

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, March 18, 2024 at 6:00 PM in the Ellsworth City Hall Council Chambers

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

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

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
Motion to move item #25 to item #11 by Hanson, second by Mote, passed 7-0
4. Adoption of Ellsworth City Council minutes:

❖ 02/12/2024- Regular Council Meeting
Motion to table by Lyons, second by Mote, passed 7-0
5. City Manager's Report.
6. Committee Reports.
 - EMS Committee request to appoint or consolidate with public safety committee
 - Appoint the position of Manager to all necessary committees
7. Citizens' Comments.
8. Councilor Comments.
9. Presentation of Awards.

*Andy Pooler- Girls Basketball coach of the year
* EHS Cheerleading Northern Maine and State Champions
* Sam Hughes- Wrestling coach of the year PVC
* Jim Goodman- Boys swim coach of the year PVC

UNFINISHED BUSINESS

10. Discussion and potential action regarding Chapter 56 violations with Maine Organics and possible consent agreement.
Motion to authorize Interim City Manager propose agreement with amendments as discussed in the March 18th, 2024 meeting modifying Section Five with an exemption period of 6am-8am Monday-Friday and paragraph three to increase fees to \$3500 with added legal costs by P. Lyons, second by N. Smith, passed 6-1 (S. O'Halloran opposed)

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.

11. Council Order #032400, Reservation of the City of Ellsworth's right to harvest alewives. *
12. Council Order #032401, Request of the City Clerk to hold a Special Municipal School Budget Validation Referendum Election on June 11, 2024, for the purpose of validating the school budget. *
13. Council Order #032402, Request of the Tax Collector to release properties redeemed during the 30 day redemption period ending March 1, 2024 through Quit Claim Deeds (the complete list is available in the Clerk's office) and authorize the Interim City Manager to release said properties through Municipal Quit Claim Deeds *

Motion by T. Mote, second by P. Lyons, passed 7-0

NEW BUSINESS

14. Public hearing and action on the issuance of Business License (s): **
 - Josie's Country Store d/b/a Josie's Country Store 126 Surry Road for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class I, II, III and IV) Malt Liquor, Wine, and Spirits Liquor License.
 - ETC LLC, dba Dyons, 35 Eastward Lane for renewal of a City Class C and state liquor license
 - Colonial Inn LLC, 321 High Street for renewal of a City Lodging House License.
 - Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
 - Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Class III and IV Restaurant Malt and Vinous Liquor License.
 - Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
 - The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.
 - Casa Jalisco, 205 High Street for renewal of a City Class C license and renewal of State Restaurant Class I, II, III, IV) liquor license.
 - Provender, 112 Main Street, for renewal of a City Class C license and renewal of State Restaurant Class I, II, III, IV liquor license.
 - The Fusion Buffet, 200 High Street for a new City Class C license and new State Restaurant liquor license.

Move to approve all, remove Fusion Buffett by C. Hanson, second by N. Smith, passed 7-0

15. Council Order #032403, Request of the Highway Superintendent to approve E-Waste application and approve a citizen member.
Motion to table by C. Hanson, second by T. Mote, passed 7-0 (April agenda)
16. Council Order #032404, Request of the Waste Water Superintendent to accept the bid for the High Street pump station project for \$1,534,100 to Apex Construction. **
Motion to approve by C. Hanson, second by T. Mote, passed 7-0 as requested from Congressionally directed spending award and DEP \$2 Million ARPA grant and allow CM to sign.
17. Council Order #032405, Request of the Highway Superintendent to award the contract for center and sideline striping and authorize the Interim City Manager to sign the contract.**
Motion to approve by T. Mote, second by C. Hanson, passed 7-0 for \$24,069.50 to Lucas Striping.

18. Council Order #032406, Request of the Highway Superintendent to award the contract for marking words, symbols, stop bars, parking lines, crosswalks and authorize the Interim City Manager to sign the contract. **
Motion to approve by C. Hanson, second by P. Lyons, passed 7-0 for \$49,499.81 to D & B Restoration.
19. Council Order #032407, Request of the Superintendent of Schools to accept School Revolving Funds for Project #1743 in accordance with the SRRF guidelines and Department of Education. **
Move to accept school revolving funds for project 1743 by C. Hanson, second by N. Smith, passed 7-0
20. Council Order #032408, Discussion and action on the Ellsworth School Department request to enter into a purchase and sale agreement for the purchase of 11 Avery Lane and to authorize the Interim City Manager to sign the agreement. Please refer to the City Council Packet for purchase price, rate, and terms. **
Motion to approve the request by P. Lyons, second by N. Smith, passed 7-0
21. Council Order #032409, Discussion and action to authorize the Interim City Manager to sign the Maine Department of Transportation Utility Receivable Agreement associated with the High Street pavement project (MaineDOT WIN #26073) in the amount of \$289,850.00.
Motion to approve by C. Hanson, second by J. Stein, passed 7-0
22. Council Order #032410, Discussion and action to give approval for Maine Department of Transportation to give MaineDOT contractors permission to cross municipal roads that exceed the posted weight limit for a project on US Route 1 for the project period (Project #2772600).
Motion to approve by C. Hanson, second by N. Smith, passed 7-0
23. Executive Session pursuant to 1 MRSA §405 paragraph 6(E) to consult with City attorneys concerning Hennig vs. Rowley/Ellsworth.
24. Possible action on the executive session.

Move to authorize the interim City Manager to enter into a settlement agreement regarding the matter on reasonable terms by C. Hanson, second P. Lyons, passed 7-0
25. Council Order #032409, Ratification of the contract for the incoming City Manager.
Motion to ratify by C. Hanson, second by P. Lyons, passed 7-0
26. Adjournment.
Motion by N. Smith, second C. Hanson, passed 7-0

City Council Minutes March 18, 2024

Michelle Beal

item number three rules of order. The city council meetings are conducted according to Robert's Rules of Order, unless otherwise provided for and adopted by the City Council at the organizational meeting each year in November. Before we move on to Agenda Item four, I have a request to move item 25, which is Council order 032409 ratification of the contract for the incoming city manager. I'd like to move that for directly after item number 10.

Michelle Beal

So moved.

Michelle Beal

Discussion? All in favor. Perfect. Thank you very much.

Michelle Beal

My next item is item number four, if we could please table those until April. regular meeting. So moved. Second, Second. All in favor. Thank you.

Okay, item number five city manager's report.

Matt Williams

All right. So budget workshop start this week. Tomorrow actually with the administrative departments within city hall, and I believe Wednesday is the school department's first workshop. For a list of all meeting dates the public can go to the budget page on the city's website and all meetings will start at 6pm and be broadcasted like general council meetings. Our property tax deadline was March 14. The payments are still being accepted in the tax office. Interest began on March 15. April 1 is the deadline to submit for a homestead exemption and veterans exemption for property taxes. home with a comprehensive plan. Subcommittees will be meeting via zoom in March and April to review the policy and strategies recommendations starting next week, which will be included in the plan. Meeting information is posted in City Hall and online. And the planning department comprehensive plan steering committee and the consultants with Barry down have launched a survey to collect public feedback on the draft vision statement, which are the guiding principles for the Comprehensive Plan update. This survey can be accessed via the project's interactive social pinpoint website which is linked to the Comp Plan page of the city's website. And it's also on our social media. And the city of Ellsworth in the Ellsworth Area Chamber of Commerce are holding information sessions with the Harold Alfond Center for the Advancement of Maine's workforce on April 3, at 7:30am and 9am, and city hall council chambers. So this program that the Harold Alfond Center offers is a program that if you're a member of the training compacts, you get reimbursed for 50% of training funds up to \$1,200 per frontline employee so the city's a member so every time staff goes to a conference or like a municipal training, we receive 50% of that cost back through this grant funding. But you know, private businesses can also join and other public organizations can also join. The fire department launched a system survey to inform their

strategic plan. This survey is also available in the city of Ellsworth website, and they're looking for assistance to fill out for their thoughts on the fire department services for both EMS and fire protection. And the city craft and vendor fair fundraiser will be held May 4 And fifth at the Moore sent Community Center proceeds from table reservations for vendors go to the General Assistance Fund to support backpacks for kids. Vendors can sign up through the clerk's office.

Michelle Beal

Thank you. Question to the manager. Okay.

Michelle Beal

Item number six committee reports.

Casey Hanson

I can give a report from the arbor commission. Arbor Day is April 26. I'll make this announcement next month. But Friday, April 26. The president of the main Chapter of the American Chestnut Foundation is going to present a film called Clear Day thunder that will be over at the Moore Center at seven o'clock on April 26. Also the arbor Commissioner content Arbor commission continues to work on to project canopy grants the deadline for which is May 15. And working on the tree ordinance and job description for the tree warden. And since this is really the first year the arbor Commission has been active we they've also presented a budget request which we will review on the 29th with the other Commission's and then the only other thing was comp plan steering committee which Matt already mentioned that if you go to the website, there's a visioning survey and also dates for subcommittees. So if you're interested in giving us feedback as we develop Not the comprehensive plan, though those are good places to do that.

Jon Stein

The solid waste committee met, starting to work on an E waste collection service for citizens in Ellsworth and the county of EPSS Spees associated citizen solidify solidified yet, but we'll be around soon. So keep an eye out. Hopefully in the next few months or so we'll be able to announce when and where people can come bring their E waste, like gold CRT monitors, flat screens, etc, that no longer work. Recreation Commission net, we're happy to announce the Rotary Club is putting on a fundraiser may 17, at Big Cat catering. There'll be more information on Rotary Club, also its website. But they will be fundraising and then supplying funds for a project which at no cost to the city, but reviewed by the rec commission for appropriateness, will install a sort of a play area between D one and D two of Demeier fields. There's unsaved area they're difficult to walk in for, for those that are using the fields. So they're going to be looking into putting out a safe area for families and younger siblings to play for that.

Michelle Beal

He was just I have a house full of old computers and monitors and no place to take them. So that's that's a great, that's the committee. I attended the harbor commission meeting a couple of weeks ago, they didn't have to help me out here at them. The best news is that the dredge is scheduled now for 2027. So it's getting every year a little more definitive that it's going to happen, which I know that'll help the harbor commercially, but it'll also help it as far as use for the folks that are going in and out and

having to be careful with the tide. And then there was one other thing, and I'm sorry. It's the Harbormaster.

Adam Wilson

So thank you very much, Council, Susan Collins to the mark for the \$500,000 for the updated survey. That's

Michelle Beal

Thank you very much. So the survey had to be has to be completed for the dredge and Susan Collins office has advocated and and secured the \$500,000 needed for that for us. Okay, and then we have Ms. Committee. I'm sorry, I'm sorry. Go ahead.

Nancy Smith

I finally have a report from the historic preservation commission. Just a quick update that they are working on the budget and the work plan for the coming year. With more I think to be discussed, they are and also learned through the Commission, we had a brief conversation about the wooden city seal, it's at the top of the building is deteriorating, Tom Clark found and shared with the commission members newspaper articles showing the reinstallation It was back in 1999 over a four month process. So I think beginning of conversations about how to manage this, what might be done and likely a collaboration with public works to see what we do now that we know that it's starting to deteriorate to the point where it might actually be a safety hazard. So that's the report from the historic preservation commission at this point.

Michelle Beal

Thank you, before I move on to the other committee reports is anyone else me to report? Okay. So we have EMS committee request to appoint or consolidate with public safety committee. So I'm going to

Matt Williams

I can just speak to that. So our fire chief, Scott approached me and asked, you know, he thought it made sense that public safety kind of encompass EMS, fire and police all at once. And right now they're currently two different committees. And so just to consolidate government processes, so that would all be one committee and have these conversations at the same time. Just a request from the fire chief.

Michelle Beal

So is there anything he is requesting from the council or is this just a notice that he's working? Yes,

Matt Williams

it's a good vote to consolidate them I guess. If you have to do it, I think primarily

Toni Dyer

because the EMS contract that we're in right is coming up and to let them do some discussions related to the EMS services not so much in the past. With our EMS being a new license, we haven't had a dedicated committee Wasn't sure we have so he liked them just rolled into one.

Michelle Beal

I don't know if you need to actually. I was gonna say cause usually, these types of things unless they're appointed by the council are handled by the city manager. And then just committed to the council. Yeah, notice, yeah.

Casey Hanson

Toni, do you know off the top of your head, which one of us is on those two? I think I am on EMS.

Toni Dyer

Believe what are you and Dale? Yep. But I don't know that we can reappoint anybody other than you. Because it was a committee that had the meeting.

Casey Hanson

Yeah. That's fine. As long as they know that, so that when they plan on meeting, they tell me about it.

Michelle Beal

And then the second item is to appoint the position of manager to all necessary committees.

Matt Williams

So this one, I believe, like, currently, right now, the manager can't attend committee meetings because it mentions the manager by name and not by general position. So like, if I were to attend the Public Safety Committee to talk about Northern Light, I'm technically not authorized to be there. So just to make a general change to make maps to the managers position, the member and not put the name of the manager.

Michelle Beal

Do I need to do something with that, Toni? I think if you're okay with that. I'm fine. Everyone. Absolutely.

Michelle Beal

Okay, anything else on the committee report? I don't number seven citizen comments. This is an opportunity for Ellsworth. So this is an opportunity for Ellsworth resident to speak on a topic that is not on the agenda. We ask that you wait, if it's on the agenda that you wait until that agenda item is being spoken about. And we do ask that you hold these comments to three minutes maximum.

Gordon Workman

Hi, my name is Gordon workman a resident of Ellsworth. I've lived here for 62 years. There's a proposal on the table for a new courthouse on the Surry road in a family orientated neighborhood zone is called LD 2090. And it was sponsored by Senator Nicole Grohowski. This location is really a poor location. That area was intended to be for family neighborhood. Not to be commercialized like this. You have subdivisions you have Westwood drive, you've got Mountain View, you got hillside drive. You have now the apartments. You have medical village. These are all family orientated. You had the Black House, which is family orientated visitation. The only benefit I can see from this whole deal is possibly the finishing of a sidewalk that was supposed to be done 30 years ago to an eco village which was never finished, was never done. This area is a wildlife area. It's got deer, eagles, foxes, bobcats Cushman

springs Runs Through It is a very poor location. I spoke with Matt about this. And according to Matt, there's nothing that city can do to stop it. Which doesn't make any sense to me. You have a comprehensive plan that's supposed to protect these areas for neighborhood areas, not urban crawl. If we're not going to protect these areas, why have a comprehensive plan to start with? I'm very upset by this because once that start is not going to stop. It needs to stop now in the city's got to act on it. I've already made a complaint with the Attorney General's Office. Senator King, as well as Susan Collins office told me that's what I have to do. If I'm not going to get the response from the city. Now we pay taxes to the city. We pay taxes to the city to protect our neighborhoods to protect our lives and livelihoods. So she needs to know I'm sorry, I didn't know I didn't see it.

Michelle Beal

Can I ask a favor? It can we restart the citizen comments and let's let the students that are standing around here this heat let's do their presentation I apologize for this I can't get this to do the air conditioning on and only do heat so

Michelle Beal

The city of Ellsworth proudly presents the Certificate of Achievement EHS cheerleading team and recognitions during the second consecutive class b the championship in Augusta on February 10.

Michelle Beal

Okay, so the next is Andy Pooler, the girls basketball coach of the year.

Michelle Beal

The city of Ellsworth proudly presents a certificate of achievement in the congratulations on being voted by the Maine Association of basketball coaches, the girls Coach of the Year.

