

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, October 16, 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.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting of the Ellsworth City Council:
 - 09/18/2023 Regular Monthly Meeting. **
Motion to approve by T. Mote, second, G. Lyons, passed 7-0
5. City Manager's Report.
6. Committee Reports.
 - Appointment of Mark Honey to the Historic Preservation Commission as a volunteer consultant
Motion to approve by T. Mote, second G. Lyons, passed 7-0
 - Appointment of Ellerie Ezekiel to the Recreation Commission
Motion to approve by C. Hanson, second G. Lyons passed 7-0
 - Appointment of new committee
Motion to approve the HR Resume Review Committee to include PJ Keenan, Cara Romano, Amy Boles, Beth Fendl, Jack Frost, Paul Markosian by C. Hanson, second by T. Mote, passed 5-2 (S. O'Halloran, G. Lyons opposed)

Motion to ad appointment of Appeals Board member after a vacancy by C. Hanson, second by J. Stein, 6-1 (S. O'Halloran opposed)
7. Citizens' Comments.
8. Presentation of Awards.
 - Barbie Bailey for 15 years of service with the Ellsworth Police Department as a Communications Officer
 - Special Presentation to Chairman Dale Hamilton for 6 years on City Council by City Clerk.

UNFINISHED BUSINESS

* ** - Consent Agenda items containing backup material.

** - Agenda items with backup material.

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

9. Public hearing and action on the application (s) for the following license (s):

- Hane Yee, Inc., d/b/a China Hill Restaurant, 301 High Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous, Vinous Liquor License. **

Motion to approve by C. Hanson, second by G. Lyons, passed 7-0

10. Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance. **

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

11. Council Order #101600, Request of the Highway Foreman to award a bid for overhead door replacement **

Motion to approve by M. Beal, second by C. Hanson, passed 7-0

12. Council Order #101601, Request of the Police Department to award a cleaning contract for the police department **

Motion to approve by G. Lyons, second by C. Hanson, passed 7-0

13. Council Order #101602, Request of the IT Director to fund an additional year of Tyler Munis maintenance and support **

Motion to approve by G. Lyons, second by C. Hanson, passed 7-0

14. Public Hearing, Discussion, and Potential Action on Council Order #101603, Resolution to accept a Public Service Community Development Block Grant. The purpose of the grant application is to help support a new program in partnership with a local public service agency in order to assist low income and homeless persons in Hancock County. **

Motion by C. Hanson, second by G. Lyons, passed 7-0

15. Review, Discussion, and Potential Action on Council Order #101604, Adoption of the Community Development Block Grant Standards of Conduct in order to administer the accepted Public Service Community Development Block Grant. **

Motion to adopt as presented by C. Hanson, second G. Lyons, passed 7-0

16. Review, Discussion, and Potential Action on Council Order #101605, Adoption of the Community Development Block Grant Fair Housing Resolution. **

Motion to adopt as presented by C. Hanson, second by G. Lyons, passed 7-0

17. Review, Discussion, and Potential Action on Council Order #101606, Adoption of the Community Development Block Grant Section 504 Self-Evaluation and Transition Plan. **

* ** - Consent Agenda items containing backup material.

** - Agenda items with backup material.

Motion to adopt by T. Mote, second by C. Hanson, passed 7-0

18. Review, Discussion, and Potential Action on Council Order #101607, Adoption of the Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan. **

Motion to adopt by C. Hanson, second by J. Stein, passed 7-0

19. Review, Discussion, and Potential Action on Council Order #101608, Adoption of the Community Development Block Grant Equal Employment Opportunity Policy Statement. **

Motion to adopt by G. Lyons, second by C. Hanson, passed 7-0

20. Presentation by RHR Smith for the FY 2022 audit (Sponsored by Beal)

Motion to table to November by M. Beal, second by T. Mote, passed 7-0

21. Public hearing and action on the Charter amendments to the Ellsworth City Charter. **

Motion to place on June ballot, effective 7/1/23, by C. Hanson, second by G. Lyons, passed 7-0

22. Presentation by Downeast Wood Bank for winter services and needs in Ellsworth by Tom Matthews (Sponsored by Stein)

Send applications and policies to City Council for modification.

23. Discussion and possible action to enforce Chapter 56 of the Unified Development Ordinance regarding odor at Maine Organics (Sponsored by O'Halloran)

Motion to draft consent agreement by O'Halloran, second G. Lyons, failed 1-6 (all except S.O opposed)

Motion to draft consent agreement, with attorney present to review at November meeting by M. Beal, second by C. Hanson, passed 7-0

24. Councilor Comments

25. Adjournment.

Motion by J. Stein, second M. Beal, passed 7-0

October 16, 2023 Minutes

Dale Hamilton

I call to order the Monday October 16, 2023 Ellsworth city council meeting all councilors are present at this moment except for Councilor Hanson, Pledge of Allegiance.

Dale Hamilton

before we get into the agenda, the auditor unfortunately had a transportation issue of his flight get changed, so he is not going to be available this evening. So I'd like to make a motion to remove item 20 from the agenda.

Michelle Beal

Can we just table it till next month?

Dale Hamilton

Yeah, yep, we can do that. Thanks. Sorry. Hello. Councilor Hanson is here so we'll get to the item we'll just hit Yeah, that's good. Okay, item three rules of order. We follow Robert's Rules of Order and any other rules are adopted by the council during the organizational meeting. item for adoption of minutes from the following meetings of the Ellsworth City Council 9/18/23 regular monthly meeting.

Tammy Mote

Move approve

Gene Lyons

Second

Dale Hamilton

Well, the motion a second. Any discussion? All those in favor?

Dale Hamilton

Item five. City Manager's report manager Moshier is absent this evening. The Madam Clerk will fill in.

Toni Dyer

Good evening City Council have half a dozen items or so here to just go over. Absentee Voting is in process for information or how to vote you can call or visit the clerk's office. The number is 6676603. annual dog licenses have come open as of today. Please bring a current rabies and proof of spay or neuter if applicable. All of the late fees begin on February 1 of 2024. Police Department is now operating out of the 416 High Street Station. If you visit here City Hall, you may be asked to take a trek up to the new location. They have also moved the pill drop off and disposal to the new location. So if you are coming in with old medications, please be sure to go up to 416 High Street we can't take those here any longer. wanted to thank the community that came out to the police department open house on the 29th of September. It was well attended and there was a lot of great feedback there. Also, the fire department had an open house this past Saturday, the end of Fire Prevention Week. We appreciate the

support to our public safety departments. I did have a letter from the deputy chief for the open house we had about 75 people and about 22 children and the following businesses contributed to the open house with donations of food for lunch as well as supplies for some of the events that we had. So we had Subway restaurant, Finelli's pizzeria, Walmart, Hannaford, Home Depot, sugar mags, harbor freight, Shaw's, Dunkin Donuts, Casa Jalisco, flexit, governor's, Cadillac Mountain Sports, Harmons carwash, Renys, Hammond lumber, friend and family market, crazy sumo, Tractor Supply, industrial protection supply, Zeppa's pizza, and Thomas Canavan. All of those folks donated either material or gift cards for door prize raffles. And we feel that there was a great education to be had the children really enjoyed it. And there's a special thank you to Dena Belletete and Harleigh Belletete for their help in getting all of the kids their fire hats and raffle tickets organized. Thank you to Thomas Canavan and firefighter Chris Jordan for the amount of effort into making the event happen. Election day is Tuesday November 7, polls are open eight to eight as usual. If you're unsure of your ward, you can call the clerk's office. From the facilities director public bathrooms are closed at Knowlton Park, Demeyer field and Harbor Park. There are porta potties at Harbor and Knowlton park until spring and we are starting the 2023 Silent Auction For the month of November, donations for the auction are welcome and the proceeds support the Christmas for kids Fund, which provides presents to local children this holiday season who otherwise may not receive gifts and experienced holiday spirit. Donations can be taken to the clerk's department from now until October 31. Local businesses may donate gift card certificates or items of choice. Those will be on display. The public is welcome to bid and it runs from November 1 through November 30. And the planning board is accepting letters of interest to fill the vacancy. So if you are interested in serving on the planning board, you should contact Matt in the planning department. And last but not least, the Comprehensive Plan Community Survey is available and you can access it online on our webpage.

Dale Hamilton

Thank you. Any questions?

Dale Hamilton

All right. Item six committee reports. Have any counselors attended committees that they want to report on?

Casey Hanson

Mr. Chairman, I attended the Communications Subcommittee with councilor Hanson as well. Soon we'll be launching a new survey to identify people's favorite most convenient ways to communicate and receive information with them from the city. So look at these upcoming events. We're going to try to get fliers out QR codes, etc. Get information from all of you on how you want to get information from the city. Maura, and the rest of the communication staff here have been putting a lot of work in at the city. The city calendar is now updated on the website. They've been populating the social media pages as well. And good questions, respectful comments and questions on social media will eventually be answered as well. So if that's the way that you have questions, post them up there and they'll get back to you. The fix it ticket is also up and running still. And you can feel free to submit things like pop holes and other works that you're curious about. And you will receive a response from the city and updates as well as they start to work on it reveals.

Tammy Mote

I have three things. First of all, now that you're no longer going to be a counselor, when you to appoint somebody to the HR committee, and Jon Stein has so graciously accepted. So we'd first need to appoint him. Does that need to be a separate item? Or can we just go ahead and appoint him from here? So the HR committee held a meeting recently, it was councilor Hanson, the HR director Kerri Taylor and myself we met to discuss and review the resumes received a total of 15. Right and at this point, councilor Hanson, I decided that it'd be helpful to have some input from community members during this first phase. We identified six members who are willing to review the resumes. Those members are PJ Keenan, Beth Fendl, Jack Frost, Paul Markosian, Cara Romano and Amy Boles. We're creating a rubric to determine who we're going to interview like, probably around five, that's kind of what we were looking at. The names will be blacked out on the resumes for confidentiality purposes. We should be back next month with some more information. Hopefully some interviews all scheduled.

Casey Hanson

What do we need everybody to prove? Oh,

Tammy Mote

yeah, yeah, that's right.

