

Eliot Select Board Meeting
Thursday, September 09 2021 at 5:30 pm
Meeting Room and Use of the Owl for Remote via Zoom

- A. **Call to Order:**
- B. **Roll Call:**
- C. **Public Comment / Requests: Gene Wypyski- Update Eliot Community & Business Directory**
- D. **Approval of Minutes of Previous Meeting(s): None**
- E. **Department Head/Committee Report:**
 - 1. **Approval of Sewer Allocation- 12 Lilac Lane**
 - 2. **Fire Chief- New Fire Truck Update**
 - 3. **Fire Chief- Radio Communication System**
 - 4. **Town Manager Report**
- F. **New Business:**
 - 1. **Approval of Special Town Referendum for November 2, 2021**
- G. **Old Business:**
- H. **Approval of Warrants:**
 - 1. **A/P Warrant # 14 \$ 174,302.78**
 - 2. **A/P Warrant # 17 \$ 193,146.52**
 - 3. **A/P Warrant # 143 \$ 1,702.96**
- I. **Selectmen's Report:**
 - 1. **Seeking Committee Members Listing**
- J. **Executive Session:**
- K. **Adjournment:**

To Join Live Zoom Meeting:

Go to Zoom. com

Enter meeting ID Number: 837 5719 7734

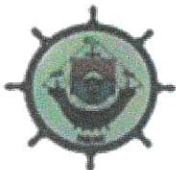
Enter meeting Passcode: 291185

Call into the meeting:

Call 1-646-558-8656

You can call into the meeting, enter the same ID and Passcode from above. Please stay muted, press *9 to speak.

CORRESPONDENCE # E-1
 SELECTMEN'S MEETING
 09-09-21



MAP # <u>1</u>	LOT # <u>21</u>
APPROVAL DATE _____	

allocation balance - 84,760

**TOWN OF ELIOT SEWER ALLOCATION
 SELECT BOARD APPROVAL**

Welbuilt Cozy Stays LLC		
Last Name	First Name	M.I.

12 Lilac Lane/ Elliot Me	
Address/Location	
Telephone:	2078374398

CHECK ONE

Commercial Gallonage	Residential - 120 gal average/day Allocation approval expires in 180 days - written extension to the Select Board required two weeks in advance of expiration. NOT Transferable
ALLOCATION FEE \$25.00:	PAID: 25.00
ALLOCATION EXTENSION FEE: \$25.00	PAID:
	TOTAL PAID: 25.00

Owner Signature	Sewer Superintendent Signature
Date: August 26, 2021	Date: 8/20/2021



CORRESPONDENCE # E-2
SELECTMEN'S MEETING
09-09-21

Eliot Fire Department

Chief Jay P. Muzeroll

August 31, 2021

Town of Eliot
Selectboard

Staff Report

Issue: New fire truck update and additional associated costs

Discussion:

The Town and Fire Department entered into a contract in December 2020 to purchase a replacement of the towns 1996 pumper for approximately \$625,000 minus a trade in value of the 1996 truck of \$25,000 leaving a balance of \$600,000. In the best interest of the town a \$300,000 prepayment was decided of which \$132,000 was to be allocated from TIF reserve. No matter how its calculated the truck will cost the town \$600,000 The truck was already in line to be fully funded through CIP initiatives.

It is expected that the new truck will be available for service by years end or shortly thereafter. We as a collective group, department head, BOS and Treasurer, will need meet on final costs and how it will be paid. It may be achieved by the following:

- Pay remaining balance via Fire Truck Reserve
- Enter into a short-term lease agreement for 3-5 years for the balance
- Negotiate a Master lease program for all departments CIP projections

The fire department truck committee, as part of their assigned responsibility of projecting future needs and funding requirements has identified for purchase the following that should be addressed prior to delivery of the new fire truck.

• Upgrade all fire hose on the fire truck with quick turnaround backup hose:	\$5000
• Firefighter hand tools	\$2500
• Update and add to battery operated extrication equipment:	\$7500
• Purchase and mount large diameter suppression hose/appliance	\$3500
• Hydrant assist valve	\$3000
• Tool and equipment mounting	\$5000
• Truck radio equipment	\$2000
• Additional lettering and Eliot logo's	\$2500

Total: **\$23750**

Recommendation:

The BOS authorize up to \$25,00 be appropriated from the Fire Truck Reserve account for the purchase and installation of the previous identified equipment.

This was also the revenue source recommended by the Town Treasurer.

Prepared for consideration by:

Jay P. Muzeroll
Eliot Fire Chief

Town Manager Recommendation: (The Town Manager concurs with the Fire Chief recommendation)

_____/s/ Carol M. Granfield

Carol Granfield, Interim Town Manager



Eliot Fire Department

Chief Jay P. Muzeroll

August 31, 2021

Town of Eliot
Selectboard

Staff Report

Issue: Failure of radio communication system components

Discussion:

As you are aware the radio communication system that supports the Fire and Police Department was upgraded this past year at the cell tower property off Route 236 adjacent to York Woods and Tree Services. As a refresher to the project the site encountered damage and failure to the system after a windstorm event that required replacement of parts of the system. This was financed through an insurance claim with our provider, Maine Municipal Association.

For several months both departments have noticed a degradation of the transmission and reception of the system. Our primary contractor, 2way Communication was contacted to conduct a troubleshooting process to determine what if any failures that may be causing the problem. After several weeks it has been determined that the transmission/reception antenna has become defective. This may be from the earlier weather event or something similar that was not identified or apparent at the time.

No matter the cause it needs to be corrected. Its failure is a safety issue that affects all emergency services within the town. I am waiting to hear whether it may be under warranty or if an insurance claim may need to be filed or is we need to finance it ourselves.

In the interest of time, I have authorized 2-way to order and schedule the replacement of the equipment. We are encountering backorders of equipment for a myriad of reasons, so a time frame is not possible.

Recommend:

If all other sources of replacement costs are exhausted, except the towns contingency fund, that the BOS, after approach from the fire department head, provide funding which maybe in the vicinity of \$7500 or greater. This was the source recommendation of the Town Treasurer.

