

SELECT BOARD MEETING and PUBLIC HEARING
November 12, 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. Orestis Mr. Lytle, Mr. McPherson, and Mr. Widi.

NOTE: Public Hearing will start at 6:30 PM.

C. Pledge of Allegiance recited

D. Moment of Silence observed for individuals and families affected by COVID-19.

E. Public Comment:

5:32 PM 1) Request to Purchase Town Lands - NEK

Mr. (Justice) Rines said that I represent, in part, NEK Assets, and a request to purchase publicly-owned land across the street from 7 McClellan. It extends over to the west side and then over to the east side next to where the car repair and dealership is. I wanted to start out with a little bit about us, as a company, and our operators. We fundamentally believe that a legal and compliant marijuana industry is far safer, and it's far safer for the operators in the business, far safer for customers of the business, and it's certainly more beneficial to the community in which we operate. We really champion...compliance is part of our DNA, doing everything by the book. There are a fair amount of players in this industry that do not do that and we pride ourselves in not being one of those. What we're asking for, with respect to the land in question, is that we would request to purchase the land. The reason for that is that the current ordinance describes that land, even though it's not really developable and it's certainly not an active public facility even though it is publicly owned; that it's a tax-forfeited property. We would like to develop the 7 McClellan property across the street with adult use marijuana retail and some manufacturing. That site, I think, will bring 15 – 20 full-time well-paying jobs. We hope to beautify Route 236; certainly, the car wash lot. The Town will have an opportunity to discuss screening with us and I know that's a big priority from the Planning and Zoning perspective. The fact that that land across the street is characterized as a public facility is preventing us from building that structure there. So, we would request that the Town consider selling us that property so that we may develop that and sort of fit in with the plan that Eliot seems to have for Route 236 in terms of development and driving economic development in the Town. We feel like we could be a big part of that on Route 236, particularly with this location. With that, I will turn it over to our CEO, Jim Henry.

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5:34 PM Mr. (Jim) Henry, CEO of Sweet Dirt, LLC, said that I don't have much to add because Mr. Rines did such a good job of introducing it. I just wanted to put in a word for Sweet Dirt, as an organization, and I have spoken to a few of you folks directly and have you come through a walk-through the facilities where we're building over on Route 236. I was born and bred in Maine and, after I went to U. Maine in Orono, I left the State. It was something I didn't want to do but it was something that I did because there weren't a lot of jobs when I graduated university for young men at the time in the State of Maine doing what I wanted to do and run the kind of business I wanted to run. It pained me to leave the State. I left and went to Boston. A short time later, I came back and, when I came back, I moved to Eliot with my family. It was one of my goals to make sure I was a part of bringing jobs to the State of Maine that were good jobs and jobs that could attract and keep families like mine. I think that Sweet Dirt is an organization that really fits incredibly well, obviously, with the State of Maine, but very well with the people of the Town of Eliot and their evolution right now. The Town of Eliot residents just voted for development in the last election, \$20+ million worth of development on a piece of land that has so much potential. What Sweet Dirt is doing, and to Mr. Rines' point and in a very compliant fashion, bringing infrastructure that is new and is compliant, sustainable. They're bringing jobs. Sweet Dirt has a plan to try to bring 60, 70, 80, 90 jobs over the next 12 months to Eliot alone. They're bringing revenues. Right now, the State is not sharing with municipalities like Eliot, but it will, and to have someone like Sweet Dirt in a town like Eliot, it will bring those kinds of revenues, as well. I know I'm taking a lot of time talking about Sweet Dirt but I think it's important to know what we're trying to accomplish. We're not just trying to build a cannabis business. We're trying to build a business that brings a lot of very good-paying jobs with benefits to people of the Town. Of our employees, 30% of our employees we have are from Eliot. We have 10 investors from the Town of Eliot. So, we're on that trajectory of growth that the Town so craves, not only from a cannabis standpoint in voting 67% last year with the adult use, but also for the TIF that they brought in for Route 236. So, between the jobs and the opportunities and the development in a compliant fashion, in a beautiful way, we just want to continue to add to the Town and that's what we're here to talk about tonight. So, thank you for listening to me a little bit on that.

5:37 PM Mr. (Hughes) Pope, Creek Crossing, said that I am happy to stand here tonight. We have had quite the tumultuous series of events as my company has strived to set up shop. I was sitting here listening to Mr. Rines and Mr. Henry talk about jobs and opportunity for the Town and, as a resident, I welcome that because we don't have the luxury of the coastline, like York, and all the parking meters, and things like that. So, anything that we can do to eventually offset our property taxes, and things, would be fabulous. Coming from a background of seasonal work, I think there are a lot of people in the community that would like full-time

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work and the ability to develop 7 McClellan where the car wash is, now, would lend itself to that quite nicely, in addition to the property that you're all familiar with where we had the fire. In the interest of time and not being redundant, I thank you for listening.

5:39 PM Mr. Orestis asked if this would be a new adult use facility.

Mr. Henry said yes.

Mr. Orestis said that, for the Town, there's licensing fees that we're going to get into in the Public Hearing and that will add to that, correct.

Mr. Henry said that that's correct.

Mr. Rines said that, if you aggregate the total plan that we have for Eliot for our operations, I think we're looking close to, if not over, \$30,000 in licensing fees.

