the efforts of these employees. The roads were plowed sidewalks were cleared, and the water line breaks caused by frost heaves were replaced all in timely fashion by them and the water department allowing us to continue on with our daily lives and schedules. Because of their dedication, dedication that came at a personal cost to them in the way of missed vacations and family time together, both at Christmas and on some of the holidays since it also came at a cost of working in many cases in excess of 30 hours straight in below freezing temperatures. I know there were some cases that at times didn't allow for full complement of staff issues beyond anyone's control. But everyone else

picked up the load and got the job done. Perhaps it may in their opinion, be second nature having to work long hours in less than ideal conditions. Just part of the job they might say but I want them to know that time we work is noticed and very much appreciated. Thank you

**Dale Hamilton**

anyone else like to speak?

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**Dale Hamilton**

Seeing none, move on to presentation of awards. First one is for Edmund Murray.

**Dale Hamilton**

The city of Ellsworth proudly presents a certificate of service and in recognition of your 30 years of service as a facility supervisor for the Ellsworth Public Library. Your devotion to duty and loyalty the community have contributed to the improvement of the city of Ellsworth. 30 years is a remarkable career

**Casey Hanson**

Yes, Councilor Hamilton and I both but this next agenda item on the agenda which is the Arbor Day proclamation in anticipation of it. Tabitha White is going to give us a brief information on urban tree report.

**Tabitha White**

I have some handouts for you guys to further investigate. Thank you guys for letting me speak tonight. My name is Tabitha white. I thought I'd let you guys know a little bit more about the girl who is always up here bugging you guys about trees. I was born and raised here in Ellsworth. I graduated from the University of Maine with my bachelor's in forestry, moved to the city of Boston where I became a planting coordinator there for five years and after that, I moved to the city of New York, where I was a procurement forester for three years. I've been a certified arborist for 13 years. And when he moved home to Ellsworth became the procurement manager and project manager for Atlantic landscape construction and I am now currently working with the garden artisans in a similar role. And in the process of developing a specimen tree nursery here in Trenton, Maine. I joined the Ellsworth green plan in 2017 When I moved back to Maine, and I've since become the chair of trees in the land chapter of the green plan. I just wanted to thank the mayor for the proclamation. It's essential to our continued Tree City USA status, which we achieved for the first time last year 2022. Since 2017, there's been significant progress that's been made in the urban Ellsworth, urban and community forest, a comprehensive street tree inventory of downtown Ellsworth is near completion and the community has come together to fundraise apply for grants volunteer and partner with the city for more than 20 tree plantings in the area between city hall and high street. And with the assistance of the Frenchman Bay Conservancy and project canopy, we have established a tree nursery capable of holding over 500 trees, which we want to see as also street trees. Park trees and trees for natural spaces to date 80 trees have been planted by students and community members here in Ellsworth, and another 80 will be out of this spring. Had for the first time in 2022. Like I said, we earned the distinction of becoming a Tree City USA, joining a group of 19 other Maine towns and cities. The current steps in our efforts include reapplying for the Tree City USA status, which is why we need the proclamation and completing the canopy coverage assessment which will support our proposal for an urban and community forest

management plan for the city of Ellsworth. So I'm kind of here to ask you for help. Not that we were going to discuss it tonight, but it's the start of asking. We want to maintain Ellsworth's recognition as a Tree City USA and further advance its urban and community forestry program. But act of support from the city is crucial. Our first steps towards achieving this goal is to fully implement the arbor commission as outlined in the 1991 tree ordinance chapter 43. I've actually that you'll find that ordinance there on page two. And to date. As far as I know, no one has been appointed to this committee. This tree ordinance created was created in response to the destructive impact of the Dutch elm disease in Ellsworth and aims to offish efficiently address the issue by appointing qualified individuals to work in collaboration with volunteers in developing and executing an urban and community forestry management plan. This approach not only maximizes expert input but also utilizes community resources, thus avoiding any financial burden on the city, which is really exciting. Secondly, we strongly recommend that the city apply for a \$10,000 2023 project canopy planting and maintenance grant. This grant is a highly sought after source of funding for many cities in Maine, as it allows for sustainable financing of urban and community forestry initiatives and helps maintain Tree City USA designation. In recent years, green Ellsworth and the Frenchman Bay Conservancy has successfully obtained the grant demonstrating its feasibility and in its importance to support the city's application. Green Elsworth the Ellsworth Garden Club and the Frenchman Bay conservancy are eager to offer assistance. With writing the grants securing volunteer labor and providing matching contributions through funding the community tree nursery, we appreciate or we anticipate that the 2023 project canopy grant will provide resources to plant a substantial number of two to two and a half inch trees with an estimated total and that's caliber not height. That's pretty good, so big a lot bigger trees, with an estimated of about 10 to 12 trees with that 10 with \$10,000. Through our street tree inventory analysis, we have identified several ideal planting locations. However, obviously to finalize that list, we were going to seek input from public works department and relative representatives from the state. So our 2023 goals are to plant trees on city streets in our nursery and other public green spaces, ideally working when we can with the city crew as we proved in November of 2021. To be very successful when we planted about eight maple trees over on High Street together. We've also gotten in kind tree donations secured from the Hancock County Soil and Water Conservation District Bartlett tree experts and the garden artisans. We also want to complete to complete the street tree survey and mapping out the work for the remaining city streets and neighborhoods. We want to finalize an urban and community forestry management plan in consultation with city staff and I hopeful newly appointed Arbor commission. And we want to recruit and train a team of tree stewards who can monitor city a nursery trees for pests and disease watering, watering needs and tree and nursery maintenance on this I added some upcoming events that I hope you can all consider coming to everyone here and who's watching including tree pruning and tree planting and my contact information if anyone wants to get a hold of me with any questions or concerns. And I also included a bunch of newspaper articles from 1991 and 1990 two's planting efforts, which are the courtesy of chance and taro project canopy from the state. They are really interesting. And I hope you guys enjoy them, then thank you very much for your time. Thank you.

### **Dale Hamilton**

So I have a proclamation. I'll read it and then I'll entertain a motion to accept it. Whereas in 1872, the Nebraska BOARD OF AGRICULTURE established a special day to be set aside for the planting of trees. And whereas this holiday called Arbor Day was first observed with planning of more than a million trees in Nebraska. And whereas Arbor Day is now observed throughout the nation in the world,

and whereas trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water cutting heating and cooling costs, moderating the temperature cleaning the air producing life giving oxygen and providing habitat for wildlife. And whereas trees are a renewable resource giving us paper wood for our homes, fuel for our fires and countless other wood products. And whereas trees in our city increase property values enhance the economic vitality of business areas and beautify our community and whereas trees wherever they're planted are a source of joy and spiritual renewal. If this is approved by the council, we will recognize a Friday April 28 2023 as Arbor Day in the city of Ellsworth. So with that I would entertain a motion

**Michelle Beal**

Motion to approve.

**Gene Lyons**

second,

**Dale Hamilton**

we have motion is there any discussion? All those in favor? Unanimous

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**Dale Hamilton**

Unfinished business item nine. We've changed the order at the beginning of meetings. So we will have discussion and possible action to allow Kerry Karst to remove personal items from the Property

**Steven O'Halloran**

thank you when the Karst property went out to sealed bid after it was presented, I reached out to the karst family and said this circumstance is very unfortunate. Is there anything that we can do for you and during the discussion It was, well, it would be nice to get some of our personal items out of the house before the house was sold. And when I, I tried to sponsor this as an agenda item, City Hall said that that's not necessary that they could just call City Hall and could make those arrangements. But we'd like all of this above board. And that's why I bring it to the council tonight to allow the karst family either supervised or unsupervised to remove their personal items from the property before possession changes hands from the city to whoever the new owner may be. And again, it could be supervised or unsupervised. The cast family when I reached out to them accepted responsibility for this terrible position that everyone's in, but their personal property pictures etc. would be valuable to that family and would not have value to the new owner.

**Dale Hamilton**

Manager Moshier is there any concern in terms of that process?

**Glenn Moshier**

None whatsoever. We just have to know when they want to come and someone can go and unlock them. anytime they just want to reach out to myself here at the city and we'll make arrangements for them to be able to get into the house.

**Steven O'Halloran**

And and what number would they call

**Steven O'Halloran**

I invited them to come tonight and Mr. Karst came along with his daughter Ashley, if there was any questions that the council wanted answered, but I'm hoping not to drag them through any more than we have. And when you're ready for a motion, I can make a motion.

**Michelle Beal**

I don't think this is anything we have to vote on. They don't need permission. That's something the city manager handles I don't think the council needs to vote for something like that. It's not?

**Steven O'Halloran**

Well, it would be nice to us, it would be nice to let them see the council approve that. So there's no questions.

**Michelle Beal**

So I apologize. I don't know which person is Mr. Karst. Sorry. I'm sorry that you you had to come here for this because it isn't anything that the city council would actually give permission to vote on or anything like that. But you have our I mean, honestly permission to go in and get your we're not we're not trying to prevent you from having anything that's personal or anything of value to you, you know, personally, absolutely would never ever do that. So.

**Steven O'Halloran**

May I make a motion? Okay. I would move to allow the Karst family to contact the city manager for personal item removal rather supervised or unsupervised. And I'd like to get the council's blessing so that it's clear to the family.

**Dale Hamilton**

Is there a second?

**Michelle Beal**

Second, just a second.

**Dale Hamilton**

I guess I understand what you're trying to get at Councilor O'Halloran I think the process though is it opens the door for this council Future Councils to end up voting on matters that really we shouldn't be voting on as a council. And that's my larger concern is that we start taking over the functions of our city staff and stepping in where we really don't need to step in to I certainly appreciate the fact that I think it is a message to let them know that they can have their their personal property, but I just don't think it's a voting issue for for a Council to take and that's my concern is it has bigger ramifications in terms of government stepping in and having a vote on every item that comes forward in the city. So for that reason, I would vote no on this because I just don't think we should be voting on this type of issue, not because of the substance of it. Just because I don't think that The Council should be voting on these types of issues.

**Gene Lyons**

I think if I'm clear, like they could have gotten their stuff a month ago or two months ago, they'd call right. So it's good.

