

SELECT BOARD MEETING

May 11, 2023 5:30PM

Town Hall/Hybrid

Quorum noted

5:30 PM: Meeting called to order by Chairperson Donhauser.

A. Roll Call: Mr. Donhauser, Mr. Widi, Mr. McPherson, Ms. Dow, and Mr. Shapleigh.

B. Pledge of Allegiance recited

C. Public Comment:

There was none.

D. Approval of Minutes of Previous Meeting(s)

5:32 PM Motion by Mr. Donhauser, second by Ms. Dow, to approve the minutes of April 13, 2023, as amended.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

E. Public Hearing:

1. Adult Use Marijuana Store for Green Alien Cannabis Company, LLC, 28 Levesque Drive, Unit 3, Eliot, Maine (Map 29/Lot 27-1A) (AMS1193).

Public Hearing opened at 5:34 PM.

Attorney (Malina) Dumas, representing Green Alien Cannabis Company, said that this is just a routing renewal. The company has been operating in compliance with local and State law since last year. The State license renewal application has already been deemed complete by the State Office of Cannabis Policy. The last step in getting the State license renewed will be having the Town sending over the local authorization form. The company's director of compliance, Brian Harnish, is on Zoom, as well. It sounds like there aren't any questions before this is approved but I mostly wanted him here to introduce, as I'll probably be passing the baton on to him to be present for renewal. Thank you for your time.

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Mr. Sullivan said that the application is complete. We appreciate the improvements made to the property and the surroundings.

Public Hearing closed at 5:36 PM.

Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board approve a renewal of an Adult Use Cannabis Retail License (AMS1193) for Green Alien Cannabis Company, LLC at 28 Levesque Drive, Unit #3.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

- 2. Annual Town Meeting Warrant Articles Three through Thirty-One to be voted by secret ballot on Tuesday, June 13, 2023 (includes all budget articles).**

Public Hearing opened at 5:37 PM.

Mr. (Gene) Wypyski, Creek Crossing, said that I went through the synopsis of the updated ordinances that the Planner put together. I just wanted to compliment the Planner for how thorough this document is as far as the synopsis of the new ordinances. What raised my concern is that he has a statement in there regarding the impact to the Town with the new LD2003 rules: "The Town must defer certain aspects of addressing LD2003 to future elections. These aspects include, among others, potential density changes, affordable housing developments, and requirements for water and sewer connections to those developments." To me that's kind of the entre, the meat, of what the Town has to deal with from LD2003. The stuff we're dealing with in this election is like the appetizer. It would be nice to have some indication of what is coming because these words, to me, are somewhat ominous and unclear about what is coming in the future. What he lists are issues we are starting to deal with in the update for the Comprehensive Plan. This will be a big deal over time and voters would like to know what the potential impact/magnitude of LD2003 will be on our Town.

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Mr. Sullivan said that we have discussed with the PB to invite them in to do a comprehensive presentation. Some of the guidance is still not written; that there's a lot of interpretation. Then, there will be challenges in court that will impact what is allowed here and elsewhere in Maine.

Ms. Bennett said that there are still some specifics within the legislation that have not been fully worked through. Rule-making from the DECD review found 3 areas in the statute with scrivener errors and the need to amend other land use statutes that we work with. On that front, we're waiting for the legislature to complete their work, hopefully, by June and that the effective date will be amended to July 2024. Affordable housing development will be the heaviest lift to incorporate into our ordinances. There will be public information sessions scheduled and our goal post is to put it on the November ballot.

5:44 PM Mr. Wypyski said that, as a member of the Budget Committee but not speaking on their behalf, there is a lot of discussion on Article #25 (renovation Town Hall/Community Center & Police Station). The issues is that this is a fiscal matter that should have been run by the Budget Committee first. I know you mentioned in prior meetings that that was not the case because it was more an approval than fiscal. Can you give me the words, again, your reason why this didn't need to go to the Budget Committee first, as I was unable to convince some of my colleagues.

Mr. Sullivan said that Article #25 has no impact on either taxation or the financial holdings of the Town. It only allows the voter to say to the SB that they will give the SB the right to bond for a project for \$4 million for the community center/town hall renovations/police station improvements at a future date. If they vote in the positive, there will have to be a future financial article to come before the voters to vote for an appropriation for a bond. It doesn't necessarily have to immediately come from taxation. There are reserves and they are sufficient to offset that. You could gradually move towards that. I think that, when we did the calculation with our bond advisor, the average impact on each Eliot household would be \$40/year. There's time for that financial discussion in the future. The standard way is to ask the Town if it would allow the SB, who has the power to bond, to bond. The bond agents will not approve a bond unless there is a funding source. The Budget Committee will be able to weigh in at the appropriate time on the appropriation process.

