

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, September 15, 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:

- August 18, 2025, Regular Meeting

Move to approve, M Beal, seconded T White, passed 6-1 (N Smith abstain)

5. Presentation of Awards.
 - Renee McManus – 5 years of service
 - Suzanne McLean – 5 years of service
 - Jane Metzler – 10 years of service
 - Peter Leighton – 10 years of service

6. City Manager's Report.

Ellsworth Craft Fair will be Saturday, September 27th from 9-3 at the Ellsworth Elementary Middle School. Proceeds from the craft/vendor tables goes to the Christmas for Kids/Backpacks for Kids fund.

Thanks to our cemetery volunteers, Natascha Minze, one of our newest Cemetery Commission members, as well as a local Boy Scout Troop, did an incredible clean-up job at the Higgins Cemetery. Also, a big thanks to Camden National Bank and Heart of Ellsworth who did a second round of weeding, which will hopefully get us to the fall. The downtown looked great this year, thanks to our Parks and Recreation crew, so thank you to them for all the work they did there and also at Knowlton Park.

He would also like to add two more awards to the night. He, DCM Devlin and HR were all trying to come up with a way to honor Councilor Beal and Mote for their long dedication and service to the city and as Councilor and figure out a way to keep their spirit alive. The two awards are the Mote Award for excellence in city government and the Beal Award for leadership in city government. DCM Devlin presented the Mote Award to Tina Vanadestine. "Tina Vanadestine embodies the same values that defined Tammy's career. She is known for her huge heart and unwavering commitment to serving disadvantaged residents of Ellsworth. A colleague and community member who leads with humility, Tina never seeks recognition for her work but is always the first to lend a hand. She cares deeply about her coworkers, brings laughter and

positivity into the workplace, and approaches challenges with determination and compassion.” City Manager Pearce presented the Beal Award to Nate Burckhard. “[He] has been the “glue” holding together countless aspects of city operations—whether responding to IT service requests, climbing bucket trucks to repair lights at Ellsworth High School, or driving forward every major data and process modernization effort of the past decade and a half.

In recent years, Burckhard has played a central role in advancing some of the City’s most critical projects, including the finalization of Ellsworth’s budgeting software implementation, a complete overhaul of the budgeting process, and modernization of tax billing and assessing systems. His ability to deliver under pressure has made him indispensable to the organization.”

7. Committee Reports.

Councilor Stein, Solid Waste Committee – he attended the trash talk fair at the Moore Community Center on Saturday September 13th. It was a lot of fun and there was a great turnout. There were a couple City Councilors there, the City Manager and Economic Development Director. They heard from composters, other folks operating in different areas of the solid waste spectrum, from food waste, compost and solid waste removal, with the overall goal of starting to hone in on ways to reduce costs to the taxpayers and help the ecology of our community. Green Ellsworth was also there.

Councilor Smith, Cemetery Commission – in addition to the update about the Higgins Cemetery clean-up, the commission has been eager to get out and get their hands dirty; a commission member and her son, as well as the Boy Scouts, were able to do a terrific clean-up there. She would also like to give a shout out to Roddy (Parks & Recreation Director), he attended one of their meetings and shared that there was a concern about saplings that were on the boundary line for the Ancient Burial Grounds. They were intruding into the church foundation, and he was able to go in and take care of it. Part of taking care of a cemetery, or in this case an ancient burial ground, is making sure that the trees aren’t impinging on the graves but also not on the neighbors. The commission would like to thank him for stepping up and taking care of it but also letting them know about it. The commission is going to be meeting every other week to continue working on their structure and the budget for the work moving forward.

Councilor White, Arbor Commission – they had a meeting with the public on Monday September 8th about the Forestry Management plan for the Ellsworth Public Forest and the newly acquired land we have there. They got some great feedback from the public and are on track to have the final plan for October. They have also completed a rough ash tree count in Ellsworth. We have city-owned ash trees that may be or will be affected by emerald ash borer in the next ten-years or possibly less, so they are hoping to understand what our ash population is. The rough count is around 500 trees, so they are diving into that so they can make a solid recommendation to the Parks and Recreation department and so the Arbor Commission can budget to hopefully treat some of the trees to protect them.

