

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, October 21, 2024, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

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

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

Spectrum Channel 1303

AGENDA

1. Call to Order. *N Smith absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - September 16, 2024, Regular Meeting

Move to approve T Mote, seconded by C Hanson, passed 6-0

5. Presentation of Awards.
6. City Manager's Report.

The Deputy City Manager position is posted on the website, we have received over 70 applications so far. The closing period for the initial round will be next Friday (Nov 1). It will be kept open in case we don't find the right candidate. If we find the right candidate, we want to try to onboard them as soon as possible but if we don't find the perfect fit we will keep it open on a rolling basis.

Watched the council forum last week, it was incredible to see and learned a lot. Wish we could do more of that, having a conversation as a council and community on what people want and their ideas.

Attended the GrowSmart Maine Conference earlier today with Public Works Director, Mike Harris. There was really interesting policy discussions from the USDA and the Under Secretary for Rural Development, which Ellsworth falls under. They do more than just farming and agriculture; they do affordable housing, climate change resiliency and all kinds of grant opportunities for businesses.

Maine DOT has looked at the bridge replacement for Main St, along the Union River. They just sent out a historical request, so if anyone has an historical information or they would like it to be reviewed as part of that process. Don't have a lot of information on this currently but as we find out more and timelines for bridge replacement or what they come up with, we will be sure to keep the public informed.

There is an executive session at the end of the meeting, it is a performance review. Big fan of reviews and metrics for holding himself and others accountable.

Thursday (10/24) at 6pm, we have a discussion with Maine Department of Environmental Protection about Maine Organics and some of the things that have been discussed as a council, to start having a workshop with the community and council about some potential solutions and diving into the science of the problem.

Really enjoyed working with Casey and appreciates everything that she has done. She has a pretty good record of accomplishments while on the council and hopes that she is not called back to service too quickly.

7. Committee Reports.

J. Stein – Maine Connectivity is still working on the lack of internet coverage in the Graham Lake area. In a strange place where the bead program, which would give grant money for ensuring connectivity in rural areas, can't do it because the map that was created was incorrectly labeled showing where Fidium Fiber service ended. They need to go in and figure out where the errors are and fix the map and then can reapply.

Rec Commission tree lighting is Saturday November 30th, which is also small business Saturday. The holiday parade will be December 7th at 4pm, the theme this year is Christmas in Toyland. The Winter festival, which is themed fire and ice, is January 31st through February 2nd.

A replacement bridge and swings have been ordered for the playground. An ADA accessible, 2–5-year-old and 5-12 year old swing, new tire swing, new climbing holds and a couple other things are on their way; they may take a couple weeks or a couple months.

Comp Plan is in its final stages, the Steering Committee will get their edits in by the end of the month and there will be a discussion in council at the November meeting to bring everyone up to date and then there will be a vote to adopt the Comp plan in December after the Planning Board see it.

Charlie, Nancy & Jon attended a League of Towns meeting last Thursday, it was Maine DOT, the council was invited as well as members of the select boards of Trenton and council and other boards from MDI. Talked about transportation and housing, which are two huge issues and each town has a slightly different notion of what it means. They are going to try to have the meetings quarterly or at least twice annually.

Working group on the adult use cannabis question on the November ballot met for its final time on 10/10, it was the last of four meetings.

8. Citizen's Comments.

John Linnehan – had a really great night at the meet the candidates forum and after put together a voter's guide to help city voters decide who not to vote for and why.

Cara Romano, Director of Heart of Ellsworth – would like to highlight a community event that is taking place in November. The 7th annual Downeast Cider and Cheese Festival is happening Friday November 8th and runs through Sunday the 10th. There will be both free and ticketed activities, including workshops, talks and more. The signature event, the Cider and Cheese Bazaar, will take place on Saturday at Crossfit Acadia, with local cheeses, ciders and specialty producers who will be doing samples and have products for sale. There will also be food trucks and an apple identification table, the Bazaar runs from 12:30 to 4:30 and there are VIP tickets available.

9. Councilor Comments.

C. Hanson – some of the things that she appreciates most about the people sitting on the council with her is that it is a nonpartisan group and it is really an important thing for the city and an important thing for uniting them rather than dividing them. She appreciates their commitment to working together and not finding ways to divide them.

