

## MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, August 21, 2023 at 6:00 PM in the Ellsworth City Hall Council Chambers.

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

### AGENDA

1. Call to Order.  
**All present except Gene Lyons, excused.**
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting (s) of the Ellsworth City Council:  
**Motion to correct TAN interest from 0.05 to 5.05% by T. Mote, second by C. Hanson, 6-0.**
  - 07/17/2023 Regular Monthly Meeting. \*\*
  - 07/25/2023 Special Meeting \*\*
5. City Manager's Report.
6. Committee Reports.
7. Citizens' Comments.
8. Presentation of Awards.

### UNFINISHED BUSINESS

9. Arbor Commission update and potential appointment of members. \*\*  
**Motion to approve the following by C. Hanson:**  
**Mary Blackstone**  
**Jamie Lambert**  
**Tabbatha White**  
**Iain Drummond**  
**Jay Barnes**  
**Teresa Davis**  
**Amy Reisman**  
**Sandy Walczyk**  
**Albert Harmon**  
**Second by M. Beal, passed 6-0**

### CONSENT AGENDA

\* \*\* - Consent agenda items containing backup material.

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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 application for the following licenses:

- Margs Mex Ellsworth, LLC d/b/a Margaritas Ellsworth, 191 Main Street, for renewal of a City Class B License (Amusement, Liquor, Victualer) and renewal of a State Class A Restaurant/Lounge Malt Liquor, Wine, Spirits (Class XI) Liquor License. **\*\* Motion to approve C. Hanson, second T. Mote, 6-0**
- Maine Organic Therapy d/b/a Curaleaf Maine, 3 Myrick Street – Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License. **\*\* Motion to approve and allow City to sign state documentation by C. Hanson, second by M. Beal, passed 6-0**
- Pepper’s Pub, 20 Water Street for renewal of a City Class B license and renewal of a State Class A Restaurant/Lounge liquor license. **\*\* Motion to approve by M. Beal, second by T. Mote, passed 6-0**

11. Council Order #082101, Request of the Highway Foreman to accept the winter sand/Mineral Screening Bid.

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**Motion to award the bid to KJ Dugas as presented by T. Mote, second by C. Hanson, passed 6-0**

12. Council Order #082103 Discussion and action on a proposed ordinance to provide controls on the use of illegal moorings and anchorages on Great Ponds within the City of Ellsworth. The proposed ordinance establishes a Mooring Control Area and provides provisions for allowed activities within this area. **\*\***

**Public Hearing: Patty Hamilton, Jennifer Willey, Lane Rowe, Andy Hamilton, Fred Beyer, Christopher Derr, John Linnehan.**

**Motion to approve with amendments to commercial use, temporary anchorage, business as owners and dates of effectiveness ‘open water season’ only, by D. Hamilton, second by M. Beal, to be effective 1/1/2024 (DH, MB second amendment), passed 4-2 (C. Hanson, S. O’Halloran) including an amendment to be effective January 1, 2024 (DH, MB)**

13. Council Order #082104 Request of the Code Enforcement Officer to take property located at 16 Central Street by eminent domain by way of an Order of Condemnation. **\*\***

**Motion to take property located at 16 Central Street by eminent domain and demolish as requested by C. Hanson, second by M. Beal, 5-1 (S. O’Halloran)**

14. Council Order #082105, Request of the Fire Chief to accept the EMS license granted by the State of Maine EMS office as a transport service at the Basic EMT level, with permissions to the Advanced EMT level to take effect August 22, 2023. **\*\***

**Motion to approve by C. Hanson, second by S. O’Halloran, passed 6-0**

15. Discussion on City Charter review and updates. (Sponsored by Hamilton) **\*\***

**Return with election wording up to state code and revisit 9/18 for November 2023.**

16. Discussion and possible action on City Manager hiring process (Sponsored by Mote)

17. Discussion on a public works director role and current staffing of the department. (Sponsored by Hanson)

18. Councilor Comments

19. Executive Session pursuant to 1 MRSA §405, 6. A. for personnel matter to discuss contractual issues for appointed officials. **Motion to enter by C. Hanson, second by J. Stein, passed 5-1 (S. O’Halloran opposed) Motion to exit by C. Hanson, second T. Mote, passed**

20. Discussion and action from the executive session.

21. Adjournment. **Motion by T. Mote, second by M. Beal, unanimous**

# City Council Meeting Minutes August 21, 2023

## **Dale Hamilton**

call this August 21, 2023 meeting of the Ellsworth City Council. All councilors are present with the exception of Councilor Lyons and we wish him well he's under the weather right now. Pledge of Allegiance

## **Dale Hamilton**

item three rules of order- we follow Robert's Rules of Order and all of the rules that are adopted during the organizational meeting and or after that time.

## **Dale Hamilton**

Item four adoption of minutes from the following meetings of the Ellsworth city council 7/17/2023 regular meeting monthly meeting and 7/25/2023 special meeting

## **Tammy Mote**

I would like to make an amendment to item 14. In the minutes it states that the interest rate for First National Bank was at a .05 I wish it was but it's 5.05%.

## **Dale Hamilton**

Is there a motion

## **Casey Hanson**

move to approve with the amendment.

## **Tammy Mote**

Second.

## **Dale Hamilton**

All those in favor? Unanimous

## **Dale Hamilton**

city manager's report and just before we get started, I just want to say happy birthday to the city manager whose birthday is Thursday.

## **Glenn Moshier**

Good evening Council. I have a list here so I'll try to be as brief as possible. Just to start out with an upcoming closure announcement so City Hall will be closed on Labor Day, Monday September 4 to observe the holiday. The Christian Ridge Road will be closed except for through traffic tomorrow, Tuesday, August 22 starting at 6am. Local traffic will be allowed to utilize the road there will be signage

including detours sign to get folks around. The reason for the closure is a safety concern. They're working in the intersection with the Bucksport Road and it's going to be difficult and unsafe for them to have traffic proceeding down the road so it should be just a one day closure. Real estate tax bills are now available to view and pay online through the online service services page on the city's website or in person at City Hall. They have gone to the printer and they should be out in the mail either tomorrow or Wednesday. Nomination papers are available here at City Hall at the clerk's department. Papers are available for two city council position seats two school board seats and two library trustees. Papers must have 50 to 100 valid registered voter signatures and must be returned no later than September 22 to the clerk's department. The comprehensive plan updates. The survey is now available on the plans social pinpoint website accessible through the city's website. Comprehensive Plan subcommittees will begin meeting this week to discuss various topics and the public is encouraged to attend. More information can be found on the city's website and social media page. Thank you to those who contributed to the Backpack For Kids program this year. And a special thanks to Tina Vanadestine for organizing the event. A year round donations can be made to this program and the Christmas for Kids program online or by mail address to the city clerk's office or in person at the City Clerk's Office or through donations of redeemable cans and bottles dropped off at the transfer station for cans for kids. And finally I just wanted to let the public know that the areas that have been milled on State Street Water Street and East Main Street at the upper light all will be paved the week after next.

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**Dale Hamilton**

Item six committee reports. Any counselors attend committees?

**Casey Hanson**

Glenn just said this, but I just reiterate the subcommittee's of the comprehensive plan are starting to meet. And I'm not going to read out loud when they all are. But I'm just going to say what the titles are. So in case people are interested recreation, housing, population and demographics, economy, marine resources, public facilities, agricultural and forest resources, transportation, water resources, historic and archaeological resources and natural resources. So as Glenn said, look on the website or social media, and you can find all those dates, so we hope a lot of people will come out and give their input. And then I just want to say one thing from the Communications Committee, which is that Maura is really putting excellent wonderful posts up on Facebook and Instagram. I personally am finding it so useful, the things that she's putting up. So I just think she's doing a great job.

**Dale Hamilton**

Question of the day, is there an opportunity? If people can't attend those? Can they submit comments? Is that going to be happening now? Or in the future?

**Casey Hanson**

Yes, maybe Matt can answer that better than I can.

**Matt Williams**

Yeah, so the comprehensive plans had a website that is accepting digital or virtual comments for a while now. But people can still go on there and go on the vision board or do the survey and interact with the comp plan in that way.

**Jon Stein**

Recreation Commission met last week. A lot of exciting projects in the works, but they wanted the public to save the dates for the Holiday Parade, which will be December 2, with a rain date of the following day, December 3, the tree lighting celebration will be November 25, 2pm to 5pm. Somewhere between parking lot out here and parklet. We haven't quite decided yet.

**Michelle Beal**

The harbor commission met last week. And they're very excited. They received a letter from Senator Collins, and our project for the dredge \$5 million has been included for the project in the fiscal year 2024 Energy and Water Development appropriations bill doesn't mean we definitely have it. It still has a few more steps to go. But it's a great step forward. And we may be able to use the harbor, even on low tide would be great.

**Dale Hamilton**

Any other committees? All right, Item seven citizens comments. So this portion of the agenda where citizens can comment on any item they wish, if it is an agenda item, we'll call you at that time, you have a chance to do that. But if you'd like to speak on any non agenda item this evening, you can go to the podium state your name and you have about three minutes to do so.

**Fred Byard\***

Hi, I'm Fred Byard. 9 American Ave. I had gotten it's neither of these are agenda items. So the mostly request one or on the voting that we have to do for to approve the school budget. Can we just dispense with that? And have you guys approve it? Yes, you can. Don't shake your head? it's not mandated by the state.

**Dale Hamilton**

It's part of the referendum that took place. Every three years. The voters make a decision about whether they want to continue with voting on it or whether they want the council to do the approval. And this year, it was on the ballot and it passed to continue to have the voters participation. So the next time that will be up will be three years when voters can turn out and make that decision.

**Fred Byard\***

Okay, well, I looked at state statutes. We don't have to do a three year referendum if we are not in regional school. At its port, when talking about budgets, it goes in the back goes into budgets for regional schools and they threw in that for regional schools and must pass a referendum every three years. So anyway, but the actual going and having having a run on election for the people to approve the school budget. Can we just dispense with that? I mean, there's no requirement for it and the turnout is is relatively low. And there is very well that's I don't want you to drag this on. You have more important things to worry about. and are just wondering without the state of our roads being as they are, several years ago, the council was presented with a study that showed in excess of a million dollars should be spent to bring our roads up to some standard, whatever. And in lieu of that, in lieu of the whatever infrastructure funds we've received, could we say some something from? from City Hall, it tells us what we've done with the infrastructure, funds, and maybe then what they're doing to address our shortfall and smooth roads. And because we, we know, there's money for infrastructure of roads,

and we know the roads need help, and we we get smattering reports of what some of the projects that had been done with the sewer pumping station thing that was done with infrastructure funding. I just love to see a report that says, here's how much we have, and oh, God, and this is either what we're planning to do with it, or what we have planned on it. Because I don't think anybody out there knows.

**Dale Hamilton**

Maybe next meeting we can.

