

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, December 16, 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. *P Lyons absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - November 8, 2024, Special Meeting
 - November 12, 2024, Organizational Meeting
 - November 18, 2024, Regular Meeting

Move to adopt N Smith, seconded by T Mote, passed 6-0

5. Presentation of Awards.
 - Katie Dakin, Dispatcher of the Year
 - Brian Smith, Officer of the Year

Both are unable to attend, waiting until they are available

6. City Manager's Report.

YMCA lease negotiation, we have extended the lease through July 1, to have time for contract negotiations with the Y and others that utilize the building.

In January, we will be hosting a recreational cannabis workshop to discuss RFP and regulatory processes; to have a time outside of the normal council meeting to figure out how we want to design the regulatory framework, scoring criteria, etc.

Also in January, there will be a council meeting or workshop regarding Maine Organics. We have talked about the current state of the process and complaints from abutters, then a second workshop with the DEP to go over State tools for mitigation efforts as well as the city tools. We have had a violation submitted as well, so the January meeting will go deeper into what the full range of tools or changes to the consent agreement and how that could go or potentially changing the smell ordinance to further regulate this type of category.

It is the end of the year, so doing a look back on some big accomplishments over the year but also looking ahead. We are starting to do SMART goal setting for the year ahead, very excited for some of the projects we have coming up, also very excited to on board a new Deputy City Manager. Just finished what is hopefully the final interview for the DCM position. It went from over 200

applicants down to 2 and both of them are excellent candidates and either of them would do well in the role.

Operationally for the new year, which will probably be a challenge but also a hope, there is a ton of growth going on here. He was adding up some of the recent things that have come to the planning board or could be coming to the board and it is over \$120 million in building investments in the community. There is the Home2 Suites at \$14.7 million, a potential investment to come, the 150-unit apartment building complex is \$22 million, the \$55 million courthouse project and \$4.2 million for the Beals Ave condominium project. However, two of the projects, a total of almost \$70 million, are in jeopardy.

Lastly, a couple big thank yous, one to our volunteers and city staff who made the Christmas in Ellsworth events a huge success, both the tree lighting and the parade. A huge shout out to Kim Fitch, from the Grand, who helped get everything organized for each event. Also, to our Police and Fire departments for everything they do and their save of the young man that fell through the ice.

7. Committee Reports.

N Smith – Historic Preservation Commission, there is an ordinance update on the agenda, which will have us aligned with the state standards. Also, the Cemetery Commission is accepting applications; they have had several people mention that there are other commissions looking for people to serve on them as well. If you go to the city's website, under boards & commissions, you can get more information on which ones are looking for people.

M Beal – sent out the updated committee list, if anyone doesn't like the ones they have been appointed to or would like to change, please let her know.

T White – Arbor Commission, they are also looking at updating their ordinance. An RFP should have gone out today (12/16) for a Public Forest Management plan. It is the hope to capture a better Forest Management plan for the Ellsworth City Public Forest.

8. Citizen's Comments.

John Linnehan – he plans on speaking for three minutes uninterrupted; during most council meetings in the comments section of the agenda, he is continuing to politely set the proper constitutional guidelines for everyone's constitutional rights as listed in the Bill of Rights article 1 first amendment. After reading the amendment, he stated that his constitutional political speech rights have been violated at the last two monthly meeting and would like that to stop starting tonight (12/16) and going forward. So, he would like to petition the Council to listen to only solution to lower the city's "out of control" property taxes. He says by replacing three of the current council members, it will help lower spending. He says that we the people need to eliminate the practice of electing people based on popularity. It is time to elect three new members that have proven track records that they support policies of financial and fiscal conservancies.

Zabet Neu Collins, Heart of Ellsworth – wanted to invite City Council and members of the public to come to Ellsworth this weekend; there are many events happening around town.

Patience Blythe, Board President of Artsworth – very small volunteer run arts center at 25 Pine St. They are having their 15th annual fire gathering Saturday (12/21), it starts at 10am goes until 7pm. They have approximately 15 local artisans and demonstrations all day and live music beginning at 5pm.

