

SELECT BOARD MEETING

May 14, 2020 5:30PM

(Remote Meeting)

Quorum noted

A. 5:57 PM: Meeting called to order by Chairperson Donhauser.

NOTE: Meeting started at 5:57 PM due to technical issues.

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

There was no comment.

F. Approval of Minutes of Previous Meeting(s)

5:58 PM Motion by Mr. Donhauser, second by Mr. Orestis, to approve the minutes of July 11, 2019, as written.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

G. Department Head/Committee Reports

5:59 PM 1) Eliot Police: 4th Safest Town in Maine

Mr. Donhauser said that we were just notified that we are the 4th safest place in Maine and that is a pretty good place to be. Accolades to the Police, Fire, and just all-around Town employees.

Mr. Lee said that for six years he has been here we've been in the top ten and that's a tremendous accomplishment by our volunteers in police service, police officers, police leadership. They do a very nice job clearing crimes and keeping us safe.

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6:00 PM 2) Sewer Dept. Maintenance Agreement with Kittery

Mr. Lee believes this is a good bargain and we work very well with the Kittery Sewer District. This is a one-year contract.

Mr. Lytle moved, second by Mr. Orestis, that the Select Board accept this agreement, have the Town Manager sign it, and forward it to the Kittery Sewer Department.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:02 PM 3) AIP: AARP Grant Awarded

Ms. Ceppetelli said that the application has been put in and I wanted to make the SB aware of that; that we will hear late June or early July.

This is for benches at the Boat Basin.

6:04 PM 4) PWD: Safety Grant Awarded

Mr. Lee explained that, because we do Worker's Compensation through MMA, they offer safety grants to buy safety equipment twice a year – spring and fall. The DPW Director saw a need for a trench box and this grant will help pay for this.

6:05 PM 5) PWD: Public Sale of F550 (Bid Results)

The recommendation was to take the higher of the two bids submitted.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board accept the bid from Jordan Alesi in the amount of \$2,800 for the used F550.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

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Mr. Orestis – Yes
Mr. McPherson - Yes

Unanimous vote to approve motion.

6:07 PM 6) Admin Confirm Appointment of Ballot Clerks

Mr. McPherson moved, second by Mr. Orestis, that the Select Board confirm the ballot clerks.

Roll Call Vote:

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

Unanimous vote to approve motion.

H. Administrative Department

1) Town Manager Report(s)

Mr. Lee said that, beginning Monday, we are going to be open to the public for four hours each day – Monday/Wednesday mornings, Tuesday/Thursday afternoons. We have set up several precautions and it is all posted on the Town website.

6:08 PM a. Use of TIF Fund – Legal Opinion

Mr. Donhauser said that what he had requested can't be done. His question was if we ran a sewer across someone's property, could we pay for the connection fee out of TIF Funds and transfer that to the Sewer Fund for businesses or residential. Mr. Lee asked our attorney and the attorney said that was not possible unless we set that out in our actual TIF Document.

6:10 PM 2) Employee Recognition Program (Final Reading)

Mr. Donhauser said that I was a proponent of the program, suggested it to the Town Manager, and The Town Manager developed the program, which I thought was done pretty well. He asked for input from the SB or a motion to accept the program for at least one year.

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Mr. Lytle moved, second by Mr. McPherson, that the Select Board accept the Employee Recognition Program on a test basis for one year.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:12 PM 3) Temporary Suspension of Citizen's Option Meeting Question – See Warrant

Mr. Lee said that, because of the Governor's order to limit meetings to under 50 people, we still don't believe we'll realistically be able to hold the Citizen's Option Meeting. Even the public hearing I think we are going to have to do remotely and even though we will be able to get part of the school to hold it, but at 6-foot distances, we're only going to be able to accommodate so many people, even in a big area. For a number of reasons, we didn't feel we could successfully hold the Citizen's Option Meeting. There was concern that we wouldn't know if people were registered Eliot voters; that the meeting needs about 65 people in order for them to make changes. The attorney gave us two options – one was to amend the ordinance, itself, which he wasn't looking to do, but to do a one-time waiver from the citizens, understanding that the pandemic made it such that we couldn't really hold this. It is Article #26 – *“To see if the Town will vote, notwithstanding any ordinance provision to the contrary, to eliminate the requirement to hold the Citizen's Option Meeting in calendar year 2020 and the requirement to print the citizen's recommendation in the budget articles on the 2020 Municipal Election Ballot due to public health concerns arising from COVID-19 and the Governor's Emergency Order #14FY1920, as renewed, prohibiting the gathering of more than 10 people.”* I wanted to make sure you knew that we had gone with the one-time exemption rather than amending the ordinance.

6:15 PM Mr. Orestis asked what happened if that got voted down.

