

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, January 8, 2024 at 6:00 PM in the Ellsworth City Hall Council Chambers

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

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

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting (s) of the Ellsworth City Council:

- November 20, 2023 Regular Council Meeting.
- November 9, 2023 Special Council Meeting.
- November 13, 2023 Organizational Meeting.

Motion to approve as written by C. Hanson, second T. Mote, passed 7-0

5. City Manager's Report.
6. Committee Reports.
 - Re-appointment of Raymond Williams to the Ellsworth Housing Authorities Board as Chair. Term to expire 1/2029.**Motion to approve by C. Hanson, second by T. Mote, passed 7-0**

- **Comprehensive Steering meeting on Wednesday**
- **HR Committee update. Five interviews, executive session to recommend candidates.**
- **January 24th workshop on the needs of the unhoused and issues facing Ellsworth.**
- **Harbor Commission working on budget and 5 year plan.**

7. Citizens' Comments.

8. Councilor Comments.

9. Presentation of Awards.

- Kevin Sawyer for 20 years of service as a truck driver for the Highway Department.
- Brian Moon for 10 years of service as a truck driver/crew leader for the Highway Department.
- Glenn Moshier for 20 years of service as a police officer, SGT, Chief of Police with the Ellsworth Police Department.
- ~~Ralieggh Ehrlenbach for 15 years of service with the Ellsworth Police Department.~~
- ~~Meghan Stubbs for achieving the Milken Family Foundation excellence in teaching award~~

- Rebecca Wright for being recognized as Assistant Principal of the Year
- Girls soccer for Class B North title (first win since 1999)

UNFINISHED BUSINESS

10. Discussion and possible action on Chapter 56 violations of Maine Organics regarding a consent agreement.
Attorney Steven Wagner representing the City. Motion to table by T. Mote, second P. Lyons, passed 7-0.

CONSENT AGENDA

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

NEW BUSINESS

11. Public hearing and action on the following applications for new and/or renewal on the following licenses:
- Dave's Auto Repair and Towing, 231 Bucksport Road, Ellsworth, Maine for renewal of a City Towing/Recovery License. **Motion to approve C. Hanson, P. Lyons, 7-0**
 - 86 This!, 125 Main Street, Ellsworth, Maine for a renewal of City Class B license (Food, alcohol, amusement) **Motion to approve C. Hanson, P. Lyons, 7-0**
 - Squid LLC, d/b/a Ellsworth Suites, 147 Bucksport Road, Ellsworth, Maine for a renewal City lodging license. **Motion to approve C. Hanson, T. Mote, 7-0**
 - New England Hospitality d/b/a Comfort Inn, 130 High Street, Ellsworth, Maine for a renewal City lodging license. **Motion to approve C. Hanson, T. Mote, 7-0**
12. Council Order #010801, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2024
Motion to approve by C. Hanson, second by T. Mote, passed 7-0
13. Council Order #010802, Request of the Highway Foreman to award an RFP for a fork truck.
Motion to award bid to WD Matthew for \$39,960 Bobcat by C. Hanson, second T. Mote, passed 7-0
14. Council Order #010803, Request of the City Manager to adopt the Hancock County Mitigation resolution.
Motion to adopt by C. Hanson, second by P. Lyons, passed 7-0
(Branch Lake Dam, Red Bridge Road culvert/bridge, Mill Dam Road, and Bangor Road cisterns for fire suppression)
15. Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.
Motion to exit Smith, second Lyons, passed 7-0
16. Discussion and action as a result of the executive session.
Motion to take no action by Smith, second Lyons, passed 4-2-1 (O'Halloran/Stein opposed, Mote abstained)
17. Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.
Motion to enter Hanson, second Lyons, 7-0. Motion to exit Mote, second Lyons, 7-0

18. Discussion and possible action as a result of the executive session to extend the contract for City Manager.

Motion to extend the manager contract by Hanson, second Lyons, 6-1 (O'Halloran opposed)

19. Adjournment.

Motion to adjourn Lyons, second Mote, 7-0

JANUARY 8, 2024 MINUTES

Michelle Beal

Call to Order the January 2024 council meeting. All councilors are in attendance- Councilor Stein is in attendance via zoom.

Michelle Beal

Item three The Rules of Order. City council meetings are conducted according to Robert's Rules of Order, unless otherwise provided for and adopted by the city council at their annual organizational meeting in November.

Michelle Beal

Agenda item four adoption of minutes from the following meetings of the city council November 20, 2023 the regular council meeting, November 9, 2023 Special Council meeting, November 13, 2023 organizational meeting.

Casey Hanson

moved to accept

Tammy Mote

second

Michelle Beal

All in favor.

