

**SELECT BOARD MEETING**  
**October 22, 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. McPherson, and Mr. Widi.

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed for those individuals and families affected by the COVID19 pandemic.**

**E. Public Comment:**

**5:31 PM** Mr. Donhauser said that the South Berwick-Eliot Rotary Club is here tonight to present to the Town of Eliot 1,000 masks to be distributed to the Town of Eliot. Ms. (Deb) DeColfmacker, President, and Mr. (Skip) Cousens, Interact Advisor, were present tonight to present this gift to the Town. Mr. Donhauser invited them to speak.

Ms. DeColfmacker said that this past summer there was a gentleman who is in one of our clubs in Connecticut and he pledged that he would get a million masks made out to New England in the name of the Rotary. He did it, a ship came in, and they unloaded a million boxes of these masks and delivered them throughout New England. Ms. Meyer (our representative in Augusta) picked them up in Portland and brought them here for the masks to be delivered to the First Responders in our towns. On behalf of Rotary, we have 1,000 masks, here, to present to Eliot.

Mr. Cousens said that we have also distributed some to Marshwood Middle School and we'll be at the high school tomorrow, as well as to First Responders. We are limited to where we can give them; that it has to be to public places that are in need, as well as places like Baran Place, rest homes, any place that really needs them. We have 3,000 altogether to be distributed and we are happy that you can use these.

**5:35 PM** Mr. Lee and the SB thanked them very much.

Mr. Donhauser asked if they could briefly explain about the Badges Project the Rotary is doing.

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

Ms. DeColfmacker explained that when the kids started going back to school everyone was concerned about kids not being able to see teachers' faces. So, we went to the schools, with a photographer from Mercy Street Studios, and took pictures of all the teachers, as well as the custodial staff, and we put their smiling pictures on 3-inch buttons that they could then wear in the classrooms so the kids would know what they look like and were smiling. We've also offered this to town employees and we will be doing the libraries, as well. Additionally, Ms. Muzeroll-Roy (Eliot CSD Director) was looking for help with "Rec in a Box" for kids and we put together 25 boxes for her for the kids. We work hard to try to help locally wherever we can.

Note: The South Berwick-Eliot Rotary Club meets every Thursday morning, by Zoom.

Mr. Lee said, regarding the buttons, I did send out an email today to all our committee chairmen, all the staff, all firefighters, everybody and told them that you were doing this and I'm keeping a sign-up list. So, we'll see how many people we can sign up.

**1) Request to Purchase Public Lands - NEK**

This item was postponed until the November 12 meeting.

**5:37 PM      2) Mr. and Mrs. LaPierre: Animal Control/Nuisances**

Mr. Donhauser invited the LaPierres to speak.

Ms. LaPierre said that we are having trouble with a neighbor who has a rooster. They had two roosters and their dog killed one. The roosters have been going off since the middle of August, sometimes at 3:30 in the morning, all morning, non-stop.

Mr. LaPierre said that we're really not getting any support anywhere with the Town. All the complaints we put in go unread. We've been dealing with the Police Chief, who has been incredible, but his hands are tied. We understand that and respect that. It all comes back down to, even the Animal Control Officer (ACO) pretty much washed her hands because the ordinance just doesn't allow her to follow through with any...

Ms. LaPierre said that we were told that language was removed from the noise ordinance in regard to 'domestic animal' but this is a domestic animal. This animal relies on them to give it shelter and to give it food. It's not a wild animal and I think the language was removed this summer in regard to agricultural

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

situations. This is not an agricultural situation. This is a house that's right 'there' from our house. There are neighbors all around; that we are in a little residential area on Moses Gerrish Farmer Road. So, the language that was removed, unfortunately, there was nothing that was put into place to protect someone like us in our situation. Even though it's a clear noise violation, because the language was removed, we're told that nobody can help us. So, we're asking you to please look at your noise ordinance in regard to animals. I don't even know why it has to fall under animals. It's a really loud noise that goes non-stop. It shouldn't matter if it comes from an animal or a car but it does and we need your help.

