

SELECT BOARD MEETING
July 11, 2019 5:30PM

Quorum noted

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

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment/Requests: Kittery-Eliot Concerned Citizens Group: Chloramines

5:31 PM Ms. (Jan) Cerabona said that she was very fortunate to have been on the initial Aging-in-Place Committee and enjoyed the work that was accomplished. When I chose not to apply for another term, it was because I have gotten so involved with the Bicentennial, among other things, and it became too much on her plate. You have a wonderful committee with great people on it.

5:32 PM Mr. (Mike) Thompson, Bolt Hill Road, with Concerned Citizens About Chloramine wanted to speak on this issue and then Lauren Dow would speak regarding the proposed referendum question. This is regrading Kittery Water District (KWD) and chlorine versus chloramine (ammonia + chlorine) treatment of the water. He discussed their concern for the potential for this additive into the water, referring to the four sheets of information they submitted for the SB's consideration (Attached) that include carcinogens, harm to fish, and skin and respiratory issues, among other impacts. The KWD already has goo, EPA-compliant water and we do not need to add chloramine to maintain that compliance. We do not consider chloramine a wise choice for the future considering its apparent problems. We would like a pause and full research of all the options, and a community-wide say in the matter: stay with chlorine as a disinfectant, look into adopting granulated activated carbon as a pre-filter (if necessary), find a way to share water in the future with other districts without having to receive chloraminated water. Due to the KWD Charter, no Eliot water users are on the KWD Board of Trustees and we feel that this is too important an issue to not let all the water users be equal partners and have a say in this matter. He added that they feel the KWD needs to put, in writing, their intention not to add ammonia to the water as well as a written promise to ask for a user-wide vote if they wish to add ammonia in the future.

5:39 PM Ms. (Lauren) Dow, Bolt Hill Road, said that we registered Eliot voters are requesting the SB consider and approve placing a non-binding question on the November ballot. We have started a petition and have accrued 164 signatures to have the proposed question on the November ballot: "Do you oppose the addition

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of ammonia or chloramine to our public water supply by the Kittery Water District?" She discussed their reasons for making this request.

5:43 PM Mr. Lee said that his only concern was with the way that the question is posed; that it is what they call a leading question. He said he doesn't have any qualms about having a question on the ballot but is concerned with the proposed wording. He suggested asking, "What are your views on the addition of chloramine and ammonia to your public water system? I support it. I do not support it. I don't know."

All SB members were in favor of putting a non-binding question on the November ballot regarding this issue.

Mr. Lee said that he would work with Ms. Dow to re-write the question to not be leading.

5:45 PM **Mr. Murphy moved, second by Mr. Orestis, that the Select Board make a decision to make a non-binding referendum question regarding this issue to be placed on the November ballot.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

F. Approval of Minutes of Previous Meeting(s)

There were no minutes approved.

G. Committee Resignations and Appointments

5:46 PM 1) Capital Improvement and Energy Committee: Appointment Jon Fiorelli

Mr. (Jon) Fiorelli, Samuel Leighton Way, said that his background is an electrical engineer. I currently work as an estimator, developing estimator software, for Tesla. I work from home and have two small girls. His interest has grown for volunteering with the births of his girls and realizing that life is about making strong commitments to family and community.

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5:49 PM **Mr. Orestis moved, second by Mr. McPherson, that the Select Board appoint Mr. Jon Fiorelli to the Capital Improvement and Energy Commission for a term through June 2021.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

5:51 PM **2) Re-appointment of Board, Committee, and Commission members**

The Aging-in-Place Committee had two new applicants and both spoke.

Ms. (Fran) Thomas, Governor Hill Road, said that she has been in the aging services for 40+ years and I have a national certification in that field. I have done everything from working with senior community centers up to being an administrator of nursing homes. I have lived in Eliot for 22 years and got excited when I saw that you had created this committee. That is why I am here and I feel I have a lot to offer.

Ms. (Nedra Sahr), Stacy Lane, said we moved here 18 years ago and immediately got involved by becoming Chair of the Eliot Festival Days Booth committee. I was also involved in the Energy Committee and found that that was an incredible committee to be involved in. I am also very interested in the process of aging gracefully. My entire career has been helping people to live younger longer. I'm a board-certified nutritionist and still active in practice. I work always for consensus and I think that, because of living in many, many communities across the United States, I have viewpoints that can possibly help. I've seen some of the work the Aging-in-Place Committee is doing and it's amazing. One of my neighbors asked me, when we first moved in, how long I was planning to stay here and I told her they were taking me out of here like 'this'; so, I want to have services for other people who feel the same way we found our Town and we want to be able to keep it to the point where we can go out like 'this'.