Prepared by:

Jay Muzeroll
Eliot Fire Chief

Town Manager Recommendation: The Town Manager concurs with the Fire Chief recommendation

_____/s/ **Carol M. Granfield**
Carol Granfield, Interim Town Manager



TOWN MANAGER'S REPORT

Select Board Meeting September 9, 2021

- 1. Time Capsule** – I advised the Bicentennial Committee that the Select Board approved the Time Capsule to be buried at Hammond Park for a period of 50 years. At this time the Committee plans to Seal the Time Capsule at the Heritage Day Festival, and it will be buried at a later date once an appropriate plaque/marker is received.
- 2. Remote Hybrid Meetings** – The Owl system continues to work well for the Select Board, Planning Board and Budget Committee meetings. It has actually saved the Town money for presenters that normally receive payment for travel and time to attend meetings as well as provide Board Members who may be traveling an opportunity to still attend remotely. The Aging in Place Committee is scheduled to have a public hearing on September 16 to adopt a policy that will allow them to start having hybrid meetings upon adoption of the policy.
- 3. American Rescue Plan Funds** – The Town has received the information on how to submit a request for funds. As a result of discussion with the Select Board pertaining to some possibilities for utilization of funds, we shall continue to explore some additional options based on the recent input of the Select Board. We hope to be able to put a short survey on the Town website in the near future that will solicit additional input from the public.
- 4. COVID Update** - The Fire Chief and Town Manager continue to monitor the status of COVID issues in the York County area, along with the varied trends we continue to see. Staff input was additionally solicited regarding any concerns associated with our current policy pertaining to wearing masks for both employees and the public. Masks are not mandated but encouraged and appreciated to be worn by those who are not vaccinated. Social distancing continues to be encouraged. Our employees and departments are very comfortable with how the we have addressed this as well as the public, as we have not received any concerns. The Community Services Department which is located within the school, however, is following the school requirements of wearing masks and socially distancing in the building. I am attending the York County EMA Weekly Covid updates and will update at the Select Board meeting. York County continues to increase with a high transmission.

5. **Health Officer** – Our new Health Officer, Laverne Burrige, will soon be listed on the Town website with an email address and phone number, so messages will be able to be left for her and she will be able to respond to any inquiries.

Other updates will be provided at the meeting.

Respectfully submitted,

Carol

Carol M. Granfield, *ICMA-CM*
Interim Town Manager

Staff Report

Special Town Referendum Warrant – November 2, 2021

Select Board Meeting: September 9, 2021

Background: Required warrant to call the Special Town Referendum as required by 30-A MRS §2521.

Issue: Review and approve warrant for a Special Town Referendum on November 2, 2021.

Discussion: The proposed ordinance amendments presented under articles two through six were certified by the Board at the Aug. 26, 2021 meeting. Copies attached.

Fiscal Impact: None

Recommendation: This action must be taken to formally call the Special Town Meeting and begin the official planning of the referendum election.

Suggested Motion:

“Motion to accept the November 2, 2021 Special Town Meeting Referendum Warrant as written.”

Prepared by: Wendy Rawski, Town Clerk

Town Manager Recommendation: I concur with recommendation.

/s/ Carol M. Granfield

Carol M. Granfield, ICMA-CM
Interim Town Manager

**TOWN OF ELIOT, MAINE
SPECIAL TOWN REFERENDUM WARRANT
TUESDAY, NOVEMBER 2, 2021**

To: Sara Ouimet, Resident of the Town of Eliot, County of York, State of Maine

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Eliot, County of York, State of Maine, qualified by law to vote in town affairs, to meet at Marshwood Middle School, 626 H. L. Dow Highway, Eliot, Maine, on Tuesday, November 2, 2021 at 7:30AM for opening ceremonies and action on Article One, Election of Moderator. The polls for voting will be open from 8:00 AM to 8:00 PM for secret ballot voting on Articles Two through Six.

Pursuant to Title 21-A, Section 759(7) absentee ballots will be processed at the polling place from 9:00 AM – 8:00 PM on the hour, every hour as needed.

The Town will provide any reasonable accommodations for any disabled resident to attend this Election. Please notify the Town Clerk at the Town Office of the need. This is in accordance with the ADA Law.

NOTE: Please use the Depot Road entrance to access the designated voter parking area.

ARTICLE #1: To elect a moderator by written ballot to preside at said meeting.

ARTICLE #2: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees" be enacted?

Planning Board Recommends Approval (Vote: 3 – 0 – 2 absent)
Select Board Recommends Approval (Vote: 4 – 0 – 1 absent)

The complete text is available at the Town Office and on the Town Website (www.eliotmaine.org) for review.

ARTICLE #3: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures" be enacted?

Planning Board Recommends Approval (Vote: 4 – 0 – 1 absent)
Select Board Recommends Approval (Vote: 4 – 0 – 1 absent)

The complete text is available at the Town Office and on the Town Website (www.eliotmaine.org) for review.

ARTICLE #4: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs" be enacted?

Planning Board Recommends Approval (Vote: 3 – 0 – 2 absent)
Select Board Recommends Approval (Vote: 4 – 0 – 1 absent)

The complete text is available at the Town Office and on the Town Website (www.eliotmaine.org) for review.

ARTICLE #5: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales" be enacted?

Planning Board Recommends Approval (Vote: 3 – 0 – 2 absent)
Select Board Recommends Approval (Vote: 4 – 0 – 1 absent)

The complete text is available at the Town Office and on the Town Website (www.eliotmaine.org) for review.

ARTICLE #6: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 7 – Animal Control, Related to Rooster Noise" be enacted?

Two Select Board Members Recommend Approval, Two Select Board Members Oppose Approval (Vote: 2 – 2 – 1 absent) *Please Note: All Select Board Members present voted in the affirmative to place the amendment on the warrant.

The complete text is available at the Town Office and on the Town Website (www.eliotmaine.org) for review.