5:48 PM Mr. (Jim) Tessier, Johnson Lane, said that, on Articles #23 & #24, the amounts changed pretty substantially from last year. Could you refresh my memory on why those amounts have changed.

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Mr. Sullivan said that fixed assessments went down \$900,000+. I know this year it is \$515,000 because it is only the county tax assessment that is included. The library (\$242,500) has been moved to its own article. Additionally, there was an operating transfer from the TIF into the General Fund to partially pay for sewer-related salaries (\$784,561) and that is no longer the case, per our auditors. The debt service went up because we were advised by our auditors to include leases, as we signed contracts to pay that out over multiple years.

Public Hearing closed at 5:54 PM.

Mr. Donhauser moved, second by Mr. Shapleigh, that the Eliot Select Board approve the Annual Town Meeting Warrant to be voted on June 13, 2023, as presented.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

F. Department Head/Committee Reports

5:55 PM 1. Town Manager's Report

Mr. Sullivan said that I am happy to say we have hired a Certified Maine Assessor – Donald Ferrara. We are filling other positions: Jim Roy is promoted to Foreman at Public Works. David Ross-Lyons was moved from the Clerk's Office to the DPW Administrative position, as the prior employee left to go to a higher paying job. We have a type of consultant relationship with a former DPW Director – Norm Albert, short term. We are still looking for the right person to hire for this position. The phone system, while not perfect, is working now and I think it will be a good system once up and running and two servers coordinated. We apologize to the public; that the public has been great, as well as has been staff.

Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board accept the Town Manager's Report, as presented, and ask it to be published on the Town website.

Roll Call Vote:

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**Mr. Donhauser – Yes
Mr. McPherson – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes**

Unanimous vote to approve motion.

G. Board/Committee Appointments/Resignations

There was no action.

H. New Business:

6:02 PM 1. MSAD #35 Warrant

Mr. Sullivan said that this was added this week. I di meet with them and happy to report there have been some adjustments to their budget that lessen the amount the Town will have to raise in taxes for the school budget. MSAD #35 received about \$1 million in discretionary funds from the State and applied about \$800,000 to offset the tax rate in South Berwick and Eliot.

Mr. Donhauser moved, second by Mr. Shapleigh, that the Eliot Select Board accept the MSAD #35 Warrant, as presented.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. McPherson – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes**

Unanimous vote to approve motion.

6:05 PM 2. Annual Letter(s) to Town Report, Budget

Mr. Donhauser said that we are going to make some minor changes, I understand.

Mr. Sullivan asked that the SB vote to allow me and Ms. Dow to make the edits. What I tried to capture in the message was that the SB and Budget Committee

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worked in concert this year, came to some really great agreements, and I think that is what should be celebrated.

Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board endorse the Annual Town Report and Budget Letter, as presented with edits and revisions made by Ms. Dow and the Town Manager, and instruct the Town Manager to publish and distribute the documents to the public through past practices.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. McPherson – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes

Unanimous vote to approve motion.

6:08 PM

Mr. Donhauser said that, although I haven't brought this up before, I have talked with the Town Manager about it. I would like to suggest that the Annual Town Report be dedicated to Steve Robinson this year because of his long term of service and being a very valuable employee.

Mr. Donhauser moved, second by Mr. McPherson, that the Eliot Select Board dedicate the Annual Town Report to Steve Robinson for this fiscal year.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. McPherson – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes

Unanimous vote to approve motion.

Mr. Sullivan will notify the family.

I. Old Business:

There was none.

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J. Approval of Warrant(s):

6:09 PM Mr. Donhauser moved, second by Ms. Dow, that the Select Board approve Payroll Warrant #101 in the amount of \$51,512.00, dated April 26, 2023; Payroll Warrant #102 in the amount of \$48,379.66, dated May 4, 2023; Payroll Warrant #103 in the amount of \$1,440.04, dated May 4, 2023.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh - Yes**

Unanimous vote to approve motion.

6:10 PM Mr. Donhauser moved, second by Mr. Shapleigh, that the Select Board approve A/P Warrant #100 in the amount of \$66,251.48, dated April 26, 2023; A/P Warrant #104 in the amount of \$36,240.87, dated May 3, 2023.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh - Yes**

Unanimous vote to approve motion.

K. Adjourn

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board adjourn.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh - Yes**

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Unanimous vote to approve motion.

The meeting adjourned at 6:12 PM.

Respectfully submitted,

Ellen Lemire, Recording Secretary



Lauren Dow, Secretary

Date approved:

12/14/23