

SELECT BOARD MEETING

March 24, 2022 5:30PM

Town Hall/Hybrid

Quorum noted

5:30 PM: Meeting called to order by Vice-Chairperson Widi.

A. Roll Call: Mr. Donhauser (Zoom), Mr. McPherson, Mr. Widi, and Ms. Dow.

Note: Vice Chair Widi is Acting Chair for tonight's meeting as Mr. Donhauser (Chair) is on Zoom this evening.

B. Pledge of Allegiance recited

C. Public Comment:

5:31 PM Mr. (James) Parent, Pheasant Lane, said that there are at least 22 out of 42 homes, 52% of the homes located in The Village at Great Brook, that have not been fully completed by the developer and the builder to-date. Some of the residents date back over five years. The detailed concerns of the residents of the community are identified in this document and a petition is floating around our neighborhood right now that allow over 40 names on there, at least, submitted to the Town. This memorandum is provided to document and identified the numerous concerns, as well as other major issues that have not been resolved. This includes a lack of a fully-functional sewer system, poor community-wide roadways and driveways, swales that haven't been maintained or repaired, and holding ponds throughout the community that are not maintained and repaired by the developer and the builder. The builder and the developer continue to receive permits from the Town of Eliot while the occupant's concerns have not been remedied. The current plan for The Village at Great Brook, as amended and signed by the Eliot Planning Board on April 11, 2007, should be followed. The approved plan should not be updated by the Planning Board for just the first three phases of the plan but a full review should be completed to include all six phases identified in the approved plan to support the residents located at The Village at Great Brook. The reason I say that is that the residents there, when they first had their homes, the plan on the table was for six phases and 90 homes. The developers and builders have only put in 42 homes at this time. So, we want the Town to follow the plan and not revise it. The current developer is trying to sell off the property adjacent to us and trying to have the plan revised to only include three phases. I just wanted to get this on the record and I can pass this on to the notes keeper.

Mr. Widi said that you said current developers so the one who started this is a different developer.

Mr. Parent said yes. I'm fairly new to Eliot, having been here for only a year. When I purchased the home, the plans I was given were for six phases. The

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developers and builders have changed hands since the Planning Board established it and I think they've been building, mainly, for six years now. I know there's residents that have been in that community for over six years. He thanked the SB for their time and submitted his documents.

D. Approval of Minutes of Previous Meeting(s)

There were no minutes approved.

E. Department Head/Committee Reports

5:34 PM 1. Town Manager's Report

Mr. Sullivan said that it's fairly self-explanatory. King information starts on April 28th as we are putting a **new record-retention system** into the Town Hall. I was able to attend the **Law Enforcement Wellness and Resiliency Forum** that the Eliot Police hosted. There were police departments from Boston to Bangor there. It was at The Regatta and they really shined the light on the great work that Chief Moya and his department are doing, particularly in the area of mental health and the issues surrounding that. So, we're excited about that. A week later I was at the opening of **Reform Physical Therapy**, a new physical therapy facility at Eliot Commons. I talked a little bit in my report our task force to try and address some of the properties that, every spring, pop up and are in disrepair and how we can address those. All the departments that are tied to that issue have been meeting every other week and we'll be meeting again next week to talk about the progress we've made. I will answer any questions.

5:36 PM 2. Planner's Report

Mr. Brubaker shared his powerpoint on the screen, saying that we are doing ordinance amendments for June. 'This' is the background and I think you should all have motion templates provided by the Town Manager for each of these ordinance amendments for your recommendation for the June ballot. I would just say that implicit in these motions would be Town staff being able to make minor formatting changes that don't substantially affect the content. I think there may be some footnotes to clean up but they are pretty much in final form right now. All these ordinance amendments are generated by the PB and recommended by the PB. The PB did conduct a public hearing on March 15th and I want to recognize Carmela Brain, our PB Chair, is here. They did a ton of work on all of these and I want to thank them all. On March 15th they did recommend each one with a 4-0 vote; that there was one member with an approved absence. Legal review has been completed for these and, as you know, most ordinance amendments are effective 7 days after the election, if approved by voters. In this case, there are no

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special effective dates except that any changes to Chapter 44 Shoreland Zoning needs to be approved by the DEP before they go into effect. So, we will certainly have that Chapter 44 review. The four ordinance amendments are ‘site plan contents’, ‘signs’ along Route 236, ‘marijuana performance standards’, and ‘solar energy systems’. There is also the annual ‘growth permit’ warrant article. I don’t know if there’s any particular ones you want to start with. I realize the motion templates you have are in a certain order and I’d be happy to go in any order you want. But I think what I want to do is pretty quickly go through the first three and then spend a few more minutes on ‘solar energy systems’.

