

Eliot Select Board Agenda
Thursday February 24, 2022 5:30PM Town Hall
Meeting Room and use of the OWL for Remote via ZOOM

Call to order

- A. Roll Call**
 - B. Pledge of Allegiance**
 - C. Public Comment**
 - D. Approval of Minutes:**
 - E. Public Hearing:** Renewal of License(s) 207 Tavern 811 Harold L. Dow Hwy
 - F. Department Head/Committee Report:**
 - 1. Planning Board Summary of anticipated zoning ordinance changes
 - 2. Town Manager's Report
 - G. New Business:**
 - 1. Fiscal Year 2023 Budget Update (verbal)
 - 2. Request for Appointment to EAFSC, Tim Johnson
 - 3. Discussion Pease Air Cargo Project, Cathy Goodwin
 - 4. Acceptance of Planning Board By-law Revisions
 - H. Old Business**
 - I. Approval of Warrants:**
 - 1. A/P #67 \$926,059.48
 - 2. A/P
 - J. Selectmen's Report:** Seeking Committee Members Listing
 - K. Executive Session;**(not called for)
 - L. Adjournment:**
-

Town of Eliot is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/89386925374?pwd=a2VZdIFSUtFXWG9JSkxQYzdNZTVYQT09>

Meeting ID: 893 8692 5374

Passcode: 206326

One tap mobile

+16465588656,,89386925374#,,,,*206326# US (New York)

+13017158592,,89386925374#,,,,*206326# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York)

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Meeting ID: 893 8692 5374

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Find your local number: <https://us06web.zoom.us/j/kd625dkzBv>

TOWN OF ELIOT, MAINE
OFFICE OF THE SELECT BOARD
1333 State Road, Eliot, ME 03903

PUBLIC HEARING NOTICE

AUTHORITY: ELIOT SELECT BOARD
PLACE: ELIOT TOWN OFFICE
DATE OF HEARING: THURSDAY, FEBRUARY 24, 2022
TIME: 5:30PM

Notice is hereby given that the Select Board of the Town of Eliot, Maine will hold a public hearing on Thursday, February 24, 2022 at 5:30PM in said Town to hear public comment on the following:

1. A renewal application for an on-premises liquor license and special amusement permit for 207 Tavern, Inc. located at 811 Harold L. Dow Highway, Eliot, ME 03903

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. Please refer to the Town of Eliot's website for zoom instructions if you do not want to participate in person at the town office.

If you cannot attend meeting in person or zoom, and want to make comments in regards to the topic, please send any correspondence to the Town Manager prior to meeting date at townmanager@eliotme.org

Copies of the license application are available at the town office for review.

Staff Report

Anticipated Land Use Ordinance Amendments for June Ballot

February 24, 2022

Background: This agenda item provides a summary of anticipated land use ordinance amendments in development for the June 14, 2022, Annual Town Election & Referendum

Issue: Anticipated June 2022 Land Use Ordinance Amendments

Discussion: I am working with the Planning Board to prepare various land use ordinance amendments for the June 2022 Annual Town Election & Referendum. As usual, in March, the Planning Board will hold a public hearing and make formal recommendations on the amendments, and the Select Board will review them and consider recommendations for the ballot. The following is a summary of the ordinance amendments.

Solar Energy Systems. The Planning Board has reviewed two drafts to date (1-4-22 and 2-1-22). These amendments develop comprehensive and use-specific standards for solar energy systems, including larger, utility-scale systems. Solar energy systems are given their own definitions to differentiate them from public utility facilities. The land use tables (shoreland – 44-34; and non-shoreland – 45-290) are updated with allowability by zone. Substantial discussion has taken place about categorizing by size and type (e.g. ground-mounted vs. roof-mounted). Performance standards include, but are not limited to, buffers and screening from abutting properties and public ways, wildlife-friendly fencing that meets electrical code, limitations on land clearing, wetland and habitat protection, fire safety, and decommissioning and removal, including bonding. The draft amendments also include additional application content standards.

5G-Small Wireless Facilities. Background research has begun on developing ordinance amendment language for these facilities; however, due to the changing federal and state regulatory environment, a final version of an ordinance amendment will likely be deferred until the November ballot at the earliest.

Erosion & Sedimentation Control. The Town frequently updates its stormwater ordinance language to ensure it is meeting the standards of the state's General Permit for Municipal Separate Storm Sewer Systems (MS4 permit). The Town is a member of the Southern Maine Stormwater Working Group (SMSWG) of municipalities, which develops resources and carries out activities to help each municipality comply with the MS4 permit and promote effective stormwater management and water quality. MS4 communities will be required to update their erosion & sedimentation control land use regulations to meet certain minimum standards. Fortunately, SMSWG is finalizing a "model ordinance" that can be readily adapted to the Town Code. That model ordinance is being finalized and is expected to be available any day now. When ready, it will be presented to the PB (possibly March 1) and included in the ordinance drafts the SB will see later in March. The PB has already reviewed a rough "discussion draft" so has some background on what the final model ordinance will say. Although other aspects of stormwater have

received recent updates, the Town's erosion control standard (45-412) has not been updated since 1989, according to Municode, so the model ordinance would be much more comprehensive than what is on the books currently.

