

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, August 18, 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. *N Smith absent, J Stein remote*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - July 21, 2025, Regular Meeting

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

5. Presentation of Awards.

6. City Manager's Report.

Courthouse Road project update – we have finalized the stormwater design for the road and there is a meeting with the DEP tomorrow (8/19) to further discuss the likelihood of this being a submission for permit by rule. We are under the limit for having to have a full permit, so it is a 20-day permit by rule process that we should be covered by. They will discuss some of the final design plans of DEP before making the submission. They will also be putting out to RFP, a Clerk of the Works for this project, to independently manage some of the components of the project, including some Public Works interfacing. Had a great meeting with the Ellsworth Area ATV club and this road project could be potential access for public parking and access on the rail trail and could help upgrade some of our support for that community and what is a clearly growing recreational and economic development activity that goes all they way from here to Calais.

Maine Outdoor Film Festival – August 20th in the Franklin Street Parklet, films begin at 7:30pm and the outdoor film festival curates and produces film experiences related to beauty, interactivity and complexity of our planet. The suggested donation is \$5-10, to help support the Heart of Ellsworth's programing.

Reminder that Council papers are still open. If you are interested, you can stop by the Clerk's office to take out papers. There is a 50-signature requirement, there are three open Council seats, one Library Board of Trustees and two Ellsworth School Board positions. Petition deadline is Monday September 8th at 5pm.

Hugh thanks to some staff – one is to our Deputy City Manager Sara. She has been here about six months and the best word that describes her is indefatigable; there is nothing that slows Sara down. Also, a big thank you to our whole highway department. It has been a tough spring, with all the city road projects that were going on, between the \$1.6M in city roads done and then interfacing with the High Street/MaineDOT project. Often things would come up and it was our

Public Works teams who went out there to make things right for our community. There was also the span of about three months, this spring, that it was raining every day, creating potholes and other issues. They have also done a lot of beautification projects and spruced up Knowlton Park, the harbor and Main Street. Finally, a big thank you to Peter Farragher, who is currently the Interim Director at the Chamber, they have been emailing regularly, and you can tell that he really cares about the Chamber and this community. Thank you to him for all the work he is doing right now.

7. Committee Reports.

Councilor Lyons, Solid Waste Committee – he and Councilor Stein attended the meeting last week, and the main focus of the conversation was getting our solid waste program to budget neutral. They discussed a number of short-term measures to help get that gap closed and solid waste is no longer a net negative on the budget. They also discussed some long-term approaches; the hope is to have something put together for either the September or October meeting for the Council to consider as far as short-term changes and previewing what they are thinking for the long-term. It also dovetails with the capital improvement plan, so it was a very productive meeting.

Councilor White, Arbor Commission – through our Project Canopy grant, they secured some funds for a forestry management plan for the Ellsworth City Forest. They have a forester working on that right now and are hoping that in early September, they will be able to have a public forum to discuss with the community what they want to see there, so they forester can build that into his recommendation. That will also include figuring out how to make several city parcels, that are not contiguous, have better access to them. Also, this month, the Tree Steward will be walking down Foster and Washington Streets looking for planting locations in the city right of way for their IRA Grant.

8. Citizen's Comments.

No comments

9. Councilor Comments.

Councilor O'Halloran – he has heard talk of hiring a consultant, for \$35,000, to rezone the TIF districts. He believes that the city needs to eliminate the TIF districts and start treating everyone who wants to come to town the same way. There is a method in which we can do that, if you eliminate the districts, the money goes back into the general fund where everyone can pull from it, not just some. Another thing, is the impact fees on the east side of Card Brook. He was told that if you develop anything on that side of the brook, that there are several impact fees. He believes that they don't work and that they need to be eliminated.

Councilor Stein – he appreciates the opportunity to participate remotely. He is unable to attend for personal reasons and will do his best to be engaged, but the audio was a bit shaky and the YouTube is about 15 seconds delayed.

