

Eliot Select Board Agenda
Thursday April 13, 2023 5:30PM Town Hall
Meeting Room and use of the OWL for Remote via ZOOM

Call to order

- A. Roll Call**
- B. Pledge of Allegiance**
- C. Public Comment**
- D. Approval of Minutes:** September 22, October 13, October 27, November 10, 2022
- E. Public Hearing;** Raitt Homestead Farm 2077 State Road, License to Serve Alcohol, September 23, 2023, Lisa Raitt Seacoast Wing Festival
- F. Department Head/Committee Report**
 - 1. Town Manager's Report
- G. Board and Committee Appointments/Resignations**
 - 1. Anne Lukegard AIP Resignation
 - 2. Amanda Ouellette AIP Application
 - 3. Sarah Turner Comprehensive Plan Update Comm. (Economic Development)
- H. New Business;**
 - 1. LJE LLC Dev. Clover Farm's 771 Main Street Third Party Evaluation
- I. Old Business**
 - 1. Approval of June 13, 2023 Town Meeting Warrant
- J. Approval of Warrants:**
 - 1. Payroll Warrants
 - #89 \$44,156.81
 - #91 \$44,659.53
 - #93 \$47,382.14
 - 2. Accounts Payable Warrants
 - #90 \$104,994.57
 - #92 \$146,973.25
 - #94 \$59,988.97

K. Adjournment

Join Zoom Meeting
<https://us06web.zoom.us/j/82439875573?pwd=elFkVWt0QVFTZ1sZG1CN0oyU1I2UT09>
Meeting ID: 824 3987 5573
Passcode: 873254
One tap mobile
+16469313860,,82439875573#,,,,*873254# US
+13017158592,,82439875573#,,,,*873254# US (Washington DC)
Dial by your location
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Town Hall/Hybrid

1 **Quorum noted**

2

3 **5:30 PM:** Meeting called to order by Chairperson Donhauser.

4

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

6

7 **B. Pledge of Allegiance recited**

8

9 **C. Public Comment:**

10

11 **5:31 PM** Mr. (Gene) Wypyski, Chair Eliot Festival Day Committee and this year also the
12 Race Director for Eliot Festival 5k Road Race, and I'd just like to remind
13 everybody Saturday is the last Saturday in September. Parking will open at
14 5:30AM. We have 123 runners, so far. 60 booths, 15 of which will be food. The
15 Army Reserves will be bringing the hummers and the Portsmouth Naval Shipyard
16 doing an exhibit. We've got a bigger parade. Crafters. Races galore. So, we would
17 be honored and enjoy seeing all of you there at some point. If you have any
18 questions – EliotFestival.com. We will have an exhibition outhouse entry this
19 year. So, if you want to be a part of that next year, we encourage you to start
20 building now.

21

22 **D. Approval of Minutes of Previous Meeting(s)**

23

24 There were no minutes approved tonight.

25

26 **E. Public Hearing:**

27

28 **Annual Acceptance of Maine Department of Health and Human Services**
29 **General Assistance appendices**

30

31 **5:33 PM Public Hearing opened.**

32

33 Mr. Donhauser hereby opens this Public Hearing on the annual adoption of the
34 General Assistance Ordinance, which is Appendices A through G. This is an
35 annual requirement from the State of Maine, Department of Health and Human
36 Services for the family independence, which sets the guidelines for General
37 Assistance for Appendix A (overall maximums). Appendix B is food. Appendix C
38 is housing. Appendix D is electricity and power. Appendix G is mileage. Is there
39 anyone who would like to comment on this matter.

40

41 There was no comment.

42

43 **5:34 PM Public Hearing closed.**

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44
45 **Ms. Dow moved, second by Mr. Widi, that the Eliot Select Board accept the**
46 **changes to Appendices A through G, as presented by the State of Maine for**
47 **the period of October 1, 2022 through September 30, 2023.**
48

49 **Roll Call Vote:**

50
51 **Mr. Donhauser – Yes**
52 **Mr. McPherson - Yes**
53 **Mr. Widi – Yes**
54 **Ms. Dow – Yes**
55 **Mr. Shapleigh - Yes**
56

57 **Unanimous vote to approve motion.**
58

59 **F. Department Head/Committee Reports**

60
61 **5:35 PM 1. Town manager Report**
62

63 Mr. Sullivan said that we really appreciate the cooperation that we had at the
64 beginning of the week. As many people know, we were faced with a little bit of
65 an outbreak, here, of COVID at Town Hall. We put out a message to the public to
66 do what they could to come in later, or the next day, the next week, whenever
67 they could delay their visit to Town Hall. There was incredible cooperation but I
68 would like to point out David Ross-Lyons was wonderful. He worked incredibly
69 hard alone in the Clerk's Office and accommodated everyone on Tuesday. There
70 is just wonderful staff in there and I wanted to out David, Wendy, and Brenda are
71 great to work with. David held the fort on Tuesday alone and it was a real
72 herculean effort. Appreciate it.
73

74 **Mr. Donhauser moved, second by Mr. Shapleigh, that the Eliot Select Board**
75 **receive the Town Manager's Report, as written and accepted.**
76

77 **Roll Call Vote:**

78
79 **Mr. Donhauser – Yes**
80 **Mr. McPherson - Yes**
81 **Mr. Widi – Yes**
82 **Ms. Dow – Yes**
83 **Mr. Shapleigh - Yes**
84

85 **Unanimous vote to approve motion.**
86

**Draft SELECT BOARD MEETING
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G. Board and Committee Appointments/Resignations

5:36 PM 1. Comprehensive Plan Committee Appointments

Mr. Brubaker said that Amia Moore would be the additional Youth Advisory Group appointment. We do have another appointee for the Youth Advisory Group on Zoom, Eva Therrien, and I wanted to recognize her. We have three for this group and we might expect a fourth application.

Mr. Donhauser moved, second by Mr. Widi, that the Eliot Select Board appoint Amia Moore and Eva Therrien as members of the Youth Advisory Group of the Comprehensive Plan Committee.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh - Yes

Unanimous vote to approve motion.

Mr. Sullivan asked if the SB would approve the SMPDC proposal.

5:39 PM

Mr. Donhauser said that we are going to execute an agreement with the Southern Maine Planning and Development Commission (SMPDC) for I believe \$30,000 and it will be to assist the Town Planner, Jeff Brubaker, with technical assistance and otherwise as described as “SMPDC – a proposal dated September 20, 2022. He asked if Mr. Brubaker had anything to add.

Mr. Brubaker said I’m here to answer any questions. SMPDC is familiar to a lot of you. They do good work. They’re familiar with Eliot Planning. They were the only proposal, hence the waiver of the three-bid rule. But we’re really excited to work with them.

Mr. Donhauser moved, second by Mr. Shapleigh, that the Eliot Select Board waive the three-bid rule.

Roll Call Vote:

Mr. Donhauser – Yes

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130 **Mr. McPherson - Yes**
131 **Mr. Widi – Yes**
132 **Ms. Dow – Yes**
133 **Mr. Shapleigh - Yes**
134

135 **Unanimous vote to approve motion.**
136

137 **Mr. Donhauser moved, second by Mr. Widi, that the Eliot Select Board**
138 **execute the agreement with Southern Maine Planning and Development, not**
139 **to exceed \$30,000.**
140

141 **DISCUSSION**
142

143 Ms. Dow asked if this was comparable to other times that we've done this
144 Comprehensive Plan. Is it a reasonable number when compared to other
145 municipalities on the budget amount.
146

147 Mr. Brubaker said, speaking informally, that our budget is a little bit tighter than a
148 lot of other communities' Comprehensive Plan updates.
149

150 Mr. Sullivan said that they were involved in the 2009 Comprehensive Plan.
151

152 **DISCUSSION ENDED**
153

154 **Roll Call Vote:**
155

156 **Mr. Donhauser – Yes**
157 **Mr. McPherson - Yes**
158 **Mr. Widi – Yes**
159 **Ms. Dow – Yes**
160 **Mr. Shapleigh - Yes**
161

162 **Unanimous vote to approve motion.**
163

164 **5:41 PM**

165 **2. Lissa Crichton Resignation – Planning Board**
166

167 Mr. Brubaker said that I want to acknowledge her tenure on the Board. She was
168 great and I think I'm speaking for the whole PB in wishing her well and
169 expressing appreciation to her for her service.
170

171 **Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board**
172 **accept the resignation of Lissa Crichton from the Eliot Planning Board and**
direct the Town Manager to advertise the vacancy.

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Roll Call Vote:

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

Unanimous vote to approve motion.

Mr. Donhauser said that I want to thank Ms. Crichton for her service, as well.

5:42 PM

3. Jennifer Himmer Application to Board of Appeals (alternate)

Mr. Donhauser moved, second by Mr. Widi, that the Eliot Select Board appoint Jennifer Himmer to the Eliot Board of Appeals as an alternate member, for a term ending June 2023.

Roll Call Vote:

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

Unanimous vote to approve motion.

H. New Business:

5:44 PM

1. FY 21 Audit Presentation (Auditors RHR Smith, Finance Director Kristin McNulty)

Mr. Donhauser said that this is a presentation from our Auditor, Mr. Bill Hall, from RHR Smith, Certified Public Accountants.

Mr. Hall said that I've been working with HRH for about 20 years. First, I would like to apologize that this process has gone on this long. Hopefully, within this next week or two the FY21 audit will be finalized and we can move on to FY22. It is a requirement from the State that the town publish an annual town report. We call it the short report. This is a report we give the towns to put in their annual town report. We started working on this over the weekend, as we were trying to

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216 get you a full draft. Unfortunately, with the time constraint, that didn't happen.
217 So, we wanted to present you with some figures. If you look through this, there is
218 some highlighted information. There were adjustments and changes to this all the
219 way up until sometime today. It's still a work in progress. I would say that we're
220 probably 80% to 90% complete. I'm assuming that when we send up the draft to
221 Mr. Sullivan and Ms. McNulty that there will be some more changes. Do
222 remember that, when we talk about an audit, any time you talk about a balance
223 sheet it's a snapshot of that day. The day after, things usually change. So, any
224 time you're talking about a balance sheet, it's focusing on that one day.
225 **Statement C** shows you your balance sheet and your general fund. It also shows
226 you you're only other major fund, which is the Route 236 TIF District. In the
227 other governmental funds, those are all your non-major funds for your special
228 revenue, capital projects, or trust funds. It shows that, at June 20, 2021, your total
229 assets in your general fund equaled \$8.2 million. \$7.1 million of that is cash. You
230 have some outstanding taxes and liens. You've got some liabilities, the biggest
231 being 'due to-due from'. I'd like to explain a lot of things and, if you have
232 questions as we go through this document, please ask. If you have questions on
233 things other than what's on this document, we'll go over that after. Explaining
234 'due to-due from', years and years ago what used to happen is, if you had
235 different funds or different pots of money, they'd put them in a bank. What would
236 happen is that then the towns would end up having so many bank accounts that
237 the treasurer would just do bank recs all the time. It was very time-consuming. So
238 what GASB did (Governmental Accounting Standards Board), who governs us,
239 governs you, on how you're supposed to operate financially. They came up with
240 these accounts called 'due to-due from's. What it is is that you have one large pot
241 of cash in the general fund, but you still have all these multiple funds. The 'due
242 to-due from' accounts are used to track the activity that's going between your
243 cash account and all these other funds. So, if you take in a revenue, you debit
244 cash, you credit the revenue over 'here', your 'due to-due from's' are the accounts
245 that kind of tie the accounts together. So, you will see, like on Statement C, you
246 have Due from other funds of \$779, 532, due-to funds of \$3,111,107. That is
247 telling me that in the \$7 million of cash, you have \$3 million that belongs to other
248 funds. Then, you have other funds that go to your general fund - \$770,000. There
249 are a couple of ways to explain it. It's a quasi-cash account without actually
250 physically having cash at the bank or it's accounts on your ledger that are used as
251 dummy accounts to tack the activity between your cash and all these other funds.
252 It alleviates your treasurer from doing all these bank account reconciliations,
253 which is a good thing because your treasurer is already busy enough. You also see
254 on here that you have some 'deferred inflows of resources' – prepaid taxes,
255 deferred tax revenue. All that is is all of your real estate and personal property
256 liens, tax-acquired property that is outstanding as of June 30, 2021. Subtract 60-
257 day collections after that. So, like up top here, it says your taxes and liens are
258 about \$351,000. You have deferred tax revenue of about \$218,000 that tells me

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259 that from July 1, 2021 to August 31, 2021, you received about \$100,000+ of tax
260 money. That's un-deferred and that's recognized. Then you have \$200,000+ that's
261 not recognized. It's deferred. So, then you'll notice what a lot of towns need to
262 know. Your general fund balance is at about \$4.7 million. Two purposes of a fund
263 balance in your general. One, for budgeting purposes, you can use that as a buffer.
264 So, as an example, if your taxes have to increase to 7%, you can use a little bit of
265 that to drop down the tax rate to a 3% increase. It's a good budget tool. What I
266 don't like to see as an auditor, and I don't think a lot of townspeople like to see, is
267 increases and decreases in taxes. I call it the 'EKG effect'. Another good purpose
268 of general fund balance is cashflow purposes. I've noticed that with towns that
269 have a low fund balance, they need to go out and do short-term borrowing to pay
270 their bills. But, if you have enough fund balance, you don't usually have to do any
271 short-term borrowing. What we usually recommend towns to have is that you take
272 your total assessments, county, school, municipal, your TIF and overlay; your
273 total budget and divide it by 12 and multiply it by 3. Somewhere between 60 to 90
274 days is what you should have, at a minimum, of your fund balance. So, FYI, that's
275 what we warn over the years; that you have between 60 and 90 days of fund
276 balance or usually you would have to borrow money to pay bills.
277

278 **5:52 PM**

279 Ms. Dow asked if we meet that with our fund balance.

280 Mr. Hall said that I have to look at your total budget. In looking, you are right
281 around the 60- to 90-day appropriately with about \$4.5 million. You'll notice that,
282 with your Route 236 TIF District, you have about \$5.9 million in the Restricted
283 Fund Balance. Most of that is cash and investments. You do have a 'due from' of
284 \$1.5 million. I think we'll go over some of this in the end when we have some
285 generalized questions. **Statement E**, which is your revenues and expenditures.
286 While the balance sheet is a snapshot of one day, this is a snapshot of a whole
287 fiscal year. So, when looking at the revenues, which shows \$18.1 million, that's
288 from July 1, 2020 to June 30, 2021. You have expenses totaling about \$15.7
289 million, giving you an excess of revenue of about \$2.4 million, then you
290 transferred out about \$1.6 million. So, it's showing me that your fund balance
291 went from \$5.2 to \$5.7 million. So, you had a nice increase of about a half a
292 million. With the Route 236 TIF, you had revenue of \$13,000+, which was pretty
293 much interest and gains/losses in your investment. You have about \$19,000 in
294 expenses. You had a transfer of \$17,000 and then a transfer of \$163,000. There,
295 again, it looks like you have about a half million increase.
296

297 **5:54 PM**

298 Mr. Donhauser had a question regarding the TIF.

299 Mr. Hall said that Mr. Sullivan gave me a sheet that you would have a question on
300 the presentation of this Route 236 TIF. I will answer in the best way I can explain
301 it. The State of Maine requires towns in the State that you have to budget for your

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302 general fund operations. So, when you go to Town Meeting every year and you
303 vote for that \$19 million, you are voting on your general fund budget. What
304 makes up your general fund budget. What's the biggest revenue that you get from
305 your general fund.
306

307 Mr. Donhauser said real estate taxes.
308

309 **5:55 PM**

310 Mr. Hall said yes, property taxes. So, that means all of your budget and all of your
311 revenue for property taxes comes into your general fund operating. I notice here
312 in your '20 audit, and again I've seen this before, that the \$695,000 is shown on
313 the property tax. However, on our sheet, if you look down at the line below, it
314 says \$717,000 being transferred in because property taxes are coming into the
315 general fund and then being transferred to the Route 236 TIF. The property tax
316 money is not coming directly in to your Route 236 TIF. It doesn't come directly
317 in there because that is a separate fund from your general fund.
318

319 Mr. Donhauser said that, in the 2016 audit prepared by your firm, you reported it
320 as a revenue, not as a transfer in. In the 2018, done by Smith & Associates, they
321 showed it as a revenue, not a transfer in. And I believe in 2020, it was shown as a
322 revenue, not a transfer. I understand what your position is but it would appear to
323 me that it's not consistent. Generally, you would like to see financial statements
324 be consistent. The real estate tax collected by the TIF is on TIF properties and
325 does belong to the TIF. It doesn't belong to the general fund so I would sort of be
326 argumentative in the sense that it should be recorded as a revenue. And I think
327 that should be ironed out between you and the Town Manager. It's a matter of
328 presentation. It doesn't change the bottom line at all. It's basically moving the
329 \$717,000 back up to property taxes. What it does do, though, is that, at the same
330 time, it would overstate the property taxes in the general fund, correct.
331

332 Mr. Hall said you decrease the revenue of the property taxes in the general fund
333 and move it over to the Route 236 TIF.

334 **5:57 PM**

335 Mr. Donhauser asked if we aren't overstating the general fund real state taxes
336 collected as shown as revenue of \$14 million. It wasn't \$14 million of the general
337 fund revenue. \$717,000 of that was TIF revenue. I'm not trying to persuade you
338 how you report your report but I would like you to have a discussion with our
339 Town Manager and, perhaps, our Treasurer. I'm just looking at historical financial
340 statements and trying to be consistent from year to year to year.
341

342 Mr. Hall said that I will check. What I will say is that schools in the State of
343 Maine have what is called 'school nutrition'. They changed something a couple
344 years ago where nutrition revenue coming in from property taxes, or assessments,
which is generated by property taxes, had to be changed. It used to be shown as a

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345 transfer, also, but then they had to change it into a whole separate article they had
346 to vote on. Then, the revenue would be shown as revenue instead of a transfer in.
347 What I can do is verify there has been a change in the showing or the display of
348 how a transfer is either showing as something like that on the TIF or can be
349 shown as revenue. But, you're right. It doesn't change the bottom line. It's just the
350 presentation.
351

352 **5:59 PM**

353 Mr. Donhauser added that consistency from financial statement to financial
354 statement would appear to me to be of some importance as opposed to having a
355 number drop down on the income statement, back up on the income statement.

356 Mr. Hall said that, FYI, I've been doing governmental auditing or working in
357 accounting, and 20 years ago GASB was on Proclamation #30. Now they are at
358 90 something.
359

360 Mr. Donhauser said that municipal auditing and accounting is very complex. I
361 clearly understand that.
362

363 Mr. Hall reiterated that he would look into whether that can be classified as a
364 revenue or has to be classified as a transfer. As I previously said, property taxes
365 are based on certificate of assessment, which is based on annual Town Meeting,
366 which is based on the State requirement that you budget for your general fund.
367 Usually, I've never seen that presented that way because the budget is the general
368 fund and, if you're telling me that this fund 236, which is in Fund 2 or 3, is part of
369 your general fund appropriation, that would tell me that your budget, that's in
370 your internal financial statement, is probably correct. But I will have to look at
371 that to verify it.
372

373 **6:01 PM**

374 Mr. Hall discussed **Statement G**, which is your lonely enterprise fund, or
375 proprietary fund, your sewer. You will notice that this is presented a little bit
376 different than the others we just talked about. A proprietary/enterprise fund is like
377 a for-business fund, meaning that it's supposed to be self-sufficient. These funds
378 have to be shown with all information. With the two statements we talked about
379 before, you wouldn't see fixed assets on there. You wouldn't see any kind of
380 longtime information on there. However, when you talk about
381 proprietary/enterprise funds, they have to show every single detail of that type,
382 this being the sewer. You've got your current assets, which are AR and 'due to-
383 due from', but you're also showing non-current assets, which is all of your fixed
384 assets associated with your sewer. You have total assets of a little over \$4 million.
385 Then you see your current liabilities but also your non-current liabilities, which is
386 your bonds payable. When you talked about your general fund and all your other
387 governmental funds, it's fund equity. When we talk about your sewer fund, it is
net asset or net position. Your total net position in your sewer is \$2.5 million,

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388 most of that being the investment in capital assets, which would be all of your
389 fixed assets up top at \$3.5 million minus your bonds payable. Then you have
390 unrestricted of \$855,000.
391

392 **6:03 PM**

393 Mr. Hall said that **Statement H** shows you your revenue and expenses for the
394 Sewer Department. \$619,000 of operating revenues, \$350,000 of operating
395 expenses. You then had some interest and some transfers, making you about a
396 \$500,000 increase in net position, going from \$2.075 million to \$2.565 million.
397 You'll also notice that there was a re-statement (net position - July 1). It looks
398 like we had to re-state your sewer net assets and, off the top of my head, I have no
399 idea what that adjustment was. If you look at your prior year audit, you would be
400 able to see what the re-statement was from what the number was to this number.
401 Schedule 1 - With the actual numbers we just went over, this is just a budget to
402 actual comparison for your revenues in your general fund. So, total revenues came
403 in at about \$125,000 above what you budgeted and your expenses came in at
404 about \$404,000 lower than what you budgeted. The starting fund balance was
405 \$4.2 million and ending fund balance was \$4.7 million. The next two pages are
406 **Schedule A**, which is just a detailed breakdown of each department. Sometimes,
407 when you have an overspent department, it's good to try to figure out why it's
408 overspent. This will just give you a better understanding of what is overspent in
409 each department.

410 **6:04 PM**

411 Mr. Donhauser asked why is 'Fixed Assessments-salaries' highlighted.

412 Mr. Hall said that I had a question from the person that did this. You have an
413 article that talks about fixed assessments and, in part of it, there was like a sewer
414 salary in there and she wasn't sure how to handle it. A lot of times, when you see
415 something like that, that means it has to be transferred to whatever department or
416 fund it belongs to and we weren't really sure. This is something that the Treasurer
417 and the guys will have to go over obviously before this all gets finalized to
418 understand what this fixed assessment was for.

419
420 **Schedule B and C** is just a summary of all of the non-governmental funds you
421 have for special revenue, capital projects, and permanent funds, for your balance
422 sheet and your revenue _____. (35:19) I don't go over this very much because it's
423 something that we do that I don't see in any other audit reports. You'll notice this
424 when you see your draft that we actually take all of these non-major funds off of
425 Schedules C, E, G, and I, taking them all and presenting them separately.
426 Showing you with each fund if there's cash involved, to due-to from, ADP, and
427 you'll see that in the full report. I wanted to bring this to you today to show you
428 that when you see your full draft, back in the back where these will be, there will
429 be 20 pages and each fund will be listed out. We'll have a balance sheet
430 associated, revenue expenses, to show you exactly what fund has how much

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431 money in it and where it is. I just wanted to bring these and make you aware of
432 some of the reserve accounts, and whatnot, that you have as a Town.
433

434 **6:06 PM**

435 Mr. Donhauser asked, on Schedule G under the Eliot Commons TIF again, you
436 don't have any transfers in or transfers out. Wouldn't the transfers be reflected on
437 this statement.

438 Mr. Hall said that it should be. I actually had a conversation with your Planner a
439 couple days ago. On your certificate of assessment in 2021 you had \$717,000
440 budgeted in your TIF and he told me that all of that money went into the Route
441 236 TIF and there was no Commons money that was transferred in at all. That's
442 my understanding, that there was no money transferred into the Commons TIF, no
443 appropriations for the Commons TIF in FY21.
444

445 Mr. Donhauser added, but also, no real estate tax.
446

447 Mr. Hall said correct. There was nothing. No revenues and no expenses associated
448 with the Commons TIF at all.
449

450 **6:07 PM**

451 Mr. Donhauser said that the real estate tax collected on that shopping center
452 comes into the Town. Where is that reflected.

453 Mr. Hall said probably in the property taxes in the general fund.
454

455 Mr. Donhauser asked even though it's a TIF fund revenue.
456

457 Mr. Hall said that, when you budget money, the tax will flow through the general
458 fund. It has to flow through the general fund because that's where you budget.
459 Now, whether or not it comes into the general fund or goes somewhere else, that's
460 a different story, but everything that comes in associated with property taxes,
461 needs to go through the general fund. That's where you budget your money.
462 That's where your budget is presented. That's how it's presented to the
463 Townspeople. That's how I present it to you.
464

465 Mr. Donhauser said that I presume that's consistent with what they've done in the
466 past.
467

468 Mr. Hall said that I can't answer that question. This is my first time ever doing the
469 Town of Eliot. Those reports were not presented by me at all.
470

471 **6:08 PM**

472 Mr. Hall said let's get into why I'm sitting here in September 2022 instead of
473 March 2022. I'm going to apologize before I say anything that offends anyone
because I always try to be honest and upfront with people. If you ask me a

**Draft SELECT BOARD MEETING
September 22, 2022 5:30PM (continued)
Town Hall/Hybrid**

474 question, I'm going to tell you the truth. The finances for the Town of Eliot are in
475 shambles. We had to reconcile your two main checking accounts, which are your
476 general fund operating account and also your payroll. After we finished that, I
477 helped with one payroll. I couldn't quite do all of it myself because, technically, if
478 I'm auditing the numbers, I can't reconcile your checking account. Can I help.
479 Sure, because I have more understanding of Eliot than probably anybody else in
480 our firm. So, we had somebody reconcile your accounts. There were hundreds of
481 thousands of dollars (under \$500,000) presented on your bank statements that was
482 not even posted to TRIO (internal financial software). It is used to track revenue,
483 expenses, taxes, everything. \$100,000 of revenue not posted, to me, is a huge
484 number, huge problem. Any revenue not posted, any bank reconciliation not done
485 in a timely manner, is an issue. I've had a conversation with Mr. Sullivan and
486 with Ms. McNulty. There is a document we do for all our towns called a
487 Management Letter and, in that Management Letter, I make recommendations to
488 Mr. Sullivan and the SB on things that need to be improved financially. That
489 document is not ready, yet, but it will be ready when we send Mr. Sullivan and
490 Ms. McNulty a draft. I'm just going to let you know that it's not going to be
491 pretty. Part of the issue in that is going to be bank reconciliation because, when
492 you have the auditor come in here and I can't audit figures because your bank
493 reconciliation is not done, that's an issue. Then, we reconcile it and we come to
494 find out there are hundreds of thousands of dollars that aren't even posted, that's
495 another issue. And that's just the two main accounts. We're not even talking
496 about the reserve accounts with both these special revenues and capital projects,
497 which weren't reconciled. They were an actual disaster.

499 **6:12 PM**

500 Mr. Donhauser asked how many bank accounts are there.

501 Mr. Hall said that there is your main checking account, your payroll account to
502 the general fund, and you have your special revenue and your capital reserve. You
503 have trust funds that I think are also tied into those two reserve accounts.

504 Ms. McNulty said that there is a trust investment fund, a capital investment fund,
505 and a reserve investment fund.

506 Mr. Hall said that there, then, are three and they are through Key Bank.

507 Mr. Donhauser asked that all this money that was discovered, or funds, was in
508 Key Bank.

509 Mr. Hall said yes, Key Investment Trusts. But they are not reconciled, not at all. I
510 actually had to create these excel spreadsheets that I could share with Ms.
511 McNulty so that she could start doing her job properly because there was nothing
512 prior to help her understand. For me even to come up with numbers to start with
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Town Hall/Hybrid**

517 was an absolute nightmare. Finally, Ms. McNulty found something that we could
518 use to somewhat tie out the balances to start with. Then either Ms. McNulty or
519 Mr. Sullivan sent me a document that I think was already presented to you from a
520 prior Treasurer saying this is what are balances are in our reserve accounts. That
521 was junk. The numbers on there didn't even come close to tying up with the
522 numbers I came up with. I've explained this to Ms. McNulty and I think she's got
523 it. She's a bright young lady. You guys did a great job hiring this young lady. I
524 think that, within the next 6 months to a year, she will actually have your Town
525 cleaned up and get reports on a regular basis.
526

527 **6:14 PM**

528 Mr. Donhauser asked if you discovered the source of where the money came
529 from.

530 Mr. Sullivan said that that was part of it, too. Key Bank, for us to have them do
531 the research, it was incredibly expensive. Key was going to charge us. So, we
532 didn't want to erode the funds any further; that we've been a little judicious about
533 that. Just so people know, we are leaving Key and moving to Kennebunk, who
534 has a lot of our accounts, already, and we will continue to move our accounts to
535 Kennebunk Bank.
536

537 Mr. Hall said that that was great because I'm not a huge proponent of Key Bank.
538 Kennebunk is amazing. I do the Town of Kennebunk, the Town of Wells, the
539 Town of North Berwick. A very good bank. Very personal.
540

541 **6:15 PM**

542 Mr. Donhauser said that hearing what you're saying leads me to believe that we
543 have a major staffing shortage. In other words, we have one individual trying to
544 control a myriad of accounts. And not only doing that but doing weekly payroll,
545 with all these other functions, writing checks, making sure that disbursements are
546 made timely. So, what you're telling me is that it's good to know but, more
547 importantly is that it applies to the SB or should, is that we need to increase our
548 accounting staffing. We have one person doing all the accounting, essentially.

549 Mr. Hall said that I don't believe Ms. McNulty does payroll. I do believe she does
550 do AP and then reconciling, all that stuff. But, if you're asking my opinion, I
551 couldn't give you an honest opinion because the problem is, and I don't think Ms.
552 McNulty could, because when she came in, everything was a mess. I don't believe
553 she understands, yet, what her role is or how much time she needs to be able
554 complete stuff. You have to remember, we took garbage and had to turn it into
555 something, which is this, and still a work in progress. I'm going to be very honest
556 with you. With these numbers presented on here, I don't like giving out
557 information that I know is not 100% correct. And there is no way, now ay, that
558 these numbers that are presented in here are 100% correct. They are the best that I
559 could get to on a timeframe where the Town Manager is calling me or emailing

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560 me or Ron Smith is calling or emailing me asking where this is. As I mentioned to
561 you earlier, up to today we are still doing adjustments, trying to get stuff correct.
562 That's why I said that, when Mr. Sullivan or Ms. McNulty get a draft next week,
563 there's probably still going to be some changes. I hope it's not going to be
564 anything drastic. We tried to find everything missed. When we were talking about
565 the money that was shown as a revenue, or shown as a transfer in, that wasn't
566 shown anywhere in TRIO. We had to figure that out for ourselves in where it
567 goes. That's why I was having a conversation with the Planner two days ago,
568 finding out what this \$717,000 represents. In your internal software it was just
569 sitting there, with no revenue or expenses, just sitting in your general fund.
570 Regarding reserve funds, every year you appropriate money for your reserve
571 funds, to put money in or to spend it. You had an expense line that had \$1.+
572 million of appropriation money for your reserves, which tells me that you
573 appropriated a million dollars for your reserve accounts that then you should have
574 seen in expense for that \$1.+ million going over to your reserve accounts. Then,
575 in your reserve accounts, you should see expenses. No, that wasn't seen in your
576 accounting. What you did see is a list of expenses being charged to that one
577 expense line. Nobody could tell me, because Ms. McNulty tried. We could figure
578 out what the \$1 million was supposed to be for, police cruiser, fire truck, but we
579 couldn't track the expenses and where they belonged; that they're all co-mingled
580 in this one account. There should have been one transfer from that one account to
581 all your reserve accounts. And that probably should have been cash transferred to
582 your Key Investment account for all these reserve accounts.
583

584 **6:19 PM**

585 Mr. Sullivan said that some of the corrections we're trying to make internally with
586 systems and having some of the responsibility shift back to the managers in each
587 department that had kind of just whoever gets the bills or credit card submittals or
588 travel expenses, things like that. I have to say that Ms. McNulty has done an
589 incredible job. It's getting that structure and that's why it's hard to answer the
590 question as to what exactly we need once we get everything straightened out. The
591 system could run a lot better. We're looking at an automated payroll system and
592 that will help. That will free up some time in one place that we can shift over to
593 help in another place. Having commitments for the bills coming in to Ms.
594 McNulty have been coded properly by the departments. Just the simple thing of
595 buying a stamp for every one of the managers, that they stamp their bills and that
596 tells us exactly what you have to fill in, is a way that seems very simple but it's
597 already saving incredible time in the finance department. Those kinds of small
598 steps and structures, as we put them in, it's hard for people but that's why it's
599 hard to tell exactly what we're going to need and where we're going to need it
600 until we get straightened out and we have this audit in place. I said to Ms.
601 McNulty today that it's very much like trying to fix an engine on a plane while
602 it's flying.