Modification of Performance Standards for Marijuana Uses. This ordinance amendment would add and clarify performance standards for certain marijuana uses. It would require marijuana cultivation and manufacturing facilities to have a wastewater disposal plan and dispose of wastewater in accordance with applicable laws. It would require adult use marijuana retail store applicants to conduct a traffic impact assessment and increase their parking requirement: 1 parking space per 100 square feet of retail floor area (current standard is 1 space per 150 feet for all retail uses). Finally, it would clarify how the "500 foot rule" for separation and buffering of certain marijuana uses from residential properties applies to accessory residential uses on a commercial property proposed for such a use.

Sign setbacks. This seeks to clarify ambiguous setback requirements for signs, including commercial signs along Route 236.

Site plan content requirements. This amendment adds and clarifies requirements for Site Plan Review (SPR) application content. It would clarify the "affidavit of ownership" (33-106) provision, add a requirement that applications include building elevations (i.e. profile sketches of buildings), and give more flexibility on content requirements for home business applications.

Barn event venues. Currently, SMPDC is assisting the Town in looking into the potential, pros, and cons of creating allowability for barns to be used for event venues, subject to performance standards to mitigate impacts on abutting properties. Timing uncertain.

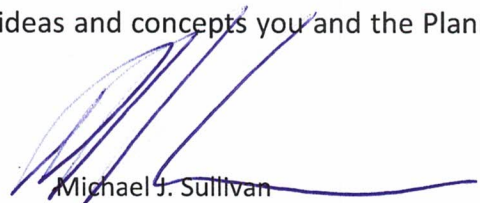
Route 236 zoning. While this would not be ready for the June ballot, SMPDC is also beginning to assist the Town in looking at potential zoning changes along Route 236 in conjunction with extended water-sewer infrastructure. More details TBD, including a process for collecting input from boards, committees, stakeholders, and the public.

Fiscal Impact: N/A

Recommendation: Receive informational update. Ordinance review to follow in March.

Prepared by: Jeff Brubaker, Town Planner

Town Manager Recommendation: Thank you Jeff for putting together this brief. The Select Board is very appreciative of the effort to keep them informed of the ideas and concepts you and the Planning Board will be considering for warrant articles this spring.



Michael J. Sullivan
Town Manager

Eliot Town Manager Report

February 16, 2022

Submitted by

Michael J. Sullivan

To

Eliot Select Board

Please accept this abridge report of activities and projects I and the dedicated staff have been working on in Town Hall these past weeks.

Route 236 Sewer Project; We took one more step towards officially starting this long await project, as we received our FONSI or “Finding of No Significant Impact” from the Maine Department of Environmental Protection. The next required step is to advertise the statement from MDEP both on our website and a “newspaper of local circulation”. We immediately took both actions; it is on our town website and will be in the newspaper (Seacoast).

We continue to work on the SRF application for the project bonding. I have reached out to some former bond advisors I have worked for guidance. We also just (today) received our “Contract #1 “notice from MEDEP. My expectation is we will have that portion of the process finished up shortly.

Underwood Engineering is moving to the 100% design phase and I am hoping the bid documents are out on the street by early March and we have a contractor in place by mid-April. At that juncture we will be able to set a construction time line coordinated with MEDOT and abutters of the project commencement of actual construction.

We also will be seeking a qualified owner’s project manager (OPM) to oversee and communicate changes on behalf of the municipality. It goes without saying there will be bumps in the road or clogs in the pipes or whatever other colloquialism that may apply, having a knowledgeable and experienced overseer working on behalf of the Town of Eliot will cause appreciable savings long term and short term for this project.

Planner Jeff Brubaker has been vital to moving this project along and will continue to play a major role in guiding it along and assisting in making decisions along the way. However, he has a multitude of other projects and commitments he needs to turn his attention towards. The OPM will allow him to reallocate some time towards other issues, while still lending his understanding to the Route 236 Sewer expansion project.

The increased allocated daily capacity from Kittery Sewer is being drafted into an amended agreement. I have had several very cooperative meetings and conversations with Kittery Town Manager Kendra Amaral. She has been very professional and clearly acting in the best interest of her town, but also keenly aware of the importance of regional cooperation. Thank you, Manager Amaral, for your professional acumen in respect to municipal issue which face our conjoined communities.

Records and Storage System; We have received a comprehensive analysis and proposal from King Information Systems to address organizational and storage systems or the lack thereof in Town Hall. As you can see by the before and after pictures below this is something which plagues many cities and towns (pix of other Town's storage areas). Eliot is actually better of than many, but still clearly in need of a system upgrade.



On the left you see a storage area which lacks any semblance of order. Boxes which are over sized and likely to cause injuries if someone attempted to move them from their present resting place.

A situation like this leads to prolonged searches, draining staff hours or even worse causing serious injuries which result in costly Workmen Comp claims for individuals.

One such claim could easily cost more that the total cost of implementation of this system, complete with appropriate shelving.



Here on the left is the same are with a system in place, proper shelving and appropriately sized boxes to avoid injuries.

King Info's professionally trained team would come into Eliot Town Hall for seven days to put in place the system, file all the boxes, put them in a traceable data base so an employee can easily find the records and prepare all unwanted or unneeded documents for destruction under the rules set by the State of Maine.

Having an experienced people and a complete process will save staff from having to do work they an ill-trained to perform. This process is really an art and while it may look easy, I assure you many have made that unfortunate assumption and paid the price in numerous ways later on.



