SELECT BOARD MEETING October 10, 2019 5:30PM

Ouorum noted

A. 5:32 PM: Meeting called to order by Chairperson Donhauser.

NOTE: Mr. Orestis chaired the meeting until Mr. Donhauser arrived at 5:38 PM.

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

C. Pledge of Allegiance recited Moment of Silence observed

D. Public Comment:

There was no public comment.

E. Approval of Minutes of Previous Meeting(s)

5:33 PM Motion by Mr. Murphy, second by Mr. Lytle, to approve the minutes of September 26, 2019, as written.

Roll Call Vote:

Mr. Lytle – Yes Mr. Murphy – Yes Mr. Orestis – Yes Mr. McPherson - Yes

Unanimous vote to approve motion.

F. Appointments/Committees

5:34 PM 1) Lynn Bubley, Conservation Commission Appointment

Mr. Orestis invited Ms. Bubley to speak.

Ms. Bubley said that she has lived in Eliot for the past five years; that she's trying to get her husband to retire so they spend some time in West Roxford, MA and some time up here but she is up here most of the time. She grew up in Alfred, Maine and, 40 years later, is excited to be back in Maine. She has an interest in the outdoors, she always has. She saw an opportunity on the opening on the Conservation Commission (CC) so she submitted an application.

Mr. Orestis asked if there were any questions from the SB.

5:35 PM Mr. Murphy asked if she had any experience in the natural world, conservation.

Ms. Bubley said zero experience; that she is a Registered Nurse, by trade, and spent most of her life inside. She is very interested in land management and how things are going to unfold.

Mr. Murphy said that his mother was a registered nurse 100 years ago and things have changed since then. He welcomed her and was glad to see her involvement; that there's a lot out there to look at and consider and what we want done over the next 50 years. Sea rise, and all those things.

Ms. Bubley said absolutely; that she has a lot to learn.

Mr. Murphy moved, second by Mr. McPherson, that the Select Board approve the application for membership by Lynn Bubley to the Conservation Commission for a term to expire in June 2022.

Roll Call Vote:

Mr. Lytle – Yes Mr. Murphy – Yes Mr. Orestis – Yes Mr. McPherson - Yes

Unanimous vote to approve motion.

G. Department Head/Committee Reports

5:37 PM 1) Report of the Solid Waste and Recycling Committee

Mr. Tessier read his report to the SB, which is attached to the end of this document.

Mr. (Jim) Tessier, Chair of Solid Waste & Recycling Committee (SWRC), said that he had been asked to gather information on the recycling program at the Transfer Station. He explained that the Public Works Department is required, by the State of Maine, to file an annual report regarding all recycled items (Attachment C), which is where he got his information. He added that going with ECOMaine has saved us a lot of money, as well as trucking our own trash and having the Transfer Station open two days instead of three. We also are no longer taking cardboard from York because of the contamination levels and Eliot was losing about \$125/week. He said that we had a lot of support from the community for the changes and will not be making any changes to how the Transfer Station runs. He explained that the purple bag program has made a positive and equitable

impact. We are now having our returnables picked up by a redemption center in Sanford and they pay us 1 cent more per small container.

5:49 PM Mr. Lee said that he understood that we are getting a lot more returnables because that one in Kittery shut down.

Mr. Tessier said that he didn't know that for a fact but he knows, when he goes out, there is a lot there.

Mr. Lee said that he thinks we are taking more, just for convenience. He added that he had gone to a Solid Waste Conference and they said food waste, because of its weight, could be as much as 25% to 30% of the weight in the mixed solid waste.

5:50 PM Mr. Tessier agreed that we were seeing that; that in 2018, we collected 90 tons of food waste, which didn't go into the MSW, and we had 361 tons of trash. When the food waste was going into the trash, it created odors in the compactor, etc. and, now, all that is gone. It is helping keep the facility cleaner and the food waste is going to a composting facility where it's actually being recycled; that the food waste is now going to York.

5:51 PM Mr. Lytle asked if mixed paper was considered trash now.

