

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM**

**Quorum noted**

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

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Comment:**

There was no public comment.

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

**5:31 PM** Motion by Mr. Lytle, second by Mr. Orestis, to approve the minutes of November 29, 2018 as amended.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Murphy – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

Minutes of December 27, 2018 were postponed to the next regular meeting.

**H. Committee Resignations and Appointments**

**1) Appointment: Adult-Use Recreational Cannabis Committee – Stacey Wyski**

Ms. Wyski was present. She said that she is new to Eliot, came to the Cannabis Forum, and saw that they needed people; that she has done board work before and thought she might be able to help.

Mr. McPherson moved, second by Mr. Lytle, that the Select Board approve the appointment of Ms. Stacey Wyski to the Adult Use Retail Cannabis Committee.

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**2) Resignation: Conservation Commission – Sarah Plocharczyk**

Mr. Murphy read Ms. Plocharczyk's resignation letter.

Mr. Lytle moved, second by Mr. Orestis, that the Select Board accept the resignation of Sarah Plocharczyk from the Conservation Commission, with regret.

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

Mr. Orestis asked how many open seats are on the Conservation Commission now.

Mr. Lee said that they are in real need of membership; that he believes they are down to three people and they are authorized for up to seven. He added that he had to get a legal opinion for their last meeting, as he didn't know if they could do a quorum and, as it turns out, the quorum definition goes with the remaining number of people, so, they were able to meet but they are actively seeking membership.

**5:43 PM** Mr. Murphy said that he had never heard that you could change the official number of the members in a committee just by their absence.

Mr. Lee said that their by-laws oddly state that that committee can be from three to seven people; that it doesn't designate it as a seven-person board.

**5:44 PM** Mr. Murphy said that he believes it's because State law says that; but, when you set up a committee, he thinks you have to set up the membership. He added that

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we can have it a three-member but that's always three members; that you can seven members, or somewhere in-between but, once we set that up, then that becomes the size.

Mr. Lee said that that was the Clerk's opinion, as well, but when he reached out to MMA legal, they said that is not the case.

Mr. Murphy said that he's glad it came up. He asked if they are okay as far as being able to proceed but doing it with fewer people.

**5:45 PM** Mr. Lee said that, until tonight, the Cannabis Committee had only two members and they both had to be there in order to do any business.

Mr. Murphy said that we set it up as three members so that the two that were available were an active quorum. He added that he was going to move directly to this subject of committees, which is at the back end of your folders; that right now the current list has six of our boards in need of members and the total number of members needed is 24, reading all the positions open on the various boards and committees. He added that we can't run the Town, getting things done, without sufficient people.

**I. Department Head/Committee Reports**

**5:48 PM 1) Public Works: MDOL- Notice of Violations/Fine**

Mr. Murphy read the cover letter from the Department of Labor (DOL) regarding several safety violations as well as a \$3,500 fine, and that they were requesting a "penalty discussion".

Mr. Lee said that, late last year, they were doing some ditching and one, or more, of the employees felt unsafe in that situation, took a couple of photos, and reported it to the DOL, saying that they shouldn't be in this situation. He added that the DOL came down very shortly, thereafter, and spent a full two days here doing a full audit at Public Works and came up with quite a list; that the Public Works Director has been actively trying to correct these items, as you can see from the response that we submitted. He said that he believes we still have a couple of things to go and this has been posted in their work area, as was required to do, and we have called for a "penalty discussion"; that we have spoken to Mr. LaPlante up at the DOL and they will be setting up an opportunity for Mr. Moulton and him to go and have the discussion about the penalties. He explained that they often allow the use of potential fines to purchase needed replacement equipment, such as ladders; so, if they had to bring in a safety trainer, or something like that, they would often allow converting the fine into using it for

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purchasing needed equipment provided we demonstrate that it was used for that; that that may be what our “penalty discussion” might look like.

**5:50 PM** Mr. Murphy asked if the Select Board had to do anything with this or is it just information for us.

Mr. Lee said that this is primarily informational; that one of the things that Selectman McPherson pointed out was that this took months; that this is February and this took place back in September or October; that we kept waiting for this report, it finally came in, and he thought he would share it with the SB, as we should, and make it public; that we are obligated to post it. He reiterated that we have been trying to mitigate the things that they found. He explained that we did another facility audit down there, as a group, with Mr. Lance Lemieux (MMA risk management fellow with our insurance carrier) and we noted a couple other things that we want to repair or fix, such as a blocked exit that they are cleaning out. He added that the day we were there some cutting was taking place and the air was very bad in there; that we had carried forward \$8,000 from a previous budget when the Energy Commission, at the time, had to install an exhaust fan to have better air in there without losing all the heat; that we are going to be putting out an RFP on that with the \$8,000 we carried forward to see if we can also improve the air quality down there and not lose all the heat.