**Karst Family**

I was not made aware of this situation until the article came out. So I could not reach out to the city council a month or a month, two months ago. So if I had known I would have come forward and gotten those things, but I had not made been been made aware until very recently. And so I understand that proposes a dilemma for you. But I would still very much like to go in and get my family's things. However, that has to happen. Thank you, I just want to let you know that we I wouldn't if I had no.

**Steven O'Halloran**

The other thing I would just add is I don't think everyone is super comfortable calling City Hall, I think we hear that or at City Hall. Understand it's acceptable to call but I'm not sure everyone feels that way. Much like, you see a lot of discussion happen on social media, but the place doesn't fill up like social media does. So like to. I brought this forward simply to make it clear to this family. And I don't think we think it's easy to call City Hall. But it may not be easy for everyone to call City Hall, especially in this situation where you have a very unfortunate tax lien foreclosure situation.

**Michelle Beal**

Think if if a person you know they're more comfortable calling a counselor or emailing a counselor than the counselors responsibility is to direct them in the place that they should be going to staff in the city manager. And helping them even if it's coming to City Hall and making a deduction or sending an email or something like that, but it's our responsibility to make sure that the people that elected us are going to the correct spots and in places and feeling comfortable enough to do that. We can help with that. Absolutely. So sorry.

**Kerry Karst**

I have no problem calling the city manager at all. So not even have to worry about that. Oh, thank you. Oh, okay. Everything. And so I just don't have any problem with it. It's something to happen. That's my fault. And I have to deal with it. You know, but I have no problem. The city manager, you know, now I'm in a better place.

**Glenn Moshier**

Okay, we will accommodate you in any way we can. Okay, thank you.

**Dale Hamilton**

I just like would like to say based on both of your comments, in no way you should not feel at all, like you're being put on the spot around this issue about getting into the house and getting your belongings this discussion is really about more procedure and processes related to the council and what the council should or shouldn't be voting on. And nothing to do with you. And I just want to make sure that you walk away here knowing that.

**Jon Stein**

That said, Is there any way to table this maybe a discussion for if something goes wrong, and it's not possible in some legal action, maybe it comes back to council I, on principle, I would abstain from the vote. But I would really hate to see that created, not allow this to pass. And if it doesn't pass that motion, that would not allow the family to access. And I don't want to not allow the family to access fuel. If we all abstain to vote, it won't pass and if it doesn't pass, they won't be allowed access. I think the better they will. Yes, it will. So

**Gene Lyons**

it's not our issue. It's not our responsibility to do.

**Steven O'Halloran**

But we have a motion in a second.

**Dale Hamilton**

We're in discussion right now. Okay. We will vote on any other comments? All right, seeing none, all those in favor? Aye. All those against proposed so abstentions. Just remind the council that you can only abstain from a vote if there is a conflict of interest. I mean, you have to state that conflict. That's part of the charter.

**Casey Hanson**

I have no conflicts. And I just don't know. Like, Jon, I just didn't want to want to vote no, I just want

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**Dale Hamilton**

some motion, Motion fails. But we'll reiterate and stress that all you have to do is call the city manager, and you're going to be able to get in, get your belongings. Thank you. Alright, so continued discussion on 16th Fifth Street property at the request of the tax collector.

**Sue McLean**

Hey, hello, I'm Sue McLean ax collector. And I just before I get into this, I just want to say, if you try and call the city manager, and you don't get him, please call me. It has never been an issue. You can call me anytime. Not a problem. And I think I have spoken to you in the past. Yeah, so I'm nice. So, at the last meeting, on January 9, I was asked to go back and take a look at the tax acquired property ordinance. See what options were available to us after all the bids for the 16th Fifth Street sale were rejected because of a split vote. I feel like we did everything right by the book. So having said that, I just had to put that out there. I only found a couple of things that really tells us what the next step is. One was in Article Three of the ordinance, section seven, which says, should the city council reject all bids, the property may be offered again for public sale without notice to any prior owner or owners. And then the second thing was Article Three, C, section two, that says- Any sale of tax acquired property shall be through public sale, the finance director under the directive of the city manager shall oversee the exact terms and conditions of such sale, and use his or her best judgment to seek the best and most expedient method of sale and return on the sale for the city. The city council will have the right to accept or reject any sale. That's all I have. I don't have anything else to offer. I don't have any other suggestions. At this point, I would just ask the council to advise what they would like to see done and what would you like me to do next?

**Gene Lyons**

Kinda like option A, that were the expedient way? And that's my theory and offer it to a prior family. No. I don't think that was listed, just so it as long I mean, the city's interest is to get them money that's owed for the back taxes and fees and everything else. So that's what I would be interested in seeing gets done.

**Gene Lyons**

But I don't think that's what's listed here. That's

**Gene Lyons**

Oh, it's just a read option A again?

**Gene Lyons**

Yep. It says should the city reject all bids the property may be offered again for public sale without notice to any prior owner, or owners. I mean, I think it's just my interpretation, but I think it has to go back out to sale for sale somehow. I just need to know what you want me to do.

**Glenn Moshier**

So we looked at through the Finance Committee, we had some conversations. So we had Sue reach out and we've got options on the way we do it, we can put it out to sealed bid again, which is, which is a possibility. We can go through a realtor listed with a realtor to try to sell the property through a realtor or our third option. That option is an auction of the property which you should have received today that email estimate on what that one cost. I have some printed copies here if somebody was unable to see their email. So those are the three potential options of ways we could potentially We explore the sale of the property

**Steven O'Halloran**

that's what I have a little concern with the whole thing. And it starts with this I, I voted against putting it out to sealed bid, I was hoping that the tax collector and the family could somehow connect. I know there was a lot of talk about were they notified properly? Were they not notified properly because of COVID? or what have you, but it it was voted, I believe five to two go out to sealed bid. And then it goes to sealed bid. And they will, as I recall, there was seven bidders that did due diligence in, in researching the property assigning a value to the property bringing 10% of their bid to City Hall. There's a lot of due diligence there. And and then there wasn't enough support to take the high bid. So in this case, we're sitting here with I realized we have a legal right that we can reject all bids. But I feel like we have two wrongs here we have, we have the family that we have wronged and now we have the high bidder that we have wronged. So I don't know where to go. I just would like to make the record clear that I think we have two problems here. One, we I'm not sure we did the right thing with the family. And two. You have seven bidders that did due diligence and their time is wasted.

**Dale Hamilton**

I mean, this I just want to comment. It just your words, your words, I think I want to go on record most of the family. And I think the family knows this better than everyone else, is that the city has a very clear



process, which is mandated by law, which we follow, which is a long process. We're talking I think it's five years before the city ever steps in to foreclose on a property.

### **Dale Hamilton**

a half years, and the whole process is about five years. It's extensive. And there's a lot of back and forth. And it's it's mandated there's legalities around it and there's notification. And so it's not the city, trying to do something to somebody to a property owner. It's not city staff who are trying to go after people. It is a process that we that we follow because there are legal aspects to it. And it's never easy. I've had to sit through multiple situations that we've foreclosed on property, some are easier, some are harder. It's always done with the best intention. The reason for the fact that the council can reject any and all bids is exactly for situations like this. And the reason we ended up I believe I was on the side of voting against the higher bid for reasons that that I felt were important. And we just disagreed as a Council, which ended up with no action. Which brings us to the discussion tonight. I think that's a good process when you have this lengthy process when you have debate and discussions, and you try to make the right decision. So I just want to go on record to characterize the city staff, the city as doing wrong to other people. It's just not the case. It's it's really intended to try to do our best to support people. And I think this city goes out of their way because of the law, but also because of the compassion to try to work with families to try to retain those properties to keep people in properties. We've as a city have foreclosed on properties, and allowed people to remain in those homes for as long as they needed to. So I think that I want the whole community to understand the context of this situation and not look at it as though that somehow people's individual City Council is doing something cruel and mean spirited.

### **Sue McLean**

And I just wanted to say that it's not basically it's just on what you're saying, but it wasn't up to me to say you can just have the house back, pay the taxes and have the house back. Let's work something out. It wasn't up to me but you just kind of made it sound like you You thought it was I followed the the law letter, the law, I followed the ordinance, I followed the Maine state liens book, I was diligent on all of it, and everything was done as it should have been. And we also I did come to the council, at one point in asked if we could accept payment, and deed it back to him, and was told that it has to go out to bid per ordinance, which is true. So we did, as a tax collector, I did everything I could. And I just want to make that.

### **Michelle Beal**

I just wanted to add to that the reason we have ordinances, their local laws, and they're they're made for rules to also protect the people. Because if we go against these rules, and these laws, number one, they can go to court and be held up in court. But it prevents councils from having too much power, and to be making decisions on a whim, that could be for or against the people that they represent. And so that's why we do this. It's not, you know, just more municipal or, you know, legal red tape, it's to protect everybody. So you can't just say, well, we're gonna forget the ordinance this time, we're just gonna get the property back. Because what about the next person that you don't want to give the property back to you now know, you don't have anything to for standing on your, for your decisions. And so you, that's why we do this, it's not to be mean, it's not to be anything, and it isn't, you know, it's a shame that it got to this. This point, usually, if it hadn't been for COVID, I'm sure that the city would have been right on it,

there's a schedule for it to make sure that this does happen, and that all notifications and things are taken care of. And that five years later, you're not finding out that you're, you know, losing your property, you would you know, everything goes in a in a pretty smooth normally transition. But COVID, you know, is put, you know, some some delays and things and, you know, I'm sorry, you feel like you're being attacked, these are absolutely no,

**Sue McLean**

I just wanted it clear that I don't I did everything I was supposed to do. And then some.

**Michelle Beal**

I may, if I might just to finish if we can, I mean, this is dragged out for for so long. And I'm sure it's embarrassing to the family. And it's, it's, you know, it's not really the way that we do things. It does need to go to public. I don't think I mean, if we put it out to bid, we've I think we've lost the staining for that, and people are just not going to be bidding on the property, but we could the auction company or just having a real estate agent, although I think an auction company is more of a public sale, I think that that would be a really good option. And then, you know, the Karst family can be at the auction and, you know, try and bid on it. And we'll have someone professional taking over that. And then it's it's, you know, it's I think it's done more in a fair way to family.