Mr. Widi said that I met with you guys and it was a pretty good presentation, by the way. I've got a little bit of a background in real estate and their lawyer mentioned buying in at the assessed value and I don't think I've heard of any property selling at the assessed value. I'm all for selling it and I'm pro-business and, if they can make something great, I'm all about it. But I think it would be more a fair market value and I think that's through an open bid process.

5:40 PM Mr. Lee said that I would like to reiterate, and I've talked to Mr. Rines about this, that by policy tax-acquired property, which is how we acquired the wetland properties, really should be put out to public bid as a matter of process. I will say, though, that they offered well-above market value in their offer, here, and I would also point out that Ms. Kari Moore, Conservation Commission, has said that the CC would be okay with other people owning them so long as they are guaranteed to be in conservation.

Ms. Moore said that that was correct.

Mr. Lee added that I think what Mr. Henry and some of the other folks here tonight said about what your plans are and about what the upside is to sell it to them; that I have explained to everybody that we don't have to sell it to the highest bidder. We can sell to the lowest bidder, we can reject all of the bids, we can re-bid it but I do think, as a matter of fairness to others, we probably should put out what would be a bid and proposal – if granted this, what would you do with the two conservation easements and what is your intent with the land. So, my only concern is that we have a policy that guides us on this.

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5:42 PM Mr. Donhauser asked how we move forward from here.

Mr. Lee said that I think there are two steps. One is, is the Select Board prepared to release these two properties for sale to someone, with these conservation easements as a stipulation, and then two would be for us to get that out to the paper, get it advertised, get sealed bids to come in. Then, a couple of meetings from now have it in front of the SB. Give people time enough to bid on it and research it, as we've had some other interest in that, too. So, I think I would put out a bid/proposal-type document that, if you submit a bid and proposal for what you're going to do with it, that the SB would look at those proposals and bids and render a decision a month from now, roughly.

Mr. Donhauser said that that sounds like a way for us to move forward.

Mr. Lee said that it's a big step, too, because for a long time I was telling folks, Mr. Henry and others, that we weren't going to sell them; that we just felt safer just sitting on them as our wetlands and we didn't have to worry about it. So, there's at least been a change in philosophy that, if they're conserved, that they won't object to us selling

5:43 PM Mr. Orestis said that, in the future, if people want to buy wetlands and keep them in conservation, we should definitely entertain those ideas, as well. If people want to buy and keep it in conservation, that's a good thing.

Mr. Widi said, to their point, that car wash hasn't really been anything for quite some time. So, it would be a benefit to Eliot.

Mr. Donhauser said that with recent developments in the passing of the TIF, the question I have is that these properties are not TIF-identified properties; so, putting them back on the tax roll only helps the residents of the Town by virtue of the money being collected that. Taxes will go into the General Fund.

Mr. Lee said that I very much favor unloading any tax-acquired property and not keeping it around. I've always been of that mindset. When I got here, we were sitting on 13 or 14 parcels that were tax-acquired and we tried to rapidly get them back onto the tax rolls.

Mr. Donhauser said that I think it would be beneficial for us, as a Board, to move forward. Any comments from SB members on that. Would you be in favor of asking our Town Manager to advertise this property for sale and, perhaps, we could make a motion to do that.

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5:44 PM **Mr. Orestis moved, second by Mr. McPherson, that the Select Board move these two parcels of land to the bid process knowing that they would have to stay with the conservation easements.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Mr. Tessier, Johnson Lane, clarified that one parcel is part of the land that the car wash is on and the one across the street is kind of like part of the land that they already own.

Mr. Lee that that's correct. In response to Mr. Donhauser, he said that the information in the SB packet talks to one being about .25 acres with 233 feet of frontage and the other one is .37 acres with 173 feet of frontage and they are diagonally across from each other.

5:46 PM **Mr. Orestis asked, in regard to the ordinance, has the PB thought about adjusting the language so that we don't run into these situations, especially along Route 236.**

Mr. Lee said that I don't know if the PB has; that I have spoken to our Planner saying, to me, these do not belong in the definition of public facility. Daycares, churches, the Transfer Station, parks, etc., they do but something that's just siting there with cat o' nine tails I don't see as a public facility. Somewhere down the road you may see that removed as being a public facility. That would have to go to the Town for a vote and I can't guarantee that's going to happen.

Mr. Orestis said that it's just something to think about if we continue to go in this direction on Route 236, especially now with sewer and water. It would just be something to at least start to think about. It's a couple sentences.

Mr. Lee agreed.

5:47 PM **Mr. Tessier said that, back when TIF Alternative Committee was still operating, they had a professional come in who made some recommendations to them about potential ways to use the TIF money for development. One of the comments, if I remember correctly, is that property, once you put sewer in, increases value substantially. I don't know if this is going to affect wetlands but the potential is**

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because sewer is going in and this land could be worth substantially more. Just a thought.

Mr. Lee said that I have had discussions with our Assessor and, at least from our Assessor's opinion, the presence or absence of water or sewer does not inherently increase the value on every parcel. It may but it's case-dependent, I think.

F. Approval of Minutes of Previous Meeting(s)

5:49 PM Motion by Mr. Donhauser, second by Mr. Orestis, to approve the minutes of October 8, 2020, as written.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi – Yes

Unanimous vote to approve motion.

G. Department Head/Committee Reports

5:50 PM 1) Resignation from A.I.P.: Ronald Ceppetelli

Mr. Lee said that Mr. Ceppetelli is one of the original members and I know you would want me to send out a letter of thanks for all the work that he has done. His wife if the Chair and they have put in a lot of time, a lot of great stuff. He works at York Hospital and he is very, very busy right now.