**5:52 PM** Mr. Murphy asked if the \$8,000 was going to be enough to cover it.

Mr. Lee said that we didn’t know; that the RFP will give us the pricing.

Mr. Murphy said that, if it doesn’t cover it then there might be an addition to the budget.

Mr. Lee said potentially; that we might use the CIP if the extra needed isn’t too much.

Mr. McPherson said that, first of all, he’s disappointed that Mr. Moulton is not here to be part of this discussion because he really wanted to ask him how this originated. He added that he realizes that there were interviews done and we don’t have any of the interview information; that he thought PW employees must have been interviewed but we don’t know what any of the questions were; that he doesn’t know, by looking at this document, what happened.

**5:53 PM** Mr. Lee said that, essentially, Ms. Tammy Gross (DOL) came in and spent two full days with Mr. Moulton.

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Mr. McPherson said that he was talking about the employees – how did it happen, where did it happen, where were the employees, where were they put into a situation where they felt unsafe; that he thought this started with OSHA.

Mr. Lee said that he didn't believe so; that he thinks it started with the DOL. He added that they had to open the ditch up to have a slope but they didn't have a ladder in it and that was part of the problem, explaining that he had cut the pavement such to slope it back but he didn't have a ladder in there so he was not going to fight the DOL on that; that if you cut it back you still need a ladder.

**5:54 PM** Mr. McPherson said that he would like to hear his side of the story, reiterating his disappointment that Mr. Moulton wasn't here. He asked if this was the only inspection that was done; that the DOL was the only one that did any inspection on any of this.

Mr. Lee said that he hadn't heard from OSHA, at all; that everything's been through the DOL.

Mr. McPherson said that Mr. Lee said earlier, and he wasn't sure at what meeting, that he was cited on some things and Mr. Moulton was cited on some things, asking if that was correct.

Mr. Lee clarified that there are two different entities in play, here, one is the DOL and one is the MMA risk management group; that what he did after we saw this type of safety stuff going on – the lack of training, etc. – he invited Mr. Lemieux from MMA down to look at our records as he felt that, before the DOL showed up to other departments, we ought to do our own in-house inspections and see where we're short. He said that, since that time, he's put out two different training requirements to different staff in his office (video display/hazardous communications); that there is one more he needs to get down that are due by the middle of March but it's not DOL stuff. He added that Mr. Lemieux named several things that he is in the process of cleaning up. He said that it wasn't OSHA and, for his part, we had MMA down to both look at the Town Hall and to look over at Public Works to see if we were missing anything and, indeed, we did find a couple of more things not only at Public Works but here. He explained that the DOL expects you to have a full-blown safety program that is every year re-training, etc. and we need to get to that standard, and we weren't there, and he doesn't have excuses.

**5:56 PM** Mr. Lytle asked if the DPW was the only department that was looked at.

Mr. Lee said yes; that the call-in was because of a ditching incidence so only Public Works was actually called in; however, that our newly-formed Safety Committee is planning to go building-by-building, facility-by-facility each month

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that we meet and we will hit all the other places – ECSD, the ‘red barn’, Fire Department, Police Department; that we should go through all of these to see if any of us could fall into this same DOL thing where we’re just not doing the required annual training, at a minimum, and then looking at the facilities to see if there are things like tripping hazards. He said that we have been learning from the MMA people about what to look for and we have several checklists that we used to look for any of the things we might get cited for. He added that we also have the option of having a ‘voluntary audit’, if we think we might have any issues, with the DOL that shows us any issues but doesn’t fine us.

**5:58 PM** Mr. Orestis asked Mr. Lee if, in his previous experience, has he done any of those audits with the DOL

Mr. Lee said that he has.

Mr. Orestis asked if that was something Mr. Lee would like to do, once these current things are corrected; that it seems that would make the most sense to do, rather than getting a fine every six years, have them in once every three years to give us an audit of what we’re doing right and wrong.

Mr. Lee agreed that that was his approach; that he is having MMA do a kind of pre-audit of what we might hear, clear up what we can, then bring in the DOL for the final audit to see what we’ve yet to correct, what they call the ‘voluntary audit.

**5:58 PM** Mr. Donhauser clarified that these are proposed penalties, that we haven’t been assessed any penalties.

Mr. Lee said no.

Mr. Donhauser asked if it was Mr. Lee’s position that we are going to accept the penalties, if imposed.

Mr. Lee said no, that the cover letter the Chairman read was his letter back to them discussing the three options – dispute the charge, which he isn’t because he thinks there was something valid there; eat the fine, which he isn’t going to do; that the third one is to discuss the penalties if these are repaired by the time we get up there to talk; that first, they will probably scratch them and, then, any remaining penalties, if there is any, they usually let you convert that into money to be put for good things – better training, better ladders, etc.

Mr. Donhauser said that, in Mr. Lee’s opinion, it will be unlikely that we will be assessed those penalties.

