

**SELECT BOARD MEETING**

**August 27, 2020 5:30PM**

**Town Hall**

**Quorum noted**

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

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

**Absent:** Mr. Orestis (excused)

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed for individuals who have had COVID19 and the loss of life.**

**E. Public Comment:**

Mr. Lee said that we did have something come in from the Budget Committee Chair but I am going to address them as we go through various items on the agenda.

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

Mr. Lee said that Mr. Tessier had called in to our August 13<sup>th</sup> meeting asking why an executive session for the AOC compensation resolution. Mr. Lee explained the reason why. Mr. Tessier asked that that discussion be included in the minutes.

Ms. Lemire said that she had included that discussion and asked if what she had written was acceptable.

The Town Manager and SB agreed that what Ms. Lemire entered was acceptable.

**5:35 PM Motion by Mr. McPherson, second by Mr. Widi, to approve the minutes of August 13, 2020, as written.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

At this time, Mr. Lee asked if the two gentlemen present, who are on the agenda near the end, could be moved up in the agenda. The SB agreed.

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**I. New Business:**

**5:37 PM Gun Range – Hours/Sound Levels (No Correspondence)**

Normand Chenard (Club President – Southern Maine Fish & Game Club) and John Tuttle (Vice President) were present for this item.

Mr. Donhauser said that I live very close to the shooting range on Goodwin Road (just outside Rollingwood). A number of months ago, the SMF&GC came before us and said that there were going to be changes to the range to mitigate the sound. I can say I don't see much mitigation and I'd like some explanation of what has been done, if anything.

Mr. Chenard said that we have berms that surround our pistol range. Those berms were raised up a little more, about 4 feet in height, to try to deflect the sound. We also brought to our club board to vote on other changes and, at this point, they have all been voted down.

Mr. Donhauser asked what are the rules with respect to when somebody is shooting.

Mr. Chenard said that there is no shooting after 6:30 PM or sunset, whichever comes first. So, in the fall and winter the sunsets closer to 3:30 and there would be no more shooting.

Mr. Donhauser said that the reason I put this on the agenda is that I get weekly calls from residents in the Rollingwood area and I can attest that there have been many times...in the past week I know of one occasion where they were shooting at 8 PM. My question is who do we call when that happens.

Mr. Chenard said that you can call me but that is not always the best way to get ahold of us. If you hear somebody shooting after hours, please call the Police Department. Eliot Police Department will respond; that they have the keys and access to our range. They can make contact with the person there and remove their car, or, at least get their information so that we can deal with it.

Mr. Donhauser asked if there was a plan to do something in the future.

Mr. Chenard said that there is a plan to build a barrier behind our rifle range and along a portion of the side. Also, to lower the roof. As of right now, they have been proposed, and we've approved to make those changes, but we haven't budgeted it, yet, and with COVID we haven't even been able to have our monthly meetings.

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Mr. Donhauser asked if anybody could shoot there.

Mr. Chenard said no, that you have to be a club member.

Mr. Donhauser asked if Kittery Trading Post ever used that facility.

Mr. Chenard said that they have and, although they all aren't members, some are and a member can sponsor. We have had a sponsor day for them to come out.

Mr. Donhauser discussed the changes in weapons over the years, becoming more sophisticated and more rapid firing today than they were, at least from my experience.

Mr. Chenard said that we don't allow automatic rifles; that there is a law against that, so we don't have any members who have automatic firearms. It's regulated to how fast, so, if they are using a semi-auto with a magazine in it, it would be dependent on how fast the person could pull the trigger and, depending on how many people are in line, there could be 2 or 3 people shooting at the same time. If someone is shooting beyond the approved hours, please let us know because we want to deal with that.

Mr. Widi asked if there is a maximum caliber size you allow to be shot there.

**5:40 PM**

Mr. Tuttle said that .50 caliber is not allowed on the range, other than black powder because it's single shot. Canonized weapons are not allowed, among others; some that are too big or use explosives. What we intended to have the range be was for people to be able to calibrate, synchronize your scope, etc. for your hunting rifles but, over time, weaponry has changed. People are buying AR-looking weapons with .308, .30-30, .270, those types of weapons, and they shoot them very, very quickly and fast. You can say it's for home protection, or whatever it is, but we are aware that our members have these types of weapons and we try to have them use extreme caution when they are using them. In the monthly newsletter we put out, we always mention no after-hours shooting, not later than 6:30 PM during the summertime.

Mr. Widi asked how often people violate the rules or how often do you address them violating the rules.