The solutions go beyond simple files. Their experience allows then to facilitate maps, binders, microfilm and other odds and ends. You cannot believe what is found in the bowels of Town Halls.

There will be a substantial acquisition of space as we better manage the contents and there is an annual maintenance component which will keep the system aligned. Between the space savings and the reassessment of need in the present or in the case of future renovations the savings are appreciable. This becomes the proverbial "no brainer".

Payroll System; Our HR Specialist Melissa Albert and I continue to meet with various vendors who offer data base payroll systems. The paper and input system now in place has served Eliot well, but is obsolete, out dated and fraught with error potential. It also is staff-time intensive, time which needs to be allocated to other tasks.

These systems provide remote features where key individuals may access securely to adjust or issue payroll remotely. For a small organization like Eliot this is critical, we all learned the importance of remote access during the last two years, the hard way. This will also allow the employees more direct access to information, such as pay, deduction, benefits and other features from their personalized portal.

We have met with Harper's and Paychex; both have impressive features. Harpers is slightly less expensive at this point, but Paychex has expressed a willingness to take a closer look to see what they may be able to do.

Each will do all tax filings and would be available to defend us in any legal action concerning payroll errors. Both provide robust training and have redundancy in their system to address any system attacks, malfunctions or the need to process outside of Eliot.

We hope to make a final decision in the next ten days and move forward with the project. This will be a major upgrade from how we handle payroll presently.

Finance Director Doreen Chester; I am pleased to announce Ms. Chester will begin her career in Eliot on February 22. She has already spent weekend time here in Town Hall getting training from the former Treasurer/Finance Director Jordan Miles who already is a superstar in Old Orchard Beach.

We are all excited about welcoming Doreen into the fold here in Eliot Town Hall. This is an opportune time for us to consider change to some of the procedures and policies for various departments in respect to fiscal policy. This will be a long and kaizen process. Kaizen, by the way is a Japanese business term which represents a "continuous improvement" approach to component systems and processes. I have always believed it should be applied to municipal operations regularly.

As well as we did something in the past, we always should examine how we may improve, lest we become complacent. That is why the previous "before" picture of record storage looks so bad and functions like it looks, there was no focus on improving.

Respectfully submitted

Michael J. Sullivan

Town Manager, Eliot

Town Manager

From: tim johnson <timothy_johnson9@hotmail.com>
Sent: Monday, February 7, 2022 8:02 PM
To: Michael Sullivan
Subject: EAFSC Letter of Interest

Dear Town Manager,

My name is Timothy Michael Johnson, and I live at 1466 State Rd in Eliot. I am extremely interested in being a member of the Eliot Agriculture and Food Security Commission (EAFSC). As an active homesteader, micro farmer, and part time farm laborer I have a range of experience in agriculture; particularly in the organic and regenerative spheres. Given recent supply chain issues and inflationary pressures, I think local agricultural infrastructure might be the most important issue facing our community. Not only is agriculture an important part of our heritage, it is absolutely essential to our future. I think local food systems are an essential component to resolving an array of our local and global problems, from food insecurity to climate change. Please consider me as potentially collaborative, active and avid member of the commission.

Your Neighbor,

Tim Johnson
978-810-5735

p.s. if this email is not considered an official "letter of interest" that qualifies me as a potential commission member please let me know ASAP and I will drop off a hard copy.

Commentary: Pease air cargo facility will generate unhealthy noise and other pollutants

Clinton Frederick Miller II MD

Guest Columnist

[View Comments](#)



James T. Lalos' Portsmouth Herald guest column on Jan. 31: "Cargo facility at Pease won't hurt our quality of life" is a classic example of "shooting from the hip," using soft facts together with allusion to self-credentialed "objectivity" through reference to being a "retired airline executive for small commuter airlines and major airlines" while coyly denying "any affiliation with Pease Tradeport, any cargo airline, or developer."

He proceeds to indulge in publishing unsolicited "confidence that an air cargo facility at Pease will not damage the Seacoast quality of life" by sprinkling his opinion piece with seemingly authoritative reference to selected statistics which, on closer scrutiny, turn out to be more personal opinion/observation, than published fact. This must be addressed.

There is compelling reason why the US FAA, the UK and German governmental aviation agencies, and many individual municipalities have promulgated strict regulations regarding take off, landing, and low altitude flight over residential areas. In the United States, UK, and Germany, published scientific studies have shown “occasional Sound Exposure Level (SEL) above 90 dBA (decibels) generally leads to sleep disturbance. SEL footprints are used to inform decisions about whether or not a particular type of aircraft should be permitted to operate at night.”

Nantucket, Massachusetts; Naples, Florida and Oakland, California are but a few of the many U.S. municipalities that have enacted legislation that prohibits take off and landing between the hours of 10 p.m. and 6 a.m. Heathrow, Gatwick, and Stansted in the UK have similar regulations prohibiting flights between 11 p.m. and 7 a.m.

More:Commentary: Cargo facility at Pease will not damage quality of life, it offers many benefits

While it is true that newer generation jet aircraft have succeeded in reducing the noise associated with take off, landing, “all power” (as in aborted landing-go around), and low altitude flight, the truth is, based on FAA Environment and Energy Noise Division Publication "AC-36-1H-Noise Levels for U.S. Certificated and Foreign Aircraft 11/15/01," the noise levels for the very planes cited by Mr. Lalos remain exceeding high, well above the 90 dBA threshold associated with sleep disturbance.