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- 6:00 PM** Mr. Lee agreed; that he's never actually paid a fine to the DOL but he has found they always find something because the standards of safety protection are very, very high.
- Mr. Murphy asked if we have some place in our budget for things like this.
- Mr. Lee said not really; that this would be, theoretically, a contingency-type item; that what he would probably do is to tell Mr. Moulton that the penalty comes first and something else will have to wait.
- 6:02 PM**     **2) CSD: Change of Pavilion Rental Fees**
- Mr. Lee said that our rates haven't gone up in a long time and, especially with the improvements down there, we felt it was time to increase those fees. He added that our ECSD Director reviewed a number of towns around here with similar types of recreational facilities and came up with recommendations, describing the choice of either a two-tiered resident/non-resident rate or a single rate; that she would like to begin these new rates on March 1<sup>st</sup> and have them in the brochure that comes out about this time of year. He said that, if the SB finds these increases reasonable, he would ask for their approval to amend the fees.
- 6:04 PM** Mr. Murphy asked if Mr. Lee wanted the SB to make the 'or' decision on the rates.
- Mr. Lee said yes.
- Mr. Murphy said that it seems to him that, in a sense, we are missing an opportunity but, in some cases, we can't differentiate between residents and non-residents in some of the use of the Boat Basin facility.
- 6:05 PM** Mr. Lee said no, not really; that there is an application process that they go through where each person has to indicate whether they are a resident or not. He added that he thought, the way he views it, this is not a Town facility, this is a State facility that we lease for a dollar; so, it is really a State resource. He added that he wasn't talking Frost Tuft's, as that is a Town park, but the Boat Basin is a State property that we have the luxury of having in our Town. He said that the real question is does the SB think there should be differentiated fees on residents and non-residents or is it a flat fee to use this facility, which happens to reside in Eliot. He added that he is of the latter persuasion, personally, although we do charge a little differently to launch; that we have resident, non-resident, and corporate.
- 6:06 PM** Mr. Murphy said that that launching is not part of the discussion tonight; that it's the pavilion and parking and restrooms that are of concern.

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Mr. Lee agreed.

Mr. Lentz said that he thinks the SB is going to be seeing more changes in fees; that he knows the Planning Department has put memos out to all the department heads to review their fees to see if they are fair, too high, too low; that he's seen one response come back, so far, but he thinks you'll see more changes.

Mr. Lee agreed; that we are looking at a lot of fees that haven't changed in a long time. He added that, in fact, our fees are right in our ordinances so you can't periodically increase any of your fees without going before the voters. He added that he thinks the plan is to take the fee schedule out of the ordinances to be able to adjust them from time-to-time without having to go to the voters just for this.

Mr. Lytle moved, second by Mr. Donhauser, that the Select Board adopt this fee increase to include resident and non-resident fees, as outlined in the memo.

**6:09 PM      DISCUSSION**

Mr. Orestis said that he thinks, at this point, towns around us are using the resident and non-resident rate; that to keep consistent with what we are doing with the launch, he feels makes the most sense to differentiate between the two; that that is typically what we see. He added that he remembers in that budget workshop that it's booked out past June.

Mr. Lee agreed, saying that it's booked out by people from out-of-town more than it is people in Town because it's such a bargain, really.

Mr. Orestis said that, with those rates, people who already go up there are going to be grandfathered in; that we're not going to charge them the new rate or what is the plan with that – as an example, if applications are already in.

**6:10 PM**      Mr. Lee said that, if applications are already in and they've already paid, he thinks we grandfather them; that if they've not put applications in as the effective date of this evening (March 1), then he would think no. He added that every June we rent this facility and it's always been 'this' much but this time it's going to be more.

Mr. Orestis asked if we should amend the motion to have the effective date March 1<sup>st</sup>.

Mr. Lytle moved to amend his motion to add "effective date March 1<sup>st</sup>. Mr. Donhauser seconded the amended motion.

**DISCUSSION ENDED**



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**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Murphy – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**J. Administrative Department**

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

Mr. McPherson asked if the Chidesters have been notified about you speaking with Mr. (John) Tuttle about the shooting range (Line 109).

Mr. Lee said that he doesn't think he got back to them about it; that he did speak with Mr. Tuttle and reported a couple of weeks ago the good news that they are planning to do some building and baffling. He added that he would get back to the Chidesters.

Mr. McPherson suggested a letter to explain what you have found and possibly dates, if you have any, of when they would attempt to do that.

Mr. Lee agreed.

Mr. Donhauser said that he was actually going to bring something up about that in Old Business, some pictures about how it's laid out, but it isn't related to Mr. Lee's report.

**6:13 PM a. Comcast Report**

Mr. Lee said that they are required, annually, to do a customer notice to franchisers; that they have submitted to the SB a copy of that annual notice received by Eliot customers in their bills during 2018. He suggested that, as we head towards having a new franchise (2021), the SB take a look at all the notices people have received that include the price changes, channels coming and going, etc. He added that he has had a number of calls from people at Baran Place that are quite upset with the new basic tier increase; that several have suggested the Town include a senior discount on basic packages in negotiations. He said that he thought that would be appropriate.