**Steven O'Halloran**

I just like to clarify that. Sorry, you feel personally attacked, because that's not my intent. My intent is compassion. For the family for the situation, I think we all had COVID challenges. And I just think that there may have been some room for some compassion and some discussions here. Aside from that. I don't to echo Michelle, I don't see a path forward here except a public sale, I feel bad that we've wasted all of the bidders time and money. And I feel horrible for that. And we've probably alienated future people interested in properties. But perhaps the public sale is the right way. And I would like to find a way to return the equity to the family after the sale. Now, I'm told that that can't be done.

**Sue McLean**

That's correct. But um, as of right now that cannot.

**Steven O'Halloran**

Okay. Could you elaborate on that way?

**Sue McLean**

I don't have the law right in front of me. But that is not how the law or the ordinance is written. It does not allow for that.

**Steven O'Halloran**

Okay. Can we get a legal opinion on that? I mean, we're talking about taking taking someone's livelihood. Yeah. And the cities do their taxes, but if there's equity Can we at least get the City's attorney's opinion on that.

**Dale Hamilton**

Okay. Well, before we do that I

**Michelle Beal**

Because you have an ordinance, right? So the reason, I'm sorry, I feel like I'm lecturing tonight, I really apologize. But the reason that we don't do that, again, is because you're doing things on a whim. How much of it? Would you give back all of it, some of that? What if a person had dilapidated property and the city of Ellsworth has to pay to take care of it, you can't make decisions on one person, unfortunately, that's the way it is we spend, the city spends a lot of money taking care of foreclosed property that people just abandon, and then we have to take care of it. And that costs money. And so you can't just say, I'd like to give them their money back and keep this person's money. Again, you need consistency for the protection of everybody.

**Steven O'Halloran**

I'm not trying to single this family out, I'm saying that, can we look into that, as a policy, I feel horrible. In this particular case, it appears that there's a \$19,000, Bill, and \$111,000 value. And boy, that's awfully hard to rob that family. And I'm not saying that family, I'm saying others as well. So I like to dive a little bit deeper into that process. And I saw a question in the audience. I mean.

**Kerry Karst**

This whole thing is due to me, I'm the one that did this, no one that did not pay the taxes, and all that. I really don't care if I appreciate these, and I understand and I appreciate it, that makes them a lot. You know what you're doing. But as far as me? You know, I just want to get by myself, and let the house go a bit if you guys worried about me.

**Michelle Beal**

Thank you. Thank you very

**Gene Lyons**

well, that makes it easier.

**Dale Hamilton**

And so just in terms of want to get back to the, It's suggested attorney opinion. For me. I think if that is happening, that needs to be a motion. We we we should not be just on a whim, asking the city to keep going into attorneys to challenge the decision making of city staff. That's why we have city staff. You're telling us what the ordinance and law says I have no reason to doubt that. And so I don't think I'd say it needs to be a motion from this council before you go to the the attorney on this issue. i With that I will make a motion to request that we put this property for sale through the auction company and do that public sale in that manner.

**Tammy Mote**

Second,

**Dale Hamilton**

second discussion.

**Jon Stein**

Question. The council it seems like from Article Three, section two, we'll have to then approve that sale once it goes through. Yes. Do we want to consider in this a any sort of contingency? I mean, I don't want to see repeat of the bidding process that I think at least the high bidder who emailed us lost faith in the product in the process and wouldn't do it again because that we sort of walked back that opinion. And oh, we can't pre approve anything but you know, is there any way we can give the would be bidders on the auction. Some faith that we will accept that high bid

**Casey Hanson**

can we pre approve it can we say Can the motion say and move to accept the highest bid through the auction process

**Sue McLean**

that may be part of the packet where where we set the I can't quite remember but where you set those kinds of issues but I can call Oh, I can call them and ask them about that.

**Dale Hamilton**

I believe an auction is set as a different process than the sealed bid process in terms of at the time. Everybody who is bidding on it knows that the process is that it's going to the highest bidder. And that's and then the, what we're doing is just quantifying that through our vote. So the assumption

**Glenn Moshier**

is that we would set a minimum bid, and then that's where the bidding would start for the auction. And then when the auction is concluded it would be sale to the highest bidder through that process.

**Dale Hamilton**

Other discussion? All those in favor? Aye. All those opposed? Motion passes. Thank you.

**Michelle Beal**

Thank you. Thank you very much.

**Dale Hamilton**

We have no consent agenda items this evening. So to new business.

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**Dale Hamilton**

Item 10. Public Hearing and action on the issuance of business licenses. Madam Clerk, all licenses are in order. No issues. So I will apologize because there's a large number which means that you'll be hearing me bang bang, bang, bang.

**Dale Hamilton**

All right. Atlantic coast inn 200 High street for renewal of a city lodging house license this is a public hearing open the public hearing. Public Hearing is open. Anybody like to speak on any of those issues? When I open the public hearing for any of this? You may speak if you'd like and I will not be saying that anymore. Okay, seeing none, I will close the public hearing public hearing is closed.

**Casey Hanson**

Motion to approve.

**Gene Lyons**

Second.

**Dale Hamilton**

Any discussion? All those in favor? Unanimous

**Dale Hamilton**

ETC LLC DBA. Dyon's 35 Eastwood lane for renewal of the city, class C and State liquor licenses public hearing open public hearing, public hearing is open. Any public comments? Seeing none, I will close the public hearing public hearing is closed.

**Michelle Beal**

Move approval

**Tammy Mote**

Second.

**Dale Hamilton**

Discussion. All those in favor? Unanimous.

**Dale Hamilton**

Colonial in LLC 321. High Street for renewal of a city lodging house licenses a public hearing open the public hearing public hearing is open. Any public comments? Seeing none I'll close the public hearing. Public Hearing is closed.

**Michelle Beal**

Move approval.

**Gene Lyons**

Second.

**Dale Hamilton**

Any discussion? All those in favor? Unanimous?

**Dale Hamilton**

Ellgovs LLC DBA. Governor's restaurant 253 High Street for renewal of the city Class C license Victualer and liquor and renewal of a state restaurant class three and four malt and vionous liquor license. This is a public hearing open the public hearing. Public Hearing it's open. Any public comment Seeing none I will close the public hearing public hearing is closed.

**Tammy Mote**

Move approval.

**Gene Lyons**

Second.

**Dale Hamilton**

Any discussion? All those in favor? Unanimous

**Dale Hamilton**

Siam sky LLC DBA. Siam sky 278 Down East highway for a renewal of the city Class C license liquor and Victualer and renewal of a state class three and four restaurant malt and vinous liquor license is a public hearing. I'll open the public hearing. Public Hearing is open. No public comments. I'll close the public hearing public hearing is closed

**Gene Lyons**

Move to approve.

**Casey Hanson**

Second.

**Dale Hamilton**

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

**Dale Hamilton**

Sanjeeva Abeyasekera DBA Serendib 2 State Street for renewal of a city Class C license victualer and liquor and renewal of a state restaurant class three and four malt and vinous liquor license this public hearing open the public hearing. Public Hearing is open. No comments closed the public hearing. Public Hearing is closed

**Gene Lyons**

Move to approve.

**Tammy Mote**

Second.

**Dale Hamilton**

Motion is second. Any discussion? Seeing none all those in favor?

**Dale Hamilton**

GC Pizza Hut LLC DBA Pizza Hut 211 High Street for renewal of a city Class C Victualer and liquor licensing renewal the state restaurant class four malt liquor license this public hearing public hearing is open. Seeing no comments public hearing is closed.

**Gene Lyons**

Move to approve.

**Jon Stein**

Second

**Dale Hamilton**

Any discussion? All those in favor? Unanimous.

**Dale Hamilton**

The Grand, 165 Main street for a renewal of City class B license, Victualer, liquor and amusement and renewal of a state other Auditorium Theater Class III and IV Malt and Vinous liquor license.

**Nick Sarro**

Nick Turner with the grand. I just wanted to state ever since we got the liquor license years ago, it was approved by the City Council. We now haven't had one incident that would make it not worth what we did with it's been a wonderful, wonderful thing and not one incident of misbehavior in any sort. And we serve only the finest beers and wines at every performance. Thank you.

**Dale Hamilton**

Public Hearing is closed. Any discussion? All those in favor? Unanimous, thank you.

**Dale Hamilton**

Finelli's of Maine LLC DBA, Finellis's 12 DownEast highway for renewal of the city Class C Victualer. And liquor licensing renewal of a state restaurant class three and four license this public hearing open public hearing. Public Hearing is open. Seeing no comments public hearing is close.

**Casey Hanson**

To approve.

**Jon Stein**

Second,

**Dale Hamilton**

discussion. All those in favor. Unanimous

**Dale Hamilton**

Casa Jalisco 205 High Street for renewal of a city Class C license and renewal of state restaurant class 1234 liquor licenses public hearing open the public hearing. Public Hearing is open. Seeing no comments public hearing is closed.

**Gene Lyons**

Move to approve.

**Casey Hanson**

Second

**Dale Hamilton**

all those in favor? Unanimous. Okay.

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**Dale Hamilton**

Item 11 Council order number 021300 request of the Harbor commission to award a food vendor contract for the Harbor Park.

**Lisa Sekulich**

Hi, Lisa Sekulich. I'm here representing the harbor commission tonight. On Friday, January 13, the city of Ellsworth held a bid opening for proposals to serve as a city food concession vendor in the Harbor Park. When RFP was received from a new vendor, La Forge catering and concessions harbor commission then met on January 19. To discuss the proposals received and the recommendation to city council. Since this one proposal was received was to recommend proceeding with this vendor. The commission is offering a one year contract two potential one year term extensions with the rental fee to be negotiated on a yearly term and that the recommendation from harbor commission at this point

**Casey Hanson**

the rent the 600 per month is just for the months for which month

**Lisa Sekulich**

is from May 15 to October 15 So six months and that is a bid put in by the vendor so they they told us what they would pay to have that spot. That's not something that we it's not a number at the Commission came up with

**Casey Hanson**

how much has it been in years past?

**Lisa Sekulich**

Um, I only know the previous vendor, which was 400 months. I don't know what it was. Prior to that.