Michelle Beal

Have two other items under presentations for tonight's agenda, but we're actually going to do those next month because those involved are unable to come tonight. So. So thank you again. Thank you. Yeah. So we'll continue with the, with the city. Yep. With the citizen comments. Thank you. Thank you for doing that.

Gordon Workman

All right, again, good work and resident of Ellsworth. And the reason I'm very passionate about this.

Gordon Workman

And the reason I'm very passionate about this, this is where I grew up, I grew up across from the Black House, that Black House was my playground, that Surry Road is my playground. There's no need for a courthouse fee and up there. 64,000 square foot five parking garages for the judges, one for prisoners, 158 parking spaces. It's just crazy. In a neighborhood area with his family. If you drive the streets, you see playgrounds, the bikes, you see kids, you see everything up in there, they walk the dogs, they walk their kids, they walk the carriages, vehicle course you have Laurel street with all the families. And then we're going to have a sidewalk where people are going to go to court that's done crimes or whatever, walk the sidewalk to go up there and back. It's just ridiculous. It's totally ridiculous in the city has to

stand behind the citizens. That's what we pay you to do. And there's no cop out of saying we can't do nothing about it. That's a cop out. I mean, I could go on for more stuff. But there's plenty of people that live in this area. And all of us here tonight, would love to speak and I appreciate them coming because I'm passionate about. Thank you. Thank you. Before

Michelle Beal

we get the next person that can you explain why we can't say no to the state into the county.

Matt Williams

So the city has a specialized zoning use called special use, but it's meant for government uses. So on that same stretch of road, there's a wastewater pump that's on the same lot as the garage, I believe it's on that stretch. So it's really meant for if government functions need to occur somewhere they can. And generally, it's not for a courthouse, but there is a zone specifically called special use. And because that use exists in so loud in this same zoning area. And technically, a courthouse does fall underneath of that. But there will also be opportunity for public comment directly with the state, they will be coming to do a planning board presentation. When the project's ready, I do believe we're quite a ways away from that. But the public can come and express their concerns directly to the state at that meeting. And I do believe that gentleman from the state Jeremy Gray has been going to the neighborhood himself and knocking on doors and trying to meet people, I do believe he's gonna hold a separate neighborhood meeting at some point to hear concerns from residents as well. So the process is pretty early on, they talked a lot. But it's not near construction or breaking ground or anything like that. So the public should feel free to provide comment to the state as well, on reasons why I don't think this is the right location, or you know why the project may not be as beneficial as they think it might be?

Michelle Beal

And will they be going to the planning board at all, not

Matt Williams

for approval, but they will be coming to the planning board to show their engineering just showed a presentation on the work that's gone into the project itself for traffic and that sort of thing. So they'll be kind of treating it as if they were coming to follow the local ordinances, but they're really following there's their state mandates instead, that presented the planning board.

Michelle Beal

Before you come again. Is there anybody else who would like to speak this a person behind you, please let it Alright, go ahead. Okay, thank you.

Lisa Larue

My name is Lisa LaRue. And I'm a resident of Ellsworth, and I'm also here to talk about the courthouse. The fact that they've already purchased the land tells you that they're proceeding far farther ahead than anybody has imagined. They've had public hearings only in Augusta, but that was only the idea. We didn't know it was that lot until just recently I wrote to Nicole Grohoski myself and she affected her response to me when I was concerned about the traffic and the backups across the bridge to the West. tide that we all face? She said, Yes, I understand that that bridge is an issue. And in the future, another

bridge should have to be built. Well, I want to know who's going to pay for that US are we going to pay for a new bridge that's going to cost probably \$100 million. By the time you get the land acquisition. So they're they're going to proceed with a courthouse on the west side of town, which already has horrendous traffic jams that back up the Bucksport Road, the Surry Road, Christian Ridge Road, they all lead to one place, there is no alternative. So if they build a courthouse on the west side, nine tenths of a mile from where it is now, anybody on that side is going to have to face horrendous additional numbers of cars, especially on jury duty days, what are you going to do to protect us from that after they build it, it's too late, we won't be able to get anywhere. And I have a very personal reason to talk about this. Because last summer, oh, that's one of the things state says they're going to do a traffic study. They're working on it now is this tourist season? No, the traffic study. And that's what you should push for as a town you should say to protect our citizens do the traffic study during peak tourist season, because I'll tell you what happened to me personally last year, and August, a year and a half ago, my husband had a heart attack. We live off the Surrey road, the fastest way to get into the hospital was to jump in the car and drive him to the hospital. I got to the bridge, however, it was August. And it was in the morning at rush hour, we sat through three lights while I watched my husband have a heart attack that nearly killed him. I sat through the lights and had to wait my turn to get across that bridge, the only way off the west side of town. He made it to the hospital and he was having a major heart attack at the moment we arrived at the ER that cost him 12 extra minutes that could have killed him. If that happens, and that building is built, you're adding all the people that now drive to the courthouse, there was no place to eat lunch except Josies. There's no services to get things, copy lawyers, and people will have to go to the UPS store to get copies, they're going to have to go get lunch somewhere guess where they're going across the bridge and back the bridge, cross the bridge and back the bridge. So it's not just the 100 people that are going to be in the building on that given day. Each one of them has to go somewhere some point during the day, and it's going to be back across the bridge. So our risk to get Police and Fire and EMS to us. And to bring us back is going to be severely severely hampered. And I don't want to have Ellsworth be in the paper because somebody died because they couldn't get across the bridge. So that's my biggest concern. I have a whole lot of others, but they're moving forward. Have no doubt about it. And I want to know what Ellsworth can do to protect itself from future costs for the infrastructure changes. The diagram may show online of this building shows a two lane road both ways in front of that building. Ours isn't Surry road is one lane both ways. So now somebody coming up, gets over the hill finally gets over the bridge gets over the hill. And then they want to turn left. What happens to all the cars behind them while they're waiting to turn left? It backs up even further. You're going to have traffic jams we've never seen before. It'll be horrendous. And I'm going to want to move because it's already bad enough visitors. Thank you.

Judith Felch

Good evening. I am here on behalf of at least 33 people have signed a petition to present you all with a public petition. I'm not going to give this away until we get except reproduce. tMy name is Judith felch. I live at 40 birch Avenue in Ellsworth. And we have are giving this petition to you. Because we want you to immediately close 33 birch Avenue that's being used as a lodging for the homeless and or drug users. And it we might say, rather than a home. These people are being warehoused no supervision, simply put in there with no one supervising. We found by looking at our laws that are already on the books. We found it we have recourse right now this owner has been here operating for 154 days. And no one not this government, not our government here or anyone else has had him get a license, which

would mean a public hearing. But we have recourse right now to immediately shut this down. Underneath article, chapter 14, Article Three section 311. Failure of an establishment to obtain a license deemed necessary by this ordinance shall be construed as a violation, the city may immediately refused to grant our permit. Now, why are we doing this? We have already proven now under B, we have seen in the last 154 days, we've seen ample evidence of activities in and around this lodging constituting a breach of the peace. This is a quiet neighborhood, this whole area, a menis to health, safety and the welfare of the subject of the public. And only there's only one hired worker over there. And that particular worker is a state permanently a state registered on the sex offenders list of Maine we have two daycares in that area. And this is the only person that is over there with any kind of supervision. It's also we have observed that there is pollution of the visual look, at least when you like go to the planning board, you can only have so many parking spaces, like the nursing home had to approve to the parking spot. These people are parking all over out into the street. We have light pollution, with lights pointing out, I live across the street, all night long lights, we have noise pollution, people coming and going all times of the day or night, 24 hours a day, we have proof of that on cameras on people's houses, we have noise pollution, people talking, walking up and down the street, we have light, I think air air pollution, people are smoking pot, and tobacco all around the whole house. And whereas we used to get breezes from the ocean that were pure, we're supposed to be living in Maine, we are getting I am getting and other people who are here tonight can speak I am getting pot and tobacco smoke into my house, I cannot open my windows to get fresh air. Because of this. We're also we have a health hazard on our business, they are flicking all of their all of their drug, no, not drugs. I don't know there may be things out there that are drug related there certainly on the cigarette butts that they are throwing out into the street and throwing into my yard. And if their fingers are covered with fentanyl, you can believe that one of these children from the daycare walk by and pick up some of that stuff that you're going to have a crisis on your hand. I'm saying the final The final C is we also have recourse here you have recourse there is an ordinance Article Three section 310. That says that any person who operates a business that has not come here to get a license can be fined \$100 a day. Now, it insults our intelligence to think that there weren't people here that didn't know that these people were in operation. And it tells when and that means that \$15,400 should be collected from this owner. And that if we have to wait to have the shutdown, which is our first thing we want it immediately shut down. If we have to wait 30 days until our say at the public hearing when this comes before you all that'll be in my account, another \$3,000

Michelle Beal

Ok thank you very much.

Michelle Beal

please hold him and I just want to tell you if you could please hold your comments to three minutes. I understand there's a lot of passion and but there's a lot of people that would like to speak and it's unfair if we're not allowed to speak because you're going over your time that's fine. however you'd like to do it.

Laurie Chase

I got I got a different issue than anybody else. Okay. My name is Laurie Chase. I'm not a resident of Ellsworth. I own a piece of property here. I've worked in this town for 24 years. My property has an easement across it for the city water department to use it's 15 feet wide. There's a matching what is

meant for the water department on the other side. It has been an extremely contentious issue. For the last now 23 years frankly, I'm The Water Department in the city has had a long history of harassment and bullying to me. They hold me to a different standard than the bordering lot, the Jordan lot. And I signed up. And I've talked about it before with people on the city council who are not here now who promised to fix it for me. They had a major reconstruction that happened this summer, spring fall, I signed a contract on the 23rd of March for that it's a one year term, it's up on the 22nd of this coming March, the city has repeatedly breached the contract done things are not supposed to, I have a whole list of people who have been on my property instead of their property with photographic proof. I've emailed I started emailing may 3, about people coming on my property. I have had like squat for a response, which I find extremely unprofessional on everybody's part here, extremely, the contract being up this week, they better be done and off my property by then. And it's going to be a really hard chance for you to get another contract with me to do anything there that you need to be out of your easement area. The last problem is it does appear to an untrained eye that about a foot of that new fancy porch on the front of the water department building. It's on my land. So it's going to be really awkward. And I suggested to Brent bridges, the project engineer that they get it re survey with real stakes, but the stakes that are there now. It doesn't look good. Looks like you got a big piece of my property. So everybody here knows how to reach me if you want to talk about it more. I have sent you all emails more than once. The fact that I got no response is you Yeah, unprofessional. So there you go. I'm done.

Michelle Beal

Thank you.

Unknown Speaker

My name is Joel and I live at 30 birch Avenue right in town. Two houses down from Judith we just spoke about what's formerly known as the sanctuary. We've had people coming from other states being arrested on Warrents, sex offenders from other states that are arrested on my street now. People standing outside smoking pot 24 hours a day. I know it's legal. You can't stand in the front yard rolling joints all day long. Flicking their stuff everywhere. We have kids. You have the morning YMCA playground right there. If they look through the crack in the fence, they can watch the guy rolling joints in the car with the doors open as it gets a party time out there. The cops have been up here as we sit here tonight. I looked down here and the police are now walking into this building and checking people loitering around here. I thought we want the downtown Ellsworth business to expand and have a nice downtown. Are we trying to turn it into Bangor is this what we want to do? Somebody's got to look into this. Mr. Lyons is the treasurer of healthy Acadia he could probably fill you in on any information. Healthy Acadia owns a building on the beachLand Road. Why don't we move them out? They're out of town closer the police department they don't have to drive so far every night. It's really ridiculous. It's upsetting that they don't have a permit. Nobody don't we have a code enforcement here. Does anybody do that job? Do we have to have permits to open a business? Do we have to have permits to open a business? Yes. Okay. They don't have a contract. Do we have a code enforcement?

Matt Williams

Yes.

Unknown Speaker

Should start doing our job. So what we're elected to do this is ridiculous. So I really want to see this place shut down. There's no permits, it's gone too far as it is. It's unsafe at my house now and the kids at the why it's poor planning poor place to put them ridiculous.

Patrick Shea

My name is Patrick Shea, Sergeant First Class retired United States Army. I'm the fourth generation to own the property at 42 School Street. I grew up in this city. And now I'm forced to carry this around because of drug addicts, irresponsible behavior by healthy Acadia, which is not really healthy. I served in three combat zones. It's non conducive to me to have to deal with people who are passed out. They're not doing marijuana. They're passed out and I see the Ellsworth Police Department, Northern Light ambulance crews, not one, not two, but three ambulances plus the city ambulance Narcan somebody with three of our cruisers. That's illegal activity. There are ordinances by the state law, preventing overnight in cemeteries that hallowed ground, the city of Ellsworth has ordinance preventing that it also falls in the lines of being this is should this is all drug free zone. Okay. Drug Free Zone. That means I could probably really push the issue. But I called the police department. This has not just been going on to time that the poor people, my neighbors on birch Avenue and my cousins. This has been going on way longer than that. I am just very, very disappointed in the excuses that I get. Everybody is shrugging their responsibilities. What? I had talked to the patrol sergeant of Ellsworth PD, he tells me his policy, if it policy after serving 21 years in state government policies, memorandums, rules, regulations, those are written if this is a hey, you policy. You're leaving me to no other options. Okay. I also been told, Oh, it's it's a state mandate. Look, plain and simple. And you can check with the city solicitor, which is a lawyer that we hire you. You have federal laws, state laws, county laws, municipal laws, which one takes more precedents? The one that actually has teeth in it. Okay. And if the state and federal government don't want to do anything about it, we do it. Okay,

Michelle Beal

thank you. It's three minutes. Okay. Thank you, I appreciate it. But I really need to cut you off. Because I know there's I would like to be put

Patrick Lyons

on the agenda for next week. Next meeting,

Michelle Beal

you need to contact the counselor and ask them to do that. Well. So thank you very much.

Missy Shea

Hi, my name is Missy Shea. And I actually live right next door to the sanctuary. And and that is why I'm here tonight as well. As you know, it was acquired by some investors in Massachusetts from Massachusetts in May of 2023. It wasn't until November of 2023. I started noticing the activity that my brother in law Joel is speaking of and Judith, and what Pat is talking about. We've recently learned that people are being referred there from the jail by healthy Acadia to live at the sanctuary inn and they are drug addicted. They're coming from the jail. They send them to the city of Ellsworth, who is paying the sanctuary direct for their rent. And the sanctuary is unlicensed. They've been unlicensed since May of

2023. The reason I'm here is I have seen a ridiculous amount of traffic on my road. I live on a one lane Street. I'm usually the only car traveling back and forth or my dad. I've recently gotten security cameras which has shown me just how much traffic there is at all hours of the day and night. I'm talking one o'clock, two o'clock, three o'clock in the morning. There are the same people coming and going on foot. They leave the sanctuary. They're back. 15 minutes later, they leave again. They're back. 15 minutes later. One individual sometimes he leaves and he's back with a black bag that he didn't have before. They're always out on the back deck, partying and smoking. You can smell the pot. A yard is full of trash. Full of cigarette butts, dog poop. And it's not hard to see what type of people these are. You know, I mean, they they look like homeless people. They're intoxicated. Most of the time they're stumbling around. I had one on my front lawn a few weeks ago. This is what caused me to get cameras. He was about two feet from my front window. Once he saw He, I think he came up with the story. He was picking up sticks trying to start a landscaping business. But my dad, I call my dad because, you know, I was terrified. He was obviously on something the way he was acting. He told my dad was from Jonesport and gave him his life story. He was living at the warming center with 10 other individuals waiting for a room at the sanctuary. And, yeah, I'd like to respectfully request when the sanctuary comes before you with their application that it be denied. Because of what's gone on over the past four months, see that they've they've Narcan, to there's been two incidences of overdoses there. At least in January that I know about the police are they're constantly constantly back and forth. On my street checking, and we've asked them I've been in touch with them, they've actually told me to put cameras up, they are very concerned about the situation. And I'm terrified, I, I can't sleep at night, I sleep with a firearm under my pillow. I am afraid to leave my house, to go to my car to get something at night. They are it's not an exaggeration, when I tell you, they are back and forth all day and all night. And not just foot but vehicle traffic to you know, and I don't know normal people that ran the streets, in their car, and on foot all day and all night. And if any of you are interested, I do have footage from my camera that I I don't have it trained on the sanctuary in the road, I have it on the front of my house, so that I can protect my house, but I happen to get the road. So I do have a lot of footage if any of you are interested in checking out the volume. But thank you for listening. I appreciate it.