Mr. Sullivan said, just to make it probably easier for the viewers too, Article 25, because this will be cascading into what we see at the election, would be the first one in the series of planning changes and that is related to ‘solar energy systems’ – changes to Chapter 1: General Provisions, Chapter 33: Planning and Development; Chapter 44: Shoreland Zoning; Chapter 45: Zoning related to solar energy systems, if that helps.

Mr. Brubaker said that we can start right there.

Mr. Widi said that, based on correspondence we had, I’ll probably do the longest. So, I guess I’ll start with that one.

The SB agreed.

Article #25: Solar Energy Systems

Mr. Brubaker said that, again, I want to thank the PB. A lot of different resources out there that helped inform this, including the Maine Audubon Model Ordinance, resident Gene Wypyski also provided some great input, the Conservation Commission had some good input, and as you know from October 2021 you heard from Representative Meyer and, at that point, we talked about moving ahead with these ordinance amendments. It was definitely a community effort from a lot of folks. At its heart, this creates use-specific standards for **solar energy systems**. It modifies and creates new solar energy system definitions in our code and it modifies the definition of ‘public utility’ to sync with the State law definition. It creates two sizes of solar energy systems. The SES-SR, which is a small, ground-mounted system, that can be up to 1/3 of an acre in size or a roof-mounted system of any size. Then, it creates an SES-LG, which is a larger-scale, ground-mounted system. The SES-SR is a ‘by right’ use in all zones and all Shoreland zones. That’s similar to today’s code in regard to what’s called a solar energy system. They are just subject to basic code requirements, building, electrical, building, and so forth. They are reviewed by the Code Enforcement Officer. SES-LGs, the larger-scale, ground-mounted systems are allowable in the

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Rural, Suburban, and Commercial/Industrial Zoning Districts and prohibited in the Village District, as well as prohibited in all Shoreland Zones. They are subject to comprehensive performance standards under this ordinance and new site plan content requirements and a site plan review fee of \$500. There are a lot of new site plan requirements for these larger, ground-mounted systems, including a decommissioning plan and something generally required by the State, already, but we wanted to use it as well. A financial guarantee, also required by the State, that gives the Town the option to be an additional obligee in that financial assurance. It requires a comprehensive bunch of environmental information on site plan review applications, including endangered and threatened species of concern habitats. Vernal pools within 250 feet of the property, wetlands that have to be delineated within the past five years (Conservation Commission emphasized), archeological and historical resources, provide the PB with summary of their status with DEP permits, identify prime farmland and soils of State-wide importance on their site plan as well as conduct an environmental assessment and alternative analysis to show how they selected the site and how they are avoiding and minimizing environmental impacts. There is an exemption from all of this information if you have a system that is at least 90% on an existing impervious surface, like a parking lot or on a brownfield site. You also are required to provide the location of any power lines as well as your status with the grid operator, CMP, first and do your study with them. You are also required to submit and operations & maintenance plan as well as an emergency response plan with Fire Department review.

Mr. Sullivan said that a question came in today regarding the archeological and historical information going to the State but with these sites, the local Eliot Historical Society would be able to weigh in as well.

Mr. Brubaker said correct. This ordinance amendment would require that historical information be provided at the site plan review and will require sign-off by the Maine Historic Preservation Commission. The Eliot Historical Society has the option to participate on site plan review and provide information to the PB, including at a public hearing. We have that with any site plan review project, where any group, including the Historical Society, is welcome to provide that information to the PB. He discussed performance standards applicable to large, ground-mounted systems. First of all, they require electric code compliance for all systems, which is in the code today. There is a comprehensive set of standards for the larger systems: visual screening, 50+ feet of vegetative buffer from residential uses and roads, fencing that is compliant with the electric code as well as allows for small/large animals passage, limitations on clearing/removal of mature trees and removal of prime agricultural soil, wetlands are to be avoided or minimized (alterations), protections for significant vernal pools, threatened species, species of concern and, with some exceptions, a prohibition on larger-scale, solar energy

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systems in focus areas of State-wide ecological significance. There is a requirement for ecological site maintenance so you have to plant native, pollinator-friendly plants, minimize mowing, and no use of chemicals for snow removal, no fertilizers or pesticides. Maine Historical Preservation sign-off, overhead power lines avoided to the extent possible, need to have signage on-site for emergency contacts, fire safety requirements, and there are requirements that all large-scale systems properly decommission and remove the project when it has largely ceased to operate or at the end of its useful life. That is my summary of this ordinance amendment.

Ms. Dow said that I wonder if adding the Eliot Historical Society in that final line would be detrimental. Why would we, or would we not, want to put them in that line.

