

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, June 16, 2025, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

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

Public Access/Spectrum Channels 5 and 7

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:
 - May 19, 2025, Regular Meeting
5. Presentation of Awards.
 - McKay McLean – 5 years of service
 - Troy Bires – 35 years of service
 - Ellsworth Police Department – Maine Law Enforcement Accreditation Program (MLEAP) – 3-year Recertification Award.
6. City Manager's Report.
7. Committee Reports.
8. Citizen's Comments.
9. Councilor Comments.

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.

10. Council Order #062500, Request of the Tax Collector to set the real estate and personal property tax due dates to September 11, 2025, and March 12, 2026, and an Order of the

Municipal Officers on the application of real estate and personal property tax payments. This order will allow for the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills. *

11. Council Order #062502, Request of the Deputy City Clerk for review and acceptance of the results from the June 10, 2025, City of Ellsworth School Budget Validation Election. *

NEW BUSINESS

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

- Timothy Wedge d/b/a The Breakroom, 248 State Street, for renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Restaurant Class I, II, III and IV Liquor License.
- Fogtown Brewing Company, 25 Pine Street, for renewal of a City Class B License (Victualer, Liquor and Amusement), renewal of a State Brewing license and a new Restaurant Class I License.

****New Business****

- Rosenberg Smith Enterprises d/b/a Main Street Medical, 71 Main Street, for a new Medical Marijuana Dispensary License including a City Victualer License.

13. Council Order #062503, Presentation from the Tax Collector on tax acquired properties. (Sponsored by Councilor O'Halloran)

14. Council Order #052504, Request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

15. Council Order #062505, Request of the Tax Collector to write off the past due personal property accounts that are deemed uncollectible.

16. Council Order #062506, Appointment of City Officials by the City Council.

- a. Reappointments.
- b. Planning Board: Request to appoint Lisa LaRue as a full member with a term expiring 6/30/30.
- c. Planning Board: Request to appoint Matthew Outhier as alternate (1) with a term expiring 6/30/28 and Marc Babayan as alternate (2) with a term expiring 6/30/27.
- d. Recreation Commission: Request to appoint William "Bill" Nelson as a full member with a term expiring 6/30/2027.

17. Council Order #062507, Approval of City Manager's appointments.

- a. Reappointments.

18. Council Order #062508, Public Hearing and action on the request of the Finance Director for Authorization for Tax Anticipation Borrowing (\$3,000,000).
19. Council Order #062509, Public Hearing and action on the request of the Fire Chief to amend the language for the City of Ellsworth Fire Protection and Prevention Ordinance, Chapter 4, Article II, Subsections 2.1-2.2.3.
20. Council Order #052510, Public Hearing and action on the request of the City Manager to enter into a contract with StreetScan for up to \$25,000.00 to inventory/condition assessment of all city streets.
21. Council Order #052511, Discussion and potential action on Brae Drive utilities issue.
22. Council Order #052512, Discussion of potential changes to City Council Meetings, Finance Committee Meetings and workshop/meeting structure relative to rules and governance. (Sponsored by Councilor O'Halloran)
23. Executive Session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.
24. Adjournment.

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Spectrum Channel 1303

AGENDA

1. Call to Order. *M Beal absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - April 21, 2025, Regular Meeting

Move to approve, T White, seconded by J Stein, passed 5-1 (N Smith abstain)

There was a discussion whether the executive session and budget were moved up, the concern with that was that everything would be out of order. It was decided to bring the public hearing and discussion part of the budget brought up so citizens could be part of the conversation.

Move to create a 12a and have a discussion about the budget before voting on it. Passed 6-0

5. Presentation of Awards.
 - Pride Month Proclamation
 - Deputy Chief Shawn Willey – Commendation Award
 - Sergeants Chad Wilmot and Kelvin Mote – Commendation Award
 - Corporals Rob Angelo and Shawn Merchant – Commendation Award
 - Officer Erick Skinner – Commendation Award
 - Game Warden Eric Rudolph – Commendation Award
 - Cory Michaud-Kidder and Caleb DiDonato – MMA’s 7th Grade Essay Contest Winners

6. City Manager’s Report.

Big thanks to both students for sharing their essays, that was the second time getting to hear them. They also spoke at the School Board meeting, hopefully there are a few items in the budget that can touch on issues they each mentioned.

High Street paving – does know that this has caused some frustration in the community but wanted to note that our teams are working very hard with the state and Northeast Paving, who is the contractor for the job. Originally this project was scheduled for last year and the contractor couldn’t make the timeframe, so it was rescheduled for the spring. It is night work that happens from 9pm-6am but it does affect some daytime operations. They lowered the manholes and water boxes and went to State DOT standards with the grinding, which resulted in some sagging cold patch formation and the formation of potholes. In spots they milled all the way through the

pavement and ended up exposing the gravel base, so our team has been working on an emergency basis to fill potholes as much as possible, and the weather has also not been cooperating. The temperature has also not been up to MaineDOT specs for paving, if the temps are lower than 50 degrees the night before they can't pave. The contractor is preparing to do an emergency shim to get it back to where it was this winter.

Recreational Cannabis – the workshop is May 29th at 6pm. This will be to discuss the regulatory framework for the process and get the Council's guidance and community feedback on how many, where, what the process should be with the framework.

School Budget is being voted on June 10th. Absentee ballots are available now.

Big employee thanks first to Deb and Lea from the Finance Department. They are processing paperwork and payments and keeping things moving along while Nate and Ashlie put all their efforts into the budget process. Brittany the assistant planner, she has been doing so much work as they have been in the process of hiring a new planner. She has helped get several projects over the line and lead an after hours art class for employee to help build culture.

7. Committee Reports.

- Planning Board: Request to appoint Lisa LaRue as an alternate with a term expiring 6/30/28 and Matthew Outhier as an alternate with a term expiring 6/30/2027.

Move to approve both nominees for the Planning Board Alternate positions, P Lyons, seconded by N Smith, passed 6-0

J. Stein – Rec Commission meeting tomorrow morning (5/20) at 8:30 in Council Chambers. They would like to invite everyone to the Play it Forward event at Knowlton Park. It will be a fun and informative event focused on Knowlton Park; it is Saturday May 24th from 9-11am. It is to raise awareness about ongoing playground upgrade, maintenance and highlight the work of the Recreation Commission and learn how they can get involved in supporting playground design and projects. There will be a variety of hands-on and family-friendly activities including touch a truck.

N. Smith – Cemetery Commission held their first meeting last week, there are a lot of plans in the works for how to manage the cemeteries the city has. Elections were held during the meeting, Dotty Vachon was elected chairperson, Albert Scott aka Scotty is vice chair, and Tiffany Tate is secretary. The commission will be meeting bi-weekly for the next three weeks to get up and running and then they will decide if they want to go to monthly or keep bi-weekly.

T. White – it is Maine Arbor week in the State of Maine. Tomorrow (5/20) the Second-grade class from EEMS will be at the Jordan Homestead Nursery planting eighty (80) trees. It starts at 10am if anyone is interested in joining them.

8. Citizen's Comments.

Gordon Workman – he has three items he would like to speak about. First, when people come up to have a discussion about open topics or agenda items, he believes that they should be able to do that freely without interruption. They have concerns and they see it more than others and should have the right to speak and voice everything they want to talk about without interruption. Second, there was supposed to be something on the agenda this month that was brought up in February at a Finance Committee meeting about Kerry Karst's property and the funds from the sale. He is disappointed that it wasn't brought up and was wondering why that was. Third, the courthouse road project and looking for alternative funding, he believes our Senator and Representative have gone to the state to try to get funding for half of the project. He didn't know if the City Manager

had tried to work with them to get additional funding. He thought that would be good to know because it shouldn't all fall on the citizens of Ellsworth. It is the Hancock County Judicial Center, which is run by the state, and he believes that the Hancock County Commissioner should also be part of this project. Also, since it is the Hancock County Courthouse, he believes that the towns of Hancock County should be involved with it.

9. Councilor Comments.

N. Smith – there was a public hearing regarding funding and both her and Charlie testified, Charlie in person and hers was written. It sits on the appropriations table, and if it passes, she has heard that there won't be much money left, if any, at the end of the session.

J. Stein – he has been to a couple county commissioner meetings over the last year. He has found it difficult to get a lot of back and forth with the commissioners. He has let them know about the courthouse project and that it is a county project and that we are working on various things that involve the entire county, and maybe in the future they would like to chip in or at least be part of the discussion. He would encourage anyone to go and speak at one of their meetings to try to get the point across that it isn't just an Ellsworth project.

S. O'Halloran – he had a different topic he was going to discuss, but Mr. Workman brought up an item that is very close to him. The Karst property was foreclosed on by the city for non-payment of taxes. The overdue amount was just under \$20,000, and the city sold it for \$150,000. There was a 10% fee to the auctioneer which brought the city total down to \$135,000, he feels the city owes the equity to the family that lost their property. Two items were brought up at a Finance Committee meeting in February and it was agreed at that meeting that the first item would be on the April agenda and that the Karst discussion would be on the May agenda.

It was explained to Councilor O'Halloran that we have put the tax foreclosure discussion on the June agenda because the Tax Collector was on a previously scheduled vacation and there is a lot of information that she would like to share herself rather than trying to have someone else explain it. Also, we have reached out to MMA Legal to get their most recent guidance on their full taxing policy. The City Assessor Larry just gave Charlie a very comprehensive list of parcels owned by the city in either tax acquired status or some that are owned outright. This isn't an individualized issue, there is a whole list of all the property owners that could be in this category.

UNFINISHED BUSINESS

10. 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).

Move to approve, P Lyons, seconded by N Smith, passed 6-0

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11. Council Order #052500 Request of the Deputy City Clerk to appoint Wardens, Ward Clerks and Election Workers for the June 10, 2025. *

Move to approve the appointment of the Wardens, Ward Clerks and Election Workers as described in the memo provided for the June 10, 2025 City of Ellsworth School Budget Validation Special Municipal referendum election, J Stein, seconded by T White, passed 6-0

NEW BUSINESS

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

- Shinbashi Inc d/b/a Shinbashi, 139 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III & IV) Malt, Spirituous and Vinous Liquor License.
- Primary Organic Therapy Inc d/b/a Curaleaf Maine, 3 Myrick Street Suite B, for renewal of a Medical Marijuana Dispensary License including a City Victualer License.
- Brian Langley d/b/a Union River Lobster Pot, 8 South Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III & IV) Malt, Spirituous and Vinous Liquor License.
- Cresswell Investments LLC d/b/a Airline Brewing Company, 173 Main Street, for renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Restaurant (Class II and IV) Malt and Vinous Liquor License.
- Scott Kenny d/b/a Jordan's Snack Bar, 200 Downeast Highway, for renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Restaurant (Class I, II, III & IV) Liquor License.
- Giri Ellsworth Inc d/b/a Hawthorn Extended Stay by Wyndham, 215 High Street, for renewal of a City Lodging License.
- Zeppas NY Pizza, 92 Water Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Liquor License (Class III and IV).
- LJO LLC d/b/a Forest Ridge Campground, 40 Flockamoosen Way, for renewal of a City Lodging License.
- Corporate Chefs, LLC, 21 Kingsland Crossing, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III & IV) Liquor License.
- Melvin Lambert d/b/a Charlie's Pizza, 18 Hancock Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Off Premise Beer Only License.

Move to approve all licenses, J Stein, seconded by T White, passed 6-0

12a. Discussion and public hearing on FY2026 Budget.

City Manager Pearce – all of the information is on our website ellsworthmaine.gov/budget for anyone who would like to see it. They have had nine meetings this budget cycle for a total of about twenty-three hours, which is down by eighteen meetings from last budget cycles and he believes that we can do even better next year. We have landed at an increase in net spending of 2.9%, which is the CPI inflation rate, it was our initial target coming into the budget season. It is a more reasonable rate of growth than in the last few fiscal years, FY25 was a 7.3% increase and FY24 was a 16.8% increase in the net municipal budget. Some breakdowns, the municipal net appropriation is down about 4%, the school appropriations are up about 5.1% and the county appropriation is up 9.3%, but the total net of those ends up to a 2.9% increase. We are estimating

a mill rate of 16.84%. which is down from last year's 17.45%, it may vary some depending on the property valuations. We are moving forward with the Parks and Recreation Director, that was prefunded in the last budget cycle, to lessen the impact on this cycle. Very much looking forward to that person and doing a service upgrade for a Parks and Recreation area. We also have an additional \$50,000 for Knowlton Park this year, to upgrade some very heavily used community assets. We will also be adding a city janitor, this adds approximately \$22,000 because we will be canceling the contracted cleaners for Knowlton Park, the harbor, City Hall and the Police Department. It will also create a year-round position so places like Knowlton Park could stay open longer because we have someone to take a little bit better care of them. We are adding two additional firefighters to complete the cycle on the shift upgrades, especially after we went to a full-time ambulatory care service. We are also adding an additional dispatcher and police officer. For Capital Improvement, from the general funds, we are adding a dispatch radio console, Knowlton Park splash pad resurfacing and the Police Station sign. Some other things in this budget are wayfinding signage, a website redesign, a citywide phone system, some expanded workforce professional development and tuition reimbursement programs. He is very proud of our Budget team and all the work that everyone put into the budget process this year and is hopeful that we can streamline things even further. Also, a big thank you to all the Councilors for their time and efforts spent on this process.

There were no public comments on this item.

Councilor O'Halloran – this has been the best process in the four years that he has been on the Council. Prior to Charlie's arrival and the current Finance team, they were in the dark and didn't even know how bad it was until they started getting real numbers. Thank you to them because he knows there has been a lot of work that has gone into this. Maybe we don't like that it is down to the 2.9% but after the 17% jump two years ago, which was a "rude awakening" for people, and the 8% increase from last year, which was much more manageable, but none of it would have happened without all that went into getting the numbers.

13. Council Order #052501 Ratification of the appointment of Twila Fisher as the incoming Economic Development Director.

City Manager Pearce – is very excited to have Twila, she will be starting June 9th. One of the reasons we went with her was they just felt that she was right for the city, she brings over 20 years' experience in the public and private sectors. Most recently as the Director of Community and Economic Development for the Hill School in Pottstown, Pennsylvania, where she also leads the Hobart's Run Neighborhood District as Executive Director. She has handled big thriving community initiatives that we're on track to get here in Ellsworth that could be game-changing, once in a generation, tens of millions of dollars in Federal funding for the High Street corridor. Also helping with the Village Partnership Initiative with the Deputy City Manager to get potentially tens of millions of dollars invested in our Main Street and downtown corridors. She was also their top candidate both in the resume and interview rounds and also came up twice in person. She has been coming to Maine for many years, and she really felt like this is where she wants to be.

Move to ratify the appointment of Twila Fisher as the Economic Development Director, as an administrative employee reporting to the City Manager and Deputy City Manager in accordance with the city charter and applicable personnel policies effective immediately, N Smith, seconded by P Lyons, passed 5-1 (S O'Halloran opposed)

14. Council Order #052502 Discussion on the Brae drive utilities issue.

City Manager Pearce – this is our third discussion as a Council on this item. Brae Drive is a private drive that has had a water leak that they were looking for the city to address. They don't have a homeowners association and there are some serious concerns about how the developer had other roads in the area accepted as public ways but this one wasn't. We had a long discussion as a Council at the March meeting on whether it is appropriate for the Council to pay for the fixing of a private utility. During the Council meeting in February, Councilors requested more information and some history to be brought back to the March meeting. The Public Utilities Commission (PUC) weighed in barring the city from using its own water personnel to work on private roads. It wouldn't necessarily bar the Council from allocating funds to have other city staff, non-PUC regulated staff, fix it, however.

Adam Gibson – was nominated by the residents of Brae Drive to speak on everyone's behalf. He has three main points he would like to make, first, Brae Drive which was constructed in 1976 by Robert Ray of Ray Builders Inc, was always intended to be a city road. Second, the City Council unjustly denied the adoption of Brae Drive as a city road on at least two occasions based on road standards that shouldn't apply to the road. Third, evidence shows that Ray Builders Inc, established in 1964 and still in business today, owns the road and associated utilities of Brae Drive. The residents goal for this meeting is to have one of two things happen; the residents hope that Brae Drive will finally be accepted as a city road by the Council and if not, they expect the Council to outline a plan to work with Ray Builders Inc to ensure a sustainable path forward for the residents and the city.

Brae Drive is located north of the elementary school and connects Forest Ave with Holt Drive. It was constructed in 1976 by Ray Builders Inc but was originally conceived as part of the subdivision of land owned by Earl and Charles Holt in 1949. In 1976, Robert Ray went before the Planning Board with a proposal for what would become Brae Drive. In his initial proposal, it was a road with a 33 foot right of way, similar to Holt Drive and Argonne Street. Mr. Urquhart, a resident of Forest Ave, spoke in opposition of the idea in an attempt to avoid the problems that came with the narrowness of Holt Drive. Mr. Ray was instructed by the Council to prove that he could construct an adequate road on the 33 foot right of way. Intending to do that, he continued with construction of the road and in a good faith effort, he improved upon the construction of Holt Drive and Argonne Street by increasing the width of the road. Brae Drive has a 20-foot-wide paved surface, which is 7 feet wider than Holt Drive and 5 feet wider than Argonne Street. Later in 1976, when Brae Drive was completed, Mr. Ray went before the Council to have the road accepted as a city street, it was acknowledged at that time that Brae Drive was grandfathered under the old subdivision ordinance, nevertheless his request was denied on the basis of the 33 foot right of way and the 4-foot ditches would "not be ample for runoff". It is the residents opinion that this initial rejection of Brae Drive as a city street was unjust and has precipitated this almost 50-year conflict in which they find themselves. In 1991, the issue of making Brae Drive a city street was again revisited, but no action was taken, even though it was declared that Brae Drive meets all the standards for acceptance under the 50 foot right of way requirement, which it shouldn't have been held to since it was built before the standards were established in 1977. In more recent meetings with the City Manager and City Council, ownership of the road and utilities was unclear. However, based on documents provided by the city, it's now clear that Ray Builders is the owner of Brae Drive and the associated utilities. There are at least two examples of this being affirmed by the City Council. In 1996, Mr. Steven Joy went before the Council protesting a proposed \$7,500 utility hookup fee, levied by Ray Builders, to try to hook up to the utilities on Brae

Drive. In his building permit, it stated there were public water and public sewer supply, so believing that meant the utilities were public, he intended to pay a \$350 hookup fee. However, this was contested by Robert Ray and was unanimously determined by the City Council, at that time, that the utilities on Brae Drive were owned by Robert Ray, thus requiring Mr. Joy to pay the higher fee. In 2009, Miss Alicia Card was quoted \$10,000 by Ray Builders to connect to Brae Drive utilities. Instead, she obtained a variance from the city to connect to utilities on Holt Drive because she owned the adjoining parcel that connected to Holt Drive's utilities.

In the fall of 2024, residents of Brae Drive and Ellsworth Water Department staff became aware of a water line leak in the proximity of 16 Brae Drive. Residents approached the city about repairing the leak, as has happened in the past on at least one other occasion when the city addressed an issue with the sewer utility line. However, the city now take the stance it would be illegal to fix the utility since it is not owned by the city. When asked what the city would do in the event of a catastrophic break in the line, the city responded that they would repair the damage and then pass along the repair bill to the current owner, which at the time was assumed to be the Brae Drive homeowners. However, now it is clear that the city would be responsible for recovering the cost of the repair from Ray Builders Inc. Residents also approached the city about finally accepting the road as a city street and in addition to meeting with the City Manager, this is also their second City Council meeting on the issue.

They now ask if the Council is willing to correct the mistake of their predecessors of nearly 50 years ago and finally accept Brae Drive as a city street as it was always meant to be? If not, what plan do you have as the administrator of the public utilities for the city to work with Ray Builders, the owner of the road and utilities, to ensure the adequate transmission of utilities to the residents of Ellsworth.

Gordon Workman – the first time the residents came, the Council told them that they couldn't accept the road because there wasn't a big enough turnaround for fire trucks or plow trucks to turn around, and that they would have to build a connecting road so they would be able to get out. Mr. Ray connected to the next road and went back to the Council, and they didn't accept it again. Back when the road was built, there was a lot of animosity between the city and the contractor, so he believes that it was part of the issue.

Jack Frost – there is so much history here and he would like to thank Adam and Lauren and everyone on the street. They have had meetings and emails and have lost a lot of sleep over this. There was a tremendous amount of animosity between Mr. Ray/Ray Builders and the city, and this was a breaking point. They don't have another option; they have been told that they can't put in their own septic systems. He would encourage the Council to take the time that they put into research this after six months and starting to work with Charlie. He has always followed up, which they greatly appreciate because that hasn't always been the case, to get them the documents so they can see what really happened. The unwritten piece to this is the level of tension between the city and Ray Builders at the time. When Mr. Ray walked away from the project, no one took the initiative, they had meetings and talked about it, but there was no consensus on how to move forward. They were given two other examples in the city to say that these are private roads, one of them only has one unit there, it isn't a residential area in the sense of having many houses. The other is behind the hospital, which he believes is a dirt road, and has maybe two houses on it. They are on at least quarter acre lots with fifteen homeowners. He believes that clearly their road was built at a time when it was up to code but there was just enough tension to leave this unresolved.

City Manager Pearce – there have been many hours spent on this as well and the residents have been very patient. On a personal level he would want the Council to authorize him to spend up to \$5,000 to fix the leak but from a professional level there is a precedent here. He would like to research the Ray Builders ownership piece a little more, but we will continue to monitor the leak and if it does get to be an emergency to the system then we could fix it and then bill either Ray Builders or the residents of Brae Drive.

Councilors asked the residents if they had been in contact with Ray Builders to let them know that after some research it was discovered that they own the road and utilities? Adam responded that no they have not. They felt it more appropriate to come and have the discussion with the city first to try to come up with a plan to move forward.

Councilor Smith asked what changes if we confirm that there is a specific owner and it goes back to the developer who created the issue? How is that different than when it was the collection of homeowners who had shared responsibility? City Manager Pearce responded that from the leak piece if it is catastrophic we could fix it but from the other side of it, he doesn't think the city could get involved, it would have to be the homeowners who reach out to Ray Builders. That is an answer without talking to legal counsel.

Mike Harris, Public Works Director - he believes that unless Ray Builders has a specific warranty on the infrastructure, that they can say they will fix it but will charge the residents like they would for anyone else. He doesn't know that we as the city could compel Ray Builders to fix it. Since it isn't ours and if it isn't under warranty anymore, what legal right does anyone have to tell Ray Builders to go fix it and eat the cost of it?

Several Councilors agreed that it is a legal question, and we should reach out to our legal counsel for guidance.

Councilor Stein – he said that it sounded like the road at the time of the 1976 Council meeting, was already 20 feet when it was requested to be widened to 18 feet, is there anyway to prove that? Also, was the requirement before the increase to 50 feet, an 18-foot pavement and a 33 foot right of way, and did the road at the time meet that, is there anyway to figure that out? It sounds to him like those are the three numbers they are discussing. City Manager Pearce responded that he believes that the Councils have done this in the past and we can read it now and say we think it is unjust, and we need to move forward, but that doesn't make it so he can accept it as a public road now without the Council weighing in.

Councilor Lyons - he said it was very helpful to see the history on it and is sympathetic to the residents, but he still doesn't see a legal avenue for us to 1) do the work and 2) for us to accept the road. Right now, if there is a private road owner that's not a resident, the residents and the private road owner should start talking to see what the owner is willing to do and the city could be part of those conversations. It is his opinion, unless otherwise convinced, that we don't have the legal authority, we have been told by the PUC not to touch the water infrastructure, and the road doesn't satisfy our road standards to accept it. It could be widened, which would have to be figured out between the private landowners and the owner of the road. If we can work out a way to do that where we can bring it up to standards, the city would be happy to work with them.

City Manager Pearce – he is happy to look into the Ray Builders piece, obviously the original builder is deceased, but there might be a legacy piece to it, but he has a very strong idea that we are going to end up back to where we are now. The Council could authorize funding for this specific purpose, and we can move forward, or we need to go towards the acceptance of a public way so the city holds this in perpetuity, and we can give a one-time exemption and when a bigger issue hits we go through this again. We would be setting a precedent with this and then what are

we going to say to the next private road that may be in a similar circumstance, how would we say no to them?

Adam Gibson – he finds the precedent setting argument extremely weak, he believes it is very easy to avoid that. Are there other roads out there like Brae Drive, no, it was admitted by a Councilor how unique their situation is.

Councilor O'Halloran – he is going to say what people haven't dared to say, and that is, he doesn't know the conflict that went on, but certainly Mr. Ray had some troubles meeting compliance in many areas. He believes that anyone who has lived in Ellsworth in the last 50 years knows that there was compliance issues with Mr. Ray. He was a wonderful guy and was very skilled. He built a lot of homes and put people in homes that never would have owned homes. He guesses that there may have been some burning issues from other roads that were accepted and that a line was drawn in the sand and they said we've had enough. Therefore, if you look through all the documents and if you know the history, the city did not want to adopt that road. It didn't meet the specifications, and he thinks there were probably other roads that didn't meet specs that did get adopted. So here we are today, and his thought is that this is a unique situation, but if the city accepted one penny from the utility line, then the city should be responsible for fixing it. He isn't in favor of adopting the road, that decision was made by a previous Council and he doesn't think we should change that. He hopes that every owner today knew that it was a private road when they bought their property and if they didn't he believes they should bring it up with whoever they bought the property from. We have spent a lot of time on this subject, and he doesn't believe that it would be beyond the scope, if we are going to accept fees from this infrastructure and it is in the main trunk, for us to get this taken care of. If it isn't in the main trunk and it is from the main to the home, then unfortunately they are on their own. The problem comes, he believes, from the fact that no one has come forward and found exactly where the leak is coming from.

Councilor Lyons – he would like to clarify one thing, he believes it was mentioned during the last discussion, the city isn't making money off of them. They are paying to have their water and sewer hooked up to them, that is a service. The city pays to have the sewage treated or pays to have the water treated for them to drink it. We aren't taking money from them but providing them a service. The issue is that their street is private, and their infrastructure is private until it meets the city line. If it is the city side then we could fix it but if it isn't then it isn't our obligation and legally we are not supposed to do it per the PUC. He also lives on a private road and he has to pay for his septic by having it pumped and treated, and he has a well so had to pay for that service.

Councilor O'Halloran – he isn't saying anything about profit and making money, what he is saying is that we are accepting the revenue from water and sewer. Therefore, comes some responsibility for the main line.

Councilor Stein – he believes that it sounded like the hookup fees originally went to Mr. Ray not the city, at least from more recent items.

City Manager Pearce – if we applied the accepting money standard citywide, that would be a very big bill for us to manage the trunk that goes to all the residents. The problem with the trunk here is that it comes off the city's line and then is in joint ownership with the homeowners or Ray Builders, it is broken in a private area. To Councilor Lyons point, we are taking money for treated water as it connects to our system and then the equivalent legally from the PUC we cannot use our water resources because it is private. It's not as simple as saying we will fix it and then send a bill. To Councilor O'Halloran's point, if we just wanted to fix it, we could authorize the City Manager to work with the Public Works Director for no more than up to \$5,000 in local road funds to fix the leak on a one-time basis, it is a possibility.

Lauren Gibson – she knows it has come up a couple times about where the leak is, so there is a new homeowner that recently bought the house in the proximity of the leak. It is her understanding that the Real Estate Agent knew about the leak and had someone from the city come out and test the water to make sure it wasn't just groundwater and to see if it was coming from the utility itself, which she says it is and it is on the main trunk. It happens to be on the corner of her property but is on the main line.

Mike, PWD – so we are now saying that it could be Ray Builders responsibility, which means that we can't touch it anyway because it is private and he owns it.

Lauren Gibson – they are looking for a way forward, not just in terms of the leak, but how to move on.

A gentleman (unsure of his name as he didn't state it) – he grew up on the Bayside Rd, and one of the first people he knew in his life was Robert Ray. His father was also good friends with Mr. Ray, it was almost a closed community on Bayside at one time. Everybody took care of everybody. This is the second meeting he has been to that he has heard his name "besmirched." Mr. Ray was a wonderful man, and he provided a lot of jobs for the people who lived on the road, his neighbors, he gave people houses that they never would have been able to afford. He was not the only contractor in this town that, as was said cut corners, whether that was true or not. Since he is no longer alive and he is, he wanted to come up and make that point.

15. Council Order #052503 Public Hearing and action on the request of the Deputy City Clerk to amend the fee schedule for the City of Ellsworth Code of Ordinances, Chapter 14, Licenses and Permits.

Ebony Kramp-Dowling, Deputy City Clerk – the last time the fee schedule for Chapter 14 was amended was in 2007, with inflation and the cost of doing business rising it seemed like an appropriate time to look at everything and make some changes. Currently public hearing notices are \$80 and the cost of printing in local papers has gone up, so we are losing money. We would like to raise the fee to \$100, which would overall even out because they typically range from \$90-\$110 per notice. There are also some business licenses that we would like to raise to cover the cost of inspections, it takes approximate an hour for Fire and Code to go out to these locations. Last month, Council approved the tree ordinance, so the tree permit fee has been added to the list after working with Casey. The other biggest change would be to a Class C Establishment; we wanted to vary that some because you don't want to charge a place like Walmart the same as you charge a smaller store.

Councilor Stein – he has a business in town, it has a lot of different parts and pieces and food and alcohol, and dancing and it is unique in Ellsworth. There is nothing else that fits their particular structure. They have been through the ringer with Code, Fire and the Clerk's office over the last 8 years, and would rather pay a little bit more in fees knowing that the departments are well funded, organized, and well-staffed because the most important thing he has found is to be able to get someone on the phone, get an email back or have somebody do an inspection quickly and you need to be able to make rapid fire changes, especially during the summer. Ellsworth has been that for the most part over the years, so he believes that funding these to at least break even through fees is reasonable and positive for the business community.

Move to approve the request of the Deputy City Clerk to amend the fee schedule for the City of Ellsworth, Code of Ordinances, Chapter 14, Licenses and Permits as presented effective immediately, T White, seconded by P Lyons, passed 5-1 (S O'Halloran opposed)

16. Council Order #052504 Public Hearing and action on the request of the Code Enforcement Officer on repealing Chapter 26 “Plumbing and Septic System Permit Fees,” amending Chapter 41 “Electrical Installation and Inspection Ordinance” and amending Chapter 56, Article 2 “Plan Approval and Permitting Procedures” to create Chapter 67 “Unified Building Fee Ordinance.”

Robert Grant, Code Enforcement Officer – he discovered that the fee schedule for any of the fees in the Code Office have not been updated in at least 20 years. They are also in four different locations, spread across three different ordinances. So, he decided for simplicity, to put them all into one ordinance and update the fees. He used a couple different metrics to do that, one was using the inflationary cost from 2005, which is the last time he knew of it being updated. Current building residential permits are .17¢ per square foot and with inflation for today’s dollars it is .28¢ per square foot, so he was confident with .25¢ per square foot being the minimum he would need to ensure that we are not losing money.

Councilor Mote – shared several examples of other towns that were on the list saying that we are still significantly lower. We are currently at .17¢ per square foot and looking to go to .25¢ per square foot when Bar Harbor charges .41¢, Bath charges .40¢, Brewer charges .50¢ and Rockland charges a \$60 application fee plus .50¢ per square foot.

Councilor Lyons – he asked, to confirm, that the math with the fee increases helps the Code Office break even as far as revenues versus costs? CEO Grant responded that he did a lot of math trying to recreate statistics that were never kept in the office, but yes he believes the .25¢ for residential single-family permits plus the other increases on the list gets them to where they will be able to break even for a few years. The Code office has been running at a \$40,000, roughly, deficit year over year, which means that every time someone takes a permit out, the general fund is subsidizing \$40,000 worth of their operating costs.

Councilor Smith – she would like to reiterate what Robert said about it not increasing costs, it’s that every bit that isn’t covered by the person who is getting the service is covered by the taxpayers. It is appropriate to bring it up, even though she is hearing that it will only bring us to breaking even. She likes that he included that it is required to be updated at a certain time, so that we aren’t going through this again in another 20 years. She supports the direction we’re going with this and thank you for recognizing that we need to build it into the system that we are evaluating it. We have worked so hard on keeping the cost down for property tax owners, and she remembers two gentlemen who come regularly to the Finance Committee meetings, and one of them said “you’ve got to find other ways to make money.” This is an appropriate way to bring more revenues in so that it’s not all on the property taxpayers.

Councilor Stein – wants to echo the same thing he said on the previous item, and he is in favor of it. He wondered if CEO Grant had an average example of what someone would pay with these new fees. CEO Grant responded that he found the average size home in Maine in 2023 was 1675 square feet and if we were to have charged a permit fee for that home, we would have charged a \$284.75 building permit fee but with the proposed fee it would be \$418.7, which is a \$134 increase. For commercial, he took the average 5,000 square feet for a building, which would be a \$1,000 permit fee at .20¢ per square foot and if it goes up to .30¢ it would be a \$1,500 fee.