For example, the Boeing B777-300 ER (extended range) has a take off rating of 92.8 dBA, landing rating of 98.7 dBA, and an AP (all power) rating of 100.5 dBA. This is the modern Boeing jet used for trans-continental and trans-Atlantic air freight hauling. The KC-46 Boeing B 767 300 ER fleet used by the New Hampshire Air National Guard for re-fueling missions has a slightly lower rating: TO 89 dBA SL 97 dBA and AP 100.5 dBA. Allegiant's Airbus 320 is even lower: TO 78 dBA SL 95 dBA AP 95.5 dBA. Also the obvious must be

noted: any jet plane with full capacity payload requires maximum thrust for take off and maximum reverse thrust braking during landing.

When I first moved to the Seacoast in 1986, I lived at the southern end of Great Bay, Pease was still a Strategic Air Command base, and nothing was more exciting and no noise more immediately transfixing (especially to my young children) than jet fighters taking off with afterburners blazing plumes of blue plasma behind. N.H. Air National Guard KC-135 refueling tankers were much noisier then. Nobody living near the Pease flightpath missed the loss of this noise pollution when Pease AFB was decommissioned in 1991.

We subsequently moved to Rye, first Jenness Beach, now Rye Harbor, where we have learned to accommodate to the various N.H. Air National Guard military exigencies that require nocturnal refueling flights immediately over our house. But we, like many of our neighbors, bought our property and built our houses after the Pease AFB decommissioning, and patriotically accepted the refueling tanker noise as a cost of military preparedness-national security. We were confident then, as now, that the Pease Development Authority would keep public welfare in mind as it pursued and vetted development opportunities. And it has done so thus far.

But now, neither we nor our neighbors are happy with the prospect of unregulated nocturnal commercial air cargo traffic in and out of Pease. Nor can we ignore the consequences of anticipated substantial increase in commercial truck traffic in and out of Pease Tradeport, thence up and down the Interstate 95 expressway, which, together with the increased air traffic volume will substantially increase carbon emissions, CO₂, and particulate air pollutants. Consider also the vastly increased amount of Jet A fuel and lubricants, de-icers, etc. that will have to be brought in and stored at Pease to service air cargo planes.

Mr. Lalos casually mentioned that he lives "less than three miles from the approach end of the Pease runway" as if the runway noise is no big deal. I

happen to know where he lives, and I briefly lived in the same area. It's a place where one never hears anything whatsoever from Pease Tradeport air traffic except on those very rare days of airshows when the Navy's Blue Angels or Air Force Thunderbirds demonstration teams roar overhead! In fact the only "noise pollution" experienced in Lalos' neighborhood are the happy sounds of an occasional Portsmouth High School marching band practice during football season!

So Mr. Lalos, may I respectfully suggest that the next time you offer up unsolicited advice, check your facts first: Seacoast residents are not idiots and we can anticipate significant harm done by words shot from the hip.

Clinton Frederick Miller II MD of Rye is the former chief of staff at Portsmouth Regional Hospital and a founding partner of Coastal NH Neurosurgeons (retired).

Seacoastonline

COLUMNS | Opinion *This piece expresses the views of its author(s), separate from those of this publication.*

Commentary: Cargo facility at Pease will not damage quality of life, it offers many benefits

James T. Lalos Guest Columnist

Published 5:00 a.m. ET Feb. 1, 2022 | Updated 7:50 a.m. ET Feb. 1, 2022

How did we conclude that "Massive air cargo facility at Pease will damage Seacoast quality of life", as described in Mike Lehrman's Jan. 27 opinion? Will Pease become O'Hare or Atlanta? Most everyone reading my letter will likely get a package delivered today at their door ordered online yesterday.

If so, last night your package was probably on an airplane. E-commerce has turbocharged cargo flights globally, maxing out air freight handling infrastructure at places like Boston Logan Airport and New York-JFK.

More: Commentary: Massive air cargo facility at Pease will damage Seacoast quality of life

A lot of our stuff comes from abroad. Draw a straight line from Northern Europe to any point along the Eastern and Midwest U.S. You practically pass right over our neighborhood. Many transatlantic flights enter the U.S. over an aerial fix that the FAA identifies as "Kennebunk VOR". Look up toward Kennebunk on a bright clear summer day around noon. You'll notice jet contrails—one right after the other. I'm uncertain what the plans are for Pease's cargo facility but it's ideally suited for transatlantic freight destined for the Northeast.

More: 'Significant interest': Pease airport cargo facility plan moves forward

Its single runway, over 11,000 feet, is longer than the longest at Logan Airport—perfect for lifting a full load of cargo and fuel for long-haul flights. These operations favor large jumbo jet air freighters such as Boeing 777s and Boeing 767s. (BTW, the Boeing 767 serves as the KC-46 aerial refueling tanker for Air National Guard at Pease with 12 based here.) A Boeing 777 can carry 226,000 lbs. At a 75% load factor (Mr. Lehrman's assumption), a typical flight would bring in 169,000 lbs. of freight versus 65,000 lbs. for the smaller Boeing 757 flown on domestic cargo flights to Manchester and Portland. Using the Boeing 757, he estimates 3,000 additional annual flights at Pease – the equivalent of about nine flights per day – hardly an air

traffic nightmare. Flying the larger Boeing 777, the number of operations could be even less, and given the airport's ready access to I-95 and Boston, most cargo moving off airplanes could likely be on trucks and not smaller airplanes.

