

SELECT BOARD MEETING and PUBLIC HEARING
February 25, 2021 5:30PM
(remote)

Quorum noted

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

B. Roll Call: Mr. Donhauser, Mr. Orestis Mr. Lytle, Mr. McPherson, and Mr. Widi.

C. Moment of Silence observed for Families and Victims of Covid-19

PUBLIC HEARING

Daily Scoop d/b/a 207 Tavern Liquor License Renewal and Special Amusement Permit

5:31 PM Public Hearing opened

Mr. Lee said that you will note in your packet that the Fire Chief and Police Chief were asked to comment and they didn't seem to have any concerns.

There was no public comment.

5:32 PM Public Hearing closed

Mr. Orestis moved, second by Mr. Lytle, that the Select Board approve the Liquor License Renewal and Special Amusement Permit Renewal for the Daily Scoop, BDA 207 Tavern, for a term of one year.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

D. Public Comment/Requests:

5:34 PM 1) Christian Stallkemp: Purchase of Two Wetlands

Mr. Stallkemp said that I work for the Boulus Company (commercial real estate) out of Portsmouth, NH and Portland, ME. I represent an owner that is looking to lease some property in Eliot. Part of that component was trying to see if the Town-owned land across the street (converted car wash) would potentially be available for sale; that I know it was at one point. This then relates to the potential for adult use sales for cannabis.

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Mr. Donhauser asked if these are the same parcels we put out to bid.

Mr. Lee said yes. They are two small wetland parcels that we previously received a bid for \$30,000 that the bidder then backed out of.

Mr. Stallkemp said that they subsequently pulled out of our deal, as well, so that's what brings up the conversation, as we're talking with other groups.

Mr. Lee said that I had told Mr. Stallkemp that, where we had put them up for sale at one point, we may very well be willing to still sell them. The Conservation Commission (CC) signed off on it, provided that they go into a conservation easement. That was one of the terms of the first sale.

Mr. Stallkemp acknowledged that term, generally, and that his understanding is that that land is completely wet and non-buildable.

Mr. Lee agreed. The CC just wants to make sure that people don't develop on, or in, those wetlands. Mr. Lee said that it's up to the SB whether they want to sell it and/or determine a market value, as previously we had two bids at \$30,000.

Mr. Orestis asked if he was looking to make an offer now or are you just asking if the land is available should you need to buy it in the future.

Mr. Stallkemp said that we are talking with potential tenants on a build-to suit and part of the component is potentially going back into the Town for a change of use to adult use and there are a handful of parties that have expressed interest in moving forward with that. Having that property, based on my understanding, would be one component because of the proximity to the lot. Another question may be that, if that's going to be coming up, then, in another meeting in June, if that's actually going to end up being further clarified because...

Mr. Lee said, just to answer your question, as it now stands, the Planning Board has not removed Town-owned parcels from the definition of the 500-foot setback. So, at this point, the Planning Board hasn't finalized their work. As I understand it, it would still be a hinderance for you to develop that lot, those two public facilities that we own, asking Mr. Brubaker if that was correct.

Mr. Brubaker said that the Public Facility definition hasn't changed. It is still the same in the latest draft.

Mr. Stallkemp said that that is not going to be brought up at Town Meeting to get further clarification.

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Mr. Brubaker said that there is a public hearing on March 16th. It is still in draft form and public comments are welcome on that draft on the 16th.

Mr. Orestis said that what typically happens, to answer your question, is that the Planning Board proposes new ordinances and, typically at that Town Meeting, the legislative body (the voters) then votes on those ordinances. From what I'm hearing that change doesn't seem like it's coming on the upcoming ballot but there is an opportunity to present your case at the upcoming hearing.

Mr. Stallkemp said that, based on what I'm hearing now, I think it would be of interest to these potential tenants to see if this land could be for sale from the Town.

Mr. Lee said that, in terms of process, we previously put it out to bid as we would be required to do. That means that potentially we could sell it at the same last best price we had or, alternatively, I could put out another RFP for any and all bidders on it, including Mr. Stallkemp. That would be up to the SB.

5:37 PM

Mr. Orestis said that I think, as part of that RFP, we asked in writing to see what the proposed buyer was going to do with the land. It would be good to see something in writing. As far as sending it back out to bid or do we need to, I will leave that up to the SB for discussion.

Mr. Widi said that I don't like having a different process and think we need to put it back out to bid. It's consistent, it's the same process, and I think that's the fairest way to do it.

Mr. Lee said that it sounds like the SB is willing to entertain an offer and Monday we will put a RFP out, get it advertised, and send Mr. Stallkemp a copy. We will most likely have 10% earnest money, again, with closing within a reasonable period of time.

Mr. Stallkemp asked if there was any due diligence associated with the timeline on the acquisition for environmental. To clarify, within that RFP, we would include a timeline; so, let's say the buyer would be interested in purchasing it, would there be allowable or permissible for a certain due diligence, such as environmental, just to make sure that what they're buying is a clean site, essentially.

