

**SELECT BOARD MEETING**

**July 13, 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, Ms. Dow, Mr. Shapleigh, and Mr. Trott.

**B. Pledge of Allegiance recited**

**C. Public Comment:**

There was no public comment.

**D. Approval of Minutes of Previous Meeting(s)**

**5:31 PM** Motion by Mr. Donhauser, second by Mr. Shapleigh, to approve the minutes of January 12, 2023, as written.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Widi – Yes**

**Ms. Dow – Yes**

**Mr. Shapleigh – Yes**

**Mr. Trott - Abstained**

**Vote was 4-0-1 to approve motion.**

**E. Public Hearing:**

**A. Renewal of a Class A Restaurant License for Shipyard/Regatta Room, 28 Levesque Drive, Eliot, Maine. Legal Entity Shipyard Brewpub 1, LLC.**

**5:33 PM** Public Hearing opened

There were no comments.

**5:34 PM** Public Hearing closed.

**Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board approve the Class A Restaurant License for the Shipyard Brewpub I, LLC at 28 Levesque Drive.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**B. Renewal of a Dancing and Entertainment License for Shipyard Brewpub  
1, LLC, 28 Levesque Drive**

**5:35 PM      Public Hearing opened.**

There were no comments.

**5:36 PM      Public Hearing closed.**

**Ms. Dow moved, second by Mr. Trott, that the Eliot Select Board approve a  
dancing and Entertainment License for Shipyard Brew Pub I, LLC, at 28  
Levesque Drive, to expire August 30, 2024.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

Mr. Shapleigh stated that he would like to make a motion. The Chair agreed.

**5:37 PM      Mr. Shapleigh moved, second by Mr. Widi, that the Eliot Select Board  
suspend the necessary rules to take Item H2. out of order to discuss the  
proposed draft warrant articles that establish permitting of a gun and rifle  
range.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**  
**Mr. Widi – Yes**

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**Ms. Dow – Yes**  
**Mr. Shapleigh**  
**Mr. Trott – Yes**

**Unanimous vote to approve motion.**

**5:38 PM** Mr. Donhauser said that we are going to talk about some draft articles that we're proposing for the November 2023 warrant. The articles have not been numbered, obviously. I assume we can just take them in order. He asked the Town Manager to explain what he is attempting to do here with reserve accounts.

Mr. Sullivan said that, as we've discussed before, the Town of Eliot has an extraordinarily healthy reserve unexpended fund. This happens when there is money that isn't used in prior years that is left over when revenues exceed what was expected in certain years. Presently, there's about \$4.6 million in the Eliot Unassigned Fund. That money is money that taxpayers have already paid for. Generally, 15% is considered a healthy amount to hold in the annual general fund budget, so, about \$1.2 to \$1.3 million we should keep in reserve. I'm not suggesting that we spend anywhere near that. I do believe these funds should be put to work for the taxpayers of Eliot. The first article is regarding the Fire Department Vehicle Reserve to replace Fire Truck #4 at \$500,000. If you choose to move on this, it would take about 800 days for the truck to be built, a little bit over two years, in line with many other towns are paying. The Fire Chief is confident that the truck could make it through the next couple years but there are rust issues and equipment issues that would be addressed in a new truck moving forward.

**5:39 PM** Mr. Donhauser asked if the Budget Committee get involved in these warrant articles.

Mr. Sullivan said that the Budget Committee is not required to be involved in these. These are appropriations of funds that already exist but I have committed to make sure they get all the information and they can discuss it. This would just be a yes or no question on whether the voters wanted to spend the money.

Mr. Donhauser clarified that the primary reason is that we're not actually raising taxes.

Mr. Sullivan agreed. It has no impact on the tax rate. The other thing I'd like to point out is that this is preliminary. This is the first discussion on any of these draft articles. We do have to have them in legal form for the second week of September.

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- 5:40 PM** Mr. (Jim) Tessier, Johnson Lane, said that it appears to me for some reason that we're deviating from the Charter. We're talking about spending over \$1.8 million in capital improvements and another \$4 million for the Town Hall. The Town Manager said that, as a courtesy, after you approve it he will send it to the Budget Committee. In the Charter, §6.3, talking about the budget process, it says: "*The Budget Committee shall, by majority vote of the committee members present and voting, make recommendations regarding and included in each warrant article having a financial impact whether at the Annual Meeting or at a Special Town Meeting.*" It doesn't say requiring an appropriation to raise money, it says having a financial impact. Spending \$1.8 million and \$4 million certainly has a financial impact on the Town. In §6.6 it says: "The proposed final budget prepared by the Town Manager shall be reviewed for final approval by the Select Board at a Select Board meeting after the receipt of the recommendation of the Budget Committee." So, the budget process is you get the budget, and in this case, information for the Special Meeting. The Budget Committee gets it, they review it, then makes recommendations to you that you then review. This process that is being laid out tonight is not what is laid out in the Charter.
- 5:43 PM** Mr. Sullivan said that the second article is to Public Works Property the sum of \$500,000 for the primary purpose of redevelopment and repair of Murray- Rowe Park. The third article is to transfer \$15,000 to the Land Bank Trust to reconcile the historic balance. When we put together the reserve funds this year, you may recall that we had a discussion that, at the end, we discovered that there was less money put towards the Land Bank Trust than should have been. According to the agreement, \$5,000 yearly would be put towards the Land Bank Trust and it is in arrears. The next article is to transfer funds to the General Assistance budget the amount of XXXXX to reconcile the FY 2023 shortfall. We're just closing our books now and we're not totally sure how short it is. We think about \$8,000. We had some increased costs with requests from qualified individuals who received assistance for utilities and also rents; that rents have gone up significantly. Where we were seeing \$900 to \$1,000, we are seeing \$1,500 to \$1,600 this year. Just a reminder that 75% of everything spent is reimbursable from the State. The next article is to transfer \$200,000 from unassigned funds to the Grant Match Reserve Fund (Planning). Often times we find ourselves where there is opportunity for grants that we don't have funds for and we have to wait for another cycle. Additionally, whatever the grant it is assigned to, it would have to come back to the SB for the expenditure to be made. The next article is to transfer \$120,000 to the Police Department Reserve (Vehicle) for the primary purpose of replacing cruisers or other vehicles. That would include if we bought a boat for the Harbor Master, which is under the Police Department and the Town has voted for this before.
- 5:49 PM** At this time, the live stream needed to be re-started.

