

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, May 20, 2024 at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will continue to be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page; as well as recorded and made available live on Spectrum Channel 1303.

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

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

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meetings:
 - April 15, 2024 Regular Meeting Minutes
 - April 9, 2024 Special Meeting Minutes
 - April 24, 2024 Special Meeting Minutes
5. City Manager's Report.
6. Presentation of Awards.
 - Proclamation: Pride Month for June 2024
7. Committee Reports.
8. Citizens' Comments.
9. Councilor Comments.

UNFINISHED BUSINESS

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.

10. Council Order #052400, Request of the City Clerk to appoint Election workers in accordance with MRSA Title 21-A section 503-A*
11. Council Order #052401, Request of the City Clerk to appoint Warden's and Ward Clerks for the June 11, 2024 Primary Election. *

12. Public hearing and action on the issuance of Business License (s): (All Renewals) (City Clerk T. Dyer)

- ✚ Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License. **
- ✚ Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License. **
- ✚ Cresswell Investments LLC d/b/a Airline Brewing Company, 173 Main Street for renewal of a City Class B (Victualer, Liquor and Amusement) and renewal of a State Restaurant (Class II and IV) Malt and Vinous Liquor License. **
- ✚ Wedge LLC DBA The Breakroom, 248 State Street for a renewal of a City Class C license (Victualer and Liquor) and State Restaurant Class I, II, III and IV Liquor license. **
- ✚ Giri Ellsworth DBA Hawthorne Extended Stay (PH stated DBA Ramada- DBA Change, not owner change) 215 High Street for a renewal of a City lodging license. **

13. Presentation by Ellsworth Business Development Corp, School Department and City Staff on the Hancock County Technical Center project. (Superintendent A. Boles) **

14. Council Order #052402, Request of the Fire Chief to approve the Hancock County Fire Protection Emergency Response Service Agreement with the City of Ellsworth and Hancock County for the fire and EMS services for Fletchers Landing Township (3 year contract) for the annual sum of \$20,000. (Fire Chief S. Guillerault) **

15. Council Order #052403, Request of the City Manager to approve the installation of a Direct Capture Ventilation System in the Fire Department not to exceed the amount of \$78,000. (CM Pearce) **

16. Public Hearing and Action on property located at 7 Fairground Road. The action is to determine whether the residential building located on land owned by Sandra L. Kazlaskas, MAP 137 LOT 113 of the Ellsworth Tax Maps, described in Book 2901 Page 308 of the Hancock County Registry of Deeds is a nuisance or dangerous in accordance with MRSA 17 §2851. (Code Officer R. Grant) **

17. Public Hearing and Action on Council Order #052404, Order authorizing issuance of up to \$1,200,000 of the City's bonds to finance the acquisition of 11 Avery Lane and authorize the City Manager to sign all necessary documents. (Supt. A. Boles) **

18. Council Appointments- Discussion and Action to appoint Nathaniel Moore as Interim Treasurer

19. Discussion and possible action on holding City Council meetings twice per month, rather than once per month and to update the Rules of Order accordingly. (Sponsored by O'Halloran)

20. Executive Session to discuss labor negotiations between the following:

- ✚ the City of Ellsworth and the Ellsworth Highway Unit, Massachusetts and Northern New England Laborers' District Council, Local 327 in accordance with MRSA Title 1 Chapter 13, Section 405, Paragraph 6D. (City Attorney)

- + the City of Ellsworth and the Massachusetts and Northern New England Laborers' District Council Local 327 Ellsworth Waste Water Treatment Plant, Unit of the Laborers' International Union of North America in accordance with MRSA Title 1 Chapter 13, Section 405, Paragraph 6D. (City Attorney)
- + the Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D. (City Attorney)

21. Discussion and action on labor negotiations between the following: (Must make separate motions)

- + the City of Ellsworth and the Ellsworth Highway Unit, Massachusetts and Northern New England Laborers' District Council, Local 327
- + the City of Ellsworth and the Massachusetts and Northern New England Laborers' District Council Local 327 Ellsworth Waste Water Treatment Plant, Unit of the Laborers' International Union of North America.
- + the City of Ellsworth and the Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC.

22. Adjournment.

MEETING NOTICE

The Special meeting of the Ellsworth City Council will be held on Tuesday, April 9, 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.
Request by Councilor Beal to add an executive session to the end of the meeting for a personnel update discussion. Motion to accept by Nancy Smith, second by Casey Hanson, passed unanimously 7-0
2. Public hearing and action on the business license for Black Moon LLC DBA Black Moon Public House at 142 Main Street for a new City Class B license and State liquor restaurant license.
Motion to accept by Casey Hanson, second by Tammy Mote, passed 7-0
3. Council Order #040900, Request of the Economic Development Director to approve the submittal of a Community Enterprise Program Community Development Block Grant application to fund a downtown façade improvement grant program, and to allocate \$25,000 of FY 2024 unallocated TIF funds as matching funds.
Motion to accept by Casey Hanson, second by Tammy Mote, passed 7-0
4. Council Order #040901, Request of the Fire Chief to apply for a FEMA SAFER grant for adequate fire and emergency response program.
Motion to approve by Casey Hanson, second by Nancy Smith, passed 7-0
5. Council Order #040902, Request of the Fire Chief to apply for FEMA Fire Prevention and Safety grants.
Motion to approve by Casey Hanson, second by Patrick Lyons, passed 7-0
6. Council Order #040903, Request of the Water Superintendent to approve Bench Scale testing by Woodard and Curran for future Water Treatment Plant Conceptual Design.
Motion to approve \$25,000 to Bench Scale testing by Tammy Mote, second by Casey Hanson, passed 7-0
7. Council Order #040904, Request of the Highway Superintendent to approve the revision of the Storm Water Drainage Cleaning by Woodard and Curran to include additional areas desired by the City.
Motion to approve \$70,000 from DEP ARPA funds by Casey Hanson, second by Nancy Smith, passed 7-0
8. Council Order #040905, Request of the Waste Water Superintendent to submit construction and inspection services by Woodard and Curran for the High Street Pump Station upgrade.
Motion to approve \$155,000 DEP ARPA funds by Tammy Mote, second by Casey Hanson, passed 7-0
9. **Executive Session – Motion to enter by Casey Hanson, second by Tammy Mote. Motion to exit by Tammy Mote, second by Jon Stein**
10. Adjournment.
Motion to adjourn by Tammy Mote, second by Patrick Lyons, passed 7-0

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, April 15, 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.

Move to move item #9 to #4 by C. Hanson, second T. Mote, passed 7-0

4. Adoption of the Ellsworth City Council minutes from the following meetings:
 - February 12, 2024 Regular Meeting Minutes
 - March 18, 2024 Regular Meeting Minutes

Move to approve C. Hanson, Second T. Mote, passed 7-0

5. City Manager's Report.
Mr. Pearce reviewed his report. B-Ball courts open, Card Brook cleanup, Making Old Places new again series, Courthouse public hearing, Parklet will be open May 20th, Election June 11th, roadside clean up coming up, dog licenses are now late, boat season registrations are due, Fire Dept. survey still open.

Job openings: Planning assistant needed and Chief of Police upcoming.

Projects: Beautification, FEMA, Infrastructure, Budget

6. Committee Reports.
 - Solid Waste Committee: Request to appoint Dinah Day and Gary Fortier, recommended by the Highway Superintendent.

Move to approve by

7. Citizens' Comments.
John Linnehan- request to not raise taxes this year. Will vote NO if he wins a Council seat in 2024.

8. Councilor Comments.

9. Presentation of Awards.

- Sam Hughes- Wrestling coach of the year PVC
- Jim Goodman- Boys swim coach of the year PVC

** Agenda items with backup material.

* ** Consent Agenda items with backup material.

Ellsworth City Council Packet 05-20-2024

Page Page 5 of 51

- Clerks Week Proclamation for May 5 through May 11 for the 55th Annual Professional Municipal Clerk's Week
- National EMS Week, May 19-25
- International Firefighters Day May 4th
- National Police Week May 12- 18
- National Public Works week May 19-25

Awards received by Sam Hughes, Jim Goodman, Ellsworth Fire Captain Ben Freedman, City Clerk Toni Dyer, Interim Chief Troy Bires, Waste Water Superintendent Mike Harris

UNFINISHED BUSINESS

CONSENT AGENDA

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

NEW BUSINESS

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

***** **Renewals below** *****

- ❖ Cresswell Investments LLC d/b/a Finn's Irish Pub, 156 Main Street, for new City Class B License (Amusement, Victualer and Liquor) and renewal of a State Restaurant (Class III and IV) Malt, Vinous Liquor License.
- ❖ Ellsworth No. 1 LLC, dba Hampton Inn, 6 Downeast Highway for a renewal of City Lodging license.
- ❖ Ellsworth Moose Lodge 2698, 47 Foster Street for renewal of a City Class B license (Victualer, Liquor, Amusement) and renewal of a State liquor license.
- ❖ Rockbound Management LLC dba Twin Hill Cottages, 210 Twin Hill Cottages for renewal of a City lodging license.
- ❖ Yuki Abra LLC dba Finelli's Pizzeria, 12 Downeast Highway for renewal of a City Class C license and renewal of a State liquor license.
- ❖ American Dream LLC dba Pizza Hut 211 High Street for renewal of a City Class C license and renewal of a State liquor license.
- ❖ Crazy Sumo LLC 75 High Street for renewal of City Class C license and renewal of a State liquor license.
- ❖ Riverside Café 151 Main Street for renewal of a City Class C license and renewal of a State liquor license.

Move to approve by C. Hanson, second by T. Mote, passed 7-0

***** **New below*******

- ❖ Sanctuary Inn Investors LLC dba Sanctuary Inn 33 Birch Ave for a new City Lodging license.
- Public Hearing:*

** Agenda items with backup material.

* ** Consent Agenda items with backup material.