Given under our hands this 9th day of September, 2021

Alexandros Orestis, Chairman

Richard Donhauser, Vice Chairman

Robert McPherson, Secretary

William Widi, Selectman

Lauren Dow, Selectman

**Select Board
Town of Eliot, Maine**

RETURN OF THE WARRANT

Eliot, Maine
_____, 2021

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Eliot Town Office Interior & Exterior Bulletin Boards, the Eliot Transfer Station Bulletin Board, the Eliot Post Office Bulletin Board and the William Fogg Library Bulletin Board in said town, being public and conspicuous places in said town, on the ____ day of _____, 2021 being at least seven days before the meeting.

Sara Ouimet, Resident, Town of Eliot, Maine

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

August 3, 2021 – Initial Planning Board review

August 11, 2021 – Legal review

August 17, 2021 – Planning Board public hearing; Planning Board recommends (3-0)

August 26, 2021 – Select Board recommends (4-0)

ARTICLE #2: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees” be enacted?

Background and rationale – short

Extends post-construction stormwater management requirements in Chapter 35 of the Town Code from the Urbanized Area only to town-wide. Maintains the same threshold where Chapter 35 is only applicable to developments disturbing one acre or more. Changes the current stormwater management facility annual inspection fee toward recovering Town staff costs related to post-construction stormwater management agreements. Clarifies that the annual stormwater certification sent by the property owner (or other entity responsible for maintaining stormwater facilities) must attach the associated inspection report done by a qualified post-construction stormwater inspector.

Background and rationale – long

This amendment extends post-construction stormwater management requirements in Chapter 35 of the Town Code from the Urbanized Area only to town-wide. For developments subject to Chapter 35 that install stormwater management facilities, property owners (or other responsible entities, such as homeowners’ associations) are responsible for maintaining the facilities so they continue to function properly. Chapter 35 applies to development or redevelopment that disturbs one acre or more of land, or development that disturbs less than one acre if the development is part of a larger common plan of development or sale – but only for development in the Urbanized Area, which is a U.S. Census-based designation that only covers a part of the town. These amendments would change Section 35-3 so that all parts of town would be covered. The general “one acre or more of disturbed area” threshold would stay the same. While the Town of Eliot and nearby communities are subject to state stormwater rules that only apply to Urbanized Areas, many of these nearby communities have a town-wide scope for their post-construction stormwater management requirements.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

This amendment also changes the current stormwater management facility annual inspection fee toward recovering Town staff costs related to post-construction stormwater management agreements. Estimated staff time per site per year to send annual certification reminder letters and log, review, and follow up on annual inspections done by property owners is five (5) hours. This would be covered by a “base fee”. The amendment also establishes fees for Town staff or third-party stormwater consultant inspections, as needed. These inspections may be needed if the stormwater facilities are reported to be not working properly, if the annual certification and inspection report has deficiencies, or for other reasons. The current fee is \$100. The amendment establishes a base fee of \$250, with additional per-inspection cost recovery fees if Town staff or third-party consultant inspection is needed: \$300 for a Town staff inspection; \$900 for a third-party consultant inspection. Finally, this amendment modifies Appendices 1 and 2 of Ch. 35 to add requirements that the annual certification be accompanied by the inspection report.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

(New text underlined in bold)

~~Deleted text in strikethrough~~

Sec. 1-25. - Fee schedule.

PUBLIC WORKS/ROAD COMMISSIONER	
PURPOSE	FEE
<u>Stormwater management facilities – review of annual certifications and inspection reports for properties entered into a maintenance agreement with the Town (Sec. 35-4(b)(6))</u>	<u>\$250.00 – annual base fee</u>
Stormwater management facilities - annual <u>Town inspection (as needed)</u> of properties entered into a maintenance agreement with the Town (Sec. 35-4(b)(6); <u>Sec. 35-5(b)</u>)	\$100.00 – annual inspection fee <u>\$300.00 per Town staff inspection</u> <u>\$900.00 per Town-contracted third-party consultant inspection</u>
Excavation permit - for excavation of town ways (Sec. 37-55)	\$100.00
Driveway construction permit	\$50.00

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

Sec. 35-3. - Applicability.

(a) *In general.* This chapter applies to:

- (1) Development or redevelopment that disturbs one acre or more of land within the ~~Urbanized Area~~ municipality; and
- (2) Development that disturbs less than one acre if the development is part of a larger common plan of development or sale within the ~~Urbanized Area~~ municipality.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

APPENDIX 1

**Maintenance Agreement for
Stormwater Management Facilities**

This Maintenance Agreement is made this ___ day of _____ 20___ by and between _____ and the Town of Eliot, Maine.

The project name is _____ .

The location is: _____ , Eliot, Maine.

The project's Tax Map and Lot Numbers are Tax Map Lot _____

The project is shown on a plan entitled " _____ " dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the _____ County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Eliot requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for itself, and its successors and assigns, agrees to the following:
 - (a) To use a Qualified Post-Construction Storm Water Inspector to inspect the Stormwater Management Facilities; and to clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system as described in the Post-Construction Maintenance Plan for the facilities;
 - (b) To provide a certification of inspection to the Town by July 1 each year. **The Qualified Post-Construction Storm Water Inspector's inspection report must be provided along with the certification.**
 - (c) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection and provide notice to the Town of the repairs within 60 days of identification or within a schedule approved by the Code Enforcement Officer; and
 - (d) For subdivisions, to create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

2. For subdivisions, upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.
3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

_____ Witness	By: _____ Its: TOWN OF ELIOT, MAINE
_____ Witness	By: _____ Its:
STATE OF MAINE _____, ss.	_____, 20__

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____
STATE OF MAINE _____, ss.	_____, 20__

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

Personally appeared the above-named _____, the _____ of the Town of _____, and acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____