UNFINISHED BUSINESS

10. Council Order #072500, Discussion and potential action on authorizing payment of excess funds resulting from the auction of 16 Fifth St, back to the prior owners. (Sponsored by Councilor O'Halloran)

Councilor O'Halloran – the city has many processes for foreclosed property. Before the foreclosure, he understand there is an abatement process, and the city has granted abatements to certain people in the past. There is also something called a REPIC (real estate purchase installment contract), where people have lost their property to foreclosure but are allowed to stay in it and work out a payment plan to buy the property back after the taxes are paid. This brings us to the sad situation, we have where the city foreclosed on a piece of property and sold it. He believes that the city was right in doing that, however, he believes there are some questions whether the people got fair notification because it was during the covid pandemic, when the postmaster would sign the notices instead of the owner because there was no personal contact going on. When the property was foreclosed on, the property taxes, legal fees and auction fees totaled approximately \$19,000, with the sale proceeds leaving \$117,907.99. He is a big advocate to return that money to the property owners because it is not our money. He would like to see the city return the money plus 6% interest, because that is what we charge for interest when people don't pay their bills.

Sue McLean, Tax Collector – she understands, and believes that everyone understands, the reasoning and why he feels the way he does, but legally our hands are tied. She believes that we have to not just look at this one, but anything that we have sold that had excess funds, whether it is \$5 or \$5,000. Anything we have sold, legally we can't send the money back. If we could, we would also be looking at setting a precedence, and how far back do you go with that?

City Manager Pearce – he agrees with Sue on this, and it is a tough situation. In some ways it is similar to Brae Drive in that we have talked about it several times and looked into it in detail but there is also the legal precedent that previous City Councilor decisions hold.

Councilor O'Halloran – stated that they could vote to return the money, he was told that there weren't many cases in Ellsworth where there was equity leftover.

City Manager Pearce and Tax Collector McLean both stated that we have been advised by legal, that we can't return it. There was also no motion provided as part of the memo because they have no authority to return the excess funds. TC McLean also stated that she isn't standing there saying that she doesn't want to give them the money, she is standing there saying that we can't do it legally.

Councilor Beal – asked why Councilor O'Halloran wasn't advocating for everyone instead of just this one person. Councilor O'Halloran responded that this is the only one that has happened since he has been on the Council. Councilor Beal also said that they could vote and do something, but she is not willing to vote for something that we have been advised by our legal council is illegal.

Councilor Stein – asked if the real estate sales fund holds the foreclosure proceeds and if they are earmarked for anything specific? He also asked if an option could be to use whatever funds remain in that account, if not directly back to a family, could be used for housing funds or heating funds that could be a give back to the community including this family. TC McLean stated that after a period of time, yes those funds could be used for things like that.

Councilor Lyons – this is a hard situation, and he agrees with Councilor O'Halloran that he would like to see this money go back to the previous owners but believes he would be a hypocrite if he went against legal council's opinion. It is a no-good situation, but it's not caused by the city doing anything wrong, they followed their procedures and the state statue at the time. The statue has now changed, and the city will follow the new law moving forward. He isn't going to go against

the advise of legal council and he won't vote to send it back, but if there is a way we can use this money through the real estate sales fund to help the community in other ways, he believes it would be a good use of the funds.

Move to return the funds to the Karst family, in the amount of \$117,907.99 plus 6% interest, S O'Halloran, motion fails for lack of a second.

11. Council Order #072509, Request of the Public Works Director to accept the quote for salt sand.

Mike Harris, Public Works Director – he is back for approval of the purchase of winter road salt. We put it back out to bid, there was an RFP put on our website, MMA's website and also sent it to bidders. We had three bids submitted. New England Salt's bid came in at \$65.85, Morton Salt came in at \$88.83 and Eastern Salt came in at \$66.40. So, the low bidder would be New England Salt, however, as was discussed at last month's meeting, they would ask that we accept the Eastern Salt bid because they provide a better-quality product for the employees and citizens of Ellsworth to use when the roads are treated in the winter.

