

SELECT BOARD MEETING

October 8, 2020 5:30PM

Eliot Town Hall

Quorum noted

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

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

Absent: Mr. Widi (excused).

C. Pledge of Allegiance recited

D. Moment of Silence observed for individuals and families impacted by COVID.

E. Public Comment:

5:31 PM 1) Request to Purchase Town-owned Lands – Justice Rines

Mr. Rines was not present. The Select Board deferred discussion.

5:32 PM Ms. (Jan) Cerabona said that I hope you received the Town Clerk's memo and I just wanted to encourage you to participate on a project that I'm working on. I am now a recess monitor at Eliot Elementary School. Being a recess monitor, I was looking for some activities for the kids to do and I've been involved with a project to clean the cemeteries, which involved a lot of brush and a lot of rocks. The more I thought about the rocks, I have been upset that we are missing Eliot Festival Day and the Bicentennial, hoping that we're going to have a really big celebration in the fall but, in the meantime, I didn't want the day to go by without anything happening. So, I collected all my rocks and encouraged the kids to draw pictures about something in Eliot that made them happy or write a message or something about the State of Maine and that project is going really well. The rocks are building but I don't have enough rocks to continue building. I have plenty of rocks and have some for you all, too. She showed some examples done by the kids. She suggested using permanent markers, there is no size restrictions, and she is trying to fill in the area as you come out of the gym and head towards the grassy area towards the parking lot. She left several blank rocks for SB members.

5:35 PM Attorney (Pat) Bedard (Eliot) said that I am here for Katherine Holmes. I will ask if the SB wants to hear from me, and let me explain why I'm here, and then the SB can indicate if I can speak. Charles and Mary Downes previously owned the property. They are her parents and have deeded it to her. This deals with the auto graveyard issue. You may be familiar with that. I think some neighbors have come before the Board. There was a Board of Appeals (BOA) decision in June finding it was an auto graveyard, that there was no hobby exception for that. I'm

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here because we wanted to address some of the issues, what's going on, most of the vehicles have been removed. There are two per lot there and I can get into why that's the case. I sent something to the CEO yesterday, I think. I don't know if this is an appropriate time to discuss this, as the CEO isn't here and others are not here. I am happy to hand out some pictures and talk about why we're here and what's been done. If the SB wants me to come back at another time, that's fine.

5:37 PM The SB allowed him to go forward with discussion.

Attorney Bedard handed out copies of three deeds to the SB. He said that this was a case where, once the BOA found that it was an auto graveyard, they spent the last week, or two, removing all the vehicles. This is a case where they have to be registered and inspected. They're all registered, even the ones that weren't inspected, but they also have to be inspected. You're allowed 2 per lot. We've removed it down to 6. Ms. Holmes left her job to take care of her parents earlier this year. So, prior to this becoming an issue, you'll see a plan that I'm going to give you with some deeds. She had planned to move into next to her parents, build a house on Lot B, which I'll show you in this plan. She was going to take care of her parents on the next lot and the other third lot is split by Fernald Lane. Once this came to light, her son is trying to get the vehicles (vehicles are son's) so they are inspectable and, when they are inspected, of course they can come back. Our argument, which I've made to the CEO in an email and the CEO got an opinion from the Town attorney that I think might have disagreed with some of this who may not have had all the facts, but this deals with that we believe that 2 vehicles per lot would be allowed. The lots were split in the summer but the plan was done prior to this coming up, I think maybe in April or May of this year. One of the lots sits on one side of Fernald Lane that has been split (he handed out the deeds and plan). He said that the plan shows that there used to be one large lot, here, on one side of Fernald Lane, which has one tax map and lot number, and on the other side of Fernald Lane is another lot. It's all part of the same deed and Ms. Holmes now owns it. You'll see three deeds. You're going to see a Parcel B deed, Parcel A deed, and then the last one doesn't mention a parcel but it's all the land on 'this' side of Fernald Lane. Our position is that we should be allowed to have 2 vehicles per lot one each of these lots. I don't think the Zoning Board has decided that, yet, and it may be appropriate that that happen before the SB make any decisions regarding this. I asked the CEO if her opinion is a final one and, if it is, we'll appeal it. I want to show you some pictures, and I believe Ms. Holmes gave me these, but they were taken in the last couple of days. He passed out several pictures (photos) to the SB.

5:40 PM Mr. Donhauser said that I see 2 lots on the diagram and you say there's 3.