8. Citizen’s Comments.

Judith Felch – has a code comment but first would like to say thank you. She came in and met with the City Manager, the Code Enforcement Officer and a Police Officer who represented animal control, and she want them to know that all three men were kind, articulate and professional and she felt very welcome. With the ongoing world events, she thought it was important to recognize and acknowledge government officials who are kind and exhibit a great deal of care for the

citizens. She would like to speak to code 8024, which is the code that deals with farm animals, specifically roosters and chickens. In the code, roosters are prohibited; they addressed as noise and nuisance animals. Her neighbor, for months, has kept a rooster that begins making noise at 3:30am and continues crowing all day. The Code Enforcement Officer doesn't have any tools in his immediate disposal for the immediate enforcement of this code or the removal and rehoming of the rooster. Chickens, unlike roosters, are allowed if they are in a run. The neighborhood has chickens and 12 to 25 of them run freely in her yard every day. Code Enforcement can file a court complaint, which usually takes up to a year to resolve. Which again, gives him nothing for an immediate resolution. Because of this, they have been allowed to roam through her yard, dig up her iris and spring bulbs, decimated and reduced a whole garden bed to mud, scrape out flowers by the roots, nip tops off of seedlings, and dig holes in the garden beds and in the lawn. They have scraped all the moss and mulch from around bushes and around the whole basement edge, allowing for erosion and water to get into the basement. They have also lacerated her deer fencing, costing her time and money to repair, and have done it to one particular spot three times. She attempted to resolve this by speaking to her neighbor and he told her to get off his property. She contacted animal control, which is part of the Police Department, and was told they only deal with dogs. This is also drawing wild animals to her property; she had a fisher weasel outside her back door and a chicken carcass on her lawn. She is asking for the Code office to be given what he needs to solve these issues quickly and effectively, she would like to have this nuisance resolved. She can have her property ruined, her peace taken away, but she is not allowed to catch and rehome the animals because they are not her property.

Susie Shepard – first played a recording of the rooster outside her window, then stated that this starts at 3:30 every morning and continues every 20 seconds. They have had to try to find a place in the house for her to live where she is able to sleep. She would like everyone to have empathy for her and her sister and their neighbors, including the nursing home. She would like for them to “march to the beat of her drumstick, a bone we can pick tonight about chickens.” She would like to stop chicken vandalism, they vandalize more than people, who if they were caught for the same thing would be put in jail. She would also like to have the illegally kept roosters removed immediately and something done with the chickens because they have destroyed her sister's gardens costing time, money and “garden gifts” that she donates to Ellsworth church services and to other neighbors. From her window, she can see people at the nursing homes struggling with their wheelchairs because the chickens dig at the mulch and get it on the walkways. There was also a fisher weasel in their yard, which now explains the dead chicken carcasses they had found. Koko Preston – she lives across the street from Ms. Felch and is here to witness and advocate on behalf of her in her request for assistance. There are at least three issues to address, first is the neighbor's rooster. The rooster crows at any hour, day or night, and his crow is intrusive and disruptive. Second, the neighbor's hens, the flock roams into Ms. Felch's garden and their continuous pecking and scratching cause a lot of damage. Third, a neighbor who is unresponsive. Ms. Felch has approached the owner of the rooster and chickens and asked him to manage his flock, which is a reasonable request for accountability, but he is not interested. She believes that everyone is aware that a garden requires an investment of time, attention and money. Ms. Felch has created an “oasis” of cheer and hope for others. She encourages the Council to listen to Ms. Felch, she has good, practical and specific suggestions. A law that cannot be enforced is useless when dealing with lawless people. Please do not encourage the bully and discourage the victim. Sara Devlin – we are having our first public meeting for the Village Partnership Initiative this Thursday night (9/18) at the Moore Center from 5:30-7:30pm. There is a survey online, they

would love to have people attend or take the survey. For the VPI we are working with the Maine Department of Transportation and are looking at once in a generation levels of investment in our downtown, Main Street and Water Street up to Christian Ridge Road. They are currently in the planning phase right now and it is about an 18-month long effort.

Cara Romano, Heart of Ellsworth Director – also on Thursday (9/18), Heart of Ellsworth is hosting Ellsworth's original commercial district, which is a walking tour of the proposed downtown historic district that is being nominated to the National Park Service at the end of the year. They are hosting a walking tour that will feature the 43 different properties that are part of the nomination, starting at 5:30pm in front of Provender, who is also sponsoring the event and will have some treats for everyone to try before heading out on the tour. If you are interested in participating, please go to their website and RSVP so they can prepare enough food.