Mr. Lee said yes; that you could condition it on an environmental assessment of the two properties. You could put that condition in on your purchase.

Mr. Donhauser clarified that Mr. Stallkemp was not the buyer but the broker.

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Mr. Stallkemp said yes. I represent the owner of the property. Either the owner of the property, or the tenant, would be looking to acquire the property.

5:42 PM 2) Mallory Strange: Skate Park Comments

Ms. Strange said that I recently sent a letter basically re-envisioning this space around the skate park and the surrounding property. Ms. Muzeroll-Roy was very helpful in letting me know that this was actually a discussion that I was unaware that you were already having and implementing. Definitely as a Town community member I would love to be involved if there is anything I can help you to support. There was a lot of overlap with what I was proposing with what you have already been putting into implementation. I guess the only other thing I would ask is whether there is any space in your plan to consider a community garden.

Ms. Muzeroll-Roy said that at one point there was talk of having a garden. However, we're kind of limited in the space we're working with right now/ I believe it's the leach field area where, at one point, we were going to put the community garden in; that we can't go too close to where the pavilion and other things are going to go. There is talk of having a community garden where there is this amazing tree is behind the barn. In the back corner there used to be a compost pile back there so there is something in the works to have something else. It's not very sunny so I'll probably defer to Mr. Widi to help me to get some gardening tips, and such. We have an amazing Garden Club so I would also defer to them to help with that situation.

Mr. Lee said that we would be looking to do some fundraising at some point, and I have Ms. Strange on speed dial.

Ms. Strange said thank you for all the hard work. Ms. Muzeroll-Roy did fill me in on some of the obstacles you have been facing. I know for myself, and I've heard from others anecdotally how excited I think everyone is to see this space re-imagined and re-purposed. I would be happy to help in any way that I can.

Mr. McPherson asked how long this place has been known as the Moses Gerrish Common.

Ms. Strange said that it's not. That was just me being a marketer and trying to re-imagine some fun names for it.

Ms. Muzeroll-Roy said that it will most likely stay Hammond Park. That is a family-owned park, anyway, so the park name is not going to change. Dixon Road Recreation has been kind of a fixture for years, now, so I have no plans on changing that. We are doing a community grant. Mr. Brubaker passed along some

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great information in regard to Community Heart and Soul. We are on Step 2 of that and Step 3 will be getting community involvement. I'm going to send out an email and have Ms. Rawski post it on the Town website to get people who are interested in joining that. That is actually mandatory. I have to have at least five Eliot residents.

5:46 PM Mr. Donhauser said that Ms. (Lydia) Goodwin wrote a letter with respect to the Library MOU.

Mr. Lee said that the trustees have come to a decision that pursuing this MOU through negotiations is not going to bear fruit and, so, they are asking to withdraw from any further negotiations on it. The second part of their request is regarding the Citizen's Option Meeting (COM). They are asking if the SB would put in the full amount that they requested as one of the two options for voters in June. I had previously recommended and I forwarded a memo from Attorney Saucier regarding ballot language, that if we decide not to have the COM and ask forgiveness in June, we put in the full amount because that is one of the issues at the COM that is most likely to draw 67 people. I do believe that would behoove the SB to make that recommendation. I also think the logistics behind getting this drive-in public hearing is going to be very difficult and would like to ask the voters that we not hold this in the interest of safety. Tonight, I would kind of like a decision on whether we go ahead to find a way to hold it or ask the staff to put an article on asking forgiveness for not holding it.

5:51 PM Mr. Widi said that I don't have a problem putting the higher number on. The Library consistently gets the max amount of money on the ballot; that that was debated with someone on the Budget Committee and I went back and looked, and I was correct. I have no doubt the people are going to turn out for the Library, as they have for at least a decade.

Mr. Lytle agreed; that I think we should approve pretty much what the Town Manager has set out.

Mr. Lytle moved, second by Mr. Widi, that the Select Board put the full amount requested by the Library on the June Ballot.

DISCUSSION

Mr. Orestis said that, whether we have the COM or not, the voters should have the option to give the requested amount to the Library. Based on our discussion, I think it's pretty clear that this is the direction the Library wants to go in. However, I still think that we should do everything in our power to attempt to hold the COM. We've had a year to plan and come up with ideas. So, I think we

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need to exhaust all those avenues to at least try to get that to happen. If Mr. Lee has a last date we need to make a decision on, that would be fantastic, but I think we need to go and try to do our best to hold that; that that's the way I feel.

5:55 PM Mr. Lee said that it can be done. I think Marshwood Middle School (MMS) will make the most sense. We can close off one entrance or just make it a one-way and check people in that way. The school superintendent said that we could use the MMS parking lot. If it is the SB's will, we will make it happen as best we can.

Mr. Orestis said that the other thing to keep in consideration is that, if we fail to put together the COM in a way that makes sense, we still have the opportunity to add the full amount to the ballot for the election. There is still a period of time between when we schedule the COM and when the ballots need to be finalized. I think about a week.