Casey Hanson

So those people that we've identified are temporary members of the ad hoc committee. Did they need to go legally through a an application process or

Casey Hanson

just need to be approved by today?

Gene Lyons

How did you pick on

Tammy Mote

brainstorming? We just brainstormed and try and look at who are like on. Do you think they should be more?

Gene Lyons

just want a what you call it? A is that six people? So if there's like a whole you know, people from all I mean, we're picking a city manager, sure,

Casey Hanson

but it's not actually a full selection committee that we're even talking about. This is literally just took a look at 12 or 15 resumes, say like Tammy and I looked through the I think nine that we had at the time and it was honestly it was pretty clear. Well Like, who seemed fit for the job and who does it. So it wasn't, it's really just to get through that first 15 people, then once we bring the five people here, it's going to be a whole process involving the community involving the staff. And the other thing that we are requesting and carries putting this together is a short survey to the staff of the city to say, basically,

what do you think is the biggest challenge facing a new city manager? And what qualities do you look for in a new city manager, so we're trying to take staff input, so it's really just a committee for this very initial process.

Michelle Beal

are you going to create another committee for interviewing people. So

Casey Hanson

it really got that far, mostly just trying to get past this first stage. So you can put some people in front of you all and

Gene Lyons

just where the 15 people, you're narrowed down to five, if you have six like minded people, you're gonna get, you know, five people that are exactly like the like minded people. If you have six, unlike minded people, you probably have a better chance of getting five decent candidates for the job. I mean,

Casey Hanson

we could certainly open it up to an application process, but that's going to put this search another month down the road.

Gene Lyons

I mean, we're not gonna find a city manager a month. So

Casey Hanson

add a month to the process,

Tammy Mote

because we've already had to, you know, send emails to the applicants to say, you know, we're still in this phase, and this is pointed out, and additionally,

Gene Lyons

the last search took quite a while before they even had three candidates to anyway.

Casey Hanson

Yeah, so we just don't want to push it off any further. You know, we tried to pick someone, well, I

Gene Lyons

don't want anybody be hasty, you know, though.

Steven O'Halloran

That brings up, you know, should there be a focus on an interim? As well, you can't crash through the process. But at the same time, just thought that there might be some thoughts of an interim, depending on how long you think this was.

Casey Hanson

I mean, the applicants came in pretty, we're pretty happy with a lot of applicants that came in and we have 15 of them. So I don't think this necessarily is going to need to be this month long, months long, months long. Thing, and Glenn had told us that he would be willing to go, you know, if, say, we're pushed out to February, if we're pushed out to march, rather than get, you know, starting a whole other search.

Gene Lyons

Just required, but that but Bar Harbor, had 36 applicants, they picked some on bowed out before they took the job, they finally found somebody who would agree to do the job.

Casey Hanson

We're just trying to stay optimistic.

Gene Lyons

No, I'm just saying it's not cut and dry. We went through and pick one before and then he bowed out before. And we had to start the process all over again. And we went through lengthy discussions and everything to come up with the idea of the dual role, which my opinion only worked really well.

Michelle Beal

Can I just make one suggestion, whoever you choose to review those resumes should be the same people that go through the process to the interview process, because it's a confidential process until it becomes like the last couple and get their permission. So if you start them now, and yeah, some people look at the resumes and then it doesn't work out, you're gonna have to have another group that goes back and looks at resumes or has other choices. It's easier if you start with one group and go through the process, the confidential piece of the process.

Dale Hamilton

So that's, that's probably one of the things that the council will need to determine next month is what is the process? The last time it was the council did the interviewing. And then the two finalists met with staff, but there weren't others involved. And so deciding what that's going to look like? I would also because we don't have a consultant working on behalf of the council, that individual kind of prep the council in terms of just hiring procedure and, and getting questions that everybody's being asked, because there are some things you need to be careful about in the process. So you should defer that to the HR in terms of having the lead around helping the counsel develop the question. So the same questions are asked, you can always explore answers, but there's just a lot of things that should happen. So I would just put my two cents in terms of just having that take place with the new new council so that you're really clear We're about what that process is going to look like, after you're in the interview. Yeah, during the interview? Well, if you're going to have it, you know, the selection group, if they're just selecting the resumes, and then the council is taken, and if you're going to have other people involved, whatever that looks like, probably, that should be a Council action, I would think. But the selection can happen before the rest of the processes. So is there a motion?

Casey Hanson

Can I make the motion even though I'm on the committee? move to accept the six members of the ad hoc committee for resume for at least resume review, if not more. And then we will bring that initial review and our suggestion for process going forward to the next meeting.

Dale Hamilton

There a second.

Tammy Mote

Second

Dale Hamilton

motion a second further discussion?

Steven O'Halloran

Does it not have to be an agenda item to have a motion?

Dale Hamilton

It is an appointment of a new committee on the committee

Gene Lyons

I feel it should be a more lengthy process on just picking people. Oh, hey, you want to do it, you want to do it, you want to do it? Have a more variety of people on the committee

Casey Hanson

since those will be people suggested not only by HR committee, but by other members of the council. So you're saying, oh, that's fine.

Gene Lyons

I'm one vote. So if you guys vote, know, where

Casey Hanson

when we find the other people that you're talking about.

Gene Lyons

You can find them as advertised that you're looking for, I never knew about it until till now that there were six people being thought about. I mean, I can think about it and give some names. And I think other people could do different community members from different areas of background and

Steven O'Halloran

Or did the HR committee bring somebody before the council or the candidates before the council? How did that work last time.

Dale Hamilton

Last time, it was the consultant that we hired, did all the vetting of the resumes and then brought to the council, five or six initial resumes, then the council reviewed those and selected agreed which ones to invite for an interview.

Casey Hanson

If we use this subcommittee to process all of the applications, put them through rubric, you kind of digest them and put comments and then all of those move through to the council. The only difference being you know, we can still look at all 15. But we have now another six opinions on them. So you know other councilors can weigh in and say I think we missed the point on this. But it might help move things along more quickly. Otherwise, it sounds like bringing you more people would just add a month waiting to vote the min. Is that would that be more comfortable?

Gene Lyons

All since I'm one person, it doesn't matter that six of you guys agree to do it the way that you feel is right right now. That's fine. I just think that has room for other people to be in there and not like minded people. Oh, great.

Casey Hanson

That would be a way of moving forward today. And then saying we're gonna bring this list back of everybody next time and that way people can and we can have our little chart and it can have kind of items of interest that we all found and then let all seven give input. I just depends on how much work you think should be done by just the three of us versus how much work we all should be doing.

Dale Hamilton

Just remember if you put that that discussion on the agenda will need to be Executive Session. Yes. Yeah. Other discussion? All right, motion and second-all those in favor of, of the six individuals. All those opposed? Motion passes.

Tammy Mote

I attended the initial school Strategic Planning Committee last week, the meeting was just we looked at developing the charge and the norms for the meetings going forward, we identified data that we think would be helpful during the process, created a timeline, review the current mission and vision and determine the next steps. So there'll be more to come lots more to come over the next year. pretty aggressive timeline.

Dale Hamilton

All right. We do have there is a request that's not on our agenda. The Appeals Board has a resignation and appointment. The Appeals Board is scheduled to meet on the 23rd. So this is one of those situations that if we don't take action, then the appeals board will be unable to move forward. Is that correct? So I would defer to the council where it's not on the agenda. Would you prefer to wait till next month?

Jon Stein

Move to add it and address it today.

Jon Stein

Second

Dale Hamilton

for a second. Second. Motion a second. Any discussion? All those in favor of adding those items to the agenda. All those opposed? Motion fails that if we will the council have next month. We do have an appointment of Mark Honey to the historic preservation commission as a volunteer consultant. Is there a motion?

Tammy Mote

Motion?

Gene Lyons

Second.

Dale Hamilton

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

Dale Hamilton

appointment of Ellerie Ezekiel to the Recreation Committee. Is there a motion?

Casey Hanson

Move to approve

Gene Lyons

Second,

Dale Hamilton

motion a second. Any discussion? All those in favor? Unanimous Any other committee reports? Seeing none.

Dale Hamilton

Item seven citizens comments is an opportunity for citizens to make any comments that they like, just go to the podium, state your name, you'll have three minutes to speak.

Anthony- DEWB

Thank you very much. My name is Anthony Amon. And I'm one of the founding members of the Down East wood bank in Surrey. I have a handout. Mr. Chairman. Right Okay, If you have it, I don't necessarily need to read it to you. I guess I'd like to save enough time for your questions. But a little history of the several years ago, we started a wood bank in Castine. And it's been serving that area and of course, it's way over in the corner of Hancock County. And we needed to spread that around so I approached the Blue Hill Heritage Trust about three years ago. And they loved the idea. They said it fits

right in with their mission statement to provide forestry services to the community and that certainly as firewood so they are providing us with space in Surry at the what do we call it the out here? It's a preserve right there in Surry not far from the park. Meadow view. Yes, thank you. Better view forest. We're right up the hill from the road there. And so we've been working as a totally volunteer on conversation until this year, all the money's come out of our pocket and our gas tanks. But we got a nice grant. There is public money available to promote with banks in the community. Throughout the throughout the nation, actually, there's federal money available, and we got some of that. So we're building a woodshed right now. And we have about 50 cords of firewood, most of it is season. It's all hardwood. And we would accept donations. And we're requesting from the city of Ellsworth \$1,000, if you would consider putting that or any amount would be welcomed into this year's budget so that we can start to serve members of Ellsworth that we have not done much. Until now. Because we, you know, we were small, just starting out, we needed to know who was getting the wood. And it's been tremendously successful, we have a lot of people that are interested in wielding an axe and stacking wood. And being on our small committee. We are not a 501 C three organization. We plan to be in the future. But right now, the Blue Hill Heritage Trust is handling all of the details for us. They're giving us property and providing us with advice and advertising through their organization. So we're very, very grateful to them. But we didn't want to just limited to the few communities that we've been serving, because we know there's a great need out there and will probably be a bigger one. As time goes by. I'd like to entertain your questions.