Scott Nickel – has been in talks for about a year and a half with Councilor Stein about the lack of connectivity in his area. Councilor Lyons let Mr. Nickels know that this item was on the agenda later in the meeting, so he will be able to comment on it then.

9. Councilor Comments.

Councilor O'Halloran – he has had many calls about the tax bills this year, and in the last few days there have been a lot of calls concerning the taxes. He would like to remind everyone, this Council, other Councils and future Councils, that every time they raise their hand to spend money, there is a good chance that Mr. and Mrs. Ellsworth have to bring money to City Hall. It is his opinion that it needs to be said because when they raise their hand and commit to spending money, (using a visual aid he brought, he took money from one box labeled Mr. and Mrs. Ellsworth and put it into another box labeled Ellsworth's spending) Mr. and Mrs. Ellsworth have to bring money to City Hall. He believes that hearing the taxes and complaints that he has heard this week (9/15), that each Council needs to be reminded of the citizens.

Councilor Stein – asked if someone was working on the chicken/rooster issue. City Manager Pearce responded that yes, it has been added to the October workshop for a broader discussion. He thought potentially maybe doing something that would tier fines instead of only being able to send a letter as an action. He would like to speak with legal counsel but also in a public session, to see if the Council would be amenable to giving the Code Enforcement office increased authority. He would also like to have a discussion about bikes and e-bikes on sidewalks because of the danger they can present. Councilor Stein wanted Ms. Felch to know that they aren't just speaking into the void, that we are listening and it sounds like there are plans to continue discussions and figure this out.

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 #092500, Request of the Deputy City Clerk to approve the time polling places will open for the November 4, 2025, State of Maine Election and the City of Ellsworth Municipal Election as 8:00am. *

11. Council Order #092501, Request of the Deputy City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the November 4, 2025, State of Maine Election and City of Ellsworth Municipal Election. *

Move to approve the consent agenda, T Mote, seconded N Smith, passed 7-0

NEW BUSINESS

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

- Hannaford Supermarket & Pharmacy #8123, 225 High Street, for renewal of a City Class C License and renewal of a State Agency Liquor Store License.
- James B. Card II d/b/a Jimbo's Junkin, 62 Kylies Way, for renewal of a City Junkyard/Automobile Graveyard License.
- Daron Goldstein d/b/a Provender, 112 Main 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.
- Shaw's Supermarket #57, 175 High Street, for renewal of a City Class C License and renewal of a State Agency Liquor Store License.

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

13. Council Order #092502, Update from the Finance Director on the 2024 audit.

Nate Moore, Finance Director – we have just finished the FY2024 audit, it was done by RHR Smith & Company. Ron Smith from RHR Smith is present tonight to discuss the audit.

Ron Smith, RHR Smith & Company – he went over the general fund balance sheet and stated that there is a total of about \$10.5M worth of assets against liabilities and obligations of about \$5.8M, leaving us with a fund balance equity carryover of almost \$4.7M. That is down from FY23 by approximately \$600,000, because last year there were some assigned fund balances, which have now been moved to the appropriate columns, so this is showing the true general fund balance as of 6/30/2024. They meet with the Finance Committee about two weeks ago and had a similar dialog with them. The capital projects fund, shows that we have been busy with infrastructure projects. There is a lot of timing and delays in finalizing debt proceeds and attaching them to capital projects. He believes that by 6/30/2025, a lot of that will have caught up and will show the true picture. We are right where the standards say that we should be. He talked about our utility departments, that are supposed to be self-sufficient and have had a lot of upgrades and infrastructure. It shows that the wastewater fund still shows an operation deficit that has gone back for a period of time. He believes that this is the last big conversation that is needed, to talk about the plan and how we are going to pull ourselves out of the deficit. One of the biggest difficulties they had with this audit was the change in software, so they had to reconcile and audit

6 months in one software and 6 months in the new software and make sure that everything came out.