City Manager Pearce asked if Brian Moon, the Highway Foreman, would come up and explain the difference in the product. Mr. Moon shared a couple samples of winter salt with the Council. Brian Moon, Highway Foreman – the jar with the bigger clumps is what we get from New England Salt, it is a much finer salt, so anytime you are out in the weather, rain or snow, that is what it does. It clumps up and turns into chunks, most of the time just sitting in the salt shed it will clump as well, so when you load it into the truck it won't spread. The spreader on the back of truck is only open about an inch or so, so the salt won't go through it. The drivers then have to stop frequently, open the gate up and pull all the clumps out, to get it to spread. It also wastes a lot on the ground having to open it up and clean it out so frequently. The side spinner it will start to collect on and form a cone on the spinner, so the salt doesn't spread, it just drops on the ground. The jar with the crystals is what we got from Eastern Salt last year. It works really well, it spreads out in an even pattern and gets across all you lanes, so traffic can beat it in. It also melts a lot quicker, making it so they can put less product down on the roads. Councilor O'Halloran asked if moisture content would have anything to do with that in either product? Foreman Moon responded that moisture affects them all, but the crystals break back up to what they look like in the jar where the other product doesn't.

Nate Hardwick, Crew Leader – High Street is his route, and he had the same problem, a lot of the time. He believes the \$1650 difference is worth it because if you take three or four guys that are each taking 15-20 minutes to continually keep the spreader clear, that adds up and it is all overtime. They have also had some trouble with broken chains and bent doors on the side spreaders because of the bigger clumps of salt.

Councilor O'Halloran – stated that typically he would agree that the city should be buying for value not price, but in this case he is voting for price because he doesn't like how this was handled from the beginning. He believes that it was handled wrong from the beginning, though he does hear what they are saying and is all for making the job easier.

Move to approve the winter salt bid from Eastern Salt, in the amount of \$66.40 per ton, P Lyons, seconded by T White, passed 5-1 (S O'Halloran opposed)

CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

NEW BUSINESS

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

- Jennifer Wing Goodrich d/b/a Pepper's Pub, 20 Water Street, for renewal of a City Class B License (Amusement, Victualer & Liquor) and renewal of a State Class A Restaurant/Lounge Liquor License.
- Aargh Inc d/b/a Pat's Pizza, 396 High Street, for renewal of a City Class B License (Amusement, Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.
- Wal-mart Stores East, LP #1932 d/b/a Walmart #1932, 17 Myrick Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Off-Premise Beer & Wine License.
- Rooster Brother Inc, 29 Main Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Off-Premise Wine Only License.

Move to approve the renewal of the licenses that were presented, T Mote, seconded by P Lyons, passed 6-0

13. Council Order #082500, Update from the Planning Department on a Maine Trails Program Grant project proposal.

Brittany Merrill, Planning Department – per the information provided in the packet, we have an opportunity to apply for this grant. There are four cycles to this grant, so if we are able to complete the project within the two-year time frame, there is the possibility of applying for another one. After looking at the criteria of this grant program, it was decided, after some research and talking with colleagues, that improving the Branch Lake Public Forest would be the best route to go with the grant proposal. It would give attention back to the Branch Lake Public Forest, which needs some upgrades with things such as wayfinding. With this grant project, it focuses on bringing up the main tote road trail to an accessible trail, so everyone, no matter their mobility limitations, can enjoy the space. This grant program is more than just the trail; we can upgrade the parking lot as well.

Councilor O'Halloran – to clarify, he asked if there was no cost to the city. Ms. Merrill responded that no, unless people want to volunteer their time, you can count that as cost. The in-kind match can be several things, like labor or the price of equipment used. They have already had some people who have expressed interest in helping out.

Councilor White – is excited for this, because if we do it successfully, we can get another grant on the next parcel of land that we've just closed on.

Councilor Lyons – thinks that this is a great opportunity and knowing the community that we have here, that we won't have a problem getting in-kind volunteer hours.