**6:15 PM 2) Job Description Reviews/Approval**

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Mr. Lee said that there were two elements to this; that, first of all, as the Chairman had reviewed the Personnel Policy, he had indicated that the SB wanted to retain the approval of all job descriptions; that he provided five, initially, and corrected those based on the feedback he got. He added that he has given them the next five to review and would like to have approval for the first five the SB has reviewed.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve the job descriptions prepared by the Town Manager for Administrative Assistant II, Animal Control Officer, Assistant Town Clerk, Administrative Assistant for the Chief of Police, and Assessor.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Murphy – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**6:19 PM      3) Dispatching Contract**

Mr. Lee discussed the history (anecdotal) of the dispatching agreement where both towns understood that Eliot was paying less than what they should be paying; that Kittery has gone through several managers and, at one time, tried to bring in Berwick and South Berwick to try to have a regional dispatch in the hopes of reducing all of our costs and that negotiation broke down; that Berwick and South Berwick didn't find that acceptable and went off to Sanford, he believes. He added that he thinks this manager has been asked by his board to try to get a fairer deal with the Town of Eliot, probably feeling like they are subsidizing us and, so, we sat down in meetings to discuss this. He said that Chief Moya senses that the new Kittery Chief is committed to improving dispatching; that he has said to the Kittery Town Manager (Kendra Amaral) that we are very disappointed in the quality of the dispatching up to this point. He explained that it's a little different for Fire than it is for Police, as any of the firefighters can tell you; that once they get the call that there's a problem, they go on their own and don't rely on dispatching a great deal, as they are pretty self-sufficient but, with the Police Department, we have one person on at a time a lot of the time and, if you get bad information or they hang up before you really want them to hang up and you're out there and don't really have a life line, it's been upsetting to some of the Police Officers. He explained that, as he told Ms. Amaral, the only

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comment he gets from any of our Police Officers when they leave and have an exit interview, is that the dispatching is poor and the reception is poor. He added that what Ms. Amaral is asking is that we enter into a three-year contract with increasing costs for dispatching each year over the three years until we come up to what they believe to be an equitable cost to us based on a bunch of data that they put together. He said that part of the reason she wants to do this is that there are three new things that are being required of dispatching; that one is emergency dispatch training that include specific protocols for medical, for police, and for fire; that each of these are going to require Kittery to make an investment to become certified, if you will, as an EFD, EMD, EPD dispatch center and it's got quite a cost attached to it, as you can see in the memo; that they want to break those up for us to ease us into those costs, as well, over three years. He said that his concern is that, after a year, if we go back and the quality of dispatch is not improved significantly, then he doesn't know if he wants to be with this particular dispatching outfit if they can't bring the quality of dispatching up. He added that we have been approached by the Town of York to go in with them; that they are our PSAP (public safety answering point) center so, when you dial 911, it's going over to York and York then forwards it to Kittery and they dispatch from there. He said that York would build in the \$18,000 PSAP fee to the contract and would take us on; that the downside to that is that there might be some technical stuff, like two-way communication equipment, so it wouldn't be a free move and would require some money and planning. He reiterated his concern for entering into a three-year contract without some sort of an opt-out, which is what he told Ms. Amaral because of the sense that Eliot is not being treated as equally important to Kittery with dispatching, at the end of each year after considering complaints, improvements, etc. and, if satisfied, we will continue with the three full years. He also said that, during that first year, we should do an investigation of what it would take to move, if forced to. He added that he doesn't want to move and told Ms. Amaral that; that he thinks our relationship with Kittery is good, we back each other up, etc., and that may get fractured if we get dispatch from somewhere else. He said that one of the ways he really believes we need to protect at least the Police Department is that we need to see the quality of dispatch really go up before he commits to three more years here.

**6:26 PM** Mr. Murphy said that presumably Mr. Lee has specific complaints that they can understand.

Mr. Lee said that we do; that we sat and had a good meeting about it and he thinks Ms. Amaral was a little surprised by what she heard; that he thinks she made a point of talking to the new Chief and new people in charge of dispatching – that this cannot go on or we are going to lose a customer, here. He added that he thinks they are taking it very seriously and, from what Chief Moya has said to him, he believes so, as well. He added, however, that intent and outcome are two different things.

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**6:27 PM** Mr. Orestis asked how have these conversations been going around the one-year opt-out or the three-year agreement with the Town options.

Mr. Lee said that he doesn't think it's what they want to see because they're probably afraid that they are giving us a deal in year one to ease us into it and it's kind of going to be looked at as a rebuke; that maybe they should have gone all the way to top dollar if we want a one-year opt-out and, for all he knows, that may be what they come back with; that this is a negotiation.