Mr. Chenard said that I don't know how to answer your question because over the last eight months I haven't received any calls. The Police Department has my personal phone number and I haven't had any complaints. Mr. Tuttle hasn't, either. That doesn't mean it hasn't happened.

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Mr. Widi said that the best for us is if we get notice that somebody is shooting after hours or extremely loud, we can call the Police Department, have them get in touch with you, and you will take care of it.

Mr. Chenard and Mr. Tuttle said yes.

Mr. Chenard said that it is best for the Police to respond, to begin with, because it will take me longer to get there, and Mr. Tuttle as well. Also, if they respond, they can get information from the person and, if the person is not a club member, they are trespassing. Going into the range, there are two gates and warning signs that you must be a club member. In order to gain access, you must be a member because there are combinations for the gates, and we change them every year. As memberships expire, if they don't renew it, they don't get the code and can't come back to the range to use it.

Mr. Donhauser asked if would be possible to consider restricting shooting around dinnertime. It always seems like it's on Sundays around dinnertime that everyone goes down there to shoot. It's a source of annoyance to me because I have a deck on the back of my home; that we'll be sitting there eating dinner and it sounds like a war going on down there.

Mr. Chenard said that I understand that it's a nuisance, and it can be. I'm only one voting member so I can propose it to the club and we would have to vote on it. We can definitely bring it up and propose it.

Mr. Chenard gave the Town Manager his personal number to contact him, if needed.

Mr. McPherson asked how many members do you have.

Mr. Chenard said that we have between 200 and 220. We just built a new website for our club so it is drawing a little more attention. We don't have the number of people who actually use the range.

Mr. Tuttle said that most of our members use the range right around hunting season start-up, which is next month.

Mr. McPherson asked if it was possible to have a sign-up sheet so you know who is in there.

Mr. Chenard said that we have tried that in the past and it wasn't successful. People used it as a target. Those are the types of people we don't want as members.

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Mr. McPherson agreed. With the use of computers for sign-ups, now...if it was mine, I would want to know who is in there and, if the schedule is full, you wouldn't have a lot of people in there.

Mr. Chenard said that we have a varied range of demographics for our club, to begin with, and it wasn't literally until a month ago that we had a website; that a lot of the club members don't want to utilize it. I think we would be hard-pressed to get full participation with that.

Mr. Donhauser thanked them for coming in.

**G. Department Head/Committee Reports**

**5:49 PM 1) Treasurer: TAN Bid**

**Mr. Donhauser moved, second by Mr. McPherson, to award the bid to KeyBank and that the Select Board vote**

- 1. That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of a \$1,900,000 principal amount Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2020, and ends June 30, 2021.**
- 2. That said Note shall be dated on or about September 9, 2020, shall mature on June 30, 2021, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Selectmen, shall bear interest at the rate of 0.74% per annum on a 365 day basis, and shall be payable at KeyBank National Association, and otherwise be in such form and bear such details as the signers may determine.**
- 3. That said Note is hereby sold and awarded to KeyBank National Association.**
- 4. That said Note is hereby designated qualified tax-exempt obligations of the Town for the 2020 calendar year pursuant to the Internal Revenue Code of 1996.**
- 5. That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note are hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefor.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

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**Mr. Lytle – Yes**  
**Mr. McPherson – Yes**  
**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**5:52 PM      2) Aging-in-Place Re-appointment – Elizabeth Castillo (Alt. Member)**

Mr. Lee updated the SB, saying that Ms. Castillo spoke with Ms. Ceppetelli to let her know that she could not continue as a member of the AIP Committee and she doesn't want to be considered for re-appointment, as she is tied up with family and work.

**H.      Administrative Department**

**5:53 PM      1) Town Manager Report(s)**

Mr. Lee said that the Fire Chief, with help from some firefighters, and 2-Way have completed the install of the repeater and, after some testing, the Police Department is thrilled that they now have reception in some of those remote areas, East Eliot in particular. We have much better coverage, now. Thank-you for supporting that and making our police officers safer out in the rural areas of Town.

Mr. McPherson said, to give you an idea of how it works, that we went to a mutual-aid call in Somersworth when Hilltop Chevrolet burned and our lieutenant, standing in the parking lot of the Somersworth Fire Department signed off that he was there on his portable radio. I can tell you that it's a major, major improvement and money very well spent.

Mr. Lee agreed, saying that all of our public safety people really appreciate it.

