

SELECT BOARD MEETING
June 13, 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. Seating of New Select Board Member

Mr. John Murphy was elected to a new term to the Select Board.

F. Selection of Select Board Officers

Voting process was directed by the Town Clerk.

5:32 PM Position of Chair:

Mr. Donhauser – 2

Mr. Murphy - 2

Mr. Orestis – 1

No winner: Revote for Chair:

Mr. Donhauser – 4

Mr. Murphy – 1

The Town Clerk declared Mr. Donhauser as Chair.

5:35 PM Position of Vice Chair:

Mr. Lytle – 2

Mr. Orestis – 2

Mr. Murphy – 1

No winner: Revote for Vice Chair:

Mr. Orestis – 4

Mr. Lytle – 1

The Town Clerk declared Mr. Orestis as Vice Chair.

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5:37 PM Position of Secretary:

Mr. McPherson – 2
Mr. Lytle – 1
Mr. Murphy – 2

No winner: Revote for Secretary:

Mr. Murphy – 3
Mr. McPherson – 2

The Town Clerk declared Mr. Murphy as Secretary.

NOTE: At this time, Mr. Donhauser assumed the position of Chair.

G. Public Comment:

5:34 PM Ms. (Christine) Bennett, Vice Chair PB, said that it has come to awareness of the PB that the planning professional staff has been reduced from a 40-hour full-time position down to a one-day/week contract service with SMPDC. I would like to say that we are very pleased with the quality of work from Ms. Sherwin from SMPDC and we are not opposed to a contract service or contracting work from SMPDC. I and others, you may have received some letters, feel very strongly that this is inadequate staffing of a very vital role in our Town and I urge you to reconsider this position to only contract for one day a week of professional planning services. There can be some very expensive mistakes made in the Planning Department with inadequate planning that the Town can be paying for years and years, like the Riverview Estates. Again, I would urge you to reconsider this position of decreased professional planning services by 80%.

5:41 PM 1) Roger Raymond: President of Kittery Water District (KWD):

Mr. Raymond thanked the SB for inviting us to address the Board on such an important topic and read a prepared memo. The memo discussed the structure of the water district as it is laid out in Eliot and their 10-year capital improvement projects comprehensive plan, which is in the process of being updated and requesting input from the participating towns. We have been asked to provide insight concerning the district's use of chloramines as a water disinfectant and, with the input we have received, we will continue to use free chlorine as its secondary form of disinfectant and will not switch to chloramines as previously publicized. He discussed the continuing effort complete the interconnection with the York Water District (YWD) and said that, out of necessity, must accept chlorinated water from the YWD on an interim basis. He addressed questions received by the Eliot Town Manager concerning what led to the decision to use

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chloramines, what the alternatives are, and what the KWD's plan is moving forward. As we continue to renovate our 60-year-old treatment plant, there will be a period of time where it will be necessary to shut down the plant for one week in the Fall of 2019 and four months in 2020 and, during these times, KWD will be purchasing chloraminated water from YWD. With agreements between the neighboring water districts made, once the water system upgrades have been completed from Saco to Kittery, we'll have the ability to transfer water between districts in case of emergencies and outages, which has been an issue in the past. With these transfers of water, water chemistry should be compatible to happen efficiently and effectively and the two types of chlorines do not mix well together, which is why we were considering changing to chloramines. The alternative, which KWD has elected to do, is to remain in free chlorine as the district disinfectant. He added that, when free chlorine and chloramines are mixed, they degrade each other and enable possible bacteria to build up that can result in taste, odor, and health problems. To counteract this issue, increased system monitoring and distribution system flushing will be necessary; that it may not happen but we want to be ready if it does. Through many public hearings and polarized debates on both sides, the common agreement has been that free chlorine is an acceptable form of disinfectant and, so, as an effort to provide a mutually-agreeable resolution to this debate, the district will continue to use free chlorine as a secondary disinfectant. At this time, chloraminated water will only be used in emergencies or planned outages when the transfer of water from neighboring districts becomes necessary and we will provide as much advanced public notice as practicable and so that public safety and fire-fighting capabilities are not impacted. He reiterated the shut-down schedule and asked the public to review the pertinent documents the KWD has made available on their town website and at their office.