Penelope Haughton

My name is Penelope Haughton, I don't have a prepared statement. But I do want to come circle back to the courthouse issue. And while I'm hearing that there isn't anything that the city can do, I'm speaking as a citizen, both a resident and a business owner, my husband and I own three properties in town, two are commercial, and one is our residents. We live next to the Black House on the Surry road. So it will be very much affected by the traffic, which is already way worse than it was when I bought the house 15 years ago. And so the idea of my one mile commute to work being further slowed. Or if there has to be back and forth. Just the amount of you know, jamming up the bridge, like that other woman described is really a concern, because it is the only way to get across town. And my business is on Oak Street. And I enjoy being in the in the zone where it feels like it's more business oriented. I think it's wonderful to be able to walk to services in town, whether that's getting a meal, or going to the post office, or doing just the ordinary sort of daily business piece. I've spoken to lawyers who I know love the idea that they can walk to the courthouse. So one I don't even know why the courthouse has to move. I think there's plenty of possibility for enlargement of what's there. But as I drive around town and I see the different parts of town that are more commercially oriented, why would the courthouse not be closer to where the new police department is? When there's plenty of available land over there or buildings

that are not used that could be transformed or taken down? And and built upon? There's so many parts of this town that have buildings that aren't in great shape that have no current use that I see why can we not direct the state or this project towards looking at existing areas that are more already more developed for commercial use, or business use or government use if we want to sort of say in the downtown area. So I just I'm speaking both as a business owner, as a parent, as a resident, I just think this is such that is the one part of town that is really still quite residential. And it would be too bad to open up another part of Ellsworth to become, you know, more traffic and more commercially, sort of loaded, so to speak, when we have so many existing parts that I think serve just as well. So I don't know what to ask you all because if we, if with the city can't do anything on our behalf. That's really disappointing. I guess I'd like there to be some convening of a public forum so people could speak their concerns and feel like we're being informed about the steps that are being taken. It concerns me that the property has already been built. As the other woman said, it feels like the ball is rolling, and I'm not so sure how much interception we can do at this point. Thank you. Thank you

Michelle Beal

Thank you

John Linnehan

Good evening council, John Linnehan, 157, Shore road and Ellsworth. I have a complaint. And I have a request. And this is my complaint. On March 9, I sent a email to the entire council, to the city manager's office to Toni and requested an item to be put on the agenda this month. I waited until 12. noon today, and I still have not received a response. Now whether a response was yes, no, wait, we'll think about it. Common courtesy for a city or anybody would have been to give me a reply or anybody reply, I'm just going to assume it slipped through the crack. Because that shouldn't happen anywhere, when you put a request out that you don't get a response back. So that's my complaint, I finally at 1230, today, send a follow up email to the same group. And I received a email back from John Stein, which I appreciate very much, about four o'clock, just telling me my request didn't get in and time to be on the agenda. And you need to have a sponsor, so that I would have wished I had known that a few days ago, I could have taken care of those things. But I want to just briefly tell you what my request is that I'm going to ask you tonight, I'd like to see who will sponsor this bill. Tonight, I have a concern about election integrity at all levels of government. So in my email, I'm just going to give you the highlights because I know it's been a long meeting, I'm gonna try to keep mine under three minutes. This is the heading, I'd like to see the city take immediate actions to ensure Ellsworth election integrity. Two ways I suggested. Number one, the removal of all voting machines with tabulators and return to all paper ballots with physical counting, this is already being done in 200 of the 500 cities in the state of Maine. So this is not an unusual request. If you watch any news, whether it's liberal, conservative, whatever, it's a hot topic all over the country. It's being addressed in counties and states all over the United States. I'd like to see also take a leadership position and see what it is. I think don't hold me to this. I think the quote was, Joseph Stalin said it doesn't matter who votes it's who counts the votes. And I think there's a problem all over the country in a lot of areas. And I want to make sure we don't have that problem, the analysis. Number two, I would immediately require Voter IDs on any person is a US citizen with proper legal residence. I travel a lot, I can't get on a plane, I can't go anywhere without the things that I'm asking you to do to vote here in the city of Ellsworth. So that's my request. That's my complaint. I'm not mad, anybody's easy. You get a lot of stuff on your plate. I know it's easy for something slipped through the

cracks. But I'd like to know I like to have the whole council sponsor it unanimously. If anybody just wants to see I don't care who gets elected, to be honest with me, I have my people like everybody has their people. But I want to make sure it's legitimate. In our election fraud, it's election integrity, and the votes are counted correctly. So I'd like to know if someone would spout sponsor this. So I could be on the April agenda.

Patrick Lyons

John, I have concerns about election integrity was like you as well. But for very different reasons. That's why I would encourage none of the members of the council to sponsor your request,

John Linnehan

to not sponsor. Number one, you don't know what my concerns are, because I haven't been able to express them to you. I've just given you the overall topic. It will take a long time to discuss this. I know I have three minutes tonight. So I didn't get in anything else. But I've done thorough investigations believe I have proof and evidence that will prove that there is this type of situation that I'm going to present to you that way. But until you see it, you don't know you're a smart guy, I think you can make an intelligent decision. But you need to have the facts presented to you, which I'm prepared to do. So

Michelle Beal

I would encourage you then not to send a blank email to counselors, you can ask each person individually and and you know, say your piece or have a telephone conversation or an email conversation. But this is not the place to do it. This is for comments. This is not for discussion. So I'm just going to ask you and your three minutes is so thank you. Thank

John Linnehan

you very much. Appreciate the open communication.

Cara Romano- Heart of Ellsworth

Good evening. My name is Carl Romano. I'm the director of heart of Ellsworth. I'm here tonight. Just to let the council and the community here know about a historic preservation workshop series that we have sponsored and organized. We've partnered with Maine preservation and received money from the National Trust for Historic Preservation for a workshop series that will begin in March. And then there will be two other Thank you. Oh, sure. Yep. And then there will be one in March and then two more in April there'll be taking place at the Ellsworth Public Library. And we've partnered with a lot of local biz This is and the city has also shown support for the workshop series. The concept is is that this workshop series will serve as a foundational facts as we start to consider Historic District designation. But the concept was really to try to bring in an expert on the topic of historic preservation and to really get folks to start to be thinking, meaning specifically building owners in the downtown district. But the workshop series is open to everyone to just learn the basics of historic preservation. And we're really starting to try to get folks to think a little bit more about the tax credits that are available to building and business owners as we start to really assess the aging buildings that make up our downtown. And so I just wanted to make sure that this was on the public record, and also to give Council the opportunity to ask any questions, perhaps tonight is not the night for that. But we are available. And I think all of you

know how to get a hold of us. So thank you so much for the staff support for the workshop series. Thanks, Cara.

Michelle Beal

anyone else? So we'll move on to item number eight. Councilor comments. Does anyone have any comments this evening?

Casey Hanson

I have one quick comment, which is just that over the last several weeks I've attended the one act Drama Festival took place at the Ellsworth High School and then we were out at the lake region High School last weekend for jazz festival. And then in a couple of weeks, we'll have the show choir Vocal Jazz Festival, that high school and then just really appreciate all the opportunities for the arts through our school program. It's meant a lot to my family.

Michelle Beal

Anyone else?

Steven O'Halloran

This is a shot from the hip. But we've heard from a lot of people here tonight that is, excuse me. less than pleased with the actions in the city of Ellsworth. A couple of comments that I would like to throw out. One is about the birch Avenue sanctuary. I have seen many \$950 checks come from the city of Ellsworth to the sanctuary for a one month lodging. I don't know how this all works. But if we've got a problem with the sanctuary, I would urge the city to shut funds off at \$950 a month or a week. last Friday, there was four \$950 checks with the city of Ellsworth and went to the sanctuary. So I would think that if we're having this kind of a problem while this problem is being explored, the least we could do is shut the funds off to this operation. Why are we spending this money and creating all this havoc? Maybe? Maybe this is from the hip? Maybe there's many more things that go into it that I don't know. But for crying out loud, these \$950 checks for last Friday come from the people out here that are complaining. So could we at least shut that down? While this is going forward and looking into this problem? That would be number one. Number two, that the court thing? I'm I'm not sure what the city could do about the court decision? And I don't, I don't really have a strong comment about that. But the comment back to the sanctuary, where we've got all this problem that we're attracting to ourselves. Again, I would urge the city to shut the funds off to that place while it's being investigated.

Michelle Beal

Thank you. Thank you. So just in response to that, I just think that the city manager just provide an update to us sometime this week on what is going on over there and what you know about it and what's being done.

Matt Williams

Staff has been looking into it to figure out exactly what the operation is have started originally as a boarding home and it's kind of transitioning to something else over the time. It's been there so sorry. It started as like a general boarding home which is a general lodging facility and seemingly has transformed into something else over the time.

Matt Williams

I'm not it's been there. And so our court enforcement officer is aware and looking into, you know, the steps that have to be taken in terms of action to prevent continued activity that's been existing there particularly recently. And hearing many citizen comments that come into the office about it.

Michelle Beal

Am I assuming that those checks are general assistance?

Matt Williams

so it's separate from the healthy Acadia housing, but it is still housing that's happening at the sanctuary. Thank you.

Steven O'Halloran

And it's still Mr. And Mrs. Ellsworth money that's going up. So

Michelle Beal

yes, but absolutely. And state money because a majority of general assistance funds comes from the state, but that doesn't matter. But we can find out what's going on before we start blaming city staff for what's going on this. Okay. Thank you. Okay, any other comments?

Michelle Beal

Unfinished business, discussion and potential action regarding chapter 56 violations with Maine organics and possible consent agreement. Do you think you received that packet that 20 updated your packets or that information at it this evening? And our city solicitor Steven Wagner was a partner at Rudman Winchel is here to tell us about it. Do you want to wait just a second? Sure. Thanks for coming in. Yes. Thank you

Steven Wagner-Rudman Winchell

Good evening counselors Thank you. So I'm here today to provide you an update on the discussions with Maine organics concerning a consent agreement as a potential solution to ongoing complaints concerning unreasonable odors emanating from the property. Before you is a memorandum from my office summarizing the status of these discussions. Specifically, I appeared before you in January. With the draft consent agreement, the council had some concerns with some of those terms and some suggestions and ask that we go back, we meaning to the solicitor's office as well as code enforcement and have further discussions with maine organics. Since then, maine organics has retained legal counsel and we've been just having those discussions through legal counsel. all know that Maine organics is representatives are here as well, today. And before you, in addition to the memo is the latest draft of those ongoing negotiations. In my memo I presented the draft as understand me inorganics has consented to this draft with perhaps some very minor changes that is satisfactory to code enforcement officer and is in my opinion and enforceable agreement. I need to modify that that statement tonight. Specifically, Section Five remains an area of disagreement. And so I'd be happy to present you a few more details on on those points of disagreement. But first, what I want to do is just frame for the council the options tonight because I think that may help frame any question questions you have for me or what level of detail you want to go into tonight. So essentially, you can either we can discuss in real time and try to hammer out some of these details and ultimately authorize us to finalize

this agreement and authorize the town manager to execute the consent agreement, you can decide that we've given a good effort. It's not going anywhere and we need to evaluate taking an enforcement action as an alternative. Or you can ask us give some direction to both myself and Maine organics and ask us to try again and see if we can come back before you with a negotiated consent agreement and of course The fourth option is to take no up, take no action. But I think you've all made it clear that's not an acceptable option at this juncture. So with that in mind, I am going to pass around to the council proposed alternative language for section, I'll thank you very much. For Section five, this came in this after getting my attention this afternoon. And what I'd be happy to do now, before getting into any weeds or questions, we'll just quickly summarize for you the critical differences between the two, section five. So in the version that you have in front of you, not not not the one page or the full, full document I send you says that essentially, in the event that the city receives a complaint about maine organics, that someone has personally detected an odor continuously for at least one hour, that triggers an inspection by the code enforcement officer. And that inspection will evaluate the odor based on the now quantitative criteria that we have laid out. And if a odor is determined to have persisted beyond that one hour following the code enforcement officer that would result in a breach of this consent agreement, for which the city has remedies spelled out in the agreement. Maine organics has concerns with that language. And it has proposed an alternative that is we've been subject to some discussion. So what you see on the one pager is a is a combination, and I actually gave away my one copy, do you have another one. And so what you'll see there is some input for me some input from maine organics, but it's something that I think is beyond the realm of what we've discussed previously. So I wanted to bring it to the council's attention. Essentially, what this would provide would be the proposal from Maine organics would be to have a so the rule would be no, a complaint could arise from odors being detected continuously for one hour. This modification proposed here by Maine organics would build an exemption from that called an exempt delivery period. That would be up to a single two hour period daily, where that would be allowed. My role is not to tell you what's good or bad policy, my rules tell you what that proposal is and what that would mean. And so that could mean essentially, you would have a period where maine organics could lawfully emit something that would otherwise be considered a unreasonable odor for up to two hours daily. And so that's the proposal from Maine organics. My sense was, that was not something that fell within the realm of what I felt the council was giving me direction on. But all I can do is present to you how far we've come on this consent agreement and where we are stuck, and turn it to the Council to take action to give guidance or to ask questions.

Patrick Lyons

What do you think of the this recent proposal?

Steven Wagner-Rudman Winchell

I think that what it mechanically would allow is to our period where they could admit what would otherwise be considered an unreasonable odor. And so the question is, really, I have to turn it back to the council. Did your town your constituents does is that a satisfactory resolution? Keep in mind there are other elements of this consent agreement, including remediation measures and a agreed upon means for determining what odor is unreasonable. And the benefit there is you have a Although in my opinion, your current ordinance is applicable to Maine organics and it is enforceable. I'm not revealing anything confidential by saying it. My job and as a prosecutor would be easier if we have the standard

that's in this consent agreement than a ill a nebulous, qualitative standard is more difficult to prove in court. So how's that for a non answer?

Steven O'Halloran

Yeah. If we accept this, then we need to allow everybody Ellsworth to speed on High Street for two hours a day.