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board accept the resignation of Ron Ceppetelli from the Aging-in-Place Committee.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

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5:51 PM 2) Sewer Dept.: (8) Requests for Allocations at VGB

Mr. Donhauser asked if we need to address them individually.

Mr. Lee said that we do not. We have two representatives here from Attar Engineering (Brian Nielsen and Mike Sudak). We've had a little bit of an issue with Villages at Great Brook but, working with the engineering firm Attar, the owners, and so forth, we are slowly but surely getting things straightened out. This is a way to catch back up on some earlier sewer allocations that probably should have been done and looking forward so that they can continue to develop houses, knowing that there is enough allocation that they can promise people that they will have sewer. Beyond this, we'll be basically doing them five at a time so that they can build the next five houses. These allocations are only good for 180 days, so, one of the discussions we've been having is whether it is realistic that they can get five houses completed in 180 days, and they do, so that's the number we settled on – the three that are already in arrears and then we have five more for a total of eight. The three Pheasant Lane addresses are 43, 44, and 45 and, then, we also have 36, 34, 30, 27, and 21. Those are the ones you have in your packet tonight. Each of them is 140 gallons/day. Currently, we have about 85,000 gallons of additional daily sewer capacity out of the 200,000 original, which is good news both for Villages at Great Brook but, moreover, anything that's going to go out at Route 236. Both the Sewer Superintendent and I recommend that the SB grant these eight allocations to those specific addresses.

5:53 PM Mr. Widi moved, second by Mr. Orestis, that the Select Board grant the eight allocations of sewer.

DISCUSSION

Mr. McPherson asked, regarding inspection after these are done, is that practice stopped.

Mr. Lee said that there were three that were connected without us having the opportunity to inspect. In fact, we have required that they dig them back up so we can go inspect them and take photos of the connections, which is our practice. They're going to have to spend a little money to undue something they shouldn't have done but it shouldn't necessarily stop them from going forward.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

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Mr. McPherson – Yes
Mr. Widi - Yes

Unanimous vote to approve motion.

H. Administrative Department

1) Town Manager Report(s)

5:54 PM a. Insurance Update

Mr. Lee explained that this was to verify that our insurances were up-to-date; that some changes were made. I am going to have to insure the American Legion building. The American Legion has folded up, except maybe for Mr. Norton, who plans to try to run it out of Norton's Garage. Utilities have been shut off so we need to prep the building for winter and get it on our insurance. Mr. Norton thought that building might revert back to him but we looked at the deed and that's not the case. If it's not used as the American Legion, it returns back to the Town. The building is not in very good condition and would take a lot of work to be usable for the Town, and there's no parking around it.

Mr. Donhauser said that it begs the question of whether we should sell that property; that there is no Town use for it, as I understand it.

Mr. Lee agreed, adding that I would not want to put the money into it that would be required for a building of that footprint and the very limited parking availability. It is a non-conforming lot. There are at least two people that are interested in it if it ever does go up for sale. So, let me know if that is what the SB's wishes are; that you might want to think about that for a bit but you may be prepared to get that out there, as well.

5:57 PM Mr. Donhauser asked if it is always done by public bid or does the Town ever sell by public auction.

Mr. Lee said that we've not done it by public auction before. We could try it that way. I don't have any qualms about that. We traditionally do a sealed bid.

Mr. McPherson said that this building has some historical background to it. That was a fire station for years down in South Eliot. I don't know how that factors into it but I'm sure there would be some voices heard regarding opinions on what to do with that building.

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Ms. Lemire agreed that the building was very cool. The Comprehensive Plan met there many, many times.

Mr. Lee said that our Historical Society has no place, really, to put their things. They are down in the basement of the Grange. I don't think we ought to move too quickly on it; that we should get word on the street that it's no longer going to be used as the American Legion; that it's now our building and what should be its future. For the time being, I'm going to put it on our insurance.

5:59 PM Mr. Orestis said that we should probably pump the brakes on putting it up for sale right away. I think it's good to think about but there are a lot of people in this Town that have great ideas and I would be interested to hear what they come up with.

Mr. Widi said what I like about the bid process as opposed to an auction is hearing what people want to do with it and for us to do what we think is in the Town's best interest, not just the biggest pocketbook.

Mr. Orestis said that that's a great point.

Mr. Lee said that this will be brought up at a future meeting, once we've heard from different entities.

Mr. Orestis asked if we could put something on the web site and out on E-Alert to let people know, have them submit ideas. It would be another way to communicate.

Mr. Lee said that we can do that to get feedback from the Town; that maybe it might be made into a museum for the Town. Who knows, but it would be good to get the feeling of the Town.

6:00 PM Mr. Donhauser asked if it was under a lease agreement or is it just a sort of verbal thing.

Mr. Lee explained that the way I read the deed, it was donated to the Town for the purpose of hosting the American Legion. The deed says that, if for some reason they fold up, it reverts back to the Town.

Mr. Donhauser said that it was interesting to mention the Historical Society potential of having a place to meet or put their things.

Mr. Lee said that we've seen the AIP go out and get grants and it's very possible that there's grant funds available for something like this.