**5:39 PM** Mr. LaPierre said that it is our understanding that we can't do anything until June 2021. We have been dealing with it, now, for a couple of months and, unless one of you guys have a rooster in your back yard 25 feet away, you're not going to understand the quality of life is gone. My daughter wakes up crying, sometimes, never mind just the heartache in our home – every morning, faithfully.

Ms. LaPierre said that it does crow at night but I will put up with that, it's the morning. We also were told by the Police Chief that the Town doesn't have a meter (decibel reader) so we could actually go out and show you that it's very, very loud. I would like to ask all of you if you know why the language was changed this summer.

Mr. LaPierre said that nobody could understand why it was removed. Because it was removed, nobody can stand up and support us until June 2021.

**5:41 PM** Mr. Widi said that you ought to look at the PB minutes from last summer, I think. There was a woman that lived up on Brixham Road and I think she had an issue; that she was on the other side of a similar issue and she went to the PB to make a change. We don't change individual wording; that that's what the PB does.

Ms. LaPierre asked if we should be in front of the PB.

Mr. Widi said that, if you want to, I would suggest you go to the PB to make a change. In the Charter, it says we can't put anything on the ballot until 60 days before the warrant, which is the vote, so that means November is out. It means that it would have to be completed by April if you wanted to make a change.

Ms. LaPierre asked what the SB suggested to us other than we've been trying to make the rooster go away.

Mr. Lee said that I've had a chance to speak to these folks, and I feel badly, but our ordinance has been changed such that we can't really do an enforcement and have it stick. I advised them that the only other administrative remedy they had,

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

other than June, is that they could go out and get signatures and call a Special Town Meeting, either open or by referendum ballot. I advised the LaPierres to talk with the Town Clerk to find out the process for a citizen calling a Special Town Meeting to address an ordinance that needs to be changed. I don't know if they pursued that or not.

**5:42 PM** Mr. LaPierre said that we would need 350 signatures.

Ms. LaPierre thanked Mr. Lee for his suggestion but said that that is absolutely not attainable during COVID. We can't go door-to-door right now and 300 people, other than the people in our little neighborhood, I don't know if people will get on board. It's just something that's not realistic right now.

Mr. Widi talked about the process he did in writing an agritourism ordinance, getting the signatures, and they are attainable. I know it's COVID and a slightly different situation but that ultimately went on the warrant, as it forces this Board to put it on the warrant. Even if you don't have success with the PB, you could get the signatures but I do understand.

**5:44 PM** Ms. LaPierre said that let's just say this is a dog barking non-stop.

Mr. Lee said that our ordinance would allow us to go in and issue fines, and so forth.

Mr. Widi said that I think your best bet is to go to the PB.

Ms. LaPierre said that it just makes no sense, at all, to any logical, reasoning human being. It makes no sense.

Mr. Lee suggested that you could go up to the Transfer Station; that you call and say that you want to be up there on a Saturday when it's busy. They will put you in a place with an orange vest so you're safe and you have the signature form with you; it's not that hard to get 350 signatures. In one day at the Transfer Station, you will probably get 300-400 people going through there.

Mr. Widi said that you could have 350 copies of the form, one for each individual or household, so that contact would be dramatically lessened, and you should try for 10% more.

**5:45 PM** Ms. LaPierre asked when was the PB meeting.

Mr. Lee said that that is listed on our website. I believe November 10<sup>th</sup> and 17<sup>th</sup> are the next two.

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

Ms. LaPierre said that what I'm hearing is that you basically can't do anything.

Mr. Lee said that the PB is generally the body that would amend those ordinances. It would involve either getting them to change it back to what it was because of what you're going through or to restrict it only to the rural areas where you can have these roosters but not in suburban downtown village areas. So, it would be June, if you can wait that long, or call a Special Town Meeting, which would take some time, as well, but sooner than June.

**5:47 PM** Mr. LaPierre asked, on the shirrtails of this, how many verbal warnings does the Town of Eliot give for a small dwelling on the property without it being permitted for. How many times does the law say a CEO can give you so many verbal warnings until she issues a written warning to that person about a structure that has no permit.