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Mr. Sullivan said that the next article is for \$500,000 to Town Hall/Community Center Bond Reserve to offset overruns or applied to the interest and principal. The next one is the final vote to authorize the \$4 million we're borrowing for expansion/renovation of Town Hall, Police Station, and Community Center. This week, we met with the Capital Planning Committee and the Bond advisor and the architect to ensure that this project is within the budget. It is going to get smaller. This room is going to get bigger but there are other amenities that were looked at in the original plans that we've taken out to make sure it stays within the budget. The money could be used for fixture, furniture, etc., if needed or it could be used to offset overrun costs or it also could be used to offset interest and principal payments in the future. If this project was approved, it would not impact the budget until 2027. We are working with the bond advisor to get a schedule of what it might cost the average household in Eliot. Last time, you may recall, we did that exercise it came up that it would be about a \$75 increase per household to the budget but we also have to remind ourselves that most of the general fund comes from revenues other than your property taxes. So that \$75/year won't directly impact property taxes. Some of it will be offset by other revenues.

**5:52 PM**

Mr. Donhauser said that I would like to stop on those articles. Those are the articles that have some type of financial impact. It's a valid question, I think, as to why the Budget Committee shouldn't be involved because it does have a financial impact. You could argue that it doesn't affect the tax rate and, therefore, it's not really an expenditure. It's an expenditure on funds previously raised that's been put in our fund balance and now we're going to try pull it out of fund balance. So, the opposing question is why don't we put that in our regular budget. If there are specific items here, for example, the Police Department Vehicle of \$120,000, why wouldn't that be a current expenditure.

Mr. Sullivan said that you certainly could do it that way but you'd be taxing the people, again, for money you are holding because it's in your reserves. So, you have the money and you're going to tax them for capital expenditures that you already have the money for. We were really clear when we discussed it earlier this year that we were not going to have capital in the budget this year; that it was going to be treated separately. It's certainly up to the SB. If the SB wants the Budget Committee to opine on each one of these, that's the direction I will go. When we discussed this previously, both with counsel and here, it wasn't considered a budget item because the articles and Charter speak to the budget process and these are funds that have already been raised and appropriated. I've said all along that I'm happy to send this to the Budget Committee. I respect their opinion. I feel a little cornered, to tell you the truth, that we're not saying that "I don't want the Budget Committee involved." I thought it was very clear from the beginning that I always wanted the Budget Committee to opine on this. When I was asked the question and I asked counsel if it had to appear in the format that

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suggested formal budget, and you'll remember that the budget has specific items all the way down in the budget process. None of them talk about this kind of capital budget. We can argue this here but this is a draft today and it's up to the SB.

**5:56 PM** Mr. Donhauser said that I only asked for discussion purposes.

Ms. Dow said that it sounds like we are basically doing what Mr. Tessier set out but maybe just not in quite the same language. So, we are going to be bringing this to the Budget Committee and look at what their recommendations are. They'll get to see it. We'll get to hear it. I think we should go forward with that strategy. As far as the counsel suggesting the layout of the actual ballot, it sounds like we're heading in the right direction.

Mr. Trott asked Mr. Tessier to give the Charter sections again. Mr. Tessier did so.

Mr. Tessier said that this year's budget was quite different. Over the past several years, there's always been a warrant article that addressed capital improvements and some of the things listed here were in that capital budget. In this year's budget, there was no warrant article that raised new funds for capital funds for new expenditures. We moved funds around to make sure we had the right amount in each reserve account. The auditors said that we had a hard time accounting for where the money is, so, they said we're going to zero out those accounts, put money into them based on what the auditor said and, then, adjust them going forward. But, no new money was appropriated. The Town Manager addresses that. I thought that was unusual. I thought you were going to raise money or do something later on. But you wanted to take that first step to get those reserve accounts all set. There was no new money except for the paving budget because the paving budget was included in the Public Works Department where before it was in Capital Improvement.

**5:59 PM** Mr. Donhauser said that I think you have to agree that it's clever on how to expend money that the Town has accumulated, sitting there idle. Or we could put these funds in a budget warrant article and raise that again.

Mr. Tessier said that I'm not against spending money. I just want to make sure we're following the right process that's laid out in the Charter.

Mr. Donhauser agreed, saying that what we're doing, here, is just initially raising the subject.

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Mr. Tessier said that, in the Town Manager's notes, he said that it's not required. It appears, based on his notes, that he didn't have any intention in following the formal process of sending it to the Budget Committee and getting their input.

**6:00 PM** Mr. Sullivan said that that's simply not true. My notes say that I was clearly going to send these to the Budget Committee. I wasn't saying that I was going to ignore the Budget Committee. I think that's what's being insinuated and that's and that part is unfair.

Mr. Donhauser said that I think, in my personal opinion, that the Budget Committee should be included in the process. I think we would definitely want them to opine on these articles. They may disagree and want to keep that very large surplus. I hate to use the word 'clever' but the clever thing is that we're not raising taxes. We're expending money that's already been pre-authorized by the Town voters and we're actually putting it before the Town voter, again, to say will the voters allow us to do that. It's not like we're going to spend the money whether you say so or not.

Mr. Sullivan said that the financial impact to the taxpayer has already been realized when, in previous years, they already paid taxes on money that went into a reserve account.

**6:02 PM** Mr. Donhauser said that I can see both sides of the point, and Mr. Tessier does have a point. I want to belay any fear that the Budget Committee wouldn't be involved in the process. I'm pretty sure that the SB would want to have the process followed.

Mr. Cabot said that, in looking at §6.3 of the Charter, I have to respectfully disagree with you, Mr. Tessier. In §6.3, the job description of the Budget Committee it is to review any of those that are put in the budget, this is moving funds that have already been designated. The way I read that section is that it doesn't even say it's required. That point you were making was talking about financial impact to the taxpayer and they have already approved this financial impact. We're not changing to eliminate the Budget Committee or leave them out of it but I think the way that Mr. Sullivan is approaching it does not make us out of sync with the Charter. That's all.

**6:04 PM** NOTE: Mr. Cabot had to leave for an emergency at this time.

Mr. (Gene) Wypyski, Creek Crossing, member of the Budget Committee but speaking as a private citizen, said that we don't make recommendations to the SB, we make recommendations to the voters, the legislative body. So, we're a subset of the legislative body. What we decide and recommend is not to the SB. That

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being said, most of our work is in the context of the budget as presented in the form as chosen by the Town Manager. We spend a lot of time on these versions. Almost every meeting for the last year we've talked about this methodology. I think the bottom line is that we're spending money the taxpayer has already been taxed for. The Town Manager has said that these will all be brought before the Budget Committee and I think the Budget Committee will render their opinion and make a recommendation to the legislative body, and that will help illuminate the SB's decisions.

**6:05 PM**

Mr. Donhauser said that, on every warrant article I've seen, there is a recommendation by the SB and a recommendation by the Budget Committee. Do you see that happening, also.

Mr. Wypyski said that I think it will if we're given the opportunity to do that. Sure.

Mr. Donhauser said that I'm not opposed to that, personally.