**Glenn Moshier**

I would also encourage you to attend the local roads meetings when they have a local roads meetings, because they in those meetings go into great depth about priorities, and what roads, you know, meet the what levels of need, and how to prioritize those. And during those meetings, they go over specifically, what's been funded, what needs to be funded in the future, and what some of them those monies are being spent on. We can certainly provide some level of detail on that.

**Fred Byard\***

Okay, that'd be great. So for roads and maybe changing our budget, I really don't think we have to go through an election or through the school budget when final authority rests with you anyway. And practically speaking, when it comes to you, you either make adjustments, and they go back and change it and we have a final once the council has come with, here's our here's our latest figure of well, I've only been here 10 years. I just think we'll be just get rid of this. Save some clerical funds. Okay, on that. Thank you.

**John Linnehan**

Good evening councilors. I'm John Linnehan 157 shore road here in Ellsworth. And I'm running for the Ellsworth City Council this year. Because I'm very concerned about the finances here in our city. And I'm gonna say right up front, I do not want the job. But I believe you need somebody with my skill set that can one the council that can budget, prioritize, and get a handle on our finances. I've talked with another businessman in town, I'm encouraging him to run, I hope that he runs as well. And I hope I can find one more. Because we definitely need people that can get a handle on our finances. I was employed businesses where I had 250 people and directly and another 1000, indirectly. City Ellsworth I think has 100 150 employees. And so I believe it's a small job compared to what I'm used to running like that. It's a matter of prioritizing, watching finances. I'm very concerned with the increase in taxes for this year. I think it's a tough economy out there. I don't know how many of you people get out with people like I do. But people are struggling financially. And we can't keep increasing our taxes here in the city of Ellsworth. And it's a big burden on the people that are here right now. So that's my statement. I hope we can get one more person on there. I'd like to thank Council Halloran, who has been a steadfast person and voting against spending money on the council. And I believe we need more people with his mentality financially on Thank you very much.

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**Dale Hamilton**

Anyone else like to speak? Seeing none. Item nine Arbor commission update and potential appointment of members.

**Casey Hanson**

So we have chapter 43 tree ordinance which establishes an arbor commission. Arbor commission. She I'll consist of nine individuals appointed by the city council. And so happily, conveniently, exactly nine people have applied to be on the arbor commission. And hopefully everybody's had a chance to read the statements of all the applicants. It's an incredible amount of work. What's the word I'm looking for, like expertise, arborists and people with forestry degrees. And I feel very grateful that there are so many people in our city who are willing to be involved and help us create more green spaces and and take care for the trees that we have. So I guess unless people want to talk about it, I would just make a motion to approve the nine people who applied.

**Michelle Beal**

Second,

**Dale Hamilton**

motion second discussion.

**Jon Stein**

Huge amount of talent. Thank you.

**Dale Hamilton**

Can we vote for the nine? Once they're on? They're on. All those in favor? Unanimous. We have a commission.

**Dale Hamilton**

Consent agenda there are no items for the consent agenda.

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**Dale Hamilton**

New business item 10 public hearing and action on the application for the following licenses. Margs Mex Ellsworth LLC DBA Margaritas Ellsworth 191 Main Street for renewal of a city Class B license amusement liquor, liquor victualer and renewal of a State Class A restaurant lounge, malt liquor, Wine Spirits, class 11 liquor license, I'm assuming Everything's all set with all of them. Okay, so that's public hearing open the public hearing. Public Hearing is open. If anybody wishes to speak on this, they may do so at this time. Seeing none, I'll close the public hearing public hearing as closed.

**Casey Hanson**

move to approve.

**Michelle Beal**

Second,

**Dale Hamilton**

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

**Dale Hamilton**

Maine Organic therapy DBA Curaleaf Maine, 3 Myrick Street Suite B for renewal of medical marijuana dispensary license, including a city victualer license. This is a public hearing open the public hearing public hearing is open. If anybody would like to speak on this. They may do so at this time. Seeing none I'll close the public hearing is closed.

**Casey Hanson**

Move to approve.

**Michelle Beal**

Second

**Dale Hamilton**

motion second. Any discussion? All those in favor? Unanimous. Peppers Pub 21 Water Street for renewal of a city Class B license and renewal of a State Class A restaurant lounge liquor license. It's a public hearing open the public hearing public hearing is open. If anybody like to speak then we do so at this time. Seeing none I will close the public hearing public hearing is closed.

**Michelle Beal**

Move approval

**Tammy Mote**

Second.

**Dale Hamilton**

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

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**Dale Hamilton**

Item 11. Council order number 082101 request of the highway Foreman to accept the winter sand mineral screening bid.

**Adam Wilson**

Good evening Council. On July 5 We sent out for requests for proposals for a screening our winner sand and I road gravel. We only had to return I believe you have everything in your packet. Do this was the low bidder at point 4.85 cents a yard for sand and 4.85 yard for gravel. It's up 26% From what it was last year.

**Jon Stein**

Is this ever a thing that the city's debated doing themselves not outsourcing or is it required to praise machinery?

**Adam Wilson**

A huge machinery at a huge cost and licensing? Training.



**Tammy Mote**

We use our own gravel and they just come in basically sift it out. So as we're still using our dirt. Do we have enough put up right now that we could reduce this a little bit? Is this going to overdraw the budget?

**Adam Wilson**

Yeah, so a little bit. If we fulfill the whole contract, it will overdraw it by \$12,750. We are sitting on about 2000 yards from last year that we did not use Okay, so we could use what was on our bank and only screen 8000.

**Casey Hanson**

Do we usually try to keep some in the bank?

**Adam Wilson**

We do, because you never know how much Mother Nature is going to be, you know, one winner could be super easy. And the next one will could be hard. And it's a huge amount of difference of screening it in the wintertime.

**Glenn Moshier**

We also have some, some dirt roads that need some attention. So because Adam and I had talked and we looked at the budget, and we talked about reducing the screen gravel portion of it for the road gravel. But then, in our conversations, the realization is that we have some gravel roads that we really need that that additional gravel for so our thought was we would take the additional 12,000 for that screened gravel out of local roads. compensate that shortfall in the in the budgeted amount for the road.

**Steven O'Halloran**

plus gravel is a byproduct of producing the sand Correct? Correct.

**Adam Wilson**

But it's totally it's a different process. So the sand when they screen that it's down to like a half inch screen. And the gravel is a two inch screen so I mean it's it is a byproduct but you'll still have to go through the same process I get the term travel

**Tammy Mote**

Move to approve the request of the public works foreman to award the 2024 mineral screening contract to KJ Dugas as presented the contract amount be funded from the highway department operating budget account 1030300 Dash 53031

**Casey Hanson**

Second,

**Dale Hamilton**

motion a second further discussion. All those in favor. Thank you.

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**Dale Hamilton**

Item 12 Council water number 082103 discussion and action on a proposed ordinance to provide controls on the use of illegal moorings and anchorages on great ponds within the city of Ellsworth, the proposed ordinance establishes a mooring control area and provides provisions for allowed activities within this area.

**Matt Williams**

Not the first time you guys have seen this, I think. But we're back again. And this is a new draft based off of previous editions of an overnight mooring and anchorage control ordinance that the city has looked at before. It's taken some influence from other municipalities that recently passed similar ordinances. And as you can see in your drafts, this kind of goes over to new definitions, including commercial purpose and allowing establishing a mooring control zone. And then restrictions on where these moorings can be at all times and that particular ban on overnight moorings, and anchorages and some exemptions to that an enforcement would be through the police department with civil penalties for disobeying. So we've received a lot of public comment already. I do have some ideas for additional changes to this by figuring out which you will ask questions and discuss first, and we can go from there.

**Dale Hamilton**

Yeah, so what I think we'll do, since it is an ordinance and as public hearing, I'm going to open the public hearing, let the public make their comments. We'll close the public hearing and then we can engage in our discussion and that way we'll have all the feedback from the public to consider in our deliberations as well. So this is a public hearing I'll open the public hearing, public hearing is open. If you'd like to speak on this you may do so you will have three minutes and I will time it we have a lot of people here so I'm assuming there'll be a lot of comments. So just come to the podium state your name and express your views

**Patty Hamilton**

Good evening. My name is Patty Hamilton 493 Scott's neck way. I want to thank the council and particularly planner who has put a lot of time and effort into this ordinance i think it will do several things it will help to make all the lakes the same in the city so aligned branch and the other half of green and all the lakes, it will help protect, like water quality. And it will ensure access for all people. Places that are currently off limits where people feel like they can't go, when they will be available so that they, everyone can have an opportunity to enjoy all the lakes. So thank you again very much for the opportunity to explore this game tonight. Thank you

**Jennifer Willey**

Hi, there, I'll be brief. Jennifer Willie, 439 Scotts Neck way. And I believe this ordinance is necessary. Moving forward to keep our natural resources, meaning our bodies of water in Ellsworth, safe and clean. Right now anyone can go and drop a Home Depot bucket full of cement, and put a mooring on it anywhere they want. And this is littering. It's ruining our lakes. And it's only going to get worse as time goes on. More people more people want to recreate and it's time for the City Council to take action. You have the responsibility to keep our natural resources clean and safe for the future. So I encourage you to vote yes, on this ordinance, thank you.

**Elaine Row**

Elaine Row 477 Scotts neck way I want to reiterate, are being thankful I can't really come up with the right words. But anyway, thank you very much for all of the work on this ordinance and all the other attempts to try to get a handle on this problem. I just wanted to just not only echo what everybody else has said, which I won't repeat, but also just thinking about the idea that you can have a public space, a playground, a park in the city, state park, a national park, and the idea that you would go and put in a little shade Shack and just leave it there. And for you to use whenever you want or not. And it just there. I would think that most of you would think well that that's not going to be allowed. And so this is the same thing. This is a public space, we completely agree. We welcome all the boaters all the people that want to utilize the lake. But the idea that you can, as Jennifer said, fill up a bucket and drop it, have a mooring put a float with a little house on it and just leave it all year long, all summer long. Excuse me. And so people who otherwise would might like to use that space can't because they've got to navigate around now a permanent structure in a public space. So I would like you to vote yes, for this ordinance. I think it's smart. It aligns our lake with some other but the other municipality that's governs the lake and plus that it's even across all of the lakes in elsewhere. So thank you for your time. Really appreciate it. I know all of this is a difficult decision for you. But I would appreciate your support for the ordinance. Thank you.

**Dale Hamilton**

Anyone else like to speak?

