

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM**

**Quorum noted**

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

**B. Roll Call:** Ms. Davis, Mr. Murphy, Mr. Pomerleau, and Mr. Donhauser.

**Note:** Mr. Hughes absent (excused).

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Comment:**

**5:31 PM Use of Microphone – J. Saurman**

Mr. Lee said that Ms. Saurman could not make it tonight and she had something she wanted to offer under public comment, which he believes is in the SB packets. He read Ms. Saurman's letter regarding the need to have Board members and the public utilize the microphones during all meetings.

**F. Interview Applicants for Aging-in-Place Committee**

**5:33 PM** Mr. Pomerleau said that he was delighted that we are finally getting this committee off the ground and he couldn't be more delighted with the candidates that we have. He added that, before getting into interviewing, we haven't made a decision on staggered terms, on how we want to split this up. He said that he can certainly see it, in some avenues, being a very long-term project for some things; and, given the newness of it, that this is the kind of group that needs to have a really solid, continuous foundation of working together; that three years sounds like a long time but some of the areas they could get into could go beyond even that. He added that he would like the SB to consider, rather than go with staggered terms, that we appoint all these positions for three years and, then, upon re-appointment, after we've seen the results and examine where we are headed with it, that we could then stagger terms on re-appointment. He asked for the SB's thoughts.

**5:36 PM** Mr. Murphy said that he has thought about this quite a bit and he is not usually in favor of violating the rules by which we set up things; that it's very easy for someone whose term comes to an end to be re-appointed. He commented why not keep it so we'll know the structure and the front office won't be confused about the staggered terms they are used to having on every board. He said that, as far as he knows, there are six people who have applied to be on this committee, which means that the five regular members can be filled; that alternates can be

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

staggered, as they will all be there working together. He said that he thought we should keep them staggered. He discussed various ways to stagger the appointments.

**5:38 PM** Mr. Donhauser said that he thought that what Mr. Pomerleau said has some merit but he also agrees with Mr. Murphy and he thinks we should stick with the normal course of how we appoint people to committees, staying with staggered terms, as it is less confusing to Town staff and the individuals serving.

Mr. Murphy said that he thought there was another consideration we should take up regarding a couple – man and wife’ that we have talked about not allowing two connected people to be on the same committee. He added that he reviewed the Charter and it is concerned with the line of supervision and elected people rather than appointed people; so, he doesn’t think, for this committee, that would matter.

All applicants, except one, were present tonight.

**5:41 PM** Mr. Pomerleau said that, on the issue of nepotism, the Charter’s not remotely an issue, here; that it has to do with supervisory authority. He clarified that we have seven applicants, not six, so all the positions can be filled; that he is totally against a random selection, as we should be looking at the best qualifications.

Mr. (Dave) Emery asked if this committee was mandated by the State or did you have something that was identified to the SB and the SB established this committee.

**5:43 PM** Mr. Pomerleau said that nothing was mandated by the State; that he happened to be browsing an AARP magazine and came across an article on aging-in-place; that he then started looking at Maine, getting a lot of information and ideas, and thinking how positive a committee this could be for the Town; that it was kind of born out of his interest in what he read and what he thought would be of value for the Town and the SB was pretty much supportive of it.

Ms. Davis asked if any SB members had any questions of the applicants.

Mr. Pomerleau said that he would like to have each of the applicants, just briefly, tell him why they want to be on the committee and how they think they can contribute.

**5:45 PM** Ms. (Ellen) Ceppetelli said she learned about this committee two weeks ago from someone who was sitting next to her; that she was really excited because care of the elderly is something she’s been professionally involved in as a nurse. She added that she was very interested in how the committee started and what its purpose was so she liked hearing there was opportunity for creativity in looking at

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

the needs of people in Eliot. She said that her experience has been that, often times, elderly have to leave the place that they have found as their home and she would think that this committee would focus on what are all the factors that influence this and how could we create an environment where people have resources and opportunities to be able to stay in place. She added that, at the last meeting, an item was brought forward by an elderly person who couldn't afford the fee for her tree and there was a suggestion by one of the members of the SB that maybe that's something that this committee could look at. She said that we are all aging in place but, if this is the place we want to age in, then helping people create their preferred future is something she would like to do.