Michelle Beal

Item number five city manager's report

Glenn Moshier

Good evening Council. I apologize in advance. I have a fairly lengthy report here, but I'll try to work through it as quickly as I possibly can. First off, just wanted to announce to remind everyone as of last week, we started with new City Hall hours. The hours are Monday through Wednesday, eight to five, Thursday, eight to 6:30pm and Friday, eight to 12:30pm. Last Thursday was our first late night and I think we had four or five citizens who came in after five o'clock to do conduct business with the city. So I think that was fairly productive for the first time. Due to staff training, if you plan to visit City Hall This Week for clerk or tax office services anticipate potential delays on Tuesday, and it is recommended to consider visiting on another day for more efficient service. The water utility billing office will be closed Tuesday through Thursday. However payments can be made here at City Hall. During that time, the city staff will be learning a new software, which we are in the process of migrating our current software to. There are two Council workshops upcoming in January. January 29 at 6pm in the council chambers to present the final draft of the business attraction plan. And then again on January 24, at 6pm in the council chambers to discuss the current homelessness situation in Ellsworth and meet with area agencies to better assist those in need. Discover Ellsworth has launched this website initiated by our

economic development department is dedicated to showcasing Ellsworth and its excuse me, and is designed to be a one stop shop for visitors and locals alike, providing a wealth of information about the town's attractions, events, dining, lodging and shopping options. You can explore discover Ellsworth today at discoverellsworth.com. The Ellsworth Public Library is thrilled to announce the launch of the first ever county wide Library Consortium, the Hancock County down load library. By pooling resources nine member libraries are now able to provide their library patrons free access to the New York Times online and the Libbi application which offers ebooks audio books and magazines. Ellsworth residents and community members are encouraged to take the communication survey. So city staff and counselors can learn how to best deliver information the community wants to hear about. At the end of the survey, participants may choose to enter a gift. card raffle. The survey is available online through our homepage. Dog licenses obtained after January 31 will incur a late fee. Please contact the city clerk's office to register your dog or update your information. And finally, the Ellsworth Housing Authority seeks a new appointee to be an at large member must be an eLLSWORTH resident. interested persons should contact Teresa Hodgson from the housing authority. More information is available on our website. That is all I have.

Michelle Beal

Thank you. Any questions?

Michelle Beal

Item number six committee reports.

Michelle Beal

Okay, so we have a request for a reappointment of Raymond Williams to the Ellsworth Housing Authority Board as chair term to expire January 2029.

Casey Hanson

Move to reappoint.

Tammy Mote

Second,

Michelle Beal

any discussion, all in favor.

Michelle Beal

Any other committee reports,

Casey Hanson

I have to the Comprehensive Plan steering committee didn't meet in December because the meeting date was on Christmas. So there's a special meeting on the 10th on Wednesday. And we're going to be continuing to work on our visioning plan. So anyone who wants to see that or be involved, and the HR committee has been meeting because we've been going through the process of looking for a new city manager, we've had a lot of excellent applicants, we've interviewed five people and we are going to

meet here with all of the city councilors on Thursday, will enter into executive session so that we can talk about the interviews that we did in and make recommendations for going forward from from there.

Michelle Beal

Any other committee?

Jon Stein

Just wanted to remind the council and the public that January 24 at 6pm. In council chambers will be the workshop on homelessness and housing. We've invited a number of local organizations to come to consensus on Information about the current homelessness issues and dynamics in our city. And this will be a public workshop. And so you can tune in for the live stream as well if you're interested in that stuff in our city. So thanks. Thank you.

Michelle Beal

I did attend the harbor commission meeting. They're really it was a pretty quick meeting, actually. But they are working on their budget and their capital improvement plans and they're looking at creating or recreating a five year plan for the harbor area.

Casey Hanson

I think once the visioning process is done, we're definitely planning on reaching out to a bunch of different organizations as we finalize the comprehensive plan.

Michelle Beal

Anyone else? citizen comments. This is the area on the agenda where citizens may come to the podium, please, state your name and send any comments that you have on items that are not on the agenda. If the items on the agenda you'll have a chance to speak when that agenda item is brought up. We do ask that you hold your comments to three minutes and would like to speak.

John Linnehan

Good evening councilors. I'm John Linnehan. 157 shore road Ellsworth. I want to start with a quote tonight from Karl Marx says the first battleground is history. And I want to talk with you tonight about a couple things really, maybe a bigger picture thing and what a lot of people interested in and think well, this doesn't pertain to Ellsworth, but I believe it does. Number one, I think we need to know who our enemy is. I think if you watch the news, any channel, I don't care what you watch, you can see that we're in trouble globally. So a lot of problems out there a lot of problems in our world. We didn't know whoever he is, and what their plan is. I look around the room I say I'm a little older than most of the people in this room. So this is not my first rodeo. My first experience watching highs and lows watching skirmishes was around this earth right here. So know your enemy. And I want to tell you right now that America is under attack. What you're seeing happening out there right now is not an accident is not just a thing that happens just being unprepared. It's under attack. And I want the people to know that right now. I am a Christian. You can tell by my shirt. Jesus is my Savior. And I'm interested in the spiritual but also the political from the statesman's point of view. Right now, the attack that we're under, is people that want to take America down as a globalist one world otter of socialist communist elite, a new world order, if you will, that wanted to destroy America. They're trying to do it from within America. Well,

I don't think we'll ever fall without both from within. If you study history, every great Republic that's ever been on this earth has fallen, except the United States, the last one, almost 250 years old. The rest of them didn't fall from the outside, they fell within immorality, the government's went to pot, the Spiritual Emphasis went to pot and that's where they fell from. And I'm telling you right now that America is under attack from people like Bill Gates, George Soros, Klaus Schwab, head of the World Economic Forum. And the last and not least, I'm ashamed to say is a Democrat Party has been taken over, I believe leadership wise, by Congress has been run by communists and the Republican Party has been influenced in that same direction as well. So know your enemy, and how to prepare about it. I'm going to give you a quick solutions about priorities for a year for our town for our state, and for our for our country, as well. And I think you need to establish priorities, we need to do it individually, and hopefully, as a town. My first priority is my faith and trust in God and Jesus Christ as my personal Savior. And my second is my family and my friends. Throughout his health, I tried to keep yourself fit for an old guy try to work out stay in shape, you have to keep in shape physically, then our jobs and our finances, we need to have an order. And finally, I'm in America first maine first Ellsworth, first person. And anytime I see any of those three things being what I call attacked or under control, I'm going to do my best to spread the alarm to say, Hey, this is a problem, we need to watch out for what's going on. Now I have a peace because I know God's got things under control the way I believe I pray, and I read my Bible study every day. If you want to really find out about the history of what was going on, you need to know the history. Number one, we need to look at our founding documents. This country was founded on a constitution, Declaration of Independence, and a Bible. So I encourage you to look those over closely and take a strong effort as a town state in the nation to really fight the battle we're in. It's a spiritual, not a political. Thank you for your time. Thank you. Appreciate