City Manager Pearce thanked Ron and his team for all the work they put into the FY24 audit. FY24 was nine months over when he arrived and when he asked for budgeted actuals, no one could give him an answer and now you can see in the results, all the budget overruns from a variety of departments. When you don't have budget software that is tracking your actuals, unfortunately that is what happens and there was where we were at. There was an enormous amount of work put in to finish the budget integration last cycle to prep a lot better for FY25, and it wasn't just to get a budget passed, it was also so we could capture our target inflation. We still have a lot of work to do on tax reconciliation, grants management and capital expenditures tracking, and we are working on those. We have engaged Sue Lessard, the former Bucksport Town Manager, to help us as well. We will be bringing her back for an initial report on changes we need to make to policies and procedures, so there are safeguards in place, and we have a tech solution, so it isn't so dependent on past knowledge of those who were in charge of finances, so the city succeeds going forward.

Councilor O'Halloran asked Ron to explain a little more about the Wastewater plant and the depreciation. Ron explained that they look at two things, they look operationally at where the money and equity are and also from an infrastructure standpoint on where the equity is there. With all the infrastructure upgrades that have been done over the past few years, it is heavily tilted toward infrastructure. The depreciation figure in the audit report is the annual wear and tear on that infrastructure, and it has a direct correlation to their standards, saying that there should be some kind of attachment with a capital reserve account where we are budgeting for the depreciation. Councilor Beal asked about the capital fund that they have been setting aside \$35,000 a year, for at least 12 years now, and stated that that fund should be going against the depreciation. She also asked if Ron had any suggestions of things that could be done to help reduce that depreciation. Ron responded that there is some debit service that will be starting to dropping off, which will help a lot.

Councilor O'Halloran spoke against taking other towns sewer because it is using our infrastructure and that they are not charged enough because he believes that the taxpayers should be benefiting greatly from it. Councilor Beal responded that it is also Ellsworth taxpayers that are using that service because those people that are not on city utilities, call a company from outside of the city to come and pump their septic tanks and then dump it at the Wastewater Facility. We aren't losing money at this facility but if we were to stop taking the income from the outside companies, we would be.

14. Council Order #092503, Discussion and potential action on the Moore Center lease extension.

Roddy Erlenbach, Facilities & Parks and Recreation Director – here tonight to update everyone on the progress of a new lease agreement for the Moore Community Center. As they are all aware, the Downeast YMCA approached the council at the last meeting, asking for more immediate action on the current state of the lease. He has been collaborating with Downeast Family YMCA, Friends in Action, Ellsworth Community Music Institute and the school district, to try to work toward a new algorithm on how we figure out how to fairly and equitably distribute the operational cost of the building. The process is moving along well, but they do still need some time to get things hammered out. The YMCA has asked us to consider a short-term or “gap lease”, where everything would stay status quo and the YMCA would still run the operations, the only change would be that

the city would assume all cost of occupancy. A 12-month average would be \$7,500 a month, however since we are not in heating season yet, he believes the cost would be a bit less than that for the next couple months. He hopes that within 90 days, they will have something more permanent worked out and be able to move forward with a new lease. This recommendation would be effective immediately and retroactive to September 1st, so the city will cover September's utilities, however it is renegotiable every 30 days so doesn't create any long-term commitment on the part of the city but gives us an opportunity to demonstrate good faith to the YMCA.

City Manager Pearce – stated that Roddy has also been working with a private sector partner that has a lot of experience managing private sector lease agreements. The YMCA has been very patient with us for a long time and this covers us for the near term and he believes that this lights a fire for us to get something more permanent in place.

Councilor Smith – asked for clarification about the school having their pre-k program there but not paying anything. Roddy responded that to his knowledge, they are not currently paying anything. She also wanted to remind everyone that since budget conversations will be starting up again soon, that this should be something discussed and added to their budget for next year.

Councilor Beal – asked about how much square footage there is there, Roddy responded that there is 28,302 square feet and that the YMCA is occupying 37%. However that isn't 37% of the total space, because you have to subtract all the common spaces, such as hallways, elevators, bathrooms, etc. Roddy believes that we are all in agreement that the services that are being offered out of that building are far more important to the community than a retail space. His effort is to get away from just assigning a baseline value to a building based on square foot and look at truly what is it costing us to operate the building. That way we are transparent and showing the true costs of operation and then the intent is to distribute that cost equitably across all the tenants so that what they are paying reflects the portion of the building they are using. We would also like to working filling those spaces that sit empty, like the gymnasium, the auditorium and the conference room. The Rotary is going to be moving their meetings to the conference room, also to show the importance of the facility and to support its longevity, that we need to get the word out to civic organizations that need a meeting space.