Mr. Lee said that he wasn't sure about that.

Mr. Orestis said that, if there are changes at the COM, we would need to finalize those for the Clerk.

Mr. Lee agreed. It's a very short timeframe but it is there.

Mr. Widi said that the budget book calendar says it is due to the Clerk April 9th.

Mr. McPherson asked if, by doing this, are we just postponing this same conversation until next year. The MOU is no longer there. From listening to the Budget Committee, I don't think they are going to support that full amount. Am I correct.

Mr. Lee said yes. They will support a lesser amount.

Mr. McPherson asked if this decision had to be made tonight.

5:58 PM Mr. Lee said that we could postpone it to our first meeting in March. Depending on how the COM discussion goes after this one, we are going to have to make some commitments. I have to get a sound system, a transmitter, and a few other things.

Mr. McPherson said that I agree with Mr. Orestis as far as the COM. I think we should do everything in our power to make that happen.

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Mr. Donhauser said that, if the SB doesn't want to vote on the motion this evening, someone could move to table this motion for one meeting to allow for a bit more consideration about it.

DISCUSSION ENDED

Mr. Orestis moved, second by Mr. McPherson, that the Select Board table the vote on the motion on the floor.

DISCUSSION

6:00 PM Mr. Widi asked what the goal is between this meeting and the next one

Mr. Orestis said that it feels like some of these questions are going to be answered in the next conversation that we have about the COM. The two are completely tied together. If we're not having the COM, I'm in completely in favor of putting the full amount that the Library requested on the ballot, if we aren't having it. If we are having the COM, then I believe we should allow the people to come out and, if they want to, then we will put on the Town Manager's suggestion, or a different amount, and let the people add an amount.

Mr. Widi said that I'm just thinking, so Ms. Goodwin doesn't have to come back, let's have the other discussion first. I've been in her shoes with other issues with other boards so I understand she's probably frustrated. Maybe we have the other discussion about the COM, first, then come back to this.

DISCUSSION ENDED

The motion to put the full amount of money requested by the Library on the June ballot has been withdrawn by Mr. Lytle.

The motion to table the first motion has been withdrawn by Mr. Orestis.

Discussion about COM

6:02 PM Mr. Donhauser said that I agree that we should do everything in our power to do the COM and I know it's difficult for our staff to do that.

Mr. Lee said that, to facilitate the conversation, if the SB says to us to do everything in your power to make this happen, we will make it happen. So, I think you can move forward under the assumption that, if you want us to make every effort, we will make every effort, and we will have a meeting on that date at 6PM. I hear a majority of you saying to hold the COM and the staff will make it happen.

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So, I think you can then go to making whatever recommendation you want to make as a SB. You may not go the full amount; that you may let the voters at the COM bring it up to the full amount, instead. I think that's what Mr. Orestis was saying.

Mr. Orestis said or bringing it to the full amount. There's a process in place for doing these things and I feel like we're just going out of order, here. The second thing is that the other thing that I would find concerning is do we want to put a cap on the amount. If you come back and tell us the PA system, and all this stuff, is going to cost \$10,000, asking if Mr. Lee has done all the sourcing on the equipment.

6:05 PM Mr. Lee said that I have. We are talking about \$600 plus the usual expenses.

Mr. Donhauser asked if the SB wanted to give the Town Manager direction or consensus from the SB.

Mr. Orestis said that as long as we can hold the COM in a safe manner, we should do it. I believe that people being in cars, spaced out in a way that makes sense, people staying in their cars and following the rules, I think, and wearing masks when appropriate, we should be able to pull it off in a safe manner.

Mr. Lee said that I think we can. I just hope that people do stay safe. Too many times you see people start out staying safe and, then, at the end of the meeting they all get together to talk; that I just hope they all get in their cars and leave and not have a post-meeting.

Mr. Lytle said that, personally, I don't think we should hold the COM. I don't think we'll need it. You may get 15 people and, to me, it's not worth the time and effort needed to put into it.

Mr. Donhauser said that it's in our ordinance that we do that.

Mr. Lytle agreed. This also gives us the option to postpone it for a year.

Mr. Widi said that I like as much civic participation as possible and if holding it gives the people an option, whether it be the Library or something else, to say maybe we're missing something; that I'm under no delusion that we know everything. In fact, we probably know the least. I think we should hold it for that purpose and the MMS is the logical choice because that's where we vote, anyway. The other entrances are blocked off and I think it will go very smoothly.

It was the **consensus** of the SB to move forward with the COM.

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6:07 PM Mr. Lee said that I needed to get some direction and I feel like I have it now. With making the COM happen, do you want me to put on the next meeting the question of putting on the full amount for the Library as a SB recommendation or do you want to follow the Town Manager's recommendation and let the citizen increase it, if they wish.

Mr. Orestis asked if we didn't typically have a meeting where we go through all of those and make the votes.

Mr. Lee said that we do have such a meeting coming up and maybe that's the place to have this discussion.