Casey Hanson

last year last budget season. He said, I'm not looking for appropriations, but next year, we will be because we see the need growing in Ellsworth. Can you talk about how how you see the need or how you know what the need is and what you expect will be the need.

Dale Hamilton

stop because we are going to be taking that up and it's on the agenda item. And that's what that's what we need to do that q&a.

Anthony- DEWB

Yeah. You know, if you can find somebody to answer that question, you let us know. Thank you. You're welcome. Because that all that thank you. Okay. Thank you for your time. Thank you.

Marc Blanchette

Good evening counselors. My name is Marc Blanchette. I'm just here this evening. Speaking on behalf of a lot of local residents, to thank Chairman Hamilton for his six years of service to the city and the city council, the last four years as the chairman unfolds, unfortunately, he picked three of those four years during the COVID pandemic. And it made for a very long and difficult chairmanship I'm sure. He's the only Chairman that I'm aware of that has ever held an emergency meeting on a Sunday afternoon, since the fire of 1933, when one was also held. But Dale, really just here tonight to say thank you very much for your service. Six years is a very long one. You've set the bar much higher than it's ever been for any incoming chairman, whether it's the next council or any, any Council following that. And for that, thank you very much.

Dale Hamilton

I think you can have extra time.

John Linnehan

John Linnehan 157, Shawn Road, Ellsworth. I had a couple of things I was gonna say about the qualifications for the manager. I went on the website this afternoon, and I printed off what was posted a month ago about the qualifications that we're looking for our manager, and I think we need to take a strong Look at what the requirements are, what the qualifications are. I don't want to go into tonight we've got a candidate night for city council tomorrow. I'm going to elaborate on that tomorrow. But I'll just say one thing. When I looked through this, there's an absence of what I saw in here. It was all related to public works to municipalities. And I think one thing that's severely not in this description we're looking for, is somebody's got business expertise. In the city of Ellsworth is just a big business. It's another business that should be run like a business. And I think there's a big difference between how a private business person will be acidic manager and how a a municipality trained personnel, it's always been in government. So I'm gonna have some thoughts on tomorrow night at the meeting over there. But I think we surely should take a strong look at it. The requirements that we have wrongly posted, I looked at it, and I think that we're lacking financial business expertise on that. And I'll have some specifics tomorrow. But I would also like to just add that I've appreciated Dale as the chairman in there, I think he's done a good job. He's very well organized. He'd been fair to both sides. It's been up there in issue. And I think it's he has said I bow to be the chairman. So I'd like to thank him personally as well on that. So thank you very much.

Matt Montgomery

Good evening. I'm not sure if I need permission to speak. Now. The restaurant the bells are. Okay, thanks. So my name is Matt Montgomery. I'm the new director, the new CEO, the Downeast Family Y. And I just want to basically introduce myself, you know, the the wine city have a long history of working together for the community. I met with Dale and Officer Moshier and actually my very first day of taking over a CEO. And Dale thought it would be a good idea if I just came in to introduce myself because planning again, on doing a lot with the city between the Y and, in the in the council here. And one of the things that we're working on right now is improving our communication with the city, making sure that the city understands what it is that we're looking to do. We're going through a strategic plan right now. And one of the things that we're hearing through that strategic plan is that a lot of people aren't really aware of what the what the why is about what it does in unless you're involved in youth sports unless you're coming through our doors, whether that's for childcare, or membership at the Y. So one of the things that we're trying to do is just communicate a little bit better. What we do because we essentially have a contract with the city, we you know, the city provides us with funds every year, but there's some expectations of what we provide back to the city and the residents. So I would ask as well that you all let us know what you want from us as far as what recording is on some of those things. But again, just wanted to introduce myself and look forward to working with you all and happy to take any questions in regards to the Y as well.

Dale Hamilton

Thank you anyone else all right seeing that

Dale Hamilton

items eight presentation of words, Barbie Bailey.

Dale Hamilton

The city of Ellsworth proudly presents the certificate of service to Barbie Bailey in recognition of your 15 years of service as a dispatcher for the city of Ellsworth Police Department, the emotions of duty and loyalty the community contributes to improving the city.

Toni Dyer

Chair Hamilton, I have just one additional presentation to make. This presentation is a certificate of appreciation to Dale Hamilton, in recognition of your six years of service as a city councilor for the city of Ellsworth serving as chair since 2019. Your devotion to duty and loyalty to the community have contributed to the improvement of the city of Ellsworth.

Dale Hamilton

unfinished business there is none. Okay, consent agenda. There are no items

Dale Hamilton

new business public hearing and action on the application following licenses. Han Yee incorporated DBA China Hill restaurant 301 high street for no other city Class B license Victorville liquor and amusement or renewal of a state restaurant class. 1234. Malt Spirituous Vinous Liquor license is a public hearing open the public hearing. Public Hearing is open. Seeing none, close the public area public hearing close.

Casey Hanson

Move to approve.

Gene Lyons

Second,

Dale Hamilton

Any discussion? All those in favor? All those opposed?

Dale Hamilton

Item 10 public hearing and action on amendments to the city of Ellsworth code of ordinances chapter 36 General Assistance ordinance

KaTina Vanadestine

Good evening KaTina Vanadestine, General Assistance administrator. I did forget to put a little information in your packet. So can I just give you guys this handout. And there's just a small difference between year to year and this is an ordinance change that happens every year. So I'm just here for you guys. Any questions you have? I can tell you the exact amount of difference if you'd like to know that. Okay, so there's just three categories where there was a difference. One was just the overall maximums which is per person per household, which is \$75. Same thing with the housing. It increased \$75 per single household member and the food maximums went up dollars. The maximum amount in a month was \$10. Extra. Those were the three changes.

Dale Hamilton

Since it's public hearing, I'll open the public hearing. Public Hearing is open. Public Hearing is closed.

Tammy Mote

Mr. Chair, Move approval.

Gene Lyons

Second

Dale Hamilton

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

Dale Hamilton

Item 11 Council order number 101600 request of the highway Foreman to award a bid for overhead door replacements.

Adam Wilson

Adam Wilson, Highway Foreman. On September 19, the city announced and sent out RFPs for the removal and replacement of the nine overhead doors for the highway department, which is something we funded through our capital improvement. We received two bids back. One from overhead door one from PDQ overhead door was the less the cheaper bid and the less expensive bid and it is \$7,000 less than what we had projected in cost.

Casey Hanson

We when I looked back at the budget book, it looked like we said it was going to be 125,000 yet

Adam Wilson

there's multiple projects in the garage. They lumped it all into one fund. There was the lock on in there and the bathroom. The overhead door

Michelle Beal

Move approval.

Casey Hanson

Second.

Dale Hamilton

Motion a second discussion. All those in favor. Unanimous. Thank you.

Dale Hamilton

Item 12. Council order number 101601 requested the police department to award a cleaning contract for the police departments.

Shawn Willey

Good evening, Shawn Willey Captain Ellsworth PD I'm here tonight to look to get a bid award and to clean the facility at the police department. I think everything was provided to you. I sought out three

different bids. Only received two back the people that we redid received the bids back are qualified to meet the CEGIS standards, fingerprint backgrounds and things like that to be able to clean the facility. And so I'd be asking you tonight to award the bid to MB services. He would be cleaning three times a week. Each cleaning is four hours.

Casey Hanson

I just had a question. I think maybe more for you, Toni. I was I had my budget book out today. So I was trying to figure out how much we spend to clean this facility. But to kind of figure out where that was leaving

Toni Dyer

I think it was in the facility budget still.

Casey Hanson

believe in the maintenance budget. Maintenance. Yep.

Toni Dyer

City property.

Shawn Willey

it's right around \$175 a cleaning. Something like that feels

Casey Hanson

Okay. Is it is it equivalent in terms of \$40 an hour?

Casey Hanson

Here? We pay more than \$40 an hour for cleaning? Yes.

Toni Dyer

Sorry, that would have been in Section nine of your budget book. not sufficient.

Jon Stein

Is it building maintenance or no? That's different?

Toni Dyer

Yes, the sections called City property and then there's like a maintenance. I think it's in his maintenance line.

Toni Dyer

Yes, under the front of the building maintenance.

Casey Hanson

So that was \$45,000 a year I think this is \$25,000. So will that when we make a decision what budget will that end up coming out of

Toni Dyer

this was budgeted in the police budget. They have a line for utility costs in their cleaning costs.

Shawn Willey

It's under miscellaneous city properties.

Gene Lyons

Move to approve.

Casey Hanson

Second,

Dale Hamilton

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

Dale Hamilton

Council order number 101602. requested the IT director define an additional year of Tyler Munis maintenance and support

Jason Ingalls

Good evening. IT systems administrator Jason Ingalls. I'm here tonight to request your approval to fund our Munis software maintenance for an additional year because we are behind our plan delimitations schedule on his replacement because out. So we're looking at a February possibly March go live in the new software in our maintenance and Munis is up, essentially right now. So the reason I need your approval is because we did not budget for this we had anticipated being into Caselle. By now. We had delays primarily with getting the chart of accounts for the new software. So essentially, we need to keep the software functioning for another six months or so. They don't do month to month they don't do prorated contracts, they do annual contracts. So we're kind of stuck for another full year. This number \$30,904 reflects only what we still use, we've pulled out payroll HR functions that we have moved to other software already. So this basically is only for financial, the financial functions on the program. Propose to fund it, we would fund it out of my current budget, which would overdraw my account or we're looking at my fiscal year 23 prior year budget. There should be money available to encumber from that prior year to this year to cover this expense. We're not comfortable saying that for sure until we have the audit results for FY 23.

Gene Lyons

any questions? So so if we said no, then there's not much we can do, right? We have to say yes, to

Jason Ingalls

be a problem that you say, Okay.

Gene Lyons

I'm gonna get around it by saying no.

Steven O'Halloran

Could you repeat that answer?

Jason Ingalls

it's going to be a problem. If you say no, because I don't mean that stuff. No.

