

City of Ellsworth Regular Council Meeting Minutes

Date: Monday, September 21, 2026 |

Time: 6:00 PM

Location: Ellsworth City Hall Council Chambers

1. Call to Order: The regular monthly meeting of the Ellsworth City Council was called to order at 6:00 PM.

2. Pledge of Allegiance: Pledge of Allegiance recited.

3. Rules of Order: Chair Lyons noted that the Ellsworth City Council operates under its own Council Rules of Procedure and *Robert's Rules of Order*.

4. Adoption of Minutes: The Council considered approval of the meeting minutes from:

Regular Meeting: August 17, 2026

Special Meeting: August 31, 2026

Special Meeting: September 8, 2026

- **Motion:** Move to approve the minutes as presented.
- **Moved By:** Councilor White; **Seconded By:** Councilor O'Halloran.
- **Result:** Passed Unanimously.

5. Presentation of Awards

Zachary Chandler – 5 years of dedicated service in the Ellsworth Police Department

6. City Manager's Report: City Manager Charlie Pearce presented administrative and project updates:

- **Workshop Preview (Oct 5):** Joint session planned with the Planning Board to evaluate policy options regarding the Recreational Vehicle (RV) Campground Moratorium.
- **TIF Task Force:** Economic Development Director Twilight Fisher will present on forming a potential Tax Increment Financing (TIF) Task Force.
- **Tax-Acquired Property & City Seal:** City Clerk/Tax Collector Sue McLean is advancing tax-acquired property administration and grant updates for City Seal repairs.
- **Communications Update:** Highlighted sign-ups for the official City email newsletter on ellsworthmaine.gov, managed by Communications Director Amy Kenney.
- **Regional Water/Sewer Request:** The Surry Economic Development team inquired about expanding Ellsworth water and sewer services into Surry. Manager Pearce clarified that Ellsworth staff workload is at capacity and that any formal expansion requires full City Council authorization.

- **Work Plan Alignment:** Emphasized managing staff task saturation, aligning multi-year work plans across Council seat transitions, and conducting financial turnaround planning.

7. Committee Reports:

- **Cemetery Commission (Councilor N. Smith):** Layout and plot pricing for Juniper Cemetery have been established and plots are open for sale. The maintenance contractor was terminated for non-performance; Parks & Rec/Facilities crews are maintaining grounds for the rest of the season, with a new RFP scheduled for January. Financial reviews with the Finance Department are under way to resume long-overdue fund distributions (inactive for 4+ years), and ordinance updates are progressing.
- **Arbor Commission / Tree Planting Event (Councilor White):** Announced a volunteer tree and shrub planting event at Harbor Park and Union River Estates from October 19 to October 30, funded through year two of an Inflation Reduction Act (IRA) grant.
- **Harbor Park Benches (Councilor M. Smith):** Announced that local Girl Scout Troop 1282 is repairing and adding benches at Harbor Park.

8. Citizen's Comments:

- **John Linnehan (Ellsworth):** Thanked citizens for past election support. Announced his decision not to run for City Council this year to prevent vote-splitting among candidates advocating for lower taxes and spending control (endorsing candidates Robert C. Grant Sr. and Tiffany Gaspar). Spoke against municipal spending, UN Agenda 2030, and voiced political criticisms regarding Councilor N. Smith. Chair Lyons called a point of order, reminding Mr. Linnehan that campaign politicking is prohibited during Citizen's Comments under Council rules. Mr. Linnehan asserted his right to free speech and completed his remarks.

9. Councilor Comments

- **Councilor M. Smith:** Highlighted the annual chess tournament at the Ellsworth Public Library, renamed the Dick Powell Memorial Chess Tournament (scheduled for October 17, 2026), celebrating community connections.
- **Councilor O'Halloran:** Spoke regarding municipal transparency, expressing dissatisfaction with City Hall's responsiveness to his information requests and displaying visual props (a clear glass window pane vs. a black board) to illustrate his perspective.
- **Councilor White:** Discussed rising grocery costs and food safety, praising Green Ellsworth and volunteers for operating the Everybody Harvest Community Garden on Hannah Way behind Tradewinds. Highlighted free public harvesting hours (Wednesdays & Fridays 4:00–6:00 PM in September; Saturdays 10:00 AM–12:00 PM in October/November) in partnership with Frenchman Bay Conservancy, Healthy Acadia, and the Ellsworth School District.

- **Councilor N. Smith:** Confirmed the Hannah Way location across the railroad tracks and emphasized preserving prime agricultural land.
- **Councilor Martineau:** Shared gratification in helping residents navigate digitized municipal resources and online public records.
- **Chair Lyons:** Rebutted Councilor O'Halloran's allegations regarding transparency, strongly commending City staff and Council members for maintaining high legal, ethical, and public service standards.