5:54 PM Mr. Lee asked if Mr. Raymond knew why the other water systems went with chloramine versus the free chlorine and what improvement might there be.

Mr. Raymond said that chloraminated water has more staying power, staying out in the system longer. That is why you have less regulated disinfectant by-products in the mains.

Mr. Donhauser asked if, when KWD shuts down their water and the water comes from afar, that will affect fire suppression.

Mr. Raymond said that, when we have to switch over, there may be times when we are lowering the tanks and will be built up again. The key to fire suppression is the level of the tanks.

Mr. Donhauser asked where the tanks were located.

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Mr. (Mike) Rogers said that there was a tank off State Road and the other is on Rogers Road in Kittery.

5:57 PM Mr. Donhauser asked, with chloramine, how do you measure it - parts per million or something like that.

Mr. Rogers said parts per million.

Mr. Donhauser asked if there is less or more than with chlorine.

Mr. Rogers said that there might be a little bit more. Right now, in the summer we have about 1.8 parts per million of free chlorine, if chloramines, it would be about 2 parts per million.

Mr. Donhauser asked if chloramine had an impact on aquatic animals more so than chlorine.

Mr. Rogers said definitely fish. That's why, with folks that have aquariums that already dechlorinate their water, there is a different substance they use to get the ammonia out of the water. Wildlife is fine; it's only those with gills, as they don't have the digestive system and are affected more by chlorines and chloramines.

5:58 PM Mr. Donhauser said that the water mains you have installed, they actually terminate and don't go in a circle.

Mr. Raymond said that the water main coming up Route 236 is looped into the one on State Road but there are places in the small lines where they are dead-ended.

Mr. Donhauser asked how they terminate a water main that's not...do you go out to a neighborhood and stop the pipe.

Mr. Rogers said that we either use a fire hydrant or what we call a 'blow off'. We flush the pipes annually to keep them flowing.

5:59 PM Mr. Donhauser asked if the chloramine accumulated more at the end of those long pipes than chlorine.

Mr. Rogers said that if there's a long water gauge, chlorines are more detrimental if the water is older. If we have a large pipe and limited usage, then the chlorines can cause a nitrogen build-up.

Mr. Donhauser asked how they relieve that nitrogen.

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Mr. Rogers said that it is very obvious because of taste and odors; that we would just flush the line.

6:00 PM

Mr. Orestis said that it seems that there is no intention, at this point, to switch over to chloramine.

Mr. Raymond agreed. He said that you have to be mindful that there are times when you have to.

Mr. Orestis said that that would be one week in the fall and a four-month period in 2020.

Mr. Raymond said correct.

Mr. Orestis asked for confirmation that there was no intention of KWD switching over at this point.

Mr. Raymond said correct.

Mr. Orestis asked how often have we been in a position in the past where we need to have water from other districts.

Mr. Raymond said that it's not a common occurrence but it has been done.

Mr. Rogers said that it's happened twice in the past five years; that both times were main breaks and, if we didn't have help from York, there would have been outages.

Mr. Orestis asked if that would change, now, if we stayed exactly the same.

Mr. Rogers said no.

Mr. Raymond said that the KWD is trying to be proactive in staying ahead of this. We don't know what's coming down the pike; that drought is a real thing. York Water District was down, a few years ago, to a matter of days. Kennebunk is looking for new water sources. Biddeford/Saco is on the Saco River with probably the largest aquifer in Maine and can support everyone from the Saco River south. There may be a time when KWD is going to have to combine with these other water districts. We have been blessed that we have had sufficient water in all of our reservoirs, which are located in York; that no one owns the water as it is under the auspices of the State. He discussed several issues that could impact us. The State could come along and say to us we have empowerments of three brooks up there, which creates the reservoirs, and we want you to release more water. They have already done that in Bell Marsh

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(York). In order for an exchange of water to happen with other districts we would have to be involved in a massive flushing and monitoring program; that we wouldn't necessarily combine with other districts but would have to accept water from them, for example, during a drought. He added that York has issues with algae, which wipes out their reservoir, and that could happen in Kittery. He added that the water districts are governed by the PUC (Public Utilities Commission) and Health & Human Services.