E. Approval of Minutes of Previous Meeting(s)

6:08 PM Mr. McPherson asked, regarding contacting the Towns of Newington and Kittery, if Mr. Lee had any follow-up as far as the odor.

Mr. Lee said that I had a chance to talk with the Newington Town Administrator and told him we are going to begin gathering data, comments really, on any odor complaints. To date, we have not received any. But we have agreed to share information as we move forward. Kittery doesn't have a complaint system in place.

Mr. Widi said that I saw someone on one of the Eliot Facebook groups say that they did complete the form; that the link could be broken between the form and the spreadsheet.

Mr. Lee said that it goes to one email address, which is promptly forwarded to my email, and I have not seen one come through.

Mr. Widi said that I will go back to try to find it. We may be missing something.

Mr. Lee said that I will check the link on Monday.

6:08 PM **Motion by Mr. McPherson, second by Mr. Lytle, to approve the minutes of January 14, 2021, as written.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

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Mr. Widi - Yes

Unanimous vote to approve motion.

Motion by Mr. McPherson, second by Mr. Lytle, to approve the minutes of January 28, 2021, as written.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

Motion by Mr. McPherson, second by Mr. Lytle, to approve the minutes of February 11, 2021, as written.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi – Yes

Unanimous vote to approve motion.

F. Department Head/Committee Reports

6:12 PM 1) Planning Board: Resignation: William Olsen as of June 1, 2021

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept the resignation of Bill Olsen from the Planning Board effective June 1, 2021, with regret, and a letter of thanks for his services.

DISCUSSION

Mr. Lee said that Mr. Olsen was such a good guy he was willing to stay on an extra year when the PB found themselves short-handed. He stayed around to make sure the PB functioned well.

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Ms. Lemire said that he was a really good member.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – Yes
Mr. Widi - Yes

Unanimous vote to approve motion.

6:14 PM 2) CIP Committee: Architect Selection Process

Mr. Lee said that I thought we might have a recommendation tonight but our committee didn't get through all seven proposals, some of which were very large. We are meeting, I think, March 1st to short-list, do interviews, and hopefully make a recommendation at our next SB meeting. We will ask for their price proposals at that point.

6:15 PM 3) Planning Board Appointment: Dean Peschel

Mr. Widi moved, second by Mr. Lytle, that the Select Board approve Dean Peschel as a regular member of the Planning Board for a term ending June 2024.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – Yes
Mr. Widi - Yes

Unanimous vote to approve motion.

6:16 PM 4) Public Works Dept. – 6 Wheel Dump Truck Chassis Bid

Mr. Robinson said that I reached out to four vendors. Of the four bids, my recommendation is that the bid be awarded to Western Star of Maine out of Westbrook, Maine for the price of \$93,286.00. They are the only ones offering a

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heated windshield and access panels in the hood, heated mirrors with remote control and power windows. Lee, New Hampshire and Kittery have been very happy with the trucks. They are built real heavy for the application we have to put them through.

Mr. Widi moved, second by Mr. Lytle, that the Select Board award the bid for the 6-wheel dump truck chassis to Western Star of Maine for the amount of \$93,286.00.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – Yes
Mr. Widi - Yes

Unanimous vote to approve motion.

6:19 PM 5) Public Works Dept. – Snow Gear Bids

Mr. Robinson put this out to two vendors. They are the only ones around this area so I would like to ask to waive the 3-bid rule. My recommendation is that we award the bid to Viking Cives of Lewiston, Maine for \$65,560.00 for the snow equipment. He explained why he selected Viking Cives over Fairfield, especially based on the turn-around time to get the truck before the end of winter and electrical issues with the past 2 trucks from Fairfield.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board waive the 3-bid rule in that we have acquired 2.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – Yes
Mr. Widi - Yes

Unanimous vote to approve motion.

Mr. Widi moved, second by Mr. Lytle, that the Select Board accept the snow gear bid, to include: front plow hitch with wing post, rear wing post with

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plow blade, 10-foot v-box sander, 7-yard dump body with all controls and plumbed hydraulics from Viking Cives in the amount of \$65,560.00.

DISCUSSION

Mr. Orestis clarified that the difference in the two quotes was less than \$100. This is all budgeted items, which has been planned for.

6:22 PM Mr. Lee said yes. H. P. Fairfield has generally been a very good company but lately they have been having some troubles. Additionally, on warranty work Lewiston is a couple hours away and Skowhegan is a whole day trip for two guys, so I would prefer to have the vendor closer, too. He confirmed that there are only two vendors.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

G. Administrative Department

6:24 PM 1) Town Manager Report(s)

Line #140 regarding Eliot Commons private sewer.

Mr. Lee said that we are making better headway. I had a breakthrough with both entities last week. I have a draft letter explaining that Eliot Commons will end up discontinuing their system because, when the sewer lines go by Eliot Commons, the people will be required by ordinance to swap over to Town sewer. We might offer to demolish their pump station. We won't use their lines; that we will probably cap and bury them. What I think I was missing is, whether they grant the easement to us or not, their customers will be going off their line and onto the public line due to the ordinance.