Mr. Brubaker said that I fully respect and understand Ms. Adams' concern here. Again, I would just echo that they would have the chance to be an active participant in conveying any historical information to the PB while it reviews. I'm also hesitant to place non-profit organizations in a regulatory capacity in our code. Whereas the Maine Historic Preservation Commission is already a State agency. I try to go to their meetings and I greatly respect the Eliot Historical Society and all that they do. I would certainly hope that they would participate in any reviews where they feel the historical resources might be affected.

Mr. Widi said that the process is that the site is sent to the State Historical Preservation Commission to review. Would they then reach down to the Town level to ask the Eliot Historical Society (EHS) or do they make a determination based on information they have. I think that's the crux of Ms. Adams issue, that something could go through and the EHS would never hear about it. How do we make sure they are notified.

Mr. Brubaker said that I will commit to making sure they are notified for any site where I feel that there might be some historic resources affected.

Ms. Braun said that that is what we did with the Conservation Commission (CC). We notify them that there is a site they should be looking at and it's pretty much been working as far as I can tell.

Mr. Sullivan suggested that the PB might accept it as a PB policy.

Ms. Braun said that I don't see an issue with that.

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Mr. Donhauser said that, with respect to the assurance when a large solar array is no longer functioning, what is the assurance monetarily that they will remove it and, with the \$500 fee, is that annual or just a one-time fee.

Mr. Brubaker said that the fee is a one-time fee to help recover costs of site plan review. The financial assurance is required by the DEP for larger-scale solar energy systems. They are already going to the State DEP to submit their decommissioning plan as well as a financial guarantee (required); that the DEP lists a number of different types but most would do a surety bond. The language in this ordinance gives the Town the option to be an additional obligee on that surety bond. So presumably, if there was a problem with decommissioning, we would be able to make a claim against that surety bond. By giving the Town the option, if there's a reason the Town shouldn't be on the surety bond, it's the Town's choice whether to be on that bond or not, but it would at least empower the Town to be a part of that financial guarantee, like a surety bond. The DEP has decommissioning requirements, too, and I believe there's something in the DEP's requirements stating that the financial guarantee does get updated after a certain time so you are keeping up with inflation somewhat.

Mr. Donhauser asked what is the standard life of a large solar array.

Mr. Brubaker said I'm not sure but my ballpark guess would be 20 to 30 years.

Ms. Dow said that I liked hearing about all the guidelines for the environmental concerns. Did you guys find those suggestions from other projects or towns.

Ms. Braun said that most of them came from Audubon and also from just listening to the public as to what their concerns were. Vernal pools were a big, big concern and we wanted to protect everyone – the Town and the residents and the environmental aspects. We tried to be as inclusive as we could.

Mr. Brubaker said that I would also like to give a shout-out to Maine Inland Fisheries and Wildlife as well as the Maine Department of Agriculture because both of those agencies put out documents. As I had those documents in front of me, I was literally plucking language out of them and putting them in this amendment.

Ms. Dow said that I know there are concerns from residents about the inverter placement and noise. Can you talk about that.

Mr. Brubaker said that every site plan review does need to address noise. So, the PB is empowered to apply the existing Town code standard to that site plan. If there is a concern expressed by abutters or PB members or anybody reviewing the

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project that the inverter or transformer could create a noise that isn't in compliance with that existing section, the PB could ask the applicant to change the location of the inverter or do something else to mitigate the noise. It is a legitimate concern. I just think it's covered by our current noise standard.

Mr. Widi said that Ms. Layman feels that the buffer should be 100 feet and I think I saw the PB thought going 50 feet was sufficient.

Mr. Brubaker said correct.

Mr. Widi said that I'm not inclined to change that if the PB agrees on that.

The SB agreed.

Mr. Widi said that the battery storage, transmission line, and noise is kind of looped into Ms. Dow's question.

Ms. Dow said that I don't understand the battery storage.

Ms. (Melissa) Layman said that some larger solar installations actually have dozens to even 100 batteries on-site. I don't know if that would ever be proposed for an installation in Eliot but I wanted to mention it because many of the projects I have researched actually had on-site battery storage. If there are fires, that causes much more of a hazard.

Mr. Widi asked Mr. Brubaker if that was a primary DEP issue.

Mr. Brubaker said that I do think that would be addressed by a number of existing or proposed standards. Again, any system will be required to meet national electrical code. I admit to not knowing that code very well but I assume that there are some standards for battery storage. In addition, we have some performance standards in Chapter 45 regarding limitations on hazardous materials and explosive materials. So, if there is a concern about a battery bank on-site, I think that is a concern that can be addressed either by the PB under those existing standards or by the national electrical code.

