

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. *Councilor Lyons and Mote absent*

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

Move to accept N Smith, seconded by T White, passed 5-0

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.

First wanted to start out with how great things are going in Ellsworth from a macro perspective and new growth. He was at the groundbreaking for the new Witham Hotel, Home2Suites a Hilton property, it is around a \$20M dollar project. At the Chamber of Commerce meeting on May 8th during his acceptance speech for the Top-Drawer award, he said the reason for Ellsworth is because Ellsworth's time is now. That really stuck with him and during his interviews a lot of the words that he heard from the community and Council was Ellsworth is on the precipice. One of the other award winners was Micki Sumpter, the former Economic Development Director, who helped find that piece of land for them. We have hundreds of millions of dollars in public and private investment, whether it is the courthouse, the High Street reconstruction, Surry Road Water Main project, the \$1.6M in roads we did this year throughout the city, the new water treatment plant, the new Dysart's project, or the two large housing projects. These are things that in rural American to have this much growth is phenomenal. It also creates pressures too on organizations, but he is very excited about the state of the organization and also the state of city government. We came in with the 2.9% inflationary level increase this year and are bringing our fiscal house in order. We are also doing a lot of capital improvements planning, which we will get more in depth on at another meeting, but it feels like there is a lot of momentum going on right now.

A project that we have going on right now is the EV charging project. There is some construction going on outside currently, they have cut out the line so they can be wired up, possibly tomorrow (6/17). After they are hooked up then we will do some bridging online to make sure that those will

be available soon. They will be paid for charging stations, which our two city EVs will also be able to utilize. They did try to pilot getting some donations for the free charging stations on Franklin St, but it didn't generate enough income, so they are going to sunset the free chargers that will save the city around \$7,000 per year. The city's side of the roughly \$130,000 project was \$10,000. Within two years, even if we weren't making money, that they'll be a net positive. We have quadrupled the amount of EV infrastructure we have. We will be setting the rate around .36¢, about .28¢ is the going rate, so we will continue to monitor that and see how much usage we are getting and how much revenue we are generating.

The Parks and Rec Director interviews started today (6/16). There were over 50 applicants for the role and the top five are incredible. Hoping to have an offer out by the end of the month, considering the quality of the applicant pool. We won't be able to estimate a start date but will be flexible with it, if they want to start July 1st when the funding is available and are the right candidate we will do it and if we have to wait we will. Building this department is very important and getting the right person in the right role is also important.

A courthouse road update, the state judiciary has officially swapped their parcel of land on the Surry Road for the parcel that the Wardwells owned off of High Street, behind LL Bean. We are currently under contract for the purchase of the lands that would be the road to the courthouse location. We hope to have those contracts finalized with final road design by the end of this week or next week at the latest. He will likely be bringing it back to Council once they are finalized on the road layout and start getting input and Planning Board processes, submissions to the DEP, etc. He thinks that there's some Council coordination and community coordination that he would like to do on this as it is a big infrastructure project. Not just for the courthouse area, but for recreational opportunities for multimodal, how do we build roads and infrastructure that are going to be most important for the future of Ellsworth.

There is a recreational cannabis workshop on June 24th at 6pm. This is round two, we are meeting with one of the medicinal marijuana vendors from here in town to get their thoughts and some external vendors as well as the Cannabis Policy Commission, who will be there to answer some of the additional questions we had with the Planning Board. The first meeting with the Planning Board was a great meeting and it feels like we are settling on getting the right regulatory framework for adding this to Ellsworth, that that the voters approved in November.

Finally, a huge thanks to come critical staff and volunteers. Amanda Ray, who is our Public Works Administrator, has been going above and beyond over and over again. He went to the Finance Office to sing his own praises on some operational changes that we made last year on deliverables and timelines for department heads and when they had to submit invoices and asked how it was going and if it has been a game changer and they told him that the real game changer was Amanda. She has been working with all the Public Works teams who have probably the biggest pieces of the warrant, in terms of the funds that have to be spent every single week, to get all the paperwork organized beforehand so she can get it to the Finance Office; which has made their lives infinitely easier because they are not chasing people down trying to get everything. On a volunteer note, Peter Lione from the Heart of Ellsworth Design Committee, has done a spectacular job helping with the Parklet and reimagining the space. Bill Nelson also came in to chat and said that he had helped mulch one of the islands on High Street and would like to help in the parks and rec items and trails. So a big thanks to all of our volunteers.