APPENDIX 2

**Inspection Certification for
Stormwater Management Facilities**

I, _____ (print or type name), certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: _____
(print or type name of subdivision, condominium or other development) located at _____
(print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____
(names of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I am (circle one):

a. a Qualified Post-Construction Stormwater Inspector hired by the person or party specified in #2, and have reviewed the approved Stormwater Management Plan for the facility and have inspected the Stormwater Management Facilities;

or,

b. the person (or a duly authorized representative of the party) specified in #2, and I have hired a Qualified Post-Construction Stormwater Inspector and received and reviewed a copy of their inspection report;

4. On _____, 20____, the Stormwater Management Facilities were inspected, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Stormwater Management Plan for the Property;

5. At the time of the inspection (check one and complete any required information):

a. ___ The Stormwater Management Facilities were adequately maintained and functioning as intended, or

b. ___ The Stormwater Management Facilities required maintenance, which was completed within the required 60-day time period, and were functioning as intended after maintenance was completed, or

c. ___ The Stormwater Management Facilities required maintenance which was not completed within the required 60-day time period. (Attach additional

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

sheets as necessary to describe the maintenance required, proposed schedule for completion, and an appropriate contact person. The Code Enforcement Officer will contact them to confirm or adjust the schedule to complete the maintenance and any needed further course of action.)

Date: _____, 20__.

By: _____ (Signature)

(Print Name__

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____
STATE OF MAINE _____, ss.	_____, 20__

The Town of Eliot requires this form, **along with the associated inspection report**, to be sent to the Code Enforcement Officer by July 1 each year.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees

Municipal Officers’ Certification of Official Text of a Proposed Ordinance

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 35 – Post-Construction Stormwater Management, Related to Post-Construction Stormwater Management Applicability and Fees”, which is to be presented to the voters for their consideration on November 2, 2021.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: _____, _____

Alexandros Orestis, Chairman

Richard Donhauser, Vice Chairman

Robert McPherson, Secretary

William Widi

Lauren Dow

**Select Board
Town of Eliot, Maine**

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures

August 12, 2021 – Legal review

August 12-16, 2021 – Review comments from Eliot Historical Society and Maine Historic Preservation Commission

August 17, 2021 – Initial Planning Board review

August 24, 2021 – Planning Board public hearing; Planning Board recommends (4-0), with revisions

August 26, 2021 – Select Board recommends (4-0)

ARTICLE #3: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures” be enacted?

Background and rationale – short

Establishes a 90-day delay period applicable to a demolition permit application for a building or portion of a building that is 100 years in age or older, or that is on the National Register of Historic Places, so that alternatives to demolition can be explored. Exempts demolition of dangerous buildings from this requirement. Allows time for consultation to occur between the applicant for the demolition and-or property owner, Town staff, the Planning Board, the public, and local and state historic preservation stakeholders to explore potential alternatives, but does not prohibit or indefinitely delay any demolition. Provides for a Planning Board public hearing on applicable demolition permits. Authorizes the Code Enforcement Officer to waive or lessen the delay period based on advisory opinions that a structure is not historically or architecturally significant. If demolition is to be the final result, requires a property recordation and encourages the salvaging of building materials.

Background and rationale – long

This ordinance amendment establishes a 90-day delay period applicable to a demolition permit application for a building or portion of a building that is 100 years in age or older, or that is on the National Register of Historic Places, so that alternatives to demolition of historically or architecturally significant buildings (or potentially historically or architecturally significant buildings) can be explored. The delay period would start upon receipt of a complete demolition

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures

permit application. It would not apply to buildings deemed dangerous that may need to be demolished quickly. To that end, the amendment adds a definition of “dangerous building” in Section 1-2, modeled on a state law definition, and includes an exemption from the delay period for dangerous building demolition.

The delay period allows time for consultation to occur between the applicant for the demolition and-or property owner, Town staff, the Planning Board, the public, and local and state historic preservation stakeholders to explore potential demolition alternatives. It does not, and is not intended to, prohibit or indefinitely delay anyone from demolishing or altering historically or architecturally significant or sensitive structures. It provides for a Planning Board public hearing so that abutting property owners and other members of the public have an opportunity to provide input on the proposed demolition. The Planning Board could issue an advisory opinion to inform the Code Enforcement Officer’s review of the application. The delay period may be waived or lessened based on advisory opinions from the Planning Board, plus either the local historical society or State Historic Preservation Commission, that the building or portion thereof that is contemplated for demolition is not architecturally or historically significant. During the delay period, the applicant and-or property owner are encouraged to seek alternative options that will preserve, rehabilitate, restore, or move the building. If demolition is to be the final result, historically/architecturally significant buildings would need to have a recordation of the property done either by the applicant or owner or a local historical society, and the applicant/owner would be encouraged to salvage building materials.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Demolition of Historic Structures

New text in bold underline

~~Deleted text in strikethrough~~

Sec. 1-2. - Definitions and rules of construction.

[Note: section abridged to only show definitions proposed to be added by this ordinance amendment]

Add a new definition to the section in alphabetical order:

Dangerous building means a building that is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.

State Law reference—Definition based on 17 M.R.S.A. § 2851(2-A) at the time of adoption

Add a new section:

Section 45-136. – Demolition Delay for Historic Structures

- (a) *Purposes:* The purposes of this section are to help preserve architecturally and historically significant resources in the community, increase town involvement in the preservation of the town's unique cultural and historical assets (2009 Comprehensive Plan Historic and Archaeological Policy 1), and help provide town decision-makers with the necessary support to protect the town's most valued historical assets (2009 Comprehensive Plan Historic and Archaeological Policy 2). This section does not, and is not intended to, prohibit or indefinitely delay anyone from demolishing or altering historically significant or sensitive structures. It is intended to delay the issuance of a demolition permit for certain structures, or parts of structures, for a short period of time to allow for the exploration of alternatives to demolition.
- (b) Except as described in paragraphs (c) and (f), no permit for the demolition, in whole or in part, of a building (or its additions, ells, or wings) that is one hundred (100) years in age or older, or that is on the National Register of Historic Places, shall be issued until at least ninety (90) days after a complete application for demolition has been received by the Code Enforcement Officer.
- (c) The delay period referenced in paragraph (b) shall not apply to the demolition of a dangerous building as defined in Section 1-2. Nothing in this section shall be interpreted as delaying the review of a demolition permit for such a building. The applicant for a demolition permit for a building subject to this section shall include with their application a statement, with supporting information, that the building is a dangerous building. The statement must be signed or endorsed by a licensed building inspector or other professional qualified to assess buildings based on the dangerous building definition. The delay period also shall not apply, and the dangerous building statement shall not be required, for buildings ordered to be demolished or deemed dangerous buildings or life safety hazards by the Maine Superior Court, Select Board, Code Enforcement Officer, or Fire Chief.
- (d) After receiving a complete application for demolition that is subject to paragraph (b), the Code Enforcement Officer, or designee, shall date the application and determine if it applies to paragraph (c) relating to demolition of a dangerous building. If the Code Enforcement Officer deems that it does not apply to paragraph (c):
- a. The Code Enforcement Officer, or designee, shall:
 - i. Notify the applicant of the delay period and its start and end dates
and