While larger jets produce more noise than smaller aircraft the difference is imperceptible. Not so 30 years ago when cargo airlines used converted noisier first-generation 1960s passenger jets. Today, a brand new passenger Boeing 777 makes the same noise as an older Boeing 777 freighter and only slightly more racket than Allegiant Airline's smaller passenger Airbus 320s now operating daily out of Pease. Also, while Mr. Lehrman correctly points out that most cargo operations are at night, the increase in e-commerce is pushing air freight into a 24/7 operation with many daytime movements.

Mr. Lehrman is also concerned about the additional warehouse and storage facilities needed to support the cargo operations. The vacant Greendale Mall in Worcester, MA, which opened in 1987, was recently acquired and demolished by Amazon to house its new regional warehouse. Fox Run Mall, right next to Pease, might be a prime spot for a new warehouse. Likewise, he points to the housing shortage for new workers required to staff the cargo facilities and trucking operations. Zoning regulations, housing subsidies, and raising the minimum wage should be used to address housing, not limiting Boeing 777s and the growth of e-commerce.

The world is changing. We require less commercial retail space and more transportation infrastructure and warehouses. I am a retired airline executive with over 40 years with small commuter airlines and major airlines. I now live less than 3 miles from the approach end of the runway at Pease. I am not affiliated with Pease, any cargo airline, or a developer. I'm confident that a cargo facility at Pease will not damage "the Seacoast's quality of life". In fact, it could be a major plus to the area in the 21st Century as well as ensure the on-time delivery of your next package(s).

James T. Lalos of Portsmouth has a business background in air transportation and aviation focused on finance, marketing and flight operations.

1) GENERAL PROVISIONS

- a) Business of the Board shall be conducted in accordance with Maine State Statutes, the most recent edition of The Town of Eliot Charter, Town Ordinances, as well as such Planning Board Standards or Policies as may be adopted by the Board.
- b) The Planning Board pledges to maintain professional conduct in the review of all proposals before it, and all other business deliberations.
 - i) All proposals shall be examined equally and equitably.
- c) Any question of whether a Member shall be disqualified from voting on a particular matter due to bias or conflict of interest must be decided by a majority vote of the Members present except the Member who is being challenged.
 - i) Any Member of the Planning Board who has a conflict of interest or bias with an application may voluntarily step down.
 - ii) If there is a question of a conflict of interest or bias brought by another Member of the Board, the applicant, or the public, that Member may be asked to step down after discussion and a majority vote by all Members, except the Member whose potential conflict or bias is under consideration.
- d) Those Board Members in attendance at meetings shall be expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.
- e) The most current edition of Robert's Rules of Order shall be the authority for making parliamentary decisions.
- f) The Minutes of Meetings and all writings required to be made by the Board may be kept by a professional secretary who is not a Member of the Board.
 - i) The Board reviews and approves minutes before submitted to the Town Clerk's Office.
 - ii) Originals of all Minutes of Meetings shall be filed with the Town Clerk.
- g) All records shall be deemed public and may be inspected at reasonable times.

2) MEMBERSHIP

- a) Appointments
 - i) Appointments to the Board shall be made by the Select Board of the Town of Eliot.
 - ii) Appointees to the Board shall be at least eighteen (18) years of age and legal residents of Eliot.
 - iii) The Board shall consist of five (5) Regular Members and two (2) Alternative Members.
 - iv) When there is permanent vacancy, the Select Board shall appoint a person to serve for the remainder of the term pursuant to the Eliot Charter.
 - v) The full term is five (5) years. The terms are staggered, but each full-term slot expires at Town Meeting.
 - vi) Any resignation by a Board member must be submitted in writing to the Select Board, and becomes effective when accepted by the Select Board at its next regularly scheduled meeting.
- b) A quorum of the Board, as defined by Ordinance Governing Boards, Commission, and Committees shall

be a majority of the full voting board, or three (3) Members.

c) Attendance and Participation

- i) All Members are expected to attend all meetings and participate fully in the general conduct of the Board.
- ii) A Member who expects to be absent from any meetings must notify the Chair of the absence in advance and state a reason for the absence. The Board has the discretion to deem it an excused or unexcused absence.
 - (1) Any Member who was absent during any meeting that the Member is being asked to vote on must state publicly for the record that the Member has read the minutes and reviewed any documents received and discussed at the missed meeting(s).
- iii) If any Member has demonstrated excessive absence from the Board, as defined by Section 2-104(d) of the Town Code, where the sum of their unexcused absences amounts to more than 25 percent of all meetings held over any 12-month period, the Chair shall report such excessive absence to the Select Board in a timely manner and shall be responsible for submitting a written request to the Select Board to remove the member from the Board for the just cause of “excessive absence”.

