

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.

- 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.

** Agenda items with backup material.

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