- 5:46 PM** Mr. (Ron) Ceppetelli said that he is a psychoanalyst and licensed, clinical social worker and behavioral health specialist at Kittery Family Practice, where 54% of the patients are on Medicare. He added that, on a daily basis, he sees the heartbeat of what's going on with elderly people in their homes, their fears, their concerns, and their hopes; and, of course, everyone wants to live in their home. He said that he's also done research on nursing home aides and nursing home patients and he is familiar with the Beacon Hill model of care that's centered in the community; that he's familiar with models that have been done in Venezuela, Finland, etc. and how clearly it supports their elderly people. He added that he was a certified alzheimer and dementia care trainer so he has quite a lot of familiarity with cognitive impairments. He said that he knows there is a great need for this and it's a great way to build community support for the entire community working with the elderly.
- 5:47 PM** Ms. (Jan) Cerabona said that she's a retired educator, here, and she still substitutes; that she's on the NEA Retired Board; that she went to an aging conference presented by the University of Maine and, at that conference, they were talking about the fact that there were 80 communities that already had aging-in-place going on. She added that she asked Ms. Rawski about aging-in-place and she told her that that was a committee being established. She said that she's lived here since she was seven, that she wants to stay here, and there may be some things she'll need support with, and others may need, and she's interested in being on this committee.
- 5:48 PM** Ms. (Helen) Sullivan said that she doesn't have the education or background like most people do but she cares for the elderly; that every week she makes meals and takes them to an elderly lady in Town and her 95-year-old sister. She added that her priority is doing things for elderly people in Eliot, taking care of them; that she's lived here all her life and she would like to see something like this take off quickly for the people; that they really need this help.
- 5:49 PM** Mr. (David) Emery said that he thought it was great that Eliot was undertaking to start this type of committee; that there are a lot of areas that could be addressed,

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

such as quality of life and independence; that a lot of it goes back to when a person was working and did that person look at and plan for aging, and there will be both sides of that that would have to be dealt with. He added that he has had a lot of experience with people who have aged in place.

**5:50 PM** Ms. (Jessica) O'Donoghue read a memo she had written discussing her experience with dementia; that she feels that nursing homes in our country, and the way our society uses them to warehouse senior citizens is horrendous and she would like to see a change in the way we treat the people who have given us their lives by providing them with the information needed to age-in-place with dignity and security. She added that she recently attended the Wisdom Summit on Aging in Augusta and was able to speak with other town aging-in-place committees; that she would like to see Eliot be a community where seniors cannot only live comfortably in their own homes but also thrive. She said that those who have come before us have allowed us to have the high quality of life we currently have and they are deserving of not only our thanks but our gratitude.

Ms. Davis said that Ms. (Gail) Licciardello was not here but she has good qualifications, also.

**5:52 PM** Mr. Pomerleau said that he closely reviewed all these applications and was looking for a good match of educational and local experience for a well-rounded committee; that he would like to make a recommendation, adding that the good thing is we can take them all and they are all great candidates.

Mr. Pomerleau moved, second by Ms. Davis, that the Select Board appoint Ellen Ceppetilli, Gail Licciardello, Ronald Ceppetilli, Helen Sullivan, and David Emery as the five regular members and Jessica O'Donoghue and Jan Cerabona as the two alternate members.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**5:55 PM** Mr. Lee said that he put down the names that Mr. Pomerleau said, in order, and if it pleased the SB he recommended that Ellen Ceppetilli and Gail Licciardello for a three-year term, Ronald Ceppetilli and Helen Sullivan for a two-year term, and David Emery for a one-year term; and Jessica O'Donoghue and Jan Cerabona as alternates one and two.

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

Ms. Davis asked if alternates had a term limit.

**5:56 PM** Mr. Lee said that the alternates could be anything the SB liked, suggesting that one of them should probably be a one-year term and one a three-year term. He added that they could do a three-year and a two-year.

The SB agreed to the member terms.

Ms. Davis said that this was a particularly impressive group and thanked them all.

Mr. Pomerleau said that, after the committee establishes themselves, he has a number of resources and references for them.

**5:59 PM** Mr. Murphy said that he suspected this committee could be the recipient of donations and that especially dollar donations, or anything with a dollar value (ex: clothes) will have to come through Town Hall, working out an arrangement to accept and store these donations.

Mr. Lee said that we have an existing relationship like that now with the volunteers in Police service; that this group helps the Police out with traffic details, etc., and they do generate some funds; that we have a separate account for them but it goes through our auditing procedure and that would be the money that could be available to you each year. He added that we have created some draft by-laws for the committee, some of which is required by Charter and some subject to changes, and this will help the committee get started. He also said that we have Ms. (Melissa) Albert, General Assistance Administrator, who will be staffing the committee.