Mr. Lee said that, while he hasn't turned his form in yet, Ronald Ceppetelli does want to be re-appointed and returned to the committee until June 2022.

Ms. Ceppetelli said that she did hand his application in a few days ago.

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6:01 PM After discussion, the SB agreed to take up the Aging-in-Place appointments separately and do a consensus appointment for the rest.

Mr. Orestis moved, second by Mr. McPherson, that the Select Board approve the 2019 Appointments for Boards, Committees & Commissions, per the Town Clerk's Memorandum, excluding the Aging-in-Place committee.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

Aging-in-Place appointment:

Mr. Orestis moved, second by Mr. Murphy, that the Select Board appoint Mr. Ronald Ceppetelli and Ms. Nedra Sahr as regular members to the Aging-in-Place Committee for a three-year term to June 2022 and Ms. Frances Thomas as an alternate for a three-year term to June 2022.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:05 PM **3) Aging-in-Place: Ellen Ceppetelli: Update – No Correspondence**

Ms. Ceppetelli said that even though alternates can't vote, every one of our members is equally valued on the committee and we listen to all opinions. We are just delighted that these very talented people are joining us because we have lots of work to do. Regarding an update, both the spring meetings we had reaffirmed the survey results from our 330 residents. Two new ideas that were shared was converting the skate board park into a pickle board court and increasing the square footage of ADUs and, additionally, what's working in Eliot and what the obstacles are. Their next step is to develop an action plan with the help of two

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people in the Age Friendly in Maine with the AARP. I would like to acknowledge the good work of the four committee members – Jan Cerabona, Ron Ceppetelli, Nancy Shapleigh, and Helen Sullivan.

6:09 PM Resignation of Nancy Shapleigh from the Aging-in-Place Committee.

Mr. Murphy moved, second by Mr. Orestis, that the Select Board accept Nancy Shapleigh's resignation, with regret, and a letter to be sent by the Town Manager.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:10 PM 4) TIF Committee Resignation – Mike Dupuis

Mr. Murphy moved, second by Mr. Orestis, that the Select Board accept the resignation of Mike Dupuis from the TIF Committee.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

H. Department Head/Committee Reports

6:11 PM 1) Treasurer: Certified Budget 2019-2020

Mr. Donhauser said that this needs to be certified for the purpose of committing taxes. This has been reviewed by three staff members and a motion would be in order to approve.

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Mr. Orestis moved, second by Mr. Murphy, that the Select Board approve the proposed 2019-2020 certified budget, as presented by the Treasurer.

Roll Call Vote:

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

Unanimous vote to approve motion.

6:12 PM 2) Sewer Department: Kittery Service Proposal

Mr. Lee discussed having to find another vendor due to conflicts and Kittery Sewer has offered a favorable rate agreement compared to what we were paying. I would recommend we enter into this agreement and thank Kittery for being kind enough to come in and help us maintain our sewer system. I think this represents along the lines of a 20% savings.

Mr. Orestis asked if we should waive the three-bid rule.

Mr. Lee said that he doesn't think we could come up with three bidders that could get here in time to help us with a sewer emergency.

6:14 PM Mr. Orestis moved, second by Mr. Murphy, that the Select Board waive the policy for three bids.

Roll Call Vote:

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

Unanimous vote to approve motion.

Mr. Orestis moved, second by Mr. Murphy, that the Select Board accept the agreement from the Town of Kittery for sewer maintenance immediately through June 30, 2020.

Roll Call Vote:

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Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:16 PM 3) Sewer Department: Updating Sewer Ordinance Update

Mr. Lee discussed the need to get our sewer ordinance and appendices in order before being able to, for example, help the private sewer systems get up to Town standards to be able to offer them to the Town. This is an update to strengthen and clarify the language to be placed on the November ballot. He wanted to know if the SB had any comments, questions, or concerns with the scope of work and approve the \$5,000 associated with this technical memorandum for finishing our sewer ordinance and appendices.

Mr. Orestis said that he thinks we made a motion to approve.