7. Committee Reports.

Councilor Beal, Harbor Commission – she attended the Harbor Commission meeting, and the harbor is now open and boats are in. It looks fabulous, thank you to the city for the paving and trees that were put in. Nothing came up at the meeting, it was just an update of everything that had happened so far.

Councilor Stein, Rec Commission – there is a meeting tomorrow morning (6/17) at 8:30am. They will be nominating, for approval, a new member which will bring them almost back to capacity.

8. Citizen's Comments.

No citizen comments

9. Councilor Comments.

S O'Halloran – has received several calls in the four years he has been on the Council, about the Oak Street "lake". He has heard many times that the road is going to be rebuilt and that there have been many attempts to fix the issue at the intersection of Park and Oak Street, but it seems like we come up short each time. He is wondering if there could be some information about when the state is going to redo that section of road since it keeps getting pushed out. He thinks that the city should "grab the bull by the horns" and put a pipe across the road so it will stop flooding out. It has gotten better but it is consistent and believes that it needs a better plan than what he has heard about for the last four years. If we have time to put the infrastructure into the courthouse on High Street, and we have time to do that type of stuff, he thinks that we could look at doing a real fix.

City Manager Pearce – this is actually something that he talked about in his segment on Star 97.7 in March because he had questions.

Deputy City Manager Devlin – as of right now, the preliminary engineering for that reconstruction, is with the DOT. It is a two-year preliminary engineering schedule, so when that is done and it moves forward for discretionary funding through Congress. Public Works has gone out and done a spot repair in the worst section. She can contact DOT and find out where they are at in the engineering. The other option would be to do a 50/50 Municipal partnership agreement with DOT.

Councilor Beal – asked if that was part of the stormwater management that Woodard & Curran had come to talk about, and we have a lot of the money for. She also said that the problem isn't so much the pipe across the road but that we don't have enough pipe or big enough pipe and there are also crushed pipes that can't get it to the river. She thought we were very close the last time that Woodard & Curran came and talked to the Council about that because she thought we had 90% of the money.

City Manager Pearce – he would like to get an update, because the last update he had was before he went on the radio. It is clay pipe that exits out with a 4-foot diameter that really needs to be 6 foot. They are hoping once the Vac Truck is here that we will be able to blow out some lines better. They have done a repair, but it had started to collapse last April, and the pipes are full of mud, rocks and sticks. The route the pipe takes is complicated because it goes through a fair amount of private owners back fields, so there may be some easements needed.

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. *

Move the consent agenda, T White, seconded by J Stein, passed 5-0

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.

Move to approve J Stein, seconded by T White, passed 5-0

- 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.

Move to approve N Smith, seconded by T White, passed 4-1 (J Stein abstained)

****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.

Move to approve, N Smith, seconded by T White, passed 5-0

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

Sue McLean, Tax Collector – it was asked by Councilor O'Halloran to have a discussion on 16 Fifth Street along with other foreclosed properties we may have that could be sold.

Councilor O'Halloran – what is driving this discussion is the anger that he carries with the city selling a property and keeping a homeowner's equity. He would like to hear the process.

Sue McLean – initially we do a 30-day notice, which is basically us saying that you have 30 days to make your tax payment or their will be a lien assessed to your property. Once a lien is posted it goes for 18 months, around month 17 we do a 45/30-day notice, which goes out certified mail telling them again that their bill still hasn't been paid. It also means that there is a good chance that it is going to be foreclosed on and sold if they can't make that payment, however there is a

note on that notice telling them to reach out to us, we will work with them. If at this point it still hasn't been paid, then it forecloses, and during that process, we send copies to anyone with an interest in the property, any mortgage or additional people named on the deed. Once it forecloses, we send a redemption letter to the former homeowner, giving them another 30-days but at this point it isn't just that one year's taxes, it is everything from that point to current that needs to be paid. She is still willing to work with people if they want to come forward and work with her.

Councilor White – asked if she has a specific policy or things that she will offer for them? Sue responded that we have some things through the state, there are also things that can come to the Council. If there is a hardship within the family or financial hardship they can apply for an abatement. They can also work with her personally, she is willing to sit and talk to people and work something out and help them beyond the initial official things that we have available to them. It isn't uncommon for her to mail out three or four different types of applications to people to make sure they have all the information available to them and every option that they can utilize. Generally, if there is a mortgage involved, the bank will come through at the last minute and pay it, and then it wouldn't go to foreclosure.