Councilor O'Halloran expressed his concern for giving them more money, where we already give them funds yearly and they currently rent the building for \$1 per year. He stated that if they can't make it work with a free building that isn't our problem.

Councilor Lyons disagreed and said that he believes it is our problem because the Moore Center houses very valuable organizations that serve our community and families, and he doesn't believe that the city is out to make money off them. As a Council and a community, we have decided to invest funds into that building to support those organizations. His family has benefited from all the programs that are housed there. It may not be a moneymaking venture, but he thinks it is a community building venture, and he is willing to invest in it.

Move to enter into a short term lease agreement with the Downeast Family YMCA, effective immediately and retroactive to September 1, 2025, with the lease to be renewable every 30 days, until such a time as a long-term lease can be drafted, negotiated, and executed. Under the terms of the short-term agreement, the city shall assume responsibility of the costs of utilities associated with the lease premises, J Stein, seconded by N Smith, passed 5-2 (S O'Halloran and T Mote opposed)

15. Council Order #092504, Discussion and potential action on the request of the IT Systems Administrator to award a contract for streetlight acquisition and LED conversion services.

Jason Ingalls, IT Systems Administrator – as they discussed at the workshop on October 6th, he is here tonight to ask to have a contract awarded to RTE Energy Solutions to take us through the process of purchasing our street lights from Versant and converting them to LED. An RFP was issued in August, and they received two proposals, which a group of staff members scored, and they preferred the proposal from RTE. The primary benefits with RTE is it's the lower cost, they have a lot more local Maine experience with Versant and Emera, and they have someone local in state, all were important factors in the scoring groups opinion. We are currently spending approximately \$135,000 per year on street lighting and if we do this project, even with the debt service required for it, we would be saving about \$43,000 the first year. The project payback is three to four years and a cash flow payback of about seven years. Other benefits are that we can choose our own lights, we can pick the color temperatures and the brightness that we like. The biggest savings with owning our lights is that we won't be paying the maintenance charges from Versant because we will be doing our own maintenance. At the workshop, a question was asked about insurance, we can insure the lights for \$300 per year, which is another savings because Versant required liability insurance and that was \$600 per year. The project costs \$400,000, and he is proposing we do a municipal lease. It is a seven year lease and at the end of it, there is a \$1 buyout. It is a true municipal lease, with a non-appropriation clause, so we will have the opportunity every year to appropriate funds to the lease. It is not contributing to the city's debt load because of the way it is structured. The downside is, there are not a lot of banks that do that type of lease, but he did receive two proposals, one from Maine Community Bank and that is who they were proposing to go through. However, since the packet came out he did receive a new lease proposal from Municipal Leasing Consultants, which has a better rate. It does have the same terms as the lease from Maine Community Bank, but the interest rate is lower, which would save us approximately \$3,000 in finance charges over the course of the lease.

Councilor Beal asked what would happen if we didn't appropriate the funds one year and the answer was that the bank would take ownership of the lights. She also asked where this would be funded from and the answer was because it's a cash flow, it would be paid from the street light account.

Mark Carter, RTE Energy – they have done about 350 municipal LED street light upgrades and 49 of them were in Maine. They have had a number of customer use this company, Municipal Leasing Consultants out of Vermont, and they specialize in tax exempt lease financing or purchasing.

Councilor O'Halloran asked about the maintenance and since the city recently bought a bucket truck, would that be something that they could use to do maintenance. The answer was no because you have to be on Versant's approved list and also be a certified electrician.

Patrick Shea – Versant owns the poles, though there are some that are owned by Consolidated Communications, that's why they only want certain entities to be able to access those poles, and they lease space out to the other companies, such as Spectrum. His question is, are we going to lease space from Versant or Consolidated? Jason answered that we don't have to. Mark expanded on that stating that we are grandfathered because of the location of the lights on all the existing poles, but we do have the ability to request and petition for new lights on existing poles.

