MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, March 17, 2025, 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:
    - February 18, 2025, Regular Meeting

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

5. Presentation of Awards.
    - EHS Cheerleading Team – State Champions
    - Melanie Fox & Kat Archer – PVC Cheering Coaches of the Year
    - Ann Katherine Burns & Ella Montgomery – State Champion Individual Event Swimmers
    - Jim Goodman – PVC Boys Swim & Dive Coach of the Year
    - Andy Pooler – Big East Girls Basketball Coach of the Year
    - Daryl Clark – 25 years of service
    - James Hassard - 5 years of service
    - Meadowview Staff member Kert Clark and Residents Chuck Hodge and Glen Tucker – Hero Recognition
    - Firefighter/EMTs Michael Beau Parker and Michael Kaselis – Medal of Bravery
    - Interim Deputy Chief Tyler Kennedy – Medal of Valor
    - Captain Daryl Clark and Firefighters Riley DeWitt and Matthew Perry – Unit Citation Award

6. City Manager's Report.

Budget season is in full swing, we had our first budget meeting last Thursday (3/13). He is very proud of everyone, the Finance Team and all department heads, for fast tracking the process by a full month so that we could align our schedule with the school budget submission so the Council would have everything in front of them at the same time. The draft version of the budget is available online at ellsworthmaine.gov/budget. The numbers are preliminary, the school budget number is an estimate using last year's figures, and the process has just started so there will be

changes. He is very proud of the work that was done last year to revamp the process, it was built into the software, which made it a lot easier to get to the point we are at now.
Courthouse update – he is hoping to have a much more detailed update later this week. They have a big meeting tomorrow (3/18), where they are getting very close to the initial agreements on purchase and sale, land swaps and defining the city's obligations to keep the process moving forward. He and Councilor Smith did testify to the legislative judiciary at the legislature last Monday (3/10), as an initial potential request for State match reimbursement should the project move forward. There is a possibility that it will be moved to a different committee such as Appropriations or the Department of Transportation, but we will keep pressing for that.
It is mud season, the ground is softer, and it is getting a little bit warmer, so we are planning a lot of beautification projects. He had a couple of meetings last week, and are really trying to amp up our beautification efforts. There are plannings for Main Street, High Street, the marina, Knowlton Park, City Hall and some new playground equipment that was purchased last year that is ready to be installed. Facilities has a request in to redo the flooring on the splash pad, so we are really trying to prep for the summer.
The Economic Development Director application process has started. They had about forty applicants and are down to the final five. They had their first two scored interviews today and over the next couple of week will finish the interview process and move toward the recommendation step.
The Downtown Façade grant application process is closed. They had a ton of applications, and probably a little more than we have in total funding, so it is going to be difficult for the committee to make selections. He is excited for some big downtown improvements.
The Front Office area reopened today with the new counter redesign. He is happy to report that the project came in under budget and on time. A big thank you to Jim for all the extra work he put in to do the counters.

7. Committee Reports.

J Stein – the Recreation Commission still has a vacancy, so if people are interested in parks and recreation in the city and want to get involved, the application is on the website, please apply.

8. Citizen's Comments.

Cara Romano, Director of Heart of Ellsworth and Karin Otto, Heart of Ellsworth Board of Directors President – last week they sent an email to City Staff and Councilors about the upcoming FY2026 budget season. They are requesting that the Council consider moving Heart of Ellsworth's annual appropriations or funding request to the TIF. Ellsworth is Maine's 11th designated Main Street, and we have a unique opportunity this year to consider how funding will begin to come in line with the funding structure that is requested of HoE as an organization and the city to keep our Main Street America accreditation. Now that we have become a Main Street, they have helped reduce vacancy, generated $1.1 million in investments since 2016 in the downtown area, have awarded over $30,000 in grants to twenty-two different businesses since 2020 and secured over $623,000 in grant funding to support local projects in the downtown district. Over the last week, at the request of a City Councilor, they have been asked to find out how other municipalities around the state work with their Main Street and how the city funds that Main Street program. After hearing back from all but one Main Street Community, the *communities of Belfast, Augusta, Westbrook, Bath, Saco, Gardner and Rockland utilize TIF funding to support their Main Street programs. They had direct connections and resources shared with them from Gardner, Bath and Old Town and how their TIF are structured that directly support their Main Street communities.*

9. Councilor Comments.

No Councilor comments.

