

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, November 18, 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.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - October 21, 2024, Regular Meeting

Move to approve T Mote, seconded by T White, passed 6-1 (N Smith abstain).

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

Scheduling Note – the Tree lighting is Saturday November 30th from 3-5pm. There will be family-friendly activities, letters to Santa, games and the tree lighting will be at 5pm. There will also be hot cocoa, cookies and fire pit tables. It is also small business Saturday, so people looking to support our local businesses for holiday shopping, please come out. Christmas Parade is at 4pm on Saturday December 7th with a rain date of the 8th. Line up begins at 3pm at the Ellsworth Elementary Middle School.

Deputy City Manager posting – we have received about 200 applications. Done approximately 10-15 15-minute phone screening calls with HR and the Hiring Committee teams. Down to the final six to do second interviews with.

Comp Plan has a workshop December 5th from 6-7:30pm. Thank you to Matt, the Planning Board team and all community members that have been involved in the process.

Maine Organics, we had a workshop on that recently. There was a violation issued recently and still working on next steps. Will have another workshop or bring the issue straight to a Council Meeting for an update on potential additional legal avenues or updates to the smell ordinance. We are working with our attorney to get the Council a briefing on the full legal options. Had worked with the DEP and saw what their action items were and took away a bunch of items for ourselves.

Congratulations to Cara and the whole Heart of Ellsworth team on the Main Street Designation, attended an event a few weeks ago to accept. We received some great gifts, including two "Welcome to Ellsworth" signs, which we are now working with Maine DOT and others to figure out a location to put them up.

Big thank you to City staff that worked on the election. Put in a lot of hard work, not just on election day but before and afterwards.

7. Committee Reports.

▪ Appointment of Casey Hanson as a full Arbor Commission Member
Move to approve J Stein, seconded by T Mote, passed 7-0.

J. Stein – Recreation Commission meets tomorrow (11/19) morning at 8:30 in Council Chambers, public is welcome to attend. Discussion will be tree lighting, Ice Festival and ice rink, among other things.

T. White – Arbor Commission – last Wednesday and Thursday the Highway crew and Arbor Commission worked together to dig out nine trees out of the Jordan Homestead Nursery, which was the first of this kind of project. With four volunteers, two Arbor Commission members and three Highway crew eight trees were moved to High Street adjacent to Goodwill and the ninth tree was planted as a memorial tree at Knowlton Park. They also received a donation of \$8,000 worth of trees from Plants Unlimited, which have been unloaded and winterized in the nursery to be planted out in the spring. There is currently no plan for these trees, but before they are planted in the spring there will be a plan formulated. Also spent last week conducting nine interviews for a Community Tree Steward. They will be with us from January/February through November of 2025 to help complete our tree inventory work, work with the Planning Department to determine right of ways, developing and cultivating more Community Tree Stewards through volunteers from projects in education, organizing professional development and training for City staff, working with the Highway department and Arbor Commission to plan and organize planting projects, working in our nursery and with our street trees and working with our communication to get the word out.

8. Citizen's Comments.

John Linnehan – read the First Amendment of the Constitution. He noticed that the Council decided to save time and limit public to Municipal business, which is a great idea, so he had one thing he would like to address. He would like to encourage the Council to make every decision with one goal in mind. Will my vote and input on any item reduce or at least hold steady our current property taxes or will those decisions increase our taxes. It is his opinion that any increase in property taxes this year is unacceptable.

PJ Keenan, Ellsworth Chamber Director – we have a Christmas in Ellsworth Committee that has been meeting regularly, since approximately summertime, they have a website called Christmas in Ellsworth, which has all of the festivities happening, along with the parade and tree lighting.

They are hoping to have postcards out shortly to promote the tree lighting, parade and it will also have the website. christmasinellsworth.com is the website.

Fred Beyer – after reading the article in the paper the other day regarding the Courthouse location, he was struck by two things. The road was estimated to cost \$1.2 million by the county and the City Highway department said that it could be done for several hundred thousand dollars. He doesn't like the idea of putting it on High Street where there is already a lot of traffic, when if it was put on Surry Road it would relieve some of the traffic congestion. Also, the idea that the city is willing to spend several hundred thousand dollars on a road to appease a relatively small number of people who live on Surry Road is unconscionable and that we should not spend that kind of money on a road when we are having a hard time maintaining the roads we currently have.

