

SELECT BOARD MEETING
February 27, 2023 5:30PM
Rescheduled from February 23, 2023
Town Hall/Hybrid

Quorum noted

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

A. Roll Call: Mr. Widi, Mr. McPherson, Ms. Dow, and Mr. Shapleigh.

Absent: Mr. Donhauser (excused)

B. Pledge of Allegiance recited

C. Public Comment:

There was no public comment.

D. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Widi, second by Mr. Shapleigh, to approve the minutes of August 23, 2022, as written.

Roll Call Vote:

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

Motion by Mr. Widi, second by Mr. McPherson, to approve the minutes of September 8, 2022, as written.

Roll Call Vote:

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Abstained

Mr. Shapleigh - Yes

Vote 3-0-1 to approve motion.

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E. Department Head/Committee Reports

5:33 PM 1. Town Manager's Report

Mr. Sullivan said that it is in your packet and also on the Town website. To add to that report, the cameras are now fully operating of the exterior and interior of the building. We are also trying to get the phone system to work. It's been a 2½-year project; that we had the technicians here, again, today and they assured us that we would see those phones in place by June. I think we paid for them two years ago, a year before I came here, and we're still working on it. I appreciate the public's patience and, hopefully, it will be a good system once we get it in.

Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board accept the Town Manager's Report, as presented, and ask that it be published on the Town website.

Roll Call Vote:

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

F. Boards and Committee Appointments/Resignations

5:34 1. E. Henningsen appointment to the YRWSSC

2. S. Claussen appointment to the YRWSSC

3. D. Marshall appointment to the YRWSSC

After a brief discussion, the SB agreed to the full member appointments done together and the alternate done separately.

Mr. Sullivan said that Mr. Claussen is not here and Mr. Marshall is on Zoom.

Mr. Widi said that we have two in attendance and one not. For the sake of brevity and time, the applications all seem complete and everyone seems like they would be great on this. For the two that are here, I suggest we make them the full-time members and Stefan Claussen the alternate member.

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The SB agreed.

Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board appoint Ed Henningsen and David Marshall as full-time members to the York River Wild and Scenic Stewardship Committee for a term ending June 2024.

Roll Call Vote:

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

Unanimous vote to approve motion.

Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board appoint Stefan Claussen as an alternate member to the York River Wild and Scenic Stewardship Committee for a term ending June 2024.

Roll Call Vote:

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

Unanimous vote to approve motion.

Mr. Sullivan said that I just want the public and new appointees to know that we have copies of the study here. You can also go to the website to see the study, as well. The Chair of the committee (county-wide) will contact the new members. They are going to start up by April, they said.

G. New Business:

5:37 PM 1. Village at Great Brook Performance Guarantee

Mr. Widi asked if we have a representative here for this. (Ken Wood). If you could just summarize. I think everyone has reviewed everything in the packet.

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Mr. (Ken) Wood, Attar Engineering, Inc., said that Attorney Roger Clement is with me here tonight, who has been working to transition our project, the Villages, over to the homeowners. In all the 35 years I've been practicing in Eliot, I don't know if I've ever been in front of this Board with a performance guarantee request. I've been involved, off and on, with the project since its inception in 2005. We were involved with some of the original permitting. Since then, there have been three developers involved with the project. Right now, our developer is just about done with the project. That involves the construction of the main road, Village Green and the first cul-de-sac, Pheasant Lane. There is some remaining work to do. Most of these items have been worked out with the PB and most of the residents. They involve some pavement repairs, re-location of a very minor portion of the road, installing boulders around the pond at the end of the cul-de-sac on Pheasant Lane, and applying the top coats of pavement (1¼" wearing course). My clients have proposed a bond so what I'm looking for the SB to do is authorize us to go forward with the bond in the amount of the break-down that has been provided to you. If you have any questions, either I or, hopefully, Attorney Clement can answer them.

5:39 PM

Mr. Widi asked if these ROW roads, or whatever you call them, were all done by your client or done by the prior clients in the steps along the way.