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6:02 PM b. BOA Decision to Superior Court (Foxbrush Drive) – No Correspondence

Mr. Lee advised the SB that the BOA rendered a decision on a development on Foxbrush Drive and the appellants are now taking it to Superior Court. That is in the hands of Attorney Saucier.

c. Whistleblower Complaint (confidential) Resolved

Mr. Lee explained that, at one point, we had made a conditional offer of employment to a Treasurer applicant prior to Mr. Miles coming here and it was subject to her background check. When the background check came in, it was not very good and I withdrew the offer. She promptly sued the Town of Eliot, myself personally, and the Town of Chester, NH. She had a settlement with Chester, I believe, not to disclose anything about why they parted ways. When we did the background check, somebody from Chester didn't know about it and told us something they shouldn't have; so, Chester ended up paying the bulk of any of the whistleblower complaint. We ended up getting out of it for \$250. MMA wanted to settle rather than spend another \$40,000 in court.

6:03 PM 2) Election Results

Mr. Lee read a memo he wrote regarding the election: *"I'd like to take a minute to thank not only our extremely conscientious Town Clerk's staff for pulling off an unprecedented election without any incidents, but also to the voters of the Town of Eliot.*

Without the patience and good humor of our voters, especially during a pandemic, media coverage of possible ballot delivery issues, ballot security questions, possible efforts at voter intimidation and a very contentious political battle, the election process could have gone very poorly. Voters sometimes had to wait for several minutes in the cold before getting into vote. Almost without exception, the voters were gracious, stayed socially distanced, wore masks and were willing to let us help them without an unkind word. Indeed, many voters praised the efforts of our election staff.

Lastly, I want to thank the folks at the Eliot Post Office who coordinated with us to ensure every last ballot was pulled from every mailbox and delivered to the voting location right until the last moment. Leading up to the election, postal workers were out in the evenings and on Sundays making sure ballots were getting to us." So, I just wanted to thank the people of the Town, the election staff, and also the Post Office for coordinating closely with us and making sure all

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the ballots got where they belonged, that they got counted properly in this Town, and everybody acted real nice. It's a nice little Town.

6:05 PM Mr. Lee read a second memo:

"Feeling Charitable this Season?"

The Town of Eliot hosts several helpful programs through the winter season in which you can participate. This coming winter may prove to be very difficult for some residents of our Town.

Eliot Fuel Fund: *People can make donations to our emergency Fuel Fund (administered by our General Assistance Administrator). Checks can be made out to: "Town of Eliot Fuel Fund", and can be dropped off at the Town Office.*

Over the holidays, we also sponsor "The Giving Tree," a program where people donate unwrapped gifts for children (up to age 16). The Eliot Community Service Department along with the Eliot Police Department sponsor this program. People in need may come over to the police department and pick up an application for assistance at Christmas. The requested gifts are then put (by code for anonymity) on a Holiday tree in the Police Department lobby. This is for children that live in Eliot and within the household of the person making the application. People come in and select a tag(s) off the tree and then the gifts (with the tags) are dropped off at the Eliot Police Department by December 21, 2020. People may also make monetary donations and they can be sent to "Friends of ECSD", 27 Dixon Road Eliot, Maine 03903 or dropped off at the Police Department.

*The Town also serves as a collection spot for non-perishable foods to help our partners at **Footprints Food Pantry**. We also accept pet food and baby goods on behalf of Footprints Food Panty." Mr. Lee said that the food pantry is seeing a lot of activity and has a lot of need, So, for those of us who may have a little more than we need, and you're feeling a little charitable, this could be a very long and difficult winter for some of our people. Those are some opportunities to participate.*

6:07 PM Mr. Tessier asked, if the monies in the Fuel Fund don't get used at the end of the year, it is carried over and used for future years, correct.

Mr. Lee said that that was correct. It is a dedicated fund. Additionally, normally we handle fuel emergencies where we can through General Assistance Program,

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which is reimbursed by the State, but because of the criteria, some people fall through the cracks and that's when this fund comes into play.

6:08 PM a. Town Hours/MOU – Next Steps – No Correspondence

Mr. Lee said that I haven't heard from the library but, obviously, they're happy with the results of the MOU question. It seems to me that, at some point, we're going to have to choose one or more Select Board members, along with one or more staffers, that will be the negotiating group, or maybe a Budget Committee member, to negotiate the details of this MOU. I know the Budget Committee has put a lot of time and thought into that MOU and what should and shouldn't be in it; so, I think it would be prudent, where they have very valid concerns about the impact on the budget, that a member of the Budget Committee, a member of the Select Board, maybe myself, a couple of their trustees, maybe Ms. Goodwin, to form a group to start hammering out this MOU over the wintertime. Regarding Town office hours, we put changes to the personnel policy on hold pending this election. I've marked up the personnel policy to show the changes that would be needed if we did go to four 10-hour days.

Mr. Orestis said that I think that makes sense. I think the purpose of the MOU for the library was to figure out public support. It seemed to be they are. At least one member of the Budget Committee and one member of the Select Board, in my opinion. I know the library has been a hot topic at Budget Committee meetings. It's a lot of money and it's a private entity, so, in order to get this right, I think we need to have those meetings and negotiate and have real conversations about what they are able to do, what we expect to happen, and how much they expect from us. Regarding office hours, I thought that part of labor negotiations, we couldn't change the personnel policy while in the process.

6:11 PM Mr. Lee agreed that was true. I believe you can, with agreement by the union, and the particular people that are in this forming union would be okay with that. However, I do need to check that. It's a very good point. My thought going forward was to send a memo out to the library and the Budget Committee suggesting the SB has a couple of folks interested and an invitation to the Budget Committee, if they would like to have one or two members, and invite the library to have a trustee for this group.