Councilor Smith – asked what prompts the 30-day notice? How overdue are they? Sue responded that the state tells us what time period liens can go out. The 2025 liens, they gave her from around April 16th to around August 3rd.

Councilor Beal – said that the lien notice comes out within so many days after the last payment is due in March. So, anything that is due after the March payment date 30-45 days after that you get a 30-day notice that you haven't paid your taxes, it is all within the same year.

Sue – Yes, technically you have until the date of commitment, so if the commitment is August 3, 2024, then you have up until August 3, 2025, to lien those but you can only do that in the last 4 months.

Councilor Beal – with those notices you have to know there are very strict rules when you put a lien on because it automatically goes to foreclosure. It isn't the city; it is the timing and it's state statute. So, if you haven't paid by a certain date, 18 months after the lien is put on, it is automatically a foreclosure. Anyone doing the title work will say that's foreclosed and they don't own the property anymore. By the time the property is foreclosed, and we are ready to sell it, that person has had probably six or seven notices stating that the property is foreclosed and going to be sold. So, it's no surprise, and if it is and they haven't received it, then that's a whole different thing. Sue added that generally in those situations the people have just left and moved away from the property, and we don't know that. She spends quite a bit of time doing research on any item that comes back undeliverable, to find a current address. It isn't uncommon for her to send the same notice out three or four times to the same person at four different addresses because it keeps coming back, she does keep track of what she has sent out. She does her best to find them, but some people don't want the responsibility anymore and they just up and leave. We are not quick to put something up for sale, we used to be, but one of the things that they ran into a couple of times was that a property was sold by sealed bid, which is generally the process, then 2 to 3 years down the road, the prior owners came back and wanted their property back. In this situation it went to court and one of them got their property back but the other one she can't remember off the top of her head if they got it back or not. In the state statutes, which are still current, it states if you have a foreclosed property, within 5-years, the prior owner has the right to come back and try

to get it back, but 5-years and older it is considered city-owned property and they can't try to get it back. That is why we haven't sold many recently because of the two that went to court, we spent a lot on legal fees on those. The reason that the property in question came up when it did, was because Code was concerned about the property. They had a lot of complaints and wanted it listed as an abandoned or dangerous building. During that process, when it came to the Council a couple of times, it was decided that we would try to sell it. It was put out by sealed bid, partly because someone had come forward after seeing the Council meeting and wanted to buy the property, which we can't do. When they bids came back, they were all refused, and we didn't feel right putting it back out to bid because everyone knew what the highest bid was at that point, so that is why it went to auction.

Councilor Beal – this whole process that we have is run by state law and the sale of the property is in our ordinance. If we want to change how we handle sales, we would have to do an ordinance change. We did used to sell them very quickly, and the reason for that was liability reasons for the city because they were ours. They can't just come in and say they want their property back, they have to prove that the lien process was done and that there was a mistake made during that process.

Councilor O'Halloran – he is glad to hear the process, and it isn't about the Clerk's office, he believes they did everything by the book. His hangup with this situation is, it was during covid, and all registered mail was coming back signed by the postmaster; so, we don't know what they knew and what they didn't know, though they must have known that they owed the taxes. The family isn't upset that the city did what they had to do, but he wants the city to find a way to make it right. He hates to see a family lose their equity, which is all they had, so he would like to see the city find a way to return their equity. This isn't about the process, the process needs to go forward because everyone needs the same treatment, that is why he wanted to hear the process.

Councilor Stein – asked, for example, if we took the Supreme Court ruling and applied it retroactively to the spirit of that and applied it to this property, would that work? Is it as simple as that?

Sue – responded no. She realizes that this is a sensitive case, but there are some concerns. The first, legally we can't return the money, the state says unless you specifically have it worked out on how to return the excess money, you cannot return it; and we don't have it in our ordinance. Second, she doesn't know how many others of these we have that fall into this, and the ones that weren't done by bid, how many of them are going to want their money back.

City Manager Pearce – he is in agreeance with the how many others would want their money back. He was also hoping to do the accounting of all the land, get a better process and get these back on the tax rolls. He is also worried about the precedent part and how many would come back and want the city to do something similar for them.