Move to award the street light acquisition and LED conversion project to RTE Energy Solutions, authorize the City Manager to execute all necessary agreements with Versant Power and RTE, and enter into a municipal lease purchase with Municipal Leasing Consultants, with the project amount not to exceed \$400,000 and with an actual projected

amount to be paid in an annual appropriation, consistent with the final Investment Grade Audit, J Stein, seconded by N Smith, passed 6-1 (S O'Halloran opposed)

16. Council Order #092505, Discussion on internet connectivity in the Graham Lake area.
(Sponsored by Councilor Stein)

Councilor Stein – would first like to apologize to Mr. Nichols, if he is watching, because he wanted to speak on this. He was one of the first people who emailed him nearly a year ago and has kept up communication, as have several of his neighbors. The purpose of this discussion is to get this back on everyone's plates. It unfortunately was taken up by a few different staffers in City Hall who were working on it and making some progress, that are no longer with the city. So he wanted to make sure that this is going to move forward and that someone, other than himself, is looking into this. In 2023, the Broadband Committee interviewed internet service providers to understand their plans for Ellsworth and determine a path forward. The Broadband Committee also looked into potential grant funding to fill in the gaps. They were looking to get internet connectivity in Ellsworth where none existed, if there were any areas. The majority of Ellsworth was covered with existing service or fiber networks through various providers such as Fidium, Spectrum and Rivahnet. They found that Fidium covered all of the loose ends with fiber except for North Street and streets off of North Street, like Graham Way and Branch Pond Road area. North Street was covered by Spectrum and Rivahnet but only going as far as the intersection with Eagle Road. What he was hearing from folks was that people were home and trying to work but weren't able to because there was not enough connectivity. Also, students were trying to attend school remotely and were not able to for the same reasons. This struck him as something that we needed to dig into because in this day and age, it is a basic need to work and go to school. Thanks to the IT department and previous Economic Development Directors for getting this information. The frustrating things were that in an effort for Fidium to expand some of their networks, the city confirmed that Graham Way and Branch Pond Road were initially planned and on a build list, but the project was dropped due to cost. It was discovered that the map showing coverage did show that both Graham Way and Branch Pond Road were covered even though they weren't because the build list didn't get updated when the project was stopped. The IT department worked with the Maine Connectivity Authority for interim programs, but they ran into similar problems with the mapping.

Councilor Smith – after seeing this on the agenda this morning, she emailed with Twila, who looped in Danielle, for more conversations on this. She understands that with the turnover here, it is hard to pick up on seemingly small projects like this, so being able to move forward and know what staff member they can connect with Kendra-Jo Grindle at MCA. The way the coverage is reported, is by census block, so if one building is covered in that census block, the whole block is marked as covered. What was interesting in that email thread, was there was mapping of the latest BEAD awards, which are the final ones because that program is not moving forward at the federal level, and there is a polygon of Ellsworth that is in that.

City Manager Pearce – he believes that this is one of Councilor Stein's best aspects, no matter how small the project or what it is, he has great citizen responses. He has seen it via email and just how much he cares about each citizen.

Cara Romano, Heart of Ellsworth – she would just like to bring to the Council's attention that the State Street block in downtown also does not have fiber. That block was left off when the downtown was done years ago. They are working on it, but perhaps there is some opportunity to couple the projects and make the trip for the corporation make sense financially.

17. Council Order #092506, Ratification of the appointment of Danielle Gift as the incoming Director of Planning and Urban Development.

Charlie – really excited to bring Danielle on, she brings an amazing skill set to the Planning Department. She has over 15 years of municipal and federal leadership in forestry sustainability and community development, most recently as the Regional Program Manager for the USDA's Forest Service Urban and Community Forest Program. She has also led multiple large scale, multi stakeholder initiatives in the New York City Parks and Recreation department. She also earned national recognition for the 2025 USDA Secretary Honor Award and the US Forest Service Regional Honor Award. She has incredible experience supervising planning, zoning, housing development initiatives, green infrastructure, transfer planning and aligning grants management to the city strategic goals.

Danielle Gift, incoming Director of Planning and Urban Development – she is thrilled to be here. She loves this area and has been visiting for a very long time, so she is happy to be a resident and to help contribute to making the city even better than it is now. She is really excited to get to work and start working with everyone.