**Andy Hamilton**

Mr. Chairman, members of the council, my name is Andrew Hamilton. I reside in Bangor, but I am blessed to have property in Ellsworth. It's a very fine city with very fine management, great council. But one of its strongest assets is its geography. And Geography contains a number of lakes. You have the chance to avoid what has happened in some of other Maine lakes where we haven't taken the care of that Ellsworth has. And I gotta tell you that relates to property values. And property values relate to taxes and taxes relate to how you fund the budget for the schools. And just as folks who are elderly don't require school services. Folks who own shorefront property don't require much for services in the city of Ellsworth. So what I'd like to do is express my appreciation for the drafting of the ordinance. it was suggested that I had something to do with it. I didn't. But I sure am pleased with the work that the staff has put into this. There is public access to the great ponds. But as the Deputy Commissioner IFW Tim Peabody said, it's for reasonable use. Within the 200 foot headway zone, municipalities get to define what reasonable uses, whether it's a matter of operational boats, whether it's imagine a map, a matter of parking, structures such that boats can operate, whether it's a matter of depriving the public that has traditionally used that code, beachfront property, but is not you can talk to Lake users and Lake owners on Green Lake and anti you for that structure. They're they're not using the code, they choose not to go into that code. So it's a matter I think of having equal access to the public. What I'd like to do in closing is present the originals of the petitions that we've sent electronically, so that the city clerk will have those for the records of the city council. And with that, I'm concluded.

**Dale Hamilton**

Anybody else like to speak?

**Fred Byard\***

Just a quick question on enforcement, where it says, you have 90 days from the date of the enactment to come into compliance. Does that mean I can plump my vote illegally in June? And it's taken out in the end of August and not worrying about the 90 days impinging upon my use? And I don't have a boat, it doesn't affect me. I don't want to do it. It's just, I'm just curious about the 90 day

**Dale Hamilton**

well, we'll address that when we get into the discussion. Thank you.

**Christopher Derr**

Counselors, Christopher Derr, live in Ellsworth. My family has a licensed sporting lodge on branch lake, which is considered a commercial venture, I'm registered Maine fishing guide, recreation guide, hunting guide. And you can use watercraft for all three of those. So mooring that I would be using for those activities would be considered commercial and would not be allowed under this ordinance. Another thing is been a lot of talk about things on the water. But there's no seasonality, there's no timeframe for this ordinance to say, April 1 to December 31, you know, during the open water season, because an Ice House meets the exact definition that's in there for, for what's been defined as a watercraft and floating. So, you know, it's all on how you want to look at it if it's floating on liquid water or floating on frozen water, that definition and, and language in this ordinance is quite broad and can be interpreted. In that way. Should somebody decide to want to go that route? Again, I think, you know, but following the process, the original draft made no mention about personal use only. So I found it pretty striking that city councils want to discourage guys from operating on the great ponds and Ellsworth and to discourage anyone that is renting out a place that's on the waterfront and also people that do Airbnb rentals that may or may not have their own boat, they rent out or utilizing rental boats from citizens in Ellsworth or out of Ellsworth. That seems to me that that would fit under a commercial mooring. It was being used for that purpose as well. So like, everybody just to consider that aspect of this ordinance. Overall, again, there's been multiple drafts, multiple meetings. And so wondering when the time may come to decide that it's not worth pursuing this ordinance anymore and to make a final decision on that. Thank you,

**Jon Stein**

Chris. Yes, I have a question. For commercial operations, guided fishing trips, hunting trips using the lake commercial aside with the effects of not being out between midnight and 4am affect those trips as well.

**Christopher Derr**

I mean, it can during summer it was in the summertime it obviously would have an impact. You know, fishing trips tend to want to start early in the morning. And you're targeting certain species and other species, you want to stay out later in the afternoon. And as long as you have the appropriate lighting on your boat, there's nothing that allows you to have to come in, after after sunset. So, you know, that is one issue that I don't think that's the major issue with the ordinance. But you know, that is something as well,

**Dale Hamilton**

you wouldn't be you wouldn't be moored?

Christopher Derr

the boat would be it would be moored to the dock. So under this definition, I believe that can is considered moored or or anchored.

**Dale Hamilton**

But I mean, in terms of if you're traveling, this doesn't require the

Christopher Derr

timeframe part not as much, it's more of the overnight. And, and it was also mentioned some other towns and Dedham just recently passed an ordinance as well. So, you know, I just wonder if this passes. Now, if there'll be revisions, Dedhams is actually quite a bit more restrictive. If you can't go within 100 feet even during the day to anchor for any reason whether you are fishing or anything that 100 foot mark is a no go zone. Their ordinance was a little more descriptive as far as affording shorefront owners, you know, moorings based on the amount of lakefront property they have, but you know, I think also just another thing is, you know, people that own property are landowners, not water owners, and that's, to me a really big sticking point for this ordinance in general.

**Dale Hamilton**

Other comments?

**John Linnehan**

Good evening councilors, John Linnehan 157 shore Road in Ellsworth, have here a constitution of the United States and the state of Maine constitution. just an excerpt from the preamble to the Constitution. And I want to focus on one word, the word liberty. We the People of the United States in order to form a more perfect union, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. To me, this ordinance is excessive. It's not necessary. And it's an overreach of what our original founding fathers established. They established a constitution, they established the republic with the idea of limited government. And the more ordinances that we put in, as a city, state or nation, it's encroaching on the liberties of our original founding fathers intended, I encourage you to vote no on this. And no, no amounts of revision to this ordinance, where I'd be in favor of I think it's an unconstitutional violation of the liberties that we already have. Thank you very much.

**Dale Hamilton**

Last Chance Okay, close the public hearing. Public Hearing is closed. Counselor. Matt, you probably will want because we're gonna be asking your questions, I'm sure. So I'll just begin for not my comment. But I spoke with Gene this morning. And I just wanted to relay some of his questions and concerns to make sure that it's voiced I think it's important to have all views out here. And since he couldn't be with us this evening, and things only fair. And as similar to the point that Chris just made related to commercial use. We also have some campgrounds on lakes, that they may have swim floats and other things that are there more. So I guess I wanted to ask you that mat around. That's a concern

around the commercial application, to your question concern, and also to Councilor Lyons who raise that as well.

**Matt Williams**

No, I mean, so based on Chris's written comments prior, that was a good point that he brought up. So it was a part of this definition of commercial purpose to kind of tighten that up to specify what kind of commercial purposes we would not want to encourage overnight or long term moorings for versus ones that wouldn't be acceptable to the city.

**Casey Hanson**

In a addition to the thoughts that have been brought up above the dates and commercial, which I think all need to be hashed out. I'm generally in favor of coming up with an ordinance that protects the lake that protects the beauty of the lake that keeps a million Home Depot cement filled buckets off the bottom of the lake. But I feel the same way I felt last year, which is that I won't vote for an ordinance that gives shorefront property owners special rights. And I know there are a city I know it's a permissible use. But I think one of the best parts about living in this state is that we really take seriously that the natural resources belong to everybody. And I am a also a shorefront property owner and the water doesn't belong to me and I don't think it should.

**Michelle Beal**

I just would like to say that it isn't fair that a person from the public can go and put two or three mornings in in a cove and prevent anybody else from using it. It shouldn't be allowed. It's a it is a public place. And the comment about we wouldn't allow someone to go to Knowlton Park and put a summer shack in there to live in for the summer and have a de facto summer home in our park. It's the same thing for the lake. It just it, it doesn't make sense. It's not good for the lake to do things like that. The people that own the property around the lake, pay a lot of money in taxes, and they should be able to have their dock, I'm sure I don't know if you have a dock where you are in your shorefront. But if they have a boat and a way to keep their boat, I mean, that's just that's a privilege of paying the taxes and paying having the property. A person that puts a mooring out there doesn't pay taxes, they don't provide anything to the city of Ellsworth to help with that lake. You know, there's there's bathrooms as a lot of things that that landowners have to protect that lake and a lot of it pieces on ordinance or you know, the requirements that they have even on how they can keep their property in order to protect that lake. So to be able to have a mooring and claim a piece of the lake without having any responsibility to that lake isn't. It's not right.

**Matt Williams**

I would just add that, you know, when you buy that shorefront property, there's kind of an expectation that you have the right to house some type of recreational boat or vehicle for the lake there like a swim float. So, discussion for the council. But if you wanted to restrict that to a certain space for the shorefront owner, and not give them the whole 200 feet, you could but I think the expectation when you buy shorefront property is to have access to use a boat or something like that.

**Jon Stein**

The concern seemed more that views were, in your view, well, views of other moorings and overnight boats and people taking up space that didn't own property there.

**Matt Williams**

Well, I think that a counselor Beal is correct and saying that if you just have a mooring for anybody can just drop by and leave it they are taking up space then themselves. You know, I won't say the views or anything like that went too much into my thought process with the ordinance. But

**Casey Hanson**

can I ask one more question. Last year, when we were having all this discussion someone wrote in to me because they don't own shorefront property, but they do like to go out on their boat spend the night on their boat anchor like with their grandkids. And so it seems like that would not be allowed with this

**Matt Williams**

No, I would not generally encourage overnight stays on a boat, just the waste, trash, that sort of thing. That's not really regulated anywhere else in our ordinances. So be tough to make sure people are actually doing what they're supposed to do with those sorts of things.

**Dale Hamilton**

far as the commercial aspect, it seems reasonable that if if somebody owns property, and they have a commercial venture that would be treated similar to the residential that they could have their moorings and and have access to the water the same as a residential owner. So that that that could happen. It's, for me, the question really comes down to is what are we what are we preventing? And so I start with are we preventing the access that to the lakes, to the ponds? And the the answer is no. The ordinance doesn't prevent anyone from using the lakes and ponds as they do now, it simply addresses the overnight mooring the leaving, setting up a mooring leaving whatever vessel houseboat float, you name it in, in the lake in close to shore, which can create hazards and property owners have their moorings by their properties. And so for me, that's that's where I'm looking at this ordinance in terms of are there larger issues here in terms of the access, there isn't. This ordinance does not prevent people from having access to the to the lakes, it just simply requires what they do now is removing that, that craft. At the end of the day, I think 9pm, but by the ordinance. And then the other the other piece is I hear what you're saying in terms of the concern about property owners, I do think that there's there's a vast difference in terms of owning property and being able to have your boats moored or anchored or on your dock. That's part of where you live. And your ability to do that. You also have control of the whatever you're mooring, you have the responsibility and control for it. And it's in a place where you're, you're watching it and protecting it. Somebody who doesn't have any property is leaving something in the water that can break away that can cause damage that can get in the way of other vessels. It's at night, there's no restrictions in terms of any responsibility for those owners. So I think there's that safety aspect too. So ultimately, for me, it's it's what what is being restricted? What are we preventing access for people on the ponds after 9pm. And I haven't yet to hear anything where that that restricts it if somebody has the appropriate lights, and they're on the water after nine, this doesn't prevent them from doing it simply prevents them from mooring that craft and leaving it overnight. So I guess that's for me, I

would be very interested if if I'm missing something what what's being restricted, I would like to understand that better.