Steven O'Halloran

I'm just trying to figure out what, what the we're in a corner here, correct? Yeah,

Jason Ingalls

it's the software that the finance office uses data data to track our finances. So without that program, running without support for that program, we when you know, they can't do their job. So

Casey Hanson

are we already paying for the new the caselle system,

Jason Ingalls

we're not, but as soon as we go live, we owe them the second half of the purchase price. So we will be paying them in February or March, if we go live with them.

Casey Hanson

So we're not really saving, maybe like a month or two of money from that payment. Or just,

Jason Ingalls

basically, it's we we pay half, when we purchased the cell, we paid half up front, and then we pay another half that go live. So we're not really saving anything. I mean, we have it covered the same anything, you're paying it all out of this fiscal year anyway. So

Dale Hamilton

I think, unfortunately, is also when the audit is reviewed in terms of 22, there's really to make sure that that system is operational, not just for current, but also to square FY23. And moving things over. So it's

Jason Ingalls

an important point, both will need access to that software as they continue through the their audit process. So there's other reasons to continue having access to it. The primary one is just the day to day function until we're ready and live. And so

Michelle Beal

Jason, is it possible? I mean, I don't mind you overdrawn account, but you can't wait until the audit of 23. Because you can't recover funds once you've had your audit. So is there a way to that will know by the time you pay the that payment in February, March?

Jason Ingalls

It's probably a better question for finance, but me looking at my budget. And what I what I expended last year, the money should be there. There's, there's there's leftover funds in my 23 budget that would cover this.

Tammy Mote

So you can cover this remaining funds in there to cover it from 2023. You're just remaining funds within your technology budget.

Jason Ingalls

Yeah, we had in my contracts line, there was I think, almost 40,000 That was not expended. So

Gene Lyons

Move to approve.

Casey Hanson

Second,

Dale Hamilton

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

Casey Hanson

The authorization of overdrafts and we need to do those separately.

Dale Hamilton

The what right now is that's the only way to do it. They will have to come back to the council to income or any funds and since we don't know what that is, we we can't take action on that until we actually have a definitive so that that can happen. separately. Right now it's just people.

Dale Hamilton

Right, item 14 public hearing discussion and potential action and council order number 101603 resolution to accept a public service Community Development Block Grant. The purpose of the grant application is to help support a new program in partnership with a local public service agency in order to assist low income and homeless persons in Hancock County.

Janna Richards

Good evening counselors I'm Janna Richards, the economic development director for the city of Ellsworth, here tonight with a slew of agenda items pertaining to this community development block grant. I think that Shana Fraser, who's the executive director of families first community center, who is the sub grantee on the application is on the Zoom. If she Okay, perfect. Hi, Shana. Thank you. So I figured I'd give you a little bit of background information and then we could go into each individual request from the council. So the background information as we came in June for a special council meeting, to hold a public hearing to discuss actually submitting the application. There was approval from that from the council. So we move forward with the real application. We were approved conditionally, we have to go through this next phase, which is called the project development phase.

Just a reminder for the council and for the public who may be watching. This is a public service community block grant, we're asking for \$50,000. Again, the city has to apply because municipalities are the only ones that can apply for community development block grants, counties can also apply, but it has to be a local or regional government. And the subgrantee families first Community Center came to us saying that they wanted to create a new program for Ellsworth. And they knew of this grant opportunity, and after looking at it and working with Tina, who runs our General Assistance Program, we worked with families first to look through this program to make sure that there weren't any duplicate efforts of services that would be provided to community members. duplicate efforts on behalf of not only the city's general assistance program, but also other public service agencies that are in Hancock County currently. The program is called the helping our and it provides additional assistance to the homeless and at risk of homeless populations. And again, it does not duplicate but complements current ongoing efforts by other public service agencies in Ellsworth in the city's general assistance program. The application was in your packet, and it was provided back in June as well. So come back to today, we're in the project development phase. This requires numerous as you can tell, approvals of adopting forms and some resolutions. This is federal funding through HUD, which is why there are so many requirements to be able to get those federal funds, you'll see there's, we'll we're going to go through but there's a lot to do with making sure that there is equal opportunity for employment, there's fair housing, which there's an assessment of looking at all city facilities and ensuring that there are some ADA accessibility, things like that, those are all federal requirements, that even if the program that we are submitting the application for don't have to do with city facilities, or housing, or anything of that nature, the city still has to adopt and submit those forms as requirements to be able to accept the funding from the federal government. So that's why there's so many of these. And just speaking with the clerk and with the program director at the state, we felt that it was the cleanest way of doing it was going through item by item and having a separate agenda. Council order for each one of these forms, which is why there's so many. Yeah, I don't think there was anything else I was gonna say. The first one that Chairman Hamilton just brought up is there has to be a public hearing on accepting the funds. And in the motion. There has it has to state the fund that it's coming from. So that's the public service community development block block grant program. And it has to say the in the amount that we're requesting. So there is a suggested motion here. I figured it was probably prudent to put that one first. Because if you do not approve it, then the rest are sort of moot at this point. But I'm hoping that we're hoping that it is approved. And I think we can entertain questions unless you want to open the public hearing first.

Dale Hamilton

So let me open up okay for all the comments. So hearing open the public hearing, if you'd like to speak on this matter, you may do so at this time. Seeing them now close the public hearing. So

Casey Hanson

I just appreciate how much work you had to put in for all of this. And I think these grants and especially these community block grants are the best way that we can improve our community without costing the taxpayer. So I just really, it's a lot of work and I appreciate it. You

Janna Richards

reminded me of what I was going to say thank you and you reminded me that all of these forms that you're about to go through. They have a three year shelf life. So that means that we can apply for additional community development block grant funding and not have to go through these approvals and forms just Go through the regular application process. So that's the good news that the work, you know, could be put toward other things we've leveraged and put toward other grant funds. So thank you.

Casey Hanson

I mean, just looking through the packet is incredible. For motion move to accept the resolution for a public service community development, block grant, to support a new program in partnership with a local public service agency to assist low income and homeless persons in Hancock County. For the amount of \$50,000.

Gene Lyons

second,

Dale Hamilton

second, further discussion. All those in favor? Unanimous.

Dale Hamilton

Item 15 review discussion and potential action on council order number 101604 adoption of the Community Development Block Grant standards of conduct in order to administer the accepted public service Community Development Block Grant.

Janna Richards

Okay, so the code of standards. Since we are the city is going to be a recipient of funding, we have to agree to the code of standards, which were put into your packet. It really has to do with how we use the grant funding, and it has to be utilized toward the program that, that we're saying that it's going to be used for so it's do due diligence and adherence to these code of ethics. Sorry, code of standards.

Casey Hanson

Move to approve standards of conduct.

Gene Lyons

Second,

Dale Hamilton

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

Dale Hamilton

Item 16. review discussion potential Action Council order number 101605 adoption in the Community Development Block Grant Fair Housing resolution.

Janna Richards

Okay, so, as I said before, this program doesn't have to do with housing, but it's a federal requirement. So each municipality receiving the funds must certify to affirmatively further fair housing. We filled out

the Fair Housing form that you will see in the packet. It's just informational. There's no need to we we reviewed it as city staff, I believe, Lori, myself, manager Moshier, so staff was able to go through that and fill it out on the best of our behalf.

Casey Hanson

In this fair housing, self assessment, and I guess, in really any of the self evaluations Did anything come up as curious? Did you learn anything about the city in that process that needed? Review?

Janna Richards

No. Um, so I did talk to Tina. So the city doesn't, hasn't adopted. So you'll see a number three of the Fair Housing self assessment, it says, Has your community adopted a fair housing program to help local citizens be aware of their rights regarding Fair Housing under federal and state law and in filing a complaint, if discrimination is suspected, the city doesn't provide that service. But we do have other agencies that are located in Hancock County that do provide that service. So I learned that through Tina, so this was definitely a team effort of, you know, getting all of our resources and ducks in a row to be able to fill out some of these forms. So that's what I learned at least.

Casey Hanson

Move to approve the fair housing, self assessment. Fair Housing. Fair Housing resolution resolution.

Gene Lyons

Second.

Dale Hamilton

discussion. All those in favor? Unanimous.

Dale Hamilton

Item 17 reviewed discussion in professional action on Council order number 101606. adoption, the Community Development Block Grant section 504, self evaluation and transition plan?

Janna Richards

Yes. So this was a form that we filled out was a review of how the city conducts hiring. So there's employment section. There's a program accessibility section, the only program that the city provides that is listed here as general assistance through through Tina's department. So she was able to answer a lot of those questions in regard to how we serve disabled persons who are utilizing general assistance. So that's filled out in here. And then you can see we have 18 facilities that needed to be reviewed under the UF A S, which is the Uniform Federal accessibility standards. Lori conducted those assessments for us. They include all the city's buildings and property as well as parks, parking lots. The more community center been the branch Lake public forest and some of our trail systems are on here. And in the cases that were not in compliance, we just had to explain why. But there's no nothing in here saying that we have to bring it up to a certain standard or anything at this point.

Tammy Mote

You ready for a motion move to adopt the completed section 504 self evaluation transition plan.

Casey Hanson

Second,

Dale Hamilton

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

Dale Hamilton

Item 18 review discussion and potential action on council order number 101607 adoption of the Community Development Block Grant residential anti displacement and relocation assistance plan. So,

Janna Richards

again, the Department of Housing and Urban Development federal, federal HUD requires all recipients of these funds, regardless of the proposed program and activity to certify that they will not displace people without just cause and will follow federal guidelines on compensating any individuals that may be displaced. This includes communities that do not anticipate displacing persons. And so that plan is included in the packet and the motion that is suggested is to certify that plan.

Casey Hanson

Move to adopt the community development, block grant residential anti displacement and relocation assistance plan. She wants to certify, I mean, to certify it.

Jon Stein

Second,

Dale Hamilton

second discussion. All those in favor? Unanimous

Dale Hamilton

Item 19 review discussion and potential action on council order number 101608 adoption, the Community Development Block Grant Equal Employment Opportunity policy statement.