Mr. Emery asked if copies of Mr. Pomerleau's material could be made available.

It was agreed that they would be made available for the committee.

**6:02 PM**      **2) Appoint Planning Board Member and (1) alternate**

Mr. Pomerleau said that, again, we had some great candidates and it boiled down to two, for him – Christine Bennett, currently a PB alternate, and Ed Cieslesko, with 15 years of experience on the Appeals Board; that those two rose to the top as ready to 'hit the road' for him. He added that there are two areas of PB responsibility – their day-to-day review and acceptance of applications, applying land use ordinances and making decisions and the other is planning. He said that he thought the planning side was a rather weak area for this Town and he doesn't know that that area can be fully developed to what the Town needs without hiring a professional planner. He added that he looked at the loss of the PB member we

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

had and the Town lost a lot of years of experience and a lot of knowledge and he doesn't know how we could better replace those years than Mr. Cieleszko, with his 15 years of experience with the Appeals Board, working with these ordinances; so, his recommendation would be Mr. Cieleszko.

Mr. Murphy said that he thought he would prefer Christine Bennett, because she is already there on the PB, to move up to that term; that she is extremely smart.

Mr. Donhauser said that he would support Ed Cieleszko, agreeing with Mr. Pomerleau.

**6:06 PM** Ms. Davis said that she was leaning towards experience in this particular case to replace what we have lost, even though it's been very difficult to make this decision because, once again, we've had an abundance of qualified people apply for this position.

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board appoint Ed Cieleszko to fill the vacancy for the balance of Mr. Beckert's term.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

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

**6:10 PM** Motion by Mr. Murphy, second by Mr. Donhauser, to approve the minutes of August 24, 2017, as amended.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**H. Public Works**

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

**6:11 PM      1) Summary Pump Station Funding/Rate Increase Memo**

Mr. Lee said that this is a summary of what took place at the last meeting and a list of next steps to do; that everything seems solid with APEX, we will be signing the contract in November, and the change order will be done concurrently.

Ms. Davis said that she has spoken with Selectman Hughes and we have some questions that we'd like to pull together for Underwood Engineers and Mr. Moulton. She added that she and Mr. Hughes would like to get the SB's thoughts on getting together with Mr. Pratt and Mr. Moulton, getting those questions answered, and then we would report back to the SB.

**6:13 PM      Mr. Murphy asked if the SB would want to have questions to add to those questions, if we saw your questions.**

Ms. Davis said that she wanted to look at the original costing of the project and to sit and talk with Mr. Pratt; that she's not sure it's something she would summarize ahead of time, however, if you have any particular questions, then we would set up an appointment and let you know ahead of time.

Mr. Murphy said that, usually, the Board comes up, together, with questions that are going forward; that her questions might allow us to recognize questions we might not have thought about. He asked why we didn't know the questions; that it involves the whole board.

Ms. Davis said that Mr. Murphy was certainly welcome to submit his questions.

Mr. Murphy said that he would like to see Ms. Davis' questions.

Ms. Davis clarified that he didn't want someone to go talk to them without knowing ahead of time...she will write up a couple of questions at a time. She asked if there was anyone else on the SB that had any objection to Mr. Hughes and her scheduling a meeting with Mr. Moulton and Mr. Pratt.

**6:15 PM      Mr. Pomerleau said that he would be delighted to have the both of you go forward and do that; that he had no questions and, if she has some, then he would gladly entertain her pursuing them.**

Mr. Donhauser said that he doesn't think it's unreasonable that she should let us see what her and Mr. Hughes' questions are.

Ms. Davis said that she would see if Mr. Hughes could work something up, some of his questions.

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

Mr. Murphy said that, usually, the whole SB consults with our consulting engineers; that this bothers him.

Mr. Donhauser said that he thinks it's commendable, if she wants to do this, but he thinks we need to act as a Board, not individually, like a couple people here and a couple people there and, then, she reports back to us what she feels like we should know. He added that he thought we should know the questions going in and the answers coming out.

After further discussion, Ms. Davis said that she and Mr. Hughes would do the best they could to come up with a couple questions to spur on the other Board members. There was no consensus reached.

**6:17 PM        2) ecoMaine Contract**

This is a memo from Mr. Moulton regarding a 5-year and 10-year Waste Disposal Contract with ecoMaine; that the Solid Waste Committee has recently reviewed this and unanimously voted to recommend a 10-year waste disposal contract, as well as Mr. Moulton and Mr. Lee.