Michelle Beal

Anyone else like to comment? Okay. Counselor comments.

Steven O'Halloran

Just like to lay out on the table that I have received many complaints about the tax bills that we sent out last year. With the increased cost and I hope this up coming season, we can keep that in mind and work to control the tax increase this year because last year, people have complained a lot about the substantial increase that we went through. Hopefully this year, we can find a new way to not do that to our citizens. Thank you. Thank you.

Michelle Beal

Anyone else?

Michelle Beal

Last is presentation of awards, my favorite part of the meetings. First is Kevin Sawyer. Kevin here? I'll just read Kevin's certificate. The city of Ellsworth proudly presents the certificate of service to Kevin Sawyer. In recognition of your 20 years of service to the public in the Public Works Department for the city of Ellsworth, your devotion to duty and loyalty to the community have contributed to the improvement of the city of Ellsworth.

Michelle Beal

Second is Brian Moon for 10 years of service as a truck driver, crew leader for the highway department. Ellsworth proudly presents a certificate of service to Brian moon in recognition of your 10 years of service in the Public Works Department. For the City of Ellsworth, your devotion to duty and loyalty to the community have contributed to the improvement of the city comes a city of Ellsworth.

Michelle Beal

Next one is our city manager Moshier.

Michelle Beal

City of Ellsworth proudly presents a certificate of service to Glenn Moshier in recognition of your 20 years of service in the city of Ellsworth Police Department from officer the chief of police and to service as a city manager to the city of Ellsworth, in devotion to duty and loyalty to the community have contributed to the improvement of the city of Ellsworth.

Michelle Beal

So the next is Rebecca Wright for being recognized as Assistant Principal of the Year.

Michelle Beal

Present the certificate of achievement and recognition of outstanding dedication and contributions to Ellsworth High School Rebecca has been honored by the Maine Principals Association as me as Assistant Principal of the Year. This achievement highlights are impactful career making a difference for both students and staff to say about sort of extend heartfelt congratulations and gratitude to Rebecca for the incredible work she does every day.

Michelle Beal

And our final tonight is the girls soccer team for Class B North title. First one since 1999.

now, this is my third year coaching at Ellsworth a great opportunity that I was given and really coached the girls over the last three years, I've been one of the best coaching series that I've ever had. You guys are blessed to have a really good group of girls here and a lot of the future leaders you know, have Ellsworth and hopefully Maine and stuff like that. But great students, great participant in schools and we have some girls here that aren't here because they're there at the Winter concerts, doing all kinds of stuff, but just great leaders overall, they've done a great job and they've got a great mentality it's been nothing but a blessing and a focus for me.

Michelle Beal

proudly presents the certificate of achievement to the Ellsworth girls soccer team in recognition of their class B North title marking their first regional championship win since 1999. Their victory reflects the exceptional talent and perseverance each member has demonstrated through the season is a well deserved triumph that will be remembered for years to come. Congratulations.

Michelle Beal

Okay, unfinished business agenda item number 10 discussion and possible action on chapter 56 violations of Maine organics regarding a consent agreement.

Steven Wagner-Rudman Winchell

Good evening counselors, Steven Wagner rather than Winchell here is town attorney tonight to discuss a proposed consent administrative consent agreement. I understand I think this second time this has been brought before you all and so I just want to confirm you all have the latest draft from attorney Hamer last edited I think at the end of last year. Fortunately, it doesn't have a date of revision on it. So I'm gonna say I'm looking at something that's different than the last one.

Steven Wagner-Rudman Winchell

sign that you have the revised one. Very good. So just a broad recap. So consent agreement, idea being this is a private agreement as an alternative to an enforcement action in May in District Court, which would be how the city would pursue the possibility of any fines or injunctive relief. So in this instance, the parties will be entering into an agreement subject to these terms in the hopes of avoiding a potential litigation and the costs associated with that. So since it's the second time before you would do you want me to go through some of the key terms? Generally hearing please, yes. Okay. So the basic gist here, I think section one is that the main organics admits to producing offensive odors and violation of the performance standards of your unified development ordinance. And that references back to the recitals that appear before, which mentioned at least 15 occasions of what had been determined to be past violations. So in a consent agreement, the admission of liability is probably the most important piece of that. And so like, I just want to underscore the value there from the city's perspective is that already takes you in a large step towards if things this is not successful, it'll be much easier from this standpoint to reach a resolution even if that involves litigation. So I just want to underscore that that's a that's a critical piece. The second major function here is that man, organics agrees to institute and immediate changes to its operating procedures to ensure that it does not produce offensive harmful odors, perceptible beyond its lot lines in the near future. And that really mirrors the the language that you have in your existing ordinance. Third section is that the city agrees to pay for a rather main organics, we used to pay the city a total of 1000 to cover the legal fees before coming here today, I did just take an estimate of the time to get down here and update everything. And my recommendation is that we'd update that to 12. Under that at least bring the city current through today's process. That's something I could certainly discuss with me and organics. But I suspect that that won't be a problem. The sections four through seven, what they do is they build out a process a more formalized process for receiving and investigating complaints and dictate how that will, how a neighbor can reach out with any concerns how the city will respond to that. And through that process, the city can reach a determination as to whether or not Maine organics has followed this agreement and adhere to the relevant performance standards and its obligations under its site plan approval. And a failure to do so would be not only a violation of those instruments, but also a violation of this consent agreement. Tony Wagner, yes.