Mr. Wood said that there have been three involved. The original client was Bill Cullen and M.K. Murphy. Mr. Cullen was my client when the project was approved. Mr. Cullen put the road and utilities in to the first street crossing where you take the curb behind NAPA. Then, Blair Hodge (Hodge and Company) was involved. I think Mr. Hodge built the next 18 units on Village Drive. So, he built the road and utilities fronting all of those units. That brings you to a point, just after the first wetland crossing, which is just before where the road sweeps to the right adjacent to the CMP and PSNH corridor. Then my client, Equity Alliance, and Joel Kahn and Mike Murray were involved with the last phase, which is the remainder of Village Drive and the three houses, I believe, on Village Drive. And then Pheasant Lane, which is the first cul-de-sac and those homes. My clients have felt that they have completed the project for the portions they want. So, what we've proposed is bringing the pavement up to the plan requirements. Those plans were approved by the PB in 2007 and also constructing a secondary emergency access route. Remember that this parcel goes all the way through to Route 236 next to the storage units that Mr. Donhauser used to own. I've talked to Fire Chief Muzeroll about that. It would be constructed and maintained by us for emergency access, only, and gated at both ends. The original plan had always proposed that the secondary means of access was gated. The primary means of access and egress was always Bolt Hill Road, where it is today.

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Mr. Widi asked if Mr. Brubaker had any comments.

Mr. Brubaker (Zoom) said, as Mr. Wood mentioned, this is currently under review by the PB. Per §33-132 of the code, the developer is required to furnish a performance guarantee. That gets reviewed by the SB and the first step in that review is to authorize the hiring of a third-party engineering firm to do a third-party review to determine if that performance guarantee is adequate and determine if the amount proposed by the developer is adequate. I believe you have a motion to that effect recommended tonight. Assuming you approve that motion, we would go ahead and hire an engineering firm that we have lined up; that they would conduct the review and bring that back to the SB. Happy to answer any questions.

5:43 PM Mr. Sullivan said that, in conversations had with Mr. Brubaker, to the greatest extent possible, we'd like to expedite this. We'd like to have, as you can see from the motion, the SB grant the ability for Mr. Brubaker and I to negotiate an agreement and get the third party on hand to do the evaluation to see if this is, indeed, sufficient to make the repairs. We want to move this along as quickly as possible and however we can work with the Planning Board to make that happen would benefit the residents, the developer, and the Town of Eliot at large.

Mr. Wood said that it would be helpful, I assume if we know who the third party is, only because we'll get the request for information.

Mr. Sullivan said that we haven't finalized it. I know Mr. Brubaker has talked with some different groups. If the SB votes this evening to allow us to go forward, we'll immediately start on that and make sure that Mr. Wood gets a copy as soon as we have it in place. It has to be a reasonable cost, too.

5:45 PM Mr. Widi said to Mr. Wood that I assume that time is of the essence, in your opinion.

Mr. Wood said that I think we all agree that time is of the essence – the applicant, the residents, the Town. We're all in agreement with that.

Mr. Widi said that I'm not going to put it in the motion. I'm just going to say it beforehand that time is of the essence and let's get this done as soon as possible, analyzed as soon as possible.

Mr. Sullivan said that we will have a report to the SB by your next meeting, which is a week from this Thursday.

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Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board authorize the Town Manager to enter into an agreement with a professional engineering firm to provide independent third-party review of a performance guarantee offered by the developer, pursuant to §33-132 of the Town Code, to be furnished by the applicant in PB22-21 – Village at Great Brook – Amendment to an Existing Subdivision Plan.

Roll Call Vote:

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

5:46 PM 2. Mainspring Letter of Intent

Mr. Widi asked Ms. Shapiro-Ross, Executive Director of Footprints Food Pantry, to give a brief synopsis of what this Letter of Intent is and then we'll make a decision.

Ms. Shapiro-Ross said that Mainspring is a new social services hub coming to Kittery to serve the communities of Eliot and Kittery. It's a partnership between Fair Tides Affordable Housing and Footprints, who are leading the charge. York County Community Action (YCCA) will also be in there, and Kittery General Assistance (G.A.). We are very much hoping that Eliot General Assistance will join us for the reasons of one location for all social services to be administered 2 for trauma-informed caregiver to administer G.A. rather than a person at the General Assistance, which is true of every town and Eliot is no different, where it's the head of the Police or the Administrative Assistant or the Town Manager administering G.A. We're hoping to offer that gift to Eliot to do G.A. in Mainspring where individuals who are seeking support can go to one location to get their needs met. The Letter of Intent is to simply say that, under our best interests, your best interests, we will explore how this contract will work between Mainspring and the Town of Eliot.

Mr. Widi said that I fully support this project. I think it's needed. I think it makes sense. Then it is up to the voters.

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Ms. Dow said that I am so thankful for you for leading this charge. I think we will be proud that it's going to be part of our community. I hope we all support it together and make it happen.

5:48 PM Mr. Sullivan said that I think Footprints, Fair Tide, and YCCA have been great partners. This week the General Assistance Administrator in Eliot is one Mike Sullivan. It's great to have YCCA assist me, Megan assisted me, Emily helped me with these. But having it all in one place, one centralized place, is really going to have an impact, long-term, on the cost structure, the viability. I really think, long-term, you're going to save money on this as opposed to looking at. I think this is going to be good for the community it as to how much we can cut and good for your financial picture.