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6:21 PM

Mr. Hall said that that was your FY21 audit. 100%. You're still trying to operate, obviously. Paying your bills, running your payroll, doing bank reconciliations. But the problem is she can't because we're doing so much clean-up from the FY21 year, which we're probably going to have to do with your FY22 year, because bank reconciliation is not done; that they couldn't be because we had to do FY21 bank reconciliations. So, Mr. Sullivan's analogy is 100% correct. And it's very hard to improve processes when you're in such arrears. And probably one of your biggest issues is that your processes are a problem. There isn't any reason why you shouldn't be able to go from one treasurer to another, have a little bit of training experience, then have things start flowing. Regarding Mr. Donhauser's question, I think that when we get through the FY22 audit, probably one of my recommendations might be that you might want to hire an AP clerk, so Ms. McNulty isn't doing AP. She could focus on doing the accounting of Eliot and you are a good-sized Town. You have a lot of money coming in, a lot of stuff going on. TIFs are a pain. They are very time-consuming. I'm sure you're Planner has told you this before. Accounting-wise, it takes a certain understanding on how to handle a TIF, and not just how a TIF functions, but how that TIF functions. Your Commons TIF is different than your Route 236 TIF. The documentation for these TIFs is hard to understand. I'm glad you have a good Planner because he's been a lot of help. There are just so many deficiencies right now, financially, in this Town, that it's just going to take some time to clean up. Once we get past the FY21 audit, I think the FY22 audit will go a little better. I'm going to have to sit down with Ms. McNulty and show her how I came to fruition on some of this information, how I created these spreadsheets, how she needs to think on how to operate or how the processes in just her office need to function, let alone the processes, financially, coming from the Fire Department or Police Department or the Public Works Department or even the Town Clerk's Department. As Mr. Sullivan said, there are a lot of processes that need to be upgraded. It sounds like he has already started the process and that's great. But we still need to get Ms. McNulty caught up to a point where she feels comfortable on what she's doing every day.

6:24 PM

Mr. Donhauser said, so, in this draft, are there any prior-year adjustments. I don't see any.

Mr. Hall said that the sewer had a re-statement but I think that's the only one. But I'd like to bring this up because one of the first things I do, when I came in, which was back in March or April, we do our test controls of your AP, your payroll, cash receipts, etc.. I also try to tie out your budget and your beginning balances. Your beginning balances were an absolute nightmare because your FY20 audit adjustments were never posted. I had a hard time tying out your beginning balances that were in TRIO. It didn't make it better when I received your FY20 audit adjustments because I couldn't even understand some of them. So, one of

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646 the adjustments that I'll be giving Ms. McNulty is an adjustment to fix her
647 beginning balances according to what I think it is. Those are my starting numbers,
648 your FY20 audit. I have a large adjustment to give to her to get her beginning
649 numbers right for FY21. Then I have an absolutely humongous adjustment for
650 your cash and, obviously, a lot of other adjustments. I think we're up to 25 or 26
651 adjustments, currently, just for FY21 just to get us ready to do your FY22 audit.
652 Cash isn't reconciled for FY22, none of them.
653

654 **6:26 PM**

655 Mr. Donhauser asked if you look at the post-closing trial balance. In other words,
656 do you present Eliot with a post-closing trial balance. After you make the
657 adjustments, they post the adjustments to the accounting system and, then, that
658 becomes your beginning balances and you test that by the auditor giving the client
659 a post-closing trial balance. So, after you make your adjustments, close out your
660 books, that trial balance should equal your beginning balances. What I hear is that
661 that has never been done before.
662

663 Mr. Hall said that what I normally do, myself, with everybody I work with is that
664 I will give my adjustments to Ms. McNulty and she'll have questions, I'm sure.
665 She'll post it and then I'll have her send me an FY23 trial balance, again, so I can
666 confirm all her numbers are where my numbers are. Then she'll move those
667 numbers over to FY22 so that her beginning balance will match what the ending
668 numbers are. The problem with TRIO is that, when you roll from one year to the
669 next, if you have multiple revenues and expenses in funds, they won't close to
670 each fund balance. You actually have to post to a system to creates (tree?) the
671 fund balance and then we have to re-distribute it. So, there will be clean-up in
672 FY21. Hopefully, I'm going to give her everything she's going to have. I'll check
673 them out. We'll roll forward. Then I'll look at her beginning balances again.
674 Probably give her beginning balance adjustments for FY22 and, then, we'll start
675 tackling FY22.

676 **6:28 PM**

677 Mr. Donhauser said that the due to-due from accounts have to be a nightmare if
678 you have the issues with all these funds.
679

680 Mr. Hall said that that depends on whether or not your system is set up properly.
681 Usually, due to-due from entries are system-generated. So, if they are set up fine,
682 there's usually not an issue. I have dealt with due to-due from's that are an
683 absolute nightmare. I don't think that's a problem here. And your software is set
684 up pretty good. I don't think your _____ (58:14) accounts is amazing but it's
685 workable.
686

687 Mr. Donhauser said that we're going to get another draft.

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688 Mr. Hall said that this is just a short report. Your full draft is going to be 100+
689 pages. I will look at the revenues/transfers

690
691 **6:29 PM** Mr. Shapleigh said that we have \$3.4 million in the TIF.

692
693 Mr. Hall said that you have \$5 million, almost \$6.

694
695 Mr. Shapleigh said that the interest on that is \$13,270.

696
697 Mr. Hall said that it's not just the interest. It's the gains and losses. So remember,
698 at Key Investments you get interest but, also, depending on which way the market
699 goes, you have gain and loss. Your investments did not do that great in FY21.
700 They are terrible.

701
702 Mr. Shapleigh agreed.

703
704 Mr. Hall said that I think it's great that you are moving. Is there still going to be
705 an investment when it goes to Kennebunk Savings.

706
707 Mr. Sullivan said that we are going to go with a municipal investment firm. This
708 is a federally-insured bank that only does investments for municipalities. And
709 their performance is far greater than what you were seeing at Key. I'm not going
710 to disparage Key but we're not going to stay with them, either.

711
712 **6:30 PM** Mr. Hall said that the Town of Eliot, under Mr. Sullivan's and Ms. McNulty's
713 regime, is already making changes for the better. It is good to see Ms. McNulty
714 here because she is top quality. It isn't easy to find finance people right now.

715
716 Mr. Widi asked, without going too far down the path, did you get the impression
717 that someone was winging it or going to figure it out later. It almost seems like,
718 with the way you explained it, that someone said yea, that's kind of 'ish', and then
719 that's kind of 'ish', and then almost like they would put it in the exact account at a
720 later time or characterize it at a later time.

721
722 **6:31 PM** Mr. Hall said that, in my honest opinion, you have a couple issues. Smith and
723 Associates is not quality. Looking at the adjustments they gave you, I can see how
724 someone could get confused and, if you start getting behind and don't have the
725 right numbers to work with, you're dead from the start unless you're proficient in
726 accounting. So that's one of your problems. I knew the audit manager who used to
727 do the attest audit and, if I remember correctly, when that audit was done, you had
728 a lady that was in the Treasurer's Office that has been here for a long time. She
729 was set in her ways and he used to do a lot to help clean her stuff up to get that
730 presented.

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6:32 PM

Mr. Donhauser commented that that is not too uncommon.

Mr. Hall said that I don't disagree with that statement. I don't think your finances at the Town of Eliot have been that great for years. And I think bandaids were put on it for many years and, then, the gaps got too big and no bandaid would hold the blood in anymore. That's where we are now. All I know is that this audit sitting to Mr. Sullivan's right was junk.

Mr. Donhauser asked if he was talking about Smith and Associates.

Mr. Hall agree.

Mr. Widi said that that took forever.

6:33 PM

Mr. Hall said that this one is taking forever, too. But I can tell you why and, when we're done with the FY21 audit, I will be much cleaner on your internal financial stuff than it's ever been. I spent a very, very long time on this audit. You got a great price for your FY21 audit. For the number of hours we have put in on this thing, we're taking a bath for your FY21 audit.

Ms. Dow said thank you.

Mr. Hall said that I don't like to give out junk. That's not how I operate.

6:34 PM

Mr. Widi said, moving forward, the most important way to make these audits cheaper is the process; that that is my understanding. We really need to put a lot of extra effort and energy into the process so that, moving forward, we're not dealing with a spider web.

Mr. Hall said that I think Mr. Donhauser was partly right. I think you're probably down at least a half a person. I think you need to take Ms. McNulty's role and not have her worrying about the day-to-day operation of paying bills, etc.; that she can oversee the people that are paying it. You're in a good-sized Town where you need someone who is just an accounting manager who is reconciling bank accounts, reconciling other accounts. If you think about the time she could be sitting down with the Fire Department, whoever does the invoicing over there, or the Police Department, trying to improve their process so when the information is coming in to wherever it's coming in, that is stamped, signed, and proper. The account number on it is good. So, yes, processes need to be improved.

6:35 PM

Mr. Widi said that obviously you're an auditor. You're not managing the day-to-day in the Town. You're looking back. So, would you say, in your best opinion,

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774 that freeing Ms. McNulty up to do things, like you suggested, would be a savings
775 financially. Because explaining this to people, or explaining it to other
776 committees, I want it coming right from you that it's your opinion that you think
777 this would save us money in the long-term.

778
779 Mr. Hall asked Mr. Sullivan how much he paid us to do non-test services, to do
780 your bank reconciliations, and all of those. \$10,000 to \$15,000.

781
782 Mr. Sullivan said \$15,000.

783
784 Mr. Hall said that that is \$15,000 that she could save you because she can do that
785 stuff herself. That's a position, probably. Half-time position to come in and do
786 your AP so she can do that kind of job. Remember, if I don't have to have
787 someone in my firm, or myself, do the bank reconciliation, your audit would be
788 done 6 to 7 months ago. Isn't that what you want, to know where you are
789 financially so that you can make better decisions on budgets or TIFs, bonding,
790 leases, whatever it is. To answer your question, I would say yes.

791
792 **6:36 PM** Mr. Widi said that, in your experience from other communities that are a similar
793 size to us, do you see that they have that extra half position that they are currently
794 staffing or are there other towns like us.

795
796 Mr. Hall said that most towns in this area have an accounting-type manager and
797 then people underneath them that are doing some of the stuff Ms. McNulty is
798 doing currently. Kittery, Wells, Kennebunk, most southern municipalities because
799 they're much larger. A \$19 million to \$20 million budget is a good-sized budget.
800 And Ms. McNulty shouldn't be spending her time worrying or stressing or
801 dealing with AP or payroll, other than overseeing it to make sure it's done
802 properly and with no errors. She shouldn't be doing the day-to-day process. It
803 should not be happening, or deposits, other than making sure it's correct and got
804 posted properly. That that is her job, to make sure that when she looks at a
805 revenue account or cash account or tax account or AP account, that the account is
806 properly stated. It's easy for someone like Ms. McNulty, who is watching that
807 account and doing a reconciliation monthly or quarterly, than it is for me to come
808 in here once a year and look through thousands of transactions. That's why you
809 pay us \$14,000 or \$15,000 above what you pay for us to do the audit.

810
811 **6:38 PM** Mr. Widi said that hopefully I simplified it. Sometimes you guys are kind of
812 talking in super jargon and I think I needed to bring it down for the rest of us.

813
814 Mr. Hall said that, as Mr. Donhauser said, governmental accounting can get very
815 difficult to understand and can get very convoluted. When the full draft is final, I

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Town Hall/Hybrid

816 will come in and present the full draft, along with a Management Letter I will go
817 over.
818

819 **6:39 PM**

820 Mr. Donhauser said, just for the SB, Mr. Widi mentioned the test services as
821 opposed to regular accounting. The test is the auditing part, correct.
822

823 Mr. Hall said attestation, yes. When we do an audit report, we have to put an
824 attestation in it.
825

826 Mr. Donhauser said that you are rendering an opinion on the financial statements
827 as to whether or not they fairly present the financial position of the Town. That's
828 the attest. You are actually performing non-attest services just to get us to a point
829 where you can make an attest.
830

831 Mr. Hall said correct. And that's where I'm going to kind of step away because I
832 can't do the non-attest and the attest. I have more knowledge of Eliot than anyone
833 else in my firm did.
834

835 The SB thanked Mr. Hall for his very informative presentation.
836

837 **6:40 PM**

838 Mr. Sullivan said that, first, I want to thank you, Mr. Hall, It's refreshing and you
839 were very honest. I know it was a lot of tough items. I also want to thank Ms.
840 McNulty. She's done a great job. I really enjoyed working with her. So,
841 thankfully we're on a one-story building so, when she jumps off a ledge, it won't
842 be that bad. I also wanted to say to the public that you have people who are
843 working on your behalf that are trying to straighten these things out. It's going to
844 take time. We're not sure, to your point, whether we need more staffing because
845 there are other adjustments that we have to make to responsibilities within this
846 building that are much more complicated. Are the workloads proper on each
847 different person in this building, including the Town Manager. Am I taking
848 enough of the responsibilities day-to-day. So, that's a complicated part of this
849 very complicated jigsaw. I don't want people to think that they are just going to
850 go out and hire a bunch of people and they're going to put them in there, to what
851 was said by Mr. Hall and Vice Chair Widi. It's systems. Putting the right systems
852 in place is key to this because having an automated payroll system, having some
853 of the systems that Ms. McNulty has already put in for billing and for submitting
854 bills, is key to this. But there's a lot of other steps that we're going to be able to
855 get to. Your adjustments have been terrible but, until we can get to a point where
856 we can have a good audit and move that money over, there's reasons why we're
857 going slow, not to speak out of school. So, there's a lot of good things heading
858 down the road that we're going to get to, we promise you. We don't want the
public to think that there's fraud going on, here; there's money missing, or
anything like that. There's been some maybe what people would think are

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859 professional laziness or just not addressing some issues, but we're going to get to
860 it and we're going to get it straightened out and we appreciate your patience, both
861 the SB and the public.
862

863 **6:42 PM** Mr. Hall said that, on top of what Mr. Sullivan just said, unfortunately TRIO is
864 not going to be servicing your current software anymore. They're going to want
865 you to go to the new software. Ms. McNulty will probably spearhead that
866 software conversion and that, in turn, will probably take more time away from her
867 to do some other things, and which will probably happen within the next two
868 years.
869

870 Mr. Donhauser asked if there were other municipalities doing audits using TRIO.
871

872 Mr. Hall said that TRIO is probably the most used software in the State of Maine
873 when it comes to municipal government. The only other major one that I deal
874 with is called Munis; that I know Wells uses it. Kennebunk uses it and I'm pretty
875 sure that Kittery uses it. It's a very powerful software. It is definitely better than
876 TRIO but it also costs way more than TRIO.
877

878 **6:43 PM** Mr. Sullivan said that I've always worked with Munis systems before and, as Mr.
879 Hall says, back the truck up because it's very, very expensive.
880

881 Mr. Donhauser said that I, as a Board member, would like to thank Ms. McNulty
882 for your efforts and I know you are working very, very hard. And we look
883 forward to hearing from you again, Mr. Hall. Thank you.
884

885 **I. Old Business:**
886

887 **6:44 PM 1. Special Town Referendum Warrant**
888

889 **Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board**
890 **accept the Special Town Referendum Warrant for Tuesday, November 2,**
891 **2022, as presented.**
892

893 **Roll Call Vote:**
894

895 **Mr. Donhauser – Yes**

896 **Mr. McPherson - Yes**

897 **Mr. Widi – Yes**

898 **Ms. Dow – Yes**

899 **Mr. Shapleigh**
900

901 **Unanimous vote to approve motion.**

**Draft SELECT BOARD MEETING
September 22, 2022 5:30PM (continued)
Town Hall/Hybrid**

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J. Approval of Warrant(s):

6:45 PM Mr. Donhauser moved, second by Mr. Widi, that the Select Board approve A/P Warrant #23 in the amount of \$10,392.32, dated September 1, 2022; A/P Warrant #25 in the amount of \$85,548.42, dated September 7, 2022; A/P Warrant #27 in the amount of \$999,202.98, dated September 17, 2022.

Roll Call Vote:

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

Unanimous vote to approve motion.

K. Selectmen’s Report: Seeking Committee Members Listing

6:46 PM Mr. Sullivan said that we are seeking members for Town committees. There are openings on the Agriculture & Food Security. We just filled the BOA opening. The Capital Improvement Committee has three openings. Conservation has one full member and two alternates, as does the Planning Board. People who are interested should certainly give me a call or send me an email. Or Ms. Rawski, the Town Clerk, will give you as much information that we have. We encourage people to sign up.

L. Adjourn

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board adjourn.

Roll Call Vote:

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

Unanimous vote to approve motion.

**Draft SELECT BOARD MEETING
September 22, 2022 5:30PM (continued)
Town Hall/Hybrid**

945 The meeting adjourned at 6:47 PM.

946

947

948 **Respectfully submitted,**

949

950 **Ellen Lemire, Recording Secretary**

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Mr. Robert McPherson, Secretary

Date approved:

Draft SELECT BOARD MEETING
October 13, 2022 5:30PM
Town Hall/Hybrid

1 **Quorum noted**

2

3 **5:30 PM:** Meeting called to order by Vice Chair Widi.

4

5 NOTE: Vice Chair Widi chaired this meeting as Mr. Donhauser is attending on
6 Zoom.

7

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

9

10 **Absent:** Mr. Shapleigh (excused).

11

12 **B. Pledge of Allegiance recited**

13

14

15 **C. Public Comment:**

16

17 There was no public comment.

18

19 **D. Approval of Minutes of Previous Meeting(s)**

20

21 No minutes were approved tonight.

22

23 **E. Public Hearing:**

24

25 Mr. Widi said that, for those of you at home, these public hearings are mostly a
26 formality. So, if you have anything very pertinent, we ask you to speak up.

27

28 **1. Arcanna, LLC License (Change of Ownership) #AMF275 Marijuana**
29 **Manufacturing 291 Harold L. Dow Highway**

30

31 **5:31 PM** Mr. Widi said that I hereby open this public hearing for the change of ownership
32 for Arcanna, LLC, marijuana manufacturing license #AMF275 at 291 Harold L.
33 Dow Highway.

34

35 There was no public comment.

36

37 **5:32 PM** Public Hearing closed.

38

39 **Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board**
40 **approve the Change of Ownership for Arcanna, LLC #AMF275, to be**
41 **renewed October 13, 2023.**

42

43 **Roll Call Vote:**

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

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

Unanimous vote to approve motion.

2. Arcanna, LLC License (Change of Ownership) #ACC274 Marijuana Cultivation 291 Harold L. Dow Highway

5:33 PM

Mr. Widi said that I hereby open this public hearing for the change of ownership for Arcanna, LLC, marijuana cultivation license #ACC274 at 291 Harold L. Dow Highway.

There was no public comment.

5:34 PM

Public Hearing closed.

Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board approve the Change of Ownership for Arcanna, LLC #ACC2754, to be renewed October 13, 2023.

Roll Call Vote:

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

Unanimous vote to approve motion.

3. Sweet Dirt 2, LLC (Renewal) #AMF826 Marijuana Manufacturing 7 Maclellan Drive

5:35 PM

Mr. Widi said that I hereby open this public hearing for the annual renewal for marijuana (cultivation manufacturing) license #AMF826 for Sweet Dirt 2, LLC at 7 Maclellan Drive.

There was no public comment.

5:36 PM

Public Hearing closed.

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

87 **Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board**
88 **approve the annual renewal for the marijuana (cultivation manufacturing)**
89 **license #AMF826 for Sweet Dirt 2, LLC at 7 Maclellan Lane, expiring**
90 **October 13, 2023.**

91
92 **Roll Call Vote:**

93
94 **Mr. Donhauser – Yes**
95 **Mr. McPherson - Yes**
96 **Mr. Widi – Yes**
97 **Ms. Dow – Yes**

98
99 **Unanimous vote to approve motion.**

100
101 **4. Sweet Dirt 2, LLC (Renewal) #AMF598 Marijuana Manufacturing 495**
102 **Harold L. Dow Highway**

103
104 **5:37 PM** Mr. Widi said that I hereby open this public hearing for the annual renewal for
105 marijuana (cultivation manufacturing) license #AMF598 for Sweet Dirt 2, LLC at
106 495 Harold L. Dow Highway.

107
108 There was no public comment.

109
110 **5:38 PM** Public Hearing closed.

111
112 **Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board**
113 **approve the annual renewal for the marijuana cultivation manufacturing**
114 **license #AMF598 for Sweet Dirt 2, LLC at 495 Harold L. Dow Highway,**
115 **expiring October 13, 2023.**

116
117 **Roll Call Vote:**

118
119 **Mr. Donhauser – Yes**
120 **Mr. McPherson - Yes**
121 **Mr. Widi – Yes**
122 **Ms. Dow – Yes**

123 **Unanimous vote to approve motion.**

124
125 **5. Ordinances November Ballot (Planning Director)**

126
127 **5:39 PM** I hereby open this public hearing for public discussion on the following warrant
128 articles to be placed on the November 8, 2022 Town Ballot:

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

- **Article 2:** Town Code Amendment – Subdivision and Site Plan Expiration, Phasing, and Performance Guarantees.
- **Article 3:** Town Code Amendment – Solar Energy Systems
- **Article 4:** Town Code Amendment – Town Fee Schedule
- **Article 5:** Town Code Amendment – Erosion & Sedimentation Control
- **Article 6:** Town Code Amendment – Maximum Number of Marijuana Establishment and Medical Marijuana Establishment Licenses

Mr. Sullivan said that I would just like to let the public know that there is information on the website. I'd also like to thank the Town Planner, Jeff Brubaker, for doing all the work and hard work you put in and thank the Chair, Carmela Braun, and the PB. I think there's wide support for all these changes. We appreciate the time and effort that has been put in to these by all these parties. So, thank you very much.

There was no public comment.

5:39 PM

Public Hearing closed.

Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board accept the Warrant Articles #'s 2, 3, 4, 5, and 6 for the November 8, 2022 Town Ballots, as presented.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. McPherson - Yes

Mr. Widi – Yes

Ms. Dow – Yes

Unanimous vote to approve motion.

F. Department Head/Committee Reports

5:40 PM

1. Town Manager's Report

Mr. Sullivan said that I would like to amend my report. That report is on the website. There was a very exciting day as we signed the formal proposal to start the sewer expansion project, again. Thank you to Jeff Brubaker and everyone else who was involved in that. It's an exciting time, an exciting project, and I think it holds a lot of value for Eliot's future. Thank you, SB, for your diligence in that. Finally signed and we're ready to go.

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

172 Ms. Dow asked if we know when they are going to start the signed contract.
173

174 Mr. Sullivan said that there is going to be a pre-construction conference in
175 November where some of the utilities will attend, including the Maine DOT. Then
176 we'll likely take a break because of construction season. We will be looking for
177 the Maine DOT to give the contractor the right to do some directional drilling for
178 leaders going in from where the height will be; that that is more prep work. We
179 will have another pre-construction meeting in March, when the season starts. We
180 will also be scheduling a public meeting and we would like to schedule that
181 somewhere close to the project so that citizens of Eliot will be able to attend and
182 ask questions. Then, the construction will start. There will be a lot of frustration
183 as there are over construction projects. In my report, I mentioned the loop being
184 broken at Depot Road, the traffic loop being broken at Depot Road and Route
185 236. We're waiting for that to be repaired. We're pretty sure that's going to be
186 repaired next week. We appreciate people's patience. In talking with the
187 contractors, it's a really difficult time because there is a lot of funding around for
188 capital infrastructure projects but it's also somewhat driven up the price because
189 there's not the staff and equipment in the Town. And, of course, asphalt is up, too.
190 We're talking about one project that was estimated a year ago to be \$3 million in
191 a neighboring state and the low bid that just came in was \$9.4 million. Ductile
192 pipe is three times the cost it was a year ago; that we will be using some ductile
193 pipe. Mr. Brubaker and the engineers did make a change to some other products
194 that aren't as expensive but is of equal quality and will last as long. So, we're
195 happy with that. But, it's a great day, though a difficult project.
196

197 **Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board received the**
198 **Town Manager's Report.**

199
200 **Roll Call Vote:**

201
202 **Mr. Donhauser – Yes**

203 **Mr. McPherson - Yes**

204 **Mr. Widi – Yes**

205 **Ms. Dow – Yes**
206

207 **Unanimous vote to approve motion.**
208

209 **G. Board/Committee Appointments/Resignations**
210

211 **5:43 PM 1. Carol Castellan resignation from Conservation Commission (June 2024)**
212

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

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218
Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board accept the resignation of Carol Castellan form the Eliot Conservation Commission and direct the Town Manager to advertise the vacancy.

Roll Call Vote:

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224
**Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow – Yes**

225
Unanimous vote to approve motion.

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230
Mr. Widi asked Mr. Sullivan to send Ms. Castellan a letter thanking her for her service.

2. Peter Egleston appointment to Comp Plan Update Committee (TBD)

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Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board appoint Peter Egleston to the Eliot Comprehensive Plan Update Committee.

Roll Call Vote:

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

242
Unanimous vote to approve motion.

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5:45 PM
3. Megan Ross-Shapiro appointment to Comp Plan Update (Economic Dev)

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Mr. Widi moved, second by Ms. Dow, that the Eliot Select Board appoint Megan Ross-Shapiro to the Eliot Comprehensive Plan Update Committee Economic Development sub-committee.

Roll Call Vote:

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255
**Mr. Donhauser – Yes
Mr. McPherson - Yes
Mr. Widi – Yes
Ms. Dow – Yes**

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

256 **Unanimous vote to approve motion.**

257
258 Mr. Sullivan said, as a reminder, that the SB did vote to allow the Planner to make
259 adjustments, internally, on that Comp Plan once you make the appointments. So,
260 if people want to move from one subcommittee to another, or be added, you did
261 give the authority to the Planner. Again, I would like to thank the Planner for his
262 hard work on the Comp Plan. He's an incredibly hard worker and I love his work.

263
264 NOTE: The Assessor was not quite ready so the SB voted on the approval of
265 warrants at this time.

266
267 **J. Approval of Warrant(s):**

268
269 **5:46 PM Mr. Widi moved, second by Mr. McPherson, that the Select Board approve**
270 **A/P Warrant #29 in the amount of \$83,090.95, dated September 22, 2022;**
271 **A/P Warrant #31 in the amount of \$8,793.76, dated September 28, 2022; A/P**
272 **Warrant #32 in the amount of \$64,172.08, dated September 29, 2022; A/P**
273 **Warrant #34 in the amount of \$329,722.10, dated October 6, 2022.**

274
275 **Roll Call Vote:**

276
277 **Mr. Donhauser – Yes**
278 **Mr. McPherson - Yes**
279 **Mr. Widi – Yes**
280 **Ms. Dow – Yes**

281
282 **Unanimous vote to approve motion.**

283
284 **H. New Business:**

285
286 **5:47 PM 1. Assessor's Presentation of Values, Setting Mil Rate for FY23**

287
288 Mr. Sullivan said that Mr. Martin is also working incredibly hard and we're very
289 lucky to have him.

290
291 Mr. Martin said that you have in front of you is the estimate on where we are as of
292 right now. It's been a busy year. I call it the 'Covid squeeze' with what's going on
293 in the market. Lack of inventory, people coming in and buying up. A lot of
294 renovation work, new construction, property, sight unseen, from all over the
295 place, and a lot of adjustments to land values, again, as well with improvement
296 values. Most of the improvement value changes are coming from a lot of field
297 work where there's changes to the quality condition, depreciation, and utility of
298 the homes. So, it's almost on a drive-by basis making adjustments to that to get

**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

299 the data more accurate in the database. In the process of getting the data more
300 accurate and tracking the market, we have approximately a \$120 million increase
301 in the valuation base of Eliot, as a whole, which is substantial considering last
302 year was a \$140 million increase. So, we're catching up and, in the process of
303 catching up, it's pushing the mil rate down. So, this year, for the second year in a
304 row over the last ten years, I think it's only the second time we've had a reduction
305 in the mil rate. This year, it will go from 13½, and I would recommend it to have
306 it no greater than 12½, and I will word it that way because I still have some small
307 changes to make for splits. But it shouldn't be more than 12½. That would be with
308 an overlay that would be responsible to be able to handle potential abatements or
309 adjustments or whatever might come. There are some large adjustments, again, to
310 some commercial properties, like last year, so we're going to be fair for that, as
311 well as we're entering an uncertain political environment with revenue-sharing
312 with the State. So that would be responsible for having a good-sized overlay. My
313 recommendation would be no greater than a 12½ mil rate. I may have it a little
314 better by tomorrow or this weekend.
315

316 **5:50 PM**

317 Mr. Widi thanked Mr. Martin for his hard work on this. I know how much you've
318 really put in the extra hours, and all, to make this happen. Unfortunately, it's not
319 an ideal situation where we have to essentially re-assess the whole Town. For
320 those of you at home, Mr. Martin is working real hard doing that. The mil rate
321 dropping is a major, major step. Even with spending the money on the stuff we
322 have to spend money on, unless your property has been re-assessed, your taxes
323 are going down. I don't think many people are going to realize that and say 'yes'
324 and pump their fist but it's a good thing for Eliot.

325 **5:51 PM**

326 **Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board set**
327 **the mil rate at .01250, or less.**

328 **Roll Call Vote:**

329 **Mr. Donhauser – Yes**

330 **Mr. McPherson - Yes**

331 **Mr. Widi – Yes**

332 **Ms. Dow – Yes**

333 **Mr. Shapleigh**

334 **Unanimous vote to approve motion.**

335 **I. Old Business:**

336 There was no old business.
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**Draft SELECT BOARD MEETING
October 13, 2022 5:30PM (continued)
Town Hall/Hybrid**

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K. Selectmen’s Report:

There were no Selectmen’s reports tonight.

L. Adjourn

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

Roll Call Vote:

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

Unanimous vote to approve motion.

The meeting adjourned at 5:53 PM.

Respectfully submitted,

Ellen Lemire, Recording Secretary

Mr. Robert McPherson, Secretary

Date approved:

Draft SELECT BOARD MEETING
October 27, 2022 5:30PM
Town Hall/Hybrid

1 **Quorum noted**

2
3 **5:30 PM:** Meeting called to order by Chairperson Donhauser.

4
5 **A. Roll Call:** Mr. Donhauser, Ms. Dow, and Mr. Shapleigh.

6
7 **Absent:** Mr. Widi (excused) and Mr. McPherson (excused).

8
9 **B. Pledge of Allegiance recited**

10
11 **C. Public Comment:**

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13
14 There was no public comment.

15 **D. Award Ceremony: MLEAP Presentation (Eliot Police Department)**

16
17 **5:32 PM** Mr. Sullivan said that we are, first of all, going to welcome Chief Edward Toland,
18 Executive Director of the Maine Chiefs of Police Association, and Chief Shawn
19 O'Leary, Law Enforcement Services Manager at Dirigo Safety. This presentation
20 is to honor the hard work of the Eliot Police Department and the monumental
21 achievement of achieving accreditation. It doesn't come easy. A lot of
22 departments don't succeed at that, where it takes a long time. Congratulations are
23 in order. I will turn it over to Chief Toland.