**5:55 PM      a. Financial Reports**

Mr. Lee said that where we are only a couple of months into the fiscal year, these reports aren't going to tell you a great deal but, as you may recall, we are still in very good shape with regard to incoming revenues, etc. I assume we are very much staying on-budget.

Mr. Donhauser asked if there is any further information on revenue-sharing.

Mr. Lee said no; that the most recent numbers I shared with you is that we were going to get around \$540,000, and that has been reduced to around \$440,000, but we only used about \$370,000 as a revenue estimate in the budget. So, we're still

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looking at taking in more revenue-sharing than we budgeted. I suspect we will see some cuts to the local Roads Program, where they send us about \$30,000 for our road-paving but, even if they cut 20% out of that, it isn't a big hit. We don't get much because of our income level in Eliot.

**5:57 PM      b. Facebook (Information Page) – No Correspondence**

Mr. Lee said that it had been suggested by Selectman Widi that people are very active on Facebook and you can construct a Facebook page so that it is a one-way information system. It would be a Town of Eliot Facebook page that would be used exclusively to put out information, similar to what we do with the E-Alert. Many who aren't signed up with E-Alert may be using Facebook. I don't use Facebook but my Treasurer does; that he tried to set it up with the Town as the entity and, for some reason, he could not set it up. We are still looking at getting that done and then we could use it for all kinds of information – COVID safety, upcoming votes, the TIF project, etc. It will not be a place for people to leave comments but will just be information out.

Mr. Widi said that, when you set it up, you have to set it up as a group; that it won't be an individual page, but a Facebook group, and you can turn off comments; that people could join and you would be an admin for the page, being able to turn commenting off.

**6:00 PM      2) TIF Article - Certification**

Mr. Donhauser said that we are making a major proposal to the citizens of Eliot regarding a TIF project and it's significant to note that all the estimates we have been making have used the worst-case scenario, or the most conservative scenario, and one thing we should note is that the interest rates are so low...we are estimating 2.5% and we're well-below that in the current interest market.

Mr. Lee agreed that we used 2.5% to be absolutely conservative but we actually have numbers from the Clean Water Drinking Fund that show that we are going to be at 1.5% if we were to do it right now; that we're only talking November so it's not going to move much. We ran our numbers and found, even if there is no growth on Route 236 by virtue of these water and sewer pipes, and even if our mil rate doesn't move from 14.7 over the next 19 years, without any new money going in other than that second compressor station, it would be more than adequate by far. Mr. Donhauser ran the numbers and double-checked that, even with all those careful and conservative assumptions, there is no way that this doesn't pay for itself through TIF revenues.

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Mr. Donhauser agreed, saying that, in fact, it accumulates money. What that means is that we can actually release money; that we can reduce the TIF if we wanted to in the future.

**6:02 PM** Mr. Lee agreed. We can make a decision to go from 100% collection on those incremental values to, let's say, 70% and then 50% then down to 30%; that you don't want to keep accumulating money if you don't have a project. That's what I've been advised by Ms. (Shana) Mueller. We would look to gradually wean down from the amount that goes into the TIF fund and put it back into the General Fund.

Mr. Donhauser agreed, unless we found another project.

Mr. Lee agreed, saying that, frankly, there would still be plenty of money to do another sizeable project, I believe, in the \$7 to \$8 million range.

Mr. Donhauser added that the tax on my home, or Mr. Widi's home, etc. will not increase as a result of this project.

Mr. Lee said that this is a dedicated economic development fund that has been around for 10 years and we're going to have it for another 19 years; that over the life of it we are looking at something on the order of \$30 million, or more, without anything new happening in the Town. We feel very comfortable that this TIF fund has more than adequate capacity, even using the most conservative things ever – no growth, no mil rate increase, 2.5% borrowing rate, etc. – and it pays for itself quite easily.

Mr. Donhauser said that, beyond that, we have quite a large balance in the TIF fund, currently, of approximately \$5.5 million. We are actually setting aside \$1.5 million as a contingency and will not be added as a revenue but will continue for the entire 19 years unless some catastrophic thing happens, which we can't anticipate.