Mr. Wypyski said that I think the Budget Committee would welcome the opportunity to weigh in. But, I concur with the Town Manager, personally, that we do not have to because this money has already had a financial impact on the taxpayer.

Mr. Tessier said that we're splitting hairs, here, but he's absolutely correct. The Budget Committee is responsible to the legislative body and they make recommendations to the legislative body. But the Charter specifically says that, after those recommendations are made, they go to the SB. I was incorrect in my statement. The SB is required by the Charter to review those recommendations prior to your vote. That is the point I was trying to make.

**6:06 PM**

Mr. Donhauser said that what we're actually trying to do, here, is set up some articles for discussion, and this is the beginning. Hopefully, we'll have some more discussion about it. Some people may not like a particular article and they should speak on that. I think it's important for our SB to move forward, at least, and exercise it so that setting up these articles can be reviewed in the future.

Mr. Tessier said that, regarding the \$120,000 for the Police Department, in the past in Capital Improvement, the Town has purchased a new cruiser each year. Funds appropriated was somewhere in the ballpark of \$40,000 to \$50,000. So, \$120,000 is a big increase and asked if that could be explained in a little more detail.



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Mr. Sullivan said that it was the cruiser, certainly, plus the equipment to outfit a cruiser that has increased substantially. And we're also trying to talk through whether we're going to buy a boat for the Harbor Master, which is essentially in the Police Department. An Interceptor engine on a Ford right now is running \$48,000 to \$50,000 and we would equip them. With trade-ins for each vehicle, we would get about \$6,000 for each trade-in and that would help pay for most of the equipment. The Fords that they are building now don't allow our equipment (cages, etc.) to fit on. We didn't buy a cruiser last year and our intent is to buy a cruiser in 2024 and buy another cruiser later in 2024. We are looking to see if we would have enough to then buy a boat.

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**6:09 PM** Mr. Donhauser suggested we move on to discussion of the last article regarding **shooting ranges**.

Mr. Sullivan said sure but I did forget to put in one additional article that the Police Chief asked for. He wanted us to put language in there to create some parking ordinances in Eliot. Presently, there is no parking ordinance in Eliot. We have 'no parking' signs but there's no law to enforce it.

Mr. Donhauser asked if that could be brought up at a future meeting.

Mr. Sullivan said yes, that I'll have language for you at a future meeting. I just wanted to mention it. He read the article for the shooting ranges: "Article# To see if the Town will vote to establish a fire range permit and allow the Eliot Select Board to establish reasonable fees, guidelines and regulations within federal and state laws to ensure and enact safety and compatibility with the surrounding and adjacent area."

Mr. Donhauser said that I will state right off that I live very close to the shooting range. The other thing is that I have weapons, myself, and I'm not opposed to anybody having a weapon. But, I have strong feelings one way or the other and I'm sure there are people, here, that have strong feelings, also. That shooting range has been there for as long as I can remember and there are, and I'm aware that there are, specific statutes that prohibit us from stopping that. What we can do is prepare an ordinance that controls it in some way. We did have the Southern Maine Fish & game come before us a number of times in 2020. They told us that they would try to restrict the hours and types of shooting. They made certain statements which I'm not sure they followed through on. My concern is that it's totally uncontrolled, in my view. Mind you, I'm not opposed with people being down there shooting but it's totally uncontrolled in the sense that we don't know who's there, when they're there, when they begin, when they end.

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**6:11 PM** Mr. (Tim) Crouch, 47 Greenbriar Drive, asked if you have a right to know who is there.

Mr. Donhauser said that I don't know. That's a good question.

Mr. Crouch said that I'm a citizen and I'm on private property and I don't want to see you guys patrolling down there.

Mr. Donhauser said here's the problem. How about insurance liability and somebody gets hurt there.

People were talking over each other at this point.

Mr. Sullivan said that, if people want to speak, they're going to have to get up like Mr. Wypyski did, identify who they are, where they live, and then say what they want to say.

Mr. Donhauser said that I wanted to say, up front, that I'm not opposed to the shooting range. I am a proponent of controlling it and not having liability. Even though the shooting range is self-insured, that doesn't prevent someone from bringing a lawsuit against the Town if we have no ordinance or any control over that shooting range, at all. I know that there are ordinances that have been put in in other towns, recently, about shooting ranges that basically limit the hours, which I believe we are allowed to do. They have put other type of restrictions, for example, is there somebody there, a range master there.

**6:13 PM** Mr. (Normand) Chenard, Southern Maine Fish & Game (SMFG) Club President, said that there are rules and regulations for the club. The range is in Eliot but the clubhouse is in Kittery. There are restrictions as to becoming a member of the club. There are restrictions to actual access to the shooting range. There are two fences prior to on the road there. You have to be a member and renew your membership annually in order to get the code to get into the range. So, you have to be an active member to be there. You can't drive in. It's fenced off and, if you walk in, you are trespassing and the Eliot Police Department will arrest you.

Mr. Donhauser said that two or three years ago I did walk in there and every individual who was there was not a Maine resident. That's not a concern for you.

Mr. Chenard said not at all. It's not a requirement.

Mr. Donhauser asked how one scheduled to be there.

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Mr. Chenard said that there is no scheduling. It is open to members of the club between 8:00AM and 6:30PM Monday through Saturday, from 8:30 AM Sunday, unless it's wintertime and, then, it's dependent with the hours of darkness. It closes at dusk then.

Ms. Dow asked if you have seen other town ordinances that are written up.

Mr. Chenard said that I have seen the one for Cape Elizabeth.

Ms. Dow asked how he felt about that.

Mr. Chenard said that I feel it is in violation of the State law, which is in Title 30-A §3011 that specifically states "A municipality may not restrict a sport shooting range established prior to September 1, 2016." It's been a shooting range since 1940.

**6:14 PM** Mr. Donhauser asked if we could have an ordinance that requires you to have a permit for that range.

Mr. Chenard said "A municipality may not restrict..."

Ms. Dow said that it's not restricting, it's to have you get a license.

Mr. Chenard said that absolutely the license. The requirement to meet a standard of a license.

Mr. Shapleigh asked when you first called yourself a range.

Mr. Chenard said in the '40's.

Mr. Shapleigh said that I bet you there's not a not anywhere in any town record that says that was a rifle range in 1940.

Mr. Chenard said, regardless, 2016 is the date.

Mr. Shapleigh said that you never declared yourself a rifle range.

Mr. Chenard said that we've owned it since the '70's.

Mr. Shapleigh said that you owned a gravel pit.

Mr. Chenard said that it's insured by the National Rifle Association (NRA) as a rifle range.

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Ms. Dow asked if you know when that insurance started.

Mr. Chenard said that I would have to research that. I don't know off the top of my head.