Move to ratify the appointment of Danielle Gift as the Director of Planning and Urban Development 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, T White, seconded by M Beal, passed 6-1 (S O'Halloran opposed)

18. Council Order #092507, Public Hearing and action on the request of the City Manager to accept the proposal for a Clerk of the Works for the Merrill Lane Extension Project.

City Manager Pearce – he would like to table this as we only received one proposal, although we did receive a second one that was late. The one proposal we did receive, the cost was much higher than anticipated. He believes in the near term, because we have only promised a construction road and temporary power access to the judiciary, that it is too much to engage a clerk of the works at this stage.

Move to table indefinitely, M Beal, seconded by T Mote, passed 5-2 (S O'Halloran and N Smith opposed)

19. Council Order #092508, Public Hearing and potential action on a proposed ordinance to provide for and regulate the annual issuance of Local Licenses for Adult Use Cannabis Establishments and amendments to City of Ellsworth, Code of Ordinance, Chapter 14, Licenses and Permits, to add related licensing fees and verbiage for the proposed ordinance.

Robert Grant, Code Enforcement Officer – before the last workshop (10/6) we added the impact fee to the ordinance. Both the Planning Board and our city attorneys had issues with them, so we have reworked the ordinance. Rudman and Winchell recommended that we make it a licensing fee not an impact fee. He has all the notes from the Planning Board meeting and is going to take those and send them to Rudman and Winchell's lawyers, as well as any comments the Council gives him.

The recommendation from the Council was to wait until the October workshop to have the discussion, if CEO Grant could get them the information to review prior to it.

Move to table the adult use establishment licensing ordinance until the October meeting, J Stein, seconded by N Smith, passed 6-1 (S O'Halloran opposed)

20. Council Order #092509, Request of the Economic Development Director to accept the proposal for a TIF District Redesign Consultant.

Twila Fisher, Economic Development Director – she is here for approval to bring on the consultant who scored the highest in the second round of bids. When she started, she was told that they had put it out to bid once and received no bids, so they issued a second bid request. So tonight, she is asking for approval to award the bid for the TIF redesign, in the amount of \$33,500, to Raegan LaRochelle. Her proposal scored the highest, was also the low bidder and she brings compelling prior TIF experience working with Maine municipalities. She is very qualified and we are honored that she submitted a proposal to us.

City Manager Pearce – he is highly supportive of this and with the research he has done, this is a very well regarded consultant. It has been since 2014 or 2015 that they were last edited or redesigned. When the original TIFs were created, they were edited every few years to be in line with current projects and economic development thinking. He is looking forward to the consultant coming on board and giving the Council the options on how to edit, redesign, reallocate or potentially dissolve our TIF districts.

Councilor Smith wanted to highlight from the proposal, task two, TIF 101 and community discussion. She believes it is going to be really important and is glad that it is included as a key piece of letting people know and understand what a TIF is, what the value is, the implications it has for revenue sharing that we get and for the budget.

Councilor Beal agreed with Councilor Smith, she believes that TIFs are a great tool for the city and there are so many misconceptions, it is an incentive, it isn't money that is given to people that come into the district. The plus is for the city itself, not the person that comes in.

Move to approve the request of the Economic Development Director to accept the request for proposals from Raegan LaRochelle to review and redesign the existing tax increment financing (TIF) districts, with total costs not to exceed \$35,000 from the Professional Services account of the Economic Development budget, M Beal, seconded by T Mote, passed 6-1 (S O'Halloran opposed)

21. Council Order #092510, Request of the Public Works Director to award the bid for Mineral Screening & Supply.

Mike Harris, Public Works Director – this first item is for the winter sand screening. Last year the contract was extended, but this year we put it out to bid. We received two bids back, the low bid was from RF Jordan, and they met the qualifications, so we would like to request that they are awarded the sand screening contract for this year. Their bid came in around \$76,000 and KJ Dugas's bid was about \$81,000. There was an alternate bid included that we are not interested in.

Councilor Mote asked what we were paying last year for this. PWD Harris responded \$85,000.

Councilor Beal asked about the alternate, PWD Harris said that we are not in favor of selling them the tailings for \$2/cubic yard and them turning around and selling it for \$38-\$40/cubic yard. We will either negotiate that separately or keep it because we are able to use it.