6:08 PM Mr. (Mike) Thompson, Bolt Hill Road, asked if our organization (Kittery Concerned Citizens – includes Eliot residents) might be invited to a future meeting to make a presentation.

Mr. Donhauser said certainly.

Mr. Donhauser thanked the KWD representatives for coming.

6:10 PM Mr. (Bud) Moynahan said that he was at the Transfer Station last Saturday and I was hollered at by one of the employees for having a sign on his lawn and, while he didn't want to make a big deal about this, he was bothered by that.

Mr. Lee said that that was absolutely inappropriate and apologized. He asked for the name of the person and thanked Mr. Moynahan for letting him know.

H. Approval of Minutes of Previous Meeting(s)

6:12 PM Mr. Donhauser said that the minutes he received only had the odd numbers so he thinks we should wait for the next meeting.

Mr. Lee agreed, adding that we don't even have the minutes for the 14th.

The SB agreed to table approval of minutes to the next meeting.

Ms. (Donna) Murphy said that she has noticed these minutes are months behind and asked if there is a policy as to when minutes were to be available.

There was discussion regarding the length of the minutes and the time they take to write and what barriers might exist that prevent them from being done sooner.

I. Committee Resignations and Appointments

6:16 PM **1) Aging-in-Place: Resignations: Helen Sullivan (Full Member); Jan Cerabona (Alternate).**

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Mr. Donhauser said that we have received letters of resignation from Helen Sullivan and Jan Cerabona and asked if there was a motion to accept.

6:17 PM Mr. Murphy moved, second by Mr. McPherson, that the Select Board accept the resignations of Helen Sullivan (full member) and Jan Cerabona (alternate) from the Aging-in-Place Committee, with regrets.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

Mr. Lee said that they both did a great job.

6:18 PM 2) TIF Committee: Appointment of an Alternate Member

Mr. Donhauser said that we have three applications and asked if there was any discussion or motions.

Mr. Murphy moved, second by Mr. Lytle, that the Select Board, based on direct applicability for the alternate term, appoint Rosanne Lentz for a term to June 2020.

DISCUSSION

Mr. Lee clarified that when a person applies for a full member position, they are also accepting an alternate, as well.

Ms. Rawski said that she reached out to all three of the applicants and they were all willing to be considered for the alternate position, as well.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

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Mr. McPherson - Yes

Unanimous vote to approve motion.

J. Department Head/Committee Reports

6:20 PM 1) Town Clerk: Election Results – To Be Provided

Election results document available at Town Hall.

Ms. Rawski gave some interesting facts related to voting day: the total votes cast was 826 (13%) and of those 368 were by absentee ballot. We had 413 absentee ballots issued, which is exactly half of those who voted, but 45 were not returned. Election Day participation in that case was 458 people who actually came through on voting day. We had 6,135 registered voters at the time of the election. It was the lowest voter registration election in my lifetime. I had one new voter registration that day. We lost power from 6:15PM to 9:10PM and gave a big shout out to the staff that was there that kept things rolling along and, then, after a long couple of days for our amazing Fire Department, they swooped in and saved me and brought me a generator so I didn't have to worry about the machines or the lights. The paper said the results were delayed because of the power outage but there wasn't a delay, just the time it took to count all five machines and all the write-ins we had in this situation for this election.

