

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, April 21, 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. *Councilor Smith absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - March 17, 2025, Regular Meeting
 - April 3, 2025, Special Meeting

Move to adopt T Mote, seconded by P Lyons, passed 6-0

5. Presentation of Awards.
 - Larry Gardner – 25 years of service
 - Arbor Day Proclamation

6. City Manager's Report.

Sara Devlin, Deputy City Manager –

The budget season is nearing conclusion. Our target was to hold increases to around 2.9% to align with the 2024 consumer price index inflation figure. The school is currently proposing an approximate 5% increase over last year and the municipal budget is approximately a 1% increase over last year. Despite being a largely maintenance budget, we have been able to add some meaningful investments, including funding a full-time Parks and Recreation Director and the addition of four key public safety personnel. The school budget is slated to be voted on tonight (4/21) and there will be one more final budget workshop in the coming weeks for the municipal side. We expect to bring the full budget to the Council for adoption at the May meeting, which will allow staff the time needed to prepare and send out tax bills on schedule. Also we are beginning to plan for the allocation of Economic Development TIF surplus funds, with around \$500,000 in new capacity created by a reduction in the district debt service and an increase in value of the TIF Districts.

The Courthouse Collaboration – we have reached a major milestone outlining the land swap and road construction deal between the city, the state judiciary, and the Wardwell family; this framework allows the authority granted by the Council earlier this year. The next steps include finalizing the purchase agreements with the Merrill, Adams, and Wardwell families for an approximately .22 mile road that the city will construct. Once those are ready we will bring the land acquisitions back to the Council for approval, the anticipated values remain within the scope

of the FY25 local road account. A detailed update and options for funding will follow in the near future.

Hiring updates for Economic Development and Planning – we are thrilled to share that we have extended an offer, and it has been accepted for the Economic Development Director; after a very competitive process that included over 40 applicants and multiple rounds of interviews. We are waiting to finalize the references and background check before a more detailed public announcement but are very confident that this individual will be transformational for the team. The search for our next City Planner has actively begun, we began interviews today (4/21) and will hopefully be coming to a final decision in the coming weeks.

Downtown Façade Grant program – the latest round of our downtown façade grant program received more interest than funding would support, which is a testament to the commitment of our small business owners to invest in and enhance the downtown experience for both residents and visitors. We are proud to partner in this work and will be exploring ways to extend the program in the future.

Beautification and Park Investments – planning is underway for the plantings along Main Street, High Street, the marina, Knowlton Park and City Hall just ahead of Memorial Day. A special thank you to Caleb from the Highway Department, who not only helps in road operation but coordinates our beautification program; the paperwork, planning and planting included. To save funds we are assembling our own hanging baskets and planters and would love volunteers to help, interested residents can email Charlie. Additional park improvements include new playground equipment being installed, the splash pad being resurfaced, a proposed \$50,000 investment in Knowlton Park upgrades in the FY26 budget and transitioning to a year-round maintenance staff for Parks and Recreation areas replacing our current seasonal framework.

Road work – paving season has begun and there are two major components. We have our city funded work which totaled \$1.6 million, and was awarded earlier this year, the focus areas are currently in the summer zones, like the Harbor, Marina and Boggy Brook Road. Demeyer field is going to be the site of a little league tournament in early summer. Many thanks to all involved in preparing those sites for the work. The other major work is state-led, including High Street, Washington Junction Road and the intersection on Bridge Hill where Bucksport Road and Surry Road connect. For a full schedule and updates you can visit the city website or follow us on social media.

7. Committee Reports.

J Stein, Recreation Commission – they met April 15th, and were very excited to hear about a Parks and Recreation person. They have a lot of things they have been trying to get done, so having help will be great. They will launch a “park day”, May 24th 9-11am. It was going to be a cleanup day but since the Public Works Department will have their trash cans out they don’t think there will be a lot to clean up, so they want to show off newly installed equipment and check out the park.

T White – Arbor Day is Friday, April 25th. There will be a talk at the Moore Center from 5:30 to 7pm, where the speaker will be talking about how to set up a tree trust. The trust could be used to set money aside for maintenance and planting of trees in the future.