Patrick Lyons

The the standard that's used and interfere with the use and enjoyment go to where does how was that derived or the you know, the where we came up with that. And you weren't here at the last meeting. I

had raised a concern with the language in there before about having a you easy to apply standard that depending on you know, regardless of who the code enforcement officer does up unfortunately, we'll have and fortunately a new code enforcement here soon and just I just didn't know, this does look different. I just was interested in knowing if you and I know there's other attorneys at your firm that worked on it. But if you have any insight there, sure,

Steven Wagner-Rudman Winchell

sure, no, I the unreasonable level of odor, I think that is derived from your uniform development ordinance. And so the idea is to really stick to the language of that ordinance so that a violation of this agreement would also then be a violation of your ordinance. Now, I think part of what you may be suggesting counselor alliance is unreasonable level. That's a as land use attorneys. That's that's a somewhat difficult prosecutorial standard, we prefer to see something like well, I'll admit to you, I don't know what units one one measure odor and off the top of my head, but I do know it exists. However, when we looked into that the cost to create a standard that you can strictly quantify would be considerable for the city and and Maine organic. So that's certainly something that we could pursue further, our initial investigation said, we'd be looking at at least several \$1,000 For just the instrumentation. So I think the thinking here is sticking with the standard that's in your ordinance, we think it is enforceable. And we think the process here will put us in the best position to enforce that. And it's certainly the more cost effective approach. But if the council would like to pursue more quantitative standards, that that's something we couldn't do. But I think that's a technology challenge that we'll have to confront and make sure it's within the council's budget. Yeah,

Patrick Lyons

my major concern was, if this were going to be challenged, the fact the determination that's enforceable, addressed to my major concern, thank you.

Steven Wagner-Rudman Winchell

Section seven, and direct your attention to and that does require if in this process, we find there's an unreasonable odor detection, it does provide for a short but reasonable amount of time to abate the order. Again, that's an area where we've erred on the side of providing flexibility on this. So it doesn't provide a strict amount of days. But it does provide an obligation of the city to give me inorganics an opportunity to abate the violation before it's considered a breach. Section eight is the consideration that the city is giving here, which is essentially the city is agreeing that so long as Maine organics provides with the terms of the agreement and is not in breach, the city will refrain to file landuse enforcement action concerning prior violations, and would waive penalties that would normally be leveled, levied on those violations. So key point here is this is not tying the hands of the city for any enforced future enforcement actions based on future content conduct. This is simply the violations that are described here in the recitals, the past violations. So main organics gets certainty about that, in exchange, the city gets an admission of liability, as well as the next section here, which is a liquidated damages provision. And what that means is that in the event that this agreement is breached, and the city has to prosecute the violation of this agreement or a future violation, in addition to all the penalties that it would be entitled to per pet per violation per day, should it prove that in court, it would be entitled as a term of this contract to \$1,500 to compensate the city for all of the past violations. Section 10, as I said, this doesn't limit the city's future enforcement. It retains the city's prosecutorial discretion. So what that means is the

city at the end of the day is the one who decides what violations to pursue or not pursue and nothing in this agreement restricts that that inherent authority. And finally, this 10 C states this does not create a private cause of action. What that means is that the city has rights under this agreement as Maine organic says rights under this agreement, this agreement does not create a new ability of private citizen to bring some sort of cause of action in court. They do have a complaint process that this agreement affords them but it doesn't give them a a new right. That did not exist before it to bring me to bring a claim against me and organics. Now, that's not to say that a citizen couldn't or does not now have a potential claim. It's just saying This agreement does not create anything new. Any questions on those terms or this process?

Michelle Beal

I have just I have one. So, in this section, I don't have in front of me the the section where you talked about that we may give them time to repair or fix the breach, before it's considered a breach? Do we have to do that? Or is it just a May? Because the only thing I'm thinking of is if if they, if the older, we get the complaint, the single zero, we fix it. But if just a couple of days later, it happens again, and a couple days later, it happens again, when does it become a breach if they just keep fixing it?

Steven Wagner-Rudman Winchell

Sure. So your first question was, is that a mandatory obligation on the city to give Maine Organics as this is drafted? Yes, it is a mandatory obligation to give them time. But I would say the the emphasis is the odor is controlled. So I think your the second part of your question and really gets at that, which is there's an obligation there that they have to take measures that ultimately control the odor. And so if you're having something that repeats, again, and again, I would suggest that that means their measures are not controlling the order. And so they have failed. And at that point, in my opinion, you wouldn't be obligated to continue to give them opportunities just because it's based on a new odor detection. But certainly, I can add language to make that crystal clear, because I think that we shouldn't have any question about that. So I

Michelle Beal

I don't want to be a detriment to Maine Organics by any means. But it seems like that's what we've been doing. And so I just, I was kind of hoping that this consent agreement would create the need to discontinue that practice of hours of say, getting the complaints, telling them that they would fix it and they do fix it. I mean, that's the thing it's in, there is a piece that makes you feel badly. But then a few weeks down the road, there's more emails, and there's more seagulls or there's more something and we're to ask him, please fix it again. And that's what we have been doing. So I was hoping to have something a little more controlled.