**6:28 PM** Mr. Lytle asked what our other options are; that you mentioned York.

Mr. Lee agreed that York might be an option, Sanford might be an option.

Chief Muzeroll said that California might be an option; that anybody that has an option to transmit great distances, whether it is through radio transmission or hard line, is certainly an option. He added that the disadvantage of going to California is that you lose historical knowledge and that's one of the reasons, and he supports Mr. Lee for thinking that, is if we can stay with Kittery, stay with Kittery. He added that, however, when it comes to the point where it's affecting public safety, the reluctance to do the right things to keep us as a customer and to listen to the customer, then it's time to go somewhere else.

Mr. Lytle asked if there was anybody with York.

Mr. Lee said that there are a number of people.

Mr. Lytle asked if he had heard any complaints.

Mr. Lee said no.

**6:29 PM** Mr. Orestis asked what the next step was in the process.

Mr. Lee said that following this evening's meeting, depending upon the feedback he gets from the SB, he would go back and say that any agreement that we want to sign is going to look like 'this'; that we will call it a three-year contract but you will have to recognize that at the end of year one you may lose us.

Mr. Orestis added if certain standards aren't met is the question.

Mr. Lee said that that is correct.

Mr. Orestis asked how much leg work Mr. Lee had put in to researching the cost associated with moving.

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Mr. Lee said that he knows that Chief Moya went and met with the York Police Chief and dispatching folks; that Chief Muzeroll went down, as well. He added that we've talked about the operational end of it but he doesn't think we have a good handle on what the IT technical components (costs) would be.

**6:30 PM** Chief Muzeroll said that it isn't that he has more of a handle but what was relayed to us when we had our initial meetings with York Dispatch did not necessarily pigeonhole Eliot, it was a group move; so, it would be Kittery PD and Fire and Eliot PD and Fire moving to York, not individually. He added that that was an easier thing to look at both from a software and hardware point of view; that their price was substantially more but they had quite a different dispatch center and they're already doing certain components, which Kittery is not charging us for, but we're paying York Dispatch to answer 911; that we're not asking Kittery to do that. He said that when you start to do a financial relationship for hardware – hardware is hardware, a radio cost is a radio cost – and it ends up being the difference you are going to get for service and what you're willing to pay for the service and what you're going to pay for the infrastructure and continue to pay for that infrastructure.

**6:31 PM** Mr. Lee said that those costs aren't really known and he thinks that's part of why we'd have to look into it more thoroughly if we ever did get serious about moving.

Mr. Orestis asked if we are getting serious.

Mr. Lee said that he wouldn't say that; that he would say that it is very fair to Kittery and very fair to Eliot, considering we've been talking about this the whole time he has been here, these dispatch issues; that they have not been resolved and, now, Ms. Amaral gets a crack at it with a new Police Chief and he thinks, as he suggested, we give them a year starting July 1 to June 30, 2020 and, if in that period of time we see some good improvements, then we stay with Kittery and extend the other two years on our contract, opt-in for the final two years.

**6:32 PM** Mr. Orestis said that he thinks we can live with that.

Mr. Murphy asked if we could go into any of the details of what is really wrong, asking if it is that they refuse to pick up when we call on our line there, are they slow about what they do or are there mistakes or are they insulting, do we wait hours for them to respond.

Mr. Lee said that he would rather not do that in a public setting; that it isn't that bad but minor things to some extent but very irritating and makes us feel like we're not really their top priority. He added that he wanted them to know that any

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officer out there in the field is a top priority and should be dealt with in the same way, with the same level of service and commitment.

**6:33 PM** Mr. Donhauser said that on the third page there is a cost assessment and there is a table under Attachment A that shows a capital cost in year one but the total cost always going up afterwards, never down.

Mr. Lee said that what he thinks they did was frontload year one so that might make it more palatable to them for us. He added that they have to get all this EMD, etc., stuff in year one; that it looks to him like they are putting in the \$13,645 in on year one and it then says "Future capital costs associated with the purchase of the Emergency Police Dispatch (EPD) module and additional training/certification requirements may be required if the State mandates implementation of EPD."; that if that happens, then "Capital costs will be apportioned to Eliot will be based on the average percentage of Calls to Service for the three years preceding the capital project." He clarified that the \$13,645 covers EMD and EFD implementation and that when EPD comes in, we will have to negotiate or it will follow a similar cost breakdown as what they did with the other two.

**6:35 PM** Mr. Donhauser said that his point is that the price never goes back down; that it starts at \$108,360, goes up by \$13,645 that pays for training, and he's fine with that, but it goes up every year and it seems we're paying for the training every year for all three years, asking if that was required.

Mr. Lee said that that's what they are proposing.

Mr. Donhauser said that they are rolling it into their operating costs as opposed to keeping it out as a capital cost.

Mr. Lee said that it looks that way to him, too.