UNFINISHED BUSINESS

10. Council Order #022501 Request of the Public Works Director to accept the bid for local roads paving.

Mike Harris, Public Works Director – we had put the local roads out to bid in February and upon further examination of the bids received, there were some significant errors found. This request was tabled so he could review the errors with the contractors that had submitted bids and ultimately it was decided to put the bid back out to everyone. The bid request was revised and put back out to all five of the original bidders as well as the website for anyone else who wanted to bid. The same two companies bid again and after going through each bid line by line, Northeast Paving has the low bid of $1,613,750, which also includes several bid alternates that they were hoping to accomplish if the bid came in under budget. The alternates are a stretch on Oak Street that has some serious pothole issues that have caused several claims, an area behind the library along the river where it is dropping off and on High Street there is a seam that goes across all lanes of traffic that has become uneven and has caused a large bump.
Councilors asked if someone from Public Works goes out and inspects the work while it is being done, the answer is yes. They also receive slips from the contractor indicating how much tonnage they have applied so they are able to compare it to what was submitted.
This is a reimagining of the way we do our roads now; this is our first round through it and there were some issues, but he thinks the city will be in a better position moving forward.
Northeast Paving will also be doing the High Street project, they will begin grinding early to mid-April, which is earlier than expected, with paving probably late April to early May.
City Manager Pearce – our Deputy City Manager Sara has a lot of experience with MaineDOT and Transportation and was involved in the second round of the bid process. We all know the roads are in bad shape, but Sara's priority is a more robust Capital Improvement Plan and how do we log all of our roads.
Councilor Mote asked what the plan was for the rest of the money that was part of the BAN request as this quote came in approximately $500,000 less than the request. PWD Harris would like to find more roads to do but that is City Manager Pearce's decision. City Manager Pearce would like to talk about it more as part of the Capital Improvement process later this month, whether we were to find more roads to repair or possibly a down payment for the track. Chair Beal also made the point that just because it was part of the BAN request doesn't mean that we need to borrow it. We could put it back and reborrow later on when interest rates could be lower. She is also concerned that if we were to do more roads that not everything will get completed as Northeast Paving is doing State work and our work. She also asked that PWD Harris let the public know what roads were part of this bid. Below is the list:
***Foster Street:** Mill and pave 1.5" of 12.5 mm. 2157' x 24 High Street to Water St*

Elm Street: *Surface Elm St: 22' x 910' mill 1.5" and Surface @12.5 mm from High Street to Hancock Street*

Happytown Road: *Shim Happytown 23 x 4300 and surface at 1". 150 feet before mailbox 498 heading North*

Grant Street (Upper): *Approximate 21'x 3300' reclaim, grade, pave 2" 12.5mm binder and 1.25" of 12.5mm surface. Starting at Christian Ridge and heading Southeast*

Grant Street (Lower): *Approximate 20'x 1700' reclaim, grade, pave 2" 12.5mm binder and 1.25" of 12.5mm surface. Starting at Main Street heading Northwest*

Western Ave./Holt/Argonne: *Shim: 16' X 2200' x 1/2". Surface: 16' X 2200' x 1" Full Length each rd*

Hancock Street: *Shim Hancock Street: 19' X 900' @ 1/2". Surface Hancock Street: 19' X 900' @ 1". From Pine St to Deane St*

Red Bridge Road: *Reclaim Red Bridge Section 1: 22' X 2700' x 2". Surface Red Bridge Section 1: 22' X 2700' x 2". Starting at Rte 1 A and heading South*

Red Bridge Road: *Shim Red Bridge Section 2: 21' X 2400' x 1/2"; Surface Red Bridge Section 2: 21' X 2400' x 1". Starting at 240 Red Bridge Rd first driveway coming from Ellsworth heading North*

Birch Avenue: *Shim Birch Ave: 23' X 1100', 78 x 1/2". Surface Birch Ave: 23' X 1100' x 1". Between Oak St and School St.*

Maddocks Avenue: *Shim Maddocks Street: 21'X1500' x 3/4". Surface Maddocks Street: 21'X1500' x 1". Between Main St and Union St*

Boggy Brook Road: *Reclaim and pave 3". 23' X 2850' 2 lifts of 12.5MM. From Route 180 to heading north to end of pavement.*