3) OFFICER MEMBERS AND THEIR DUTIES

- a) Officers of the Planning Board shall consist of The Chair, Vice Chair, and Secretary.
 - i) All officers shall be Regular Members of the Board.
 - ii) In the extraordinary circumstances of absence of all officers at a meeting, a quorum of the Board may elect a Chair pro tempore for that meeting.
- b) The Chair shall:
 - i) Preside at all meetings and hearings of the Board.
 - ii) Has the authority to appoint all committees, call special meetings, and call work sessions.
 - iii) Responsible for any communication or requests to or from another Town Board.
 - iv) Must be informed of and will coordinate all requests for information from the Board to any source inside or outside the Town of Eliot.
 - v) Will prepare the agenda for meetings.
- c) The Vice Chair shall:
 - i) Act for the Chair in the Chair’s absence.
- d) The Secretary shall:
 - i) Act for the Chair and the Vice Chair in their absence.
 - ii) Attendance, alternate member voting rotation shall be kept.
 - iii) Review of draft minutes.
- e) Alternate Board Members
 - i) Shall attend all meetings and participate in the proceedings.
 - ii) May propose motions and vote only when designated by the Chair to sit for a Regular Member.
 - iii) Shall be designated to vote on a rotating basis.
 - iv) Shall not hold office.

4) ADMINISTRATION DUTIES

- a) Duties and jobs may be assigned or performed by any Board member or staff as the Board sees fit.
 - (1) Keep a record of: resolutions, transactions, correspondence, findings and determinations, and minutes for meetings of all kinds.

- (2) Provide notice of meetings to Board Members, arrange proper and legal notice of hearings, prepare correspondences, and any other duties the Board may find necessary.

b) Election of Officers

- i) Nominations for office shall be made from regular voting members of the Board at the annual organizational meeting which shall be held on the first regular scheduled meeting after the annual Town meeting and the election shall follow immediately after.
- ii) A candidate receiving a majority vote of the regular voting membership of the Planning Board shall be declared elected and shall serve for one year or until their successor shall take office.
- iii) Vacancies of officers shall be immediately filled by Board election process.

5) MEETINGS

a) Organization

- i) All meetings in which official action is taken shall be open to the public.
- ii) Video streaming of all meetings shall be in accordance with the Eliot Charter.
- iii) The Chair may set time limits on public comment that will be applicable for the entire meeting
 - (1) Can be limited to a specific time overall, per individual, or both.
 - (2) The Chair will use discretion on time limits in order to promote good relations between The Board and the public.
- iv) Those providing input at public meetings and hearings are advised to observe general rules of decorum and address only the issues before the Board. Persons disrupting the proceedings may be asked to leave the room by the Chair.

b) Regular Meeting

- i) Meetings will be held on the first and third Tuesday of the month at Eliot Town Hall at the time specified on the Town calendar.
 - (1) Meetings may be rotated to various locations to enable better citizen rapport.
 1. There must be special attention paid to the responsibility of the notification to the Public if the meeting is to be held at other than the normal time and place.
- ii) Materials received from applicants and other interested parties will be handled in the following manner:
 - (1) The Chair will read written public comment after the application presentation but before the attending public speaks.
- iii) Public comment will be handled in the following manner at Regular Meetings:
 - (1) The Chair will recognize public comment as a specific agenda item that is open to particular concerns regarding general Board functions.
 - (2) The Chair will recognize public comment during applications before the Board that are open to particular concerns regarding the functions germane to the Board on the applications.
 1. Public comment on applications will be opened by the Chair after the initial presentation from the applicant but before the Chair closes public comment so the Board can deliberate directly with the applicant. Public's comment must be made to the Chair, and all questions and discussions between citizens and Board Members must be through the Chair.

c) Special Meeting

- i) The Chair or other presiding officer, upon majority of approval of the Board, may call a Special Meeting at any appropriate time, to conduct necessary Board business.

- d) Emergency Meeting
 - i) Shall be run in accordance with the Eliot Charter upon majority approval of the Board, and public notice shall be given as soon as possible using all means of available communication to the public and local media.
- e) Site Walks
 - i) The purpose of the site walk is for collecting information related to physical factors of a site under consideration of the Board.
 - ii) Shall be conducted like a regular meeting and decisions shall not be made during the site walk.
 - iii) The public may attend site walks but there will be no public comment or input allowed regarding the application during the site walk to any Board Member unless allowed by the Chair.
 - iv) Chair shall give verbal summary of the site walk for the record at the following meeting.
- f) Executive Sessions
 - i) Upon a concurring vote of at least three (3) members present and voting, the Board may call for an Executive Session, from which the public shall be barred. Such sessions shall be held in accordance with: MRS-Title 1, Section 405.
 - ii) Within Executive Session it shall be the Chair's responsibility to ensure that only business for which the Session was called will be discussed. The Chair shall conduct the Executive Session to ensure that compliance with the rules for Executive Session occurs.

6) PUBLIC HEARINGS

- a) When an application requires a Public Hearing, the Board shall specifically schedule a Public Hearing before a final decision is made.
- b) Notice of hearings will be provided to applicants and the public in order for them to review and prepare.
- c) Notices of hearings will be provided according to applicable ordinance requirements.
- d) The Planning Board will strive to conduct public hearings in a fair and efficient manner that permits a thorough exploration of the issues to be considered.
- e) The Chair will read written public comment that has been submitted before the attending public speaks.
- f) The Chair shall recognize individuals wanting to speak, generally beginning with the abutters and ending with any other attending member of the public. The Chair shall close the Public Hearing after all have spoken, and the Board may then resume deliberations.
- g) During the Public Hearing, all statements must be made through the Chair, and all questions and discussion between citizens and Board Members must be through the Chair.