Mr. Donhauser asked what we were paying in our current contract.

Mr. Lee said it was \$91,350 for 2018. He added that this is a pretty big jump. He said that he thinks the fairest thing to do is help them with these costs of getting into the EMD, EFD year one and then just have an opt-out; that if we haven't seen quality of dispatch rise up to what our expectations are (reasonably), then we have a right to opt out and find another agency.

**6:37 PM** Chief Muzeroll commented on the EMD/EFD dispatching portion of that, saying that that is in place already, that's been paid for. He added that he doesn't know if it requires further explanation from people in Kittery as to why we're paying for it, again, unless it's a software or contract issue; then, fine, annotate it as that.

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**February 14, 2019 5:30PM (continued)**

Mr. Lee said that he thinks they are looking for us to help reimburse on what they've already invested into those two modules.

Mr. Orestis asked if we could get clarification on that.

Mr. Lee agreed. He said that he thinks this may go on for several more months before we have to tie this thing down before July 1.

Mr. Murphy asked if Mr. Lee was doing all the negotiating or was he involving the Police Chief and Fire Chief.

**6:38 PM** Mr. Lee said that he involves the Fire Chief and Police Chief and Kittery, in turn, has the manager and her two top folks; that what we're trying to do is get the groundwork down for a contract that everyone can be in agreement with and to get strong feedback from this SB to bring to the negotiations. He added that we've been very clear in discussions regarding specific items with Kittery.

**6:39 PM** Mr. Murphy asked if the specific points could be part of the contract.

Mr. Lee said that that was a good point; that we might have to put on 3 or 4 specific items/standards that we will be grading against 60 days prior to the end of the first year of the contract; that we may have to get to something measurable but that is all still to be decided. He clarified that, tonight, he is just looking for a general view from the SB that they would like to stay with them all three years, it's a good deal, or, as he's suggested to Ms. Amaral, within that first year, we monitor the improvements to dispatch so there's no surprises; that there would be routine meetings between our senior public safety staff and their dispatching and public safety staff throughout the year.

Mr. Donhauser supported the opt-out option.

**6:42 PM** Mr. McPherson said that his is a personal side; that he thinks dealing with Kittery, when things are working, he thinks work extremely well; that we have a great relationship with their Fire Department and he'd like to see it work. He added that one question would be how long it would take, if we decided tomorrow that we were done with them, to dispatch out of a different facility.

Mr. Lee said that he thinks that is what we need to start researching right now because he doesn't have good answers for the SB on that. He added that, like Mr. McPherson, he hopes we can stay with Kittery but he does believe we need to know the costs and the timeframe of what it would take to actually make this happen. He said that that is part of his plan going forward.

**6:44 PM** Chief Muzeroll said that he wanted the SB to know what he's tasked somebody to do in parallel to what Mr. Lee is talking about for this one-year period. He

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explained that Deputy Chief Cullen is the lead dispatcher for the City of Portsmouth and Chief Muzeroll is tasking him to be the focal point for complaints from his department, as well as the PD, and assist him in going to these meetings with Kittery so he can talk a little more intelligently and come back to the body either through letter or through verbal discussion on where we want to go and make recommendations. He said that Deputy Chief Cullen has a lot of years under his belt and has a different perspective on how the bigger city and smaller city can be accommodating.

The SB agreed that Mr. Lee should go forward.

**6:45 PM      4) Senior Taxpayer Assistance Ordinance**

Mr. Lee discussed his idea. He said that, first of all, we have an Aging-in-Place Committee that is very active and, additionally, a number of towns in Maine have instituted an ordinance; that this example is from Yarmouth, called “Senior Tax Assistance Yarmouth (STAY)” and the purpose say, *“The purpose of this ordinance is to establish a Program to provide property tax assistance to persons 67 years of age and over who reside in the Town of Yarmouth. Under this Program, the Town of Yarmouth will provide refund payments to those individuals who maintain a homestead in the Town of Yarmouth and meet the criteria established by this Chapter.”*. He explained that there is some means testing in the ordinance, such as a cap and so forth; that this was just something he was asked to bring up because we are always thinking about how to help people with their taxes, especially seniors. He added that he brought this forward to see if there is any interest in working on this, whether we want to put a non-binding advisory question on the ballot regarding the opportunity to write an ordinance to provide the following “...” and would residents support that. He also added that, if the SB felt this would be a wonderful thing to do, they could instruct him to work with his staff to develop an ordinance that might be appropriate for the Town of Eliot, which would do the equivalent of what Yarmouth is doing for their residents. He said that he certainly felt it should be means-tested.

**6:47 PM**      Mr. Murphy said that he thought something shaped around Eliot would allow people to think more clearly than something we’re trying to translate from Yarmouth. He added that the words would be fairly similar and just as legal and, clearly, all of these just involve a person who can’t pay taxes on a house.

Mr. Lee agreed that it was a primary residence only.