Gordon Workman – when he knew this was all happening, he found and talked to Mr. Karst and told him that he needed to jump on it because his dad's property was going to be sold. When it was decided to put it out to bid, there was a discussion about if he was willing to bid the \$20,000, that we could accept that because we can accept any bid. There was a \$20,000 bid, but the motion was to accept the high bid and then they decided not to accept any bid. Which is when it went out to auction and Mr. Karst got really frustrated. Councilor Beal replied to Mr. Workman that if she remembers correctly, the Karst family was present and was pretty embarrassed about the whole

thing and had said that they had no problem with anything. That was the end of it and they didn't want to be in that position, and they didn't want it brought out in front of everyone that they didn't pay their taxes and lost their home. She also remembers that she said that it had been dragged out for this family too long and that they should just make a decision.

14. Council Order #0562504, Request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%.

Sue McLean, Tax Collector/Deputy Treasurer – the Treasurer of State bases the interest rate on what is published as prime rate in the Wall Street Journal, generally the first business day of the year. This year they have set it at 7.5% and last year it was 8.5%. Her recommendation is that we stay with the 6%, which is what it is currently at. Over the last 5 years, we have all but one year at the 6%.

Councilor Beal – asked if we know how much was budgeted for, for FY25. Nate Moore, Finance Director, was on via Teams and said he would look it up while the conversation continued.

Councilor Smith – asked about the interest rate and if Sue had a sense of what we deal with in short-term liabilities? Meaning the folks that are struggling because we don't need to add to that burden. Sue responded that she doesn't believe that the interest rate comes into play within their mind. We have generally, always try to be two points below what the prime rate is or what the Treasurer of State tells us is the highest rate we can go.

Nate Moore, Finance Director – we budgeted \$85,000.

Several Councilors seemed to agree that this was a “comfortable” rate because it is more than what we will be paying for the TAN (once passed later in the meeting) so it will also help cover any extra costs such as postage.

Move to approve the request of the Tax Collector/Deputy Treasurer to set the interest rate on overdue taxes at 6%, N Smith, seconded J Stein, passed 5-0

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

Sue McLean, Tax Collector – these are accounts that are 6 years or more past due and she has been working at these accounts since she took over as Tax Collector. They are accounts that she can't get anything out of, she can't find most of them, all mailings come back and if she does reach someone they don't know what she is talking about. They are no longer active accounts but are old balances that were never paid.

Councilor Beal – she provided a little clarification; there is no lien process for personal property. The only way you can collect personal property is to take them to small claims court or what Sue has been doing and trying to track them down.

Sue – part of the problem with personal property is, when it changes hands and there is a new owner, the new owner isn't responsible for the prior owner's bills. These are all ones that either don't exist anymore or she is not able to get anything out of them for payment.

Councilor O'Halloran – he stated that it appears all of them are extremely old and that it appears that she is putting “good money after bad money.” He asked if she were to pull an aging list for the last 5 years to current, would it be equal to this amount or is that list the worst part?

Sue – responded that we are not in this kind of position now with the current accounts. We are more on top of the accounts, she has one of her deputies assigned to dealing with personal property billings.

Councilor O'Halloran – just wanted to float the question, it doesn't need to be discussed, but is there any incentive in our system for people who are habitually on time paying?

Sue – in response she said that no there isn't really, but one this is that they will get their business license. We are very strict on that, she will not sign off on their license if they haven't paid.

Move to approve the request of the Tax Collector to write off \$45,129.15 in past due personal property accounts that are deemed uncollectible according to the attached documents, N Smith, seconded by T White, passed 5-0

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

a. Reappointments.

City Manager Pearce – we are all set with reappointments; we checked in with Commissions and their chairs and we have little bios on everyone up for reappointment. We would like to look into an updated reappointment process and get it a little more formalized.

Move to approve reappointments as presented, J Stein, seconded by T White, passed 5-0

b. Planning Board: Request to appoint Lisa LaRue as a full member with a term expiring 6/30/30.

Move to approve appointment of Lisa LaRue as a full member of the Planning Board with a term expiring 6/30/30, T White, seconded by N Smith, passed 5-0

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.

Move to approve appointment of 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, J Stein, seconded by N Smith, passed 5-0

d. Recreation Commission: Request to appoint William "Bill" Nelson as a full member with a term expiring 6/30/2027.

Councilor Stein – Mr. Nelson came to their meeting last month and the entire Commission was on board and wanted to recommend him to Council for appointment. He is employed by the school department as a bus driver and is an active member of both the Moose and Elk Lodges and has a passion for community service.