Ms. Davis said that she was concerned that we are skirting our purchasing policy and not formally bidding this out. She added that she did a little research and there is Waste Management who would be competent to bid on this. She asked what would justify us waiving our purchasing policy on such a big thing; that we would be tying ourselves up for 10 years without a formal bid in comparing competitors.

**6:19 PM**        Mr. Moulton said that we went forward with this based on a discussion we had back in June on whether we wanted to pursue a longer contract with ecoMaine based on our existing relationship. He added that, at that time, he had done some background research on pricing and how the costs compare to what we currently have with ecoMaine; that he felt the consensus of the SB that night was to move forward with discussions with ecoMaine for a longer-term contract.

Ms. Davis said that, in the meantime, we had been provided with a price list from another community in New Hampshire that goes with Waste Management and their prices are lower than what we would be paying. She added that she wondered if it would benefit the Town, before engaging in a 10-year contract, to formally bid this to see what's out there; that, secondly, she would like to know from the SB what justification we'd use for waiving our purchasing policy on such a large purchase; that, in the past, we have compelled formal bids on much less expenditure.

**6:20 PM**        Mr. Moulton discussed the difference with Waste Management in that they do single-stream recycling, revenue currently generated within the Town's recycling



**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

program, and that allows them to charge a lower price. He said that ecoMaine could do the same thing but he believes the consensus has always been with the Town and the Solid Waste Committee that we get decent revenue from the recycling we do because it offsets the cost and you get a better product; that if you do a comparison, dollar-for-dollar, from what you bring in for revenue and what you have for a contract with, say ecoMaine, you are actually ahead of the game in that manner.

**6:21 PM** Mr. Murphy asked if those revenue figures we get from the recyclables are available, quickly, or by our next meeting.

Mr. Moulton said that they could be available by the next meeting.

Mr. Murphy said that, if we had those numbers, we could subtract them from the cost of this ecoMaine proposal; that that would be an approximation of what we're looking for.

**6:22 PM** Mr. (Jim) Tessier said that he had provided the information a few weeks back for comparison; that that information was from a co-op that processes 10,000 ton/year of material, and we do only 400, so it isn't a real apples-to-apples comparison but just to give you an idea of what the price range was out there. He added that he also talked with the executive director of Northeast Resource Recovery Association (NRRA) to get some more information; that there are some very significant changes going on in the waste management business; that there are two landfills in Massachusetts that are, together, processing approximately 700,000 tons/year of material that are closing down and, when they close, that 700,000 tons of MSW will be looking for a place to go; that that will probably move north and put pressure on the facilities here. Additionally, he said that China, which takes huge amounts of recycling material from the United States, has implemented a program that is stopping the importing of low-level waste (from single stream) because of its contamination levels and, as a result, that is creating a lot of back-up of material here in the United States. He added that that is forcing single-stream recycling facilities to change the way they do business by hiring a lot more people to sort and doing a lot more separation to reduce contamination. He said that, within the last month, one of the big single-stream recycling facilities, Casella, raised their rates \$41/ton to \$98/ton, adding that a couple years ago towns were getting revenue from their single-stream recycling and now they are being charged to dispose of it; that towns are paying more for their recycling materials than towns are paying in tipping fees; that that will put pressure on tipping fees to go up and tipping fees in this area, currently, are in the \$69 to \$79 range per ton. He added that we've had a good relationship with ecoMaine; that they've given us a price of \$58/ton to continue for a year and, then, over several years increasing that to bring us up to the point where everybody else is paying; so, we are going to have 2 – 3 years of paying less; that he and the Solid Waste

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

Committee (SWC) still believe it's a good deal to continue our contract with ecoMaine

**6:23 PM** Mr. Pomerleau asked Mr. Tessier if he knew of anything remotely close to them from a competitive standpoint that would make it worthwhile to put this out to a bid.

Mr. Tessier said no; that the information he gave about a month back was from a contract approved about a year ago; that from what has happened in the last few months, that information probably isn't too valid anymore.

Mr. Pomerleau said that Mr. Tessier just kind of answered the Chair's question on SB policy regarding justification of waiving. He discussed 'sole source' vendors and that, sometimes, one is better off with a 'sole source' provider when there isn't a lot of competition out there and there is an established, beneficial relationship to the Town.