7) WORK SESSIONS

- a) The Chair, or any presiding officer, may, with the approval of the majority of the Board, call a work session for the purpose of:
 - i) Implementing the Comprehensive Plan, addressing or amending Subdivision Regulations, addressing or amending Zoning Ordinances, addressing or amending Planning Board Bylaws, and any other work items as necessary.
- b) These sessions are open to the public.

- i) Since the work sessions are for Board discussion, input from the public is generally limited although input from staff, Boards, the public, and groups is permitted at the discretion of the Chair, or consensus of the Board.

8) BYLAW AMENDMENTS

- a) These By-laws may be amended by a four (4) Member vote of the entire voting Membership of the Planning Board.

9) SEVERABILITY

- a) The invalidity of any section or provision of these By-laws shall not be help to invalidate any other section or provision of these By-laws.

Adopted by the vote of the Planning Board

June 10, 1980; May 1, 2018; September 4, 2018; December 7, 2021

 
Carmela Braun, Planning Board Chair Date

Richard Donhauser, Select Board Chair

Date

Warrant 67

Jrnl	Check	Month	Invoice Description	Reference	
Description			Account	Proj	Amount Encumbrance
00002 2WAY COMMUNICATIONS SERVICE, INC.					
0385	20164	02	Contract	71770	
Contract			E 10-05-10-14		471.21 0.00
			Invoice Total-	471.21	
0385	20164	02	Firewall Support	71856	
Firewall Support			E 10-01-24-30		311.65 0.00
			Invoice Total-	311.65	
			Vendor Total-	782.86	
00071 BERGERON PROTECTIVE CLOTHING					
0385	20165	02	Fire Gear	230274	
Fire Gear			E 62-05-99-01		8,241.25 0.00
			Vendor Total-	8,241.25	
00109 CENTRAL MAINE POWER					
0385	20166	02	CMP -27 Dixon Rd	700000398964	
CM-27 Dixon Rd			E 10-05-15-02		43.06 0.00
			Invoice Total-	43.06	
0385	20166	02	CMP - 1333 State Rd	700000698966	
CMP - 1333 State Rd			E 20-10-15-02		43.00 0.00
			Invoice Total-	43.00	
0385	20166	02	CMP 66 Dow Hwy	723001197798	
CMP 66 Dow Hwy			E 10-01-15-02		81.36 0.00
			Invoice Total-	81.36	
0385	20166	02	CMP-1323 State Rd	700000398971	
CMP-1323 State Rd			E 10-01-15-02		16.91 0.00
			Invoice Total-	16.91	
0385	20166	02	CMP 1323 State Rd	700000380441	
CMP 1323 State Rd			E 10-01-15-02		0.46 0.00
			Invoice Total-	0.46	
			Vendor Total-	184.79	
00131 COMCAST					
0385	20167	02	FD Cable	012022	
FD Cable			E 10-01-15-03		63.38 0.00
			Vendor Total-	63.38	
00147 CUMMINS NORTHEAST, LLC					
0385	20168	02	Generator Maintenance	V6-64501	
Generator Maintenance			E 10-05-10-14		507.82 0.00
			Vendor Total-	507.82	
00284 IAAO					
0385	20169	02	Membership Assessor	01/22-12/22	
Membership Assessor			E 01-03-03-01		225.00 0.00
			Vendor Total-	225.00	
00619 S.A.D. # 35					
0385	20170	02	School Payment Feb	022022	
School Payment Feb			E 60-01-99-30		876,559.93 0.00
			Vendor Total-	876,559.93	
00650 SOUTHWORTH-MILTON, INC.					
0385	20171	02	Vehicle Repair & Maint	INV2479706	
Vehicle Repair & Maint			E 20-01-24-15		270.74 0.00
			Vendor Total-	270.74	
00725 TREASURER OF STATE					