24
25 Chief Toland said that I worked for the Falmouth Police Department for 27 years.
26 I retired as Chief and immediately took over as Director of the Maine Police
27 Association. We're here tonight, as the Manager said, to recognize the
28 outstanding accomplishments of your Police Department. Chief Moya and his
29 great group of members here tonight. It's a great turn-out because, sometimes,
30 you don't get that and it's great to have the troops here. I'm going to talk a little
31 bit about what the accreditation program is as far as the Maine Chiefs go. I'm then
32 going to turn it over to Mr. O'Leary, who is in charge of doing the assessments.
33 Which is what the Eliot Police Department had to go through. It was about nine
34 years ago that different members of the State Organization of Departments
35 decided we needed to do something for departments to work towards an
36 accreditation. So, we put together a committee, and I was on that committee –
37 members of the Maine Chiefs, members of the Maine Sheriffs, members of the
38 State Police, members of the Department of Public Safety, and Maine Municipal
39 Association (MMA) - who really wanted to be part of this to reflect your
40 insurance premiums with a discount showing what these departments went
41 through to get accredited. It was probably 4 to 5 years that we worked at putting
42 this together with the standards, which Mr. O'Leary will talk about, and those
43 standards are not something that are that easy to meet. It should be noted that your

**Draft SELECT BOARD MEETING
October 27, 2022 5:30PM (continued)
Town Hall/Hybrid**

44 department met all those standards to accomplish it. And it's not just that we walk
45 in and give an okay. They have to prove they have met those, which they have
46 done. Right now, I believe there are only 27 other states that have a state-wide
47 accreditation program so it says a lot for the State of Maine that we were able to
48 bring all those groups together, the State Police, the Sheriffs, the Chiefs, the
49 Department of Public Safety, and we worked towards this. We have a committee
50 in place with representatives from those organizations that, once Eliot was to
51 finish their assessment, Mr. O'Leary would turn over the report to that committee
52 and then, that committee would review that report to say 'yes' or 'no'. And we
53 have had some departments where we've had to say to slow down to re-do some
54 parts. So, credit to Chief Moya and the Department. I can tell you that Eliot is one
55 of only 15 departments in the State of Maine that has achieved accreditation. We
56 have a number of departments that are in the process, right now, but Eliot is one
57 of only 15 and you should be proud of them, proud of the work that the Chief did
58 in leading this. I'm going to turn it over, now to Mr. O'Leary to talk about the
59 nuts and bolts of it.
60

61 **5:38 PM**

62 Mr. O'Leary said that I did 36 years in law enforcement. I started my career in
63 Wells as a summer reserve. I retired as a Chief up in Winslow. My job at Dirigo
64 Safety is to help agency to become accredited and oversee the process. I've dealt
65 with a lot of departments and it is my honor to have worked with everybody in
66 this agency. I may be biased but what is very unique about the Eliot Police
67 Department is that everybody participated, everybody bought into it. Sometimes,
68 it's a vision of the Chief and then that vision isn't relayed to the staff, then some
69 issues and pushback, but we didn't see that at this agency. That is a testament that
70 it's a complete team. What I like to say that it's not like a department but it's more
71 of a family that came together to succeed. The accreditation process is long. There
72 are over 167 standards and every standard has to be met. Through those, those are
73 the best practice standards that the State of Maine incorporates and believes every
74 agency should have. They are everything from policy that each individual has to
75 follow then a training component to ensure everybody in the agency is properly
76 trained. As we've seen throughout the many years, a lot of departments aren't
77 trained and then they get into trouble. You can rest assured that your agency here
78 in Eliot is fully trained. They have to prove to us that they have gone through the
79 training, either by showing us certificates, showing us that they've completed the
80 training through online training or in person. So, all these standards are not
81 rubber-stamped. Then, once they go through all this work, and I will say and I
82 think everyone will agree, it was a lot of work. It's like building a house in that
83 it's not easy at all. Once everything is done, three independent executives from
84 various departments review the standards to make sure all the standards were met,
85 all the proofs were met. And I know there is some anxiety because it's like a final
86 test. Then, the big final exam was when those three command-level people came
over to the Department and basically went through everything just to ensure that

Draft SELECT BOARD MEETING
October 27, 2022 5:30PM (continued)
Town Hall/Hybrid

87 the standards are being met. Through the leadership of Chief Moya and
88 everybody joining in to that group, because it was a collective group, they
89 succeeded. As an example, when I first started this process with Eliot (Elliott?),
90 he showed me the property room; that they were all concerned about the property
91 room. Through this process, it is completely clean. It's compliant. All the hiring
92 and selection process is being followed through. So, I am very honored and
93 pleased to present this award to not only Chief Moya but the entire staff, and the
94 citizens of Eliot. He read the plaque: "For serving as a model of excellence in law
95 enforcement and successfully meeting the professional standards established by
96 the Maine Chiefs of Police Association and the Maine Law Enforcement
97 Accreditation Program, the Eliot Police Department has reached the highest level
98 of professionalism and integrity, and is hereby recognized as a State-accredited
99 law enforcement agency for a period of three years." So guys, in three years
100 you're going to go through it all over again, but we'll be here to help you. The
101 plaque was presented to Chief Moya with congratulations.
102

103 **5:42 PM**

104 Chief Moya said that we've been in certainly interesting times in law enforcement
105 the past couple of years. We've heard the word 'reform' a lot and I think that a
106 program like this is what reform is calling for. It's meeting these 167 standards.
107 This was a goal that I wanted to achieve, but everybody here wanting to be a part
108 of this, this proves that we are one of the top in the State. That means a lot to me
109 and it really just proves the work that everybody here is doing. The Maine Chiefs
110 Association backing this program, and really starting it, and Dirigo Safety doing a
111 tremendous job just helping us through the process. He used the word 'anxiety'
112 and every officer here will attest that I was anxious. Personally for me, this is a
113 really, really proud moment and, although it was a goal for me to get our
114 department to this high standard, I could not have done this without every
115 officer's and staff's help. I appreciate you all so much.

116 **5:44 PM**

117 Mr. Donhauser said that I want to assure you that the SB recognizes this as a very
118 significant achievement. I would like to recognize each individual: Judy Smith is
119 the Administrative Assistant, Sargent Ronald Lunt. We have Patrol Officers Brian
120 Delaney, Ryan Mazur, Timothy Niehoff, William Dries, and Robert Govoni.
121 There are some other members that are part of the Police Department. One is
122 Reserve Officer William Kelloway, Animal Control Officer Tina Buckley, and
123 the Harbor Master Tom Phillips. Well done. Very well done. We are quite proud
124 of our Police Department.

125 **E. Approval of Minutes of Previous Meeting(s)**

126 Minutes deferred until next meeting.
127
128
129

**Draft SELECT BOARD MEETING
October 27, 2022 5:30PM (continued)
Town Hall/Hybrid**

130 **F. Public Hearing:**

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132

There were no public hearings tonight.

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134 **G. Department Head/Committee Reports**

135

136 **5:46 PM 1. Town Manager's Report**

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Mr. Sullivan said that we're very excited about the sewer expansion getting underway. We think that was a milestone to sign that construction agreement and really getting moving. We will be having a meeting in November with all the parties and a public meeting in the spring when the construction starts in earnest. People will see along State and Beech Roads within the next month or so some activities. Test borings and other preparatory work they are going to do for the construction in the spring. We do appreciate people's patience with all the construction that's going on in Town to improve roads and to make adjustments. I know it's sometimes hard to navigate all the different areas that are under construction but it just speaks to the commitment being made to the Town.

149 **5:47 PM**

150

151

Mr. Donhauser said that we should also note that you are reaching a one-year anniversary.

152

153

154

Mr. Sullivan said that that will be in four days. It's an honor to work here. I get to work with a lot of great people.

155

Several said that we are very lucky to have you.

156

157

158

159

Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board receive and accept the Town Manager's Report presented tonight.

160

Roll Call Vote:

161

162

Mr. Donhauser – Yes

163

Ms. Dow – Yes

164

Mr. Shapleigh - Yes

165

166

Unanimous vote to approve motion.

167

168

H. Board and Committee Appointments/Resignations

169

170

171

172

5:48 PM 1. Appointment of Election Clerks Kristina Buckley, Mary Dennett, Jessica O'Donoghue, and Kim Tackett.

**Draft SELECT BOARD MEETING
October 27, 2022 5:30PM (continued)
Town Hall/Hybrid**

173 **Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board**
174 **appoint Kristina Buckley, Mary Dennett, Jessica O'Donoghue, and Kim**
175 **Tackett as Election Clerks for a term ending June 2024.**
176

177 **Roll Call Vote:**

179 **Mr. Donhauser – Yes**

180 **Ms. Dow – Yes**

181 **Mr. Shapleigh - Yes**
182

183 **Unanimous vote to approve motion.**
184

185 **I. New Business:**

186
187 **5:49 PM 1. FY24 Budget Format Presentation**
188

189 Mr. Sullivan said that, as we've discussed before, there are a number of changes I
190 will be proposing in the budget, particularly in the form. It is an attempt to have a
191 greater ease of understanding for the public. Initially, there will be a paper copy
192 provided to each member of the SB and the Budget Committee. Any one can
193 request one from the Town Hall. All the FY24 budget information, including
194 updates, will be posted on the Town website under the banner of the FY24
195 budget. We ask all parties to update their own files as we proceed. The primary
196 purpose of the changes are to allow the public to view a more user-friendly form
197 which displays changes more fluidly and in a common place, that being
198 eliotme.org. The new form will comply with all budget requirements from the
199 ordinances and Charter. It will remove titles that have not been used or are not
200 relevant to the use as described. There will also be some new descriptions and
201 items congregated in a manner consistent with the expenditure. We generally tried
202 to clean up the budget. He showed pictures of what it currently looks like and will
203 look like in the future. Each banner is color-coded for departments and, once this
204 is up online, you will be able to scroll through the budget. We believe it's more
205 consistent with best practices other communities have used for years. So, it's a
206 change in what it was. Currently in the process, every responsible party, including
207 department managers, have had at least one meeting with the Finance Director
208 and the Town Manager. We have discussed the changes in the process and budget
209 forms, expectations, including cost controls, innovations, new programs, and
210 initiatives. Responsible parties are asked to start to review their cost centers,
211 projections, and service expectations in terms of the FY24 budget. We expect
212 each responsible party to ask for sufficient funding to deliver the services
213 expected and traditionally delivered in the most cost-effective manner. Each
214 service model should consider innovative and creative ways to improve services
215 and cost controls. All departments should be prepared for the second meeting (or

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216 more) with the Town Manager and Finance Director by, or before, November
217 22nd. These meetings will continue through December to reach a final draft and
218 we will have the final draft available to both the SB and Budget Committee by
219 January 5th, as required by the Charter, or sooner if possible. The final Town
220 Manager recommendation will be posted on the web, mailed by USPS to each
221 Budget Committee and Select Board member, and sent electronically to the same.
222 With other adjustments and changes, we have consolidated and repositioned
223 objects to have the items reflect the actual purpose for the expense line. We
224 found, as we went through it, that there were a number of things where people
225 were charging to a certain line item because they really didn't have the right line
226 item to charge it to; that it just got compiled. So, we're making it easier for
227 responsible parties and department heads to do that. We have removed lines that
228 haven't been active for years. We've renamed some categories to better described
229 the intended, historical use. After a long discussion with our auditors, searching
230 my soul with the Finance Director, I am going to ask the Select Board and Budget
231 Committee to support me in centralizing employee benefits in one area. I think
232 it's important for the Town to know that those cost centers are ones that grow at a
233 very frightful rate. We heard today that Allegiant Insurance is going up 4%.
234 That's a substantial increase for us. (FICA, Medicare, MEPERS) It was suggested
235 last year that the reason why it's all divided out to different departments was so
236 that you could have a true cost of a department. We can do that with reports. But
237 with the budget, it makes it easier and more efficient for us to have it in one area.
238 There are some exceptions – the Sewer Enterprise Fund and CSD seasonal staff
239 will be separated out. That was suggested by our auditors. This will allow the
240 appropriate overview for the budget items and also present the cost in a more
241 suitable means. We'll make available to the public a list of annual salaries for
242 each employee in February of each year or more often if people would want to.
243 All IT costs are separated to a new category in Administration, with a few
244 exceptions. Mapping is staying in Land Use and specialized software for the PD is
245 staying in the PD. The intent is to give a more focused view of the growing
246 expenditures associated with technology. This cost center will continue to grow
247 no matter the Luddite resistance. Include in the tech expansion would be security
248 cameras in and around various public spaces to not only increase security but to
249 deter vandalism, if approved. That will be something else I will be seeking in the
250 budget. Last year the Budget Committee urged the ECSD and Administration to
251 make ECSD programming self-sustaining to the greatest extent possible and we
252 are making some significant changes to honor that very worthwhile suggestion.
253 We have arranged the ECSD budget differently to accommodate having the fee-
254 based programs separate from the operational budget funded by the general fund.
255 The goal is to have the program costs covered by user fees not the taxpayers, to
256 the greatest extent possible. The Boat Basin is an incredible resource and we are
257 developing possible strategies to invest in the property without impacting the
258 general fund. I'm giving consideration for the different management models for

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259 the property, as well. Working with the Town Clerk and Finance Director for
260 proposed changes to the budget process is prescribed as another area we are
261 working on. But, the Boat Basin, I feel strongly that you would be able to harness
262 a revenue stream there that would support, whether you decided to go out an
263 borrow based on that revenue, that wouldn't impact the taxpayer or other means.
264 Things like putting in ticket kiosks that you see are commonplace in Ogunquit,
265 Wells, Portsmouth, other communities. Whatever situation you want to make for
266 Eliot residents would certainly be up to the SB. If we excluded or paid the small
267 fee, I'm sure that could be worked out. I do think there's a lot of external use,
268 which is good, but we want to make sure that external use pays a fair share. So,
269 that will be part of one of my suggestions this year. I know that Mr. Brubaker had
270 spoken with the SB not long ago and we need to look at fees to ascertain whether
271 taxpayers are being burdened with a cost that should be user fee-based, and we're
272 very sensitive to that. We continue to look at regional partnerships. I know there's
273 been a lot of talk about the General Assistance moving into a more regional form,
274 which I think is a great idea, a great investment long-term for Eliot. We continue
275 to look at energy efficiencies. While Eliot has taken a lot of steps towards that,
276 there are areas that we can look at. I know the Chief has been looking at electric
277 vehicles for police use, which is pretty forward thinking. We'll be taking a
278 focused look this year at health care and P&C costs to see if we can see something
279 that might be more affordable or might make sense. Our revamping of banking
280 and investment practices is making progress and already have significantly
281 reduced costs in the banking area. I think in the investment area we will start to
282 show increased returns, as well. Mostly, how can we continue to improve service
283 to the public equitably and economically. With the fuel budget, when we were
284 doing this last year, it was \$2.63/gallon. Right now it's \$5.29/gallon. It's not a big
285 part of your budget but something we need to be aware of. As we said, Allegiant
286 is going up 4% and we would imagine that the other health insurance, Blue Cross
287 Blue Shield, is probably up a similar amount. The demand for investment
288 continues to exist. We hear about projects every day that we don't want to let go
289 by the wayside. The question is how can you afford it all. Boats, pickleball, new
290 Town Hall, roads, sidewalks. I would never advise you do all this at once but I
291 think there are strategies and mechanisms that haven't been used that you might
292 be able to use that, hopefully, will unfold in the next couple of months as we look
293 at our financial plans for next year. I don't know if you have any questions.
294 People watching at home, I'm certainly always open to questions or suggestions.

295
296 **6:02 PM**

Ms. Dow said that I think that was a fantastic presentation. Thank you for the leadership and helping get our budget better,

297
298
299 Mr. Shapleigh asked how many people put this together.

300
301 Mr. Sullivan said that it was just me.

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302 **6:03 PM** Mr. Donhauser said that I think that what you're doing is very forward-looking
303 and I commend you for doing that. I had a question about the library. That's part
304 of the budget, it's sort of like their budget that's sort of imposed on ours that has a
305 major imposition on our budget. You must be in communication with the library.
306

307 Mr. Sullivan said that I've been in communication with Lydia and Ann Schisler.
308 Ms. Schisler contacted me about the ARPA funding that the SB offered to the
309 expansion project. They may be coming in with a different way to use that money
310 for the benefit of the library. I think what they're looking at is that there are some
311 handicap ramps or railings that need to be replaced. They will come in with a plan
312 and the SB will have to decide whether you want to allow them to use it for
313 something besides the expansion, as your vote was to have them use it for the
314 expansion. I've been told they are working on their operating budget. They are
315 aware of the dates.
316

317 Mr. Donhauser said that, with respect to capital reserves, the funding into them
318 and the use of them, that's a major part of our anticipated budget and I imagine
319 you are addressing that in some way.
320

321 **6:04 PM** Mr. Sullivan said that the capital reserves are going to be a really difficult
322 problem. We are working on them. As you know, our auditor is just finishing up
323 and we've been informed that the money, in many cases and over years, put into
324 those accounts don't meet the standards of the test for being in those accounts. All
325 that money is now essentially in undesignated fund. We're working on getting the
326 right votes for Town Meeting in the spring. Also, taking the money in the
327 undesignated fund and re-allocating it as best we can back to the proper accounts.
328 There will be more on that. You know we're working with the auditor, pour
329 consultant, to make sure we do it the right way. I know that there's been a lot of
330 concern from different committees and groups. For instance, just as an example
331 and not singling out Ms. Moore who does a great job with the Conservation
332 Commission, they are concerned that they have a Land Use Fund that they had
333 \$5,000/year put away and built up to about \$30,000. Essentially, we're going to
334 have to take a vote to put that money back into the properly established fund
335 under State law. So, we're working on that.
336

337 **6:06 PM** Ms. Dow said the SB will have to take a vote or the Town will have to take a
338 vote.
339

340 Mr. Sullivan said that the SB will have to take a vote and then the Town will
341 ultimately have to take a final vote. The reserves were not set up properly so, they
342 don't, in fact, exist. To make sure that it's proper and meeting all the financial
343 standards, we're going to do it the right way. I want to make sure that the people
344 know that the money is not gone. It's just in the wrong fund. I'm fairly sure that

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345 people see the reason of putting the money back where it was. We just want to
346 make sure we establish the proper balances because the way they were co-
347 mingled, there is some question (not about the Land Use fund) about some other
348 smaller reserve funds, whether they got used or whether they didn't get used; that
349 we're working through that. I appreciate your patience on that.

350
351 **6:07 PM** Mr. Donhauser asked if you contemplate using fund balance in any way to
352 compliment or enhance the budget. Often, we have carry-forwards.

353
354 Mr. Sullivan said that we are trying to establish and make sure we know the right
355 numbers to ask to carry over. I think we already had one carry-over earlier in the
356 year in the oil fund for \$16,000. That is what I remember. We are going to look
357 for some carry-overs. We can do carry-overs from FY22 but you can't go back
358 any farther than that.

359
360 Mr. Donhauser said that you mentioned the use of ARPA funds as a pretty
361 significant component of the budget, also. That at least that revenue source can be
362 used to fund certain items.

363
364 **6:08 PM** Mr. Sullivan said that the SB had allocated it but, if the money isn't being used
365 then, perhaps, we should look at that again in the first part of the year. If the
366 money isn't used, you can now, with your ARPA funds, put it into your general
367 fund. I would just be cautious with that because it's one-time dollars. You want to
368 make sure you use it for one-time expenses.

369
370 Ms. Dow said we might want to re-consider what we want to use it on.

371
372 Mr. Sullivan said yes. I'm not advocating you take it away from anybody but, if
373 things have changed and they don't need the money, then we should certainly
374 look at that. We'll be having to report that again in March.

375
376 Mr. Donhauser said that, with respect to revenue, you pretty much described the
377 expenditure side. What do you hear from the State, and maybe you don't know at
378 the moment, about revenue-sharing.

379
380 Mr. Sullivan said that State revenue-sharing this year was robust. We set it at
381 \$450,000 and we got \$926,000.

382
383 **6:09 PM** Mr. Donhauser said I know that State Aid to Education belongs to the school but
384 do you follow that at all.

385
386 Mr. Sullivan said that I do follow it. We have our regular meetings with the
387 Superintendent. But in Maine the school's formula, the way the system works,

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388 there isn't a lot of input. I do believe the superintendents of the school districts are
389 working in the best interests of the taxpayers in the way they use the tax dollars.
390 They are having a real struggle, particularly in certain areas, the mental health
391 area, social work area, where they cannot get per diem staff at the rates that they
392 have been paying. They have had to up their prices for students with IEPs. It's a
393 difficult situation for schools right now because the talented people they are
394 looking for right now are no different from the police departments we were
395 talking about earlier tonight. It's hard to attract people to those professions.
396 Teaching, police work, it's difficult. So, I do have conversations with them. My
397 input is limited but I'm sure they are going to be looking at increases, as well.
398 Regarding revenue, the other thing in my presentation that I think is important is
399 for the SB, working with the Town Manager, is to look at your fees. There are
400 some fees where we're not even breaking even. I think that Mr. Brubaker
401 expressed it very well a couple of meetings back that it's costing us more for
402 things like advertising. I spoke to the PB Chair about that. A lot of communities
403 put that responsibility on the developer or the applicant. Before it goes forward,
404 they have to present, tell them where the legal notice has to be, and they do all
405 that work. We're doing it in-house. We're sending out the abutter notices first
406 class/return receipt and bringing them up to the Post Office. A lot of communities
407 don't take that burden on the Town, they have the developer take that
408 responsibility. Then there are ways that you actually certify that they actually did
409 it. That, coupled with the fact that we should be looking at some of the fees we
410 are charging, it won't produce a large revenue but at least we could keep pace on
411 those things.

412
413 **6:13 PM** Mr. Donhauser said that you already mentioned about a potential revenue stream
414 at the Boat Basin. One final question about adding employee positions to support
415 key positions. I don't know if you are contemplating, even in the back of your
416 mind, that you may need to add staff in some key area.

417
418 Mr. Sullivan said that I think that's a great issue that we struggle with. I'm very,
419 very cautious about adding staff in any dimension in public service. If we can get
420 work from consultants, or other means. For instances, when I mentioned the
421 notification systems for different proposals coming before the PB, if we can take
422 the internal pressure off that and put it on the applicant, that allows us to re-
423 shuffle some of the staff. We still struggle with the payroll system where if we
424 can...but I promise you, by January 1st, we're going to have a payroll system here
425 or I'm going to jump out the window. That would free up the person responsible
426 for payroll to do other things that are pressing in the area of HR (Human
427 Resources). We know there's a lot of other work out there to do. Adding
428 permanent staff would be our last course of action. Last year we had one summer
429 intern and that took some pressure off, allowing people to take vacations. That's a
430 very affordable way and not a long-term commitment to meet some of the needs.

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431 There is worth exploring more of that next year. But there are areas where
432 permanent staff is tempting. When we have our Finance Director doing entry-
433 level financing, just entering in data to the system, that begs the question whether
434 that's the best use of her time and effort.

435
436 **6:16 PM** Mr. Donhauser said one last question is around making compensation for our
437 employees that are equivalent, or near equivalent, to our surrounding
438 communities. That must be an arduous task to do in formulating your budget.

439
440 Mr. Sullivan said that it has been. I think we've made improvements. I'm happy
441 to say that one of our new employees came from a neighboring community where
442 she, from what I've been told, was actually getting paid a little bit more but she
443 had heard good things about Eliot. A much more pleasant place to work than it
444 had a reputation in the past; that she came over here. We've had another person
445 we've hired to the staff that was offered a job in a neighboring community and
446 she decided to come to Eliot, instead, for about the same money in this case. So,
447 it's not always about money. Sometimes it's about atmosphere and we are trying
448 to build that and, like I said, I'm just so happy that I get to work with such great
449 people every day. It makes a difference and people like working here. It extends
450 to the support they've gotten from the SB, too. It's important that we get that
451 leadership support, as well.

452
453 There were no more questions.

454
455 Mr. Donhauser thanked Mr. Sullivan. It was all well done

456
457 **J. Old Business:**

458
459 **6:18 PM** Mr. Donhauser said that we briefly touched on the audit. The past audit that's
460 being finished and then, of course, we're going to start on the new one right away.
461 Do you have a timeline when things are going to appear.

462
463 Mr. Sullivan said that we have the draft final, including the management letter.
464 The Finance Director has been going back and forth with the auditors. I'm
465 expecting that, by next week, we will probably have a final audit. I'm anxious to
466 get it into the borrowing. We did meet this week with our bond advisor. It was
467 very interesting and, as that unfolds, I will be reporting more. It gives you some
468 strategies to do some of the work you would like to do in Town with impacting
469 the budget in a much more planned, or conservative, way over time. Right now,
470 they said the borrowing rate was at about 4%, which sounds like a lot, but some of
471 the projects you need to do, if you wait, are growing at 8% to 10% a year. So,
472 borrowing at 4% and getting them done is really a savings. You can't get them all

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473 done at once but there are some other strategies that I'd like to talk more about
474 with you as a SB.

475

476 **K. Approval of Warrant(s):**

477

478 **6:20 PM Mr. Donhauser moved, second by Mr. Shapleigh, that the Select Board**
479 **approve A/P Warrant #36 in the amount of \$935,374.98, dated October 13,**
480 **2022.**

481

482 **Roll Call Vote:**

483

484 **Mr. Donhauser – Yes**

485 **Ms. Dow – Yes**

486 **Mr. Shapleigh - Yes**

487

488 **Unanimous vote to approve motion.**

489

490 **K. Selectmen's Report:**

491

492 There were no Selectmen's reports tonight.

493

494 **L. Adjourn**

495

496 **Mr. Donhauser moved, second by Ms. Dow, that the Select Board adjourn.**

497

498 **Roll Call Vote:**

499

500 **Mr. Donhauser – Yes**

501 **Ms. Dow – Yes**

502 **Mr. Shapleigh - Yes**

503

504 **Unanimous vote to approve motion.**

505

506 The meeting adjourned at 6:21 PM.

507

508 **Respectfully submitted,**

509

510 **Ellen Lemire, Recording Secretary**

511

512

513

514

515

Mr. Robert McPherson, Secretary
Date approved:

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1 **Quorum noted**

2
3 **5:30 PM:** Meeting called to order by Chairperson Donhauser.

4
5 **A. Roll Call:** Mr. Donhauser, Mr. Widi, Mr. McPherson, Ms. Dow, and Mr. Shapleigh.

6
7 **B. Pledge of Allegiance recited**

8
9 **C. Public Comment:**

10
11 **5:31 PM** Ms. (Laura) Getchell, Old Road, said that about 10 days ago I delivered a letter to
12 the Town Hall that I addressed to Mr. Sullivan and the SB that I have a problem at
13 the back of my property, and it's been going on for about a decade. I was hoping
14 that finally we could have some resolution to it. And I'm hoping you all saw that
15 letter. My problem is drainage. I abut Bayberry. I have 15 houses on our west
16 property line. The drainage off the lower end of Bayberry and maybe North
17 Crescent (runs along the river) drains down toward our property border on the
18 river and we have had over-washed flooding there for a long while. I pursued it
19 with Joel Moulton, originally, and he said that he would look at it. Then I talked
20 to Steve Robinson, who was very receptive but he said that he was up to his neck
21 with stuff but he would take a look at it. Originally, it sort of just drained off onto
22 our lower property. Then, they modified the area and put in a discharge pipe that
23 drained onto our lower property. Then, when I talked to Mr. Robinson about it, I
24 told him that I've really been taking one for the team and I would really like to
25 have something done it because the water was accumulating from that area of
26 Bayberry and North crescent. It is clearly being discharged on the back of my
27 property. And when I talked with Mr. Robinson, I told him I knew he was going
28 to pave Bayberry and this is the ideal opportunity to do something about it. When
29 I followed up with him, that was the very first place they paved. They installed a
30 bigger, better underground discharge pipe onto our property. Mr. Robinson had
31 somebody from the State Stormwater come down and talk with me; that we
32 walked around and looked at it and she said that there was really no way to fix it
33 because it was too expensive to fix it. Her quote was, "It's only a problem when it
34 rains." I understand but now, with any infrastructure money that the Town has
35 got, I'm hoping that something can be done about it. We've taken one for the
36 team on this since at least a decade ago. I have video of what it was like before
37 they paved it and I have video of what it looks like since they've paved it. It's just
38 not right. We've had a decade, or more, of loss of top soil, and everything that's
39 washed away down there, and I'm hoping we can do something about that.

40
41 **5:36 PM** Mr. Widi said that I would like to see it. It's going to rain tomorrow and asked if
42 it was okay if I stopped by.

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44 Ms. Getchell agreed. It is deceiving to take a look at because, like a lot of places,
45 all of the gully wash has been filled in with leaves. And it's not something we're
46 going to drown in. It's not going to take our house into the river. But it's taken off
47 all the top soil down there and it's just not right that that is being directly
48 discharged onto our property. There was a well-installed pipe. When I
49 complained, they mostly recently put fallen trees down it so it would channel
50 water better, you know, across our property. There's got to be a solution that's
51 better than that. I talked to the stormwater lady and said that one of the things you
52 could do is put a pump in it. The catchbasin there is infinitesimally deep. You
53 take a stick and it does nowhere so it overflows instantly when it fills up. There is
54 a huge discharge pipe that is on the Park end of Riverview, if that makes any
55 sense. It's just an enormous discharge pipe that's collecting all the water. Pump it
56 up there and she said that it's too expensive. I said to dig up the catchbasin and
57 put in something that's way deeper, like a dry well, that would disperse that water
58 and she said that that's too expensive, We can't afford that, either. I asked about
59 putting in a leach field right there; what if you cut a pipe that ran right along the
60 property line between our house and Gonzales' house, which is our abutter in
61 Riverview. Put a pipe in there that would just discharge it into the river.
62 Discharging it into the back of our property does not seem fair. With every
63 explanation, she said that they were all too expensive to do and she walked away.
64 You are welcome to come.
65

66 **5:38 PM**

67 Mr. Widi said that I don't profess to be an expert. I just want to see it. You are
68 explaining it as well as it can be explained but there's nothing like putting
69 eyeballs on something. So, I would just like to take a look at it when it's raining.
70 There may be an easy solution, or not.

71 Mr. Donhauser said that I just want to tell the SB that I'm very good friends with
72 the Getchells. I have actually walked down there when it wasn't raining and saw
73 the catchbasin. We've had discussions by telephone and I know that Mr. Sullivan
74 and I have had discussions; that I think Mr. Sullivan has something to say as I
75 know you've done something in the interim.
76

77 **5:40 PM**

78 Mr. Sullivan said that I just want to let the SB know that I did go yesterday to
79 Bayberry and looked at the area, looked at the catchbasin. I've asked the
80 Superintendent to give me a memo brief about how this is all has unfolded over
81 the years. I've also asked for Kristie Rabasca, our environmental engineer, who
82 has gone down to the site, to give us a memo on her assessment of it.

83 Mr. Donhauser said so it is possible, perhaps, that there may be some resolution to
84 it. We don't know exactly what it is at the moment. Is that correct.
85

86 Mr. Sullivan said that that is correct.

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Mr. Donhauser said that I actually encouraged the Getchells to come and express their concern to the SB. Not that we are the people who are going to go down there with sticks and shovels; that we can only facilitate through the Town Manager.

5:41 PM Ms. Getchell said that you can be our advocate.

Mr. Donhauser said yes, the SB can be. It is a stormwater problem, I think.

Ms. Getchell said that, when we moved in there, it was all forested and now, it's been filled and paved. So, instead of the water percolating, the water just runs down.

Mr. Shapleigh asked why the State came down. What is their responsibility in this. I would think this is a Town responsibility.