J. Stein – he and Charlie met with Healthy Acadia a few weeks ago and they let them know that some of their additional grant funding and funding they get per person, either housed or who go through their office, from the state and feds are being pulled and it looks like they may have a potential shutdown or lack of staff for the warming center. They came to the city to see what we could do or how we could fill in, there is going to be a potential ask of \$20k-\$40k, to keep them on their feet for this season.

S. O'Halloran – the first time he met Casey was at the candidate's night at the Grand. He said that he was rocking the conversation. She was speaking very confidently, she had good form, good content and good information. At the end of it, he went over to congratulate her and shake her hand, and her hands were ice cold, she seemed so confident but was the most nervous. They both voted against the budget their first year because of the funding for the Library. They were having meetings a lot and she had brought everyone dinner.

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 application (s) for renewal for the following license(s):

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

Move to approve C Hanson, seconded T Mote, passed 6-0

11. Council Order #102400 Update on Project Canopy Grant. (Sponsored by Councilor Hanson)

C. Hanson – This is a success of the 1-year old Arbor Commission and would like to invite the chair of the commission, Tabatha White, to come and give an update on the Project Canopy Grant.

Tabatha White – In June they received a \$20k Planning Grant from Project Canopy and the State of Maine. In August, they received \$173k for a planting grant from the State of Maine, both grants are funded through the Federal Government but managed through the state. They will use the \$20k planning grant to complete the street tree inventory. Also with the grant, they would like to revise the ordinance, as it is from 1991, finish the forest management plan, which will include a pest management plan, planting 8 trees, more public education, volunteer engagement, public engagement and demonstration projects. The \$173k is an unmatched grant that will be used for low housing and underserved areas to plant approximately 80 trees. They also received a grant for a community tree steward, so there is a posting on the City's website, and this person will help to oversee these projects and work closely with the Highway department and the Arbor Commission. The position is for January through November of 2025.

12. Council Order #102401 Update on Alternative Courthouse location project. (Sponsored by Manager Pearce)

The presentation is online on the city website, if you go to the search bar and type in courthouse, there is a whole web page dedicated to the project. The State Judiciary is amenable to the Wardwell property as an alternative location, we will need to work on the road access portion. There are some tight timelines on this project, December 1st is when we need to look to have details finalized. January 15th is when the State Bond Council votes to disburse the funds for the Courthouse Construction. They would like to start construction in spring of 2025 and be finished in 2026. Some cons of the location are access, Long Ln is not at a lighted intersection so it could require additional City funding above and beyond what the State is paying to get something at a lighted intersection and the tight timeline for State funding. Some pros of the location are that it meets all the State's requirements except for road access, there is potential for wilderness preservation, potential housing development with other Wardwell properties that are connected to it and could mitigate some traffic impacts in the city with a Main/High St bypass. Next steps, another workshop, completing the Environmental study, cost estimate and funding for the road and meet with the County to discuss plans for the old courthouse.

13. Council Order #102402 Update from Heart of Ellsworth on Tourism Resources, including a Main Street Maine update and the upcoming MOT tourism project and timeline. (Sponsored by Councilor Stein)

Cara Romano, Director of Heart of Ellsworth – there is a website, Main Street Maine, that profiles all eleven of the Main Streets in Maine. Each city or town has their own page that is dedicated to the promotion of all the businesses in the downtown. As of today (10/21), the Ellsworth landing page is the fourth most visited web page on the Main Street Maine website and the most visited downtown page. The Main Street audience is 52% out of state and 48% instate Maine visitors. At the beginning of October, Heart of Ellsworth received a \$200k grant from the Maine office of Tourism, Ellsworth was one of three towns that received the full amount that cities and towns were capped at. The Maine Economic Recovery grant is a tourism marketing and development recovery program that was part of the American Rescue plan. They are federal funds, secured by the state, so there are very strict guidelines that need to be followed. The purpose of the funds is to support economic recovery from the Covid-19 pandemic, and they are also looking to attract and increase visitation to areas that were negatively impacted. Heart of Ellsworth's goal is to encourage tourists to choose to lodge here for one or two nights of their Maine vacation and they want people to enjoy downtown during that portion of their stay. We were granted this fund because of Ellsworth's relative affordability comparison to many of the destinations on MDI and that those locations are usually booked where Ellsworth doesn't typically book as quickly as well as our location in comparison to surrounding areas people visit.