14. Council Order #082501, Update from the Code Enforcement Office on citywide odors.

Robert Grant, Code Enforcement Officer – in April, the Commercial and Industrial Uses Odor ordinance was passed, and at that meeting Councilor Stein asked if he would come back sometime during the summer and give an update on how odor has been citywide. In general, complaints have been down dramatically from last year. Even with an uptick at the beginning of August, there were only 30 at the time the memo was created and up to 32 by the time of the meeting. On June 27th, Maine Organics was issued a notice of violation because the smell was bad enough on site. The notice came with a 30-day order to comply to reduce the odor and on August 5th they had another, even worse smell issue, which caused them to end up with a second notice of violation. The 30-day window is not up yet, but since then the complaints stopped, so they seem to have gotten the odor under control.

Councilor Beal – asked how many violations they can get before we stop them. CEO Grant responded that under the new odor ordinance, they would get one more violation and if they fail to correct it after that violation, we could choose to take them to court. CEO Grant also stated, using the example of their last notice of violation on August 5th, if they went a year without an issue, that he would consider that a fresh set of violations, because they seem to have fixed the problem that they had before. If they continue to have issues into September, then he would consider that their third notice, there is some subjectivity, but ultimately it comes down to are they actually trying to fix the problem. Councilor Beal expressed that her fear with that is that we are going to keep having the 30-day notices and they will fix it and get a new set. She doesn't believe that it was the intent of the Council, with the new ordinance, that every 30 days we keep letting them fix it. CEO Grant agrees with her that they only seem to be band aiding the issue and not fixing it. He had the DEP in his office after the August 5th incident, and he believes that even they don't know how to fix the issue.

Councilor O'Halloran – stated that measuring the amount of complaints doesn't mean that it doesn't smell. He believes that the citizens are tired of it, and they realize that nothing happens when they report an issue. Just because you aren't receiving complaints doesn't mean there aren't offenses going on. It has been going on for seven years and we've "rewrote the books" twice and it is unacceptable.

City Manager Pearce – responded that the standardness that was rewritten in the new ordinance was designed for this purpose. He agrees with Chair Beal that he doesn't believe it was the intent of the Council nor was it written in the ordinance to allow resets, even within the next year. It was written so if it continues to repeat and the owner of whatever establishment that is creating the smell can't prove that they are trying to rectify the problem that we are able to pursue further legal action to make sure that the problem is rectified permanently.

15. Council Order #082502, Update from the City Manager on the Moore Center lease agreement.

City Manager Pearce – at the workshop on August 4th, the YMCA, some of their board members as well as some members from Friends in Action and the Music Institute, were there to talk about the status of the lease negotiations. They talked with Council and have come to the conclusion that we're going to look towards the city taking over maintenance and operations of the building from the YMCA. We are very grateful for the time they have put into the building but now the core issue is that they are running at a deficit which is unsustainable for them without raising rents on other organizations. So our Parks & Recreation Director is going to take the lead on figuring out

exactly what that means. There may be a bit of a sunset period, where the YMCA continues to provide cleaning and operations maintenance while the city figures out the financial mechanisms and operating costs to take care of the building with internal resources or maybe a collaboration with the school. Then we will look into going to a triple net lease arrangement with all the service providers in the building based on the square footage they use and the type of use that each organization has.

Matt Montgomery, CEO of the Downeast Family YMCA – we have been working on this for a little over a year now and currently they are not in a position where they feel like they can just extend the lease. It was extended for a year to get us to this point, and he appreciates the work that CM Pearce has done and now Roddy, the Parks & Recreation Director, he thinks that we can come to a temporary solution, while working toward a more permanent goal, that will provide the YMCA with a little bit of relief. They are willing to come to the table and are willing to continue operating, if that is in the best interest of the city right now, until we figure out how to proceed.