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a. Financial Reports

There was no comment.

6:26 PM 2) Flooring at Town Hall

Mr. Lee said that I have called two other flooring companies and have not even gotten a call back. So, I think we really need to go forward using the Town Hall Reserve and get rid of those tiles before somebody gets hurt. I worry about it every day. That would also require waiving the 3-bid rule as an emergency situation and a lack of response by vendors. I did get an independent opinion on it and that independent opinion thought that price was right in line.

Mr. Lytle moved, second by Mr. Widi, that the Select Board approve replacement of floor tiles using the Town Hall Reserve Fund in the amount of \$11,861.80 and to waive the 3-bid rule.

DISCUSSION

Mr. Orestis said that I appreciate your effort to get more bids; that that was the whole holdup; to try, at least, to get more.

Mr. Donhauser said that we're looking at changing (renovation) the Town Hall. Are we going to put the money on the floor and then pull this floor back up when we expand or move to a different facility.

6:28 PM Mr. Lee said that it is very possible as we proceed through renovation of the Town offices that that might happen. We were supposed to have done something with this building probably six or seven years ago. At this point, I can take the chance and not do this but somebody is going to trip.

Mr. Donhauser clarified that I am not opposed to this. I just wanted to throw that out there as we are doing something in light of doing something again at a later time.

Mr. Lee explained that I don't think all of it would go to waste and we are probably still four years before that building is up. It's just the price of delaying.

Mr. Orestis said that we are looking to take a couple of things out of this reserve. Do you know how much we will have in this reserve after this.

Mr. Lee said that the Treasurer reported that the reserve had \$85,000 to \$86,000 and we're looking at about \$60,000 coming out.

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DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

3) Citizen's Option Meeting

This was previously discussed.

6:32 PM 4) Union Negotiations Update – Administrative Unit

Mr. Lee said that we are down to a couple of items and, hopefully, very close to having this agreed to. There was some pushback to what their attorney negotiated and the attorney is not sure she can get a vote to ratify, even if the couple of items are settled. I'm hoping this will be in front of us at the next meeting for ratification.

6:34 PM 5) KACTS: Transportation Improvement Plan Roundabout Discussion

(Kittery Area Comprehensive Transportation System)

Mr. Lee said that this group put in for a grant (\$35,000) to study safety, intersections, turning lanes, etc. on Route 236. We have been working with Gorill Palmer and SMPDC. KACTS can adopt the State's transportation improvement program or amend it and make it their own. In this case, we've adopted the State's 2021-2024 traffic improvement program. In Eliot, this would include turning lanes along Route 236, possible improvements at Bolt Hill/Route 236, Goodwin Road/Route 236 intersection and a possible roundabout at Depot Road and Route 236. The last time this was talked about, it was rejected. That roundabout was multi-lane. The current suggestion is for a single-lane roundabout. The downside of a single-lane roundabout is that, still by 2039, we will still have a loss of level of service. I have asked Mr. Caverly to bring it to the school board and the Planner to bring it to the PB for some initial feedback. We want to get a discussion started out in the community on this simple roundabout. This is probably the easiest, best, and longest-lasting solution from our traffic engineers.

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Mr. Brubaker said that Gorill Palmer is presenting two options: one a purely single roundabout and one that is a hybrid, which is mostly single lane but has one section that is double lane. I do know that a lot of state DOTs think highly of roundabouts at certain intersections because of their long background in having safety benefits, especially with reducing severe crashes. I think that's one of the reasons that ME DOT and Gorill Palmer are pretty excited about it.

6:40 PM Mr. Lee said that I think the other thing that makes them consider that roundabout than anything is how Cedar Road comes in. With a roundabout, everyone has an access point, much like the Kittery rotary.

Mr. Widi questioned how many of the State DOT or Gorill Palmer workers live in Eliot and have driven Route 236 their entire life. Both Bolt Hill and State Road/Route 236 are much bigger issues, and again up a little further. As soon as you open the door to the State...why don't you ask Kittery how their sidewalk to the community center is going. They don't have a sidewalk. They have a sidewalk to nowhere; that onto Route 236 North, it just ends. If you don't voice opposition then we are married to this and I can guarantee you, if you thought the people didn't like the sewer, they are definitely not going to like that.

Mr. Lee said that that is exactly why we're floating it. I'm glad you're being honest about it because, if it's a non-starter, we can say no. We have Gorill Palmer only to the end of March and the question is do we continue to pursue this or do we drop it. I told them that there's a very good likelihood that people will feel the same way.

Mr. Orestis asked what the cost would be to Eliot if we decided to go this route.

Mr. Lee said that I don't think we've discussed who would bear the cost. I think MDOT would bear the cost. We may have a 10% contribution, asking Mr. Brubaker if he remembered the funding formula that we discussed.