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Attorney Bedard clarified it doesn't actual show but is on the other side of Fernald Lane, which is to the right of Parcel A and Parcel B, but it is described in the deed. As he showed the pictures, he pointed out the 2 vehicles that are on each lot. For full disclosure, the CEO said to Ms. Holmes the other day and Ms. Holmes said to me, that the Town attorney's opinion was, and we're not asking you to get in the middle of that or overrule that, even if you own land, if it was contiguous (all in the same ownership) even though it was in separate lots, it wasn't 2 vehicles per lot, it is 2 vehicles per open space. We'll probably challenge, especially on the fact that Fernald Lane separates out a couple of these lots. Lots A and B have always been taxed as one tax map and lot number. The one across from Fernald has always been a separate tax map and lot number. They've now been divided because Ms. Holmes intended, before her parents got sick and now she's living with them, to actually build a house on Lot B. We're here because I think Selectman Widi suggested we come here because the SB had to at least consider enforcement action. I think that's where things were and I'm not sure if that's where they are with the CEO, as well. I'm not asking the SB to get into making decisions. What I'm saying is asking for the SB to wait. If the CEO makes an opinion that would comply with getting the vehicles from 20 to 6, if the CEO's final opinion is that you can't do this, you can only have two vehicles for all these three lots, then we're probably going to appeal that issue with the Zoning Board, because the Zoning Board decision that I red only dealt with the hobby issue. It's a junk yard, not a hobby, and nobody appealed that decision so it's final. We're just going to appeal that issue and say we believe you can have 2 per lot, but we're not going to appeal anything else. I'm just asking to the extent that the SB is going to consider an enforcement action that we wait until we get a final decision on that issue. Hopefully we won't have to go to the Zoning Board but, if I needed to, I do believe, and I've read the ordinance, that it's a sound position to say you can have 2 per lot. But, the Town attorney's opinion was different and I don't know if the Town attorney knows about the one lot that's on the other side of Fernald Lane. I am happy to answer any questions.

5:45 PM Mr. Donhauser said that I just want to be clear on these Quit Claim Deeds. It appears that two of them are recorded on July 2, 2020 and the other on September 14, 2020. I don't mean this in a derogatory way at all but was this done to in any way mitigate the circumstances.

Attorney Bedard said that the surveying was done back in May. This whole issue came up I think after the survey was done but certainly Easterly was hired months before. Ms. Holmes parents were both getting ill so the Easterly surveying work earlier this year.

Ms. Holmes said that I hired Emily Mundy as the property lawyer. I think I started communicating with her in December but because of the coronavirus

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shutting everything down, the process of getting the land into my name had been delayed because of that.

5:46 PM Attorney Bedard said that this all started sometime around May when there was a notice of decision and I know the BOA decision was in June. So, I'm thinking this was finalized when this first came up, or it might have been pending. It was not done to avoid this. Ms. Holmes made her intent clear that her parents were starting to get ill. She quit her job as a nurse and was going to build on Lot B; that she hired this woman to do the work and even paid for a building permit. Right now she's not going to go forward as her parents, unfortunately, have gotten more ill recently and she is now living with them. These two lots were not done for any purpose.

Mr. Donhauser asked what was the purpose of keeping these vehicles. They aren't drivable, correct.

5:47 PM Attorney Bedard said that they're not. You are allowed two per lot, unregistered and uninspected. Ms. Holmes could probably explain it in more detail but I understand her son is a hobby collector in the sense that he likes, I think, the Chevys. He likes a certain kind of vehicle, and only a certain kind, and he's very particular about that. He had 20 of them and he just likes them. He's gotten rid of them and he's trying to get them fixed up so that he can have them there and they're not in violation. He tinkers with them, he fixes them, he does things with them.

Mr. Donhauser asked if the vehicles in the pictures all have engines in them.

Ms. Holmes said yes.

Mr. Donhauser asked if they all appear to have four tires on the ground.

5:48 PM Attorney Bedard they are all registered, I think, but none are inspected.

Ms. Holmes said that he came to Town Hall after the first decision. He interpreted the graveyard law as they needed to be registered or inspected. He came down and registered everything he had and, then, when we asked for clarification about the graveyard law, the CEO said that they needed to be registered and inspected. So, he knew he would have to remove the ones that were not inspectable, which he has, and he knows he's allowed 2 vehicles per lot. As he continues to fix up his vehicles, he's trying to do that he can be in...

Mr. Donhauser asked what her son's name is.

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Ms. Holmes said Jace Downes.

Mr. Donhauser said that he's not the owner of any of these lots.

Attorney Bedard said that he's not. He lives with Ms. Holmes and her parents.

Mr. Donhauser said that, as the owner pf the lot, you are okay with having those vehicles there.

Ms. Holmes said that I'm his mother.

Mr. Donhauser said that I don't have any other questions but I appreciate your time.

There were no questions from other SB members or the public.

There were no other members of the public that wished to speak.

F. Approval of Minutes of Previous Meeting(s)

There were no minutes reviewed tonight.