Move to recodify the building fee schedule contained in Chapter 56, Article 2, Chapter 26, Plumbing and Septic System Permit Fees, and Chapter 41, the Electrical Installation and Inspection Ordinance, into Chapter 67 of the Ellsworth City Code to be called the Unified Building Ordinance, P Lyons, seconded by N Smith, passed 5-1 (S O’Halloran opposed)

17. Council Order #052505 Public Hearing and action on the request of the Fire Chief to amend the fee schedule for the City of Ellsworth Code of Ordinances, Chapter 4, Fire Protection and Prevention Ordinance.

Scott Guillerault, Fire Chief – prior to 2020, the Fire Department and Life Safety Inspector, did have a fee schedule assigned to article two of chapter 4. He did plans review for commercial businesses and multi-family dwellings, and there was a pretty significant fee schedule that he used. In 2020 when he retired the fee schedule was removed from the ordinance. His understand was it was because the incoming Fire Inspector didn't have the qualifications and instead of us just not assessing the fees until he met the standard, we removed it. We now have a qualified Fire Inspector again and he works very closely with the Planning Board to review all fire and life safety components for the commercial industries that come into the city. There is a lot of time and effort that goes into the work that he does, and he is of the strong opinion that he doesn't feel that 8,400 people in the city should be paying for the Fire inspector to do plans review for the commercial industry, when they aren't the ones building the building. When they started going through this process, he had directed then Deputy Chief Low and Fire Inspector Canavan, to put us right in the middle. FI Canavan went before the Finance Committee earlier this year, presented the fee schedule, and was asked to make some adjustments. What is in the packet is the updated version with the adjustments.

Councilor Lyons – as part of the Finance Committee, they have come a few times, and it's been good dialogue. He fixed the things they suggested and came back and for the same reasons they voted for the other two fee schedule updates, he thinks they should vote to approve this one.

Councilor Mote – asked if Chief Guillerault knew the average size commercial building that he is looking over as the inspector? The Chief responded that they vary, they have seen proposals that are upwards of 12,000 square feet or smaller ones that are 2,000-2,500 square feet. That is why the fee schedule is based on square footage as part of the calculation.

Move to approve the request of the Fire Chief to amend the fee schedule for the City of Ellsworth, Fire Protection and Prevention Ordinance, Chapter 4 fee schedule as presented, P Lyons, seconded by N Smith, passed 5-1 (S O'Halloran opposed)

18. Council Order #052506 Request of the Fire Chief to sole source purchase an automated chest compression device.

Scott Guillerault, Fire Chief – he is looking for permission to purchase two CPR devices, called Lucas devices, they are an automated CPR device. Given their short staffing, they supplement leaving a firefighter doing CPR on an individual. Since they are automated that means there is little to no interruption during CPR. The funding for this comes through a Maine State Sustainability grant, from the Maine EMS office. Two years ago, he sat on the committee that was in charge of doing a financial evaluation for sustainability in Maine EMS, and it was determined that there was a huge disparity as far as reimbursements and funding. So the state has been trying to reinvest back into some of these EMS systems. The grant specifically targets this project for the CPR devices. We were awarded a \$35,000 grant to pay for these; the remaining funds would come out of a revenue account they have.

Councilor Lyons – said that Scott presented this last week to Finance Committee and the devices sound really cool and they will help them to increase their capabilities.

Councilor White – looked at some videos of theses, not only does it help alleviate, but it also has a better success rate.

Fire Chief Guillerault – the other part of it is that it integrates with some software that we already have. We're able to upload data from the machine at the end of an event so they can go back and review to see if there were things they needed to change, so we are constantly in a state of improvement.

Councilor O'Halloran – is in total agreement with this. He thinks that what they were told at the Finance Committee was powerful, there is not a lot of training that goes to this, it is pretty automated, they would have them in two different vehicles and could save a lot of grievous for people and time. He is thankful that the cost to the city is very low. His question is why is it sole sourced? Chief Guillerault responded that there are other companies out there that make similar devices, however this is the newest technology that is available, and they are the only company that provides it. By design, they are the ones who created this, but this particular model and version is only allowed to be sold by this company. He could go down a model that doesn't have the integration capabilities that they are looking at and get it from another company but wouldn't be able to gain the additional information for continuous improvement.

Move to authorize the purchase of two Lucas device version 31 CPR devices in the amount of \$38,905.54 from Striker Sales LLC, with funding in the amount of \$35,509.12 coming from the Maine EMS Sustainability grant NFD and the remaining \$3,396.42 coming from the FD Training site revenue account 15-210-53010, J Stein, seconded by P Lyons, passed 6-0

19. Council Order #052507 Public Hearing and action on the request of the City Manager to allocate Tax Increment Financing funds for grant consulting services.

City Manager Pearce – this is one thing we discussed a bit during the budget process, but instead of waiting until FY26 to move forward on the grants management consultant, we can use some surplus TIF funds to get started on it right away. Our Library uses a grant consultant and Heart of Ellsworth also uses one, he used them to get a range of what this could do to help us catalog and track grants that are around. From ones that we currently have and align it to our business attraction plan, comprehensive plan and capital improvement plan, so we can try to mitigate the impact of all the plans and the funding they might require and to the taxpayer. There is a lot of grant funding out there that we should be taking a much higher use of. We will put it out to RFP, and then move forward toward an implementation plan. There will probably be a little more involved for year one, in helping us organize a grants plan, and that doesn't mean that all of our grant are getting outsourced to this person. They are really helping us quarterback how we go after grants that align towards our specific things, with someone who is an expert. We do a lot of research and try to go forward on these ourselves to get as many grants as possible but having someone who is doing this for other cities and towns and is seeing things and can make recommendations and is an expert, would be a good use of funds for the city.

Councilor White – asked for some clarity on what we expect the \$15,000 to cover. If it is the searching for grants and writing the grants for the city to submit or if it is the grant management part of it. Manager Pearce responded that we are still going to have to do compliance through the Finance office and even the grant writing. This person will help us gather them and they will be doing an inventory of all the grants out there, creating spreadsheets and a system for us to keep track of where we are at now and then as new grants come up, have a dedicated process. Essentially creating a grants management process, which is something we don't have. Right now, each department does their own but none of us has the bandwidth and expertise outside of this to how we create a unified grants management process throughout the city.

Councilor Mote – asked if this is a one-time type of thing to kind of get us on track? City Manager Pearce responded that it is a one time at this level and then probably as a maintenance level as well. Councilor Mote followed up with asking how many grants are we overseeing right now? Manager Pearce wasn't sure off the top of his head; the number seventy was thrown out.

Councilor O'Halloran – asked Chief Guillerault how he found out about the grant for the CPR devices? Chief responded that it came as a direct notification from Maine EMS as part of a bulletin they sent out to all the licensed agencies.

Councilor White – said that she had someone reach out to her and point out that we either missed or didn't get a community action grant from the state, through the Community Resilience Partnership and they were giving out the largest amount of money they have ever done. Did we apply for it, or did we get one? Deputy City Manager Devlin responded that we have one for the match to the VPI. We haven't spent down that money yet, so we weren't eligible for more.

Councilor Smith – said that applying for grants is a significant part of her job, it has been for 15 years. She supports this contractor role for the coordination and raising awareness. In response to Councilor O'Halloran's question about how you find out about them, some are direct notifications. She went through two emails today from Senator King's office, with here are federal funding opportunities, and they have them by department and she thought there were at least 100 in each email. So, if you have someone who is already familiar with what might be offered and then recognizes the title of it to be able to go for it, those are generally federal. There are also Maine Philanthropy Center, which puts out notifications for funding and Grow Smart. A lot of our community work is funded through the Community Resilience Partnership, and through the housing opportunity program. At the philanthropic, state and federal levels, there are opportunities, you just need the capacity of someone who's in the rhythm and knows how to do it. The other value this person can bring is having someone with the experience of what is required and can track it for you. This person isn't doing all the work, they are giving the framework and from there staff can tell the stores that will be compelling to get the money and your not missing it because you forgot things.

Move to authorize the City Manager to issue a request for proposals for a grants management consultant with total cost not to exceed \$15,000, to be funded from the FY2025 surplus in the Economic Development Tax Increment (TIF) account, P Lyons, seconded by T White, passed 6-0

20. Council Order #052508 Public Hearing and action on the request of the Finance Director to amend Council Order #112400 to reallocate bond proceeds to additional projects.

Sara Devlin, Deputy City Manager - this came up during the CIP discussion at the workshop on April 8th. Staff recognized some surplus in the BAN from the local roads portion, so they thought they would propose to reallocate some of that to some of the CIP items. Items include an excavator and trench box, which is split between Highway, Wastewater and Water Departments. Highway would be 60% and the other two both 20%. A camera that is split three-ways between Highway, Wastewater and Water Departments. They added the sidewalk snowplow into this based on previous conversations and two vertical balers. They also received additional details in the cost proposal from Woodard & Curran on the Surry Road water main replacement project, the contingency is requested to be increased by another \$107,000.

S O'Halloran – would like to go on record saying that he didn't realize that the city didn't have an excavator. He is disappointed that we have made other purchases when an excavator for the city is a very important tool to have. It is a main tool to work with; he will be the first to agree to

that. The challenge that he has with that is that he doesn't think we should be taking \$486,000 away from our suffering roads and buying these pieces of equipment with it. It was intended to pave roads, and he thinks that is what should be done with that money. If we have that left over, we should be carrying that to future roads. It also says the useful life is 20 years, what is the length of the bond? He doesn't want to be financing an excavator for 20 years. Finance Director Moore responded that we don't have the bond yet. City Manager Pearce said that we will take an average useful life and feather that into our debit service. We don't want to have spikes or drops, necessarily, in the debit service, we want to make sure it is a reasonable amount of debit service to carry.

Councilor Mote – agrees with Councilor O'Halloran that this money should have been used for roads. She does support all of these items.

City Manager Pearce – said that we don't want to do all our roads year one, we want to stagger them. The plan now is once all the roads are paved by the early fall, to have a new road analysis inventory done via data, not just the roads committee. Have a car with LAR go over every bit of road in the city and then produce a report that we can take a data driven approach to the next 10 years of road rebuilding. Like we said last fall, the fall and winter are pencils up so that we can be shovels in, in the spring. He doesn't see this as taking away from the roads. If the Council wanted to allocate roads funding, we wouldn't know until the analysis is done. This is to lessen the impact of things that could be put in the general fund this year, but an additional \$449,000 in this year's general fund would have put us well over the 2.9%.

Councilor Stein – he sees most of these items as tied to roads even though it's not asphalt, aside from the balers and maybe the sidewalk plow, but it ties in his mind.

Move to order amending the current General Obligation BOND to include additional projects and an increase in the original Surry Road Contingency as defined in the original order. The amendment includes the following excavator at \$153,600, trench box at \$14,400, camera at \$42,000, sidewalk plow at \$100,000, two vertical balers at \$32,000 and Surry Road water main at \$107,000 for a total of \$449,000, P Lyons, seconded by N Smith, passed 4-2 (T Mote & S O'Halloran opposed)

21. Council Order #052509 Request of the City Manager to accept the bid for engineering services relative to the Courthouse Road project.

City Manager Pearce – this culminates from many briefings, workshops and presentations that were done on the Surry Road to Merrill Lane Courthouse relocation effort. For anyone that would like to see it there is a whole webpage dedicated to it, it is ellsworthmaine.gov/courthouse, and it has all the videos of the workshops. From all of the meetings and workshops came an authorization at the January Council meeting to authorize the City Manager to move forward on the project and work with the state for the purchases of road, easement and fee purchases. Also to work with the state on environmental permitting and looking at different funding options for the project. They came up with a Courthouse Collaboration Agreement, which was entered into a few months ago, it outlines the steps of the process that we would be going through. One of the steps in the agreement was that the city would RFP (Request for Proposals) the engineering and surveying services, to start moving on that quickly to meet state deadlines. We received one proposal for engineering services from Andrew McCullough Engineering, who the city has worked with many times in the past. It is in our procurement policy that we don't have to put out the RFP for engineering services, but we wanted to make sure that we did due diligence and that we were following the collaboration agreement.

Move to authorize the City Manager to enter into a contract with Andrew McCullough Engineering for an amount not to exceed \$96,650.00 for the provision of design and engineering services for the Merrill Lane public roadway project, P Lyons, seconded by N Smith, passed 5-1 (S O'Halloran opposed)

22. Council Order #052510 Request of the City Manager to accept the bid for surveying services relative to the Courthouse Road project.

City Manager Pearce – there were two bids that came in for surveying services, we would like to go with the local person for this one as well. Their bid was a little less than the alternative bidder and they have more local knowledge. They also added some alternative items, if we find that we have to do additional things that could put them right at or just over the other bidder. With the local knowledge and being the lower bid, we would like to go with Herrick & Salsbury for \$14,180.00 with additional, optional options up to \$7,055.00 if needed.

Move to approve the selection of Herrick & Salsbury, Inc for surveying services of the Merrill Lane Roadway project in an amount not to exceed \$14,180.00, with optional services authorized at staff discretion up to an additional \$7,055.00, J Stein, seconded by T White, passed 5-1 (S O'Halloran opposed)

23. Council Order #052511 Public Hearing and potential action on the purchase of fee/easement rights to portions of the Adams and Merrill properties off High Street for the extension and incorporation of Merrill Lane as a public way.

City Manager Pearce – this item is also part of the Courthouse Collaboration agreement; we have a variety of timelines and deadline to finish our piece of it. One of which is to secure the fee purchase of the parcels of land connecting to the Wardwell property, where the proposed courthouse will be. The state will be meeting this Friday (5/23) in Augusta with the Wardwells to close on the 17.9 acres, which will officially swap the Surry Road property for the Wardwell property off of High Street. So now our piece is to enter into the contracts with the landowners, we have minimized the total footprint by narrowing the road and straightening it as much as possible. We are also not going to be building the construction road that was going to come off of Long Lane, so there will be a saving there. It will be approximately \$200,000.00 for the land purchases, based on our city assessments. It is about \$175,000.00 for the Merrill parcel directly off High Street and about \$30,000 for the Adams parcel. The Wardwell parcel is being swapped with the state, but they would also be deeding a small land parcel that connects the courthouse to the city, so that the city in perpetuity would have that as a public way. They have finished the environmental surveying of the area. On the map he was given, it shows two circles around the potential vernal pools, that could have limited development in the area, and those areas came back as not being vernal pools. So, to keep moving forward we will enter into these contracts, which will likely happen this week, then give the state what they need on Friday to move forward with their closing with the Wardwells and closing on our parts of the land deals. He could come back later for a Council ratification of the contracts. This will all be funded through our local roads capital account.

Councilor White – is concerned about the storm water if we start building up in this area, where there are already issues with it on High Street, and just wanted to make sure that we are taking that into consideration. DCM Devlin said that with the Village Partnership Initiative it has already been considered.

Councilor Lyons – there has been a lot of time put into this between Charlie and the management team and is very excited for this opportunity for Ellsworth and is appreciative of the staff's efforts on it.

Move to authorize the City Manager to enter into contract agreements for the acquisition of fee interest rights in land for the production of a public way and the extension of Merrill Lane as part of the Courthouse Collaboration Agreement, at a cost not to exceed \$215,000, with funds to be taken from the Local Roads Capital Account. The City Manager is further authorized to enter into easement granting agreements with the Wardwell, Adams, and Merrill families, and the Maine State Judiciary, for access rights, roadway improvements, and utility tie-ins related to the public way, P Lyons, seconded by N Smith, passed 5-1 (S O'Halloran opposed)

24. Executive session to discuss labor negotiations between the City of Ellsworth and the Ellsworth City Hall Clerks Unit Massachusetts and Northern New England Laborers District Council 327 in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6D.

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

Move to exit P Lyons, seconded by T White, passed 6-0

25. Discussion and action on labor negotiations between the City of Ellsworth and the Ellsworth City Hall Clerks Unit Massachusetts and Northern New England Laborers District Council 327.

Move to approve the collective bargaining agreement between the City of Ellsworth and the Ellsworth City Hall Clerk's unit local 327 of the laborers international union of North America, July 1, 2025, to June 30, 2028, P Lyons, seconded by T White, passed 6-0

After the motion was made and seconded, Councilor Smith wished to go on record expressing concern about the intent to shift to a 4-day work week. She believes that City Hall is a public-facing, public serving entity and is concerned that four 10-hour days will not provide the same amount of service, the same amount of availability of service as even what we have now, with the late evening and then the half day on Friday.

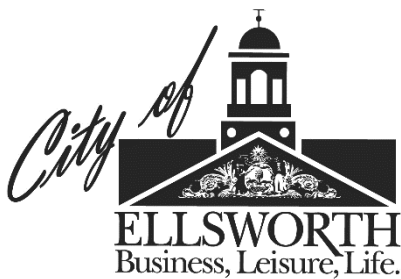
26. Council Order #052512 Public Hearing and action on Budget Resolutions for FY2026.
City Manager Pearce – since we talked about this in detail as item 12a, he will make this short. This does include both the Police Union negotiation increases and now post ratification of the Clerk's Union negotiations. It also includes the pay adjustments negotiated by himself, Councilor O'Halloran, our attorney, the Clerk's Union and City Clerk. As part of the discussion/negotiation, they discussed switching to a 4-day work week, which many other cities and towns have done. It was proposed to do 7am-6pm, Monday thru Thursday, which is a more predictable schedule than what we currently have. There are some pros in terms of cost savings for City Hall not having to be cleaned, cost of energy and heating the building on Fridays and there are some cons like not being able to have a wedding on Fridays or the Friday before Memorial Day, not being able to do a boat registration. We have heard from a lot of staff on the current schedule that we have had people showing up in the afternoon on Fridays. Having the Monday thru Wednesday schedule, a Thursday schedule and a Friday schedule is not hitting the mark very well. A fair amount of other municipalities have gone to this 4-day week, so he wouldn't be able to use it as a recruitment

mechanism on selling our 5-day staggered schedule. Going to 4 days could help in that aspect but is Friday the best day or is Monday the best day.

Move to adopt the following budget for the fiscal year 2026. Be it hereby resolved, that the sum of \$27,155,150 which constitutes the estimated requirements of the various city accounts for the Fiscal Year 2026, based upon the budget submitted by the City Manager as provided by the Charter, be raised assessments upon the inhabitants of the City of Ellsworth and upon the estates on non-resident proprietors with the City for the present municipal year, and that the sums hereby appropriated, in addition to sums as otherwise provided, the amount for each purpose being specified as presented, subject to ratification of the School Budget voted on by the residents on June 10, 2025. It is further resolved that the City of Ellsworth City Council approves the budgets for the following departments in the amount specified as presented. The total Wastewater expenditures being \$2,066,207.00 and the total water expenditures being \$1,737,644.00, P Lyons, seconded by N Smith, passed 5-1 (S O'Halloran opposed)

27. Adjournment.

Move to adjourn P Lyons, seconded by J Stein, passed 6-0



Tax Collector/Deputy Treasurer
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 669-6634 ▪ Fax (207) 667-4908
smclean@ellsworthmaine.gov

Memo

To: City Council
CC: Charles Pearce, City Manager
From: Suzanne McLean, Tax Collector/Deputy Treasurer
Date: April 28, 2025
Re: June 2025 Agenda Request – Set tax due dates

Suggested Motion:

Move to approve the request of the Tax Collector/Deputy Treasurer to set the real estate and personal property tax due dates to September 11, 2025, and March 12, 2026. As well as approving the Order of the Municipal Officers to allow for the Tax Collector and Treasurer to apply Tax payments against the oldest unpaid tax bills.

Background 1:

The City of Ellsworth offers two installments for the Real Estate and Personal Property taxes. Historically, the first installment has been due the second Thursday in September and the second installment due on the second Thursday the following March.

Background 2:

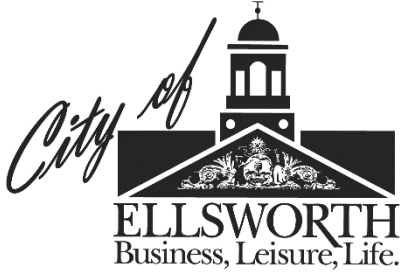
An Order of the Municipal Officers on the application of real estate and personal property tax payments was approved last year (FY2025). I am requesting this Order be approved again this year. This order allows for the Tax Collector and Treasurer to apply tax payments against the oldest unpaid tax bills.

Pursuant to Title 36, Maine Revised Statutes Annotated, section 906, states that “The municipal officers of a municipality may, upon request of the municipal treasurer or the tax collector, require that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill. Taxes may not be applied for which an abatement request or appeal has not been resolved unless approved in writing by the taxpayer.”

Benefit:

By adopting this policy, it has assisted the City in several ways:

- Provides for easier bookkeeping/recordkeeping
- Prevents taxpayers from paying just the current taxes to avoid a lien for the current year and disregarding delinquent taxes
- Ensures the City includes the necessary language on all tax notices notifying residents that tax payments will be applied to the oldest tax first. If a taxpayer thinks they have paid their current taxes, but is unaware of delinquent taxes they may become irate when the property goes to foreclosure for the unpaid delinquent taxes. However, because the City included the necessary language on all tax notices they will still be able to legally proceed with the foreclosure.



Social Services

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 669-6630

thowes@ellsworthmaine.gov

Memo

To: City Council

CC: Charles Pearce, City Manager

From: KaTina Vanadestine

Date: 06/11/2025

Re: Election Results for June 10th, 2025, Municipal School Budget Referendum Election

Suggested Motion:

Move to accept the Municipal School Budget referendum election results from June 10th, 2025, municipal school budget referendum election as prepared by the Deputy City Clerk.

Background:

Attached are the results for the Municipal School Budget Referendum Election. This was a hand count vote so there will be no auxiliary ballots in the final total.

**CLERK'S RETURN OF VOTES CAST
HAND-TALLY RETURN OF BALLOTS CAST**

Municipal Election
Municipality: Ellsworth W-P: 1-4
June 10, 2025

TOTAL BALLOTS CAST

TOTAL BALLOTS COUNTED	369
TOTAL AUXILIARY BALLOTS	Ø
TOTAL BALLOTS CAST	369

CERTIFICATION

We, the undersigned election officials duly sworn, do declare that, in accordance with 21-A MRSA §698, we have publicly sorted, counted, declared, recorded, and packaged all Ballots cast at the Municipal Election held on June 10, 2025.


Clerks Signature

THIS BOX IS FOR COUNCIL SIGNATURES ONLY Majority of Municipal Officers

DATED: _____

A true copy:

Attest: 
KaTina D. Vanadestine, Deputy City Clerk

CLERK'S RETURN OF VOTES CAST
Municipal Election
MUNICIPALITY: ELLSWORTH W-1-4
June 10, 2025

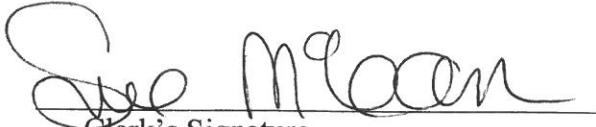
TOTAL BALLOTS CAST: Record the total number of Municipal ballots cast. (If no votes were cast, write "none" or "0")

Total Number of Ballots Cast 369

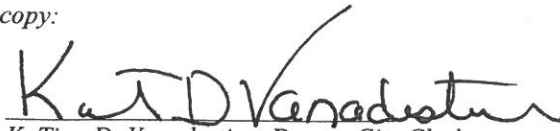
Question One:

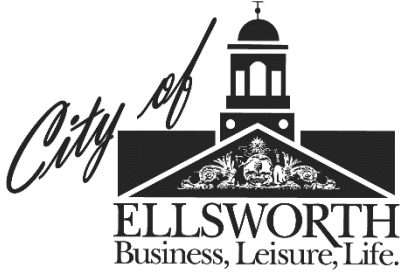
Do you favor approving the City of Ellsworth school budget for the upcoming school year that the City Council adopted at its meeting held on April 21, 2025?

267 Yes 101 No 1 Blanks


Clerk's Signature

A true copy:

Attest: 
KaTina D. Vanadestine, Deputy City Clerk



City Clerk's Office

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 669-6680

edowling@ellsworthmaine.gov

Memo

To: City Council
CC: Charles Pearce, City Manager
From: Ebony Kramp-Dowling
Date: June 16, 2025
Re: Business License Renewals

Suggested Motion:

Move to approve the Business License renewal for Timothy Wedge d/b/a The Breakroom.

Background:

At the time the packet was created, they still owe for their license. However, I will keep Councilors up to date if this changes prior to the meeting.

Suggested Motion:

Move to approve the Business License renewal Fogtown Brewing Company.

Background:

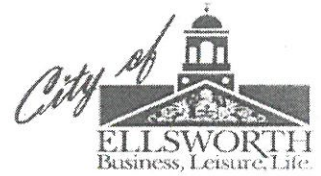
All licensing fees have been paid, inspections done and licensed signed off on by all required departments.

City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

FOGTOWN BREWING COMPANY
PO BOX 328
ELLSWORTH ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6680.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 270

State Tax ID: 1184201 | Charter: 20171760 DC

Business Name: FOGTOWN BREWING COMPANY

State License #: SMB-17-103129 & SMW-20-104333

Business Address: 25 PINE STREET

Business Email: beer@fogtownbrewing.com

Business Phone: 207-370-0845

Business Fax:

Type of Business:

Mailing Address: PO BOX 328, ELLSWORTH ME 04605

Owner Name: JON STEIN

Owner Phone: 610-389-7224

Owner Address: PO BOX 328, ELLSWORTH ME 04605

Fees	Fee Based On	Quantity	Amount
\$85.00 per year			\$ 85.00
\$80. Public Hearing Notice Fee			\$ 80.00

Total License Fees: \$ 165.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a 2.5% consumer fee. You can mail your renewal, liquor application and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 07/31/2025

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best of my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

Signature

Print Name

Date

Jon Stein

05.12.25

Please return signed application and payment to the City of Ellsworth

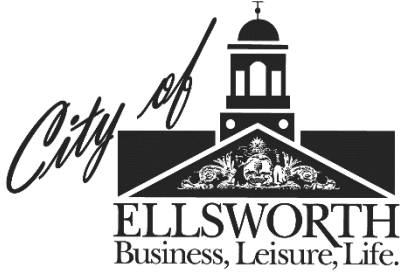
Office Use Only:

Date Received:

5/12/25

Receipt No:

32.0000001166



City Clerk's Office

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 669-6680

edowling@ellsworthmaine.gov

Memo

To: City Council
CC: Charles Pearce, City Manager
From: Ebony Kramp-Dowling
Date: June 16, 2025
Re: New Business Licenses

Suggested Motion:

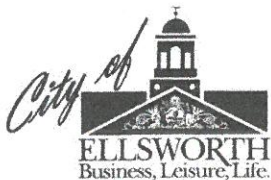
Move to approve the new Business License for Rosenberg Smith Enterprises d/b/a Main Street Medical.

Background:

Due to a change in licensure requirements by the State of Maine, identified during the tenure of the previous Code Enforcement Officer, it was brought to our attention that Main Street Medical did not hold the appropriate licenses with the city. Upon review of their business licensing, it was determined that they were operating under a retail license issued under previous state guidelines. However, under the updated regulations, they are now required to obtain both a marijuana license and a victualer's license.

In November 2024, voters passed a referendum regarding marijuana, and the city is currently working on an ordinance and guidelines for going forward. However, because this is an existing business from prior to the vote, with a city retail license instead of a marijuana license, they are grandfathered.

All licensing fees have been paid, inspections done and licensed signed off on by all required departments.



City of Ellsworth
1 City Hall Plaza
Ellsworth, ME 04605
Business License Application

Office Use Only
Date Received: <u>5/20/25</u>
Receipt #: <u>32.000000172</u>
Account #: <u>6669</u>

The City of Ellsworth thanks you for choosing our city to do business with. Please fill out the required information below. Once complete, return to the City Clerk's office for processing. After the required fees are paid, the City Code Enforcement Office and Fire Inspector will schedule your business for inspection. After your business passes inspection, we will confirm taxes are paid and that there are no issues with our Police Department. If your business requires a public hearing, you will be placed on the schedule. If this is your first-year operating, a representative must be present at the hearing. After the City Council approves your license, you may open for business!

Business Name: Rosenberg Smith Enterprises DBA: Main Street Medical

Business Address: 71 Main St. Ellsworth, Me. 04605

Mailing Address (if different):

Business Phone: 207-852-7730 Business Email: robinrosenberg37@gmail.com

Owners Name: Robin Lawler Owners Phone: 207-852-7730

Owners Address: 2 Malcolm Ln Glenburn, Me. 04401

Class A Establishment (Amusement, Victualer, Liquor & Lodging)	\$100.00
Class B Establishment (any THREE of the Class A types)	\$85.00
Class C Establishment (any TWO of the Class A types)	\$65.00
Victualer's License (provider of food for consumption on or off premise)	\$35.00
Mobile Vending License (any unit selling prepared food)	\$45.00
Amusement (Live music, dancing, entertainment, etc.)	\$35.00
Special Amusement (regular amusement with alcohol)	\$35.00
Lodging House (sleep accommodations)	\$30.00 plus \$2.00 per room
Liquor (for on or off premise consumption)	\$35.00
Arcade (area for video games, billiards, etc.) < 12 devices	\$20.00
>12 devices	\$35.00
Medical Marijuana Dispensary	\$1000.00

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Businesses requiring a Public Hearing notice include but are not limited to Class A, B & C Establishments, Lodging, Liquor, Junkyard/Auto graveyard & Medical Marijuana Dispensary. The public hearing notice fee is \$80.00.

Fees are due on receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of a credit or debit card will incur a small processing fee.

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business.

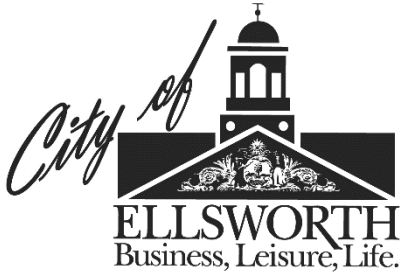
The forgoing information is correct to the best of my knowledge. The applicant hereby acknowledges their responsibility to maintain the business in compliance with all applicable laws and ordinances.

Robin Lawler
Signature

Robin Lawler
Printed Name

5/13/25
Date

Please return signed application and payment to the City of Ellsworth



Memo

To: City Council
Charles Pearce, City Manager
From: Sue McLean, Tax Collector/Deputy Treasurer
Date: June 4, 2025
Re: Discussion of foreclosure process

Overview:

During a finance meeting, Councilor O'Halloran asked for more information on a foreclosed property that was Auctioned in March of 2023. He would like to know the foreclosure process and sale process.

Background:

This property was billed, liened and foreclosed according to State Law and City Ordinances. The following is a timeline of events:

05/08/2019 - 30-Day notice mailed

06/14/2019 - Lien registered at Hancock County Registry of Deeds

10/28/2020 - 45-30 Day Notice (Notice of Impending Automatic Foreclosure) mailed

12/14/2020 - Foreclosed (resulting from unpaid FY 2019 taxes)

12/15/2020 - Redemption Letter

10/17/2022 - Council meeting agenda item 12: Discussion and potential action on an abandoned/dangerous building located at 16 Fifth Street (Tabled. Bring back to the next meeting with more information on how to add restrictions to a quit claim deed if property is sold)

11/21/2022 – Council meeting agenda item 9: Abandoned/Dangerous building located at 16 Fifth Street (motion passed to sell property by sealed bid according to Ordinance 10)

12/30/2022 – Sealed bids received and opened

01/09/2023 – Council meeting agenda item 10: Request of the Tax Collector to review and accept bid on property located at 16 Fifth Street (Council refused all bids and asked to return to the next meeting with additional explained in Chapter 10 Ordinance)

02/13/2023 – Council meeting Agenda Item 9: Continued discussion on 16 Fifth Street property at request of the Tax Collector. Item 9A: Discussion and possible action to allow Kerry Karst to remove personal items from the property (O'Halloran) (Motion passed to sell property by Public Auction)

03/29/2023 – Auction for property completed

Result:

Keenan Auction Company Report of Sale and Invoice:

Total Purchase Price – \$148,500.

Total due to Keenan Auction Company - \$10,918.

Total due to the City - \$19,024.01

Property was sold before the new law went into effect and according to State Law and our City Ordinance at the time, we did not have the authority to return any excess money to the prior owners. New guidelines are effective August 9, 2024 and are attached to this packet.