Steven O'Halloran

agree with that statement? we've for six years, then batting this back and forth with little success. And so I would second that comment, and I would ask this question. When the code enforcement officer stood up here, a meeting or two ago, mentioned that this test could be \$1,000 or greater. And you said a few \$1,000? Do we have a cost on this thing?

Steven Wagner-Rudman Winchell

Yeah, so I think Lori and I are operating off of the same information, which is, Attorney Hamer's, Initial investigations and thinking was just given a rough estimate, we could certainly get a full quote of what a odor detection meter would cost. And then we could propose some language that would provide a a stricter standard. So I guess going to both counsel O'Halloran and Councilor Lyons and chair Beals, your point of essentially what I'm hearing is a quantifiable standard, and then a limited amount of times that the city could go through this process, determine that there's a breach and get an opportunity, you know, and if we exceed that, that barrier multiple times, that is a breach on its own, and then we can pursue and we don't have to wait until we've determined that the measures that they've taken are inadequate.

Patrick Lyons

Think if the considering his comments, and I would support what the attorney Wagner's summary. Let's, let's get it right. A little more tinkering. Get this estimate because while we can use the language in the ordinance, it's enforceable. If there is a way to quantify it And then everyone, can you just point to the number and whether or not you're in violation. And that's that there's no ambiguity there. Or there's less a lot less ambiguity there. I think for the situation considering how long it's been going on that one more iteration of this agreement to get it right. seems to make sense.

Steven O'Halloran

There was a little chatter, if I may. Sorry. There was a little chatter about the contractor or Maine organics, perhaps participating in purchasing whatever this was. And I want to say that was chatter. I don't know that that was any agreement whatsoever, but I did hear some chatter about that. So perhaps in that maybe there could be a conversation about that.

Lori Roberts

Lori Roberts enforcement office, I had read it in the minutes that Mrs. Wellman said that if it was a problem that they would purchase it so and that was in the minutes I had read that before it was

Casey Hanson

planning board minutes or minutes from Yeah, from back when it got before it was approved.

Steven Wagner-Rudman Winchell

So certainly, that's something that we could follow up on. I think that's reasonable and and in, in crafting this revised language that provides a quantitative standard, that's certainly something that we would want to do in consultation with Maine organics and frankly, as well as other industrial activity activities that might also be subject to these sorts of odors standards we don't we don't need to reinvent the wheel for for Ellsworth these these do exist. And so part of what I would do taking this back is some investigation and contacting Maine organics and others and seeing what standards already exist and what that technology is and how we can perhaps cost share as as part of this agreement

Michelle Beal

anything else from the council would anyone like to table this table All in favor? counselor Stein. Thank you very much.

Michelle Beal

Okay, agenda item number 11. Public Hearing in action on the following applications for new annual renewal on the following licenses. (see agenda for motions)

Michelle Beal

Okay item agenda number 12 Council order 010801 discussion and action on the request of branch lake water steward to set the branch late boat and aeroplane sticker fee at \$0 for the calendar year 2024.

John Wedin

Hello Counselor some of you may not know who I am I've worked with my name is John Wedin. I've worked for the water department for a while. And over two decades ago, the city decided to protect its water source, its sole water source branch lake by enacting some land use laws, and some surface use restrictions as well to ensure the long term viability of branch lake as a water source. And I'll just talk quickly about the surface water use right now. Surface water use is primarily voting access that we I would say not control but ensure the safety of by way of the new newish 10 years ago, state launch on branch lake that the city has a partnership with the city operates the launch in conjunction with the state ownership. And is as part of that every boat on branch Lake has to have a Protect branch Lake sticker, it has to have an inspection and motor has to have a permit to be on the lake. As part of this concept. The sticker, which everyone has to obtain, just ensures that they the boater, are aware that they have to have the boat inspected every time it's launched on branch lake. So it's an education, it's an awareness thing. And that's a tool, because education has been proven in other places and around the country. And in Southern Maine, especially education is a lot cheaper than remediation of our water source. So we're trying to keep out invasive species, just as the state's been trying to keep up basis species that are out of our forests. There's a lot of economic and or environmental benefit and keeping things slowly changing as opposed to radically changing and having the resulting impacts on our economy. So as part of that, we have a boat tag that goes on every boat that goes on Branch Lake. We've never charged for it in the past, we've wanted boaters to be our partners and keeping the lake clean, it's been a tool to educate you folks have the choice to choose to charge a fee for that sticker, if you wish. We have looked into it in the past various launches around the state to charge fees per launch, as a rule. And those can be those range anywhere from \$7 to \$0. It depends on where you are in who usually puts the launch in the state puts a launch in our branch lake at the cost of about a million dollars, including the road 10 years ago. And they would probably have, they would probably have some input if we were decide to charge a fee for a boat sticker to vote on branch like so something we need to think about at your leisure. In the past, we've always chosen, you folks have chosen to not charge a fee of zero. And usually I recommend that to ensure that people are willing and helpful partners and keeping the lake clean.