6:23 PM 2) SMPDC Planning Contract – See Planning Board Draft Minutes

Mr. Lee said that he had today had a discussion with Ms. Sherwin and just received an amended contract from SMPDC. Ms. Sherwin told him that, because of the workload, she doesn't believe a day is enough but that a day and a half, plus the two monthly meetings, would be appropriate. One thing in the PB minutes spoken of a lot was the TIF and, in this revised proposal, it expressly says she will not be doing TIF work. TIF work would be paid for with TIF funds separate and apart from anything being done for Planning. Ms. Sherwin would be engaged in supporting Planning Board work only and we have the money in the administration budget to fund that work. I am not asking the SB to do anything tonight. The SB will have the revised contract for the meeting on the 27th and, at that point, we should probably render a decision on it. I agree, however, with the PB and Ms. Sherwin that one day is not enough so a day and a half plus the two meetings should work. The other good thing is that the, with the administration budget that went through allowed for the full-time funding of the land use administrative assistant, which will allow a bit more creativity in how much time I need the actual Planner.

6:28 PM Mr. Lytle asked if we are still going to hire a Planner.

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Mr. Lee said not at this time because the problem is that there are at least a dozen Planner positions open in Southern Maine right now; that we should try this with a contract Planner, for now, because Planners are simply not out there. We are not actively looking for a Planner.

Mr. Lytle was in disagreement with that.

Mr. Orestis said that an overarching concern from the PB is that they were never really involved in the process and didn't really have any input into it. I don't know how the B felt but asked if we shouldn't get input from them to see if they think that 1 ½ days is enough before we make a decision.

6:29 PM Mr. Lee said that he referred this over to the PB several weeks ago for their feedback and thought that the minutes of their discussion regarding this was their input. He added that the PB is meeting again and maybe they could bring it up again and make an actual recommendation that is more specific.

Ms. Bennett (PB member) said that it would be good for the PB to put it on an agenda and revisit the question in 6 months because currently we don't have a lot of activity; that we do have a long list of ordinances that we have wanted to take a look at. We are still working through on updating our ordinances and I fear that that will get sidelined with insufficient professional staff.

6:31 PM Mr. Lee agreed that was a good idea and suggested he could ask SMPDC to revise the contract to be for 6 months and take another look at it then; that then might be the time to look at trying to hire a Planner. There are a lot of managers saying they are not able to find CEOs or Planners.

Mr. Donhauser asked if it was possible that we could hire Ms. Sherwin for the TIF work.

Mr. Lee said no; that SMPDC has another person who is their economic development person and that person expressed some interest in doing some TIF planning work. We can do that or get an independent consultant for any TIF work needed.

3) TIF Committee: Draft Minutes - FYI

This was informational.

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4) Appointment of Rochelle Bishop as Code Enforcement Officer/Local Plumbing, Electrical, and Building Inspector and 911 Addressing Officer – Effective June 17, 2019.

Mr. Lee said that she comes by way of Kittery and has many years of experience, all her certifications and a good background check. I recommend we hire her as our new CEO, local Plumbing, Building, and Electrical Inspector, and 911 Addressing Officer.

6:35 PM Mr. Murphy moved, second by Mr. McPherson, that the Select Board approve the appointment of Ms. Rochelle Bishop as Code Enforcement Officer/ local Plumbing, Building, and Electrical Inspector, and 911 Addressing Officer, effective June 17, 2019.

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 document.

K. Administrative Department

6:37 PM 1) Town Manager Report

Line #39 regarding an update on the DPW truck going back to Dover Motor Mart.

Mr. Lee said that truck is at Dover Motor Mart because they are doing warranty work on the block that is bad. From what I understand the block should have been done. He will update the SB on this.

Line #51 regarding the acronym ‘LU AA’.

Mr. Lee said that is our Land Use Administrative Assistant. This item has to do with a group (KACTS) researching the possibility of putting in a center turning lane in a particular area on Route 236.

Line #76 regarding a grand opening at the Kittery/Eliot line.

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6:42 PM Mr. Lee said that the new storage facility opened that has been built on Route 236 and several were invited to attend. These are environmentally-controlled units and may be an option for storing Town records.

Line #'s 141, 146, and 150 regarding the Tide Gate Schedule.

Mr. Lee said that by virtue of State officials not responding I ended up in charge. I issued the tide gate schedule, with Mr. Howell's input, and tried to call meetings twice with the DMR and the DOT to no avail.

6:44 PM **Line #184** regarding a wrong deed for the Crowell land.

This was regarding an agreement to purchase a 10-acre parcel and it appears there may not be a deed for the property. This is being researched for resolution.