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures

- ii. Forward a copy of the application to a local historical society, the Maine Historic Preservation Commission, the Planning Board, and the Town Planner.
- b. Within sixty (60) days of receipt of the complete application, the Planning Board shall hold a public hearing on the permit application for the purpose of discussing the historical and architectural significance of the building and inviting comment from abutting property owners, the public, and the applicant or property owner. Notice for a public hearing shall be given in compliance with Section 33-130. Prior to the public hearing, the applicant shall pay the Planning Board public hearing fee specified in Section 1-25.
- c. After the public hearing, the Planning Board, at its discretion, may issue an advisory opinion on the building's historical significance and possible alternatives to demolition.
- (e) During the 90-day delay period, the applicant and-or property owner is encouraged to work with any interested parties to explore possible alternatives to demolition, including, but not necessarily limited to, preserving, rehabilitating, restoring, or moving the building.
- (f) The Code Enforcement Officer may lessen or waive the 90-day delay period after receipt and consideration of an advisory opinion from the Planning Board after the public hearing described in paragraph (d), and written opinions from either the Maine State Historic Preservation Commission or a local historical society, that the building or portion thereof that is contemplated for demolition is not architecturally or historically significant. Such opinions are at the discretion of the aforementioned entities; nothing in this section is intended to establish or imply an obligation for them to provide an opinion. In order to provide an opinion, these entities may require more information than what is included in a typical demolition permit application. While the Town initially forwards applications to these entities, it is the responsibility of the applicant to provide any additional information they may need in order for them to render a decision.
- (g) If a building or portion thereof is deemed to be architecturally or historically significant, and demolition will be the final result:
 - a. Prior to issuance of the demolition permit, the applicant or owner shall prepare and submit a historical building recordation of the property consistent with the Maine Historic Preservation Commission's *Guidelines for Architectural and Engineering Documentation (Non-MHBS/MHER Reports)*. The purpose of this recordation is to preserve an accurate record of historic properties that can be used in research and other historic preservation activities. The Code Enforcement Officer may waive this requirement if a local historical society, working with the applicant or owner, prepares and submits a similar recordation of the property.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Demolition of Historic Structures

- b. The applicant or property owner is encouraged to work with interested parties to salvage, recycle, and reuse as many of the building materials as possible.
- (h) Once the review process has been completed and, if required, the historical building recordation has been submitted, the Code Enforcement Officer may issue the demolition permit.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Demolition of Historic Structures

Municipal Officers’ Certification of Official Text of a Proposed Ordinance

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Demolition of Historic Structures”, which is to be presented to the voters for their consideration on November 2, 2021.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: _____, _____

Alexandros Orestis, Chairman

Richard Donhauser, Vice Chairman

Robert McPherson, Secretary

William Widi

Lauren Dow

Select Board
Town of Eliot, Maine

Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs

Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs

July 29 and August 10, 2021 – DEP preliminary reviews/preliminary approval

August 3, 2021 – Initial Planning Board review

August 9, 2021 – Legal review

August 17, 2021 – Planning Board public hearing; Planning Board recommends (3-0)

August 26, 2021 – Select Board recommends (4-0)

ARTICLE #4: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs” be enacted?

Background and rationale

In accordance with state law – 38 MRSA §439-A(10) – adds a requirement to Chapter 44 – Shoreland Zoning requiring that an applicant for a shoreland zoning permit provide preconstruction photos and, no later than 20 days after completion of the development, postconstruction photos of the shoreline vegetation and the development site. Provides that the postconstruction photo requirement would be a standard condition of approval of any shoreland zoning permit.

Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs

(New text underlined in bold)

~~Deleted text in strikethrough~~

Sec. 44-43. - Permit application.

- (a) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in section 44-34. A fee in the amount established by the fee schedule in section 1-25 shall be submitted with the application.
- (b) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (c) All applications shall be dated, and the code enforcement officer or planning board, as appropriate, shall note upon each application the date and time of its receipt.
- (d) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the plumbing inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
- (e) When an excavation contractor will perform an activity that requires or results in more than one cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.
- (f) **All applications shall include preconstruction photographs clearly showing shoreline vegetation on the property and the site(s) of any proposed development. If the Planning Board or Code Enforcement Officer, as appropriate, approves an application, they shall include a condition of approval requiring that, no later than 20 days after completion of the development, the applicant provide postconstruction photographs of the same shoreline vegetation and developed site(s).**

Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs

Municipal Officers' Certification of Official Text of a Proposed Ordinance

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled “Proposed Town Code Amendments of Chapter 44 – Shoreland Zoning, Related to Shoreline Vegetation and Development Site Photographs”, which is to be presented to the voters for their consideration on November 2, 2021.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: _____, _____

Alexandros Orestis, Chairman

Richard Donhauser, Vice Chairman

Robert McPherson, Secretary

William Widi

Lauren Dow

**Select Board
Town of Eliot, Maine**

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

August 3, 2021 – Initial Planning Board review

August 9, 2021 – Legal review

August 17, 2021 – Planning Board public hearing; Planning Board recommends (3-0)

August 26, 2021 – Select Board recommends (4-0)

ARTICLE #5: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales” be enacted?