Mr. Lee said that I think those cases vary somewhat, depending upon the case.

Mr. LaPierre said that this is about the hen house that the rooster sits in. It's a whole house and it's not permitted. I've talked with the CEO numerous times and all I get is "I'm talking to them." How many talks do we need and why isn't a written complaint put in.

Mr. Lee said that I didn't realize that that was one of the things that was an issue; that you were trying to get that moved, that chicken coop.

Mr. LaPierre said that it was from Day One, as well. Likewise permitting for a commercial dumpster that is still not barricaded over a year, now.

Mr. Lee said that I don't believe we have anything that prohibits it.

Mr. LaPierre said that I was told by the CEO that it should be covered. You can have a dumpster, yes, but it needs to be a wrap-around, it needs to be covered. This has been over a year and, again, more verbal warnings. Nothing is being written and I cannot get a yes or no answer on a date for these two things on said property, especially the hen house. It's 40 feet from my property line and my understanding from the Town is that it needs to be at least 100 feet.

**5:48 PM** Mr. Lee said that I will take that up for you. I can make it happen.

Ms. LaPierre said wait until you see what they dropped off this afternoon. It looks like a dump over there. Pallets 'this' high. It's just unbelievable what they've done to that property today.

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

Mr. LaPierre said that the Town of Eliot does nothing about it and that's sad, and I'm really irritated right now. Good night.

**5:49 PM** Mr. Donhauser asked if there were any other comments from the public.

Ms. (Tracy) Dunton said that we are in a time where California is burning down, Colorado is next, and we're losing our animals at an expeditious rate. Our children are falling into depression and drug addiction, also at a faster rate than we can count. I'm now aware of two cases in this Town where we've taken away a young man's hobby and we're contemplating letting him keep 6 of his 7 vehicles where he lives close to Steve Cantrill but, in my day, Steve Cantrill is a fantastic mechanic because he was allowed to tinker on vehicles. We have 15 farms in this Town and we're complaining about a rooster. I have two beautiful dogs that bark every time I drive up and down my driveway and every time I think of how cute they are. You can't take away an animal's life because of inconvenience for somebody. That's not humane. And we really need to start addressing these young men who are turning in their 30's who work full-time jobs and are trying to make good of themselves, who are helping their families. You can't take away the only thing that they have for a hobby, that is good in this community, so that they have nothing left to fall back on except drugs and depression. I think we really need to consider that we took away art, we took away vo-tech in our schools, took away woodshop in our schools, we took away automotive shop in our schools. We're not giving them an opportunity of where else to spend their free time and I think we need to re-think where we want Eliot to go. It may look messy. It may sound inconvenient. But that might be our next Town garage mechanic and that might be our next farmer. I think we really need to think about Eliot; the way Maine should be; the way we want it to be. We want to stay to our roots and these gentlemen are multi-generational gentlemen that live here and have been raised here and I don't think we should take that away from them. Thank you.

**5:52 PM** Mr. Donhauser asked if Ms. Dunton was talking about one specific property.

Ms. Dunton said that I am talking about the rooster issue and the issue on Beech Road. These are two separate hobbies that bring these gentlemen joy that's clean, safe, and productive. It's educational and it's not harming anything. I understand the nuisance. But every time someone pulls into the driveway, the dogs bark, and I just look at it as the dog alarm going off. But you don't have a drug addict or drug dealer next door, you've got a rooster.