**Tammy Mote**

That's pretty consistent of what it's been in the past as well.



**Casey Hanson**

Move to approve a one season contract for commercial lease agreement would look forward to catering and concessions for venting concession stand at the Ellsworth harbor at a price of \$600 per month and authorize the city manager to sign the lease agreement.

**Gene Lyons**

Second.

**Dale Hamilton**

Motion second discussion. All those in favor? Unanimous

**Lisa Sekulich**

Thank you much.

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**Dale Hamilton**

Item 12 Council order number 021302 request of the water superintendent to accept bids for a new water department truck.

**Reggie Winslow**

Good evening Reggie Winslow. Water department superintendent. So the water department is requesting a new truck. Originally in the bid process we did ask for a van. Those are no longer being built. So we sent out first truck send out six bids, received one back. This is for a 1500 4WD regular cab pickup a flatbed on the memo. I did make an error with the price on the it says 40,450 It's supposed to be 40,950 we are trading in a two wheel drive. half ton Silverado. Varney's is giving us \$2,500 for that. So that is the truck it is replacing

**Tammy Mote**

Do we know why the other bids were submitted to us? I

**Reggie Winslow**

do not I talked to all of them well for them by phone also and just never came in.

**Steven O'Halloran**

Which the year of the truck you're replacing in

**Reggie Winslow**

2015 it is just a little over 100,000

**Gene Lyons**

What condition is it in?

**Reggie Winslow**

It's in fair condition. It does need a little bit of work body wise it's great. But the main thing is it is 2WD drive. And it's not real good in the snow in the mud. Clear waterway is typically a mess.

**Gene Lyons**

Because I wasn't thinking about that way, but \$2,500 didn't seem like very good trading value for pickup truck.

**Reggie Winslow**

And that I have no idea I have not shopped for.

**Tammy Mote**

Do we still use that bidding? Like the main bid? We still might know. Surplus. Yeah, I mean surplus. For quite a while

**Lisa Sekulich**

we have not used it in the last couple of years for anything. We found that in the instance of like these pickup truck kind of things, it's not super beneficial to spend the equipment type light on yet worth it but for the pickup truck and

**Gene Lyons**

I asked because my brother looking forward to

**Lisa Sekulich**

the discussion, I mean, I'm bringing it up to muddy the waters but to swim is that if we don't want to trade it in because 2500 is not a lot of money. It is something that the highway department would gladly accept as a like a parts truck type thing. So there may be some value to just keep it ourselves and run it till it dies.

**Tammy Mote**

We could also put it out for sale or local bidding.

**Lisa Sekulich**

Or we could put it out for like in the newspaper and such for a local bid. Yep.

**Reggie Winslow**

I've actually had several people ask me about that.

**Lisa Sekulich**

So yep, those are three potential options for that.

**Steven O'Halloran**

One, one further question. And I'm stumbling with this \$2,500 trade in business, but if in fact we do keep the trade, okay, and and you repurpose it for the highway department or some other place. So we were looking at a \$5,000 bill to repurpose it.

**Reggie Winslow**

I don't believe so. Tires really is the main main thing.

**Steven O'Halloran**

The tires it needs.

**Reggie Winslow**

It does definitely need tires. Okay, so there's a radiator that does have a small radiator leak, but it's kind of intermittent. This radiator has a plastic sides. I don't know if you know anything about those. So metal radiator plastic sides that we'd sell for

**Steven O'Halloran**

100,000 miles. Full Size body. Thank you.

**Casey Hanson**

Is that part of this motion? Does this motion include what we do?

**Reggie Winslow**

So that was another error that got brought up to me tonight that they did not include the trade in value or trading in that other truck in this motion. So I would invite you to be creative.

**Casey Hanson**

Yes, this amount of money is if we decided to keep the other truck well go. This is how much this costs are no it's Yeah, okay.

**Gene Lyons**

Move to approve the request to award Varney Buick GMC of Bangor to be paid from the water department Capital Improvement account for \$43,450 for 4 wheel drive pickup

**Casey Hanson**

Second,

**Dale Hamilton**

do you have a motion and a second? Further discussion?

**Steven O'Halloran**

Is this is this truck available now? Or is this one of these deals what we're ordering so we will

**Reggie Winslow**

start on the truck it'll take 12 to 16. Highway can have it for another 12 to 16 weeks.

**Jon Stein**

Well, the council needs to approve a transfer of the old truck to public works department or is that something on call?

**Reggie Winslow**

I believe this is Toni does that.

**Steven O'Halloran**

want to just straight me out on one thing if it's if it's good for the highway department, why is it not good for the water department.

**Reggie Winslow**

So my take the 2WD truck we go out in the wintertime highway is typically in their dump trucks or other trucks plowing but also in the spring and fall clear waterway gets very muddy. And that truck does not do well. Going up through there. If it were to stick to just pavement, I would assume that would be okay. But Lisa's gonna clarify.

**Lisa Sekulich**

Sorry, I'm just gonna add the usefulness, of it is also different. So in his scenario, the water department scenario, it's a daily vehicle. Like he's talking about going out to the treatment plant, water leak, reading meters, as a daily driver. And the highway department once it moved out there it would be more of a parts truck in the sense that if our mechanic needed to run to Colwell diesel to get apart or Napa to get apart or something it's going to be in town errands running, not used all day, every day type scenario. And it would only be if the rest of the pickups are being used by the department. So it's a daily driver versus a everything else is gone. We have something to run and get part. Thank you.

**Dale Hamilton**

And since we're not voting on this particular tonight, I would ask that maybe the staff come back to make a recommendation about whether or not it's more value to the city to sell versus just to keep it as a parts truck. So and then maybe next meeting we can hear what your recommendation is. Take action on that. Okay. Further discussion? All those in favor? Aye. All those opposed, passes.

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**Dale Hamilton**

Item 13. Council order number 021303. So the Public Works director to award the Christian Ridge reconstruction project.

**Lisa Sekulich**

this one was a bigger ask I won't lie. So please see attached litter letter and bid tabs from Haley ward. In addition to the memo so on Thursday, February 7, a bid opening was held for the reconstruction of Christian Ridge road between route one Bucksport Road and Grant Street. The RFP was posted on the city's website, Facebook, the Ellsworth American and the Bangor Daily News as well as we notified local vendors and some companies out of Bangor that the bid or the RFP was out. Two bids were received with the apparent low bidder being RF Jordan and sons for \$1,531,385. This project in partnership with the man D O T. We applied for what is called an MPI grant, which is a municipal Partnership Initiative. It's the way the DOT is handling how what they call their priority three and four roads, which are DOT roads that are not your major thoroughfares. What they found is with their limited funding, they basically split the cost 50/50 with the city up to a certain amount. So the we have \$475,000 that we are getting from the main DOT for the project.

**Casey Hanson**

I'm sorry, can you just say that number one more time

**Lisa Sekulich**

475,000.

**Lisa Sekulich**

So I'm asking that the remainder of the project costs be funded from the local roads account. There was some discussion about the local roads account previously in fiscal year 2022. I put away \$475,000 for the project, as well as in budget, fiscal year 21. I put \$85,000 away for the engineering or, you know, budgeted that into those previous years. But there still is a potential shortfall. With this being more expensive than we originally intended. I do believe after reviewing the history to the best of liabilities of the local road from going back to fiscal year 20. And moving forward. I believe there is sufficient funds to cover the additional costs. It will what I would call deplete any additional money that we have leftover that hasn't been encumbered thus far. But I think it's there.

**Gene Lyons**

It has to be done. What was the other bid?

**Lisa Sekulich**

The other bid was from Northeast paving or Eurovia for 1.7 million.

**Gene Lyons**

Yeah.

**Steven O'Halloran**

There was talk in the finance committee about the cost of management of this job going forward once it's awarded

**Lisa Sekulich**

the cost for the engineering oversight. Yes.

**Steven O'Halloran**

Yeah. So what what are we looking at there? Do you have any, so

**Lisa Sekulich**

there's different scenarios, Haley Ward, who did the engineering, when we did the RFP for engineering services that included both the design and the construction inspection part. So we would like to continue to use them to the construction inspection part and they have a scale essentially, of options, and we can decide how much inspection we want. Based on that we would set up a budget. It ranges anywhere from 50,000 to 127,000, depending on the length, time length of the project, and how often we want the inspector there. And it would be you know, at a time and expense type billing rate,

**Glenn Moshier**

then that will come back to the council.

**Lisa Sekulich**

Yeah, that would that would be its own separate thing.

**Jon Stein**

Does the DoT have any prerequisites for giving 50% of the funding that we need to expect a certain amount

**Lisa Sekulich**

or their maximum is 500,000. So when you do an MPI application, you put in what you estimate the project cost is going to be? Well, we estimated this project cost back in 2020 to be just about a million dollars or 975,000 whatever it was. So they gave us 475,000 And I put away 475,000 Sorry, 950. Since then, the price of everything has skyrocketed. And we are now three years later at a point where the cost has gone up and D O T once you sign that MIT or once that MPI agreement is signed and been reviewed by the D O T there's no there's no Hey, it costs 1.5 Can we have more? That being said there was discussion that Glenn and I are gonna meet with Commissioner to see if there is anything else they can do for us. But there's no guarantee in that

**Lisa Sekulich**

has to get done.

**Michelle Beal**

It does have to get done. Yeah, that roads horrible. But uh, I am glad that you're going to talk with the commissioner because that that road was passed over to us terribly when when we became an urban compact. And there was discussion about them helping more. So and I know it's been a long time, but I do think that they a discussion would be the correct thing to do. But my other worry is I just. I worry about taking something out of a fund that we're not positive how much money is in it, because we don't have our audit back. And I'm also not comfortable encumbering money from that account for 2024. When we haven't even started beginning a budget. Yeah. Just I mean, you're going to be holding the hands of the council, when they're looking at their budget and the capital improvements, and what they're looking at, because we've already uncovered the funds. So I do agree that it needs to be done. So I would like if we make a motion or I can make a motion, that we would fund it for the local roads committee under the local roads capital improvement plan. But with a caveat that once we receive the best we can get the project moving. But once we receive the the audit, that we revisit the funding of this road, and find in case there's an appropriate a more appropriate place to fund it, or if there's a lack of funding for

**Gene Lyons**

Second.