Additional Discussion:

Discussion about properties owned by the City of Ellsworth, whether they are received by foreclosure or purchase, are included to review what could be sold to benefit the taxpayers by these properties being added to the tax roll. The attached spreadsheet gives a detailed breakdown. A summary of the foreclosed properties is as follows:

City owned properties (foreclosed - not being used as City property) and excluding Timeshares

Description	Count	Assessed values	if taxed	Taxes Owed
Unbuildable land	1	\$1,500 0.01745	\$26.18	\$0
Vacant lots (waterfront)	1	\$ 54,670 0.01745	\$ 953.99	\$3,007.36
Vacant land (commercial)	2	\$121,100 0.01745	\$2,113.20	\$7,281.41
Double-wides	2	\$238,000 0.01745	\$4,153.10	\$13,975.35
Single-wide MH w/land	2	\$88,700 0.01745	\$1,547.82	\$7,403.54
Vacant lots (nonwaterfront)	4	\$170,700 0.01745	\$2978.72	\$1,2752.64
Islands (tiny unclaimed)	8	\$37,960 0.01745	\$662.40	\$0
Single-family Houses	7	\$740,105 0.01745	\$12,914.83	\$46,932.56
Total	27	\$1,452,735	\$25,350.24	\$91,352.86



2024 CHANGES TO SALE PROCEDURES FOR TAX-ACQUIRED PROPERTY

MMA Legal Services Guidance

Updated May 15, 2024

In 2024 the Maine Legislature enacted a third version of 36 M.R.S. 943-C, creating significant changes to a law that had also been revised in 2023. See PL 2023, c. 640. The new 2024 sale procedures are discussed below.

Summary of 2024 changes:

- The Notice of Impending Foreclosure (36 M.R.S. § 943) is revised.
- The municipal officers must still send a pre-sale notice to the former owner of tax-acquired property 90 days before the board lists the property for sale. However, the former owner no longer must respond requesting the “special sale process;” the special sale process is now required for sales to third parties.
- Licensed real estate agents (in addition to brokers) may list tax-acquired property.
- The law clarifies when municipal officers have been “unable to list or sell property” through a real estate broker/agent (and therefore may use another sale process).
- The definition of “excess sale proceeds” is revised.
- A new post-sale notice of intent to distribute proceeds must be sent to the former owner(s) and any party that had a recorded interest in the property.
- An itemized accounting of sale proceeds may be requested by the former owner.
- A process is provided for situations where tax-acquired property will be retained for municipal use.
- Municipalities may provide the required post-sale notice of intent to distribute proceeds by publication if the former owner(s) cannot be located; unclaimed excess sales proceeds for unlocated former owners will be forwarded to State Treasurer.
- A notice must be recorded in the registry of deeds confirming distribution of excess proceeds.
- The law revises and limits the deemed waiver resulting from the former owner’s acceptance of excess proceeds.
- The 2024 amendments take effect August 9, 2024.



Property subject to the law:

Like previous versions of § 943-C, the 2024 amended law applies to real estate that is tax-acquired pursuant to the tax lien mortgage foreclosure process in 36 M.R.S. § 942 – 943. The new requirements take effect August 9, 2024, and apply to decisions to sell or retain tax-acquired property for municipal use after that date regardless of the date the underlying tax lien foreclosed.

Revisions to lien forms are also required effective August 9, 2024.

Changes to tax lien forms:

Effective August 9, 2024, wording within the notice of impending foreclosure required by 36 M.R.S. § 943 must be revised to say:

“IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY AND MAY SELL IT AND RETURN EXCESS SALE PROCEEDS TO YOU, IF ANY, PURSUANT TO THE MAINE REVISED STATUTES, TITLE 36, SECTION 943-C.”

Sample lien forms in the appendix to our *Guide to Municipal Liens* will be revised soon.

Summary of required sale procedures:

Effective August 9, 2024, if tax-acquired real estate will be sold to someone other than the former owner:

1. **Pre-sale notice.** At least 90 days prior to listing property for sale the municipal officers or their designee must send a written notice to the last known address of the “former owner” by U.S. Postal Service certified mail, return receipt requested and by first-class mail, notifying the former owner(s) of the sale process required by 36 M.R.S. § 943-C. (A Maine Revenue Services form should be used to provide the notice).
2. **Manner of sale.** The municipal officers or their designee must list the property for sale with a real estate broker or agent licensed in Maine, at the highest reasonable price at which the property is anticipated to sell. The broker/agent may not hold an elected or appointed office in the municipality nor be employed by the municipality. The municipality must allow at least 12 months after listing for the property to sell.
3. **Inability to list or sell.** If, after three attempts, the municipal officers are unable to contract with a real estate broker or agent; or if the broker or agent is unable to sell the property within 12 months after listing, the municipal officers may sell the property in any manner authorized by the municipality’s legislative body, **provided that the former owner must still receive any excess sale proceeds.**



4. **Conveyance.** If the property is sold, it must be conveyed via **quitclaim deed** to the successful buyer.
5. **Return of funds.** Regardless of the sale method, if any “excess sale proceeds” exist after sale, they must be paid to the former owner (see below for information on proceeds).
6. **Post-sale notice of intent to pay excess proceeds.** If excess proceeds exist, at least 30 days before they distribute the proceeds to the former owner(s), the municipal officers must provide notice of the proceeds to (1) the former owner(s) and (2) any record holder of an interest in the property. Notice must be sent by first class mail and certified mail, return receipt requested. The former owner(s) may request a written accounting of the amount of excess sale proceeds, and an itemization of any deductions allowed in § 943-C(3)(C) (discussed below).
7. **Failure to locate former owner.** If the former owner(s) cannot, after reasonable diligence, be located in order for the municipal officers to send the written notice of intent to distribute proceeds, the board may publish notice once a week for three consecutive weeks in a newspaper of general circulation in the county. The published notice must contain the name of the former owner, a description of the property, the amount of excess proceeds, and the date by which the proceeds must be claimed. If the former owner fails to claim the excess proceeds within 30 days after the final notice is published, the proceeds must be transferred to the Unclaimed Property Fund in the State Treasurer’s office.
8. **Recorded notice.** Within 10 days after excess sale proceeds are paid to the former owner(s), the municipality must record a notice in the registry of deeds confirming the distribution of proceeds. A form will be provided by Maine Revenue Services; it must be signed by the municipal officers and include information required in the statute (see discussion below).

Who is the “former owner”?

“Former owner” is defined in the law as the “owner or owners of record at the time of foreclosure and if deceased, the former owner’s heirs, devisees, or personal representative.”

If tax-acquired property was owned by more than one person when the lien foreclosed:

If tax-acquired property was co-owned by more than one person at the time the lien foreclosed (e.g., by one or more tenants in common or joint tenants), the required notice of special sale process should be sent to each co-owner at least 90 days before the tax-acquired property is listed for sale.



Calculating the amount of “excess” sale proceeds:

The excess proceeds to be returned to the former owner is equal to the amount of sale proceeds remaining after the municipality deducts the following amounts (see § 943-C(3)(C)):

- a. All taxes owed on the property.
- b. Total property taxes that would have been assessed on the property after foreclosure while the property was owned by the municipality.
- c. All accrued interest.
- d. Fees, including advertising, mailing, recording, property listing and real estate broker's or agent's fees, to the extent that those fees are not included in the broker or agent fee agreement.
- e. Any other expenses incurred by the municipality in selling, maintaining or improving the property, including, but not limited to, documented administrative costs and reasonable attorney's fees.
- f. The municipality's lien and foreclosure process costs, including but not limited to, reasonable attorneys' fees.
- g. Unpaid sewer, water or other utility charges and reasonable fees imposed by the municipality.

Required notice forms:

Municipalities must provide notice to the former owner(s) on a form provided by the State Tax Assessor, Maine Revenue Services (MRS). The MRS has not yet issued an updated form consistent with the 2024 amendments.

Contact MRS at (207) 624-5600 with questions about the forms and contact MMA Legal Services or the municipality's attorney for advice on providing notice before the law becomes effective on August 9, 2024.

May property be sold back to the former owner?

Yes, assuming the municipal legislative body has provided that authority. If property is sold to the former owner, the sale procedures and notices required in 36 M.R.S. § 943-C do not apply.

Note that neither the statute nor the U.S. Supreme Court's *Tyler* decision (discussed below) addresses the price the municipality may require a former owner to pay to repurchase tax-acquired property. Based on the principles stated in the *Tyler* decision, we advise municipalities to base the repurchase price for the former owner on the total taxes, interest, fees and administrative costs associated with the property. The list of costs contained in 36 M.R.S. § 943-C(3)(C) may be helpful guidance.



Retaining tax-acquired property:

If the municipality will retain tax-acquired property for municipal use (*e.g.*, as a park, fire station), the municipal officers must procure an appraisal of the property. The appraiser must be licensed to provide appraisals in Maine and may not hold an elected or appointed office in, or otherwise be employed by, the municipality. See 36 M.R.S. § 943-C(7).

The municipal officers must calculate whether any excess sale proceeds exist using the appraised value (instead of the sale price) and then must provide the notices otherwise required for post-sale distribution of proceeds (§ 943-C(8)). The appraisal must be prepared within 120 days before the distribution of excess proceeds (if any).

The appraisal fee may be included in the calculation of excess proceeds. See § 943-C(C)(4).

Note: these procedures apply only to tax-acquired property the municipal legislative body affirmatively decides to retain for municipal use. These requirements do not apply when the municipal officers choose to take no action after foreclosure and allow former owner to continue to reside at property.

Inability to list or sell the property with a real estate broker/agent:

If the municipal officers are unable to list the property with a broker/agent (after three tries) or to sell the property within 12 months after listing it with a broker/agent, the municipal officers may proceed to sell the property as otherwise allowed by the municipal legislative body. (We recommend that the municipal officers document their attempts to list property and ask for any broker/agent's refusal to list in writing). **After the sale, the municipality must still calculate and return excess sale proceeds (if any) to the former owner.**

In this limited instance, municipalities are not required to use a real estate broker/agent and instead may determine their sale process (which may be addressed in a warrant article/ordinance/charter). However, a few legal issues should be considered when deciding on a sale method. Unfortunately, no additional guidance on acceptable sale procedures is provided by the *Tyler* decision or in the statute. Because the sale price impacts the amount of excess proceeds to be returned to the former owner, the best method of reducing potential challenges to the sale is to use a sale process intended to obtain a reasonable market value* for the property (rather than merely seeking a sale price equal to back taxes and costs).

In addition, "fraudulent transfer" concerns arise if the former owner does not receive "reasonably equivalent value" for the combined tax debt and any excess equity in the property. These concerns can arise and can result in a challenge to the sale if the former owner is insolvent and files for bankruptcy within certain time periods following the sale. (See chapter 6 of our current *Guide to Municipal Liens* for a more detailed discussion.)

16 Fifth Street history

05/08/2019 - 30-Day notice mailed

06/14/2019 - Lien registered at Hancock County Registry of Deeds

10/28/2020 - 45-30 Day Notice (Notice of Impending Automatic Foreclosure) mailed

12/14/2020 - Foreclosed (resulting from unpaid FY 2019 taxes)

12/15/2020 - Redemption Letter

10/17/2022 - Council meeting agenda item 12: Discussion and potential action on an abandoned/dangerous building located at 16 Fifth Street (see attached copy of minutes pertaining to this item)

11/21/2022 – Council meeting agenda item 9: Abandoned/Dangerous building located at 16 Fifth Street (see attached copy of minutes pertaining to this item)

12/30/2022 – Sealed received and opened

01/09/2023 – Council meeting agenda item 10: Request of the Tax Collector to review and accept bid on property located at 16 Fifth Street (see attached copy of minutes pertaining to this item)

02/13/2023 – Council meeting Agenda Item 9: Continued discussion on 16 Fifth Street property at request of the Tax Collector. Item 9A: Discussion and possible action to allow Kerry Karst to remove personal items from the property (O'Halloran) (see attached copy of minutes pertaining to this item)

03/29/2023 – Auction for property completed

Additional Notes:

Prior to 5/8/2015, municipalities had neither the duty nor the authority to refund any excess proceeds to the former owner.

After 5/8/2015, Legislation authorized refunds of excess proceeds provided the municipality adopts a detailed local ordinance establishing refund authority and procedures.

The City of Ellsworth did not adopt a detailed ordinance.

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, October 17, 2022 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 - CC

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting of the Ellsworth City Council:
 - 09/19/2022 Regular Monthly Meeting. **
5. City Manager's Report.
6. Committee Reports.
7. Citizens' Comments.
8. Presentation of Awards.
 - Ray Robidoux for 35 years with the City of Ellsworth Waste Water Department.

UNFINISHED BUSINESS

9. Council Order #101700, Request of the Public Works Director to enter into a lease agreement for the Water Department. **

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 the following license (s):

* ** - Consent Agenda items containing backup material.

** - Agenda items with backup material.

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

11. Public hearing and action on amendments to the City of Ellsworth Code of Ordinances, Chapter 36, General Assistance Ordinance. **

12. Discussion and potential action on an abandoned/dangerous building located at 16 Fifth Street

13. Discussion and potential action on relocating the Ellsworth Police Department

14. Councilor Comments

15. Adjournment.

* ** - Consent Agenda items containing backup material.

** - Agenda items with backup material.

Casey Hanson

Will it be recorded? So even if you can't watch it now? You could watch it later.

Dale Hamilton

All right, where are we? Item 12 discussion of potential potential action on on an abandoned dangerous building located at 16 Fifth Street.

Lori Roberts

I'm Lori Roberts with the code enforcement office. And I was tasked with this particular building. It's ours due to tax unpaid taxes. And it obviously is abandoned. It's nobody's living in it. So I hired Andrew McCullough to go by and see if it could be something that could be rehabilitated, or did it need to be demolished? And his suggestion is that can be rehabilitated. And I was wondering if you wish to put it on the market through a sealed bid process or something like that, for that property taxes, any water payment that's due and any sewer that's due.

Marc Blanchette

Are you mean, those items that are due that would be the minimum bid? Is that what you're saying? Okay.

Dale Hamilton

And just so the public's aware, could you just give a summary in terms of the process that goes through in terms of this isn't something that somebody didn't pay taxes in September, and now we're going to take that property and add all of that. So can you just talk a little bit about that. So people understand

Lori Roberts

the tax collection process, I'm not as good knowing as the process itself, it was just taken back due to a lien process because they didn't pay I think it's two years, you want to talk about that.

Toni Dyer

So taxes get leaned 18 months after their due date in the foreclosure happens after that. So this probably has at least three years of taxes owed on it, if not more, I'm not familiar with the account myself, but it's usually at least a three year process to get to this point.

Lori Roberts

I just found out today there were sewer liens.

Glenn Moshier

And there's no one living in the property hasn't been for,

Lori Roberts

for quite some time. And without someone living there, you know, the lawns not mowed. It's just not taken care of.

Glenn Moshier

I also would like to just add quickly on this issue, I met briefly today with the economic development director. And as all of you are well aware, housing is an is a concern. It's an issue for our community as it is for many communities all over the country. And she was she was exploring the idea of this property and other properties of potentially the city looking into, rather than because the reality is if we set if we put it out to bid, it's likely to be bid on someone who's going to rehab it, probably not to live in it but probably to rent, maybe Airbnb, you know, that type of thing and where there's a concern for for viable, affordable housing in our community. She was suggesting which she has not worked out the details on. But she was suggesting, perhaps through economic development, and EBDC, that perhaps the building infrastructure could be rehabbed. And an RFP could be completed the building could be rehabbed, and then it could be structured in such a way that it's sold for the purpose of a family living in it or, or even a single or a young couple or something, as opposed to just the open market where, you know, the city doesn't have any real influence over what happens to the property. So just an an idea that she wanted to float that for the council's consideration to think of a way that perhaps we can end ensure that this if the house is rehabbed and brought forward for, it has a positive impact on the need that we have in our community, as opposed to turning into a rental property that could be short term rentals, and not really helping to support the need that we have for housing in our community.

Robert Miller

How would it, how would we fairly sell it, then that's opposed to what we're doing now.

Glenn Moshier

So her her idea, again, this is just something that she wanted me to kind of propose for your consideration is that through the RFP process, we would put parameters, regulations, rules, if you will, within, so the individuals who are bidding on that property for the rehab of the property and the purchase and owning the property would have in their deed restrictions as to what they can do. And typically, it's timed out. So you might have maybe a 20 year, you know, top requirement on it before that, they could do whatever they wanted to it. But in doing that we could require, you know, we could put certain parameters on the sale of the house. And, and, in some fashion, the actual use of the property.

Robert Miller

I'm just confused. Why can't we do that now? With before we do anything else?

Glenn Moshier

Well, I don't know that we couldn't do that. We just don't have a mechanism in place. Typically, when we sell foreclosed property, we just we put some minimum bid, and we just take the bid. And whatever, when we do the bid openings, whatever the best bid is, and that's who gets the property. There's, there's not any parameters put into the use of the property from the buyers. But that's something that we can certainly look in to see what you know, what our capacity is to do that, just even in the regular bid process

Steven O'Halloran

has been great lengths to reach out to this family and put them ahead of everybody else. If there's any reclaim opportunities. I don't know how that works. But the last thing I want to be involved in is getting somebody's house that maybe some family member would want.

Toni Dyer

Yeah, so I'm not the tax collector. But I can hopefully answer that. It's through the tax lien and foreclosure process certified mailings that were signed for were received by that taxpayer, I would guess at least three times. So they have had fair shot. That's all that the state law requires is that we send a certified mail, which was received. I don't know that the city has looked into like heirs or next of kin or anything. I don't know the circumstances of that taxpayer. Because I'm not the tax collector, but lien notices that are certified requiring signature were sent and were received.

Steven O'Halloran

So they're aware of what's going on?

Dale Hamilton

Major was given, given what the idea was, I don't think letting this sit for another month is going to create a major problem. So I'm wondering if there's an idea or proposal that maybe your team wants to just think about a little bit and bring this back to say, here's what we think this is what it would look like, and as opposed to us making a decision without that kind of information that might make the most sense.

Glenn Moshier

Yeah, yeah, I can certainly, again, this was something that Janna and I just discussed briefly today. And it was something that she wanted to explore further. So I'm certain that she would be willing to come back, we table to come back and with a more detailed idea of what what she would like to propose

Robert Miller

Is there is there a record requirement that attacks acquired property has to go out to bid first, before that? We look into that.

Glenn Moshier

That's just been I mean, there's no legal obligation. It's been. It's been our standard practice with tax acquired property in the past, to go out to bid to sell it. But we can certainly do some more research. I can also do some more research into the previous owners and follow up with Mr. O'Halloran's question to make sure that there's no interests

Casey Hanson

motion to table for this month with a request to bring it back next month with information about whether and how we can I add a requirement that the house is used for people who live there rather than rentals. Okay,

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, November 21, 2022 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>
Channel 7

Agenda

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting (s) of the Ellsworth City Council:
 - October 17, 2022 Regular Council Meeting.
 - November 10, 2022 Special Council Meeting.
 - November 14, 2022 Organizational Meeting.
5. City Manager's Report.
6. Committee Reports.
 - Appointment of Councilors to various City Committees by the Chairman of the City Council.
7. Citizens' Comments.
8. Presentation of Awards.
 - Small Business Day Proclamation – November 26, 2022.

UNFINISHED BUSINESS

9. Abandoned/Dangerous building located at 16 Fifth Street

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 following business licenses:

- Stephen Curtin, DBA Steamy Buddha Café, 50 Church Street for a new State liquor license Class I, II, III and IV and upgrade to City Class C license from Victualer.
- Ryan Lounder, DBA Strike N Slice, 25 Eastward Lane Suite 6, for a new City Class C license and State liquor license Class I, II, III, and IV
- E.T.C. LLC, DBA Dyon's, 35 Eastward Lane, for a renewal of State liquor Tennis Club class III and IV.

11. Council Order #112100, Request of the Waste Water Superintendent to award a bid for a new truck
12. Public hearing and action on an increase to the Water Department rate for consumers
13. Council Order #112101, Request of the Facilities Director to award a cleaning contract for city property.
14. Council Order #112102, Request of the Public Works Director to award a bid for a highway plow truck.
15. Discuss ways to improve the notification of meetings/agenda items to the public and make the process more cost effective
16. Discussion and action to enforce the City's odor ordinance against Maine Organics in the city industrial park
17. Discussion and update on the status of securing a facilitator for the development of the comprehensive plan and consideration for forming an oversight group (Sponsored by Hamilton)
18. Council Comments
19. Adjournment.

Matt Welch

But since I've been here, that planning position has been like a couple of people it's been open. If we could free up your time instead of two position to spend a little bit of money we might save on losing other people on your staff. You have a lot on your plate. I'm not saying you can't handle it, but that's a lot to ask someone in this size of a city I mean, we're growing city it's I don't I've heard a lot from other people as well other Oh, thank you.

Dale Hamilton

Anybody else like to speak? Seeing no one. We will move on to the next. Item eight is presentation of awards and one item we have is a proclamation. City of Ellsworth small business Day proclamation dated for November 26 2022. Whereas the city of Ellsworth, Maine celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 33.2 million small businesses in the United States, representing 99.9% of all businesses with paid employees in the United States, responsible for 66% of employment growth over the last 25 years 12.9 million net new jobs, accounting for two out of every three jobs added to the economy. And whereas 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday, and 66% reported that the day makes them want to shop small all year long, and 54% reported that they dined or ordered takeout from a small restaurant bar or cafe and were at 67 cents of every dollar spent in a small business stays in local community and small businesses donate 250% More than larger businesses to local nonprofits and community causes. And whereas 78% of small business owners say their holiday sales likely determine whether they can stay afloat in the next year and Small Business Saturday help spread the message to consumers with 70% of consumers reporting that Small Business Saturday makes them want to encourage others to shop at small independently owned retailers. And whereas the city of Ellsworth supports our local businesses that create jobs boost our local economy and are critical to the overall health of the United States, and whereas organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday. Now therefore be it resolved that the city of Ellsworth hereby proclaim Saturday November 26 2022, as Small Business Saturday in Ellsworth, Maine. And be it further resolved that the city of Ellsworth urges the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday, and throughout the year. And I would just comment that last year in terms of manager Moshier references in his updates, it was a huge success last year in terms of the number of people that turned out in the community for the events on Small Business Saturday, they coincide they but they were coordinated by many organizations heart of Ellsworth, the Chamber of Commerce, the Recreation Commission, and that's happening again this year with all the planning. So I certainly encourage everybody to get out to those events. It was a great turnout. And I think the businesses fared very well and in the city.

Dale Hamilton

unfinished business abandoned, dangerous building located at 16 5th Street.

Sue McLean

Can you evening, I'm Sue McClean tax collector. I'm here tonight. To continue the discussion that was started at the October 17 council meeting. And your packets, you should have information that was presented by Lori Roberts, our code enforcement officer in reference to the property located at 16 5th Street, this property foreclosed due to non payment back in 2019. And, well, it was foreclosed because

of the 2019 taxes. And we were trying to determine at the last meeting, whether we wanted to keep the property or whether we thought it should go out for sealed bid. But at that time, the council wanted to know if there was any family interest or the they wanted more information. Shortly after that meeting, within the next day or so, I was contacted by two different people, the first person was a nephew of the prior owner interested in purchasing the property. And then a day or two later, I got contacted by the son of the prior owner who was interested as well. So at this point, we're kind of wondering what to do with the property? Do we want to go ahead with a sealed bid sale? Or do we want to sell it to back to the family for the taxes? We have taxes, water and sewer and an engineer, an engineering bill that is also paid for by the city? We don't know what to do. And if we go with the family, who do we sell it to? I guess that's what I'm here to ask what is your preference?

Casey Hanson

In the attached document. Oh, what's it called? it's the Yeah. Maintenance administration and disposition of tax acquired property in Article Three. A, it says and I think that's asking this question about selling it to the to the former owner says this article applies only to prior owners who personally reside on the premises of the tax acquired property at the time of the tax lien matured and continuously thereafter up to including the time of petition for repurchase. I might not be reading that right or maybe I don't understand that. Right. But that made it seem to me like we couldn't just give it to these other family members for the taxes. Do you think that's right?

Sue McLean

Well, that's how I understand it. I think though, I don't have that right here in front of me. But I think there's a limit a time limit to that. And once you go beyond that time limit, you can do what you want, but but I don't really know that for certain. That's just how it's been interpreted in the past. Nobody's living in the house right now. The even the Son of the prior owner, he he left the property as far as I know, and from what I've been told by family and neighbors that he left before it even foreclosed. And there's nobody there and there hasn't been it's been abandoned. I'm not against selling it back to family, I just need to be advised. What to do.

Michelle Beal

has any of the process for tax acquired property and the ordinance been followed yet? Has it gone to a good yet of all? No. And personally, I think that we should it needs to go through the ordinance process. If we haven't done anything.

Sue McLean

Now, all we've done is foreclosed on it. Yeah.

Glenn Moshier

We brought it last month for guidance from the council, whether they wanted to sell it because we there are properties throughout town that we that we still own that we the council has decided for one reason or another that they didn't want to sell. So that was the guidance that we were seeking last month, and there was just some questions as to the the family interest and the foreclosure process.

Jon Stein

There were also, as I recall, wasn't on the council yet, but there were some creative proposals discussed about including restrictive covenants of some sort in the deed whether this could become you know, a single family home or long term rent possibility written into the deed to help with our worker shortage. Was that looked into?

Glenn Moshier

I did have a follow up conversation with economic development Janna Richards about because she was the one who proposed that as an option. We didn't really do much beyond that, because of the family interest and the, you know, the not knowing what direction the council would want to take with dealing with the property. But certainly, if it's the council's desire to put it out to bid, then Janna and I will continue to work on that potential to explore that as an option as part of the bid process.

Michelle Beal

I read that too. But it's a pretty small lot, isn't it? That's some history.

Glenn Moshier

It is. It's a small I mean, it's a single family home,

Michelle Beal

we'd only be if we kept it and did something would be just for one really family. Currently at a place where you could put a duplex or even an apartment house.

Glenn Moshier

I think the I think the thought process was rather than leaving it exposed to the potential of someone purchasing it, rehabbing it, and then let's say Airbnb it, and that not really providing any relief to say, you know, young families who may be looking for a starter home, you know, that that was kind of the conversation around, is there a way that we can, to some degree dictate what happens to the property so it doesn't turn into a rental, you know, money making venture for someone, but it does, in fact, provide some relief to you know, the folks who are looking for housing in our area, permanent housing.

Michelle Beal

I just, I mean, if the family has an interest in it personally, I would think putting it to bid and allowing them to do that I I don't feel that if that's not an ordinance that that can't be Airbnb, have an Airbnb and in that property that we shouldn't be keeping property to prevent something that's allowed by ordinance so

Glenn Moshier

well, the idea wasn't for us to retain possession of the property. The idea was to put some sort of restriction on the deed going forward with the sale of the property, so that if someone bought it, they would go into it knowing okay, I'm bidding on this property. I'm not going to be able to turn around and Airbnb, it's going to be a single family home. But again, that was something we were just talking about exploring. We don't even know there's no precedent for that. So it was something that we were just going to look into further if you know if it was decided that we wanted to put the property out to bid.

Tammy Mote

So based on the ordinance, though, I don't believe you can put any covenants on it. It's only municipal quitclaim deed to whoever the owner is.

Gene Lyons

I personally feel if a family members interested in it, it's probably best that they can come up with money and pay it. That probably the son first and the reason why I say that if somebody buys that property, I have a friend right now that owns a piece of property they bought at an auction and he's been waiting 5-7 years for it to clear. It's going right down the tubes and he's spent 1000s and 1000s of dollars trying to get it clean. In the same way, all that person has to do is file anything. And he's held up for years.

Steven O'Halloran

last month, I asked the question, if they had been reached out to the people that owned it in your conversation with the son or nephew or what have you? Did you learn anything about the people that lost it? Are they interested in this at all?

Sue McLean

The the prior owner has passed away. Okay. Okay. And it was the nephew, it was his nephew that contacted me originally, and then the son. A few days later. We had sent out all the required notices and liens and demand notices foreclosure notices automatic foreclosure and never heard a thing from them until it had foreclosed. And now we are

Steven O'Halloran

these notices were sent to a deceased individual

Sue McLean

they were sent to initially because that's who we had to send it to. And then we were sending it to the son in the son's name. I think it had gone through probate, but I'm not 100% sure about that. I've looked at so many. So but somehow it got so that it was going to in the son's name. I'm not sure he was getting them, though, because I don't think he's signed them. Well, what was happening during some of that was the post office was signing off on our green cards return, and they would sign their name and then write COVID under it. So I have to assume it got somewhere. But I didn't get it back. So I got the card back.

Glenn Moshier

Because if you if you look in your in your packet for the letter from the son, he acknowledges in there that says my father passing regrettably admit that I have been negligent in my financial responsibility for the property that goes on.

Michelle Beal

Can I make a motion? I'd like to make a motion to sell the property by sealed bid according to Ordinance 10. And on the side and very much encourage the son to put in a bid.

Tammy Mote

Second,

Dale Hamilton

motion a second further discussion?

Tammy Mote

Can we just add something as part of the motion that has to say the council has to say when the bids are due back?

Michelle Beal

As part of this motion we did.

Tammy Mote

So I was looking at like December 30. So that give us time for the all the information to be back to the tax collector and treasurer. So December, I'll edit my motion to would you just say December it will be due by December 30, 2022

Jon Stein

Is there a mechanism to help the family member with that sealed bid? Or is it just a hope that the family can Is there any official mechanism like a right of first refusal or something for that?

Glenn Moshier

But we do have the council does have the right to refuse any bid. So it would be the bids will be brought back to the council and ultimately the council decision as to what bid is accepted.

Dale Hamilton

Further discussion

Steven O'Halloran

so we're not 100% clear if the communication got through at the right time. Is that the gist of this whole thing?

Sue McLean

I guess you could say that. We have you know we did everything we were supposed to do. I can guarantee you that. We got signed cards back but again the post office signed them. i I can only say that we have a had some interest in that land. So I'm assuming that the family or the son knew at some point, but he didn't contact us until just recently.

Steven O'Halloran

Could we hear this letter?

Glenn Moshier

So it was addressed to myself and the city council. My name is Carrie karst, my parents were KENNETH And Kathleen karst and they owned 16 5th Street. I grew up in the home and my parents lived there until their passing, I am the sole heir of the property and estate. Since my father's passing, I regrettably admit that I have been negligent in my fiscal responsibilities for the property. Life just got in the way and I didn't have follow through without trying to excuse anything or shirk responsibility. I honestly believe that this was partially due to the heavy loss and the complications of closing the estate. I was also dealing with my personal issues and didn't focus the energy that was required to finalize the details of his estate. I would, I would like to make amends by paying all owed back taxes, sewer and water bills, any fees incurred due to my delinquency, I earnestly ask the city and the city council to honor my request, and not put my father's property and my inheritance out for bid to the highest Prospector, who will most likely destroy what little remains of the property and my memories. I truly want to make this right and will take care of all matters at our at our earliest convenience. I earnestly request that we make things right and fulfill my father's wishes for the property. Unfortunately, he wasn't available to come to meetings. Thank you.

Sue McLean

Well, he does address that he knew he knew what was going on and that he he had he had a financial responsibility for the property and ignored it. For whatever reason. I mean, I can understand his reasoning, but

Dale Hamilton

in this process, you said started in 2019.

Sue McLean

no it was for the 2019 tax bill. So it was done in 21, I believe.

Michelle Beal

And I know I made the motion but I do feel badly for the family. But we have an ordinance and that ordinance says shall it doesn't say May and I don't think we have the right if we start changing ordinances to make changes arbitrarily.

Dale Hamilton

And I think the letter is important as we consider this going forward as well. That becomes helpful in terms of the process, but I think I agree in terms of following the process and but taking under advisement, strong advisement that then information. Any further discussion, all those in favor of the motion all opposed, two opposed, motion passes.

Sue McLean

And just to be clear, this is a sealed bid motion to do the sealed bid. Just wanted to double check. Thank you.

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, January 9, 2023 at 6:00 PM in the Ellsworth City Hall Council Chambers

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

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

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of minutes from the following meeting (s) of the Ellsworth City Council:
 - 12/19/2022 Regular Council Meeting. **
5. City Manager's Report.
6. Committee Reports.
7. Citizens' Comments.
8. Presentation of Awards.
 - Marcia Monk for 5 years with the City Clerk/Public Works Departments

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.