**6:55 PM** Ms. LaPierre said that I would like to comment. This is nothing personal. It affects our life and we also work very hard for what we have and we live in a tight, little village area. This is not a rural setting. It's not a setting for a crowing

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

rooster that **goes** off, non-stop, from 4:30AM to 9:30AM every single morning. A barking dog, we have barking dogs all around us. I had a dog who barked non-stop who is not with us anymore. It's completely different and nobody is saying kill a rooster. We're saying remove the rooster to a proper agricultural setting. I approached the owner and asked if his original intent was for eggs because he had a lot of chickens and I'm all for that. I support it. I think chickens are fantastic and they can walk all over my yard and I don't care. You don't need a rooster for chickens to produce eggs. I asked if he would please consider just getting rid of the rooster. I feel like I have PTSD. We're living during COVID times. I can't sleep and then, in the morning, it's before the sun...if you could put on your phone a recording of a rooster and have that alarm go off at 4:30 tomorrow morning and, then, have it go off every 30 minutes continually for hours and now, do that for two months, you might know what it's like. It's completely different. You are wrong. We're not saying to kill the animal and we want to support the young men who want to have hobbies. The rooster is a different situation and you need to get educated about it. Nobody is here to take that away or kill an animal. I hope that clarifies.

**5:58 PM** Mr. Donhauser said that it would be good to encourage the PB to take a look. It is out of our venue, I believe.

Mr. Lee said that it is. I went so far as to look up the federal definition of 'domestic animals'. They have rooster as a domestic animal so our ordinance is in conflict with generally-approved federal definition where a rooster belongs in terms of its categories. I hope the PB will reconsider to allow roosters in certain zones where there is more acreage, such as the Rural Zone, as opposed to Route 236 or the Village Zone.

There were no more comments from the public.

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

Mr. Donhauser explained that we approved the September 10<sup>th</sup> minutes at a previous meeting but what occurred is that the subsequent pages were dated incorrectly.

**5:59 PM** **Motion by Mr. Donhauser, second by Mr. McPherson, to amend the Select Board previous approval the minutes of September 10, 2020 to properly record the subsequent pages with the correct date.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

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

**Unanimous vote to approve motion.**

**6:01 PM      Motion by Mr. Donhauser, second by Mr. McPherson, to approve the minutes of September 24, 2020, as written.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**Motion by Mr. Donhauser, second by Mr. McPherson, to approve the Special Meeting minutes of October 14, 2020, as written.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**G.      Department Head/Committee Reports**

**6:03 PM      1) Appointment of Ballot Clerks (Correspondence to follow.)**

Mr. Donhauser said that we have a list of names before us, asking if anyone had an objection to any names on the list.

There were no objections.

**Mr. Donhauser moved, second by Mr. McPherson, that the Select Board appoint the nominated election clerks for 2020 to 2022 according to the Supplemental List, dated November 2020.**



**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**6:04 PM      2) Town Clerk: Acceptance of CTCL Grant (\$5,000)**

This grant is related to elections.

Mr. Lee said I believe Mark Zuckerberg has made money available to the Center for Tech and Civic Life; that the purpose was to provide grant funding to anybody that's conducting an election during COVID19. Ms. Rawski put together an application for \$5,000 and we were granted that amount. According to the administrative rules, we would need to accept the grant from Tech and Civic Life in the amount of \$5,000.

**Mr. Donhauser moved, second by Mr. Widi, that the Select Board accept the grant.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

Mr. Lee discussed the many items that the Town would now be able to purchase, adding that we also received a little over \$60,000 from the State for general COVID stuff not related to elections.

**6:08 PM      Mr. (Jim) Tessier, Chair Solid Waste Committee, said that at a previous meeting Mr. Donhauser asked if the Solid Waste Recycling Committee wouldn't mind doing a periodic review of the Household Hazardous Waste Day Policy. At our last meeting, that was raised and everyone on the Committee felt that it was appropriate to do a periodic review, believing that a 2-year periodicity would be a good time period to conduct that review. He suggested that the Town Manager might put a reminder on his calendar to provide a request to the Solid Waste**

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

Recycling Committee to conduct that review, as we only meet quarterly now. If he could do that in June, we could do the review at our July meeting and would provide the Town Manager to provide input to us. This would give us time if there are any changes for it to fit into the Treasurer's and Town Manager's budgets.

**6:10 PM** Mr. Lee said that I would be happy to do that; that we put on a lot of things that remind us to the calendar. That's a great idea and a good plan.