**Michelle Beal**

that was a very long motion.

**Dale Hamilton**

A motion and a second discussion?

**Steven O'Halloran**

Could you repeat that?

**Michelle Beal**

I'm not sure at Toni's she's, she's recording it.

**Michelle Beal**

So my motion is to approve the to approve the project funding it from local roads. But with the caveat that once the audit is complete, and we understand the funding of our fund balance and capital improvement plans, that we revisit it to see if there's a more appropriate way of funding this program. What I mean this construction project, or in cases also a shortfall.

**Tammy Mote**

Would you recommend a friendly amendment to say bid award the bid to RF Jordan? Amount of \$1,531,385?

**Tammy Mote**

I would okay, because we needed it to be a little bit longer.

**Dale Hamilton**

Further discussion

**Jon Stein**

in the revisiting after the audit, looking at the road spot and seeing how pleasing it is, can we consider would it be appropriate to consider use of ARPA funding for this project?

**Michelle Beal**

Because that's one of the things too, that we were talking about, we need to look at ARPA funding and what we're going to do with it. And some absolutely, I mean, I think could be a bunch of different ways. If there's ARPA funding.

**Glenn Moshier**

When we want to do more, if we were considering ARPA, but we would want to do some more exploring as to the exact usage because initially, road projects were not an acceptable ARPA expense. In the final draft of the rules, they did make some changes. So we just want to, if we were going to explore that, we just want to confirm that.

**Lisa Sekulich**

The other thing I wanted to bring up and it adds a little more confusion. But it may be helpful is we did also get the \$2.2 million from the DEP for sewer and storm drain project. So there is also in where that has drainage involved. There would could also be some potential funding out of there that we might be able to piece together with some of the other things. So there is where there is a lot of potential things in play with potential funding option. Great.

**Dale Hamilton**

Further discussion?

**Steven O'Halloran**

I'm a little confused about this. I'm for the project, but I'm not for dipping into opera. So in your motion. Well, whatever this review of the accounts, will that come before the council?

**Michelle Beal**

I'll absolutely be reviewed by us. Yeah, we made a decision.

**Dale Hamilton**

I think it short. But what you put forward is that we're going to if the motion passes, we're funding it under what our understanding is that funding that exists in the in the budget, but we're asking city staff to come back to us us once the audit is in, so that we can review this to be certain that there are sufficient funds and or there aren't other options that we could then utilize for it. So this gets the project going. But it also gives us the discretion to use alternate fundings should we need to or want to

**Michelle Beal**

get much more articulate. Thank you.

**Dale Hamilton**

All right. All in favor. Unanimous,

**Lisa Sekulich**

thank you all.

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**Dale Hamilton**

Item 14 presentation discussion, public comment and potential action, adopting a community resilience, partnership resolution.

**Janna Richards**

Good evening councilors. I'm Janna Richards, economic development director here supported by Matthew Williams, our city planner. And Lisa is also in support of this as well as the city manager. And quite frankly, a lot of staff because it is a fun partnership, but comes with it is a lot of opportunities for additional funding that could be channeled into the city where we could do projects that are across all disciplines across the board from water and sewer, to drainage, which would affect local roads, to energy efficiency, which would hopefully reduce energy costs to all taxpayers. And so I'll stop there and go into a presentation. But I just wanted to inform you why we're all had been working on this. This was a request that was brought before this council in September. So those of you who are on the council then probably remember, at that point, we asked the council to consider joining and participating in the state's community resilience partnership. We are here again this evening with the same request. This evening, we have additional information that should hopefully satisfy some of the concerns that were brought up during the September meeting. We've prepared a memo that went through the concerns as we heard them from the council. One being what are the obligations of the partnership once the city is part of part of the partnership. The other was because there is a public and staff engagement process



and becoming part of the partnership. The concern was did the public and the staff engaged enough in this process to get a full understanding of what the priority projects would be for the city to work on once we are part of the partnership and once we are able to apply for the opportunity for more funding. And, finally, in the memo, there is a summary of what the benefits are for this partnership. I think this was brought to your attention during the September meeting. But just to reiterate, being part of the community resilience partnership gives us the opportunity to apply for a no match \$50,000 grant to implement a community action or multiple actions that are a priority or priorities of the city. During our public engagement process, and during the staff engagement process, there were 5 priority areas that were brought forth that the people that did engage within our survey and the workshop that we held, as well as city staff who has been working on a lot of these projects for years and years. The number one priority that came to the table was conducted vulnerable a vulnerability assessment for critical community infrastructure. So that could be stormwater. That could be wastewater, that could be our our water system. Could be all of them. It could be dams, all of our critical infrastructure as we identify it. Adopt a low impact design standard for stormwater management, create or update a watershed plan to identify flooding and water quality priorities and adaptation options. implement strategies that increase public transit ridership and alternative transportation modes and identify and track a simplified set of emission indicators for community emission reduction. So those are the five priority areas that this community identified when doing the public engagement process. And we would have the opportunity if we were part of the partnership to apply again for a no match 50,000 grant to work on some of those projects in the next year. Being part of the partnership also gives us the opportunity to have worked with a regional coordinator or regional coordinator as part of the sunrise Council of Governments in Washington County. That person would assist us in researching grant opportunities. And in completing and submitting grant applications, this is a huge asset to us as a city, since there are so many grant opportunities out there. Currently, we don't have the staff to be able to jump on all of them all the time, we pick we have to prioritize out of the ones that will give us the biggest bang for the buck. Or if there's a grant that's out there, based on a project that we know that we need to go after, we will go after it. But this would really help us package a lot of the projects that we need to do for the city, as well as prioritize and help us be more knowledgeable. I don't know if you've seen the main jobs and Recovery Act. But within there, there's over 50 different grant opportunities available at any time at this point. And that's trying to set up programs and delegate funding that came to this state through ARPA funding. So this is the way the state has, you know, you have to apply for it, and you have to make a pitch for it. But they're really trying to delegate the money to the local governments in that fashion. And lastly, the very big benefit for us would be the opportunity to be reviewed more favorably on other significant state grant funding applications. So yes, we would have an opportunity to apply for \$50,000. But we would also have the opportunity and hopefully through the help of this regional coordinator to apply for grant funds in excess amounts from half million all the way up to almost \$5 million. And you know, I put some examples in the memo. The main DoT infrastructure adaptation fund, just released their 2022. Funding, those projects ranged anywhere from 50,000 to 4.15 million. I explained some of the examples of projects being funded through that program. One is the designing construction to protect the Boothbay harbor Sewer District water wastewater treatment facility. Another is to construct activities to address the most problematic of the city of bath drainage areas by upgrading and upsizing of equipment. And the last one, increasing the capacity of the stormwater system in the town of Winslow, so we would be able to apply for that same pool of funding that these other communities have already been awarded for, for big sizable capital improvement projects, and have the benefit of being reviewed more favorably

for that those grant funds. So we will take questions, but our ultimate request is to move to adopt a resolution of Elsweyr city council regarding participation in the state's community resiliency partnership.

**Casey Hanson**

Thank you for bringing that back. It was clearly an incredible amount of work. I was strongly in favor of moving forward with this in September, and I remained strongly in favor, I didn't remember the part where being part of the resiliency program also gives us this grant writing grant finding help per person, which I really think we have a lot of things we're trying to fix in this city and try not to burden taxpayers. So all the help that we can get both financially and finding grants and writing grants is excellent. So thank you so much.

**Jon Stein**

It just seems like a great tie in to the comprehensive plan as we get that underway as well. I mean, sure if we if we get \$50,000. And that's all we get one grant, even if we just get one, it's maybe not going to last all that long, worst case scenario, but it allows us to talk about and decide and engage with the community about what are our priorities and in the City what infrastructure does need improvement to codify those and to really have had those for when we for when we engaged with grants. I was just in Serendib talking with Sanjeev whose liquor license we just approved for another year as his basement kitchen was flooding the last big storm. And he asked me that you're on council what's what's the plan? What are we doing? I don't think there's a really a floodwater mitigation plan. I'm not sure we've discussed it. I certainly don't know much about it. So to be able to go to two people whose businesses downtown are flooding now increasingly the federal storm and so we we've got a plan and then hopefully we have funding for it as well. It's pretty incredible.

**Tammy Mote**

Oh, yeah, I was gonna Are we ready for a motion move to adopt resolution at the city council regarding participation in the state's community resilience partnership.

**Casey Hanson**

Second,

**Dale Hamilton**

motion a second. Further discussion. All those in favor? Aye. All those opposed? Motion passes. Thank you. Thank you gentlemen.

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**Dale Hamilton**

Item 15 Council order number 021304 request to the water superintendent to have the high school water tank repaired

**Reggie Winslow**

Good evening. So our State Street storage tank the one that behind the high school has two leaks in it. These leaks need to be repaired from the inside. I'm requesting that at least a wide Docker store come in and do these repairs. They are kind of proprietary to this tank it belongs to them this will include the to leak repairs it will also include repairing the glass lining on the inside of the tank. So hopefully this doesn't continue again or happen again. Back during the 2019 I believe we did a tank rehabilitation

project and it was noted then this tank was in need of glass landing repairs and it's finally come to fruition now so I'm requesting that Aquastore come in for \$56,800 to repair and reline this tank

**Dale Hamilton**

we just looking at the photos that's incredible water shooting out of the tank the ice freezing down the tank

**Reggie Winslow**

slash fourth they came in back in 2017 and repaired a leak and then also repaired a another potential leak while they were here. So and that one actually sprung out and put water onto the gate so we spent a couple of days chipping ice so we could even just get inside the fence to be able to get to the type

**Steven O'Halloran**

Is this an emergency repair has this gone out to bid is the one company that can only do it

**Reggie Winslow**

it has not gone out to bid on again this is a proprietary thing this tank was built by a statewide Aquastore and they really are the best ones to come in and do this work. And right now we are operating about 10 to 15 feet lower than what we should be this has lowered pressures out on the further ends of East Main Street and we've got a few complaints about that already.