Janna Richards

So I went to the HR department and we did not know of an active policy statement at this point in time. So we're taking this opportunity to utilize this as our policy statement. I allowed the HR director to review it. The city manager has reviewed it, we don't find any issues with this policy statement. And so and it's a requirement of the grant, so we figured we would bring it forth before the Council for approval. Does

Casey Hanson

it apply just to the grant, you're saying for the whole city it

Janna Richards

can apply to the whole city. Like I said, at this point in time, we're not aware of one in the HR department. And I mean, all of our advertisements for positions at City Hall all say that we are equal

employment opportunity. And those types of things. It's just we don't have a policy statement that was ever adopted by the council that we are aware of.

Gene Lyons

Move to approve adoption of community development block grant equal OPT employment opportunity policy statement.

Casey Hanson

Second,

Dale Hamilton

motion a second discussion. All those in favor. Anything else?

Janna Richards

Thank you. No, this is exciting. much appreciate it. Thank you, Shana.

Gene Lyons

We appreciate the hard work.

Dale Hamilton

Right, item 20 was to be a presentation by RHR Smith for the FY 22 audit. He is unable to be here because of some travel changes. You want to

Michelle Beal

move to table to the November meeting.

Tammy Mote

Second

Dale Hamilton

motion a second. All those in favor? Aye.

Michelle Beal

Yeah, he said he was just he was on an airplane and it got delayed. And so he's in the air so we

Dale Hamilton

Item 21. Public Hearing and action on the charter amendments to the Ellsworth city charter. Did you want to say anything?

Casey Hanson

Just an approval of what we discussed last meeting

Toni Dyer

couple of changes and include it on the June ballot for next year with the July one effective date

Dale Hamilton

has to do with nomination petitions and the ballots to be prepared guidelines.

Casey Hanson

Am I remembering right that it got pushed forward to this month because it hadn't been.

Toni Dyer

We hadn't had proper time to advertise public hearing my deadline for the Ellsworth American got cut off

Casey Hanson

to have this public hearing today.

Dale Hamilton

So this public hearing open the public hearing, public hearing is open. If anybody would like to speak on this, they need to do so at this time. Seeing close the public hearing, public hearing is closed

Jon Stein

move to approve the charter amendments to the Ellsworth city charter as presented

Gene Lyons

second

Dale Hamilton

motion a second discussion.

Michelle Beal

Just so the public knows if we could just it's so the the changes are removed. Call it five, the nomination petitions available 100 days prior to the election rather than 85. And return date 60 days instead of 40. and then there's something the city clerk won't officially did official designate by the city clerk will prepare and furnish the ballots was the only changes. So it was anything substantive, really just to put our charter in line with the state laws, correct. election laws.

Dale Hamilton

All those in favor.

Dale Hamilton

Item 22 presentation by Downeast wood bank for winter services and needs in Ellsworth by Tom Matthews sponsored by councilor Stein. So

Casey Hanson

I think the Tom couldn't make it. And so the gentleman I spoke earlier, opted to present earlier just for three minutes, but I thought I'd leave this agenda item on there as sort of a means of discussing all outside organizations, we talked last budget season about creating an application for outside organizations so that they could actually apply and we would know what they do, they would know from us what we want to hear from them. For example, how many citizens of Ellsworth, are you working

with? What are their current barriers to access? How are the trends are changing? I'm not sure if any city staff has been working on such an application or if it's available now. I'd like to see one I have suggestions I'd be happy to submit or to take from other councilors, I'm not sure who from the staff would be the person to initiate that.

Toni Dyer

It's not been worked on to my knowledge, but I can at least send the council the documents that we've been using. I'm not sure how many years those have been in effect for modification as a starting point.

Casey Hanson

Because when do you when do you ideally want to have those applications? And I can't remember what the deadline is

Toni Dyer

Sent them out last year in November? Yeah.

Casey Hanson

Yeah. And you asked people to get them back to you by

Toni Dyer

Third Friday in January.

Casey Hanson

So maybe you have maybe Toni, you could send that around to us, and we can email back suggestions and discuss

Toni Dyer

then maybe, between your emails finance committee can bring it up to finance committee meeting before those go out. Because they would generally go out before your next council meeting. Unless there's a change in plan.

Tammy Mote

Did we approve a Social Services Committee? Could he get rid of that? New? I can't remember

Dale Hamilton

this last time we did it. Okay. That had been eliminated a while ago. So.

Gene Lyons

What are we currently do if somebody needs wood?

Toni Dyer

Currently, yeah, we have one of our city employees has wood lots that he has a side business doing some wood. So he will bring us we have a source but it's not.

Gene Lyons

like buy it from him and then give it to the people that need it. Yes.

Toni Dyer

And he delivers it for us. We don't. But it's not a formal contract. And it's I think Tina said there was two people last year that needed wood

Jon Stein

And it's just the people who qualify under General Assistance correct.

Michelle Beal

So this this wood bank is above and beyond, it's kind of like our heating fuel heating fuel is the same thing as people that don't qualify for GA they use the word bank.

Casey Hanson

So that means this is just a good example of the questions that we have for this word bank we might have for other outside organizations and to quantify that. So a consistent application so that we have that information when we need it during budget season. I think it'd be really helpful. Just Just like you're asking to have a have them submit that to Yeah, that's good.

Dale Hamilton

Item 23 discussion of possible action to enforce chapter 56 of the Unified development ordinance regarding odor at Maine Organics, it's sponsored by councilor O'Halloran.

Lori Roberts

Lori Roberts code enforcement office. I'm just here in response to the request. Secondly, we did have a meeting with the DEP. On October 5, he submitted a letter I don't know if you found that in your packet. Okay. And then there were items that during that meeting that we went over about, items we went over during the meeting, Josh Wellman was considering purchasing a weather station to monitor the wind weather to discern the conditions when the odor complaints arise, and an N butanol odor testing kit. So he's suggested he may do that. Having seafood shells along with full bodies crushed prior to receiving the shellfish to eliminate the liquid, which would help the odors and both mark and Ed, both from DEP, scheduling a site visit to build a composting pile with the staff just to make sure that they're doing it properly. And Connor Wellman which is the son of the owner, and he also attends to the site out there are the composting facility, he would consider attending composting school making sure that complaints are in received in real time. With Edie, he's given his cell phone number, making sure that a six foot biofilter of finished compost or woodchips over the activity, actively composting Windrose to contain any odors from escaping and continuing to be diligent about sending an odor response form a complaint to myself, which was Ed and to the complainant to provide a better idea of why the odor may have been occurring and what operational practice practices may have been taking place at the time. And then I sent you the email from our attorney suggesting that there are two ways for us as a city, if you suggest to the city manager that we do this, that we would need to file an enforcement action and have the court impose a fine or the city could negotiate an administrative consent agreement with the facility. And that basically is a contract and the city would seek to have the alleged violator agree to pay a lower fine that would be imposed than would be imposed by the court for one or more alleged

violations returning from I'm sorry alleged violations in return from her failing to sue meaning going to take him to court for a fine so those are the options and do whatever you want to do

Gene Lyons

what would a fine do to alleviate the smell number one?

Lori Roberts

I don't have an answer for that

Gene Lyons

Not gonna cure the smell. We need a cure for the smell.

Lori Roberts

And it's inherent that when they dumped sea food, their seafood shells What have you, there's going to be an odor. It takes a while for it to get contained. So

Steven O'Halloran

when I got elected two years ago, I had business owners calling me about the constant smell. And I believe we've talked about the subject three times now. And it seems that we always talk about how can we comply? How can we get them to comply? And we've asked them many times, and my opinion is this. This has been going on for five years, six years. Fair. I'm sorry, five years, okay. And going on for five years. And every time I bring this to the council, I hear about all the new methods that we're doing. And the way I read the uniform development ordinance, it's very clear. Under 801.3 that what's happening there is not allowed.

Lori Roberts

Well, I'm asking you, you can choose from one or two things, we can sign a consent agreement, or you can request that the manager, we take him to court, one or the other, or anything, I don't mind doing anything.

Steven O'Halloran

It just seems like every time this is brought forward, we talk about the last time we were here, we talked about 90 days to try and comply and we continue and I was very soft. In the beginning of this, I don't want to see a business get harmed. But allowing what's going on here is harmful to all of the other businesses. And it seems like we have given this organization many chances. And the DEP says that they're continuing to work on it. But that doesn't avoid 801.3.

Dale Hamilton

in response to that the letter that we received from the DEP. This is a council decision. So if there's a motion to do something different, it should come from the council. It's not city staff. So I just want to be really clear that the council has taken the action that we've taken to date, city staff have not been ignoring it. City staff have been following the direction of votes that have been taken by this this council. And I just think it's important to make that clear distinction, that if there's if there's a motion to be had make the motion. Second thing is we received a letter from the DEP and this is where it conflicts with

with this statement in terms of what you just presented. The DEP has oversight of this facility. And the DEP says that they are operating in compliance. So from a city perspective, I completely understand the issue and the concern from the other businesses. I am not oblivious to that. The challenge for the city is then if we take action that is opposed to what the regulatory body is stating, are we putting the city in a position where we are going to have a lawsuit that's going to drag out because we tried to impose a fine, which is pretty nominal in terms of the amount. That's what I wrestle with in terms of how do we do this? We've had issues with noise complaints, and there's nothing in our ordinances that specify what is a violation of odor. What does that mean? What is the definition of that? So it's a tough issue. And from a legal standpoint, the our attorney city attorney has suggested two possible remedies. And and I guess that's that's where we stand in terms of action that we could take. But that's up to the council to move on that if we choose.

Casey Hanson

Just to clarify for myself. So the DEP has evaluated it, it is within the standards of what the DEP suggests. This is Ellsworth ordinance. And so it could be read as in violation of Ellsworth ordinance. And so these two choices, can you just say them again to remind me what the law says

Lori Roberts

the city would need to file an enforcement action under Mr. Civ, p 80k. And have the court impose a fine, so that means I would file with the attorney an action after I served them notice. Send it to the attorney he would file in a court and then the court would impose was a fine

Casey Hanson

with the court decide whether to impose a fine. They just, they could be like No, this is frivolous forget about it or no, they would,

Lori Roberts

I couldn't say I've never taken this kind of an item to court. But you know, anything's possible. Or we can get into what's called an administrative consent agreement. And I've been I have entered into these for other items such as shoreland zoning violations where they've cut trees down. And these types of things I've entered into a consent agreement, if they don't follow that consent agreement, and then you can go back to court. So it's just an option. Yeah, yeah.