Mr. Sullivan said that I don't know what was stated, what was heard. I'm not questioning what Ms. Getchell is saying but, until I know from all parties, it's hard for me to make an assessment on why anyone is making any statement. I went down and saw it; that it is a very odd catchbasin. I'm not sure what it was meant to do. Until I get all the facts, I'd rather not comment on whose responsibility it is. It's rain. The Town doesn't own it. The water is coming down from the sky. I've had this conversation and other experiences in other communities and it's unfortunate. It falls from the sky and we all own it to some extent and whose responsibility it is is not always clear.

5:46 PM Mr. (Skip) Devito, State Road, discussed the median strip at the Eliot Commons. There is worked being planned there. We had a presentation about a years ago and I remember that Mr. Widi made some comments about the safety conditions in that area, and that's what they're going to be working on. In my observation, this is a good time to do something about the appearance of that. That area is essentially a gateway to the Town. I believe there are about 27,000 cars/day come through there so that's what people see of Eliot. Over the years a lot of people, officials and private groups, have tried to improve the appearance of Route 236, and it has. The businesses look pretty good now, I'd say. But that median strip is a dominant feature as you come into Eliot and a great opportunity. Right now, it's pushing up weeds that haven't even been cut down; that we've made some bad jokes about being the weed capitol of Maine but we don't want to advertise that, necessarily. We have strong support of the Garden Club, who does a lot of work around Town where they can. This is kind of beyond what they can do. Although some members will help, if asked for, financially and physically. One of the members of the Garden Club contacted the State engineers and they said that they

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Town Hall/Hybrid**

130 are waiting for the Town to weigh in on this. So, my request is the same as the
131 previous speaker – advocacy; that you folks weigh in and say that this is a very
132 important part of the Town. A very visible feature in the Town and it looks pretty
133 bad and this is a special opportunity. I have some photographs (passed out to the
134 SB) but sometimes I think we don't absorb what we are seeing every day. What I
135 would like to do is, in the near future, get on the agenda to come in to give a
136 presentation more cohesively and with some data, then go from there. I'm looking
137 for the SB to join us in supporting an effort to get beautification. Take the
138 opportunity while they are digging that up to put in some nice plantings, like so
139 many towns and cities have around here.

140
141 **5:50 PM** Mr. Widi asked if there is a most recent plan for the upgrade on Route 236.

142
143 Mr. Sullivan said that there have been several conversations. The Planner and I
144 discussed it today, as Mr. Devito dropped off a packet this morning. This is a
145 State highway and we do have to work with the State. Certainly, we're willing to
146 advocate, we're willing to ask for this. We certainly don't want to interrupt the
147 project, from a safety perspective, to make sure it continues. We continue to work
148 with the Maine DOT to try to find a resolution.

149
150 Mr. Sullivan asked what Mr. Devito's vision would be for that area.

151
152 Mr. Devito said some kind of vegetation and I would loke to the professionals.
153 They do this kind of stuff all the time. There are certain ways of handling
154 roadway plantings with proper vegetation. It might be trees. It might be bushes. It
155 might be some things we could get the Garden Club to provide, such as flowers.
156 Then you would see, coming into Eliot, a green strip rather than asphalt. And I
157 think that's appropriate for this Town. There are so many businesses in this Town
158 that have the ugliest and most visible spot seems really strange. Ritter reported
159 back that they don't have anything firm on the boards, right now, so things are at
160 a nice liquid state.

161
162 **5:52 PM** NOTE: At this time, there was a fire call and Mr. McPherson had to leave.

163
164 Ms. Dow asked, because it's a State road, who would be responsible for
165 maintaining this.

166
167 Mr. Devito said that I think that that is something we could coordinate with them.
168 I don't know the answer to that. I don't think there is an answer right now. I can
169 say that some members of the Town would definitely be supportive if that's what
170 is being looked for. I think you can design those kinds of areas so that they're
171 almost self-maintaining. Somebody mentioned that rosa rugose will take care of
172 itself after well-established or certain trees. Maybe some automatic irrigation

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173 could be installed while it's being torn up, and that's the key, because there won't
174 be another opportunity. Right now, there are thirteen planted areas the Garden
175 Club is taking care of.

176
177 **5:54 PM** Mr. Shapleigh said that, for safety reasons, the Garden Club isn't really going to
178 be able to do any maintenance in that center strip. So, like you said, it would have
179 to be trees or bushes, something that is maintenance-free pretty much. That's a
180 dangerous place for the Garden Club to be in.

181
182 Mr. Devito said that, also at that meeting, we talked about getting a crosswalk put
183 in.

184
185 The vegetation (ornamental grasses) was discussed that have been planted in the
186 Kittery Circle, as an example, and the wealth of available expertise, along with
187 options for minimal maintenance.

188
189 **D. Approval of Minutes of Previous Meeting(s)**

190
191 **5:56 PM** **Motion by Donhauser, second by Mr. Widi to approve the special meeting**
192 **minutes of July 12, 2022, as written.**

193
194 **Roll Call Vote:**

195
196 **Mr. Donhauser – Yes**

197 **Mr. Widi – Yes**

198 **Ms. Dow – Yes**

199 **Mr. Shapleigh - Yes**

200

201 **Unanimous vote to approve motion.**

202

203 **Motion by Donhauser, second by Mr. Widi, to approve the regular meeting**
204 **minutes of July 14, 2022, as amended.**

205

206 **Roll Call Vote:**

207

208 **Mr. Donhauser – Yes**

209 **Mr. Widi – Yes**

210 **Ms. Dow – Yes**

211 **Mr. Shapleigh - Yes**

212

213 **Unanimous vote to approve motion.**

214

215

**Draft SELECT BOARD MEETING
November 10, 2022 5:30PM (continued)
Town Hall/Hybrid**

216 **E. Department Head/Committee Reports**

217

218 **5:57 PM 1. Town Manager's Report**

219

220 Mr. Sullivan said that I really have nothing to add. We have it up on the website
221 already. It talked about the Eliot Police accreditation. Congratulations, again, to
222 the department for that level of award. We talked about the Climate Resiliency
223 Project and the meeting at Green Acres. One note I have to make is that the Town
224 Hall goes to York County Community College (YCCC). It didn't happen again.
225 COVID reared its ugly head for the instructor of one of the classes. We are
226 looking at December 9th for the next instruction but we're thinking of having the
227 instructor come here and having it in this room. If either instructor can't make it,
228 we will do it via zoom or remote. The only challenge will be that we'll do it in
229 two days and we'll be closed each of those mornings for an extra hour, as the
230 classes run from 7:30 AM to 9:30 AM. Most everything else is in my budget
231 presentation, which is next.

232

233 Ms. Lemire said that the Police Officers that were at the election were still highly
234 pumped about the accreditation.

235

236 Mr. Sullivan said that they should be. I don't think that people outside the
237 industry really know what it takes to meet the standards of accreditation. It is
238 daunting and the Eliot Police Department should be very proud. I think there are
239 only 12 accredited departments this year and there are 400 +/- departments.

240

241 Mr. Shapleigh said that I never saw any articles in the newspaper about it.

242

243 Mr. Sullivan said no and that's unfortunate.

244

245 **G. New Business:**

246

247 **6:01 PM 1. FY 24 Budget**

248

249 Mr. Sullivan discussed the budget:

250

251 **William Fogg Library:** The request for FY 24 is \$253,811.10. an increase of
252 \$11,405.02. An additional \$43,659.20 is being funded from the library trust, for a
253 total proposed budget of \$297,470.03. This will all be in your budget packet. I'm
254 bringing this to you because I feel it's easier to get this out to the public and
255 discuss things in a kind of small manner, not the whole budget. I met with the
256 trustees of the library. Most of this increase is looking for staff costs and
257 increasing staff. I haven't seen any evidence of poor operation or doing things

**Draft SELECT BOARD MEETING
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Town Hall/Hybrid**

258 they shouldn't do. This ends up being about \$65/capita for the citizens of Eliot.
259 Libraries usually run about \$80/capita.
260

261 Mr. Widi commented that that was a roughly 5% increase in a year we had 8%
262 increase in inflation.
263

264 **Health Insurance Plans:** We have received increases for both insurance plans.
265 Depending on the union plan, they range from 4% to 7%, depending on the
266 category. That's about a \$60,000 increase. As you may recall, I separated them
267 out. The health insurance used to be divided up into different departments and that
268 didn't really depict that cost. I think it's important to have that cost congregated.
269 We can break it out by department if someone needs a report for that but, I would
270 just like to point out that health insurance costs the Town of Eliot about
271 \$500,000/year. When you have it in different departments, it doesn't look as
272 substantial as it is. I think it's a key thing we need to continue to talk about. Do I
273 have any solutions. It doesn't seem like anyone has solutions for the spiraling cost
274 of health care. But I think there are some things we can do in trying to have
275 healthier situations with employees to try to improve our insurance experience. I
276 also think we have to make our carrier aware, although it's a smaller portion
277 because the union portion is the largest portion of our cost, that we're concerned
278 about the cost and see if we can get an improved rate. Presently, we're with the
279 Maine Municipal Health Trust. We'll continue to talk with them and look at other
280 ways we can lower the costs. It becomes one of your biggest departments, just by
281 itself. So, I think it's important to talk about during budget season and also
282 strategies about how we might affect the slowing of the growth down. 4% is
283 actually not terrible. I know of communities that are seeing 13%.
284

285 **6:06 PM** **Budget Committee:** I met with the Budget Committee last evening. I felt that it
286 was a very productive dialogue. I believe they were supportive of my approach to
287 the FY24 budget in terms of making sure that users are paying the appropriate
288 amount for accessing services is so many different departments, whether you're
289 applying for a marijuana application, whether you're using a boat ramp, whether
290 you're at ECSD for childcare. We want to make sure that the user fees are
291 reflective of the true cost. So, I've asked departments to make sure that they get to
292 me what they see as the true cost and allow me to analyze that. Also, what we're
293 charging. I know that sometimes that will concern people because you don't want
294 the fees to go up too much but there are things we can put in place for people that
295 might be left out or not have access to services if the price gets too high. So,
296 we're sensitive to that but we also have to make sure it's fair. Having boats go in
297 the water, and have us get \$50/boat, when people who are delivering the boats are
298 getting tens of thousands of dollars, you would think there's more room for
299 people in Eliot to maintain that. And I am very much aware of the fact that it is
300 State land and there is some agreements and limitations about how we charge

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301 fees. Before I present a larger plan for anything like the Boat Basin, I'll work
302 through those and try to give you the best model or strategy to bring balance
303 there, if I can. Chief Moya and I will be meeting with some vendors on the kiosks
304 that other communities have installed; that I will have more to report back to you
305 soon. As I said, I'm asking all departments to look at fees and make sure that the
306 fees are reflective of the true cost. For instance, it seems like a huge fee when we
307 charge \$1,500 to an application for a marijuana license but, when you find out it
308 costs us \$300 to put an ad in the paper and it costs us another \$400 to send out the
309 abutters list [notifications], internal costs for staffing and other things, before you
310 know it you say that \$1,500 isn't even enough. We can't put that on the backs of
311 the taxpayers. I know that the SB doesn't want to do that, as well.
312

313 **6:08 PM** Mr. Sullivan said that that is just some of my notes on budgeting from now until
314 my budget is final and I hand it over to you. This will probably be a regular on
315 your agenda, if you don't mind. I will keep bringing up parts of it to you as I see
316 some areas of increased costs.
317

318
319 **6:09 PM** Mr. Donhauser said that I want to bring another thing up while under New
320 Business, and that's about **meetings in December**. I would like to suggest to the
321 SB that we meet once in December. On December 8th, I am leaving to go to San
322 Francisco and won't be back until the 29th. I would still be here on Zoom whether
323 we have one or two meetings but I'm actually traveling on the 8th, which is a
324 Thursday, so I wouldn't be able to Zoom in on that. So, I suggest we have one
325 meeting on December 15th, which is the following Thursday and not around
326 Christmas. I talked with Mr. Sullivan about that and he didn't see a lot of terrible
327 important activities to go on during that period. I would like the SB's feedback
328 about this.
329

330 Mr. Sullivan added that, if there is anything of an emergency nature, we can
331 always call a special meeting, if necessary. Also, I appreciate having that time so
332 that we can re-allocate the time that we would normally plan for an extra meeting,
333 particularly during this very important part of the budget season. The more time
334 that I can dedicate to budget-related issues, I think the better product we'll be able
335 to produce. I think that having one meeting in December makes a whole lot of
336 sense.
337

338 **6:11 PM** **Mr. Donhauser moved, second by Mr. Widi, that the Eliot Select Board that**
339 **we only have one meeting on Thursday, December 15th, with the possibility of**
340 **having a special meeting called, if necessary.**
341

342 DISCUSSION:
343

**Draft SELECT BOARD MEETING
November 10, 2022 5:30PM (continued)
Town Hall/Hybrid**

344 Mr. Widi said that my only concern is that it's my business's very busy time and,
345 as you know, things can go wrong at the last minute so there's not a 100%
346 guarantee that I'll be able to Chair that. I don't know if that goes to Mr.
347 McPherson nest. So, if we could just make sure that we're going to have
348 everyone, enough certainly for a quorum, just in case.
349

350 **6:13 PM** Mr. Sullivan suggested that you could move it up to an earlier time, if it's more
351 convenient on that day. For instance, the Budget Committee moved up to 4PM
352 yesterday. Given that things are on Zoom, taped, and played the next day, it
353 makes it a lot easier to accommodate.
354

355 The SB was supportive of that idea.
356

357 Mr. Donhauser asked if the SB wanted to set the time now.
358

359 The SB agreed to set it the week before. That is added to the motion.
360

361 DISCUSSION ENDED
362

363 **Revised motion:**
364

365 **Mr. Donhauser moved, second by Mr. Widi, that the Eliot Select Board have**
366 **only one meeting on Thursday, December 15th, with the possibility of having**
367 **a special meeting called, if necessary, and that the time of that meeting will**
368 **be set the week before.**
369

370 **Roll Call Vote:**
371

372 **Mr. Donhauser – Yes**

373 **Mr. Widi – Yes**

374 **Ms. Dow – Yes**

375 **Mr. Shapleigh**
376

377 **Unanimous vote to approve motion.**
378

379 **H. Old Business:**
380

381 **6:14 PM 1. Comcast Final Contract**
382

383 **Mr. Donhauser moved, second by Mr. Widi, that the Eliot Select Board**
384 **authorize and approve the non-exclusive license agreement with Comcast of**
385 **Maine/New Hampshire, Inc., for a term ending October 31,2032.**
386

**Draft SELECT BOARD MEETING
November 10, 2022 5:30PM (continued)
Town Hall/Hybrid**

387 DISCUSSION:
388

389 Mr. Donhauser read into the record: *“The most salient points of this agreement*
390 *are: it is non-exclusive, therefore, if technology evolves another competitor who*
391 *meets the same standards, can enter into an agreement with the Town of Eliot, it*
392 *will be another significant tool to improve communications with the public (1,853*
393 *out of 2,800 households have Comcast Cable). Comcast is giving the use of a*
394 *\$25,000 grant for start-up costs and the access channel should be up and running*
395 *mid-2023. Comcast is also part of a “last mile” grant from the State of Maine,*
396 *which will connect homes who do not have cable access (about a dozen in Eliot).*
397 *The channel will be self-supporting financially. This agreement is consistent with*
398 *FCC and Maine regulations for cable access.”* He asked if there are any
399 comments to be made or questions about the contract.
400

401 There were none.
402

403 DISCUSSION ENDED
404

405 **Roll Call Vote:**
406

407 **Mr. Donhauser – Yes**

408 **Mr. Widi – Yes**

409 **Ms. Dow – Yes**

410 **Mr. Shapleigh**
411

412 **Unanimous vote to approve motion.**
413

414 **6:16 PM 2. TA Evaluation**
415

416 Mr. Donhauser said that I want to talk about the Town Manager’s evaluation.
417 He’s been with us for about a year and I think it’s only fair that we give him some
418 feedback. I sent out an email to the SB members that includes a form that the
419 Town Manager is using to evaluate current employees. I think it’s fair that we,
420 individually, sit down and fill out that evaluation on our own, then bring it back
421 together. If you give me back the evaluations, I think we should handle it in an
422 executive session. Sit down with Mr. Sullivan and give him an opportunity to
423 look at the evaluations just before that. Then, we can iron out any plans or
424 changes.
425

426 **6:17 PM** Mr. Sullivan said that, usually, at the end of a session or discussion about setting
427 personnel goals, it’s fair that the Chair synthesizes the remarks and puts out a
428 small report to the public, generally speaking, to let them know how the Town
429 Manager is operating. It kind of bridges the gap between me getting really good

**Draft SELECT BOARD MEETING
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430 feedback and having you really tell me what areas I lack in, what areas I'm strong
431 in, and what areas you would like to see me more involved. At the same time, it
432 doesn't affect the practical personnel policies. It's often common that I've seen
433 before that I've been part of where the Chair would synthesize a small report to
434 the public.

435
436 Mr. Donhauser said that I would be happy to synthesize a brief report and I will
437 pass that before the SB before it actually goes to the public. If you don't have the
438 evaluation form, or can't find the form, just let me know and I will send you
439 another copy.

440

441 **I. Approval of Warrant(s):**

442

443 **6:19 PM Mr. Donhauser moved, second by Mr. Widi, that the Select Board approve**
444 **A/P Warrant #38 in the amount of \$157,487.26, dated October 20, 2022; A/P**
445 **Warrant #40 in the amount of \$349.06, dated, October 26, 2022; A/P**
446 **Warrant #41 in the amount of \$3,073.89, dated October 26, 2022; A/P**
447 **Warrant #42 in the amount of \$144,819.54, dated October 27, 2022; A/P**
448 **Warrant #44 in the amount of \$73,085.59, dated November 2, 2022.**

449

450 **Roll Call Vote:**

451

452 **Mr. Donhauser – Yes**

453 **Mr. Widi – Yes**

454 **Ms. Dow – Yes**

455 **Mr. Shapleigh - Yes**

456

457 **Unanimous vote to approve motion.**

458

459 **J. Selectmen's Report:**

460

461 There were no reports.

462

463 **6:20 PM** Mr. Sullivan said that I want to thank Wendy Rawski and her team for the
464 election. They did an absolutely incredible job in a very difficult environment.
465 Not here in Eliot but we're all aware of everything going on all over the place.
466 They conducted themselves, really, at the top echelon of voting and I think that
467 Eliot should be really proud of that. I would also like to thank Kristin McNulty for
468 the progress we've made with the new budget format.

469

470 Mr. Donhauser thanked Mr. Sullivan for reminding the SB that we should
471 appreciate what Wendy Rawski does and how she runs it all.

472

**Draft SELECT BOARD MEETING
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473 Mr. Sullivan agreed. Absolutely unbelievable.

474

475 Ms. Lemire said that she is fabulous.

476

477

478

479 There was clarification of the SB's responsibility in situations like what was
480 brought up in the Public Comment period at the beginning of tonight's meeting,
481 which is to suggest to the Town Manger that he continue to investigate and do
482 something about that, if he can, or may not be able to.

483

484 Mr. Sullivan discussed asking Ms. Rabasca what her findings were and what she
485 could do. Again, I hate to get into an argument with a resident. Is the top soil
486 being washed away at a rate greater than should be expected. These roads exist.
487 They've been there for quite some time. Any time you're involved in a
488 municipality, if you only have one instance of this, there might be a lot you can do
489 but we don't have the resources. There is a lot of flooding. Hydrology is changing
490 a great deal. So, we'll work with them but I can never promise that there's going
491 to be a solution that's going to meet the expectation of the citizen making the
492 inquiry.

493

494 **6:23 PM** Mr. Shapleigh said that new construction has erosion control built into it

495

496 Mr. Sullivan agreed. And maybe there's some erosion control we can do along
497 here. I asked about whether we can put some riprap along the side to try to take up
498 some more of the water. But I want a professional to tell me what they see and
499 what we can do.

500

501 Mr. Shapleigh said it was the same with Mr. Devito. We have nothing to say
502 about it.

503

504 Mr. Sullivan said that it's a State highway. The Planner has had interaction about
505 this specific item and has sent emails to Mr. Devito about it, and some other
506 approaches. He could go directly and work with the Maine DOT. Let's be honest.
507 We can't get the Maine DOT to cut the branches of trees hanging over on
508 Goodwin Road that are dangerous. We are having to send our limited staff up
509 there to do things that really the Maine DOT is admitting is their responsibility.
510 We always fear that, when a project is starting to come into focus that, if we
511 interrupt it too much, it might go to the bottom of the pile, again. This is an
512 opportunity. He's absolutely right but we want to make sure that we don't do
513 anything to cause them to slow down or not happen. Those guide wires that those
514 lights are on are of far greater concern for us. And I respectfully say that the
515 Garden Club in this community is unbelievable. They do an incredible job. What

**Draft SELECT BOARD MEETING
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516 they do at Hammond Park, at the Boat Basin, out front here, is just so
517 commendable. I don't ever want to ever suggest that we don't appreciate what
518 they're doing.
519

520 **6:25 PM**

Mr. Shapleigh said that those are safe locations. But, when folks come in and they are obviously looking to us to do something, then what do we do.

521
522
523 Mr. Sullivan said that it's very difficult. A lot of SBs will not engage. The people
524 will make their comments and the SB will take them under advisement. That is
525 the only thing they will say. This SB often has more discussion, and that's your
526 prerogative. But what they would recommend at trainings for SBs, or others, is
527 that you take what the person is bringing, in this case under advisement, and come
528 back with a solution. I just received their concern maybe Tuesday. She said she
529 had dropped it off 10 days ago, and she might have, but it got to my desk on
530 Tuesday. Immediately I started to look into it and tried to gain information, get a
531 clear picture of it. I've been down, walked the property. It's a very strange drain
532 that they put in. I guess it was something that you did internally. It actually, to me,
533 doesn't look safe because, when you go to the end of Bayberry, you're going to
534 see that the drain is deep. If somebody was to have their car back up on it or turn
535 an ankle, it doesn't look like it's to standard. Again, I'm not an expert. But there
536 was vegetation there and usually vegetation will tell you that it's retaining the top
537 soil but, again, I'm not an expert on that. It's really up to the SB but oftentimes
538 the SB will just take it under advisement. I think the idea of putting them on a
539 future date to discuss those, the plantings, is a great idea so I have time to go out
540 and get information. I just got that planting one late this afternoon. It's just human
541 nature that, when it's on the top of your mind, you want to get in and talk about it,
542 and you want to get some dialogue back. I realize it's incredibly difficult to say to
543 somebody that you've known all your life that you'll take it under advisement.
544 One of the great things about this Town is that it's much more social and much
545 more informal. I would never advocate for you to lose that. That's a good thing.
546

547 **6:28 PM**

Mr. Shapleigh said that they are going to call us some night and ask what we've done about the visitation I made a month ago. If we don't get feedback, we can't even discuss it.

548
549
550
551 Mr. Sullivan said that we will be composing a letter that you would get, as well as
552 the Getchells, once we find out what the State says to make sure the record is
553 accurate. It is tough. I've seen these before. It can become our rain somehow.
554 Like I said, hydrology changes, whether it's climate change or something else.
555 There's more rain and we didn't build systems. That area isn't a good example to
556 try to mitigate it.
557
558

**Draft SELECT BOARD MEETING
November 10, 2022 5:30PM (continued)
Town Hall/Hybrid**

559 **6:29 PM** Mr. Donhauser said that we have a notice, here, the Town Hall Schedule is from
560 8:30AM to 3:30PM, Monday through Thursday. There are personnel in the Town
561 offices that are also available by appointment. You can call or email the intended
562 employee of the Town. You can see the Town website for addresses and phone
563 numbers. Also important, the Town Hall is scheduled to close on December 26th,
564 2022. Christmas is on a Sunday this year. And on January 2, 2023, the Town Hall
565 will also be closed. This schedule is subject to change and, if you have questions
566 about it, you can sign up for notifications at eliotme.org.
567

568 Mr. Sullivan emphasized that you can make appointments. We're happy to do
569 that. Inclement weather is coming up. I want to add that closing on December 26
570 and January 2 is consistent with union contracts.
571

572 **K. Adjourn**

573
574 **Mr. Donhauser moved, second by Mr. Widi, that the Select Board adjourn.**
575

576 **Roll Call Vote:**

577
578 **Mr. Donhauser – Yes**

579 **Mr. Widi – Yes**

580 **Ms. Dow – Yes**

581 **Mr. Shapleigh - Yes**
582

583 **Unanimous vote to approve motion.**
584

585 The meeting adjourned at 6:32 PM.
586
587

588 **Respectfully submitted,**

589
590 **Ellen Lemire, Recording Secretary**
591
592
593
594
595

Mr. Robert McPherson, Secretary

Date approved:

600
601



STATE OF MAINE
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant:
Raitt Homestead Farm Museum
2. Contact Name for Applicant: Lisa Raitt
3. Mailing Address of Primary Office of Applicant: 2077 State Rd, Eliot, ME 03903
4. Contact Name Telephone/Mobile Number: [REDACTED]
5. Email Address of Contact: info@raittfarmmuseum.org

Section B: Event Information:

1. Title Event: Seacoast Wing Festival
2. Purpose of Event: Festival - Fundraiser -
3. Duration of Event (check one): One Day Multiple Days (only 1 permitted per year)
4. Type of Event: (check one) Indoor Outdoor
5. Town or City where Event will take place: Eliot
6. Complete Physical Address of Event:
2077 State Rd, Eliot ME 03903
7. Date of Event: September 23, 2023 Time: From 12pm To 6pm
 Under Maine liquor laws, alcoholic beverages can **only** be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
8. Number of Persons Attending: 800

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

The open field space of the farm will be utilized for the event. We have a dedicated building for storing the alcohol. We will have a couple of breweries serving alcohol as well. It will be the same setup as the past two Seacoast Wing Festivals.

10. Will dancing be part of the event? Yes No
- a. Does the venue have a dance license? Yes No
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: March 28, 2023



Signature of Duly Authorized Person

Lisa Raitt

Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

Please Note: The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

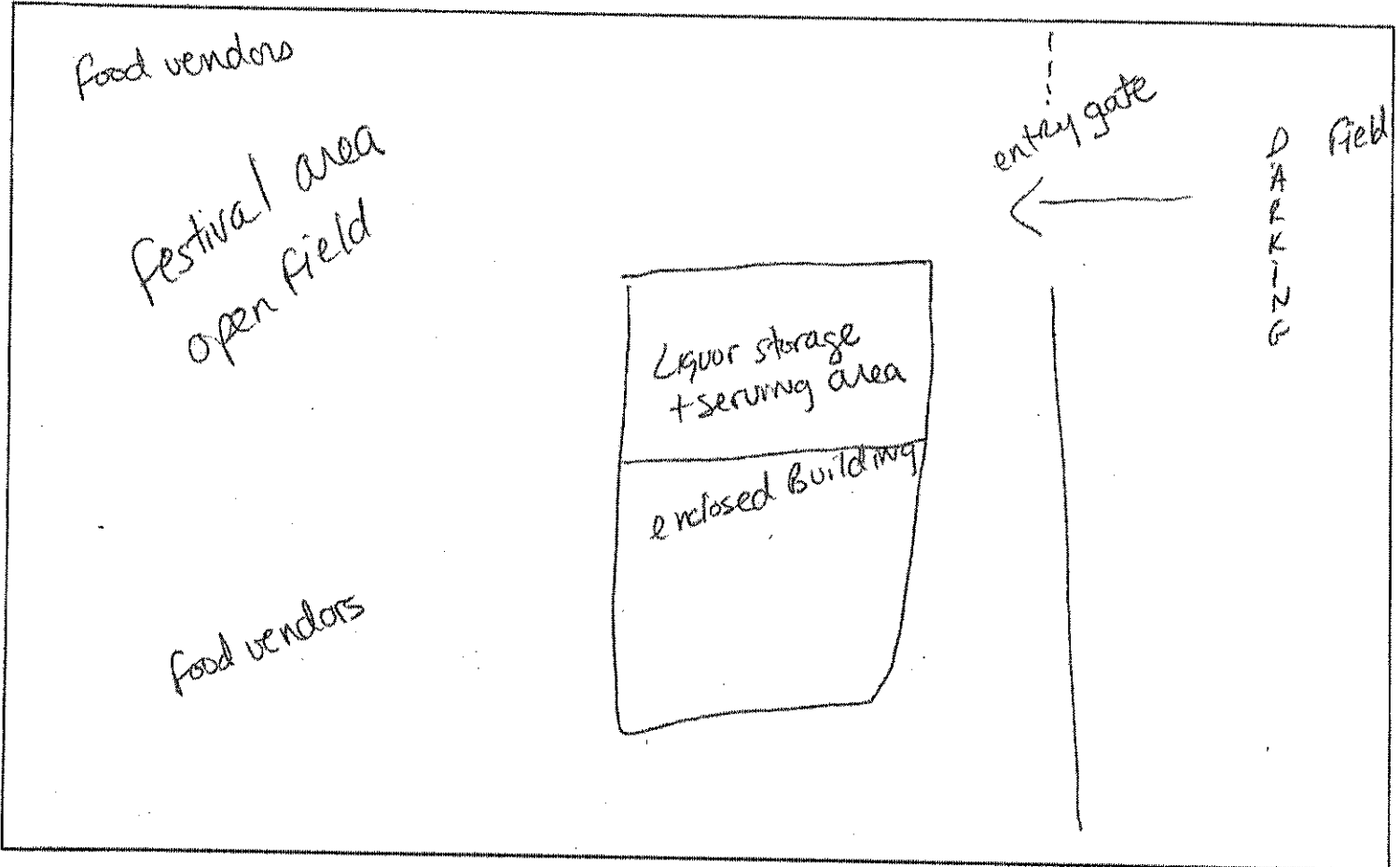
1. The license fee is \$50.00 plus a \$10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.



For Division Use Only	
Date Filed: _____	License No: _____
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	Deposit Date: _____
Date Approved: _____	Amt. Deposited: _____
Approved By: _____	Payment Type: _____

Eliot Town Manager Report

April 6, 2023

Submitted by

Michael J. Sullivan to the Eliot Selectboard

Honorable Select Board, this is an abridged accounting of some of the projects and issues I and the dedicated municipal staff have been working on lately for the benefit of the Town of Eliot and its citizens.

Citizen's Option Meeting.

The required Citizen's Option was held Monday March 27th at the Eliot Elementary School with just over 50 citizens in attendance including all of Select Board and a majority of the Budget Committee members.

The evening allowed attendees to learn more about the preparation and process for preparing the annual budget. While there is a difference of opinion on the FY 24 budget between the two important bodies there seemed to be significant progress made in terms of understanding each other's position.

There was agreement on 17 of the 21 budget warrants the Budget Committee and the Select Board through their Chairs have agreed to meet in joint session in a sincere effort to seek common ground on the balance of the articles held in disagreement. No matter how one feels about those differences or what the final outcome may produce, the voters of Eliot are am sure are thankful for these elected official's diligence in these financial matters.

Please take the time to review the presentation and the video of the proceedings now on the town website. It will aid the balance of voters to make informed decisions on the June warrant.



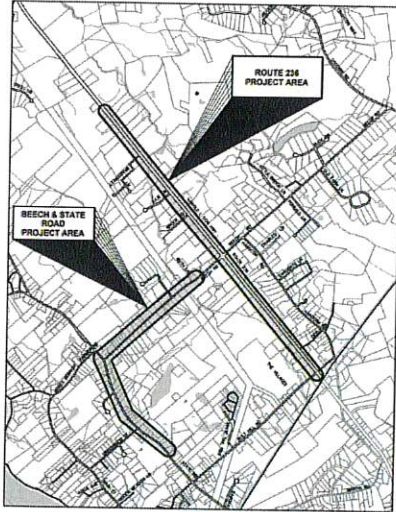
Boat Basin.