Evan Moats, Executive Director at Woodlawn – wanted to speak in support of the great partnerships he has been able to be a part of since he started, Heart of Ellsworth, the library, Artsworth. On Saturday, (12/21) they will be having their second in a series of indoor farmers markets in the new barn and Santa will be there as well. The event runs from 10am-1pm.

Heart of Ellsworth – on Thursday and Friday (12/19-12/20) at 16 State St they will be having a holiday market from 3pm-7pm and Saturday (12/21) from 10am-3pm.

Cara Romano, Director of Heart of Ellsworth, Sarah Lesko, Ellsworth Public Library Director & Austin Schuver, Frenchman's Bay Conservancy – in June, the three of them put together a proposal to apply for the community outdoor recreation assistance program (CORA) through the US Economic Development Administration and the State of Maine. They were awarded 76k grant to work on some travel and tourism sectors to strengthen outdoor recreation. The proposal was to transform Riverwalk North into a recreational and cultural tourism asset. The key feature is extending the walking path that starts behind the library and ends up in the Central Street neighborhood to make a complete loop. For the Library, the key feature is working with the Schoodic International Sculpture Symposium. They will be installing temporary sculptures along the trail to start a Union River Art Trail. Also part of the grant will address the crumbling back stairs at the library where they will be getting a ADA accessible trail to the riverwalk.

9. Councilor Comments.

J Stein – a brief update on the County Commission business; there is a special commission meeting (12/17), this is their last one before the end of the month/year where they have to commit all of their remaining ARPA funds. They had \$2.2 million, but had just committed \$1.85 million to purchasing property to build a new emergency medical facility. It is unclear how much they actually have remaining, from what he can figure out it is somewhere between \$100k and \$1m. They are still waiting for RFP responses for the medical facility project so they can get an actual number to commit. He would like to propose some options of what they could do to help Ellsworth with the funds.

S O'Halloran – what we just experienced tonight with the citizen comments no one liked, but would like to remind the council that it is 3 mins and if you get rid of citizen comments that you would get rid of the other two presentations. Perhaps sitting quietly for 3 minutes and listening to everyone's comments might not be liked but would dislike blocking out the good to block out the one. Use the gavel to make the rules and let's not overreact to comments.

M Beal – does agree with Councilor O'Halloran that she would hate to block the good with the wonderful things that are happening in the city, however the reason for the agenda item is so that people can speak to the council about ideas and requests that they have. It gives them an

opportunity to speak to all the councilors at once, which is not always easy to do. What is being said and what was asked of people to do is to respect their wishes and the wishes time and other audience members. What was spoken about tonight had nothing to do with council business, it was inappropriate for a council meeting.

N Smith – process matters and what matters to her is respect for the institution, respect for the seats that they hold. When someone is out of order, it has nothing to do with animosity or who the person is. Campaigning is inappropriate and it is an abuse of the city's space and technology.

Manager Pearce – will try to bring options. They had their organizational meeting where they decided on this and this is a nonpartisan body discussing very serious business. There are other cities/towns that have similar rules against politicking at meetings. Would like to speak with legal counsel and get all the options.

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):

- David Sukeforth Jr d/b/a Dave's Auto Repair and Towing, 231 Bucksport Road, Ellsworth for renewal of a City Towing/Recovery License.
- ~~The Fuzion Buffet, 200 High Street, for renewal of a City Class C License.~~
- Katina Stanwood d/b/a Black Moon Public House, 142 Main Street, for renewal of a City Class B License and renewal of a State Class I (Malt Liquor, Wine and Spirits) License.

Removing The Fuzion Buffet, they are not ready to be voted on as they are currently closed for business.

****New Business****

- Thai Sana, 321 High Street, for a new City Class C License and a new State Class III & IV (Malt Liquor and Wine) License.

Move to approve, J Stein, seconded by T Mote, passed 6-0

11. Council Order #122400, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aero plane sticker fee at \$0 for the calendar year 2025.

John Wedin – Chapter 55 requires a council vote every year on the fee for Branch Lake stickers. For the past 20 years it has been voted to keep it set at \$0, to encourage people to come and boat protectively on our drinking water source.