16. Council Order #082503, Update from the City Manager on the track replacement.

City Manager Pearce – this was another item that we talked about at the August workshop, but because it is a big community need, he wanted to update again for those that weren't at the workshop. We will be proceeding, as discussed, in budget discussions on our priority for the next BAN/bond cycle to do the track in addition to tanker 4, for the Fire Department, and potentially the cupola, which is leaking pretty substantially. He has had discussions with the Superintendent of Schools, Amy Boles, and we are still around the \$1 million level. It is likely that at the next meeting we will look toward a bond anticipation note so that we can start putting pieces of this out to bid, specifically the design, so we can get a little more dialed in on an exact price of the track replacement. He is hoping to have the final cost sharing on this to be about a third from the city debt service, a third from the school department debt service and a third through fundraising. Councilor Lyons stated that he would be happy to help put heads together on fundraising. Councilor White asked who was going to be spearheading the fundraising, the school or the city? CM Pearce responded that he and Superintendent Boles would talk about it in their meeting tomorrow (8/19), but it will be a joint project.

17. Council Order #082504, Public Hearing and action on amendments to the Ellsworth City Charter.

Sarah Lesko, Library Director – came to the Council at last month's meeting to discuss increasing the number of library trustees from five to seven. So, she is back to make it official and get the Charter amendment on the November ballot.

Councilor O'Halloran asked if there was a downside to having seven. Library Director Lesko responded with not that she knew of. They are currently the smallest library board in the county and one of the biggest libraries.

Raymond Williams – he served for about nine or ten years on the Library Board, and he has no objections to them wanting to increase it's size. However, he doesn't believe that it is in order to be heard tonight because amending the City Charter has to follow the statutes of Title 30A, section 2104. He doesn't believe that the public hearing was properly noticed. He also doesn't think the wording of the amendment should be the way it is because one year will have four board members being elected.

Library Director Lesko responded that it had come to their attention after they had already written the first memo that they should probably stagger the trustees coming on so that there aren't four being elected in one year.

Tina Vanadestine, Deputy Clerk – this was a little rushed because we are trying to get it on the ballot, and we have consulted legal many times regarding this. She was doing the math on how many seats would come up for reelection every three years, so she asked Mr. Hamor if there was a way to fix the issue. That is when he came up with staggering them. If this does get tabled, it will not go on the November ballot.

Councilor Lyons – his thinking is if they could vote on advancing it tonight, then have a follow-up public hearing that follows proper procedure to ratify their vote. He is trying to think creatively because then ideally we don't have to wait another year for this because we know there is a lot of work that the Library is trying to do. Councilor Beal was afraid that it wasn't proper to advance something to election that they hadn't approved yet or provided public notice on. Councilor Mote mentioned that there was an upcoming workshop on September 2nd and asked if that would meet all the qualifications? DC Vanadestine said that it would be cutting it close, but we would have time to get it out for public hearing. CM Pearce said that we would notice it as a special meeting prior to the workshop and it was decided on to do it at 5:45pm with the workshop following at 6pm.

Move to table until September 2nd, P Lyons, seconded T Mote, passed 6-0

18. Council Order #082505, Public Hearing and action to place amendments to the Ellsworth City Charter on the November 4, 2025, ballot.

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

19. Council Order #082506, Discussion and potential action on rules change to the City Council regarding moving the standing timeframe for the weekly Finance Committee meetings from 8am on Fridays to 8am on Thursdays.

City Manager Pearce – this one is pretty straight forward, because of the change of City Hall operating hours, from a range of different hours, Monday through Friday to a set 7am to 6pm, Monday through Thursday, we are looking to align the meeting with the new hours.

Move to change the regular meeting schedule of the City of Ellsworth Finance Committee from Friday to Thursday morning at 8am, effective August 21, 2025 in alignment with the new City Hall operating hours, P Lyons, seconded by T Mote, passed 6-0

20. Council Order #082507, Ratification of the appointment of Roddy Ehrlenbach as the incoming Parks and Recreation Director.

City Manager Pearce – welcome to Roddy Erhlenbach, an Ellsworth High School graduate. It isn't only his love of Ellsworth that he was brought in for this role, he has incredible expertise and a degree in recreation. His passion to bring recreation to this area and make it accessible for everyone and the different ideas he has were reasons he was the right fit for this position. He is looking forward to his vision and foundation building and partnering with him moving forward.