10. Business License Renewals: Public Hearing and action on municipal and state license renewal applications for: Hannaford Supermarket & Pharmacy #8123, Alicia Card, P.R. d/b/a Jimbo's Junkin, Daron Goldstein d/b/a Provender, and Shaw's Supermarket #57. No public comments were received.

- **Motion:** Move to approve the license renewal applications as presented.
- **Moved By:** Councilor O'Halloran; **Seconded By:** Councilor M. Smith.
- **Result:** Passed Unanimously.

11. Council Order #092600: Public Comment/Question Process & Rules of Order: Discussion and potential action on Council Order #092600, sponsored by Chair Lyons.

Rules of Order Revisions: Chair Lyons detailed proposed updates to Council Rules of Order based on Maine Municipal Association (MMA) guidelines. Revisions establish formal procedures for meeting conduct, public comment parameters, and explicitly rule out out-of-order topics (e.g., campaign politicking, personal disputes, employee personnel matters, active litigation). Establishes a standard 30-minute public comment window (3 minutes per person) with Council discretion to suspend or extend.

"Ask Ellsworth" Presentation: Communications Director Amy Kenney presented the new "Ask Ellsworth" citizen engagement framework. The project creates askellsworth@ellsworthmaine.gov as a single point of entry ("front door") for resident inquiries, utilizing structured routing, tracking to resolution, Daupler alerts, and proactive FAQ creation. Manager Pearce noted administrative coordination via the CRIM system.

Council Discussion: Councilors discussed staff workload, query tracking, electronic vs. phone/in-person access, and the timing of rule adoption.

- **Motion:** Move to adopt the rules of procedure as outlined in the handout.
- **Moved By:** Councilor Martineau; **Seconded By:** Councilor N. Smith.
- **Result:** Passed 5-2 (Councilors Shea and O'Halloran opposed).

12. Council Order #092601: Bayside Road MPI Design & Engineering Contract: Public Hearing and action on awarding the professional engineering contract for the Bayside Road Municipal Partnership Initiative (MPI) Project (Washington St to Beachland Rd).

Project Overview: Deputy City Manager Sara Devlin detailed the 50/50 cost-share MPI project with MaineDOT (\$1.5M total allocation; \$750k City match funded via Beckwith Hill TIF).

Following a Qualifications-Based Selection (QBS) process evaluating four engineering firms, two top-ranked firms were interviewed and submitted cost proposals: Sewall (\$219,100) and Sebago Technics (\$267,540). Staff recommended Sebago Technics due to superior project scope understanding, public engagement planning, environmental/permitting risk management, and corridor experience.

Public Hearing Comments:

- **Robert Grant Sr. (Ellsworth):** Supported fixing Bayside Road; questioned how two firms evaluated on the same criteria differed in qualifications.
- **John Linnehan (Ellsworth):** Disagreed with QBS procurement; argued public projects should automatically go to the lowest bidder.
- **Michael Hill (Ellsworth):** Asked what specific timeline and public involvement deliverables Sebago offered compared to Sewall.
- *Staff Response:* DCM Devlin explained QBS standards for professional engineering and Sebago's detailed public outreach and permitting schedule.
- **First Motion (to award Sewall):** Move to award the engineering contract to Sewall for an amount not to exceed \$219,100.
 - **Moved By:** Councilor Shea; **Seconded By:** Councilor O'Halloran.
 - **Result:** Failed 2-5 (Councilors Lyons, White, N. Smith, M. Smith, Martineau opposed).
- **Second Motion (to award Sebago Technics):** Move to award the professional engineering services contract for the Bayside Road Reconstruction Project (Washington St to Beachland Rd) to Sebago Technics Inc. in an amount not to exceed \$267,540, funded from the FY27 General Obligation Bond (Beckwith Hill TIF), and authorize the City Manager to execute agreement.
 - **Moved By:** Councilor N. Smith; **Seconded By:** Councilor White.
 - **Result:** Passed 5-2 (Shea and O'Halloran opposed).

13. Council Order #092602: Merrill Lane Extension Contract Award: Public Hearing and action on awarding the construction contract for the Merrill Lane Extension (Hancock County Judicial Center) Project.

Staff Recommendation: City Manager Pearce requested tabling the item. Four proposals were received, with three bidding within a very close range. Tabling allows staff and legal counsel to refine scope, explore utilizing internal City materials/services to mitigate costs, and hold a Special Council Meeting.

Recusal: Councilor Patrick Shea recused himself from discussion and voting due to a conflict of interest (prior employment relationships with several bidding firms).