Manager Pearce reviewed key points and that the business is up to standards for licensure. Will look at some internal policy improvements for future occurrences.

Armelindo-House Rules review. He has set rules as part of rental agreement. Dumpster has been moved and fenced, increasing parking and has kicked out residents that do not follow rules.

Joe Soucy- resident of 33 Birch Ave. This created a chance to rebuild lives of people less fortunate, find employment, shop local etc.

Susan Opdycke- Smoking, drugs, alcohol have been present. Evergreen trees out front has nips bottles. Needs to be structure and treatment for residents.

Patrick Denbow- Credibility to accusations? He resides there, but has seen none of this.

Debra Hanson- Treatment process in Hancock County, 3 residence at the sanctuary. They are providing assistance, drug testing, etc. Success rate 78%.

Judith Felch- Resident of 40 Birch Ave. Claims another attendee yielded her 3 minutes. (Judith was instructed to stop speaking directly to the owner by Chair Beal) Spent a month researching the issues as to how this happened. Ignorance of law is no excuse, parking issues, wants Planning Board to review the whole plan, breach of peace, menace property.

Patrick Shea- 42 School Street. This is his 'realm' so he feels this necessary. There are rules to follow and they haven't. Some compromise may be available, but there is a big problem. He has short term rentals with higher priced clientele that do not generate neighborhood troubles.

Patrick Denbow- Question? Manager was indicating there was a miscommunication, not an ignorance of the law?

Paige Johnston- Healthy Acadia- Misinformation correction. Healthy Acadia works to address critical health crisis in the area. Childhood, aging, food etc. and community navigation. They offer referrals to agency resources for clients, such as medical, rental, health, etc. Armelinda continues to provide a resource, while being proactive for solutions.

Steve Shea- School Street- How many staff? (2 on site, 3 total) He asked about experience. (Councilor Lyons noted Mr. Shea needs to speak to Council not the owner) Neighborhood understands need for a place to stay. Does not believe nobody here was unaware of the operation.

Darren Applegate, State Street- Empathy for residents and staff. Worried about the ones not doing the right thing. Worried about the playground, neighborhood children etc. sex offenders taking advantage of children.

Belinda Swet- Ignorance of the community. This is not isolated, needles in the park do not indicate they are coming from Birch Ave. We need to educate ourselves and support recovery. The sanctuary inn is not the problem, they deserve human rights. Discriminatory behavior should not be tolerated.

Jason Bubier- resident Ellsworth- drug use is a disease and requires treatment. There are resources.

Public Hearing is Closed.

Nancy Smith- Manager to respond with concerns as stated above. Police have not had arrests, AG guidance, response are within reason to similar facilities. Pledge continuous improvement.

Chief Bires stated 23 calls for service, 14 responded to. Normal complaints, nothing requiring arrest.

Councilor O'Halloran- Observation, this is a bigger problem than licensing. Important discussions, but more for a workshop. This license aggravation is relative to public spaces, not the facility. Perhaps, there could be enhanced enforcement street side in the area.

Councilor Lyons- this is a business license item, the larger manifestation is another topic. The residents are part of our community. Understands the issues, but seems the owner and City are doing their diligence. Second chances are important.

Councilor Smith- we have had research, conversations etc. Appreciates House rules as positive step. Housing is key to successful treatment. License is a tool for compliance, a pledge from owner, support from community.

Councilor Stein- Things can get complicated, so we trust the staff to do the work and present the data back. No reason logistically not to accept this, but the larger problem needs more conversation.

Move to approve by C. Hanson, second by P. Lyons, passed 6-1 (S. O'Halloran)

11. Discussion and potential action on Juniper Cemetery by Sexton Blanchette. (Sponsored by Smith)
Councilor Smith reviewed the November meeting to take over responsibility from the association. Thank you to- Laurie Fernald for help with some mapping and Jenn Sala for creating the binders and organizing of the documents.

Marc Blanchette- After 4 meetings, have put together a new committee for the cemetery. Five members have agreed to stay on. He will stay on for the year as sexton. New board-Ann Clark, Richard Hanscom, Dale Hamilton, Gene Lyons, Carol Lyons. Request to give ownership back with this committee.

Councilor Lyons- true service to the public. City attorney review by laws first. Some clarity to the Board members. Recommended Jenn Sala to the committee.

Councilor O'Halloran- true turnover?

**Motion to table by T. Mote, second P. Lyons, passed 7-0
Request to have Charlie work with attorney and bring back.**

12. Council Order #042400, Request to the Highway Superintendent to approve an E-Waste Application to start a new program and to approve the purchase or lease of a container to store E-Waste materials.
Adam Wilson- reviewed item and proposed fee schedule and agreement.

Councilor O'Halloran offered a container as a startup.

Judy Blood- Ewaste open same hours?

**Move to approve the program as written by C. Hanson, second by T. Mote, passed 7-0
Motion to reopen by N. Smith, second by J. Stein, passed 7-0
Move to approve the program with the fee schedule, second by T. Mote, passed 7-0**

13. Discussion with Highway Superintendent regarding Solid Waste fee schedule.
14. Council Order #042401, Request of the Finance Director to authorize loans of up to \$1,844,341 through the State School Revolving Renovation Fund and to amend order #101908 to reallocate bond proceeds to additional projects.
Anne Laine- Reviewed the 2 orders.

Councilor Mote- No public hearing advertised.

Move to table State School Revolving Renovation Fund until 04/24/2024 by T. Mote, second by N. Smith, passed 7-0

Move to amend #101908 to reallocate bond proceeds to additional projects by. J. Stein, second by T. Mote, passed 7-0 to remove from the group item and remain as item 14b.

Move to reallocate funds from Water Street pump station to High Street project in the amount of \$340,000 by C. Hanson, second by T. Mote, (discussion- SO \$279K in finance committee) passed 7-0

15. Council Order #042402, Request of the Code Enforcement Officer to deem 7 Fairground Road as a dangerous building and to begin the process to mitigate such danger.
Attorney Lizanecz- Dangerous building process review. If Council moves forward, notices will be drafted etc.

Councilor O'Halloran- Were owners aware of this tonight. (not directly)

Lori Roberts spoke with attorney for owners and owners directly after the fire, but attorney is no longer working for this owner. They had no plans for the property.

Councilor Smith- confirming this puts a process in place, and ensure owners get notice. Are there any brownfield issues?

Councilor Stein- broad 'dangerous' what is the liability to the City? (property owner still liable)

Move to approve the request to deem dangerous and begin process to mitigate by C. Hanson, second by P. Lyons, 6-1 (S. O'Halloran opposed)

16. Council Order #042403, Request of the City Manager to accept annual reports for housing TIF districts.
Move to approve (Oriole Way senior, Oriole Way housing, Leonard Lake) by T. Mote, second by C. Hanson, passed 7-0.
17. Council Order #042404, Request of the City Manager and Superintendent to accept the school budget for referendum.
Amy Boles- budget presented has remained and school board accepted as is.

(insert summary)

Councilor Smith- persuaded to vote, and the public can vote. Have been workshops and opportunities.

Move to accept school budget as presented with the caveat that if legal deems, we will add public hearing with resolutions by C. Hanson, second by P. Lyons, (O'Halloran- choose to abstain as spouse works for ESD. Can attorney answer now?) passed 6-0-1 (S. O'Halloran abstained)

18. Council Order #042405, Request of the Facilities Manager to award the bid to sell the City van and to authorize the City Manager to sign necessary documents.

Manager Pearce reviewed bids. Highest bid \$4,001.00.

Move to sell at \$4,001 to Mark Martin by N. Smith, second by C. Hanson, passed 7-0

19. Discussion and potential action to consider the scheduling of an election education workshop. (Sponsored by O'Halloran)

Councilor O'Halloran reviewed discussions with Planner and City Clerk about options. A workshop was suggested to review voter lists, machines, working elections etc. Councilor O'Halloran is not in favor of this option, but felt it could be worth a discussion. The discussion he is sponsoring is not about integrity or validity, but more about education of voting and how to be involved in the process.

Councilor Smith- Is there an opportunity to learn this now without setting up a special meeting.

Clerk Toni Dyer- reviewed the SOS website, educational opportunities from the State. There are also local groups, such as League of Women Voters, party groups, and City Hall. Citizens can work elections to learn more about the process. Reviewed the SOS letter, machines and optical scans. Poll watching is another way to learn the processes.

Marlene Daley- Cause of America (Integrity)- Machines are prohibited in legislature- Chapter 21-A. Her group believes the machines in use have Dominion modems, everybody's vote should count as 1. Councilors were sent a youtube video on a hacker in Georgia, broke into a machine and changed votes. Marlene mentioned an Ellsworth machine broke down but nobody physically fixed it, so how did someone fix it without internet?

John Daley- Cause of America- Windham, NH election with 11,000 votes and they were off. He is willing to bring a device and pick up a wireless connection to the City DS 200 machines. He referenced Dr. Douglas Frank who proves elections are rigged, and breaks into machines with the passcodes.

John Linnehan- states machines are wirelessly connected to internet. Referenced his emails with background information and videos. Machines are problems, and we have Dominion machines. He stated Maine voter rolls, there are 1 Million people in Maine but over that enrolled in voting. Hancock County 55,000 census, voters was 49,000. Dirty voter rolls exist in the area. Would like to see a workshop to review this data. Referenced a lawsuit from D.C. regarding evidence from Dominion to influence voting.

Clerk Toni Dyer- Rebutted with information with Title 21-A permitting the use of machines and referenced our contract with the State to do so. DS 200 has audit logs that can be reviewed to ensure good data. The machines do malfunction, and the staff are able to unjam them, clean them, make minor adjustments to get them back online without the need of ESS staff coming on site. There are no modems in the machines. Upon a google search, information was found to dispute the voter rolls- less people enrolled than in residence as should be expected. Ellsworth rolls are quite clean, CVR connects to vital statistics, and DMV to update change of enrollments. This is processed weekly in Ellsworth as allowed.