**6:27 PM** Mr. Tessier said that, since the SWC met last week, he has given it some thought and suggested we might ask for the option to extend that contract for an extended period beyond 10 years; that that might actually benefit the Town.

Ms. Davis said that, that being the case, we would have to look into it before having a vote on the 10-year contract.

Mr. Murphy asked if Mr. Moulton knew how long it would take to get a longer period proposal.

Mr. Moulton said that he could probably have that at the next meeting.

Mr. Murphy asked if the current proposal would remain valid.

Mr. Moulton said yes.

**6:30 PM** Ms. Davis asked, based on what we've heard from Mr. Moulton and Mr. Tessier, is the SB prepared to vote on awarding this 10-year contract.

Mr. Murphy moved to award this contract, as presented, for 10 years. There was no second and the motion fails.

Mr. Donhauser said that he thought we should wait to see if we can have an extension; that he agrees we should go with this contract but it only takes a little while to get the additional information.

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

The SB agreed to wait until the next meeting to see if a 10-year extension option could be gained.

**I. Department Head/Committee Reports**

There were no items.

**J. Administrative Department**

**6:33 PM 1) Town Manager Report**

Mr. Murphy asked about **Line 81** regarding ‘single audit’ required due to sewer bond.

Mr. Lee said that if you receive more than \$700,000 from any federal source, they require a ‘single audit’, which is slightly more elaborate; that it will be an additional \$2,000 to \$3,000 and will be paid by the sewer department (sewer bond).

**6:35 PM** Mr. Pomerleau discussed **Line 119** regarding FOAA requests, saying that Mr. Lee had the capacity to charge when they start to exceed what is normally considered routine.

Mr. Lee said that he’s had that discussion with one person but we didn’t have to charge; that a subsequent FOAA request was almost identical to what he has been asked for before so it was simply a matter of sending the same large file he had already compiled over to several people who want to see the same information.

Ms. Davis asked about **Line 13** regarding a resident’s concern about access to Goodwin Road Farm across her ROW.

Mr. Lee said that a neighbor has a ROW that splits her property from Goodwin Road Farm; that the easement folks were doing some work out there and she asked them what their plans were for using her ROW; that she got kind of a course answer and called Mr. Lee for advice.

**6:37 PM** Ms. Davis asked about **Lines 35 & 36** regarding a new MMA service offering legal advice on personnel issues.

Mr. Lee said that this was a free attorney resource (labor law) that can be utilized regarding any personnel issues, preventatively; that they also have online courses and other resources.

Ms. Davis asked about **Line 75** regarding door alarm codes.

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

Mr. Lee said that we are going to assign different alarm codes to different groups that use the building; that later in the agenda we will be discussing the cost to re-key our vaults.

**6:40 PM      a. Financial Report**

Mr. Lee pointed out the revenue numbers under the Transfer Station recycling lines; that this is from both residents and recyclers.

**6:41 PM      b. Notification of Worker's Compensation Rate Change**

Mr. Lee said that we have had a couple of incidents over the past couple of years that have raised our 'experience modification rating'; that we were doing pretty well at 0.74 (1.0=average) and this year we have gone to 1.18, which will negatively impact our budget.

**6:43 PM      c. Public Approval of Accounts Payable Warrant**

Mr. Lee explained that, from an annual MMA training convention, we learned that there is an obligation to at least approve (confirm) these warrants at a public meeting; that this does not include payroll, school, State tax warrants; that the SB will be seeing these at regular meetings to be confirmed.

There was discussion on how this would be implemented.

**7:03 PM      At this time, the regular Select Board meeting was suspended and the **Public Hearing was opened on the Election & Referendum Warrant.****

Mr. Lee said that there are two - Moratorium Ordinance Regarding Retail Recreational Marijuana and Local Food & Community Self-Governance Ordinance and explained recent issues raised regarding both.

**7:08 PM      Mr. (Dan) Blanchette, Garrison Drive, discussed his concerns regarding the proposed local food ordinance. He said that he calls this the 'halloween ordinance' because it certainly looks good but he doesn't know what's underneath and some of it is very scary. He added that, first of all, there are no definitions to 'farmer' or to 'food'; now, a lot of ordinances that use words like 'farmer', etc. will necessitate that a 'farmer' is one who earns a minimum of...and he doesn't know what the percentage standard is...his or her income from the direct sale of the product; that that becomes important a little later on. He said that, with no definition of 'food', you have to look at it very liberally, and there are no exceptions to it; so, with food, you first start off with 'material', 'special**