Ms. Shapiro-Ross said that, to that point, we're not re-creating the wheel, here. The non-profit center model is being used successfully throughout the country. Organizations like Feeding America and Good Shepherd Food Bank, they are all saying now that we can't end hunger by giving out food. Food insecurity isn't about food. It's about low incomes and lack of access to support. So, the model definitely will irradicate some of Jay's job and Eliot's job because we will meet the needs before they are emergent. Oftentimes, individuals go on a scavenger hunt throughout the community from the Town Hall, which can be quite embarrassing, to the Housing, to YCCA, to Footprints. It's a full-time job and they often don't have that ability to do that when they're working full-time. The majority of individuals seeking support are working full-time. They just don't have the incomes to live in this area.

Mr. Sullivan added accessing job training, accessing mental health social services.

Ms. Shapiro-Ross agreed. We have some conversations happening right now with mental behavior health specialists and medical. York Hospital is super-interested in this project, as well, which is really exciting for us because, right now, the closest place for someone to go get medical services is in Sanford. And there's no way to get there from here, especially if you lack a vehicle or the cost of fuel. We look at this as a real gift to the community of Eliot, to our emergency responders, and we hope the Town will support it.

5:51 PM Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board endorse the Mainspring Letter of Intent, as presented, and direct the Town Manager to sign and continue exploring strategies for Eliot to become part of the regional collaborative to deliver General Assistance services.

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Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

H. Old Business:

5:52 PM 1. FY24 Budget Briefing, Reserve Accounts

Mr. Sullivan said that this is up on our website and speaks to the allocation of reserve accounts. As we've discussed before, there are a number of those accounts that were not kept in such a manner that we can really make sure that expenditures were coming out of the right place. As a matter of fact, when the audit was done, it showed some balances that were actually in the negative. We've tried to rectify that. We've made some suggestions in here. I'm hoping that the SB will see the sensibility in consolidating this and having some centralized reserve accounts for the Fire Department, Police Department, Community Services, Public Works. You can have some categories within those departments that will track the expenditures for the money that is being reserved but I think it's important that we make it easier for us to show what funds we have on hand. As you can see, if these are allocated, you'll have \$1.6 million in reserve funds, but it will free up \$468,919 to be used for needs within the community. I made a suggestion in my narrative about investing in Murray Rowe Park, bringing that back to a usable standard and making improvements. Perhaps pickleball and improved parking. Each one of these accounts, we tried to capture what we were consolidating and how we work. We consider Fire Department vehicles as opposed to fire truck reserves. There are other vehicles that the Fire Department may have or will have in the future – command vehicles, UTVs, things of that nature. We also think there should be an equipment line within that subcategory, and also a capital improvement for the building. So, there would be \$258,000 allocated to that account if I can figure out how to move this. Police would be similar. With Community Service, as you can see, if you look far to the left, these were the three Community Service accounts – Community Service Center Reserve, CSD Capital Improvement, and CSD Capital Improvement. I'm not sure I understood the redundancy but I think it was just a case of where, when at different times money was voted on, just a new account was opened up and it was causing confusion. Again, we've consolidated that into Community Service account. So, any time anything is approved by Town Meeting to go to the reserve, there will be a form as to what it's going to be used for. Then, when that item is