**6:16 PM** Ms. Dow asked if you know how rifle ranges are typically qualified.

Mr. Chenard said that the NRA comes out; that they want, if it's theirs, insurance up to their standards.

Ms. Dow said that, if you could find out when that happened and, if before 2016, I don't what sort of impact that would have. But, that doesn't stop us from crafting an ordinance that would still be valid for any other gun range in our Town. This ordinance isn't specific to you. It's specific to the Town and, perhaps, your range may not fit within this specific ordinance but maybe it does. I don't know what the answer is but I think that the ordinance, itself, is something we should be talking about and look further into how it is that your range, specifically, fits into this, or not.

Mr. Sullivan said that we really don't want to be specific because there are other ranges in Eliot and, as Ms. Dow mentioned, we're trying to make an ordinance not specifically here at SMFG but for all ranges. I just want to be careful that we don't get too focused on one place. I do have a copy of the SMFG rules. They do limit them to Monday through Saturday 8AM to 6:30PM, Sunday 9AM to 6:30PM. There are some other rules I can supply you with. Again, this is a draft and we're just starting the discussion.

Mr. Chenard said that we don't authorize automatic firearms there. It's semi-automatic but that's regulated through how fast someone can pull the trigger.

**6:18 PM** Ms. Dow asked if you ever have interaction with local residents and how do you address them.

Mr. Chenard said that, if they are shooting beyond the hours of operation or they're shooting automatic firearms or such, please report it to us and also to the Police Department. The police will respond. They do have the code to get in and they can get that person's name, etc., give it to us, and we can take action.

Ms. Dow asked if they ever worked with a municipality that you know of.

Mr. Chenard said not that I know of.

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Christina Hepburn, Goodwin Road, said that I have lived in my house for 27 years and I've just noticed that in the past four or five years I swear I'm hearing automatic weapons. I'm hearing the volume of some of these weapons are truly frightening. I walk my dog on the rail trails and I have to pick him up and carry him because of how loud. I don't know what the weapons are. It used to just be minimal guns and I have nothing against that.

**6:20 PM** Mr. Chenard said that I always say that it's a semi-automatic and it's as fast as the person can pull. There's usually more than one person shooting at a time and, if there is, it can sound like that.

Ms. Hepburn said that, when I'm walking the rail trails, I'm always wondering if something can go astray. I don't know the distances a bullet can go. I'm concerned about who has oversight about weapons that are actually coming in. Members can bring people in and you don't know what they are bringing in for weapons.

Mr. Chenard said that members can bring guests in.

Ms. Hepburn said that I'm just noticing a huge difference in the past five years. It's not just your normal sounds.

Mr. Chenard said that we do have restrictions as to type of firearm, the caliber. JJBMG and higher are not authorized to bring in. That's a large round for a long-range rifle. People might associate that with a sniper rifle.

Mr. Donhauser asked if there is any weapon that is not authorized.

Mr. Chenard said a fully automatic.

NOTE: Mr. Trott returned to the meeting.

**6:22 PM** Mr. (Phil) Swanson, Goodwin Road, said that I know this ordinance is not specifically about this range but my experience is specifically about this range. I live there with my wife and two children. We're about a half mile as the crow flies from the range. So, that means there's about 200 houses that are closer to that range than we are and I can tell you that it is extremely disruptive. Not only is it disruptive, it's unpredictable. They're open 365 days a year and basically sun up to sun down. I know it's 8AM to 6:30 but they're always shooting afterwards. I've made many noise complaints to the police. They respond. The president responds. I've had many conversations with the range. I asked, in the spirit of being a good neighbor as the NRA suggests, why don't you consider changes for the 100's of residents that listen to the continuous gunfire every day. They were

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cordial, friendly, and I appreciated all that. In the end, nothing changed. I know there was a meeting about this in 2019. There were commitments that were made that were published in newspapers to residents of the Town of Eliot. Nothing was changed. No meaningful change, lip service. So, April comes around. Drought conditions. I'm sitting on the back porch with my son and I see billowing black smoke from the gun range. I called my brother-in-law, who is a volunteer firefighter from the Town of York. He comes over. We soon learn it was at the gun range. Multi-alarm fire. I think 5 or 6 alarms. York, Eliot, Kittery, from NH, they all came. The water trucks could not fit down road. So, they had to drive the trucks to the range, unload the water, drive them back out to get them refilled. That to me was the final straw. It's not only a nuisance and annoying but it's also unsafe. They burned seven acres, most of which was not their property...hold on, please let me finish...and I know it was their actions on-site that started the fire because I have an email from the Chief of the Fire Department saying so. So, unless that was misdiagnosed, let it be so. So, in response, I started a petition. I circled it through our neighborhood and we had well over 100 signatures from local residents who agreed that we didn't want to shut the range down, we want good neighbors. We want a range that respects the people and the activities that we go through, such as sitting on our back porch on a Sunday afternoon and not listening to semi-auto gunfire. In my travels talking to the local neighborhoods, I collected a number of stories, basically horror stories, about what the gun range had inflicted on their daily lives. One gentleman told me that he was sitting at his house with his wife and children and china and dishes were falling off the walls and the shelves because they were shooting at exploding targets. I know the answer is going to be that 'we don't do that anymore', that everything I'm talking about is in the past and, also, inaction is in the past. That was one story. I spoke to another family. Their dog was killed because a member of the range was driving 40 miles an hour down a dirt road and ran their dog over. I've spoken to people, such as my other neighbor, who carried their dog home because it was frozen from gun fire. I've spoken to people whose children were fearful and crying. I've been part of an Easter egg hunt that felt like I was in an actual hunt for eggs, shooting them. This is not reasonable. It's not fair. They're not being good neighbors. Ordinance or no ordinance, the Town of Eliot needs to stand up for itself, respect the community, and work together for meaningful change. We are not asking for something unreasonable. There is no reason that that club needs to be able to go down there at any hour they choose and disrupt the lives of so many.

**6:27 PM** Mr. Trott said that I just want to clarify that I'm an officer of the Fire Department, 38 years. We can make it down there without any issue and that's normal operations. Were your house on fire, I'm going to have just as many alarms just to get the water out to that part of Town because we do not have hydrants that side of Town. So, that fire, it was seven alarms because it was on the hill side. I'm 57 years old running up and down that hill and I'm one of the ones that called for

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that extra manpower. That's normal operating. It had nothing to do with the range, just so you understand.

Mr. Swanson said no, no. That's unfair because the range started the fire.

Mr. Trott said that I want to see that email from the Chief, please. We believe, because the State Fire Warden was down there, and that's how we do things. But I just want you to understand it wasn't because it was a range that we went to that size call.

**6:28 PM** Mr. Swanson agreed it was a response to the fire.

Mr. Trott said that we would do that if it was you in your back yard.

Mr. Swanson said that that is understood. But, I'm not allowed to have a bonfire during drought conditions.