9. Council Order #010922, Request of the City of Ellsworth Housing Authority for confirmation of the appointment of Carol Manson as a tenant representative to the Ellsworth Housing Authority Board with a term to expire of September 1, 2024 *

NEW BUSINESS

10. Council Order #010903, Request of the Tax Collector to review and accept bid(s) on property located at 16 Fifth Street. **

11. Council Order #010904 Request of the City Planner to discuss and take action on proposed amendments to Chapter 56, which would modify existing standards to regulate solar energy systems and energy storage systems in the City. Proposed amendments to Chapter 56 include the following: Refine existing permitted categories in Article 3, Section 307 Table of Land Uses; Create clearer expectations for solar projects throughout Article 8, Section 823 Solar Energy Systems; and streamline the definition for Stand-alone Solar Energy Systems in Article 14 Definitions. An additional proposed amendment to Chapter 56 will also be heard; Amend the major use site plan development review applicability threshold in Article 6, Sections 603-604. **
12. Council Order #010905, Request of the Finance Director to encumber funds for certain accounts.
13. Executive session to discuss legal matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6E.
14. Adjournment.

to the improvement of the city of Ellsworth presented this ninth day of January 2023. And we'll make sure that she gets that.

Dale Hamilton

unfinished business consent agenda, consent agenda all items with an asterisk are considered to be routine and will be enacted with 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. Number nine Council order number 010922 requests of the city of Ellsworth housing authority for confirmation of the appointment of Carol Manson as a Tennant representative to the Ellsworth Housing Authority Board with term to expire September 1 2024.

Tammy Mote

Approval,

Michelle Beal

Second

Dale Hamilton

Motion, second, any discussion? All in favor, unanimous.

Dale Hamilton

New business number item 10 Council number 010903, Request of the tax collector to review and accept bids on property located at 16 5th Street.

Sue McLean

Hello, I'm Sue McClean tax collector. So we put out a request for bids for 16 5th Street, we received 11 Sealed Bids. They were opened on December 30, the minimum bid, the lowest bid, which was also the minimum bid was \$19,024.01. And then the highest bid which is obviously what I'm recommending was \$111,114.68. So now I need to know what to do. I don't know what your recommendations are or where you want to go with that. I believe you have a list in your packet of all the individual bids. And

Casey Hanson

I just have a question. Because I know, as we've talked about this at previous meetings, there was some I think desire from the Council for the house to be sold to a family that would live in it. And I don't know whether we have any control over that, like we're really just, you know, rather than having it be an Airbnb or things like that, right? I don't. And maybe we just don't have any control over that. So maybe that's not worth discussing.

Sue McLean

I don't remember that comment, though. I'm not I'm not sure. Maybe there was I know, there was we did,

Glenn Moshier

we did have a discussion about looking for in the future, putting some sort of parameters around city owned properties, when we put them out to bid. That it was not followed with this procedure, because there was interest in this particular property from family. And the ordinance requires that we go out to

seal bid. So we moved forward with putting this out to seal bid due to that in a more without proceeding to explore that opportunity because of the interest from family that was expressed. So with future properties, I had a conversation with Janna Richards, our economic development developer who has an interest in housing, obviously, because it drives the, you know, economic development in our area to have adequate housing. So that was a conversation that was initiated by her and something that we will continue to explore, going forward with future properties if we have suitable properties that are coming up for potential sale by the city. But this one, unfortunately just didn't really meet that criteria. And we haven't done that in the past. So it's something we're gonna have to explore the legality of and what exactly we can do.

Jon Stein

So could you remind the council the liens that were due what what taxes were still owed on it versus how much was bid for the house?

Sue McLean

Well, the taxes it was just over I believe \$7,000 was really close to that. That's just taxes, though. There were other fees that were right, well that were incurred. And it also the minimum bid included 10% of the assessed value, which is what we asked for.

Jon Stein

Is it as simple as whatever you know, if we take say that highest bid 7000 plus whatever else is owed to the city will get paid to the city and the rest of the money also goes to the surplus seems pretty good. Like a win win and it's zoned residential. Yes.

Casey Hanson

Move to accept the highest bid

Jon Stein

I'll second that motion.

Dale Hamilton

Do we need any more? You if you want to speak on the subject?

Gordon Workman

Gordon Workman resident of Ellsworth. I do believe at the last Council meeting on this issue, or the one before that. If the one of the members were going to place a bid, I do believe it was highly recommended that they would. And that would be considered before any and all bids. If they have, have they placed a bid for the members of the family on the house? All right. I'm just saying that should go back to the field.

Sue McLean

That's not in the ordinance, though.

Dale Hamilton

So I just wanted to check before we move to your motion. Do we need any specific language? Or is that is that sufficient? Just

Sue McLean

Yeah. There was at the bottom of the memo.

Casey Hanson

Well, I can see it, I can read it. No, I will. Okay, move to approve Council Order 010903 request or the tax collector and Deputy treasurer to accept the bid from the highest bidder as indicated above and release said property through a quick claim deed.

Dale Hamilton

That's the motion. Did you still want a second?

Jon Stein

I'll second the motion.

Dale Hamilton

So we have a motion in a second. So now we have discussion.

Gene Lyons

So the family members did bid.

Michelle Beal

And there was some discussion at the last meeting that we had definitely discussed the possibility of giving it back to the family member if we had to go through this process first, in order to meet the requirements of the ordinance.

Glenn Moshier

Right. But according to the ordinance, the council has the right to refuse any and all bids. It has to be

Michelle Beal

the name on the on the lowest bid. Is the previous owner that is deceased Correct.

Gene Lyons

So he's not planning on living there. I

Sue McLean

I'm assuming not that he hasn't lived there for a while.

Dale Hamilton

I do think I agree. I mean, we had the discussion. The unfortunate thing is that, you know, we follow the process. And we get to a certain point. And it's the point of no return in terms of following it. So we did

have to take this next step in terms of doing that. And he did present the letter which we received in the last meeting, in terms of that particular issue. So I do think, personally, I, whenever we can return property, you know, the city is not in the business of acquiring property and selling it and making a profit. That's not the intent. The intent is that if a property is abandoned, to cover whatever costs are due or expenses that are due, and to recover, that I quickly looking at this they're easily over half of the bidders are investment type of entities looking to make a profit off of off of that. So for me, I'd be I'd certainly I don't think there's any violation in terms of we're allowed to as a council, select what we think is most appropriate for whatever reason, there's nothing that mandates us to take the highest bid. And I think in this case, personally, I would like to see it go back to the family member just based on that. I think it speaks better of the city to do something like that then then to take the highest bidder. Obviously, we don't know all the circumstance Is history and we could go down that rabbit hole as well. But based on what I know, that's that's where, where I would stand on it.

Gene Lyons

And I felt quite strongly that the family members may not have been notified of anything the whole time since the postmaster was signing all the notification letters. But I remember right,

Sue McLean

yeah, but he acknowledged in the letter that he knew.

Gene Lyons

Well, he knew that he didn't say he knew it was gonna be taken, he knew that he was, you know,

Sue McLean

he knew that he didn't pay the taxes.

Glenn Moshier

I would also just add in this just for thought provoking reasons is the same. We don't know what those individuals are going to do the property you don't know what the son's plans are for the property either. I mean, he could turn around and sell it for a significant profit. And then we, you know, we put forth good faith and doing the right thing, but then passed up on an opportunity for a significant amount of money to come into the city at a time when certainly Every dollar helps.

Gene Lyons

So this has to be voted on tonight.

Dale Hamilton

Well, there's a there's a motion, it will go wherever it goes. In terms of that can be multiple motions, this motion could pass if we could be a motion not to I mean, this so there's no guarantee that

Gene Lyons

my personal thoughts is you know, I like to see it go back to the family too. But if they're going to live there, or you know, if he's just going to turn around silent and six months from now, I agree with you know, if he was gonna live there, which I guess or if he said Look, you can't sell it for 10 years we're

doing like a charity thing here giving it back to you on the understanding that you have some sentimental value to me,

Sue McLean

I don't think we can do with that. I don't think we can add anything and in the deed

Dale Hamilton

so at present we do have a motion in a second. So that's that's what we're going to be voting on in a minute so other other comments?

Michelle Beal

Just I just think that we have a responsibility to the citizens of the city to do the best with what we have as far as helping with financing the city and if it's if it's just because it's an investment property for the family or if it's an investment property for someone else, I think it's up to us to make that decision of what's best for us citizens and for taxpayers.

Dale Hamilton

Okay, all those in favor? All those opposed?

Dale Hamilton

Robert's Rules Hang on. So we have we obviously do not have a majority. So that means that the motion does not pass. So that motion fails. Is there any other action that anybody wants to propose?

Jon Stein

I proposed requesting a letter of intent if that's really what's kind of staying our votes here, letter of intent from the two considerations the highest bid and the sounds like the other consideration, which is the family member? And if the question is what do you plan to do with this property? And that will help inform us we could request that for next meeting.

Casey Hanson

Can we do that?

Sue McLean

I say I mean if you're not going to if you're not going to make a decision right now I guess we can I just don't know that. I mean, they you can say anything and a letter, it's not gonna it's not really gonna make a difference in the end as to what they do with it.

Michelle Beal

well we had sealed bids. Yeah. So if you if we don't do anything tonight, you're going to put a different you can't you can't take these bids are going to be null and void. You can't do that.

Michelle Beal

Just so we can set a price for what we want for it as well. As a minimum bid, we did above and beyond what about this as we met the requirements of the ordinance now we can set an amount if we kind of

meeting both, you know, say we want 50,000 For this piece of property, we can set that to a minimum of 50,000.

Michelle Beal

So I would personally suggest that we don't accept we obviously didn't accept the bids tonight. So to have that come back next month, let's take some time. And look, I can't remember the ordinance. I apologize that yeah, I have to look it up. But I think that there's another process if it doesn't pass that we could go to and and look at it next month.

Casey Hanson

Could you send that ordinance to us?

Michelle Beal

That's actually I think it's in here. But yeah,

Michelle Beal

yeah, again, can we still get up? I'm

Casey Hanson

You're saying it's in the packet?

Sue McLean

I did say, I don't know that. It's in this month. I had sent it in December. And last November. I saw it in that packet, but I can send it to you again.

Casey Hanson

That's okay. If it's in November's packet, I can find it.

Michelle Beal

We can look and just we'll discuss it next month. We can't do anything with the bids that we've opened. And

Sue McLean

right. So we have to return all these.

Michelle Beal

I think we can make a recommendation or a motion to reject all bids as presented. So that's my motion.

Jon Stein

Second

Dale Hamilton

So we have a motion. And a second. Any discussion on that? All those in favor, aye. All those opposed? Motion passes. So the motion passed. We're rejecting all bids. With the recommendation

that what we would like is to have you come back next month. So we can walk through the ordinance understand exactly what we need to do for next steps. And then we can make an informed decision about the process and make sure that we follow the process correctly from from this point forward.

Jon Stein

I'd just like to make comment to earlier today sent me some information, it seems there are at least 5 million properties in Ellsworth ranging from a value assessed value from about 50,000 to about 200,000. That are, as far as I know, sitting there either not making the town money or losing money. So it seems like we're not in the real estate game. And things get really complex. If we don't clearly follow the ordinance, which seems to be doing the fiscally responsible thing, taking the highest bids, I do think there should be some consideration for intent, because we'd like to see the town move in certain ways. But we only have so much sway there. Thanks.

Terry Ouellette

My name is Terry Ouellette. And I'm just here in the audience. My question was, Has this happened before? And do we have a track record for what the city has done in the past? It would seem that this is not the first time maybe someone's lost their property. So I just didn't know if there's a history. Because I do think how we act as a city is important. But you know, there's like you said, there's a lot to think about. So I just didn't know if there was a history.

Dale Hamilton

So I'll give you the answer. You probably won't like to pick just based on your comment. It's the the ordinance allows for the council and the composition of the council to accept or reject any bid for any reason. So the precedent in terms of what other councils have done with property, may or may not have bearing on that council that is taking up that issue, because it's up to whoever sitting around this table is going to make that decision. So yes, there's there's a history, the city has acquired properties and have sold them at bid. My My assumption is that if you look back over time, that there's probably some variation in what drove that decision. And that's where the ordinance has that flexibility. It's not it's not that black and white of we will accept the highest bid. And so if there has that opportunity to change, based on the people sitting around this table,

Terry Ouellette

thanks for the explanation, learning a little bit about our city government.

Dale Hamilton

I don't know if anybody else wants to weigh in on that.

Michelle Beal

There have been revisions to that ordinance that even since Iraq, so I can't think that's why we'll make sure that Okay,

Dale Hamilton

item 11. Council order number 010904 request of the city planner to discuss and take action on proposed amendments to chapter 56, which would modify existing standards to regulate solar energy systems and energy storage systems in the city. proposed amendments to chapter 56 include the

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, February 13, 2023 at 6:00 PM in the Ellsworth City Hall Council Chambers

The meeting will be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page; as well as recorded and made available live on Spectrum Channel 1303.

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

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

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.

Motion to take 9a ahead of others by S. O'Halloran, second by C. Hanson, passed 7-0

4. Adoption of Ellsworth City Council minutes:

- ❖ 12/07/2022 Special Council Meeting.
- ❖ 1/9/2023 Regular Council Meeting.

Motion to approve by T. Mote, second by M. Beal, passed 7-0

5. City Manager's Report.
6. Committee Reports.

Motion to add the following to Local Road by G. Lyons, Rob Shea, Marc Blanchette, Steve Beatham, Rob Lyles, second by M. Beal, passed 7-0

Remove D. Hamilton from Recreation Commission, replace with S. O'Halloran

7. Citizens' Comments.
8. Presentation of Awards.

- Special Promotion
Promotion of Firefighter Benjamin Freedman to the rank of Captain by Chief Guillerault, Deputy Chief Doug Belletete and members of Mr. Freedman's family- **To be presented at the March meeting to allow for attendance of members of the Fire Department.**
- Edmund Murray for 30 of service at the Ellsworth Public Library
- Ellsworth Arbor Day Proclamation (Sponsored by Hamilton)

Motion to approve T. Mote, second by G. Lyons, passed 7-0

UNFINISHED BUSINESS

9. Continued discussion on 16 Fifth Street property at the request of the Tax Collector

Motion to use auction company by D. Hamilton, second by T. Mote, passed 6-1 (SO)

A. Discussion and possible action to allow Kerry Karst to remove personal items from the property (O'Halloran)

Motion to allow Karst Family to call City Manager for removal of personal property by S. O'Halloran, second by M. Beal, M. Beal noted this is not a Council decision and lies with Manager, D. Hamilton noted this is not a council matter and we are taking over the functions of city staff stepping in where Council isn't needed- bigger ramifications down the road, G. Lyons agree to work with city for belongings a month or two ago, S. O'Halloran added not everyone is comfortable calling city hall like 'we' do, wanted to make this clear to the family, 1-6 (DH, TM, GL, CH, MB, JS)

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 issuance of Business License (s):

- Atlantic Coast Inn, 200 High Street, for renewal of a City Lodging House License.
Motion by Hanson, second Lyons, passed 7-0
- ETC LLC, dba Dyons, 35 Eastward Lane for renewal of a City Class C and state liquor license
Motion by Beal, second Mote, passed 7-0
- Colonial Inn LLC, 321 High Street for renewal of a City Lodging House License.
Motion by Beal, second by Lyons, passed 7-0
- Ell Gov's, LLC d/b/a Governor's Restaurant, 253 High Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
Motion by Mote, second by Lyons, passed 7-0
- Siam Sky LLC d/b/a Siam Sky 2, 78 Downeast Highway for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Class III and IV Restaurant Malt and Vinous Liquor License.
Motion by Lyons, second by Hanson, passed 7-0
- Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
Motion by Lyons, second by Mote, passed 7-0
- GC Pizza Hut, LLC d/b/a Pizza Hut, 211 High Street, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class IV) Malt Liquor License.
Motion by Lyons, second by Stein, passed 7-0
- The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor, and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.
Motion by Lyons, second by Mote, passed 7-0

and whereas trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water cutting heating and cooling costs, moderating the temperature cleaning the air producing life giving oxygen and providing habitat for wildlife. And whereas trees are a renewable resource giving us paper wood for our homes, fuel for our fires and countless other wood products. And whereas trees in our city increase property values enhance the economic vitality of business areas and beautify our community and whereas trees wherever they're planted are a source of joy and spiritual renewal. If this is approved by the council, we will recognize a Friday April 28 2023 as Arbor Day in the city of Ellsworth. So with that I would entertain a motion

Michelle Beal

Motion to approve.

Gene Lyons

second,

Dale Hamilton

we have motion is there any discussion? All those in favor? Unanimous

Dale Hamilton

Unfinished business item nine. We've changed the order at the beginning of meetings. So we will have discussion and possible action to allow Kerry Karst to remove personal items from the Property

Steven O'Halloran

thank you when the Karst property went out to sealed bid after it was presented, I reached out to the karst family and said this circumstance is very unfortunate. Is there anything that we can do for you and during the discussion It was, well, it would be nice to get some of our personal items out of the house before the house was sold. And when I, I tried to sponsor this as an agenda item, City Hall said that that's not necessary that they could just call City Hall and could make those arrangements. But we'd like all of this above board. And that's why I bring it to the council tonight to allow the karst family either supervised or unsupervised to remove their personal items from the property before possession changes hands from the city to whoever the new owner may be. And again, it could be supervised or unsupervised. The cast family when I reached out to them accepted responsibility for this terrible position that everyone's in, but their personal property pictures etc. would be valuable to that family and would not have value to the new owner.

Dale Hamilton

Manager Moshier is there any concern in terms of that process?

Glenn Moshier

None whatsoever. We just have to know when they want to come and someone can go and unlock them. anytime they just want to reach out to myself here at the city and we'll make arrangements for them to be able to get into the house.

Steven O'Halloran

And and what number would they call

Steven O'Halloran

I invited them to come tonight and Mr. Karst came along with his daughter Ashley, if there was any questions that the council wanted answered, but I'm hoping not to drag them through any more than we have. And when you're ready for a motion, I can make a motion.

Michelle Beal

I don't think this is anything we have to vote on. They don't need permission. That's something the city manager handles I don't think the council needs to vote for something like that. It's not?

Steven O'Halloran

Well, it would be nice to us, it would be nice to let them see the council approve that. So there's no questions.

Michelle Beal

So I apologize. I don't know which person is Mr. Karst. Sorry. I'm sorry that you you had to come here for this because it isn't anything that the city council would actually give permission to vote on or anything like that. But you have our I mean, honestly permission to go in and get your we're not we're not trying to prevent you from having anything that's personal or anything of value to you, you know, personally, absolutely would never ever do that. So.

Steven O'Halloran

May I make a motion? Okay. I would move to allow the Karst family to contact the city manager for personal item removal rather supervised or unsupervised. And I'd like to get the council's blessing so that it's clear to the family.

Dale Hamilton

Is there a second?

Michelle Beal

Second, just a second.

Dale Hamilton

I guess I understand what you're trying to get at Councilor O'Halloran I think the process though is it opens the door for this council Future Councils to end up voting on matters that really we shouldn't be voting on as a council. And that's my larger concern is that we start taking over the functions of our city staff and stepping in where we really don't need to step in to I certainly appreciate the fact that I think it is a message to let them know that they can have their their personal property, but I just don't think it's a voting issue for for a Council to take and that's my concern is it has bigger ramifications in terms of government stepping in and having a vote on every item that comes forward in the city. So for that reason, I would vote no on this because I just don't think we should be voting on this type of issue, not because of the substance of it. Just because I don't think that The Council should be voting on these types of issues.

Gene Lyons

I think if I'm clear, like they could have gotten their stuff a month ago or two months ago, they'd call right. So it's good.

Karst Family

I was not made aware of this situation until the article came out. So I could not reach out to the city council a month or a month, two months ago. So if I had known I would have come forward and gotten those things, but I had not made been been made aware until very recently. And so I understand that proposes a dilemma for you. But I would still very much like to go in and get my family's things. However, that has to happen. Thank you, I just want to let you know that we I wouldn't if I had no.

Steven O'Halloran

The other thing I would just add is I don't think everyone is super comfortable calling City Hall, I think we hear that or at City Hall. Understand it's acceptable to call but I'm not sure everyone feels that way. Much like, you see a lot of discussion happen on social media, but the place doesn't fill up like social media does. So like to. I brought this forward simply to make it clear to this family. And I don't think we think it's easy to call City Hall. But it may not be easy for everyone to call City Hall, especially in this situation where you have a very unfortunate tax lien foreclosure situation.

Michelle Beal

Think if if a person you know they're more comfortable calling a counselor or emailing a counselor than the counselors responsibility is to direct them in the place that they should be going to staff in the city manager. And helping them even if it's coming to City Hall and making a deduction or sending an email or something like that, but it's our responsibility to make sure that the people that elected us are going to the correct spots and in places and feeling comfortable enough to do that. We can help with that. Absolutely. So sorry.

Kerry Karst

I have no problem calling the city manager at all. So not even have to worry about that. Oh, thank you. Oh, okay. Everything. And so I just don't have any problem with it. It's something to happen. That's my fault. And I have to deal with it. You know, but I have no problem. The city manager, you know, now I'm in a better place.

Glenn Moshier

Okay, we will accommodate you in any way we can. Okay, thank you.

Dale Hamilton

I just like would like to say based on both of your comments, in no way you should not feel at all, like you're being put on the spot around this issue about getting into the house and getting your belongings this discussion is really about more procedure and processes related to the council and what the council should or shouldn't be voting on. And nothing to do with you. And I just want to make sure that you walk away here knowing that.

Jon Stein

That said, Is there any way to table this maybe a discussion for if something goes wrong, and it's not possible in some legal action, maybe it comes back to council I, on principle, I would abstain from the vote. But I would really hate to see that created, not allow this to pass. And if it doesn't pass that motion, that would not allow the family to access. And I don't want to not allow the family to access fuel. If we all abstain to vote, it won't pass and if it doesn't pass, they won't be allowed access. I think the better they will. Yes, it will. So

Gene Lyons

it's not our issue. It's not our responsibility to do.

Steven O'Halloran

But we have a motion in a second.

Dale Hamilton

We're in discussion right now. Okay. We will vote on any other comments? All right, seeing none, all those in favor? Aye. All those against proposed so abstentions. Just remind the council that you can only abstain from a vote if there is a conflict of interest. I mean, you have to state that conflict. That's part of the charter.

Casey Hanson

I have no conflicts. And I just don't know. Like, Jon, I just didn't want to want to vote no, I just want

Dale Hamilton

some motion, Motion fails. But we'll reiterate and stress that all you have to do is call the city manager, and you're going to be able to get in, get your belongings. Thank you. Alright, so continued discussion on 16th Fifth Street property at the request of the tax collector.

Sue McLean

Hey, hello, I'm Sue McLean ax collector. And I just before I get into this, I just want to say, if you try and call the city manager, and you don't get him, please call me. It has never been an issue. You can call me anytime. Not a problem. And I think I have spoken to you in the past. Yeah, so I'm nice. So, at the last meeting, on January 9, I was asked to go back and take a look at the tax acquired property ordinance. See what options were available to us after all the bids for the 16th Fifth Street sale were rejected because of a split vote. I feel like we did everything right by the book. So having said that, I just had to put that out there. I only found a couple of things that really tells us what the next step is. One was in Article Three of the ordinance, section seven, which says, should the city council reject all bids, the property may be offered again for public sale without notice to any prior owner or owners. And then the second thing was Article Three, C, section two, that says- Any sale of tax acquired property shall be through public sale, the finance director under the directive of the city manager shall oversee the exact terms and conditions of such sale, and use his or her best judgment to seek the best and most expedient method of sale and return on the sale for the city. The city council will have the right to accept or reject any sale. That's all I have. I don't have anything else to offer. I don't have any other suggestions. At this point, I would just ask the council to advise what they would like to see done and what would you like me to do next?

Gene Lyons

Kinda like option A, that were the expedient way? And that's my theory and offer it to a prior family. No. I don't think that was listed, just so it as long I mean, the city's interest is to get them money that's owed for the back taxes and fees and everything else. So that's what I would be interested in seeing gets done.

Gene Lyons

But I don't think that's what's listed here. That's

Gene Lyons

Oh, it's just a read option A again?

Gene Lyons

Yep. It says should the city reject all bids the property may be offered again for public sale without notice to any prior owner, or owners. I mean, I think it's just my interpretation, but I think it has to go back out to sale for sale somehow. I just need to know what you want me to do.

Glenn Moshier

So we looked at through the Finance Committee, we had some conversations. So we had Sue reach out and we've got options on the way we do it, we can put it out to sealed bid again, which is, which is a possibility. We can go through a realtor listed with a realtor to try to sell the property through a realtor or our third option. That option is an auction of the property which you should have received today that email estimate on what that one cost. I have some printed copies here if somebody was unable to see their email. So those are the three potential options of ways we could potentially We explore the sale of the property

Steven O'Halloran

that's what I have a little concern with the whole thing. And it starts with this I, I voted against putting it out to sealed bid, I was hoping that the tax collector and the family could somehow connect. I know there was a lot of talk about were they notified properly? Were they not notified properly because of COVID? or what have you, but it it was voted, I believe five to two go out to sealed bid. And then it goes to sealed bid. And they will, as I recall, there was seven bidders that did due diligence in, in researching the property assigning a value to the property bringing 10% of their bid to City Hall. There's a lot of due diligence there. And and then there wasn't enough support to take the high bid. So in this case, we're sitting here with I realized we have a legal right that we can reject all bids. But I feel like we have two wrongs here we have, we have the family that we have wronged and now we have the high bidder that we have wronged. So I don't know where to go. I just would like to make the record clear that I think we have two problems here. One, we I'm not sure we did the right thing with the family. And two. You have seven bidders that did due diligence and their time is wasted.

Dale Hamilton

I mean, this I just want to comment. It just your words, your words, I think I want to go on record most of the family. And I think the family knows this better than everyone else, is that the city has a very clear

process, which is mandated by law, which we follow, which is a long process. We're talking I think it's five years before the city ever steps in to foreclose on a property.

Dale Hamilton

a half years, and the whole process is about five years. It's extensive. And there's a lot of back and forth. And it's it's mandated there's legalities around it and there's notification. And so it's not the city, trying to do something to somebody to a property owner. It's not city staff who are trying to go after people. It is a process that we that we follow because there are legal aspects to it. And it's never easy. I've had to sit through multiple situations that we've foreclosed on property, some are easier, some are harder. It's always done with the best intention. The reason for the fact that the council can reject any and all bids is exactly for situations like this. And the reason we ended up I believe I was on the side of voting against the higher bid for reasons that that I felt were important. And we just disagreed as a Council, which ended up with no action. Which brings us to the discussion tonight. I think that's a good process when you have this lengthy process when you have debate and discussions, and you try to make the right decision. So I just want to go on record to characterize the city staff, the city as doing wrong to other people. It's just not the case. It's it's really intended to try to do our best to support people. And I think this city goes out of their way because of the law, but also because of the compassion to try to work with families to try to retain those properties to keep people in properties. We've as a city have foreclosed on properties, and allowed people to remain in those homes for as long as they needed to. So I think that I want the whole community to understand the context of this situation and not look at it as though that somehow people's individual City Council is doing something cruel and mean spirited.

Sue McLean

And I just wanted to say that it's not basically it's just on what you're saying, but it wasn't up to me to say you can just have the house back, pay the taxes and have the house back. Let's work something out. It wasn't up to me but you just kind of made it sound like you You thought it was I followed the the law letter, the law, I followed the ordinance, I followed the Maine state liens book, I was diligent on all of it, and everything was done as it should have been. And we also I did come to the council, at one point in asked if we could accept payment, and deed it back to him, and was told that it has to go out to bid per ordinance, which is true. So we did, as a tax collector, I did everything I could. And I just want to make that.

Michelle Beal

I just wanted to add to that the reason we have ordinances, their local laws, and they're they're made for rules to also protect the people. Because if we go against these rules, and these laws, number one, they can go to court and be held up in court. But it prevents councils from having too much power, and to be making decisions on a whim, that could be for or against the people that they represent. And so that's why we do this. It's not, you know, just more municipal or, you know, legal red tape, it's to protect everybody. So you can't just say, well, we're gonna forget the ordinance this time, we're just gonna get the property back. Because what about the next person that you don't want to give the property back to you now know, you don't have anything to for standing on your, for your decisions. And so you, that's why we do this, it's not to be mean, it's not to be anything, and it isn't, you know, it's a shame that it got to this. This point, usually, if it hadn't been for COVID, I'm sure that the city would have been right on it,

there's a schedule for it to make sure that this does happen, and that all notifications and things are taken care of. And that five years later, you're not finding out that you're, you know, losing your property, you would you know, everything goes in a in a pretty smooth normally transition. But COVID, you know, is put, you know, some some delays and things and, you know, I'm sorry, you feel like you're being attacked, these are absolutely no,

Sue McLean

I just wanted it clear that I don't I did everything I was supposed to do. And then some.

Michelle Beal

I may, if I might just to finish if we can, I mean, this is dragged out for for so long. And I'm sure it's embarrassing to the family. And it's, it's, you know, it's not really the way that we do things. It does need to go to public. I don't think I mean, if we put it out to bid, we've I think we've lost the staining for that, and people are just not going to be bidding on the property, but we could the auction company or just having a real estate agent, although I think an auction company is more of a public sale, I think that that would be a really good option. And then, you know, the Karst family can be at the auction and, you know, try and bid on it. And we'll have someone professional taking over that. And then it's it's, you know, it's I think it's done more in a fair way to family.

Steven O'Halloran

I just like to clarify that. Sorry, you feel personally attacked, because that's not my intent. My intent is compassion. For the family for the situation, I think we all had COVID challenges. And I just think that there may have been some room for some compassion and some discussions here. Aside from that. I don't to echo Michelle, I don't see a path forward here except a public sale, I feel bad that we've wasted all of the bidders time and money. And I feel horrible for that. And we've probably alienated future people interested in properties. But perhaps the public sale is the right way. And I would like to find a way to return the equity to the family after the sale. Now, I'm told that that can't be done.

Sue McLean

That's correct. But um, as of right now that cannot.

Steven O'Halloran

Okay. Could you elaborate on that way?

Sue McLean

I don't have the law right in front of me. But that is not how the law or the ordinance is written. It does not allow for that.

Steven O'Halloran

Okay. Can we get a legal opinion on that? I mean, we're talking about taking taking someone's livelihood. Yeah. And the cities do their taxes, but if there's equity Can we at least get the City's attorney's opinion on that.

Dale Hamilton

Okay. Well, before we do that I

Michelle Beal

Because you have an ordinance, right? So the reason, I'm sorry, I feel like I'm lecturing tonight, I really apologize. But the reason that we don't do that, again, is because you're doing things on a whim. How much of it? Would you give back all of it, some of that? What if a person had dilapidated property and the city of Ellsworth has to pay to take care of it, you can't make decisions on one person, unfortunately, that's the way it is we spend, the city spends a lot of money taking care of foreclosed property that people just abandon, and then we have to take care of it. And that costs money. And so you can't just say, I'd like to give them their money back and keep this person's money. Again, you need consistency for the protection of everybody.

Steven O'Halloran

I'm not trying to single this family out, I'm saying that, can we look into that, as a policy, I feel horrible. In this particular case, it appears that there's a \$19,000, Bill, and \$111,000 value. And boy, that's awfully hard to rob that family. And I'm not saying that family, I'm saying others as well. So I like to dive a little bit deeper into that process. And I saw a question in the audience. I mean.

Kerry Karst

This whole thing is due to me, I'm the one that did this, no one that did not pay the taxes, and all that. I really don't care if I appreciate these, and I understand and I appreciate it, that makes them a lot. You know what you're doing. But as far as me? You know, I just want to get by myself, and let the house go a bit if you guys worried about me.

Michelle Beal

Thank you. Thank you very

Gene Lyons

well, that makes it easier.

Dale Hamilton

And so just in terms of want to get back to the, It's suggested attorney opinion. For me. I think if that is happening, that needs to be a motion. We we we should not be just on a whim, asking the city to keep going into attorneys to challenge the decision making of city staff. That's why we have city staff. You're telling us what the ordinance and law says I have no reason to doubt that. And so I don't think I'd say it needs to be a motion from this council before you go to the the attorney on this issue. i With that I will make a motion to request that we put this property for sale through the auction company and do that public sale in that manner.

Tammy Mote

Second,

Dale Hamilton

second discussion.

Jon Stein

Question. The council it seems like from Article Three, section two, we'll have to then approve that sale once it goes through. Yes. Do we want to consider in this a any sort of contingency? I mean, I don't want to see repeat of the bidding process that I think at least the high bidder who emailed us lost faith in the product in the process and wouldn't do it again because that we sort of walked back that opinion. And oh, we can't pre approve anything but you know, is there any way we can give the would be bidders on the auction. Some faith that we will accept that high bid

Casey Hanson

can we pre approve it can we say Can the motion say and move to accept the highest bid through the auction process

Sue McLean

that may be part of the packet where where we set the I can't quite remember but where you set those kinds of issues but I can call Oh, I can call them and ask them about that.