Mr. Widi thanked Ms. Layman for writing. It's always good to get correspondence that lets us know what people think out there because it can be an echo chamber in the building sometimes. I have one concern. Concerning the Shoreland Zone part of it, Limited Commercial was just a straight up 'no'. My personal thought was that it should be a site plan review (SPR) we could leave to the PB for the purpose of...there's a lot of great lands in the Commercial Zone that is not particularly scenic and the dirty little secret is that the marijuana

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businesses are not green. They still use high pressure sodium lightbulbs that use 2000 watts in order to get plants to flower, etc. and they are consuming massive amounts of power. As a community, I think we should try to plan a little bit better about off-setting the consumption in our Town. We are currently seeing that energy prices can be all over the place and the only secure energy is that that you have in your own community. So, my personal preference is if we have a little bit of flexibility and leave it up to the PB's discretion. I will give you one sample of property that I briefly looked at. If you go down Passamaquoddy Lane (right behind Dollar General), on the right-hand side there is probably an acre or two of really good, usable land but then there's a fairly large section that is Limited Commercial and if you kind of get your feet out there, I don't want to say it's not significant but it could serve a better purpose. We have other spaces in Town that are green spaces but I don't necessarily think the Commercial Zone is a great green space area when we could be doing things to produce power. So, that was my only suggested change. I don't know if that made any sense to anyone else. I know you said that any change to Shoreland would have to be approved by the DEP.

Mr. Brubaker said yes. I think it's a great suggestion. I have one option for property owners who have a lot of that Limited Commercial on their property. They still could do that small-scale system.

Mr. Widi said that that is like a third of an acre.

Mr. Brubaker said yes. They do have to meet some additional lot coverage standards in the Limited Commercial Zone if they are able to have to have a building or have an existing building, they could do a rooftop plus a small-scale ground mounted.

Mr. Widi said that my only thought as I was reading Ms. Layman's concerns and thinking if you had an area where you just didn't have the noise issue or those other concerns, I think we should just make a little more adjustment in the Commercial Zone because that's really what it's for. It's not a deal-breaker for me but I would just ask that we amend the Limited Commercial Zone to be SPR and the PB could still use their discretion to decide if it's appropriate. That would not be a difficult change to make.

Mr. Sullivan said that the Town Clerk briefed me on any changes suggested tonight. It is a concern that any amendments made would have to go to the PB, be reviewed by the PB, sent back here, and we'd probably be required to call a special meeting. Regarding the things we discussed today, if this is put into place, you can always amend it for November, or later, to expand it.

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Mr. Widi said that I will go along with this. Her asked if Mr. Brubaker would give his word that he will present it to the PB and make a full effort behind making that an amendment piece.

Mr. Brubaker said that I give you my word only if Ms. Braun reminds me.

Ms. Braun said that all we have are tools in the toolbox to appropriately review and currently we do not have the tools.

Mr. Widi said that I understand. I don't want to hold the whole thing up. I just look at this and think this is something we could just fix right now. Regarding the timing stuff, not that anybody's to blame but I wish we'd gotten this earlier so we didn't have this issue; that it's the way it's been for years. For somebody like me, at my personal business, who can make a change like 'that', it can be frustrating.

6:05 PM Mr. Widi moved, second by Ms. Dow, that the Select Board endorse the Planning Board amendments to General Provisions Chapter 33, 44, and 45 as presented, so as to be placed on the June 14, 2022 Warrant as Article #25 to be considered by the voters of Eliot.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow - Yes

Unanimous vote to approve motion.

6:06 PM Article #26 Marijuana

Mr. Sullivan said that this is a proposed amendment to Chapter 11 Marijuana Establishments, Chapter 33 Planning and Development, and Chapter 45 Zoning related to licensing and performance standards for marijuana use.

Mr. Brubaker said that this one adds to the **existing marijuana performance standards**. It requires a wastewater plan and wastewater disposal compliance for cultivation and manufacturing uses. It removes the option to seek relaxation of the 500-foot rule – the separation and buffering rule of certain marijuana uses to sensitive uses. It requires a traffic impact assessment (TIA) for adult use marijuana stores and increases the parking requirement for adult use marijuana retail stores from one per 150 square feet to one per 100 square feet. It rewrites the odor management standard into a new subsection §33-190(14) with additional

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odor management requirements. It incorporates odor management complaints into annual license renewal, including odor management information that would be put onto notices sent to abutters for the public hearings that come before you for license renewal. It allows for omission of certain documents in license renewal applications if the applicant attests that that info is unchanged from the previous application and is still valid; that that would allow for a reduction in paperwork and reduction in staff time to review if that paperwork is the same. With that, I would be happy to answer any questions.