Mr. Trott said that they weren't having a bonfire.

Mr. Widi said, to summarize, your primary objection is the noise.

Mr. Swanson said absolutely.

Mr. Widi asked of the others in the audience agreed.

There was general agreement.

Mr. Widi said that I was just trying to summarize for the record.

Mr. Swanson said just to wrap it up for closure, here's the suggestion I've made to the gun range, and I can't speak for everyone but I think it would be reasonable. One, limited hours, specifically on the weekends when people are home. Two, someone at the gun range, without a gun in their hand, monitoring the activities of the people at the gun range. Three, real, meaningful noise restrictions, which can be done. Earthen berms, insulated firing ranges. In fact, I'm pretty sure that the shooting range where they shoot pistols is, in fact, bermed and that is a very, very different experience when someone is shooting a pistol down there as opposed to the long gun range. I understand there's a volume range in the guns. Those aren't unreasonable requests for anyone in the neighborhood. If anyone wants to come to my house for dinner on a Saturday night and experience what it's like, come on down, because you wouldn't tolerate it, either, and I bet the members of the gun range wouldn't either.

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**6:30 PM**

Mr. Widi said that I've been writing questions down as people have been talking and, with your permission, I'd like to flesh it out a little bit and then they will everyone stay on point. Mr. Chenard was the one who came to us in 2020. You said at that time that you were going to extend the berms or heighten them. Can you give me some background from that date to today.

Mr. Chenard said that it's almost annually that we have reinforced the berms, specifically around this particular area. The rifle range area is not in a position to where we can put berm around it. At the last meeting, we voted to lower the roof of the actual rifle range area, which in theory, is supposed to lower the sound vibration. Because it's so high in the air, right now, it's not offering any buffer. So, it's going to be lowered to a much more reasonable height that is more in line with other ranges that are out there.

Mr. Widi said that you think that would solve some of the noise issues.

Mr. Chenard said that I do think it will solve some of it. We have had the Police Department go out and test the decibel readings from our range down all the way to the end of the road, and beyond, and found out we were well-within the decibel readings. I don't know the specifics on it. They were the ones who came out and tested it and confirmed with me that it's well below. They went out to the road that's in the housing area closest to the range.

Mr. Widi said that, again, my questions are to just get to the bottom of what we're talking about. Why isn't the rifle range in a position to have the berms extended there, or whatever.

Mr. Chenard said that it's just an outside structure. It's just a concrete slab, with three to four tables, and a roof over it.

Mr. Widi asked what direction it faced. Is it facing Goodwin Road.

Mr. Chenard said no. If you're heading down Slate Hill Road, it's heading in the same direction as Slate Hill Road, if you're heading toward the range I'm assuming it's south.

Mr. Widi said that you're saying that it's not possible to do berms there.

Mr. Chenard said that I'm not saying it's impossible. I'm saying that we discussed it before, and we voted on it, and at the time, we didn't have the money or the resources to do so.

Mr. Widi asked if you know how many noise complaints you had to respond to.



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Mr. Chenard said that I became the president in 2018 and I would say that, from that date, I've probably received about 10 or 12 calls, myself.

Mr. Widi asked how many of those calls were users of the range. How many were spoken to, disciplined.

Mr. Chenard said all of them have been spoken to if they were there when somebody went down to see them.

Mr. Widi asked if there was any specific action for their specific membership for any of them.

Mr. Chenard said yes. Some were suspended.

Mr. Widi asked for the hours again.

Mr. Chenard said Monday through Saturday is 8AM to 6:30PM during the hours of summer. In the wintertime, the hours change. It gets dark at 3:30PM and the range is closed at dusk. It is open on Sunday from 9AM to 6:30 PM, or dusk.

Mr. Widi asked if it's the position of the range that you don't want to restrict those hours. You're content with the hours as is.

Mr. Chenard said that we are happy with the hours as is. We've voted that several times. We've proposed it several times and those are the hours we agreed to.

**6:35 PM** Mr. Widi asked the Town Manager, based on what I saw, the Cape Elizabeth ordinance was passed in 2017. Do we know what date the State law was passed. It is referenced for 2016 so, presumably, it's after 2016.

Mr. Sullivan said that it was before that (2015).

Mr. Widi said that, since Cape Elizabeth came in two years after, have there been any challenges to your knowledge.

Mr. Sullivan said that I don't know of any challenges. On Zoom, Ann Lukegard, Rollingwood Road, asked if the Town checked the water quality of Sturgeon Creek to see if bullets from the berms are negatively affecting the well-being and water quality of river fish and plant life.

Mr. Donhauser said that that's talking about lead remediation, I think. Has the water been tested from the gun range.

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Mr. Chenard said yes, in 2015.

**6:36 PM** Mr. Donhauser asked if Mr. Chenard has ever rented that facility to any other business.

Mr. Chenard said no, not rented. We have utilized it. Kittery Trading Post came out for a couple of their events. When they do so, we have members out there to escort them and show them the rules for the range.

Mr. Donhauser asked if that is generally on the weekend.

Mr. Chenard said no. It's normally during the week

Mr. Donhauser asked never on an Easter Sunday.

Mr. Chenard no, not that I'm aware of.

**6:37 PM** Mr. Donhauser said that I know that the Kittery Trading Post has used the facility a number of times.

Ms. Chidester said that I was just curious of any member of the gun range lived on Goodwin Road.

Several people said yes.

Mr. Crouch said, speaking for myself, I've been a member of the gun range, off and on, while living here in Eliot since 2001. I would like to point out that, and published in the newspaper, the fire was deemed an accident and they weren't sure of the origin. As was stated, the range was established in the 1940's. Also, regarding working hours, members work, too, and when they use it, it's after work hours. For me personally, it's a little irritating that it sounds like a war zone by people who in fact have not been in a war zone.

**6:39 PM** Mr. (Gene) Chidester said that I live about 480 steps from the shed up there. With the operational hours, this is the greatest, personal inconvenience and the most negative experience I've ever had anywhere else I've lived. As early as 7:05AM, as great as sometime after dark in the PM. The police when I called after dark, probably the dispatcher, said that they'll probably be quitting pretty soon. It is not normal and I lived here in '83, same neighborhood in Rollingwood. The house faces the range. I don't believe in the four years we lived here I've heard about a half dozen gun shots. When I moved back in 2019, it was reasonable. In the last three or four years, I think there are lots of guys over there with rifles I assume are

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intending to emulate Dirty Harry. 22-round clips. Nobody is sighting anything. No one is even aiming anything. They rip off 22 rounds in a pretty short period of time. I qualified on an M16. I lived in a war zone. I've heard things over there that emulate the 105 Howitzer. My war zone was Vietnam and I've been exposed to medium- and long-range artillery. I don't know what they're shooting but it's not like anything that I'm familiar with. Their hours of operation are just suggestions. Like I said, the earliest at 7:05AM and the latest after dark. The number of rounds fired at 6:30 on Saturday or 5:30 on a Sunday afternoon is extensive. I don't want to take anyone's gun away but I don't want anyone to disregard my rights. Every time I speak to someone, they talk about 1940 and don't take my gun away, and I don't want to do that. But, I would like some respect for my rights to enjoy the property that I spent my life paying for. At least, be able to enjoy it during the hours they are not shooting over there. If it says 6:30, stop it at 6:30. And it's been going on for years.