Bayview Avenue: *Shim 19' X 1075' x 1/2". 19' X 1075' x 1" 9.5 mm. Between Union and Park St*

Industrial Road: *Pave 3". 24' X 350' 2 Lifts of 12.5MM. Starting at transfer station headed North.*

Happytown/Winkumpaugh: *From end of pavement to Winkumpaugh 4 corners approximately 22' x3200'. City to grade existing gravel. Pave 2" of 12.5mm base and 1.25" of 12.5mm surface. The 1.25" surface lift only will continue up Winkumpaugh Road from end of pavement toward 1A 500 ft.*

Gary Moore Road: *Reclaim and pave 24' x 900' 2" of 12.5MM*

Gary Moore Road: *Surface 1" 9.5MM From Mailbox 267 to Mailbox 330 Shim 24' x 1250' x ½" and surface 9.5 mm @ 1". From mailbox 210 to mailbox 267*

Harbor: *Pave 2" 12.5MM over existing paved area including entrance*

Harbor: *Pave 2" over gravel parking area*

City Manager Pearce – we will get dates so notifications can go out to the people on the effected roads, so they know when construction will be happening.

Councilor Mote asked if there would be the big electric signs letting people know of the construction. PWD Harris said that he didn't know if there would be for the High Street project, but there will be on Washington Junction Road because one end of the road will be shut down over April vacation so they can do cross culvert work.

After the motion and second, Councilor O'Halloran asked what assurance we have that the bonding will line up with the usable life of the road. PWD Harris stated that from the information he was able to gather, there are a couple of factors that you look at. Reclaiming is the best and longest option and usually gives approximately 10 years of life. The other thing that you have to take into account is traffic, how much traffic are you putting on the road. That also determines the depths that they are using for the different roads, a road with more traffic has a thicker coat *course on it. It also would depend on how hard of a winter you have and how much plowing and salt you use.*

Move to approve the acceptance of the bid from Northeast Paving in the amount of $1,613,750.00 for the road resurfacing and paving project with funding to be provided through the Bond Anticipation Note (BAN) approved by the council for this project, J Stein, seconded by T White, passed 7-0

11. Council Order #022502 Public Hearing and potential action on a proposed ordinance to more effectively control nuisance odors within the City of Ellsworth. This ordinance will outline how to determine an objectionable odor, compliance requirements, and enforcement procedures.

City Manager Pearce – he and Code Enforcement Officer Grant have spent many hours working on this very important issue. He believes that they are getting close to a resolution, they have a new proposal that was discussed at length at the workshop in January. It seems to be the will of the Council that the consent agreement was a good faith effort but isn't the answer, so a new smell ordinance seems to be the way to go. At the January meeting, the smell ordinance for the town of Sanford was brought forward, which seems to be more in line with the type of enforcement and specificity we are looking for.

Robert Grant, Code Enforcement Officer – it will be a year tomorrow (3/18) since the consent agreement was signed and he believes that we have all come to the conclusion that it didn't really work the way we had hoped. He believes that we are on the right track as far as the new odor ordinance they have been working on, to better handle not only Maine Organics but any sort of nuisance odor.

Councilor Smith – requested some clarification on a word in one of the bullet points. The word was "fire" and should have been "file." She loves that there have been numerous staff trained but within the ordinance only one person has the authority to make the determination of violation. CEO Grant stated that they would make the correction to state that he or someone he designates could make the determination.

Councilor Lyons had some questions about some of the wording and whether it was from the Sanford ordinance and whether the city's legal counsel has reviewed the standards and if they had raised any issues with it. CEO Grant stated that legal counsel had written them. He also asked if the red inset type was proposed language to be included, to which CEO Grant said yes it was. Councilor Lyons suggested keeping the one in section 6, because having that as an example would be helpful. The one in section 7b he would like to see added but not section 7c. He suggested reviewing section 9, under miscellaneous item d which should be c, because he doesn't believe that we need to allow it to go to the Board of Appeals.