Move to approve the appointment of William "Bill" Nelson as a full member of the Recreation Commission with a term expiring 6/30/26, T White, seconded by J Stein, passed 5-0

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

a. Reappointments.

Move to approve reappointments as presented, J Stein, seconded by N Smith, passed 4-1 (S O'Halloran opposed to some of the appointments on the list)

18. Council Order #062508, Public Hearing and action on the request of the Finance Director for Authorization for Tax Anticipation Borrowing (\$3,000,000).

Nate Moore, Finance Director – they sent out the bids to eight local banks, all in Ellsworth. They heard back from six of the eight banks. Last year, we also received a \$3M TAN and pulled \$2,050,001 from it and paid just over \$75,000 in interest. That was at 5.96% from First National Bank. His recommendation is Franklin Savings Bank with an interest rate of 4.98%.

Councilor Smith – asked as a point of clarification, if this is similar to a line of credit that a business would have. FD Moore responded that yes, it is very similar to a line of credit. We are waiting for tax bills to arrive in September, so this acts as a line of credit that we pull as necessary and pay it back when we can and the earlier we pay it back, the less interest we pay.

City Manager Pearce – was glad to see that they were the low bidder. They have a brand new building here and they had a ribbon cutting a couple weeks ago.

Move to award the Tax Anticipation Note low bid to Franklin Savings Bank at an interest rate of 4.98%, J Stein, seconded T White, passed 5-0

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 2.1-2.2.31.

Scott Guillerault, Fire Chief – this is to clean up some language, last month the fee schedule was approved and there was some language that was included but was not part of the public hearing. So, he is coming back to the Council to put that language into Chapter 4 to support the fee schedule. Also, the subsections should be changed from 2.1-2.31 to 2.1-2.2.1

Move to approve the request of the Fire Chief to amend the language of the Ellsworth City Fire and Prevention Ordinance, Chapter 4, article 2, subsection 2.1-2.2.1, J Stein, seconded by N Smith, passed 4-1 (S O'Halloran opposed)

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.

City Manager Pearce – we have talked about this a bit, we did about \$1.6M in roads, and that was just out of the local roads committee and discussion. The ones chosen were excellent roads but we have a lot more, that was just the first round in a long backlog. He and DCM Devlin have been work on the Capital Improvement planning process, and roads and infrastructure are huge pieces of that. At a City and Town Managers Association meeting, they saw a presentation from the Camden Town Manager on a vendor they had been using for LiDAR and street scanning technology to have a data driven accounting of their roads. As we are looking at Capital Improvement planning, the roads are a big part of that and to have a data driven list of the road conditions would be a central part of the plan. They looked into three vendors, Sewall, Vialytics and StreetScan and thought that StreetScan was the most comprehensive solution. It includes the LiDAR scanning and also sidewalks. It is like one of those Google cars, that has the cameras all over it and will go through every road that we have and will produce reports that we can use to help with financing and budgeting.

Councilor Beal – stated that the public hearing was only for \$25,000 but that the contract is for 3 years, so we would have to be able to guarantee the funds for the entire contract not just the first year.

DCM Devlin – asked if we could enter into a 1-year contract with them and then come back at the July meeting for the other two years. We wanted to get the project started to align with the Capital Improvement plan and also it takes about 90 days for the data to become available.

Councilor Beal – replied that that would be great if they are ok with that.

Councilor O'Halloran – asked what is driving the 3-year contract if they are willing to take a 1-year contract?

DCM Devlin – responded that they were trying to keep the threshold low and not have a high upfront cost because the upfront cost is what makes the first year so high.

Councilor O'Halloran – also asked if she could speak to the reason for not taking the low bidder, he isn't against it but would like some more information.

DCM Devlin – the low bid was a much different data set and product that we would get and a very surface level drive. Public Works would put a phone in their vehicle and collect the data, and we would get a report from that. Where StreetScan has a robust database budgeting, so we could input treatment costs, and it could spit out what a budget would be based on our top need roads. She also, in response to a question from Councilor Smith about how long the data is good for, added that the data is collected this year but is good for three years. However, we are able to continuously update it as repairs are done, so once roads are repaired they can fall to the bottom of the list.

Councilor O'Halloran – asked if this was new territory for the city? \$68,000 goes a long ways or some ways towards pavement and a lot of the streets need pavement, but is this something new? In the past, have we just rode around and decided that this road needs to be paved?