14. Council Order #102403 Public Hearing and action on proposed amendments to the 2024 Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance.

KaTina Vanadestine, Director of Social Services – this is the yearly maximum renewal, there are some small increases in the maximums and no major changes in the ordinance. These changes are mandated by the state and we follow the state ordinance. The maximums are the amounts that the state sets for the city to use during the application process. General Assistance is a program specifically income based for anyone who is looking to get help like food, housing, electricity, etc. The city is reimbursed 70% of the funds back each month.

Move to approve the new amended 2024 version of the Ellsworth Code of Ordinances, Chapter 36, General Assistance ordinance as presented C. Hanson, seconded by J Stein, passed 6-0

15. Council Order #102404 Public Hearing and action on proposed amendments to Chapter 31, which would remove the requirement that Recreation Commission members be Ellsworth residents.

The Rec Commission is looking to expand the applicant pool, which would put them in line with both the Harbor and Arbor Commissions. They have lost members over the years because they weren't able to find housing in the area. They would like to allow applicants that have a vested interest in the area, for example they work here or are on local boards.

After the public hearing was opened two residents had comments.

John Linnehan – believes that any committee should be staffed with only Ellsworth resident. Ellsworth residents are the ones voting on anything to do with spending money so it should stay in the resident's hands.

Raymond Williams – opposes the proposal as prepared. He agrees mainly with Mr. Linnehan completely that it should be Ellsworth residents. He does not believe that the information provided was completely accurate regarding the Harbor Commission. The ordinance says members should be residents of Ellsworth or a landowner. The Arbor Commission was created under a tree ordinance and says that it consists of nine members, but not where they come from.

The Rec Commission did have a similar discussion last month when they were discussing it. The best case scenario is that all members would be residents, currently all five members are, but it was decided that it was more important to have people that were engaged and interested in spending the volunteer hours than to have the vacant seats. There were other discussions that residents would take precedence over people from other towns.

Is it possible that there is a lack of interest because we need a Parks and Recreation department? That has been a difficulty this past year, not sure if the people who would be applying know but it has been a little bit of an issue this year because things get forgotten about or falls through the cracks.

Several councilors think that if there are people that want to help that it should be allowed, with the majority being Ellsworth residents because the council controls the money and vets the people on the commission.

Move to accept the recommended edits to chapter 31, removing the requirement that members be citizens of Ellsworth, C Hanson, seconded by P Lyons, tied 3-3.

Second motion to adopt amendment to Chapter 31 whereby removing “all members” and replacing with “a majority” of the commission will be residents of Ellsworth, P Lyons, seconded by C Hanson, passed 4-2

16. Council Order #102405 Request of the City Clerk/Tax Collector to approve the appointment of Finance Director, Nathaniel Moore, as a signer for the Juniper Cemetery checking account.

Sue McLean, City Clerk/Tax Collector – we found out that there is no signer on the Juniper Cemetery checking account, hindering us from paying bills from the account. It was decided that Nate, the Finance Director, would be the best person to be on it.

Move to approve the request of the City Clerk/Tax Collector to approve the appointment of the Finance Director, Nathaniel Moore, as signer for the Juniper Cemetery checking account, C Hanson, seconded by T Mote, passed 6-0

17. Council Order #102406 Request of the Public Works Director to accept the engineering proposal from Woodard & Curran for a dewatering upgrade at the wastewater plant.

Mike Harris, Public Works Director – the were awarded a grant from the DEP for \$375,000 with no matching funds. It was awarded because they recognized that when they passed the law that doesn't allow us to compost our biosolids, that our capacity to take other companies waste that are still currently allow to land apply, is not there without an upgrade. He reached out to Woodard and Curran for an estimate on the engineering for the project, which came in at \$279,000.

The project would be adding another centrifuge, giving us redundancy, because currently we only have one so if it fails everyone would be shut off. We would put in a bigger centrifuge, while keeping the current one for back up, do the new yard piping, pumps and other pieces necessary to feed the centrifuge. The initial cost estimate was \$3 million, but this would be a project that we would look to secure funding partners, whether it is the Drinking Water SRF grants or Rural Development USDA also does Water/Wastewater grants.