Move to approve the request of the Branch Lake Water Steward to set the Branch Lake boat and aero plane sticker fee at \$0 for the calendar year 2025, T Mote, seconded by N Smith, passed 6-0

12. Council Order #122401 Presentation from the Police Department outlining the Memorandum of Understanding with anticipation of having an AMHC social worker working with the Police Department.

Chief Bires – one thing they have recognized in the Police Department is the need for a mental worker embedded within the department to help out with mental health type calls. They spoke with other agencies that have a worker within their department and the feedback was extremely positive and successful. So the administrative staff met with Ashley Pesik of Aroostook Mental Health Center (AMHC) and have worked out a plan to have a social worker to work within the PD. This is set to begin January 8, 2025, they have already established a Memorandum of Understanding (MOU). Ashley is a licensed clinical social worker and is the supervisor for the crisis team. She is a clinical supervisor for Hancock and Washington counties for AMHC, their expertise is people in crisis, people with severe and persistent mental illness, people who are suicidal or homicidal and they provide assessments within the communities. They are a contractually obligated organization through the State of Maine to do mental health assessments and link people to the appropriate level of care. Historically they existed to be gatekeepers for psychiatric institutions, but now it is more catching people in the communities and getting them the correct care. Jails are the largest psychiatric institutions in the country and before they get to the jails they deal with law enforcement, so partnering with the PD will start the process. It is an MOU instead of a contract because there are no dollars exchanged, they are paid through the state, and it is a partnership. They will have a schedule and will be working with different officers and a vehicle. The idea of embedding it is they can improve relationships and work more collaboratively, so there will be someone available anytime even if the person who typically works with the PD isn't available. With this model it will allow them to more effectively respond to a call, without the collaboration there would be a delay in care, so they are able to help more people.

*It was requested by the City Planner to do item #14 before #13 because the Comprehensive Plan needed to be approved before talking about the housing study.

- ~~13. Council Order #122402 Presentation of the City of Ellsworth Housing Needs Assessment and Housing Study from the City Planner and the consultant team of Berry Dunn.~~

14. Council Order #122403 Public Hearing and potential action to adopt the Ellsworth 2035 Comprehensive Plan and authorize the City Planner to submit it to the State of Maine for approval.

Matt Williams, City Planner – there was a recent workshop to review the Comprehensive Plan and to give the council a first look at the full plan and to ask questions of the team. So now they are here to present the final plan. This has been a year and 8 months in the making and they are ready to have council review and adopt the plan so that it can be submitted to the State for acceptance.

There were many steps and processes in forming this plan including many meetings of the Planning Board, Steering Committee and City Council.

Keri Ouellette & Ali Tobey of BerryDunn – they are thankful to everyone who has been involved in this process. They are presenting it, but it is the city's plan and a community wide effort that they helped put into a package. There were five (5) phases of this project beginning in April of 2023 with the Inventory and Analysis phase. Concurrently, phase 2, the Visioning Phase, was conducted to broadly look at community needs, values, priorities and desires for the future. The information gained from phase 2 was used in phases 3 and 4 and compiled into the final planning phase which is phase 5 and where we are currently at in the process. The city's last comprehensive plan was developed in 2004 and since then has seen numerous changes. The planning process establishes an updated baseline to understand where the community is today.

Move to adopt the Ellsworth 2035 Comprehensive Plan as presented and authorize the City Planner to submit it to the state for approval, T Mote, seconded by T White, passed 6-0

13. Council Order #122402 Presentation of the City of Ellsworth Housing Needs Assessment and Housing Study from the City Planner and the consultant team of BerryDunn.