City Manager Pearce asked if we would want to specify types of fines in the ordinance. Councilor Lyons stated that we could but don't typically have to because the title that is referenced, Title 30-A M.R.S. § 4452, actually sets out a range of penalties per day. CM Pearce also asked if we should keep the wording of "may file enforcement action" or if it should be "must." Councilor Lyons suggested keeping it as is, with "may." Councilor Lyons also mentioned that we don't mention the n-butanol test in the ordinance, which he thinks is wise because of ever changing technology, but he would suggest a standard or policy to go along with it because the more objective of a test we can apply the better chance of the enforcement being upheld in court.

Councilor Smith asked about the effective date of the ordinance once it was passed and the answer was that we can set the date, we could do it retroactive or upon passage.
Councilor Stein asked if this ordinance would supersede the consent agreement that was signed. Tim Pease from Rudman and Winchell stated that in the consent agreement it does state that the agreement doesn't limit the City's authority to enforce any other land use or permitting requirements, so the new ordinance would apply to Maine Organics despite the existence of the consent agreement.
Councilor O'Halloran expressed concern with the new ordinance because we had a section in a current ordinance for odors, which wasn't enough, so they created the consent agreement, which also ended up not being enough. He would like to know why we should feel comfortable with this new ordinance when everything we have hasn't worked. Mr. Pease responded with that the consent agreement was a tool, but the ordinance is more subjective and realistic in the way that people live their lives and the smells that they perceive are an issue and they can be enforced in court.
Councilor O'Halloran asked about the action that was brought against Maine Organics and where we are with that. CEO Grant responded that he informed them in the fall that they were in violation, and unfortunately didn't have the n-butanol test at the time, so the owner told him that because he didn't have the test kit that there was no violation. Since informing the owner of Maine Organics that there is a new ordinance in the works, he has been more agreeable and willing to act quickly if they have a problem.
Move to table, T Mote, seconded N Smith, passed 6-1 (S O'Halloran opposed)

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.

12. Council Order #032500 Request of the Deputy City Clerk to hold a Special Municipal Budget Validation Referendum Election on June 10, 2025. *

13. Request of the Arbor Commission to appoint Valencia Libby as a regular member with a term to expire 6/30/2025. *

14. ~~Request to appoint Ellsworth Cemetery Commission members. (Sponsored by Councilor Smith) *~~

15. Council Order #032501 Reservation of the City of Ellsworth's right to harvest alewives. *

Chair Beal requested Item #14 to be removed from the Consent Agenda for further discussion.
Move to approve all T Mote, seconded by P Lyons, passed 7-0

NEW BUSINESS

14. Request to appoint Ellsworth Cemetery Commission members. (Sponsored by Councilor Smith)

Jennifer Sala has been working with Councilor Smith to form this commission, and they found a great group of applicants. Dotty Vachon has spent years going around to many different cemeteries gathering information. She has done a lot of work for findagrave.com. She has done as many as she can in Hancock County and has now moved onto Washington County and she was also part of a survey project with the Old Burial Ground. Tiffany Tate works at Jordan Fernald Funeral Home and is going to school to be a funeral director. She is also a member of the Hancock County Genealogical Society. Albert Scott is certified to officiate military funerals and has done about 1,200 in Hancock County. Jen overheard a conversation in the Clerk's Office regarding getting assistance with a burial, so she spoke to Tina, the Director of Social Services, who said it happens all the time and that she would be willing to assist because of her knowledge of what is needed.

Councilor O'Halloran asked about the existing members of this commission, but it is currently only existing in ordinance, there is no active commission yet, that is why they are looking for members.

Jen spoke with the Ellsworth Garden Club and they have offered to help with beautification, upkeep or cutting saplings that are overgrowing in some cemeteries.

Move to populate the city's new Cemetery Commission with the members Dotty Vachon, Tiffany Tate and Albert Scott, N Smith, seconded by T White, passed 7-0