**6:48 PM**      Mr. Orestis said that he’s always in favor of putting advisory questions on a ballot; that that way you don’t take all this time and energy into it and, then, have it drop off; that he would be in favor of putting a non-binding ballot question as



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soon as possible; that that way we'd be able to gauge public interest to see if we really want this, as a Town.

Mr. Lee said that anything like this is a tax shift; that other people will be subsidizing the refund checks and, so, he doesn't know how it would be received.

Mr. Orestis said that this is a question that comes up over and over again regarding taxes; that something he has thought about, moving to this Town, is the value of property in this Town and how dramatically it has increased over the past five years and what impact that could be having on the seniors in Town. He added that putting that question out there to the Town is a good thing.

Mr. Lee said that he noticed in the Aging-in-Place survey that taxes were not actually one of the biggest hindrances from people who responded to the survey; that, in fact, we have a very high level of tax collection here and it is like most people do not have much difficulty paying taxes other than very low-value homes. He added that he doesn't know if we are creating a solution to a problem that doesn't exist.

**6:50 PM** Mr. Murphy asked if we can know the approximate number of homesteads that could be involved.

Mr. Lee said that he didn't know, that we don't really ask people's age; that one thing we would have to do is determine who is the principal homeowner of all 3,200 homes in Town and what age they are; that he doesn't know that we could reasonably do that and he doesn't know that 67 is the right age; that if we go to 70, as an example, it changes everything. He added that he knows the Aging-in-Place (AIP) is interested in pursuing this; that the previous SB was, also, and so he has brought this to this SB's attention because it's still kind of out there of whether we should get into the weeds and try to figure out if we can do something to help our seniors or is it a solution looking for a problem.

**6:51 PM** Mr. Murphy said that his own feeling would be to look into it so we know what we're talking about.

Mr. Orestis said that he was in favor of looking into it, doing the research, and putting a non-binding advisory question on the ballot.

Mr. Donhauser asked if Mr. Lee had had any inquiries about it from people.

Mr. Lee said no; that this has been mostly initiated from the prior SB and, now, with the AIP in there we have a natural constituency that would like to see it happen.

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM (continued)**

The SB agreed that Mr. Lee would write a non-binding advisory question for the ballot.

**6:53 PM      5) Spirit of America Nominees**

Mr. Lee said that we have three different people and thinks they should all get the award but we can only nominate one. He read all the nomination letters sent in for Mr. Roland Fernald, Mr. Ed Henningsen, and Ms. Megan Weeks-Zotara and said that the number of nomination letters for Ms. Weeks-Zotara were overwhelming

Mr. Orestis moved, second by Mr. Lytle, that the Select Board nominate Megan Weeks-Zotara for the Maine Spirit of America Award, a resident of Eliot.

**DISCUSSION**

Mr. Orestis asked if there was some way we could recognize this is the building and, year after year, keep track.

Mr. Lee agreed that that was a good idea.

Mr. Murphy said that may be something the organization would do.

Mr. Lee said that he would find out more about that.

**DISCUSSION ENDED**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Murphy – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

Mr. Orestis said that he wanted to recognize all the nominees and thank them for all they've done for the Town.

**6:59 PM      At this time, a recess was called pending the Public Hearing for 207 Tavern.**

**7:03 PM      The meeting was called back to order and the Public Hearing opened.**

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM (continued)**

**F. Public Hearing – 207 Tavern – Liquor License Renewal & Special Amusement Permit at 7:00 PM**

Mr. Scott DeHetre was present for this public hearing.

Mr. Lee said that the paperwork was complete, that it was noticed, and no comments were received by staff, Fire or Police.

There was no public comment.

**7:05 PM Public Hearing closed.**

Mr. Orestis moved, second by Mr. Lytle, that the Select Board approve the renewal of the Liquor License and Special Amusement Permit for 207 Tavern.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Murphy – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

At this time, the SB signed the pertinent documents.

**7:09 PM 6) Sale of Old Police Cruiser – Bids (open at meeting)**

Mr. Lee opened the five bids –Asian Auto Service, 21 Danville Road, Plaistow, NH for the 2009 Dodge Charger at \$832.12 and the 2010 Dodge Charger at \$832.12; William Calloway for the 2010 Dodge Charger at \$657.97; David Perry, Eliot, Maine for the 2009 Dodge Charger at \$553; David Perry for the 2010 Dodge Charger at \$553; East Coast Classics Sales, York, Maine for the 2009 Dodge Charger at \$776.50 and the 2010 Dodge Charger at \$712.50.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve the sealed bid of Asian Auto Service for the 2009 Dodge Charger in the amount of \$832.12 and for the 2010 Dodge Charger in the amount of \$832.12.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM (continued)**

**Mr. Murphy – Yes**  
**Mr. Orestis – Yes**  
**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**7:14 PM      7) Bond Application Update – No Correspondence**