Concurrently with the Comprehensive Plan, BerryDunn, the planning office and Economic Development, engaged in a housing study to look at the housing needs in our area and what forces are impacting that and what solutions might be available to the city moving forward. The key findings that came out of the needs assessment were that Ellsworth's population is growing and that its demographics are changing. The older population is increasing while the number of families with children is declining, and school enrollment has declined 7% from 2020 to 2024. A little over 5 years ago, people in Ellsworth who made the median income could afford the median home price but today 79% of those living here cannot afford the median home price with their current income. Additionally, a larger number of renters and homeowners are housing cost burdened, which means that they spend over 30% of their income on housing. Some considerations for a housing strategy include addressing housing needs at all levels and providing opportunities for a variety of housing types, focusing on the needs of current residents and addressing needs for employers. Through the process they developed 18 initiatives, which were organized into three broad categories. Strategy one is decrease development costs, strategy two is increase utilization of housing and strategy three is increase development opportunities.

15. Council Order #122404 Public Hearing and action on the request of the Historic Preservation Commission for amendments to the City of Ellsworth Code of Ordinances, Chapter 39, Historic Preservation Ordinance.

Jen Sala, Historic Preservation Chair – did her best in the memo to outline why and what purpose this is going to serve and the bigger picture for the community. One big thing for the community is opening the door to more grant funding, which is not limited to the city or the Historic Preservation commission but to all the city departments and to other nonprofits as well that are involved in the cultural and arts sectors. None of the requested changes in the ordinance change the way the commission operates or what their responsibilities are, it is mostly in language and definition. This is an important thing for economic development in the future.

Move to adopt amendments to the City of Ellsworth Code of Ordinances, Chapter 39, Historic Preservation, to be in compliance with State of Maine Historic Preservation office requirements necessary to apply for certified local government status with the Federal Government, N Smith, seconded by J Stein, passed 6-0

16. Council Order #122405 Discussion on proposed changes to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance.

T White, Arbor Commission Chair – when Arbor Commission started in August, they were lucky to be able to start it because there was an ordinance already from 1991. Since it hasn't been updated since 1991, they are hoping to present a more robust ordinance that will go along with the comp plan's number two guiding principle of protecting and preserving the natural environment and encourage sustainable and resilient growth, which trees are a huge part of. This will bring us up to speed and to where we should be for protecting and preserving trees.

17. Council Order #122406 Discussion and action on request of the Finance Director for discussion and action on the final allocation of ARPA funds.

Nate Moore, Finance Director – the American Rescue Plan Act (ARPA) was enacted right after Covid-19 in 2021. These funds are intended to be used for investments in water, sewer, and broadband infrastructure, public health expenditures, and addressing the negative economic impacts of the pandemic on communities. We received an allotment of funds, approximately \$950k, what is left is \$92,748.14 which needs to be allocated by 12/31/24. The funds don't need to be spent until 2026 but need to be allocated. Recommendations for remaining funds are Public Works upgrades, purchases including a Loader's first payment of \$38,500, PW facility locker room and bathroom renovations at \$25,000, and City Hall first floor painting at \$40,000. Other recommendations to consider Healthy Acadia warming center and bucket truck for the PW department.

J Stein – had a conversation with the district representative from Jared Golden's office, who has some familiarity with the Congressional allocation of ARPA funds, and they connected him with the Treasurer who explained that it would be possible to obligate ARPA funds to a sub award account. Which could be used to grant to organizations that applied to us for assistance.

Tracy Crossman, Community Health and Support Manager at Healthy Acadia – she oversees the warming center. The center is open every night but 8am-4pm on Saturday and Sunday is when they have no one to work. They have elderly and disabled people sometimes and it is difficult for them to find somewhere to be for 8 or more hours. They see approximately 20 people a night.

S O'Halloran – when he was elected in 2021, he was told we had \$400,000 in ARPA funds, then \$440,000 and then \$880,000; he would like to give credit to Nate for finally showing how much we ended up receiving, which was \$952,000. It was surprise money that he wanted to give back to the taxpayers but got no traction with that and the same with a park that everyone could enjoy; instead the money has been picked at and made many expenditures when we could have done something that would have made more of an impact. There have been times that we have had debt service paid from the ARPA money and he believes that it is foolishness. Doing something that you couldn't have normally done would have been a better solution.