Line #134 regarding the DPW truck and National.

Mr. Lee said that we were doing a Plan B in case warranty work didn't work out.

6:46 PM **Line #103** regarding a request for the \$500 deductible from Mr. LaFrance.

Mr. Donhauser said that it is my understanding that he has not paid the deductible, after Mr. Lee sent him a letter, and my intention is to make the Town whole. I am going to write him a personal letter telling him that I am going to pay the \$500 if Mr. LaFrance doesn't; that he is putting me in a tough situation. I just wanted to let Mr. Lee know.

Line #129 regarding a quit claim deed.

This has to do with Line #184, the land the Town is trying to purchase.

6:47 PM **Line #115** regarding a meet with the PW investigator.

Ms. (Donna) Murphy asked for an update.

Mr. Lee said that he got an email back from the attorney saying that they should wrap up this week.

6:48 PM **a. Update: MDOL Fine**

Mr. Lee said this regarded the second violation (excavation). Even though Mr. Lee feels it is an illegitimate fine, the cost to dispute would not make it worthwhile because of the fine amount.

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Ms. (Donna) Murphy suggested that Mr. Lee send a letter, with the fine, that he doesn't agree with the fine but, due to the costs, you are accepting it.

Mr. Lee agreed that that was a very good idea.

6:50 PM b. Staff Meeting Update Notes

This was informational. There was a brief discussion on the potential for revising the Mass Gathering Ordinance; that there needs to be contact information on any signs for mass gatherings or political signs.

6:53 PM 2) Job Description Review (Last Set)

Mr. Lee asked the SB to review and give input for the next meeting for final ratification.

6:54 PM 3) Disposition of Moosehead – No Correspondence

Mr. Lee suggested the Boy Scout Troop might be interested or we could put it out to public bid.

Mr. Murphy moved, second by Mr. Lytle, that the Select Board offer the moose head to the Eliot Boy Scout Troop and, if they don't want it, we can come back and decide what to do with it.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:56 PM 4) Private Sewer Proposed Plan

Mr. Lee said that we need to make sure our Sewer Ordinance and the two appendices are adopted in November. Only after those were adopted would I feel on solid-enough footing to make any kind of offer to a private sewer system owner, or owners, to bring theirs up to standards, as we need to have those standards adopted or otherwise it doesn't work. During the following summer, we plan to have a series of meetings with the pertinent neighborhoods to see who would be willing to bring their systems up to standards we could accept. He added

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that the Eliot Commons private sewer is not on the list, as well as Eliot Shores. He did say he would still like to have a discussion regarding the Eliot Commons sewer in the future.

7:01 PM 5) Catered Function Application – Raitt Farm

Mr. Lee said that I would recommend approval. It has gone through the various public safety officials with no negative comments.

Mr. Lytle moved, second by Mr. Murphy, that the Select Board approve the Qualified Catering Application by Raitt Farm.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

7:02 PM 6) Approve Warrant(s)

Mr. Murphy moved, second by Mr. Lytle, that the Select Board approve A/P Warrant #104 in the amount of \$85,381.58, dated May 17, 2019; A/P Warrant #106 in the amount of \$41,069.08, dated May 23, 2019.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

L. New Business:

7:03 PM Mr. Lee said that the TIF Committee would like to invite the SB to a joint meeting (workshop) on July 2nd at 6PM to give an update and get some feedback/direction from the SB.

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M. Old Business:

There was no old business.

N. Selectmen's Report:

Seeking Committee Members

Mr. Donhauser said that we are seeking committee members for a number of different committees.

There were no Selectmen's reports tonight.

O. Executive Session

7:04 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(6)(A) Personnel Matter/Manager's Contract.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

8:10 PM Out of executive session. There was no action taken.

P. Adjourn

There was a motion and second to adjourn the meeting at 8:11 PM.

VOTE

5-0

Motion approved

**Respectfully submitted,
Ellen Lemire, Recording Secretary**

**S/ Richard Donhauser, Chairman
Date approved: 01/09/2020**