**H. Administrative Department**

**6:11 PM 1) Town Manager Report(s)**

There were no questions.

**a. Financial Reports**

Mr. Lee said that our revenue is good and steady. State revenue-sharing is going to be a 10% cut but we budgeted conservatively enough that we're going to be fine.

**6:12 PM 2) Updated Harbor Master Job Description**

Mr. Lee that our task force determined that this description was far too heavy, too onerous, that was done by the compensation guy we had several years ago. I have stripped down this job description to what really needs to happen in our small, rural Town. I would ask that the SB adopt this. In so doing, the applications for the Harbor Master position closed today but, if there's a new job description, I think it only fair to open it up for at least a couple more weeks. The other thing recommended by the task force is to put the Harbor Master back under the Police Department. The task force is also looking into grants to see if we can obtain a Town-owned, used 19-foot to 20-foot boat. Eliot is viewed as a wealthy community so grants are harder to get. I haven't found any potential boats but I did sign up for government surplus and have a Coast Guard contact that might be able to help. We have to stay under 24 feet or the insurance company won't insure the boat. We need a boat if we need to do a water rescue or to go out and check the mooring fields and update the mooring map.

**6:18 PM** Mr. Donhauser said that this was the first reading so I would like to move it on to one more meeting to review.

**6:19 PM 3) Findings from Compensation Study – Workshop (10/29/20?)**

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

Mr. Lee said that he made a one-page summary for the SB but this really needs to be a workshop. He briefly reviewed the Summary. (Document available at Town Hall.)

**6:23 PM      4) Approve Warrants**

**Mr. Donhauser moved, second by Mr. Widi, to approve A/P Warrant #62 in the amount of \$937,338.54, dated October 7, 2020.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. McPherson – Yes**

**Mr. Widi - Yes**

**Unanimous vote to approve motion.**

**I.      New Business:**

**6:24 PM**      Mr. Lee said that I want to give kudos to our clerks as they have been doing some long hours for in-person absentee voting only. We want to give as much opportunity as we can to come in and vote. The extended hours have been posted on the web site on the first page.

**6:26 PM**      Mr. Lee said that, looking ahead, our second meeting of the month in November falls on Thanksgiving. In December, the second meeting falls on Christmas. I wanted to ask the SB if you want to schedule a second meeting of the month for some other day. The Charter does specify two meetings a month; however, when it falls on a holiday, I think that is an exception to that. We could reschedule it for a Wednesday or back-to-back weeks. It may be dependent on how much we have on the agenda, too. This was a pretty light agenda; that public comment was the greatest part of it.

The SB agreed that Mr. Lee would work with the Chairman regarding this.

**6:28 PM**      Mr. Lee said that the ECSD has set up a Trunk-or-Treat in the lower lot of the Elementary School from 1PM to 3:30PM on Saturday, October 26<sup>th</sup>. Ms. Muzeroll-Roy has 16 cars filled with candy for the kiddos.

**6:30 PM**      Mr. Lee said that there has been a Memorandum of Understanding between all the York County towns as we look at what may happen in the future. Right now,

**SELECT BOARD MEETING**  
**October 22, 2020 5:30PM (continued)**  
**Eliot Town Hall**

Puerto Rico doesn't have any functioning dispatch centers because of COVID. Just like we have mutual aid for the Fire Department, we could with this support other police agencies (and dispatch) and included are the rules outlining how this would be done. York County Managers are having a meeting November 6<sup>th</sup> and it will probably be on the next agenda to have our Town consider entering into an agreement with all the other towns in York County should we need help or be able to give help.

**J. Old Business:**

**1) Route 236 Safety Improvements Presentation (post-holidays)**

This was not discussed.

**K. Selectmen's Report:**

**1) Seeking Committee Members**

All open committee positions are posted on the web site.

**L. Executive Session**

There was no executive session.

**M. Adjourn**

There was a motion and second to adjourn the meeting at 6:33 PM.

**VOTE**

**4-0**

**Motion approved**

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

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

**Date approved: December 10, 2020**