Move to not hold workshop by P. Lyons, second by C. Hanson, passed 6-1 (S. O'Halloran opposed)

20. Discussion and action on stipend for the Interim City Manager. (Sponsored by Hanson)

Motion to pay \$5,000 for duties by C. Hanson, second by N. Smith, passed 7-0

21. Discussion and potential action to adopt changes to the Rules of Order. (Sponsored by Beal)

Motion to make awards #5, and update Chairman to Chair by T. Mote, second by P. Lyons, passed 7-0

22. Executive Session pursuant to 1 MRSA § 405-6 (E) to consult with the attorney on a personnel matter.
Motion to enter by T. Mote, second by P. Lyons, passed
Motion to exit by T. Mote, second by N. Smith, passed
23. Executive Session pursuant to 1 MRSA § 405-6(D) to consult with attorney on labor negotiation status.
Motion to enter by T. Mote, second by N. Smith, passed
Motion to exit by T. Mote, second by P. Lyons, passed
24. Adjournment.

MEETING NOTICE

**The Special meeting of the Ellsworth City Council will be held on Wednesday, April 24, 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. (S. O'Halloran absent)
2. Pledge of Allegiance.

NEW BUSINESS

3. Council Order #042400S Request of the Highway Superintendent to allocate \$625,000 from the City's DEP Clean Water State Revolving Loan Fund to be used for the design of Stormwater Improvements for the Main/Oak Streets area.

Brent Bridges (Woodard and Curran) reviewed the plan and reason for this type of funding. This has been discussed at various workshops and council meetings since the inception of the project. This to begin Focus area 1 in the process.

Motion to approve by C. Hanson, second by T. Mote, passed 6-0

4. Council Order # 042401S Request of the Water Superintendent to accept \$6 million in Drinking Water State Revolving Funds to be put towards the Water Treatment Plant project. Funds are split into \$2,100,000 in principal forgiveness and \$3,900,000 in a low interest loan.

Brent Bridges reviewed the funding for this project (can be referenced in the packet for 4/24/24). This is DWSRF #2024-17 for a total budget of \$13,837,000 for a new plant. This \$6,000,000 is broken into 2 pieces, a low interest loan, and a principal forgiveness loan.

Motion by C. Hanson, second by N. Smith, passed 6-0

5. Council Order #042402S Request of the Water Superintendent to apply for a Northern Borders Regional Council grant in the amount of \$1 Million to be put towards the Water Treatment Plant project. There is a 50% match required but that can be covered by the DWSRF loan so no additional funds will be required.

Water Superintendent Reggie Winslow explained this program. This is to apply only, further action would come back to the Council for decision.

Motion to allow application by C. Hanson, second by T. Mote, passed 6-0

6. Adjournment.
Motion by N. Smith, second by P. Lyons, passed 6-0

**** Agenda items with backup material.**

*** ** Consent Agenda items with backup material.**

Ellsworth City Council Packet 05-20-2024

Page Page 12 of 51

MEETING NOTICE

The Special meeting of the Ellsworth City Council will be held on Wednesday, April 24, 2024 at 6:15 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.

NEW BUSINESS

3. Public Hearing and action on Council Order #042410 authorizing loans of up to \$1,844,341 through the State School Revolving Renovation Fund
Motion to authorize by C. Hanson, second by T. Mote, passed 6-0
4. #042411, the Ellsworth School Budget Resolutions for FY 2025.

Actions taken pursuant to items 1 – 4 must be taken by a recorded vote.

ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION FOR PUBLIC EDUCATION FROM PRE-KINDERGARTEN TO GRADE 12 FOR ELLSWORTH SCHOOLS FOR FY 2025

School Administrative Unit Contribution to Total Cost of Funding Public Education from Pre-Kindergarten to Grade 12 (as required by Maine Revised Statutes, Title 20-A, §15690(1 A-B)):

City Council Order #042411A: ORDERED that the City will appropriate for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (**Recommend \$7,950,399.34**) and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

The School Board Recommends \$7,950,399.34

“Explanation: The school administrative unit’s contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.”

Motion to approve as written by C. Hanson, second by N. Smith, passed 6-0

**ORDER APPROVING NON-STATE FUNDED SCHOOLS CONSTRUCTION DEBT SERVICE
FOR ELLSWORTH SCHOOLS FOR FY2025**

Appropriation for Non-state-funded Debt Service Allocation (as required by Maine Revised Statutes, Title 20-A, §15690 (2A)):

City Council Order #042411B: ORDERED that the City will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12.

The School Board Recommends \$82,345.63

"Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body."

Motion to approve as written by C. Hanson, second by T. Mote, passed 6-0

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR ELLSWORTH
SCHOOLS FOR FY2025**

Appropriation of Additional Local Funds (as required by Maine Revised Statutes, Title 20-A, §15690 (3 A-B)):

City Council Order #042411C: ORDERED that the City of Ellsworth raise and appropriate **\$6,211,261.52** in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$6,211,261.52** as required to fund the budget recommended by the school board?

The School Board recommends **\$6,211,261.52** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$6,211,261.52**. **This amount is needed to cover the School Department's expenses that are not recognized or fully funded by the State's funding model: Facilities/Maintenance costs, Special Education costs, Technology costs, Transportation costs, Professional Development costs, and System Administration costs.**

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

NOTE: City council approval of this order requires 4 affirmative votes, see 20-A M.R.S.A. section 15671-A(5)(B)(2) (requiring for council approval "a majority of the entire membership of the council")

Motion to approve as written by C. Hanson, second by T. Mote, passed 6-0

ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET FOR ELLSWORTH SCHOOLS FOR FY2025

Total Budget Article (as required by Maine Revised Statutes, Title 20-A, §15690 (4A)): *(A school administrative unit must include a summary article indicating the total annual budget for funding public education from pre-kindergarten to grade 12 in the school administrative unit. The amount recommended must be the gross budget of the school system. This article does not provide money unless the other articles are approved.)*

City Council Order #042411D: ORDERED that the City of Ellsworth will authorize the School Board to expend for the fiscal year beginning July 1, 2024 and ending June 30, 2025 from the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.
Recommend \$29,729,280.28

Motion to approve as written by C. Hanson, second by N. Smith, passed 6-0

ORDER APPROPRIATING AND RAISING FUNDS FOR ADULT EDUCATION FOR FY2025 AS REQUIRED BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S.A. §8603-A(1)

Adult Education as required by Maine Revised Statutes, Title 20-A, §8603-A (1):

City Council Order #042411E: ORDERED that the City of Ellsworth appropriate **\$288,250.31** for Adult Education and raise **\$288,250.31** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

ORDER TO RAISE LOCAL FUNDS FOR FOOD SERVICE IN THE ELLSWORTH PUBLIC SCHOOLS FOR FY2025

City Council Order 042411F: ORDERED that the City authorizes that the sum of **\$132,323.74** is hereby raised for All Other Expenditures (the Food Service Program) for Fiscal Year 2024-25; and that the Ellsworth School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well-being of the food service program.

ORDER TO AUTHORIZE EXPENDITURE OF GRANTS, RESERVES AND OTHER RECEIPTS FOR SCHOOL DEPARTMENT PROGRAMS

City Council Order #042411G: ORDERED that in addition to amounts approved for the Fiscal Year 2024-25 School Operating Budget, the School Board be hereby authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not appropriated for the School Operating budget

pg. 3

** Agenda items with backup material.

* ** Consent Agenda items with backup material.

ORDERS TO AUTHORIZE THE ESTABLISHMENT OF RESERVES FROM BALANCE OF FUNDS AT YEAR END

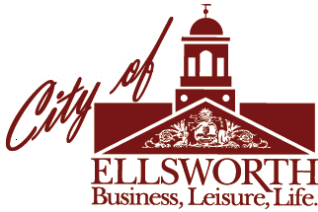
City Council Order #042411H: ORDERED that the City authorizes the School Board to appropriate funds from the ending balance of the school general operating funds for Fiscal Year 2023-24 to establish a reserve for unanticipated Facilities and Maintenance costs, and authorizes the School Board to expend those funds.

Recommend: \$100,000.00

Motion to approve Council Orders #042411E, 042411F, 042411G AND 042411H as written by C. Hanson, second by T. Mote, passed 6-0

5. Adjournment.

Motion to adjourn by N. Smith, second J. Stein, passed 6-0



Proclamation of Pride Month

WHEREAS, the City of Ellsworth strives to be a community that is welcoming and supportive of all its members; and

WHEREAS, across the Nation, June has been declared Pride Month to commemorate the Stonewall Riots and the subsequent work toward achieving equal justice and equal opportunity for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) Americans; and

WHEREAS, all LGBTQ+ individuals should be able to live their lives with dignity, respect, and free from the fear of harassment; and

WHEREAS, The City of Ellsworth is committed to ensuring that all residents and visitors in our community are treated with dignity and respect regardless of race, gender, age, sexual orientation, or gender identity and expression; and

WHEREAS, Ellsworth supports the legal non-discrimination protections for LGBTQ+ Mainers made into law in 2005; and

WHEREAS, Pride Month is an opportunity to recognize and support the Ellsworth LGBTQ+ community and acknowledge the ongoing work of the citizens of Ellsworth to advocate for equal rights and acceptance of all people regardless of race, gender, age, sexual orientation, gender identity, and gender expression; and

WHEREAS, June Pride month is an occasion to recognize that when some individuals are denied the promise of equality, then all citizens are affected,

Now THEREFORE, be it resolved that the City Council of Ellsworth, Maine does hereby proclaim the month of June as Pride month in the City of Ellsworth, and urges all members of our community to advocate for equality and to work together to advance the principles of equal rights, justice, and opportunity for all of their fellow citizens.