John Wedin

Just a question to start. I didn't hear when you said who paid the million dollars 10 years ago,

John Wedin

the state they built a nice little boat. They built a boat launch state of the art boat launch halfway up branch Lake. Oh,

John Wedin

I've been there. I thank you. I'm probably my next comment. I just I wasn't sure that I heard you correctly. Yes.

Nancy Smith

I wanted to make sure I heard I also I'm listening to that balancing what Councilman O'Halloran said about balancing costs and who should pay for what. But when I've gone I went with my kayak not knowing there was a sticker didn't bring my wallet because it's I don't bring my wallet when I'm boating. And so when we talk about what a fee be a barrier, would it I think I support where you're going with just leave it zero, because probably a fee that you would look to charge would not be cost effective when you put in the administrative layer of having to manage the money. So even though there may be an argument for charging a fee, I think that there's the equity issue of people who maybe it is a barrier. The fact that people won't know about it and they show up ready to boat and I think Ellsworth is amazing. And then they can't get in their boat because they don't have to box. I think that aligns with what you're saying of the reason. The other thing I'll add is the times I probably went three times kayaking this year last year, and I don't remember his name the steward or his the title, the steward who was there. was very open, friendly, free about how to look for weather, particularly on my first time out, you know where the weather comes from and where the winds by. So it was a very positive experience. And I want you to know that. And also, I think support leaving it at zero for the reasons you raised, acknowledging what Steve had said, but also I don't think there's a cost, the cost effective fee we'd have to charge would be a detriment to people who want to enjoy it like

John Wedin

thank you, we agree more wholeheartedly the newer thing, and I'm glad to meet another happy boater and branch like you, I think 2000 partners, and keeping the lake clean is more important than \$2,000 worth a piece taken.

Patrick Lyons

you see good participation in the program. As far as the so there's someone there and forcing it that if you don't have the sticker, you can't launch your vessel? Is that correct? Yes.

John Wedin

And I think the key part of that is we make it easy to do, there is no charge for it. A lot of people are amazed people from away as us Mainers call folk from other states are amazed that we don't charge, we get a lot of praise from folks in other states who wish we'd had our program in their state 20 years ago, they wouldn't have the issue with invasive that we don't have now. And I think that the concept of a fee is very common in many other places. We don't have the infrastructure yet to handle a fee structure, we could we could generate that. But it's a lot more enjoyable to have a open friendly discussion with our partner boaters, if you want to call it that. And achieving the goal of a clean Lake because that's far, far less expensive than protecting license or re rebuilding a lake has been invaded

by invasive plants, hundreds of 1000s of dollars folks spend. And Southern Maine trying to just harvest invasive weeds every year just to be able to utilize their lake. And it's not just the drinking water source was of course near and dear to water departments heart. But it's a taxpaying resource around the lake as well. It really impacts water up shoreline the values if you have invasive species. And

Patrick Lyons

so that's helpful. And I guess the question I have is, if I show up don't know about this program, I have a boat, there's someone there that says, hey, you need to let me educate you on proper, you know, boat launching and the you know, ensuring that you don't bring in invasive. And then I can get a sticker that day, or do I need to contact the city to get the sticker? Before I come? I'm just trying to understand how the program works a little bit better.

John Wedin

Yes, is the answer to your first question, you show up? We are there. Okay. Luckily, with the help of Michelle, who battled when the launch was opened 10 years ago to inspect every boat, as long as the launch was open. And we had done so we've had pretty much universal coverage from 5am to 8pm 8pm. And in the summertime anyway. And there's always someone there with the exception of illness. Hurricanes section that. But yes, when it's open, it is there. We have someone there to both educate people about the program, and to assist them with the knowledge about invasive that we all want to share with everyone because whole a lot of people here, there are many voters around the table that I recognize. But there's a new generation. And they're born every year. And they need to be brought on board with the concept of invasive spreading and their prevention. And so yes, we're there to educate and to help and is charging no fee for this education is a key component of smiles versus grumbles. Right? Yes. Yes. Mr.

Michelle Beal

If I can just really quickly do that. So when you drive in to the launch you have to go by the inspector shot. So you really can't launch without going have being inspected.

Steven O'Halloran

I'm all for the zero cost. I like that plan. But I do have a question about the procedure. Is this a sticker you get each time you enter the water or for the season.

John Wedin

For the season. It goes on your boat once it's on your boat. And the process of obtaining that sticker means that you are educated about the need to inspect your boat every time you launch it. Your boat is inspected at the state launch every time you launch it. You only need the sticker once a year. And again, it's just an educational tool. It doesn't protect the lake. It lets us know and the owner know the reminder that you should inspect your boat every time it launched your lodge on any lake, let alone just branch Lake

Steven O'Halloran

and one further question that sticker is available only at the launch or is it available other places? No,

John Wedin

it's available through city hall. Pretty much 365 days a year, we get them first of every year. And a lot of people around the lake who have been coming here for 50 years and have a camp on a lake. They the mail ahead or email heads say we'd like we have 10 kayaks, we'd like 10 stickers, please. We mail them to them, and they have them on their boat before the ice melts from the lake. Wonderful.

Jon Stein

Do you suppose some folks especially the folks who mentioned put us out of town who were excited to hear that it was a free sticker would be motivated to donate if there were a donation box that you see in, say Acadia National Park.