G. Department Head/Committee Reports

5:52 PM 1) Appointment: Aging-in-Place: Tracy Dunton

Ms. Dunton said that I heard about the opportunity for the Aging-in-Place Committee. I am a life-long South Berwick resident, a MSAD #35 student, and came to Eliot and married my high school sweetheart, who is a life-long Eliot resident. My qualification for the Committee is that my mother-in-law had an extremely rare cancer, which left her bedridden for five years. My grandmother lived in Baran Place for eight years. So, I understand, from a personal perspective, what it takes to quit your job to make sure your parents or your grandparents can stay in their home and be cared for by their loved ones. I can also understand and respect from the medical side of it; that when a person is sick, they really don't want strangers in their home and, so, it's very difficult for their children, or grandchildren, nephews or nieces, to convince them to take advantage of the help that is there for them, be it Meals on Wheels, rides given to and from the hospital, whatever it takes to help alleviate the family of some of the responsibility to be able to make them as comfortable as possible for them to stay in their home. Most Eliot residents, South Berwick residents, married their high school sweetheart, maybe still, and they want to live in their home, raise their children and their grandchildren in their homes. So, I'm hoping that's what I can bring to the

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community. I did go back to work after my mother-in-law passed for a short time and my daughter had two children, which she almost died both times, so now I help raise my two grandchildren, 2½ and 1½. It's a very joyful experience, as was the pleasure of taking care of my mother-in-law and my grandmother. I hope you'll consider me for the Committee.

5:55 PM Mr. Donhauser thanked her. He added that he doesn't think that Ms. Lyman is here. I certainly think Ms. Dunston should be on the Committee and I would open it up to any Board members who had questions. There are two openings, one is for a regular member, term to expire in June 2021, and then we have an alternate position, term to expire in June 2023. I also want to point out on the applications that Ms. Lyman said that she had no preference for a regular or alternate member and Ms. Dunston has indicated she would prefer to be a regular member. Does anyone have any comments or questions.

Mr. Orestis said that I would like to make a motion.

Mr. Orestis moved, second by Mr. McPherson, that the Select Board appoint Tracy Dunton to the Aging-in-Place Committee, for a regular term to expire in June of 2021.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Unanimous vote to approve motion.

Mr. Donhauser congratulated her and explained that she would come down to the Town Hall and see the Town Clerk to get sworn in. Thank you for applying.

2) Appointment: Aging-in-Place: Melissa Layman

Mr. Orestis moved, second by Mr. McPherson, that the Select Board appoint Melissa Layman to the Aging-in-Place Committee as an alternate, term to expire in June 2023.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

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Mr. Orestis – Yes
Mr. McPherson – Yes

Unanimous vote to approve motion.

H. Administrative Department

5:57 PM 1) Town Manager Report(s)

Mr. Donhauser suggested keeping any questions for the next meeting. The Town Manager was not present tonight.

2) Rte. 236 Draft Safety Improvement Study

Mr. Donhauser said that the diagrams in the package showed that they will be widening Route 236 in certain areas. At Depot Road and Route 236, there is a plan for a traffic circle and removing the stop light there. It's really quite interesting what they've done with this preliminary study. I think the most interesting thing that they did was regarding the intersection of Route 101 (Goodwin Road) and Route 236 to alter it a bit and then as you move from that intersection, going back toward Eliot, they are going to go to some turning lanes, widening the road and allowing for a middle lane. It then goes down to a single lane where there are no curb-cuts and then widens again. They've done a lot of studies on the traffic flows and, where there are road cuts, they have tried to widen the road to the extent that you can have a turning lane. I think the most significant thing is the traffic circle at Depot Road and Route 236. It's quite a large traffic circle and I certainly think that will improve the traffic flow. I think we have this for informational purposes, only, and we don't have to make any decisions on it. We will post the diagrams online and have them available at Town Hall. If the proposed TIF project is passed, the infrastructure will be done at the same time as the State Route 236 improvements.

6:01 PM 3) Findings from Compensation Study

This is informational at this point. It is planned to have a workshop in the future to discuss this.

6:02 PM 4) Approve Warrants

Mr. Donhauser moved, second by Mr. Orestis, to approve A/P Warrant #58 in the amount of \$141,041.99, dated September 23, 2020; A/P Warrant #60 in the amount of \$122,753.11, dated September 30, 2020.

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Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Unanimous vote to approve motion.

I. New Business:

6:04 PM Mr. Donhauser said that the Town Clerk received a grant to help with elections but I don't have the information. We will accept the grant once we have the information.

J. Old Business:

There was no old business.

K. Selectmen's Report:

1) Seeking Committee Members

There were no Selectmen's reports tonight.

L. Executive Session

6:05 PM Mr. Donhauser moved, second by Mr. Orestis, that the Select Board enter into executive session as allowed in 1 M.R.S.A. §405.6.A Personnel Matter

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Unanimous vote to approve motion.

7:00 PM Out of executive session. No action was taken.

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M. Adjourn

There was a motion and second to adjourn the meeting at 7:01 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Robert McPherson, Secretary

Date approved: November 12, 2020