Warrant 67

Jrnl	Check	Month	Invoice Description	Reference	Encumbrance
Description			Account	Amount	
0385	20172	02	BMV 01/31-02/08	01/31-02/08	
BMV 01/31-02/08			G 01-2040-00	17,140.77	0.00
Vendor Total-				17,140.77	
00816 IRVING OIL MARKETING, INC.					
0385	20173	02	FD Gas	34345978	
FD Gas			E 30-01-20-15	214.45	0.00
Vendor Total-				214.45	
00906 W.B. MASON COMPANY, INC.					
0385	20174	02	Water	227113014	
Water			E 10-05-20-41	59.85	0.00
Vendor Total-				59.85	
01051 WELLS FARGO FINANCIAL LEASING					
0385	20175	02	Sharp Copier Maint	5018707803	
Sharp Copier			E 30-01-10-30	111.83	0.00
Vendor Total-				111.83	
01182 AIR CLEANING SPECIALISTS OF N.E.					
0385	20176	02	Rebuilt MFV	40306	
Rebuilt MFV			E 10-01-11-18	425.00	0.00
Vendor Total-				425.00	
01244 P. GAGNON & SON, INC.					
0385	20177	02	#2 Heating Fuel	631172	
#2 Heating Fuel			E 10-01-15-01	716.52	0.00
Invoice Total-				716.52	
0385	20177	02	#2 Heating Fuel	26452	
#2 Heating Fuel			E 10-01-15-01	957.14	0.00
Invoice Total-				957.14	
0385	20177	02	#2 Heating Fuel	28855	
#2 Heating Fuel			E 10-01-15-01	924.99	0.00
Invoice Total-				924.99	
0385	20177	02	Vehicle Maint	103226	
Vehicle Maint			E 10-01-24-20	435.33	0.00
Invoice Total-				435.33	
Vendor Total-				3,033.98	
01267 VERIZON/WIRELESS					
0385	20178	02	FD Air Cards	9897778363	
FD Air Cards			E 10-01-15-03	68.56	0.00
Vendor Total-				68.56	
01368 VILLAGE MOTORS SERVICE CENTER					
0385	20179	02	Vehicle Repair/Maint	56107	
Vehicle Maint			E 10-05-24-15	142.84	0.00
Invoice Total-				142.84	
0385	20179	02	Vehicle Maintenance	55977	
Vehicle Maintenance			E 10-05-24-15	84.12	0.00
Invoice Total-				84.12	
Vendor Total-				226.96	
01928 HUSSEY SEPTIC, INC.					
0385	20180	02	Porta Potty Rental	P5467	
Porta Potty Rental			E 20-10-05-09	175.00	0.00
Vendor Total-				175.00	
01970 TRITECH SOFTWARE SYSTEMS					

Warrant 67

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
0385	20181	02	Maint Agreement		344538	
Maint Agreement			E 10-05-10-14		236.25	0.00
Vendor Total-					236.25	
02029 WEX Bank						
0385	20182	02	DPW Fuel		78116438	
DPW Fuel			E 10-01-20-15		593.38	0.00
Vendor Total-					593.38	
02295 Witmer Public Safety Group, Inc.						
0385	20183	02	PGI Cobra Classic		E2151815	
PGI Cobra Classic			E 10-01-20-55		228.21	0.00
Vendor Total-					228.21	
02302 Holloway Automotive Group						
0385	20184	02	Vehicle Repair		5043504	
Vehicle Repair			E 20-01-24-15		53.34	0.00
Invoice Total-					53.34	
0385	20184	02	Vehicle Repair		5043420	
Vehicle Repair			E 20-01-24-15		462.40	0.00
Invoice Total-					462.40	
Vendor Total-					515.74	
02350 New England Kenworth						
0385	20185	02	Vehicle Repairs		CP498327	*** SEPARATE ***
Vehicle Repairs			E 20-01-24-15		260.92	0.00
Invoice Total-					260.92	
0385	20186	02	Vehicle Maintenance		CP498583	*** SEPARATE ***
Vehicle Maintenance			E 20-01-24-15		38.20	0.00
Invoice Total-					38.20	
0385	20187	02	Vehicle Repairs & Maint		TP44743	
Vehicle Repairs & Maint			E 20-01-24-15		21.20	0.00
Invoice Total-					21.20	
0385	20187	02	Vehicle Repairs		TP44781	
Vehicle Repairs			E 20-01-24-15		69.00	0.00
Invoice Total-					69.00	
Vendor Total-					389.32	
02541 Biddeford Police Department						
0385	20188	02	Pre-employment Polygraph		SP011822	
Pre-employment Polygraph			E 10-05-10-26		325.00	0.00
Vendor Total-					325.00	
02556 CAI Technologies						
0385	20189	02	GIS Consulting		13798	
GIS Consulting			E 01-01-10-11		132.50	0.00
Vendor Total-					132.50	
02731 Donovan Spring Company, Inc.						
0385	20190	02	Vehicle Maintenance		408075	
Vehicle Maintenance			E 20-01-24-15		316.41	0.00
Vendor Total-					316.41	
02831 New England Fire Equipment & Apparatus Corporation						
0385	20191	02	Hose & FHU Equip		29444	
Hose & FHU Equip			E 62-05-99-01		5,925.50	0.00
Vendor Total-					5,925.50	

Warrant 67

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
02888 AT&T Mobility						
0385	20192	02	Eliot PD		287306890466X01	
Eliot PD			E 10-05-03-12		271.23	0.00
Vendor Total-					271.23	
02898 Brent Martin						
0385	20193	02	Reimbursement Assessor		391173	
Reimbursement Assessor			E 01-03-03-05		465.61	0.00
Vendor Total-					465.61	
02949 Harrison Shrader Enterprises, LLC						
0385	20194	02	Fire Equipment		F-246594	
Fire Equipment			E 62-05-99-01		2,632.00	0.00
Fire Equipment			E 10-01-20-55		5,736.16	0.00
Vendor Total-					8,368.16	
Prepaid Total-					0.00	
Current Total-					926,059.48	
EFT Total-					0.00	
Warrant Total-					926,059.48	

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Jordan Miles TO PAY THE INVOICES ON THIS WARRANT.

ALEX ORESTIS

DocuSigned by:

Richard Donhauser

RICHARD DONHAUSER 0406...

William W. Miles

WILLIAM W. MILES 32B0CFFFF404C8...

DocuSigned by:

Lauren Dow

LAUREN DOW

04C9118AB179438...

DocuSigned by:

Robert McPherson

ROBERT MCPHERSON

E2681BCD4D0046F...