**Mr. Donhauser moved, second by Mr. Widi, that the Select Board advance this draft Town of Eliot Route 236 Project Funding Article to the warrant.**

**DISCUSSION**

Mr. Lee said that these are very strong estimates based on 70% engineering. If the bond goes through, the remaining 30% of the engineering is fine-tuning things, doing contracts and contract administration, easement work, etc. I want to mention, too, that this \$20.6 million project includes so-called downstream improvements, which are things that are going to have to happen down the road, one way or the other, like improving that final pump station to handle the Route



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236 flow, buying some more sewer capacity from the Town of Kittery, which would bring it up to 400,000 gallons in capacity. We are down to 37,000-gallon capacity, now, and thought it only prudent to look ahead and know that probably when those pipes get out there that we will be adding some big users – C/I users; that they will take it up fast and quickly.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**6:07 PM** Mr. Lee said that the Budget Committee is recommending against this with a 6-0 vote. He read the memo:

*“On August 26, 2020, the Budget Committee met to discuss and vote on the TIF Article as required by the Charter, Article 6, Section 6.3. Each member prior to the meeting reviewed the documents provided by the Town Manager. The documents included information from Underwood Engineers, North Star Planning, and a written Power Point Presentation from the joint Select Board and TIF Committee Workshop.*

*After discussion and consideration of the information provided to the Budget Committee the following motion was made, “The Budget Committee does not support the article as written due to a lack of information and explanation of the financial impact to the residents of Eliot.” The motion carried 6-0 by roll call.*

*Please read this letter into the minutes. Thank you.*

*Respectfully,*

*Town of Eliot Budget Committee”*

Mr. Donhauser said that I’m not certain what kind of information they are looking for but we can certainly provide it.

Mr. Lee said that it was the same information that the TIF Committee and SB had, the 70% technical report.

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**August 27, 2020 5:30PM (continued)**  
**Town Hall**

**6:12 PM      3) Sewer Ordinance Amendment**

This is a vote to advance the Sewer Ordinance amendment to the warrant, as prepared.

**Mr. Donhauser moved, second by Mr. McPherson, that the Select Board advance the Sewer Ordinance Amendment to the warrant.**

DISCUSSION

Mr. Lee explained that this amendment clarifies that you actually have to be an abutter on Route 236 before this is going to actually impact you.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**6:14 PM      4) Growth Permit Question**

This is to establish the number of growth permits for 2021.

**Mr. Donhauser moved, second by Mr. Widi, that the Select Board move this to the warrant as a warrant article and recommend that the number of growth permits to be 26.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**6:17 PM      5) Non-binding MOU Question**

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Mr. Lee said that the Budget Committee has weighed in with a letter that they would like me to read into the minutes:

*“On August 26, 2020, the Budget Committee met and discussed the Library MOU Article as written. After discussion by the Budget Committee, the following motion was made and carried 6-0 by roll call to recommend that the Article show the full amount of the Library’s operating expenses for the first year rather than stating only the increase from what the Town is currently funding.*

*“The Town would be asked to fund \$252,609 of the projected \$276,370 operating expenses. This represents an increase of \$52,000 over what the Town just approved to fund in the current budget.”*

*Please read this letter into the minutes. Thank you.*

*Respectfully,*

*Town of Eliot Budget Committee”*

Mr. Lee said that it now says *“In the current fiscal year, the Town contributed \$200,600 to the Fogg Library; under the proposed MOU that amount would increase by approximately \$52,000.”* So, it’s a slightly different take on it; that it’s talking about what the full amount of their operational expenses and what our full amount would be of that number. It would be up to the SB to amend it, as suggested, or leave it as it is. All we’re looking to do is advance this to the November ballot as a non-binding advisory question; that the Budget Committee wanted to see if you would be willing to amend the wording to include the total operating expense number of \$276,000. If you choose to amend, it would read: *“The Town would be asked to fund \$252,609 of the projected \$276,370 operating expenses. This represents an increase of \$52,000 over what the Town just approved to fund in the current budget.”* That’s the wording they would like in lieu of that sentence I just read.

**6:20 PM** Mr. Widi said that I am not opposed to amending it as I think it’s pretty fair to put how much exactly is going to the library. People will read it and choose, and I don’t think it slants the question, either way, with their addition.

Mr. McPherson said that I agree it is a fair addition.

Mr. Lee said that you would then advance this as amended, per the Budget Committee recommendation.

**Mr. Widi moved, second by Mr. Donhauser, that the Select Board advance this question, as amended by the Budget Committee recommendation.**

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**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**6:21 PM      6) Non-binding Town Office Hours Question**

This is to amend the hours at Town Hall to four 10-hour days, which would be more hours available to the public than the former 5-day week.

**Mr. Widi moved, second by Mr. Donhauser, that the Select Board advance this question as an article for the November ballot.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**6:23 PM      7) Personnel Policy Amendments – 10-Hour Days (2<sup>nd</sup> Reading)**

Mr. Lee said that, upon reflection, it probably will be the last time we see it until after we get the results back from the November election; that I think that will inform you whether you want to change this personnel policy, or not.