The docks are just about ready to be installed and may actually be in place by the time your read this report. This was a Herculean effort by many including, William Cunningham from the Maine DACF, Rick Pollard Independent Boat, Jim Roy, Doug Blaisdell, Austin Mahoney from our own Eliot Public Works.

The turn around on the challenge presented by the failing docks was awe inspiring, replacing and repairing them is a matter of weeks which normally takes a year from production to placement required so many to work as team. I cannot thank those individuals and organizations sufficiently, much appreciated!

We will be rolling out the other changes at the boat basin as the season progresses with a goal of having a more comprehensive and coordinated approach in place by the beginning of the 2024 boating season.

Route 236 Project.



This evening there will be an informational meeting held at Eliot Town Hall 5:30 PM. Our OPM Kyle Coolidge of Tighe & Bond (Owner's Project Manager), Cole Melendy of Underwood Engineering, Stew McCormack from DeFelice Construction and I will all be in attendance to give an overview and try to answer questions about Phase #1 (Beech Road and State Road) and the project in general.

As we have been suggesting the project would in earnest begin in April, well next week there will be distinct signs the project has started. The material and equipment will begin to be delivered (pipe is already here at Public Works) and the construction trailer will be placed at the property directly across Harold L. Dow Highway from Cumberland Farms (Beech and Dow).

Weekly progress reports placed on the Town website. People who want regular updates or have information sent to them can simply send an email to rt236@eliotme.org. There will also be a phone for residents to leave a message for the OPM so they can make inquiries, as well.

We have had several questions about what streets will have water the map above delineates the area, but mostly it is State, Beech and Harold Dow, however the system is being built with some capacity for expansion, but first things first.

Public Works P&C Review.

On April 6th the Public Works Foreman and I met with John Waterbury Senior Loss Consultant from our property and casualty Insurance partner MMA Risk Management Services at the Transfer Station, Public Works facilities, Hammond Park Gazebo and the storage barn on Dixon Road. I am happy to say the inspection went better than many I have been on.

Mr. Waterbury pointed out a few opportunities where we could improve safety and improve risk avoidance. We also discussed some grant programs offered to prevent occurrences and some trainings we might consider providing for staff. These are always difficult and rarely deemed "perfect", but overall the level of safety awareness was impressive at the PW. Congratulations to the staff.

We also received news that the Assistant to the Director Jordan Tweedie who recently returned from active duty will be leaving for a position with the feds, she will be sorely missed. I also

have engaged Norman Albert the former retired former Kittery Public Works Director to assist at the Public Works with project management, staff training, coordination of contract work and generally bring a wealth of experience to the department. It is clear we are still trying to regain our balance from the devastating blow from Steve Robinson's passing.

There are presently three key vacant positions and one part-time position at the PW. The remain staff are performing admirably and many of us are trying to fill in other gaps. As difficult as this is, it also gives us an opportunity to reshape the department going forward. Bringing Mr. Albert on part-time at a critical time of the year with his knowledge base allows us to some space to re-build the structure for the long haul.

Consolidated Communications; "Phones in Town Hall".

Well I cannot say it has ben easy but the two year wait for new phones in Eliot Town Hall is over, now we just have to learn how to use them fully. There will be a staff training coming up in about 10 days and hopefully we have all the bugs worked out by that point.

Our apologies to anyone who was dropped, blocked or otherwise inconvenienced by the installation of the new phones. We will have some new features to improve service and will roll them out as we have a better handle on the fundamentals of the system. Thank you for you patience.

Respectfully submitted
Michael J. Sullivan
Town of Eliot, Manager

March 22, 2023

Ann Lukegard
239 Rollingwood Road
Eliot, ME 03903

Michael Sullivan
Town Manager
1333 State Road
Eliot, ME 03903

Dear Mike,

I am writing to resign my seat on the Town's Aging In Place Committee as I tackle some nagging personal aging-in-place issues. My mind says I'm thirty-something, my body says not so fast, sister. It's a great committee and I've greatly enjoyed being a part of it. What's more, your staff has been just wonderful, providing me and the Committee with support and assistance without hesitation.

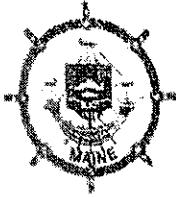
Thank you for your support and encouragement as well!

Best always,



Ann Lukegard

CC: Ellen Ceppetelli



TOWN OF ELIOT, MAINE

1333 STATE ROAD, ELIOT, ME 03903

TELEPHONE: (207) 439-1817 EMAIL: wrawski@eliotme.org

INITIAL APPLICATION FOR APPOINTMENT TO TOWN BOARDS,
COMMITTEES & COMMISSIONS

RE-APPOINTMENT TO TOWN BOARDS, COMMITTEES &
COMMISSIONS

NAME: Amanda L. Ouellette

RESIDENCE: 3 Dixon Rd. Eliot

MAILING (if different) _____

E-MAIL ADDRESS: momofthreekidz5@icloud.com PHONE # (Home) _____

WORK # 207 475-7399 CELL # 207 337-1194

Please check your choices:

- Aging-In-Place Committee
- Agriculture and Food Security Commission
- Board of Appeals
- Capital Improvement Committee
- Conservation Commission
- Planning Board

MEMBERSHIP PREFERENCE: Regular ___ Alternate ___ No Preference

APPOINTMENT TERM: Full Term ___ Partial Term ___ No Preference

EDUCATION/TRAINING: Dementia Training, CPR/First Aid

RELATED EXPERIENCE (Including other Boards/Committees and Commissions)

Salt and Sand project I started for towns, worked at Eliot Comm. Serv. Dept Senior/Youth

PRESENT EMPLOYMENT: Southern Maine Agency on Aging / Meals on wheels

ARE YOU 18 YEARS OR OLDER: YES NO



TOWN OF ELIOT, MAINE

1333 STATE ROAD, ELIOT, ME 03903

TELEPHONE: (207) 439-1817 EMAIL: wrawski@eliotme.org


ACCORDING TO THE TOWN OF ELIOT ORDINANCE GOVERNING MUNICIPAL BOARDS PLEASE ANSWER THE FOLLOWING QUESTIONS.

1. Express your interest as to why you want to serve:
I currently work with the elderly in York and Cumberland County for Meals on wheels
2. Give a brief reason(s) as to why the Select Board should support your appointment.
I have lived in Eliot for 48 years and know a lot about the town and the community of citizens
3. Give a brief summary as to how you will maintain an unbiased participation on a regular and continuing basis throughout term.
My purpose for wanting to be part the committee is to continue to support our older residents with their needs the best I can.
4. Any know conflict of interest: YES NO if yes, please list

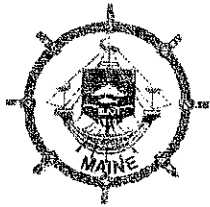
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THE FOLLOWING:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission or Committee.
2. The Town Manager will review your application, may contact you, and determine any potential conflict of interests.
3. This application will be forwarded to the Select Board for consideration, the Board will want to interview possible appointees. Your application will be placed on the next available agenda.
4. Appointee agrees to take a sworn oath by Town Clerk except for Ad Hoc Committee members/Select Board Advisory Committees.
5. Applicant agrees that if appointed will attend all meetings, except for sickness or emergency, and will advise the Chairperson when you are unable to attend.

Please read the Town of Eliot, Maine Ordinance Governing Municipal Boards, Commissions, and Committees available at the Town Office or on the Town Website.


SIGNATURE OF APPLICANT

3/21/23
DATE



TOWN OF ELIOT, MAINE

1333 STATE ROAD, ELIOT, ME 03903

TELEPHONE: (207) 439-1817 EMAIL: wrawski@eliotme.org

- INITIAL APPLICATION** FOR APPOINTMENT TO TOWN BOARDS,
COMMITTEES & COMMISSIONS
 RE-APPOINTMENT TO TOWN BOARDS, COMMITTEES &
COMMISSIONS

NAME: Sarah Turner

RESIDENCE: 20 Grover Ave, Eliot ME 03903

MAILING (if different) _____

E-MAIL ADDRESS: sbaker113@gmail.com PHONE # (Home) _____

WORK # _____ CELL # 207-351-7662

Please check your choices:

- Aging-In-Place Committee
 Agriculture and Food Security Commission
 Board of Appeals
 Capital Improvement Committee
 Conservation Commission
 Planning Board
 Comprehensive Plan Committee - Economic Development
MEMBERSHIP PREFERENCE: Regular Alternate ___ No Preference ___

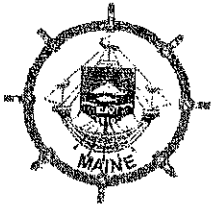
APPOINTMENT TERM: Full Term ___ Partial Term ___ No Preference

EDUCATION/TRAINING: University of Maine MS Spatial Informatics (GIS), Bates College BS Geology

RELATED EXPERIENCE (Including other Boards/Committees and Commissions)
GIS Coordinator at Greater Portland Council of Governments - May 2019 Through December 2022. Assisted with municipal comprehensive plans, climate action plans, and village master plans- holding public workshops, analyzing and mapping data

PRESENT EMPLOYMENT: GIS Analyst, Stantec

ARE YOU 18 YEARS OR OLDER: YES NO



TOWN OF ELIOT, MAINE
1333 STATE ROAD, ELIOT, ME 03903
TELEPHONE: (207) 439-1817 EMAIL: wrawski@eliotme.org

ACCORDING TO THE TOWN OF ELIOT ORDINANCE GOVERNING MUNICIPAL BOARDS PLEASE ANSWER THE FOLLOWING QUESTIONS.

1. Express your interest as to why you want to serve:
After seeing the comprehensive planning process play out in my previous role with GPCOG, I see how important it is that citizens are involved and feel that they are heard in this process.
2. Give a brief reason(s) as to why the Select Board should support your appointment.
I would like to help promote public involvement so that our new plan is easily adopted and implemented. I can help to educate the public on why comp plans matter and can bring lessons learned from my previous role.
3. Give a brief summary as to how you will maintain an unbiased participation on a regular and continuing basis throughout term.
I am a volunteer at Footprints Food Pantry and would be happy to bring this perspective to the economic development working group and the comp plan committee. In my experience the most important aspect of comp planning is public involvement - it is our job to hear what Eliot citizens want for the future of the town.
4. Any known conflict of interest: YES NO if yes, please list

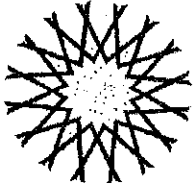
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THE FOLLOWING:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission or Committee.
2. The Town Manager will review your application, may contact you, and determine any potential conflict of interests.
3. This application will be forwarded to the Select Board for consideration, the Board will want to interview possible appointees. Your application will be placed on the next available agenda.
4. Appointee agrees to take a sworn oath by Town Clerk except for Ad Hoc Committee members/Select Board Advisory Committees.
5. Applicant agrees that if appointed will attend all meetings, except for sickness or emergency, and will advise the Chairperson when you are unable to attend.

Please read the Town of Eliot, Maine Ordinance Governing Municipal Boards, Commissions, and Committees available at the Town Office or on the Town Website.

Sarah Turner
SIGNATURE OF APPLICANT

04/05/2023
DATE



ATTAR

ENGINEERING, INC

CIVIL STRUCTURAL MARINE

Mr. Michael Sullivan, Town Manager
Town of Eliot, Maine
1333 State Road
Eliot, Maine 03903

March 14th, 2023
Project No. C174-21

**RE: Request for Select Board Review
Clover Farm Subdivision (Tax Map 6, Lots 43, 44, & 154)
771 & 787 Main Street, Eliot, Maine**

Dear Mr. Sullivan:

In accordance with Town of Eliot Code of Ordinances §33-132.(b), LJE Development, LLC., & Jesse Realty, LLC. respectfully request to be placed on the agenda for the next-available Select Board meeting to discuss the performance guarantee associated with the proposed Major Subdivision application that is currently before the Planning Board for Final Subdivision Review.

The Applicants are prepared to furnish a performance guarantee consistent with Option 1 of the above-mentioned Ordinance section. An Estimate of Cost is attached which compiles the infrastructure components of the proposed 8-lot residential subdivision, which is to be serviced by public water, public sewer, and a private road ending in a cul-de-sac. Sitework items that have been completed to date subject to a previously-granted Building Permit are listed as exclusions on the estimate. The guarantee is anticipated to be in the form of an Irrevocable Letter of Credit.

While the Applicants welcome the Select Board to have a third-party reviewer furnish their own estimate of cost for the proposed development, they want to inform the Select Board that the Applicants intend on acting as their own Site Contractors and are equipped with the necessary equipment, materials, and labor. The Applicants anticipate this reducing the overall Estimate of Cost by roughly 20%.

We look forward to discussing the project with the Select Board at the next-available Select Board meeting. Please contact me for any additional information or clarifications required.

Sincerely,

Michael J. Sudak, E.I.
Staff Engineer

cc: LJE Development, LLC., Jesse Realty, LLC.

Opinion of Cost - Clover Farm Subdivision (CFS)

771/787 Main Street, Eliot, Maine

03/14/2023

Estimate Line Item	Quantity	Unit	Unit Price	Price
Clearing & Excavation				
Subgrade	0.95	AC	\$12,000	\$11,400
<i>Exclusions (already complete): Clearing, Stumping & Grubbing</i>				
<i>Exclusions (to be completed prior to approval): Common Excavation & Common Borrow</i>				
Asphalt Paving				
Base Course Asphalt (Travelway)	29	TON	\$80	\$2,320
Wearing Course Asphalt (Travelway)	20	TON	\$110	\$2,200
<i>Exclusions (to be completed prior to approval): Gravel Base & Subbase</i>				
Utilities - Electrical				
U.G. Electrical Corridor	820	LF	\$25	\$20,500
Transformer Base	2	EA	\$1,500	\$3,000
CMP Connection	1	LS	\$50,000	\$50,000
Utilities - Sewer				
<i>Exclusions (already complete): Sewer Manhole purchased</i>				
<i>Exclusions (to be completed prior to approval): 2" Sewer Force Main, 1" Sewer Services</i>				
Utilities - Water				
8" Water Main	660	LF	\$60	\$39,600
Water Services	8	EA	\$1,100	\$8,800
Stormwater Management				
15" HDPE (Catch Basin Network)	862	LF	\$25	\$21,550
Catch Basin / Drain Manhole	5	EA	\$3,000	\$15,000
Detention Pond	1	EA	\$20,000	\$20,000
Siltation Fence	1,172	LF	\$3	\$3,516
<i>Exclusions (already complete): 12" Driveway Culverts purchased, Rip Rap Protection purchased</i>				
General Construction				
Stabilized Construction Entrance	1	EA	\$800	\$800
Signage	1	LS	\$500	\$500
Monumentation (Incl. Materials)	1	LS	\$4,500	\$4,500
Third Party Inspections	1	LS	\$5,000	\$5,000
Subtotal				\$208,686
Add Contingency (10% of Subtotal)				
Total				\$229,555

Proposed Warrant Article for June 13, 2023 Town Meeting & Referendum

Establishing the Maximum Number of Growth Management Permits for 2024

(Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine)

Shall the Town of Eliot allocate a maximum of 28 growth permits for new residential dwelling units for calendar year 2023, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine?

*Note: In the event this article does not pass, the number of growth permits allocated in 2024 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4360. That number is estimated to be 18

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 "Establishing the Maximum Number of Growth Management Permits for 2024, Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine", which is to be presented to the voters for their consideration on June 13, 2023

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: _____

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow

Stanley Shapleigh

Select Board

Eliot, Maine

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Planning Board recommends 6-0
Select Board recommends _____ (#-#)

DRAFT for March 7, 2023 Planning Board review

Short Title

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Ballot question – Town Meeting and Referendum, June 13, 2023

ARTICLE # __: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges” be enacted?
(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

The Town of Eliot is subject to a Clean Water Act permit designed to protect waters from stormwater pollution. The permit, called the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (“MS4 Permit”), is issued by Maine Department of Environmental Protection (DEP). DEP periodically issues updated versions of the permit, most recently in 2021.

The new MS4 Permit requires that, by June 30, 2023, municipalities update their ordinances to ensure that any pollutants discharged to the storm drain system be removed within 60 days of identification of the source of the pollutant. If removal within 60 days is not possible, the owner or discharger may work with the Code Enforcement Officer to set an alternate schedule to remove the source of the pollutant.

The Town of Eliot enacted Chapter 31 Non-Stormwater Discharges in 2004 prohibit pollutants from being discharged to the storm drain system. This ordinance includes a list of a few allowed non-stormwater discharges such as uncontaminated groundwater and spring water. The changes are proposed to be made to the Notice of Violation section of the Chapter. Additional changes are being made to Section 31-11 to correct the basis for the ordinance.

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

(New text underlined in bold)

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

Sec. 31-9. – Enforcement.

In order to determine compliance with this chapter, the enforcement authority may enter upon and inspect the property of the premises subject to this chapter at reasonable hours or any building on the premises with the consent of the premises' owner, occupant or agent; to inspect the premises and connections thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm drainage system.

- (1) *Notice of violation.* Whenever the enforcement authority believes that a person has violated this chapter, the enforcement authority may order compliance with this chapter by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:
- a. The elimination of non-stormwater discharges to the storm drainage **system within 60 days of identification of the source**, including, but not limited to, disconnection of the premises from the MS4;
 - b. The cessation of discharges, practices, or operations in violation of this chapter;
 - c. At the person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-stormwater discharges to the storm drainage system and the restoration of any affected property; and/or
 - d. The payment of fines, of the municipality's remediation costs and of the municipality's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation and/or restoration of affected property is required, **or if elimination of the Non-Stormwater Discharge is not possible within 60 days of identification of the source**, the notice shall set forth a deadline within which such **elimination**, abatement, or restoration must be completed

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Sec. 31-11. - Basis.

The town enacts this Non-Stormwater Discharge Ordinance (the "ordinance") pursuant to 30-A M.R.S.A. § 3001 (Municipal Home Rule Ordinance Authority), 38 M.R.S.A. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General permit for the discharge of stormwater from small municipal separate storm sewer systems" ~~dated June 3, 2003~~, has listed the Town of Eliot as having a regulated small municipal separate storm sewer system ("Small MS4"); under this general permit, listing as a regulated small MS4 necessitates enactment of this chapter as part of the municipality's stormwater management program

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

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 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges", which is to be presented to the voters for their consideration on June 13, 2023

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: _____,

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow

Stanley Shapleigh

Select Board

Eliot, Maine

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

Planning Board recommends 6-0

Select Board recommends _____ (#-#)

DRAFT for March 7, 2023 Planning Board review

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

Ballot question – Town Meeting and Referendum, June 13, 2023

ARTICLE #__ : Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments make changes to definitions, site plan review requirements, and zoning related to child care and schools.

The definition changes occur in Section 1-2 and, for the most part, mirror state law definitions. The changes:

- Delete the definition of “day nurseries” and replace it with an umbrella definition of a “child care facility” and definitions for three types of child care facilities: “child care center”, “small child care facility”, and “nursery school”.
- Add “family child care provider” and “youth camp” definitions. Generally, a family child care is a smaller child care service operated out of a person’s home for up to 12 children, and a youth camp includes a program and facilities providing an outdoor group living experience for children with social, recreational, spiritual, and educational objectives.
- Delete the current definition of “school” and replace it with new definitions of “school”, “public school”, and “private school” based on state law definitions.
- Add a state-law-based definition of “adult day care”, but do not make associated site plan review or zoning changes for this use.
- Add a definition of “outdoor education program”, which is similar to a nursery school with the key difference being that it is conducted primarily outdoors.

The intended result of these definition changes is to increase clarity, specificity, and state law consistency.

The amendments propose new site plan review requirements for child care facilities and family child care providers in proposed Section 33-192. While acknowledging that these facilities and providers are subject to the State of Maine Child Care Facility Licensing Rule, which is not in the

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

Town's jurisdiction, Section 33-192 requires that site plans demonstrate consistency with the parts of that rule that are relevant to site plan review, such as showing sufficient minimum usable space per child, sufficient outdoor play area that is protected from hazardous conditions, and safe and orderly pickup and drop-off.

The amendments update the table of land uses in Section 45-290 to delete the "day nurseries" row and replace it with "child care facility" and "family child care provider" rows. They propose to make child care facilities allowable, subject to site plan review (also known as "SPR" uses), in the commercial-industrial (C/I) zoning district, and in other zoning districts for lots abutting Route 236. They propose to make family child care providers SPR uses in the C/I district and "SPR 8" uses in all other zoning districts. "SPR 8" refers to uses allowable only as home businesses, subject to site plan review. To clear up possible confusion, the amendments also make home businesses allowable in the C/I district. While there are not many homes in the C/I district, there are some, so parity is established for homes in all zoning districts. In summary, if the amendments are approved, child care facilities will be continue to be allowable along Route 236 and in the C/I district, while child care home businesses will be allowable in all zoning districts.

The amendments also make youth camps SPR uses in all zoning districts, similar to schools, and make outdoor education programs allowed "by right" in all zoning districts, meaning no local land use or building/code permitting review is required for this use.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

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

[abridged to only show changes]

[...]

Adult day care means an ongoing program of health, social, maintenance, and rehabilitative services available to persons needing this level of service, as determined by an assessment of their functional abilities and need for health and social services.

State law reference – 22 M.R.S.A. §6202(1)

[...]

Child care center means: (1) a house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or (2) Any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.

State law reference – 22 M.R.S.A. §8301-A(1-A)

Child care facility means a child care center, small child care facility, or nursery school. “Child care facility” does not include a facility operated by a family child care provider, a youth camp licensed under 22 M.R.S.A. §2495, programs offering instruction to children for the purpose of teaching a skill such as karate, dance or basketball, a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Maine Commissioner of Education in accordance with M.R.S.A. Title 20-A or a private school recognized by the Maine Department of Education as a provider of equivalent instruction for the purpose of compulsory school attendance. Any program for children under 5 years of age that is located in a private school and programs that contract with one or more Child Development Services System sites are required to be licensed as a child care facility.

State law reference – 22 M.R.S.A. §8301-A(1-A)

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

~~Day nurseries means a house or other place in which a person maintains or otherwise carries out, for consideration, a regular program which provides care for three or more children. This term includes day care centers.~~

[...]

Family child care provider means a person who provides day care in that person's home on a regular basis, for consideration, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home.

State law reference – 22 M.R.S.A. §8301-A(1-A)

[...]

Nursery school means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program that provides care for 3 or more children 33 months of age or older and under 8 years of age, provided that:

- (1) No session conducted for the children is longer than 3 1/2 hours in length;**
- (2) No more than 2 sessions are conducted per day;**
- (3) Each child in attendance at the nursery school attends only one session per day; and**
- (4) No hot meal is served to the children.**

"Nursery school" does not include any facility operated as a child care center or small child care facility licensed under subsection 22 MRSA 8301-A(2), a youth camp licensed under section 22 MRSA 2495, a public or private school in the nature of a kindergarten approved by the Maine Commissioner of Education, in accordance with MRSA Title 20-A, or an outdoor education program as defined in this section.

State law reference – 22 M.R.S.A. §8301-A(1-A)

Nursery schools. See "day nurseries."

[...]

Outdoor education program means a program that provides education and enrichment for children 2 years of age or older and is primarily conducted outdoors, provided that:

- (1) No session conducted for the children is longer than 3 1/2 hours in length;**

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

- (2) No more than 2 sessions are conducted per day;
- (3) Each child in attendance at the outdoor education program attends only one session per day;
- (4) No hot meal is served to the children; and,
- (5) The program is not located within a building, except that it may make incidental use of buildings to meet the essential needs of the children or the program, to provide for occasional indoor educational or administrative activities, or to provide shelter from inclement or extreme weather conditions. The extent and nature of the use of a building is a primary factor in differentiating between an outdoor education program and a nursery school or other child care facility. This differentiation may also be informed by State child care provider licensing requirements or other factors.

[...]

Private school means an academy, seminary, institute or other private corporation or body formed for educational purposes covering kindergarten through grade 12 or any portion thereof.

State law reference – 20-A M.R.S.A. §1(22)

[...]

Public school means a school that is governed by a school board of a school administrative unit and funded primarily with public funds.

State law reference – 20-A M.R.S.A. §1(24)

[...]

School means any institution at which instruction is given in a particular discipline, a public school or private school. It does not mean a child care facility, although a child care facility may be located within a school as provided in the definition of child care facility in this section.

[...]

Small child care facility means a house or other place, not the residence of the operator, in which a person or combination of persons maintains or otherwise carries out a

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

regular program, for consideration, for any part of a day providing care and protection for 3 to 12 children under 13 years of age.

State law reference – 22 M.R.S.A. §8301-A(1-A)

[...]

Youth camp means a combination of program and facilities established for the primary purpose of providing an outdoor group living experience for children with social, recreational, spiritual, and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year. “Youth camp” includes day camps, residential camps, and trip and travel camps. “Youth camp” does not include programs overseen by employees or volunteers of municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

State law reference – 22 M.R.S.A. §2491(16)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

[Add a new section:]

Sec. 33-192. – Child care facilities and family child care providers

- (a) The Town finds that child care facilities and family child care providers must comply with the requirements of the State of Maine Child Care Facility Licensing Rule (10-148 Code of Maine Rules, Chapter 32), as may be amended. While the Town does not have jurisdiction to enforce this rule, to avoid a conflict between an approved site plan and said rule, site plans (or related application materials) for proposed child care facilities or family child care provider home business applications to be reviewed by the Planning Board shall demonstrate how they intend to comply with the parts of this rule that are relevant to site plan review, including, but not necessarily limited to:
 - (1) Sufficient minimum usable space for the maximum number of children proposed to be served; and
 - (2) Sufficient outdoor play area(s), protection of such areas from hazardous conditions, and location and dimensions of fences and gates for such areas.
- (b) Site plans for child care facilities or family child care provider home business applications shall demonstrate adequate provision for safe and orderly pickup and drop-off of children, as well as access to and egress from parking areas, consistent with Sections 33-179, 45-406, and 45-486 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

Sec. 45-290. - Table of permitted and prohibited uses.

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 hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
<u>Child care facility</u>	16	16	16	SPR
<u>Child care provider, family</u>	SPR⁸	SPR⁸	SPR⁸	SPR
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 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
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	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

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 <u>SPR⁸</u>
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
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, lodgings, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
<u>Outdoor education program</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
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
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹
Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

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
<u>Youth camp</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
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 and medical marijuana establishment are 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.
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.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

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~~ **prohibited**" 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. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.

(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) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31; T.M. of 11-2-2021(4) , art. 5; T.M. of 6-14-2022(2) , art. 25)

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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

Sec. 45-495. – Schedule of minimum required off-street parking spaces.

	Use	Standards
(1)	Dwelling units	alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, or service establishment	1 space for each 150 square feet of retail floor area; 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores)
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work
(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner
(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Day nursery Child care center —2 parking spaces for each nursery child care room plus 1 space for each adult instructor
		<u>Family child care provider—See Section 45-456.1</u>

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

		Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats
(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	

(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, (§ 333.3); T.M. of 6-18-2011(6); T.M. of 6-14-2022(3) , art. 26)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

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, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care”, which is to be presented to the voters for their consideration on June 13, 2023

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: _____,

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow

Stanley Shapleigh

Select Board

Eliot, Maine

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Planning Board recommends 6-0

Select Board recommends _____ (#-#)

DRAFT for March 28, 2023 Planning Board public hearing

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Ballot question – Town Meeting Election and Referendum, June 13, 2023

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments seek to address the requirements of municipalities in recently-enacted state legislation.

LD1530, codified in state statute in 30-A M.R.S.A. §4363, requires that municipalities “permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure”. The state law definition of “tiny home” in 29-A M.R.S.A. §101(80-C) refers to what is sometimes called a “tiny home on wheels”. This type of tiny home:

- is designed for use as permanent living quarters,
- is permanently constructed on a frame or chassis,
- is sized so that it can be legally towed on a roadway,
- is deemed a “vehicle without motive power” in the statute,
- complies with plumbing, propane, fire, and life safety standards for recreational vehicles, and
- requires a motor vehicle title.

The ordinance amendments accordingly make tiny homes on wheels allowable in Section 45-290, the table of permitted and prohibited uses in zoning districts, and in Section 44-34, the associated table for shoreland zoning districts, to the same extent that single-family dwellings are allowable in those tables. Proposed new Section 45-137 includes tiny home on wheels regulations, including

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

rules for permanent installation, documentation of motor vehicle title, and temporary occupancy. A tiny home on wheels definition is added to Section 1-2 to reference the state statutory definition.

The Maine Uniform Building and Energy Codes (MUBEC) also provide certain building code exceptions for “tiny houses”, which are built on a foundation and must otherwise comply with the same codes and standards as a larger, more traditional dwelling unit. The ordinance amendments add a definition of a “foundation-built tiny home” to distinguish this type of tiny home from a tiny home on wheels and to reduce the potential for confusion. In accordance with the statute and building code, both types of tiny homes cannot exceed 400 square feet in gross floor area.

LD2003, codified in state statute primarily in 30-A M.R.S.A. §§4364, 4364-A, 4364-B, and 4364-C, requires municipalities to change certain zoning and land use regulations toward increasing housing opportunities. The ordinance amendments begin to address these requirements by focusing on changes to the Town’s current regulations on accessory dwelling units (ADUs). They change the Section 1-2 definition of ADUs to closely resemble state statute. Standards proposed to be removed include the requirement that a dedicated off-street parking space be provided for an ADU, the annual permit maximum for ADUs of 12, and, for the most part, the requirement that detached ADUs meet principal building yard and setback requirements (which are generally 30 ft. to the front and rear lot lines, and 20 ft. to the side lot lines). Most detached ADUs would only be required to meet accessory structure yard and setback requirements, which are generally 30 ft. to the front lot line, and 10 ft. to the side and rear lot lines.

Also proposed to address LD2003 is a lowering of the required minimum gross floor area of an ADU. Here, there is an apparent conflict in state law between LD2003, which mandates a minimum ADU size of 190 square feet, and LD1530, which requires the allowance of tiny homes on wheels as ADUs but does not prescribe any minimum size for them. The ordinance amendments do the best they can to navigate this ambiguity by establishing the LD2003 minimum size of 190 square feet (lowered from the current 300 square feet), but allowing exceptions to that minimum only for tiny homes on wheels and foundation-built tiny homes.

The amendments add short-term rental and transient rental platform definitions to Section 1-2, and they place certain restrictions on the use of tiny homes or ADUs for short-term rentals.

To reflect the above-described changes, the amendments make formatting and organizational changes to the existing dimensional standards table in Section 45-405. Tiny homes are added to the table but not given a minimum dwelling unit size. The dimensional standards for signage is broken out into a separate table for easier readability, and some rows in the table(s) are moved around for better organization. In some cases, footnote information is embedded into the table.

At the time of the Planning Board’s final review of these amendments and recommendation for the June 2023 Town Election, state rulemaking by the Maine Department of Economic and Community Development (DECD) to clarify the requirements of LD2003 is not yet finalized, and DECD technical assistance to help municipalities interpret the legislation and make changes to their codes is not yet available. Accordingly, the Town must defer certain aspects of addressing LD2003 to future elections. These aspects include: potential density changes, affordable housing developments, and requirements for water and sewer connections for those developments. The Chair of the Planning Board’s Ordinance Subcommittee and the Town Planner have submitted written comments to DECD asking for clarification on these items.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

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

[abridged to only show changes]

[...]

~~Accessory dwelling unit means a separated living area which is part of an existing or new single family owner occupied residence, and which is clearly secondary to the existing single family use of the home~~ **self-contained dwelling unit located within, attached to or sharing a wall with, or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must meet** and that meets the requirements of section 45-459.