6:07 PM Ms. Dow asked what prompted you to think about wastewater.

Mr. Brubaker said that I just heard on the news that there were certain issues with wastewater in marijuana uses. This doesn't really create a new standard because the State already requires them to have a wastewater disposal plan, it just duplicates the standard for the Town so that when the PB reviews the PB can also see that wastewater disposal plan. I also think that, as we move forward with the water and sewer project on Route 236, we're going to start seeing some of these uses potentially connect to the sewer system and I think it would behoove us to have a closer look at what will be entering the shared sewer system.

Mr. Widi talked about the process in growing can leave excess nitrogen and phosphorus and potassium that are going to cause issues. It's the economics of farming that it's not always clean.

Ms. Dow asked if that can be extracted from the wastewater.

Mr. Widi said that they do have carbon filters.

Mr. McPherson said that I don't see anything about parking in that. There are serious issues with parking on Route 236; that there is parking on both sides of the road at times with the retail stores. Very important and I hope that corrects that.

Mr. Widi said that, with the removing of the 500-foot variance, I'm assuming that's because the potential companies were just flooding the PB and BOA with requests for that.

Mr. Brubaker said that that was a review comment by the PB.

Ms. Braun said that there is absolutely no reason to waive 500 feet for any marijuana uses. So that was my personal view. Why should we waive it in one circumstance and not in another. So, we wanted to be consistent that it is not going to be waived.

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Mr. Widi agreed, saying that it would be a big time-saver for everybody.

6:10 PM **Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board endorse the Planning Board Amendments to Chapters 11, 33, and 45, as presented, so as to be placed on the June 14, 2022 Warrant as Article #26 to be considered by the voters of Eliot.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow - Yes

Unanimous vote to approve motion.

6:11 PM **Article #27 Signs**

Mr. Sullivan said that this was a proposed amendment to Chapter 45 Zoning related to placement standards for signs and making minor formatting corrections.

Mr. Brubaker said that this changes language regarding **front lot line setbacks for signs on Route 236**. Currently, the language could be interpreted as requiring an 8-foot front lot line setback. We do have a lot of signs that are simply not 8 feet back from the front lot line but we also have some unpermitted signs out there. This new language tries to clarify that. Basically, it implicitly removes that 8-foot setback requirement so that signs do not need to be setback 8 feet but they do still need to be out of the ROW. If they are non-breakaway signs, signs that are anchored by concrete in the ground, where we are talking about avoiding motor vehicle collisions, they need to be out of the ROW and at least 20 feet from the edge of pavement. There is an exception for an engineering justification. That tries to respect ‘clear zone’ standards. Then, it does allow certain unpermitted signs that are closer than 8 feet from the front lot line a one-year period to receive an after-the-fact permit without being moved as long as there’s no other reason that they are a risk to public safety. If unpermitted and it might be a crash hazard or blocking site distance, those signs would need to be removed. If the only thing wrong with your unpermitted sign is that it is currently less than 8 feet from the front lot line, you would have the opportunity to go to the CEO, get an after-the-fact permit (double the fee), then you could keep your sign. The reason is that it didn’t make sense to have an 8-foot setback from the front lot line because a lot of these signs are pretty far set back from the pavement. As long as they are on the

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property line is what we're trying to go for. It also makes some minor formatting and footnote numbering corrections, as some sections were a little off.

Mr. McPherson asked what the ordinance says as far as these lots being numbered for police and fire. I can tell you sometimes it's a bear going out there, especially at night, and with all the companies hoping to come in, they should all be clearly numbered, in my opinion, so we can find them.

Mr. Brubaker said that I'm not the best person to answer that. Our Fire Chief or CEO would be better able to opine on that. I just wanted to clarify that last bullet point that the numbering correction is related to the footnotes. If there is interest in a future code amendment to clarify that I would be glad to work with whoever would want to do that.

6:16 PM Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board endorse the Planning Board Amendments to Chapter 45, as presented, so as to be placed on the June 14, 2022 Warrant as Article #27 to be considered by the voters of Eliot.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow - Yes

Unanimous vote to approve motion.

Mr. Sullivan said that address numbers are a requirement of the State E911. The CEO assigns them through some standards from the State statute.

6:17 PM Article #28 Site Plan Review

Mr. Sullivan said that this was a proposal to Chapter 33 Planning and Development related to **site plan review content requirements**.