**6:43 PM** Ms. (Kathy) Williams, Rollingwood Road, said that I have been there since 1986. My property line is on the rail tracks. That's the back end of my property. The noise wasn't so bad. It was tolerable. In the last four years it's gotten crazy. I'm up at 6AM and I hear them at 7AM. All we want is to do something that will keep the noise down. We were told you were going to do that and that has not happened at all. And so, to me, they're not being good neighbors because they are not following through on the promises they made.

Ms. Chidester said that we usually work five days a week. They are doing it seven days a week. Give us a day, or two, so that we can enjoy our weekends or our holidays.

**6:45 PM** Ms. Hepburn said that I think that the thing that strikes me the most is that there is no supervision in there and that just kind of blows my mind. How do you know what weapons are being brought in. I'm hearing the same grade of weapons and I don't know weapons. I'm sorry. I didn't mean to offend when I said that it sounds like a war zone. I'm very, very sorry. But I also think what about a WWII veteran who is getting triggered because he is listening to it. He's in his home and he has no recourse. I didn't know I could call the police to complain about the noise or if they were doing it after hours. I would have. Regarding not getting many police calls, I'll start calling, now, when I notice it's after hours or I hear things that sound wildly inappropriate. But, if there's no one there supervising, there's no one checking people in seeing what weapons are being brought in, how do you know. And if someone brings a guest and the guest brings an unauthorized weapon, how do you know. If it's like self-monitoring, we don't know. And it is scary and I do walk the rail trails. I don't know if a bullet is going to come and hit me. So, I think there should be supervision there. It just seems kind of crazy to me that you have to pay to get into Fort Foster with your car but you can go to a

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shooting range and bring whatever you want. And in the past four or five years, it's a different level of weapons. It's not like it was. I've been there almost thirty years. It's completely different in the past four to five years.

**6:47 PM** Mr. Donhauser said that there are State statutes with respect to gun ranges. One is Title 17 Crimes, Chapter 91 Nuisances, Subchapter 3. In particular: "*1. Acquisition of property near existing range. Except as provided in this subsection, a person may not maintain a nuisance action, including for noise, against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within 3 years from the beginning of the substantial change.*" The reason I point that out is that the Town, in my view, has no control over any range in the Town of Eliot so what I'm more particularly looking for is to protect the entire Town with respect to all gun ranges and to make sure there aren't substantial changes. I think there have been substantial changes and, unless somebody documents it, the three-year period never starts. Again, one main concern for me is insurance. I understand that you are insured by the NRA. That does not mean the Town of Eliot is. If somebody gets hurts there, as an example, let's say that a bullet leaves the premises and hurts somebody off-premises and the Town gets sued, we have no insurance for that. So, my suggestion is that the NRA make us an additional insurer on their insurance policy.

Mr. Crouch asked if the Town couldn't take one out.

Mr. Donhauser said that of course we could, at our cost. It's a lot easier and less expensive if the NRA did that. I don't know why we should have to buy insurance on someone else's property. My recommendation to the SB members is that we do set up an ordinance that is not so restrictive that you can't use your weapons there. I'm not trying to do that. But there has to be some oversight. For example, exactly what are the boundaries. Is there a survey. Where are the shooting tables in relationship to the berms. Where are the berms located. This is my suggestion to the SB.

**6:49 PM** Mr. Chenard said that every new member, when they sign up to be a member of the fish and game club, before they are allowed to go to the range or use the range, they must attend an orientation of the range. There they go over all the laws of the gun range, the left and right lateral limits of shooting, and also the hours of operation. So, every member that goes there is familiar. They have to sign it and it is turned in to us. So, we maintain those knowing that they know the regulations so when they violate them, they are held accountable. If they shoot rifles of calibers that are beyond the scope of what our regulations say, then they're dealt with.

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Ms. Dow asked if anyone has ever filed a nuisance order against you.

Mr. Chenard said no.

Ms. Dow asked if you have any records of members you had five years ago versus now.

Mr. Chenard said that we do.

Ms. Dow asked if you would consider that a new change.

Mr. Chenard said I would say the technology, yes, and the only reason being is that, with the internet, people can find us easier. Before that technology, it was harder to find us.

Ms. Dow asked if you have ever considered limiting the membership.

**6:51 PM** Mr. Chenard said I don't think so. And the reason I say no is because we're relatively small to begin with. We're sitting at about 200 members right now and, with other ranges in the area, they are pushing limits of 500 to 1,000 members then restricting it at that level. And not everyone is signed up to use the range. Some are there to fish.

Mr. Shapleigh said that you said you have around 200 members.

Mr. Chenard said yes.

Mr. Shapleigh asked what was the fee per member.

Mr. Chenard said that it depends. If it's a new member, it will be \$114. If it's a renewing member, it depends on whether they do volunteer work for the club, or not. It varies.

Mr. Shapleigh said about \$20,000/year. So, when your club turned down and said we aren't going to build a back wall for this place. We're not going to insulate it, not do anything do for neighbors, did they do that because it was going to cost more than \$20,000 to put up that back wall.

**6:52 PM** Mr. Chenard said that we have other expenses. We have to pay for our insurance, taxes.

Mr. Shapleigh asked how big is your insurance.

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Mr. Trott said that your questions are getting way off course.

Mr. Shapleigh said that the reason I brought this up is that he told us the same thing in 1990.

Mr. Chenard said yes, and we did things.

Mr. Shapleigh said that you made no abatement to the noise.

Mr. Chenard said that it has changed.

Mr. Shapleigh said yes, it's worse.

Mr. Donhauser said that I'm going to limit the conversation, now. I would suggest to you (Mr. Chenard) that I believe the SB will develop an ordinance and I would like you to participate in the development of that, if possible. Not to prevent you from using your range. It seems to me that the Town has to know exactly where that property is, what the property lines are, what the outlay is, an additional insurer on your insurance.

Mr. Chenard said that, without an ordinance, we can provide that.

Mr. Donhauser said that an ordinance provides for continual review. In other words, you can do it once and, if the Board changes or things like that, or you leave or something else, what you've said or what you've done, there's no history.

Mr. Chenard said that our range hasn't changed.