Jon Stein

Yeah. So I think, taken to the limit of what's proposed here, two hours of odor daily, you'd see the same complaints coming from neighbors that that initially complaints. However, providing no exemptions, I think is somewhat draconian, especially a business that has changed so much over the last few years to try to try new ways of masking the smell getting new ingredients in as Maine laws change. So I, you know, I think we've seen smells, that have gone above and beyond what is standard, that come from efforts to change their practices to cover things up to turn things. So I think not allowing any exemption would also not be appropriate. But I think there's probably a middle ground like exemption once per month, once per week, expecting that there'll be some changes in the compost that comes in and the smell video, and that's while they figure out how to mask it.

Matt Williams

As well as speak to the practicality from a staff perspective, where I think, you know, if it's a regular same two hour period, daily, then maybe our code office could work around that. But if they only have 24 hours notice of when that two hour period will be in order to be alert or waiting for a report of smell their calendars already full, you know, for other inspections 24 hours at a time. So this in a practical sense, I don't know it'll really allow them to actually help enforce this portion of the consent agreement. To make time to like be aware and around for that two hour period,

Jon Stein

assuming that you could schedule something like that, or is it just expecting a random two hours?

Matt Williams

Right, there was something that was consistent, they might be able to schedule around it. But

Casey Hanson

I mean, I'm inclined to think my inclination is to think if we're going through all this trouble to make the smells manageable, I don't understand why we would do a two hour exemption, I just don't quite understand that. But if there's some reason to do that I'm not actually following, then I think we should, if possible, we should designate at 4am to 6am, or sometime when basically people aren't out and about.

Steven Wagner-Rudman Winchell

So I do just want to not not to put folks on the spot. But I just wanted to point out that Josh and Tracy are here, and they could probably speak to their the mechanics of their operations. And what's behind that proposal,

Josh Wellman

Joshua Wellman co owner of Maine organics. So the reason why we would like to get the two hour period is because we get loads in every morning, during the busy season, you know, spring, summer fall, we get loads of lobster waste in one load a day. And basically, when the material comes in, it smells so you know, has odor it's lobster way. So once we weren't immune, it could be going down the road, and people could smell it. So when it comes into our facility, we dump it out, and we get it mixed as soon as possible. So if the winds blowing, you know, towards out of the north towards the south, you know, the neighbors could smell. So we need that two hour period just to get it mixed. I mean, if we know we've got wind socks off, and we've got a weather station, and if we know that, you know, the winds blowing hard that way. Sometimes we just cover you know, we cover it with carbon source, you know, shavings in the in the in the chips and whatnot. So we cover it up. So we're like, okay, let's wait until the wind direction changes. Let's mix it, but it takes at least two hours to get it mixed. And then once you get it mixed, he goes into the windrow then you cover it with other compost, and it's it doesn't have any odor. So it's just if we don't have that time, you know, it's, it's possible for a complaint. But like we know the load comes in every morning at 6am. So you know code would know, and that the loads coming in. So if someone does call while that's given that two hour period, so we can get it mixed, and so it doesn't smell. I mean, it's it's compost facility, you know, we were zoned and we were permitted by the DEP. We were approved by the city. We've definitely changed things we worked at night we've changed our recipe. Now we're putting shavings in the roll off dumpster. So goes to the, you know, green had lobster at the facility where we get the lobster waste, it goes there, and it has shavings already in the downstairs. So once they put the lobster waste in, a lot of the juice gets absorbed through and head didn't really like that, because now they're containers, you know, quarter full shavings, but we said, this is what we got to do to make it work. So those changes have made a big difference in the last five months, four months. You know, we haven't had any complaints for quite a while. So we're always trying to change things and move things around and make it better. We don't want to cause a problem. But we're composting. You know, I mean, it's like our transfer station, Ellsworth waste, we're behind the city transfer station, a lot of times when Casella comes down to swaps out the trash dump, it smells, you know, I mean, there's that's areas got some odors, you know, I mean, I'm not saying in the past, we haven't caused some odors we have, there's no doubt there's going to be odors from time to time. If it's ongoing odor, then it's an issue. It's an issue, and I understand, but so that's, that's why we wanted that two hour period, just so we get time to just mix and get it done. You know, just seems reasonable to me. You know, if it's ongoing, it goes past the two hours, you know, in the consent agreement, you know, code has the procedures that we agreed with. And you know, they go through the steps to take care of it. So,

Patrick Lyons

so the delivery every day at six, pretty consistent Yeah,

Josh Wellman

through the you know, basically probably April through to October. It's pretty busy. It's a loaded day at 6am. Just one load. That's the only thing that comes in. And then in the wintertime, it slows down. We're only getting like two loads a week. Because you know, the lobster going out just

Patrick Lyons

And when they come then it's still six in the morning.

Josh Wellman

Yep. Yeah, it's always in the morning. We swap it out every morning.

Patrick Lyons

Matt, would that if there was a consistent if we determined six to 8am for the two hour exemption? Would that be more manageable? You've in

Matt Williams

I'd have to talk to the code office and see if they're able to adjust their schedules like that, because then they wouldn't be working in eight to five like they are now?

Patrick Lyons

think anything that would give them an exemption? You know, they wouldn't need to go check it between six and eight in the morning. So then

Matt Williams

maybe we need to talk about that. Okay, yeah,

Patrick Lyons

I mean, I, I hear Councilor O'Halloran's point, you know. And, and I think that's fair to make. But it's composting facility to so I hear those I think there's, I'm, I'm inclined that if it workable, and they're, they're identifying set delivery time. And they're doing best management practices, and they're still on the hook for 22 hours a day. Under this, if they're not, you know, after it's mixed in, it's taken care of, if there's still an odor, then they're agreeing to all the enforcement provisions in here. So I think if maybe we could agree to a set 6am to 8am time period for this exemption. It makes sense. Ultimately, having both parties have, you know, clarity as to what is and what is not a violation, I think works best for everyone. And then the week, I think that provides the best way forward. So I'd been supportive, and if it if the city staff supports it as far as a workable solution.

Matt Williams

Again, I have to talk to the code office and talk to them specifically about that. But

Patrick Lyons

Yeah, and just these guys have to keep coming back. And I want to see if us be able to resolve it. One thing I would suggest is, you know, I want to hear from other council members on everything else regarding this. But if it's just down to this exemption, and city staff of Code Enforcement gives a thumbs up to something that's workable, I think maybe we could just you know, ratify this through signature at some point if all other terms are agreeable, rather than have them have to come back to another meeting.

Michelle Beal

My only concern I mean, I understand the six o'clock but across the river is the new development for things like Treehouse. How I mean when they come in, it doesn't stay like really horrible for the full two hours or does it?

Josh Wellman

No, it doesn't. And like I said, we're putting shavings in the dumpster. Now you know, the roll off dumpster where we take to the facility. So that's something new we've been doing. So that helps and then just as soon as it comes to you to Maine Organics and gets dumped out, we immediately cover it with more shavings and kind of blend it with the loader. So it's the carbon source is what fills. So we do that immediately. And then we start scooping it up and we put it into a large mixer. So it's in there mixing. So if the if the bucket loader scoops in, and he's dumping into the mixer and the wind blows, you know, you could get a little you could get a whiff or something that's probably not so nice. So, you know, it can happen. So I just, I'm just trying to put that in there precautions that this could happen. And

Tracy Wellman

My name is Tracy Wellman. I'm the other co owner of Maine organics. And just listening to Josh speak, I want to clarify a couple things. One, we're not asking for the exemption because we're going to produce odor. But that's the probably the biggest time that we would because we are mixing. So if the air temperature is right, there may not be an odor at all. But we just want to maybe have a framework. So the neighbors and people know that this is our mixing time.

Nancy Smith

I was intrigued when you said you changed your system. So that the putting some of their shavings in the dumpster to start, right, that process starts to go. Realizing it's winter people that windows closed, you've got fewer deliveries. But you did mentioned there have been no complaints in that five months. And I want to kind of raise that up to what Councilor Stein was saying about this is a business I personally would want to support what you're doing makes sense on a lot of levels. But I also don't want to have people expect it's gonna stink from six to 8am every day for nine months of the year. Yeah. So looking for a way that we can address both concerns and I guess looking to the city about to verify that for five months. There haven't been complaints while you're still doing twice a week. Yeah,

Josh Wellman

it you know, that was just off the off the cuff. I think we did have some complaints in December. It was December. Yeah, so we haven't had any since December. So we've changed different things with putting, like I said, with the shavings in the dumpster and just just getting on it really fast once the materials dumped out. And the biggest thing though, with having the shavings in the dumpster and I know it sounds really minut but when we used to dump the the dumpster with lobster, so it was it was a lot of juice. And now we've taken care of that because it'd be absorbed it. So just little things like that really made a big difference. And then I'm not saying we're gonna have with this consent with the two hours, I'm not saying we're gonna have an odor every day for two hours. That's not what I mean. I'm just saying it could Yeah, it could happen.

Nancy Smith

Is it five days a week or seven?

Josh Wellman

It's five. In this busy

Nancy Smith

so that's a narrowing when we say looking at the language doesn't it? I'm looking for where two hours a day daily. That's Monday through Friday. Yeah. So we're not talking weekends? I think that's yeah, no,

Josh Wellman

we don't get loads on the weekends. It's just Monday through Friday. And a lot of times in the summertime, it's this is Monday through Thursday, stop, you know, set. But you know, we're given worst case scenario, it's Monday through Friday, every morning, six to eight. And then in the wintertime, like the winter months, it's like two loads a week. And I think it's like Monday and Thursday or something like that.

Tracy Wellman

Yeah, I also want to add to that, even though there's odor present, they may not it may not qualify as a nuisance offensive odor. So, again, that period when the material comes in, is the period where we're most likely going to be producing odor, whether it's a nuisance or offensive odor, that that's a separate issue as well. So, and we're not, again, if the air if the air temperature and the winds are ideal. There may not be any odor detected at that time. The other thing is if we were zoned there, and I remember I was part of the process back in 2017. There were odors as Josh mentioned already in that area. At the time, I think Maine shellfish was coming into the city's transportation. There was a being a neighbor there with our other business Ellsworth waste, we smelled foul odors. Frequently, that shellfish waste was diverted to our facility at Maine organics. And so we took on, took the odors and moved them Over to our facility. I do believe that there's still smells that come from the compactors and especially in the summertime, I don't work out of the Ellsworth facility myself, but we have people who do. We've never filed a complaint against the odors coming from there, but I know they are present. We just know it's part of the business, when you're going to take producible waste, and you have to store it, or you're going to process it, there's going to be odors. So but managing those odors is what we're trying to do. We're composting over 800 tons of seafood, of seafood waste. And we think we're doing a good thing there. But we also don't want to stink up the area. And so we're trying to manage it in a way that we can do that service, create that that seafood, composts out of the seafood waste that would otherwise go to a landfill, and hopefully be able to manage our odors in a way that we can continue to operate there.

Nancy Smith

800 tons at what frequency

Josh Wellman

800 tons a year of seafood, seafood lobster waste, that's what we're composting. So if we weren't composting, it would go to the landfill comm cause methane gas, so we're all trying to be green, but you get a little smell.

Jon Stein

Is it possible just to receive deliveries at a different time? Could you get earlier?

Josh Wellman

I'm not really, it's, that would be tough. Yeah, it would be a tough thing. Not saying totally impossible. But that's one of our drivers leaves Winterport at like 5am swaps out the container Bucksport And then brings it down to us. So yeah, it would be it'd be tough.

Nancy Smith

Is it possible to amend the amendment to Section Five and nail down six to 8am, Monday through Friday, that takes away some of the number one would that work for the city, if that's the only time we're talking about. And I think further defines it, I still don't know that. I'm not comfortable with saying, you know, odors, dogmatic those two hours are okay. But I understand the issue that you've got to you've got to deal with it. So I used I used to farm and we slaughtered chickens on our farm and get to be odors. You got to deal with it. And so, but that's one suggestion, at least to narrow this is six to 8am, Monday through Friday. If the city and again, if it's allowed during that time, you don't need the inspection, it's if it's still after 8am

Matt Williams

Just thinking about you know how strictly we enforce it. If a truck shows up, you know, half hour early and someone calls about smell, or they're gonna call to at 530 in the morning, when

Nancy Smith

anyway, so they

Matt Williams

might, but there's the deliveries aren't. Because that's true. I mean,

Michelle Beal

so if I may. So I mean, this is a it is we do at the campground, it's whatever that tree houses going in across, which I do worry about new businesses in that way. But the industrial park is I can understand odors during the time, they don't open until eight. They are used to having odors from my transfer station. Know that firsthand. And that's you're absolutely right on that. I am with as far as what Councilor Lyons said about allowing it Monday through Friday, six to eight. But with the caveat that you continue to to work to alleviate the odors to the best of the possibility that you have. I am more than comfortable doing that. I mean, I grew up in Ellsworth, where you'd have the pancake breakfast on the lawn at City Hall and you smelling Maine shellfish while you're reading. I mean, it's it was just the way it is. Because it's the business right? It is the business and I don't I don't want to put anybody in a position where they're nauseated because of or hurting their business because of the odor. But if it's two hours before business even opens and the other issues that you've been having with the birds and everything, we do need to continue doing that. But as far as the odor is concerned, I'm I would be willing, if code enforcement was agreeable, also with that, I would be okay with that with the caveat that you continue to. Yes, the expectation is not that it's a abusive or the entire time, but it's there may be times when it's going to be in those two hours, a little worse than usual. Right.

Patrick Lyons

Which code enforcement is here. Can we ask them? What you've heard? The six to 8am, Monday through Friday. seem workable for this exempt delivery period under the

Michelle Beal

I'm sorry, Lori, do you mind just so people can hear you, I apologize. For posterity. Thank you,

Lori Roberts

Lori Roberts and Robert grant, the new code officer that we taken over when I retire. And I think we're very agreeable to that. I understand both sides. I don't want people's feelings hurt. I don't want businesses to go under because of it. It's kind of a hard issue. But this seems to me to be very agreeable six to eight in the morning. I think that's reasonable. I agree. You do.

Michelle Beal

Thank you.

Nancy Smith

If we are ready, I think to follow up on my earlier suggestion, is it appropriate to make a motion to amend this amendment?

Michelle Beal

Well, is there anything else that we need to discuss? Because we're only talking about one section?

Nancy Smith

I thought he said that was the last sticking

Steven Wagner-Rudman Winchell

So you've used on Friday have received in agreement with the full terms. So I'll presume that you you've read those and are comfortable with them unless I hear otherwise? In which case, you're correct, Councilor Smith that the the last item remaining is just section five. My view firstly is you don't need to get granular with your motion of amending the particular language, I suggest something along the lines of what councilor Lyons suggested of simply just authorization to finalize the authorized town manager to sign a consent agreement substantially in the same terms as discussed here today. And so that way we can we can finalize this with the direction that we've received, which specifically just to make sure we're all on the same page is a modification to Section Five along the lines of the proposed language except limited limit the exemption period to a two hour period beginning 6am each weekday.

Jon Stein

One other caveat I made sure I understand the term of the agreement. But if there's some clever way to sort of build in a revisitation and say, four months after we're well into the high season of daily deliveries, to make it easier to revisit, based on complaints that come in or more information that comes in say this is working, this is not working? Or does the term of this supersede that revisitation.