After some discussion, the SB agreed to have a 'pre-negotiation' joint meeting with the Budget Committee to develop ideas for the negotiating group at the meetings with the library. Mr. Orestis and Mr. Widi agreed to be part of the sub-group.

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6:15 PM b. TIF Approval/TIF Committee – Engineer Feedback – Next Steps

Mr. Lee said that this really ties into Item #3 below. You have in front of you ESR #2, which is the second cost proposal for the next steps. All the work in this contract is weather-dependent. A lot of it is field work: “This work includes field investigations that are time sensitive due to seasonal constraints (survey and Geotech) which are required to progress the design drawings. Additional final design tasks are anticipated in future ESRs to progress engineering to 100% design, additional survey/Geotech for offsite improvements in Eliot, and include engineering bidding assistance services.” He explained the scope of work included in this proposal and what is not included (document available at Town Hall). This is the final field engineering needed to go from 70% to 100%. They are doing a significant number of borings to determine amount of potential ledge and/or clay. Regarding the contract amount, the amount to get us to 100% and get ready to bid is \$180,400 and that would be paid through the TIF Fund; that this all can be rolled into the bond.

Mr. Donhauser said that it’s my understanding that they are under the previous work they were doing. We had a budget and approved contract and they were substantially under that.

Mr. Lee said that that is right; that they were under by around \$20,000 from an \$80,000 proposed. So, they rolled that into this and then calculated what additional was needed to get it done.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve the authorization, ESR #2, to proceed with engineering services in the amount of \$180,400, to be paid by TIF Funds.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

3) Underwood Engineers: TIF Project Engineering Project (Contract To Be Provided ASAP)

This was resolved above.

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6:20 PM 4) Draft Budget Calendar/BC Meeting Update/11-19-20?

Mr. Lee said that I think the Budget Committee is okay with the budget calendar. This is really going to be the bible of what happens all this winter and spring in terms of the meetings. We'll keep you posted and I'll remind you but this is a good thing to hang onto. We're trying to get the budget books out by December 23rd and January 7th and 21st are joint SB/BC meetings where we meet with various department heads. Those are important meetings where everybody gets the same information at the same time.

6:22 PM Mr. Donhauser went back to the TIF with respect to the TIF Committee; that they have met and decided that they have completed their mission and, therefore, they feel that they should be disbanded.

Mr. Lee said that that's correct and there is a very short memo up on the dais that indicates they had a unanimous vote that they believe they have fulfilled their mission and it is now up to the engineers, the SB, the Town Manager, to take it from here. They are recommending dissolution or disbandment of the TIF Committee.

Mr. Widi said that, when we do the math, there is going to be some money left in at the end. Do we just do another TIF Committee at that point.

6:23 PM Mr. Lee said yes. The people on the TIF Committee said that if, at some point you want us to come back for the purposes of public information, etc., they would be available. It says in our by-laws that you must meet monthly and there is not much to meet about anymore. For example, if we want some public input on going from 100% capture on our TIF and projecting where we're going to end in 2039 with our money, we don't want a bunch of money left. So, you have to reduce from 100% capture, down, down, down so the money begins to trickle out of the TIF Fund back over to the General Fund to wear that one down. The other thing we can do is, if we go through the Clean Water State Revolving Loan Fund, that has no pre-payment penalty and, given that we have more revenues coming in for the TIF than we will need for the debt service, that's the one I'm recommending. It's got a really low rate, like 1%. We also discussed this other way of issuing your own private securities, which is a big \$85,000 process. So, if you are at 1%, I don't know how much better you're going to get than that.

6:25 PM Mr. Donhauser said that, with the projections we made on the TIF, we are well over what we need to expend for debt service for this project, and that's with no development. Already we're experiencing the Sweet Dirt and Arcanna growth; that I had an opportunity to visit their facilities and those are around \$5 million,

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and those are on top of what we already have so we are already experiencing development. We may need that TIF Committee to come back.

Mr. Lee agreed. We may want to discuss another TIF project, if there's enough money or that change from 100% capture, down, and how do we want to tweak this thing out as we fold it up.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board dissolve the TIF Committee, as of today, and a letter of thanks.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

6:27 PM 5) Draft Planning Board Schedule

Mr. Lee said that the PB is looking ahead to what ordinances may be changed or discussed and how to get ready for June 2021. This is a work update that the PB will be tackling.

Mr. Widi said that the PB was talking about expanding the ADU square foot limitation.

It is still on the burner.

Mr. Widi said that 650 square feet is basically a box and we have an aging population. Adding a couple hundred square feet to that, maybe bumping it up to 1,000, would allow people to stay in their homes and stay in Eliot. I know if I had to buy land, I would not be able to afford Eliot. I know some elderly people who could really benefit from a rental that is 1,000 square feet instead of 650.

Ms. Lemire said that I want Tiny Houses approved.

Mr. Lee said that it's funny that you mentioned that because one of the things I serve on is called the Joint Land Use Study and it has to do with Portsmouth Naval Shipyard, commuter patterns, and where you park, where does the workforce live and how far away are they having to live. The bulk of them come

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from Sanford. One of the things we're looking at is workforce housing (not affordable, Section 8-type housing), and Tiny Homes comes into that, too, and it all goes back to ADUs. These are very small, very affordable, compact units for just one or two people...just a little house. As we look to the future of Eliot, I think we're going to have to look at ADUs of a size that you can really live there, not just kind of go to bed there.