Mr. Brubaker said that this changes the 'affidavit of ownership' section to 'right, title, and interest'. That is the section that requires that applicants prove they have standing to develop as approved by the PB; that they own the property or have a contract to purchase the property or have a lease. It also adds a requirement that applications include elevation drawings of proposed buildings so the PB can see what the buildings will actually look like (dimensions/architectural features). So, a basic aesthetic review.

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Mr. Widi asked, if someone is just adding onto their garage, sketch something up, and say 20 feet tall and showing some features, is that sufficient. They don't need to spend money unnecessarily to pay a professional to draw something up.

Mr. Brubaker said that this is neutral. This doesn't require that there needs to be an engineered drawing. A lot of residential projects won't even go to the PB unless it's in the Shoreland. Subdivisions, yes, but not single, residential homes.

6:19 PM Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board endorse the Planning Board Amendments to Chapter 33, as presented, so as to be placed on the June 14, 2022 Warrant as Article #28 to be considered by the voters of Eliot.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow - Yes

Unanimous vote to approve motion.

6:20 PM Article #29 Growth Permits

Mr. Sullivan said that Article #29 is to increase growth permits for 2023 to twenty-eight (28).

Ms. Dow asked how many we had last year.

Mr. Brubaker said 27. This continues the practice from previous planners. So, the backup is the number of single-family units only and, then, we upped the number to 28, which includes elderly housing. I don't know what the genesis of that calculation was but I just continued it from previous planners. AUDs have their own limit but don't count towards this number. If you tear down an existing house and build new, that doesn't count, either.

Ms. Dow asked how developers were counted in subdivisions.

Mr. Brubaker said each unit counts as one growth permit.

Ms. Dow asked if subdivisions can take all the growth permits. How does that work.

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Mr. Brubaker said that I think they were under the cap because the project is built up over time. A chunk in each year.

Ms. Dow asked if people are denied permits because they have all been used in a year.

Ms. Lemire said that, as long as the ordinance hasn't changed, half of them are for single-family and half for subdivision. So, subdivision can't take all of them and neither can single-family. I don't think the Growth Ordinance has been changed.

Mr. Brubaker said that it could be. I can't speak to that specific language but I'm pretty sure it's in Chapter 29. I believe that, for most years, permits requested have been under the cap.

6:22 PM Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board endorse the Planning Board recommendation to set the residential growth permit maximum for 2023 at twenty-eight (28) so as to be placed on the June 14, 2022 Warrant as Article #29 to be considered by the voters of Eliot.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow - Yes

Unanimous vote to approve motion.

6:23 PM 3. Clerk's Report

Mr. Sullivan said that this ordinance is enacted pursuant to 36 M.R.S.A. §1483-A, which expressly authorizes an ordinance to allow active-duty military personnel's vehicle excise tax to be exempt during their service. They have to be active duty outside of the State of Maine, a State rule. The Town Clerk met with some veterans' groups that were recommending this. We looked at it and she determined that the effect on revenue would be minimal, less than \$5,000/year.

Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board endorse the Town Clerk's recommendation to place an Active-Duty Excise Tax Exemption pursuant to 36 M.R.S.A. §1483-A, so as to be placed on the June 14, 2022 Warrant as Article #30 to be considered by the voters of Eliot.

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Roll Call Vote:

Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow - Yes

Unanimous vote to approve motion.

F. New Business:

6:26 PM 1. Fiscal Year 2023 Budget Update (see updated 3/3/2022 version on Town website).

Mr. Sullivan said that the SB is aware that we have received the recommendations from the Budget Committee. Monday we will have our Citizen's Option Meeting and we encourage the public to attend. We will discuss the budget proposals, the budget changes and recommendations from the Budget Committee, as well as what the Select Board and Town Manager has presented. There is information on the website and I would encourage people to go to that information to become familiar with both the questions that have been asked by the Budget Committee and the responses. And other information about the FY 23 budget. It is at Marshwood Middle School at 6:30 PM. The Budget Committee has indicated to the Town Clerk that they will be in attendance.

6:27 PM 2. Community Solar Ampion

Mr. Sullivan said that this is a project that came across my desk and I've been working on it. The Town of Eliot would enter into a power purchase agreement with Ampion. We could leave the agreement at any time. It is a way to buy community solar that's green power either being generated in Eliot or in surrounding communities. It gives us a 15% savings on a section of our power. Fortunately, Eliot doesn't use a lot of municipal power. Ampion was actually impressed about some of the ways that Eliot has lowered their costs through the solar array on the landfill and also through energy-saving methods like Split systems, and other things, that LEDs that you've already invested in. You should be congratulated for that as it's saving taxpayers money. This will allow us to save \$200 to \$230 annually. So, it's only \$20/month but it is a gesture where the Town of Eliot is going towards a non-fossil fuel energy base. I think it's a positive step if you have no objection and I go forward with signing us up for this. The group will make a \$100 donation to Eliot Connects and anyone in Town who signs up for the program, which any resident can sign up for this program, they

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will also make a donation of \$100 to Eliot Connects or to a non-profit of your choice. I think it's a positive all around and I'm excited to get it started.