Steven Wagner-Rudman Winchell

So are you suggesting sort of a shelf life of the consent agreement itself or simply just to clarify that the agreement can be modified, and we can maybe build in a regular period in which the parties reconvene and discuss if this is worth their

Jon Stein

time to probation period, say or one time probation period of four or five months. I'm not a lawyer. But some easy way that if complaints do come in, we can revisit and say this particular things not

Steven Wagner-Rudman Winchell

sure. Just to be clear when it what I can explain to you is that this I'm not at all saying that's a bad idea. That's that we can work together and try to find a way to if that's the consensus, but what I just want to make sure is clear that by entering this consent agreement, essentially what the city is, is doing is both parties are doing this, they're both giving up some rights. And they're saying that we're going to we're going to live in this realm of enforcement of this consent agreement. So what a violation is now is dictated by this consent agreement. So as it stands now, we can certainly, if I can add in a term that says the parties will reconvene every four months to make sure this is working out. But mainly organics, or the city could take the position while working out or not. This is our agreement, and we're sticking to it. So that's something to understand. And it gets to the point that you're raising. If that's something you're not comfortable with, then we should look into limiting the timeframe of of the agreement.

Steven O'Halloran

Obviously, I have opposition to this, but to speak about Jon's concerns or comments. Is there a 90 day agreement that could be reached front and then reevaluate?

Steven Wagner-Rudman Winchell

I mean, is that possible? Sure. Absolutely. I would just need direction from the council because I think that It would be a departure from the direction we've gotten so far,

Steven O'Halloran

right? Because I don't know if that speaks to Jon's issue or not. But, and I just like to throw this out that if we're going to offer I mean, this business come in 2017. Is that fair? Okay. And there's been ongoing complaints about the neighbors, the neighbors have complained forever. And when I got on the council, two and a half years ago, my home this problem, and so these people have had from 2017, to today to hone their skills. And this has finally got to the point where the practice period is over. There's been no enforcement of these odors that are going across the lines that we have an audit report. And the neighbors there are fed up with it, many of them have stopped complaining, because they feel it goes nowhere with our code enforcement and with Maine Department of Environmental Protection. So I just want to throw that out there. And if we're gonna give a pass to one business for two hours a day, I fully expect, we give it to everybody, but two hours a day, whatever the issue may be, I can't imagine that we give a pass to a business for two hours a day between six and eight, when the people in the treehouse are having their morning coffee. To smell this. It's one thing to smell your own property. When you start pushing that onto someone else's property. That's what we're talking about here. And if

this city decides to give these people a pass, I think that the better be prepared to give everybody a pass, not just these people. Thank you.

Patrick Lyons

Again, I'd say I hear your points. And I think it's fair to note that there's an exception here, right. And that's what it says exempt delivery period. But we're definitely not this agreement wouldn't be giving them a pass that would be 22 hours a day, five days a week and 24 hours a day the other two, there's very clear process now set out to determine whether or not a voter is in violation, which we didn't tip attorney Wagner's point for the ordinance, while enforceable is much harder to pinpoint what is a noxious or nuisance odor and what's not. Whereas here we have this, we asked them to incorporate a more defined system of determining and measuring odor which is in here, which now this will be the only business and Ellsworth to my understanding that will be subject to such a standard. They are agreeing to pay the city money, as I understand, and then they're agreeing that if they are found to be in violation, they're subject themselves to a whole host of other penalties, which were not for this agreement only way for the city to go in and force us to take them to court. And that's a significant amount of time and resources that the city would expend and in the meantime, the odor issue may persist. Whereas with this agreement, I think it's the order. If they don't fix their operations within those time periods, it's a pretty clear enforcement mechanism. So I think these are those valid points, but having I think the city solicitor, and the business owners here have worked hard to come to a consent agreement that I find to be fair and reasonable, and also has a lot of teeth. And with our discussion regarding the two hour exemption five days a week from 6am. I think this is a very strong agreement that addresses a problem now and then. And I will point out that paragraph 15. states that the parties can agree to amend the agreement. So the counselor Stein and your point, counsel Halloran, that there is potential, you know, down the road to amend this if the both parties agree. So I don't need to say anymore. I think I've made my point clear, I think this is a good agreement with the proposed amendments as discussed.

Michelle Beal

I might add on that to that. You know, there are times that businesses come to us and ask for exemptions. For example, on our roads, when we post them and they need to go on the roads. Throughout the month, because they're trying to build a house at the end, and we allow those type of things to happen in order to help them as it's their business and their livelihood, and I would compare that is to that type of an issue and not something criminal or anything. I think it's I agree, I think it's a business that we've allowed, they've worked really hard on the order is reduced, goes to, as it can, they're ordered to continue to work to reduce the orders, the orders. I think that we've punished them enough.

Steven O'Halloran

I think the the pass that you're discussing, the applicant pays money for that to the city. Is that fair to say? Is there a fee for that? Yeah. Ten dollars. Okay. So the the applicant is asking for a pass and paying for the pass. Just to point out those

Michelle Beal

You're paying \$3,000. On this agreement, not yet. If it passes, they want it this agreement is am I reading that correctly?

Steven Wagner-Rudman Winchell

Sure. So I can summarize the monetary elements of this real quick. So it's \$3,000 towards attorneys fees and or the town city could choose to apply it towards the tools that will be necessary for the city to purchase, to implement the and for the voter detection, which we've obtained a quote, as you request counselor O'Halloran, somewhere in the neighborhood of 200 to 1000. With some ongoing costs, as well, specifically, that are quite expensive, that they're not your average bags. So that that payment would be due immediately upon executing the agreement that will cover most but not all the attorneys fees, we have exceeded that that 3000 by approximately \$500 or so. The agreement specifies that there's a monetary penalty of 1500 in the event that they breach this agreement, and that would be compensation for all past violations. So essentially, what the city is agreeing to do here is say we're giving up our right to prosecute for past violations violations before we entered this agreement. And instead, we will accept in the event that you breached this agreement \$1,500. But the agreement does not preclude this city in the event there is a breach from seeking additional fines and injunctive relief, but that would require going to court. The difference here is we would be going to the court on the strength of this agreement and not on the ordinance.

Casey Hanson

Just in the term of this is from whenever we sign it forever.

Steven Wagner-Rudman Winchell

It's an indefinite term. Yes.

Casey Hanson

I just had one more question for Lori and Robert. A while ago you had talked to us about when the Planning Board approved the compost approved the business. And what was agreed upon at that planning board meeting when you approved it in the first place. Do you think the consent agreement is in alignment? Let me add Let me ask it in a different way, because I'm not sure I'm making sense. Through all the time that we've been talking about this. At first, I was like, Well, it's a compost. It's a compost place. And the Planning Board approved the compost places like of course it's gonna smell it, I understand. But then at one point, I felt like you told us like at the planning board meeting where we approved this actual business, they said there would not be a smell.

Lori Roberts

DEP said that and I think with the right mixtures, there isn't a smell. But what he's talking about is the delivery, getting it there dumping it out, and then covering it to keep the smell contained. It has to smell at some point because it is compost. Yeah. And our waste. I remember what our transfer station when we were accepting lobster waste. It was so bad that you plugged your nose and ran and dumped. And the last thing I thought I would do is file a grievance against the city because it stunk. It just had to be there. It had to be we had to accept that. So and we never got any complaints from anybody down

there. They never complained to me, I should say in the code office when I since I've been there since 2006. Thanks.

Casey Hanson

Yeah. So I guess my I guess my actual question is, do you feel that this consent agreement is really adequate to create a situation? That is what you intended what the planning board intended, when they approved? The bill?

Lori Roberts

I do? I do.

Matt Williams

I just, you know, I'm tired. So just make sure I understand this properly. So say a smell starts at 730 in the morning, and lasts until 830. Half is within the exempt hour half is without the time and for that smell starts at 8am and would only be a half hour for 30.

Michelle Beal

Thank you for saying that. So when? When you stated that it would be from the starting up starting at 6am? Can we have it starting no later than 6am? I think that was I mean, because if it was 530-730, whatever. But I would rather see it that way and then end by eight o'clock, then.

Steven Wagner-Rudman Winchell

I mean, we'd want to set a beginning time as well.

Patrick Lyons

Yeah, my understanding is just six to eight every day, that's the only exempt period. It's not a moving, it's just so they get six days, they said the deliveries come around six that having it, you know, to set hours that so we're not playing the game of when the delivery comes just six to eight.

Steven Wagner-Rudman Winchell

But I guess what I was not hopefully at the risk of potentially overcomplicating this, but I guess what I was hearing from your counsel would be it would be something like a a two hour window that could be somewhere between say, what 12am and 8am? And so I guess the answer is yes, we could do something like that I do have some concerns about impact on staff time, because now you are creating a question of, well, was it a longer than two hour period where multiple deliveries come in? And that's it because I say what I think you're trying to do here is say, well, we want to build room to incentivize them to maybe pay a driver extra to bring this up at 4am instead of 6am. And I think maybe the mechanism to address that is that's why this is an amendable agreement. And so if down the line, that's something that's a possibility, we could look at revisiting this, I guess that'd be my suggestion. I think that might be cleaner. But the answer to your question is, of course, yes, we could modify this.

Michelle Beal

So we can say that the two hour period ends at 8am. As

Steven Wagner-Rudman Winchell

it reads now, as we've sort of orally modified this, and I will tinker with the language and finalize it with their counsel. It would be a single two hour period between 6am and 8am. So anything outside of that window would count towards that one hour. That could constitute a complaint. Okay.

Patrick Lyons

One last thing. You said legal fees are up to 3500.

Steven Wagner-Rudman Winchell

I can get you an exact figure but I we're in the ballpark of 3500. And I would commit to that tonight,

Patrick Lyons

I would like to amend paragraph three to pay total \$3,500. So because of the fee increases, sorry.

Steven Wagner-Rudman Winchell

Is that an agreeable term to you folks?

Michelle Beal

Oh, yeah. And just as soon as the council is finished discussing? Do you have to accept public comment?

Tim Stone

Good evening councilors. My name is Tim stone. I live at 30 Old Mill Road and I'm a tree house person I guess. So I guess a couple of things to say one of them is the smell has been almost non existent for the last three and a half months. So I commend you on that. And I haven't issued any complaints in that time. But this is the winter and there's not as many trucks coming in, like you said, when it's hot and humid in particular, that's when it gets really bad. And the smell isn't minor. When it comes it is major. And it is not skidding and we are a mile away. We're not like right next door. So we're a mile away. My concern about this particular amendment change is first that it violates the city's ordinance on smell. Secondly, it seems to give if everyone in Ellsworth was smelling this for two hours a day those two hours this wouldn't happen. They would get shut down Um, so it seems like it's giving away too much to me, and would not be satisfactory to myself and my two other partners. If it was something like, once a week, during this time period, it can smell for a limited period of time. That's something but there needs to be some like point system or something it can't smell every day for two hours. That's a lot of smell. And in the morning, eight o'clock in the morning, that's when everybody's up doing things. It would be a lot better for us, at least we would request an earlier time, even though I know it's very difficult. Where people aren't up and about having their coffee in their Treehouse writing a terrible review about how bad their state was, because they threw up after breakfast. I mean, this is not a small problem for our business, it's actually quite a large problem. If the smell is really bad. The I guess the last thing to say is if there was a way to keep it, I mean, like it is right now, the last three and a half months. You'll never hear a complaint from me about it. I'm a big fan of composting.

Michelle Beal

Thank you very much. If I could ask one more question. When did you start doing the changes with the adding this?

Josh Wellman

We started making changes like late December, December? Yeah, yeah, we started, we worked with the DEP a lot. And he has good ideas, like when this stuff happens, because when, you know, we get to complain, it's easy to complain, it's a process. And so he comes down to work with us, you know, we're trying to try to make it good. So there isn't any of that. Right. So we have good ideas about doing different things and keep our pile smaller with machines and the challenges are so much different. So we're gonna really try really are your best

Tracy Wellman

interest to clarify to Josh doesn't mean that we started making changes in December, we've we've been making changes for years, or what we do. One of the big changes that happened to us about a year ago, we stopped taking in biosolids the city's transfer station. which was Yeah, we don't do that. That was a pretty large volume. And that was onerous. And, and so that ended about a year ago. So now we're currently only composting, the seafood waste to the tune of the 800 tonnes. Yeah, but we have made changes through the years. But and I know Lori spoke about the DEP saying that there wouldn't be odor and I and maybe that was a specific route, said that. But one thing they teach you when you go, when you start your initial licensing is that you will have odor so I'd be surprised that a DEP rep would say that, but you will have odor and it's how you manage those odors. Which is important, because as we know, composting smells, but even if we were if Josh and I were to go away in a closed manner getting out there still is going to be odor on site. They're coming from the city's coffers. And I know that worried didn't get complaints directly. But hopefully, as you said that the fire station or the police stations can odor complaints. There were odor many of our complaints that were coming in from the seamstress, persuasion, or against us being the closest neighbor. We didn't complain, but it was there almost every day all summer long. So even if made organics isn't there, it's an area that has odor. And so if you're investing in that area, I just say that

Michelle Beal

does anyone else have any other questions comments? What would you like to

Patrick Lyons

move we direct the city manager to propose the agreement for signature, subject to the amendments discussed regarding the exempt delivery periods six to 8am. Monday through Friday, and increasing the payment to the city to \$3,500 a

Nancy Smith

second.

Michelle Beal

Further discussion All in favor? Opposed? Okay, so the next item on the agenda is Item Number 25. Toni, as we bring, believe Charlie can hear you. Okay. Hi. Okay.

Michelle Beal

Item number. Item number 25. Counsel, order number 032409. ratification of the contract for the incoming city manager. Hi, Charlie, and he's on our screen. All right. We have oh,

Charlie Pearce

do you want me to speak first? Or is there a ratification first?

Michelle Beal

Well, it would be great if we can ratify, and then you can respond. Is that okay? Perfect. All right. Sounds great. You have the employment agreement in your packet, I don't think there have been any changes since our Executive Session, the discussion. Anyone like to make any comments or a motion?

Casey Hanson

I move to ratify the contract? As it is written.

Patrick Lyons

Second,

Michelle Beal

further discussion. All in favor? It's unanimous. Welcome. Congratulations.