Mr. Tessier said that it is for right now. The Northeast Recycling Association recognized there was no market for mixed paper right now so they have a couple of pilot programs going – shredding and using it for bedding for large animals and another was pelletizing paper and making pellets out of it (like wood pellets) and they are finding you get almost the same BTU's from paper as you would out of wood; that you could use that for pellet stoves and big commercial boilers.

5:52 PM Mr. Lytle said that a big concern for him is the amount of people using the Transfer Station (TS). Whether or not they are using it, it's not hurting the average people but whenever he comes down Beech Road (Wednesdays) he can count 25, or more, homes that have trash containers outside at the road. He asked if we knew what that number is of those who are not using it.

Mr. Tessier said we do not because we don't have a way to assess that, now. The Town Manager sent him an email today on that and it appears he is reaching out to the haulers in Town to see if they would cooperate in giving some figures. There was a drop when we went to pay-to-throw but that program offers an inexpensive option; that people are free to choose whatever option they would like. The people who are doing a good job with recycling are paying the least, and it helps to keep the tax burden down, or they can do a not-so-good job of recycling and pay for it with a purple bag or have a commercial hauler pick it up.

5:55 PM Mr. Lytle asked, even though the trash, etc. at the TS has gone down, if the commercial haulers have gone up in price.

Mr. Tessier said that he doesn't know. He added that haulers don't come to the TS but go to other places, such as a facility in Rochester, or there is ECOMaine with a well-run and efficient facility. In 2014 we had about 474 tons of recycled material and last year we had 517 tons. To him, the trend appears to be that we are recycling more and the amount over the last couple of years going into MSW has gone up a little bit, so he thinks we're getting more material, or more people coming back, but he can't give hard numbers. He added that it would be helpful to know even the number of people the local haulers have from Town because then we could get a percentage

Mr. Orestis said that maybe he's missing something but asked what the benefit was of knowing that number, a potential revenue loss or something else. To this point, the budget has remained the same so it isn't like we are seeing a drastic drop-off in paying for itself. He was curious if there would be any impact.

Mr. Tessier said that it wouldn't have any direct impact. The only thing is, if we got a number that said it was 50%, then that would not be very good, but if it was 10% to 90%, then that would be okay. There are statistics that say that the average person throws away about 2.5 lbs. of stuff/day and, if you multiply that out, it gets to be huge numbers. When you look at the amount of trash we're generating for the population of Eliot, the average was so low that the average is way high and our numbers are way low. That number is a little bit distorted because some people are using a commercial hauler but, if we could say 10%, then we could come out with some really good numbers that show our disposal rate per unit of each resident in Town and that would be good when we go back to the State. The State, before we went to pay-to-throw and food composting, calculated our recycling rate at about 55% to 60% and, in 2018, the State calculated us at about 103%, which shows significant progress. We are far ahead of the curve for what a lot of the other communities are doing. Right now, revenue is not good for recycling but we have done all of the right things in the past to set us up to weather the storm about as good as we can. When he goes to the Northeast Resource Recovery meetings and he tells people what we're doing, they want to know how we're doing that and they want to come to see our TS. The employees are doing a good job, the residents are cooperating, the Public Works Department is doing things, the committee is trying to do things, SB support, Town Manager support, and all that make this work.

5:59 PM Mr. Donhauser said that, regarding motor oil, the number jumps from 75.6 to 1,500.

Mr. Tessier discussed the differences in the unit measures used over the several years. He said that we are collecting more but he was pretty sure that the 1,500 gallons was a good number. He added that some of the businesses in Town that use waste oil burners are coming and taking it away at no charge to either them or us. He said that he isn't clear on why unit measures were different/inconsistent and, sometimes, the numbers can be affected by when items are collected, some are monthly, some quarterly, and some annually.

6:02 PM

Mr. Lee said that, with that waste oil, he thinks we may have disposed of some of our Town waste oil in that big number; that we had to get rid of a fairly good-sized tank and we put that through our own TS as waste oil and that may have contributed to that gallonage.

Mr. Donhauser asked if it was expensive to get a waste oil burner.