6:31 PM **At this time, the SB stopped the regular meeting and Mr. Donhauser opened the Public Hearing.**

2) Marijuana Establishment License Approval – Arcanna, LLC

Mr. Lee said that the Public Hearing is to hear any comments (for or against) about issuing a Marijuana Establishment License to ARCANNA, LLC tonight. We have two members of the senior team with us tonight, Mr. James Folan and Mr. Ryan Ward. I have reviewed a stack of documents from ARCANNA that demonstrate they did everything necessary to get through the PB. The only stipulation from the PB is that they had to do some landscaping and that would be a condition the Planner said ought to be on there, if the SB chooses to approve this. They've been permitted by the State and the last stop is here.

At this time, Mr. Dana Brearley entered the meeting, member of the senior team.

The SB asked them where they are located and a little bit about what they are doing.

Mr. Brearley said that we are currently a medical entity as caregivers operating out of 291 Harold Dow Highway, which is the back building for Northern Pool & Spa. We are currently looking to convert our cultivation and manufacturing, which is a commercial kitchen and extraction lab, to adult use. Our conditional license was received a few months back.

6:34 PM Mr. Donhauser asked if they were going to occupy the building on Route 236.

Mr. Brearley said that we have a retail plan and licensing in place at 290 and we have approvals to build over there for commercial purposes. That's directly across the street. Peter Paul used to own the property.

Mr. Donhauser said that your cultivation and growing is behind Northern Pool & Spa and across the street will be your retail.

Mr. Brearley said yes.

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Mr. Lee said that their facility is also a very nice facility.

Mr. Ward said that we would be more than happy to give you guys a tour at any time. Always feel free.

6:35 PM Mr. Lee said that the PB feels that they've met every requirement, the Planner recommends it, I recommend it. I'm the last guy to look at the license before I send it to you. I've actually made up forms, as well, now. I now have an actual license that will be issued. There's a receipt for fees paid so we can track that. We would also need to do what is called a Findings of Fact or Notice of Decision, which would include the paying of the related fees and to complete the landscaping, as required by the PB.

Mr. Donhauser asked if they would like to say anything else.

Mr. Brearley said that we're both Eliot residents and excited to be able to finally do this.

Mr. Orestis asked if it would be appropriate to mention what we're getting in terms of the fees just so that people in the Town are aware of the revenue. I think that's a good thing for people to understand. This is not only bringing business and jobs into Eliot but it is also that they are paying their way.

Mr. Ward said that, when it's all said and done with the licensing and fees, it will be close to \$15,000. I think that includes the initial application, the fee for cultivation and manufacturing, and the fee for the dispensary once that's up and operational.

6:37 PM Mr. Lee added that the bulk of that is an annually-recurring fee.

Mr. Tessier said that I understand the Planner's concerns when he says that the landscaping ought to be completed before the license is approved. How does the SB make sure that that is done.

Mr. Lee said that that is one of the conditions for me to issue the license. The landscaping needs to be done and the fees paid. That is done before I hand them the paper that says go for it. I believe they are almost finished with the landscaping.

Mr. Ward said that that is correct. The PB gave us 30 days to complete. We are planting five trees and three bushes at the right of the entrance to Northern Pool & Spa. We are on target to meet that deadline.

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6:38 PM **Public Hearing closed.**

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve the Marijuana Establishment License for ARCANNA, LLC with two requirements. One is the landscaping be completed prior to the issuance of the license, as required by the Planning Board, and contingent on the payment of the fees.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi - Yes

Unanimous vote to approve motion.

6:39 PM Mr. Tessier said that it looks like there are two parts to H. 4) and we didn't address the second part.

Budget Update (second part of H. 4)

Mr. Donhauser said that Mr. Orestis and I attended the Budget Committee meeting by Zoom. I thought it was a great meeting. Historically, it always seems to be some tension between the Budget Committee and the Select Board. The feeling I guess, historically, has been that the Budget Committee is only there to cut the budget but that's not their purpose. Their purpose is to make recommendations on what is appropriate to be budgeted, and they actually add things occasionally. So, we're striving, as a SB, and the Budget Committee is also striving to improve communication relationships. The Budget Committee sent a letter to the SB with their concerns. We haven't actually addressed that letter at the moment. But what we'd like to do, and I think with the concurrence of the Budget Committee that we met with...Mr. Orestis and I intentionally met with the Budget Committee not as SB members because we didn't think it was appropriate to say we were representing the SB. We came out of that meeting, and I think it was agreed to by all people present, that we should have a sub-committee of the SB to deal with relationships between the SB and the Budget Committee. So, that's where we are, at the moment, and what I'd like to do is ask any SB members...we would like to have two SB members for a sub-committee for the sole purpose of having open lines of communication to improve the interaction between the SB and Budget Committee because we're all trying to do the same

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thing and arrive at the same goal but, maybe, in different ways. I would be interested if others feel they would not.

6:42 PM Mr. Orestis said that he would be interested.

Mr. McPherson said that I would certainly be interested but the Chair and Vice Chair would outrank me, if that is what you want to do. I would certainly participate in that, as well.

Mr. Donhauser said that the problem with more than two is that we get into a quorum.

After discussion, there was agreement that Mr. Donhauser and Mr. Orestis would make up that sub-committee.