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going to be purchased by the department/by the Town, it will be presented to the SB because it's money that has already been appropriated to a reserve account. Then, the SB will have the form that it was originally intended for and you will be the arbiter of that as to whether it is being used for the intended purpose. There is going to be some variation. A good example in one case is that it said hybrid cruisers. You can't get them right now. They are 2½ years out. So, you have to take that \$10,000 intended to buy a hybrid and move it into buying a cruiser because we need a cruiser. That's just one example of when the specificity is so great in an appropriation at the Town Meeting level, it can cause havoc on the other side when you go to buy it. If it's a 4-wheel UTV and the Fire Chief says that it should be a 6-wheel because it has a greater payload, then that might be something that you need to consider and vote that it's consistent with the intent. That's the standard way that other communities do their reserve accounts. We also talk about in there how we never accepted the right provisions to form a reserve account. Those would be part of any of the warrant articles that we will be putting forth, warrant articles that will cite those State laws. These are the four accounts that roughly went to DPW – road equipment reserve, public garage capital, road paving, public works vehicle - \$643,566 is what we are proposing for the current reserves. The transfer station – where these are called 'others' because they don't really fit anywhere, the sewer betterment into a sewer reserve for \$135,000, sewer capital improvement for \$118; that we folded that in. The sewer bond project had \$86,118 in it. We were told by our auditors that that is not a reserve account. It is a bond so we've had to put it into the bond account. The money didn't go away. One other thing we try to make sure we shine the light on is that these are not new tax dollars. These are monies you have already paid into the system that we feel are not working as acceptably and efficiently as they could for you. It sounds crazy but it's true in this environment right now, by not spending it, it's costing you money because things are going up. The land reserve, Eliot stormwater reserve, sewer betterment, and sewer capital improvement would all be folded into the 'other' account. The SB would be given information and a form when any of the money is spent or added to it. Regarding Town capital reserve and municipal property reserve we were folding into Town Hall for \$139,724. Again, one of the ways that those are a little bit different is that those might not follow the capital recommendations that you made for specific departments. Where it really should be \$10,000, it should be a durable good, and it shouldn't be anything with a life under 5 years when you're spending out of your department reserves. Otherwise, they become a budget mechanism you're just using for your budget. They are one-time dollars so they shouldn't be anything that's going to cost you money in the future, to some degree. These are some odd ones – boat basin reserve. That was \$670 in the negative, according to our audit, so what we suggested when it's re-voted by Town Meeting, is that we take the \$670 out of the parks/facilities capital reserve and put \$51,441 in the

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parks capital fund. The last one is really where I think there's a lot of things. We have talked about these before - the sick leave reserve, health insurance reserve, contract settlement wage reserve, contingency reserve, town insurance reserve, legal fees reserve, and consultant reserve. All of those reserve accounts, there, you are really tying up an awful lot of money. To be honest, if you failed on all of those accounts on the budget, you should immediately fire the Town Manager. If your health insurance is off by \$36,000 at the same time your contingency is off by \$107,000 and your Town insurance is off by \$35,000 in the same fiscal year, there's a problem. I think that the honest way about this is that it frees up some money to, again, be used by the public to get involved in projects that are necessary. I'm not against savings. You have healthy reserves. Public safety is a little bit different. It has to do with money coming in through a process through the CEO and projects that you need public safety fees. It's a reserve account but it's really a revenue account. With revenue accounts usually, money comes in and they can be spent for the purposes designated by that one reserve account. The spending on public safety impact fees is very specific. They can only be spent on certain things. So that's the reserves. I apologize. We have been working hard on this. I can't thank Ms. McNulty enough for how hard she's worked at this. This has been kind of a messy thing and I think we've got it to a place that I think the SB and the Town should feel confident in voting on this when it comes up at Town Meeting this year. It's re-allocation of money we already collected. They are already in our coffers. Again, it allows you to take some of those unassigned or undesignated funds and spend it for projects that we need in the community. I have gone on long but I think this is an incredibly important aspect of this year's financial package.

6:06 PM Mr. Widi asked if he sent this to the Budget Committee.

Mr. Sullivan said that I did.

Mr. Widi said, just for reference, the streetlight reserve is negative \$4,300. A streetlight costs how much.

Mr. Sullivan said that one light on a pole that is existing with power there already is \$993. It's just to pay for the fixture and putting the light up.

Mr. Widi asked what the Ash Reserve is (\$79); the petroleum products reserve (\$22,260). I've not heard of some of these.

Mr. Sullivan wasn't sure about the Ash reserve. Those are the taxpayer dollars that are tied up that shouldn't be. No offense, but it should be put to work for the taxpayers.

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6:07 PM Ms. Dow said that I think the organization looks great. Thank you.

Mr. Shapleigh said that you are hinting that soon we will have the 2022 audit balance.

Mr. Sullivan said that it looks like, for this budget season, we're probably going to have to work off the 2021 for most of it. RHR Smith, our auditor for this year and next and who I think does a really good job, is right now suffering from not having enough staffing, as well. So, the audit we thought would be done by the end of February looks like it's more likely the end of April. We believe that he just doesn't have enough staffing to come in and take it on, even though we cleaned up a tremendous amount and we're reconciled. Unlike last year when we were a year behind reconciling our bank accounts. We are reconciled up to the end of January. So, we're in really good shape in that respect, with a thank you to Ms. McNulty and others who are working really hard on that.

Mr. Widi thanked the Town Manager for his hard work, as well. With you here we're getting this stuff accomplished. The stuff that should have been getting done over the last decade+, so thank you. I know you give others a lot of credit, and you are great at that, but I'm going to give you credit, as well. I think it's pretty unanimous.

SB members all agreed.