6:30 PM Ms. Dow said that that's great. I know we've been approached by many different companies for this exact service. I have a friend that didn't really know which one to go with, or whether or not to do it, so I appreciate that you've done some research and looked into it. Did you say that the power was generated nearby. Did they give definitively that it is from a local source.

Mr. Sullivan said that it's Maine-generated solar. They get as much as they can from Eliot as Eliot's capacity grows and community solar, Ampion, buys more locally.

Ms. Dow said that I would love if other residents sign on, then we could all donate to Eliot Connect.

Mr. Sullivan said that there's no motion for that. If there's no objection, I'll be moving forward in April with it.

NOTE: Mr. McPherson said that he was told that the Citizen's Option meeting is at 6 PM.

Mr. Sullivan said that that was correct.

6:32 PM 3. General Assistance FY 23 Carry-over (\$16,519).

Mr. Sullivan said that there was \$20,000 appropriated last year for the program. The program had \$3,481 given out to those who qualified. The qualifications are part of the Town ordinance §1921. Last year there were 10 applicants, 6 qualified, and the highest I think was about \$1,100 and ranged down to about \$400. We expect more people will be using it this year but, instead of putting it in the budget again, I thought there was enough money for next year as well. If the SB is willing to carry it over, we will be all set for next year.

Mr. Widi moved, second by Ms. Dow, that the Select Board approve and allow a General Fund Carry-over from the FY 2022 "Tax Assistant Program" in the amount of \$16,519, to be available in FY 2023.

Roll Call Vote:

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

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Ms. Dow - Yes

Unanimous vote to approve motion.

6:34 PM 4. Workplace Safety Policy (Slips, trips and falls).

Mr. Sullivan said that, as you can see, this is an area that we're just starting to delve into, as far as policies. We've been meeting with OSHA and our insurance risk advisor regularly, now, from the Maine Municipal Association (MMA) Insurance Division. We would like to go from a Tier I to a Tier II community over the next couple of years. We'd have to put a number of safety policies in place and work with our departments for training, not that we've had a lot of accidents but to lower the occurrence of accidents. As we move up and we take more of these policies and trainings, we will be able to lower our premium cost over time. Again, this isn't going to be a huge savings but it protects our employees, which are our most valuable resource and it will also move us along to being just a safer community, in general, in making employees more aware. The first one we've decided to do is an Eliot Workplace Safety Initiative for slips, trips, and falls. It has us looking and paying more attention to loose rugs, wires that are all over the place, and things of that nature. With the SB and working on this from the administrative office, I think people will start to pay more attention to what keeps us safe and what puts us in danger. I will be coming in with these every other month, or every month, as we go along and implement them. I'm hoping that the SB can support this first one and we can let the MMA know that we've put it in place and we're starting to work on it.

Ms. Dow asked how many tiers there are.

Mr. Sullivan said three. We are Tier I, which is the lowest. We will work hard to get to Tier II.

Mr. Widi said that it seems like a 'see something, say something' kind of thing. Don't just say 'not my job'. I support that.

6:37 PM Mr. Sullivan said that they were impressed with the project we're doing regarding filing and retention. We showed them some pictures of other success stories and they were excited and quite impressed. I appreciate the support we've gotten from the SB on that.

Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board accept the Workplace Safety Policy regarding slips, trips, and falls and direct the Town Manager to inform staff and continue to work towards full compliance.

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Roll Call Vote:

Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow - Yes

Unanimous vote to approve motion.

G. Old Business:

1. Planning Board Warrant Articles

NOTE: This was taken up under E. Department Heads/Committee Reports and completed.

H. Approval of Warrant(s):

6:38 PM **Mr. Donhauser moved, second by Mr. McPherson, that the Select Board approve A/P Warrant #73 in the amount of \$98,763.76, dated March 15, 2022; A/P Warrant #74 in the amount of \$47,472.15, dated ___, 2022; A/P Warrant #76 in the amount of \$999,486.26, dated March 10, 2022.**

Roll Call Vote:

Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow - Yes

Unanimous vote to approve motion.

I. Selectmen's Report: Seeking Committee Members

6:39 PM **Mr. Widi said that, as always, we are seeking committee members**

Mr. McPherson asked if there is any information on the reason why the Beech Road hazard is not being addressed by the State of Maine.