Michelle Beal, Mayor

Date

March 29, 2024
To: City Council
From: City Clerk Toni Dyer
RE: Appointment of Election Clerks

Title: Appointment of Election Clerks

* * * * *

WHEREAS, Title 21A ss503 MRSA provides that the Municipal Officers shall appoint election clerks nominated from each of the major parties in each general election year: and

WHEREAS, the Democratic and Republican Party has provided a list of persons elected to serve as election clerks or alternates; it is hereby

RESOLVED, to appoint the following election clerks and alternates:

Democrats:

Jill Culver-Jameson
Janice Janes
Monica McAndrews
Janell Tripp
Susan Walsh
Katie Hessler
Robert Hessler
Tom Ashby
Fred Beyer
Leslie Beyer
Karen Hawes
Margaret Olson
Judy Blood
Laura Nason
Helen Kazura
Twyla Bryant
Alene Taylor
Kathy Young
Sarah Morton
Chris Keefe
Ann Keefe
Linda Maxwell
Lisa El-Hajj
Bernie Ryan
Charles Hodge
David Megquier
Donna Megquier
Helen Geils

Republicans:

Elisa Sinclair
Bunnie Daniels
Rhonda Parker
Kristi Alexander
Helen Cochrane
Brenda Breeding
Aileen Young
Beth Smart
George Schatz
Margo Newman
Lori Roberts
Barbara Ameen
Rota Knott
Kelley Tupper
Ashlie Brown
Jovarna Sinclair
Rhonda Loncto
Susan MacKay
Kiara Roberts
Aileen Young
Sylvia Lock
Richard Tupper

Unenrolled:

Robert McArthur

Mary Ann Lock

Paul Lock

Ann Luther

Paige Anderson

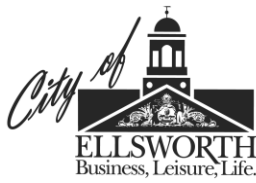
Carole Hough

*And all other voters as necessary.

Motion to approve the aforementioned list as presented.

Toni Dyer

City Clerk



City Clerk

1 City Hall Plaza ▪ Ellsworth, ME 04605-1942

Phone (207) 669-6604 ▪ Fax (207) 667-4908

tdyer@ellsworthmaine.gov

edowling@ellsworthmaine.gov

kmiller@ellsworthmaine.gov

clerksoffice@ellsworthmaine.gov

MEMO

To: City Council

From: Toni Dyer

Date: March 31, 2024

Re: Appointment of Wardens and Ward Clerks for the June 11, 2024 Election

Title: Appointment of Warden and Ward Clerks for the four voting districts

WHEREAS, Title 21A provides that the City Clerk shall appoint Wardens and Ward Clerks

I am requesting the City Council allow the City Clerk under the authority of 21-A M.R.S.A. to appoint the Wardens and Ward Clerks from the registered voters of the City of Ellsworth as they are available and to post such appointments as required by law prior to Election Day.

Suggested Motion: Move to authorize the City Clerk to appoint Wardens and Ward Clerks for the June 11, 2024 City of Ellsworth School Budget Validation and Municipal Referendum Election.

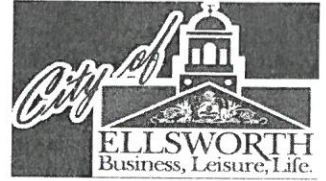
Toni Dyer
City Clerk

City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

SHINBASHI INC.
ATTN: BI JIAO CHEN
139 HIGH STREET
ELLSWORTH ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6625.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 31

State Tax ID:

Business Name: SHINBASHI INC.

State License #:

Business Address: 139 HIGH STREET

Business Email: kenwu1950@yahoo.com

Business Phone:

Business Fax:

Type of Business:

Mailing Address: ATTN: BI JIAO CHEN, ELLSWORTH ME 04605

Owner Name: CHEN BIJIAO

Owner Phone:

Owner Address: 139 HIGH STREET, ELLSWORTH ME 04605

Fees	Fee Based On	Quantity	Amount
\$65.00 per Year			\$ 65.00
\$80. Public Hearing Notice Fee			\$ 80.00

Total License Fees: \$ 145.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a 2.5% consumer fee. You can mail your renewal, liquor application and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 06/01/2024

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.


Signature

Jingjing Wu
Print Name

4/3/2024
Date

Please return signed application and payment to the City of Ellsworth

Office Use Only: Date Received: 4/18/24 Receipt No: 32000011

EXD

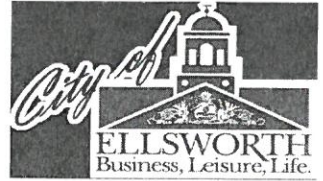
City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

5
6

Business License Renewal Form

LANGLEY BRIAN D
11 SOUTH STREET
ELLSWORTH ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6625.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 56

State Tax ID:

Business Name: LANGLEY BRIAN D

State License #:

Business Address: 8 SOUTH STREET

Business Email: info@lobsterpot.com

Business Phone: 207-667-0625

Business Fax:

Type of Business:

Mailing Address: 11 SOUTH STREET, ELLSWORTH ME 04605

Owner Name: LANGLEY BRIAN D

Owner Phone:

Owner Address: 11 SOUTH STREET, ELLSWORTH ME 04605

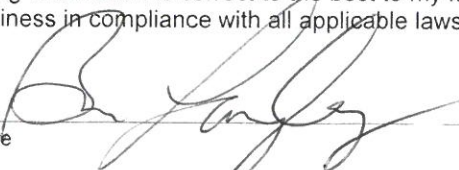
Fees	Fee Based On	Quantity	Amount
\$65.00 per Year			\$ 65.00
\$80. Public Hearing Notice Fee			\$ 80.00

Total License Fees: \$ 145.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a 2.5% consumer fee. You can mail your renewal, liquor application and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 06/01/2024

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

Signature  Print Name Brian Langley Date 4/15/2024

Please return signed application and payment to the City of Ellsworth

Office Use Only: Date Received: 4/15/24 Receipt No: CK 9865

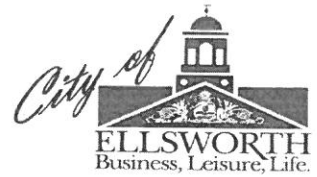
EKD

City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

AIRLINE BREWING COMPANY
CRESSWELL INVESTMENTS, LLC
132 PEAKED MOUNTAIN DRIVE
AMHERST ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6625.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 185

State Tax ID:

Business Name: CRESSWELL INVESTMENTS, LLC

State License #:

Business Address: 173 MAIN STREET

Business Email: gary@abcmaine.beer

Business Phone: 936-827-0009

Business Fax:

Type of Business:

Mailing Address: 132 PEAKED MOUNTAIN DRIVE, AMHERST ME 04605

Owner Name: LLC CRESSWELL INVESTMENTS

Owner Phone: 936-827-0009

Owner Address: 132 PEAKED MOUNTAIN DRIVE, AMHERST ME 04605

Fees	Fee Based On	Quantity	Amount
\$85.00 per year			\$ 85.00
\$80. Public Hearing Notice Fee			\$ 80.00

Total License Fees: \$ 165.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a 2.5% consumer fee. You can mail your renewal, liquor application and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 06/01/2024

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

Signature _____

Print Name _____

Date _____

Please return signed application and payment to the City of Ellsworth

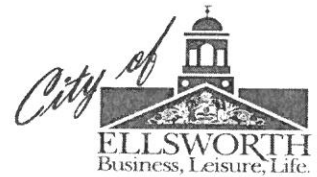
Office Use Only: Date Received: _____ Receipt No: _____

City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

THE BREAKROOM
TIMOTHY WEDGE
11 STONEY BROOK RD
TRENTON ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6625.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 552

State Tax ID:

Business Name: TIMOTHY WEDGE

State License #:

Business Address: 248 STATE STREET

Business Email:

Business Phone: 207-610-3383

Business Fax:

Type of Business:

Mailing Address: 11 STONEY BROOK RD, TRENTON ME 04605

Owner Name: WILLEY GRANT COMPANY LLC

Owner Phone:

Owner Address: 24 MCDONALD AVENUE, ELLSWORTH ME 04605

Fees	Fee Based On	Quantity	Amount
\$100.00 per year			\$ 100.00
\$80. Public Hearing Notice Fee			\$ 80.00

Total License Fees: \$ 180.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a 2.5% consumer fee. You can mail your renewal, liquor application and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 07/01/2024

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

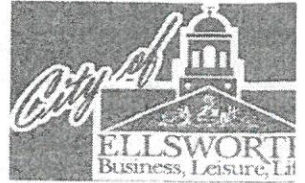
Signature  Print Name Tim Wedge Date 5/15/24

Please return signed application and payment to the City of Ellsworth

Office Use Only: Date Received: _____ Receipt No: _____

Business License Renewal Form

GIRI ELLSWORTH INC
2300 Crown Colony Drive
QUINCY MA 02169



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6625.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 481

State Tax ID: 86-3514425

Business Name: GIRI ELLSWORTH INC

State License #:

Business Address: 215 HIGH STREET

Business Email: ~~MCANCANI@GIRIHOTELS.COM~~

Business Phone: 617-481-6954

Business Fax: AP@girihotels.com

Type of Business: Lodging

Mailing Address: 2300 Crown Colony Drive, QUINCY MA 02169

Owner Name: ~~ELLSWORTH RILLE~~ Hawthorne extended stay Owner Phone: 207-667-9341

Owner Address: 215 HIGH STREET, ELLSWORTH ME 04605

Fees	Fee Based On	Quantity	Amount
\$30 + 2/room Lodging House		1	\$ 316.00
\$80. Public Hearing Notice Fee		87	\$ 80.00
		<i>OK</i>	
Total License Fees:			\$ 396.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a 2.5% consumer fee. You can mail your renewal, liquor application and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 06/01/2024