**Steven O'Halloran**

So to clarify, is this an emergency repair or is it time to look for pricing

**Reggie Winslow**

currently so I would consider it an emergency we're getting in the summer and as matter of fact Aquastore can't be here until at least May the summer months get here we're gonna be using a lot more water I'm afraid we're not gonna have enough

**Lisa Sekulich**

so we needed this potential approval tonight so that statewide so we can get on statewide Aquastores agenda. So they are booking out six months to a year like a lot of other vendors and construction companies and for us to solicit our slot in their schedule. We need to sign an agreement that says that we have the funding and the approval to do so. So like he said if we get your approval tonight, the soonest they can be here's me so while it's yes an emergency and then we need to do it ASAP, as soon as ASAP is is May partially because they need to get in the tank partially because that's what their schedule allows. And as far as proprietary it is a proprietary thing like he said statewide Aquastore is the one that installed the thing. They are the as far as I know the only ones remotely in this general northeast facility area or northeast area that does this type of work. So that is why there's no bid process

**Casey Hanson**

the suggested motion has a has a blank after funding to come from.

**Reggie Winslow**

I just found out what the account was okay, this funding will be coming from the water department capital improvements go

**Casey Hanson**

Move to approve the request to the water department to allow statewide Aquastore to make the necessary repairs to the State Street water tank in the amount of \$56,800. Funding to come from? I'm sorry. The capital improvements for the water department. 6565370-55001

**Gene Lyons**

Second.

**Dale Hamilton**

We have a motion a second, further discussion. All those in favor? All those opposed? Motion passes.

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**Dale Hamilton**

Item 16. Discussion and potential action in support to Warm a winter's night fundraiser sponsored by Councilor Hanson.

**Casey Hanson**

Yeah, so we learned about this event that is happening to support people in our community who are unable to heat their homes this winter, which has been a big drastic change. We learned about it the last meeting, but we were too late to be able to make it an agenda item. So now it is an agenda item so that we can actually vote on it.

**Sharon Cadis**

So Good evening, my name is Sharon Cadis. I am the Development Director for Downeast community partners. If you don't know who Doowneast community partners is, that might be because about five years ago, we went through a merger we were formally WHCA, which is what a lot of people still think of us, us. And so we merged with Child Family opportunities for WHCA We are now downeast community partners. So yeah, thank you, Councilor Hanson for that introduction. So the good news is that we have something fun coming up with a very serious however, undertone. So we are doing a benefit. a fundraiser for what we call the thought fund, and that is an acronym for the heating of warm fund. This is a 100% donor funded fund. That is not there's no government money involved in the application process or the approval process is much easier. It is where people come when they're desperate. So the thought fund is steps in when you have less than 100. Sorry, less than two weeks worth of fuel in your tank or the equivalent if you heat with wood pellets or if you heat with propane. So it's our emergency fund. And it has been very, very strapped this year. Thus the fun fundraiser that we're having at the grand. So everybody saw Nick and his little grand standing tonight. And this is a event that we're hoping folks come out to the grand and support. We have broad community support from local businesses who are donating items to our silent auction that will also happen that night. And the performers are local. Chris Ross, who's a Hancock boy, Carolyn Cotter who hails from Ellsworth and the Fogtown family band. And actually coming up from Belfast is smoking Mojo. They're a blues band from Belfast, so it's going to be a fabulous night. But we were asking for support from the city of Ellsworth, hoping that you would see the value in helping Ellsworth residents particular. And by that I

mean specifically we can air mark your gift so that it just your your sponsorship your donation to the thought fund, specifically for Ellsworth residents. So the need is up 400% I think I said that last time in two years. So last year, it was 200% over the year before this year, we are definitely on track to be at least 200% over what we were last which just absolutely takes my breath away. And it's something that we deal with every day at DCP so the phone rings on average in the heating department every four minutes and The need is just astounding 94% of the people approaching us are seniors. So they're working off of fixed incomes can't make that stretch. I heard somebody say something about the rising cost of everything. Well, that that's, that's an issue if you're on a fixed income. So this fund is very critical, very, very much a part of supporting Ellsworth, of course, we, as a agency do span the entire Hancock County and Washington County, as well. But and so we have since November 1 When the thought fund opened. And this is last week's figures. So it's not up to date as today. But we had disbursed over \$194,000, just from this donor funded fund from November 1 to last week. Over 17,000 of that came to the city of Ellsworth alone. So your average that we're seeing for Ellsworth residents specifically and their fuel vendors was 500. And something a person so \$548.39 per person in need for just the emergency, like helped me get through. So the Thaw fund typically disperses 100 gallons of emergency heating oil. So I hope that gives you a little bit of an overview. I had included some things that I hope made it to you to your packet. And I'd love to answer any questions you have.

**Michelle Beal**

Sorry, the city give money to our own thoughts on that we have, do we? Do we put money in the budget?

**Gene Lyons**

you get donations, right.

**Michelle Beal**

We get donations, donation, the cans,

**Tammy Mote**

And then also the general assistance director Katina Howes, she actually coordinates and has this big silent auction that we've been doing for the last few years and does a great job doing it and bringing in funds for the exact same thing for those people that don't meet General Assistance guidelines. But that, you know, you're in between you don't have enough and but you don't meet those guidelines. So.

**Sharon Cadis**

So the Thaw fund actually, you know, if you qualify for those benefits, if you qualify for LIHEAP, or that's what most people know of it, as we also call it heap. But when those funds are expended the thought that's where the thought kicks in often, well, this year, we're having to bookend both ends of that government funded. So it's a federal fund heap that comes to the state to Maine state housing and then is dispersed through your CAP agencies such as ourselves. But as you pointed out, there are people who are on the shoulders who don't necessarily qualify for that are just find themselves in an emergency situation, or they're either waiting on a heap appointment, or they're, they've already expended those heap benefits. And the need is so great this year that we're finding that we need to bookend anything in for the heap in the middle. So your general assistance fund, I put that information

in the packet, what I read was that the general assistance fund, at least for FY 22 was 60,185. I saw a heat line for 5650. Is that the line you're referencing?

**Michelle Beal**

this is above and beyond. That's fine. People that don't qualify. It's what you're talking about.

**Sharon Cadis**

Okay. What is that you're trying to do? As far as I'm out? I do. You know,

**Glenn Moshier**

it's not funded by the city. It's all donations and in the auction that that's held here at City Hall.

**Sharon Cadis**

So, again, \$17,486.60 have already been dispersed to Ellsworth residents from our solely donor funded fund of the 80 pending apps today. About nine of them. 10 of them are for Ellsworth residents. So those We're processing those as fast as possible. But this is an ongoing need from not just the wider County, but Ellsworth residents themselves. So I was hoping that you'd be willing to support us to the for \$1,000. Donation. Yes.

**Casey Hanson**

So the reason I wanted to add this back to this agenda because I wouldn't. Normally we will be talking about funding, Downeast community partners in our budget. process. But this feels like an emergency to me. And it seems like it feels like emergency both to the Ellsworth general assistance and what you're seeing in terms of need. And so it just feels important that the city and the city council acknowledge how hard this this winter is. And we just had this cold snap last week. And I mean, just in my job as a family doctor, I am hearing people struggle more this year than than normal. So it feels like a moral imperative. To me, \$1,000 doesn't actually seem like that much money, as a way to just give an acknowledgement of what a hard way this has been. I know, we don't have, we would have to decide where this \$1,000 would come from. So my suggestion would be to take it from the undesignated fund balance. Just acknowledge that we've spent, we spent a million dollars of that in October to renovate the new police department. And so it seems like a pretty small amount of money to acknowledge the hard time that our citizens are having this year. So I'm just strongly in favor of giving this \$1,000 appreciating what both our general assistance department and Downeast community partners does for many of our citizens who are just particularly like you said, 94%, from seniors in our community, who are struggling this year, it feels emergent to me, and it feels necessary to me.

**Sharon Cadis**

Thank you for that.

**Dale Hamilton**

I don't disagree with anything you just said. The place that I'm trying to reconcile is the other needs that are just as emergent. We have a growing number of people who are experiencing homelessness, living in encampments in the city, we have seniors that have other needs. And so my question that I'm trying to wrestle with is we make this approval off the budget cycle. What about the next request that comes

in? That's just as equally important and equally urgent? How do we reconcile that and as far as the heating is concerned, general assistance, the budget is an expanding budget, general assistance is not fixed at state law. We're required as as a town to provide the general assistance when people meet that. So I certainly think that we have to encourage and utilize those resources to their fullest and make sure that people understand that they have access to it. So that's, for me, that's what I'm thinking right now. And I'm throwing that out there so that there can be some discussion to maybe evolve my thinking on that. But that was where I what I wrestled with it at this point.

### **Jon Stein**

I'm looking, I'm looking over thanks for including this general assistance budget, because I hadn't seen it. You included the yearly budget totals from fiscal year 19 to 22. And it looks like the total budget from 2020 to 2021, does increase by about 20%. And then again to 2022. It increases by .75%. The heating component of that budget is 5650. Anyway, that that 20% is not nothing but it's certainly not the 200% needed increase in this area that you're talking about two years in a row, and certainly not from 2021 to 2022. So yeah, we're we're discussing how we get to that place where general assistance can cover that. But in the meantime, having a local partner who can earmark city funds directly to Citizens for a need that the general assistance funds shouldn't be covering, but it's not seems like something we should be covering to your second point. I don't know if it necessarily opens the floodgates to any at all, you know, nonprofit organizations. I think we're capable of managing on a case by case basis when we see that organizations With low overhead can cover things that the city should be covering. But is is not covering. And they can do so essentially saving us money because they can do it more efficiently their organization is set up for it, they have a lower, lower staffing overhead. I think that is a distinction here.

### **Glenn Moshier**

I just would like to correct you in your statement that the city should and doesn't, because we do we cover through our funds. And through the general assistant funds, those folks who qualify for general assistance which are not our parameters, they're not our rules in the States, we just have to go by them. And then through our own funds, that have been either donated or raised by city staff, people who come to us in need, many actually come from DCP, referred to the city, and then the city does take care of those folks with those funds. So

### **Sharon Cadis**

that referral goes the other way as well. Yep. We value our partnership with Tina Howes. And definitely, there is that conversation back and forth. Can you cover this? Can we, you know, what are we? How are we working that out. But we do absorb quite a bit as as your community action program. And I think it's safe to say that we definitely reduce the strain on your general assistants.