**Michelle Beal**

I think also, we're also being very fair, in putting the same restriction on the property owners as we are anyone else is the the commercial piece of this is to prevent people from putting boats out there and anchoring them also along and using them as an Airbnb, that across the board, including that that's the commercial piece. And so I agree with Mr. Derr, I would not ever want to have anyone not be able to run their business that they're, you know, they're on the land. And they're had that ability to have their business and never discourage someone with that that type of a business but to start filling up our lakes, and we've seen it in the city now. I mean, the city has over 500 Airbnbs in the neighborhoods, I mean to have that start coming into the lakes, and people lining up the lakes, along the shore with boats and then getting 500 bucks a night to stay on a boat and as an Airbnb is it's it's just around the corner. And it's the reason why other municipalities are stopping these types of things is to prevent that. We don't do it now we're going to end up doing it later, because it's coming. There are already people that would like to do it.

**Jon Stein**

I think that that is something that has happened on western Maine, they've seen Rangely Airbnbs popping up, I don't think that's something that we want. Here. I think we're walking a balance between protecting watershed protecting Lake and allowing reasonable access. The only thing that I would speak to your point, hearing back from some Maine guides, saying that there are some instances where commercial guided trips, we need to more outside of those times selected guides are it's a special business, they sort of follow their own code of ethics, which is a responsible usage of of Maine's resources. So I don't want to see any restriction put on being guides on hunting, those are good commercial operations that bring money into our area into the state and our responsible use of the lake. So I just I just want to make extra sure guides are not going to be put out by the need to moor after hours, who the spirit of the thing is people shouldn't be staying there. There shouldn't be housing, there shouldn't be Airbnbs on the lake. But outside of that, there are probably some uses for guided trips for commercial operations like hunting and fishing trips that could fall outside of those as well make sure we're protecting those as well as protecting like that.

**Dale Hamilton**

you ever thought in terms of language that might help with?

**Jon Stein**

Well, I'm no lawyer? Yeah, I wonder if there's some sweeping statement we could make about that licensed commercial guided industries, if that is a differentiation?

**Matt Williams**

Yeah, I mean, this is something that I thought about and kind of struggled to come up with a better definition of because, again, if you're renting your house as an Airbnb, but then the rental of a boat that comes with it is also attached to that. If it's a separate agreement, if you're renting the house and the boats part of it, I want agreement, I could say like, the rental of the boat is, you know, accessory to the



rental of the house. And so trying to make like an accessory use kind of thing. Like if you're a guide, someone's paying really for the guide service, and the use of the boat is accessory to that guide service. But then, but the rental of that boat for the rental house is a separate agreement from the rental of the house. And as a rental, the boat as a primary rental is much clearer.

**Jon Stein**

Semantics, I think we're getting on the same page about the spirit of the thing.

**Dale Hamilton**

So you're saying you understood that? Yeah.

**Michelle Beal**

Since we're just trying to stop overnight, sleeping on the boat, if we just put the commercial in somehow saying that, for overnight dwellings? I mean, wouldn't that that would take care of Mr. Derr. He could use it for commercial, like the definition of commercial.

**Matt Williams**

I did think about that. And I had it actually on my new draft of it. And I decided I didn't like it. And I can't remember why I decided I can try it again and see if it comes back to me.

**Michelle Beal**

Because again, I think that that would be more fair, because it's everyone it would even be the you know, the homeowner that wanted to put use their boat for an overnight rental commercial rental, that they have that personal boat, it would, it would prevent them from doing that also. So it'd be more fair rent all around.

**Matt Williams**

Just one more thing that we haven't talked about yet. I've added in my new draft they allowance for temporary anchorages that may be placed within the mooring control area. So if somebody is just fishing or wants to sit out in the lake for a little bit, it's not the same as the mooring. It's not permanent. You're just dropping your anchor it would allow for that. Which the draft you have currently doesn't in the language that I chose. So just changing that to allow for a temporary anchorage as well.

**Casey Hanson**

Ours does have that temporary is four hours. Is that what you

**Steven O'Halloran**

I just want to throw out many prongs to this issue. We have ordinances in Ellsworth currently, that are not being enforced. And if this ordinance passes, or one like it, or one similar to it, or something with the same spirit, it isn't an iron clad pass, because now you have the enforcement leg of this whole problem. So someone in violation of the ordinance can be in violation and violation and violation. And that's another whole can of worms, I believe. I don't like this document, because it jumps all over the place. However, I appreciate all that's gone into it. And we have to have a starting point to twist and maneuver and accomplish what we want. But I think really we're getting down to we're trying to accomplish better

behavior between the sportsman swimmers float people. This overnight ordinance this overnight, house boat that's been a problem that is stuck in one place and not moving around the lake. I'm not in favor of ordinances but I'm very much in favor of corrected behavior. And I'm not sure that we've ever asked for better behavior from the people with septic systems around our lakes, from the people that are driving their cars out on the ice, from the people that are mooring a boat to be an annoyance to property owners property owners are paying a lot of money in taxes and not getting much for it. So I understand supporting that but I think this is a huge can of worms here and I I would think that we would address more than just the mooring the Ice House the the cars on the lake, the seepage of of sewer into the lake from older camp septic systems. This is a big thing here. And this is an this is all is driven by behavior of a certain few and I think we need to ask that behavior of the certain few improve because enforcing an ordinance is going to be pretty difficult

**Michelle Beal**

I don't see where it says that you can anchor it all that four hours is as a definition but it's not used in the in the ordinance that I'm looking at.

**Matt Williams**

So current also under the mooring control for all moorings Anchorage is Article four 4.1 talks about that mooring slash anchorage has been replaced by the shorefront property owner or another individual with the shorefront property and has written permission and a mooring slash anchorage shall be placed in the mooring control area directly adjacent to the owners property. I mean, just reading that it kind of suggests that you have to be a shorefront property owner or have their permission to place an anchorage to so I just wanted to clarify that by adding a section that says

**Michelle Beal**

I didn't take it that way. So yeah. So there's nothing here that says that a person can only anchor four hours. It just provides a definition. But that definition. I've read through this and there's no temporary requirement.

**Matt Williams**

Yeah, I think in a previous draft, it was used to look out for temporary, whatever was used.

**Michelle Beal**

So if a person wants to sit out there and anchor and fish for most of the day, like my husband probably would, then he can he can do that. I don't need stay in one spot. But yeah. Okay.

**Steven O'Halloran**

The other thing that I forgot to mention is, ordinances should be city wide. If we are going to have one in my opinion, not just sections of the city. I'm troubled by that. We have the union River. Okay, we have waterfront there. Nobody's mentioned Graham Lake, which is a big fishing hunting lake. I realized that's part of it. But I don't know if it really comes into it under the Great Lake, because it's manmade pond. Well, I don't know if it comes into that or not, because it's man made like Leonard Lake, I think that and you have you have the waterfront down here. So I just would like fair treatment for all not fair treatment for some. And I think that's very important that everybody gets the same treatment. Rather,

it's the guy on Graham lake that's guiding a Duck Hunt, or, or the guy. The homeowner on green lake that is paid good services and has an annoyance in front of them. There's got to be a better way to change this behavior and find some harmony in everybody using this resource.

**Dale Hamilton**

So just in terms of I think it's valid point, I think the ordinance will apply to all of our bodies of water, except with the exception of the Union river, but the union river is governed by its own set of ordinances under the harbor, which if I understand correctly, it's also driven not only by city, but also by other federal federal guidelines and statutes around that type of body of water. So it the it can't be applied in the same way. It has its own set of rules and under that ordinance.

**Casey Hanson**

I have a question, but you can say,

**Steven O'Halloran**

No, I was just gonna say, I think there's a lot of questions, you know, can we make the union River? stricter than the feds can? Can we make the lake stricter than the states? There's a lot of legal questions bouncing around this table here. And it's I've only been here a couple of years but I my understanding has been going on for like four years. And I don't want to make any assumptions and I think if we're going to give We're going to talk about regulations. Number one, they should be, we are enforced the ones we have number one and number two. This is not ironclad, just because there's an ordinance doesn't mean there's no violators. And really, that's the behavior we're trying to fix is is a few people have annoyed a lot of people. And I'm not sure we can ordinance our way out of that.

**Casey Hanson**

I just had a question about if you there's I'm sorry, just some things I didn't know if you want to go out, as it is now before this ordinance, and put your home and make a mooring on a lake is do you have to get a permit for that or anything or No, like literally the way it is. Now, anybody could put a mooring anywhere. As it

**Matt Williams**

is now there's no regulations for moorings. So even for shorefront owners this ordinance is more restrictive because it restricts them to their adjacent. Yeah, the water adjacent to their property.

**Casey Hanson**

And I know about orange lake, but for the other lakes. Do you have to register your boat if it's going to be out there?

**Matt Williams**

Do you have to hit a registered? Yes.

**Michelle Beal**

Can you so can you tell us which lakes are greatly great ponds and Ellsworth.

**Matt Williams**

I'm pretty sure all of them. Most of them anyway, the big ones that everyone knows are gram like Green Lake, Leonard Lake branch lake. I believe the Patten ponds are as well.

**Michelle Beal**

And, and Leonard Lake, you said right. Yeah. So the only thing that's not like Rocky pond with a little tiny pond Yeah.

**Jon Stein**

So there are some instances in the state where great ponds have been regulated and develop to the point where there is actually no state describes it as unimproved land, where you have access to public use of the water, and so people can't get through, because there's private property surrounding this entire ponds, which completely restricts access. So I think it's just important to keep in mind, the notion of a number of people directing the conversation toward public access, where what we're really going for should be equitable access across the board. Speaking,

**Matt Williams**

all these are great ponds have boat launches at some point. Okay, both launches.

**Jon Stein**

There's no concern of a complete enclosure at any point.

**Matt Williams**

No, I mean, they're like get one access point, technically. So you could be concerned about that. But there will be an access point.

**Jon Stein**

And so to speak, to your point. And Councillor O'Halloran, I don't think it's a great reason to not make ordinances just because we may not be able to completely enforce all of them, or I think it's a good enough reason to make them. So we have a framework to move forward and to preempt future development that we've seen elsewhere.

**Casey Hanson**

A little bit, I think last year, we talked about the idea of, I think, like permitting, moorings. But I think what we were saying is, that's kind of a level of work that would require a pond to not pick a call the Harbormaster. Master.

**Matt Williams**

There would have to be somebody who could bounce between all of these great ponds, and that was,

**Casey Hanson**

and I'm just thinking out loud, but to me to balance. My concern about things being fair for all people, whether they have shorefront or not, is if there was a way to just have a permit for every mooring. And that part of that permit was related to safety or related to waste. And in that instance, someone with the

shorefront property will be able to say, Well, my toilet is right there. Whereas someone who say wanted to put their take their grandkids out for a weekend would have to say, here's my permit. This is what I'm planning on doing. This is how I'm planning on handling my waste again, I I know that what I'm saying is just a bigger isn't just writing an ordinance, but actually thinking about See

**Jon Stein**

you next year pretty much.