Dale Hamilton

I believe an auction is set as a different process than the sealed bid process in terms of at the time. Everybody who is bidding on it knows that the process is that it's going to the highest bidder. And that's and then the, what we're doing is just quantifying that through our vote. So the assumption

Glenn Moshier

is that we would set a minimum bid, and then that's where the bidding would start for the auction. And then when the auction is concluded it would be sale to the highest bidder through that process.

Dale Hamilton

Other discussion? All those in favor? Aye. All those opposed? Motion passes. Thank you.

Michelle Beal

Thank you. Thank you very much.

Dale Hamilton

We have no consent agenda items this evening. So to new business.

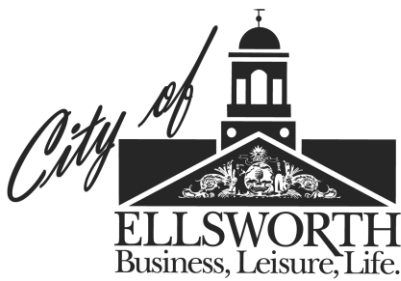
Dale Hamilton

Item 10. Public Hearing and action on the issuance of business licenses. Madam Clerk, all licenses are in order. No issues. So I will apologize because there's a large number which means that you'll be hearing me bang bang, bang, bang.

Acct #	Assessed Value	Status	Notes	Description	DESC	ACRES	CNS_STYLE_DESC	EXE_CREATE_DATE	REM_ALT_PR CL_ID	REM_OWN_NAME	911	Street Name	PRC_PF_UTIL_DESC	Amount Owed
Islands -														
3081	\$2,600	foreclosed		Island (nobody claims)	Vacant	0.19169	Vacant Land	11/5/2019 3:18:46 PM	070ISL003000	CITY OF ELLSWORTH	1	NO NAME ISLAND 20		\$0
2361	\$19,250	foreclosed		Island (nobody claims)	Vacant	0.77135	Vacant Land	11/5/2019 3:18:46 PM	047ISL001000	CITY OF ELLSWORTH	1	NO NAME ISLAND 03		\$0
3963	\$3,000	foreclosed		Island (nobody claims)	Vacant	0.100321	Vacant Land	11/5/2019 3:18:46 PM	100ISL001000	CITY OF ELLSWORTH	1	ROCK ISLAND		\$0
3188	\$9,700	foreclosed		Island (nobody claims)	Vacant	0.918274	Vacant Land	11/5/2019 3:18:46 PM	079ISL005000	CITY OF ELLSWORTH	1	NO NAME ISLAND 15		\$0
2239	\$660	foreclosed		Island (nobody claims)	Vacant	0.028007	Vacant Land	11/5/2019 3:18:46 PM	044ISL001000	CITY OF ELLSWORTH	1	SNAKE ISLAND		\$0
1978	\$770	foreclosed		Island (nobody claims)	Vacant	0.052801	Vacant Land	11/5/2019 3:18:46 PM	036ISL001000	CITY OF ELLSWORTH	1	NO NAME ISLAND 38		\$0
1102	\$990	foreclosed		Island (nobody claims)	Vacant	0.07461	Vacant Land	11/5/2019 3:18:46 PM	023ISL002000	CITY OF ELLSWORTH	1	NO NAME ISLAND 35		\$0
1101	\$990	foreclosed		Island (nobody claims)	Vacant	0.094123	Vacant Land	11/5/2019 3:18:46 PM	023ISL001000	CITY OF ELLSWORTH	1	NO NAME ISLAND 34		\$0
Total:		\$37,960												
Mobhs-														
2531	\$63,000	foreclosed	owner deceased no known heirs	Single-wide MH w/land	Mobile Home	1.91	Mobile Home	5/6/2025 3:46:20 PM	051018000000	CITY OF ELLSWORTH	25	DANICO LANE		\$1,790.87
4090	\$25,700	foreclosed	may be legal issues	Single-wide MH w/land	Mobile Home	1	Mobile Home	4/14/2022 8:48:47 AM	102021000000	CITY OF ELLSWORTH	1375	BANGOR ROAD		\$5,612.67
9051	\$84,000	foreclosed		Double-wide MH	Residential	0.28	Double-wide Mobile H	4/19/2022 9:49:21 AM	143065000000	CITY OF ELLSWORTH	22	LAKES LANE	city water,city sewer	\$5,895.76
3678	\$154,000	foreclosed		Double-wide MH	Residential	4.82	Double-wide Mobile H	5/7/2025 9:58:35 AM	092028000000	CITY OF ELLSWORTH	1201	BANGOR ROAD		\$8,079.59
Total:		\$355,980												
\$21,378.89														
Single Family -														
2534	\$69,480	foreclosed		Single Fam	Residential	0.3	Cottage SEASONAL	4/19/2022 2:50:40 PM	051021000000	CITY OF ELLSWORTH	149	NORTH STREET		\$2,769.39
8152	\$160,000	foreclosed	unlivable	Single Fam	Residential	0.8	Cape	5/7/2025 9:40:30 AM	134176000000	CITY OF ELLSWORTH	384	WATER STREET	city water,city sewer	\$7,768.73
8317		foreclosed	unlivable	Single Fam	Residential	0.49	Cape	4/12/2024 8:23:33 AM	136069000000	CITY OF ELLSWORTH	16	CENTRAL STREET	city water,city sewer	\$5,911.40
4258	\$109,000	foreclosed		Single Fam	Residential	3.61	Cottage SEASONAL	5/7/2025 9:32:33 AM	106049000000	CITY OF ELLSWORTH	53	NORTHEAST COVE WAY		\$3,593.35
4080	\$73,800	foreclosed	City Fire Dept. may have plans for a substation	Single Fam	Residential	1.93	Colonial	11/5/2019 3:18:46 PM	102019000000	CITY OF ELLSWORTH	1399	BANGOR ROAD		\$10,396.42
171	\$197,225	foreclosed		Single Fam	Residential	0.93	Cape	4/19/2022 9:56:06 AM	006017000000	CITY OF ELLSWORTH	88	ALTON AVENUE		\$9,020.58
4325	\$130,600	foreclosed		Single Fam	Residential	5.3	Conventional	3/20/2023 3:50:45 PM	107020000000	CITY OF ELLSWORTH	850	MARIAVILLE ROAD		\$7,472.69
Total:		\$740,105												
\$46,932.56														

Land only -													
2900	\$35,200	foreclosed		Res Land Rear	Vacant	4.62	Vacant Land	5/6/2025 4:46:18 PM	066024001000	CITY OF ELLSWORTH		BANGOR ROAD	\$1,986.65
1460	\$73,500	foreclosed		Res Land Rear	Vacant	34	Vacant Land	4/12/2022 3:48:01 PM	030026010000	CITY OF ELLSWORTH		RIDGE WAY	\$7,291.44
56	\$42,100	foreclosed		Res Land Rear	Vacant	6.16	Vacant Land	5/6/2025 4:15:43 PM	003037002000	CITY OF ELLSWORTH	0	BAYSIDE ROAD	\$2,350.68
1796	\$19,900	foreclosed		Res Land Rear	Vacant	2	Vacant Land	5/6/2025 3:37:00 PM	033022003000	CITY OF ELLSWORTH	0	RED BRIDGE ROAD	\$1,124.06
71	\$54,670	foreclosed		Res Land Ocean	Vacant	0.8	Vacant Land	5/6/2025 3:22:10 PM	005001000000	CITY OF ELLSWORTH		BAYSIDE ROAD	\$3,007.36
3870	\$1,500	foreclosed	bad soils unbuildable perhaps	Exempt MDL-00	Vacant	1	Vacant Land	11/5/2019 3:18:46 PM	099006000000	CITY OF ELLSWORTH		WINKUMPAUGH ROAD	City Owned Pre-Munis unable to determine taxes owed \$0
Total:		\$226,870											
\$15,760													
Commercial Undeveloped Land -													
424	\$85,000	foreclosed		Com UNDV Land	Vacant	13	Vacant Land	3/20/2023 8:25:53 AM	011003001000	CITY OF ELLSWORTH		HIGH STREET	\$5,080.83
425	\$36,100	foreclosed		Com UNDV Land	Vacant	4.4	Vacant Land	3/20/2023 8:56:51 AM	011003002000	CITY OF ELLSWORTH	0	HIGH STREET	\$2,200.58
Total:		\$121,100											
\$7,281.41													
City Owned Land -													
2046	\$42,700		landlocked parcel - out past Guptil Road subdivision	possible land swap to abutter via Water Dept.???	Exempt MDL-00	32.13	Vacant Land	11/5/2019 3:18:46 PM	040011000000	CITY OF ELLSWORTH		RED BRIDGE ROAD	City Owned Pre-Munis unable to determine taxes owed \$0
4479	\$1,500		tiny piece of unbuildable land adjacent to Labelle Way right-of-way -north end	City discontinued ownership of Labelle Road with abutters receiving ownership to center of shared right-of-way. Not sure why the City kept this tiny piece of land abutting right-of-way at the northern end.???	Exempt MDL-00	0.53	Vacant Land	11/5/2019 3:18:46 PM	112011000000	CITY OF ELLSWORTH		BANGOR ROAD	City Owned Pre-Munis unable to determine taxes owed \$0

2804	\$1,500	unbuildable slim strip of Graham Lake waterfront	a person has had several discussions with previous City Manager Glen about purchasing and I believe still wants, but not sure if he continued discussing it with new City Manager Charlie. ???	Exempt MDL-00	0.25	Vacant Land	11/5/2019 3:18:46 PM	060012001000	CITY OF ELLSWORTH	NORTH STREET	City Owned Pre-Munis unable to determine taxes owed	\$0
Total:		\$45,700										



Tax Collector/Deputy Treasurer

1 City Hall Plaza ▪ Ellsworth, ME 04605-1942

Phone (207) 669-6634 ▪ Fax (207) 667-4908

smclean@ellsworthmaine.gov

Memo

To: City Council

CC: Charles Pearce, City Manager

From: Suzanne McLean, Tax Collector/Deputy Treasurer

Date: April 28, 2025

Re: June 2025 Agenda Request – Set interest date on overdue taxes for FY 2026

Suggested Motion:

Move to approve the request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

Background:

This interest rate is established by the Treasurer of State and is based on the prime rate as published in the Wall Street Journal on the first business day of the calendar year. The maximum rate of interest that can currently be charged per Title 36, M.R.S.A. Section 505 is 7.5%.

Overview:

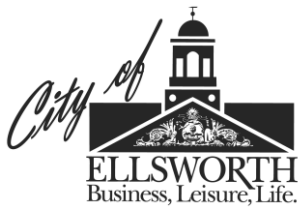
Taxes are considered delinquent, and interest begins to accrue on each installment the first day after its specified due date. Should the proposed dates of September 11, 2025 and March 12, 2026, be approved, interest will begin to accrue on September 12, 2025 and March 13, 2026.

The interest accrued is added to and becomes a part of the taxes.

Generally, in the past the city has stayed within 2 or 3 points of the maximum rate. Does the Council recommend keeping the interest rate at **6%**?

The table below lists what the State of Maine's maximum rate has been for the past 5 years, compared to what the city has set for a rate.

Fiscal Year	State Maximum	City's Rate
2025	8.5	6.0
2024	8.0	6.0
2023	4.0	4.0
2022	6.0	6.0
2021	8.0	6.0



Deputy Treasurer/Tax Collector
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 667-2563 ▪ Fax (207) 667-4908
smclean@ellsworthmaine.gov

MEMO

To: City Council
Charles Pearce, City Manager
From: Sue McLean, Tax Collector/Deputy Treasurer
Date: April 28, 2025
Re: Request for Authorization to Write Off Uncollectible Personal Property Tax Accounts Older Than Six Years

Suggested Motion:

Move to approve the request of the Tax Collector to write off \$45,129.15 in the past due personal property accounts that are deemed uncollectable, according to the attached documents.

Overview:

This memorandum is submitted to request the City Council's approval to formally write off a series of delinquent personal property tax accounts that have remained unpaid for six (6) years or more and are now deemed uncollectible.

Background:

In accordance with Title 36 of the Maine Revised Statutes and the City of Ellsworth's standard accounting practices, the Tax Office conducts regular reviews of outstanding tax receivables. During this process, a number of personal property tax accounts have been identified as uncollectible due to factors including:

- Inability to locate the business or individual taxpayer
- Dissolution of the business entity
- Lack of available assets to levy against
- Statutory limitations on collection enforcement after six years

While these taxes remain legally owed to the City, the ability to recover them through standard enforcement mechanisms is no longer feasible.

Rationale for Write-Off:

Writing off these accounts is a fiscally responsible step that ensures the City's financial statements accurately reflect collectible revenue. Retaining these balances inflates the City's receivables and can distort budget projections and year-end reporting. This action also allows staff to focus efforts on active and potentially recoverable accounts.

Request for Council Action:

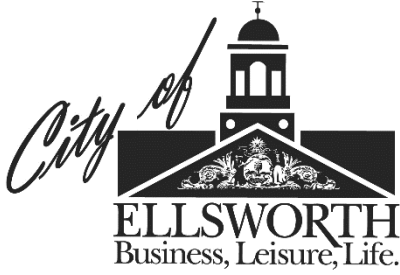
The Tax Office respectfully requests that the City Council authorize the write-off of personal property tax accounts that are more than six years delinquent and have been determined to be uncollectible. A detailed list of the accounts proposed for write-off is included with this memo for Council review. These records will remain archived as part of the City's official financial documentation and will be made available for audit purposes.

Recommendation:

It is recommended that the City Council approve the proposed write-off of the identified uncollectible personal property tax accounts in accordance with Maine law and established financial procedures.

<u>Account #</u>	<u>Customer Name</u>	<u>Bill Year</u>	<u>Unpaid Balance</u>
110	CIT FINANCE LLC	2019	16.42
248	GASPAR WAYNE	2017	199
248	GASPAR WAYNE	2018	267.75
248	GASPAR WAYNE	2019	131.33
624	ANNIE'S PRIDE FARM & GEN STORE	2013	364.62
625	ARTHUR HOLT	2015	1,276.52
629	BARTLETT JOHN A	2017	68.95
632	BENNETT SCOTT	2016	47.9
633	BENSON PETER T	2019	102.14
635	BHA LLC	2018	59.3
637	BLANCHETTE MARK	2018	34.14
639	BRALEY FRANKLIN D	2014	311.12
647	COASTAL MED TECH INC	2017	7,519.29
647	COASTAL MED TECH INC	2018	9,355.18
647	COASTAL MED TECH INC	2019	4,338.39
650	CREDI-CAR LLC	2019	28.39
656	DOWNEAST MULTIPLE LISTING SVC	2013	40.17
656	DOWNEAST MULTIPLE LISTING SVC	2014	41.73
657	DRINKERT BRITTNEY LMT	2016	10.62
658	DRINKERT BRITTNEY LMT	2017	21.22
659	EDEN SURGICAL ASSOCIATES PA	2018	35.94
660	EDGE VIDEO	2014	208.65
661	ELECTROLYSIS CENTER	2013	23.18
661	ELECTROLYSIS CENTER	2014	28.89
663	ELLSWORTH ALE HOUSE	2015	616.87
664	ELLSWORTH AUTO SUPPLY INC	2017	270.5
664	ELLSWORTH AUTO SUPPLY INC	2018	327.05
665	ELLSWORTH MOTEL	2012	305.76
665	ELLSWORTH MOTEL	2013	386.25
666	ELLSWORTH VIDEO	2012	151.42
667	ELLSWORTH WHEELS	2017	26.52
667	ELLSWORTH WHEELS	2018	34.14
672	FURROW SALLY	2015	47.71
674	GENERAL WIRELESS OP. INC 11506	2017	546.31
675	GM POLLACK & SONS	2014	1,935.42
675	GM POLLACK & SONS	2015	1,880.24
675	GM POLLACK & SONS	2016	1,385.91
675	GM POLLACK & SONS	2017	2,588.35
682	HAND KIMBERLY D	2013	112.79
682	HAND KIMBERLY D	2014	117.17
682	HAND KIMBERLY D	2015	118.44
683	HARLOW GALLERY	2012	24.75
683	HARLOW GALLERY	2013	32.45
683	HARLOW GALLERY	2014	25.68
683	HARLOW GALLERY	2016	8.85
687	HILTS ELIZABETH	2018	8.98
688	HOLT TAMARA	2019	10.03
689	IDYLVILD YOGA LLC	2018	26.96
689	IDYLVILD YOGA LLC	2019	13.68
691	JORDAN TRACY	2013	182.31
691	JORDAN TRACY	2014	187.79
691	JORDAN TRACY	2015	240.17
691	JORDAN TRACY	2016	129.21
691	JORDAN TRACY	2017	258.13

691	JORDAN TRACY	2018	208.45
700	LEE'S GIFTS	2012	39.31
700	LEE'S GIFTS	2014	36.92
701	LIBBY HEATHER	2014	32.9
701	LIBBY HEATHER	2015	75.67
704	MANN THOMAS	2017	318.24
708	MCDONALD MADELINE	2012	152.88
708	MCDONALD MADELINE	2013	162.23
718	NASSAU BROADCASTING I, LLC	2015	263.2
718	NASSAU BROADCASTING I, LLC	2016	149.57
719	NASSAU BROADCASTING I, LLC	2017	277.58
723	NEWLAND NURSERY & LANDSCAPING	2017	385.82
723	NEWLAND NURSERY & LANDSCAPING	2018	619.97
724	NEWMAN DALE	2012	85.9
724	NEWMAN DALE	2013	91.16
726	NORTHEAST MORTGAGE & MODULAR	2012	34.94
726	NORTHEAST MORTGAGE & MODULAR	2013	44.81
728	NORTON MICHELLE	2012	116.48
728	NORTON MICHELLE	2013	74.16
731	PEOPLES UNITED BANK	2015	54.29
732	PHANTHAVONG, INC.	2014	361.13
736	PRIME CARE MEDICAL SUPP INC	2018	13.48
738	RANCO MAY	2018	84.46
740	REED RICK	2016	56.64
741	REED RICK	2015	17.27
742	RENEES HAIR DESIGNS	2016	154.88
742	RENEES HAIR DESIGNS	2017	295.26
743	RENEES HAIR DESIGNS	2015	246.75
744	RENEE'S HAIR DESIGNS	2014	166.27
749	ROBERTSON ROBERT	2015	106.92
752	RUNNELLS GARY & ALISA	2016	265.5
752	RUNNELLS GARY & ALISA	2017	477.36
756	SARJOY INC,	2017	100.66
757	SAWYER ENVIRONMENTAL SERVICES	2002	959.39
759	SEARS	2012	88.82
759	SEARS	2013	94.25
764	SIMONES AT 59 FRANKLIN STREET	2014	402.86
768	SMARTBYTES	2016	44.25
768	SMARTBYTES	2017	88.4
768	SMARTBYTES	2018	113.21
768	SMARTBYTES	2019	57.46
768	SMARTBYTES	2020	118.5
768	SMARTBYTES	2021	118.25
770	SMITH TONY	2017	88.4
774	STANWOOD ARTHUR	2017	111.83
778	THE PALMZ TANNING SALON	2012	58.24
778	THE PALMZ TANNING SALON	2013	135.96
778	THE PALMZ TANNING SALON	2014	141.24
782	VNA HOME HEALTH & HOSPICE	2019	65.67
785	WBACH RADIO	2013	108.92
785	WBACH RADIO	2014	205.44
786	WHARFF RALPH	2015	26.32
Total:			<u>45129.15</u>



Memo

To: City Council
CC: Charles Pearce, City Manager
From: Ebony Kramp-Dowling
Date: June 16, 2025
Re: Reappointments

Suggested Motion:

Move to approve Reappointments as presented.

Background:

Every June, appointments of City Officials comes before the City Council. While the city staff reappointments are a little more straightforward, the Committee and Commission reappointments we were looking to create a little more structure and provide background on. This year we decided to use small bios about each member as background for their reappointments, with the hope for next year to have a more structured reappointment process. We also reached to commissions to validate that reappointments were warranted, sought, and in line with city/staff expectations.

October 20, 2023

Matthew Williams
City Planner, City of Ellsworth
1 City Hall Plaza
Ellsworth, ME 04605

Dear Matt,

I am very interested in joining the Ellsworth Planning Board. I have a strong commitment to volunteering in the communities where I live. I've served on the MDI Hospital Board of Trustees for twelve years and was the Board Chair for three. I remain on the Board, chair two committees and am a member of three other hospital committees. Although I reached my term limit, I was a Board member and the Chair of the Trustees at Camp Beech Cliff in the village of Mount Desert. Finally, I am a Board member and Board Secretary at Healthy Acadia, an organization headquartered in Ellsworth and committed to building healthy communities throughout Hancock and Washington counties.

Nearly fifteen years ago I moved to Maine and I've been an Ellsworth resident for almost two. I want to serve this community as I've served others. I am particularly interested in the intersection of environmental preservation and economic development. I believe effectively managing those two elements can attract business development, sustain a quality environment and strengthen the the health and well being of Ellsworth residents.

Although Ellsworth is a strong community, I feel there is work to be done to make it even better and keep it vibrant. If I'm selected to serve on the Ellsworth Planning Board, I will be a fully involved member. I know I'll need to spend time learning about the committee's processes and the specific issues it deals with. However, once I'm up to speed, I'm confident I'll be able to make meaningful contributions.

I look forward to hearing from you soon and, hopefully, to joining this important Board.

Respectfully,

Vince Messer

263 Shore Road
Ellsworth, ME 04605
vmesser1@gmail.com
Phone: 410 707 3487 (mobile)

Bruce Sawyer – Board of Appeals

Bruce Sawyer moved to Ellsworth in 1989 and was the Superintendent of the Ellsworth school system from that time until 1999. He retired in 2001 from the Machias school system and has been serving on the Board of Appeals for over a decade.

James Bergin, Christina Petros & Mark Remick – Harbor Commission

James Bergin: Jim has served the City of Ellsworth for over 30 years. Was one of the original members to the Harbor Commission. Jim serves as the Commission Secretary. Jim provides valuable contributions to the city with his historical knowledge and policy insight. Jim and his son own rental property in the city.

Christina Petros is a relatively newcomer to the Commission. She has an attitude and the community connections that offer fresh perspective on the use of, and community desires for, the Harbor and Harbor Park. Christina and her family are mariners who use the Harbor services including slip rental, fuel and the pump out station.

Mark Remick serves as Chair of the Commission, a position he has held for many years. Mark lives in the Ellsworth with his wife. Mark has served the city for over 40 years. He brings a unique combination of community service and a business background to the process.

F. Mark Whittaker & Jeff Gordon – Harbor Commission Alternates

Carol Martineau – Historic Preservation Commission

Casey Hanson, Valencia Libby, Jamie Lambert, Mary Blackstone, Jay Barnes, Iain Drummond & Teresa Davis – Arbor Commission

Casey Hanson is a family physician who has lived in Ellsworth since 2006. She served on the City Council from 2021-2024 and helped reestablish the Arbor Commission during her tenure on City Council. After her Council term ended, she continued to volunteer as chair of the Arbor Commission as a way to continue to invest in the City. She enjoys working with the very knowledgeable and talented members of the committee and continuing to interact with the hard-working City staff.

Valencia Libby is a retired associate professor of landscape history & public horticulture, Temple University, Philadelphia. She is a Fulbright Distinguished Chair, 2004. She is faculty for Acadia Senior College and an advisor at Blue Hill Historical Society.

Jamie focuses on intentional care of trees and the landscapes around them by applying his knowledge and experience spanning twenty-five years in the arboriculture industry. Jamie is an ISA certified Arborist as well as a Maine State licensed Arborist who has worked with the trees of Downeast Maine since 2000. He joined Bartlett Tree Experts in March of 2022 when Bartlett acquired Savage Forest Enterprise. He has cared for historic trees, designed unique forest management plans, established estate-wide treescapes and care plans, developed path and trail systems, and worked with hundreds of clients to determine the best tree care solution for each specific tree and landscape. One of Jamie's greatest passions is taking on forested landscapes and creating an intentional woodland -- bringing beauty to the property, joy and tranquility to the client, and long-lasting health to the forests of Maine. Jamie grew up in the communities that he serves today, as the Local Manager for Bartlett Tree Experts he cares for many of the trees that grew up alongside him. His combined arboriculture experience and deep community roots give a perspective to his stewardship that is unique to the long-standing communities of Maine. In every new client relationship Jamie looks forward to fostering wholistic tree care and building community through long lasting relationships.

Jay worked in the woods for 30 plus years contracting timber cuts until after Forestry from UMaine when he specialized in timber stand improvement, road building and logging efficiency. He was a part time law enforcement officer in the town of Lamoine for 6 years as well as full constable, shellfish warden, animal control officer and truancy officer. Maine Criminal Justice Academy graduate for part time police officers. He was also on the Lamoine board of appeals for 2 terms along with being deputy road commissioner. The last 30 plus years he has been a professional gardener, farmer and 3 term president of the Ellsworth Garden Club which he has been a member of for 23 years. He also was District Treasurer for the St. Croix district of Garden Clubs for 2 terms.

Kimberly Fitch, Josh Frost & Melinda Workman – Recreation Commission

Title: Appointments of City Officials by the City Council

WHEREAS, the City Charter or Statutes provide that the following officials be appointed by the City Council, and

WHEREAS, several of the appointments made by the City Council expire at midnight on June 30, 2025; it is hereby

ORDERED, that the following persons are appointed to the position indicated for a term to expire as indicated below:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>TERM TO EXP.</u>
Agent to the Overseers	Charles Pearce	06/30/2026
Fair Hearing Authority	Charles Pearce	06/30/2026
City Clerk	Suzanne McLean	06/30/2026
Registrar of Voters	Suzanne McLean	01/01/2027
Freedom of Access Off.	Suzanne McLean	06/30/2026
Assessor	Larry Gardner	06/30/2026
Tax Collector	Suzanne McLean	06/30/2026
Treasurer	Nathaniel Moore	06/30/2026

Planning Board Member current term to expire 06/30/2025, request to appoint until 06/30/2030:

Vince Messer

Board of Appeals Member current term to expire 06/30/2025, request to reappoint until 06/30/2030:

Bruce Sawyer

Harbor Commission Members current term to expire 06/30/2025, request to reappoint until 06/30/2028:

James Bergin
Christina Petros
Mark Remick

Harbor Commission Members Alternate current term to expire 06/30/2025, request to reappoint until 06/30/2026:

F. Mark Whittaker
Jeff Gordon

Historic Preservation Commission Members current term to expire 06/30/2025, request to reappoint until 06/30/2028:

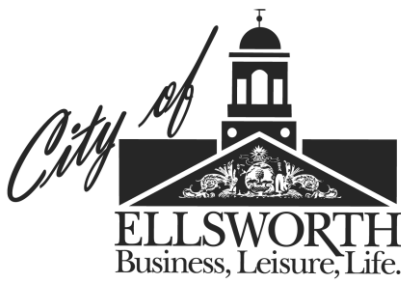
Carol Martineau

Arbor Commission Members current term to expire 6/30/2025, request to reappoint until 6/30/2026:

Casey Hanson
Valencia Libby
Jamie Lambert
Mary Blackstone
Jay Barnes
Iain Drummond
Teresa Davis

Recreation Commission Members current term to expire 06/30/2025, request to reappoint until 06/30/2027:

Kimberly Fitch
Josh Frost
Melinda Workman



Memorandum

To: City Council
CC: Sara Devlin
From: Brittany Merrill, Planning Department
Re: Appointment of Planning Board Members
Date: June 5, 2025

Suggested Motion:

Move to approve the appointment of Lisa LaRue as a full member of the Planning Board with a term expiring 6/30/2030.

Move to approve Matthew Outhier as alternate (1) with a term expiring 6/30/2028 and Marc Babayan as alternate (2) with a term expiring 6/30/2027.

Background:

A committee made up of Assistant City Planner Brittany Merrill, Planning Board Chair John Deleo, and Planning Board Vice-Chair Rick Lyles with oversight from Deputy City Manager Sara Devlin, recently interviewed three applicants who were interested in serving on the board.

Last month Lisa LaRue and Matthew Outhier were appointed to the two vacant alternate positions. With Marc Rich not renewing his full member appointment, there will be one spot open at the end of June.

It is recommended that Lisa LaRue be appointed as a full member with a term expiring June 30, 2030. Matt Outhier move to first alternate with a term expiring June 30, 2028. Marc Babayan is being recommend for appointment as second alternate with a term expiring June 30, 2027.

Marc Babayan is a resident of Ellsworth and has recently retired. He is dedicated to learning and helping the city grow. He has a strong accounting and business background that will bring a unique perspective to the Ellsworth Planning Board.

Brittany Merrill

From: MARC BABAYAN <marcbabayan@verizon.net>
Sent: Tuesday, March 18, 2025 12:21 PM
To: Brittany Merrill
Subject: Re: Planning board letter of intent

To Whom it May Concern,

I am writing to express my interest in joining the Ellsworth Planning Board. As a recent retiree, I now have the time, energy, and enthusiasm to contribute to this important role.

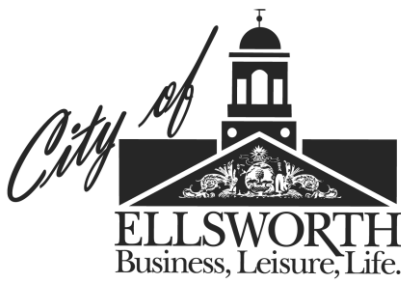
I hold a Master's degree in Business and a Bachelor's degree in Accounting, which I believe will bring a valuable perspective to the committee's work. Throughout my life, I have lived in both large cities and small towns, giving me a well-rounded understanding of the unique challenges and opportunities that planning boards often face.

Having recently moved to Ellsworth, I am eager to offer a fresh perspective and contribute to the success of the committee, particularly as we work to secure grants and implement solutions for the community's growth and development.

Thank you for considering my application. I look forward to the possibility of contributing to Ellsworth's future.

Thank you

Sent from my iPhone



MEMORANDUM

To: City Council

From: Brittany Merrill Assistant City Planner and Staff Liaison for the Recreation Commission

CC: City Manager Pearce

Date: June 4, 2025

RE: Recommendation to Appoint Bill Nelson to Recreation Commission

Suggested Motion

Move to appoint William “Bill” Nelson as full member of the Recreation Commission with term expiring June 30, 2026.

Background:

The Recreation Commission recommends that the Council appoint William (Bill) Nelson to fill one of the two empty positions on the commission with term to expire June 30, 2026. Bill has proven himself an active community member over the years. He has helped organize both Card Brook and Branch Lake Public Forest Clean Up Days and has contributed countless volunteer hours cleaning and beautifying Ellsworth. Bill is currently employed by the School Department as a bus driver and is an active member of both the Moose and Elks Lodge. Bill has a passion for community service and the Commission feels he will make a valuable member of the team.