6:43 PM Mr. Brubaker said that I don't. I think it's more focused on getting people's reactions right now to what is being proposed.

Mr. Lee said that the last time the MDOT was footing the whole bill, including taking the house at the intersection of Cedar Road.

Mr. Widi related that the Town of Kittery said that they wanted a sidewalk to the Town Community Center and they got ME DOT to agree. ME DOT said okay, just give us the 10%. ME DOT changed the whole plan, scrapped the sidewalk to the community center and said that, if Kittery doesn't do this, Kittery still owe us

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the 10%. I spoke in front of the Kittery PB and they all went, "Why are you doing this? We don't want this." ME DOT said "Oh well. We're doing it."

Mr. McPherson said that we don't know what the other improvements would be; so, we don't know as far as breakdown lanes, etc. We don't have anything to compare this to, yet. Is that correct.

6:44 PM Mr. Lee said that we do have a more robust report that shows where the prescribed turning lanes will be. The full report will be sent to the SB.

Mr. Orestis said that the Route 236 overlay is what we're talking about, the roundabout, correct.

Mr. Lee said yes.

Mr. Orestis said that it gives funding, asking if this is just for the project, itself; that there's a \$5 million total cost. I guess I don't understand this PowerPoint. Maybe we don't need to at this point because we're only talking about the roundabout, but it's in the packet and I just don't get it.

Mr. Lee said that when you have a chance to read the whole packet, I think it will make more sense. With 10 miles of 1¼"-paving, I'm not surprised it's \$5 million, especially with some widening of the road, and that type of thing.

Mr. Lytle said that I'm not sure about the roundabout. It's going to be a mess, as far as I can see, no matter how you get through there. It's got to go straight through and, if we put a roundabout in there, I think we're going to end up with a big mess.

Mr. McPherson said that one thing about fire trucks, people usually get out of your way. Regarding roundabouts, the Kittery traffic circle, I drive around that all the time with a fire truck but that's a total different animal. I can see good points and I can see bad points. I don't know which way I'd vote right now, to be honest. I've seen some that are really good. The new one over in Dover (Dover Point) works really well and the one at the Lee traffic circle works pretty well but I don't know. The school has a lot to do with that and Cedar Road has a lot to do with that. It's almost that you don't know how it's going to come out until you actually drive around it and then you might say you don't know if you like it or not. It's a tough call.

6:48 PM Mr. Orestis said that I hate roundabouts but that's not a reason not to think about it. They are actually way better than they used to be with engineering design to them. I don't have a good answer. I can see benefits to it but I don't have that

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much of an issue out there right now. I'm also not driving it at 8AM or 5:30 in the afternoon so it's tough for me to say.

Ms. Goodwin said that I'm a Cedar Road resident and I think that would be disastrous. I think that's the consensus of the neighbors, here, also.

6:49 PM Mr. Lee said that I appreciate your feedback.

Mr. Widi said that my grandmother did a citizen's petition to get the very first light in this Town at Beech Road and it was like pulling teeth. Another thing about DOT, they wanted to take away one of those entrances where Dollar General is now and, if they did, then we wouldn't have a development behind Dollar General.

Mr. Lee said that we probably should hear back from the school and the PB; that I will take it as consensus from the SB that it's not overwhelming, joyous news that we're thinking about a roundabout. Possibly it could work but we have our doubts.

6:50 PM **6) Approve Warrants**

Mr. Donhauser moved, second by Mr. Lytle, to approve A/P Warrant #96 in the amount of \$994,040.90, dated February 10, 2021; A/P Warrant #98 in the amount of \$97,356.36, dated February 17, 2021.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

H. New Business:

6:51 PM 1) Accessory Dwelling Unit (ADU) Draft Amendment

Mr. Widi said that I talk to a ton of people, been involved in real estate my whole life, and I read the reasoning with what I will call the Airbnb restriction. You can't rent to anyone for less than 30 days so it essentially eliminates all Airbnbs. In the description, it says "To help preserve the supply of affordable mid- and

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longer-term rentals in Town...". I can tell you from either people I've talked to or conversations I've seen on the Facebook Eliot group, it's 99% negative restricting Airbnb-style rentals and I disagree what would be a long-term rental to an Airbnb. I ask all of you to go on Airbnb and just search for Eliot ones. They are beautiful. They are amazing. And I can guarantee you that there are no mid- or long-term rentals in this Town that look anywhere near what those properties look like. When those properties look so good, they're worth more than just some plain-Jane rental. I have more to say on the Airbnb but I'm just curious on why the PB decided this.