**Casey Hanson**

Yeah, right? That's right. But to me, that seems more fair. I visited with my sister, brother and sister in law who live in Annapolis. And, you know, it's like, a lot of beautiful waterfront there that nobody can get to. So I do feel really sensitive about the idea that our waterfront is not privately, privately owned.

**Dale Hamilton**

Question, Madam Clerk? If you don't know the answer, maybe you can find it. I just want if we modify ad to change some of this ordinance. Can we still vote on it? The change where it's been posted? And we don't have to post it again, with the revisions and come back.

**Toni Dyer**

You don't have to. Certainly, if you're making substantial changes, I would recommend that so that others that might never have had the chance to potentially come and make any comments that people may not have come to my thinking that this was acceptable to them any substantial changes and change their mind.

**Dale Hamilton**

Yeah, nothing substantial. just tweaking,

**Toni Dyer**

like the temporary mooring kind of thing. I think that would be a minor change. Thank you.

**Dale Hamilton**

And so that's where I would like to go in terms of like Councilor O'Halloran speak before I make some recommended changes. I personally, we've talked about this enough that I think let's get some language, make some of the changes based on the feedback and at least take a vote and see where we stand as as a council around this issue.

**Steven O'Halloran**

just had a question how, how does the city of Ellsworth handled the union River? Do you sell mooring spot? Do you sell dock spot? I mean, how does that mechanism work? At the union River waterfront?

**Matt Williams**

Yeah, there, I think there are moorings and specific slip spots sold to users of the harbor

**Toni Dyer**

We have a harbor ordinance for the harbor. So that specifies moorings slips at the dock. There's different types of slips based on size, location of the slip. And then the fees correspond to those items. And then my office sends out the annual mooring applications waiting lists collects the fees for those each year, so it has its own, it has its own ordinances for the harbor.

**Tammy Mote**

So I do believe that every couple of years, there's a mooring inspection that has to be done. That's the responsibility of the mooring owner. Yes.

**Toni Dyer**

And I know for a while Adam as a Harbormaster. He's up on top of all of those requirements on the moorings and the the owners of those moorings and making sure that if he notices something that's not compliant, he's pretty good at Harbor commission is also very active, and the upkeep of all of those they know everybody down there, close community

**Glenn Moshier**

also like to add that we also pay the federal government for the space for the use of that ground, if you will, even though it's under the water

**Steven O'Halloran**

and the the user of the mooring pays the city for the right to drop a mooring that. It's their mooring, but you're they're paying the right to drop them off. Okay. And that model could not work in our lakes.

**Toni Dyer**

I'm not saying that it couldn't.

**Steven O'Halloran**

Yes, I'm asking not suggested.

**Matt Williams**

I mean, theoretically but then I'd have to be probably some type of public land that has storefront and then you just create like a public moorings zone where people can then either pay that put a mooring in or kind of similar to a permit almost, but it's just a space dedicated to moorings that don't belong to shorefront owners essentially.

**Michelle Beal**

Also add to that, so there are places that we can't have moorings down at the harbor besides the URCI building, because the landowner actually owns to mean low water and instead of mean high which is why they the slips go that way to the region's to the. That's I mean it's very restrictive because the property owners because of the federal government owning the Yeah, that's that's their pick their channel. So it's a completely different beast than what you have on and we own we had the slips out of the city owns that land.

**Glenn Moshier**

So so if I interrupt you, but I would also add the Harbor is a very controlled and small area, if we were to try to implement some sort of mooring registration fee schedule throughout all of the great lakes throughout the city of Ellsworth, you're talking, I mean, you're talking additional staff in order to manage that, like was mentioned earlier, a Harbormaster, who would, you know, have to travel and be familiar with all these lakes and all the moorings to go in and check and make sure that they're, you know, so it would be the creation of more government. And then then what this current ordinance would be,

**Michelle Beal**

if I can also add to that, so the place that we own the most land and one of our lakes is branch Lake, city spent a lot of money purchasing land for conservation, because it's our water supply, but also spending a lot of money. And a lot of work that someone here knows a lot about to in order to ensure that there was access to that lake, because for a long time, there wasn't access to that lake, because the only access was actually shut off by the owners. So if you wanted to do something like that, you'd have to change the ordinance branch Lake, because there isn't anything allowed on that lake overnight. So access already, because it's our water supply, even on the northern end, which is quite a waste from our intake. It does, because yeah, but I, you know, I must, personally, I don't see why Green Lake and Patten Pond and all of these others shouldn't be treated in the same way is branch lake it is I want to supply, but it's a pristine, beautiful lake, why shouldn't all lakes be that way?

**Jon Stein**

During if this is passed this evening, during the 90 day period, enforcement period, will we be able to modify the ordinance or that 90 day period start over? And can we pass it and say, We're generally agreeing, we want to see some changes like this and that pass those again,

**Matt Williams**

if you were voting to move forward with this based on changes, I guess a change I would recommend as an enactment date, and then that would give, you know, people a clearer time to know when the 90 days would actually start. Because it's not like I make these changes to the rule really isn't a fascia yet. So then, who knows when that 90, the pump will be very hard for the public to know when that 90 days actually starts.

**Jon Stein**

That will give us a timeframe by which to figure out all those changes. And if we can't make them it'll move forward as is. Yeah.

**Toni Dyer**

Similar to your comment, if you did that, you could have Matt come back at your next meeting and not do another public hearing. But just review the changes that way. If the public does have questions after any of the changes that you'd like to make this evening, they have a chance to make those comments.

**Dale Hamilton**

there was a question earlier public comment about the 90 days in do you hear the question?

**Matt Williams**

I did. I mean, the 90 days is just like a one time date. It's not a continuous year.

**Dale Hamilton**

It's the what you were just talking about. I just wanted to make sure that that getting answered.

**Casey Hanson**

And is there any reason not to put in language that's December 31. First to December

**Matt Williams**

pick 90 days because three months felt like a lot of time but

**Casey Hanson**

more in terms of that the ordinance not applying for ice fishing and things like

**Matt Williams**

I don't necessarily agree with the analysis that sitting an ice shack on top of ice is the same as floating. So I figured you wouldn't have a boat on the water in the wintertime anyway, it's frozen over. But you know, I'm open to suggestions on that.

**Michelle Beal**

How's this anchored or moored? Alright.

**Jon Stein**

but more clarity is not necessarily just in case. I reached out. I reached out to great ponds Association Branch Lake Association, Downeast salmon Federation Frenchmen, Bay Conservancy and Maine guides and they all got back to me. And they, as far as I could tell were generally in favor of no overnight stays no overnight boats. Most of the suggestions were to allow for guided trips to not restrict Maine guides especially but other commercial guided trips that were responsible. But across the board all mentioned, we see that there's a lot of discussion on the ecological challenges to do with houseboats. What we found is that most of the nonpoint source pollution, another pollutions are actually coming from property owners. Which branch Lake Association published the nonpoint source pollution paper a couple of years ago, and basically lists phosphorus, driveway runoff, erosion control, as all things that should be addressed. So those are, you know, part and parcel to this ordinance, but to Mr. O'Hallorans point of looking at the entire global issue. Thinking that we can use this as a fulcrum point to come back to talk about protecting our lakes in a more comprehensive way. I will push for it so important. So.

**Steven O'Halloran**

My I support, being a good friend to the environment of the lakes. And I think it starts with just a lot of the sewer departments, the the old sewer systems, I think that this is a bigger issue. Should we allow cars to drive all over the ice and go through the ice? Should we? I think it's big. I think there's a lot of abuse with ice shacks. I think there's a lot of abuse with filling up boats and dumping gas overflow into the lakes, I think we all need to be aware and conscious of keeping these resources. I have property



and Otis on the lake. And every time I see somebody overflow a gas tank or drive on the ice, it just makes me cringe. So I think it's a big issue. And I think I don't think there's anyone in this room that doesn't want to protect all of those resources. Just how we do it is the question.

**Michelle Beal**

I think this is a good start. I don't think we can answer all the questions in one ordinance. I agree. It shouldn't be able to take vehicles out onto the lakes, but ice fishermen love to do that. Guy did it as a kid, too afraid to do it now became an adult. But I don't think I think if we keep waiting to make an ordinance that's absolutely perfect and takes in every single thing that could happen to awake. You know, I think that you're never going to get anything I think you're going to you're going to be looking for perfect, and you're never going to get it. And that's always going to be the argument. Well, we could also do this, we could also do that we've got to start somewhere. And I think this is a great way to start the same thing as we started with branch lake. And I think there's a lot and the ordinance of branch lake that actually could be brought forward to some of our others if you know staff have looked at that ordinance and said maybe we should have branch lake ordinance be the same across our city instead of worrying just about the one lake. I would agree wholeheartedly with that. Because there are a lot of restrictions on branch lake as they should be. So I just would like to start somewhere.

**Casey Hanson**

I agree with that.

**Dale Hamilton**

I'm just wondering, do you have any language in mind around the commercial piece? Because that's the one thing that I think we definitely need to change is to make sure that the commercial use the camp ground owners that this doesn't impact them. The guides that it doesn't impact them. If you own that property that it you're treated the same. So do you have anything any recommendations?

**Matt Williams**

I mean, the only thing I would just add that would be the commercial purpose definition being a use in which the shorefront owner or watercraft owner has given payment through the rental or use of the watercraft or mooring as a dwelling unit or something along those lines.

**Dale Hamilton**

And that would allow the campgrounds they own the property, they can have their floats and anchor more and that language would address that.

**Matt Williams**

Yeah, I think for the overnight portion. Maybe just making it clear that if you're not just individual events, property, but a business property that you need some more overnight, that's also acceptable if your businesses can be storefront property owners.

**Dale Hamilton**

So I'd like that language to be reflected in in this so as we move forward

**Michelle Beal**

but like if a campground couldn't have overnight boats, you know, because campgrounds also have those houses they couldn't take that out onto the water and have a boat and take the campground and put it out into the water right? In that definition but

**Matt Williams**

people sleep on it or use it as like live on it overnight. Yeah, but they could like even moor than the water if nobody's on it. Okay,

**Michelle Beal**

but they still couldn't use it as a de facto tent.

**Dale Hamilton**

so with that language to to amend it. I think that addresses the concerns I've heard from the public as the major

**Jon Stein**

and putting the temporary dates anchorage acreage wording that you've had before.