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

carbohydrates'; then, you continue... 'anything that provides mental nourishment or stimulus' and then you have another... 'anything serving for consumption or use'... he remembered buying brownies in college and he consumed it. He commented that this proposed ordinance supersedes the moratorium. He read from the proposed ordinance, §6. 1), State and Federal Law: "It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this ordinance." He said that he wanted the federal government to ban DDT and he thinks the Town is throwing itself into a huge liability of trying to fight State or federal laws. He added that, in §11 it says, "All inconsistent provisions of prior ordinances adopted by the Town of Eliot are hereby repealed,...", saying "There goes anything on marijuana. If I'm a farmer, I can grow marijuana. I can sell it." He said that the other thing that you can do is..."I can own 20 acres on the river that's wooded and I can declare I'm a farmer."; and there, again, no percentage needed and he can say, "I need to clear that in order to grow some crops." He said that he would rather, than voting for and implementing this ordinance that he feels is unnecessary, challenge each voter to spend \$5 at a local farm; that that would be doing a lot better to the farmers.

**7:12 PM** Ms. (Nancy) Shapleigh said that she would be curious to know who authored that ordinance.

Mr. Lee said Bob Fisher and Rosanne Adams.

Ms. Shapleigh asked where all that language came from.

Ms. Davis said no; that she thought there were at least 80 communities in Maine that have already passed locally-grown ordinances, so, this is standard language that has been developed for those communities.

Ms. Shapleigh asked if there wasn't somewhere in that ordinance where someone can build because they're going to repeal all the ordinances and, frankly, there are times when she feels that might be a good idea. She added, however, that she thinks we do need some restrictions, asking if we could build a box store down there on River Road; and why not, if all State and federal ordinances are repealed. She added that she thinks that this is another piece of unnecessary ordinance; that she thinks we have too many already.

**7:15 PM** Ms. Adams said that the reason this ordinance was originally brought forward came out of a food and drug act that was mainly meant for processing plants and large producers of food; that, then, what happened was that it then filtered down to the little people; that, in fact, there's still litigation going on with a bed & breakfast about a lady making jams and the government coming in and saying she couldn't feed that to her clients because it wasn't made in a licensed kitchen. She added that this ordinance helps to mitigate that kind of interference with people

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

who have roadside stands; that, if we don't start to enact our ordinances that will prevent it, eventually the State can come down and say you can't have a church supper because you don't have a licensed kitchen; that you can't sell your pies out of your house because no one has licensed you to do that; that that is the extreme it could go to. She said that, really, this is to help protect and reinforce the fact that we have people in our community that have pick-your-owns, produce honey, produce jams and jellies and cakes and pies, and sell them, and it prevents them from being stopped doing that. She added that it's all about only people in this community; that she knows you and she's going to buy from you because she knows you, it's a face-to-face thing; that it's not about going to another place and selling it; it's not about wholesale or retail; it's about face-to-face interaction with the people in our Town. She said that she thinks it's a good thing for the Town and legitimizes a lot of the things that people are doing in this Town. She added that she can't see some of the things that Mr. Blanchette is saying, happening.

**7:21 PM** Mr. Blanchette said that there are marijuana farmers all over the earth.

Mr. Pomerleau challenged Mr. Blanchette's interpretation of the marijuana impact; that it says "All inconsistent provisions of prior ordinances" and we haven't passed a marijuana ordinance yet. He added that, if this passes in November, any ordinance we pass on retail sales of marijuana, etc., will happen after this one.

Mr. Blanchette said that he tended to disagree because the State law already passed and you are already saying that the State cannot do this, the federal government cannot do this, and he thinks the interpretation is that the Town can no longer do it, either. He added that the retroactive needs to be in there, by law, in order to make it retroactive, which you've done for the Town, but it doesn't mean that the town, in the future, can pass laws that will impede this particular ordinance. He said that he believed you would find that the attorney would tell you that the Town cannot pass any ordinances that would impede this ordinance now that you've approved this ordinance.

**7:22 PM** Mr. Pomerleau asked if Mr. Blanchette was trying to tell him that there was such a thing as an ordinance that's permanent, in law, and no subsequent legislative body could change it.

Mr. Blanchette said no; that he's only saying that this ordinance, as written, if passed and adopted, until it is repealed or amended – and he isn't saying that it isn't a feel-good ordinance, no apple pie – but he doesn't think, in its present form...thank you.