Mr. Sullivan said that we've had several conversations right up the line with MaineDOT. They have it out to bid. They said that the earliest they will be able to

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make an improvement to that because of the condition of the culvert, which is rusting out on the bottom, a crack across the top, and they are worried that any trucks that go over it might present a problem. The earliest they say they can replace it is June, maybe early July.

Mr. McPherson was not pleased.

Mr. Sullivan said that we weren't happy with them, either. I spoke to them a couple of times and I know that Mr. Robinson has been on the phone to them several times.

6:40 PM Ms. Dow asked if they could put a temporary light or something.

Mr. Sullivan said that they put in some patch and put cones around it, which doesn't seem safe to me.

Ms. Dow said that that's a main road.

Mr. Sullivan said that they are convinced that that's the only thing they can do. But to your point, certainly I could call them again and, perhaps, engage our State delegation as well.

Mr. McPherson said that they've inspected the other side of Beech Road so only one side is bad. How thoroughly has that been inspected. One side is bad and the other side is good then we're moving an awful lot of traffic, school buses, fire. There's no limitation on construction vehicles going over it. It's a tough thing to understand how one side of that can be bad and the other side is okay to drive over.

6:41 PM Mr. Sullivan said that I think it's a fair question. I appreciate that and I'll bring it to their attention. I know they ran a camera through it and they were convinced that the right-hand side as you head towards Route 236 is the area that is very susceptible to caving in.

Mr. McPherson said that July is a long time.

Mr. Sullivan said that it is unfortunate. We know that they are responsible for Route 236 and we've had several complaints in the last few days about the condition of Route 236. Litter, trash, and we have been on the phone with them today. The Public Works crew was picking up some windows that someone dropped off on the side of the road. We had called in a couple of days before and asked them to pick it up and they hadn't come in. I said to Mr. Robinson today that we can't wait or let this hang around over the weekend. It's just too dangerous.

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He got up there today and picked them up. There's a number of items like that that we see and we're ending up picking them up just to keep Eliot clean and keep some pride in Eliot. I have spoken to the York Chamber of Commerce to see if there is a group here in Eliot or through the Chamber of the businesses there to do a weekend clean-up, as I know they've had them before, to concentrate on Route 236. It's that time of season. Every community suffers from this in the beginning. People have asked me about the DPW crews. I was out Tuesday at a couple of the parks. We've had some dumping over the winter in remote areas of the parks and we have to work to get that trash removed. Again, if you see something, say something. You aren't bothering us. Please call and let us know. And if you see vehicles that are probably dumping things, let us know about it because we have to enforce it as best we can and any information we could get would be helpful. It is a tough time of season for this.

6:44 PM Mr. Donhauser said that I had the opportunity to go to the Fire Station to look at the new pumper. It is a fantastic piece of equipment. One of the fellows showed me around and it was very impressive with all the things you can do with that machine. The other comment that I have is that they wouldn't let me run the siren.

Mr. McPherson said to let him know and I bet we could make that happen (laughter).

Mr. Widi said, regarding the Beech Road thing, this might sound stupid but asked if they can't just cut a smaller diameter pipe and slide it in the section they are worried about, structurally sufficient for the short period of time until June.

Ms. Lemire said that I use Beech Road a lot and I have noticed that there are times when those cones are not there. They're moved and I don't know why.

Mr. Sullivan said that's because people hit them. I've almost hit them, particularly a week ago in snowstorms the plows hit them so the State comes by and puts them back up or, if we see them, we put them back up. It's not a solution we are really excited about. We're loathe to take some of the risk away; that it's their risk. If we play with that culvert, we don't want to be in a position where it becomes the responsibility of the Town of Eliot unfairly. I appreciate what Member McPherson said and I will give them another call.

6:46 PM Mr. McPherson said that if it's not safe to drive there and the only thing we have are cones, that's another issue. It's not blocked off; it's not gated off.

Mr. Widi said that I have no data but that might be the second busiest road in Eliot.

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Mr. Sullivan said that Representative Meyer has been really helpful with the issues on Route 236 and coordinating with MaineDOT. She has been helpful with the projects going up there and it's exciting that those projects are starting to move forward. We met about those today and we will get the final signatures on the increase of capacity with Kittery on Tuesday. Then that will be all done. We have the permit worked out with the State so I think we'll be in good shape on that project very soon. In another three weeks we'll pick a contractor, with Underwood's help.

J. Adjourn

Mr. Widi moved, second by Ms. Dow, that the Select Board adjourn.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow - Yes

Unanimous vote to approve motion.

The meeting adjourned at 6:48 PM.

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Robert McPherson, Secretary

Date approved: 05/26/2022