Move to approve the proposal from Woodard & Curran in the amount of \$279,500 to be funded from the DEP \$375,000 grant that the city has been awarded for this project, C Hanson, seconded by P Lyons, passed 5-1 (S O'Halloran opposed)

18. Council Order #102407 Request of the Public Works Director to purchase a vac truck.

The Public Works Director would like to request that this item be tabled because he just received the final bid this evening and hasn't had an opportunity to analyze it.

Move to table until next month T Mote, seconded by C Hanson, passed 5-1 (S O'Halloran opposed)

19. Council Order #102408 Request of the Public Works Director to accept the bid for a loader purchase.

Mike Harris, Public Works Director – during the budget process, the Highway Department requested a new loader. The Wastewater Department has their old loader that they have been using but having a back up loader is critical for the Highway Department, especially in the wintertime when they are loading salt and sand into the trucks during storms. The first payment would be deferred until next year and the annual payment for 7 years would be \$37,745. His request was that we accept the low bid from Beauregard Equipment of \$205,700, however Brian, the interim Highway Foreman, did some due diligence after the bids were received and believes that we would be remiss if we took this bid instead of another one. The information that he has been able to uncover tells us that their service ability and parts/spare parts ability is very diminished at this time, so if we had an issue with the loader we could be without it for an extended period of time. Brian would like to accept the John Deere machine for \$217,550.

Brian Moon, Interim Highway Foreman – the Beauregard Equipment machine is equivalent to what we have, it is a low-end machine but does the job. He has found out that $\frac{3}{4}$ of the service department left and went to work for John Deere. John Deere has a really good service department and we have never had any issues with them fixing them. They also have a spare machine that they would let us use if our machine was going to be out of service for a long period of time.

Councilors would like more information regarding the financing, so the City Manager proposes tabling it until the November meeting. PWD Harris would like to give John Deere a letter of intent to purchase, so that the machine stays available to us, while we get all of the financing information together.

Move to table P Lyons, seconded by C Hanson, passed 5-1 (S O'Halloran opposed)

20. Council Order #102409 Request of the Public Works Director to allow the City Manager to enter into an agreement with Enterprise to lease additional vehicles.

Mike Harris, Public Works Director – in becoming the Public Works Director he became involved in other departments that he had not previously been involved with. Getting into the Highway Department and looking at the fleet, he pulled five vehicles off the road because they are not safe for employees to drive. After an analysis of the vehicles, it was cost prohibitive and some of the vehicles could not be repaired enough to be put back on the road. The simplest way to handle this, in his opinion, would be to lease vehicles because buying five of them outright would be an expensive undertaking. They would fund the leases using money received from an insurance payment from a totaled plow truck and from the sale of the five vehicles that were pulled off the road. We currently have eleven vehicles across the city that have over 100,000 miles on them. He had a meeting with PD and Enterprise to see what the benefits of taking those eleven vehicles off the road and putting them all in a lease schedule would be and how they would be funded for the remainder of the year, without having to dip into other funds that shouldn't be.

Dustin Bouchard, Enterprise Fleet Advisor – currently the city manages 37 vehicles, 10 of them are leased through Enterprise and 27 owned, with an average age of six years on the vehicles. Using this program could save the city approximately \$500,000 over five years.

The eleven vehicles that are part of this ask are: five from Highway, one from Wastewater, one from Code Enforcement, two from the Fire Department, one from the Water Department and one from the Police Department.

Highway has insurance money, PD also has insurance money and the Fire Department has a revenue account that could be used to pay the remainder of the year's payments.

Councilors are concerned about doing all eleven vehicles because they were pulled from the budget during the budget cycle so there aren't funds to cover the payments for all of them. They would be amenable to doing the vehicles that have funds to cover the payments. Total cost for the remainder of FY 2025 would be \$51,146.40.

Move to enter into lease agreements for eight new vehicles, including five new trucks for the Highway Department to be funded from the insurance funds received in 2025, two Fire Department vehicles to be funded from Fire Capital Revenue Funds and one Police vehicle to be funded from the police department insurance proceeds from FY 2024, which need to be encumbered; and for the residual payments from the sale of those eight vehicles to go into the Capital Reserve Revenue Fund, T Mote, seconded by C Hanson, passed 5-1 (S O'Halloran opposed)

21. Executive session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

Move to table until November, C Hanson, seconded by J Stein, passed 5-1 (S O'Halloran opposed)

22. Adjournment.

Move to adjourn, T Mote, seconded by C Hanson, passed 6-0