Mr. Tessier said that he doesn't think it is; that he would put it on the list and revisit it with the new Public Works Director. He has invited Mr. Robinson to attend SWRC meetings and Mr. Robinson has agreed. He also discussed that the State is messing with southern Maine redemption centers. One of the big problems that the Kittery redemption center was having was that they weren't getting paid by the State consistently; so, they had to limit the material they took in and that's what caused an awful lot of the problems, which was why they started charging us 30% of revenue to come pick it up.

6:06 PM

Mr. (Bud) Moynahan said he went up to visit Cash-for-Cans on Country Club Road, just before Sanford, when Kittery closed, and it is a beautiful facility. He added that the lady at that center told him that the State is not going to allow any more redemption centers in this area. He also said that, even though he was not happy when pay-to-throw first came in, he pays \$10/year for bags, with doing the food composting.

H. Administrative Department

6:09 PM 1) Town Manager Report(s)

Mr. Murphy asked about the Staples fence, Line 124.

Mr. Lee said that there will be a court conference on November 1st to listen to the objection by Mr. Staples' attorney and then they will once again determine the case. Our Attorney Brandwein is 99% confident that it will be just procedural.

Line 28, regarding overpayment by North Berwick for hiring one of our police officers.

Mr. Lee said that, apparently, the Criminal Justice Academy told North Berwick they had to pay us X number of dollars and later found out that they had overpaid, they had given us \$4,000 and only owed \$3,000.

Line 39 of 37-39, regarding Spinney Creek Shellfish issue.

6:11 PM

Mr. Lee said that this was part of a staff meeting discussion. The issue being did our zoning ordinance allow or require us to hold a public hearing based on an "expansion of function". Our CEO, in conjunction with our attorney, tried to figure out what that term meant; so, we discussed that at the staff meeting and determined that we had no right to conduct a public hearing. When they talk about "expansion of function", that is not necessarily processing more oysters but would be going from processing shellfish to also processing pork chops, as an example. We have since notified the lady that we will not be doing that, based on a legally-defensible determination, and the clock is running for her to go to the Board of Appeals to overturn the decision of the CEO, if she chooses to do that.

Line 46, regarding potential gate/pay system for boat basin launch.

Mr. Lee reached out to the assistant manager in Portsmouth asking about their unmanned parking garage gates. There has been some discussion about doing something at the Boat Basin 7 days a week, where we would have the ability to collect for boat launches 7 days a week; that we only do it on Saturdays and Sundays. He added that he can be down there on a Thursday morning for something and he can see 11 boats, Maine, New Hampshire, Massachusetts, launching at no expense. He was connected with the parking garage guru in Portsmouth, they went down to the Boat Basin and put together a rough design of how a gate system might work to capture everyone coming in. He clarified that there would still be no charge to anyone using the pavilion/playground area and would only affect the boat launch. He and the vendor/expert will be meeting next Tuesday to put together an idea in advance of budget season to see if we want to do a capital project for this gate system and, at the same time, being able to generate a lot more revenue and have it completely unmanned, theoretically. There are obviously some logistical issues; for instance, having a turn-out for people stuck at the gate without a card to be able to drive away to prevent backups. He clarified that we are just beginning to look at it to determine whether it would be viable and add additional revenue. He also said that, especially with commercial people, cards could be set up as season passes that would cover frequent use during the week.

6:19 PM

Mr. McPherson said that he was curious as to how the resident/out-of-town numbers were and whether Eliot residents actually have to pay to use that, as they pay taxes to use that. If it's a significant amount, then you would really have to think about it but, if it's an out-of-state boat ramp and the local guy that wants to

launch his boat to go fishing...he didn't know. He wondered how much we generate from Eliot people.

Mr. Lee said that we can't really tell, right now, based on our system. The card system does a full accounting of these types of things; that being able to track the usage would be another plus. Anecdotally, it's a lot of New Hampshire. He added that he has to learn a lot more about it before he says much more but it's interesting. It was neat to reach out to this guy and he was very helpful.

6:20 PM

Mr. Orestis said that he thinks it's an interesting idea and definitely worth pursuing and, then, from there we could at least make a decision on the impacts versus costs and all that.