City Manager Pearce – responded that yes, that is exactly what we did. The Local Roads Committee got together but it was a community, Council and Highway effort. Having this data driven assessment, because these become such big capital expenses, would really help and potentially could save us.

DCM Devlin – added that were several municipalities that she spoke with that use or have used StreetScan and they all overwhelmingly love it and said it is very helpful to make data driven decisions.

Adam Gibson – he has two things, it was mentioned that there are 20 miles of sidewalks in the city but not all of them are adjacent to a road, so we might want to think about how to assess those sidewalks. Second, we don't have a lot of multi-use paths but we do have one, the Ellsworth Rail trail, maybe we could also try to make sure those are assessed as well.

Move to approve a 1-year contract with StreetScan in the amount up to \$25,000 for the delivery of pavement and sidewalk condition assessment services, development of GIS asset databases and deployment of the Street Logix asset management software, N Smith, seconded by T White, passed 5-0

21. Council Order #0562511, Discussion and potential action on Brae Drive utilities issue.

City Manager Pearce – this is our third Council meeting, at the last meeting we had a few additional details that we were going to look into. The issue of ownership of Brae Drive was

brought up and that Ray Builders may still be an active company. There was also some discussion of what we can do. He presented to our attorney different scenarios of things we could do such as taking the road as a public way or helping with the creation of a homeowners association or doing a deed search and trying to find the ownership, and the attorney was pretty clear on all accounts that, in their opinion, that would be expending public resources on a private way and it was not the recommendation for the precedent that it would set to move forward. Councilor Lyons, as an attorney for other cities and towns, has made a similar point and that's always been one of the sticking points for him.

Councilor Beal – currently, when they've had these come before the Council, the city has worked out an agreement where the city will bring everything up to standard. Then that is paid back over a specific amount of time through a special tax assessment with the property owners. CM Pearce responded that yes, that was correct; and it would have to be unanimous or a subset of all the homeowners and the payment would be distributed among them. Councilor Beal followed up with that in the past we have had an engineering firm come in and give an estimate of the cost.

Councilor Stein – was interested if anyone from Brae Drive had reached out to Ray Builders to see if they were in existence and the owner. Adam Gibson responded to Councilor Stein, stating that Ray Builders has not returned their calls. They have tried to call them a couple times and his wife also sent an email all of which have gone unanswered. He also asked which standards would the road have to meet because it was built in 1976, and it was admitted that it would be grandfathered in by a previous Council; and also about the tax assessment, this would be adding on to their taxes, but what about taxes already paid? The idea of setting a precedent keeps coming up but he doesn't see why there couldn't be something set as a loophole for Brae Drive.

Councilor Beal – in response to Mr. Gibson, as far as the loophole, if we reconstruct a road, we have to bring it to current standards; we can't reconstruct to 1970 standards. Argonne and Holt are both one-way roads, because we had to build them that way when we reconstructed them, they weren't wide enough to be to standard. Also when the properties were purchased, they were purchased on a private road, so unfortunately any back taxes would be a moot point.

City Manager Pearce – stated that he could look into the cost of reconstructing the road if the citizens of Brae Drive wanted to pursue that. There are potentially ways to reconstruct the road and bring it to standards, charge the residents but subsidize that partly because of different exemptions that he looked up.

Gordon Workman – he did extensive research on the deeds for Brae Drive, back when the road and development was done, Bobby Ray and his wife owned the road. He had Ray Builders build the houses. When he passed away, the road ownership never got transferred to Ray Builders. Nobody owns the road right now.

Councilor Stein – to him he doesn't see any advisable solutions, legally, for the city. The whole thing is a mess, except for bringing it up to code and charging the residents, and he would be interested in looking for ways to make that as cheap as possible, if the residents were interested in that solution.

Councilor Beal – asked if it was possible to look at the estimate again and see if there are other ways to lower that cost or have Andrew, Brent or someone look at it for a more detailed assessment. The residents that were present said that getting a better estimate would be a great first step.