Casey Hanson

I just want to say one more thing, certainly, which is, I think a little bit to what Gene was saying that both of our options, none of our options are going to take away their business, and therefore, there will be no taking away of the smell that comes with it.

Lori Roberts

Well, I don't know that. I

Casey Hanson

I just I mean, unless the fine was onerous. And the business decided to leave

Lori Roberts

the city just doesn't license them. So my I'm so limited as to what I can do.

Casey Hanson

Because you don't license the composting. Who does that DEP?

Gene Lyons

Is there anybody from DEP that could speak on?

Lori Roberts

he sent a letter? Did you see his letter?

Casey Hanson

he said it's fine. It's in compliance.

Casey Hanson

I asked him, I was trying to reconcile our ordinance with what he said. And it kind of came to a crossroads at the actually detecting some objective scale of the odor they have when they use what they call five point odor intensity scale. Yep. Which I haven't researched.

Lori Roberts

It's the N butanol test, and from what I understand, it's a chemical that you're at the plant and or that the site and you smell an odor, and then you smell this stuff. And I am not volunteering for this position, and then take it away and then smell it again.

Casey Hanson

So you're comparing very advanced. There's a similar smokestack, oh, pet, oh, scale, could be hard to do, but you can train it. So he said, Yeah. Some of the staffers in Hampden were trained on it and had used it. Yeah. So that I imagine if we were to go to court and wanted not to lose, we would want some objective data, their staff was trained, they went out they took, like, imagine the amount of staff time and also paying for legal fees and everything.

Lori Roberts

I don't know how much the testing kit is.

Casey Hanson

Yeah, just seems like a hassle.

Toni Dyer

And just a follow up to councilor Hanson's earlier statement, the court can min my experience they can choose to impose a fine or not based on the merits of the case. I've had a couple and previous employments where they recommended the two parties come into a consent agreement and work it out outside of court. So the options are unlimited swirl around in the court system for months.

Casey Hanson

Can I ask just one more question about back when the decision was made that we could have a composting.

Lori Roberts

I didn't attend those planning board

Casey Hanson

those went through planning board and felt it would be I mean, they knew if there was going to be a composting, right.

Lori Roberts

So we have a our transfer station is right next door. And there was a time when we were taking I'm sure you guys remember the shellfish. It was really toxic. I mean, so toxic. And I, I said in a department head meeting that I had never received a complaint about our transfer station, which I felt stunk worse, when it was just they were just being dumped, and sitting there, you know, not properly being composted. And Adam said, I used to get them all the time. So it did stink at one time, even for the people around there. So and that's just by dumping them directly with the liquid and all of this in it with nothing to take care of it other than they did tell them at a later time that they could add this five gallons of this chemical to the hopper where they were dumping all this stuff. And it attached to the I don't know molecules. I don't know too much about chemistry but it reduced the odor but it didn't stop you. But this isn't something you can utilize in a composting situation, because it's killing a lot of the molecules that it needs to heat up and do the right process for composting.

Casey Hanson

I'll just say it has been going on for a while but they've not been doing nothing. I mean some of these tactics that may not work perfectly, are still innovative and impressive. And, yeah, we

Lori Roberts

had a real bed problem with birds. And so they put nets up over the little, I would say, I know bungalows here where they would put different piles in. And instead of the birds being able to fly in and get some of the Jackson lab grain, they stayed away because these nets deterred them to stay away. So there really wasn't anything for them to eat.

Steven O'Halloran

So I get back to 801.3, section B that says no land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their light lines, measured either at the ground, or habitable elevation in and doing nothing is really slapping the other businesses doing something is slapping one business I business that we have asked constantly to comply, I realized that it's a difficult situation for them to control the order. However, the city has this right here. And there's got to be something done for these other businesses. Their property values have plummeted. They couldn't sell that property if they had to. So my view is this. Something has to be done better than we have been doing it read along. And we can say, well, they're trying. Okay, they're trying. Okay, they've been trying since I've been on the council. And bottom line is they're, they're affecting all of the neighbors within a

half mile radius. And I think that's a conservative number, a half mile radius. And I don't think it's fair to the other businesses to do nothing. Or perhaps, if we're going to allow this, maybe the other businesses should get their tax bills cut in half the valuations cut in half, there's got to be something different than talking about how to fix it. The practicing needs to be over.

Dale Hamilton

What was what do you want to recommend to the council?

Steven O'Halloran

would recommend one of the two options. I don't care which one maybe the lighter of the two, to bring this beyond where it is because this just is not fair. What's going on? We I mean? We wouldn't be talking about this, I realized that to heart subject. But we didn't create the subject. They came here to do this. And in my opinion, it's their responsibility to live up to this like the rest of us. And that's not happening. So my suggestion would be the lighter of the two, which to repeat what you said was the consent content, right to try and come up with something in court is an option beyond that. Correct. And what what you're saying is that if you go to court, you may go back to do that anyway. So wouldn't it make sense to try and come up with some plan? That consent agreement to at least elevate this thing to get compliance? I mean, the DEP wrote a beautiful letter about how they're trying. But they're still in violation of this and we they need to get rid of this or make people come into compliance. You know that eep wrote a beautiful letter and says they're trying and and I respect the try. But the trial has been going on for too long this the dress rehearsal is over. My suggestion is a consent agreement that the attorney said that is the lower of the two correct thing going to court. Yeah. Isn't that the lower of the two it's fairness to the contractor. And it's also a step in the right direction for the other businesses.

Lori Roberts

They're gonna have to agree to sign it's a consent agreement between both parties.

Steven O'Halloran

What from what you're saying if we could go to we go to court and we I mean, we'll end up back there anyway. Correct. Possibly. Or we could go to court, one of the two but there is no daily fine that that the city can initiate.

Lori Roberts

Okay, have to go to court. Okay. They can do a daily fun without a court imposing.

Steven O'Halloran

And what would the city suggest?

Lori Roberts

For the fine? I have no idea, I would have to discuss it with the attorney after you gave the manager, the you would need to authorize one or the other through the manager to have me

Casey Hanson

it seems that the two that consent agreement, to me anyway would be the way to go just because the party we're talking about has always been willing to come in and talk and be reasonable. Maybe hasn't solved the problem, but has come to the table. So what if a consent agreement looks like I don't know what this would mean, legally, but an agreement to pay the other businesses affected? I think of places like Alaska where there's drilling and citizens that live there are paid, basically. You can leave some Yeah, nuisance be you know, this is something we can't change, we're gonna be here we're doing it, we realize it affects you, here's some amount of money over some amount of time that we don't have to get involved by finding and relieving property taxes. It's, it's a direct payment. So crazy.

Gene Lyons

I agree with that. I'd still like to see a solution to the smell. I mean, and I'd like to know, back when it all came about, what was the plan to not have any smell that I was just thinking you could do compost in there, and there was never going to be a smell so nobody addressed it.

Lori Roberts

I wasn't there, right. But there is no composting that does not have a smell.

Gene Lyons

There is no I mean, this is a quarter of a mile from main road in less than a mile from houses, other towns, some put it, you know, eight miles back in the woods. And another thing I don't get is I drive through towns where they do it constantly. And I never smell the wrenching. Just gut wrenching smell sometimes. But I also know that it was much worse months ago. And it's somewhere along the line stuff did start to get better. But then it's like taking a downturn again.

Lori Roberts

They don't compost our sludge anymore.

Gene Lyons

But what what are they doing now? That mean? Because before it was the sludge, but so they don't do that anymore? So why does it get worse now?

Lori Roberts

Well, I yeah, I I'm not a scientist. But I hesitate to say. But even when our transfer station stunk, you know that, I guess maybe in the thought process while it's right next to our transfer station out there anyway. I don't know. I don't know what they went through. It's the industrial park. But it was called the industrial park at one time, it's now a business park.

Gene Lyons

They went through a lot of talks in how many months did it take to get it all approved. And nobody brought up. All of this was gonna smell and nobody even thought of that. I mean, a business spent probably in the millions of dollars to get that setup. And that's where I struggled with, you know, I mean, they did put a lot into it. To say that, find them every day. And I want a solution to it like anybody else, but a real solution.

Steven O'Halloran

I went back and and looked at the planning board meetings when this was being proposed. And time and time again, we were told by the contractor in those meetings that are on video, that if it's done right, there won't be any odor. So I would bring this back to it can't be being done right. Well, that's not a true statement, one of the two because that is on video that if it's done right, there'll be no odor. Well, I drive by there every day and I don't care if it smells or not. But I care about the businesses that are there calling and wanting solutions. It's not fair to them. And I talked to Mr. Moser about it when I got elected and he said the city bent over backwards to get them in here. Don't know what that means. But that's what I was told I went with one Watch the videos and bottom line is we've talked Oh, we should talk I would make a motion to. And one of the two, we have to do one of the two. We could try the the court action to enforce it. Or we could try the lower amount of trying to come to some agreement. But something's got to happen. This is these businesses beside they're losing money left and right there. The valuations are cut in half the city, so sending them a big tax bill. We've got to do something.

Gene Lyons

Make a motion.

Steven O'Halloran

You could give me the language.

Lori Roberts

Certainly. Alright, the city could negotiate it an administrative consent agreement with the Violator, which would is which is essentially a contract, the city would seek to have alleged violator agreed to pay a lower fine than would be imposed by a court for one or more of the alleged violations in return for refraining to sue, meaning taking them to court. The administrative consent agreement can include a stipulated penalty for future violations, but there should be a deadline for full compliance or it will appear as a license to violate the ordinance.

Steven O'Halloran

So move.

Dale Hamilton

Is there a second? Is there a second?

Gene Lyons

I would second that

Dale Hamilton

further discussion?