The SB agreed.

**6:25 PM      8) Policy on Employee Political Activity**

Mr. Lee said that a lot of the municipal professions have a code of ethics, such as the Police, Town Managers, General Assistants, etc. In our code of ethics, it is expressed that we not participate in political activities. What I think happens in a Town Office, especially in a heated presidential election, is that it is on a lot of people's minds and they want to talk with somebody who knows a little something about politics, it seems, so, when they come to the Town Office it's almost like this is the place you can talk politics. For our staff, it's the last place we want to talk about politics. You can do it on your deck, on your front lawn, or

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something like that but, if you are on the clock here or wearing your uniform, this policy says please do not engage in any form of political dialogue that would make somebody believe you are other than neutral.

Mr. Donhauser added that they can't be required to participate in political activities, either.

**Mr. McPherson moved, second by Mr. Widi, that the Select Board adopt the Town of Eliot Employee Political Activity Policy.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**6:27 PM      8) Approve Warrants**

**Mr. Donhauser moved, second by Mr. McPherson, to approve A/P Warrant #153 in the amount of \$18,798.51, dated August 4; A/P Warrant #124 in the amount of \$65,524.06, dated April 27, 2020; A/P Warrant #46 in the amount of \$1,093,306.47, dated August 12, 2020, A/P Warrant #44 in the amount of \$48,807.38, dated August 6, 2020, A/P Warrant #146 in the amount of \$4,750.83 dated June 30, 2020.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**I.      New Business continued:**

**6:28 PM      Mr. Lee that the SB is the final authority to approve sewer allocations, based on the Sewer Superintendent's recommendation, which is to allocate 140 gallons/day to three properties – 13 Spruce Lane, Map 3/Lot 11 on Pleasant Avenue (house to be built), and 17 Riverside Drive,**

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Mr. Widi moved, second by Mr. McPherson, that the Select Board approve 13 Spruce Lane, Map3/Lot11 Pleasant Street, and 17 Riverside Drive for 140 gallons/day sewer allocations for each address.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**J. Old Business:**

**6:30 PM** Mr. Lee said that in front of you on the dais is a copy of the local warrant. We discussed two weeks ago to have a meeting to finalize the warrant on September 3<sup>rd</sup>. We will do it live here. I have to plug in Sb, Pb, Budget Committee recommendations, etc., and I would like the SB to look those over for any errors. Our only piece of business that night will probably be to just finalize the warrant; that it has to be to the Town Clerk the following day. Also, each of what we've passed tonight have a signature page that you need to sign and asked the SB to stop in on Monday to sign them.

**6:32 PM 1) Start Live SB Meetings**

The SB has agreed to start holding their meetings live at the Town Hall. Members can attend but are restricted in number at this time. There is an overflow contingency that utilizes the other conference room.

**K. Selectmen's Report:**

**6:34 PM 1) Seeking Committee Members**

Mr. Lee mentioned that we have just lost a member of the AIP, and we think another one may be getting done, so for people interested in being on the Aging-in-Place Committee, in particular, I encourage you because it's a very active committee doing some really interesting things.

Mr. Donhauser said that our AIP Committee was recently featured in a State publication.

**L. Executive Session**

There was no executive session.

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**M. Adjourn**

There was a motion and second to adjourn the meeting at 6:36 PM.

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S/ Mr. Robert McPherson, Secretary**

**Date approved: September 10, 2020**

**Letter from Budget Committee submitted:**

*August 26, 2020*

*Dana Lee, Town Manager  
Richard Donhauser, Chair  
Town of Eliot Select Board  
1333 State Road  
Eliot, ME 03903  
Re: TIF Article*

*On August 26, 2020, the Budget Committee met and discussed the absence of Budget Committee member on the negotiating team for the Town Manager's contract.*

*Article 6, Section 6.3 states the following, "One member of the Budget Committee or a designee shall serve as a member of the town's negotiating team that will negotiate all labor contracts for the Town of Eliot."*

*The absence of the Budget Committee member appears to be a violation of the Charter placing the validity of the contract in question. The Budget Committee is seeking a legal opinion on this matter.*

*Please read this letter into the minutes. Thank you.*

*Respectfully,  
Town of Eliot Budget Committee*

*Donna Murphy, Chair  
Jim Tessier, Vice-Chair*

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*Brad Hughes, Secretary*

*Denny Lentz*

*Ed Strong*

*Diane Holt*

*Jean Hardy*