- **Motion:** Move to table the award of the Merrill Lane construction contract pending solicitation and review of amended proposals from the three lowest proposers and schedule a Special City Council Meeting for October 6, 2026.
- **Moved By:** Councilor Tabatha White; **Seconded By:** Councilor M. Smith.

- **Result:** Passed 5-1-1 (Councilor O'Halloran opposed; Councilor Shea abstained).

14. Council Order #092603: Award of Bid for Local Roads and Sidewalks: Public Hearing and action on awarding the bid for local road paving and sidewalk construction.

Bid Overview: Public Works Director Mike Harris presented three competitive bids received: B&B Paving, Eurovia Atlantic Coast LLC d/b/a Northeast Paving, and Gordon Contracting. Low bidder was Northeast Paving at \$480,177. Public Works Director Harris noted pricing came in significantly under budget due to MaineDOT pulling several state projects, freeing up contractor fall scheduling.

Public Hearing Comments:

- **John Linnehan (Ellsworth):** Commended the low-bid procurement process as clean, open, fair, and transparent.
- **Robert Grant Sr. (Ellsworth):** Agreed that sealed low-bid opening is clear, straightforward, and effective.
- **Dawn Hudson (Ellsworth):** Noted that project types vary; straightforward paving fits low-bid award, whereas complex engineering requires qualifications-based evaluation.
- **Motion:** Move to award the local roads and sidewalk construction contract to Northeast Paving in an amount not to exceed \$480,177, funded from the FY27 General Obligation Bond, and authorize the City Manager to execute contract documents^[182].
- **Moved By:** Councilor Patrick Shea | **Seconded By:** Councilor Nancy Smith^{[182][188]}.
- **Result:** Passed Unanimously.

15. Council Order #092604: Drinking Water State Revolving Funds (DWSRF): Public Hearing and action regarding two \$6,000,000 in Drinking Water State Revolving Funds (DWSRF) for the Water Treatment Plant Project.

Procedural Order to Bifurcate: Finance Director Chris Nemeth, Manager Pearce, and Brent Bridges (Woodard & Curran) explained that the agenda item combined two distinct \$6,000,000 loan allocations (2024-17 and 2025-06) for the \$26M Water Treatment Plant project. To comply with bond counsel requirements, Council voted to split the item into Order #092604A and Order#092604B.

- **Motion to Bifurcate:** Move to bifurcate Council Order #092604 into two separate orders: #092604A and #092604B.
- **Moved By:** Chair Lyons; **Seconded By:** Councilor White.
- **Result:** Passed 6-1 (Councilor O'Halloran opposed).
- **Action on Order #092604A (DHHS DWSRF #2024-17):**
 - **Motion:** Move to table Order #092604A to a future meeting.
 - **Moved By:** Councilor White; **Seconded By:** Councilor N. Smith.
 - **Result:** Passed 6-1 (Councilor O'Halloran opposed).

- **Action on Order #092604B (DHHS DWSRF #2025-06):** Time-sensitive \$6,000,000 loan allocation carrying \$2,000,000 in principal loan forgiveness, subject to an October 1, 2026 state closing deadline. No public comments were received.
 - **Motion:** Move to adopt Council Order #092604B authorizing a \$6,000,000 loan from the Maine Municipal Bond Bank Drinking Water SRF Program (DHHS DWSRF #2025-06 and the issuance of City bonds and BANs to finance a portion of the new Water Treatment Plant project.
 - **Moved By:** Councilor White; **Seconded By:** Councilor Shea.
 - **Result:** Passed 6-1 (Councilor O'Halloran opposed).

16. Council Order #092605: Discussion on Strong Mayor Form of Government: Discussion on converting the City of Ellsworth from a Manager-Council system to a Strong Mayor form of government with the first mayoral election in November 2028 (Sponsored by Councilor O'Halloran).

Sponsor Overview: Councilor O'Halloran proposed electing an executive mayor on a 4-year term (aligned with presidential elections) to give citizens direct voting power over the municipal chief administrator.

Council Discussion: Manager Pearce outlined charter commission procedures and administrative impacts. Councilors Lyons, N. Smith, M. Smith, Martineau, and White expressed opposition, citing added taxpayer costs, political friction, small-town governance scale, and staff capacity constraints.

Outcome: Discussion item only; no formal motion was introduced. The item died for lack of Council support.

17. Council Order #092606: Food Sovereignty Ordinance: Discussion and potential action on creating a City of Ellsworth Food Sovereignty Ordinance (Sponsored by Councilor O'Halloran).