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

Lisa Martel
Signature

Lisa Martel

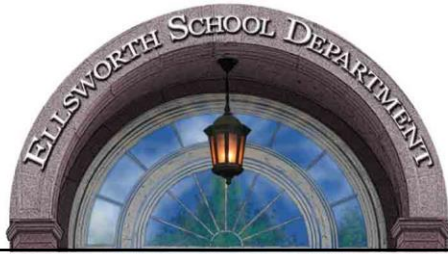
Print Name

04/10/2024

Date

Please return signed application and payment to the City of Ellsworth

Office Use Only: Date Received: 4/15/24 Receipt No: 32000003



ELLSWORTH SCHOOL DEPARTMENT
66 Main Street, Suite 201 ♦ Ellsworth, ME 04605
Phone (207) 664-7100 ♦ Fax (207) 669-6032

EXCELLENCE IN TEACHING AND LEARNING

To: City Council

From: Amy Boles, Superintendent of Schools

Date: May 2, 2024

Re: HCTC Agenda Item

A few years ago, EBDC, Ellsworth City Council and the Ellsworth School Board formed a committee to examine the construction of a new Hancock County Technical Center. This committee has worked hard over the last year to build relationships, explore financing options, and advocate for a new school. We are now at the point where the Department of Education has released the State Construction Application and the committee determined to apply. However, we all have learned through this process that the state never fully funds construction and there are no guarantees we will make the approved list as there are a number of schools in the same position as we are. Our joint committee believes we should now begin a planning to fundraise phase that would allow for businesses and private citizens to contribute. The committee is asking for City Council's blessing to move on to this next phase of constructing a new Hancock County Technical Center. Jake Taylor and Tony McKim will be at the meeting to discuss in more detail the history and rationale behind the construction of a new school.

HCTC Building Committee:

Jake Taylor, EBDC representative, Wallace Events
Tony McKim, EBDC representative, the First
Michelle Beal, City Council Member
Kelly McKenney, School Board Chair
Paul Markosian, School Board Vice Chair
Amy Boles, Ellsworth Superintendent of School
Bill Tracy, Hancock County Technical Center Director
Becky Sargent, Citizen at Large
Janna Richards, Ellsworth Economic Development Director

Possible Motion: Move to support the HCTC Building Committee to move forward in forming a committee to begin a public relations campaign and fundraising efforts for construction of a new HCTC.



Ellsworth Fire Department

*1 City Hall Plaza, Ellsworth, Maine 04605
Phone (207) 667-8666 ♦ Fax (207) 667-4908
www.ellsworthmaine.gov*

To: Ellsworth City Council

From: Scott Guillerault, Fire Chief

RE: Unincorporated Territory – Fletchers Landing

Date: May 10, 2024

To Councilors,

Request of the Fire Chief to approve the Hancock County Fire Protection Emergency Response Service Agreement with the City of Ellsworth and Hancock County for the fire and EMS services for Fletchers Landing Township for the annual sum of \$20,000.

Ellsworth Fire Department has had a long-standing relationship with Hancock County for providing fire protection services to the unincorporated territory (UC) of Fletchers Landing. As the years have passed this has evolved into also providing EMS with EMS first response. The UC maintains and will maintain a contract with Northern Light Medical Transport for EMS transport.

This contract covers the FY years 2025-2027. There are no changes in the level of service we are providing to the UC that we have not already been providing. The UC has agreed to an additional \$2500 annual increase to cover the increasing cost of providing services to the area.

Action requested: Ellsworth City Council to approve the Hancock County Fire Protection Emergency Response Service Agreement with the City of Ellsworth and Hancock County for the fire and EMS services for Fletchers Landing Township for the annual sum of \$20,000. (FY 25-27).

Respectfully,

Scott Guillerault, Fire Chief

**HANCOCK COUNTY
FIRE PROTECTION
EMERGENCY RESPONSE SERVICE
AGREEMENT**

This agreement is entered into this _____ day of _____, **2024** by and between the inhabitants of the Municipality of Ellsworth, a body politic and corporate, located at Ellsworth, County of Hancock, State of Maine, hereinafter referred to as "Ellsworth" and the County of Hancock, an organized county within the State of Maine, hereinafter referred

WITNESSETH

Ellsworth and Hancock County, in consideration of the mutual covenants and stipulations set forth herein agree as follows;

ARTICLE ONE

In consideration of Twenty Thousand dollars and no cents (\$20,000.00) annual payment to be paid by Hancock County to the Municipality of Ellsworth, Ellsworth agrees to provide Hancock County with Fire Protection and Emergency Response Services at a non-transport first responder level from **July 1, 2024** through **June 30, 2027** in accordance with the terms and conditions set forth herein, for Fletcher's Landing Township. Service to the above-described area shall be provided assuming the access roads are open and passable, for Fire Equipment. Hancock County will remit the annual payment to the City of Ellsworth after July 1 of each fiscal year but prior to July 30 of that fiscal year.

ARTICLE TWO

The purpose of this agreement is to enable Hancock County to acquire fire protection and emergency response service from the Municipality of Ellsworth for Fletcher's Landing Township. **This agreement includes structural fires and excludes incidents covered by Maine Forestry Service and/or Maine Department of Inland Fisheries and Wildlife, and excludes any other non-structural emergency not listed in Article Three.**

ARTICLE THREE

The City of Ellsworth shall only be dispatched the under the following criteria;

3.1 Structure fires or any fire that endangers a structure.

3.2 For personal injury accidents, emergency health issues, people entrapped or otherwise in danger of death or injury.

3.3 For leaking fuel or fluids.

3.4 For Traffic Hazards, (vehicles in the road, vehicle fires, incidents on bad corners with poor visibility) to secure the scene for public safety.

3.5 For people in the water, through the ice or at risk of cold related death or injury.

3.6 For high angle rescue, confined space rescue, extrication/entrapped (machinery non MVA).

3.7 This list is not all inclusive and at the best judgment of the dispatcher based on information provided at the time of the call.

3.8 The City of Ellsworth agrees to provide the County with a copy of incident reports for incidents that occur in Fletcher's Landing Township.

ARTICLE FOUR

Ellsworth shall provide Hancock County fire protection and emergency response service for Fletcher's Landing Township so long as the Ellsworth Municipal Fire Department is available to respond. Ellsworth shall provide Hancock County, Fletcher's Landing Township fire protection and emergency response services as stated, on a 24-hour basis.

ARTICLE FIVE

5.1 The City of Ellsworth shall provide the above Fire and Emergency Response services, when requested by any resident, part-time resident or other person located within Fletchers Landing Township, upon properly identifying themselves and providing incident information and location.

5.2 Hancock County will provide City of Ellsworth with a map of the areas to be serviced. The City of Ellsworth shall provide the necessary equipment and personnel to adequately provide emergency response as defined in ARTICLE FOUR.

5.3 The City of Ellsworth may recall equipment and personnel from an incident in Fletcher's Landing Township, if an incident occurs concurrently in the City of Ellsworth and the equipment and/or personnel are needed in the City of Ellsworth.

5.4 The Incident Commander shall have the authority to withdraw equipment and/or personnel in conformity with this contract.

5.5 The City of Ellsworth shall notify the State Fire Marshall's Office where appropriate including but not limited to arson fires.

ARTICLE SIX

6.1 The City of Ellsworth and Hancock County agree not to assign this contract, or any part herein, without the written consent of the other party;

- 6.2 Any assignment of this contract shall be in writing;
6.3 This contract shall not limit Hancock County from supplementing the above emergency response service with other equipment and/or personnel.

ARTICLE SEVEN

- 7.1 The City of Ellsworth or the County of Hancock may terminate this agreement at any time, with ninety (90) days written notice.

ARTICLE EIGHT

The City of Ellsworth shall provide the County with a Certificate of Insurance as a verification document of their general liability insurance coverage with Hancock County named as an Additional Insured on said policy.

IN WITNESS WHEREOF, the parties to this agreement have executed the same in triplicate on this ____ day of _____, **2024** and hereunto set their hands.

CITY OF ELLSWORTH

By: _____
Ellsworth City Manager

Attest: _____
City Clerk

COUNTY OF HANCOCK

By: _____
Commissioner John Wombacher

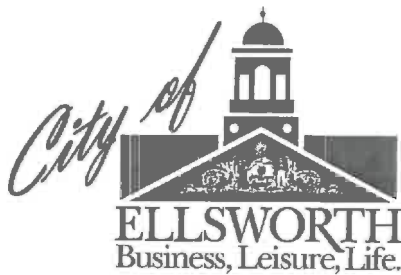
Attest: _____
County Clerk

By: _____
Commissioner William Clark

Attest: _____
County Clerk

By: _____
Commissioner Paul Paradis

Attest: _____
County Clerk



1 City Hall Plaza ♦ Ellsworth, ME 04605-1942
Phone (207) 669-6615 ♦ Fax (207) 667-4908
mwilliams@ellsworthmaine.gov / www.ellsworthmaine.gov

MEMORANDUM

To: City Council
From: Matthew Williams, City Planner
CC: City Manager Pearce, Fire Chief Guillerault
Date: May 14, 2024
RE: Direct Capture Vehicular Exhaust System in Fire Station

Background

At the July 17, 2023 Council meeting, former Deputy Chief Doug Belletete and Fire Chief Scott Guillerault made a presentation to Council requesting ARPA funds be used to pay for the installation of a direct capture vehicle exhaust ventilation system. The request is described in the memo from Deputy Chief Belletete attached hereto as Appendix A. The Council requested that this item come back before them during the next budget cycle.

Since then, the City has received notice from OSHA that the current exhaust system does not comply with their standards and replacement is necessary. This puts the existing system out of compliance with both NFPA as described in Appendix A and OSHA.