Casey Hanson

I guess I'm a little confused by them. The motion I I think if I was going to vote for something like that, I would need it to come before me in a more complete way. Like what what? What would the consent

agreement look like? How much money would be asking? And I guess I'm still I'm still a little mystified? Like you said that at the planning. Were meetings, they said if the composting was happening correctly, there would be no odor at all if that is true, and that is possible. I guess my other than hearing that my mice, my thought was that there is no way to have a composting operation that's that big that doesn't have an odor. And so if we go with the consent agreement idea, we would have to decide, are we looking for something what like what Councillor Stein said, which is some kind of, we're asking for a nominal for some kind of fee to give to the surrounding businesses to offset the nuisance of it. Or we want to impose a fine that's so large that we actually just want to drive the company out of business, because we don't want to smell that compost.

Lori Roberts

So there are minimums that we can do in our ordinance. Okay, it's \$100 a day, or 20, up to \$2,500 a day. And so there's limits to it. So what does that exactly mean? does that exactly mean I get a call for a complaint at two o'clock in the afternoon, then the smell goes away at four. And so they're fined for that hour and a half or two hours. So I don't know I it's going to be have to be something once you instruct Glenn to tell me I've got to do some research with the attorney and get some ideas.

Casey Hanson

The consent agreement is not appears not what I initially thought it was when I suggest that because it can't be a license to violate rights isn't a go about it, it's going to smell it's going to be fine. We'll give restitution to these other neighbors. But that's not what we're saying. We're saying that we're using the fines to convince them to fix the problems, which I think there's still doing everything they can to fix the problems. I don't know if this is solved, but maybe it will maybe it will be a little bit of extra motivation.

Tammy Mote

I'm just wondering if it'd be best to request the city manager to bring back a consent agreement for us to vote on next month with the information because I think there's a bunch of information that's missing that really needs to I'm not comfortable voting for it if I'm not actually seeing the contract.

Gene Lyons

was days when it was 95 degrees this summer, I went by there and smelled absolutely nothing. So what has happened since it's 40 degrees, you would think the smell would be less what is happening,

Lori Roberts

it has a lot to do with the delivery of when the shellfish comes and how quickly they can attend to it to get it covered, et cetera. I don't know that.

Gene Lyons

I mean, they haven't, like backed off from how much the wood they're using, because of cost or something. I mean, they use the same man, I just don't get why 95 degrees out, and I can smell it. And then all of a sudden, it's just like, nauseating when you go by and it's 45 degrees out. It should smell last. And they did good for a while it was I went by there many times and didn't smell it. I did smell it once in a while. But I don't get it, I hope that there's more they can do to make it right, because finding him \$100 A day for, you know, \$35,000 a year, I don't think that'll make the smell go away.

Dale Hamilton

I guess one of the things about this is the subjective nature of parts of it. I think we Council also has to be careful not to set a precedent in terms of how the council responds to violations of ordinances. It's a slippery slope. So what is a nuisance now of the smell in the future, some other resident might claim a nuisance of some other type and then try to seek the same type of damage that a council set. So I think we have to be very careful in terms of following legal guidance around what we can do what's permissible so that it can be consistently applied for all potential issues in the future. And And again, a situation like this is 100%, in my opinion, 100% Council action and not city staff. And so that's one of the things I understand how why people are frustrated about it. But it's not because city staff are not doing what what they need to do. It's because we as a council have made decisions to this point that have tried to resolve it within the means of trying to find a resolution. That's that's the reality. So whether the council takes action or not, we're ultimately the council is ultimately responsible for whether it's it meets somebody's needs or doesn't. City staff should not be blamed for a situation like this, because they could not impose this either one of those without the endorsement of the council.

Michelle Beal

Can we make a motion?

Dale Hamilton

We have a motion to table the motion? Oh,

Jon Stein

the one consent agreement. So

Michelle Beal

can I make a friendly amendment? that that we authorize like you had said, but it comes back at our November meeting with a draft for the for the council to review like counselor,

Lori Roberts

so you're instructing the manager to have me do that?

Michelle Beal

then bring it back so that we can have something to look at?

Dale Hamilton

So because that's very different than the original motion? We should

Dale Hamilton

We should we should dispose of one way or the other the first motion and then come back. And there's a second motion? Because it's it's really two very different motions. Clear. So further discussion on the original motion.

Dale Hamilton

No. It's not a public hearing. But we have public comments. Somebody wants to speak to our Mr. Wallace, can you just go? Thank you.

Kevin Wallace

I'm a neighbor. I get it the worst, downwind from it. I don't know I'm thoroughly discouraged. I want to see something happen, but I don't see anything happening. But this seems like maybe a direction forward. That would help. Obviously, the DEP rules. What they allow to happen shouldn't be afternoon analysis right now. That smell was horrible. I just like to see a resolution before I decided I'm not going to be analysis anymore. I'm really looking that way. I'm so that's how discouraged I am. I've been here 30 years in this town with my business. It's affecting all the businesses up there. A lot Other businesses and nobody's here, because they're tired and tired of filling out logs and seeing no response. I've talked to a couple other guys today up, they're like, Why? Why are you even doing this? I don't know. Cuz I hope I'm gonna see a result. Thank you

Tim Stone

so I don't think anybody met me besides Laurie, many conversations. I'm Tim stone. So I live at 30 Old Mill Road, which is if you turn at sunrise glass and then make a left immediately, and head down to the river, that's where it's located. It is approximately three fourths of a mile from Maine organics from their property line. I emailed you all at one point about this, this issue. A couple of things. So we realize myself and my partners, were building a business there, I should say what the businesses were put putting in probably we're putting in 16 tree houses that are luxury tree houses for short term rentals year round, not just in the summer. And it's about a \$5 million project. And it's a significant investment in the town of Ellsworth. So this presents a number of problems personally, it presents a problem because I live there It smells really, really bad. In terms of its subjectivity, I've had 19 people come out and work and 19 people have all said, What is that horrible smell. Everybody agrees it's not mean subjectivity, you would have somebody disagreeing. It's bad. When it's bad, it's really bad. This past week, for example, there were four separate days when I filed complaints about the odor. That's an unknown abnormal week. Normally it is two or three times a week. And normally it lasts for for two or three to four hours. But sometimes it can be bad all day. In the wintertime, when it's not windy, and it's cold, the smell will come in and it will sit there for days, not just one day, with two or three or four days in a row. And it's this constant. It's not quite as bad in the winter, at least most of the time, but it will be there more often. So the type of business that we have, and the one that we're putting in one of the things we're doing, we have a field by the rapids there and the river, we're putting in a pavilion and we have these nice little cottage type places that we're building. And we want to have weddings there. And Ellsworth I think needs a place to have weddings, instead of everybody going to the island. But you can imagine if you have a wedding, and it's catered, and you have lots of people there, and everybody shows up, and this horrible smell rolls in, how that wedding is going to go. And what I'm going to have to do as a manager of that. In other words, we would probably never be able to have a wedding there ever again. It'd be that bad. The other thing you can think about is we have guests that get up in the morning to have their coffee and walk out on the deck that's up in the air and they're treehouse. And that smell comes in. It's the only thing they're going to remember it's absolutely atrocious sometimes, like you said it makes you feel sort of gut wrenchingly sick. I do not have a very sensitive nose my wife does. But it still smells terrible, even to me. So we don't see this as a small issue. Again, we're three

fourths of a mile away. It's happening a lot, three to three times a week. It's just too much. And the level of intensity is I think, also too much. We realize that the DEP is the one regulating them. We're not asking you to shut the business down. We're asking you to enforce the ordinance in a way that works for you. Because the ordinance that's been read, I think is actually very clear. Lastly, I think someone will say one more thing. So it's hard to get definitive research on something like this. But so the Journal of real estate research in 2005 did quite an extensive study on odors from landfills and the effect on property values in minor landfills that have a minor odor, it would decrease property values 13.7% in places where there was a major odor, it would increase or decrease property values by 20 to 26%. This is affecting at least a mile area downwind. This is very very significant, I think for the town of Ellsworth, in terms of property values. I guess Lastly, and I would like maybe to your responses to this, I was told by someone that I want to be clear, not any city staff, that I should have chosen a different property. Because this is not a good place to have short term rentals because main organics was there first, and it is going to smell bad period. Thanks.

Dale Hamilton

You have a motion second. Further discussion on that. Everybody knows what we're talking about that the first motion in terms of a consent decree All in favor of that motion. All opposed? Motion fails.

Michelle Beal

So I make a motion to have a city manager, authorize Lori, to create a consent agreement with the organization may inorganics. Come back to us at the November meeting for approval of that consent agreement for discussion and approval.

Tammy Mote

Second,

Dale Hamilton

second discussion?

Casey Hanson

Would that be a meeting Lori with made organics and the city, then talking together to see what works with any other parties to be involved? Well,

Lori Roberts

I would have to speak to the attorney to see how it would work. I mean, typically, when it comes to a consent agreement, both the city as me representing the city and the person that has done wrong, knows about it, I don't think that the Wellman's know anything about this, so I can't say that they will be in agreement to sign it. So and then that would push, you know, going to court. And, you know, we we can try either or I, I'll contact the attorney, have him prepare something, send it to them, if they sign it, or say they'll sign it or agree to sign it after your approval, then we can go forward.

Michelle Beal

So if I remember correctly on these types of things to read, they have to be very specific. So the this is what has to be done in this amount of time. But there also has to be, I think we've made agreements

with them before and they've kind of follow through sorta kinda, but these will be very specific if you have 30 days to do this. And if you don't, then this happens. And then they sign off on that. And it's just a type of enforcement. It's kind of like a mediation before. Yes, the same idea. It's, and then once you've done that, and if they break that you have a little more to go to court with, and you actually I think would have something else to go to the DEP with. That's because they've broken a consent agreement on on what right,

Lori Roberts

but they don't really care what the city does. It's up to us to do that.

Michelle Beal

but if but the DEP as far as enforcement? Well,

Lori Roberts

they say they're doing right. So even though we sign a consent agreement, and they don't abide by it, I can't say that the DEP is going to do anything different. No,

Michelle Beal

I'm not saying that. They absolutely will. I'm just saying it's another tool in your belt when you're trying to deal with the DEP to have them do their enforcement.