S O’Halloran, Finance Committee – at the meeting on Friday he believes the entire group was very excited about how far ahead of last year we are in the budget season. It seems that in one year’s time there has been huge progress, and everyone has worked really hard on it. Unlike previous years, this year there was a lot of information available to them. There was also a speaker that mentioned that the city has a judgement against a family in town. It is due to a violation of

an ordinance, which he understands, but he feels that instead of taking them to court there could have been a workout plan or something else done.

8. Citizen's Comments.

PJ Keenan, Ellsworth Chamber Director – would like to invite everyone to the Annual Meeting on May 8th, in the YMCA parking lot. Tickets can be purchased on the Chamber website or by calling and your ticket includes dinner.

Cara Romano, Director of Heart of Ellsworth – Heart of Ellsworth is thrilled to bring two festivals to town next month, Maine Seaweed Week and Jane's Walk. Seaweed Week will take place April 25th thru May 4th. The annual statewide celebration highlights Maine's vibrant seaweed harvest and robust production of seaweed adjacent products. We are proud to be the first accredited Main Street Community and only town/city in the state to be a hub for Seaweed week. It is sponsored locally by Maine Coast Sea Vegetables and Star 97.7 and features ten downtown businesses offering seaweed inspired food specials, creative beverages and seaweed floral arrangements. There will be an evening seaweed market and art show on Thursday May 1st from 4-7pm at the 16 State Street Makers Space building. Jane's walk is an international festival of free volunteer-led walking conversations. The walks invite community members to explore local history, share stories and engage by walking and talking with community members and leaders. Ellsworth will host six Jane's walks this year in collaboration with non-profits, local residents and a few Council members.

Patrick Shea – he used to live in Clinton for a while and he understands how hard it is to work through the budget process because he was part of the Parks and Rec committee and was involved with the community. He believes more can be done to cut the budget, and that the City Manager and Deputy City Manager need to make sure that department heads are using vehicles efficiently and that tax dollars are being spent properly. Kudos to the Public Works Department for trying to stay ahead of all the areas we have, but sidewalks should be taken care of better. He believes that we should have improved signage around the Old Burial Grounds and a sign at Woodbine and other cemeteries letting people know that dogs shouldn't be allowed. Also there should be hours posted because there is a state law that governs them.

9. Councilor Comments.

J Stein – following up to one of the comments made in the citizens comments, he believes that some emergency vehicles need to remain idling by law or their SOPs, but we could look into other vehicles.

S O'Halloran – one of the things that he has learned through the budget process is that this year has been the best in the four years that he has been here, and he commends everyone for what has gone on. He feels that sometimes he needs to dig more to get information, which can be hard to do, but this year has been full of information. He would invite every presentation next year to build off this year. Transparency is key, and this year there has been more transparency than in previous years, which is a great things for the city.

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):

- Ellsworth Hampton Inn, 4 Downeast Highway, for renewal of a City Lodging House License.
- Ellsworth Moose Lodge #2698, 47 Foster Street, for renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Liquor License.
- Twin Hills Cottages of Acadia, 210 Twin Hill Road, for renewal of a City Lodging House License.

Move to approve the renewals as presented, T Mote, seconded by T White, passed 6-0

****New Business****

- 207 Collectibles LLC d/b/a Ellsworth Candlepin Alley, 25 Eastward Lane Suite 6, for a new City Class B License (Victualer, Liquor and Amusement).
- Acadia Provisions, 425 High Street, for a new City Class C License (Victualer and Liquor) and a new State On Premise Beer and Wine Liquor License.
- Pentacle LLC d/b/a Thaiconic, 78 Downeast Highway, for a new City Class C License (Victualer and Liquor) and new State On Premise Beer and Wine Liquor License.

Move to approve Acadia Provisions, T Mote, seconded by T White, passed 6-0

Move to approve Pentacle LLC d/b/a Thaiconic, P Lyons, seconded by J Stein, passed 6-0

Move to table 207 Collectibles LLC d/b/a Ellsworth Candlepin Alley, T Mote, seconded by J Stein, passed 6-1 (S O'Halloran opposed)

11. Council Order #042500 Presentation from Ellsworth Police Department on loitering policies. (Sponsored by Councilor O'Halloran)

S O'Halloran – a gentleman brought this issue to a Finance Committee meeting, so he thought bringing it to a Council meeting, where more people could learn about it, would be beneficial.