Presentation: Councilor O'Halloran introduced Rob and Dawn Hudson (retired USDA officials), who advocated adopting a local Food Sovereignty Ordinance under the Maine Food Sovereignty Act. The Hudsons described operating a free driveway vegetable stand and explained that commercial kitchen licensing costs (\$20,000+) present an insurmountable barrier for individuals producing homemade prepared meals, baked goods, or farm foods. An ordinance would enable direct producer-to-consumer sales, increase local food security, and support micro-enterprises without commercial kitchen licensing (state meat/poultry processing laws remaining applicable).

Council Discussion: Councilor N. Smith shared her 17-year farming experience, emphasizing informed consent, clear customer labeling/placarding, and incremental business growth. Economic Development Director Twila Fisher noted alignment with Healthy Acadia Community Action grant work on municipal food policy.

- **Motion:** Move to authorize the City Manager to authorize staff to proceed with preliminary research and legal review regarding the potential development of a Food Sovereignty

Ordinance for the City of Ellsworth, including incurring reasonable expenses, and return the matter to City Council for further consideration prior to formal introduction.

- **Moved By:** Councilor Shea; **Seconded By:** Councilor O'Halloran.
- **Result:** Passed 6-1 (Councilor Martineau opposed).

18. Executive Session: Labor Negotiations (LIUNA Clerk's Unit): Executive Session pursuant to 1 M.R.S. §405(6)(D) to discuss labor contract and negotiation matters regarding a proposed side agreement to the Clerk's Collective Bargaining Agreement between the City of Ellsworth and LIUNA Local 327.

- **Motion to Enter:** Move to enter Executive Session.
 - **Moved By:** Councilor Shea; **Seconded By:** Councilor O'Halloran.
 - **Result:** Passed Unanimously.
- **Motion to Exit:** Move to exit Executive Session.
 - **Moved By:** Councilor O'Halloran; **Seconded By:** Councilor Shea.
 - **Result:** Passed Unanimously.

19. Council Order #092607: Action on Side Agreement to Clerk's Collective Bargaining Agreement: Action on a proposed side agreement to the Clerk's Collective Bargaining Agreement between the City of Ellsworth and the Laborers' International Union of North America (LIUNA Local 327).

Summary: City Manager Pearce and HR Director Taylor summarized the side agreement, which incorporates a Facilities Assistant and two Deputy Treasurers into the LIUNA clerk's bargaining unit, updates Deputy Clerk job descriptions, and modifies the Assessing Assistant job title/description.

- **Motion:** Move that the City Council approve the side agreement between the City of Ellsworth and Ellsworth City Hall Clerk's Unit Local 327 (LIUNA) and authorize the City Manager to execute the agreement on behalf of the City.
- **Moved By:** Councilor N. Smith; **Seconded By:** Councilor Shea.
- **Result:** Passed Unanimously.

20. Council Order #092608: Budget Reallocation (FY27 Payroll): Discussion and potential action on the request of the City Manager to make a budget reallocation from the City Manager's FY27 Payroll line to the City Clerk's FY27 Payroll line.

Summary: Reallocates \$48,366.40 to reflect Executive Assistant Ebony transferring fully to City Clerk department duties.

- **Motion:** Move to authorize the transfer of \$48,366.40 from the City Manager payroll budget to the City Clerk payroll budget to reflect the Executive Assistant fully transferring to the City Clerk Department.
- **Moved By:** Councilor M. Smith; **Seconded By:** Councilor Shea.
- **Result:** Passed Unanimously.

21. Executive Session: Legal Consultation (Maine Organics): Executive Session pursuant to 1 M.R.S. §405(6)(E) for consultation with the City Attorney concerning legal rights and duties regarding pending or contemplated legal matters involving Maine Organics, including odor ordinance compliance and potential enforcement action.

- **Motion to Enter:** Move to enter Executive Session.
 - **Moved By:** Councilor Shea; **Seconded By:** Councilor O'Halloran.
 - **Result:** Passed Unanimously.
- **Motion to Exit:** Move to exit Executive Session.
 - **Moved By:** Councilor N. Smith; **Seconded By:** Councilor Shea.
 - **Result:** Passed Unanimously.

22. Council Order #092609: Action Regarding Maine Organics: Discussion and potential action regarding Maine Organics' compliance with the City's Odor Ordinance, documented complaints, and enforcement options.

- **Outcome:** Following return from Executive Session, Council Chair Lyons announced that no formal action was taken.
- **Action Taken:** No formal action taken following Executive Session.

23. Adjournment:

- **Motion:** Move to adjourn.
- **Moved By:** Councilor N. Smith | **Seconded By:** Councilor Martineau.
- **Result:** Passed Unanimously.