**Matt Williams**

Yeah, and I can just make it an anchorage maybe placed and just make sure Anchorage is aren't overnight or I can make a temporary with the four hour time limit

**Michelle Beal**

I hate that four. I'm sorry but I don't like four hour time I don't think anybody that's using that water you know as an anchorage just to fish should have been said well you can only stay there for four hours number one you never to his point and never ever going to be able to who's gonna be out there with a watch right? Say don't be over four hours. I mean, as long as they're they're out there and they're not overnight and they're not more of what

**Jon Stein**

those are posted in parking lots no overnight

**Michelle Beal**

Yeah, exactly. I

**Jon Stein**

think that's people are used to that

**Tammy Mote**

and then we're gonna put dates on there when this is made or April to December or Iceland or something like that have

**Matt Williams**

a timeline for like, ice is an open water season, open water.

**Dale Hamilton**

So I guess, just to move this one step forward, I'll make a motion to accept the ordinance with those two amendments in place

**Dale Hamilton**

Commercial the timeline

**Matt Williams**

Changing the definition of commercial purpose to specify just for dwelling is not allowed rental for dwelling. Businesses can be shorefront owners the timeline for open water season and the addition of an anchorage may be placed within the mooring control area. But the overnight portion would still apply to anchorages.

**Dale Hamilton**

Okay, I'll make the motion your ordinance with those amendments.

**Michelle Beal**

Second,

**Dale Hamilton**

we have a second discussion.

**Steven O'Halloran**

On could we get a Clear, Effective date on that motion?

**Matt Williams**

I mean, you guys, and then I'm gonna know, as they have the 90 days is too vague now that we're making changes. I mean, we could just make it as clear as you know, first of 2024. And then that way next season goes into effect. Yeah.

**Dale Hamilton**

That's our friendly amendment.

**Michelle Beal**

I'll second the friendly amendment.

**Steven O'Halloran**

So to be clear, this motion on the table would be effective January 1, appointing for

**Dale Hamilton**

further discussion

**Tammy Mote**

are we going are we gonna put some signage on all the lakes, the boat ramps so that people are aware of this? Because when is it responsible boat owner you should know these this information, but are we going to think about

**Dale Hamilton**

think about how to enact it if it passes.

**Dale Hamilton**

Any other discussion? All right. All those in favor? Aye. All those opposed? Motion passes four to two. Okay, thank you. Thank you.

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**Dale Hamilton**

And moving on to item 13. Council order number 082104, requesting of the code enforcement officer to take property located at 16 central street by eminent domain by the way of an order of condemnation.

**Lori Roberts**

I, Lori Roberts with the code office. And I want to just to take you back a little bit, the gentleman that lived at 16 central street passed away, his widow lives in London, and we've not been able to have good communication with her to get her to get probate started, if she was going to have probate. That kind of all fell off to the side, you had determined it was a hazard back in April on the 10th at a council meeting. And we gave the widow two months in addition to get probate work done. And she didn't come up with that. Our attorney was attempting to speak to the her attorney in London with no response. And so the widow, in turn had requested friends in the area to remove items from her home that she didn't want to have destroyed or taken away. Not all of them were there when the folks went in that some of them had been removed. And so they took all the stuff that she had asked except the stuff that was stolen. And now our attorney is suggesting taking it back by eminent domain. Because it's an attractive nuisance. It's a hazard. The chimney is falling away from the home, animals are in there, the roof is leaking, and it's got lead paint so.

**Jon Stein**

This is the city and found the value at \$0. But could possibly send money as a gesture or

**Lori Roberts**

right she's not the owner. She's not ever gone through probate. So it wouldn't be as a big gesture from the city if you chose to send her financial payment for it.

**Jon Stein**

When was the last communication that you had? With her?

**Lori Roberts**

I have not spoken to her the attorney has been in contact with her attorney. I haven't spoken to her since last year.

**Dale Hamilton**

So I wonder, in terms of precedent setting around if you're not the owner of a property? Why would you get any kind of proceeds from the city? I think it sets up some dynamics down the road potentially that we don't not even aware of? And for me, it's so that's a question I have just in terms of precedent setting. I think the issue, this is why the council address this situation in terms of buildings like this, there is a there's a public safety issue. And the longer those those types of dwellings are allowed to just exist. It it safety, and it's also valuation of any property in that immediate area. So I think as a city, you know, as long as we do the due diligence and make every attempt to get to the owner to get it resolved to get it back to the ownership. I think we definitely should be doing that. I think you've done that. What we can do, and I think we need to act on it. But I understand your point, I just think that it would set a precedent that I think would be really tough for us at some point in time as a city.

**Steven O'Halloran**

What I noticed this is eminent domain. What's the tax status of this and why is it eminent domain as opposed to a tax foreclosure?

**Lori Roberts**

She's not that far back in her taxes for us to take it to a lien at this point because the bank was paying the taxes. And then the bank just decided to dump it because of its condition. And they had paid the taxes up to that point. She's only she only owes for this year if she were to pay them. S

**Steven O'Halloran**

being the widow Yes. Okay. So, to wait and go through the tax Foreclosure Process which is different than the eminent domain, when? When would that happen for

**Lori Roberts**

two years,

**Steven O'Halloran**

So, we have another year of this.

**Lori Roberts**

Probably more years,

**Michelle Beal**

a year from December.

**Glenn Moshier**

Taxes through this year,

**Tammy Mote**

so 24 taxes next year. So two and a half years.

**Lori Roberts**

So in September, they would owe the first installment.

**Steven O'Halloran**

Okay. And their current as of today, yes. Okay.

**Glenn Moshier**

I would also add that, as far as the potential of returning money to the widow, if you will, there's not likely to be any money left in the sale of this property between are already acquired illegal legal expenses, and fairly confident it's going to be extremely expensive to take the property to take the house down, proceed with the lead, lead paint,

**Lori Roberts**

lead paint remediation, and then we also for the demo it probably about 65,000. That was just an estimate from

**Glenn Moshier**

that land is not going to capture that much. small, very small lot difficult lot down an embankment. It's not terribly desirable. So we'll probably lose money. Quite honestly.

**Lori Roberts**

We'll try and work hard and get a good price but

**Casey Hanson**

Move to approve the taking of 16 central street by eminent domain and demolishing the home for the health, safety and welfare of the city.

**Michelle Beal**

don't mean a second before you do discussion.

**Dale Hamilton**

Motion the second, that discussion?

**Casey Hanson**

I was just thinking about? Does it make sense for us to demolish it versus just selling it as is visa vie? Like how much money that's going to be because maybe someone really does want that property and would just handle it, and then we wouldn't lose money?

**Dale Hamilton**

Well, that was my question. Can we take something eminent domain and just turn around and sell it? Or do we have to? Do we have to state the reason why we're taking it which would be to dissolve? I don't know, that's a legal question. But it because the fraud thrown on top of

**Glenn Moshier**

The problem I could foresee was selling him as if somebody buys it, and doesn't immediately address the issues, right? Then it kind of, it kind of nullifies the urgency in which we're moving forward with taking the property and by eminent domain, because because it is a health hazard, because it is a public safety issue, because it detracts from the you know, properties around it. If we were to sell it, the only thing we could possibly do would be to put a requirement on the sale of the property that, you know, the structure either be torn down or, you know, renovated, brought up to code within a certain amount of time. But in the end, I don't know that I don't know that the structure has any value at all really, still updated state? Yeah,

**Lori Roberts**

I don't think so. But you know, it's falling apart from the, you know, from the roof down into the interior of the home.

**Jon Stein**

And then, as soon as the city takes it over, we would take on the liability for it. So we want to get it raised as soon as possible.

**Casey Hanson**

How would we do that?

**Dale Hamilton**

further discussion,

**Steven O'Halloran**

just like to make one comment that think this property owner deserves the same treatment of every other property owner. And it's one thing if we take a property for tax liens and exercise that but I certainly am not in favor of eminent domain ing something that some of us don't like. I get the point. But to me, it short circuiting the process of lack of payment.

**Dale Hamilton**

I hear what you're saying about the payment. I see it is it's a lack of response. Because we've tried as a city to say look, you have a property that needs to be addressed. It's not about the taxes. It's about the condition of the property creating a health risk. And there's no response. And I think at that point, that's what the whole process was that why we developed this process was to be able to address those rare situations, but to be able to do it with the health and safety of the larger community. So I just see a little bit different. I hear what you're saying, if it were just about the taxes, I'd be 100% on board with you around

**Jon Stein**

is dilapidation a designation or is it a clear violation of specific code,

**Lori Roberts**

chimneys falling away so the kids can get in animals can get in and it's just unsafe. And it does need to be fixed up but I even if she were to call me to acquire a permit. I couldn't give it to her because she's not the property owner.

**Casey Hanson**

Yeah, like two steps away from. And even getting it up to code wouldn't make any sense that she didn't go through probate. Doesn't seem like she wants it.

**Lori Roberts**

No, but it seemed like she wanted her stuff out. She made sure to get you know that acquire her items out of there. So she made definitely arrangements for that.

**Dale Hamilton**

All right. Motion. Second. All those in favor. Opposed. Motion passes. Thank you.

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**Dale Hamilton**

Item 14 Council order number 082105 request of the fire chief to accept the EMS license granted by the State of Maine EMS office as a transport service at the basic EMT level with permissions to the advanced EMT level to take effect August 22 2023.

**Scott Guillerault**

Good evening Council. As he stated, this is a request to allow us to start transporting as a supplemental mutual aid service for the city of Ellsworth. It's been a long process that we've been working forward with. We acquired an ambulance spring with your approval, we went through the licensing process and worked out a response plan with a contracted provider for the city. It's all been signed, we've worked with the dispatch centers and had that response plan put into place. We've received our license at the first of the month for both the ambulance and for the capability to transport tonight is a request to ask you to be able to start that transport. The basis of the response plan, if our contracted provider is not available would be when we would do the transport. This doesn't mean that Ellsworth fire is not going to respond to EMS calls, we're still going to do our day to day business like we've always done. This just puts a step in there that we will provide the transport when northern when the provider is not available, which will take away from having to wait for an outside ambulance service to come into the city further delaying transport.

**Casey Hanson**

When is our contract up with the contracted transporter

**Scott Guillerault**

July of 25, Well, June 30, we got to add another year with them.

**Dale Hamilton**

With this, there'll be a move in to establish also the ability to bill what we do to transport



**Scott Guillerault**

correct I'll be coming to you guys next month with an ordinance proposal.

**Dale Hamilton**

So it's kind of be iterative steps to get to that place.

**Jon Stein**

Seems like this was the reason with the ambulance.

**Scott Guillerault**

Truck being on the road, but it kind of defeats.

**Steven O'Halloran**

So just to be clear, my understanding from a previous meeting was we could not without this. Make a decision to save someone's life and load them into this vehicle and go down the road until this was accepted, this could be a real benefit to a loved one in the city of Ellsworth.

**Scott Guillerault**

I will tell you in the past week, we've had several instances where we've had to bring in an outside provider from outside the city with a 15 to 20 minute response time that while our crews were on scene, we could have been at the hospital in less than 10 minutes with a life threatening event.