9. Councilor Comments.

J. Stein – to keep the conversation going from the Finance Committee meeting on Friday about creative funding opportunities for Healthy Acadia projects, he plans to attend the County Commissioners meeting tomorrow (11/19). He has gone back and forth with them regarding their remaining ARPA funds, which look like they might be earmarked for their new emergency facility that they are building. They have been encouraged by the State to create a grant program for municipalities for the non-profits within the municipalities to apply to.

P. Lyons – is on the Board of Directors for Healthy Acadia. They have opened a new facility, which will be their new headquarters, on the Beechland Road. They are having an open house on Thursday December 5th from 4-7pm, and he asked if he could invite the City Council and City Manager to attend. It is a great organization that does a lot of things for the community.

S. O'Halloran – would like to say thank you to Mr. and Mrs. Ellsworth for giving him a second term in the seat and congratulate Tabatha on her victory. He remembers that past Councilor Cookie Patton said that her first term she spent learning and her second term she planned on doing. He doesn't want to make that commitment but, he believes that his first two years was a huge learning curve and is honored to get a second term. When he was first elected, longtime resident Buddy Morrison went to his office and as he stepped through the door he said "slow down the spending." For this meeting (11/18/24), there was over a million dollars in expenses on the agenda, so he would encourage the City of Ellsworth to go on a money diet and start thinking about innovative ways to do things without sending taxpayer money.

N Smith – there is a challenge in the role that they are in as we've worked through the budget process, if you don't fix a cracked window and the window breaks and you sell your house, the new homeowner has to replace the window. Whereas if you had fixed it early on it would have been a maintenance item versus an investment item. It is her belief, after having been on the Council for a year now and being intensely involved in the budget process, that it is the position that this Council is in with the amount of deferred maintenance on roads, buildings, infrastructure and delayed investments that reflect the growth of the city. We are moving forward in the role of being very cost-conscious and aware of what their overall impact will be, watching Charlie balance what the mill rate would be as they tried to figure out where we are going, and making use of grants and State and Federal funding, in a way that is responsible so that when each councilor is

done with their term we are not leaving issues behind for the next round of Councilors. She believes that it is the responsible way to approach the requests that come to them from city agencies, city departments and members of the public.

UNFINISHED BUSINESS

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

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

Move to table item 10, Council Order #102407 Request of the Public Works Director to purchase a vac truck and item 11, Council Order #102408 Request of the Public Works Director to accept the bid for a loader purchase, P Lyons, seconded by T Mote, passed 7-0.

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

12. Public hearing and action on the application(s) for renewal for the following license(s):

- Jeff Kelly-Lokocz d/b/a 86This!, 125 Main Street, for a renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Restaurant (Class III & IV) Malt Liquor and Wine License.
- Squid LLC d/b/a Ellsworth Suites, 147 Bucksport Road, for renewal of a City Lodging License.
- NEH15LLC d/b/a Comfort Inn, 130 High Street, for renewal of a City Lodging License.

Move to approve all three license renewals, T Mote, seconded by J Stein, passed 7-0.

13. Presentation by the City Planner and Economic Development Director on the City's selection and participation in the US Department of Transportation's Thriving Communities Program.

Move to table, T Mote, seconded by N Smith, passed 7-0.

14. Council Order #112400 ~~Discussion~~ Public Hearing and potential action on the Road and Public Works Infrastructure/Capital Investments for consideration as part of a Bond Anticipation Note.

Nate Moore, Finance Director and Mike Harris, Public Works Director – everyone should have a packet in front of them and it was also discussed at the Finance Committee meeting, regarding the

potential Bond Anticipation Note (BAN) we are looking to do for the city. A good portion of it will be used for local roads, which is something that has been put off for quite some time but really needs to get done, and this was the best way to fit it in the budget. It is a reimagining of how we get our roads done right now, this doesn't mean that it will be how it is forever, but so we can get everything in order for when contractors are looking for work, the proposal is to BAN and then bond for the roads that we want to get paved.

A Bond Anticipation Note is like a line of credit or construction loan, when you draw down the funds then you start paying interest on it. The Bond proceeds will pay off the BAN and we make payments on the Bond over a longer period of time.