Troy Bires, Police Chief – After a little research, in our ordinances, Chapter 11 Use of Streets section 113, addresses loitering. It states that no person shall loiter in any street or place, doorway, store after being ordered by the police to move. That is the extent of our loitering ordinance in the city and was added to the ordinance in May of 1976. The PD enforces criminal trespass laws, so if someone were to call about a person on their property, they would give them a warning for trespass and have them move along. The only exception to this is for the homeless, there is a separate protocol for them that they follow. Talking about the people in the medians with signs, there have been several cities who have tried to pass an ordinance to do away with people standing there begging for money, etc., but they were taken to court and lost because it was deemed a violation of first amendment rights. If people are moved on from private property, blocking or impeding traffic or violating any other laws, the PD can address that, but the incident that was brought to the Finance Committee, he doesn't believe that they were intentionally driven to the private property. The PD gets very few complaints about people in the median and when

they do receive the calls, they explain that there isn't much that they can do about it unless they are actively walking up to your car and asking you for something or impeding traffic or are being unsafe.

Jarad Wilbur – since the City of Portland was sued in 2013, many municipalities have put verbiage in their ordinances, not to take away rights, but to make sure that intersections with high accident rates don't have loitering there. To protect the person in the median and also to protect the person in the automobile.

Chief Bires – ordinance wise, it would be up to the Council, if they wanted to develop one, then the PD would enforce it.

J Stein – he also did some research because he wasn't entirely sure what they were going to be talking about, and he was struck by Portland's action, review of ordinance and then lawsuit. The ACLU is who sued, and ended up winning, they said it would restrict free speech under the guise of safety. There wasn't currently an issue but there could have been and what this was taking away from people's rights.

Patrick Shea – he stated that there has been a lot of loitering, and some of the people in the intersection violate Maine's distracted driving law because they cause people to look the other way so they are not paying attention to where they are driving.

12. Council Order #042501 Public Hearing and action on the Ellsworth School Budget Resolutions for FY2026.

- a) Order Approving State/Local EPS Funding Allocation for Public Education from Pre-Kindergarten to Grade 12 for Ellsworth Schools for FY2026.

Move to approve as written, T Mote, seconded by P Lyons, 5-1 (S O'Halloran abstained)

- b) Order Approving Non-State Funded School Construction Debt Service for Ellsworth Schools for FY2026.

Move to approve as written, T Mote, seconded by P Lyons, passed 5-1 (S O'Halloran abstained)

- c) Order Raising and Appropriating Additional Local Funds for Ellsworth Schools for FY2026.

Move to approve as written, T Mote, seconded by P Lyons, passed 5-1 (S O'Halloran abstained)

- d) Order Approving Total School Operating Budget for Ellsworth Schools for FY2026.

Move to approve as written, T Mote, seconded by P Lyons, passed 5-1 (S O'Halloran abstained)

- e) Order Appropriating and Raising Funds for Adult Education for FY2026 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A §8602-A(1).
- f) Order to Raise Local Funds for Food Service in the Ellsworth Public Schools for FY2026.
- g) Order to Authorize Expenditure of Grants and Other Receipts for School Department Programs.
- h) Order to Authorize the Establishment of Reserves from Balance of Funds at Year End.
- i) Order to Authorize the Addition to Reserves from Balance of Funds at Year End.

j) Order Authorizing Disposition of Additional State Subsidy.

Move to approve as written, P Lyons, seconded by T White, passed 5-1 (S O'Halloran abstained)

13. Council Order # 042502 Public Hearing and action on the request of the Arbor Commission for amendments to the City of Ellsworth, Code of Ordinances, Chapter 43, Tree Ordinance. *Casey Hanson – bringing back the tree ordinance with edits from January. The ordinance was originally made in 1991 and was very limited; so when the commission came back into being, one of their goals was to update it. There were a few things that needed to be adjusted, which the commission agreed with, the biggest thing that needed to be changed was permits. This is only protecting trees on city property not on private property. They added pruning and cutting standards as addendums to the ordinance, which were taken from the American National Standards Institute (ANSI).*

A question was asked about what role the Code Enforcement office would have in this and Councilors had a discussion about it and determined that the Tree Warden would be the one issuing the permit and violations and that this ordinance is giving them the power to do so.

Mike Harris, Public Works Director – for clarification for everyone, he asked who the Tree Warden currently is, to which the response was Charlie (City Manager). So at this time someone looking to do tree work would go through the process with him. Councilor White, a member of the Arbor Commission, stated that they would like to change who the Tree Warden is. They would like to ideally have it be someone who is a certified arborist.