**Glenn Moshier**

Also add to that, just that as part of our response and part of our agreement. Our ambulances not to be considered mutual aid for communities outside of Ellsworth, so we won't be sending our ambulance to Trenton or to with the exception of some mass casualty type of right where it's, you know, all hands on deck type of situation. But for typical and standard EMS calls, our ambulance will not be going outside the city limits.

**Scott Guillerault**

And that's drafted into the response plan. And the dispatch centers know that.

**Tammy Mote**

Is Fletcher's landing. Part of that is because we're

**Scott Guillerault**

It is because we are contracted with Fletcher's Landing

**Dale Hamilton**

I just was gonna say, That's a really important point that you just made in terms of kind of where we've been with this. And we have to respond to these calls. Anyway, so we're on scene. And now we're sitting there at times unable to, to provide the kind of care that we could, if we just had that, you know, this in place. And so this really this, this is what the discussion has been from the very beginning is that it's just there's not enough resources available is no one's fault. It's no entities fault. It's just we don't

have enough resources, since we're already responding to be able to take it up one notch. I think you're right, we're going to make a huge difference. Somebody is going to need that level of care. And we're going to be able to get them to what they need.

**Steven O'Halloran**

And right now your hands are tied? You can't even break the rule for that. No.

**Scott Guillerault**

We would, we would lose any other further opportunities to have an EMS license,

**Steven O'Halloran**

right? Could I get permission to vote with both hands?

**Jon Stein**

How? How's your staffing? How are your EMTs? Paramedics fully,

**Scott Guillerault**

fire department is fully staffed currently, with what the model that we're currently going to be doing. If you approve it, we can maintain any future endeavor, we would have to increase our staffing, but right now we can maintain with what we've got, given the model that we're looking to do. So I

**Glenn Moshier**

would also add that this is actually a way to more efficiently use the staff that we have, because when you have staff waiting on a scene for 20-30 minutes for an ambulance, and when they could have already brought that person to the hospital and been back in service, well, within that time that they're sitting there waiting for an ambulance. So by enabling them the opportunity to take care of business quickly and efficiently. It's going to be a force multiplier for our staff and get them available for the next call much more quickly.

**Dale Hamilton**

So we try to push the limits a little bit more. Councilor O'Halloran, you want to make a motion.

**Steven O'Halloran**

I'm not in the motion business, I know I'm giving you the perfect opportunity with both hands because I just see this,

**Casey Hanson**

I'll do it. Okay, move to approve the request of the fire chief to accept EMS license granted by the State of Maine EMS office is a transport service at the basic basic EMT level with permission permissions to the advanced EMT level to take effect August 22 2023.

**Steven O'Halloran**

Second

**Dale Hamilton**

any other discussion? All those in favor? Unanimous. Thank you.

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**Dale Hamilton**

All right, item 15 discussion on city charter review and updates. I had sponsored this on the agenda, you will recall, I don't even remember what month but it was a while ago that we had our attorney here. And we talked about the charter. And there are some probably some significant things that need to change. And then we identified I think 10 items that were kind of smaller changes to make. And the attorney informed us that we could make those smaller changes to the charter. But anything of significance, we would want to have a charter committee formed and go through the process. And so I think there are kind of two elements. I'll just run through to remind you real quick what those items were the small ones. So one was to delete the 10am start time for the organizational meeting. That way you can ever whenever, to eliminate the requirement that the entire council agenda be published, but rather only the meeting notice be published with related revisions to allow items to be added to a council agenda by a majority vote, to address what occurs if the counselor declines to accept a stipend, to revise the dates for election papers to be issued in return, to authorize the city clerk to use a designated official to prepare and furnish ballots, to extend the recall provisions to members of the school board, to update employee titles, to Create the requirement that the municipal budget be subject to a referendum vote and related provisions in Article Nine to remove language that apply to when the schools were part of the RSU. So it's kind of, there are a couple of new ones in there. Most of those are cleanup items. So my question is, do we want to take up these small items? And take them one by one, to see if we want to make those changes? And then the second question is, do we want to start the process to have a charter commission to look at the bigger issues of the Charter, which is a much lengthier process. And there's this that requires some time and planning. So to kind of separate pieces, if I could just

**Glenn Moshier**

So our legal the legal advice is that if we go full, if you move forward with just that list of what you read off there, that that still, that he's of the opinion that that's a substantial change enough to warrant a commission, because of the number of items or the number of changes, which is why, what when Toni and I discussed this agenda item and brought this information from back in the archives. What we were suggesting moving forward with for changes was just the changes that she needs for the vote for the elections, because those are changes that were not in parallel with the state, and they need to be changed in order for us to get in line with the state scheduling for elections, and then possibly look at putting those the remainder of that list aside for a potential changes wrapped into a full commission, because I think

**Dale Hamilton**

it makes it much easier

**Glenn Moshier**

that was that was our recommendation, because I think that list was compiled when three of you weren't on this, you know, on the board. So you may have other changes, you know, in addition to those that you would like to see. So I think that potentially, my recommendation would be we make those changes for the elections. And then, you know, move that forward through the through the charter revision process, which is still a lengthy process, but move those forward through the charter revision

process. And then we can reassess and look at making more substantial changes through potentially a commission in the next year or two years.

**Casey Hanson**

And there still has to be a vote on the smaller the amendment changes. Is that right? Am I right?

**Glenn Moshier**

Yes, there's a process for the revision revisions.

**Casey Hanson**

If we time that right, can we make that vote happen in November so that we don't have to schedule a special election?

**Glenn Moshier**

no, the timing for the election would not be coming election. I don't think you could do it that quickly.

**Toni Dyer**

if items five and six related to the election nomination papers, you're open to changing. Yes, I think I could get on the ballot for November. Because we don't have the right dates in the charter yet.

**Casey Hanson**

So that could save us money on something we think we have to do it because we wouldn't have to do a whole other election. Can you say again, what the two things are one is that we don't have to approve the people at 10 o'clock in the morning. And the other one was

**Toni Dyer**

the one was proposed going forward is the date for nomination papers to be issued and returned Okay, currently it's they're available 85 days prior to the election and you return them 45 days prior the state law changed about four or five years ago making about 100 and 60 days respectively so many communities right now already getting their papers back and i just sent mine out. and then the other one is to use a third party official to prepare first ballots I think years ago how we made our own ballots in house and now use a company. I

**Glenn Moshier**

Yeah, I don't think that would tip the scale

**Dale Hamilton**

So is there interest in tackling those three issues? Those three items?

**Ray Williams**

Yeah, I think that makes sense.

**Jon Stein**

Right now,

**Ray Williams**

you're gonna have any public comment on this short stuff right now. Okay. My name is Raymond Williams. I attended the meeting. And I believe it was September 22. Because the date of this memorandum from your attorney is dated September 23 22, and refers to follow up last night workshop. At that time, I believe that most of the current city council members attended. I'm not sure whether they all did. But I think there was a majority of them. And it may be all we're here. There have been three changes since then. And it was that night, I think I was the only member of the true public at that meeting. I believe you at the city attorney here, the manager was here at the city clerk was here. And may have been a couple other city officials here. That was one of the person who was in the back of the room, setting a few chairs away from me who I thought was a reporter. But I think from things that came out later in the months after that meeting in the fall, but that was probably a city employee or a former city employee who had interest in these matters. My basic point is I first thing, I think is the city clerk. And I think she's right, these these dates should be brought into conformity for papers with state statute. I don't think there's any problem with the drafting of the time of the organizational meeting. Because it's will be held annually at 10am on the first business day of the next week, following the regular municipal election, or as soon as possible, they are after. And I think for the last. And I think the chair can probably know, since he's been on for six years that for the last three or four years, I think you've done it in the Monday evening. And I don't see the way this is worded that any major emergency to have changed that. But if you were going to do it, that one can be done easily. The other three items, two items in Section Five. You had quite a discussion about them about the notice of the meeting. And the notice of the meeting provision that someone suggested maybe shouldn't be done was a notice of meeting provision that was not in the original counsel revision charter revision when it was done. But it was within the within a year of it. It was changed to allow for publishing of the complete entire council agenda shall be published. And that was put in and I don't think that should be changed and be to consider to be changed. The amendment of the item about amending charter, the council meetings is an issue which has cropped up in meetings that I've watched and been that you can't enjoy, change the amend the agenda unless it's by a basically unanimous vote. And you have to have six members present. Yes. That I suspect that when the charter was revised that there was probably a reason why that was put in. And it I don't know, probably was a pretty good. There probably was a good reason why I was put in The other thing is I don't think there's any necessity or reason to have a major charter commission revision charter revision commission. I've heard tonight, the chair and maybe some others have made comments about there being other major items that need to be reviewed. I think that comment was made at this workshop session. And but no one has ever come out and said what the major items require a full blown charter revision commission with the expenses that would bring to the city what what changes need to be made to the charter? I'm not aware of any. And I don't, I think some more studies should be done to it. And I would also note that at the meeting last September, that was after, I think the election was in full swing and everyone was running. And I was fully expecting to come to that meeting, and seeing if not all, at least some of the people running for the council, then. And there was no, there was no candidate, anyone running for the council that attended that meeting, including three, in particular who wanted that election. But none of the others, two or three or four candidates were added either, which really, it sort of surprised me. So, but basically, my point is, I think, to the also, I don't think you need to recall school board members. And I don't think you need to send the municipal budget to a referendum vote. The only other thing that has popped up at council meetings

when I've been here over the last two years was I think sometime in the summer of two years ago. The school committee came in, and they started. They were here for other reason. But Chairman mentioned the past who of the chair was at that time mentioned the possibility of increasing the size of the school. I don't know if he will remember it. But the increase in the size of the school board from five to seven also. But and there was a discussion about the procedure to be taken. But I don't know, I think that may be a dead issue, because I don't think it's ever that's ever come back to you. And I haven't actually seen anything school board committee meetings talking about it either. And I and I truthfully, I don't think they need to increase their board either. So I will. Basically my position is I don't think you need to have a full scale charter revision commission and these and these and other than our the updating employee titles. I don't think that's a major thing. But you definitely don't need to have a full charter revision commission to change that provision. So thank you.

**Dale Hamilton**

Can I just say, your memory? Every time you you speak, you remember every detail of every meeting? It's amazing. And you keep us honest. So thank you. Well, thank you.

**Glenn Moshier**

So the wishes of the Council is to bring the election wording up to state? Yes, you can do that.

**Dale Hamilton**

item 16 discussion of possible action on city manager hiring process sponsored by technically sponsored by this agenda by councilor Mote, but it's really coming out of the Human Resources Committee. And so that's where it's technically sponsored.