Mr. Lee agreed and that you just wanted to see the scope of the work.

Mr. Orestis said that one of the questions was where the money would come from.

Mr. Lee said the sewer funds.

It was the **consensus of the Select Board** to move forward with this.

6:23 PM 4) Truck Report – Draft Report

Mr. Robinson said that, because this truck (2009) has been very problematic since January, he had a vendor we have bought trucks from come down to look at it. After some consideration, he believes the solution is to purchase a replacement truck and get rid of this failing truck he does not believe will make it through the winter season. Additionally, from the 2014/2015 winter until now we have spent \$46,000, including the engine re-build, which would be halfway to a brand-new truck. He had someone from Kenworth come down to look at it and, because of the ongoing problems, they don't even want it in trade. He would like to put bids out to replace this truck and, once we get that new truck and it is set up, put the old one out for bid.

6:26 PM Mr. Lee added that the equipment on the existing truck can be re-purposed for the new truck. That would be a substantial savings.

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Mr. Robinson said that currently, without paying for the one that is on order, there is \$394,000 in capital reserve fund. The truck on order will be approximately \$140,000 and, this year, we are adding \$137,000 to that fund.

6:27 PM Mr. Lee agreed. He said it did change the capital improvement plan and will have to juggle it a bit to keep it on an even keel but this truck has suddenly popped up to the top of the need list.

Mr. Robinson said that I have gotten a quote on a brand-new cabin chassis to replace this one, which is around \$89,000 to \$90,000. If you dump another \$25,000 to \$30,000 into the one we have now, you are looking at \$60,000 into this truck that's worth \$7,500 if there was no problem. We wouldn't get the new truck before the end of this winter season and will use the old one on a very limited basis until snow season and, if it goes down, we still have a smaller truck that could take its place until the new one came in.

Mr. Lee said that he believes, if we order the new truck now, we won't go through the whole plow season without it.

Mr. Robinson gave some clarifying detail on the process to purchase and outfit the truck, saying that the truck would probably be in-service at the middle to end of March, so closer to the end of the plow season.

6:32 PM There was some discussion regarding changing the timing around for the purchasing schedule in the CIP.

Mr. Lee said that we would like to know if the SB would like us to put together a bid, seek out a minimum of three vendors, and come back to you as soon as we can with those bids.

Mr. Robinson noted that the last time we did this we only received bids from two vendors.

Mr. Orestis said that, first, he would like to make sure this kind of thing doesn't happen again and asked what we could do to make sure of that.

Mr. Lee said that we got one of these trucks from the school department and, at the time, it was thought it would be a great savings to purchase the truck and now we wish we'd never gone near it. Buying used equipment would be one thing not to do and the other thing would be to not always go with the low bid but consider the vendor, as well. Sometimes you get what you pay for and that's why we've been leaning towards Kenworth.

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There was some discussion about expanding vendors and concerns that we would have to go further away and the impact to services with longer travel distances. Also, there is a slim benefit margin for vendors doing business with municipalities because of the bidding process.

6:38 PM Ms. (Janet) Saurman said that the school department, the other entity we pay taxes to, gave us a truck that wasn't a very good deal, after all. That's not a great thought to have as a taxpayer that one tax entity – the school department - is willing to say to take this truck for us, you'll get a great deal; and it wasn't such a great deal, after all. I don't think that sounds like a school department that's working for the taxpayers.

There was discussion regarding how the truck issue was handled when it broke down and who was responsible for what resulted.

6:44 PM Mr. Robinson said that, with the truck that is on order now, the SB gave me permission to sole-source the plow gear through H.P. Fairfield and I would like to ask for that sole-sourcing, again, because the equipment that is coming off this truck to be re-purposed on the new truck is H.P. Fairfield's equipment, which they know in and out.

It was the **consensus of the Select Board** to have Mr. Robinson pursue bids. It will be done using the sealed bid process.

Ms. Saurman thanked Mr. Robinson and Mr. Sylvester for coming tonight with such accurate, concise, and easy to understand information. It is much appreciated.

I. Administrative Department

6:49 PM 1) Town Manager Report(s)

Line #15 regarding Boat Basin trash dumping in toilets/bathrooms.