The Fire Dept. is requesting ARPA funds to expedite the timeline of replacement for the current exhaust system. The now quoted price for the new system is \$76,000, but we should request an amount not to exceed \$78,000.

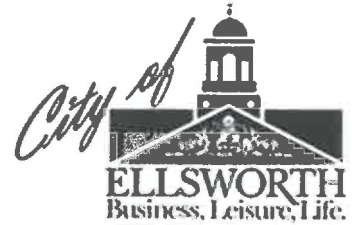
Recommendation

Motion to allocate \$78,000 from remaining ARPA funds to complete the installation of a new direct capture vehicular exhaust ventilation system in the Fire Station.

APPENDIX A



Ellsworth Fire Department
1 City Hall Plaza, Ellsworth, Maine 04605
Phone (207) 667-8666 ♦ Fax (207) 667-4908
www.ellsworthmaine.gov



Chief Scott Guillerault
sguillerault@ellsworthmaine.gov

Deputy Chief Doug Belletete
dbelletete@ellsworthmaine.gov

To: City Council Member
From: Douglas Belletete, Deputy Fire Chief
Re: Direct Capture Vehicle Exhaust System
Date: 27 June 2023

Council Members,

The City of Ellsworth Fire Department is request the use of ARPA funding for the purchase and installation of a direct capture vehicle exhaust system. In NFPA 1500, chapter 10, section 1.5, it states that "The fire department shall prevent exposure to fire fighters and contamination of living and sleeping areas from exhaust emissions through the use of direct or source capture systems."

The fire department currently is not in compliance with NFPA in this matter and has never had a direct capture system. We contacted three different vendors of direct capture systems. We received site visits and quotes from two of the three vendors.

We would like to request the use of ARPA funds and to use MagneGrip to purchase the system and install the equipment for \$68,380.00 and not to exceed \$70,000.00 to cover any unforeseen cost.

Sincerely,
Douglas J. Belletete
Deputy Fire Chief

MEMORANDUM

To: City Council
From: Robert Grant, Code Officer
CC: City Manager Pearce: City Clerk Toni Dyer
Date: May 14, 2024
RE: 7 Fairgrounds Road Declared Dangerous Building

Background

The home located at 7 Fairgrounds Road caught fire on February of 2023. The Code Enforcement Office posted the home as unsafe for human habitation and the home has remained uninhabited since. The home is owned by the Kazlaskas family. They received General Assistance shortly after the fire but have since moved on to an unknown location. The family had insurance on the home and they were paid out monies for the personal property within the home, but their bank captured those funds before the Kazlaskas family could use them. The tax bill is paid in full through June 30, 2024, however the City water bill is outstanding and there has been a lien placed on the Property for their City Sewer bill.

Recommendation/ Suggested Motion

Move to schedule a dangerous building public hearing pursuant to 17 M.R.S. § 2851 concerning the property identified as 7 Fairgrounds Road and instruct the City Attorney and City Clerk to issue, record, and serve all required notices, as provided in this memorandum from Rudman Winchell dated April, 2024.

NOTICE OF HEARING

Pursuant to 17 M.R.S. §§ 2851-2859
(Dangerous Buildings)

TO: Sandra L. Kazlaskas
8 Jefferson Way, Apt 1C
Ellsworth, ME 04605

Rural Housing Service
c/o Centralized Servicing Center
United States Department of Agriculture
P.O. Box 66889
St. Louis, Missouri 63166

You are hereby notified that the **MUNICIPAL OFFICERS OF ELLSWORTH**, Maine will hold a public hearing at **ELLSWORTH CITY HALL COUNCIL CHAMBERS** on **MAY 20, 2024 AT 6:00 P.M.**, to determine whether the residential building located on land owned by Sandra L. Kazlaskas, as shown on **MAP 137, LOT 113** of the current Tax Maps of Ellsworth, Maine, described in **BOOK 2901, PAGE 308** at the Hancock County Registry of Deeds, is a nuisance or dangerous within the meaning of 17 M.R.S. § 2851.

If the Municipal Officers, following the public hearing, find that one or more buildings or structures on the properties constitutes a “dangerous building,” they may order appropriate corrective action, including but not limited to demolition and removal of the buildings or structures. If the order is not complied with by the deadline stated in the order and no appeal is taken, the Municipal Officers may take the corrective action at municipal expense and recover all expenses, including reasonable attorney’s fees, by means of a special tax or civil action. This hearing is your opportunity to present evidence as to why the buildings or structures are not dangerous and to oppose any corrective action ordered by the Municipal Officers.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this ____ day of _____, 2024.

Michelle Beal, Chairperson

Casey Hanson, Councilor

Steve O’Halloran, Councilor

Tammy Mote, Councilor

Jon Stein, Councilor

Patrick Lyons, Councilor

Nancy Smith, Councilor

STATE OF MAINE
COUNTY OF HANCOCK

_____, 2024

Then personally appeared the above-named Michelle Beal, Casey Hanson, Steven O'Halloran, Tammy Mote, Jon Stein, Patrick Lyons, and Nancy Smith, and acknowledged the foregoing instrument to be their free act and deed in their said capacities.

Before me,

Notary Public/Maine Attorney-at-Law
Printed Name:
Commission Expires:

TO: Ellsworth City Council
FROM: Rudman Winchell (RDL)
RE: Dangerous Building Proceeding; 7 Fairgrounds Road
DATE: April 25, 2024

On April 15, 2024, per the City Code Enforcement Officer's request, the Ellsworth City Council voted to move forward with a dangerous buildings proceeding regarding a residential property located at 7 Fairgrounds Road in Ellsworth.

As discussed at the meeting, the next step for the City Council is to decide a date for a dangerous buildings hearing and to issue formal notice of the hearing to all known parties of interest in the property. This memorandum summarizes those steps and concludes with a suggested motion for the Council's consideration.

The Council will need to do the following at their May 20, 2024, meeting:

- (1) Select a date for the dangerous buildings hearing. The hearing must be scheduled to allow for three weeks of notice. We recommend that the Council hold the hearing at their regular meeting on July 15, 2024.
- (2) Fill out and sign the draft notices (prepared by our office and attached).
- (3) Instruct the Clerk to file the next day an attested copy of the general circulation notice (the one addressed to Property Owner and Parties in Interest – here, the Kazlaskas and one mortgage holder) with the Hancock County Registry of Deeds and in a newspaper of general circulation. If the hearing date is scheduled for July 15, 2024, the notice must be recorded as soon as possible but no later than June 21, 2024, and received by the newspaper in sufficient time to be published once a week for three consecutive weeks, with the first date of publication being no later than June 24, 2024. For the Ellsworth American, the Clerk must send the notice to advertising@ellsworthamerican.com no later than 4 p.m. on Friday, June 14, 2024, to ensure publication occurs in the following Thursday's paper. We recommend submitting notice sooner to ensure publication occurs in the following Thursday's paper.
- (4) Instruct the City Attorney to see that the notices are served on all known owners and parties in interest.

Assuming the Clerk and City Attorney confirm all notices have been successfully served, the City Council will hold a de novo hearing on the selected date. At the hearing, the Code Enforcement Officer, the property owner, any other relevant city staff, and the public, will have the opportunity to present relevant arguments, findings, evidence, and comments to the City Council. The City Council must make factual findings and conclude whether or not, in accordance with 30-A M.R.S. § 2851(2-A), the building is a nuisance or dangerous. The draft order includes the minimum necessary factual findings and conclusions. The City Attorney will attend to revise the draft as needed to reflect the Council's findings and conclusions.

Please do not hesitate to reach out to our office with any questions or concerns.

Suggested Motion:

Move to schedule a dangerous buildings public hearing pursuant to 17 M.R.S. § 2851 concerning the property identified as 7 Fairgrounds Road and instruct the City Attorney and City Clerk to issue, record, and serve all required notices, as provided in this memorandum from Rudman Winchell dated April 25, 2024.

RUDMAN • WINCHELL

TO: Ellsworth City Council
FROM: Rudman Winchell (RDL)
RE: Dangerous Building Proceeding; 7 Fairgrounds Road
DATE: April 25, 2024

On April 15, 2024, per the City Code Enforcement Officer's request, the Ellsworth City Council voted to move forward with a dangerous buildings proceeding regarding a residential property located at 7 Fairgrounds Road in Ellsworth.

As discussed at the meeting, the next step for the City Council is to decide a date for a dangerous buildings hearing and to issue formal notice of the hearing to all known parties of interest in the property. This memorandum summarizes those steps and concludes with a suggested motion for the Council's consideration.

The Council will need to do the following at their **May 20, 2024** meeting:

- (1) ⁷⁻¹⁵⁻²⁴ Select a date for the dangerous buildings hearing. The hearing must be scheduled to allow for three weeks of notice. We recommend that the Council hold the hearing at their regular meeting on **July 15, 2024**.
- (2) Fill out and sign the draft notices (prepared by our office and attached).
- (3) Instruct the Clerk to file the next day an attested copy of the general circulation notice (the one addressed to Property Owner and Parties in Interest – here, the Kazlaskas and one mortgage holder) with the Hancock County Registry of Deeds and in a newspaper of general circulation. If the hearing date is scheduled for July 15, 2024, the notice must be recorded as soon as possible but no later than June 21, 2024, and received by the newspaper in sufficient time to be published once a week for three consecutive weeks, with the first date of publication being no later than June 24, 2024. For the Ellsworth American, the Clerk must send the notice to advertising@ellsworthamerican.com no later than 4 p.m. on Friday, June 14, 2024, to ensure publication occurs in the following Thursday's paper. We recommend submitting notice sooner to ensure publication occurs in the following Thursday's paper.
- (4) Instruct the City Attorney to see that the notices are served on all known owners and parties in interest.