Patrick Shea – as he stated earlier in the meeting, he was on the parks and recreation committee and board. The chairman of the Parks and Recreation board was the tree warden. They maintained green spaces, walking trails, baseballs fields, basketball court and river park. It was hard crafting the ordinance because some of the trees were on the other side of the sidewalk, which was actually in the right-of-way.

Sue McLean, Tax Collector/City Clerk – asked for an example of why someone would need a permit, because it sounds like the trees are on public property. Casey responded that people don't always know that a tree that they think is on their property is actually in the right of way. Councilor White also added that an instance she has run into a lot is curb cuts, for example someone putting in a new driveway.

Casey – they also have a Community Tree Steward this year, and one of his major projects is to figure out the right-of-ways and which trees the city actually owns. Councilor Lyons added that it is important for the city to know which trees are ours because we are responsible for them.

Robert Grant, Code Enforcement Officer – he read the ordinance for the first time tonight (4/21) and his question is about article 9, violations and penalties. It says that it may result in fines and penalties for violations but is not specific as to what they may be. There is no language to define how it would be assessed.

Chair Beal – asked about the permit fee and had they discussed a dollar amount and whether the Tree Warden would collect that or if it should be part of Chapter 14, Licenses and Permits, and go through the Clerk's Office. It was generally agreed that having it go through the Clerk's Office was the best and that we will research a reasonable fee to cover the administration time for the permit.

Stephen Shea – this is the first time he has been able to look at this updated ordinance. His question is, has there been problems with trees in general the way we are doing it now with the City Manager taking care of things? Councilor White stated that no one that is trained to understand

trees is looking at them right now. She believes that it is a problem because sometimes trees might get damaged during construction or removed when they don't need to be. Mr. Shea asked why the City Manager can't continue to do this and why we need to appoint a new position. Councilors assured him that they are not appointing a new position at this time, that this is only approving the ordinance, but there might be the potential of the Parks and Recreation Director to take over that position or later on when there are more people in the department one of them could take it on.

There was discussion about the wording for the appointment of the Tree Warden, so that it can stay with the City Manager until another option comes available. It was decided that changing the language to say "The City Council shall annually appoint a Tree Warden, if possible with forestry and/or arborist credentials" would cover us for now and in the future.

Move to adopt the amendments to the City of Ellsworth Code of Ordinance, Chapter 43 Tree Ordinance, subject to three revisions. First, article 3.1 to say, "The City Council shall annually appoint a Tree Warden, if possible with forestry and/or arborist credentials." Second, article 5.1 after "A permit" add "issued by the tree warden" third article 9.1, add a comma after penalties and "pursuant 30-A M.R.S., section 4452, and finally in appendix 1, Tree Removal Standards, section 4, second bullet change "through the Arbor Commission" to "to the Board of Appeals", P Lyons, seconded by J Stein, passed 5-1 (S O'Halloran opposed)

14. Council Order # 042503 Request of the Public Works Director to amend the current contract with Northeast Paving to include mill and paving the Franklin Street Parklet.

Mike Harris, Public Works Director – we put out an invite to bid and received bids on local roads and ended up well under the total we had anticipated to spend so the parklet came up as a good candidate to try to get paved before the season this year. He is here with a change order to the local roads contract. He has already spoken with Northeast Paving, they looked at the location and gave him the price, so he would like to request to expend the additional funds on the work.

Councilor Stein – believes it is great that we have this extra money because we came under bid and that we want to spruce up the parklet, but is it the best use of it? Is paving what we want to see for the future or would it be better utilized as another permeable surface, depending on how we want to use it? The Rec Commission has had some ideas as well as Heart of Ellsworth for the space.

Cara Romano, Heart of Ellsworth – many people have been working on this project since before the pandemic. In 2017/18, Taste of Ellsworth started and the whole concept of that was to frame it up that space for it to eventually become a public space. Their design committee has been tirelessly working for many years and have come up with a concept sketch for the space. Over the past few years she has been doing some research with other "Main Streets" around the state that have put together similar plans to this, and Westbrook is a great case study that we should consider. We have stormwater here, and there they have a transformer. The situation is very similar and theirs is done. She agrees with Chair Beal that \$26,000 is a lot of money to put into something that may not be there in another two years. She would encourage everything to really think about this and when conversations about this at the city level happen, Heart of Ellsworth Design Committee would like to be involved and can also help with funding.