Mike Harris, PWD – loader was originally brought in the budget as a request and then cut from it because of doing an option for BAN/bond. It is necessary for operations of PW. They have two loaders; one has 12,000 hours on it and it is at the end of it's useful life and is currently being used at Wastewater to load trucks and the other machine is at the Highway garage. The issue they have is that during a storm they need one loader to load salt sand on the dump trucks and the other one would typically be down in the parking lots and places like that moving snow around.

There was a suggestion made to take the entire amount that is left to be allocated and give it to the library because they came to the Finance Committee with approximately \$250,000 in work that

needs to be done. In response to the suggestion of the library getting the funds, they will be going for a congressionally directed spending package which would maximize a potential city match to Federal match.

There was discussion about the bucket truck and how it would help PW and possibly Water and Wastewater, but it would not be ideal for anything that IT and Facilities would need it for. It is a well-maintained truck and very difficult to find especially for this price.

Move to allocate from the remaining ARPA funds \$25,000 toward the bathroom and locker room project, \$25,000 toward the purchase of a bucket truck, \$17,000 toward the Healthy Acadia warming center and \$72,833 toward the library renovation, J Stein, seconded by N Smith, passed 5-1 (T Mote opposed)

18. Council Order #122407 Discussion and action on the request of the Facilities Manager to allow the City Manager to enter into a contract to complete medium and high priority maintenance items for the North Ellsworth Communications Tower.

Jim McLean, Facilities Manager – was asked to try to get this project started by the PD and FD last year. It took some time to track down anyone who does this kind of work, but was able to find two companies, Structural Components Co. and NDC Communications LLC.

S O'Halloran – bought the property beside where the tower sits and was told by the PD that there were possibly anchors for the tower on his property. Is willing to give the city a little piece of ground there so it is certain that the anchors are on city property but is also fine with the way it is, but if he were to sell the property someone might have a problem with it.

Move to approve the request of the Facilities Manager to allow the City Manager to enter into a contract with NDC Communications as the low bidder in the amount of \$18,283.75 to complete medium and high priority maintenance items listed in the inspection report completed by Structural Components Co to be funded with previously allocated ARPA funds, T Mote, seconded by J Stein, passed 6-0

19. Council Order #122408 Public Hearing and action on the request of the Public Works Director to purchase and finance a vac truck.

Mike Harris, PWD – the vac truck was approved in this budget cycle. They had three trucks brought in for demonstrations and they received quotes for. The low bid was \$587,000 from CN Wood, which included an extended warranty. NCL was originally suggested by a vendor for financing and then Council recommended looking at local banks. The First came in with a lower interest rate of 5.31% compared to NCL which was 6.2%.

Move to approve the request of the Public Works Director to purchase a combination jetter vac truck from CN Wood for \$587,000, financed by First National Bank over a term of 7 years with cost shared equally among Wastewater, Water and Highway departments through their respective budgets with the first payment for Highway Departments portion as determined to be secured by the Highway Equipment Reserve account, J Stein, seconded by N Smith, passed 5-1 (S O'Halloran opposed)

**It was requested by the City Manager and all council members agreed to move item #23 before everything remaining because it was late and there were citizens present to speak on the item.*

23. Council Order #122412 Update on Alternative Courthouse location project.

City Manager Pearce – as mentioned previously we are facing some pretty critical projects for the City of Ellsworth that could be transformative. A summary of work to date, they have done three community/Council workshops since July. Before the second workshop, we issued a request for information and received twelve (12) submissions for alternate locations. At the second workshop, the alternate locations were presented to the council and the community for a discussion. The general consensus from the council and community was that the Wardwell property was the preferred option for further review. He went back to the Judiciary between workshops two and three to see if they would be amenable to the Wardwell property. The Wardwells were amenable to potentially doing a land swap with their property for the one the state had purchased on the Surry Rd. There have been negotiations with the other abutting property owners regarding a road going through their properties. The Wardwell property meets a lot of the technical requirements that the state had including south facing views and central urban core location. Next steps include completing the feasibility studies and if the feasibility can be met, he would call for a January 7th special Council meeting with all of the memorandums of understanding (MOU) for building the road, easement purchases and the land swap with the Wardwells. If the council decided to move forward then it would be up to the state whether they would move forward, but if the city decided not to move forward there would be the question of whether they would be amenable to not put additional roadblocks to the state to move forward with the Surry Rd or if there was a different avenue they would want explored.