Mr. Lee said that if that happened, I suppose we would have to try to figure out how to hold that meeting and do another whole ballot procedure, presumably.

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Mr. Orestis asked if we would operate under the previous budget until we could have that election. So, we would have to wait until November, which would be the Presidential election. You would operate under the previous year's budget.

Mr. Lee said that that was correct. I'm hoping that's not the case. I think most people will understand that the pandemic changed their lives pretty significantly, at this point.

6:16 PM Mr. Donhauser said that there are no known options of the Citizen's Options in the works that we are aware of.

Mr. Lee agreed there did not seem to be any issues.

Mr. Donhauser said that this is an article that is retro-active because, theoretically we should have had that meeting under the Charter. Common sense says that we can't hold it so it's sort of our way around the Charter requirement to do a one-time no-option.

Mr. Lee agreed. This is informational for the folks at home and to make sure the SB understands what exactly is in that article. We didn't want to amend the ordinance but just a one-time exemption from the requirement.

Ms. (Donna) Murphy just emailed that a meeting could be held through Zoom (email to Mr. Lee).

6:19 PM Mr. Lee said that I'm not sure how we would identify who are actual voters of the Town through a Zoom meeting. I don't know how to get around that issue. We considered Zoom and other avenues but we always ran into a road block with that issue.

Mr. Orestis agreed that you could put in whatever names you want.

4) Use of Unassigned Fund Balance Warrant Question – See Warrant

a. Justification Document

There was discussion to clarify the numbering of the warrant article numbers.

This article is to approve the use of the Unassigned Fund Balance by the SB for COVID-19-related expenses and approval to use has to be unanimous.

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6:20 PM Mr. Orestis said that it looks like the Budget Committee recommends a 6-0 vote on it, as well. There was some conversation around that about not having a chance to review it and I think this vote is important to mention.

Mr. Lee said that this is informational, as well. Because these are unusual, I wanted to draw the SB's attention.

Mr. Lee said that Ms. Murphy just emailed that people participating in the Citizen's Option Meeting, if we held it, would first have to check in with the Clerk to see if they're registered voters before they would be allowed to join the meeting and they would be required to list their names.

Mr. Orestis said that the question is, first, when would we have to hold it, we'd have to get it set up, and then we'd have to have the administrative side of things set up in order to properly make sure that everyone who wants to join that meeting is registered with the Town Clerk and is able to join the meeting in a timely fashion. I'm just thinking what type of system would we even be able to use to do that. Would it have to be a form, as they couldn't do it in-person. The complications that I'm seeing, just thinking out loud at this point. I think it's a great idea but I was just trying to think of how we could facilitate that happening and we'd have to do it rather quickly, I believe.

6:22 PM Mr. Lee said that we're fresh out of time to get ballots printed. This is the final date to finalize this warrant. That's another reason that it is just plain ruled out at this point. That's what we selected to do, I found a legal way to do it, and I don't see any way out of this. I'd like to hold it; I'm not trying to put it off and it will be held next year but this year just doesn't make sense to me.

Mr. Donhauser asked if Ms. Murphy was aware of some citizen's option that a citizen or group would like to bring before the Town to change the budget recommendations.

Mr. Lee said that I don't know if we would have time to give proper notice for a meeting, etc. Ms. Rawski just chimed in with, "There's simply no time."

Mr. Orestis said that I think, at this point, we made that decision previously and that's what we're sticking to. That's the line that we are at.

Mr. McPherson said that he totally agrees that it just can't happen.

Mr. Lytle agreed that it can't happen.

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6:24 PM Mr. Donhauser agreed with the Board. I think we need to move on. This one-time, one-year, we're going to have to make an exception. I think people understand why that exception was made.

Mr. McPherson agreed.

Mr. Orestis said that, if we find ourselves in that position next year, which I hope we won't, then we can seriously start addressing how we could possibly facilitate the Citizen's Option Meeting online. That's important. We made that decision early on and we just have to roll with it.

Mr. Lee clarified that Ms. Rawski's deadline is tomorrow. We have a 60-day window to the vote and we don't have it anymore.

Mr. Lee said that he is getting messages from Ms. Murphy. She says, *"You are not telling them what I'm saying. You have a Zoom meeting. The Town Clerk or ballot clerk would register the voters just as they would at the Citizen's Option Meeting last year. Once registered, they are allowed in the meeting to participate. It is required by the ordinance. I brought up the issue at the BC meeting that if the voters say no, where are you. I don't see how it is legal to ask after the fact."*

Mr. Lee said that we put it to an attorney and it is legal, if we get approval and we are out of time. I like her idea if we had to do it next year, as Mr. Orestis was saying. We'd have to set up 2-3 clerks to get people checked in and validated in a timely way but I think it's doable on Zoom; that it wouldn't be easy. At this point, we're just out of time.