16. Public Hearing and action on the application(s) for renewal for the following license(s):

- Eagles Lodge Motel, 278 High Street, for renewal of a City Lodging House License.
- Brian Muir d/b/a Josie's Country Store, 126 Surry Road, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, and IV) Malt Liquor, Wine, and Spirits Liquor License.
- Yuki Abra LLC d/b/a Finelli Pizzeria,12 Downeast Highway, for renewal of City Class C License (Victualer and Liquor) and renewal of a State Liquor License.
- Casa Jalisco, 205 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III and IV) Liquor License.
- American Dream Pizza Hut LLC d/b/a Pizza Hut, 211 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal for a State Liquor License.
- Crazy Sumo LLC d/b/a Crazy Sumo, 75 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Liquor License.
- Riverside Café, 151 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Liquor License.
- Cresswell Investments, LLC d/b/a Finn's Irish Pub, 156 Main Street, for renewal of a City Class B License (Amusement, Victualer and Liquor) and renewal of a State Restaurant (Class III and IV) Malt, Vinous Liquor License.
- Sanctuary Inn Investors LLC d/b/a Sanctuary Inn, 33 Birch Avenue, for renewal of a City Lodging House License.
- Atlantic Coast Inn, 200 High Street, for renewal of a City Lodging House License.

- Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
- Ellgovs LLC d/b/a Governor's Restaurant and Bakery, 253 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.

Move to approve all, T Mote, seconded N Smith, passed 7-0

New Business

- Kalmar LLC d/b/a Smokey Bear Tobacco and Beverage, 139 High Street, for a new City Liquor License.

Move to approve, J Stein, seconded by T White, passed 7-0

17. Council Order #032502 Public Hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 3, Harbor Ordinance.

City Manager Pearce – this is a request from the Harbor Commission to bring their policy on members being residents of Ellsworth exclusively, to be more in line with what the Recreation Commission and Arbor Commission has done, by making it a majority being Ellsworth residents.

Move to accept the recommended edits to Chapter 3, changing the requirement from "members shall be either a resident or real estate property owner of the City of Ellsworth" to "A majority of Commission members shall be residents of the City of Ellsworth. At least one member of the Commission shall be appointed from membership of the Ellsworth City Council", P Lyons, seconded by N Smith, passed 7-0

18. Council Order #032503 Public Hearing and action on the request of the Assistant City Planner to authorize the City Manager to sign the necessary closing documents to finalize the purchase of the Haynes Property for the Branch Lake Public Forest expansion.

Brittany Merrill, Assistant City Planner – everything should be pretty straightforward, they are just coming back to make sure that everything is in line for the closing. Last time they voted on closing documents, but not all of them, so this is to clean up any loose ends.

Motion to authorize the City Manager to sign the necessary closing documents with a goal closing date of March 31, 2025, to finalize the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price off $185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants, N Smith, seconded by J Stein, passed 7-0

19. Council Order #032504 Request of the Deputy City Manager for approval of the Village Partnership Initiative (VPI) contract.

Deputy City Manager Sara Devlin – in November 2023 the Council voted to approve the submittal of the Village Partnership Initiative with Maine Department of Transportation (MaineDOT), at that time the estimated project cost was $109,000 with a 50/50 match requirement. Since then, we have gone through the RFP process and selected Sewall, which was the highest qualified consultant, and after negotiations we agreed on a scope cost of $133,408 which is slightly higher than the original estimate mostly due to Sewall proposing to come to Ellsworth to do some actual traffic counts rather than relying on historical data. They are also conducting some road safety audits in some key locations and doing additional environmental and historic screening. The original 50/50 match that was originally proposed was $32,000 from our Community Resilience

Partnership grant, $15,000 from TIF funding and $10,000 from Local Road funding. So tonight she is requesting an additional $9,409.00 from surplus TIF funding.
Jarod Farn-Guillette, Region 4 & 5 Transportation Planner with the Department of Transportation and the Tribal Liaison – as Sara stated, Sewall was the most qualified consultant based on their proposal and qualifications. They actually anticipated some scope items that, he as the initial scope drafter didn't account for with the uniqueness of the traffic confluences that we get here especially during peak tourism season. Next steps if the Council approves the request is that they would make a supplemental transfer from their holding win for the additional funding needed for our VPI, the City Manager would receive a Docusign document from DOT, once signed a notice to proceed would go out to the consultant. We would then go to a kickoff meeting; he would anticipate a 2-year process because they are seeing longer delivery times for final reports due to the consultants being spread thin with so much work. Once we have the final report, the next step would be preliminary engineering, where it would be designed to about 90%, which could also be a year or so process, but getting the preliminary engineering contracts out the door can be a 5-to-10-month process. From the start of kick off to anything being built typically they are looking at about a 5-to-6-year process.
The memo mentioned that there are other municipalities that have done this process, Councilor Lyons asked if there were any that had been built to completion. Jarod said that Sanford, Hollowell, Belgrade and Windham have completed. One entering preliminary engineering is Presque Isle and other projects that are nearing their ending phases are Pittsfield, Van Buren and Fort Kent.
Move to approve entering into a contract with Sewall for the Village Partnership Initiative (VPI) program and increase matching funds by $9409.00 of surplus TIF funding to meet Sewall's final proposed cost, P Lyons, seconded by N Smith, passed 7-0