John Wedin

Many times we do get a donation, we do not encourage it. We do not have we haven't educated the staff as far as policies for receiving, receiving monies for that. It could be encouraged if the city council wanted to go that route. We have many people who really want to help us. And many people insist upon it. I've had a \$20 bill thrust in my pocket against my will. We can't go that we haven't gone that route. We haven't discussed handling cash at the launch. We really want people to be focused on education and prevention. And we haven't gotten there yet. That doesn't mean we can't. So that's something to think about the council would like that.

Michelle Beal

Many many of the residents do in kind donations anyways, with their time doing inspections and loon counts and things like that.

John Wedin

are many volunteers all around the lake and all through the town, not just on the lake. We've had volunteers work at inspecting boats, we've had many people because we work with the state as a as a partnership. We have three sets of RV sites that the city built for inspectors. And these people donate their time for the for the benefit of having an RV slot, and they donate 20 hours a week to inspecting boats while at while at the at the launch. So we have a partnership of both volunteers from state the called State Park hosts as well as our paid staff. And with that staff usually ends up being about 12 people all told each each summer. And so yeah, it's a combination of volunteers and paid staff and maybe many people do in kind work and several of our students that we hire on, do a lot of volunteer work anyway because they are encouraged to do volunteer work as part of their high school graduation requirements.

Michelle Beal

Any additional questions that the council would like to do?

Casey Hanson

Move to approve the branch Lake water steward to set the branch Lake boat and airplane sticker fee at \$0 for the calendar year of 2024

Tammy Mote

second.

Michelle Beal

Discussion. Those in favor. It's unanimous. Thank you

Michelle Beal

counsel order 010802 Request of the highway format toward an RFP for fork truck.

Adam Wilson

evening Council. Last year in our capital improvement we identified the need to replace the forklift at the transfer station. We requested the budget that and it was granted this year on November 29. They sent out three RFPs. To me material handling WD Matthews and Craig butch and son. the only vendor to return a bid was WD Matthews with two bids. They basically the same forklifts just different brands. One's a bobcat. One's a Toyota. The bobcat is the former Dusan manufacturer

Steven O'Halloran

couldn't tell from this. Are you trading in one?

Adam Wilson

So I did not trade that in because when I spoke with the vendor about trading them in, they offered us pennies on the dollar for a trade. And so if the council would like we could put that out to bid on GOV deals. Or we could keep it on hand as a backup, when if the new one breaks or needs service, because it's a specialized forklift, it has a rotator on it. So it dumps the cans and the paper and everything in that baler. And you cannot let that has that.

Steven O'Halloran

So that that brings my next question. And that's where I was going with that. What is the value of the one that you're replacing?

Adam Wilson

So the vendor offered us between three and \$4,000 per trade.

Steven O'Halloran

So if you were to keep this as a spare, it's not handy, except for anything except at the transfer station.

Adam Wilson

No not true. So the reason why part of the reason if I can back up just a little bit. The reason why I was against such a low bid was we recently put in 1000s of dollars of work to get this through two years ago. It has about 6000 hours on it. What I would recommend is we started at the highway department, we could use it for lifting plough steel on to the steel racks, moving heavy things around, you know, overhead storage, and it would be used very minimal because of the fact that you know, there's not a high, high use there, probably would have it so that if we did need to transfer station, we could just move it down

Michelle Beal

any other questions?

Tammy Mote

So which one are you recommending?

Adam Wilson

So I'm recommending the bobcat which is \$39,960 it is cheaper than the Toyota. I looked at the specs. It's really it's a Ford Chevrolet thing. In my opinion,

Tammy Mote

does it have the little rotator it

Adam Wilson

has the rotator

Casey Hanson

And is that the amount that we budgeted for it? We

Adam Wilson

actually budgeted \$40,000.

Casey Hanson

Okay Move to accept that. Move to accept the bobcat for \$39,960

Tammy Mote

I'll second.

Michelle Beal

Any discussion? All in favor. Thank you.

Michelle Beal

Council Order 010803 request to the city manager to adopt the Hancock County mitigation resolution.

Glenn Moshier

So good evening council. So this is Andrew Sankey, the Hancock County Emergency Management Director, last year, he did an update to the Hancock County mitigation plan. And as part of that plan we he asked us showed us what we had in the in the previous plan for some mitigation, potential mitigation projects for the future. The plans the items in there or outdated and not, didn't have a lot of relevance. So working with Public Works and the fire department, we came up with four new potential projects. The first and most expensive which we're currently working on to some degree is the branch Lake Dam. Repairing the dam, including the earth embankment concrete structures, flow gates, safety and security features and spillways. So we're currently in the engineering phase of that and are likely to have a plan for what that may look like in the coming in the coming months. Based on we've been

working on that for well over a year now. The second is the red Bridge Road upgrade culvert with an 96 inch by 48 inch plate steel barrier bridge. We're not doing that but the project that's being done at the red Bridge Road is equivalent to that type of upgrade. A third plan was the mill dam road upgrade existing double barrel culvert with a box culvert and bridge for those of you who are familiar with that area. Last year that culvert washed out two years ago that culvert washed out, took out a portion of the road, we had mill dam Road closed for several days. And there was significant work done to that including a concrete box culvert put on one side, head wall, excuse me put on one side. But in order to be able to accommodate flow, if the dam were to breach, we would need much more significant than what's currently there. Currently, if the branch Lake Dam were to breach, the mill dam road is not going to be able to sustain the flow. And then lastly, the fire department requested that the Bangor road between Lucerne town line and 349 Bangor roads strategically place 30,000 gallon cisterns for sought fire suppression. This area has limited water available for fire suppression. So those were the four items that we included in the mitigation plan. And the Ask tonight is that this body will just adopt that mitigation plan.