Title: Confirmation of City Manager's Appointments

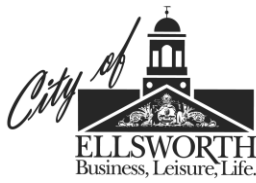
WHEREAS, the City Charter provides that the City Manager appoints certain department heads or officers subject to confirmation by the City Council, and

WHEREAS, several of the appointments made by the City Council expire at midnight on June 30, 2025; it is hereby

ORDERED, that the following persons are appointed to the position indicated for a term to expire as indicated below:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>TERM TO EXP.</u>
Deputy City Manager	Sara Devlin	6/30/2026
Executive Assistant	Ebony Kramp- Dowling	6/30/2026
Deputy City Clerk	Ebony Kramp-Dowling	6/30/2026
Deputy Registrar of Voters	Ebony Kramp-Dowling	6/30/2026
HR Manager	Kerri Taylor	6/30/2026
HR Specialist	Lorina Look	6/30/2026
Director of Social Services	KaTina Vanadestine	6/30/2026
Deputy Dir. of Social Services	Suzanne McLean	6/30/2026
Deputy Dir. of Social Services	Katlyn Miller	6/30/2026
Deputy Registrar of Voters	KaTina Vanadestine	6/30/2026
Deputy City Clerk	KaTina Vanadestine	6/30/2026
Deputy City Clerk	Katlyn Miller	6/30/2026
Deputy Registrar of Voters	Katlyn Miller	6/30/2026
Deputy Registrar of Voters	Victoria Harris	6/30/2026
Deputy City Clerk	Victoria Harris	6/30/2026
Finance Director	Nathaniel Moore	6/30/2026
Treasurer	Nathaniel Moore	6/30/2026
Deputy Finance Dir.	Ashlie Brown	6/30/2026
Deputy Treasurer	Ashlie Brown	6/30/2026
Deputy Treasurer	Suzanne McLean	6/30/2026
Deputy Treasurer	Debra Worden	6/30/2026
Deputy Treasurer	Lea Cagulada-Pierce	6/30/2026
Deputy Tax Collector	Virginia Derise	6/30/2026
Deputy Tax Collector	James Killam	6/30/2026
Communications Director	Vacant*	6/30/2026
City Planner	Vacant*	6/30/2026
Planning and Comm. Dev. Asst.	Brittany Merrill	6/30/2026
Police Chief	Troy Bires	6/30/2026
Deputy Chief	Shawn Willey	6/30/2026
Police Captain	David Lord	6/30/2026
Fire Chief	Scott Guillerault	6/30/2026
Deputy Fire Chief	Vacant*	6/30/2026
Fire Captain	Benjamin Freedman	6/30/2026
Fire Captain	Kenneth Lemoine	6/30/2026
Fire Captain	Tyler Kennedy	6/30/2026
Interim Fire Captain	Bradlee Curtis	6/30/2026

Fire and Life Safety Insp.	Thomas Canavan	6/30/2026
Safety Officer	Thomas Canavan	6/30/2026
Dir. Of Emergency Prep.	Scout Guillerault	6/30/2026
Public Works Director	Michael Harris	6/30/2026
Highway Foreman	Brian Moon	6/30/2026
Interim Harbormaster	Todd Bailey	6/30/2026
Supt. Of Water	Reginald Winslow	6/30/2026
Supt. Of Wastewater	Michael Harris	6/30/2026
Economic Dev. Dir.	Twila Fisher	6/30/2026
Technology Systems Adm.	Jason Ingalls	6/30/2026
Facilities Director	James McLean	6/30/2026
Code Enforcement Officer	Robert Grant	6/30/2026
Electrical Inspector	Robert Grant	6/30/2026
Health Officer	Robert Grant	6/30/2026
Plumbing Inspector	Robert Grant	6/30/2026
Building Inspector	Robert Grant	6/30/2026
Dep. Code Enforcement	Andrew Lutterloh	6/30/2026
Dep. Electrical Insp.	Andrew Lutterloh	6/30/2026
Dep. Health Officer	Andrew Lutterloh	6/30/2026
Dep. Plumbing Insp.	Andrew Lutterloh	6/30/2026
Dep. Building Insp.	Andrew Lutterloh	6/30/2026
Assistant Assessor	Luna Pinder	6/30/2026
Deputy Harbormaster	John Babine	6/30/2026
Deputy Harbormaster	John Verrington	6/30/2026
Tree Warden	Charles Pearce	6/30/2026



Office of City Treasurer
1 City Hall Plaza ▪ Ellsworth, ME 04605-1942
Phone (207) 669-6624
nmoore@ellsworthmaine.gov

June 6, 2025

To: City Council

CC: Charlie Pearce, City Manager

From: Nate Moore, Finance Director

Re: City of Ellsworth, Maine 2025 \$3,000,000 Tax Anticipation Note

Suggested Motion:

Move to award the Tax Anticipation Note low bid to Franklin Savings Bank, at an interest rate of 4.98%

Background:

On Friday, June 6, 2025, at 10:00 a.m., the city accepted bids for a Tax Anticipation Note (TAN). The proceeds of the TAN will be used for financing governmental activities and obligations of the City in anticipation of funds to be raised by taxation. In FY25 the TAN was awarded to First National Bank at 5.96%. We drew down \$2,050,001.00 of the \$3,000,000.00 and paid \$75,302.98 in interest.

In preparation for the Tax Anticipation Note (TAN) for FY26, a cash analysis was prepared in order to determine how much money the city would require. It was decided that \$3 million would best fit the cash needs of the city:

The results of the bids are as follows:

Financial Institution	Rate	Interest
Androscoggin	5.95%	No deposit relationship
Androscoggin	5.65%	With 500K deposit relationship
First National Bank	5.54%	\$163,430.00
Machias Savings Bank	5.36%	\$158,120.00
Bar Harbor Bank & Trust	5.27%	\$153,335.34
Camden National Bank	5.03%	\$147,588.50
(A comprehensive deposit relationship needed)		
Franklin Savings Bank	4.98%	\$151,475.00
Bangor Savings (did not receive a bid or any response related to the bid)		
Key Bank (did not send in a bid due to no deposit relationship with them)		

Attached are copies of the bid requests and the bids received from the above local area banks. If the City Council approves the low bidder for the Tax Anticipation Note, the above motion is suggested.

CITY OF ELLSWORTH

Council Order #062508:

TITLE: Authorization for Tax Anticipation Borrowing (\$3,000,000)

By the Ellsworth City Council be it hereby ordered and resolved as follows:

- VOTED: That, pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended, and Section 7.09(d) of the City Charter, the Treasurer is hereby authorized, in the name of and on behalf of the City, to borrow, at one time or from time to time during the fiscal year ending June 30, 2026, singly or in series, an aggregate amount not to exceed \$3,000,000 in anticipation of the collection of taxes, such borrowing to be evidenced by the issuance of the City's tax anticipation note (the "TAN"), which TAN shall be in addition to any prior tax anticipation borrowing previously authorized by the City Council for the fiscal year ending June 30, 2026.
- VOTED: That the City Council awards the winning bid for the TAN to _____ (the "Bank"), with an interest rate of _____%.
- VOTED: That the TAN shall be signed by the Treasurer and the Chair of the City Council, attested to by the Clerk.
- VOTED: That the TAN shall be payable at maturity, out of money raised by taxation during the fiscal year ending June 30, 2026, and shall contain such terms and provisions, not inconsistent herewith, and be in such form as shall be approved by the officers and officials signing the same, which approval shall be conclusively evidenced by their execution thereof.
- VOTED: That the Treasurer, to the extent permitted and available under the Internal Revenue Code of 1986, as amended (the "Code") be and hereby is authorized, in the name of and on behalf of the City, to designate the TAN as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- VOTED: That the Treasurer be and hereby is authorized, in the name of and on behalf of the City, to covenant with the Bank, that the City shall take whatever steps, including filing any reports and rebating any excess earnings, as may be required by federal law, and shall refrain from taking any action, as may be necessary or appropriate to ensure that interest on the TAN will remain exempt from federal income taxes.
- VOTED: That the officers and officials executing the TAN be and hereby are individually authorized, in the name of and on behalf of the City, to covenant, certify, and agree, on behalf of the City and for the benefit of the Bank as the holder of the TAN, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the

disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

VOTED: That the Treasurer, Chair of the City Council, and Clerk be and hereby are authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, and to execute, deliver and approve all agreements, tax compliance or arbitrage certificates, closing certificates, instruments, and any other document (the “TAN Documents”) as may be necessary or advisable, in connection with the issuance of the TAN, which TAN Documents shall be in such form and contain such terms and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, and such other details as he shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

VOTED: That if the Treasurer, Chair of the City Council, or Clerk are for any reason unavailable to execute and issue the TAN or any TAN document, the person or persons then acting in such capacity, whether on an interim or acting basis, as an assistant, a deputy, or otherwise, is authorized, in the name of and on behalf of the City, to act for such official with the same force and effect as if such official had performed such act.

A true and correct copy of the minutes and attached resolutions adopted June 16, 2025, by the City of Ellsworth Finance Committee, at a meeting thereof duly convened and conducted at Ellsworth, Maine.

Attest:

Ebony Kramp-Dowling, Deputy City Clerk
City of Ellsworth, Maine
June ____, 2025



Ellsworth Fire Department
1 City Hall Plaza, Ellsworth, Maine 04605
Phone (207) 667-8666 ♦ Fax (207) 667-4908
www.ellsworthmaine.gov



MEMORANDUM

TO: Ellsworth City Council

FROM: Fire Chief Scott Guillerault

DATE: June 2, 2025

SUBJECT: Amendment to Fee Schedule for Fire Protection and Prevention Ordinance, Chapter 4, Article II, Subsection(s) 2.1-2.2.3

Suggested Motion:

Move to approve the request of the Fire Chief to amend the language for the City of Ellsworth Fire Protection and Prevention Ordinance, Chapter 4, Article II, Subsection(s) 2.1-2.2.3

Background:

This memo addresses the need to amend and add language outlined in the City of Ellsworth Fire Protection and Prevention Ordinance, specifically within Chapter 4, Article II, subsections 2.2-2.2.3. This language was discontinued in December 2020, as part of the removal of the fee schedule.

The reinstatement of this fee schedule at the May council meeting failed to also include the supporting language to Chapter 4, Article II. The addition of Chapter 4, Article II, Subsection(s) 2.1-2.2.3.

The amended and additional language to Chapter 4, Article II, Subsection(s) 2.1-2.2.3. supports the adoption of the Codes, Standards, Rules, and Statutes as formally adopted by the State of Maine Fire Marshall's Office and sets the establishment of the reimplemented fee schedule (eff. May 2025).

We urge your approval of the suggested motion.

Respectfully,
Scott Guillerault, Fire Chief



Ellsworth Fire Department
1 City Hall Plaza, Ellsworth, Maine 04605
Phone (207) 667-8666 ♦ Fax (207) 667-4908
www.ellsworthmaine.gov



Proposed Amendment to City of Ellsworth Ordinances

Chapter 4: Fire Protection and Prevention

Article II: Adoption of State Codes and Standards; Plan Review Fees

Section 2.1: Adoption of State Codes, Standards, Rules, and Statutes

The City of Ellsworth hereby adopts, by reference, all current and future revisions of Codes, Standards, Rules, and Statutes, including all additions and omissions thereto, as formally adopted by the State of Maine Fire Marshal's Office and Title 25, Chapters 313 through 321 of the Maine Revised Statutes, as the regulatory basis for inspection, plans review, and enforcement pertaining to all buildings other than one- and two-family dwellings. This adoption is inclusive of, and shall automatically incorporate, all subsequent amendments and revisions duly promulgated by the State of Maine.

Specifically included within this adoption are the following, as currently in effect and as hereafter amended and adopted by the State of Maine:

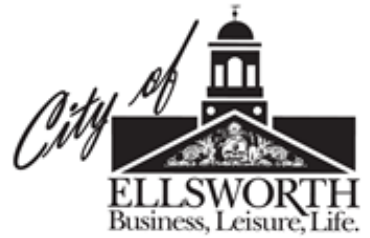
- National Fire Protection Association (NFPA) codes and standards.
- Maine Uniform Building and Energy Code (MUBEC), which encompasses the following International Codes as adopted by the State of Maine:
 - International Building Code.
 - International Residential Code.
 - International Energy Conservation Code.
 - International Existing Building Code.
 - International Mechanical Code

(Note: The Standards, Rules, Codes, and Maine Revised Statutes adopted by the State Fire Marshal's Office are detailed in the appended document, which shall be understood to incorporate all subsequent amendments and revisions promulgated by the aforementioned State authority.)

Section 2.2: Review of Public Building Construction Projects



Ellsworth Fire Department
1 City Hall Plaza, Ellsworth, Maine 04605
Phone (207) 667-8666 ♦ Fax (207) 667-4908
www.ellsworthmaine.gov



The City of Ellsworth shall review construction projects of public buildings as described in Title 25, Section 2468 of the Maine Revised Statutes.

Section 2.2.1: Fire & Life Safety Plan Review Fee Schedule

A. Fee Establishment:

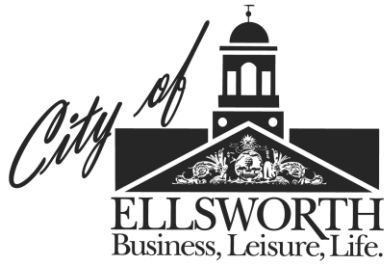
Pursuant to the requirements of the Maine Administrative Procedure Act, the City of Ellsworth hereby establishes the following fee schedule for the examination of all plans for construction, reconstruction, or repairs submitted to the City of Ellsworth that require review for fire and life safety compliance:

B. Fee Limitation:

The City of Ellsworth shall not charge a developer a fee for fire and life safety plan review that exceeds \$0.04\$ per square foot of the gross building area.

C. Other Fees:

This fee limitation does not prevent the City of Ellsworth from charging other applicable fees for other construction-related permits, inspections, or life safety-related projects, as established by separate ordinances or regulations.



MEMO

To: City Council

From Charlie Pearce, City Manager

Date: June 9, 2025

Re: : Approval of Contract with StreetScan for Pavement and Asset Management Services

Suggested Motion:

*Move to approve the City's three-year contract with StreetScan in the amount of **\$68,960** to be paid in annual installments of \$22,987 for the delivery of pavement and sidewalk condition assessment services, development of GIS asset databases, and deployment of the Streetlogix asset management software.*

Background:

As part of our continued efforts to proactively manage and maintain Ellsworth's roadway and sidewalk infrastructure, staff has evaluated solutions to help the City more effectively assess current conditions, prioritize repairs, and support data-driven decision making for future capital investments. Staff reviewed three data collection and conditional assessment companies, to evaluate which service would best fit the needs of the City: Sewall, Vialytics and StreetScan.

Vendor	Description	Key Services	Year 1 Cost	3-Year Total	Notes
Sewall	Traditional Engineering Assessment. This cost was presented as part of a larger CIP proposal	In-person field data collection- with GIS software summary report with 5-year plan	\$64,000	TBD	Manual data collection- does not include sidewalks or MaineDOT Roads in the Urban Compact
Vialytics	Automated app-based visual	Smartphone based condition,	\$17,600 (\$14,350 annually after	\$46,300	Includes 2 smartphones with mounts, app

	analysis	unlimited data collection cloud platform	year one)		based autonomous surveying-does not include sidewalks
StreetScan	AI-powered vehicle and e-scooter survey	Scan car and E-Scooter surveying 360 imaging condition ratings- Provides PCI ratings	\$22,987/year	\$68,960	Comprehensive solution with advanced analytics and GIS software- includes sidewalks and MaineDOT roads in the Urban Compact

After thoughtful review and consideration, staff recommends entering into a three-year contract with StreetScan for comprehensive data collection and analytics of our roads and sidewalks based on the following:

- **Comprehensive Multi-Asset Coverage**
StreetScan is the only proposal that goes beyond just pavement assessment. In addition to roads, it can assess:
 - **Sidewalks** (with ADA compliance evaluation)
 - **Curbs**
 - **GIS databases** for all assets
This gives the city a full picture of its surface infrastructure, enabling smarter, integrated planning and investment and assists with the development of our Capital Improvement Plans.
- **Advanced Technology with Objective Data**
 - Uses ScanCar and e-scooter vehicles equipped with imaging and LiDAR sensors, enabling precise, repeatable data collection without interrupting traffic.
 - Calculates **Pavement Condition Index (PCI)** based on national standards, using AI-driven analytics for consistent, bias-free results.
 - Enables long-term tracking of degradation trends — not just one-time assessment.
- **Built-In Capital Planning and Budgeting**
 - Streetlogix software provides interactive planning tools, allowing staff to model repair strategies under different budget scenarios.
 - Helps justify budget requests using data-driven insights.
- **Cloud-Based GIS Integration**
 - Full access to **Streetlogix**, a GIS platform tailored for municipal asset management.
 - Includes a work order system and citizen engagement app, centralizing reporting, tracking, and communication.

- All assets are stored in cloud-hosted, Esri-compatible layers, ensuring flexibility and scalability.

StreetScan is a future-ready platform — not just a survey service. It equips the city with a scalable, integrated system to manage infrastructure efficiently, support funding decisions, and engage with residents. While other vendors offer narrower tools at lower initial prices, StreetScan delivers the best overall return on investment.

StreetScan



Pavement and Asset Management Proposal

City of Ellsworth, Maine

May 29, 2025

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To Sara Devlin, Deputy City Manager:

Thank you for your interest in StreetScan. Municipalities worldwide are faced with aging infrastructure and limited budget resources to repair and maintain them. Having the ability to monitor the health of your street network utilizing comprehensive and repeatable data, collected via vehicles equipped with imaging systems allows your staff to optimally allocate repair and maintenance budgets. This is now made possible in an affordable, objective way utilizing StreetScan's advanced mobile sensing vehicles and Streetlogix cloud-based asset management software.

Our service offering includes:

- Data Collection: automated vehicle survey of paved CL miles.
- Data Processing of Right-of-Way transportation infrastructure condition.
- Data Visualization: pavement monitoring system including StreetScan's Pavement Rating (PCI).
- Pavement Management Planning: maintenance and budget options, suggestions and scenarios; via our optional cloud-based software Streetlogix.

Also available (see Appendices for more details):

- 360° Imagery Viewer
- Optional asset extractions including pavement markings, traffic signs, sidewalks, curbs, trees, etc.

On behalf of the team at StreetScan, we are pleased to submit this proposal for your review. We strive to be as accurate as possible in our initial projections and cost estimates and look forward to meeting with you soon to discuss any questions you may have.

Yours truly,



William Eddy
Sr. Account Manager

1. ABOUT US

At StreetScan/Streetlogix, we come to work each day because we want to solve our clients' biggest problems when it comes to managing their street assets. We have a Smart City Service Offering that provides clients with an intelligent, objective, and affordable way to manage those assets.

Throughout the history of business, people have used data to make more informed decisions. Streetlogix enables exactly this for our municipal clients.

Municipalities no longer must spend months working within complicated excel spreadsheets. Now, they can leverage the power of AI to improve their decision-making abilities with a few clicks of the mouse.

StreetScan made a name for itself when it received an \$18 Million dollar U.S. federal grant to develop a new sensing and analytics platform to monitor roads. At the time, this was a 5-year Research project overseen by Northeastern University. Throughout this five-year process, the group worked with numerous Boston area municipalities in perfecting the service offering. In 2015, StreetScan spun out of Northeastern and since then has been offered commercially across the U.S. & Canada.

The StreetScan Smart City Service Offering combines critical transportation infrastructure assessments with the leading industry pavement and asset management platform, saving our clients time and money. Our data collection vehicles, ScanCars and E-scooters, enable municipalities to extract and monitor critical assets such as sidewalks, streets, traffic signage, pavement markings, and other transportation infrastructure assets.

The robust and highly customizable, AI and web-based GIS asset management platform, Streetlogix, has changed the landscape in the industry. Municipalities can now optimize their budget within a user-friendly GIS environment. The system provides objective information on the current state of their infrastructure and makes maintenance and repair recommendations, including prioritization of sidewalk projects. Using unparalleled data visualization and budget optimization tools, our clients have created defensible data-driven Capital Improvement Plans while successfully justifying their budgeting requests. Plus, our Work Order Module has helped municipalities go from inefficient in-house emailing systems and spreadsheets to an easy-to-use platform that allows users to effectively schedule, track, and manage all work orders at the office and in the field.

StreetScan has grown to service nearly 300 customers throughout the U.S. and Canada. To date, we have assessed approximately 48,500 centerline miles of road, 9,750 miles of sidewalk, and 55,000 ramps. With a team of 50+ professionals stationed throughout two countries, we continue to expand and grow, bringing on new municipal customers all over North America.

As our customers' needs evolve, so do our services and resources. StreetScan will change how you maintain your infrastructure assets – for the better and for the future.

2. OUR TEAM



William Eddy – Sr. Account Manager – William is an experienced Sales Professional and Smart City Solutions provider. He has been working with Municipalities in the Eastern US for over 10 years assisting cities in the deployment of cutting-edge, data-driven solutions to improve operations and create efficiencies. Bill has worked with industry leaders such as Bigbelly and Enevo. He is a graduate of the University of Massachusetts and resides in New England.



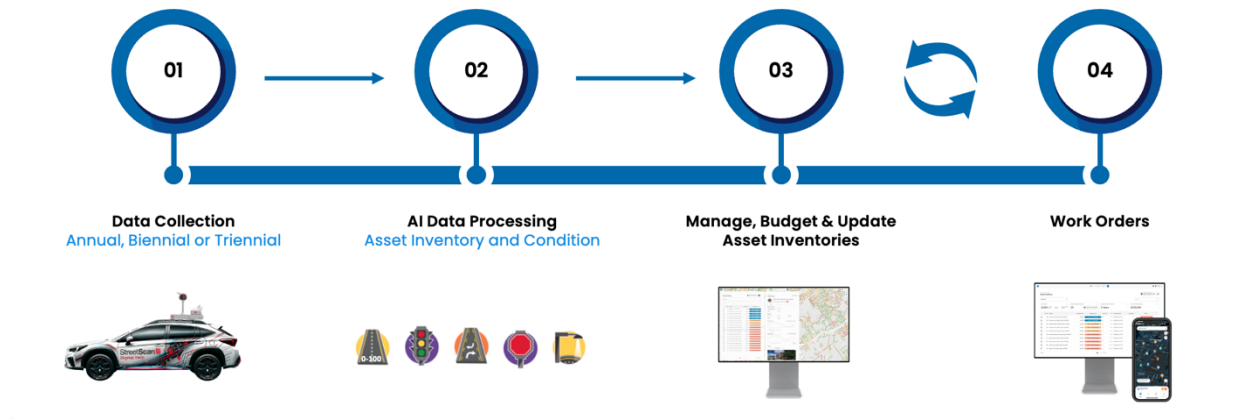
Ahmad Hassan – Director of Operations – At StreetScan, Ahmad is responsible for overseeing our North American operations and ensuring our customers' needs are met. Ahmad graduated from The Lebanese American University with an MBA in Business Management as well as a BS in Computer Science and gathered over 20 years of experience in the world of IT, most of which was in the GIS field. He co-founded Orion Middle East, a leader in the GIS mapping industry working throughout the Middle East region and consulted for several IT and GIS projects. Prior to joining StreetScan, Ahmad created iCare, a management system designed for schools and daycares currently in use in 15 countries around the world.



Chris Hahn – Director of Customer Success – Chris works closely with our customers throughout their implementation of Streetlogix and on-going customer care, helping to ensure that clients reach their goals for integrating asset management technologies to enhance their operations. Chris brings over 16 years of progressive experience in the software industry, most recently focusing on municipal enterprise level software solutions. Chris is primarily responsible for streamlining business operations, using his vast experience to ensure that consistent delivery and client satisfaction are the cornerstones of our customer's experience. Using his business analyst background, Chris is well positioned to understand customers' needs and goals to help tailor solutions that optimize their operations and workflows.

3. THE STREETSCAN/STREETLOGIX SYSTEM

StreetScan's vehicle-based data collection and cloud-based asset and work order management platform optimize your road budget and provide user-friendly analytics about the status of your street assets.



Data Collection/Processing

StreetScan's vehicles equipped with imaging systems detect pavement & sidewalk surface distresses without interrupting traffic flow.

Optimized algorithms evaluate and prioritize repairs of assets, including pavement, sidewalks, traffic signs, and more.

See Annex for more details on Data Collection.

Data Management

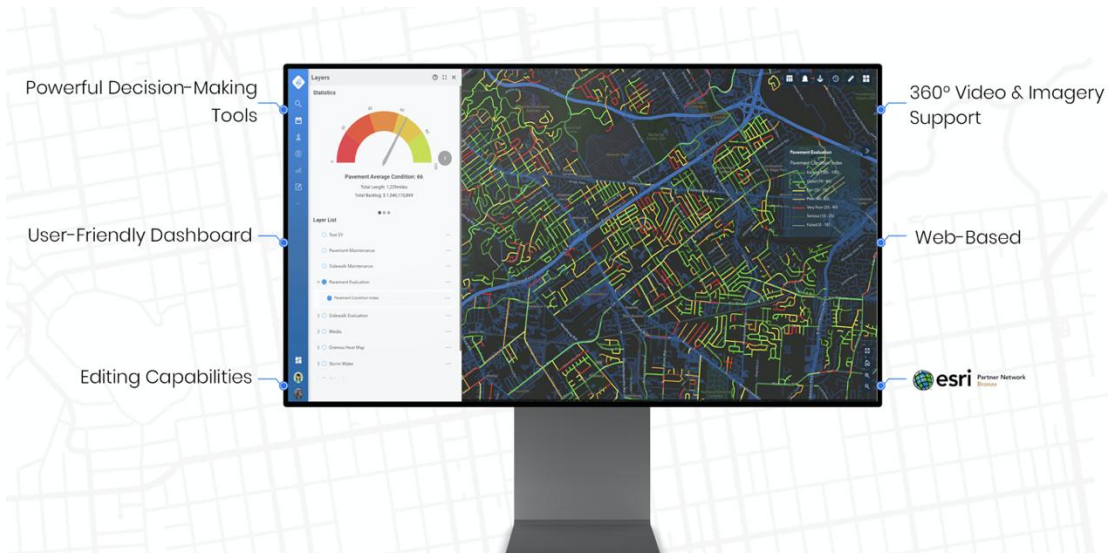
Collected data goes into Streetlogix, our unique **cloud-based software**, allowing municipalities to visualize and manage road assets to schedule maintenance within a user-friendly GIS environment.

Our Work Order module, with its easy-to-use interface, allows municipalities to schedule, track and manage work orders, both in the office and in the field.

4. ASSET MANAGEMENT SOFTWARE

Streetlogix's **Asset/Pavement Management Module** is a cloud-based mapping, analysis, and decision-making tool for the public sector. Use it to create maps, analyze data and plan road repairs, sidewalk projects, traffic signs and right-of-way budgeting decisions. Your data and maps are stored in a secure and private infrastructure and can be configured to meet your mapping and IT requirements.

Asset Management Key Features:



Powerful Decision-Making Tools

User-Friendly Dashboard

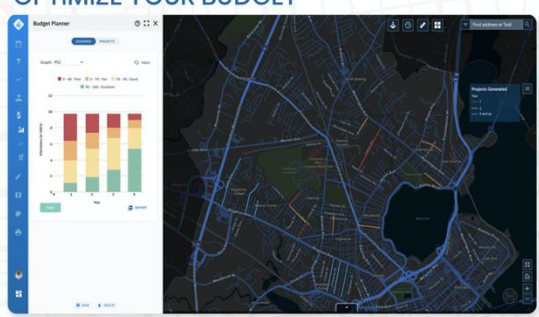
Editing Capabilities

360° Video & Imagery Support

Web-Based

esri Partner Network

OPTIMIZE YOUR BUDGET



BUILD DECISION TREES



SOFTWARE INTEGRATION

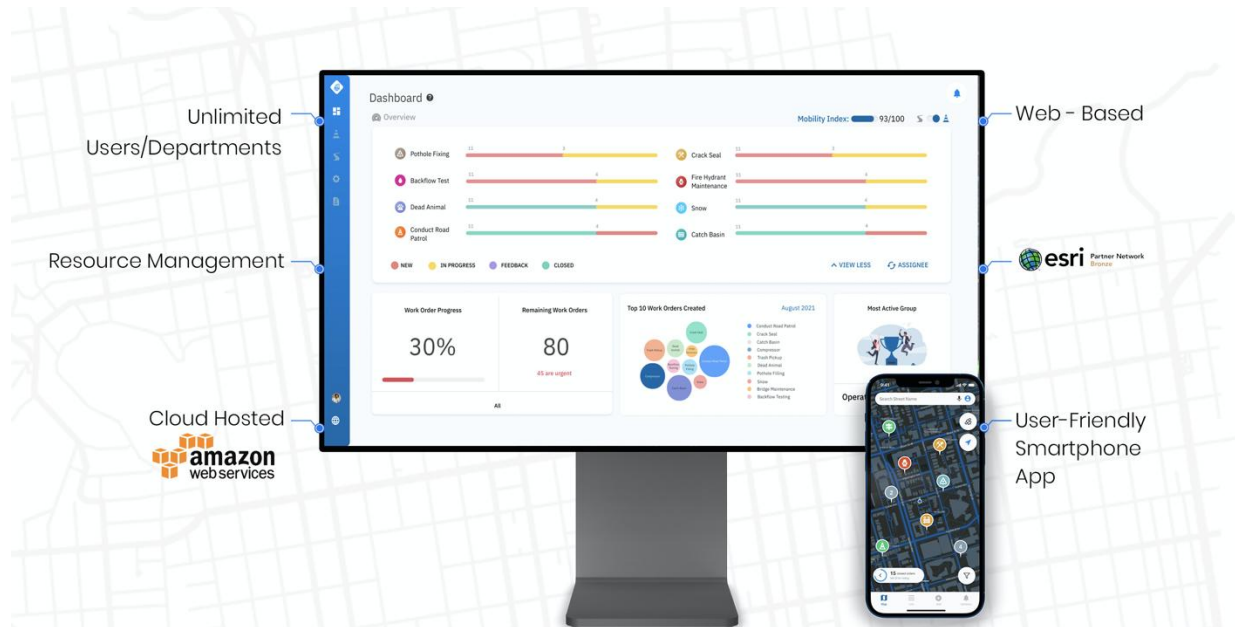


Streetlogix uses a RESTful API to integrate with your other asset management, accounting, or financial systems and ensures a seamless information flow between different systems.

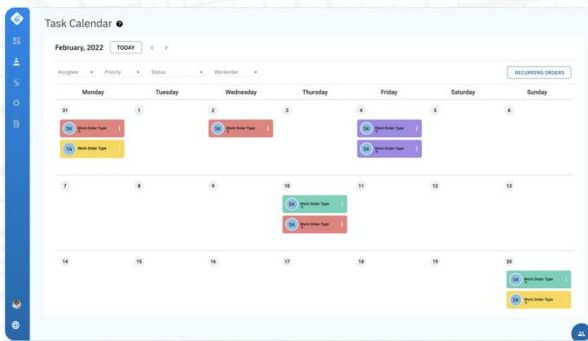
5. WORK ORDER MANAGEMENT SYSTEM

Streetlogix's **Work Order Management System** brings greater organization, efficiency, and accountability to your task management planning, allowing you to effectively schedule, track and manage all work orders, as well as monitor work order performance metrics in a centralized dashboard. Plus, you can track and complete work orders in the field using our app on your mobile device.

Work Order Key Features:



TASK CALENDAR

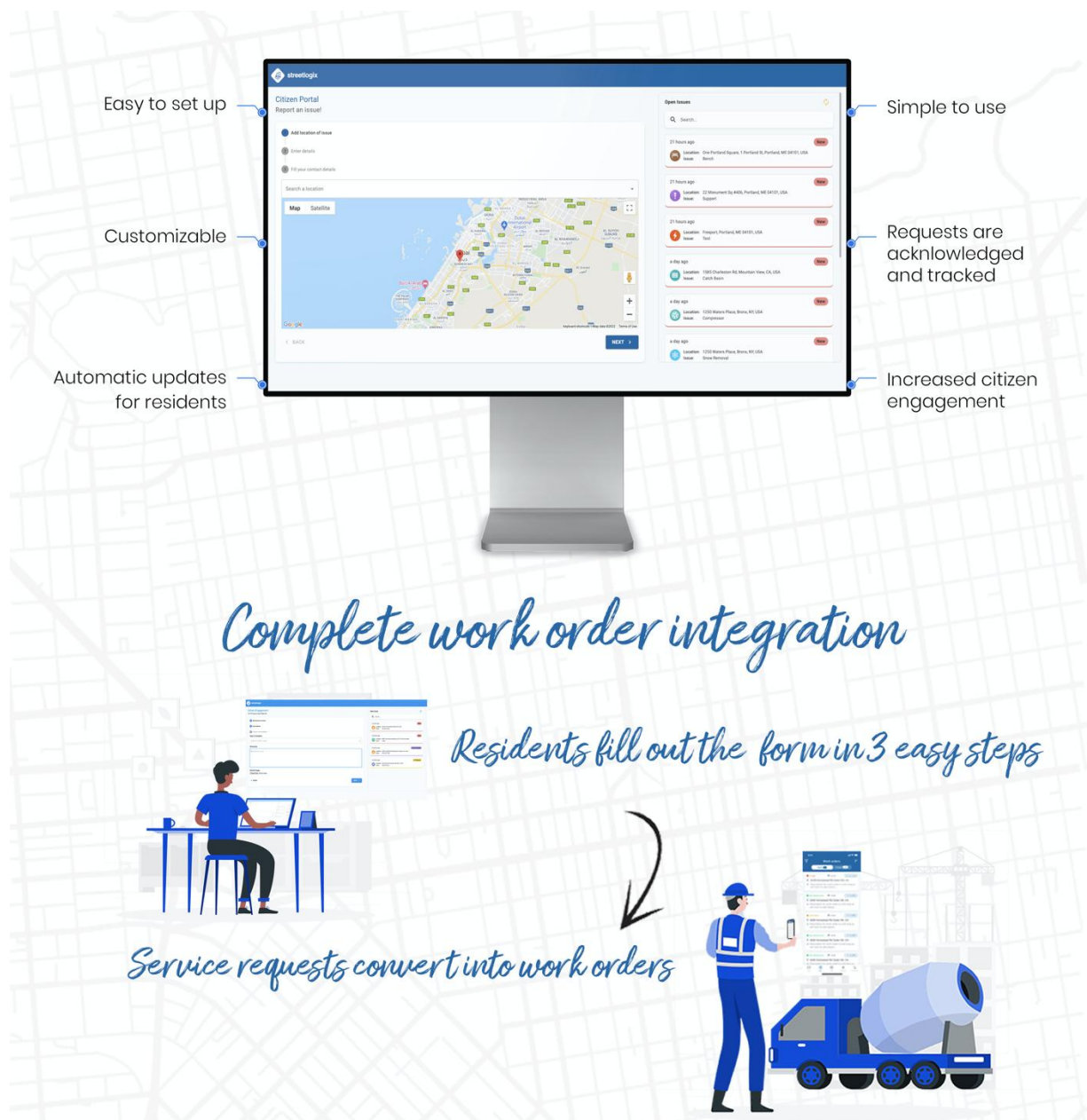


MOBILE APPLICATION



6. CITIZEN ENGAGEMENT APP

Streetlogix's **Citizen Engagement App** empowers your residents to submit service requests while enabling you to easily monitor the submissions. Our 311 application ensures your residents that each request is heard, acknowledged, and tracked. It is simple to use, easy to set up, and allows automatic updates for residents on efforts to keep their community functioning. Streetlogix Citizen Engagement app helps you build a collaborative, transparent and stronger community.