Mr. Donhauser said according to you. Apparently it has. It's become louder. At any rate, I'm suggesting to you that you should expect an ordinance. At least I'm going to drive an ordinance being developed. So, I want you to know this and I hope you would like to participate in the development of it so we don't restrict the use. I'm not trying to prevent the people who are going down there from using their weapons. I think there should be some type of a good neighbor situation where we come to some kind of agreement or accommodation so that the residents can have a pleasant evening.

**6:54 PM**

Mr. Trott said that I understand the noise issue. I hunt out there, within 300 feet is it of a residence, State law allows me to shoot my .308, which is a pretty good caliber gun. I also have a .50 caliber musket that I hunt out there on property owned by friends. And with that, I can promise you, even at distance, sound like a small cannon going off. Again, I do understand the noise issue. I do have a major concern with this Board jumping in and regulating the use of that property with

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the State statutes the way they are because we're treading on ground where you're going to limit what they can do on their property but yet a hunter with a license can go out and do more. The noise concern, 100% I get that. But there are other things. Their property borders wetlands so they're not going to be able to build, they're not going to be able to put walls up. I'm not a member out there, I'm just very good with land use.

Mr. Donhauser said that those are good comments. I respect your knowledge. I still think, in my mind, that we should have some form of ordinance.

Mr. Trott said that I agree, moving on.

Ms. Dow said that it would not be for this specific range but an ordinance, in general, is something we're going to be talking about.

**6:56 PM** Mr. Chenard said that I won't argue with the ordinance stuff but it's a violation of the law.

Mr. Trott said yes, for your situation. We're also talking an overall picture in Town.

Mr. Widi said that you said the words 'substantial change' and, just listening, open-minded. With everyone out here, I would hear one side say it does represent substantial changes, we're a junkyard. But then, I hear the other side say we didn't really change anything, we just made more people, people are using it during COVID, or whatever. So then, we're injecting ourselves into something that both sides have very reasonable arguments on but it's not a substantial change. It's probably not going to end well. I'm not saying not to do it. I'm just saying that, in relation to that specific issue, I can see that going through the ordinances for a long time. However, I would recommend to everybody else that, if they are shooting out of the hours they set, call. Don't just ignore it, call. I like to talk to the Police Chief and get his take on it. He may not want to give his personal opinion but, on the noise complaints, does he confer with you on the ten in the last three years or how many calls received for noise complaints.

**6:57 PM** Mr. Chenard clarified that those were the ones that came directly to me, not any to the Police Department. I never was aware.

Mr. Widi said that I would like to hear from Chief Moya about how many noise complaints are out there. Hopefully, you can communicate to your members to be the best stewards possible. And, hopefully, for everyone here, if there's an issue, contact them and contact the Police Department, too. At the very least you will get accurate information, Mr. Chenard, because that's something else I don't see

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happening. Somebody shoots after hours and somebody doesn't call and complain, or say anything, and then it never gets relayed to you. So, you're coming in here and saying that you don't see that but these people may be experiencing it. So, I think some of this is a miscommunication issue and, hopefully with those steps, we can solve some of that. I don't have the solution.

Mr. Crouch said that I understand. But I just want to be clear and not mince words. This 8AM to 6:30, seven days a week, 365, is not acceptable for a neighborhood.

Mr. Donhauser said that we could go on but I'm going to cease this discussion. I appreciate all comments, pro and con. I want to thank you for being civil, also.

**F. Department Head/Committee Reports**

**A. Town Manager's Report**

There was no discussion.

**G. Board and Committee Appointments/Resignations**

**A. Annual Ad-hoc Committee Appointments**

NOTE: All appointment names are listed in the packet.

**7:01 PM Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board accept the appointment of Jenny Isler to Aging-in-Place appointment list for a term ending June 30, 2024, as presented.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Widi – Yes**

**Ms. Dow – Yes**

**Mr. Shapleigh – Yes**

**Mr. Trott – Yes**

**Unanimous vote to approve motion.**

**Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board accept the Aging-in-Place appointments for a term ending June 30, 2024, as presented.**



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**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**7:02 PM      Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board accept the Agriculture and Food Security Committee appointments for a term ending June 30, 2024, as presented.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board accept the Capital Investment Planning Committee appointments for a term ending June 30, 2024, as presented.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board accept the Comprehensive Plan Committee appointments for a term ending June 30, 2024, as presented.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**B. Charles Rankie, Re-appointment Board of Appeals**

**Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board appoint Charles Rankie to the Board of Appeals as a full member with a term ending June 30, 2026.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board appoint Jennifer Himmer to the Board of Appeals as an alternate member with a term ending June 30, 2026.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board appoint Kari Moore to the Eliot Conservation Commission as a full member with a term ending June 30, 2026.**

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**July 13, 2023 5:30PM (continued)**  
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**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board appoint Lisa Wise to the Eliot Conservation Commission as a full member with a term ending June 30, 2026.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**C. Christine Bennett, Re-appointment Planning Board**

**Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board appoint Christine Bennett to the Eliot Planning Board as a full member with a term ending June 30, 2028.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**H. New Business:**

**B. Draft Ordinances for November Warrant**

**SELECT BOARD MEETING**  
**July 13, 2023 5:30PM (continued)**  
**Town Hall/Hybrid**

**Mr. Widi moved, second by Ms. Dow. that the Eliot Select Board have the Town Manager return the draft article of proposed changes to the relevant section of the ordinances for August 24, 2023, in reference to the suggested draft articles.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Widi – Yes**

**Ms. Dow – Yes**

**Mr. Shapleigh – Yes**

**Mr. Trott – Yes**

**Unanimous vote to approve motion.**

**A. Proposed Budget Ordinance Amendments**

**7:09 PM**

Mr. Widi said that I would like to get into the ballot issues and the complaints that I hear from people that the ballot is so confusing. I am proposing that we place an amendment on this warrant for November essentially to modify the budget articles to be more in line with what Ogunquit is doing so there is yes/no budget voting. The Budget Committee still gets to say whether they would like a ‘yes’ or a ‘no’. It doesn’t change their recommendation, other than the fact that they wouldn’t get to put a specific number. They would be saying yes they agree with the SB number and a no means last year’s number. You can see it in the packet, every town south of Kennebunk that doesn’t have a town council has yes/no budget voting. I think that none of those towns that do it that way have had to call a special town meeting to get funding for essential services. Now is the time to fix it. Now, some people may be upset that I’m proposing this change but it actually consolidates your dissenting vote. Right now, there’s five different voting options: Citizen’s Option, SB recommendation, Budget Committee’s recommendation, none of the above, or straight up blank it and just don’t vote. My proposal would bring it down to essentially three: yes, no, or just blank it. We had an issue with the library and the Budget Committee made the argument in 2022 through a letter that, because their number and the none of the above number totaled more than the number that got approved, they were making the case that we should have essentially reduced the funding. Now, obviously, that’s not how votes work and we didn’t do that. But, they’ve already made the argument on why we probably should. So, if there are dissenting votes or people that want to be in opposition to something, that should be consolidated to one no vote and the people who are in support of something, that vote should be consolidated into one yes vote; that then

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we have a very clear picture of which way the Town of Eliot wants to go. I'm open to anything you guys think about that.