Mr. Lee said that we were authorized for up to \$185,000 for the HVAC Project and LED Streetlight Project. He added that the HVAC Project came in at about \$4,000 - \$5,000 over but the LED Streetlights came in at about \$35,000 lower than anticipated. He said that, because each bond was separately listed with its own price tag, the \$110,000 for HVAC is all that he can submit for the bond; so, if there was any overage, and there was, he will have to find that elsewhere; that the LED Streetlights came in significantly less and, all total, he thinks we ended up borrowing \$156,000 as opposed to \$185,000. He added that we did do a change-order thinking we would be able to bond putting in an AC unit in the server room (\$5,000+/-) but will have to figure out, probably through the use of some of the generator money we aren't spending for the generator; that he thinks we're going to be okay from a CIP standpoint. He said that we did get the bond application in on time and it was accepted.

**7:16 PM      8) Approve Warrants**

Mr. Murphy moved, second by Mr. Donhauser, that the Select Board approve A/P Warrant #70 in the amount of \$376,418.13, dated January 18, 2019; A/P Warrant #74 in the amount of \$167,592.93, dated February 5, 2019.

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**K.      New Business:**

There was no new business.

**L.      Old Business:**

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM (continued)**

**7:17 PM** Mr. Orestis asked if there was an update on Streetlight Project.

Mr. Lee said that he just saw an email and believes they will be completely done by tomorrow; that it took about one week and they had to respond to the Wednesday storm, too, but they've done a nice, efficient job getting these up. He added that we've only had one call that said there was a little bit of glow in their back yard and that is being looked into.

**7:18 PM** Mr. Donhauser passed out some photos of the Rollingwood Development, explaining what they showed. He added that the purpose was that he has been getting repeated, and often, complaints about the rapid-fire shooting by the Maine gun club and it seems like it happens every week on Sunday; that often times it just goes on and on. He said that, in the photos, the one that shows the total circle is the development and the second one is a close-up, with a white line showing where the gravel pit is where the shooting is occurring, and there are four houses within close proximity to that gravel pit. He said that there seems to be no mitigation and they are preventing the residents of Rollingwood and the surrounding community from enjoying their homes. He added that he doesn't now if we have the power to do it but something has to be done about reducing the amount of shooting in that gravel pit.

**7:21 PM** Mr. Lee said that, if it would be the SB's desire, he could reach out to the attorney to see what could be done.

Mr. Orestis said that Mr. Lee earlier mentioned plans for sound mitigation and asked if he had any more details on that.

Mr. Lee said no; that what he learned from Mr. Tuttle was that they have the resources to do some construction of walls that will baffle the sound this coming spring/early summer; that they don't need donations from the neighbors; that there were still one or two people they are trying to catch who will jump the fence at late hours.

**7:23 PM** Mr. Orestis asked if Mr. Tuttle would want to come in and tell us something like that before we write a letter or pursue legal action.

Mr. Lee said that he could see if Mr. Tuttle would like to come in on March 28<sup>th</sup> and discuss plans going forward.

**7:24 PM** Mr. Orestis said that it seems to him that Mr. Tuttle is willing to take the steps necessary; that even though it's been awhile since this happened, we heard about it, he felt, when he first came on the Board in June and then it kind of disappeared over the summer. He added that it seems like, in previous discussion, that the leaves on the trees in summer tends to help a little bit but it seems that he's

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM (continued)**

willing to at least take the steps; that before we write a letter or get legal opinion, he would really like to see if he'd be willing to come in and have a conversation to explain what he's trying to do.

**7:25 PM** Mr. Lee said that he thought that was a fair approach.

Several members agreed.

Mr. McPherson also agreed, suggesting that, maybe, Mr. Tuttle could go up by Mr. Donhauser's house and have somebody down in that pit so that he can hear it himself; that if they are in the pit shooting, they probably don't realize the noise. He added that it might be that simple to actually hear how loud it is that far away. He also added that, if they're willing to make an attempt to do something, he thinks we should give them at least a chance to make that attempt.

Mr. Lee agreed, suggesting he invite Mr. Tuttle for March 28<sup>th</sup> and put him at the top of the agenda.

The SB agreed.

**M. Selectmen's Report:**

There were no Selectmen's reports tonight.

**N. Executive Session**

**7:27 PM** Mr. Murphy moved, second by Mr. Orestis, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405(F) Tax Abatement.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Murphy – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**7:36 PM** **Out of executive session**

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board abate the taxes for the account #2019-4 in the amount of \$1,966.31 for the years 2013 and 2014 as being uncollectable.

**SELECT BOARD MEETING**  
**February 14, 2019 5:30PM (continued)**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**O. Adjourn**

There was a motion and second to adjourn the meeting at 7:37 PM.

**VOTE**

**5-0**

**Motion approved**

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S/ Richard Donhauser, Secretary**

**Date approved: April 25, 2019**