6:53 PM

Mr. Orestis said that I just want to piggy-back on that. I've heard no negative feedback on Airbnbs in Town, at all. I actually did a quick search when I saw this come through and I think there were only about 12 in Town, total. That was only from now until the end of May. But then I started digging into the affordability and was just running into some statistics that took place mostly in cities. Most of the percentage of increase of rents were within hundreds of feet of Airbnbs; that the rates that I saw were less than ½ % increase in cities for increased rental costs. I did a search on Zillow and the mean home price in Eliot (sales, not tax value) actually increased over 5%, almost 6%, last year. Now, that's Zillow and who knows, but I would say it's somewhere in there. I would say that that amount has zero to no impact on the property values or rentals in this Town so I'm just not sure where it's coming from. I think affordable housing is a huge issue that we could talk about more. I don't know if there's any opportunity with TIF funds, or anything like that, but I think that's a real issue that we should approach and something we could probably do with sewer and water out on Route 236 but that's a different discussion for a different day

Mr. Widi said that I could understand a restriction on Airbnbs in a place like Portsmouth. You have many restaurants, and other things, right there that rely on consistent business but Eliot is not a tourism mecca so you're not going to get a lot of people cutting into that. The other thing with people with Airbnbs is that they are poor, not wealthy. They are working-class people or they are retired people and, guess what, if you're rich enough, you just say you don't want to deal with people. So, we're going to do something that's going to negatively impact working-class people, elderly people, in a pandemic and at a point where, frankly, our property values are skyrocketing. I would encourage any of you to actually look at what's out there. I drove by an open house on State Road and there were 50 people. The cars were lined up literally from Bolt Hill Road to Kittery. Property values are going to go through the roof. We're going to see more multi-generational housing and I don't think it's a solution to just throw them all into the same house. That ties into my other argument in that, if you guys looked at the chart on square footage, we go from way below average to maybe average at 800 square feet. We're 650 now, which is frankly laughable. Kittery is 1,000 square

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feet. Any serious town is around 1,000 or 900 square feet. The only towns that are at 800 square feet are Wells and York and tourism places. I just think that if we're going to the effort of amending what is in the ADU Ordinance, we should aim at being a little more progressive and not just go for average.

6:56 PM Mr. Orestis said, to that point as well, I think there is a percentage limit, anyways. It's not like we're going to have some monstrosity somewhere that's going to be building this crazy pool house that takes up a ton of square footage based on that.

Mr. Lee asked Mr. Brubaker what the remaining schedule is for the PB to continue deliberation on the ADU Ordinance. Is that going to be resolved by the end of March.

Mr. Brubaker said that it will be going before the PB as a Public Hearing on March 16th.

Mr. Lee said that, if Mr. Widi wanted to write comments to be submitted into the record, I'm sure he'd be welcomed to do that.

Mr. Brubaker said yes. I've been taking notes on this discussion, too, and I can see the discussion tipping the scales in terms of not having that 30-day restriction in there.

Mr. Lee said that I think the SB makes a good point. We are unlike York and Wells in a lot of ways so that may not be terribly necessary. Mr. Widi was in the other day and he was saying that basically to go from 800 to 1,000 was basically like adding on my office space, and it's not a terribly large space. I took his meaning because you can look around and see it isn't a lot of additional space.

Mr. Widi said that there are other restrictions in there that I think make sense, like the 50% restriction of the principle dwelling. For example, if the principal dwelling was 2,000 square feet, the ADU could be no more than 1,000. You Can only have two people per bedroom, which makes sense. I don't want to dump on the PB but, if you put it out there, we are married to it, we agree to it. It's not going to be pretty and it's going to hurt a lot of "small businesses", which are just individuals trying to make a little money to pay their bills and pay their taxes.

6:59 PM Mr. Orestis said that I think Mr. Widi is right. If we're going to amend this ordinance, we should aim to make it progressive. Let's not just go to average but let's make sure it makes sense. The same for that 30 days, if we were hearing a ton of complaints on Mr. Lee's phone, then I think that's a discussion to have. But I haven't heard one thing. In fact, just the opposite. Why are we talking about this. There are so many other things like, for example, the public way thing.

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I. Old Business:

7:00 PM 1) Citizen's Option Meeting Decision

Mr. Donhauser said that Ms. Goodwin just sent a message that she had a question.

Ms. Goodwin asked what determines the date and time for this meeting and is that set in stone.

Mr. Lee said yes, I would say it is I would say that nothing is set in stone. We do lay out the entire elections schedule with all the different deadlines just because it's very, very complicated for the Clerk. No less than 10 days 'this', no more than 45 days 'that' so we go through great machinations to lay out the election schedule. That's a Monday night at 6PM and we have a very short turn-around through April 9th to then have a reconciliation meeting with the Budget Committee and the SB if any of them want to join the Citizen's Option number, they can then do that. For purposes of the calendar, we've had this date on the calendar for quite a long time.

Ms. Goodwin said that people don't generally come out on Monday nights. Also, this meeting is scheduled an hour earlier than it usually is and we had a very difficult time getting 67 voters there by 7PM for that cut-off time. There was one year that we actually didn't make the number by 2 people because it was at 7PM and they couldn't make it.

Mr. Lee said that I will convey this to Ms. Rawski but I think you would do well to shoot her an email saying you're concerned about the time and the day of the week and asking if she could move it up a day, move it up an hour. Maybe it's not immovable. I would definitely send the Clerk an email and share your thoughts.