Roddy Erhlenbach, Parks & Recreation Director – thank you to all the Councilor for hiring him. It has been a humbling opportunity to return home. He spoke with CM Pearce and DCM Devlin in his last call about the circumstances in which he is returning to the area and he believes it is a universe unfolding as it needs to or should. People his age are beginning to realize that their parents aren't immortal, so they are returning home to reconnect with them and support their

needs. Also, coming back and looking at the city under a different lens, and seeing the evolution of not just Ellsworth, but the greater area and trying to wrap his head around how different it is. His motivation is seeing how much the recreational opportunities and access to those opportunities has changed in the 35-40 years that he has been around experiencing those to where we are now. He believes it is very important when you live in an area that people are traveling from all over the world to come recreate that you have access to those same opportunities in your backyard.

Move to ratify the appointment of Roddy Ehrlenbach as the Parks and Recreation 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, P Lyons, seconded by T White, passed 5-1 (S O'Halloran opposed)

21. Council Order #082508, Discussion and possible action on extending the deadline for charging interest on tax bills to October 9, 2025.

Sue McLean, Tax Collector – what we are looking to do, is not just change the interest date but to move the due date all together. We don't have the commitment yet and are hoping to have it by the end of the week but that still won't give citizens 30 days to get their payments in. Nothing has been printed yet, so we could print the new due date if it is approved to change it. Because it was voted on in June, we need to have another vote to change it. We are only looking to change the first installment due date, and we are looking to change it to October 9th with interest starting October 10th.

Councilor White – asked if we think this will be a yearly issue. CM Pearce responded that no, we have implemented several processes to make the process more streamlined with things such as monthly tracking and updated assessments as soon as a project is completed, so there is no reason we shouldn't be able to have this done by June 1st.

Move to amend the previously adopted resolution from the regular June 2025 Council meeting setting the 2026 Ellsworth tax due dates by changing the first installment due date from September 11th 2025, to October 9th, 2025, with interest to begin on October 10th, 2025, the second installment shall remain due on March 12th, 2026, with interest beginning March 13th, 2026, T Mote, seconded by P Lyons, passed 6-0

22. Council Order #082509, Acceptance of the resignation of Michelle Beal as Council Chair.

Councilor Beal – after a discussion with the City Manager, she thinks that what is coming up for discussion over the next few months, before and after the election, that we are at a point in the city now that we are going to have some really great discussions. She thinks for long-term that it should be led by someone that will be continuing on the Council after the election, as she is not running for another term. She believes it is very important that someone step into her place to continue working with the City Manager, staff and Council continuously on what she believes are great plans for the future of the city. She is very excited to watch what happens and is sad to step down, and she knows it is kind of unprecedented to do it, but she thinks the city has been through a lot of change in the last few years and it is now time to settle for long-term decision making.

Move to accept the resignation of Michelle Beal as chairperson, but to remain a council member until the end of her term, effective immediately, and that Council member, Tammy Mote, be appointed to serve as Chair pro temp until a new Chair is elected, T White, seconded by P Lyons, passed 5-1 (S O'Halloran opposed)

Before the vote, Councilor Lyons said that he wanted to thank her for being the chair and serving the City of Ellsworth as well as you have, both as an employee for many years and then on the Council. She has done a lot of good for our community and many people appreciate everything she has done. Councilor Beal responded thank you and being on the Council has been an honor and it has been very different sitting on the table at that end. It has truly been an honor to serve as the chairperson for the last two years. Councilor White agreed with Councilor Lyons, she has been a great leader and role model, especially from her perspective as a new Council member.

23. Council Order #082510, Acceptance of Nominations and Election of a new Council Chair to serve to the November 2025 Organizational Meeting.

Councilor Beal nominates Councilor Lyons, Councilor White seconds. Passed 6-0

24. Adjournment.

Move to adjourn, T Mote, seconded M Beal, passed 6-0