This will be the first part of a much larger infrastructure 1/5/10 year Capital Improvement Plan process, which has fallen by the wayside over the last few years, even though it is required by Charter that we have a plan detailing every piece of Infrastructure in the City.

Just because the Council is authorizing the funds, doesn't mean that we have to use all of them. We will only pay on what we draw, but it was suggested that we add some contingency built in.

Councilors have concerns about having the Courthouse access road in the BAN because we don't know the cost of the environmental survey and legal work. It was asked if the city has the funds or the access to the funds to cover those costs, and yes it does, there are other funds that we could use to pay for it.

The plow truck is a necessity because we had one totaled earlier this year. We had originally looked into purchasing a used truck, but it was sold out from underneath us. Currently it is very difficult to get a new truck and could be delayed at least a year. The PWD was approached by Daigle and Houghton because they have a brand new, fully equipped plow truck that will be ready to go in December. Colwell Diesel gave a quote on another vehicle but would still need to get the plow equipment. After checking with Fairfield, the company that does the outfitting of plow rigs, they are currently 40 trucks behind, so any truck that is sent to them will not be useable anytime soon.

The Surry Road Water Main project is fully funded but there isn't enough for any contingency in the project and with a project of that size, you don't want to start it without any contingency. There is a possibility that the funds are not used, but having it there if needed is critical.

The capitalized interest is not expensed, we are capitalizing it so when we go to permanent financing it doesn't have to be authorized it is already there. Councilors talked about removing it from the BAN because it is like paying the interest twice.

The PWD pointed out that having the local roads as part of the BAN instead of the budget is that he can put out bids in the wintertime, when contractors are looking for work, instead of in July when the new budget starts and contractors already have full schedules.

A summary of the discussion to this point is that we are talking about a BAN for \$2.795 million, to remove the \$50,000 for the Courthouse road and to possibly remove the capitalized interest.

After the public hearing was opened, Raymond Williams came up to comment. He is in support of this and he agrees that the Courthouse road should be taken out. No one else spoke and the public hearing was closed.

Order authorizing the issuance of up to \$2,575,000 of the City's General obligation bonds and notes anticipation thereof to finance multiple local road repairs in the amount of \$2,100,000, one plow truck in the amount of \$275,000, and \$200,000 for the Surry Road Water Main, T Mote, seconded by S O'Halloran, fails 1-6.

Clarification was asked about the amount of the order because it appeared quite a bit lower than everyone else expected, the \$2,575,000 came from removing the Courthouse road and the capitalized interest. There was discussion to add the capitalized interest back into the BAN so that we have the extra there if we need it, it doesn't mean that we are bonding it. Several Councilors say that they would not vote for the motion as amended, that the capitalized interest should be added back in.

Order authorizing the issuance of up to \$2,715,000 of the City's General obligation bonds and notes anticipation thereof to finance multiple local road repairs in the amount of \$2,100,000, one plow truck in the amount of \$275,000, \$200,000 for the Surry Road Water Main and capitalized interest in the amount of \$140,000, T Mote, seconded by P Lyons, passed 6-1 (S O'Halloran opposed)

15. Council Order #112401 Public Hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance. [Packet\15a - Chapter 34 Proposed Amendments 11.2024.docx](#)

Kerri Taylor, HR Manager – most of the major changes were highlighted in the memo but the biggest item is the addition of the Maine Paid Family Medical Leave Act that goes into effect on January 1, 2025. With this, we are required to pay a 1% contribution on all employee wages to the State of Maine, with the exception of the Police and Clerk unions, due to the timing of their collective bargaining agreements, they will not have to pay in until renegotiation.

Information has been provided to all employees that this will affect, so they are aware of the change. Language has been added for the performance evaluation process that has been adopted; it is clarification for department heads and employees, so they know what to expect and guidelines for new hires.

The next section is amendments to the personnel ordinance dress code, it has been quite a while since it was updated, she was not able to find a date that it was last change. They have added some language to state that there are some departments that are not public facing, so they will work with the City Manager and their department head to determine appropriate clothing for their department.

The next largest piece of the changes was the addition of Juneteenth to our holiday list. It is a federal holiday, so we are proposing to add that to our list.