20. Council Order #032505 Request of the Ellsworth Business Development Corporation to eliminate the City's interest in the 100-foot right-of-way to the right of the cul-de-sac at the end of the Commerce Park, and over Tax Map 42, Lot 8-1, per City Council minutes from March 16, 2015, as the Frenchman Bay Conservancy has confirmed that they no longer require a right-of-way for access, and given the lack of need for future growth in that area.

Chair Beal – she is the liaison with EDBC, and the right of way was the very last council meeting she had as City Manager. At the time, the Council had provided three lots plus the lot that is not part of the business park to EDBC to help fund that development corporation. When they did that, it was unknown what was going to happen to what was then known as the Whitney property, so they wanted to ensure that there was access to the property. Now 10 years later, Frenchman Bay Conservancy has purchased the Whitney property and has no need for that right of way and EDBC has an opportunity to sell their property. EDBC uses the funds to help bring in business and support business here in Ellsworth. So, they are requesting that the 100ft right of way request be removed so they can move forward with selling the property.
Move to approve the request of the Ellsworth Business Development Corporation to eliminate the city's interest in the 100ft right of way to the right of the cul-de-sac at the end of the Commerce Park, and over Tax Map 42 lot 8-1, per City Council minutes from March 16, 2015, as the Frenchman Bay Conservancy has confirmed that they no longer require a

right of way for access, and given the lack for need for future growth in that area, T Mote, seconded by N Smith, passed 7-0

21. Council Order #032506 Update from the Code Enforcement Officer on the status of the property identified as 7 Fairground Road before tearing down the Dangerous Building in the spring.

Robert Grant, Code Enforcement Officer – in July the Council deemed the property at 7 Fairgrounds Rd a dangerous building and authorized him and the City Manager to tear the building down. However, the timeframe was open-ended, the family was here that night and they said within 6 months they would have it well under way and up to a year was also mentioned. In his memo he attached photos taken in November, which shows a dumpster that had been delivered with four bags of garbage in it, and photos taken on Thursday (3/13) which show the same four bags of garbage; that is the extent of what they have done since July to rehabilitate the building. He doesn't believe that any of us want to tear down the building, but we have given them more than ample opportunity to do something to fix it and nothing has been done.

Councilor O'Halloran asked if CEO Grant had been in contact with the family and stated that when the family was present their thoughts and reality seemed different. CEO Grant stated that whenever he tries to call them on the number that he has, it goes to voicemail and he never gets a call back, he also has an email address that he has tried reaching out with and has gotten no answer. Councilor O'Halloran also asked if all their bills are paid, such as their taxes. The taxes are paid to date; however, he believes that they bank their mortgage is through does that not the family.

Chair Beal asked about the rodent infestation and if that had been taken care of. CEO Grant stated that the family hired a company for pest control but the company only placed traps around the house, they would not go inside.

Manager Pearce – toured the location with CEO Grant, he felt that was important because of the potential action that would be taken. Some of this predates CEO Grant but the former CEO Lori Roberts, had also struggled with this property for years. It presents a fire danger, there is a rodent problem and a lot of the neighbors have complained about it. We have had a few Council meetings about this and have heard from the family, we gave them some definitive things they needed to do to prevent this and they haven't done them. The Public Works team has agreed to tear the building down at City cost in the spring when we start our excavator rental cycle.

Councilor Beal asked if we would be able to recoup any of the cost of the tear down, to which CEO Grant said that we could put a lien on the property of the cost of the excavator, dump trucks, employee time and disposal. They would also fill in the foundation with dead sand from the City's gravel pit, so no one falls into the hole that would be left, which we could also put a lien on it for the gravel.

Councilor O'Halloran asked about the legality of this and whether we are in the right to be doing this. CEO Grant and Councilor Lyons both agreed that we have the right to tear it down. Councilor Lyons state that there is a statute under Maine Law about dangerous buildings for these types of situations, unfortunately it happens that they are left in disrepair to the point that they become a public health risk.