Councilor Lyons – asked if the stormwater work could be done without repaving it? PWD Harris responded that yes the work can be done what they will end up doing is patching it, so it would be partially paved with that. Councilor Lyons followed up with if we didn't pave it for another year

would we be risking any safety issues? PWD Harris responded no, it is just like a lot of the streets that haven't been paved in long time, that is has frost heaves and such.

Several Councilors liked the idea of improving the space and paving it but don't want to spend the money if we are going to end up tearing it up in the next few years to do something else. They would rather work with Heart of Ellsworth and other groups and get the space figured out first.

Councilor O'Halloran – likes what he is hearing but wants to talk little about the process. He doesn't believe that rushing into this plan is going to serve anyone well, and is glad that it sounds like they won't be acting on this item. He is troubled with not putting this out to bid, we have a policy that anything over \$15,000 goes out to bid. He doesn't believe that jumping at giving this contractor an extra job just because we came under the bid is right because it needs to go through the proper process.

Move to reject the request of the Public Works Director for paving of the Franklin Street Parklet, T Mote, seconded by J Stein, passed 6-0

15. Council Order #042504 Discussion and action on the request of the City Manager to approve the annual reports for affordable housing tax increment financing districts.

This is an annual report that we have to submit to the state, Finance put together the report. It is accounting of what we have for our affordable housing tax increment financing districts.

Move to approve the annual reports for tax year April 1, 2024 through March 31, 2025 for affordable housing tax increment financing districts Leonard Lake, Oriole Way and Oriol Way Senior in the City of Ellsworth, J Stein, seconded by T White, passed 5-1 (S O'Halloran opposed)

16. Council Order # 042505 Discussion and action on the request of the City Manager to allocate Tax Increment Financing funds for consulting services for review and possible changes to the current TIF District Plan, the City's Capital Improvement Plan, and certain City Ordinances.

DCM Devlin – this came up during the budgeting process, when we identified some areas that we would likely need some consulting help on. When they reviewed the TIF districts and what was authorized to be used for funding, they thought moving the funds from the general fund to use them with the TIF funding to work towards implementing the comprehensive plan, housing needs assessment and the business attraction plan. They would like to review the TIF districts and realign them and possibly create additional ones, work on the Capital Improvement Plan (CIP), which she is currently working on and is a very large task and do a policy and ordinance review so they can be updated to more evenly match what is in the Comprehensive Plan, Housing Needs Assessment and Business Attraction plan. City Manager Pearce identified the surplus TIF Funding that is undesignated to use to get the consultants jump started in this fiscal year.

Councilor Lyons is in support of this, he thinks that it is time for us to reevaluate our TIF Districts and the programming and knowing how stretched some staff is hiring a consultant, who is more of an expert in the area, to do the work is important.

Move to authorize the City Manager to allocate surplus funds from the city's economic development tax increment financing (TIF) account for the purpose of securing consulting services related to: (1) the review and potential amendment of the City's current TIF District Development Program; (2) an update to the City's Capital Improvement Plan with a focus on economic development readiness; and (3) policy and ordinance review related to housing and business development. These consulting services shall be funded from surplus TIF funds

consistent with the city's adopted TIF District plan. The city manager shall ensure that all expenditures comply with the plan's allowable uses and provide the City Council with updates as the work progresses and RFPs are reviewed and selected for final approval by Council, P Lyons, seconded by J Stein, passed 5-1 (S O'Halloran opposed)

17. Executive Session pursuant to 1 M.R.S.A §405 (6)D to discuss labor negotiations between the City of Ellsworth and the Ellsworth Police Association (affiliated with the Maine Association of Police – MAP).

Move to enter executive session, J Stein, seconded by P Lyons, passed 6-0

Move to exit executive session, J Stein, seconded by P Lyons, passed 6-0

18. Discussion and action on labor negotiations between the City of Ellsworth and the Ellsworth Police Association (affiliated with the Maine Association of Police – MAP)

Move to approve the contract negotiated with the Police Union for the period of July 1, 2025 to June 30, 2028 as proposed, P Lyons, seconded by T White, passed 5-0 (T Mote recused herself)

19. Adjournment.

Move to adjourn, P Lyons , seconded by J Stein, passed 5-0