**Tammy Mote**

So that was my first comment that I was going to make. So at the last meeting, the City Council voted to move forward with taxing the HR committee to come up with a plan. In order to move forward with the city manager hiring process, the HR committee did meet and with the help of the HR manager, Kerri did a great job. I were able to get some of the information. What I have for you, I left Do you have a copy of it? Okay. We have a couple of things. The 2023 MMA proposal Um, she did contact MMA, and they provided some pricing, which is right down \$6,400, the only thing with MMA though, is they're not going to be able to get started until he said October, early November, kind of pushing it. We didn't get anything from Eaton Peabody, we can move in that direction, it's about \$5,000. That's what we paid. Last time, I might have come up a little bit more, because we had to pay for some expenses. Advertising and mileage, that sort of thing. With the contract was for \$5,000. The other one that we've been looking into is Baker Tilly, we have not received a proposal from them. I went on to the city of Portland's website, who they just recently hired. they hired, their contract was pretty expensive 26,500, but it was for the City of Portland, I think our scope would probably be much different. So I just am bringing this information to your to how you want to move forward. We have another HR committee meeting next Tuesday, I believe. And so we're just bringing this to you how you want to direct the HR committee to move forward. On a cover Yeah,

**Dale Hamilton**

the only thing I would add, it's more of just a comment around the process, just based on the last processes. There's a real difference between some of the entities we just talked about in terms of what they do, versus a headhunter, in terms of a headhunter is, is tasked with getting somebody bringing somebody in and making sure that position gets filled, that what we had in place last time was more of a use of the term broker, put out the, put out the ads, collected the resumes, reviewed them, but then just gave a notebook to us and then did some pre work. And so I think we've that should be part of the discussion in terms of is that a value of the city? Or Can Can that be done by city staff versus spending money for just that kind of service. So I think we need to know what it is that we want from a vendor to make sure we select the right one and not just pay for something that really isn't gonna get us much other than a little bit of advertising and a little bit of vetting which we might be able to do as a city ourselves. So

**Tammy Mote**

right now MMA there's a lot of city manager vacancies. So the competing against a lot of other municipalities as well.

**Steven O'Halloran**

And other organizations might have a wider broader reach

**Casey Hanson**

and I'm sure there are other organizations other than Baker Tilly because I was looking into that myself, but they did seem to have quite a broad reach and they do this work so. So I mean, my opinion is that we should reach out to someone Baker Tilly or someone like Baker Tilly and get an actual quote from them.

**Jon Stein**

And timeline

**Casey Hanson**

and timeline.

**Jon Stein**

Even just the 2020 contract, they didn't get back to this for a recent request.

**Casey Hanson**

Oh, I don't think we asked them. We were just did we ask them?

**Tammy Mote**

You know, Kerri was working on it. And I'm not sure if they actually

**Dale Hamilton**

because it really was tied to one person, And that person last time was involved with multiple searches at the same time. So it was interesting. That's how

**Steven O'Halloran**

it appears. And I wasn't present for any of this. Nor did I follow it but backing up to the Mr. Cole era. How was Mr. Cole found

**Tammy Mote**

Well, you started as an interim from day one. He went through the process with the city manager process and decided at that time that he wanted to do

**Steven O'Halloran**

what harm would there be in trying to do it in house first and then outsourcing second.

**Casey Hanson**

Wouldn't want to waste time? I guess I wonder what our reach is see was like a pretty important thing. Like, if we're gonna put in our effort and make a change, we should really get it right.

**Steven O'Halloran**

But the last time it didn't produce? Correct, the last time it came down to begging, Glenn fit this role for three years. Am I Is that a fair?

**Casey Hanson**

in 2013, same thing, you ended up using the same? Yeah, personally.

**Dale Hamilton**

So yeah, just I think if if we're just going to hire somebody to do the advertisements, I would say, I agree, 100%, I think we should try to do it and I think with the social media piece that that would, you know, that she can work with HR and, and get it out there and you reach a broader audience. If, however, we're thinking of a different process that's more engaging and more directive in terms of actually going out and recruiting versus just posting advertisements. That's a different process. So I think we have to decide if I actually, yep, if we're just going to advertise? I think we do it in house to start. And because I don't think there's I think we can get the same reach that we've seen in the last couple of times.

**Steven O'Halloran**

And then if there's not adequate process, then we could look at professional help.

**Casey Hanson**

sort of as a second thought, Should we be checking with our current city manager to see if he would be willing to be the interim city manager, assuming this all doesn't get figured out? By January? Which seems super unlikely to me? Like, do we have to go through a process of that?

**Dale Hamilton**

I think you probably have to, as you get closer, in terms of negotiating that, out that because we established the contract, which reminds me you got to get signed up. But that takes us what happens



after January. So sometime before that, if the process hasn't produced anything, absolutely, that we need to be discussion and dialogue.

**Glenn Moshier**

Assuming there was interest in me staying on as interim, I would absolutely, I'm not going to walk away, be like you're on your own. And I said in that meeting, I said, I made it very clear that the last thing I want is for the city to settle. So I can continue to do this, as long as I'm needed to do it. For the city to take it's time to find the right person to replace me. So that's, that should not be a concern of, you know, a due date, a looming end date, and to whatever extent the council's willing and interested in me doing that. So

**Casey Hanson**

I'm very interested in that because I do think we should not rush through the process. and none of us, we all have agreed that Glenn does a great job. And the whole reason to look is to separate the two roles. So happy to have Glenn stay on until we find exactly the right person.

**Michelle Beal**

Can we I like your idea that headhunting and not just putting something on indeed and social media and MMA website, because that's what everybody else does. But it could we get more information about the baker Tilly and just see how much it is. And, I mean, maybe there's a hybrid where, you know, the the local piece, we can bring in deep with them to headhunting piece, or something and more, a little more information.

**Jon Stein**

Is there harm in advertising in the meantime, within from the city from say, staff.

**Tammy Mote**

With an advertisement for you, but we will on Tuesday.

**Dale Hamilton**

We, we definitely as a council need to know what the process is first, before we advertise, because if we get some candidates we've gotten to know exactly, so it doesn't feel like just you know, small group is doing it. It's got to be the council and we should lay that out in terms of what it looks like from start to finish when to when did the department heads get involved? Public Participation, all of that, so we should definitely map that out. And And certainly, the committee meetings if you're able to attend, that's helpful too.

**Tammy Mote**

So it's Tuesday at six, but but it will,

**Dale Hamilton**

the Committee will be bringing it all back here anyway. So but maybe next month we'll be able to do that

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**Dale Hamilton**

Okay, Item 17 discussion on a public works director role in current staffing of the department.

**Casey Hanson**

I just wanted an update on that. Someone had told me that the public works director job hadn't been posted. So I just wanted to hear about what the thought is and who's doing the work that Lisa was doing.

**Glenn Moshier**

Yeah, so. So it's, so far, it's been a team effort. And I think, you know, anytime, from a fiscally responsible perspective, anytime you have the departure of a highly compensated employee, and I think it's critical that we take a look at the duties and responsibilities of that person, and make sure that we don't have duplication and make sure that whatever direction the city moves forward with that, that particular position is what's in the best interest of the city, and also fiscally responsible. So that's what we're doing, we're taking a little bit of a time to assess exactly what it was parts of her job that perhaps perhaps weren't necessarily in line with what the city needed, needs, you know, going forward. So I'm working very closely with the three public works, folks who run their departments on a daily basis. Finances, the finance department, particularly and has gotten intimately involved, more so now than she did before with the finances for all the different projects that are ongoing. And, and that are pending. So we're, we were meeting weekly, to go over that information. And just taking a little bit of time to assess the situation and try to make a decision as to what's best going forward with the city do we need? You know, the question is, do we need a public works director, who serves as a, you know, another layer of bureaucracy between those three departments? Do we or, you know, would that money be better sense spent on a city engineer who doesn't have supervision responsibilities and administrative responsibilities over those departments and can therefore spend more time you know, focusing on engineering projects for the, for this for the city? Or is there another use for that position, and for those those budgeted funds, that would be more advantageous for the city going forward. So we're taking a look at all of that. And ultimately, I'll probably add, once we've had a little bit of time and a little bit of experience, come forward to the HR committee with some recommendations and some ideas of what I think is best. And again, it's not me, exclusively making this decision, it's coming in with in close, working in discussions with the departments, the three departments that are under public works, as well as other departments in the city that work closely with public works in the past, to try and just come up with the best economically, you know, fiscally responsible plan for the future for that position. And, and so right now, the works, you know, the projects are being managed, and the work is being done, you know, quite successfully. But there is, you know, there's certainly a lot of work, that that position was responsible for that, you know, that we will need to address going forward in the long term.

**Casey Hanson**

Yeah, that's what I was thinking is Lisa combs came to almost all of these meetings, and she had, like, five things that every meeting that she had a lot of intimate knowledge about, so to make sure that didn't get so grants that she was following up on things like that.

**Glenn Moshier**

Yeah, so a lot of that. So a lot of that responsibility is being bestowed upon the actual departments, you know, the, I call them department heads, because literally they are they, they don't rise to that level in the hierarchy, if you will, because there's always been a public works director, but for all practical purposes, their department heads they run their departments. And so in working with them, they've taken on some you know, some of that financial responsibility and administrative responsibility working closely with the finance department. So like tonight that would have been Lisa standing in front of you for the minerals instead, it was Adam because that's a public works thing. If it's a water issue or or wastewater, where ordinarily, you might have had Lisa, you'll now you'll see Mike or Reggie, because they'll be the ones presenting those those projects to you. But again, it's all being very, you know, very coordinated and no one's being left, you know, kind of isolated are out on their own to figure it out. We're all working together to make sure that the T's are crossed and the I's are dotted for all the different projects

**Dale Hamilton**

Item 18 Council comments, any counselor like comments.

**Dale Hamilton**

I've just quickly want to congratulate this senior American Legion baseball team Hancock County team that's made up of Ellsworth, GSA and MDI players, both current and former. And he was coached by a very recent grad. They had a 4000 teams across the country. They made the world series that was done. They were one of eight teams in that tournament, so it was pretty impressive. And one of the members of the team was named to the alternate team with his performance. Brad Smith is the coach. He's a young coach, but he played baseball at Ellsworth played baseball at Thomas, coach that team and thought they did Hancock County very proud in terms of how they conduct themselves throughout their tournament and certainly when they get to the World Series, so that's pretty neat. Anyone else?

**Dale Hamilton**

Okay, item 19 executive session pursuant to one MRSA chapter 405 6 A for personnel matter to discuss contractual issues for appointed officials. Is there a motion?

**Casey Hanson**

Move to enter executive session for personnel matter to discuss contractual issues?

**Adam Wilson**

Second,

**Dale Hamilton**

motion a second. All in favor? All opposed? Motion passes.

**Dale Hamilton**

Welcome back. So we are, we're back. We have no, no issues to vote on. So entertain a motion to adjourn.

**Tammy Mote**

So moved.

**Michelle Beal**

Second.

**Dale Hamilton**

Motion. Second. All in favor? Unanimous. We are adjourned.