Ms. (Corinne) St. Clair (Corrigan) asked if Mr. Lee knew what the take was down at the boat launch last summer.

Mr. Lee thinks it was around \$18,000. If it was open 7 days and we caught everyone going in there, that number could be much more significant. We could fix the road, fix the pavilion, put landscaping around and make it a nicer, more beautiful location for our friends from New Hampshire. We could use the money to improve and extend the dock.

Mr. Tessier said that his recollection was that the State wasn't going to be providing too much more funding to help down there; so, if we were generating more revenue, we might need to just to keep it at the level it is at.

Mr. Lee said that he was correct; that we are out of compliance with the skate park and, therefore, we are out of compliance with all six of our grants. They would not be willing to give us anything until we come back into compliance on the skate park and we are working on that, as well.

6:23 PM a. Comcast Lawsuit Update

Mr. Lee said he received a memo from Attorney Saucier today. All six towns have agreed not to implement this new State law that, in the cable company's view, would cripple their business. We have filed for Joint Stipulation of Dismissal of Town Defendants without Prejudice, which means this will be going to court soon, we will, hopefully, be kicked out of this lawsuit, and not have to spend any more money. Everybody agreed that we would not try to implement that new law while the cable company is fighting this lawsuit; that we just want to be dismissed.

6:25 PM 2) Holiday Hours Request

Mr. Lee said that, on behalf of the Town Clerk, he is asking for the following municipal office closures: Friday, November 29th (full day closure/paid holiday) because it's recognized by the State as a legal holiday and Tuesday, December 24th (Christmas Eve) and we would be open a half day and use personal time. He clarified that the request for November 29th is currently not in the Personnel Policy.

6:27 PM Mr. Donhauser said that that begs an issue with the three unions and contractual arrangements.

Mr. Lee agreed. He believes, talking with Attorney Bower, that you aren't supposed to change any conditions of work while negotiating. That includes even if he wants to do something nice.

Mr. Donhauser said that he thinks it's problematic. Both he and Mr. Orestis are on the union negotiating team and we now have a brand-new union, which is administrative office people. They came in with a draft and we are giving them a draft back, and it doesn't include that November 29th.

Mr. Lee agreed that that could be an issue, He knows we would be willing, as we have in past years, to use our earned time off, and that may be the safest thing right now because we are in the middle of negotiating the contract, with that being one of the items in play.

Mr. Donhauser said that, erring on the side of the employee, they probably deserve that time off. It becomes problematic, though, when you have these contractual arrangements with three unions. Once you do that, it sort of implies you are going to put that inside the contract and it becomes forever.

Mr. Orestis said that it is considered a State holiday.

Mr. Lee agreed, saying that meant, with some of the things we do at the office, we do have to call various State agencies that won't be open and we can't do much when they are shut down. He does agree with what Mr. Donhauser is saying in that, while you are negotiating a contract, new or not, you aren't supposed to change any working conditions or it may spell some trouble for you.

6:29 PM Mr. Orestis asked if we can hold off on this. We have time to make a decision.

Mr. Lee said yes; that you could table this a and let him consult with Attorney Bower.

Mr. McPherson asked how far along they were with negotiations.

Mr. Orestis said that we are at the beginning.

Mr. Donhauser said that, historically, we have given the 24th a half day.

6:30 PM Mr. Lee agreed and, also, the Friday after Thanksgiving, since he's been here, we've been able to use our personal time but allowed to close the office.

Mr. Donhauser agreed with Mr. Orestis to table it and push it down the line a little until we found out more about it, particularly with our labor attorney.

Mr. Murphy said that he was concerned about the other unions. Wouldn't they want to.

Mr. Lee agreed that was a very good point; that you have to really consider this when you're working with collective bargaining agreements.

Mr. McPherson asked if the other unions had this as part of their contracts.

Mr. Lee was unsure about both but did know that the police don't.

Mr. Murphy moved, second by Mr. Lytle, that the Select Board table this item to a future date.