[...]

Short-term rental means living quarters offered for rental through a transient rental platform for a rental term of 30 days or less.

State law reference—30-A M.R.S.A. §4364-C

[...]

Tiny home, foundation-built means a dwelling unit that:

- (1) does not exceed 400 square feet of gross floor area (excluding lofts);**
- (2) is constructed on a foundation; and,**
- (3) is constructed under the same codes and standards as a larger, more traditional dwelling unit, except as otherwise stated in Chapter 5 of the Maine Uniform Building and Energy Codes, International Residential Code, Appendix V: Tiny Houses.**

Tiny home on wheels means “tiny home” as defined by 29-A M.R.S.A. §101(80-C), as may be amended.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

[...]

Transient rental platform means “transient rental platform” as defined by 36 M.R.S.A. §1752(20-C), as may be amended.

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 44-34. – Table of land uses.

[draft table, not yet updated to include November 2022 amendments]

All land use activities, as indicated in table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 44-33 and other applicable ordinances. The district designated for a particular site shall be determined from the official zoning map.

Key to table 1:

Yes	-	Allowed (no permit required but the use must comply with all applicable land use standards)
No	-	Prohibited
SPR	-	Allowed with site plan review and approval by the planning board
CEO	-	Allowed with permit issued by the code enforcement officer
LPI	-	Allowed with permit issued by the local plumbing inspector

Abbreviations:

RP	-	Resource protection
LR	-	Limited residential
LC	-	Limited commercial
GD	-	General development
SP	-	Stream protection

The following notes are applicable to the land uses table on the following page:

Note: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks.

Table 1. Land Uses in the Shoreland Zone

Land Uses	Districts				
	SP	RP	LR	LC	GD
Uses or Activities Without Structures					

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(1)	Clearing of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO	CEO
(2)	>Emergency operations	yes	yes	yes	yes	yes
(3)	Fire prevention activities	yes	yes	yes	yes	yes
(4)	Forest management activities, except for timber harvesting and land management roads	yes	yes	yes	yes	yes
(5)	Mineral exploration	no	no	no	yes ²	yes ²
(6)	Mineral extraction, including sand and gravel extraction	no	no	no	SPR	SPR
(7)	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
(8)	Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
(9)	Soil and water conservation practices	yes	yes	yes	yes	yes
(10)	Surveying and resource analysis	yes	yes	yes	yes	yes
(11)	Wildlife management practices	yes	yes	yes	yes	yes
Principal Structures or Uses						
(12)	Principal structures and uses:					
	a. One- and two-family residential	SPR ⁴	SPR ⁹	CEO	CEO	CEO
	b. <u>Tiny home on wheels</u>	<u>SPR⁴</u>	<u>SPR⁹</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
	b. Multifamily dwelling	no	no	SPR	SPR	SPR
	c.					
	e. Commercial (not listed elsewhere)	no ¹³	no ¹³	no ¹³	SPR	SPR ⁵
	d.					
	e. Industrial	no	no	no	no	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

	e. f.	Governmental and institutional	no	no	no	SPR	SPR
	f. g.	Small nonresidential facilities for educational, scientific or nature interpretation purposes	SPR ⁴	SPR	CEO	CEO	CEO
(13)		Agriculture	CEO	SPR	CEO	CEO	CEO
(14)		Aquaculture	SPR ¹⁰	SPR ¹⁰	SPR ¹⁰	SPR	Yes
(15)		Auto graveyard	no	no	no	no	no
(16)		Auto hobbyist storage area	no	no	no	no	no
(17)		Auto junkyard	no	no	no	no	no
(18)		Auto recycling operation, limited	no	no	no	no	no
(19)		Auto recycling operation, principal	no	no	no	no	no
(20)		Bed and breakfast	no	no	SPR ¹⁰	SPR ¹⁰	SPR
(21)		Boardinghouse	no	no	SPR ¹⁰	SPR	SPR
(22)		Campgrounds	no	no ⁷	no	no	SPR
(23)		Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
(24)		Fireworks sales	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷
(25)		Gambling Casino	no	no	no	no	no
(26)		Marijuana establishment					
	a.	Marijuana store	no	no	no	SPR	SPR
	b.	Marijuana cultivation facility	no	no	no	SPR	SPR
	c.	Marijuana products manufacturing facility	no	no	no	no	SPR
	d.	Marijuana testing facility	no	no	no	SPR	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(27)	Marinas						
	a.	Full service	no	no	no	no	SPR
	b.	Limited	no	no	no	SPR	SPR
(28)	Medical marijuana establishment						
	a.	Medical marijuana dispensary	no	no	no	SPR	SPR
	b.	Medical marijuana cultivation facility	no	no	no	SPR	SPR
	c.	Medical marijuana caregiver retail store	no	no	no	SPR	SPR
	d.	Medical marijuana products manufacturing facility	no	no	no	no	SPR
	e.	Medical marijuana testing facility	no	no	no	SPR	SPR
(29)	Off-site parking		no	no ⁷	no	no	no
(30)	Public and private recreational areas involving minimal structural development		SPR	SPR	SPR	SPR	CEO
(30.5)	Solar energy system; larger-scale		no	no	no	no	no
<i>[^This numbering is how it looks in Municode now, but fixing the numbering was accomplished by November 2022 solar energy system ordinance amendments. Municode should be updated soon.]</i>							
Accessory Structures or Uses							
(31)	Structures accessory to allowed uses, not otherwise listed		SPR ⁴	SPR	CEO	CEO	CEO
(32)	Essential services		SPR ⁶	SPR ⁶	SPR	SPR	SPR
	a.	Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²
	b.	Non-roadside or cross-country distribution lines	SPR ⁶	SPR ⁶	CEO	CEO	CEO

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

		involving ten poles or less in the shoreland zone					
	c.	Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	SPR ⁶	SPR ⁶	SPR	SPR	SPR
	d.	Other essential services	SPR ⁶	SPR ⁶	SPR	SPR	SPR
(33)	Fences		yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}
(34)	Filling and earthmoving of < 10 cubic yards		CEO	CEO	yes	yes	yes
(35)	Filling and earthmoving of > 10 cubic yards		SPR	SPR	CEO	CEO	CEO
(36)	Home business		no ^{12A}	no ^{12A}	SPR ^{10A}	SPR ^{10A}	no
(37)	Home occupations; regular and water-dependent		no	no	no	no	no
(38)	Home Office		CEO	no	CEO	CEO	CEO
(39)	Individual, private campsites		CEO	CEO	CEO	CEO	CEO
(40)	Piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland:						
	a.	Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
	b.	Permanent residential	SPR	SPR	SPR	SPR	SPR
	c.	Permanent commercial	SPR ¹⁴	SPR ¹⁴	SPR ¹⁴	SPR	SPR
	d.	Limited commercial	SPR ⁵	SPR ⁵	SPR ⁵	SPR	no
(41)	Private sewage disposal systems for allowed uses		LPI	LPI	LPI	LPI	LPI
(42)	Road and driveway construction		SPR	no ⁸	SPR	SPR	SPR
(43)	Service drops, as defined, to allowed uses		yes	yes	yes	yes	yes

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(44)	Signs.	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}
(45)	Solar energy system, small-scale ground-mounted or roof mounted	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵
(46)	Small wind energy system	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶
(47)	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
(48)	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
(49)	Uses similar to uses requiring a SPR permit	SPR	SPR	SPR	SPR	SPR
(50)	Waste containers	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}

Footnotes:

¹ In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

² Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.

³ In RP not allowed in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the board of appeals.

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).

^{5A} Only as an accessory use to an allowed principal use on the lot. Must conform to the requirements of [section] 45-422, Waste containers.

⁶ See further restrictions in subsection 44-35(1)(2), essential services.

⁷ Except when area is zoned for resource protection due to floodplain criteria in which case a site plan review is required from the planning board.

⁸ Except as provided in subsection 44-35(h).

⁹ Single family residential structures may be allowed by special exception only according to the provisions of subsection 44-44(f), Special exceptions. Two-family residential structures are prohibited.

^{9A} See sign ordinance section.

¹⁰ Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.

^{10A} Must conform to the requirements of section 45-456.1, Home business.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

¹¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

^{11A} Must conform to the requirements of section 45-423, Fences.

¹² Permit not required, but must file a written "notice of intent to construct" with CEO.

^{12A} "No" except in conjunction with aquaculture, small nonresidential facilities for educational, scientific or nature interpretation purposes or limited commercial piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

¹³ Use is "No" except when permitted under another specific land use entry.

¹⁴ Only commercial aquaculture allowed on piers in this zone, with no other commercial pier uses. Pier must meet the requirements of a residential pier in these zones.

Note: A person performing any of the following activities shall require a permit from the department of environmental protection, pursuant to title 38, M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b. Draining or otherwise dewatering;
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.

¹⁵ Must conform to the requirements of section 45-462.

¹⁶ Must conform to the requirements of section 45-461.

¹⁷ See chapter 12 for additional regulations pertaining to the sale and use of fireworks.

(T.M. of 11-06-2018(3); T.M. of 7-14-2020(4); T.M. of 6-8-2021(2), art. 33; T.M. of 6-8-2021(3), art. 36; T.M. of 6-8-2021(4), art. 31; T.M. of 6-14-2022(2), art. 25)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 45-290. – Table of permitted and prohibited uses.

[additional changes to this section are proposed by other draft ordinance amendments]

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 hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
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

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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 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
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	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no

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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
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 ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

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
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
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹

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Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
<u>Tiny home on wheels</u>	<u>CEO²²</u>	<u>CEO²²</u>	<u>CEO²²</u>	<u>no²²</u>
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 and medical marijuana establishment are 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.
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.

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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. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.

22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.

(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);

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

T.M. of 11-5-2019(5); T.M. of 7-14-2020(5) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31; T.M. of 11-2-2021(4) , art. 5; T.M. of 6-14-2022(2) , art. 25)

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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 45-405. Dimensional standards.

~~[DRAFT table]~~

(a) Lots and structures in all districts shall meet or exceed the following minimum requirements:

District	Rural	Suburban	Village	C/I	MHP
<u>Min. lot size (acres or ft.²), acres (ac) or square feet (ft²)</u>	<u>3 ac</u>	<u>2 ac</u>	<u>1 ac</u>	<u>3 ac</u>	6,500 ft ² ⁿ 12,000 ft ² ⁿ 20,000 ft ² ⁿ
<u>Min. street frontage (ft.)¹</u>	<u>200</u>	<u>150</u>	<u>100</u>	<u>300</u>	<u>50/75/100ⁿ</u>
<u>Min. street frontage: back lots</u>	<u>m</u>	<u>m</u>	<u>m</u>		
<u>Min. area per dwelling unit, acres (ac)</u>					
<i>[The below min. area per dwelling unit rows have moved up in the table. Struckthrough rows are near the end of the table.]</i>					
<u>1 unit</u>	<u>3 ac</u>	<u>2 ac</u>	<u>1 ac</u>	<u>=</u>	<u>o</u>
<u>2 units</u>	<u>6 ac</u>	<u>4 ac</u>	<u>2 ac</u>	<u>=</u>	<u>=</u>
<u>Each additional unit</u>	<u>3 ac</u>	<u>1 ac</u>	<u>½ ac^g</u>	<u>=</u>	<u>=</u>
<u>Assisted living facility</u>	<u>=</u>	<u>s</u>	<u>s</u>	<u>s</u>	<u>=</u>
<u>Elderly housing</u>	<u>=</u>	<u>g</u>	<u>g</u>	<u>g</u>	<u>=</u>
<u>Life care facility</u>	<u>=</u>	<u>t</u>	<u>t</u>	<u>t</u>	<u>=</u>
<u>Min. yard dimensions (ft.)</u>					
Front yard	30	30 ^p	30 ^p	50 ^{a,p} 30	20 ^o
Side yards	20	20 ^p	20 ^p	20 ^p 100 ^b	20 ^o
Rear yard	30	30 ^p	30 ^p	20 ^p 100 ^b	10 ^o
<u>Accessory building^c</u>					

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Front yard setback	30	30	30	50 ^a 30 ^a	5°
Side and rear yard setback	10	10	10	20 100 ^b	5°
Accessory dwelling unit	u	u	u	u	—
Max. height (ft.)	35	35	35	55 ^d	35
Max. lot coverage (%)	10	15 ^q	20 ^q	50 ^q	50°
Setback-normal high water mark (feet) ^e	75	75	75	75	75
Dwelling units:					
<u>Min. size (sq. ft. per unit):</u>					
Min. size (sq. ft. per unit)	650 ^g	650 ^{g,f}	650 ^{g,f}	f	650
<u>Accessory dwelling unit (ADU)</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>—</u>
<u>Assisted living facility</u>	<u>—</u>	<u>300</u>	<u>300</u>	<u>300</u>	<u>—</u>
<u>Federal or state elderly housing, other than assisted living facility</u>	<u>—</u>	<u>No min.</u>	<u>No min.</u>	<u>No min.</u>	<u>—</u>
<u>Mobile home park units</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>650</u>
<u>Tiny home on wheels or foundation-built tiny home</u>	<u>r</u>	<u>r</u>	<u>r</u>	<u>r</u>	<u>—</u>
<u>All other units</u>	<u>650</u>	<u>650</u>	<u>650</u>	<u>650</u>	<u>—</u>
Min. area (acres):					
1 unit	3	2	1	—	ø
2 units	6	4	2	—	—
Each additional unit	3	1	1/2 ^g	—	—
Assisted living facility	—	s	s	s	—
Elderly housing	—	g	g	g	—
Life care facility	—	t	t	t	—
Max. number of principal structures per lot	h	h	h	v	1

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(b) Signs in all districts shall meet or exceed the following minimum requirements:

[The below rows have been separated out to this separate table. Struckthrough rows are included in the previous table.]

<u>District</u>	<u>Rural</u>	<u>Suburban</u>	<u>Village</u>	<u>C/I</u>	<u>MHP</u>
Signs:					
Max. sign area (sq. ft.)	6	6	6	100	6
Max. sign area (sq. ft.), commercial establishments only	12	12	12	100 ⁱ	12
Max. sign area (sq. ft.), new residential subdivisions	50 ^j	50 ^j	50 ^j		50 ^j
Min. setback (ft.) (front lot line only)	8 ^k	8 ^k	8 ^k	-- ^k	8 ^k
Min. st. frontage (ft.) ^l	200	150	100	300	50/75/100 ⁿ
Backlots ^m					

Notes:

- a. A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line. A front yard abutting an interior street within the proposed site shall have a minimum depth of 30 feet from the right-of-way line. All parking areas shall conform to setback requirements.
- b. All side and rear yards abutting an existing residential use shall have a minimum depth of 100 feet from the side or rear lot lines.
- c. Accessory buildings shall be located no less than 30 feet from any principal buildings on adjacent property.
- d. Rooftop antennas and other telecommunications structures shall conform to the requirements of sections 33-185 and 45-460. Steeples and spires shall be exempt from maximum height requirements.
- e. Setbacks and setback measurements in shoreland zones shall follow requirements of chapter 44.
- f. (Reserved.)
- g. The minimum acreage for elderly housing in all districts, where allowed, shall be one acre for the first dwelling unit and one quarter acre for each additional unit. Minimum acreage requirements shall revert back to dwelling unit requirements if elderly housing is discontinued.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

~~Dwelling unit minimum size (square feet per unit) requirements do not apply to federal or state elderly housing.~~

- h. In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district (except that any lawfully existing structure which does not meet all minimum dimensional requirements may continue that nonconformity).
- i. See section 45-528(c) for other requirements applicable to two or more commercial or industrial establishments under separate ownership on one parcel within the commercial/industrial district.
- j. Signs identifying subdivisions of ten or more lots shall be posted at the entrance of the subdivision and shall be approved by the planning board. Signs shall contain only the name of the subdivision.
- k. See section 45-532 for additional sign placement requirements.
- l. Street frontage shall be measured along one street. The planning board is authorized to vary frontage requirements for new subdivisions according to section 41-255(g). Such lots shall be treated as conforming lots for the purpose of this chapter.
- m. Back lot requirements are contained in section 45-466.
- n. Lots within a mobile home park shall be a minimum of:
 - 6,500 feet² if served by public sewer. Minimum lot width is 50 feet.
 - 12,000 feet² if served by central subsurface wastewater disposal approved by the state department of human services. Overall density of park, including road rights-of-way and buffer strips shall be 20,000 feet² per dwelling. Minimum lot width is 75 feet.
 - 20,000 feet² if served by onsite subsurface wastewater disposal. Minimum lot width is 100 feet.
- o. See section 41-276 et seq. for specific requirements.
- p. Elderly housing, nursing facility, assisted living facility and life care facility shall have setbacks of 50 feet from lot line or 100 feet from residential dwelling unit, whichever is greater.
- q. Life care facility shall have a maximum lot coverage of 50 percent. Elderly housing, nursing facility or assisted living facility individually shall have a maximum lot coverage of 35 percent.
- r. ~~Each dwelling unit in an assisted living facility shall have a minimum of 300 square feet.~~ **Tiny homes on wheels shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes on wheels and foundation-built tiny homes shall also conform to the requirements of Section 45-459.**
- s. One acre for the first dwelling unit and then one-fifteenth acre for each additional dwelling unit provided all other dimensional requirements are met.
- t. One acre for the first dwelling unit and then one-fifteenth acre for each additional assisted living facility dwelling unit plus one-fourth acre for each additional elderly housing dwelling

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

unit plus district acreage requirement (1-village, 2-surburban, 3-C/I) for each single family dwelling unit provided all other dimensional requirements are met.

Example: A 15-acre suburban district lot could contain three single family dwelling units (five acres) plus 61 assisted living facility dwelling units (five acres) plus 17 elderly housing dwelling units (five acres) plus a nursing facility (0 acres) provided all dimensional requirements are met.

u. See section 45-459 for requirements.

v. In the C/I district, more than one principal structure may be located on a single lot which meets the minimum lot size and street frontage requirements for the district. Each such structure must maintain required yards adjacent to the front, side, and rear lot lines and must be located no closer than 20 feet (as viewed from the front lot line) to any other such structure on the lot. Such structures need not comply separately with the minimum lot size and frontage requirements, but the aggregate of all the structures on the lot shall not exceed the maximum lot coverage requirement. Nonconforming lots of record, with existing commercial structures, at the time of adoption of this section change may also contain more than one principal structure provided the setback and expansion requirements are met. Separation of structures shall not be less than 20 feet.

(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, (§ 305); T.M. of 12-15-93; Amend. of 3-26-94; Ord. of 3-25-00(1); T.M. of 6-19-01, (art. 8); T.M. of 3-16-02, (art. 4); T.M. of 11-5-02; T.M. of 6-14-05; T.M. of 6-18-2011(5); T.M. of 6-14-2016(1); T.M. of 11-6-2018(5))

Cross reference(s)—Requirements unique to mobile home park subdivisions, § 41-276 et seq.; other district regulations, § 45-286 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

[Add a new section:]

Sec. 45-137. – Tiny homes on wheels

(a) Tiny homes on wheels:

- (1) Shall be placed on a set, stable, and level location on the lot;
- (2) Shall meet applicable standards in Section 45-405 and, if used as an accessory dwelling unit, Section 45-459;
- (3) Shall be connected to a public water system or well; and
- (4) Shall be served by a public sewer or a subsurface wastewater disposal system.

(b) In addition to other permitting requirements, tiny home on wheels building permit applications shall:

- (1) include documentation of motor vehicle title; and
- (2) indicate whether the tiny home on wheels is proposed to be established as a principal dwelling unit or an accessory dwelling unit.

(c) A tiny home on wheels established as a principal dwelling unit:

- (1) shall not be used as a short-term rental; and
- (2) is subject to the growth management and growth permit requirements of Chapter 29.

(d) A person who temporarily locates a tiny home on wheels on a lot in the town shall notify the Code Enforcement Officer in writing. This notification shall indicate their intention for the use of the tiny home on wheels, how water and electrical service will be provided, and how wastewater will be disposed of. The Code Enforcement Officer may permit a temporary use or occupancy of the tiny home consistent with the Town Code and applicable building codes. However, in no case shall a tiny home be used for temporary residential occupancy on the same lot, or on a contiguous lot under the same ownership, for more than 180 days in a twelve-month period. For the purpose of this section, “temporary residential occupancy” means that the tiny home is being used as living quarters without meeting the requirements of subsection (a) of this section. A tiny home used for temporary residential occupancy, if permitted, shall not be used as a short-term rental.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 45-459 – Accessory dwelling unit

- (a) ~~An accessory dwelling unit (ADU) is a small apartment which is part of an existing or new single family owner-occupied home, and which is clearly secondary to the single family home. The accessory dwelling unit may be rented so that the owner-occupant may benefit from the additional income. The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit.~~
- (b) Owner-occupied means that either the principal dwelling unit or the accessory dwelling unit is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.
- (c) An accessory dwelling unit may be permitted as an accessory use to a single family home under the following conditions:
- (1) Only one accessory dwelling unit (ADU) is permitted per lot. The accessory dwelling unit shall be located in the same building as the principal dwelling unit, **attached to or sharing a wall with the principal dwelling unit**, or in a building accessory to the principal dwelling unit. ~~Any structure containing an accessory dwelling unit must meet minimum yard and setback requirements for principal structures.~~
 - (2) A building permit for the proposed construction of a new ADU or the creation of a new ADU within an existing building, must be issued by the CEO. Planning board approval is not required for an ADU.
 - (3) A building permit for a new single family home may include an ADU as long as the provisions of this section are met and the building conforms to all of the dimensional requirements for the zone in which it is being built. An ADU may be included in a new home constructed on a lawful nonconforming lot of record which may be built upon pursuant to section 45-194.
 - (4) The property owner must occupy either the principal dwelling unit or the ADU as their principal residence, and at no time receive rent for the owner-occupied unit. Principal residence must be proven by voter registration or other evidence acceptable to the CEO.
 - (5) The maximum gross floor area of an ADU shall be 1,000 square feet or 50 percent of the gross floor area of the principal dwelling unit, whichever is less. The minimum gross floor area of an ADU shall be ~~300~~ **190** square feet, **except that tiny home on wheels ADUs and foundation-built tiny home ADUs are not subject to a minimum gross floor area.** An ADU shall not have more than two bedrooms.

State law reference – 30-A M.R.S.A. §4364-B

- (6) Apartments built prior to November 2, 1982 and existing on March 16, 2002, shall be considered lawful nonconforming uses which may continue pursuant to section 45-191. Any apartments existing on (effective date of section 45-459) and built on or after November 2, 1982 shall not be considered lawful nonconforming uses, unless the property owners applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. A grace period

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

of one year from the adoption of this article will be allowed for homeowners to modify such unlawful non-conforming units. The CEO will have the authority to waive certain space and setback requirements for such unlawful nonconforming units where full compliance would be impractical. On March 16, 2003, all owners of unlawful nonconforming units who have not brought them up to the health and safety standards of the minimum housing code, will be in violation of this section and subject to fines per subsection 45-6(b).

- (7) When any property containing an accessory dwelling unit is sold or transferred, the new owner must continue to meet the requirements of this Section in order to continue the use of the accessory dwelling unit. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter. This subsection (7) does not apply to an apartment built before November 2, 1982 and existing on March 16, 2002.
- (8) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the county registry of deeds a covenant in a form acceptable to the town attorney that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section.
- (9) New accessory dwelling units are not subject to the requirements of the growth management ordinance, chapter 29. ~~However, the number of accessory dwelling units that may be issued building permits within a calendar year is limited to a total of 12, to be issued on a first-come, first-served basis in the order in which the code enforcement officer receives completed applications for building permits under section 45-127. If two or more applications are received simultaneously (as in as a single mail delivery), the code enforcement officer shall determine their order by random selection. The provisions of this paragraph are retroactive to January 1, 2003.~~
- (10) This provision shall not prohibit the conversion of a single family dwelling to a multifamily dwelling so long as said conversion complies with all current zoning requirements. However, if such conversion is approved, any accessory dwelling unit previously allowed under this section must be incorporated into and meet all the requirements for one of the units of the multifamily dwelling. Multifamily dwellings shall not include accessory dwelling units as defined in this section.
- (11) Design criteria:
 - a. An ADU, **with the exception of a tiny home on wheels**, shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an ADU extends beyond the existing footprint of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows.
 - b. Exterior stairs are restricted to the rear or sides of the structure.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

- (12) Occupancy of an ADU shall be limited to the following: No more than two persons per bedroom are allowed, unless otherwise approved by the code enforcement officer and the fire chief or their respective designees. Increased occupancy limits may be granted after application to the code enforcement officer and inspection of the dwelling unit.
- ~~(13) One off-street parking space must be provided for the accessory dwelling unit in addition to the off-street parking required for the principal dwelling unit.~~
- ~~(14)~~**(13)** An occupancy permit must be issued by the CEO prior to occupancy of an accessory dwelling unit created or modified pursuant to this section 45-459.
- ~~(15)~~**(14)** The CEO shall prepare a biennial report to the planning board on accessory dwelling units which will include:
- a. The number of units established;
 - b. The geographic distribution of the units; and
 - c. The average size of the units.

~~The planning board shall reassess the provisions of this section allowing accessory dwelling units every five years or sooner if records show that 20 percent of single family homes have ADUs.~~

- ~~(16)~~**(15)** The code enforcement officer may inspect an accessory dwelling unit, with or without complaint with a minimum of 48 hours of receipt of notice of inspection to the property owner to ensure compliance with the section. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation shall result in the revocation of the accessory dwelling unit certificate of occupancy, as well as subjecting the property owner to the remedies and penalties provided in sections 45-101 and 45-102.

(d) Lot line setbacks

- (1) An ADU located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit shall meet minimum yard and setback requirements for principal structures.**
- (2) An ADU permitted in an accessory structure as of July 1, 2023, shall continue to meet minimum yard and setback requirements for principal structures, except that, if that ADU was permitted with a yard width or setback distance less than the requirements for principal structures relative to one or more lot lines, then, relative to those lot lines only, the ADU may continue to have its existing yard width or setback distance, but shall not be extended or moved closer to any of those lot lines. In such case, the total gross floor area of the ADU that is less than minimum yard and setback requirements for principal structures shall not be expanded.**
- (3) An ADU permitted in an accessory structure after July 1, 2023:**
- a. Shall meet minimum yard and setback requirements for accessory structures;**
 - and**

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

b. Shall not be used as a short-term rental unless it meets minimum yard and setback requirements for principal structures.

State law reference – 30-A M.R.S.A. §4364-B

(T.M. of 3-16-02, (art. 4); T.M. of 6-10-03; T.M. of 6-14-05; T.M. of 6-8-2021(1) , art. 34)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

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, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units", which is to be presented to the voters for their consideration on June 13, 2023

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: _____, _____

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow

Stanley Shapleigh

Select Board

Town of Eliot, Maine

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

Planning Board recommends 6-0

Select Board recommends _____ (#-#)

DRAFT for March 7, 2023 Planning Board review

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

Ballot question – Town Meeting and Referendum, June 13, 2023

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments make changes to marijuana-related land use regulations and licensing provisions.

LD1827, enacted by the Maine State Legislature and codified primarily in 28-B M.R.S.A. §504, requires that adult use marijuana stores be allowed to offer curbside pickup and home delivery services. These activities are currently prohibited by Section 33-190(9). To accord with the state legislation while regulating such activities under the Town’s home rule authority, the amendments change 33-190(9) to allow curbside pickup and home delivery and establish performance standards for these activities. Drive-through service for marijuana and medical marijuana retail products remains prohibited. The amendments change Chapter 11 to add licensing provisions specific to curbside pickup and home delivery and Section 45-495 to update parking requirements accordingly. Associated definitions are added to Section 11-3. Site plans for curbside pickup or home delivery must show parking spaces devoted to curbside pickup or for home delivery vehicles. These activities would need to be assessed in the traffic impact assessment required for marijuana stores in 33-190(10). A maximum of two curbside pickup spaces would be allowed, the spaces would need to be provided in addition to other required parking spaces, security and lighting requirements would extend to these spaces, and the establishment’s license would need to be displayed to be viewable at these spaces. A maximum of one home delivery vehicle could be active at any one time, and marijuana license applicants would need to attest that home delivery drivers would be trained on how to properly verify the age of a person making a purchase for delivery and how to ensure that no deliveries are made to a person under 21 years of age, pursuant to 28-B M.R.S.A. §504(9).

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

The amendments also make changes to the maximum number of local marijuana and medical marijuana licenses prescribed by Section 11-6.1. The maximums per establishment type, or group of establishment types, are somewhat rearranged such that similar establishments (adult use and medical) are in the same group, e.g. retail, cultivation, and manufacturing. The overall maximum is increased by one, to 29 establishments, reflecting an increase in the maximum for marijuana/medical marijuana manufacturing, while there is a decrease of one for marijuana stores, and no change in the maximum for cultivation establishments. These changes are intended to balance the community's support for maximums while accommodating marijuana/medical marijuana establishments that are at some point in the approval and licensing process.

Section 11-6.1 currently includes language that automatically reduces the maximums in the case of a revocation, expiration, or voluntary termination of a local license. This language has been updated to reflect the new arrangement of overall maximums. Also, in response to input from marijuana establishments, language is added clarifying that the mere transfer of ownership of a marijuana establishment (which requires a new license under Section 11-12) does not by itself constitute a voluntary termination with respect to the automatic reduction. In effect, this is intended to clarify that marijuana and medical marijuana establishments are allowed to change ownership while holding their license "spot" under a maximum.

The amendments also make certain procedural changes to noticing Select Board public hearings for local licenses, including shifting some of the responsibility for noticing from the Town to the applicant. They also make various other clarifications to marijuana licensing and land use regulations, such as the manner in which marijuana/medical marijuana products manufacturing facilities are subject to odor management standards under Section 33-190(14) and deleting a sign content regulation from 33-190(3) based on Town Counsel's assessment that it cannot be enforced due to Supreme Court jurisprudence and First Amendment protections. Finally, the amendments make various other editorial changes.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

Chapter 11 – MARIJUANA ESTABLISHMENTS

Sec. 11-3. – Definitions.

[abridged to only show changes]

[...]

Curbside pickup means retrieval of a sales order containing adult use marijuana and- or adult use marijuana products at an outdoor vehicle parking space immediately adjacent, or as close as possible, to the primary public ingress and egress of the marijuana store, designated for curbside pickup by a consumer 21 years of age or older, where the consumer’s vehicle may park or stand in the space. Curbside pickup does not mean a drive-through.

[...]

Home delivery means the transportation by a marijuana store licensee, from the licensed premises of the marijuana store to private residences, of sales orders of adult use marijuana and marijuana products to consumers 21 years of age or older who request such sales orders through a telephonic or internet-based platform.

[...]

Marijuana products manufacturing facility shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S.A. § 102(4243), as may be amended. A *marijuana products manufacturing facility* is an entity licensed to purchase adult use marijuana; to manufacture, label and package adult use marijuana products; and to sell adult use marijuana products from a marijuana cultivation facility only to other *marijuana products manufacturing facilities*, or marijuana stores and marijuana social clubs.

[...]

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Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

Sec. 11-4. – Allowed.

Marijuana establishments and medical marijuana establishments shall be allowed, subject to the requirements and restrictions of this chapter and chapters, 33, 44 and 45 of this Code.

(T.M. of 11-5-2019(2); T.M. of 6-8-2021(4) , art. 31)

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Sec. 11-6.1. – Maximum number of local marijuana **and medical marijuana** licenses.