Charlie Pearce

I really, I wish I could have been there in person, I'm actually on a previously scheduled vacation with my, my family and my wife. And my two kids was actually hoping to have to jump on it. But they just went to bed. Oh, hello. I know, hoping to be very rested. And I was vacation and looking forward to working with my new work family, which, you know, besides my family is probably the people that I'm gonna spend the most amount of time with the next three years. So I also I'm feeling really excited about it, in large measure, because I don't think I've ever gone to a new word family. Like, you know, this was such a good feeling about the family that I'm joining. And that's a large credit, I think to the city council. Oh, really? What are they? For really clearly well defined process? You know, from the first meetings, we had a week between Christmas and New Years of the HR committee to you know, it was the questions were insightful, the all the timelines are met perfectly. It was really a credit to the organization. And the staff feedback that and the community feedback they went to the questioning process was, was excellent. I think it was about 45 minutes into my full council interview where I was in the hot seat where chair Beal is that now we're in the conversation could have turned to being okay, this is not just like an interview, but felt like a conversation about the future of Ellsworth in like the kind of people that I was really excited to, to go to work with, to help this place thrive. So really, thank you so much, also, thank you to the staff, who I know was a big part of that process. They were extraordinarily welcoming. During my entire time here, they were very candid about what they think success is gonna mean in this role, which is extremely helpful. Also very prompt, which I think, for me is kind of a core priority. Whether it was Kerri and the HR team that always responded to emails quickly and and when things were going to happen. They happened, whether it was Toni last night getting me on the Zoom call today. She responded on Sunday, and he followed up on all the information I needed for today. As well as obviously Matt, who has been really generous with his time over the last couple of weeks to get

me up to speed. So I'm feeling really confident coming into transition. I would also like to big thank you to the community, everybody who stayed here and provide their feedback on what's going on tonight. But also attended to community forum. I think that sort of participatory type of government is super important. You know, I you know, when we think of. Success in organization and sort of creating public value, you can't really know how much public value you're creating, unless you have some feedback from the citizens that are making sure we're on the right track. I know, especially with this, with this team, and the staff, I'm really looking forward to kind of creating an environment where we can go to work every day, you know, trying to create that public values, Ellsworth can thrive, the kinds of systems where, you know, we can challenge each other so that we have the most responsive, transparent, efficient city government imaginable. The kind of place where, you know, everybody has the autonomy, they need to be successful in their role, but also the support and resources they need to be successful. When things get challenging. It's really, really important to me, and it seems I think one of the things I'm most excited about is kind of just this, you know, this really mission driven staff, you know, that really cares about people and Ellsworth and cares about this community. And you know, the larger community behind Ellsworth is this kind of regional hub for so much of this region. And this really engaged Council really engaged citizenry. I'd also say like, the kind of last piece but very results oriented person, I'd say, you know, in terms of been thinking a lot about over the next three years, you know, what's, what did you mean the metrics that would define success for me, and we read the business attraction plan. And you know, and there's some big, big things on there, you know, the, the downtown permanent Park, some upgrades, the marina, the new HCTC facility, the High Street upgrades, potential downtown hotel, new trail and bike opportunities, more childcare options, diversified housing, supply, indoor rec facilities, and these are, you know, pretty large, ambitious goals. And I think I'd be a lot more nervous about it, I think about them, and especially, you know, how, you know, in terms of the results piece that I might be judged in my leadership by, you know, my ability to help deliver, or at least are making progress on those. But I also, you know, it's, it's going to be a team effort. And Ellsworth seems to have that right mix of everything that would go and actually making these big things a possibility. Just especially with a lot of the community organizations and kind of community mobilization groups that are here, I think I went to the hotels worth meeting, the Board meeting a few weeks ago, I was really impressed by the organization and kind of their training for the city. I know, I was talking to one member who I believe is here, but I will not call out by name. And we were, we were talking about sort of hopes and futures for the town are sitting in the pouring rain outside. And she was pointing out kind of all the things of the downtown that you know, dreams that the group has for it, and that she sort of was I'm so impressed that she sort of stopped and said you know, it's you're you're not lucky to have Ellsworth isn't lucky to have you. You're lucky to have Ellsworth and I totally agree with that. I think I'm so lucky to be joining this team and and can't wait to get to work on April 1. So thank you all for having me.

Michelle Beal

Thank you. Next item is the consent agenda, the consent agenda. All items 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 will be removed from the consent agenda and considered in its normal sequence on the agenda. So we have three items. Council order number 032400 reservation and the city. Cities right to harvest li vz Council order 032401 requested the city clerk to hold a special municipal school budget validation referendum election on June 11 2024 For the purpose of validating the school budget Council order number 032402 requests of the tax collector to

release properties redeemed during the 30 day redemption period ending March 1 2024 through quitclaim deeds the complete list is available in the clerk's office and authorize the in terms of interim city manager to release set properties through municipal quitclaim deeds as you

Tammy Mote

Move approval of the Consent Agenda

Patrick Lyons

Second

Michelle Beal

all in favor? Yes. Thank you.

Casey Hanson

Okay. Just ask one quick question about it. Actually, for Toni, just a quick question. So the Um, special municipal school budget election will also be the other thing that will be on that is that the charter amendments? Okay. That's it

Michelle Beal

okay, we're going to item number 14 public hearing and action on the issuance of business licenses. We're going to do this differently tonight. We're going to have one public hearing. I'm going to list off all of the businesses. We have one that's on the agenda that's that is not going to be had the public hearing will be voted on tonight so we will remove that. But I'm going to list all of these will open up the public hearing anyone can speak we'll close the public hearing. And then we will have one vote unless you have an issue with one of the businesses will have one vote to approve them. Okay, so item 14 public hearing in action on the issuance of business licenses Josie's Country Store DBA Josie's Country Store, 126 Surry road for renewal of a Class A city Class C license, Victualer liquor and renewal of a state restaurant class 1234 malt liquor Wine and Spirits liquor license ;ETC, LLC DBA Dyon's 35 Eastward lane for renewal of a city class C and State liquor license; colonial inn LLC 321 High Street for renewal of a city lodging house license; Ell Gavs, LLC DBA, governor's restaurant 253 High Street for renewal of a Class C. The city Class C license, Victualer liquor and renewal of the state restaurant class three and four malt and vinous liquor license; Siam Sky LLC DBA Siam Sky 2, 78 Down East highway for renewal of a city Class C license liquor and victualler and renewal of a city of a state class three and four restaurant malt vinous liquor license; Sanjeeva Abeyaskera dva Serendib 2 State Street for renewal of a city Class C license victualler liquor and renewal of a state restaurant, class three and pour Malt and vinous liquor license; The Grand 165 Main Street for renewal of a class of a city Class B license, victualer liquor and amusement and renewal of a state other auditorium theater class three and four malt and vinous liquor license; Casa Jalisco 205 High Street for renewal of a class of a city Class C license and renewal of state restaurant class 123 and four liquor license; Provender 112 Main Street for renewal of a city Class C license renewal of state restaurant class 1234 liquor license. The last is the fusion buffet. They are not ready for it to be licensed. So that is being removed. Okay. And open the public hearing anyone like to speak on any of these businesses? Closing the public hearing.

Casey Hanson

Move to approve all.

Nancy Smith

Second.

Michelle Beal

Thank you. Any additional comments? Discussion? All in favor? Yes. That was much better. Thank you. Alright.

Michelle Beal

Item 15. Council order number 032403 request of the highway superintendent to approve e waste application and approve a citizen member. We have asked for this to be tabled. The information isn't available to us yet.

Casey Hanson

I have a motion to move to Table to the next meeting. Is that?

Michelle Beal

Yes. Okay. So this hold Second. All in favor? Yes. Thank you. Okay,

Michelle Beal

number item 16. Council order 032404. Requests for the wastewater superintendent to accept the bid for the High Street pump station project for \$1,534,100 to apex construction. Thank you, Mike.

Mike Harris

Okay, Mike Harris wastewater superintendent. It's gonna be really quick. We have a high street Pump Station project that was put out to bid to upgrade the High Street pump station, which is behind Pizza Hut for those of you don't know and it's the most probably the most used pump station in our business area. We had two bids come in one from T buck and one from Apex. Apex was the lowest bidder. Apex came in and \$1,534,100 as she stated, the project is already fully funded through a congressionally directed award and also totaling opera grant that we received from the DEP. And so I'm simply here to ask you to approve that little bit.

Michelle Beal

So my computer died. I couldn't do it. Yeah, because I had a question because it seemed like those two fundings were more than what you need it. So you just using up to 1.5 million with that.

Mike Harris

So the bids from 1.53 4 million, I just included the funding. So if for some reason I was a change order, something happened that I went over, we were capture that funding source to be used in that event or something of that nature. But now the bid came in at 1.54, the correct congressionally directed spending is 1.77. And so it should cover the cost for that pump station. I just know that the money was also designated to help pay for that. And so if we need that money, I wonder including the motion.

Casey Hanson

Move to approve the proposal from Apex construction in the amount of \$1,534,100 to be funded from the congressionally directed spending award. And from the DEP \$2 million. ARPA grant, the city has been awarded. And additionally to approve that the city manager sign the notice of intent to award letter.

Tammy Mote

Second,

Nancy Smith

Because I really don't know what happens to the funding, the grant and then the congressionally designated if you don't go to that full amount.

Mike Harris

So what's what happened with it, put it simply what happens is it keeps rolling for us. So the the wastewater department is extremely fortunate at this point in time, because we have been able to obtain a lot of funding more than the history pump station. So the Water Street pump station fully paid for High Strert pump station fully paid for next project that I'm hoping to come forward with at some point is to upgrade to the dewatering, so that money would roll forward for the dewatering project. Some of that some of the monies that we had, which will come up later we'll discuss for the Water Street project is going to be possibly redirected to save the money, save the city money in another area. And we've already received some more funding for the dewatering project should that occur? So the wastewater department is really fortunate right now. And you know, thanks to a lot of hard work from city staff and you know, from Yeah, friends put forward to put Ellsworth on the radar for a lot of this money.

Nancy Smith

Thank you. Appreciate them.

Michelle Beal

Further discussion? All in favor? Thank you.

Michelle Beal

Council order numbers 032405 request of the highway superintendent to award the contract for center and sideline striping and authorize the interim city manager to sign the contract.

Adam Wilson

Good evening council that I'm also highway department. On March 13, we held a bid opening for the center line and long lines or fog lines, if you will. We sent out five bid requests and we received five back the low bid. I believe in your packet I listed out our bids. The low bid is Lucas line striping, and they've been doing it for years and do a great job. So with your permission, I'd like to award them the bid.

Tammy Mote

move to approve the request of the highway superintendent to award the centerline inside line striping contract to Lucas striping LLC at the price unit prices for the attached proposal via the amount of 24,069.50 from account 10 305 1295.

Casey Hanson

Second

Michelle Beal

discussion, all in favor. Stay right there.

Michelle Beal

Council order number 032406 requests of the highway superintendent to award the contract for marking words symbol stop RS parking lot As crosswalks and authorize the interim city manager to sign the contracts

Adam Wilson

so this one is not quite as straightforward same thing we set out bids on. On the 13th we had a bid opening for the symbols crosswalks parking lines, five bids were requested we received four of them they are as listed the difference on this one is I am going to would like to without permission go with the second bid from d&b restoration, it is slightly more. But in longterm, it's not because we've had issues and many complaints about our markings. And with this bid, they will be repainted at no cost to the city as needed.

Casey Hanson

I pulled out last year's budget book was looking at that because there you guys have a line item that's for striping? And is are these two things? What's included in that? Or is there more than that?

Adam Wilson

So no, it's it is for the striping and the pavement markings. Last year, a pavement markings cost us \$41,546.47. So I'm not sure where the some of the big issues were. Because that's \$2,000 less than what this one is. And usually things go the other way. But

Casey Hanson

I had calculate if that's what that line item is just these two things. We had budgeted 85,000. And if you add your two together, it's 73,000. So we're still coming, you're still coming in underneath your budget, even with the higher and choosing the ones that will fix them when they fade. Yeah, right.

Adam Wilson

And the other thing Matt and I had discussed today, as you know, we're may now they're redoing High Street this year. Well, the D O T is going to paint all of their arrows and the crosswalk lines at no cost to us. So that will be a substantial savings, even lower than that \$49,000 bid.

Michelle Beal

So the 49,000 includes high street, it does.

Adam Wilson

That's everything.

Casey Hanson

Move to approve the request of the highway superintendent to award the words symbols, stop bars, crosswalks, parking line pavement marking contract to D&B restoration for \$49,499.81 at the unit prices per attached proposal.

Patrick Lyons

Second,

Michelle Beal

further discussion.

Adam Wilson

So we have we used any of these contractors for so striping, the Newman's ground effectors, who we've used for the last three or four years. We had just we I think we've done it for a two year contract. And then we did a one year extension of the other ones we had not used or reached out to them just locked him up. The only one that did not turn one in was a company out of Bangor.

Michelle Beal

further discussion? All in favor? Thank you.

Patrick Lyons

I just want to say real quick. I've been on the Finance Committee and working hearing from the superintendents of the wastewater and highway departments appreciate the hard work you guys are doing and also coming in under budget, you know, staying within your budget and go in line or guys are working really hard. So I appreciate that. And I know the taxpayers of Ellsworth, appreciate that too. Thank you.

Michelle Beal

Item 19. Council order number 032407 request to the superintendent of schools to accept school revolving funds for project number 1743 in accordance with the SRRF guidelines and Department of Education.

Amy Boles

Good evening, everyone Amy Boles Superintendent of school. First I want to say welcome to a new city manager Pearce looking forward to working with him. I think it's important first, if I may to introduce members of the school department team quickly that are here tonight. One of the big goals that was given to me when I was hired for this job is increased collaboration and communication with the Council, which I think Both sides have been working really hard on. So I want to make sure that our new city councilors recognize the commitment from my team to keep improving that collaboration. So first I want to acknowledge our two school board members that are here tonight for both Council orders our Facilities and Transportation committee members and finance. Team members Paul Markosian,

Bev Sargent are here from the school board. And then from leadership team. Carolyn Heller, our finance director is here. Bill Tracy, the director of Hancock County Technical Center, Dan Clifford Ellsworth high school principal, April Clifford Ellsworth elementary middle school principal, Matt Wiberly assistant principal at Ellsworth Elementary Middle School, Anne Sargent, our Adult Education Director, special education director Carolyn Murphy. Assistant Special ed director Lisa Backman. I didn't miss anybody did I know I didn't, okay, great. So I just want to acknowledge the team and their commitment to these projects and the vision for the school department moving forward in the city of Ellsworth, this particular Council order, you should have received the attached documents from the State of Maine. So one of the goals that we are looking to achieve in the school department is one to consistently monitor our facilities, and ensure that our facilities are meeting our needs, and that we continue to upgrade them and keep them safe for our students and staff. But to not always do it through traditional means of funding. So the State Department of Education does put out every few years what are called school revolving renovation funds. It is an application process that is pretty rigorous, we actually put in three applications and there were over 100, we were awarded one project, each project, you can get only a cap of \$2 million, and we were awarded a little over \$1.8 million in this fund. What is important to note about this acceptance of this funds is that the formula is that your subsidy level from the state that you receive is the percentage of the grant that is forgiven. So for us, we receive 50.79% of state subsidy towards our funding model. And so that portion of the 1.8 million is considered a loan that is forgiven completely. So \$936,741 would be forgiven as a part of this loan. And then the rest of the loan, the 49.21% for \$907,600 is done at 0% interest for 10 years. What's also important to note about this terms is that the funding for this, we don't begin paying the loan back until a year after completion of the project. So we would not see this in our FY 25 budget that you will see Wednesday night. We begin payment on this a year after its completion date. So depending on when this project is done, it would be began payment for the forgiveness part. FY 26 or fy 27. What the \$1.8 million is for is called a life safety project. Currently Hancock County Technical Center when it was built, was built prior to rolling for fire suppression systems. We currently run a technical center with no sprinkler system. An old antiquated fire alarm. I know everyone cringes when they say it. It an older fire alarm system and an elevator that maybe has caught fire here and there that needs to be replaced. Are I know, so unoccupied luckily for us. So this project would include replacement of the elevator, all new fire alarm panel and system and fire suppression systems sprinkler system to the school. A lot of people have asked how does this affect you building a new school. So right now the state has released the construction application process for construction funding for school departments. We are going to apply to see if we get on the list. However, there's two pieces of that that are important for everyone to know one, there is a hold harmless clause. So because we applied in the last construction cycle, and we didn't get funded, you don't lose points in the cycle for making upgrades to your billing building. They actually hold you harmless so whatever low ranking you got, last time you continue to hold because you want to You want a lot of points for, you know, problems in your building. But at the same time, they want you to upgrade your buildings to keep them safe. So it's a hold harmless provision. The other thing that I think is important for people to understand is that we own that building. And so even if we get a new Hancock County Technical Center, we have opportunities to utilize that building for other things, both for the school department and or the city. So in my opinion, we have an obligation to take care of the people that are inhabiting it now. And it's an investment in that building moving forward. Because even if we do get on that construction application cycle, those of you that have been around Ellsworth a long time and know how long we've talked about a new HCTC, it's going to be at least five to 10 years before we get

in a new building. So this adds a layer of protection and upgrades are building for the staff and students that are currently inhabiting it. Any questions?