Other additions are just small things like new hire training language, benefit eligibility, some language clarification, Chapter 5, section 10 allows for the City Manager to approve up to 180 days of unpaid leave and would like to reduce that to 90 because 180 days is a long time away from work, which would put strain on the department. There is a section that allows for advancement of a paycheck if an employee is going to be using paid time off, which is thought to have been used more when we were printing paper checks but almost all employees use direct deposit, so would like to remove that section. There is also a section for employees that are retiring, that we are paying them a two-week severance pay, would like to remove that because they do get paid out for any vacation or paid leave that they have on the books.

Move to adopt the amendments to the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance, P Lyons, seconded by J Stein, passed 7-0

16. Council Order #112402 Presentation and discussion on employee health insurance options.
[Packet17a - 11.18.24 HLTH INS PROPOSAL CC.pdf](#)

17. Council Order #112403 Public Hearing and action on amendments to health insurance options in the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance.

Kerri Taylor, HR Manager – currently the city provides one insurance plan to employees, and we would like to offer a second one. Introducing a second plan will provide us with better recruitment options and will help with retention. Currently we have the PPO2500 plan that the Health Trust offered through Maine Municipal Employees Health Trust, which they are changing the name of to the Pemaquid. The plan is set to increase by 7% as of January 1, 2025. Non-union employees pay 7% contribution currently and hasn't been changed since FY12, she would like to propose an increase to 10% as of January 1, 2025 to offset some of the increase that we will be receiving from the premium increase from the health insurance provider. Anyone enrolled in the Pemaquid plan receives an employer funded Health Reimbursement account (HRA), \$3,000 for an individual \$6,000 for family; the funds cover out of pocket costs and renews every calendar year. Police and Fire get a little more in their HRA each year, \$4,500 for single and \$9,000 for family.

The second plan, is called the Acadia, is a zero deductible plan with a \$1,500 single and \$3,000 family deductible. We would like to offer it with an increased employee premium so employees would pay 20% of the premium. This plan is more expensive than the current plan, so the goal is that employees would cover the additional cost. Anyone that chooses this plan will not receive an HRA, that option goes away. Because the union employees pay more of the premium, a 1% increase to their premium contributions is proposed.

Council asked if there was anyway to get an idea of how many employees would be interested in the Acadia plan. About a year ago, HR did a survey to gauge the interest, and the results were that there were not a lot but enough interested that it is worth doing the second plan. It was also found that longer term employees were interested in the plan, they found that they were exhausting

their HRA year to year so the plan wasn't really meeting their needs. One thing that is great about this option is that employees can switch back and forth between plans from year to year.

Move to adopt amendments to health insurance options in the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance, T Mote, seconded by T White, passed 7-0

18. Council Order #112404 Public Hearing and action on the request of the City Planner to accept \$92,500 from the Lands for Maine's Future Fund for the purpose of acquiring 279.1 acres of land for the Branch Lake Expansion; and further to accept \$92,500 from the Land and Water Conservation Fund for the purpose of acquiring 279.1 acres of land for the Branch Lake Expansion. The purchase price for the 279.1 acres is \$185,000.

Matt Williams, City Planner – this project is about 2 years in the making. There are two long-term grant processes, Land for Maine's Future Fund and Land and Water Conservation Fund through the Federal Government that the city has successfully been awarded. They are both reimbursement grants that total \$185,000 which covers the purchase price of the 279.1 acres that directly abuts the current Branch Lake Public Forest. The \$185,000 is lower than the appraised price, which was somewhere in the \$200,000 range. Council approval would be to accept the funds to purchase the land, there are still a few due diligence items that need to be completed but before the purchase actually happens the purchase and sale agreement would come to Council for approval.

Councilors asked if there were additional surveys needed how would they be funded. A request would come before Council if that was the case because it would cost more than what the City Manager can authorize. Councilors also asked about a timber inventory of the lot, there was one done but it was approximately six years ago so it is a little outdated. They are also happy to have this connect two pieces of land that the city already has and to conserve the water quality of Branch Lake and expand the trails for public access.

Move to accept funds from the Land and Water Conservation Fund in the amount of \$92,500 and to enter into a service contract for the purchase of 279.1 acres at map 74 lot 2 for the purpose of conservation and the expansion of outdoor recreation activities in Ellsworth and accept funds from Land for Maine's Future Fund in the amount of \$92,500 for the purchase of 279.1 acres at map 74 lot 2 for the purpose of conservation and the expansion of outdoor recreation activities in Ellsworth, N Smith, seconded by J Stein, passed 7-0

19. Council Order #112405 Public Hearing and action on the request of the Superintendent of Schools to authorize borrowing of up to \$135,000 through the State Career and Technical Equipment Bond Program for the HCTC Welding Program (bond proceeds to be repaid by the MaineDOE).