Background and rationale

Adds firewood sales as an allowed use in the Commercial-Industrial (C/I) zoning district. Creates consistency since firewood sales are allowable in other zoning districts, and the C/I district’s purpose (Section 45-289) includes encouraging commercial uses.

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

(New text underlined in bold)

~~Deleted text in strikethrough~~

[Note: This ordinance amendment uses Town Code sections that predated updates approved in June 2021. While the Town has submitted those amendments to MuniCode, they have not yet been incorporated into the MuniCode online code. The intention is to have this proposed amendment revise the current (post-June-2021) code.]

Sec. 45-290. - Table of permitted and prohibited uses. *[prior to June 2021-approved changes]*

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation	9	no	no	SPR

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no
Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Day nurseries	SPR	16	SPR ⁸	SPR
Earth material removal, less than 100 cubic yards	yes	yes	yes	yes
100 cubic yards or greater	SPR	SPR	SPR	SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	no <u>yes</u>
Fireworks sales	no ²⁰	no ²⁰	no ²⁰	no ²⁰
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	no
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²¹
Mobile home parks	SPR/SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR
New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nonprofit medical marijuana dispensary	no	no	no	SPR ¹⁹

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO
Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Solar energy system	CEO	CEO	CEO	CEO
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ₃	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment is defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.
4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. Must conform to the requirements of section 33-189.
20. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
21. Must conform to the requirements of section 33-190.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 207); T.M. of 12-15-93; Amend. of 3-25-95; T.M. of 3-27-99(1), § 5; Ord. of 3-25-00(1); T.M. of 3-16-02, (art. 3), (art. 4); T.M. of 6-19-01, (art. 6), (art. 7); T.M. of 11-5-02; T.M. of 11-4-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-14-08; T.M. of 6-12-2010(3); T.M. of 6-18-2011(6); T.M. of 11-8-2011; T.M. of 6-16-2012(1); T.M. of 6-16-2012(2); T.M. of 11-5-2019(5); T.M. of 7-14-2020(5))

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Firewood Sales

Cross reference— Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

New text in bold underline

~~Deleted text in strikethrough~~

Sec. 7-2. – Definitions

[Add a new definition] **Rooster shall mean an adult male domestic chicken.**

Sec. 7-8. - Animal noise.

(a) Owning, possessing or harboring any domestic animal that frequently or for the continued duration makes loud and unreasonable sounds that creates a disturbance on other properties shall be prohibited. For purposes of this chapter, a dog that barks, bays, howls, cries or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property is considered a public nuisance. However, this shall not include a dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or for any other legitimate cause which teased or provoked the dog.

(b) **Owning, possessing, or harboring a rooster that frequently or for a duration of at least thirty (30) minutes makes loud and unreasonable sounds that create a disturbance on other properties shall be prohibited, except that nothing in this paragraph shall be interpreted to supersede the Maine Agriculture Protection Act (7 MRSA 151 et seq) or any other applicable state statute.**

Municipal Officers’ Certification of Official Text of a Proposed Ordinance

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled “Proposed Town Code Amendments of Chapter 7 – Animal Control, Related to Rooster Noise”, which is to be presented to the voters for their consideration on November 2, 2021.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: _____, _____

Alexandros Orestis, Chairman

Richard Donhauser, Vice Chairman

Robert McPherson, Secretary

William Widi

Lauren Dow

**Select Board
Town of Eliot, Maine**

Eliot

A / P Warrant

08/18/2021

8:39 AM

Page 1

Warrant 14

CORRESPONDENCE #
SELECTMEN'S MEETING09-09-21
Reference

Jrnl	Check	Month	Invoice Description	Proj	Amount	Encumbrance
Description			Account			
00072 BERNSTEIN, SHUR, SAWYER & NELSON						
0081	19410	08	legal fees		08162021	
Invoice: 3675808			E 05-05-50-45		632.50	0.00
Invoice: 3675809			E 01-01-10-02		605.00	0.00
Invoice: 3675810			E 01-01-10-02		64.60	0.00
Invoice: 3675811			E 01-01-10-02		55.00	0.00
Invoice: 3675812			E 01-01-10-02		1,260.00	0.00
Invoice: 3675813			E 01-01-10-02		192.50	0.00
Vendor Total-					2,809.60	
00109 CENTRAL MAINE POWER						
0081	19412	08	cmp harold l dow trf		700000344185	
cmp harold l dow trf			E 20-25-15-02		16.36	0.00
Invoice Total-					16.36	
0081	19412	08	cmp HL dow hwy		700000344181	
cmp HL down hwy			E 20-25-15-02		20.83	0.00
Invoice Total-					20.83	
0081	19412	08	cmp pleasant st		700000344217	
cmp pleasant st			E 70-05-15-02		20.83	0.00
Invoice Total-					20.83	
0081	19412	08	cmp main st		700000344218	
cmp main st			E 70-10-15-02		20.83	0.00
Invoice Total-					20.83	
0081	19412	08	cmp dixon ave		700000344220	
cmp dixon ave			E 70-15-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp cor state/bolthill		700000344186	
cmp cor state/bolthill rd			E 10-30-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp route 236-beech		700000344183	
cmp route 236-beech			E 10-30-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp route 236 rd		700000344221	
cmp route 236 rd			E 10-30-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp 468 h l dow		700000344214	
cmp 468 H L Dow Hwy			E 10-30-15-02		20.81	0.00
Invoice Total-					20.81	
0081	19412	08	cmp new kittery road		700000344222	
cmp new kittery road			E 10-30-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp greenacres road		700000344182	
cmp greenacres road			E 20-10-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp route 236		700000344223	
cmp route 236			E 10-30-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp 11 dixon road		700000344188	
cmp 11 dixon road			E 20-10-15-02		16.34	0.00
Invoice Total-					16.34	
0081	19412	08	cmp river rd		700000344184	
cmp river road			E 20-10-15-02		16.34	0.00
Invoice Total-					16.34	