7. PRICING OVERVIEW

7.1 DATA COLLECTION (STREETSCAN)

PAVEMENT MANAGEMENT (Ellsworth Roads)				
	SERVICES INCLUDED	CENTERLINE MILES	\$/CL	TOTAL
StreetScan 	ScanCar Data Collection	70 mi	\$160	\$11,200
	Data Processing			
	Pavement Project Management		\$20	\$1,400
	GIS Coordination Fee - Fixed			\$1,500
Mobilization and Setup Cost				\$1,950
TOTAL				\$16,050

PAVEMENT MANAGEMENT (Maine DOT Roads)				
	SERVICES INCLUDED	CENTERLINE MILES	\$/CL	TOTAL
StreetScan 	ScanCar Data Collection	15 mi	\$160	\$2,400
	Data Processing			
	Pavement Project Management		\$20	\$300
	GIS Coordination Fee - Fixed			\$250
Mobilization and Setup Cost				\$500
TOTAL				\$3,450

SIDEWALK MANAGEMENT				
	SERVICES INCLUDED	SIDEWALKS MILES	\$/MI	TOTAL
	E-Scooter Data Collection	20 mi	\$250	\$5,000
	Data Processing (Videos & Results)			
	Sidewalk Project Management		\$20	\$400
	Sidewalk Width (Avg. Width – 2 Measurements)		\$40	\$800
Mobilization and Setup Cost				\$2,950
TOTAL				\$9,150

7.2 SOFTWARE (STREETLOGIX)

STREETLOGIX SOFTWARE MODULE PRICING						
 streetlogix	MODULES	POPULATION	ANNUAL LICENSE	ANNUAL DATA	IMPLEMENTATION FEE	TOTALS
Streetlogix Essentials Enterprise		8,711	\$5,100	\$1,020	\$8,000	\$14,120
360° IMAGERY VIEWER			\$1,250	\$700	\$1,500	\$3,450
UNLIMITED USERS						

Asset Types	10
Service Requests	✓
Work Orders/Inspections	✓
GIS Integration for Asset Mapping	✓
Reporting	✓
Streetlogix Mobile App	✓
Single Asset Decision Tree	✓
311/Citizen Engagement	✓

7.3 OPTIONAL SERVICES AND ASSETS

One of our unique advantages is the ability for our clients to extract, assess and obtain actionable data from other Municipal assets utilizing the same data collected for the Pavement Management Survey. Below is a list of additional assets we can process from the collected data. This is set up as an a-la-carte menu so you can pick and choose the assets to meet your asset management needs.

PRODUCT	ASSETS	UNIT	QTY (EST.)	PRICE (\$/UNIT)	PRICE
Assets Extracted from Imagery & Additional Field Measurements					
Roads GIS Database	Road Inventory	CL-M	70	\$30	\$2,100
Sidewalk GIS Database	Sidewalk Inventory	CL-M	70	\$50	\$3,500
Sidewalk Video	Sidewalk Inventory	SW-M	20	\$50	\$1,000

- All assets will be uploaded as individual GIS layers within Streetlogix
- All quantities are estimated. Final billing is based on actual quantities collected.

8. TOTALSTREETS

It's a struggle to keep up with maintenance & repairs when upfront costs are prohibitive and often leave you with short-term fixes rather than a long-term strategy. With **TotalStreets**, your community can now benefit from a cost-effective, end-to-end pavement management solution while spreading the cost in equal payments over three years.

How much does it cost?

SERVICE	YEAR 1	YEAR 2	YEAR 3	TOTAL
StreetScan 				
Pavement Management (Ellsworth Roads)	\$16,050			\$16,050
Pavement Management (Maine DOT Roads)	\$3,450			\$3,450
Roads GIS Database	\$2,100			\$2,100
Sidewalk Management	\$9,150			\$9,150
Sidewalk Video	\$1,000			\$1,000
Sidewalk GIS Database	\$3,500			\$3,500
 streetlogix	\$14,120	\$6,120	\$6,120	\$26,360
360 Imagery Viewer	\$3,450	\$1,950	\$1,950	\$7,350
Total Cost	\$52,820	\$8,070	\$8,070	\$68,960
<u>With Subscription:</u>				
TotalStreets Solution Annual Payments	\$22,987	\$22,987	\$22,986	\$68,960

*The above 3 year package includes; Pavement Management, Sidewalk Management, Sidewalk Video, Roads GIS Database service, Sidewalk GIS Database service, Streetlogix Essentials Enterprise software, and 360 Video. *Other StreetScan assets can be added upon request.*

APPENDIX A – SCOPE OF WORK AND DELIVERABLES

ROAD AND SIDEWALK ASSESSMENT SERVICE

StreetScan offers a technology-based Pavement Management approach for continuous health monitoring of your road network. Combining years of R&D at Northeastern University, StreetScan's vehicles and cloud-based software, Streetlogix, save you time and make your repair dollars go further. We have developed a four-step process to effectively Scan, Process and Manage your road data.

STEP 1: DATA COLLECTION

Roads

Vehicle Deployed: ScanCar



StreetScan collects LiDAR/imagery data and utilizes 360° imaging technology to measure road defects, such as cracking, bumps, and potholes. The 360° imaging camera provides a 10' of lateral road coverage and seamless road scanning in the direction of travel at speeds up to 65 mph., supplying imagery of the road surface and Right-of-Way assets. An Inertial Measurement Unit (IMU) enabled GNSS position system provides position location, even in the event of intermittent GPS satellite coverage.

Data collected is processed to assign an overall condition rating for each road (PCI). The rating ranges from 0-100, where 0 is the worst possible road and 100 is the best.

Sidewalks

Vehicle Deployed: E-Scooter



StreetScan has developed a scooter-based approach which captures all the necessary distresses. StreetScan utilizes high resolution 2D imaging technology to collect sidewalk video, and identify distresses such as cracks, surface distortions, general uplifts, and tree uplifts. A mobile phone and high-grade GPS device are used for controlling data collection.

Data collected is processed to assign an overall condition rating for each sidewalk. The rating ranges from 0-100, where 0 is the worst possible sidewalk and 100 is the best.

STEP 2: DATA EXTRACTION

Roads

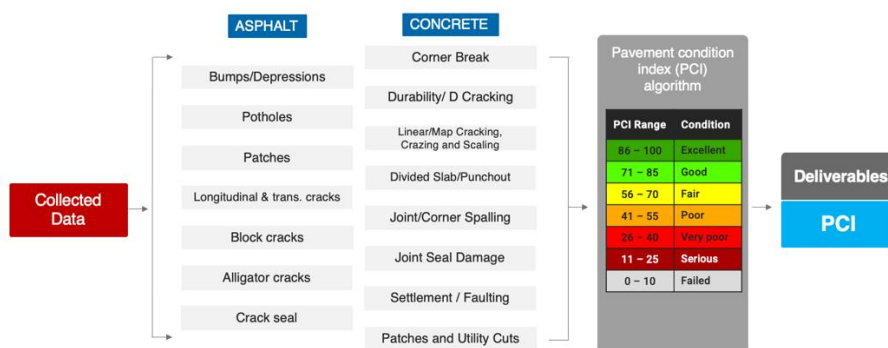
The collected data (TBs/day) is uploaded to the StreetScan server, where automated software processes the raw sensor data. Using advanced processing algorithms, the sensors' raw data is converted into meaningful parameters representing different aspects of pavement condition. Several of our key indicators are fused to determine the **StreetScan Pavement Condition Index (PCI)** for each road segment. StreetScan's GIS specialists segment the pavement evaluation data based of our clients historical street segmentation or from intersection to intersection in the absence of that data.

Sidewalks

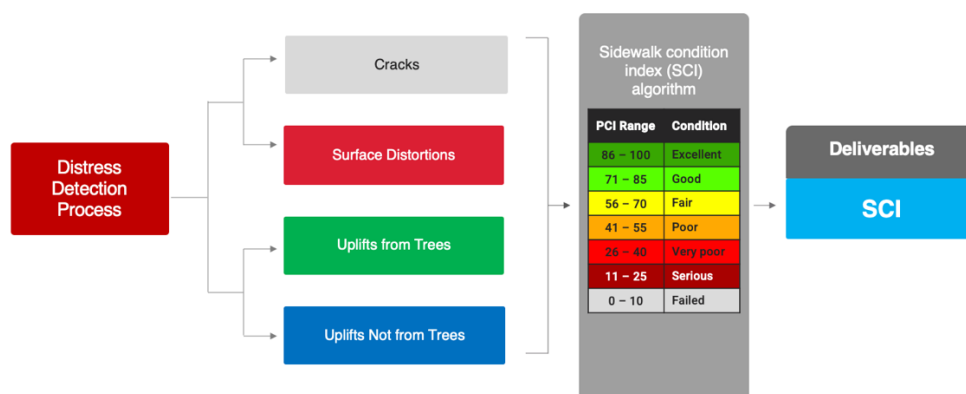
Data collected from the E-Scooter system is processed to identify the following for each sidewalk: material, quantity, location, and severity of distresses such as cracks, surface distortions, general uplifts, and tree uplifts. The distress information for each sidewalk is input to StreetScan's proprietary algorithm to calculate the sidewalk's condition rating.

StreetScan's basic approach uses a weighted failures scheme per linear distance for a given sidewalk segment. Individual failure or feature types are given various weightings depending on their contribution to perceived sidewalk condition. As an example, an uplift is considered to have more impact to the sidewalk quality than grass, so it is given a greater weighting in the rating formula.

Roads Algorithm



Sidewalk Algorithm



STEP 3: DATA VISUALIZATION AND ANALYTICS

Roads

Municipal staff will be given access to Streetlogix, our GIS web-based application, to view and analyze all collected survey data in addition to data from other sources to assist in decision making.

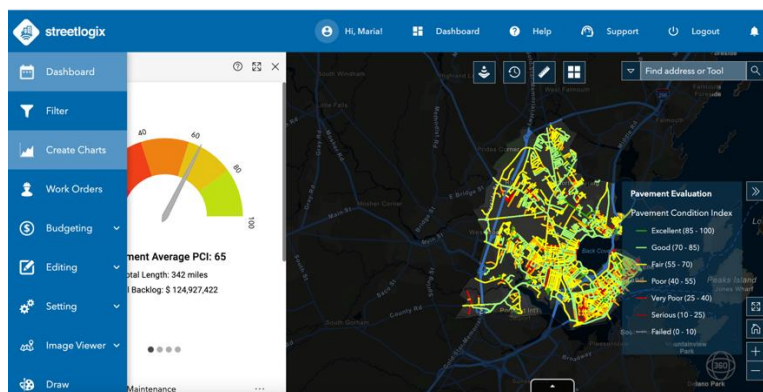
This provides staff an easy-to-use tool to quickly review PCI results, distress data and 360° images along with pavement history and other data that the municipality wants to be integrated. All data is hosted in the cloud, allowing users to login from anywhere on any computer to view the results. Streetlogix has many data import and export features making it compatible with any existing GIS solution concerning asset management. Streetlogix provides powerful data visualization and management tools including 360° viewer and extensive charts and dashboards (example below).

Sidewalks

Municipalities are given access to our GIS web-based application, Streetlogix, to view and analyze all collected survey data in addition to data from other sources to assist in decision making.

This provides clients an easy-to-use tool to quickly review sidewalk condition results, distresses, and sidewalk images. All data is hosted in the cloud allowing users to login from anywhere on any computer to view the results. Streetlogix has many data import and export features making it compatible with any existing GIS solution. Streetlogix provides powerful data visualization and management tools including 360 viewer and extensive charts and dashboards (example below).

Portal view: Overall stats and available layers



STEP 4: MAINTENANCE PLANNING

Roads

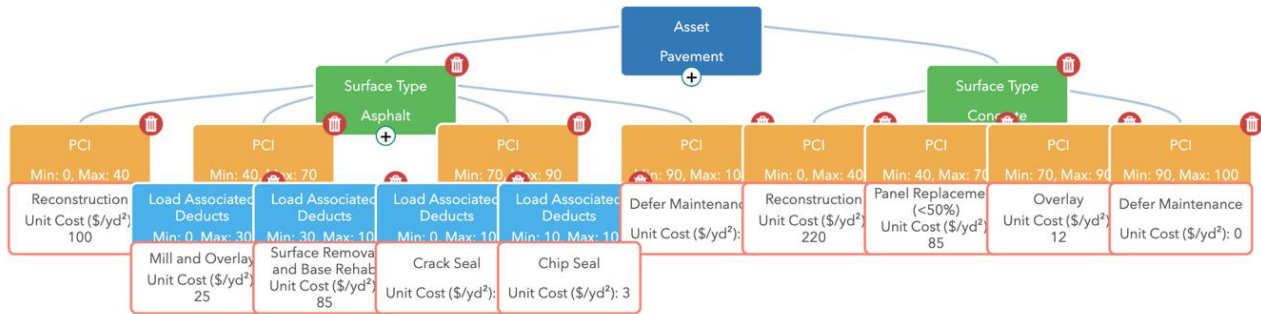
Once the inventory condition database and GIS web-app have been finalized, the work on implementing the pavement management side of the software begins. While pavement condition indicators are concerned with the current condition of the network, the management side of the process concerns itself with the analysis of condition, prediction of future condition, generation of maintenance options and pavement management scenarios. At this stage, the Client's preferred repair methods and associated costs are used to customize our Streetlogix asset management module. The results are compiled and reported to the client in our Streetlogix software and as a digital storymap.

Sidewalks

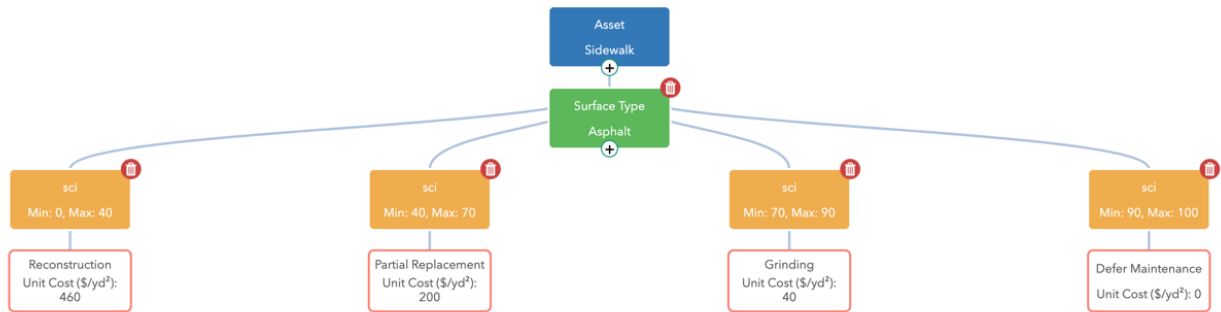
Once the inventory condition database and GIS web-app have been finalized, the work on implementing the sidewalk management side of the software begins. While sidewalk condition indicators are concerned with the current condition of the network, the management side of the process concerns itself with the analysis of conditions, prediction of future conditions, generation of maintenance options and sidewalk management scenarios. At this stage, the Client's preferred repair methods and associated costs are used to customize our sidewalk management modules. The results are compiled and reported to the client in our Streetlogix software & digital storymap.

Our decision-trees are highly configurable and we work with staff to tailor it to ensure our AI will provide the necessary maintenance and repair suggestions. All decision trees & underlying data will be editable by staff.

Roads:



Sidewalks:



APPENDIX B – OPTIONAL SERVICES AND ASSET COLLECTION

360° Imagery

Asset	Description
360° Imagery	• Georeferenced 360 panoramic images • Esri-Compatible • .jpg format

Traffic Signage

Attributes	Description
Sign Category	Regulatory, Warning, Guide, School, Recreation, Information, General
Sign Name	Federal or State MUTCD designation or custom designation for specialized signs
GPS Location	Global Positioning System (GPS) location (+/- 5 meters)
Sign Condition	Good, Fair, Critical rating assessed through review of daytime digital images

Pavement Markings

Attributes	Description
Category	Point Layer: Left Turn, Right Turn, Crosswalk, Lane Divider, etc. Line layer: Shoulder, Centerline, etc.
Location	Global Positioning System (GPS) location (+/- 5 meters)
Condition	• Assessment through review of daytime digital images • Based on remaining visibility of marking • Customer segmentation is used or default as intersection to intersection • Rating "Good" No noticeable wear on paint "Fair" Wear on paint with moderate line visibility "Critical" Substantial and impactful wear on paint with low level of marking visibility

Catch Basins

StreetScan provides catch basin locations, determined from existing data sources (satellite imagery, Google StreetView or ScanCar images) if available. All data is provided as a GIS layer.

Deliverable:

- GIS Layer of catch basins

Manholes

StreetScan provides location of circular manhole access points which are visible in the road imagery data. All data is provided as a GIS layer.

Deliverable:

- GIS layer of manhole locations

Trees

StreetScan provides tree locations which are situated in the right of way (between Curb of Street to Edge of Sidewalk), determined from existing data sources satellite imagery, Google StreetView or ScanCar images if available. All data is provided as a GIS Layer.

Deliverable:

- GIS layer of tree location

Roads GIS Database

StreetScan creates a Roads GIS Database by using a list of target roads or any State DOT database. Road segmentation will be intersection to intersection unless directed otherwise by the client. All data is provided as a GIS layer.

Deliverable:

- GIS layer of Roads segmented intersection to intersection

Sidewalk GIS Database

StreetScan provides sidewalk locations, determined from existing data sources (satellite imagery, Google StreetView or ScanCar images) if available. All data is provided as a GIS layer.

Deliverable:

- GIS layer of sidewalk locations

Curb GIS Database

StreetScan provides curb locations, determined from front or side facing imagery. Data is provided as a GIS layer.

Deliverable:

- GIS layer of the linear features where curbs are present

Sidewalk Width

StreetScan will take 2 measurements for every sidewalk (Start & End Point) and average the width for the entire segment.

ADA Ramp Compliance Survey

StreetScan's ADA ramp compliance criteria is based on both the 2010 Americans with Disabilities Act (ADA) standards

and on discussions between StreetScan and engineers from the municipality. StreetScan measures all ADA ramp slopes associated with compliance using the digital level M-D Building Products 93975 Smart Tool Adam Digital Slope Walker. In addition, StreetScan uses its E-Scooter system, equipped with a high-resolution video camera and a mobile phone with Global Positioning System (GPS). Dimension measurements, such as the width of the ADA ramp and landing area are measured using a handheld Lufkin Wheel measurement tool. All measurements are reviewed by quality control technicians and compliance is determined.

StreetScan determines ADA ramp compliance based on the measurements shown below:

Attributes	Compliance
Presence of Detectable Warning Surface	Yes/No
Surface Condition	(Good/Fair/Poor)
Ramp Obstruction	Yes/No
Slope – Running	< 4.8° (8.3%)
Slope – Cross	< 1.2° (2.08%)
Slope – Left Flare	< 5.7° (10%)
Slope – Right Flare	< 5.7° (10%)
Slope – Street Running	< 2.9° (5%)
Ramp Width	> 36" wide
Landing compliance	Landing must be present*

If any of the above criteria is not met, the ramp is considered ADA non-compliant.

**If a ramp landing is absent, it is typically not compliant. However, there is an exception to this rule. Specifically, if both ramps flares exist and their slopes are 10% or less, then it's acceptable for the landing to be absent and it's possible for the ramp to be COMPLIANT even though it's missing a landing.*

Deliverables:

- GIS Layer with ramp location & missing ramps
- Image of ramps/missing ramp:
- Compliance as per attributes above

Additional measurements beyond the scope of work for ADA compliance can be taken, if requested. Contact us for information and pricing.

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*Excerpt from Sewalls Capital Improvement Plan Proposal

LOCAL ROADS

The City of Ellsworth has approximately 68 miles of local roads (per the *Maine DOT Public Roads GIS* data available on the Maine Geolibrary Catalog).

GIS Tasks

- Develop a GIS of the City's local roads.
- Develop an Esri field collection application to capture data for the *MaineDOT's Visual Condition Survey for Flexible Pavements for Community Level Pavement Management* study. The Esri field collection application will include the ability to attach multiple images to each survey sample.
- Load the GIS of the City's local roads and the field collected data, including images, into the City's Esri software.

Civil Engineering Tasks

- Perform a pavement condition assessment study of the City's local roads using the *MaineDOT's Visual Condition Survey for Flexible Pavements for Community Level Pavement Management* approach. This assessment method is standardized and repeatable. The ratings will be undertaken in person and staff will walk each sample site, taking images and recording the raw data, such as cracking type, lengths, and widths. Sewall will evaluate 100' sections of both lanes and shoulders of the local roads every 1/4 mile.
- Produce a summary report detailing evaluations and recommendations for repairs based on the pavement condition assessment. The report will include:
 - A five-year pavement management plan that will take into consideration input from the City regarding prioritized future improvements.
 - Pavement condition ratings and recommended treatment options.
 - An opinion of probable construction cost (OPC) for planned improvements.

Future Phases

- Assessment, analysis, and OPC of storm drain, sidewalk, and/or curbing.

Cost

Low

High

Local Roads		
GIS Tasks	\$7,000	\$7,000
Civil Tasks	\$48,000	\$57,000
<i>Subtotal</i>	\$55,000	\$64,000

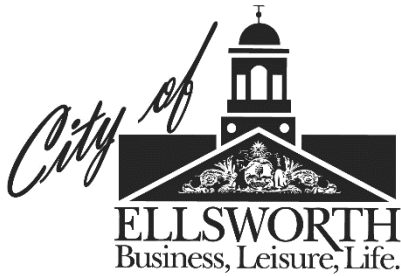
VIALYTICS

3-Year Agreement

- **Annual License:** \$14,350/year
- **One-Time Onboarding Fee:** \$3,250
- **Total Year 1 Cost:** \$17,600

What's Included:

- On-site onboarding and training
- Two smartphones with hardware kits
- Ability to conduct autonomous condition assessments
- Unlimited data collection — scan roads as often as you like
- Full access to asset management and planning tools
- Ongoing dedicated support from our team



City Manager

1 City Hall Plaza ♦ Ellsworth, ME 04605-1942

Phone (207) 667-2563

www.ellsworthmaine.gov

Memo

To: Ellsworth City Council

From: Charlie Pearce, City Manager

Date: March 13th, 2025

Subject: UPDATE on Brae Drive Water Infrastructure
and Private Road Status



Suggested Motion: *No action or motion being recommended at this time.*

New Background 2:

At the last City Council meeting, residents of Brae Drive brought forward new information suggesting that the ownership of the road may still fall under Ray Builders, a company that, according to public records, remains actively registered. In response to this claim, the City Council asked the City Manager to explore this avenue further to determine whether it might represent a path forward in resolving the long-standing issues related to the status and maintenance of Brae Drive. The City Manager subsequently consulted with the City's legal counsel, Attorney John Hamer, to evaluate the advisability of pursuing clarification or enforcement related to the alleged ownership and what, if any, role the City should play in that process.

Attorney Hamer reiterated that this is not a recommended area for City involvement. In his view, investigating or litigating property ownership on behalf of residents would constitute the use of public resources for a private purpose, which the City should avoid. He reaffirmed that residents of Brae Drive purchased property on a private road and that any recourse they wish to pursue—whether to clarify ownership, pursue legal claims, or establish shared maintenance agreements—must be initiated privately and at their own expense.

In addition to the ownership question, the City Manager asked Attorney Hamer to evaluate several policy options that have been raised over the course of Council discussions, including alternatives that some staff/councilors/citizens have suggested could reflect extraordinary past circumstances. Attorney Hamer advised against each of these options, noting in all cases that they would involve the City assuming financial or administrative responsibility for a private matter, setting an unfavorable precedent that could extend beyond this particular case. His legal guidance is summarized below, followed by the full memo and its recent updates, as well as a

link to the *Ellsworth American* article providing additional background on the road's development and the claims of Ray Builders' continued involvement.

Summary of Legal Guidance on Policy Options:

- **Recommended Option 1: Take No Action** – Consistent with the Maine Public Utilities Commission's determination, this option holds that Brae Drive remains a private road and its maintenance is the responsibility of the residents. The City would only intervene in the event of a public infrastructure emergency, such as a critical water system failure, and would bill the affected property owners for the repair accordingly. This is the City Attorney's recommended course of action.
- **Option 2: Accept Brae Drive as a Public Road Without Assessment** – This would involve the City accepting the road despite its non-conformance with current engineering standards and without requiring the typical resident-funded upgrades. The attorney advises strongly against this approach, warning that it would require the use of public funds for a private benefit and could create a problematic precedent citywide.
- **Option 3: One-Time City-Funded Repair Without Future Obligation** – This option would see the City fund a single repair to the road without assuming long-term maintenance responsibility. The City Attorney considers this legally inappropriate for similar reasons—it would amount to public funding of a private improvement and would open the door to similar requests in the future.
- **Option 4: City-Facilitated Creation of a Homeowners Association (HOA) for potential request to have the city take the road, bring to city standards, bond for the project, and assess homeowners over a set period of time** – This would have the City take an active role in organizing residents into an HOA to manage road maintenance. The attorney advises that while residents are free to do this themselves, the City's involvement would again expend staff time and public resources on a private legal and property matter, which is inadvisable.
- **Option 5: City-Initiated Investigation or Challenge of Road Ownership** – To pursue this, the City Attorney would need to conduct or fund a title search, review decades of property conveyances, and possibly initiate or participate in a quiet title action to determine legal ownership—actions that involve time, cost, and risk. As Attorney Hamer notes, even a legal opinion on ownership is not definitive without a court ruling. Since the City is not a party to the underlying property interests and stands to gain no public benefit, he has advised strongly that this is not an appropriate use of municipal legal resources and should instead be pursued, if at all, by the residents themselves through private counsel.

Residents and councilors interested in further background may wish to review the past memo and past updates below and the *Ellsworth American* article detailing historical information about the development of Brae Drive and the potential involvement of Ray Builders:

[Ellsworth American Article on Brae Drive Ownership](#)

New Background from Previous Meeting:

During the previous city council meeting on this topic, it was recommended that the discussion be tabled, and the city manager was directed to conduct additional research into city records regarding Brae Drive and Holt Drive (formerly H and S. Drive) to determine the basis for their recommended acceptance. Now that this research has been completed, the agenda item is being brought back for further council review.

Our dedicated staff has conducted a thorough examination of both digital and paper records from the city archives. Below is a summary of the findings, along with the full documentation attached for reference. Additionally, we have included background information from the previous memo to provide context for those who were unable to attend or review the materials from the February meeting.

City of Ellsworth's Brae Avenue Neighborhood Research and Background in Official Records

Record of Meetings: City Council, Ellsworth Maine: December 17, 1962

A petition for the city to accept a street 300' west of Pond Street and 400' from Forest Avenue was presented and it was resolved that only 400' of H & S Drive be accepted.

Record of Meetings: City Council, Ellsworth Maine: February 19, 1969

The City Attorney reported on the status of H & S Drive stating that he was able to acquire all necessary easements to make it a 40' right-of-way from the point it was previously accepted to the intersection of Western Avenue. It was resolved that the city accepts as a public street 40ft in width a 600ft portion of H & S Drive.

Record of Meetings: Planning Board, Ellsworth Maine: August 9, 1976

Robert Ray requested a discussion regarding a new street off Forest Avenue. The Board informed him that in order to consider the request, and make a recommendation to the City Council, that Mr. Ray would have to widen the street to provide for an 18' pavement and a 33' right-of-way.

Record of Meetings: Planning Board, Ellsworth Maine: October 12, 1976

Robert Ray requested the Planning Board to consider a new street off Forest Avenue. The lots served by this new street were approved as a subdivision in the 1960s. There is currently a 33' right-of-way for the road and Mr. Ray intends to have a 24' travel width. A resident of Forest Avenue spoke against the street with only a 33' right-of-way because property owners on H & S Drive had to give up property to make the road wide enough for school buses, etc., and he didn't want to see the same issue again. It was also mentioned that allowances have to be made for utility

poles and ditches. It was unanimously voted to table until Mr. Ray could show that he could build an adequate street inside 33'.

Record of Meetings: Planning Board, Ellsworth Maine: December 13, 1976

Robert Ray requested the Planning Board review a new street off Forest Avenue. Members of the audience spoke in opposition of the city approving the road because an adequate street could not be built inside a 33' right-of-way. Under City Ordinances, streets are required to have a 50' rights-of-way before approval, and even though Mr. Ray's street is grandfathered under the old subdivision ordinance, the Planning Board voted against recommending to the Council on this street because the 33' wide right-of-way, with 4' ditches, would not be ample for run-off.

Record of Meetings: City Council, Ellsworth Maine: January 28, 1991

Residents of Brae Drive came before the council to discuss possible acceptance of Brae Drive as a city street. Residents stated that the street met all standards with the exception of the 50' right of way. No action was taken.

Record of Meetings: City Council, Ellsworth Maine: April 15, 1996

A list of street names was presented by the Street Renaming/Re-numbering Committee for E-911 services. It was resolved to accept the recommendations of the Street Renaming/Re-numbering Committee; therefore H & S Drive was renamed Holt Drive.

Record of Meetings: City Council, Ellsworth Maine: December 16, 1996

Steven Joy went before the Council requesting clarification of the sewer line on Brae Drive. There was a lengthy discussion regarding private sewer lines versus public sewer lines. Mr. Joy believed that because his building permit said public utilities, the lines were public. Mr. Joy was in a dispute with Robert Ray who claimed to be the owner of the sewer line. It was resolved that the sewer line on Brae Drive was owned by Robert Ray.

Original Memo Background

In the fall of last year, I was contacted by a Brae Drive resident regarding a water leak on the road that required repair. Upon review and consultation with Public Works, Water/Wastewater Department staff, the City Planner, and prior City Managers and Councilors, it was determined that Brae Drive is a private road and as such, the City is legally prohibited from using taxpayer funds to repair the infrastructure, including water lines within the private roadways, unless specific circumstances apply.

Considerations:

Residents of Brae Drive presented several arguments for City intervention, including:

- Previous repairs performed by past Public Works Directors that could set a precedent.
- The potential for the leak to worsen, causing further damage or creating a public health risk.
- The fact that residents pay water and sewer bills, which they believed should cover infrastructure repairs.
- The uniqueness of the situation being a subdivision in center of town next to other roads that were accepted as city roads.

Upon legal and financial review, it was determined that the City cannot use taxpayer funds to repair private road infrastructure in a similar way to how we cannot repair internal water or sewer lines within private homes.

Resident Engagement & City Review

We conducted two meetings with Brae Drive residents. The first meeting allowed the city manager to hear their concerns, and the second included participation from the Public Works Director, Wastewater Superintendent, City Planner, and other staff.

Additionally, the Finance Committee was informed of the situation and concluded that repair costs should not be borne by the City at this time. The Maine Public Utilities Commission (PUC) was consulted regarding the emergency nature of the issue, and they confirmed that the City is not responsible for these repairs under existing regulations. A letter from the PUC, included as an attachment, further supports this conclusion.

At the Finance Committee meeting, we also discussed implementing a note on water bills clarifying that payment is for water delivery and sewage disposal from public lines only and that repairs to private subdivision lines are the responsibility of homeowners or homeowner associations. Notably, Brae Drive does not have a formal homeowner association.

Final Determination & Next Steps

The City cannot assume responsibility for the repair of this private infrastructure. If the water leak worsens and is determined by the Water Superintendent or Public Works Director to be an emergency, the City may intervene to prevent public harm but will bill all Brae Drive residents for the cost of the work.

Alternatively, residents may opt to bring the road to City standards. If they choose this option, the City could bond for the project, and a special assessment would be levied on Brae Drive residents to cover the cost over a designated period. Some though not all of the residents of Brae Drive have expressed opposition to this idea.

Or this council could rule that this is a special circumstance and instruct the city manager to pursue cost estimates and funding sources for the repair of the lines at total city expense.

