

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. C. Hanson absent, excused.
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

Motion to approve by J. Stein, second by T. Mote, passed 6-0

5. City Manager's Report.
Manager Pearce talked about the Harbor dredge upcoming. CAD Site needs, possibly in Surry. There are 5 applicants for Police Chief. Finance Director has 21 applicants so far. Finalizing departmental budget requests. Working on finalizing the audit also.
6. Presentation of Awards.
 - Proclamation: Pride Month for June 2024
7. Committee Reports.
N. Smith- Historic Preservation- worked with the Facilities Director on the Chimney repair, certificate of appropriateness as well as discussions on the seal out front.
8. Citizens' Comments.
Penelope Houghton- Surry Road group: summarized the County's public hearing on the court house. Hired a surveyor for the property to assess actual buildable acreage, limiting the 25,000 sqft proposed building. Reviewed support services, being on east side of Bridge Hill, adding to traffic. Negative impact on daily lives is inconvenient, as well as a safety concern. The group provided the County a packet of supporting documents and recommendations, and were told they would be reviewed. No timeline was given as to when. Group requested transcripts of meeting, and the request was denied.

Susan ????- Windsor Way: Surry Road is a neighborhood zone and the State is using a special zoning to build in this location. Most comments were negative regarding this location. There is no valid survey, either environmental or traffic or land. Local businesses are concerned about losing clients from current courthouse as it is walkable to local businesses.

Lisa Larue- Surry Road group: March 18th City Council meeting, City Planner referenced a special use zone for such a project. City Staff (Mr. Williams and Mrs. Richards) emailed the State liaison about the property being for sale, which is how the State found out about this location. Ms. Larue feels the staff found a way around the City rules instead of enforcing them. This was brought to the attention of Mr. Williams in a recent meeting.

Gordon Workman- Surry road group: Took over for Ms. Larue. Overheard the City Manager say this was a good idea, and talked about a round a bout to help traffic. Talked about the City Council needing to stand up for the citizens since staff are seemingly not doing what is best for the public.

Zabet Neucollins, Heart of Ellsworth- Pride Fest is June 9th, 11:30-4PM. Woodlawn Trail on June 15th. Flex It café on June 19th. Ellsworth Pride Facebook account for details.

Lisa Larue (during Councilor Comments): Its been hard to get facts from the City and State, she doesn't feel this is embarrassing, shame on them.

9. Councilor Comments.

Nancy Smith- Courthouse topic. Not sure its appropriate to make council comments a discussion, but she is listening and considering ways to bring this up.

Tammy Mote- discussion to review homelessness topic and how to check in on the status of homelessness and where we can help.

Jon Stein- attended the public hearing for courthouse. State and Surry group both had great points, not sure what we can do as a council, but he is thinking about it. City staff 'not working for the common good' idea needs to be considered as there is a lot of business to do and this is a time of year that is busy.

Michelle Beal- Embarrassing staff during meetings is bullying and the staff do incredible work and patience and conversations are good to have.

Steve O'Halloran- Tax increase from last year, hoping there isn't a repeat of that this year. Would like to see equality about comments- consistent time, and be rigid with everybody.

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. *

Move to approve by T. Mote, second by P. Lyons, passed 6-0

NEW BUSINESS (** denotes backup material included)

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. **

Motion to approve Shinbashi, Union River Lobster Pot, Airline Brewing Company and The Breakroom after public hearing by T. Mote, second by J. Stein, passed 6-0

- ✚ 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. **

Public Hearing opened.

Jon Ketchum and George ? from Giri. Currently in compliance with licensing rules. Reviewed hotplates issues- Jon understands it and is looking into alternative options to have suppression in rooms. The employee housing room was done and he is trying to get local plumbers and electricians to approve the work and get after the fact code permits.

Public hearing closed.

Fire Chief and Code Officer- Fire is good, everything is remediated, and they are compliant. Inspector will continue to follow up to ensure compliance. Fire is comfortable moving forward. Code was unaware of the new construction interior rooms. They can get after the fact permits or remove it. If it is unused until either option, they are compliant with code.