**7:13 PM** Mr. Donhauser said that we have to put this on the ballot.

Mr. Widi said that the Town Meeting Ordinance states how the ballot is structured. The 'yes/no/none of the above' change would be an amendment to the existing Town Meeting Ordinance; that the Town Meeting Ordinance, not the Charter, determined how that looks today when they decided to move away from in-person Town Meeting. I would also suggest making changes to things like Roads & Bridges for \$2,000. That's ridiculous and needs to be in Public Works. There are a few other things like that.

Ms. Dow said that I think putting it on the ballot is a good move. It's a very complicated ballot and I think they will appreciate the simpler version. It sounds like we would be getting the same results.

**7:14 PM** Mr. Tessier said that I looked at this and compared it to where we were about five years ago, about the same time that the Charter got approved and the ordinance (Citizen's Option) got approved. Bob Fisher and Rosanne Adams kind of ran that through and pushed a lot of these changes. Their intent, if I remember correctly, was to try to get more people in the voting process. One of the big changes they made at the time was to implement the Citizen's Option Meeting. And so, it gave the residents, if enough people showed up, they had an opportunity to add another number, which was different than what the SB or Budget Committee proposed. It seems like what you're proposing would end up eliminating that.

Mr. Widi said that Citizen's Option is never going to be recognized for a lower amount, realistically.

Mr. Tessier said that there have been a couple of times but the big issue is getting enough people there. I was on the Budget Committee back then and I'm probably not agreeing with how the library was handled but there was a case where the people were effective. They organized, they showed up for the meeting, they proposed a number, and that number was approved.

Mr. Widi said that you were the only guy on the Budget Committee that had the courage to show up.

Mr. Tessier said that the bottom line was the concept. It gave the residents, if they really objected to something, an opportunity to organize, come to the meeting, and propose a different number, whatever the number was. I'm not objecting to your thought about how you want to do this.

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Mr. Widi said that, with my recommendation, the Citizen's Option still exists. If it's higher than the SB's number, that becomes the higher "yes" option and the SB number becomes the lower option. If it's lower, the SB's number stays the yes and the Citizen's Option becomes the lower "no" option (prior year's budget number). If you don't support it how I laid it out, tell me now, I'm fine with that. But, if you do support the idea, if you give me approval to talk with the Town Manager and Ms. Rawski to draft something, with my thoughts, and bring it back to you to say yea or nay.

**7:19 PM** Mr. Trott said that there are many who would like to see it simplified.

Ms. (Lisa) Wise, Spinney Creek Road and member of the Conservation Commission, said that one of the problems we've run into in the past is that the Conservation Commission has recommended a number for the Land Bank and it gets lumped in with a number of other items. It gets confusing for us to communicate about that to ask people for support because it gets buried. I was wondering if we could look at a different way to structure those items; that I think that would be very helpful.

Mr. Donhauser agreed that Mr. Widi should work with the Town Manager on a draft.

The SB members agreed.

**I. Old Business:**

**7:20 PM A. Final Acceptance of Clover Farms Performance Bond**

Mr. Sullivan said that we appreciate all the work the PB has done on this and the developers have been anxious to get started. But they didn't get all the pieces in until just last week. We got it on the agenda as fast as we could to go back to the PB for the Notice of Decision so the Code Officer can follow that as a checklist. I'm just saying that because there's a lot of conversation out there that the Town isn't moving fast enough. We were ready months ago but didn't get all the pieces that we needed to get. We do now have them and we really appreciate the developers getting those together.

Mr. Tessier said that, in the document, it says that it will be served "by public water, public sewer, and a private road ending in a cul-de-sac." The Town has had a history of issues with private roads. Do those who will be living there realize that it will be a private, not public, road.

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Mr. Sullivan said that I believe that because of the development plan, that's the reason why we are putting in a \$500,000 performance guarantee in place; that if the road is not built to our standard sufficiently. We also have Sebago Technics who is doing the test borings and review of the road to make sure it's meeting those standards.

**7:23 PM** Ms. Bennett, PB member, said that the PB did engage a third-party technical reviewer, Sebago Technics, on the proposed road, sewer, water, and all of that; that the performance guarantee is exactly that; that what they said they will do, and will be written in the Noticed of Decision, is exactly what they will do doing or we will have the funds to remedy it. They did not give any indication that they wanted the Town to accept the road as a public road. They have that option to petition the Town at a future date but, at this time, it will be a private road.

Mr. Shapleigh asked how long the guarantee will be in place.

Ms. Bennett said that, once they complete it and Sebago Technic reviews it and certifies that it was built to Town standards, the money will be released.

Mr. Sullivan said that we will formally release the funds with a written letter. The money with Palace Advisors doesn't get released until the Town says it's met all the standards and we release those funds back to the developer. WE had our attorneys do research and we know the money is there.

**7:28 PM** **Ms. Dow moved, second by Mr. Shapleigh, that the Eliot Select Board accept the Clover Farm performance guarantee of \$500,000 from Kristan Glidden, agent for Clover Farm Subdivision at 787 Main Street, and refer the guarantee to the Eliot Planning Board.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Widi – Yes**

**Ms. Dow – Yes**

**Mr. Shapleigh**

**Mr. Trott - Yes**

**Unanimous vote to approve motion.**

**J. Approval of Warrant(s):**

**7:29 PM** **Mr. Donhauser moved, second by Mr. Trott, that the Select Board approve Payroll Warrant #122 in the amount of \$55,074.63, dated June 22, 2023**

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**Payroll Warrant #124 in the amount of \$67,725.33, dated June 29, 2023;**  
**Payroll Warrant #001 in the amount of \$57,561.33, dated July 5, 2023.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Mr. Donhauser moved, second by Mr. Shapleigh, that the Select Board approve A/P Warrant #120 in the amount of \$3,456.12, dated June 20, 2023; A/P Warrant #121 in the amount of \$2,827.74, dated June 21, 2023; A/P Warrant #123 in the amount of \$811,736.12, dated June 21, 2023.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**K. Selectmen's Report:**

There were no Selectmen's reports tonight.

**L. Adjourn**

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

**Roll Call Vote:**

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



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**Mr. Trott - Yes**

**Unanimous vote to approve motion.**

The meeting adjourned at 7:31 PM.

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S/ Lauren Dow, Secretary**

**Date approved: September 28, 2023**