Cindy Cowing – is a resident of Brae Drive and wanted to mention a couple things. It has been brought up a couple of times that the utility commission agreed that the road shouldn't be accepted by the city, it was her that went to the utility commission for some information because they are a non-biased outside group and they work for the customer. Part of the problem with that was that there was not enough information for them to make a decision. They voted in the Council's favor because of the lack of information; they suggested that the next step would be to get ten residents of the road to sign a form where it would then be presented back to a larger group to decide. When she bought her house, she got a printout of what the specs were, and on the printout it said public sewer and public water. So, she didn't think there would be any difficulty with that, it did state that the road was private. She doesn't understand why they have gone through the situation on the other two streets and how they were accepted. When houses are purchased through a realtor, they are compared to other houses in the area for the same type of house and what the price is. They are paying the same taxes as a house in the area that gets maintenance on their utility lines and she doesn't think that is fair.

City Manager Pearce – to wrap up the discussion, he stated that he will look into the estimate again to see if the amount can be brought down.

Councilor O'Halloran – when this came before the Council, it started out as a water leak, and he felt that if they paid the hookup fee and are paying for sewer and water, that there should be some responsibility of the city to fix the water leak as long as it was in the trunk. Now it seems to have turned into accepting the road as a city street. The original problem has never been solved, and he is in favor of fixing the leak but not in favor of taking over a road that other Councils have turned down for significant reasons at the time. So, he would like clarification, are we still trying to fix a water leak or are we trying combine both efforts?

Adam Gibson – his answer was yes and yes. They have never been a separate issues, the water issue is part of the road issue. Yes, they have the problem with the utility but the larger problem is what happens in the future.

Jack Frost – he thinks what the residents have learned through this process, is what the Council has also been learning. Some are new to the Council and some are new to Ellsworth. Residents have discovered a lot over the last six months, and the more information they got the clearer it became that there was one individual that protested when it came time to accept the road, that they have record of. The individual doesn't live on Brae Drive but near there on Forrest Avenue and said it wasn't built wide enough. It did state in the documents that were provided to them that they could have been grandfathered in, but the Council decided to take no action. They have been given two examples of other private roads that have sewer and water, one up by the hospital and the other behind Machias Savings Bank and neither have the number of residents that Brae Drive has. So that is why they are asking for full consideration of what the Council can do.

Councilor Beal – asked if we could get a little more information about what needs to be done on the road and what is wrong with the sewer and water and try to get a lower price for the residents but still doing it within our own policies and procedures and state law.

22. Council Order #0562512, 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)

Councilor O'Halloran – at a Finance Committee meeting, he and City Manager Pearce were talking about meetings. He has always been a fan of having two meetings a month, the first and third Monday of every month, he thought it made a lot of sense, but he has never gotten support for it. A kind of hybrid idea came out of the conversation of perhaps scheduling a workshop the first Monday of every month, something less formal. It would provide a place for discussions and hopefully prevent anyone from being blindsided by a topic and also may lessen pressures on staff to get things advertised.

City Manager Pearce – he is glad that we are talking about this because he thinks it is a key element as we go toward strategic planning and how we operate as a system as we are growing as a city and handling pretty complex topics. To do two City Council meetings a month would double the administrative part, between the public hearing notices and such, where a workshop doesn't require all of that. He also believes that this could create better decisions from all of the Councilors expertise, having more information on the front end.

Councilor Smith – she has not been in favor of having two Council meetings for one, all the reasons that CM Pearce stated but also she believes that agendas expand to fill the space available. As they talked about the workshop, one it would be a regular thing rather than getting an email to see when would work for them to schedule one and two the advantage to workshops is they can set time limits. They can't do that and it isn't fair to do that in a City Council meeting because they are making decisions and that is a big deal. It could also be relationship building because it is less formal between them and the staff and with the public and more conversational.

There was some general discussion about timing and dates, it was decided that 6-7:30pm would be the time and if it is the first Monday but it falls close to a holiday, like the first Monday in July, that there just wouldn't be one that month. It was also suggested that it be advertised like the Finance Committee meetings are, that they have them every Friday, and before the workshop put it on the website or however we want to do it, that these are the topics that they will be discussing. It was decided to do the first workshop on August 4th, instead of trying for July where the timing was short and there the holiday and vacations. They will do a strategic planning meeting on July 14th to discuss a few things.

23. Executive Session to discuss personnel matters in accordance with MRSA Title 1, Chapter 13, Section 405, Paragraph 6A.

Move to enter, J Stein, seconded by T White, passed 5-0

Move to exit, J Stein, seconded by T White, passed 5-0

24. Adjournment.

Move to adjourn, J Stein, seconded by T White, passed 5-0