Robert Grant Sr – a taxpayer and resident of Ellsworth, who's family has paid taxes here for over 100 years. He is against the project completely not knowing the facts. If the taxpayers are paying it should be spread out between all county communities because it isn't just an Ellsworth project. How did we get on the hook for building the road?

City Manager Pearce – there is a variance between \$700,000 using mostly public and a mix of private contractors and estimates for fully private contracting around \$900,000 and adding contingency would put it up to \$1.2 million.

Mike Harris, PDW – what we are talking about here is a preliminary budgetary figure on what we are going to do with the road. To the question as to whether we are capable of building the road, we are capable of building it. Items that Mr. Grant is talking about are things that come up during building a road, like screening gravel, which we pay to have our gravel screened. As far as expertise, machinery and materials, we have our own pit and materials to contribute, are there other costs involved in that, and the answer is yes; but it is not going to cost as much as it would to have a contractor do it.

S O'Halloran – he has believed from the beginning that the state is going to end up building on the Surry Rd. He shares the same thoughts that Mr. Grant does and to reinforce it, at one of the workshops, he asked how much did it cost to build Myrick Street and the answer was approximately \$2.45 million. If the road was built for that much that long ago, there is no way today, even though this would be a smaller road, that it could be done for only a million dollars. The Public Works department was designed for maintenance not construction so if they are road builders why didn't they build the job on the Christian Ridge Road.

Clarence Grant – when the state came in did they come to the city before they bought the piece of land or did they buy the piece of land and then it was left to the city to figure out how to do it? City Manager Pearce responded to the question with, the state did come to the City Planner and former City Manager, he believes before the land was purchased and they were told that they could build there. Mr. Grant believes that if they had come to the council with their proposal they would

have gotten the negative feedback and then not have purchased the property. He also believes that it seems like now that the State of Maine is dropping this in our laps.

20. Council Order #122409 Public Hearing and action on the request of the Public Works Director to purchase and finance a loader ~~purchase~~.

Mike Harris, PWD – the loader was originally in the budget and then going to BAN it but didn't. They put out an RFP and received bids, the low bid was disqualified because it didn't met all the bid specs and there were some critical errors with that, so they recommended the John Deere loader for \$217,550. This would also look at being financed though the First with the same interest rate and first payment deferred to next year. The loader is critical to winter operations for moving snow and salt/sand and also gets used in the summertime for moving materials.

Move to approve the request of the Public Works Director to purchase a loader from United C&F for \$217,500 financed by First National Bank for a term of 7 years with the first payment deferred until the fall of 2025 until then secured from the Capital Equipment Reserve account, J Stein, seconded by T Mote, passed 6-0

21. Council Order #122410 Discussion and action on the request of the Finance Director to award a \$2,575,000 Bond Anticipation Note (BAN).

Nate Moore, Finance Director – last month the council approved the BAN, so he reached out to 7 local banks. He received five (5) bids back and the low bid was First National Bank at 5.31%.

Move to award the Bond Anticipation Note to the low bidder First National Bank at an interest rate of 5.31% for a \$2,575,000 BAN as presented, T Mote, seconded by J Stein, passed 6-0

22. Council Order #122411 Request of the Public Works Director to purchase a plow truck as part of the BAN.

Mike Harris, PWD – They totaled plow truck last year and were looking at banning it but were under the impression that they wouldn't get it for a year, however one became available immediately. In the interim they were looking to buy a used plow truck but that option is gone, so he would like to request that the council allow them to purchase a plow truck that is complete and ready to go with plowing equipment that is already being held for us.

Move to approve allocation of \$256,000 from the recently approved Bond Anticipation Note for the purchase of a replacement plow truck from Daigle and Houghton and to authorize the City Manager to execute the necessary agreements, T Mote, seconded N Smith, passed 6-0

- ~~23. Council Order #122412 Update on alternative Courthouse location project.~~

24. Adjournment.

Move to adjourn, T Mote, seconded by J Stein, passed 6-0