Roll Call Vote:

Mr. Donhauser – Yes Mr. Lytle – Yes Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

6:32 PM 3) Workshops Discussion

The SB agreed to combine the Oct. 17th meeting into the Oct. 31st meeting as some members will not be available. There will be a joint pre-budget workshop on November 7th at 6:00 PM.

6:34 PM 4) Public Hearing(s) Reminder – Oct. 22 TIF; Oct. 24 – No Correspondence

This was informational. The Oct. 22 TIF Public Hearing is at Marshwood Middle School at 7 PM. Oct. 24th will be for all other items during the regular business meeting.

6:35 PM 5) Policy Regarding Signs on Private Road (2nd Reading)

Mr. Lee amended this from the last meeting, to include all roadways. He clarified that replacing the particular signs is to ensure the safety of Town citizens when they call E911. He added that we are updating our GIS mapping and having a GIS specialist create a GIS overlay of all of our roads, with the ability to add additional data, such as the particular road speed.

Mr. Orestis moved, second by Mr. McPherson, that the Select Board accept the "Policy Regarding Street Signs on Private Roads".

Roll Call Vote:

Mr. Donhauser - Yes

Mr. Lytle - Yes

Mr. Murphy – Yes

Mr. Orestis - Yes

Mr. McPherson - Yes

6:37 PM 6) Approve Warrants

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve A/P Warrant #122 in the amount of \$4,000, dated September 26, 2019; A/P Warrant #59 in the amount of \$139, 853.25, dated September 19, 2019; A/P Warrant #61 in the amount of \$56,503.27, dated September 26, 2019.

Roll Call Vote:

Mr. Donhauser - Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis - Yes

Mr. McPherson - Yes

I. New Business:

6:39 PM 1) Application for Catered Function by Qualified Catering Organization – Destination Catering at 12 Garrison Drive

Mr. Lee said that they have to get this license; that it's just a small, private party.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve the Catered Function Application associated with 12 Garrison Drive.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

J. Old Business:

There was no discussion.

K. Selectmen's Report:

6:40 PM Mr. Orestis asked if we have heard anything about the gun club in Town.

Mr. Lee said no. He knows they didn't build the berm and they were supposed to have done that over the summer, he thought.

Mr. Orestis said he thinks it's this time of year; that after this weekend and the storm, it would be interesting to hear if anyone comes forward.

Mr. Lee said that he would make a note to pay attention to this.

6:41 PM Seeking Committee Members

The SB is looking for people to fill committees. Openings are posted on the Town website and bulletin board.

Mr. Orestis asked if there were any updates on the skate park.

Mr. Lee said that he is waiting on Ms. Muzeroll to see if she can get a volunteer landscaper to do a little diagram for us and a little cost-estimating so that we can put that in the budget, too. He added that he thinks a lot of the work will be able to be done by Public Works; that we are looking at Pickleball, 4-Square, and a smaller skate park. We have some good interest behind this.

Mr. Orestis commented that he talked with some kids skateboarding on Eliot Festival Day, asking them if would they come to the skate park if we got it back open and they said, with smiles on their faces, "Absolutely. We'd be down there all the time."

6:43 PM Mr. Donhauser said that he thought it was important at this time to let the public know that Mr. Moulton (previous DPW Director) had a period of time to appeal our termination of his appointment and they chose not to appeal. Now, we're moving forward.

L. Executive Session

6:44 PM Mr. Donhauser moved, second by Mr. Murphy, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405(a) Personnel Issues regarding the Town Manager's contract.

Roll Call Vote:

Mr. Donhauser - Yes

Mr. Lytle – Yes

Mr. Murphy - Yes

Mr. Orestis - Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

7:50 PM Out of executive session. There was no action

M. Adjourn

There was a motion and second to adjourn the meeting at 7:51 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

Mr. John J. Murphy, Secretary	
Date approved:	

9.

Date: October 10, 2019

To: Town of Eliot Select Board

From: Solid Waste Recycling Committee (SWRC)

Re: Report to Select Board concerning operations at the Transfer Station

About 4-5 years ago, small towns like Eliot that were recycling were locally sorting the material and creating high quality bales with low levels of contamination. Larger communities typically used single stream recycling (all recyclable materials mixed in one container) because it is easier, however, the process created bales with high levels of contamination. At the time, the high contamination level was not an issue because the bales could be exported to countries like China where low cost labor was used for contamination removal. Over half of the world's recyclable material was being shipped to China.