8:39 AM

Page 2

Warrant 14

Jrnl	Check	Month	Invoice Description	Reference		
Description			Account	Proj	Amount	Encumbrance
0081	19412	08	cmp old road		700000344189	
cmp old road			E 20-10-15-02		16.34	0.00
			Invoice Total-		16.34	
0081	19412	08	cmp rte 236		700000344179	
cmp rte 236			E 20-01-15-02		16.36	0.00
			Invoice Total-		16.36	
0081	19412	08	cmp depot rd sad 35 lgt		703001208147	
cmp depot rd sad 35 lgt			E 10-30-15-02		36.25	0.00
			Invoice Total-		36.25	
			Vendor Total-		315.67	
00142 R. N. CRAFT, INC.						
0081	19413	08	equipment rep/maint		30845	
equipment rep/maint			E 20-01-24-05		365.00	0.00
			Vendor Total-		365.00	
00265 HAYDEE'S PEST-FREE MANAGEMENT, INC.						
0081	19414	08	extreminator		162136	
exterminator			E 20-25-24-20		50.00	0.00
			Vendor Total-		50.00	
00343 L.W. MORGRIDGE & SON, INC.						
0081	19415	08	pumping tank		147339	
pumping tank			E 70-15-25-10		1,087.50	0.00
			Vendor Total-		1,087.50	
00388 MainePERS						
0081	72019	08	MainePERS July		072019	
admin			E 01-01-03-40		2,027.65	0.00
clerks			E 01-02-03-40		1,847.27	0.00
land use			E 01-03-03-40		1,765.50	0.00
police			E 10-05-03-40		8,763.35	0.00
pub works			E 20-01-03-40		2,474.41	0.00
csd			E 30-01-03-40		1,097.36	0.00
contributions			G 01-2215-00		11,863.32	0.00
			Vendor Total-		29,838.86	
00579 GENEST PRECAST						
0081	19416	08	drainage materials		55620	
drainage materials			E 20-01-22-65		1,302.00	0.00
			Vendor Total-		1,302.00	
00725 TREASURER OF STATE						
0081	19417	08	bmv 0809-0816		0809-0816	
bmv 0809-0816			G 01-2040-00		23,290.71	0.00
			Vendor Total-		23,290.71	
01635 MAINE OXY GROUP						
0081	19418	08	supplies and materials		32338383	
supplies and materials			E 20-01-24-05		100.90	0.00
			Vendor Total-		100.90	
01877 Seacoast Power Equipment						
0081	19419	08	equipment rep/maint		177252	
equipment rep/maint			E 20-10-24-10		7.00	0.00
			Vendor Total-		7.00	
02025 Organic Solutions, LLC						
0081	19420	08	composting		10672	
composting			E 20-25-06-55		283.50	0.00

A / P Warrant

8:39 AM

Warrant 14

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account		Proj			
Vendor Total-					283.50	
02385 Caterpillar Financial Services Corp						
0081	19421	08	2021 cat mini excavator	001-70046265		
2021 cat mini excavator	E 62-05-99-01				15,083.32	0.00
Vendor Total-					15,083.32	
02400 Reliable Equipment, LLC.						
0081	19422	08	tools	2-611140		
tools	E 20-01-20-25				495.00	0.00
Vendor Total-					495.00	
02475 Leaf						
0081	19423	08	copier lease	12180984		
copier lease	E 01-01-10-30				754.66	0.00
Vendor Total-					754.66	
02509 Maine Municipal Bond Bank						
0081	19424	08	sewer bond payment	214655872		
sewer bond payment	E 07-70-65-01				91,219.06	0.00
Vendor Total-					91,219.06	
02717 Shredding on Site						
0081	19425	08	shredding fees	0068469		
shredding fees	E 20-25-06-55				50.00	0.00
Vendor Total-					50.00	
02894 Eric's Instant Lawns LLC						
0081	19426	08	hydroseeding	072021		
hydroseeding	E 20-10-24-95				7,250.00	0.00
Vendor Total-					7,250.00	
Prepaid Total-					29,838.86	
Current Total-					144,463.92	
EFT Total-					0.00	
Warrant Total-					174,302.78	

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Jordan Miles TO PAY THE INVOICES ON THIS WARRANT.

ALEX ORESTIS

DocuSigned by:

Richard Donhauser

RICHARD DONHAUSER

William W. Miles

WILLIAM W. MILES

DocuSigned by:

Lauren Dow

Lauren Dow

DocuSigned by:

Robert McPherson

ROBERT MCPHERSON

Warrant 17

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
00069 BEN'S UNIFORMS, INC.						
0096	19428	08	uniforms PD		098082	
uniforms PD			E 10-05-03-15		231.00	0.00
			Invoice Total-		231.00	
0096	19428	08	uniforms pd		098088	
unforms pd			E 10-05-03-15		95.00	0.00
			Invoice Total-		95.00	
			Vendor Total-		326.00	
00109 CENTRAL MAINE POWER						
0096	19429	08	cmp GA 1008 BR		1008 GA BR	
cmp GA 1008 BR			E 50-01-15-02		100.00	0.00
			Vendor Total-		100.00	
00131 COMCAST						
0096	19430	08	comcast bill FWD		comcast pwd	
comcast bill			E 20-01-15-03		118.54	0.00
			Vendor Total-		118.54	
00619 S.A.D. # 35						
0096	19431	08	summer camp bus bill		08122021	
summer camp bus bill			E 30-11-03-05		1,117.19	0.00
			Vendor Total-		1,117.19	
00660 STAPLES CREDIT PLAN						
0096	19432	08	office supplies		09032021	
office supplies			E 10-05-20-40		270.96	0.00
			Vendor Total-		270.96	
00684 THERMO DYNAMICS, INC.						
0096	19433	08	HVAC service contract		21-583	
HVAC service contract			E 01-01-24-20		839.25	0.00
			Vendor Total-		839.25	
00725 TREASURER OF STATE						
0096	19434	08	bmV 0816-0823		0816-0823	
bmV 0816-0823			G 01-2040-00		16,767.91	0.00
			Vendor Total-		16,767.91	
00873 U.S. BANK CORPORATE TRUST/BOSTON						
0096	19435	08	bond payment HVAC/lights		80827	
bond payment HVAC/lights			E 07-70-65-03		15,452.90	0.00
			Vendor Total-		15,452.90	
00906 W.B. MASON COMPANY, INC.						
0096	19436	08	bulldign supplies		222290825	
building supplies			E 10-05-24-20		20.84	0.00
			Vendor Total-		20.84	
01335 STEVEN R. ROBINSON						
0096	19437	08	cell phone reimb		082021	
cell phone reimb			E 20-01-03-12		20.00	0.00
			Vendor Total-		20.00	
01393 HOME DEPOT CREDIT SERVICES						
0096	19438	08	supplies/materials		08132021	
supplies/materials			E 20-01-24-05		205.98	0.00
			Vendor Total-		205.98	
01426 Airgas USA, LLC						