Mr. Cieleuszko said that, regarding a Town ordinance from his understanding of what Mr. Blanchette said, the proposed ordinance states that we are not to go by

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

any State law or federal law or we are overriding them, asking if that is what he heard.

**7:23 PM** Mr. Lee said that he doesn't know the full in's-and-outs of the law but we do have a few copies on the table if people would like to read through it.

Ms. Davis asked if Mr. Blanchette would point out the part in the ordinance that he finds the most objectionable.

Mr. Blanchette said that what he finds objectionable is that he finds there is no exception for marijuana; that if you are a farmer, you can grow anything.

Ms. Davis asked where the portion was that says it overrides all.

Mr. Blanchette said that you then have State and federal law, that §6, and, then, under §11, it says, "*All inconsistent provisions of prior ordinances adopted by the Town of Eliot are hereby repealed, but only to the extent necessary to remedy the inconsistency;*"; that he understands that but that also means that, in answer to Ms. Shapleigh's question about a box store, you could so long as you are selling the farm products in it. He added that, if you think that's not so, how big is Tuttle's Farm Market in Dover.

**7:25 PM** Ms. Adams said that, concerning licensing and inspection (§5.1), "*Producers and processors in the Town of Eliot are not subject to licensure or inspection provided:*", and then there are the provisions; that that does not mean that everything that is produced in Eliot will not be under license or inspection. She added that only those things – it says, "*a) Transactions are only between producers or processors and patrons. This includes sales that: 1) are made directly to a patron and 2) occur on the farm where the farm food product originated, at the home where the homemade food was produced, or at the home of the Patron. B) Products are prepared for, consumed, or sold at a community social event.*" She said that that means that these would not be under licensure or inspection – these are the provisions; and the third, "*c) Patrons understand that the product is not manufactured under license from or inspected by any governmental agency.*" She added that that says to her that the person providing this food or food product would have to make it very clear to those who are buying that it is not produced in a licensed kitchen or does not have some inspection by a governmental agency. She said that we do have people in Town that produce beef; that they sell beef under USDA, so you can buy it under that program, and they sell it directly, so they do both. She added that she doesn't know if that helps but we are not talking about abandoning all licensing and inspection, only under the provisions of the ordinance.

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

**7:26 PM** Mr. Cieleuszko said that, in §6, it says that no State or federal law can interfere with this ordinance; that that would never pass a test in court; that that is usurping every rule; that there should at least be a section in that ordinance that, if a part of it is found to not meet the standards of the Constitution (severability), it should be kicked out without nullifying the rest of it.

It was noted that there is a severability clause in the proposed ordinance.

Mr. Blanchette noted that the brownies you could buy at university were not made in a licensed kitchen.

**7:27 PM** Mr. Fisher said that we are not going to cut trees down on the shoreline to make more room to grow more food because we have ordinances in Town that say you can't cut those trees. He added that this (proposed ordinance) has been posted in the State and the State ok'd it all, except where the federal government comes in to control in the slaughterhouses, meat-processing areas, as that can't go under that rule under federal law.

There was further discussion regarding whether this proposed ordinance granted rights to private property owners that would repeal any local ordinances already in place.

**7:28 PM** Mr. Pomerleau said that he disagreed with most of Mr. Blanchette's points; that he thinks the CEO would go to land use ordinances and would see the definition of 'farmer'; that every single detail doesn't have to be spelled out in this ordinance; that you don't look at land use ordinances without taking it in its totality in the context of the entire ordinance. He added that one thing is clear, whether you support this or not, this is definitely in the category of "buyer beware"; that you buy that food, there's a process that's not going to happen with this ordinance, and you're taking your chances.

**7:30 PM** Mr. (Alex) Orestis said that, regarding the recreational marijuana moratorium, he wanted to know the idea behind that, asking if that is just to make sure we don't get in trouble and, then, when the State comes out with their laws, that we're not in accordance with those.

Ms. Davis said that it's "the unregulated location and operation of "Retail Marijuana Establishments" and "Retail Social Clubs"" until we can define an ordinance to cover these situations.

Mr. Orestis asked if 180 days should be enough time to make that happen.

Mr. Pomerleau said that we can extend it. He clarified that the initial moratorium has to be approved by the legislative body and an extension can be done by this



**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

SB; that MMA recommended to all communities that they do a moratorium to protect themselves from any potential retroactivity or pre-ordinance passage kind of impact because of the current uncertainty with the State.

**7:32 PM** Mr. Donhauser discussed the monetary affect to not having a moratorium, locally, until we know exactly who is going to administer it, enforce it, and where revenue will remain.