6:27 PM Mr. McPherson asked if Mr. Lee had had any feedback from citizens in Town that are angry because we are not having that meeting.

Mr. Lee said that he has had none.

6:28 PM **5) Adoption of Revised Town Meeting Warrant**

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board adopt the revised Town Warrant, as currently presented.

DISCUSSION:

Mr. Donhauser said that a budget is merely a budget. If the revenue isn't there, you're not going to spend the money. If the revenue falls short, we'll reduce the expenditures somewhere. I think it's incumbent upon us, as a SB, to hold Mr. Lee's feet right to the fire and have him look monthly, giving us monthly updates

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on exactly how the revenue is matching with the expenditures that are expected. Again, a budget is a budget. It's not a requirement that we expend the entire budget. It's merely a guide under which we think we'd like to fund the operations.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:30 PM 6) Notice of Public Hearing

Mr. Lee said that we are not prepared for that, yet. I'll have that on for May 28th.

6:31 PM 7) Approval of Town Manager's Contract

Mr. Donhauser discussed the delay that has happened in approving this contract. The major change in the contract is that this is a two-year contract, not a three-year contract, and there's no salary increase. We're going to wait for the new salary review of surrounding towns. Mr. Lee has accepted this contract. Because of having to work remotely, we felt compelled to increase the cell phone allowance because we require to be able to get in touch with Mr. Lee 24/7/365. So, I think it's only fair that Mr. Lee not have to subsidize the Town for the use of his cell phone. We looked into his expense and that is exactly what he pays for his cell phone monthly fee. This is an increase from \$20/month to \$70/month. He said that we have all reviewed the contract separately, it is public information, and can get a copy of it if they want.

Mr. Lee said that this goes back to the previous item. Ms. Murphy wanted to "make it clear to the people that the Budget Committee made its recommendations prior to the COVID-19. The Budget Committee requested to revisit the recommendations and they were denied." He clarified that the attorney made it clear that the Charter would not allow us to go back and have a re-do of the budget, the Select Board of the Budget Committee, once it had its recommendations in an approved format. They wanted to go back in and make some changes but they opted not to.

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Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept the Town Manager's contract, as written.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – No

Unanimous vote to approve motion.

6:34 PM 8) Approve Warrants

Mr. Donhauser moved, second by Mr. McPherson, to approve A/P Warrant #123 in the amount of \$14,972.94, dated April 22, 2020; A/P Warrant #126 in the amount of \$127,017.92, dated April 29, 2020; A/P Warrant #128 in the amount of \$17,253.47, dated May 6, 2020.

Roll Call Vote:

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

Unanimous vote to approve motion.

Mr. Lee thanked the SB. I appreciate it and I'm looking forward to doing another couple of years with you. For Selectman McPherson, I just want to say that I understand what you said to me and I would like to assure you that the things you are concerned about won't be an issue.

Mr. McPherson said thank you.

I. New Business:

There was no new business.

J. Old Business:

6:35 PM 1) William Fogg Library MOU Proposal

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Mr. Donhauser said that the Library has forwarded to us a MOU proposal. I think we are waiting on one from the Budget Committee.

Mr. Lee said that, as I recall, we gave the Budget Committee the option of submitting to us what they would consider to be a proper MOU question format to put on the November ballot. The Library has taken us up on that and put together a specific break-down of what the Town would pay and what they (Library) would pay, a form of the question, and so forth. Ms. Goodwin couldn't be here tonight due to a family issue. She wanted to be here tonight to discuss it but she's asked us to delay it to May 28th, if we can. I will put it up on the web tomorrow.

6:37 PM Mr. Donhauser said that it's a very clear proposal, what they are attempting to do. It depends on whether you think the Library is very important to the Town of Eliot. We'll bring this back to the next SB meeting.

K. Selectmen's Report:

6:38 PM 1) Seeking Committee Members

Mr. Donhauser said that, along with other vacancies, we are seeking members for our new Building Committee who would be interested in researching what our existing building situation is and, perhaps, what it should be in the future and should not be in the future

Mr. Donhauser said that the TIF Committee is working very hard in the background moving right along and dealing with the engineering firm, Mr. Lee has been involved, and we've actually had a kick-off meeting. He suggested putting this on the agenda for the next meeting to bring the whole SB up-to-date on exactly where we are on our TIF Committee and what the plans are and how we're moving forward.

Mr. Lee said he would do that.

L. Executive Session

There was no executive session.

M. Adjourn

There was a motion and second to adjourn the meeting at 6:39 PM.

VOTE

4-0

Motion approved

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Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Richard Donhauser, Chair

Date approved: May 28, 2020