Casey Hanson

move to accept school revolving funds for Project 1743 in accordance with SRRF guidelines and Department of Education.

Nancy Smith

second

John Linnehan

John Linnehan 157, Shore road and Ellsworth. I have concerned about spending money, when I don't know what's gonna how it's gonna affect that taxes. I believe the city of Ellsworth is too high in his taxes. Now, I don't know if this is a I don't think there's this an items in the budget right now. Currently.

Michelle Beal

It won't affect it. It won't be in the budget until 26 or 27. Okay,

John Linnehan

then I'm definitely opposed to spending money that we don't have on a future budget like that. You know, I have a concern about the state money, that's my money, and the city money. That's my money. That's our money. So just because we get a grant or something for this federal and state, I try to watch out. I'm opposed to doing both of those things. We need to get our expenses in line. Spending controls are ending. I think the city of Ellsworth and the state of Maine have headed for bad things financially. And I think I oppose it for that reason for not for it's not a good thing. I just like a lot of stuff. Charlie was mentioning city and city manager tonight. All these things were great things he was listening off of. They all cost money. And so I'm looking at you know, I know, my wife and I are retired as far as income wise. So our taxes have gone up. They're going up again this year. I think we've overtaxed the people. I think the people are ready for revolt tax wise. I'm sure a lot of you've heard from the last two years. And I think it's gonna get worse unless we start putting the brakes on and stop spending. So no offense to the projects. It's about the money to me, and I don't think we can afford those projects from a city or a state level. Thank you very much. Thank you.

Michelle Beal

Would anyone else like to comment? So we were on discussion, any further discussion?

Nancy Smith

We want to state my support for this project that keywords are life safety. That's it.

Michelle Beal

Thank you. All those in favor. Thank you.

Michelle Beal

Item number 20 Council order numbers 032408 discussion and action on the Ellsworth School Department request to enter into a purchase and sale agreement for the purchase of 11 Avery Lane and to authorize the interim city manager to sign the agreement. Superintendent Boles, okay.

Amy Boles

So I want to first provide you with some history. And some of which I knew and some of which I'm learning in this role. So first, we withdrew from RSU, the Regional School Unit in 2014. And when we withdrew, we had obviously our schools but we also needed to account for central office, adult education, because Ellsworth felt very committed to offering its own adult education program, as well as maintaining its own buses for a transportation department. So at that time, Jack Turcotte, if you remember, and people that worked on that really did research around trying to find adequate spaces at the time to house those departments that were essential for our school department to get off the ground and running. There wasn't a lot of time, and there wasn't a lot of opportunity to acquire property at the time. So we did enter into three different leases. and I will share that information with you tonight. So currently, for the last 10 years, we have been paying into leases for central office above Camden National Bank, adult education, which is currently in the mall, as well as our bus garage up on the Bucksport Road. I think one of the biggest things we've seen is that our school department has certainly changed over the last 10 years. And last year doing my first full budget for the first time really trying to get my feet under me, one of the biggest things that alarmed me was the amount of money in our budget that was going to leases on a consistent basis. And we were not acquiring equity. Nor did it provide us opportunities to change and grow as education changes and grows. These lease spaces do not currently allow us to do those things. So last year through the budget process and meeting with the finance committee of last year, and with the school department and the school board members, pretty quickly, it became clear to me and I was kind of tasked with, we need to figure this out, we're spending too much money in lease payments in the school budget, which doesn't in the end turn things for our taxpayers. So, over the last year since last budget, I really have been looking at what our options are their buildings for sale, are their current office buildings that are available to purchase is their land. What would it cost to build, really looking at this from a variety of levels. When Avery Lane came on the market, I immediately called the listing agent and our facilities committee and we did do a walkthrough. We immediately met with the finance committee and talked through this and I believe, city manager Pearce has done a walkthrough as well as a couple of members of the council to look at it as well as School Board and leadership team. If we were to build something that could do some of the things we are talking about, which is adult education and central office currently, it would cost us approximately \$3.5 million to build new. And that is from several different contractors that have told us a building of this same square footage would cost and that wouldn't include painting it furnishing it, so on and so forth. So the Avery Lane property that we are looking at is 8976 square feet, which is an increase of square footage from what we currently have. One of the biggest issues we have in the school department is space. Currently in central office, the way this space is configured is complicated at times and we are outgrowing it, we have people sharing spaces, that isn't necessarily always what we would like in certain circumstances. And adult education currently, one of the pros of low the location and I am going to be transparent about the pros and the cons of staying where we are and or leaving a pro of where we are currently in adult education is people can walk in and access our adult ed program in this new location. That obviously is not off. It's off the beaten path a little bit. So I want to make sure that

people understand there's pros and cons to this. However, moving adult education into one space, the lease there is high in my opinion, and the spaces are small and complicated at times for the kinds of programming that we want to do. There's not a lot of changes we can make to the currently space that we have. If we were to acquire the a relay and property it also solves a space issue at Ellsworth Elementary Middle School. Currently, we have two spaces with a connecting space between that houses, our IT department, and all of their technology per se, that would all be moved to Avery lane, we would still have technology integrators in the school. I don't want people thinking that we're gonna pull our technology people out of the school, but their department would be housed at the Avery Lane complex, which now creates the availability of space that we desperately need at the Ellsworth elementary middle school without an additional cost of doing any kind of any kind of construction at the school. The Avery Lane property has a ton more storage space than we currently have. So technology could move its needs there. In addition, we could start moving and having it be a central location for curriculum supplies of that nature so that we have better checks and balances for that and the parking there would be advantageous compared to what it is currently at the bank. It is really complicated when we have meetings and trainings, parking is is a challenge for people in the current space. For me, it's fiscally more responsible. From a business standpoint for us to own than to lease, as a school department, we would much rather be building equity in a building and own it than to continue leasing at the amount that we're leasing app. Even though we are getting and putting in place plans for a new Hancock County Technical Center, like I said, that's five to 10 years down the road. And eventually, if we get there, yes, we would love to move adult education. And we would love to have everything be in one hub. But then that gives us more options down the line, alternative education off site, doing some different things of that building, or you've built up equity, and you can sell it as an asset for a profit. So it provides us with flexibility and long term planning for the school department that we don't currently have by acquiring this property. We also believe that the way the building is set up, it provides us with a lot of educational training opportunities, which I know being on the chamber board is in hot demand. We believe we could have meeting spaces and charge people minimal fee to do those kinds of things to help offset day to day operational costs. And then, like I said, this building does have long term potential for us for long term planning for our school department over the years, which is really important to us to have plans over time to change to adaptive needs. So I think it's important to point out that we currently are paying \$90,000 in lease for central office and adult education combined annually just to lease payments. And we've been paying these lease payments since 2014. So for me, I'd rather put that money into owning a building that can adapt and change over time. And you'll also see part of these fees include things that we would pay in a building we own anyway, the other really complicated part of this is currently in central office, were responsible for any changes that need to be made in the space. So currently, our rugs are ripping up in our trip hazards. And we are responsible for all of that we'd have to put all new floors and rip everything up and fix that. And I just don't feel it's fiscally responsible to taxpayers to keep paying for something that we don't own, I would rather own the property and make changes in a planful way that we can adjust to. So we have been working on the loan amount. It we are getting this if we decide to move forward with this, we would get this for \$1.2 million, which is far below assessed value. And I know we've been working on this, this property is in hot demand. There's a lot of people that want this because of the excellent condition it's in it is turnkey for us with the exception of painting certain areas, but we wouldn't even have to do I don't believe paint everywhere. The other amazing thing about this is boilers our new roof is in good condition. And it comes fully furnished and when I say fully furnished, I mean it's it's pretty awesome. The only space

that we would need furniture for is the mid sized conference room. And a lot of furniture we currently have in our spaces we would move with us. But there are desk file cabinets, whiteboards in every office fireproof safe cabinets for storage for educational records, which is a requirement by law. It's It's unreal and it is nicer than some of the furniture we currently have. So we will not have the expense of having to furnish a building of this size. To be transparent. Of course, you are going to have annual expenses. Currently, the Camden lease does include electricity, heat and those things. So that is a part of that lease agreement but at the mall, we have to pay a monthly percentage of that. So the one thing we're still working on plowing for the road. Matt has been kind and gracious and has been working with me behind the scenes to try to figure out what that may look like. Whether it's joining a road association or purchasing the road with the property. We're still kind of working that out. But I wanted to be transparent about what some of the possible expenses were. We are looking at eliminating the bid for plowing at Hancock County Technical Center. And so what we would do is we would absorb the plowing costs at Hancock County Technical Center, and we would plow this property as well. We currently have one position in our budget already. That is a custodian maintenance position that takes care of Camden National Bank, the central office space, the adult education space, they are not responsible for paying for that we already have a position, we would simply move that position to the Avery lane, so that the building is maintained and taken care of inside and out. So that wouldn't be in addition to the budget. One time costs is something again, I've wanted to be really transparent with everyone who has questions. The moving costs for all of the files to the new location would be a cost certain paint sections of the Interior, the conference room, we would need signage, and then it would be startup costs for IT hardware in there. But over time, we do believe that this will pay for itself, we'll get our equity back. So I guess I'll open it up to questions. And Michelle or counselors. If you've worked through if you want to comment, or talk about any of it. The finance committee has seen this as well. I'll take a pause. So

Michelle Beal

I just wanted to add a couple of things. One is, this is all happened in about a three week period. So I didn't I want the public to know and the council to know that this isn't something that we've been working on, and we're just popping it out. This has just come to us. And it is it's a property that does have a lot of people. Yeah. Which is why we're it does seem like we're doing this kind of quickly. The other thing that I wanted to say is this is a purchase and sale agreement. And it's not an agreement to buy. I mean, it's Yeah, so one of the things that we need to still look at is we need to work with the finance office to figure out how we're going to finance it. We do have some sub offers, we have the maine bond bank, but that isn't until November, right? So in the meantime, Bar Harbor banking interest has agreed to do a very low interest only loan for us to get us through that that time until we can get the maine bond bank. There is and they also the the interest only helps offset that cost so we could put some of the money towards the one time costs. I think the other Oh, the other thing, it's a purchase and sale agreement. I think it goes till May. So it also offers time for the council to hear from the public to answer more questions from the school department, we are in a budget season. So this the timing probably isn't the best. But it's, you know, we're trying our hardest to be transparent to the public, so that they have an understanding. One of the questions that I received is, you know, why is this different than the police department and because we just went through that this is completely opposite. We are trying to take leases and turning them into equity for the city. It's not the other way around. And again, this is something that has just come to us. And we're trying to give the public enough notice and an

understanding the needs of the school department how this is an asset to us, and an opportunity that we really need to take seriously and discuss. And it is an amazing building.

Casey Hanson

What is the term of your lease of the leases up?

Amy Boles

So we have multi year leases, but in looking at them? I told Camden National Bank last year when we renegotiated I said, please understand we're looking for other spaces. So as long as we give them like the 30 to 60 day window, and I stay in contact with them. They've been really, they've been wonderful. They really have he understands that we need more space and to get more space at the current lease that we're in at central office. Our lease agreement would go up considerably and so he's he's been notified since last summer that we were looking because this isn't something even though the particular property came up quickly. us trying to find something long term has been going on behind the scenes for a long time.

Michelle Beal

I think your lease would be the adult ed that was 90 day Yeah.

Jon Stein

the purchase and sale takes us to may what is the timeline look like for the school system? In terms of if you got into this new building right now versus may Are you trying to get ready for next school year for example?

Amy Boles

I mean ideally, we'd love to get into it over the summer. You know, when people aren't, I mean, we're busy in the summer, don't get me wrong. But to be able to have all three departments, get over there get settled and start kind of getting in before the school year started would be the most ideal. If we start pushing it too far, it's going to be complicated, to say the least. But we would I mean, we will make whatever work. If that's the direction we decide to all collectively go in.

Nancy Smith

Thank you, this is helpful. From here. What is the process? You say? This is just the purchase and sale agreement that holds it. So what is the process moving forward for the next two months before?

Michelle Beal

So what we would be doing is the city manager, Matt, the city manager and Anne would be working on finalizing any documents, but also finalizing how we would pay for the project. That's really everything else is pretty straightforward. It's just how we're going to finance it and afford it is really where it would come down to.

Nancy Smith

You mentioned public hearings and hearing from the public between now and then.

Michelle Beal

Yep. So we're announcing it here. I'm pretty positive. It's going to be announced with American this week. And I'm pretty positive. That's the best way it will be. On our with our communications. I'm sure Maura, more is going to put it out. So we're getting it out there. We have 60 days of people to let us know,

Nancy Smith

will there be a public hearing on it? Or how

Michelle Beal

public hearing would be in May? Because we have to have a public hearing?

Nancy Smith

That's okay. That's what I needed to hear.

Michelle Beal

I understand that. I've just I want people to talk about it now. Right? I don't want to wait until may have people say yes or no.

Nancy Smith

And then having a formal public hearing exists something to vote on. Exactly. Okay. Good. Thank you. Appreciate it.

Amy Boles

It's so in the budget presentation. Wednesday night, when I do my budget presentation. This was this is what gets sticky So right now, what's in our budget is where we currently are moving forward. So the \$90,000 a year for lease payments is what is in our FY 25 budget. And so that's the other thing that we're trying to be mindful of, is making sure that we do things that are fiscally responsible through the budgeting process as well. I saw hands. Yeah.

Patrick Lyons

So do we anticipate because of that being able that say, No, we vote to approve the PSA tonight, we've moved towards may do anticipate in the budgeting process, with the understanding that it seems to be heading towards that direction, with the budget in court include than what we anticipate the new payment to be on the mortgage, so to speak, versus the lease,

Amy Boles

I think what we would probably do is keep the lease payments. And as is, I mean, you're going to vote for our budget April 15. And so we would then just transition those lease payments accordingly within the budget.

Patrick Lyons

And I guess that goes to my other Chris, do you have a sense of the difference between the lease payment and what this payment would be? You know, it was 90,000 for the year versus

Amy Boles

we don't yet until we know more about the interest rate.

Patrick Lyons

Yeah. So that's, that's all coming.

Michelle Beal

I mean, yeah. So

Casey Hanson

do you think we'll know that by April 15? Yes, yeah. So that will make it.

Michelle Beal

I mean, I could go home tonight and do an amortization schedule for you.

Casey Hanson

But I just mean, like, by the time we're, like, by the time we're actually doing math. the school budget will have some sense of whether the money that we're putting release is

Amy Boles

going to be yes, yes, absolutely. Yes. And we will make adjustments based on what we figure out in the next few weeks. Because trust me Wednesday night is like the first rough draft. So there will be a lot of changes

Jon Stein

you say that the price of the building was coming in under the assessed value. Go ahead and an appraisal inspection is that plans

Amy Boles

that would be part of the process. We haven't done that yet. I honestly this has happened really fast. Like it literally came on the market. I called and was told there are multiple showings multiple offers. Like if you're interested you need to get in right away and So we've been like hamster on the wheel, trying to get as much information as we can so that we're transparent to the public. But a lot of those things haven't even been put in place. I haven't wanted to invest more time until I got a sense from you all, if this was something you were even considering or not.