6:43 PM Mr. Lee said that I would want to be there, as well, and would be happy to.

Mr. Donhauser said that the next step would be to set up an arrangement on how to move forward with this and deal with the budget in a better way this year.

Mr. Lee said that I will reach out to the Budget Committee and find out when that first meeting just about that one issue might be held. We could just have one segment of their meeting be communication-based issues.

6:44 PM Mr. Lee said that one of the things Mr. Donhauser had asked me about was getting information back to the Budget Committee. I would like to discuss the timing struggle I have of getting information back to them so that it is useful to them. I think that's the kind of thing I think we should hash out. I'm glad you went, I'm glad it went well, and I would like to see it go smoother.

Mr. Donhauser discussed receiving a timely response. As an example, if you receive correspondence from the Budget Committee for a request for something, it could be 5 or 10 days or whatever seems appropriate, and actually state a deadline for when the information should be presented; that if it can't be presented in that period of time, we then express why.

Mr. Lee agreed, saying that that is one of the topics we need to talk about and I do think it's a good idea. Regarding Zoom meetings, I think there was a period where we were safer coming here with masks than we are now and we may want to revisit that at some point. I know it's hard on some members to use that system but the meetings with the Budget Committee will still be on Zoom and we will have to move forward with that platform.

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Mr. Donhauser agreed that the number of people would be greater with both committees and any administrative people that need to participate. I think we need to expect that any joint meetings will be by Zoom.

Mr. Lee will follow up with the Budget Committee to get things set up.

6:47 PM Mr. Lee and Mr. Tessier confirmed a Zoom joint meeting for November 19th; that Mr. Lee will work on the invitation for that.

Mr. Tessier said, when we get into the budget process, those first two meetings with department heads are critical meetings. When we get the budget on the 23rd, we will review it and put together our thoughts and concerns; that the questions we send out will be intended for discussion at the meetings, not something you would respond to before the meetings.

6:49 PM Mr. Orestis suggested the SB do that, as well, and get them to the Budget Committee and department heads just so we're all on the same page. We might have a lot of the same questions and that might speed up those discussions and help them be more direct. Regarding Zoom meetings, with the way things are going, we may very well be mandated to go back to Zoom very quickly here. I did a little digging this morning and realized that York, South Berwick, Kittery are all meeting by Zoom. I know that sometimes audio is a challenge and we might want to start thinking about how to solve for that now.

Ms. Lemire said that the audio feed at Zoom meetings is getting worse over time. The words will be broken up and sometimes pieces of sentences are gone and I don't know how we can fix it.

Mr. Orestis said that part of it is that we need to get very good at making sure everyone not speaking is muted because Zoom tends to kick the mic over to someone else if they make a noise and then back to the speaker.

Ms. Lemire agreed that that often happens but it also happens when just one person is talking.

6:52 PM Mr. Lee said that we were having trouble with the streaming video and we found out through our IT support that we had a bad switch in the server. That was not helping matters and we have had to replace that switch for about \$1,000. Nonetheless, it should improve all that with the technical glitch fixed.

Mr. McPherson said that I tried to watch the Budget Committee meeting the other night and got about 2 minutes into it and it shut off. So, I have no idea what went on between members of the Budget Committee. I totally agree that relationships

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need to change. But there's been a couple of personal accusations made that I don't hear being brought up. A sleeping Selectman, the SB putting the public's health at risk from two members of the Budget Committee. I don't know if they were addressed. They need to be addressed and I need it explained to me how we're putting the public health at risk. We are going by the rules of the building; that we spend about 3 hours a month in this building live. Our staff of about 12 put in 160 to sometimes 190 hours a month in this building. I understand COVID but I don't think we need to panic as far as meeting live. I understand if we have to meet on Zoom that we can't get in the building but the sleeping Selectman and putting the public health at risk is quite a statement to put into an email. I think it needs to be addressed.

6:55 PM Mr. Widi said, regarding Zoom meetings, that as a coach or boss, I always try to lead by example and I, personally, would have a hard time asking people to come in here to work, day in and day out, while we're sitting at home. I understand that a joint SB/ Budget Committee meeting is too many people; that we can vote on that when the time comes but I have a hard time asking other people to put themselves at risk while we are sitting at home. Regarding improvement in the relationship, there was an accusation made against me by the Chairperson. I don't know if she was writing at a private person or Chairperson but the Budget Committee was copied on it and, as far as I know, that committee is not the oversight committee and doesn't have anything to do with a potential conflict of interest inquiry. So why were they copied on it. If the relationship is going to improve, the personal attacks made need to end.

6:57 PM Mr. Orestis said that, at that meeting Mr. McPherson missed, we didn't address those things; that we just sat in as private citizens and tried to come up with a way forward, knowing that at some point we would need to have the discussion, come up with specific instances, and go back.

Mr. Lee pointed out that both the Budget Committee meeting and PB meeting, which took place later that evening, were recorded. But we had to upload the recordings because the internet provider we used failed during that evening. They should now be available.

6:58 PM Mr. Tessier said that I know when I come before you, I could be Jim Tessier, resident of Johnson Lane. I could also be representing the Chair of the Solid Waste Recycling Committee. I could also potentially be representing the Budget Committee. I think some of the problem and the relationship between the Budget Committee and the Select Board, recently, is that sometimes the person addressing the board isn't clear what position they're taking before they talk to the board. I know that some of the comments you are talking about right now were addressed by an individual who is on the Budget Committee but, at the time,

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she was representing herself. I don't know how clear that was made because I wasn't at the meeting but I think, that in some cases, the fallback position is that they're representing the Budget Committee and I think we have to be careful. Because, if it's an individual who is addressing you for a particular situation, she isn't representing the Budget Committee but it can potentially affect the relationships we have. I think that we, as a group, have to work hard to make sure we understand that, when we're addressing you, we have to make it clear what position we're in.