6:09 PM **Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board endorse the Town Manager's proposed FY24 Reserve allocation, as presented.**

Roll Call Vote:

Mr. McPherson – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh

Unanimous vote to approve motion.

6:10 PM **2. Eliot Fire Department ARPA Grant Expenditure**

Fire Chief Muzeroll said that Mr. Sullivan and I have talked over the last year about some purchases that the Fire Department drastically needs. The biggest thing that we're looking for from your package you will see is an updated method

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to store our firefighter gear and all the components that go with the people, personal gear. Right now, we're using gear racks I made out of plywood in 1992. A little cumbersome. It doesn't allow for separation of personnel gear. It's an expensive item but it's not something that's going to go away over the course of the years and as the department may change. These units can be added to or reconfigured to meet our needs as to what we have for personnel. The other items that you see there are truck equipment. One is for something called a hydrant assist valve, which we hook to a fire hydrant, that allows us to manipulate the water from a fire hydrant to a fire truck or to other sources. It's a little bit easier than what we're doing now. The piece I'm replacing comes off our old engine, and that was purchased in 2003 so it's somewhat outdated. The third piece is actually, even though it seems a little pricey, a ground monitor. It's a nozzle that we put on the ground and feed it with a large diameter hose. It helps us reduce our resources needed on the scene that can be manned by one person, whereas a large diameter hose line spraying water on a large structure usually requires three or four people. You've heard it from us and seen it on the news. People are our biggest resource but it's the biggest problem that we have, that resource. You'll see a spreadsheet. This went out for quotes to three vendors that we normally do business with. It turns out that Fire Tech & Safety ended up being the cheapest on all of these. I apologize for not being able to give you a fixed freight rate. That changes daily and that's why the total cost did not include freight or shipping pallets. We were able to work out a deal if we give the business to Fire Tech that they will deliver where I want them to, which would be to the highway garage. Some of this is pretty heavy and I don't have to get manpower in to pay them to offload stuff. We will work out transport to the station. I believe you have a motion in front of you but I'll answer any questions. He showed the SB pictures of what the gear rack looks like. They are nothing fancy. We are just trying to separate people and give them a little bit of room to store their personal stuff and their protective gear.

6:13 PM Ms. Dow said that it looks like it has space for aeration, too.

Chief Muzeroll said that it allows the air to move through and dry some of the stuff.

Mr. Sullivan said that it also extends the life of the gear. On that matter, the fire truck that was purchased last year is doing wonderful. As most people know, it hasn't impacted the taxpayer to any great extent adding that to the fleet.

Mr. Widi moved, second by Mr. Shapleigh, that the Eliot Select Board authorize up to \$20,000 of previously-allocated ARPA grant funding for

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Gear Racks, Hydrant Assist Valves, Fire Monitor Packs, and associated equipment, as appropriately procured and presented in the Board packets.

Roll Call Vote:

Mr. McPherson – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh

Unanimous vote to approve motion.

I. Approval of Warrant(s):

6:13 PM **Mr. Widi moved, second by Ms. Dow, that the Select Board approve Payroll Warrant #72 in the amount of \$50,960.94, dated February 2, 2023; Payroll Warrant #74 in the amount of \$47,417.16, dated February 8, 2023. Payroll Warrant #76 in the amount of \$48,855.31, dated February 15, 202223; A/P Warrant #75 in the amount of \$1,046,448.17, dated February 9, 2023; A/P Warrant #76 in the amount of \$999,486.26, dated March 10, 2022; A/P Warrant #73 in the amount of \$108,436.80, dated February 15, 2023.**

Roll Call Vote:

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

Unanimous vote to approve motion.

K. Selectmen's Report:

6:16 PM **Mr. Sullivan said that, before you adjourn, I just wanted to let people know that the Town Hall, tomorrow, will not be opening until 9:30 AM. There will be a delay because of the predicted weather. We did close last Thursday for that storm. We're going to do our best to stay open through tomorrow's storm and we really appreciate the public's cooperation and understanding in this. If you can avoid coming in tomorrow, we'd appreciate it. I'm sure we'll be short-staffed.**

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Mr. Brubaker said that we have pretty much solidified March 22nd for the date of our first Comprehensive Plan big public meeting. It will be at the Regatta. We don't have exact times, yet, but it will likely be 3:30 PM to 6:30 PM. I just wanted to make that announcement and hope folks can attend.

There were no Selectmen's reports tonight.

L. Adjourn

Mr. McPherson 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

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

The meeting adjourned at 6:18 PM.

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Robert McPherson, Secretary

Date approved: June 8, 2023