Warrant 17

Jrnl	Check	Month	Invoice Description	Reference		
Description			Account	Proj	Amount	Encumbrance
0096	19439	08	supplies/materials		9116223596	
supplies/materials			E 20-01-24-05		38.50	0.00
			Vendor Total-		38.50	
01513 Consolidated Communications						
0096	19440	08	cons comm pub works		455748304	
consolidated comm pub wor			E 20-01-15-03		365.31	0.00
			Vendor Total-		365.31	
01659 ATLANTIC RECYCLING EQUIPMENT, LLC						
0096	19441	08	service call		66669	
service call for compacto			E 20-25-24-10		1,050.00	0.00
			Vendor Total-		1,050.00	
01770 UNDERWOOD ENGINEERS						
0096	19442	08	rte 236 sewer and water		17101	
rte 236 sewer/water ext			E 62-04-10-35		58,143.79	0.00
			Vendor Total-		58,143.79	
02023 SEA DOG REALTY, LLC						
0096	19443	08	Eliot Commons TIF		04012020	
eliot commons tif			E 62-04-99-01		95,741.26	0.00
			Vendor Total-		95,741.26	
02117 Melissa Albert						
0096	19444	08	supplies reimb		08172021	
supplies reimb			E 01-01-20-40		10.00	0.00
			Vendor Total-		10.00	
02515 Edison Press						
0096	19445	08	business cards assessor		112901	
business cards assessor			E 01-01-20-40		76.00	0.00
			Vendor Total-		76.00	
02674 Cintas Fire 636525						
0096	19446	08	building maint		0F95529439	
building maint			E 01-01-24-20		243.00	0.00
			Vendor Total-		243.00	
02708 Tim Lhowe						
0096	19447	08	boot reimbursement		08252021	
boot reimbursement			E 20-25-03-05		79.11	0.00
			Vendor Total-		79.11	
02810 Stephanie Johnson						
0096	19448	08	refund account credit		082021	
refund account credit			R 82-01-01		271.00	0.00
			Vendor Total-		271.00	
02895 Krystal Horan						
0096	19449	08	rental refund		08252021	
rental refund			R 81-04-04		50.00	0.00
			Vendor Total-		50.00	
02897 Corelogic on behalf of Selene Finance						
0096	19450	08	tax overpayment		ACCT 336	
tax overpayment acct 336			G 01-1120-21		1,630.60	0.00
			Vendor Total-		1,630.60	
02898 Brent Martin						
0096	19451	08	mileage reimb		082021	

Warrant 17

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
mileage reimb			E 01-03-03-06		98.38	0.00
					Invoice Total-	98.38
0096	19451	08	IAAO membership reimb	07232021		
IAAO membership reimb			E 01-01-03-05		110.00	0.00
					Invoice Total-	110.00
					Vendor Total-	208.38
					Prepaid Total-	0.00
					Current Total-	193,146.52
					EFT Total-	0.00
					Warrant Total-	193,146.52

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER Jordan Miles TO PAY THE INVOICES ON THIS WARRANT.

ALEX ORESTIS

DocuSigned by:

Richard Donhauser

RICHARD DONHAUSER

William Wood

WILLIAM WOOD

Lauren Dow

DocuSigned by:

Lauren Dow

04C9118AB179438...

DocuSigned by:

Robert McPherson

ROBERT MCPHERSON

A / P Warrant

CORRESPONDENCE # H-3
SELECTMEN'S MEETING
09-09-21

9:04 AM

Warrant 143

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
00913 DELL MARKETING L.P.						
0628	19427	06	computers		10499869150	
harbormaster			E 10-15-20-40		851.48	0.00
police			E 10-05-20-40		851.48	0.00
Vendor Total-					1,702.96	
Prepaid Total-					0.00	
Current Total-					1,702.96	
EFT Total-					0.00	
Warrant Total-					1,702.96	

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Jordan Miles TO PAY THE INVOICES ON THIS WARRANT.

ALEX ORESTIS

DocuSigned by:

Richard Donkauer

RICHARD DONKAUER

DocuSigned by:

William Widd

WILLIAM WIDD

DocuSigned by:

Lauren Dow

Lauren DOW

DocuSigned by:

Robert McPherson

ROBERT MCPHERSON

CORRESPONDENCE # I-1
 SELECTMEN'S MEETING
 09-09-2021

Eliot Board, Committee, and Commission Positions Available (Posted 08/17/2021)

Board, Committee or Commission	Regular/Alternate Member	# of Positions	Term Expiration
Aging-In-Place	Regular Member	1	June 2023
Capital Improvement Committee	Regular Member	1	June 2022
	Regular Member	1	June 2023
	Regular Member	1	June 2024
Conservation Commission	Regular Member	1	June 2022
	Alternate Member	1	June 2022
	Alternate Member	1	June 2024
Planning Board	Alternate Member	1	June 2022
	Alternate Member	1	June 2025

If you would like information about the Boards, Committees, and Commissions, contact Carol Granfield, Interim Town Manager at the Town Office by phone 207-439-1813 ext. 107 or by email townmanager@eliotme.org