Bill Tracy, Director at Hancock County Technical Center (HCTC), Josh Tripp, Superintendent of Schools Region School Union 25 in Bucksport & Carolyn Heller, Business Manager for the Ellsworth School Department – this is a unique opportunity for them to use Grant Funds to replace

the abatement system. HCTC's welding site is located at Bucksport High School and is in need of replacement for both the particles and noise.

Councilors asked to get a little more information about the welding program. They currently have 14 booths that are used in a morning and afternoon session, and they are packed, it is a very busy program. Last year they worked on adding four more booths so they could increase the program capacity to 18 in each session but need the ventilation system to meet the standards. This program has students from all over Hancock County and they are getting their certifications while in the program, so they can go on to college or enter the workforce.

Councilors also asked about the connection between Bucksport High School and HCTC. Currently at HCTC, they are in desperate need of space so when the welding program was built it was put at Bucksport High School because they already had an existing lab. Mr. Tripp said that he believes they are in their 16th year of partnership. They have approximately 30 students each year that go through the program and they have a great retention rate, most of their first-year students come back for the second year. They received a private gift of just over \$30,000 that allowed them to add the four new booths, which the students ended up building for them. There is always a wait list for the welding program, so usually there are three to four students that don't get to participate. Most of the students in the program are from Ellsworth and Bucksport, just because of the travel, they occasionally will get students from MDI, Sumner and Deer Isle/Stonington.

Councilors asked why the Ellsworth School system is applying for the grant instead of the Bucksport School system. Bucksport tried to apply for the grant, but they were told that because HCTC is an Ellsworth School Department program that they have to be the ones to do it. It is a satellite program much like the carpentry program that is located at the Sumner School, but is still an Ellsworth School Department program. They also have firefighting, EMT and medical assisting programs they are putting together for next year, all of which will be offsite.

Move to authorized the Superintendent of Schools to borrow up to \$135,000 through the State Career and Technical Equipment Bond program for the HCTC welding program with the bond proceeds to be repaid by the Maine DoE, P Lyons, seconded by N Smith, passed 7-0

20. Council Order #112406 Public Hearing and action on the request of the City Manager to purchase four Level 2 EV Chargers from Revision Energy, with a majority of the cost to be reimbursed through an award program from Efficiency Maine.

We applied to the Efficiency Maine Grant program for four level two EV charging stations and were accepted. The request is to take \$25,960.80 out of the Capital Reserve account as a deposit so they can begin the design/electrical work with the expectation that they will be installed in the spring. We will also then be able to finalize our 2025 submission to the IRS for a tax credit, the credit would offset more of the out of pocket cost, bringing it down to \$10,863.00.

Councilors asked how the public would know that they are there after they have been installed. The plan is to work with Maura on a Communications plan and we will get them on Google and

the public charging access networks. Councilors also asked if the grant would cover any kind of signage to put in front of them giving time limit restrictions or we decide what we want our rules to be and make our own signs. We would have to do our own signage, unless we wanted to partner with local business owners for advertising.

The Ellsworth Chamber of Commerce and Heart of Ellsworth have offered to help with marketing, they can add more EV markers to their existing signs and business pages.

Citizen Raymond Williams is concerned about the parking spaces that are going to be taken away from everyday people and that are full all the time. He is also concerned because he saw in the Bangor Daily News that they are laying off a substantial number of employees, so will that effect our contract. Charlie is going to look into it to make sure that our contract will not suffer because of the cut.

Move to authorize the City Manager to expend \$25,960.80 from the Capital Reserve account as a deposit with Revision Energy for the installation for four EV destination charging stations in the City of Ellsworth with the anticipation that additional federal tax credits to be realized in 2025 and all future income generated from the charging stations will be reimbursed to the Capital Reserve account, P Lyons, seconded by T White, passed 6-1 (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 enter session P Lyons, seconded by J Stein, passed 7-0

Move to exit session J Stein, seconded by N Smith, passed 7-0

22. Adjournment.

Move to adjourn T Mote, seconded by P Lyons, passed 7-0