Councilor Smith added that if this is euthanizing the house, it has to end and what happens after this is a rebirth. They have talked about when the house as it is, is removed because it needs to be, that the site will be made clean and whole again and will have market value. The family will

still own the property so after fees are paid to the City for the demolition, they could have a fresh start or sell the property. Her one concern was managing the rodents when they start the demolition and CEO Grant said that he will have something in place to deal with them before they start tearing the building down.
CEO Grant stated that he did reach out to their insurance company, in July the claim was closed and has not been reopened. The family has made no attempt to reopen the claim to get the money to repair the home.
Councilor O'Halloran would like us to provide the family with an exact date of demolition because this is their life and their possessions. CM Pearce and CEO Grant both stated that we will send them notification and figure out how to make sure they get it. When this first came up in July the family was served by our attorney so CEO Grant is sure that they will be able to find them again so they can be notified of the demolition.

22. Council Order #032507 Public Hearing and action on the request of the Public Works Director to accept the Water Treatment Plant Engineering proposal from Woodard and Curran.

Mike Harris, Public Works Director – they have been working with Woodard and Curran for a number of years to get to a point where they can build a new water treatment plant. This request is for two things, one to approve their engineering contract and second to approve the first step of the process for the water treatment plant which is to have our water pilot tested by a firm for the technologies they would like to install at the new plant to see how it does. Woodard and Curran are present to answer any questions the Council may have about the engineering contract and/or the pilot test. These would both be funded with money that has already been allocated to us through Drinking Water SRF money and other loan and grant funding, so this would not come out of the operating budget.
Chair Beal asked if we had full funding because of some wording in the memo, it stated "the engineering services and pilot study will be funded through secured grants and loans, with additional funding applications to be submitted as needed." Brent from Woodard and Curran stated that we have some of the money, we have approximately $15.2 million secured but are still a little short. The anticipated shortness is that we would be expected this September to submit for any balance that we need through the Drinking Water SRF.
Councilor O'Halloran asked to have the $15.2 million divided up to see how much is grants and how much is loans. In 2024 through the Drinking Water program, we got $3.9 million worth of loan and $2.1 million worth of grant. This past year that was just announced through the Drinking Water program we got another $3.9 million worth of loan and $2.1 million worth of grant. We have also been awarded a million-dollar grant from the Northern Border Regional Commission that is still pending, we have been given it but have not drawn it down or taken any money from it yet. We also have pending a $2 million earmark of grant money towards the project. The interest rate on the loans from the Drinking Water program is 2%.
Councilor Lyons asked as a follow up to Councilor O'Halloran's question, if any loans we are taking out are being paid by the City or is it Enterprise funds. PWD Harris said that it is Enterprise fund not general fund, and during the Budget Workshops they plan to talk about beginning the rate increases necessary to offset the debit service that the Water Treatment Plant project will incur.

They are trying to be proactive instead of doing a huge increase all at once, they are looking around a 5-7% rate increase and probably will be a continuing thing going forward to try to forward fund before we incur the debit service.
Councilor Smith asked about the earmark as it is congressionally designated spending because she heard today (3/17/25) that the fiscal year 2025 is at risk. Brent said that what they have been told is that anything that is not funded will be resubmitted this year under an earmark.
Councilor O'Halloran asked if there was existing debit currently on the plant or is it debit free. PWD Harris stated that there is debit existing, there is Drinking Water SRF that expires in 2025 and another Drinking Water fund from 2008 that expires in 2028. The first debit payment for this would be approximately 2029.
Move to approve the request of the Public Works Director to approve the engineering services contract for the design, permitting, of the new Water Treatment Facility for a total cost of $1,420,000 and to approve the pilot study by Blueleaf Inc in the amount of $200,000. The engineering services and pilot study will be funded through secured grants and loans, P Lyons, seconded by J Stein, passed 6-1 (S O'Halloran opposed)