7:00 PM 6) Updated Harbor Master Job Description (2nd Reading)/Extend Search

Mr. Lee said that the job description really needed to be streamlined to meet the essential functions of the Town Harbor Master, as we need it. I'm in hopes you can approve this upon the second reading tonight. Then, my intention is to re-open applications for the Harbor Master position and extended through the end of this month. I do have a panel established to conduct the interviews. This position is going to go back under the Police Department, as it used to be. If you have any changes, I would be happy to make them. If you don't, I would ask for approval.

Mr. Donhauser said that Chief Moya has looked at this.

Mr. Lee confirmed that he had and he said that it looked good.

7:02 PM Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve the updated Harbor Master Job Description and extend the search.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi – Yes

Unanimous vote to approve motion.

7) Approve Warrants

Mr. Donhauser moved, second by Mr. McPherson, to approve A/P Warrant #64 in the amount of \$548,680.34, dated October 14, 2020; A/P Warrant #67 in the amount of \$226,082.97, dated October 21, 2020; A/P Warrant #69 in the amount of \$77,553.27, dated October 28, 2020.

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Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Mr. Widi – Yes

Unanimous vote to approve motion.

I. New Business:

7:03 PM 1) Eliot Pandemic Policy/FFCRA

Mr. Lee said that, technically, I should have put 1st Reading on this. I don't expect you to act on it but, as Mr. Orestis was pointing out, I really think we're going to need to have a more significant policy about how we're going to handle this. I can't say anything too clear but, even within the staff, we've had something cautious things we need to be careful of; that we've had some exposures. I can just tell you that I'm basically of the opinion that I'm going to be asked a lot of questions about whether to take this COVID leave up to 14 days, does it count against me, what about this, what about that. I would ask you to read through this policy; that it is kind of dense and tricky but, if you could read through it to look at it real carefully and then in the first meeting in December, we could hopefully adopt this. If you have any concerns or questions as you are reading this, please feel free to reach out to me. This policy has been made, more or less, group-created by the Maine Town Manager's Association in working with other town managers cooperatively trying to get their arms around it; that it is a template policy, if you will, that has built into it all the requirements by law. I think it's a very good document and is being widely used; that I've adapted it for our Town.

7:05 PM Mr. Donhauser said that there is a section by the US Department of Labor, Wage & Hour Division, Families First Coronavirus Response Act Employer Paid Leave Requirement. Does this address that.

Mr. Lee said that, to some extent, it does but we just had some more updates on the Paid Earned Leave stuff that is now law. We had a meeting about that with the senior staff and it's going to have some impacts. I sent it over to the Chair of the Budget Committee because it requires us to pay for one (1) hour of time off for every forty (40) a person works and that time off is not for sick or vacation; that it's for anything that they want. It's earned time. One of the things we talked about going into the personnel policy that would alleviate a lot of the concerns...we have three days right now out of our sick time that can be used as

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personal time; that if we went to four days that could be converted to personal use, that takes care of that forty hours that they are obligated to have. The staff and I are probably going to recommend that we go to four personal days. It's not more days off, it's just a conversion of one more sick day into a 'do what you want' day.

7:06 PM Mr. Donhauser said that this is mandated.

Mr. Lee said yes. I would ask that you read this because I don't like being the only author on these things.

Mr. Orestis asked, if someone is exposed and they have to not be in the building, how are the roles defined as far as working from home. Is that a possibility. Does the staff know who is eligible to do that. Is that process well in place at this point.

Mr. Lee said that we have that going on right now, in fact. I've got a person working from home whose kid was theoretically exposed. Everything is coming back fine but, for the time being, just work from home. Being as thin a staff as we are, if my one CEO gets exposed, I'm hoping that person can work from home or else I'm going to start backing up real hard.

2) Marijuana Establishment License Approval – Arcanna, LLC

This has already been addressed earlier in the meeting.

7:08 PM Mr. Donhauser said that I'm not sure if all our Select Board members have undergone the FOAA training. I think that's a requirement.

Mr. Lee said that it is. I've sent it around to everybody but I don't know if everybody actually did it.

Mr. Donhauser said that it's done online through MMA.

Mr. Lee said that I did on Powerpoint on FOAA. You can just go through that Powerpoint and then there's just a sign-off form that says that you've gone through it. So, that's even easier to do. I'll send that back around.

Mr. Donhauser said that I think we should all do it so that we know what the requirements are because we can get ourselves in real hot water by putting some foolish information out in an email or any type of recorded message.

Mr. Lee agreed.

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Mr. Tessier said that the Budget Committee has that same type of requirement; that people who were elected this year have completed it on the Budget Committee.

J. Old Business:

There was no Old Business.

K. Selectmen's Report:

7:09 PM 1) Seeking Committee Members

There were no Selectmen's reports tonight other than what Mr. Donhauser and Mr. Orestis had discussed.

M. Adjourn

There was a motion and second to adjourn the meeting at 7:11 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Robert McPherson, Secretary

Date approved: December 10, 2020