Move to approve the acceptance of the bid for the FY2026 mineral screening and supply contract for the screening of 7,000 cubic yards of winter sand and 5,000 cubic yards of 4 inch minus gravel to RF Jordan in the amount of \$5.50 per cubic yard and \$7.50 per cubic yard respectively, T Mote, seconded by N Smith, passed 7-0

22. Council Order #092511, Request of the Public Works Director to award the bid for an excavator.

Mike Harris, Public Works Director – we were approved to purchase an excavator, so we put it out to bid and received 5 bids back. The low bid was from Jordan Equipment in the amount of \$196,595.03. They do have concerns with this bid that he would like to discuss. When they reviewed the bids to make sure they match the specifications, they had a couple of issues with this one. First, this is the first big excavator that Bobcat has created, so there are none of these around, this would be the first one. The closest one around is in Lincolnville, and it isn't the 165, it is a 145. So, it concerns him that we would be the guinea pigs for the test run of these excavators. The second thing that concerns him is the service; it is not local. They also don't list a block heater in the specs and in the wintertime when they are going to be using this machine, it is going to be necessary to have one. He called the rep because it does say that it can be delivered within 90 days and he has not received a call back to confirm that is possible. So, at the request of the Public Works crew, he would like to request that Council consider going with the Volvo unit, that is in stock, has a proven track record and has more horsepower.

Brian Moon, Highway Foreman – this is a new machine, and they have checked different forums and have seen several problems with them such as overheating, bad wiring, not starting and the quick coupler, which is the pin grabber where you can change buckets from one to another. The pin is not strong enough and keeps breaking. There were several municipalities that said they would never buy another one because they have had so many problems with them. They are also worried about the service because it would be coming from either Southern Maine or New Hampshire. Chadwick Baross has a service center in Bangor, and they have three guys that do service, and they will usually come the same day or the next morning for service.

Nathan Hardwick, Crew Leader – he would rather know the machine than get to know it when it is purchased. The difference is \$17,000, and he would rather see us put that money into something we own instead of renting, which we are currently doing and would continue to do if we waited for the Bobcat machine. Also, the pin grabber that they were going to supply with the Bobcat is for a 36-42 inch bucket, but they were going to give us a 60 inch bucket.

PWD Harris – in summary, this is not something they do lightly. They understand the procurement policy and the importance of low bid, but they also understand the importance of having a piece of equipment that you can count on and that you are going to get your value out of.

Councilor Smith – when she is listening to the concerns about the pin and the bucket, she is seeing safety concerns, which weren't mentioned, but she would guess that if that doesn't do its job that would be a concern. To reinforce the point they are making, one of her sons is a car salesman, and she was asking him about a car. He told her to never buy the first year of a car model because they've got to work out the kinks. She owned a 1985 Dodge Caravan, and the side door fell off because they hadn't figured out how to do those yet. She supports the need to let someone else figure out what the problems are.

Move to approve the purchase of a 160 class excavator from Chadwick Baross, in the amount of \$217,433.64, with funding provided through the bond anticipation note approved by the City Council for equipment purchases, M Beal, seconded by N Smith, passed 6-1 (S O'Halloran opposed)

23. Council Order #092512, Request of the Public Works Director to award the bid for sidewalk plow equipment.

Mike Harris, Public Works Director – for this piece of equipment, we put it out to bid and received four bids. Friend and Friend was the low bid with their Bobcat. However, we don't feel that the machine they put forth to us, which was a loader and not necessarily a sidewalk plow, is going to work for us. There were some further discussions with the City Manager and Parks and Recreation Director about the possibility that Parks and Recreation is going to be more involved with sidewalk plowing opportunities in the wintertime instead of Public Works/Highway. After those discussions, they determined that we would prefer to reject the bids and work out who is doing what and what piece of equipment is going to be best for that task.

City Manager Pearce – the team that has been working with Roddy on parks and beautification they would like to have them focus on things like sidewalks and parking lots, while the other team takes care of the bigger things like the roads.

Move to reject all bids received for the sidewalk plow and further direct Public Works and Parks and Recreation department to revise the bid specs and solicit additional equipment bidders. The revised bid process should seek equipment proposals more in line with the city's winter operational needs and return to the Council for consideration at the October meeting, J Stein, seconded by N Smith, passed 6-1 (S O'Halloran opposed)

24. Adjournment.

Move to adjourn, M Beal, seconded T Mote, passed 7-0