(a) Except pursuant to subsection ~~(d)~~**(c)** of this section, for each type of marijuana establishment **or medical marijuana establishment**, the maximum number of local marijuana **or medical marijuana** licenses issued by the local licensing authority that may be active at any one time is as follows:

- (1) Marijuana store, **medical marijuana caregiver retail store, or medical marijuana dispensary (combined total): ~~Eight (8)~~ **Eleven (11); no more than seven (7) of which shall be a marijuana store****
- (2) Marijuana cultivation facility or ~~marijuana products manufacturing facility~~ **medical marijuana cultivation facility** (combined total): ~~Thirteen (13)~~ **Eight (8), no more than six (6) of which shall be a marijuana cultivation facility**
- (3) Marijuana products manufacturing facility or medical marijuana products manufacturing facility (combined total): Ten (10), no more than eight (8) of which shall be a marijuana products manufacturing facility**

~~(b)~~ Except pursuant to subsection ~~(d)~~ of this section, for each type of ~~medical marijuana~~ establishment, the maximum number of local ~~marijuana~~ licenses issued by the local licensing authority that may be active at any one time are as follows:

- ~~(1) Medical marijuana caregiver retail store or medical marijuana dispensary (combined total): Four (4)~~
- ~~(2) Medical marijuana cultivation facility or medical marijuana products manufacturing facility (combined total): Three (3)~~

~~(e)~~**(b)** Marijuana testing facilities and ~~medical marijuana~~ testing facilities are not subject to this section.

~~(d)~~**(c)** The maximum numbers of local marijuana licenses for an applicable establishment type, or group of establishment types, in subsections ~~(a) and (b)~~, shall be reduced when the following occurs:

- (1) If a local marijuana license is revoked pursuant to subsection 11-8(c), and, if appealed under Section 11-13, such revocation is upheld by court action, then the maximum number for that establishment type (or group of establishment types) shall be reduced by one (1).
- (2) If a local marijuana license has expired pursuant to Section 11-10 or has been otherwise voluntarily terminated by the licensee, then the maximum number for that establishment type (or group of establishment types) shall be reduced by one (1). **For the purpose of this paragraph, the mere transfer of ownership of an establishment, pursuant to Section 11-12, by itself does not constitute a voluntary termination by the seller of the establishment.**
- (3) The maximum numbers shall not be reduced below the following:
 - i. Marijuana store, **medical marijuana caregiver retail store, or medical marijuana dispensary (combined total): ~~Four (4)~~ **Six (6); no more than four (4) of which shall be a marijuana store****

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ii. ~~Marijuana cultivation facility or marijuana products manufacturing facility~~ **medical marijuana cultivation facility** (combined total): ~~Seven (7)~~ **Four (4)**, **no more than three (3) of which shall be a marijuana cultivation facility**

iii. ~~Medical marijuana caregiver retail store or medical marijuana dispensary~~ (combined total): ~~Two (2)~~ **Marijuana products manufacturing facility or medical marijuana products manufacturing facility (combined total): Five (5), no more than four (4) of which shall be a marijuana products manufacturing facility**

iv. ~~Medical marijuana cultivation facility or medical marijuana products manufacturing facility~~ (combined total): ~~Two (2)~~

~~(e)~~**(d)** The following rules apply to review of local marijuana license applications with regard to this section:

(1) The intent of the maximum numbers in subsections (a) and (b) is to account for the number of establishments (or proposed establishments) that are currently in operation, have their state license, have received Planning Board approval, and/or have, as of (and including) ~~August 16, 2022~~ **March 21, 2023**, active applications before the Planning Board that have received at least one Planning Board review.

(2) **Except as provided in the following subparagraphs, Applications for new local marijuana licenses shall be reviewed on a first-come, first-served basis.**

(3) An application for a new license required by Section 11-12 for the mere transfer of ownership of an existing establishment shall be given priority of review, with respect to subsections (a) through (c), over an application for a new license for a new establishment. For example, if a licensed establishment seeks a transfer of ownership and therefore needs a new license, their status under the applicable establishment type or group maximum cannot be superseded by a contemporaneous license application for a new establishment solely because the former is seeking a new license for a mere transfer of ownership.

~~(3)~~**(4)** Applications that are not complete, pursuant to Section 11-7, are not guaranteed any priority order of review. If a local license is granted pursuant to Section 11-8, but the applicant has not yet paid any or all fees pursuant to Section 11-9, the local license application is not considered active with respect to this section until said fees have been paid.

~~(4)~~**(5)** The Town finds that the requirements for medical marijuana licenses were added to this section after some medical marijuana establishments had begun operation and that a grace period is warranted to allow medical marijuana establishments to obtain a local marijuana license pursuant to this chapter. Medical marijuana establishments that have been approved by the Planning Board, are in operation as of the effective date of this ordinance amendment, and are in good standing with respect to the Maine Medical Use of Marijuana Program Rule (18-691 Code of Maine Rules, Chapter 2) and the Town Code shall be given until ~~May~~ **October** 15, 2023, to apply for a local marijuana license for

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their existing operation and shall be given priority order with respect to subsection (b) of this section.

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Sec. 11-7. – Marijuana licensing procedures.

[...]

(b) *Application.* [...]

(19) If a marijuana store proposes a home delivery service, an attestation that training will be provided to any employee that will provide the service, in accordance with the requirements of 28-B M.R.S.A. §504(9), as may be amended, and associated state rulemaking, and a description of the training to be provided.

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Sec. 11-8. - Issuance of local marijuana license.

(a) Responsibilities and review authority.

- (1) The local licensing authority shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.
- (2) No local marijuana license shall be granted by the local licensing authority until the police chief, the fire chief, the code enforcement officer, and if applicable the health inspector have all made their recommendation upon the applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the town authorized to make the inspection at any reasonable time that admission is requested.
- (3) No local marijuana license for a specific type of marijuana establishment or medical marijuana establishment shall be granted by the local licensing authority if the maximum number of local marijuana licenses for that type of marijuana establishment or medical marijuana establishment, pursuant to Section 11-6.1, is met.

(b) Upon the filing of a completed application for a marijuana license, unless the maximum number of licenses has been met pursuant to subsection (a), paragraph (3) of this section, the town manager shall immediately schedule a public hearing on the application before the town select board to occur within ~~30~~ **45** days. **The following procedures shall be followed for the public hearing:**

- (1) The town manager shall provide written notice of the public hearing to the applicant and to the select board within five **business** days of the filing of a completed application. At least ten days before such hearing, notices shall be posted in at least three prominent places, ~~advertised in a newspaper with local circulation,~~ and forwarded to the clerk of an adjacent municipality in the case where the premises for which the local marijuana license is sought is located within 500 feet of a municipal boundary. ~~Abutters shall be notified by certified mail, return receipt requested.~~ Notices to ~~abutters~~ for new or renewal license applications for marijuana cultivation facilities, medical marijuana cultivation facilities, marijuana products manufacturing facilities, and medical marijuana products manufacturing facilities shall include summary information on odor management standards in Section 33-190.
- (2) **The applicant shall send the notice to a newspaper with local circulation to allow it to be published at least seven days before such hearing. The applicant shall mail the notice to abutters by certified mail, return receipt requested, postmarked at least seven days before the hearing. The applicant shall provide documentation to the Town showing proof of newspaper publication and**

certified mailing. The applicant shall bear the cost of newspaper publication and certified mailing.

- (1)(3) At the public hearing on the local marijuana license application, the select board shall take testimony of the applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a permit.
- (2)(4) The select board shall issue to the applicant written notice of its decision to grant or deny the license. If the board denies the permit, the written notice shall set forth the board's reasons for the denial. The select board shall grant a marijuana license unless it finds that the issuance of the license would be detrimental to public health, safety or welfare, as demonstrated by **any of** the following criteria:
- a. An applicant is less than 21 years of age.
 - b. An applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
 - c. The establishment is in a location where a marijuana establishment **or medical marijuana establishment** is not permitted.
 - d. Any establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 1. Been declared by a court of law to be a nuisance; or
 2. Been subject to an order of closure.
 3. Been convicted of or pled guilty or nolo contendere to a specified criminal activity.
 - e. A person who **An applicant** has had a license for a marijuana establishment and/or medical marijuana establishment revoked by the town or by the state.
 - f. An Applicant who **applicant** has not acquired all necessary state approvals and licenses and other required local approvals prior to the issuance of a local marijuana license.
- (c) The town may suspend or revoke a license for any violation of this chapter, chapter 45 or any other applicable building and life safety code requirements. The town may suspend or revoke a license if the licensee has a state license for a marijuana establishment and/or medical marijuana establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.
- (d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and the address of the business. The license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public. **If a license for a marijuana store includes curbside pickup, a copy of the license shall also be displayed in a**

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conspicuous place so that it can be seen by curbside pickup customers. If a license for a marijuana store includes a delivery service, a copy of the license shall be stored in each delivery vehicle while it is making deliveries.

- (e) Except as provided in this paragraph and in Section 11-10(b), a local marijuana license renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application. As part of the renewal process, the select board shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. This may include a version of the odor complaint log referenced in Section 45-409(b) that redacts the name and address of complainants.

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Sec. 11-9. – License fees.

The initial license and annual renewal fees for local marijuana establishments **and** **medical marijuana establishment** licenses shall follow the town's master fee schedule.

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Notwithstanding anything to the contrary of 1 M.R.S.A. § 302 or any other law, to any application relating to the establishment or operation of a proposed marijuana establishment or medical marijuana establishment, whether or not such application had become "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this section.

All marijuana establishments and medical marijuana establishments require site plan review and approval from the planning board prior to the issuance of any building permit or certificate of occupancy. The review of an application for a marijuana establishment shall not begin until the applicant has submitted to the town a valid state-issued conditional license to operate the marijuana establishment pursuant to 28-B M.R.S.A. § 205. The review of an application for a marijuana establishment or medical marijuana establishment, where such type of establishment has, at the time of said application, reached the maximum number of licenses pursuant to Chapter 11, shall not begin until the applicant submits a signed statement acknowledging that they are aware of the maximum having been reached and that they may not be able to obtain a local marijuana license until such time as one becomes available. The following performance standards are to be used by the planning board in reviewing site plan applications and compliance with the same shall serve as requirements for approval of such site plans.

Reference section 11-3 for definitions related to this section.

- (1) All marijuana establishments and medical marijuana establishments shall be screened in accordance with section 33-175.
- (2) All marijuana establishments and medical marijuana establishments shall comply with applicable parking requirements of subsection 45-495(15).
- (3) Signage and advertising.
 - a. All signage and advertising for any marijuana establishment or medical marijuana establishment shall comply with the signage, advertising, and marketing provisions in 22 M.R.S.A § 2429-B and 28-B M.R.S.A § 702, as may be amended, in addition to all applicable provisions of chapter 45 in this Code. No interior signage, advertising as described above shall be visible from the exterior of the building in which the marijuana establishment is located. Signage containing misleading or deceptive marketing or marketing towards individuals under the age of 21 is prohibited.
 - b. ~~There is a compelling governmental interest to the town in marijuana establishments and medical marijuana establishments abiding by the signage, advertising, and marketing provisions in 22 M.R.S.A § 2429 B and 28 B M.R.S.A § 702, as may be amended, including, but not limited to, reducing the likelihood of reaching persons under 21 years of age, who may frequently ride in (or may be old enough to drive) vehicles upon streets, town ways, or public ways from which signage is visible and legible. Many persons in this age range may understand words such as "marijuana" and "cannabis", or any other word, phrase or symbol commonly understood to refer to marijuana. The use of these terms may increase the appeal or awareness of marijuana establishments, medical marijuana establishments, or marijuana use to these persons. To reduce the likelihood of this appeal and awareness, no signage visible from a street, town way, or public way~~

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~~may use the word "marijuana" or "cannabis", or any other word, phrase or symbol commonly understood to refer to marijuana.~~

- (4) Area of activities for all marijuana establishments and medical marijuana establishments; control of odors and emissions; sealed walls; disposal plan; security.
- a. All activities of marijuana including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors, **except as provided in subsection (9)**. Marijuana establishments and medical marijuana establishments are not permitted to conduct outdoor sales or services of any kind, **except as provided in subsection (9)**. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment and/or medical marijuana establishment must be clearly identified as such on the site plan application.
 - b. Prior to planning board approval and for the duration of their operation:
 1. All marijuana establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times. Security cameras must be installed to record activities in the area of such trash receptacles.
 2. All marijuana cultivation facilities, medical marijuana cultivation facilities, marijuana products manufacturing facilities, and medical marijuana products manufacturing facilities shall have in place a plan for disposal of wastewater from the facility. Wastewater generated during the cultivation or manufacturing of marijuana or medical marijuana shall be disposed of in compliance with all applicable local, state, and federal laws.
 - c. Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times. Security measures shall include, at a minimum, the following:
 1. Security surveillance cameras installed and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, **including curbside pickup areas**, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
 2. Door and window intrusion robbery and burglary alarm systems with audible and police department notification components that are professionally monitored and maintained in good working condition;

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3. A locking safe or secure storage container permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises;
4. Exterior lighting that illuminates the exterior walls of the premises, **and any curbside pickup areas**, and complies with applicable provisions of this Code;
5. Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g. windows); and
6. Identification checks ensuring that areas within the premises where marijuana or marijuana product cultivation, storage, weighing, manufacturing, sampling, packaging, preparation for testing, transfer or retail sale, **including curbside pickup areas**, take place are only accessed by authorized persons displaying individual identification cards or authorized contractors of the marijuana establishment or medical marijuana establishment who are aged 21 and older and who display a valid visitor identification badge.

All security recordings shall be preserved as the state requires. All marijuana establishments shall provide the police chief or their designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment.

(5) Separation (buffering) from sensitive uses.

- a. No marijuana establishment or medical marijuana establishment shall be sited within 500 feet of the lot lines of a public or private school. This standard may not be relaxed by variance or waiver.
- b. No marijuana store, **marijuana cultivation facility, medical marijuana cultivation facility**, medical marijuana caregiver retail store, or medical marijuana dispensary shall be sited within 500 feet of the lot lines of any public facility, place of worship, residential property, or childcare facility. This standard may not be relaxed by variance or waiver. **A variance or waiver previously granted to a medical marijuana caregiver retail store or medical marijuana dispensary shall be deemed to apply to the conversion of such establishment to a marijuana store, or the inclusion of a co-located marijuana store in such establishment.**

The planning board will not preclude a sensitive use listed in a. and b. above from opening at a location within the applicable buffer zones solely because the sensitive use is within such buffer zones.

A marijuana store, medical marijuana caregiver retail store, or medical marijuana dispensary may continue to operate in its present location as a pre-existing use if a sensitive use as listed in a. and b. above later locates within the applicable buffer zone; however, the marijuana store does so at its own risk, and town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana store, near a sensitive use listed in a. and b. above.

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The distance cited in this subsection shall be measured as the aerial straight-line distance between the nearest point of the operating boundary of the marijuana establishment or medical marijuana establishment and the nearest point along a lot line of the site of the use listed in a. or b. above.

For purposes of this measurement, if a marijuana establishment or medical marijuana establishment is in a freestanding building, the operating boundary shall consist of the outer walls of the building. If a marijuana establishment or medical marijuana establishment leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the operating boundary of such establishment shall be the outer wall of the room or suite of rooms being leased by the establishment.

- (6) Hours of operation. Marijuana stores, medical marijuana caregiver retail stores and medical marijuana dispensaries are limited to the same hours of operation as those for establishments serving or selling alcoholic beverages or products in accordance with chapter 6 section 11 or as may be set forth in state statute. When there is a conflict between state statute and local zoning, the more restrictive hours of operation shall apply.
- (7) Cultivation area limitation. The number of plants or area of the plant canopy in a marijuana cultivation facility shall not exceed the number of plants or area of the plant canopy allowed by the facility's cultivation facility license tier issued by the state in accordance with 28-B M.R.S.A. § 301. The number of plants or area of the plant canopy in a medical marijuana cultivation facility shall not exceed the number of plants or area of the plant canopy allowed by 22 M.R.S.A. § 2423-A, para. 2, as may be amended. The site plan shall include the facility's cultivation area allowance and show or list the square footage of the proposed cultivation area.
- (8) Sale of edible products. No food products shall be sold, prepared, produced or assembled by a marijuana establishment except in compliance with all operating and other requirements of state, local law and regulation, and compliance with this Code including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
- (9) Drive-through, **curbside pickup**, and home delivery.
 - a. ~~Marijuana establishments and medical marijuana establishments are prohibited from having drive-through pick-up facilities. Marijuana stores are prohibited from providing home delivery services. **Except as provided in subparagraphs b. and c.,**~~ adult use marijuana customers may only purchase and obtain adult use marijuana products from within a marijuana store.
 - b. **Marijuana stores may offer curbside pickup of immature marijuana plants, seedlings, adult use marijuana, and adult use marijuana products at a designated location outside of the marijuana store by persons 21 years of age or older, on the same lot as the marijuana store, in accordance with 28-B M.R.S.A. §504(10), as may be amended, associated state rulemaking, and this section. No more than two parking spaces shall be designated as curbside**

pickup locations, and the spaces shall be indicated by appropriate signage. Curbside pickup areas shall be clearly shown on site plans. Curbside pickup areas shall be as close to the primary public ingress and egress of the marijuana store building as practicable, without interfering with Americans with Disabilities Act-accessible parking spaces, their access aisles, or accessible routes from those spaces to building ingress and egress.

c. Marijuana stores may operate a limited home delivery service for the delivery of immature marijuana plants, seedlings, adult use marijuana, and adult use marijuana products to persons 21 years of age or older, in accordance with the requirements of 28-B M.R.S.A. §504(9), as may be amended, associated state rulemaking, and this section. Only one vehicle may engage in the home delivery service at any one time. Site plans shall include an exclusive parking space or designated use of a loading bay, pursuant to Chapter 45, Article X, for the home delivery vehicle.

- (10) Applications for new marijuana-retail-stores (or existing marijuana-retail stores seeking site plan amendments involving a potential change to trip generation or traffic circulation, **including, but not limited to, the addition of curbside pickup or home delivery service**) shall include a traffic impact assessment that addresses, at minimum, sections 33-153 and 45-406. Unless waived by the planning board, any approval motion shall include a condition requiring the applicant to collect turning movement counts for all site driveways for, at minimum, one full weekday and one full weekend day that the marijuana retail store is open, and submit such data to the town planner. Such count data shall be disaggregated by the hour, or a shorter time period, to show peaking characteristics. Nothing in this paragraph is intended to prevent the planning board from requiring traffic information or otherwise exercising its review authority under the aforementioned sections when reviewing applications for other marijuana establishments or medical marijuana establishments.
- (11) Pesticides. The only pesticides allowed to be used in marijuana establishments and medical marijuana establishments are non-synthetic substances, unless specifically listed as "prohibited" on the National List of Allowed and Prohibited Substances in 7 CFR Part 205, as may be amended from time to time, and pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time. All marijuana establishments and medical marijuana establishments shall comply with all packaging and labeling requirements from the state.
- (12) Inspections. The code enforcement officer or their designee will inspect all marijuana establishments and medical marijuana establishments prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this section, local and state building codes and electrical codes. The fire chief or their designee will inspect all marijuana establishments prior to issuance of a certificate of occupancy, to verify that the facilities are constructed

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and can be operated in accordance with the requirements of all applicable state and local fire codes. The initial inspection shall occur after the establishment is ready for operation, but no marijuana, marijuana products will be permitted on the premises until the inspection is complete and a certificate of occupancy is issued. Nothing herein shall prevent the fire chief or their designee from inspecting marijuana establishments at random intervals, but not to exceed four times a year, and without advance notice provided that the inspection is during normal business hours of the establishment.

- (13) ~~Change of use/addition of use. If any type of marijuana establishment or medical marijuana establishment is to change to another type of establishment or to add another type of marijuana establishment or medical marijuana establishment to its existing operations, such change of use or additional use must be reviewed and approved by the planning board for compliance with this section.~~ **New marijuana establishments or medical marijuana establishments, changes of use from one marijuana establishment or medical marijuana establishment to another, or site plan changes involving marijuana establishments or medical marijuana establishments require Planning Board site plan review in accordance with the procedures and performance standards in Divisions 3 through 6 of this chapter, except that applicants may seek approval for minor site plan revisions, pursuant to Section 33-140, when all of the following criteria have been met:**
- a. The application does not propose to add any new marijuana establishments or medical marijuana establishments or change from one marijuana establishment or medical marijuana establishment to another, except if such an addition or change is limited to:**
 - 1. The addition of a medical marijuana products manufacturing facility to a marijuana products manufacturing facility**
 - 2. A change of use from a marijuana products manufacturing facility to a medical marijuana products manufacturing facility;**
 - b. The application does not propose an increase to the total gross floor area devoted to marijuana or medical marijuana uses; and,**
 - c. The application does not propose any change that is likely to increase trip generation for a marijuana store.**
- (14) Management of odors and emissions.
- a. Marijuana establishments and medical marijuana establishments shall provide odor control measures so that marijuana-related odor generated on site is contained within the building containing the marijuana-related use and not perceptible by people on abutting properties or traveling on streets, town ways, or public ways.
 - b. Applications for marijuana cultivation facilities, **and** medical marijuana cultivation facilities, ~~marijuana products manufacturing facilities, and medical marijuana products manufacturing facilities~~ must demonstrate appropriate

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measures, such as carbon filtration, ventilation and exhaust systems, facility plans, or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.

- c. Marijuana establishments and medical marijuana establishments not listed in subparagraph b. may either demonstrate compliance with subparagraph b. or demonstrate that the nature of their operation will not, under normal circumstances, cause marijuana-related odor to be perceptible by people on abutting properties or traveling on streets, town ways, or public ways.
 - d. Noxious gases and fumes. Marijuana products manufacturing facilities, marijuana testing facilities, medical marijuana products manufacturing facilities, and medical marijuana testing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of production or testing.
 - e. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment or medical marijuana establishment must be provided at all times.
- (15) Other laws remain applicable. A marijuana establishment or medical marijuana establishment shall meet all operating, local and state licensing and other requirements of state and local laws and regulations. To the extent the state has adopted or adopts in the future any stricter law or regulation governing adult use marijuana and/or medical marijuana establishments, the stricter law or regulation shall control.

(T.M. of 11-5-2019(4); T.M. of 6-8-2021(4) , art. 31; T.M. of 6-14-2022(3) , art. 26)

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Sec. 45-495. – Schedule of minimum required offstreet parking spaces.

	Use	Standards
(1)	Dwelling units	alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, or service establishment; <u>marijuana retail store</u>	1 space for each 150 square feet of retail floor area; <u>Marijuana retail store: 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores), plus 1 space per curbside pickup space (max. 2), plus 1 space for a home delivery vehicle (if home delivery is provided; alternatively, a loading bay in accordance with 45-494 may meet this requirement)</u>
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work
(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Day nursery—2 parking spaces for each nursery room plus 1 space for each adult instructor
		Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats
(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	

(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, (§ 333.3); T.M. of 6-18-2011(6); T.M. of 6-14-2022(3), art. 26)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

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, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards", which is to be presented to the voters for their consideration on June 13, 2023

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: _____, _____

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow

Stanley Shapleigh

Select Board
Eliot, Maine

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

Planning Board recommends 6-0
Select Board recommends _____ (#-#)

DRAFT for March 7, 2023 Planning Board review

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

Ballot question – Town Meeting and Referendum, June 6, 2023

ARTICLE #__ : Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors” be enacted?
(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These amendments establish a permitting process for mobile vendors to operate in Eliot. There has been an interest in setting up temporary locations to sell products. This would provide additional options for businesses while preventing or minimizing negative impacts through operating standards and a licensing process.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

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

[abridged to only show changes]

[...]

Mobile vendor means any mobile vehicle or unit, or bicycle, used to prepare, sell, or serve food, or to sell non-food products, at a number of sites and capable of being moved from its vending site at any time. It shall also include a tent, booth, stand, or table used for the same purpose if it is accompanied by a mobile vehicle or bicycle capable of moving it from its vending site at any time. Mobile vendor does not include any such equipment or appurtenances if they are used for the seasonal sales of produce and plants raised locally.

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

[Add a new chapter:]

Chapter 5 – BUSINESS LICENSES

Secs. 5-1 to 5-5 – Reserved

Sec. 5-6. – Mobile Vendors

- (a) *Purpose.* The purpose of this section is to control the issuance of licenses for mobile vendors in the town.
- (b) *Applicability.* This article shall apply to any entity that meets the definition of “mobile vendor” in Section 1-2 but does not apply to the following:
 - (1) A “temporary mobile vendor” as described in subsection (c);
 - (2) A mobile vendor that is part of an agricultural tourism activity pursuant to Chapter 10, Article II; or
 - (3) Seasonal sales of produce and plants raised locally.
- (c) *Temporary mobile vendors.* For the purpose of this section, “temporary mobile vendor” refers to a mobile vendor that is only operated for a limited number of days each year or at a single location for a short duration, such as to serve an event. This shall be defined as engaging in sales for no more than 12 days in any one-year period and engaging in sales for no more than 3 consecutive days at the same location. This subsection shall not be construed to prevent the Town from regulating or limiting temporary mobile vendors under subsection (k) of this section, or to protect health, safety, and welfare under authority granted elsewhere in this code.
- (d) *License required; application requirements.* No person may operate a mobile vendor within the town unless licensed to do so by the Town, unless specifically waived by the Town. Applications for mobile vendor licenses are to be made in writing upon forms supplied by the Town, shall be signed, and shall include the following information:
 - (1) Name of the applicant
 - (2) Residence, mailing address, and email address of the applicant
 - (3) Name of the business to be conducted
 - (4) Business address
 - (5) Location(s) to be used
 - (6) Dates and hours of operation for each location
 - (7) A photograph or sketch, or plan of the mobile vendor vehicle, unit, or bicycle
 - (8) A description of those items which the applicant proposes to sell and dispense
 - (9) For each location, documentation of permission from the property owner
 - (10) Date of the application

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

- (11) Documentation of insurance coverage
- (12) For food service mobile vendors, as needed:
 - a. A Mobile Vendor License from the Maine Department of Agriculture, Conservation, and Forestry;
 - b. A Health Inspection Program License from the Maine Department of Health and Human Services; and,
 - c. Any other required state licenses
- (13) Title and registration for the vehicle used, if applicable
- (e) *Hearing.* The Select Board shall hold a hearing on any original application for a license for a mobile vendor within 30 days of the date of the application received, at which time the testimony of the applicant and that of any interested members of the public is to be taken. The applicant must be notified of the hearing date. At least ten days before such hearing, notices shall be posted in at least three prominent places, advertised in a newspaper with local circulation, and forwarded to the clerk of an adjacent municipality in the case at least one location for which the mobile vendor license is sought is located within 500 feet of a municipal boundary.
- (f) *Granting of license.* The Select Board shall grant a license unless they find that issuance of such license will be detrimental to the public health, safety or welfare or would be in violation of any Town or state ordinance, rules or regulations.
- (g) *Suspensions and revocations.* The Town may suspend or revoke a license for any violation of this chapter, Chapter 45, or any other applicable building and life safety code requirements. The town may suspend or revoke a license if the licensee has a state license or registration described in paragraph (d)(12) or (13) suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.
- (h) *Display of license.* The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and the address of the business. The license shall be posted in a conspicuous place near the customer service window of a vehicle, or otherwise shall be stored by the operator of the mobile vendor, so that it may be read at any time that the business is open to the public.
- (i) *Fees and license term.* Every person licensed to operate a mobile vendor must pay to the Town Clerk an annual fee as may be established and maintained by the Select Board pursuant to Section 1-25 and Section 2-80. All licenses, unless otherwise provided, are for 12 months' duration.
- (j) *Renewal.* Licenses shall be renewed before the end of the license term. A license renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application, except that renewal applications for non-expired licenses may omit certain content required subsection (d) of this section if they include a signed letter from the licensee attesting that

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

such information is unchanged from their previous application and attesting that each license, form of identification, statement, approval, agreement, or other documentation required by subsection (d) of this section is still valid and current.

- (k) *Restrictions on operating locations.* No mobile vendor or temporary mobile vendor shall be operated:
 - (1) In or upon any town roadway, sidewalk, right-of-way, property, or park, except at Town-sponsored events or as otherwise approved by the Town;
 - (2) In such a manner as to obstruct or impede the normal flow of vehicular or pedestrian traffic, or obstruct emergency vehicle access or egress, or to expose any pedestrian to a risk of injury; or
 - (3) Within 250 ft. of a marijuana establishment or medical marijuana establishment. The method for measuring this distance shall be the same as described in Section 33-190(5).
- (l) *Violations and penalties*
 - (1) The operation of any mobile vendor without the required local license or in violation of the requirements of this chapter shall be a violation of this chapter.
 - (2) Fines shall be set forth for violation of any of the provisions of this article; violators shall be punished by a civil penalty of not less than \$50.00 and not more than \$100.00 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the town. Each day a violation is committed, or permitted to continue, shall constitute a separate violation, and shall be fined as such.
- (3) *Operating standards for licensed mobile vendors*
 - a. Hours of operation: Hours of operation shall be the same as specified in Section 6-11.
 - b. In addition to any signage incorporated into the exterior of the vehicle, equipment, or appurtenance of the mobile vendor, an additional temporary freestanding sign of no greater than 6 square feet sign in area (or a double-sided or a-frame sign with its largest face no greater than 6 square feet) may be posted in the vicinity of the mobile vendor to advertise the items sold.
 - c. Any mobile vendor that serves prepared food and provides an area adjacent to the mobile vendor where that food can be consumed must offer and manage a trash receptacle for food and packaging waste.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

Sec. 45-290. – Table of permitted and prohibited uses.

[additional changes to this section are proposed by other draft ordinance amendments]

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 hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

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
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
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
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

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 ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
<u>Mobile vendor site</u>	<u>no</u>	<u>no</u>	<u>SPR</u>	<u>SPR</u>
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
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

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
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹
Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

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 and medical marijuana establishment are 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.
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.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

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. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.

(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);

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

T.M. of 11-5-2019(5); T.M. of 7-14-2020(5) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31; T.M. of 11-2-2021(4) , art. 5; T.M. of 6-14-2022(2) , art. 25)

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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

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, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors", which is to be presented to the voters for their consideration on June 13, 2023

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: _____,

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow

Stanley Shapleigh

Select Board
Eliot, Maine

TOWN OF ELIOT, MAINE
ANNUAL TOWN MEETING ELECTION / REFERENDUM WARRANT
TUESDAY, JUNE 13, 2023

To Lauren Albert, a Resident of the Town of Eliot, in the 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, June 13, 2023 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 thirty-one.

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 the Parking Lot.

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

ARTICLE #2: To elect Two (2) Select Board/Overseer of the Poor for a three-year term, Two (2) Budget Committee Members for a three-year term, and One (1) MSAD #35 Director for a three-year term.

ARTICLE #3: To see if the Town will vote to increase the property tax levy limit of \$ 4,216,222 as established for Eliot by State Law in the event that the municipal budget approved under the preceding and following articles will result in a tax commitment that is greater than that property tax levy limit or any other property tax limit established as a result of 30-A MRSA Section 5721-A Limitation on Municipal Property Tax Levy.
Select Board (5-0) and Budget Committee (6-0) so recommend \$4,216,222

ARTICLE #4: To see if the Town will vote to apply the following 2023 / 2024 Estimated Revenues to reduce the amount to be raised by taxation (fiscal year is July 1, 2023 to June 30, 2024).
Select Board (5-0) and Budget Committee (6-0) so recommend \$4,803,223.
(Last Fiscal Year: \$4,865,614)

ARTICLE #5: To see what sum the Town will vote to raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of the Administration.
Select Board (5-0) and Budget Committee (6-0) so recommend \$2,363,074
(Last year \$1,545,639)

ARTICLE #6: To see what sum the Town will vote to raise, appropriate, and transfer for Hearings and Elections.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$23,600
(Last Fiscal Year: \$28,245)

ARTICLE #7: To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, benefits, operation, and maintenance of the Fire Department.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$315,079
(Last Fiscal Year: \$230,056)

ARTICLE #8: To see what sum the Town will vote to raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of the Police Department.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$1,157,777
(Last Fiscal Year: \$1,353,581)

ARTICLE #9: To see what sum the Town will vote to raise, appropriate, and transfer for services related to Public Safety.