### **Casey Hanson**

In fact, I think Katina said that to us the last time she gave her presentation, last budget season that the partnership was really valuable to helping the citizens. I also think any decision we make about money that we spend, if we think about all the other things we could be spending on, we would paralyze ourselves. So at some point, we just have to make a decision. And again, this feels necessary to me, because

**Steven O'Halloran**

I've been through one budget process as a city councilor. And when I heard all of the requests for donations to certain causes. And always, as a counselor, I'd like to find a way to give to everybody. But I'm really challenged with the taxpayer paying into the city and the city paying out to the costs, not just your cause every costs, the taxpayer is taxed. And I think that the taxpayer is perfectly capable of donating to the cause that they wish, for example, I choose not to wear a tie. So I paid \$20 to the city's fund, not to wear a tie at the meeting that goes to the heating. Okay. And I think citizens are capable of donating their own money, I don't think we should tax citizens, and then decide where we gift that. And it's know nothing against your organization. I just think that the citizens are perfectly capable of donating their own money to their own causes. And I'm not against your cause or anybody else's. But it's really hard for me to tax a citizen and then give the money away. That that's tough for me.

**Sharon Cadis**

So maybe it will help if I tell you that in the last fiscal year. The total value of services provided to Hancock and Washington County was over 14 million by Downeast community partners. 2,824,142.72 cents was directly to the city of Ellsworth. So we provide, as you probably know, or maybe you don't, a wide spectrum of services to the city, everything from 24,000 rides to the city of Ellsworth residents to return on child health to aging in place services to weatherization. We talked, someone talked about weatherization.

**Dale Hamilton**

So I want to be careful that we don't okay get off track. We were talking about this fun we are and that's that's what we want to stay focused on this evening.

**Sharon Cadis**

I'm just trying to say there is a benefit. We do provide a benefit to the city of Ellsworth and its residents. And I think it's a pretty magnanimous benefit.

**Jon Stein**

Well imagine to a family that can wake up in a warm house is more likely to go to work and buy things and spend things and contribute to the tax burden.

**Michelle Beal**

So we do have an issue here and we have a policy that we have, you know, for helping people, but at this point people are suffering from from not being able to heat their homes. And I know when I get my Bill, I can almost afford it, you know when it is tough. But if I do strongly feel that if we give \$1,000 to DCP, that we ought to give \$1,000 to the fund that the staff puts together because they work really, really hard to be able to bring that money in and to give it to someone else and not support them. I don't think is, is right. So if it's not, I don't feel that we should be talking about \$1,000 or \$2,000.

**Casey Hanson**

I would happily support that.



**Michelle Beal**

I can absolutely support that. Especially if the money can be put towards Ellsworth.

**Gene Lyons**

Where does the money come from?

**Casey Hanson**

I suggested the undesignated fund balance general fund?

**Michelle Beal**

When we do our budget,

**Jon Stein**

it's a really visible event is going to be really visible. And then I think we share a lot with the city. You know, this is sort of a sponsorship as well, right. So it would mean a lot, I think, to citizens to see the city supporting it.

**Michelle Beal**

And I will say that my law firm is actually doing a fundraiser for you. When you can start bingo tomorrow. Next week. Next to raise money, understanding I used to be on the board for DCP.

**Dale Hamilton**

so let me ask you a question. Go back to the concern that I raised earlier. Taking your idea. What would prevent the concern that I have is doing this off budgets and not having that vetting of? What if we took the \$2,000 provided to the city fund. And I just heard that the city staff worked very well with DCP. And there can be that coordination of efforts so that the resources get to the people that that need to, then we're not stepping outside of the that process that I'm concerned about. Yet we're creating the same amount of access and funding. And they can work jointly together.

**Casey Hanson**

As Jon pointed out, I think it would be I mean, part of this is also just communicating to the city, how much we value our community partners, they're going to be up across the street in two weeks, announcing that the city is partnered with them. I just think that's really, to me, that's just worth it communication wise. We can funnel money here, but this is more than just money. It's also an acknowledgement and communication and cooperation with many community organizations and that feels worth more than \$2,000 honestly to me, customer

**Tammy Mote**

do we use the same vendor? Do we have the pricing that we get for heating fuel through the general assistance?

**Toni Dyer**

Depends if they own their tank.

**Tammy Mote**

okay. So my next question to you do you have like an economies of scale if you buy more? Are you getting specialized pricing?

**Sharon Cadis**

We are getting specialized pricing. Okay. That's correct. We make it stretches. i When I talked to the Hancock County Commissioners, who did actually donate to us through their ARPA funding, I believe, to help in particular they are earmarked for seniors, they wanted specifically to not have members of their community who are in their 60s 70s 80s 90s be cold. So they voted to support and I had to explain to them that yes, we we do Get that preferential pricing. And we do as was explained, you know, negotiate based on, you know, who is your vendor? And because all of that has to be corroborated even when you're calling in a crisis, you have to corroborate with the story, you know, that you're getting with to make sure that that it is truly an emergency situation. I mean, this is the emergency fund.

**Jon Stein**

It's because of not going through a budget cycle, would this be something that for other organizations or even for this organization is would wouldn't be appropriate in subsequent years to go through the yearly budget? Appropriations, and this is just sort of an anomalous?

**Michelle Beal**

I would encourage you to when that goes, I think you'll get a notification like they did last year. But don't usually do it for DCP? I would encourage you to do it for a specific fund. Yeah, we did. I don't know if we still do. But we used to have a policy that spoke to what we actually gave to in the budget. So I'm not sure if we still do but we used to, and that would be

**Sharon Cadis**

And as a donor, you can always whether you're giving personally or otherwise, ear mark and direct it where you want it. So if If THAW is where you want it, that's absolutely something that we can do in the past, and you can ear mark it specific to just your residence. That's the other thing. That a town of Castine does it every year.

**Dale Hamilton**

So is there a motion?

**Casey Hanson**

Oh, move to your funds to the DCP THAW fund in the amount of \$1,000, earmarked for Ellsworth residents, and to give a matching funds of \$1,000. To our own general assistance. I don't know what it's called the emergency fuel fund emergency fuel fund to be funded from the general fund.

**Michelle Beal**

Right. I'll second that.

**Dale Hamilton**

motion a second. Further discussion? All those in favor? Aye. All those opposed? Motion passes.

**Sharon Cadis**

Thank you very much.

**Jon Stein**

Thanks for the work you do? Yes, absolutely.

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**Dale Hamilton**

All right. So we'll do item 17. And then, given the length of the agenda, we'll take a quick stretch break. That was actually kind of, alright. So item 17 determination of where funding request should go for social service versus recreational I sponsored this item. Very similar to what we're talking about. Lately, introduce it.

**Matt Williams**

Matt Williams, city planner, the staff member who works with the Recreation Commission.

**Dale Hamilton**

So this is it's been a chronic issue in terms of how we look at organizations and where they get vetted. And it's been an evolving process. The recreation Commission has really come together. We have some great community members who are very enthusiastic. They participate actively in in the committee. And it's taken a while to get the that that commission really working well. And in that process, last year, it was really the year that they were vetting requests from the community to more funding in terms of recreational activities. What happened, though, is that there's there's this fine line between what is a recreational activity that the Commission has a budget and authorizes versus a social service, nonprofit request. And there's this gray area. And so some requests were coming their way that they looked at and said, Not really sure that this fits recreation, it's really more social service. So the commission is really asking some clarity about who should they be vetting so that they can come back and make recommendations to us as we look at the budget. And then we look at the the social service organizations separate. And there's really no clarity about about that. So this was an attempt to put the issue on the table. I don't think that we're going to resolve it this evening. But wanting to raise the question so that we could create some understanding and or ask the rec commission to define wreck. regional activities. So that could be another approach that we take. So that's the context of this issue.

**Matt Williams**

Yeah, the recreation Commission's ordinance is very broad in what they technically can fund. But I think they're trying to narrow down what they actually do take care of particularly like the physical fields and facilities that are used for recreation within the city.

**Michelle Beal**

What are the types of requests that they get if they feel the more social services?

**Matt Williams**

Um, I actually can't speak to that as i wasn't here during the budget session last year. But I know that the members on the commission who were spoken that they had to they weren't sure if they weren't allowed to give those certain groups money, or there are groups that didn't know about the opportunity

to apply to get money that are recreation based. And so they're just trying to find a way to balance those two concerns that could come up.

**Tammy Mote**

All right, I think one of them was the snowmobile Club, which I would consider recreational and we're getting funds from the state or, well, the residents are paying for a fee to register your snowmobile. So it is recreational. I don't know of any other ones. It was just the one that he had mentioned

**Dale Hamilton**

when he was here. Some of the sporting leagues.

**Matt Williams**

I can give one example for this year is I'm also the staff member who works with the historic preservation commission. And it seems that last year, they had to make a request to the Recreation Commission to get funding, even though their own standing commission. But the budget request went through the Recreation Commission. I'm not sure why, but I'm not sure why is.

**Dale Hamilton**

And part of the larger issue with that is that with the social service organizations, there's a general understanding that most of those organizations serve a wider community, not just Ellsworth residents. And the rec commission is specific to Ellsworth and activities for Ellsworth residents. And, and so it gets a little unclear. And we ended up vetting it in different groups. And that's what made it confusing. So

**Michelle Beal**

the agreement I think, was under recreation because that was the partnership with the downtown, down the harbor where ships were in the park and Shakespeare in the park. so that was within there, right. And that was under the recreation because it was actually the Recreation Commission that created that programming. And plus the what we used to, I don't know, if we still do anything, the theater, movies at the park, those were all things that were brought to the city by the Recreation Commission. So that's why those are there. And then Social Services has its own policy. So those shouldn't be anything to do with notion the harbor commission used to have an historic preservation commission had their own budgets.

**Casey Hanson**

related or related, but unrelated thing was also, and I'm just like picking this out of my brain, that there was that there was that whole section where we were thinking about social services, right, that got really confusing. And then the chamber was in there also where I was like, that didn't make any sense. So it will be nice to clarify the groups and have separate decision Oh, no, that

**Glenn Moshier**

is social services so much as it's out outside requests, or is that what it was?