**7:33 PM** **Public Hearing closed.**

At this time, the Chair resumed the regular business meeting.

**7:35 PM** Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board approve the Accounts Payable Warrant #34, dated 10/06/2017, in the amount of \$141,792.84; and the Accounts Payable Warrant #35, dated 10/10/2017, in the amount of \$1,101,283.19; and Accounts Payable Warrant #37, dated 10/12/2017, in the amount of \$238,283.64; and the Accounts Payable Warrant #39, dated 10/17/2017, in the amount of \$57,224.75.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:37 PM** **2) Law Change Impacting Budget Calendar**

This is regarding the Legislature change to nomination paper filing deadline from 45 days to 60 days to give municipal clerks more time for printing absentee ballots, and also applies to referendum questions.

Mr. Lee said that that pushes back our budget calendar for particular things; that this has been done because the State selected a single vendor to do all the ballot printing for the whole State and the single vendor was unable to do it within the previous timeframe for all.

**7:39 PM** **3) Order Pursuant to 36 M.R.S.A. §906**

This was regarding payment of outstanding or delinquent property taxes versus current property tax due; that chronological payments are applied, going to the

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

oldest, most delinquent bill first, unless under appeal or consideration for abatement, pursuant to 36 M.R.S.A. §906.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board approve the Order of Municipal Officers Pursuant to 36 M.R.S.A. §906 regarding the order of application of tax payments, dated 10/26/2017.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:46 PM      4) Policy on Treasurer's Disbursement Warrant – Annual Update**

Mr. Lee said that one of the things the SB needs to annually adopt is a policy on Treasurer's Disbursement Warrants for employee wages and benefits, education costs, and State fees; that in a catastrophic event where most Select Board members are unavailable, this allows for one SB member signature on these warrants that are mandatory spend-outs. He added that the SB sees this each year.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board approve the Policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits, Education Costs, and State Fees, dated October 26, 2017.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:48 PM      5) Door Codes/Vault Key**

Mr. Lee said that they were in the process of updating alarm codes for each of the various boards. He added that in order to key the various locks, keyed alike with 7 keys (doors and vaults), it would be approximately \$275 - \$300, assuming there are no problems.

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

After a brief discussion, the SB agreed, **by consensus**, for the Town Manager to proceed.

**7:51 PM      6) Compensation Plan Implementation Steps**

This was tabled to the next workshop on November 2<sup>nd</sup>.

**7:53 PM      7) Withdrawal of EPA 126 Petition – Schiller Plant**

This was regarding the Town approving, in 2013, the submission of the Clean Air Act 126 Petition to the US EPA; that no readings came close, through 16 months of monitoring, to reaching or exceeding national air standards for SO<sub>2</sub>; that the new license issued to Schiller Plant by NH DEP includes SO<sub>2</sub> standards that are 68% lower. There did not seem to be concern regarding withdrawing this petition by the Sierra Club and Eliot Conservation Commission because the standards in the new license are much stricter.

After some discussion, Mr. Pomerleau requested that the Town Manager inform and get feedback from the Eliot Conservation Commission before the SB withdraws this petition.

The PB agreed and the Town Manager will ensure that the Eliot Conservation Commission is okay with withdrawing this petition.

**K.      New Business:**

There was no new business.

**L.      Old Business:**

**8:02 PM      Town Hall Floor/Water Plan**

This was regarding a findings report from Tirey and Associates and their recommendations, with the Town Manager describing each recommendation and giving suggestions on how to move forward.

**M.      Selectmen's Report:**

**8:08 PM**      Mr. Pomerleau suggested that we look into a podium with a mic for use by the public.

Mr. Lee said that he would look into that.

**N.      Committee Vacancy Report**

**SELECT BOARD MEETING**  
**October 26, 2017 5:30PM (continued)**

**8:09 PM**      **Aging-in-Place; Harbor Committee; Clean Water Committee; Personnel Board**

Mr. Lee said that there was not enough interest at this time in the Harbor Committee to seat it.

**O.      Executive Session**

**8:10 PM**      Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405.A Personnel Issue

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**8:15 PM**      Out of executive session. No action was taken.

**P.      Adjourn**

There was a motion and second to adjourn the meeting at 8:16 PM.

**VOTE**

**4-0**

**Chair votes in the affirmative**

**Approved: December 28, 2017**

**S: / Mr. Richard Donhauser, Secretary**