Casey Hanson

So am I understanding right that like the different towns say this is what we're doing for the zoo are doing and we're just improving our part Ellsworth part to correct,

Glenn Moshier

yeah. And it's it's not necessarily that we're going to do these things. But it's recognition that we realize that these things, these projects, if undertaken, would be beneficial towards ensuring that if we had in this particular case, if there was a breach of the dam, the dam by the work that we're going to do to the dam, hopefully, that will secure the fact that we won't have a breach of the dam. But if we were to have a breach these other items would be critical to be able to maintain manage that flow. And then of course, the fire cisterns are just a result of lack of water out there. We don't our city water doesn't go out that far and out there on you know, there's distance quite a distance to travel to get to a water source to be able to provide a sustainable water for flight, whether it be a wildfire wildland fire or a structure fire.

Patrick Lyons

Is there the county plan and hazard plan? Is it through the county, the governmental entity can't go County and is there. And then the second my second part of my question is is there any there funds available that we're taking we need to take advantage of by adopting this plan? I

Glenn Moshier

So this is so this plan is put together by Hancock County Emergency Management. And Andrew Sankey, and it's in

Patrick Lyons

that's under the county ROA under the county but

Glenn Moshier

also under under the state under MEMA. And so the, like other emergency action plans, the plan is a requirement. And so there isn't, there isn't funding sources identified through the plan, like like we would say, you know, we've identified this in the in the mitigation plan. So therefore, we should be eligible for X, Y or Z funding. It's not that type of mechanism. It's simply a mechanism that he utilizes through all the communities in in Hancock County, to be able to be able to, for them to be able to identify areas where they know that they have some some risk, risk, perfect, or risk and that they've identified potential things that could be done to minimize that risk.

Patrick Lyons

Does having the plan help us become at all, you know, eligible for any kind of funding through like FEMA or MEMA or anything like that?

Glenn Moshier

I don't know the answer to that question. Because, again, this isn't our plan. We're just contributing to to the county plan is not something that we wrote. Again, these are just the areas of concern that we identified for his overall bigger plan for the whole county.

Casey Hanson

And do we think these are our riskiest spots? I mean, is that why we chose those because we think for something were to happen those are our riskiest spot. Yeah, for

Glenn Moshier

this particular you know, for this particular plan for this mitigation plan because you The we don't have control over the other dams. So if if branch Lake Dam were to breach, we've only recently learned because through this project that we have ongoing with with branch Lake, we've recently redone the all of the inundation mapping. So we now know that that branch, that dam is going to be actually elevated to a higher level. As far as danger goes, if it were to breach because of the potential loss of life, where we were believed satisfactory, based on that study that and in conversations with black bear, that if branch Lake Dam were to breach, it's going to overtop the dam downtown. But it's not, it's not likely to cause that to have it suffer any real danger. But the inundation mapping from branch lake all the way down to Leonard Lake is pretty significant. And there there are several homes, potential for loss of life. So based on that, that education that we've gotten through this through this project of the dam, that's why these three things kind of were catapulted into the priority list for us to to identify as issues that that do raise an element of risk, if we were to have some sort of catastrophic failure. And then the fire cisterns is just an ongoing concern with that rural part of of our, you know, community that that doesn't have easy access to water, should we have, you know, should we have a fire? So? So that's why these things were taken into consideration. I'm sure there. There are probably other things that, you know, throughout the throughout the city, if you took a look at them that that do, you know, present a risk, but certainly the branch Lake Dam and the focus that we've put on it over the last 8-12 months, and the fact that you know, it does have a leak. And you know, in order to maintain that it's going to take a considerable investment in the city that was identified as probably the most obvious risk that we would have.

Steven O'Halloran

What is what's the downside to doing it? I haven't figured that out. There.

Glenn Moshier

There isn't one. Again, it's it's not our plan. It's what we've just contributed to the plan. But as part of his process, each community that contributes has to adopt, adopt the plan. So it really has no downside. Again, it obligates us to nothing. It just simply is these are the things that we've identified as presenting a risk to our community.

Michelle Beal

Any other questions?

Casey Hanson

move to adopt the Hancock County mitigation resolution?

Patrick Lyons

Second.

Michelle Beal

Any discussion? All those in favor?

Michelle Beal

next executive session to discuss personnel matters in accordance with MRSA. Title One chapter 13 section 405 Paragraph six A

Glenn Moshier

Councilor bill before we go into Executive Session I failed to mention during my report and I think it's important that we stated tonight that the February meeting will also be the second Monday, not the third Monday because of the holiday. So the February meeting of the Council will be at six o'clock on Monday, February 12.

Michelle Beal

Item 16 discussion and action as a result of the Executive Session. (motion to exit Smith, second Lyons, 7-0)

Nancy Smith

move we take no Council action on this matter.

Patrick Lyons

Second,

Michelle Beal

any further discussion? All in favor? All opposed?

Michelle Beal

Okay Item 18 (motion to enter Hanson, second Lyons, 7-0. Motion to exit Mote, second Lyons, 7-0)

Casey Hanson

move to approve the extension agreement or accept the extension agreement.

Patrick Lyons

second

Michelle Beal

Do we have any discussion? Okay, all those in favor? Aye. All those opposed? Motion pass

Motion to adjourn P. Lyons, second T. Mote, 7-0