**Tammy Mote**

In a miscellaneous item? I think it was the chamber. Downtown, I mean, heart of Ellsworth?

**Casey Hanson**

they were all on that same page.

**Michelle Beal**

I feel like maybe that's to be separated?

**Dale Hamilton**

That's a question. Do you think that's something that the staff might be able to kind of take the first crack at just defining it a little bit clearer, and then give that back to the Recreation Commission as well as the council so that we'll at least have something to go by? And just to try to clarify that? Because I think if, if we tried to do it, we talked about this

**Michelle Beal**

presentation, that it's a good idea. I think that's an excellent idea.

**Glenn Moshier**

Well, I know last year in last year's budget, we did try to group like, entities and organizations together more so than we had in the past to try to you know, so So it made sense. So flowed. So I mean, we can still continue to work on refining that, for sure.

**Jon Stein**

Is the idea that it'd be a lot quicker and easier for the council if, say, you know, 50% of those that were deemed to be recreation went to the Recreation Commission for vetting, and then we just saw there.

**Glenn Moshier**

Well, it's really more that so when I put together the manager's budget, for those outside entity requests, I don't, I don't adjust those, I don't do anything to those, I just submit those as they ask. So with the rec Commission, the Rec. Commission, vetted them and made changes and then made that recommendation to the council with the other groups like, like the chamber and Friends in action. And those when they come in, if they ask for \$1,000, that's what you get in your budget book, because I firmly believe that that's the council's decision and the council's priority and authority to make the decision, look at exactly what was asked by the, you know, by the specific agency, and then make a decision where you want to fund and so you get exactly what we get. And so we tried to group those together to make it a little bit easier to understand. And like I said, we can continue to work on refining those groups and those, like, you know, putting the like entities together. So when you get it, but what you're gonna get, it's going to be exactly what they requested what they asked for.

**Dale Hamilton**

And having the rec commission involved in vetting those requests is there closer to those types of activities in terms of what's happening in the city. And we asked these group of volunteers to come together. So giving them the ability to say to the city, here's what we recommend, based on everything that we've seen in doing. It made a lot more sense than just having those entities come to the full council, because it loses that that focal point in terms of what we need for recreation. So. All right, ready for five?

**Tammy Mote**

I think And did you have a question?

**Cara Romano- Heart of Ellsworth**

Cara Romano, Executive Director of heart of Ellsworth, our downtown organization, I just have a question from the perspective of an organization that each year, drafts a letter of request for appropriations. Some organizations have some activities, initiatives that fall under one category and per our have in the past been perceived by council as one thing, and then other things that are clearly other things it would be probably beneficial if it's possible. And I understand that it's may seem last minute, because we're just talking about this now and budget season is here. But wondering if the entities that have presented in the past and have put in requests that we could understand what category we fall under, according to you, folks, so that we're putting forth our requests, clear, concise, and we know where it is that we fall, I will just use our own organization as an example. So every year we pay dues to the main downtown center and national Main Street to be part of both of those entities. And we've also in the past requested money to support different events that we've done in the downtown. So those two things, one thing is kind of administrative. And then another thing is kind of sort of a recreation fund sort of type of thing. Last year, to my recollection, our total budget was not our total request was not funded, only the part of our requests that we received was by the recommendation of the rec Commission. The other things were not funded. So we sort of don't know every year that we put our request in, if we're really phrasing things, the correct way, organizing things the correct way. And we try to do our best to make it very simple for you folks, and to do pages of budgets and examples and data and all that sort of stuff. But every year, I feel like we missed the mark, on presenting ourselves clearly to you folks in a concise way that you're able to digest, organize, and know that you are using the funds in the proper way that is going to be perceived as folks in the community as being responsible for tertiary agents of of the funds that you're gifting or however you want to phrase it that's going out to the community. Am I making myself clear with where we're coming from and

**Dale Hamilton**

why Manager Moshier is going to give us a list.

**Glenn Moshier**

I'm gonna fix it all.

**Cara Romano- Heart of Ellsworth**

And I just want to say that was not a worth directive for me. Thank you.

**Dale Hamilton**

You've reinforced the point.

**Jon Stein**

I want you Municipal Association has a template for applications for appropriations that are groups, maybe some other time

**Dale Hamilton**

Okay, all right. Well, we will take a short break till 830 where we can be

**Dale Hamilton**

back so we are back

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**Dale Hamilton**

item 18 discussion and possible action on separating the city manager Chief of Police into two positions held by two individual people at the end of the current contract in place expires 1/16/2024, sponsored by Councilor O'Halloran.

**Steven O'Halloran**

Thank you, Mr. Chairman. This is about a position not a person. I have spoken publicly about this before. I would like to see the city of Ellsworth divide those positions to have one city manager and one chief of police. The reason for that is I find the lines are very blurred. This council is supposed to go through the city manager for any communications, he then goes to the department heads or employees or what have you. And I find that a difficult process when we have one person holding both positions. It's hard to figure out if this one person is talking about and it's not this person, it's the position. Is he acting as a police chief? Or is he acting as a city manager, the city of Ellsworth has had a city manager and a police chief for several years. I think that I want to bring this up now because there's one year left on the contracts. And I don't want surprises. And again, clear communications and clear lines having one person do both jobs is not clear, the lines have blurred. And I would like to see us work towards dividing those two positions like they have been in the past. Again, we're not talking about the person, we're talking about the position.

**Dale Hamilton**

So I would just come in, I think it's entirely premature for this council to have engaged in this discussion. And I also think it's somewhat inappropriate, the contract is in place for another year. This council is not the council that's going to be determining any contract negotiations going forward. This is not the council we cannot bind the next council for making decisions around that. And I think it creates an atmosphere that is not not positive. I don't think this is the right forum for for this discussion at this time.

**Steven O'Halloran**

So I would just I would like to counter that and say, you know, I don't I don't think it's fair to run up into negotiations without at least some discussion about that. If the council doesn't want to act on it, that's fine. But it's certainly unfair to run right up to the period of time and then spring that on everybody involved. That's why I bring it before you tonight.

**Dale Hamilton**

I hear that what I'm saying is that in November, there's an election, and the composition of the council at that time is going to be different. And that is the group that will negotiate any contract going forward. So that's my that's my point is that we can we can have all the discussion we want. But it isn't going to get decided until the new council is seated. And that's when the discussions can happen. So I personally feel that by having trying to have this discussion now. It there's no decision that can be

made. And there's no bind or I should say there's no binding decision that can be made. There's a contract firmly in place. And that doesn't change until negotiations begin and that won't happen until there's a new council

**Glenn Moshier**

If I may, I just also like to add that, since it is me that we're talking about that I do have some say in this. And I've never indicated that I would be pursuing another contract as police chief and city manager. So I think there's some assumptions being made, that I would even entertain continuing to do this. Those of you who are here now, we're not here when this decision was made to put me into this position. And I was asked repeatedly to do it. It wasn't anything that I pursued, or that I was even remotely interested in initially, until after many conversations with a lot of counselors and staff, the decision was made that it was what at the time what was best for the city. And I stand by that decision. And I think the counselors who were here would agree with that it was what was best, we were in the middle of a global pandemic of crisis, unlike anything that anyone had ever experienced before in our lifetimes. And the city needed consistency. And they needed management from somebody who they trusted and knew. And I was happened to be that person. And my contract ends in January of 24, for my current contract, and I will assure you that if I do come to the conclusion that I no longer want to continue on in this role, then I will give the council at that time plenty of advance notice to begin the process to find a suitable replacement,

**Gene Lyons**

which will take months.

**Steven O'Halloran**

That's why I brought it up tonight.

**Gene Lyons**

And I look out there and I see every chair empty, but four if people really cared that much the this place would have been packed to hill. So I'm pretty sure that most normal people sitting out watching TV or whatever, really don't care that he's doing both jobs, because he's done a great job in my book. So my opinion, I am so glad that I was one of those people that begged you just about to do both jobs. So

**Steven O'Halloran**

again, it's not the person while it is talking about the position.

**Gene Lyons**

Or it's probably right, it's not the appropriate time, and we should just table it until December of 2023.

**Jon Stein**

Yeah, I agree. It's not the appropriate time to, to make any motion or decision. But I think we have to entertain a discussion whether it's from another counselor or whether it's from a citizen because it is and has been a hot button topic, whether you're for or against, it was asked during the Meet the Candidates, it was something that I have talked about. Obviously, I'm in a different position now than when I was running. But it is important to a lot of people. I believe it's the responsibility of people in



power to justify that power. And when a person holds two positions, even doubly so. So you know whether or not it's right, whether it's wrong, we're not going to change it at this point. We are where we are. But I think we have to have the patience. You know, we've committed to it and we have to meet those questions with justification and with patience and, you know, prove that. For those who don't trust the process, basically earn their trust, prove their trust. And, you know, it might be inconvenient, it might be painful or annoying, but to have the patience to meet those questions from citizens when they are new to town and ask why is this sort of a rarity and why is it occurring here? There are reasons and we need to not be afraid of discussing the situation as it is.

**Steven O'Halloran**

I might add that in my discussion, I clearly said at the end of the existing contract which ended 1/16 of 24. I'm not by any way suggesting anything quicker. I'm saying we've got to get this out here. It's gonna be it'll be here before we.

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**Dale Hamilton**

The comments Seeing none we will go into item 19 executive session pursuant to 1 MRSA section 405 6A for personnel matters to conduct employee review Maine Revised Statutes allows bodies or agencies to hold private executive sessions under certain criteria. These types of private proceedings do not include any decision making motions or final authority, their discussion only the purpose of the law for such proceeding related to personnel is to protect individuals reputation, right to privacy, employment conditions, evaluation and other personal personnel related topics. Is there a motion?

**Casey Hanson**

Move to go into Executive Session,

**Tammy Mote**

Second.

**Dale Hamilton**

All those in favor, opposed. We're going into executive session then we will be coming out of Executive Session. (Motion to come out of Executive session by Mote, second by O'Halloran, passed)

**Dale Hamilton**

So we're back from the Executive Session. There's nothing to report out at this time or to vote on. So we'll move to item 20. Council comments. Any councilors have any comments that they want to make..