23. Council Order #032508 Update and potential action on the Brae Drive private utilities line issue.

Manager Pearce – there isn't too much to update, we discussed at length at the last Council meeting the Brae Drive utilities issue, and his recommendation, although unfortunate, was that it is a private line and private road. There was a request from Council for additional background on Holt Drive and Argonne St as to why they were accepted as city roads and what happened with Brae Drive. The information was included in the memo and validated a lot of the previous discussion that had been brought before the Council and rejected for very specific reasons, both the inception and in subsequent Council meetings. It seems like in line with previous Councils and the law and after final research on this, the other roads predated Brae Drive by many years and there was pretty affirmative action to accept those road and pretty affirmative action not to take Brae. The current policy is if the water leak becomes an emergency, that the city will step in to fix but would then have to charge the residents of Brae Drive for the fix.
Multiple Councilors agree that the City doesn't have the responsibility to fix this. Chair Beal did state that there were two or three roads in the past that were brought to city standards and then a special assessment was done for the residents, and it did work, but the residents of Brae Drive don't seem interested in having the City take the road.
Councilor O'Halloran asked if we know whether the issue is the Brae Drive infrastructure or if it is anywhere between the main and the house. PWD Harris said that we don't know where the issue is and on a public line anything from the shut off valve to the main the city would take care of and anything from the shut off to the house the resident would take care of. He also said that it is difficult to determine where exactly the issue is because water will travel underground until it finds a path upward.

24. Discussion on Council/City Goals and Priorities for 2025. (Sponsored by Manager Pearce)

City Manager Pearce – this item is pretty general, he believes that we need to have a more robust conversation about strategy planning and work planning now that we have the Comp plan, the business attraction plan, the housing needs assessment and the budget, which is our policy document for funding. He has had some general discussions with Councilors about how to be a little more strategic on Council Meetings and what is on the agendas and how we decide what

we're going to move forward with. He finds it interesting with this process in municipal government that with a lot of strategic planning initiatives, some of them are as straightforward as putting together a work plan based on smart goals for the organization in coordination with the executives, usually done through a 2–3-week process; but he has also done 3–4-month full business process redesigns with consultants that give you work plans. He has spoken with Sue Lessard, the Bucksport Town Manager, to see how she does it, and she has tried many things including retreats and strategy and visioning sessions. She is partial to a work plan for the year and an Excel spreadsheet on 10 of the big items that the Council is going to try to move forward with and has a tracking mechanism from year to year. He has been a part of many plans where there was a lot of interest and enthusiasm at the beginning and then they fall apart. He and DCM Devlin were working on a matrix of items including recreational cannabis, short-term rental registration, city land inventory, Capital Improvement planning, Pump House Point, VPI, full ordinance changes, wayfinding signage, and a Fleet Management system. He asked the Councilors what process they want to address and move forward on before he starts tackling some of the work.
Councilor Lyons said that where CM Pearce has done this a lot he would be interested in his recommendation. He doesn't want to have a bunch of meetings where they talk about "stuff." He would like to figure out what the priorities are and find a way to do it.
Chair Beal agrees with Councilor Lyons, and she thinks that it would be too much to try to do an analysis. She would like to have it all be public and let the public be part of the conversation. After the budget season is done, she thinks having one meeting with the public present, where they could talk about what his recommendations are.
Councilor Stein suggested leveraging the Comprehensive plan and using it as a reference. He also suggested "tagging" in specific Councilors for specific goals, he has really enjoyed getting into the Cannabis ordinance and figuring it out.
Councilor Smith said she was glad that they were having this conversation because we have reactive for the last year and a half that she has been here and now we get to bee proactive. She thinks that while we are in the budget process they are thinking about what the assets are that the municipality has to accomplish some of the goals. What things we can get done in the next year and what things are not ready to do but would be soon and what things do we have partners working on. Getting the coordinated look both at things that have happened in the past and things we are going to focus on now and things that will come in the future. She thinks back to the forum at the Grand and talking about the things that you want to do and then what are you doing about it. Going to the monthly meetings and dealing with the things that are thrown at them are necessary, you have to do the housework, but now we want to be more thoughtful about proactive thoughtful coordinated work. Not adding to work that staff is doing but so they feel like they are a part of it and what their role is.
Chair Beal said that she thinks it is more exciting because we have more active volunteer commissions than she has ever seen, there are so many people who are very interested in improvements in Ellsworth and are willing to help.
Councilor Stein suggested varying the timelines for results of the projects that are decided on so that there are some long-term ones but also short-term easy things that people could consider a win for motivation.

25. Adjournment.

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