Steven O'Halloran

I just like to maybe revisit these numbers that you're talking about, it's 75 90,000 bucks a year is \$7,500 a month in lease payments. And the mortgage depending on the rate is going to be somewhere between \$8500-\$9000 per month. Fair. So this is a pretty exciting time, when we saw the city spend 1.2 million rebuilding someone else's building for the police department for 20 years. And we're buying a building for what we spent rebuilding someone else's building, I might throw out that I'm guessing that there's another \$300,000 that is gonna have to happen. Brother rich renovations conversion times,

paying a lease on this making a payment on that, there's gonna be some conversion times that. It's gonna be the be surprises, there'll be many of those things but and I would like to throw out the fact that likely this is coming off the tax rolls regardless, because if the city doesn't buy it, likely Jackson lab will buy that property. And so that it's coming off the tax rolls anyway, and where I don't mean to throw around 1.2 million, but we've already done that on a building we don't own. And so in this case, you're putting money into a building. That is the city of altos. And probably the city of Ellsworth isn't going to move anytime. So, you know, people that lease buildings, it's for mobility. And I don't see the city of Ellsworth moving out of the city of Ellsworth. So I can't imagine why we wouldn't press forward with this, I realized that there's some hidden costs, etc, that maybe we haven't thought of, but you're getting rid of you say the mill mall, and Camden National Bank. And I heard the question earlier about when to those leases end, and I heard you say that we couldn't get those both of those landlords are workable. But yes, I would ask this. When does the lease end? Is there a chance that

Anne Sargent

our lease for the middle wall is July 1 to June 30. And our lease goes for one more year. And we have three months, I think ours is three months to get out of it.

Steven O'Halloran

So worst case scenario, let's say that there's some wrinkle worst case scenario as you're on the hook for another complete year at that lease, if something went wrong. What about Cameron national?

Amy Boles

I don't believe I certainly can contact him, but I don't believe that they are going to be

Michelle Beal

I thought it was a on a month, when I read it a month, a month and a 30. day notice

Amy Boles

30 day notice. But we have a multi year agreement. But in terms of getting out of the lease

Steven O'Halloran

we got to think about the the worst case scenario and hope for the best. worst case scenario was a year here and two years over there.

Casey Hanson

What isn't if it says it's 30 days or 90 days? Isn't that actually the worst case scenario?

Amy Boles

i Yes, I would believe so.

Patrick Lyons

really good city solicitor so I have faith and they'd be able to navigate us through this process. But my

Steven O'Halloran

point is this is that even if it We were locked in owning the building as opposed to rebuilding someone else's building or leasing the buildings. Again, Ellsworth isn't moving anytime soon. And

Amy Boles

I would say that we will continue pursuing other opportunities if they arise if this is not the one because I really don't see us long term, staying where we are currently, if so, if Avery Lane didn't come through, I believe the school board would continue trying to figure out long term solutions for space for our school department. And to get out from under the lease payments.

Patrick Lyons

I just want to say I think this is a great opportunity. And unless anyone else on the council has comments, I think we should move the issue of public

Michelle Beal

public hearing is not a public hearing. But short. Do you remember looking at the public

Gordon Workman

couple of questions that went and looked at the property? I looked it over a few shingles, some landscaping, what have you that has to be done? But to move the buses up there, you're going to have to clear that two acres, right. If the buses and then you're gonna have to have a sit facility to put the buses under cover something a pole barn or something. Okay, the next question is just so there's thrown that in there. Next question is does the generator stay?

Amy Boles

So the hookup is there for the generator? The generator itself does not? Well, hopefully did like a temporary hookup? No, we're not getting the generator.

Gordon Workman

It's a big cost. Right. Okay. The next question is how much do we still? Do we still have ARPA funds? How much do we have in the ARPA funds? Are they use for school project school issues? I don't know if you don't think they can be?

Michelle Beal

Well, they may be able to but that's that the ARPA funds will be discussed during the budget process, because there are many projects that people would like to use the rest of

Gordon Workman

And the other thing is that you've talked about which is good is if you didn't keep the other building, you could sell it and get it off, you know, get into a commercial lease sale or something that's good. If you repurpose that build, not just hang on to build it. You know that later on in life with HCTC? That's that's a good point there. But that's I've sped it up, you know, I hate to say it's better to own it than lease it because very no lease doesn't work. So

Michelle Beal

thank you.

John Linnehan

First, I'd like to congratulate Amy on a good presentation. I agree with Amy, we need to get rid of leases, the city should be owning their properties like that. I agree with the Amy that we shouldn't build new, it's always cheaper to renovate something you already own. My only question is we have the Moore center up here that we're already own, though. I think we make a beautiful facility. And I think proximately I don't know I've made it but about the same square footage that I think would make it a wonderful situation that we already own. So if that wasn't the case, I'd been in no problem if we need it. We don't have something existing in the house in our own inventory. That I think what you're presenting is excellent. But I'd rather see us go to the more school and have you convert that if possible. I think it's a beautiful facilities and better location. And during the middle of town, I appreciate great presentation.

Amy Boles

So what I'm actually glad he brought that up, because we did do a walkthrough of the Moore center to examine that space to determine could central office move there? Could we fit there? And the answer is no. Could we offer adult education classes there? Yes. And long term, I think that it would be great to have class space at the Moore center. And at Avery lane. I think that the walk in population that we currently service at the mill mall would be served at the Moore center. But it does not have the space in the rooms that we would need for what we would be looking for in terms of it and all of Central Office. So I actually appreciate him bringing that up because I bet that is a question on people's minds. And I do want to say that we did walk through there to look at that as a possibility as well.

Jon Stein

And other entities use that space currently as well. They would have to

Amy Boles

Yes, I mean, I I wasn't interested in having conversations about early learning the why and friends and action. We were looking at other spaces with the idea that they would still be in their current space and looking to forge a partnership. Like I said, Could we have some adult debt offerings there? Yes, we already do in some regards. But to house all. Have what we currently house in the leased properties? What Mr. Workman? Is that correct? What he mentioned is important. We do have the bus garage lease, a lot of people have asked, Could you put the buses up there? The answer is not right away. I think that over time, we would look at could we put some buses there, and maybe some buses eventually at HCTC. But at the end of the day, you do need some cover. And the way the land is right now, I'm not sure if we could do that. It certainly isn't something that I would say to the public, we would look to do right away. That would be kind of a long term study kind of thing. But that will be the next project is figuring out the bus garage, because that is a lot of money also.

Amy Boles

You mean, our school budget? Are you talking about budget? We're working on trying to get as many figures as we can right now.

Steve Shea

Into a purchase and sale now. Yes. Yes. And before we make the city makes the agreement to buy. You're gonna have a complete budget. So you know what the cost of renovations?

Amy Boles

We don't plan to do any renovations right away. Some startup costs. Yeah. moving expenses. Yes.

Steve Shea

Well, that's my concern is before we vote, she'll know exactly what it's gonna cost. Long term. Is that right? Yeah, that's,

Amy Boles

that's our hope is we get as close as we can. Yes. Okay. You're welcome. No. I'll try to negotiate that. Bar Harbor bank owns all of that should be included. I'm gonna put you on the job. Okay. Mr. Shea says,

Steven O'Halloran

you would like to address the moore school comment. I went and toured both buildings. I hadn't been at the moore school since I was in the sixth grade. And I went in toward the moore school with that in mind that, you know, is this doable? And I toured this proposed building. And in my observation, if we did the more school, it would be a very short term quick fix, it doesn't fit. Correct. And and this other option seems to be a longer term focus. And again, we're likely not going to move out of elsewhere. So

Jon Stein

Just following the steps, assuming the members you you introduced us to the school department and the school board, everybody is here to support this as well as united front? Yes, Thank you all so much for it's been a long Yes. Thanks for coming out.

Amy Boles

I think it's also important to note that the school board did unanimously vote in support of this project. I did present it at the school board meeting. So that public heard about it then. All Ellsworth school department staff received a memo regarding it so that they knew that this was being presented and got a lot of positive feedback from staff many of which are taxpayers and we're happy to not to to know that we were considering not entering into further lease payments long term.

Patrick Lyons

I'd like to make a motion. I move that the city council authorize the Ellsworth school department to enter into a purchase and sale agreement for the purchase of 11 Avery lane and to authorize the interim city manager to sign the agreement.

Nancy Smith

Second,

Michelle Beal

further discussion.

Jon Stein

Can we set the date now for the public hearing,

Michelle Beal

it'll be the May council meeting. That my account was any further discussion? All in favor?

Amy Boles

Thank you so much.

Michelle Beal

Item 21 Council order 032409 discussion and action to authorize the term city manager to sign the Maine Department of Transportation utility receivable agreement associated with the high street pavement project. Main D O T wi n number 26073 in the amount of \$289,850.

Matt Williams

For Mike's help with this one, it relates to the highest street DoT project. DOT is taking on some expenses, and like we're upgrading and repairing our stormwater infrastructure along High Street. But the city is responsible for costs associated with its water infrastructure and sewer infrastructure. So Mike and Reggie are here to explain that a little bit further.

Mike Harris

So I know, we sewer dept. and we have approximately 55 manholes and covers in that area that are going to need to be adjusted. The Dot gave us a figure of around \$2,500 A piece for that work as part of their DoT contract. But he couldn't guarantee you that figure. And so it was incumbent upon us, myself for the sewer and Reggie for the water to determine a what's a good number that we want to carry for that work to try and cover any higher numbers because we don't know what the bid is going to be. So it was determined that we would look at \$4,000 for the sewer room and cover adjustments. And then for Reggie's water, we would look at \$1,000 for Reggie's water, adjustments for his water shutoffs and so on and so forth. So then the question became how we're going to pay for this. So looking at putting that kind of money in the operational budget didn't make any sense. So when you talked about our piece, Reggie's piece, pluse were required to pay 10% of them mobilization as well as 30, roughly their estimated \$35,000, for flagging. We're talking about a number north of \$300000 and something where the majority of it being sewer work. But still, it's a significant number. So then we start talking about with some input from Finance Committee, whether or not the city should look at borrowing funds. So we kind of and looked at one of the, and, you know, we're talking about an interest rate of between five and 6%, depending on the term, which is not bad, but it's not great. And it's a significant amount of money. So whereas the sewer department has a lot of money, right now, one of the contingencies that we came up with that I think we all agree makes a lot of sense, is the water sheet Pump Station project that was about to be complete. Part of the funding for that was a general obligation bond that we took out. So what we would like to look at doing and, you know, we're here tonight to talk to you guys about is instead of spending the general obligation money to finish water streets funding, we would take money from the DEP funds that we have in excess that we talked about earlier with the High Street project and

designate those monies to finish Water Street pump station funding, which would allow us to take the general obligation money that was gonna go to Water Street and shift it to pay for the D O T project, which is probably on a much better interest rate than we wouldn't be able to borrow right now. And so it would keep Reggie from having to include roughly \$100,000 in his budget because he had 40,000 for his water shutoffs. But he also has 3 12 inch insertion valves that need to be done. And those by themselves are 46,000 or something along that line 38 And then six for the labor. And so for, for me, the losers me, because that \$300000 That would have gotten rolled on to the other projects, is gonna get moved off to cover the DoT project, but the DoT projects got my most of my stuff in it anyway. So we're just here asking that, you know, we're gonna he's gonna have to sign a contract for the DoT project to commit to the DoT project, which I assume we're going to do. And so we just wanted to make sure we came up with the best physically responsible funding source for that project without having to incur more debt on the city.

Michelle Beal

Can I ask a couple questions? So moving these bond funds and switching on DEP funds do you have to get permission to do that?

Mike Harris

So So Anne has already talked to Jim Saffian at the bond bank. So DEP money cannot be used for any DOT stuff, the DEP money was already earmarked for high street, Water Street. And then we got the congressionally directed spending on top of it. And so that gives us the flexibility to move that bond money that was designated for Water Street to this to the D O T project.

Anne Laine

Okay, so like you said, I already spoke to Jim, and we just have to have it on the agenda for next month, and you all just need to ratify that we're going to do that it's already been presented to the bond bank. So modest amount, as long as it's still a wastewater project, they're willing to go along with it. Thank you.

Casey Hanson

Do we have to make a motion today or we have to make a motion?

Matt Williams

You have to make a motion for me to sign the DoT agreement.

Jon Stein

Sounds like a really creative approach to use existing funds. Thanks for the extra light. Yeah,

Casey Hanson

Moved to authorize the interim city manager to sign the Maine Department of Transportation utility receivable agreement associated with the high street pavement project. Yes. Maine D O T wi n to 6073 in the amount of \$289,850 that

Mike Harris

in that figure is not correct. That number is now lower because.

Matt Williams

I'll just take the amount off of it.

Michelle Beal

So but it's a it's a utility receivable. So we should have some up to two or something because we really should have some amount on there.

Mike Harris

the question I would put to that because the number I have that we're going to shift is over three and 1000. Because that number that you're looking at is just for the D O T project. The number that we put together includes the insertion vovs and it also includes a manhole runs and covers that we are going to have to buy

Jon Stein

Okay, so can I just say up to \$289850

Jon Stein

second

Michelle Beal

Just discussion. All in favor. Thank you. Thank you.

Michelle Beal

Item 22 Council orders 032410 discussion and action to give approval for Maine Department of Transportation to give Maine transportation contractors permission to cross municipal roads that exceed the posted weight limit for a project on US Route one for the projected period, project number 2772600.

Matt Williams

So this is just a pretty standard agreement. So Maine DOT is doing a project from Ellsworth Orland along Route one where they're putting down ultra thin bonded wearing course which is Adams explained to me is a flexible pavement, And so the request is twofold. It's a that the council off will account selections to sign this agreement, but that the council signs an agreement allowing the DoT contractor if they need to travel over missable roads, to travel with heavier allowed weight limits, but it also gives these city the option, once we have that information from DOT about what travel routes are going to use, and if they will use municipal roads, to bond those roads on the contractor so that repairs can be made at no expense to the city.

Michelle Beal

Questions

Jon Stein

assuming DoT they understand how the roads work and it's not a safety issue.

Michelle Beal

your questions? We would like to make a motion

Matt Williams

And my conversation with DoT because this project is on route one they'll plan on using any municipal roads. It's just a safety measure in case they change their work plan or something happens. They have

Casey Hanson

I would move to give approval for Maine Department of Transportation to give Maine DoT contractors permission to cross municipal roads that exceed the posted weight limit for a project and US Route one for the project period.

Nancy Smith

Second

Michelle Beal

discussion

Michelle Beal

All in favor. Okay, I am going to call it 10 minute break before we go into Executive Session.

Michelle Beal

Item 23 executive session pursuant to one MRSA subsection 405 Paragraph six E to consult with city attorneys concerning Hennig VS Rowley/ Ellsworth.

Michelle Beal

All right, Item 24 possible action on the executive session

Casey Hanson

I move we authorize the city manager to enter into a settlement agreement regarding the heading the rally slash Ellsworth matter on reasonable terms.

Patrick Lyons

Second,

Michelle Beal

any further discussion? All in favor?

Nancy Smith

Motion to adjourn.

Casey Hanson

Second.

Michelle Beal

All in favor.