N. Smith- hotplates provided by who? (it appeared provided the company)

S. O'Halloran- huge homeless population here and hotplates can be bought at Walmart, how many drug deals go on and we don't inspect for that.

Lisa Larue- when it comes to fire safety what you do in your room can effect all rooms. (PH was closed)

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

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

Jake Taylor- EBDC identified HCTC as an opportunity in Ellsworth for bigger project with bigger impact. EBDC collaborated with the school to get support from them to renovate or build a new campus. Building feasibility study was completed. With City Council support, completed that and hired Oak Point associates who did the middle school project and other HCTC projects. Study started in 2021 through 2022. There has been a lot of development in that time. In 2023 DOE allocated money for capital projects. Hopeful to have a high ranking there, but no estimate on amount of funding. This committee is looking to plan for the extra funding needed and in case HCTC isn't funding through DOE, how do we solve the problem?

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) **

Fire Chief Guillerault- Reviewed the contract. This is a contract with the County for Fletcher's Landing for EMS and Fire coverage. No services have changed, but received contract increase from \$17,500 to \$20,000 per year as the City is now a back up transport service.

There is an average of 20 calls per year. This estimated cost does cover the cost of Ellsworth to provide this service.

Motion to approve by J. Stein, second by T. Mote, passed 6-0

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) **

CM Pearce reviewed ARPA funds and expenses thus far.

M. Beal- would like an ARPA plan for the remainder of the funds.

S. O'Halloran- agreed on a meeting to review. Is this a problem at the Highway garage?

Motion to approve the request from APRA by N. Smith, second by P. Lyons, passed 6-0

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) **

Code Officer Grant reviewed the fire that made this structure uninhabitable. The family got insurance funds, and the bank claimed that money. The home was not repaired and has sat there. It has created nuisance to neighbors. They had legal representation, but the lawyer is no longer representing the client.

Public Hearing opened. Dotty Small- there are rats. There are no windows, and tarps, doors aren't closed. Public Hearing closed.

Move to schedule the public hearing for July meeting by P. Lyons, second by T. Mote, (City attorney reviewed process and timeline) passed 6-0

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) **

Supt. Boles reviewed a presentation. The school department had been looking for a location since 2023. Once this property was identified, ESD came to finance committee and to City Council. There is a space issue within the ESD. ESD spends significant funds on leases each year for space, that could be better served on a property owned by the City. This property is an opportunity to host a training site for other districts and businesses. Reviewed expenses for both current facilities and Avery Lane.

Inspection report (CM Pearce) was very good.

Supt. Boles: there is a 90 and 30 day notice for current leases.

Public Hearing opened.

Gordon Workman- buying is better than leasing. What was total cost of lease vs. buying? It wasn't provided until tonight to give people a chance to review. Before decision, get a cost factor to the public.

Public Hearing closed.

Motion to approve the order by T. Mote, second by P. Lyons, (N. Smith- will not vote if the public had no process. The product is good, but the process is not. There wasn't enough time, the google folder was not available until yesterday. Would appreciate a full week to process this, ask questions and receive more information.)

N. Smith- talked about several questions she had unanswered.

P. Lyons- support the concerns, however, there's been sufficient process and notice of this item. Public voted for the council to be the legislative body.

Motion passed- 5-1 (N. Smith opposed)

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

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

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)

Discussions regarding two meetings. Some nights get long, there is a lot of business to do. There was no desire to make a motion, but discussion about seeing how the process works with new City Manager Pearce, and to reassess the need in the future.

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)

Motion to enter by P. Lyons, second by T. Mote, passed 6-0

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

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
Motion to approve the contract as presented by J. Stein, second by N. Smith, passed 6-0
- ✚ 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.
Motion to approve the contract as presented by P. Lyons, second by T. Mote, passed 6-0
- ✚ the City of Ellsworth and the Ellsworth Fire Fighters Association, Local 3402 International Association of Fire Fighters, AFL-CIO-CLC.
Motion to approve the contract as presented by T. Mote, second by N. Smith, passed 6-0

22. Adjournment.

Motion to adjourn by P. Lyons, second by T. Mote, passed 6-0