7:03 PM Mr. Orestis said that, for what it's worth, I would have no issue moving it to a later time or a different day. I think we're far enough away now, as we're still a month out.

Mr. Lee said that there's still time to change it and I will mention it to her the next time I speak with her.

Ms. Goodwin said that I would greatly appreciate if it would be taken under consideration because, statistically, people don't go out on Mondays because it's the first day of the week, and that's why a lot of our libraries are closed on Mondays.

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7:04 PM 1) Mr. Staples Request

Mr. Donhauser said that there is a proposal from Mr. Staples' attorney to the SB with respect to our action against Mr. Staples for removal of a fence. I would like to open this up for discussion among the SB. The offer on the table from the attorney is to settle for \$40,000. The amount we have a Writ of Execution for is \$226,000 so the \$40,000 essentially represents 17%. I would like to hear from SB members whether they think that seems a reasonable or unreasonable proposal.

Mr. Widi said that he mentioned a legal fees number that I think was ultimately low, based on what I've seen. Also, I don't think they adequately priced in the Town time, the CEO's time, the Treasurer's time. In that meeting, I mentioned three components to it and they came back with a dollar menu for two of them. I think it's short.

7:06 PM Mr. Donhauser said that Mr. Staples never did remove the fence. We removed the fence. That fence would still be there had we not gotten a Writ of Execution to remove it. And this took a period of approximately five years. I did a memorandum to the SB and the Town Manager that did the timeline and other items that I felt didn't compel us to reduce the penalties. The most salient, or obvious, reason I don't think we should reduce the penalty, or the Writ of Execution, is that we're definitely going to set a precedent and, so, the next person who doesn't want to abide by the Town ordinances that have been approved by the voting citizens of Eliot, they will come before us saying that we've already done this once, why can't we do this again. Reduce the legal fees, reduce the penalties, or take something less than what they should be paying. It's not our fault and we are also not restricting Mr. Staples from selling any real estate. The problem for Mr. Staples is that he has set himself up for a very substantial amount of money that he is obligated to pay to the Town of Eliot. The response from his attorney was based on legal fees. Like Mr. Widi said, there's a lot more to this than just the attorney fees that have gone into this process over a 4- to 5-year period. The last reason I feel compelled not to accept a \$40,000 offer is that I'm not sure we have the authority to waive a Writ of Execution. We paid an attorney to get that Writ of Execution for the Town of Eliot. I believe we got that and should abide by that and collect what's due under the Writ of Execution because, along the way we went to get that Writ of Execution, we made offers and they were summarily rejected, in person, by Mr. Staples. He has also had two attorneys representing him and there are also a number of reasons I laid out in my memorandum to the SB.

7:09 PM Mr. Lee said that when the attorney asked about releasing legal fees, I thought that if that is his starting spot, they aren't starting in the right spot. You need to start over \$200,000 and bring it down a little, but you are starting at zero and

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going up to 'this' amount. It struck me as a non-starter. I was stunned, actually, that he didn't just ask for \$20,000 or \$25,000 to be waived but he wanted pretty much the whole thing except for our legal fees and a couple of dollars for some headaches.

7:10 PM Mr. Widi asked if it was executive to ask what the prior offers were that we made to him and he chose not to settle.

Mr. Lee said no. Mr. Orso had come in at one point, saying that he would get Mr. Staples to move the fence. He asked for a bit of time and I think that was the second time he asked for more time. At one point, the SB had authorized me to sit down with Mr. Staples and settle for \$40,000; that he was in my office, unrepresented at the time by an attorney, and I said to him that it would either be \$200,000 or \$40,000 and his final opportunity, asking him if was going to accept the offer. Mr. Staples declined and walked out.

Mr. Widi said that, in light of that and unless someone else has something to say, I just move that we take no action and table it.

7:11 PM **Mr. Widi moved, second by Mr. Lytle, that the Select Board take no action and table this item.**

DISCUSSION

Mr. Lee asked if the SB would like me to get back with Zach Brandwein and Attorney Howell to let them know the SB has tabled his request and it's not likely to come up again.

Mr. Widi said yes, unless there's a change in dollar amount.

Mr. Donhauser reiterated that we are not preventing Mr. Staples from selling any of his properties in Eliot.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – Yes
Mr. Widi - Yes

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Unanimous vote to approve motion.

J. Selectmen's Report:

1) Seeking Committee Members

7:12 PM Mr. Orestis commented that the skating rink is fantastic. I've been taking the kids down there and they love it. I appreciate what the Town has been doing. I've also been going down to the Boat Basin the last couple of nice days and I just want to say how awesome it looks down there.

K. Executive Session

There was no executive session.

L. Adjourn

There was a motion and second to adjourn the meeting at 7:12 PM.

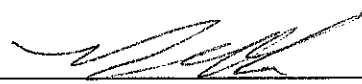
VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary



Mr. Robert McPherson, Secretary

Date approved:

4/12/21