Recently China has stopped taking certain types of material such as mixed paper and low quality plastics and for other materials, established contamination level limits that can't be met by most single stream recycling facilities. As a result, material movement in the United States has slowed considerably, a large over supply of material has been created, and prices have dropped. With the exception of mixed paper and low quality plastics, there continues to be a demand for the high quality material (low contamination levels) produced by communities like Eliot that continue to source separate their material.

Communities previously receiving revenue for their single stream recycled material are now paying around \$120/ton and in some cases have stopped recycling because of the cost. However, communities like Eliot are still receiving revenue for their recycled material, although the revenue is lower than a few years ago.

(See attached for Transfer Station volumes)

The volume of Municipal Solid Waste (MSW) in 2018 (361 tons) is 728 tons lower than the volume in 2012 (1089 tons), which was the last full year prior to implementation of Pay-to-throw and the food waste collection program. After accounting for the 90 tons of food waste in 2018, Eliot is paying disposal fees on 638 less tons for an annual savings of \$45,936.

Over the last several years, the budgeted amount for operation of the Transfer Station has remained at approximately \$250,000. (The current year appropriation is \$252,296) Additionally, the budgeted operating expense can be offset by the revenue from the sale of purple bags and recycled material.

In 2013, the Town appropriated \$410,108 for operation of the Transfer Station (\$373,048 in Article 35 and \$37,060 of employee fringe benefits in Article 50)

The Committee recently met with the Acting Public Works Director and the Lead Attendant. The Committee Chair also met with the new Public Works Director. It was agreed that the only change at the Transfer Station for residents would be not seeing Charlie Bradstreet's smiling face, he retired. All the collection programs would remain the same.

There have been 3 recent changes at the Transfer Station that affect the employees but not the residents.

1) Kittery was previously taking our mixed paper, however, there is currently no market for this paper so they have stopped taking it. We continue to collect the mixed paper and haul it to Ecomaine. If the market improves, we will look at other options for this paper.

2) We are no longer taking York's cardboard. Because of high contamination levels requiring more man-hours to separate the material prior to baling and the reduced revenue, Eliot was losing about \$125/week.

3) Returnable bottles and cans are now going to a redemption center in Sanford, Maine. They pick up our containers and pay us 1 cent more per small container. The previous redemption center was charging us 30% of the revenue to pick up our containers.

4					
,	TR	Auston	Statio	no 1/0/1	umes (toms)
2012	2013 2014	2015	2016	2017	2018
MSW 1089	2 24	332.9		19	361.3
MIXED CDD 524		304.4			312.15
	KEPORI				
MIXED PAPER 65.8	. 1	119.4	87.9	92.7	90.62
CANdbOAND 162.8			62.2	86.2	123.77 100.8 tons
MixEd GLASS 107		1,500 GAL		100	112 yds
Household metals 21.7	58.3		19.1	38.8	
Alminum cans 5.4	1	67.1	51,8	65.2	83.29
Steel CANS 9.8	71.6)				00.01
#1 Plastic Pate 9.4	(19.4)	66.3	40.4	108.9	29.26
#2 HDPE 15.7	\mathcal{L}			1	
Misc Plastie	26.3)	200(2)	2004	2407/2	Ga /
Food Waste	69.6	372(1)	387(!)	347(1)	90 tons
Total 402,6	474.7	a. L grant gran			517.74
Clothing 15.9					
Shingles 24	30	30	18.3	9.4	6.15
Wood 139.8					65.01
YARD WASTE (Yds)	330	1,400	1,600	1,200	1,100
Motor O, HGAL) 800CAL	660	73.20)	1	75.6	1,500
Electronics		2,574	2,444	2,324	21,360
REC. BATT units		-		1,676	7
Sheetrock				14.5	39.01
MERCURY LAMPS				2	