Assuming the Clerk and City Attorney confirm all notices have been successfully served, the City Council will hold a de novo hearing on the selected date. At the hearing, the Code Enforcement Officer, the property owner, any other relevant city staff, and the public, will have the opportunity to present relevant arguments, findings, evidence, and comments to the City Council. The City Council must make factual findings and conclude whether or not, in accordance with 30-A M.R.S. § 2851(2-A), the building is a nuisance or dangerous. The draft order includes the minimum necessary factual findings and conclusions. The City Attorney will attend to revise the draft as needed to reflect the Council's findings and conclusions.

RUDMAN • WINCHELL

Please do not hesitate to reach out to our office with any questions or concerns.

Suggested Motion:

Move to schedule a dangerous buildings public hearing pursuant to 17 M.R.S. § 2851 concerning the property identified as 7 Fairgrounds Road and instruct the City Attorney and City Clerk to issue, record, and serve all required notices, as provided in this memorandum from Rudman Winchell dated April 25, 2024.

Agenda Item: Determine whether the residential building located on land owned by Sandra L. Kazlaskas, (**MAP 137, LOT 113**) of the current Tax Maps of Ellsworth, Maine, described in **BOOK 2901, PAGE 308** at the Hancock County Registry of Deeds, is a nuisance or dangerous within the meaning of 17 M.R.S. § 2851.

TONI

MAY 2024

	Mon	Tue	Wed	Thu	Fri
1	28	29	30	1	2
3	5	6	7	8	9
10	12	13	14	15	16
17	19	20	21	22	23
24	26	27	28	29	30
31					

CC
MTG
DATE FOR
HEARING

TONI
#3/4-25-24
MEMO

CODE
NOTIFY CITY
ATTORNEY-NOTICES
#4/4-25-24 MEMO

#1 ADVERTISE

Free Printable Calendars from [Typecalendar.com](https://www.typecalendar.com)

CODE

JUNE 2024

JN	MON	TUE	WED	THU	FRI	SAT
27	20	21	22	23	24	1
3	4	5	6	7	8	9
10	11	12	13 # 3 ADVERTISE	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
1	2	3	4	5	6	7

www.GuthrieCalendar.com

JULY 2024

JN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
	8	9	10	11	12	13
	15 CC MTG DANGEROUS BLDG HEARING	16	17	18	19	20
	22	23	24	25	26	27
	29	30	31	1	2	3

CC HEARING

www.GrabCalendar.com

Dangerous Buildings

MMA Legal Services Information Packet

This packet is intended for general informational purposes only. It is not meant, nor should it be relied upon, as legal advice in any particular situation. Links to documents herein are provided as examples for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. The information herein is not a substitute for consultation with legal counsel and legal review or other specific guidance on the subject. The statutes and other information herein are only current as of the date of publication.

Date of last revision: 11/2017

Definition and Standard

The municipal officers of a municipality may after notice and hearing adjudge a building to be a nuisance or dangerous and order the building to be repaired or removed. For purposes of this statute, "building" means a building or structure, or any portion of a building or structure, or any wharf, pier, pilings or, any portion thereof, that is located on or extending from land within the boundaries of the municipality as measured from the low water mark (17 M.R.S. § 2851). To be adjudged a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property (17 M.R.S.A § 2851(2-A)).

Securing Structures

If a building poses a serious threat to public health and safety, a municipality may secure it pending the abatement proceedings discussed below, and may recover its expenses from the owner (17 M.R.S. §§ 2856 and 2853). Notice must be served on the owner and all parties in interest in accordance with 17 M.R.S. § 2857, but notice need not be given in advance if prompt action to secure the structure is necessary.

Local Process; Alternative Summary Process

State law provides three methods for abating the nuisance and public safety threat posed by a dangerous building.

- A. Under the first method, the municipal officers (selectpersons or councilors) may, after notice and hearing, find that a building, or portion thereof, is a nuisance or dangerous and must be abated or disposed of (17 M.R.S. § 2851). Notice of the hearing must be served on the owner and upon all "parties in interest" as defined in 14 M.R.S. § 6321 (which includes mortgagees, holders of the fee interest, mortgagees, lessees pursuant to recorded leases or memoranda of leases, lienors and attaching creditors, all as shown by Registry of Deeds records and documents referred to therein). Published notice is required where the name or address of any owner or party in interest is unknown or not ascertainable with reasonable diligence (17 M.R.S. § 2857). The notice must be recorded in the Registry of Deeds by the municipal clerk (17 M.R.S. § 2857). After the hearing, the municipal officers may make and record an order in accordance with section 2851(3) "prescribing what disposal must be made of that building" (17 M.R.S. § 2851). The order must be accompanied by written "findings" (see 17 M.R.S. § 2851(2-A)). Most often, the order is for abatement of structural defects within a specific period of time or removal of the structure.

However, nothing in the statute limits municipal remedies. Neither the statute nor due process of law requires the municipality to first list the defects and allow a reasonable time for repairs before demolition. *Kirkpatrick v. City of Bangor*, 1999 ME 73, 728 A.2d 1268. However, the order may allow for delay of disposal if the owner has demonstrated the ability and willingness to satisfactorily rehabilitate the building (17 M.R.S. § 2851). The municipal clerk must record the order in the Registry of Deeds and must also serve an attested copy of the order upon the owner and all parties in interest (17 M.R.S. § 2851(3)). An appeal may be taken to Superior Court from the decision of the municipal officers. If no appeal is filed, or if an appeal pursuant to section 2852 is filed and the Superior Court does not order, stay or overturn the order to dispose of the building, the municipal officers shall order the nuisance to be abated or removed in compliance with the order (17 M.R.S. § 2851).

B. The second method of abatement is an alternative to proceeding before the municipal officers. Instead, a municipality may seek an abatement and/or demolition order directly from Superior Court (17 M.R.S. § 2851(4)). After a hearing, the Court may order abatement and/or demolition and may award costs to the municipality.

C. The third method of abatement is a "summary" (immediate) process that may be used in cases involving an immediate and serious threat to public health, safety and welfare (17 M.R.S. § 2859). To use the summary process, a municipality acting through its building official (or other official named in the statute) must file a verified complaint with the Superior Court. The court may act "ex parte" to set a hearing date (within 10 days of the filing) and order the owner(s) and all parties in interest to appear. Upon hearing, the court may order abatement and/or removal and may assess costs. There is no appeal from the court's judgment, although the owner may, within 30 days, contest costs and seek damages for wrongful removal if provable.

Acknowledgment; Return of Service

On a legal document, an "acknowledgment" attests to the authenticity of a signature and is required in order to record the document at the county Registry of Deeds. A "return of service" evidences that a copy of the document was actually served on a person by someone with authority to do so. All of the suggested forms in this packet should include an acknowledgment for each signature and should be recorded in the Registry of Deeds (17 M.R.S. §§ 2851, 2857 and 2858). Any notice or order required to be served on an owner or party in interest should also include a return of service (17 M.R.S. §§ 2851 and 2856). Service must be made in the same manner as a court summons is served, including by mail, by a sheriff or deputy within the sheriff's county, by another person authorized by law, or by some person specially appointed by the court for that purpose (Rule 4, M.R.Civ.P., linked above). Please note that while service on an out-of-state property owner may be made in the same manner in which service is made in Maine, the person serving the order on an out-of-state property owner must be one authorized to do so under the laws of the state where service is attempted.

Records

In any proceeding before the municipal officers, a full record of testimony and deliberations should be kept (either a clearly audible tape recording or a written verbatim transcript). Documentary evidence (such as photos and inspection reports) also should be compiled and preserved. This record is essential to sustaining the municipal officers' decision if it is appealed. Proof of expenses (such as time cards and invoices) also will be important if a municipality itself undertakes the abatement and seeks to recover its costs.

Special Tax

All expenses incurred by a municipality related to an order issued under section 2851, including the expenses relating to the abatement or removal of a building, must be repaid to the municipality by the owner within 30 days of demand or these costs may be recovered by assessing a "special tax" against the land (17 M.R.S. § 2853). The tax must be included in the "next annual warrant" to the collector and may be collected in the same manner as property taxes (including by automatic lien foreclosure). (See

The costs that may be recovered by the municipality include, but are not limited to, the cost of title searches, location reports, service or process, reasonable attorney's fees, the cost to secure or remove the building, and all other costs that are reasonably related to the removal of the building.

Personal Property Located in a Building Declared to be Dangerous

In many cases, there will be items of personal property inside a building that has been declared dangerous using the process outlined above. Before the building may be demolished, the personal property must be addressed. Title 30-A M.R.S. § 3106 outlines the statutory procedure that must be followed by the municipality in the event of abandoned personal property.

Additional Concerns

As the discussion above indicates, a determination that a structure is a dangerous building requires careful consideration by the municipal officers and strict compliance with the requirements of State law, including complex notice provisions. A title search is recommended to identify all parties in interest entitled to notice of the proceedings. Moreover, demolition of property is a drastic measure that may result in liability for damages for wrongful removal. The municipality should take care to protect the due process rights of the owner and parties in interest by providing a meaningful opportunity to be heard and to address municipal concerns. *City of Brewer v. Conners*, CV-03-2 (Super. Ct, Pen. Cty, May, 28, 2004), *Kirkpatrick v. City of Bangor*, 1999 ME 73, 728 A.2d 1268; *Michaud v. City of Bangor*, 196 A.2d 106 (Me. 1963); *Bennett v. Town of Poland*, CV-88-64 (Super. Ct, Andro. Cty, Nov. 9, 1988). Therefore, we strongly urge the municipal officers to consult with local counsel before commencing such a proceeding. The municipality may recover the cost of legal advice as part of the "special tax" assessed against the property.