Historical Precedent & Expert Opinions

As part of my research into this subject I consulted a prior Ellsworth City Manager who noted that they reached the same conclusion when the issue was presented to them in the 1990's:

- That Brae Drive was never accepted as a public way due to improper construction and the lack of an appropriate right-of-way. Thus, the road and underground utilities remain the responsibility of the developer and property owners who bought homes there.
- He further noted that the most appropriate resolution would be a Special Assessment District for Brae Drive residents, spread over 15-20 years, using a front-foot measurement for cost distribution. The right-of-way issue would need to be resolved through voluntary property transfers or eminent domain.

Legal & Municipal Policy Considerations

- Public Roads vs. Private Ways: A municipality has no legal right to spend public funds to repair, maintain, or plow private roads (Opinion of the Justices, 560 A.2d 552 (Me. 1989)).
- Subdivision Regulations: Private roads remain private unless explicitly accepted by the municipality, including all associated underground utilities.
- Street Acceptance Process: The City's ordinance (Section 917) outlines strict criteria for private roads to be converted into public ways, requiring compliance with construction standards, petitions from residents, and financial security measures.

Public Outreach & Next Meeting

A formal notice has been mailed to Brae Drive residents informing them that this matter will be discussed at the upcoming City Council meeting:

- Date: February 18, 2025
- Time: 6:00 PM
- Location: City Hall - Council Chambers

Residents were encouraged to attend and provide input on potential issues/solutions that I may have not outlined well enough here.

Conclusion

While I sympathize with the difficulties faced by Brae Drive residents, we must adhere to legal and fiscal responsibilities in my decision-making for the city. I believe the staff has explored all possible solutions that would allow for City intervention without explicit Council authorization or funding. Ultimately, this issue reflects a broader challenge facing private road residents across Ellsworth.

I look forward to discussing this matter further at the Council meeting.

Attachments:

- Letter from Maine PUC
- Matt's Presentation and Summary of Street Acceptance Policies
- Resident notification letter:
- News article on Brae Drive water leak: https://www.ellsworthamerican.com/news/brae-drive-residents-may-be-on-the-hook-for-water-leak-repairs/article_a865157a-b72d-11ef-a2ca-a346069cf1f0.html

Residents of Brae Drive got a sympathetic hearing but little else upon asking the council to accept their private way as a city street. The road's right-of-way is only 33 feet wide; city standards call for 50 feet. "We're just asking the city to consider waiving the width requirement for winter maintenance purposes," said Ralph Sargent.

Code Enforcement Officer John Dunn recommended against the request, Mayor Spreng said, because "it would set a precedent and make it difficult to enforce current street standards."

Brae Drive developer Robert Ray was informed by the city in 1986 that the street "could never be accepted by the city," Spreng said. He reminded Sargent and several other residents of the street that the city council has already refused to accept the road twice. "It's not a new issue," he said.

"You may have a remedy against Mr. Ray but it's not the city's place to step in," Foote told the residents.

6-35

STATE STREET

CHAS. PRATT

JOHN MOULTON

JOHN MOULTON

POND STREET

FOREST AVENUE

ELLSWORTH, MAINE.

SUBDIVISION OF LAND OWNED BY

EARLE D. & CHARLES A. HOLT

BEING A PART OF LAND DESCRIBED IN BOOK 726 PAGE 252

BY S/O J. H. H. H. H. 1949

SCALE 1" = 60'

STATE OF MAINE
HANCOCK, ss. REGISTRY OF DEEDS

MASS. REGISTRY OF DEEDS
Nov. 20, 1950

Received Jan. 20, 1950

at 2:45 PM M. and Tracy
back to page 35

ATTENT
6 pages 35
B. De...

APPROVED: Marie B. Fadden Director

Register

128

RECORD OF MEETINGS
CITY COUNCIL
ELLSWORTH, MAINE

Regular Meeting

DATE OF MEETING: Dec. 17, 1962

SHEET NO. 11

TIME: 7:45 p.m.

PLACE: City Hall

COUNCILORS PRESENT:

A Petition for the City to accept a street 300' west of Pond Street and 400' from Forest Avenue was presented and

On motion duly made by Adams and seconded by McNally, it was

RESOLVED, That 400' only of H & S Drive be accepted. On the foregoing Davis did not vote.

City to accept 400' of
H & S Drive

Public Notice having been given and Public Hearing held in accordance with Sec. 24 of Chap. 61, R. S. 1954,

On motion duly made and seconded, it was unanimously

Liquor license
applications approved

RESOLVED, That approval of liquor license applications in accordance with the provisions of Sec. 33, Chap. 61, R. S., 1954, as amended, and approval of Amusement Permit in accordance with the provisions of Chap. 61, Sec. 40, is given the following:

Restaurant Malt Liquor: Brookside Restaurant;
Panos Grill;

Class "A" Restaurant Spirituous & Vinous Liquor License: Brookside Restaurant;

Hotel Spirituous & Vinous Liquor License, Hotel Malt Liquor License and Special Amusement Permit for Dancing & Entertainment: Jasper's Restaurant & Motel.

Members of the American Legion appeared before the Council relative to the Legion's lease of City-owned building. After discussion it was agreed that Attorney Povich draft a copy of the lease for the Council's approval.

Copy of lease to be
presented Council for
approval relative to
American Legion

RECORD OF MEETINGS
CITY COUNCIL
ELLSWORTH, MAINE

Regular Meeting

DATE OF MEETING: February 19, 1969 SHEET NO. X

TIME: 7:45 p.m.

PLACE: Council Chambers, City Hall.

~~COUNCILLORS PRESENT:-~~

salary & wage order-continued

(Highway) (48 HOUR WEEK)

Temporary labor	1.50 per hour
Dump attendant	18.00 per week

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Librarian	2236
Children's librarian	1612
Ass't librarian	1508
Part-time girl	1.50 per hour
Janitor	1508

On motion duly made by Toothaker and seconded by Moore, Martha Davis was unanimously appointed Ward Clerk Pro Tem in ward one to fill the vacancy created by the absence from the city of the ward clerk on election day, March 3, 1969.

Martha Davis appointed
Ward Clerk Pro Tem
in Ward One on March
3, 1969

On motion duly made by Moore and seconded by Maddocks, the Manager's appointment of Edward J. Murphy as custodian of the public library to fill the vacancy created by the death of Jotham Buzzell was unanimously confirmed by the Council.

Edward J. Murphy
custodian of Library

On motion duly made by Maddocks and seconded by Moore, it was unanimously

RESOLVED, To offer tax acquired property on North Street, Ellsworth Falls, for sale by bid. Bids to be received until 4:30 p.m. March 18. (Assessors' Map 46, Lot 34.)

To offer tax acquired
property for sale by
bid. (Hyler Lot)

The City Attorney reported on the status of H & S Drive saying that he has acquired all necessary easements to make it a 40' right-of-way from the point it was previously accepted to the intersection of Western Avenue. As far as Western Avenue is concerned there are 4 land owners. He has received easements from 2. One says he will be willing to sign if the City will pay him \$1,000.

City Attorney reports
on H & S Drive &
Western Ave status

RECORD OF MEETINGS
CITY COUNCIL
ELLSWORTH, MAINE

Regular Meeting

DATE OF MEETING: February 19, 1969 SHEET NO. X1

TIME: 7:45 p.m.

PLACE: Council Chambers, City Hall.

~~COUNCILLORS PRESENT:~~

On motion duly made by Maddocks and seconded by Moore, it was unanimously

RESOLVED, That the City accept as a public street 40 feet in width a portion of H & S Drive. The center line of said street is described as follows:

Beginning at a point in the center of H & S Drive which measures 400 feet northerly of Forest Avenue; thence in a general northeasterly direction and always following the center line of H & S Drive as shown on Plan of land of Earle D. and Charles A. Holt dated 1949 and recorded in Hancock Registry of Deeds in Plan Book 6, Page 35, a distance of 600 feet to Western Avenue as shown on said Plan.

600 feet of H & S
Drive accepted

On motion duly made by Maddocks and seconded by Moore, it was unanimously

RESOLVED, That the City accept as a public street, 40 feet in width, a portion of Western Avenue. The center line of said street is described as follows:

Beginning at a point in the center of Western Avenue which lies directly opposite the division line of between Lot 29 and Lot 30 as shown on Plan of land of Earle D. and Charles A. Holt dated 1949 and recorded in Hancock Registry of Deeds Plan Book 6, Page 35; thence in a general northwesterly direction and always following the center line of said street a distance of 151 feet.

151 feet of Western
Avenue accepted

On motion duly made by Sargent and seconded by Toothaker, it was unanimously

RESOLVED, That acceptance of the remaining portion of Western Avenue be postponed indefinitely.

Remaining portion of
Western Ave not
accepted

Relative to amending the original vote of acceptance of Hancock Street extension the City Attorney contacted Ronald Alley, Surveyor, who will supply him with a plan showing the center line as it now exists. Mr. Alley will not be back in

MINUTES
ELLSWORTH PLANNING BOARD MEETING
AUGUST 9, 1976

The meeting was called to order at approximately 7:40 p.m. Members present were Chairman Richard Kane, Sheldon Beal, Anthony Giunta, Philip Hurley, and Richard Salisbury.

Before commencing with Item #1, Chairman Kane read and accepted, with thanks and regret, a letter of resignation from alternate member Steven Vittum.

Item #1: Approval of minutes of regular meeting of July 12, 1976 and special meeting of July 26, 1976.

On a motion duly made and seconded, it was unanimously voted to approve both the July 12, 1976 and July 26, 1976 regular and special meeting minutes.

Item #2: Request of George Vittum for final approval of a subdivision on the Vittum and Boggy Brook Roads.

Board member Richard Salisbury presented the plan for Mr. Vittum, and disqualified himself from voting on this item. Two minor changes had been made since preliminary approval: lot #4 was made larger, and lot #2 was made with less frontage. Surface water will be handled by open ditches. The Vittum Road has been mostly rebuilt by the City, and the Boggy Brook Road will be rebuilt in the near future. The subdivision is in the I-1 zone.

On a motion made by Mr. Hurley and seconded by Mr. Giunta, there was a vote of 4 members to grant final approval.

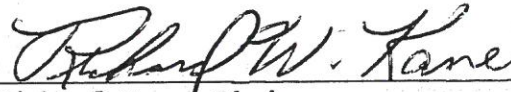
Item #3: Request of Robert Ray to construct an apartment building off Dean Street, in an R-1 zone.

Mr. Ray stated that since he had discovered, prior to the meeting, that his development does constitute a subdivision, he would like to present it as such at a special meeting. The members voted on August 25th as a date for this meeting.

Item #4: Request of Robert Ray for Planning Board discussion of a new street off Forest Avenue.

Mr. Ray owns 10 lots in the area of the proposed street. In order for the Board to consider this request, and to make a recommendation to the City Council, Mr. Ray would have to widen the street to provide for an 18' pavement and a 33' right-of-way.

There being no further business, it was unanimously voted to adjourn.

A handwritten signature in cursive script, reading "Richard W. Kane", written over a horizontal line.

Richard Kane, Chairman
Ellsworth Planning Board

MINUTES
ELLSWORTH PLANNING BOARD
OCTOBER 12, 1976

The meeting was called to order by Vice-Chairman Anthony Giunta, in the absence of the Chairman. Other members present were Richard Salsbury, Sheldon Beal and alternate Ralph Sargent, who was designated as a voting member in the absence of regular members.

Item #1: Approval of minutes of August 25, 1976 special meeting, and September 13, 1976 regular meeting.

On motions duly made and seconded, minutes of both meetings were accepted as written.

Item #2: Request of Robert Ray for final approval of a subdivision on Dean Street.

Mr. Ray presented a plan showing land perimeters only (without buildings) on the advice of his lawyer, Frank Walker. The Board agreed that for subdivision approval, Mr. Ray would have to draw in plans for the apartment buildings.

A neighbor spoke from the audience, stating that Mr. Ray had started construction on the project. Mr. Ray explained that he was only digging clay out of a bank there to use in his Spring Hill subdivision.

A motion was made by Mr. Beal and seconded by Mr. Sargent to table this item until Mr. Ray draws up a plan with the building locations. There was a unanimous vote.

Item #3: Request of Jack Marshall for approval of a 50- unit mobilehome park on the Bucksport Road - cancelled.

Item #4: Request of Eugene Toothaker for preliminary approval of a subdivision off Union Street, in the R-1/R-2 zone.

Atty. James Silsby, representing Mr. Toothaker, presented the plan of 14, 15,000 square foot lots. Two streets, off Maddocks Avenue and Union Street, will serve the subdivision, and will be served by City sewer and water.

Mr. Salsbury was disqualified from voting on this item because he had surveyed the subdivision, but mentioned that run-off would be taken care of by shifting drainage of all lots to the east, with only lot #7 flowing westerly, where the drainage problem exists.

On a motion made by Mr. Giunta and seconded by Mr. Sargent, it was voted to have John Lord define the boundary line between the R-1 and R-2 zones within 10 days; and on a motion by Mr. Giunta and seconded by Mr. Beal, there was a unanimous vote to table this item.

Item #5: Request of Robert Ray for Planning Board consideration of a new street off Forest Avenue.

The lots that would be served by this new street were approved as a subdivision in the 1960's. Mr. Ray has a 33' right-of-way for the road and intends to have a 24' travel width. Mr. Harland Urquhart, a resident of Forest Avenue, spoke from the audience against building a street on only a 33' right-of-way. He mentioned that property owners on H & S Drive had had to give up property to make that road wide enough for school buses, snow plows, etc., and that he did not want to see that problem here. Also mentioned was that allowances have to be made for utility poles and ditches.

On a motion by Mr. Sargent and seconded by Mr. Giunta, it was unanimously voted to table this item until Mr. Ray can show that he can build an adequate street inside 33'.

Item #6: Request of Casper Sargent for an amendment to the Zoning Ordinance, to allow multi-family dwellings in the C-1 zone.

Mr. Sargent's request stems from the request of a client to install professional offices on the first floor of the former Whitecaps building, and apartments, including one for the owner, on the second floor. The ordinance definition of "incidental uses" was discussed, and it was thought that under that, the commercial zone might allow for residential rentals in addition to the primary use of the building.

The City Manager stated that an opinion should be obtained from the City Attorney on this; and a motion was made by Mr. Sargent that a public hearing, set for November 8, be held to consider this request. The motion was seconded and voted on.

Item #7: Request of Ben Fregeau to establish a residence and repair shop for electrical motors on the Lamoine Road in an R-2 zone - cancelled.

There being no further business, the meeting was adjourned.



Richard Kane, Chairman

MINUTES
ELLSWORTH PLANNING BOARD MEETING
DECEMBER 13, 1976

The meeting was called to order at 7:50 p.m. Members present were Chairman Richard Kane, Anthony Giunta, Richard Salsbury, and alternate Dale Jordan. Also in attendance was City Attorney Bernard Staples. Dale Jordan was designated as a voting member in the absence of regular members.

Item #1: Approval of Planning Board Minutes of October 12 and November 8, 1976 Meetings.

On a motion made by Mr. Salsbury and seconded by Mr. Giunta, it was unanimously voted to approve the minutes of both meetings as written.

Item #2: Public Hearing. Amendment to Article X, Section 4 of the Zoning Ordinance, to permit multi-family dwellings in the C-1 (Commercial) zone.

At the November meeting, the Board voted to recommend to the City Council that multi-family dwellings be allowed in existing buildings in the C-1 and C-2 zones, provided they adhere to Section 13 a-i of the Zoning Ordinance, excluding (b) - minimum lot size. It was also stated that this would allow for individual consideration before both the Planning Board and the Board of Appeals for yard requirements. Atty. Staples was present at the meeting to suggest that the Board should consider whether or not a building used for multi-family dwellings could be re-built in case of fire or destruction. The November 8 vote did not provide for this. Members of the audience and Planning Board members mentioned that the basic objective behind the Board's vote was to preserve the architecture of old houses, and to utilize the old existing buildings. Mr. Salsbury questioned if they could limit re-building (in case of destruction) to large lot sizes, in order to prevent large apartment buildings going up in the C-1 and C-2 zones. This item was tabled for further study.

Item #3: Public Hearing. Amendment to the official zoning map to extend the C-2 (Commercial) zone boundary along Route 3 to the Ellsworth/Trenton border; and to extend the C-2 zone along Route 1 to the Ellsworth/Lamoine border.

It was decided that no action should be taken on this item until a meeting is set up with the towns of Lamoine and Trenton.

Item #4: Request of Robert Ray for Planning Board review of a new street off Forest Avenue.

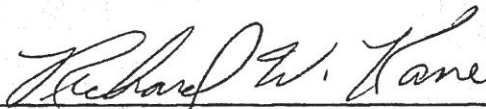
It was mentioned here that Mr. Giunta would disqualify himself from voting on Items 4 and 5 because he has a client who could possibly make his vote a conflict of interest.

Members of the audience spoke in opposition to the City approving this road because an adequate street could not be built inside a 33' right-of-way. Under City Ordinances, in new subdivisions, streets are required to have 50' right-of-ways before approval, and even though Robert Ray's street is grandfathered under the old subdivision ordinance, the Planning Board voted to make an unfavorable recommendation to the Council on this street because the 33' wide right-of-way, with 4' ditches, would not be ample for run-off.

Item #5: Request of Robert Ray to locate a structure for the storage and sale of building materials on the Christian Ridge Road, in an R-2 zone.

This would be permitted under special exception approval, after a building permit has been applied for and refused, and after review and recommendation to the Board of Appeals by the Planning Board. Mr. Salsbury made a motion to recommend to the Board of Appeals that special exception permission be granted upon proof that Mr. Ray can comply with the 300' distance requirement between structures, and the other requirements set forth. Mr. Jordan seconded the motion, and there was a vote of 3 in favor.

The meeting was adjourned at 10:05 p.m.



Richard Kane, Chairman

RECORD OF MEETINGS
CITY COUNCIL
ELLSWORTH, MAINE

DATE OF MEETING: January 28, 1991 SHEET NO. III

TIME:

PLACE:

COUNCILLORS PRESENT:

On motion by McCormick, seconded by Williams, it was unanimously

Liquor license -
Eastward Lunch

RESOLVED, to approve the request of Adelbert Gaspar, d/b/a Eastward Lunch, for a full time malt and vinous liquor license.

On motion by Beathem, seconded by Patten, it was unanimously

Junkyard Permit - R.
Kane & Sons

RESOLVED, to approve the request of R. Kane & Sons for renewal of a junkyard permit.

On motion by Patten, seconded by Beathem, it was unanimously

Junkyard Permit -
Obsolete Automotive

RESOLVED to approve the request of Edward Weirick, d/b/a Obsolete Automotive, for renewal of a junkyard permit.

Residents of Brae Drive, so called, appeared before the Council to discuss possible acceptance of Brae Drive as a city street.

Discussion on Brae Dr.

Brae Drive is part of an old subdivision that was recorded back in 1976. At that time it was laid out with a 33' right-of-way and the developer was told by the Planning Board that it did not meet the standards of the Subdivision Ordinance which called for a 50' right-of-way. It remains a private way even though many homes have been built there. The Street Design and Acceptance Ordinance provides that a street cannot be accepted that doesn't meet the standards set forth in the Ordinance.

Several members in the audience spoke on the issue, declaring that the street meets all the standards with the exception of the 50' right-of-way. It was also indicated that it was in better condition than many other streets in the city.

No action was taken on this item.

**RECORD OF MEETINGS
ELLSWORTH CITY COUNCIL**

Date of Meeting: April 15, 1996

Sheet No. 3

Peter Roy came before the council on behalf of his client, Edward Thomas, for a change of zoning classification of 8 Union Street (Map 137 Lot 3) from R-1 to R-1A. Mr. Thomas is a psychologist and wants to put professional offices in that building. Mr. Roy informed the Council that he had gone before the Planning Board and came away with a partial blessing, a three to two vote not to recommend approval. He indicated that this is the only R-1 lot on the street, the others being in either R-1A or R-1H.

Zone change - 8 Union
Street R-1 to R-1A

Kenneth Blaisdell, owner of the property, presented the Council with petitions signed by neighbors in the immediate vicinity of the house endorsing the request.

Several people in the audience expressed concern over the zone change and would like it to stay residential.

On motion by Beathem, seconded by Kane it was

RESOLVED, to grant the request of Peter Roy, on behalf of Edward Thomas, for a zone change classification of 8 Union Street (Map 137 Lot 3) from R-1 to R-1A. Five in favor; Patten opposed.

A list of street names were presented by the Street re-naming/Re-numbering Committee for consideration. Public hearings have been held by the Committee.

List of street
names approved

Councilor Phillips was concerned that the list indicated Phillips Way is a private road. He wanted the record to show that a portion of that road had been determined to be a public way.

Residents of Sargent Street requested that the name of their street not be changed and suggested that their street should have priority over Sargent Drive because that is a private road with mostly summer residents.

Carol Oliver, Chairperson of the Committee, explained that the guidelines did not allow for duplicate names such as the two Sargents and that the oldest names and the number of people living on a particular street should be considered. Sargent Drive was established about ten years prior to Sargent

**RECORD OF MEETINGS
ELLSWORTH CITY COUNCIL**

Date of Meeting: April 15, 1996

Sheet No. 4

Street and has about five times as many people on it. That is why they were given priority.

On motion by Fortier, seconded by Beathem, it was

RESOLVED, to accept the recommendations of the Street Re-naming/Re-numbering Committee as set forth in the report. (copy attached) Effective date to be set at a later time. Five in favor; Kane opposed.

Kristina Matthews appear before the Council to discuss a flooding problem on her property at 133 State Street. Her back yard is a low spot right next to the Moore School and the snow melt combined with heavy rains floods her back yard with up to two feet of water. She asked the Council if they could provide some relief such as putting in drains to take the water away from her property.

It was generally agreed to have the City Manager look into it and if he feels it necessary to have Woodward & Curran, engineers for the City, to look at it.

On motion by Beathem, seconded by Patten, it was unanimously

RESOLVED, to reimburse Sharon Lawless (Life Sports) \$386.61 for overages in real estate taxes paid for the years 1994 and 1995 due to a mapping error.

Councilor Kane's request, to discuss Senator Goldthwaite's position on the type of government she serves under, was brought before the Council.

Chairman Clarke suggested that this might not be the proper forum for this discussion. He indicated that he has talked with the Senator over the phone and she is willing to meet with Mr. Kane to discuss this.

Councilor Kane felt this was Council business because he feels that if somebody is down in Augusta working for the improper form of government, that it has a direct effect on the people and should be addressed by the Council. He indicated that he was not trying to display any form of disrespect for the Senator.

Flooding problem at
133 State Street

Reimbursement for rea
estate taxes to
Sharon Lawless

Request to discuss
Senator Goldthwaite
withdrawn

ELLSWORTH STREET NAMING & NUMBERING COMMITTEE
RECOMMENDATIONS TO CITY COUNCIL
APRIL 15, 1996

1. MAIN STREET shall begin at the fork on Bridge Hill and end at the town line with Hancock.
2. HIGH STREET shall begin at the intersection with Main Street and end at the town line with Trenton.
3. STATE STREET shall begin at the lower Main Street traffic light and end at the inter-section with North Street.
4. SURRY ROAD shall begin at the fork on Bridge Hill and end at the Surry town line.
5. DOWNEAST HIGHWAY shall begin at the intersection with High Street and end at the Hancock Town Line.
6. BUCKSPORT ROAD shall begin at the fork on Bridge Hill and end at the Orland town line.
7. CHRISTIAN RIDGE ROAD shall begin at the intersection with the Bucksport Road and end at the Bangor Road (Route 1A).
8. INFANT STREET shall begin at the intersection with Christian Ridge Road and dead-end near Leonard's Lake.
9. RED BRIDGE ROAD shall begin at the intersection with Christian Ridge Road and end at the Bangor Road (Route 1A).
10. SHORE ROAD shall begin at the intersection with State Street and end at the intersection with the Bangor Road (Route 1A).
11. LAKES LANE shall begin at the intersection with State Street and end at the cul-de-sac at the end of Foss Estates.
12. UNION STREET shall begin at the intersection with Main Street and end at the town line with Hancock.
13. STERLING STREET shall begin at the intersection with State Street and end at Third Street.
14. CENTRAL STREET shall begin at the intersection with State Street and end at Sterling Street.
15. POND AVENUE shall begin at the intersection with Fourth Street and end at Forrest Avenue.
16. Sargent Street shall be renamed RAYMOND FLETCHER STREET.
17. Russ Smith Road shall be renamed SMITH ROAD.
18. Lamoine Road shall be DOUGLAS HIGHWAY.
19. Oak Lane shall be renamed SHADY LANE.
20. Green Way shall be renamed EVERGREEN WAY.
21. Frank Bor Way shall be renamed BOR WAY.
22. H & S Drive shall be renamed HOLT DRIVE.
23. East Maple Street shall be renamed FOSTER STREET.
24. West Maple Street shall be renamed MAPLE STREET.
25. North Branchview Drive shall be renamed BRANCHVIEW NORTH.

**RECORD OF MEETING
ELLSWORTH CITY COUNCIL**

DATE: December 16, 1996

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Steven Joy came before the Council requesting clarification of the sewer line on Brae Drive.

Clarification of sewer line
on Brae Drive

A lengthy discussion ensued regarding private sewer lines versus public sewer lines. It was Mr. Joy's belief that because his building permit said there was a public water and sewer supply that the lines were public. He had paid a \$350 hookup fee to the City which the City is entitled to because the sewerage ends up at the treatment plant.

Mr. Joy is in dispute with Robert Ray, who claims to be the owner of the sewer line, over a \$7500 hookup fee.

On motion by Fortier, seconded by Clarke, it was unanimously

RESOLVED, the City Council take the position that the sewer line on Brae Drive is owned by Robert Ray.

At a recent Council meeting certain street names were changed as well as the beginnings and endings. Work had already been done by the E-911 Committee and the measurements would have to be done again because of the changes. A workshop was held and it was felt that the changes could be modified to keep some of the earlier names in town and also work with the Street Naming Committee.

Street name changes

Members of the Historical Preservation Committee again made a plea that the Council keep the names as voted at the last meeting for historic reasons.

On motion by Clarke and duly seconded it was

RESOLVED, to make the following changes as outlined in a letter dated December 9, 1996:

Main Street shall begin at the fork on Bridge Hill and end at the town line with Hancock; State Street shall begin at the lower Main Street traffic light and end with the intersection with North Street; Surry Road shall begin at the fork on Bridge Hill and end at the Surry town line; Bucksport Road shall begin at the fork on Bridge Hill and end at the Orland town line; Shore Road shall begin at the intersection

https://www.ellsworthamerican.com/news/brae-drive-residents-want-roads-ownership-resolved/article_7daf39d6-fcb5-4dae-a4a9-0b2c0f5062fb.html

Brae Drive residents want road's ownership resolved

By Sarah Halberstadt

May 28, 2025

ELLSWORTH — Residents of Brae Drive brought the issue of their leaking water pipe back to the council this month after the city had previously refused to make repairs due to the private status of the road.

Now Brae Drive residents say that maintenance of the road and its utilities is the responsibility of Ray Builders Inc., the company of the late Bobby Ray Sr., who built their road. That, or it should be accepted as a public street without meeting new road standards because those standards didn't exist when the road was proposed.

"Our goal for this evening is for one of two things to happen," said Brae Drive resident Adam Gibson during the City Council meeting on May 19. "We sincerely hope that Brae Drive will finally be accepted as a city road by the council, and if not, we expect the council to outline a plan to work with Ray Builders Incorporated, the owner of the road and utilities, to ensure a sustainable path forward for the residents of Brae Drive and the city of Ellsworth."

Gibson, who spoke on behalf of Brae Drive's residents, presented minutes from a City Council meeting in 1996 when the city determined Ray Sr. as the owner of the road's sewer line following a sewer hookup fee dispute with a property owner.

"It was unanimously RESOLVED, the City Council take the position that the sewer line on Brae Drive is owned by Robert Ray," the minutes from the Dec. 16, 1996 meeting state.

Ray passed away in 2012, but with this finding, Brae Drive residents believe the road's ownership would be passed on to Ray Builders.

"We do not own Brae Drive," said Robert A. Ray Jr., the son of Bobby Ray Sr. and owner of Ray Builders Inc. "The prior owner, who had my father develop it for him, was named Jazz Holt."

Ray Jr. said he was too young at the time to know much more about the development of Brae Drive, but he pointed The American to a previous employee who worked for the company during that period. The employee, however, was unavailable for comment before press time.

Ray Jr. also said Brae Drive residents have not yet approached him about the ownership of the road.

Gibson told city councilors during the meeting that no one had contacted Ray Builders yet because they wanted guidance from the city on how to proceed.

Other city documents show that Ray Sr. built Brae Drive with the intention of having it accepted as a public way.

"Even though Robert Ray's street is grandfathered under the old subdivision ordinance, the Planning Board voted to make an unfavorable recommendation to the Council on this street because the 33' wide right-of-way, with 4' ditches, would not be ample for run-off," Planning Board meeting minutes from 1976 state.

Brae Drive residents said that animosity between Ray Sr. and city officials at the time is the reason the road was never accepted as a public road, leading to the predicament they find themselves in today.

"This road was built at a time when it was up to code, and there was just enough tension," said Brae Drive resident Jack Frost. "It's not written in any documents, but this has gone on long enough, and it really should be addressed."

"It's our opinion that this initial 1976 rejection of Brae Drive as a city street was unjust and has precipitated this near 50-year conflict where we find ourselves," said Gibson. "The residents you see here today are the current victims of this unresolved issue."

City Manager Charlie Pearce said the city would research the issue further and potentially place an action item regarding Brae Drive on the June agenda.

In more news, several city departments received Council approval to update their schedule of fees to keep in line with inflation and improve operating deficits.

The City Clerk's office will increase public hearing notice fees from \$80 to \$100 due to the rising cost of printing in local papers, and business license fees will be \$75 for businesses and \$60 plus \$3 per room for lodging.

The Code Enforcement office is increasing its inspection fees from 17 cents per square foot to 25 cents per square foot with a plan to increase that charge again to 30 cents in the future. The Fire Department, which had done away with a fee schedule, will now charge developers \$0.04 per square foot for fire and life safety plan reviews, among other changes.

For comparison, Code Enforcement Officer Robert Grant estimated the costs of the new fees for a 1,675-square-foot home, which was the average size of a new Maine home in 2023.

"If we were to have charged a building permit fee for that home, we would have charged a \$284.75 building permit fee. If we were to charge the new 25 cent proposed fee, it would be \$418.75 for a \$134 increase," he said. "It's not insubstantial, I understand that."

The City Clerk and Code Enforcement departments compared their proposed fees with towns such as Bath, Old Orchard, Bar Harbor and Brewer, which have higher rates.

Each vote regarding the permit fee changes received a 5-1 vote, with Chairperson Michelle Beal absent and City Councilor Steve O'Halloran in opposition.

Also during the meeting, O'Halloran had a testy exchange with City Councilor Patrick Lyons and butted heads with Pearce about an agenda item O'Halloran had sponsored for the May meeting that was removed.

Deputy Clerk Ebony Kramp-Dowling clarified that the issue was moved to the council meeting in June because Tax Collector Sue McLean was on a previously scheduled vacation.

The issue involves a home the city foreclosed on over \$20,000 in outstanding taxes, according to O'Halloran. The city then sold the home for \$135,000, which he said Ellsworth owes to the property owner.

"Equity theft is what it's called," O'Halloran said.

"Steve you can't call it equity theft. That's absurd," Lyons responded.

"I'm speaking, that's what it says online. It's called equity theft," O'Halloran said.

"You can find all kinds of things online," Lyons stated.

Pearce said the city assessor and tax collector have been working to compile a list of properties with similar circumstances for a more in-depth discussion on the issue at the next council meeting.

"I would have thought I would've been notified since I requested it to be on there, but one more time on camera and one more time, it's going to happen next month," said O'Halloran.

"I would also say we sent out the agenda last week, so if you could have sent me a note, I could have given you the explanation why, and then we wouldn't have had this," Pearce said.

Later in the meeting, city councilors moved to approve several purchases and contracts relating to the development of the road leading to the future county courthouse.

Following councilor approvals, the city will contract Andrew McCullough Engineering for design and engineering services of the access road at an estimated cost of \$96,650. The city will also contract with Herrick & Salsbury for surveying services for up to \$21,235.

Finally, the council authorized Pearce to enter contracts for acquisition of fee interest rights and easement granting agreements with the owners of the land the city will need to build the access road on. Fees in the exchange may cost up to \$215,000, which will be taken from the FY25 local roads capital account.

In each of the three votes, councilors voted 5-1, with O'Halloran opposed.

"It's nice to see that we have an Ellsworth company designing an Ellsworth road, and I'm very thankful to see that," O'Halloran said, but "I plan to vote against it because I'm against the project."

Sarah Halberstadt

Reporter