Dale Hamilton

It might you're saying is this, this gets up my comment about subjectivity to sort of clear that's kind of language in terms of what is the measure by I can't just I worried that if it's just It smells, that if this goes to court, that's a subjective term, which can be battled versus talking with the DEP, and and saying, Well, what is the measures? What are the standards and putting those in place, because then you have a very objective measure of the owner that will withstand any kind of legal scrutiny or would have a greater chance of withstanding that, if that ends up, that's what I'm referring to when I talk about subjectivity. So build that into the consent agreement. You mentioned a test. So it just makes it clear.

Casey Hanson

did you mention that they were maybe buying one of those

Lori Roberts

considering buying it? I can't say that, but maybe that could

Casey Hanson

be part of this whole consent agreement, possibly that they will buy it or use it or document or something to make it more objective.

Michelle Beal

At the very least they should make them take this more seriously.

Gene Lyons

If they don't want to agree to sign then it just goes and automatically just goes to court, impose the fines and go But we can't impose but go to court and they will impose fines. I mean, there's they've got I want to, they've got to want to resolve it, or they're gonna have to take the harsher step. I just seen improvements. And then I'm not seeing improvements. I don't understand that I think something had gone differently than what was going on.

Steven O'Halloran

To add or suggest, or at least consider, perhaps the city attorney should come and discuss this next meeting. With you add that to your to be presented friendly

Michelle Beal

amendment?

Steven O'Halloran

I'm asking because it seems to be a lot of questions. And I think we need a little direction. And I would think it would make some sense and see one of the the other observation that I have is that the last I want to say three times, we have had the contractor here, and they have made promises I remember as a group saying, you know, 60-90 days, we're not we've done everything we can do to get compliance, and then aren't even here tonight. And I believe that might be a result of us doing nothing. These other times, so it's time we did did something.

Tammy Mote

I just have one other thing. So I know that the birds had been an issue as well. And this is more than the older stuff or bird still an issue because I've seen them fly in and on.

Kevin Wallace

Yes, I'm back there. 100S there again, and waving on all the roofs. I've got \$150,000 worth of solar panels on my building.

Tammy Mote

So I think we'd need to add something in there and mitigate now you had

Lori Roberts

As far as I know, you know, when I go I go once a week, try and get you know, an odor bird thing. You know, for everybody, I drive down the Mariaville Road, sometimes I smell it. Sometimes I don't get all the way onto the site. Sometimes the smell there. Right? When I drive up, sometimes I have to go all the way down into where the facility is to smell it. And sometimes there's birds sometimes there's not. So I really don't know what the difference is. I don't know if it's because the tide is in or out. You know, because these birds are looking for food because the tide is in. I don't know.

Steven O'Halloran

801.3 doesn't discuss anything to do with birds. It does say animals I don't know, I guess that could be considered a bird. But really, you eliminate the odor you eliminate the birds. So the birds in my view. If we get the root cause the bird problem disappears.

Lori Roberts

Well, they are also after the green from Jackson lab. We take again,

Steven O'Halloran

again, if we we address what's going on. I mean again then, you know we can the spirit of this is odors and and I would just like to say we fix the odors we're gonna fix the verbs.

Dale Hamilton

So yeah, motion is second. More discussion. All those in favor. Thank you. Thanks for coming in.

Dale Hamilton

Item 24 Counselor comments and I'll have some time as you head

Gene Lyons

so think about what I'm gonna say. So in light of I would say this go in conjunction with the public executive session that we had about making statements towards an employee that may you know, may or may not be false. What I would like to do is have a Executive Session to discuss the performance of the employee that's been questioned, would like to see any disciplinary actions against this employee any complaints filed against the employee. And then reverse. So the whole thing, any awards or anything like that just to give me an idea of of this employee's background since the since they have been working for the city of Ellsworth. And maybe some HR people would have to show up. Because I have people telling me that they've been told some nasty things about the employee. And I want to know if it's true and

Dale Hamilton

two ways to handle that one is either it can be put on the next council agenda as an agenda item. Or it can, with enough majority could call for a special meeting. And so just by show of hands, would Is there enough individuals that would want a special meeting? Or is it for a future agenda?

Michelle Beal

I personally would hate to have that happen on first meeting of the new council, I

Gene Lyons

would like to get it over before the new council comes. Because we're the ones dealing with it. I would be willing to a meeting and have an executive session, special meeting, special meeting prior to prior to the new council.

Dale Hamilton

I mean, how many individuals are in favor of a special meeting? Okay, then we will schedule a special meeting. I would just like to that was this was going to be my last meeting. But now. I did just for

everyone here and for the community that what I would like to do is I want to recognize all of the city staff, all of the city residents who participate on numerous commissions and committees. They're the ones that lends so much to the city and the development. You know, we sit here, if you're on the council, and you're fortunate enough to be a part of this, you know, we get to make some decisions that impacted the city, but you know, good, bad or otherwise. But all those volunteers that put countless hours in into making the city better. They deserve a lot of recognition for their work. And when I pursued getting on the council, I did so with a lot of enthusiasm, wanting to give back to the city. And I think that's why individuals have seek this is to make the city better. It's a process, it's theirs. We are all different human beings. We have different ideas and different goals. And this, this is an opportunity to make the city better to improve the city. And I would just encourage sometimes I think people think the well, one it's a lot of time it is it's a lot of work. Yes. But it's not complicated in terms of I think people pulled themselves out of pursuing this because they think I could never do that. And I would just encourage people that want to give back to the city that this is a comes up, your opportunity comes up every single year. I think the more people that pursue these types of positions, the better the city is different voices, different opportunities. So I hope other people will think about that in the future. And I thank every body in the in the city for giving me the opportunity to be here and participate. Thanks.

Casey Hanson

Can I add one more citizen comment? That's more of a question than a comment. Can you just remind me what our meeting dates are after? So the election will happen on the seventh? And then don't we have a special meeting to certify it?

Dale Hamilton

Yes. Yes, we need thank you because we need to, barring any type of recount, if there's a recount, it throws everything about we should pick a date and a time

Dale Hamilton

so those two meetings one we have to this council needs to come back to prove the election results. And we need five of us to make sure that we do that. So we need to commit to that. And then There's the organizational meeting, which is the swearing in of the new council. And then all the rules, selection of the chair. All of that happens very quickly. So and now we have the special meeting, we'll be scheduling.

Gene Lyons

Anybody that wanted to make changes during the organizational meeting is the time to do it. If there's something that wants to be changed,

Michelle Beal

when we want to add something to the rules, yeah,

Gene Lyons

add or subtract, or

Casey Hanson

whatever first year, we changed the first year that

Gene Lyons

there was people that wanted to do it, I think, in the past couple of years, and they didn't realize, or even a new counselor coming may not realize, but that's when it would be changed. Because come June and July, you just can't change it in the middle of summer, we found that out, right?

Casey Hanson

Good advice.

Dale Hamilton

Do you have a date in mind for?

Toni Dyer

Well, I'll be here on November 7, until like 11 o'clock at night, if you're interested in joining.

Casey Hanson

I could do the ninth if we did it at 530. But other it's, there's a school thing at six that I have to look at my calendar.

Toni Dyer

So the ninth, the 10th is a holiday

Dale Hamilton

November 9 at 530. Remember, you can join, you can join by zoom, we have adopted that that rule that allows councillors to vote by zoom. So if you can't be here in person, it literally will be all those five minutes in terms of accepting the results. So it won't take long. And if you're tied up, if you could just zoom in.

Toni Dyer

Do you wish to also set the day of your organizational for the week after that way we can inform the newly elected persons of that day and time? Like the 13th or 14th, maybe.

Michelle Beal

Do we normally do the organizational meeting in the morning or at night? Or does it matter?

Dale Hamilton

It doesn't matter? It doesn't matter. We've changed first few years. We were doing it in the morning, and then it switched to the evening. So it really is the preference of the council.

Toni Dyer

We've been doing it in the evening of last several years.

Casey Hanson

Monday the 13th 6pm. Sounds good. When

Gene Lyons

do we pick a date for having a special meeting?

Dale Hamilton

I will I'll send that out. I'm gonna do some coordination to make sure that all parties can be present. So I'll be sending out I'm sure numerous emails exchanging it will get scheduled.

Michelle Beal

So you said the organization on Monday, Nov 13, at 6pm.

Dale Hamilton

Got it. Anybody else?

Steven O'Halloran

I just have a suggestion. Casey alluded to it last time. When she and I were elected. We had a little refresher from the attorney the next year that wasn't present. I think that was very helpful. And I think it would be good. If there's a new counsel.

Dale Hamilton

I mean, if the attorney is going to be here for the other matter, I would suggest just asking the attorney to put that on the agenda and have

Casey Hanson

for the regular November. Can you put that on the agenda for the regular November?

Dale Hamilton

That way since he'll be here for the other issue we just talked about? He could do a quick overview of that as well as I think the other piece is to talk about MMA what they offer, because there's some really good trainings there as well.

Toni Dyer

And I think there might be one scheduled in December. So I'll try to get that together.

Michelle Beal

Personally, especially with members, where they talk about ethics and statute in some way ordinances and how they you're

Casey Hanson

saying rather than have it be part of it, rather than to help you

Michelle Beal

because they I mean, there's there's quite a bit that he can go over with like how ordinances work and how they're enforced and what our responsibility is for that. There's a lot so then maybe taken off,

Dale Hamilton

so forget the agenda, or just make an agenda to plan a workshop

Michelle Beal

to plan a workshop or something because I think keep the agenda

Tammy Mote

Thank you for absolutely service and I worked with you, as an employee for the city and on the Council on it's been a pleasure to work with you.

Gene Lyons

And I'd say when I first started working with yeah, I've really grown to like, when I first started I had well, so three years ago, I came here I should have been quiet, but I came here with an attitude I guess, towards what I couldn't, couldn't do and better and rarely, in three years time, I've learned a lot. I hope I've done a good job if I'm not here. But I've learned that to work with everybody, no matter who I have different. They are the main and I've really grown to appreciate several people that I never thought I would and I appreciate all you've done a very good speech person. So that's all I got for you.