Finally, and again in consideration of the complexity of the formal procedures outlined above, a municipality should first attempt to resolve the issue of an unsafe building informally by sending a letter by certified mail, return receipt requested, to the property owner setting forth the problem and explaining that unless the problem is resolved to the municipality's satisfaction within a specified number of days, the municipality will commence proceedings to have the building demolished. Municipalities should be aware that any negotiated consent which allows the municipality to demolish property and assess a special tax against the property must include written consent by all parties in interest. Notices of the consent must be recorded in the Registry of Deeds located in the county where the building is situated (17 M.R.S. § 2858).

Forms

The MMA Legal Services Department would like to thank Geoff Hole, Esq. for sharing various forms that he developed for use in connection with the Title 17 dangerous building process. Those forms appear as part of this packet either in their original form or with modifications.

CITY OF ELLSWORTH

Council Order # _____

TITLE: Order authorizing issuance of up to \$1,200,000 of the City's Bonds to finance the acquisition of 11 Avery Lane

By the City Council of the City of Ellsworth be it hereby:

ORDERED that pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, the Treasurer and the Chair of the City Council are hereby authorized, in the name of and on behalf of the City, to borrow up to \$1,200,000, and to issue therefore, at one time or from time-to-time, the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes") in like amount, the proceeds of which, including premium and investment earnings thereon, if any, to be used and are hereby appropriated to pay a portion of the costs of the following project (the "Project"):

<u>Project Description</u>	<u>Bond Amount</u>	<u>Useful Life (est.)</u>
Acquisition of a 3.02 acre (+/-) lot located at 11 Avery Lane, in the City of Ellsworth, Maine, being more fully described at the Hancock County Registry of Deeds in Book 2643, Page 0188, with all buildings, structures and other real property improvements located thereon and personal property located thereat	\$1,200,000	40 years

ORDERED that said Bonds and Notes (including any bonds or notes required to provide for exchanges or transfers of Bonds or Notes previously issued), shall be executed and delivered in the name of and on behalf of the City by the manual or facsimile signatures of the Treasurer and the Chair of the City Council (provided that at least one of such signatures shall be a manual signature), sealed with the seal of the City, attested by its Clerk.

ORDERED that the Treasurer is authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time or from time-to-time, and which may be issued through a public offering (on a competitive or negotiated basis or a combination thereof), or through the Maine Municipal Bond Bank's general resolution borrowing program or to a bank or other qualified purchaser, or a combination thereof, and such Bonds and Notes may be issued in serial form or as term debt, or some combination thereof, such establishment, determination and approval to be conclusively evidenced by his/her execution thereof.

ORDERED that the Treasurer is authorized, in the name of and on behalf of the City, to establish, determine and approve the form, date, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, payment dates, provisions for redemption prior to the stated maturity date(s), with or without a premium, as provided in Title 30-A, §5772(6) of the Maine Revised Statutes, as amended, and all other details of the Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by his/her execution thereof.

ORDERED that each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount necessary to meet, with other revenues, if any, available to the City for that purpose, the payment of the annual installment of principal and the annual interest on such Bonds.

ORDERED that the Treasurer is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver all contracts, agreements, loan agreements (including but not limited to one or more loan agreements with the Maine Municipal Bond Bank), investment agreements, bond purchase agreements, continuing disclosure agreements, tax compliance agreements, official statements or other offering documents, instruments, a Letter of Representation or other agreement required to allow the Bonds or Notes to be issued through the Depository Trust Company Book-Entry Only System, and such other documents and closing certificates, as may be necessary or advisable in order to accomplish the issuance of the Bonds and Notes and the investment of the proceeds thereof (the “Bond Documents”), which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, and such other details as he/she shall establish, determine and approve, such determination and approval to be conclusively evidenced by the execution thereof.

ORDERED that if the Bond or Notes are issued on a tax-exempt basis, the Treasurer is hereby authorized in the name of and on behalf of the City:

- To covenant and agree (i) that no part of the proceeds of the Bonds or Notes, or the Project, shall be used directly or indirectly in any manner that would cause the Bonds or Notes to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) that the City will take all such action as may be necessary to ensure that interest on the Bonds or Notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation; and
- To designate such Bonds or Notes as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

ORDERED that the term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes, but is not limited to: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost to design, construct or reconstruct, renovate, improve, repair, furnish and equip the Project; (3) the cost of land, easements and other real property interests, landscaping and site preparation, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; and (5) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

ORDERED that if the Treasurer, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the Bonds or Notes, or any Bond Documents, the person or persons then acting in any such capacity, whether on an interim or acting or temporary basis, as an assistant, a deputy, or

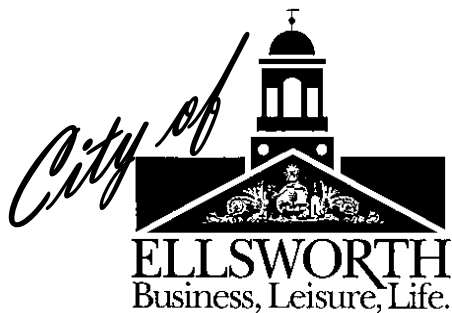
otherwise, is authorized to act for such official, in the name of and on behalf of the City, with the same force and effect as if such official had himself or herself performed such act.

ORDERED that if the Treasurer, Chair of the City Council, or Clerk have signed or sealed the Bonds and Notes, but shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

ORDERED that while any of the Bonds remain outstanding, the Treasurer and Chair of the City Council are hereby authorized, in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, which may be made callable, with or without premium, prior to their stated date(s) of maturity, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the Bonds.

ORDERED that while any of the Bonds remain outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

ORDERED that the City may pay certain costs of the Project prior to the issuance of the Bonds and Notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such Bonds and Notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.



Office of Human Resources

1 City Hall Plaza ▪ Ellsworth, ME 04605-1942

Phone (207) 669-6603 ▪ Fax (207) 667-6633

Website: www.ellsworthmaine.gov

Email: ktaylor@ellsworthmaine.gov

Memo

To: Toni Dyer, City Clerk
CC: City Council
Charles Pearce, City Manager
From: Kerri Taylor, Human Resources Manager
Date: May 2, 2024
Re: Collective Bargaining Agreement for Ellsworth Fire Fighters Association, Local 3402
International Association of Fire Fighters, AFL-CIO-CLC

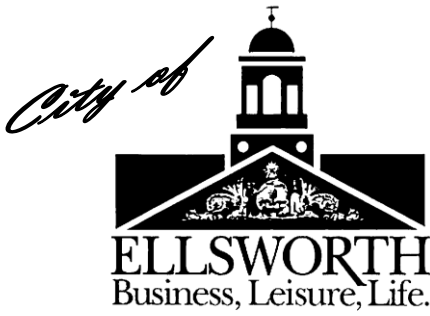
Please include on the May 20, 2024, Council Agenda:

Request for Executive Session to discuss labor negotiations between the City of Ellsworth and Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

Thank you,
Kerri Taylor
Human Resources Manager

If the Council approves this request the suggested motion would be:

To accept the labor negotiations between the City of Ellsworth and the Fire Fighters Association Local 3402 International Association of Fire Fighters, AFL-CIO-CLC as presented.



Office of Human Resources

1 City Hall Plaza ▪ Ellsworth, ME 04605-1942

Phone (207) 669-6603 ▪ Fax (207) 667-6633

Website: www.ellsworthmaine.gov

Email: ktaylor@ellsworthmaine.gov

Memo

To: Toni Dyer, City Clerk
CC: City Council
Charles Pearce, City Manager
From: Kerri Taylor, Human Resources Manager
Date: May 2, 2024
Re: Collective Bargaining Agreement for Ellsworth Highway Unit, Massachusetts and
Northern New England Laborers' District Council, Local 327

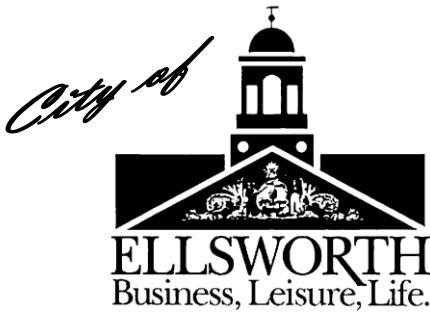
Please include on the May 20, 2024, Council Agenda:

Request for Executive Session to discuss labor negotiations between the City of Ellsworth and the Ellsworth Highway Unit, Massachusetts and Northern New England Laborers' District Council, Local 327 in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

Thank you,
Kerri Taylor
Human Resources Manager

If the Council approves this request the suggested motion would be:

To accept the labor negotiations between the City of Ellsworth and the Ellsworth Highway Unit, Massachusetts and Northern New England Laborers' District Council, Local 327



Office of Human Resources

1 City Hall Plaza ▪ Ellsworth, ME 04605-1942

Phone (207) 669-6603 ▪ Fax (207) 667-6633

Website: www.ellsworthmaine.gov

Email: ktaylor@ellsworthmaine.gov

Memo

To: Toni Dyer, City Clerk
CC: City Council
Charles Pearce, City Manager
From: Kerri Taylor, Human Resources Manager
Date: May 2, 2024
Re: Collective Bargaining Agreement for the Massachusetts and Northern New England
Laborers' District Council Local Union 327, Ellsworth Wastewater Treatment Plant Unit of the
Laborers' International Union of North America.

Please include on the May 20, 2024, Council Agenda:

Request for Executive Session to discuss labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Laborers' District Council Local Union 327, Ellsworth Wastewater Treatment Plant, Unit of the Laborers' International Union of North America in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

Thank you,
Kerri Taylor
Human Resources Manager

If the Council approves this request the suggested motion would be:

To accept the labor negotiations between the City of Ellsworth and the Massachusetts and Northern New England Laborers' District Council Local Union 327, Ellsworth Wastewater Treatment Plant, Unit of the Laborers' International Union of North America as presented.