Mr. Lee said that people put all sorts of trash, including doggy bags and diapers, into the toilets and will not stop, even though there are posted signs that it is carry-in, carry-out. We have tried to put some small bins down there and what happened is that people put full bags of trash and recyclables there and it becomes a big mess. We are looking at purchasing use-specific bins (ex: feminine products) that are locked and have narrow openings.

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6:53 PM 2) Approval of Annual Administrative Articles

Per the Town Meeting Ordinance, the SB is authorized to establish certain administrative orders annually. This year, on the percent charged for late taxes, the State is allowing a maximum of 9% but it is being recommended that the Town stay at 7%, which has been done for years.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve Administrative Matters Usually Acted Upon at the Annual Town Meeting for Fiscal Year July 1, 2019 – June 30, 2020.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:55 PM 3) Final Review: Job Descriptions

Mr. Murphy had additional input to this document. The SB will address this final review at the next regular meeting.

6:56 PM 4) Draft: Crisis Communicating Policy

Mr. Lee said that I would like the SB to look at this outline I created from the resources that were in the Maine Town & City article and give input.

Mr. Murphy said that we have an organization in Town, already, the Emergency Management Committee, which I think our Fire Chief is in charge of. What do they do, which is not going to be done by them anymore but by this crisis committee. What is the difference between them. Why isn't someone putting them together or identifying very clearly the difference between them.

6:59 PM Mr. Lee said that he thought that Mr. Murphy made a good point with the EMA. The EMA tends to deal with ambulances, fire, police, and possibly Public Works – natural disasters, fires, and that type of thing. Whereas, you could have a school threat that the police, and possibly swat, would take over; an environmental crisis that doesn't generally fall under EMA, such as a discharge into Spinney Creek.

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Mr. Donhauser clarified that this was just a policy and procedures, not a committee.

Mr. Lee added that Mr. Murphy is right in that EMAs have a public information officer (PIO); they do have that point person. Information comes in to an EOC (emergency operations center) and then goes to the PIO, who puts it out to the various entities. This proposed policy would have who would be speaking, how we would get messages out, etc. I think this is important to flesh out a little bit. I will keep working on it but I would love SB feedback; that things can get pretty chaotic when events happen and I have seen towns respond poorly because they aren't prepared. He suggested that we might constrain this policy to non-emergency management-type activities

7:04 PM 5) Warrants

Mr. Murphy moved, second by Mr. Lytle, that the Select Board approve A/P Warrant #115 in the amount of \$90,251.30, dated June 20, 2019.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Unanimous vote to approve motion.

J. New Business:

7:05 PM Establish Fines for Marijuana Establishments Ordinance Violations

Mr. Lee said that the PB is seeking SB confirmation of their intent to review §11-10 License Fees of the draft marijuana establishments ordinance. The PB is looking, specifically, for input on the fine amounts for violations. Currently, the ordinance has 'no less than \$100 and not more than \$1,000', but the PB thinks it more appropriate to increase these fines to "no less than \$1,000 and not more than \$10,000", which I agree with wholeheartedly. Even the Cannabis Committee felt that this was absolutely the way we ought to go. If we want to squelch the black market, we should put some big fines on it. The licensing fee numbers we gave to the PB were pretty high and the Cannabis folks were saying to make them as high as you feel. I recommend we go with the higher violation fines, as \$100 and \$2,500 is not significant in the marijuana business, whatsoever.

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There was discussion regarding how fines would be applied depending on the severity and/or number of violations.

7:10 PM Mr. Donhauser moved, second by Mr. Orestis, that the Select Board accept the change in the fine schedule under Violations and Penalties §11-14 (b) raising the fine from “\$100 to \$2,500” to \$1,000 to \$10,000 for each violation.

DISCUSSION

Mr. Lentz said that there would be a second public hearing next week and invited SB members to come to ask questions and gain understanding, if they wished.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

K. Old Business:

There was no old business.

L. Selectmen’s Report:

There were no Selectmen’s reports tonight.

M. Executive Session

7:15 PM Mr. Donhauser moved, second by Mr. Orestis, that the Select Board enter into executive session as allowed by 1 M.R.S.A §405(6)(A) Personnel Matters regarding the Manager’s contract and a personnel matter.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

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Mr. McPherson - Yes

**8:42 PM Unanimous vote to approve motion.
Out of executive session.**

There was no action taken.

N. Adjourn

There was a motion and second to adjourn the meeting at 8:43 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Richard Donhauser, Secretary

Date approved: May 14, 2020