Public Safety Service	Select Board Requested	Budget Committee Request
Fire Hydrants	\$ 94,000	\$ 94,000
Dispatching	\$ 203,371	\$ 203,371
PSAP (911)	\$ 32,776	\$ 32,776
Harbormaster	\$ 4,500	\$ 4,500
Streetlights	\$ 17,000	\$ 17,000
Animal Control Officer	\$ 15,000	\$ 15,000
TOTAL REQUESTED AMOUNT:	\$ 366,647	\$ 366,647

Select Board (5-0) and Budget Committee (6-0) so recommend \$366,647
(Last Fiscal Year: \$291,105)

ARTICLE #10: To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, benefits, operation, and maintenance for the Public Works Department.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$1,845,591
(Last Fiscal Year: \$921,223)

ARTICLE #11: To see what sum the Town will vote to raise, appropriate, and transfer for Snow Removal/Winter Roads.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$222,000
(Last Fiscal Year: \$219,548)

ARTICLE #12: To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, benefits, and operation of Summer Maintenance.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$21,000
(Last Fiscal Year: \$57,296)

ARTICLE #13: To see what sum the Town will vote to raise, appropriate, and transfer for Roads and Bridges.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$2,000
(Last Fiscal Year: \$2,000)

ARTICLE #14: To see what sum the Town will vote to raise, appropriate, and transfer for salaries, benefits, operations, and maintenance of the Solid Waste Transfer Station.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$293,112
(Last Fiscal Year: \$269,568)

ARTICLE #15: To see what sum the Town will vote to raise, appropriate, and transfer for the implementation of the Federal Storm Water Management Plan.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$124,000.
(Last Fiscal Year: \$135,000)

ARTICLE #16: To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, benefits, operation, and maintenance of the Community Service Department.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$438,565.
(Last Fiscal Year: \$439,348)

ARTICLE #17: To see what sum the Town will vote to raise, appropriate, and transfer for General Assistance.
 Select Board (5-0) and Budget Committee (6-0) so recommend \$25,900
(Last Fiscal Year: \$20,000)

ARTICLE #18: To see what sum the Town will vote to transfer from existing funds for Capital Improvements.

Capital Improvement	Select Board	Budget Committee
Fire Department	\$ 258,233	\$
Police Department	\$ 49,786	\$
Community Service Department	\$ 86,385	\$
Public Works	\$ 643,566	\$
Transfer Station	\$ 45,120	\$
Town Hall	\$ 139,724	\$
Parks/Facilities	\$ 51,441	\$
Land Bank	\$ 31,816	\$
Eliot Stormwater	\$ 33,358	\$
Sewer Reserve	\$ 135,354	\$
TOTAL REQUESTED AMOUNT:	\$ 1,474,783	\$

Select Board Recommends \$1,474,783 (Vote 5-0)

Budget Committee Recommends \$

(Last Fiscal Year: \$945,700)

ARTICLE #19: To see what sum the Town will vote transfer from existing funds for Reserve Accounts as listed.

Reserve Account	Select Board	Budget Committee
Administration Reserves	\$ 120,000	\$
Public Safety Impact Fees	\$ 43,193	\$
TOTAL REQUESTED AMOUNT:	\$ 163,193	\$

Select Board Recommends \$163,193 (Vote 5-0)

Budget Committee Recommends \$

(Last Fiscal Year: \$190,944)

ARTICLE #20: To see what sum the Town will vote to raise, appropriate, and transfer for Town Standing Committees.

Committee	Select Board	Budget Committee
Board of Appeals	\$ 5,000	\$ 5,000
Budget Committee	\$ 3,780	\$ 3,780
Conservation Commission	\$ 1,520	\$ 1,520
Planning Board	\$ 25,000	\$ 25,000
Aging-In-Place Committee	\$ 2,000	\$ 1,700
Agriculture & Food Security	\$ 1,000	\$ 1,000
TOTAL REQUESTED AMOUNT:	\$ 38,300	\$ 38,000

Select Board Recommends \$38,300 (Vote 5-0)

Budget Committee Recommends \$38,000 (Vote 6-0)

(Last Fiscal Year: \$35,420)

ARTICLE #21: To see what sum the Town will vote to raise, appropriate, and transfer for the William Fogg Library.

Select Board (5-0) and Budget Committee (5-1) so recommend \$238,661

(Last Fiscal Year: \$242,500)

ARTICLE #22: To see what sum the Town will vote to appropriate and raise for Social Service Agencies.

Social Service Agency	Select Board	Budget Committee
Festival Day	\$ 1,500	\$ 1,500
Memorial Day	\$ 1,000	\$ 1,000
Sen. Citizen	\$ 2,000	\$ 2,000
Historical Society	\$ 3,500	\$ 3,500
Eastern Trail Management District	\$ 3,500	\$ 0
Footprints	\$ 12,000	\$ 12,000
Caring Unlimited	\$ 2,015	\$ 2,015
Mainspring	\$ 50,000	\$ 50,000
MHC@Home	\$ 500	\$ 500
SMAA	\$ 1,500	\$ 1,500
Crossroads	\$ 250	\$ 250
York County Community Action	\$ 1,600	\$ 1,600
York County Shelter	\$ 1,750	\$ 1,750
TOTAL REQUESTED AMOUNT:	\$ 80,115	\$ 76,615

Select Board Recommends \$80,115 (Vote 5-0)

Budget Committee Recommends \$76,615 (Vote 5-0)

(Last Fiscal Year: \$11,600)

ARTICLE #23: To see what sum the Town will vote to appropriate and transfer for Fixed Assessments.

Select Board (5-0) and Budget Committee (6-0) so recommend \$515,000

(Last Fiscal Year: \$1,441,051)

ARTICLE #24: To see what sum the Town will vote to appropriate and raise for Debt Service.

Debt Service	Select Board	Budget Committee
Principal	\$ 361,991	\$ 361,991
Interest	\$ 89,804	\$ 89,804
Loan Servicing Fees	\$ 17,724	\$ 17,724
Leases	\$ 122,752	\$ 122,752
TOTAL REQUESTED AMOUNT:	\$ 592,271	\$ 592,271

Select Board (5-0) and Budget Committee (5-0) so recommend \$592,271
(Last Fiscal Year: \$115,270)

ARTICLE #25: To see if the Town will authorize the expansion and renovation of the Eliot Town Hall/Community Center and repair and improvements to the Eliot Police Station; by authorizing the municipal officers to borrow a principal amount not to exceed \$4,000,000 through the issuance of general obligation bonds on behalf of the Town of Eliot on such terms as they deem in the best interests of the Town to finance the project, including any necessary legal, surveying, design, construction and similar services; and authorize the selectmen to procure services and execute any contracts or documents necessary to accomplish the actions authorized herein.

ARTICLE #26: To see if the Town will allocate a maximum of 28 growth permits for new residential dwelling units for calendar year 2023, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Town of Eliot Ordinances.

Select Board (5-0) and Planning Board (6-0) so recommend

ARTICLE #27: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges" be enacted?

Select Board (5-0) and Planning Board (6-0) so recommend

(A copy of this ordinance is available in the Town Clerk's Office)

ARTICLE #28: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units" be enacted?

Select Board (5-0) and Planning Board (6-0) so recommend

(A copy of this ordinance is available in the Town Clerk's Office)

ARTICLE #29: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards" be enacted?

Select Board (5-0) and Planning Board (6-0) so recommend

(A copy of this ordinance is available in the Town Clerk's Office)

ARTICLE #30: Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care" be enacted?

Select Board (5-0) and Planning Board (6-0) so recommend

(A copy of this ordinance is available in the Town Clerk's Office)

ARTICLE #31: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors” be enacted?

Select Board (5-0) and Planning Board (6-0) so recommend
(A copy of this ordinance is available in the Town Clerk's Office)

Given under our hands this 13th day of April, 2023.

Richard Donhauser, Chairman

William Widi, Vice Chairman

Robert McPherson, Secretary

Lauren Dow, Selectman

Stanley Shapleigh, Selectman

**Select Board
Town of Eliot, Maine**

DRAFT

ELIOT
2:43 PM**Payroll Warrant**

Pay Date: 03/23/2023

**** REPRINT ****

03/23/2023

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WARRANT: 89

Check	D / D	Check	Employee	Gross Pay
15277	350.00	408.01	4501 JAY P. MUZEROLL	985.53
115277	991.51	0.00	1005 MELISSA T. ALBERT	1,479.20
115278	855.98	0.00	1003 Rochelle M Bishop	1,325.20
115279	928.24	0.00	1032 Jeffery S. Brubaker	1,583.60
115280	775.91	0.00	1063 BRENDA L. HARVEY	1,186.00
115281	166.35	0.00	2125 ELLEN M. LEMIRE	227.28
115282	905.96	0.00	1059 Kristin D McNulty	1,576.40
115283	1,093.72	0.00	1010 WENDY J. RAWSKI	1,595.60
115284	766.87	0.00	1026 David R Ross-Lyons	1,098.80
115285	1,492.71	0.00	1041 Michael J. Sullivan	2,077.60
115286	271.14	0.00	6084 Robert B. Veino	303.38
115287	623.27	0.00	1101 Lauren A Albert	878.00
115288	645.59	0.00	1069 Kim R Tackett	946.40
115289	709.08	0.00	5078 Casey R Cyr	1,129.63
115290	900.18	0.00	5053 BRIAN P. DELANEY	1,541.04
115291	830.13	0.00	5076 William A. Dries	1,292.68
115292	858.28	0.00	5077 Robert Govoni	1,291.25
115293	1,087.62	0.00	5019 Ronald H Lund	1,905.87
115294	980.45	0.00	5074 Ryan D. Mazur	1,701.99
115295	1,140.06	0.00	5068 ELLIOTT L. MOYA	2,198.00
115296	1,119.51	0.00	5084 Timothy C. Niehoff	1,888.82
115297	582.91	0.00	5071 JUDITH F. SMITH	903.20
115298	363.85	0.00	1263 Thomas J. Phillips, III	448.80
115299	628.24	0.00	3104 Douglas M Blaisdell	1,038.80
115300	855.69	0.00	3111 Craig Brown	1,366.80
115301	670.71	0.00	3116 Austin D Mahoney	998.00
115302	1,060.43	0.00	3028 JAMES G. ROY	1,654.43
115303	314.15	0.00	3008 DONALD E. SYLVESTER	340.17
115304	516.25	0.00	3030 Jordan E Tweedie	625.77
115305	340.06	0.00	3102 RONALD PEARSON	407.82
115306	296.10	0.00	3083 RALPH E. PLACE	377.91
115307	373.14	0.00	3059 Robert H. Whittaker	455.12
115308	273.77	0.00	3110 Nicholas P Willis	346.29
115309	629.29	0.00	1310 Lindsay M. Jardine	879.73
115310	871.56	0.00	1060 HEATHER MUZEROLL-ROY	1,374.40
115311	561.19	0.00	1052 AMANDA D. PARADIS-SAUCIER	961.60
115312	303.92	0.00	1092 Gabriella L Wiggin	346.20
115313	213.52	0.00	1297 Nancy Young	231.20
115314	0.00	26,347.34	D / D 9 KENNEBUNK SAVINGS BANK	
15278	0.00	54.19	T & A 9 Mission Square	
15279	0.00	54.19	T & A 10 Mission Square	
15280	0.00	1,952.73	T & A 4 Treasurer of State	
115315	0.00	10,039.61	T & A 1 Kennebunk Savings Bank	
115316	0.00	170.00	T & A 7 Maine State Retirement Service	

Payroll Warrant
Pay Date: 03/30/2023
**** REPRINT ****

WARRANT: 91

Check	D / D	Check	Employee	Gross Pay
115281	1,114.85	0.00	1005 MELISSA T. ALBERT	1,582.40
115282	969.64	0.00	1003 Rochelle M Bishop	1,325.20
115283	1,077.61	0.00	1032 Jeffery S. Brubaker	1,583.60
115284	898.53	0.00	1063 BRENDA L. HARVEY	1,319.43
115285	639.41	0.00	1053 Ann S Lukegard	729.49
115286	887.66	0.00	1054 Brentley C. Martin	975.40
115287	1,167.15	0.00	1059 Kristin D McNulty	1,768.52
115288	1,141.47	0.00	1010 WENDY J. RAWSKI	1,595.60
115289	942.96	0.00	1026 David R Ross-Lyons	1,222.42
115290	1,492.71	0.00	1041 Michael J. Sullivan	2,077.60
115291	261.85	0.00	6084 Robert B. Veino	291.24
115292	804.04	0.00	1101 Lauren A Albert	1,042.63
115293	719.79	0.00	1069 Kim R Tackett	993.60
115294	807.77	0.00	5078 Casey R Cyr	1,129.64
115295	1,066.29	0.00	5053 BRIAN P. DELANEY	1,592.98
115296	915.24	0.00	5076 William A. Dries	1,234.80
115297	984.62	0.00	5077 Robert Govoni	1,418.05
115298	1,001.02	0.00	5019 Ronald H Lund	1,509.60
115299	1,034.87	0.00	5074 Ryan D. Mazur	1,570.45
115300	1,293.38	0.00	5068 ELLIOTT L. MOYA	2,198.00
115301	1,114.57	0.00	5084 Timothy C. Niehoff	1,746.41
115302	630.66	0.00	5071 JUDITH F. SMITH	903.20
115303	423.22	0.00	1263 Thomas J. Phillips, III	508.98
115304	736.38	0.00	3104 Douglas M Blaisdell	1,038.80
115305	1,011.50	0.00	3111 Craig Brown	1,400.00
115306	767.24	0.00	3116 Austin D Mahoney	1,054.14
115307	1,108.37	0.00	3028 JAMES G. ROY	1,628.30
115308	762.80	0.00	3030 Jordan E Tweedie	981.60
115309	326.07	0.00	3102 RONALD PEARSON	399.00
115310	173.90	0.00	3083 RALPH E. PLACE	198.90
115311	357.41	0.00	3059 Robert H. Whittaker	434.01
115312	281.45	0.00	3110 Nicholas P Willis	339.15
115313	623.07	0.00	1310 Lindsay M. Jardine	858.80
115314	923.66	0.00	1060 HEATHER MUZEROLL-ROY	1,374.40
115315	671.97	0.00	1052 AMANDA D. PARADIS-SAUCIER	973.14
115316	311.84	0.00	1092 Gabriella L Wiggin	356.55
115317	73.40	0.00	1297 Nancy Young	79.48
115318	0.00	29,518.37	D / D 9 KENNEBUNK SAVINGS BANK	
15281	0.00	54.19	T & A 9 Mission Square	
15282	0.00	54.19	T & A 10 Mission Square	
15283	0.00	1,947.86	T & A 4 Treasurer of State	
115319	0.00	10,045.28	T & A 1 Kennebunk Savings Bank	
115320	0.00	170.00	T & A 7 Maine State Retirement Service	

ELIOT
3:04 PM

Payroll Warrant
Pay Date: 03/30/2023
**** REPRINT ****

04/06/2023
Page 2

WARRANT: 91

Check	D / D	Check	Employee	Gross Pay
Total	29,518.37	41,789.89		41,435.51

Put into A/P	15,141.16
Taken out of A/P	(12,271.52)
Total Payroll	44,659.53

<u>Count</u>	
Checks	43

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Kristin McNulty TO PAY THE INVOICES ON THIS WARRANT.

_____ LAUREN DOW	_____ ROBERT MCPHERSON
_____ RICHARD DONHAUSER	_____ Stanley Shapleigh
_____ WILLIAM WIDI	

Payroll Warrant
Pay Date: 04/06/2023
**** REPRINT ****

WARRANT: 93

Check	D / D	Check	Employee	Gross Pay
15284	0.00	219.99	4517 ROBERT O. MCPHERSON	240.00
15285	350.00	408.01	4501 JAY P. MUZEROLL	985.53
15286	0.00	758.01	4501 JAY P. MUZEROLL	985.53
115284	1,030.05	0.00	1005 MELISSA T. ALBERT	1,536.00
115285	912.16	0.00	1003 Rochelle M Bishop	1,408.00
115286	928.24	0.00	1032 Jeffery S. Brubaker	1,583.60
115287	775.91	0.00	1063 BRENDA L. HARVEY	1,186.00
115288	167.12	0.00	2125 ELLEN M. LEMIRE	228.28
115289	905.96	0.00	1059 Kristin D McNulty	1,576.40
115290	1,093.72	0.00	1010 WENDY J. RAWSKI	1,595.60
115291	766.87	0.00	1026 David R Ross-Lyons	1,098.80
115292	1,669.24	0.00	1041 Michael J. Sullivan	2,327.60
115293	268.04	0.00	6084 Robert B. Veino	299.33
115294	623.27	0.00	1101 Lauren A Albert	878.00
115295	671.25	0.00	1069 Kim R Tackett	984.73
115296	96.97	0.00	1284 Josie H Ouellette	105.00
115297	709.08	0.00	5078 Casey R Cyr	1,129.63
115298	891.72	0.00	5053 BRIAN P. DELANEY	1,528.05
115299	988.67	0.00	5076 William A. Dries	1,469.42
115300	870.28	0.00	5077 Robert Govoni	1,312.31
115301	868.70	0.00	5019 Ronald H Lund	1,509.60
115302	1,017.32	0.00	5074 Ryan D. Mazur	1,768.45
115303	1,140.06	0.00	5068 ELLIOTT L. MOYA	2,198.00
115304	1,159.50	0.00	5084 Timothy C. Niehoff	1,962.08
115305	582.91	0.00	5071 JUDITH F. SMITH	903.20
115306	376.02	0.00	1263 Thomas J. Phillips, III	465.12
115307	628.25	0.00	3104 Douglas M Blaisdell	1,038.81
115308	874.84	0.00	3111 Craig Brown	1,400.00
115309	712.93	0.00	3111 Craig Brown	941.34
115310	670.71	0.00	3116 Austin D Mahoney	998.00
115311	885.38	0.00	3028 JAMES G. ROY	1,393.20
115312	288.59	0.00	3008 DONALD E. SYLVESTER	312.49
115313	1,005.24	0.00	3030 Jordan E Tweedie	1,361.36
115314	305.87	0.00	3102 RONALD PEARSON	391.02
115315	281.57	0.00	3083 RALPH E. PLACE	358.42
115316	359.68	0.00	3059 Robert H. Whittaker	437.06
115317	263.39	0.00	3110 Nicholas P Willis	332.37
115318	703.28	0.00	1310 Lindsay M. Jardine	989.23
115319	821.56	0.00	1060 HEATHER MUZEROLL-ROY	1,374.40
115320	576.14	0.00	1052 AMANDA D. PARADIS-SAUCIER	983.96
115321	319.88	0.00	1092 Gabriella L Wiggin	367.05
115322	20.03	0.00	1297 Nancy Young	21.68
115323	0.00	27,580.40	D / D 9 KENNEBUNK SAVINGS BANK	
15287	0.00	54.19	T & A 9 Mission Square	
15288	0.00	54.19	T & A 10 Mission Square	
15289	0.00	2,110.07	T & A 4 Treasurer of State	
115324	0.00	10,758.11	T & A 1 Kennebunk Savings Bank	
115325	0.00	170.00	T & A 7 Maine State Retirement Service	

ELIOT
3:01 PM

Payroll Warrant
Pay Date: 04/06/2023
**** REPRINT ****

04/06/2023
Page 2

WARRANT: 93

Check	D / D	Check	Employee	Gross Pay
Total	27,580.40	42,112.97		43,964.65

Put into A/P	18,415.73
Taken out of A/P	(13,146.56)
Total Payroll	47,382.14

<u>Count</u>	
Checks	48

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Kristin McNulty TO PAY THE INVOICES ON THIS WARRANT.

LAUREN DOW

ROBERT MCPHERSON

RICHARD DONHAUSER

Stanley Shapleigh

WILLIAM WIDI

A / P Warrant

Warrant 90

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
01445 Allegiant Care						
0898	30958	03	May Premium	May 2023		
Public Works			E 20-01-03-10		5,473.92	0.00
			Emp. Benefits / Health Ins.			
Clerks			E 01-02-03-10		3,837.92	0.00
			Emp. Benefits / Health Ins.			
Land Use			E 01-03-03-10		2,946.92	0.00
			Emp. Benefits / Health Ins.			
Employee Contributions			G 01-2230-00		2,600.24	0.00
			Health Ins.			
			Invoice Total-		14,859.00	
0898	30958	03	Premium Credits	May 2023		
Credit Memo			G 01-9999-00		-5,152.00	0.00
			Clearing A/C			
			Invoice Total-		-5,152.00	
			Vendor Total-		9,707.00	
02854 Amazon Capital Services						
0898	30959	03	Floor Cleaner	1Q17-HDDD-99Q3		
Floor Cleaner			E 01-01-20-40		6.98	0.00
			Supplies / Dept./Office			
			Invoice Total-		6.98	
0898	30959	03	Envelopes	16HV-DVT7-CHX9		
Envelopes			E 01-01-20-40		6.95	0.00
			Supplies / Dept./Office			
			Invoice Total-		6.95	
			Vendor Total-		13.93	
00035 AMERICAN SECURITY ALARM, INC.						
0898	30960	03	Alarm System	153044		
Alarm System			E 20-25-24-20		195.00	0.00
			tation - Rep. & Maint / Building			
			Vendor Total-		195.00	
01900 Batteries Plus Bulbs # 827						
0898	30961	03	Vehicle Battery	P60732143		
Vehicle Battery			E 20-01-24-15		144.27	0.00
			Rep. & Maint / Vehicle			
			Vendor Total-		144.27	
00109 CENTRAL MAINE POWER						
0898	30962	03	GA Electricity Assistance	SC1623		
GA Electricity Assistance			E 50-01-15-02		60.00	0.00
			Utilities / Electricity			
			Vendor Total-		60.00	
00121 Cintas Corporation #758						
0898	30963	03	3/17 DPW Uniforms	4149767513		
3/17 DPW Uniforms			E 20-01-03-15		153.31	0.00
			Emp. Benefits / Uniforms			
			Vendor Total-		153.31	
00191 ELECTRIC LIGHT COMPANY, INC.						
0898	30964	03	Loop Sensor Repairs	5561		

A / P Warrant

Warrant 90

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
Loop Sensor Repairs	E 10-35-10-06		Contract Svc / contract fee		3,100.00	0.00
Vendor Total-					3,100.00	
02972 Gatehouse Media Massachusetts I, Inc.						
0898	30965	03	Public Hearing Notice	5371052		
Public Hearing Notice	E 05-05-50-45		Town Comm. / Plan. Bd.		137.72	0.00
Vendor Total-					137.72	
00376 MAINE DEPARTMENT OF LABOR						
0898	30966	03	Feb 2023 Unemployment	Feb 2023		
Feb 2023 Unemployment	E 30-10-01-01		Salaries / Regular		366.60	0.00
Vendor Total-					366.60	
00587 MAINE MUNICIPAL ASSOCIATION						
0898	30967	03	Workers Comp 3rd Pmnt	46103		
Workers Comp 3rd Pmnt	E 01-01-30-15		Insurance / Work Comp		17,910.90	0.00
Vendor Total-					17,910.90	
02509 Maine Municipal Bond Bank						
0898	30968	03	Bond Interest & Fees	N214655869		
Bond Interest & Fees	E 07-70-65-01		Debt Service / Sewer Bond		6,857.40	0.00
Vendor Total-					6,857.40	
01006 Maine Municipal Employee Health Trust						
0898	30969	03	April Premium	April2023		
Admin	E 01-01-03-10		Emp. Benefits / Health Ins.		3,476.10	0.00
Land Use	E 01-03-03-10		Emp. Benefits / Health Ins.		2,256.42	0.00
Clerks	E 01-02-03-10		Emp. Benefits / Health Ins.		1,143.36	0.00
Public Works	E 20-01-03-10		Emp. Benefits / Health Ins.		64.80	0.00
Police	E 10-05-03-10		Emp. Benefits / Health Ins.		16,882.35	0.00
CSD	E 30-01-03-10		Emp. Benefits / Health Ins.		3,007.08	0.00
Employee Contribution	G 01-2230-00		Health Ins.		5,913.65	0.00
Vendor Total-					32,743.76	
00444 MAINE TOWN & CITY CLERK'S ASSN						
0898	30970	03	DRL Training	1000441878		
DRL Training	E 01-02-03-05		Emp. Benefits / Training		60.00	0.00
Vendor Total-					60.00	
00388 MainePERS						
0898	999999	03	Feb Retirement	Feb 2023		
Admin	E 01-01-03-40		Emp. Benefits / MPERS		2,118.40	0.00

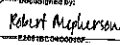
A / P Warrant

Warrant 90

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
Land Use			E 01-03-03-40		2,055.05	0.00
			Emp. Benfits / MPERS			
Police			E 10-05-03-40		8,436.47	0.00
			Emp. Benfits / MPERS			
Public Works			E 20-01-03-40		2,424.22	0.00
			Emp. Benfits / MPERS			
CSD			E 30-01-03-40		1,452.96	0.00
			Emp. Benfits / MPERS			
Employee Contribution			G 01-2215-00		11,620.58	0.00
			MSRS/Employe			
Vendor Total-					28,107.68	
02486 Regatta Banquet & Conference Center						
0898	30971	03	Comp Plan Meeting	03-20-2023		
			E 02-03-99-01		1,012.00	0.00
			Misc. / Misc.			
Vendor Total-					1,012.00	
00661 Staples Properties LLC						
0898	30972	03	GA Rental Assistance	HL 1523		
			E 50-01-99-57		1,900.00	0.00
			Misc. / G/A Emer rnt			
Vendor Total-					1,900.00	
00002 Stellar Networks						
0898	30973	03	Security Equipment	75467		
			E 01-01-24-30		2,525.00	0.00
			Rep. & Maint / Computer			
Vendor Total-					2,525.00	
Prepaid Total-					28,107.68	
Current Total-					76,886.89	
EFT Total-					0.00	
Warrant Total-					104,994.57	

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
 Kristin McNulty TO PAY THE INVOICES ON THIS WARRANT.

 LAUREN DOW

DocuSigned by:

 ROBERT MCPHERSON

 RICHARD DONHAUSER

 Stanley Shapleigh

 WILLIAM WIDI

A / P Warrant

Warrant 92

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
02816 207 Tavern						
0930	30974	03	DPW Storm Dinner	03.14.2023		
DPW Storm Dinner			E 20-01-03-05		95.72	0.00
			Emp. Benefits / Training			
			Vendor Total-		95.72	
01040 ALLEN UNIFORM, INC.						
0930	30975	03	FD Uniforms	8069		
FD Uniforms			E 10-01-20-55		79.99	0.00
			Supplies / Fire Dept.			
			Invoice Total-		79.99	
0930	30975	03	FD Uniforms	8068		
FD Uniforms			E 10-01-20-55		381.49	0.00
			Supplies / Fire Dept.			
			Invoice Total-		381.49	
			Vendor Total-		461.48	
02854 Amazon Capital Services						
0930	30976	03	SCBO	17WT-44CN-JYNQ		
SCBO			E 10-01-11-16		59.80	0.00
			Contract FD / SCBA Maint			
			Invoice Total-		59.80	
0930	30976	03	Monitor	1Y4Y-VDNR-NG7W		
Monitor			E 10-01-24-30		160.78	0.00
			Rep. & Maint / Computer			
			Invoice Total-		160.78	
0930	30976	03	Utility Lights	14RL-VWMP-1VVV		
Utility Lights			E 10-01-24-15		23.97	0.00
			Rep. & Maint / Vehicle			
			Invoice Total-		23.97	
0930	30976	03	File Folders	16LR-M399-GFVF		
File Folders			E 10-05-20-40		27.99	0.00
			Supplies / Dept./Office			
			Invoice Total-		27.99	
0930	30976	03	A/P Envelopes	1FWY-PL1P-1QQ7		
A/P Envelopes			E 01-01-20-40		49.99	0.00
			Supplies / Dept./Office			
			Invoice Total-		49.99	
			Vendor Total-		322.53	
00035 AMERICAN SECURITY ALARM, INC.						
0930	30977	03	Elevator Service	152912		
Elevator Service			E 10-05-24-20		85.00	0.00
			Rep. & Maint / Building			
			Vendor Total-		85.00	
00072 BERNSTEIN, SHUR, SAWYER & NELSON						
0930	30978	03	Staples Fence	4037648		
Staples Fence			E 01-01-10-02		8,963.87	0.00
			Contract Svc / Legal Serv.			
			Invoice Total-		8,963.87	
0930	30978	03	V6B	4037647		

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Warrant 92

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
V6B			E 01-01-10-02		812.00	0.00
			Contract Svc / Legal Serv.			
			Invoice Total-		812.00	
0930	30978	03	Tax Title	4037649		
Tax Title			E 01-01-10-02		58.00	0.00
			Contract Svc / Legal Serv.			
			Invoice Total-		58.00	
			Vendor Total-		9,833.87	
00109 CENTRAL MAINE POWER						
0930	30979	03	River Rd 2/2-3/2	724001486370		
River Rd 2/2-3/2			E 20-10-15-02		20.16	0.00
			Utilities / Electricity			
			Invoice Total-		20.16	
0930	30979	03	11 Dixon Rd 2/2-3/2	707001692131		
11 Dixon Rd 2/2-3/2			E 70-15-15-02		20.16	0.00
			Utilities / Electricity			
			Invoice Total-		20.16	
0930	30979	03	Greenacres Rd 2/3-3/2	703001721000		
Greenacres Rd 2/3-3/2			E 20-10-15-02		20.16	0.00
			Utilities / Electricity			
			Invoice Total-		20.16	
0930	30979	03	Old Rd 2/2-3/2	701001863314		
Old Rd 2/2-3/2			E 20-10-15-02		20.16	0.00
			Utilities / Electricity			
			Invoice Total-		20.16	
			Vendor Total-		80.64	
00121 Cintas Corporation #758						
0930	30980	03	3/24 DPW Uniforms	4150461843		
3/24 DPW Uniforms			E 20-01-03-15		153.31	0.00
			Emp. Benefits / Uniforms			
			Vendor Total-		153.31	
01513 Consolidated Communications						
0930	30981	03	Phone/Internet 3/18-4/17	3/18-4/17 DPW		
Phone/Internet 3/18-4/17			E 20-01-15-03		276.11	0.00
			Utilities / Communicat.			
			Invoice Total-		276.11	
0930	30981	03	Phone/Internet 3/18-4/17	3/18-4/17 TH		
Phone/Internet 3/18-4/17			E 01-01-15-03		605.86	0.00
			Utilities / Communicat.			
			Invoice Total-		605.86	
0930	30981	03	Phone/Internet 3/18-4/17	3/18-4/17 FD		
Phone/Internet 3/18-4/17			E 10-01-15-03		382.31	0.00
			Utilities / Communicat.			
			Invoice Total-		382.31	
0930	30981	03	Phone/Internet 3/18-4/17	3/18-4/17 PD		
Phone/Internet 3/18-4/17			E 10-05-15-03		467.46	0.00
			Utilities / Communicat.			
			Invoice Total-		467.46	
			Vendor Total-		1,731.74	

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
0930	30982	03	Town Hall Generator	V6-85609		
Town Hall Generator	E 01-01-24-20				371.19	0.00
	Rep. & Maint / Building					
Vendor Total-					371.19	
00247 GRANITE STATE MINERALS INC.						
0930	30983	03	Salt	INV082342		
Salt	E 20-05-22-25				39,605.28	0.00
	P/W Supplies / Salt & Sand					
Vendor Total-					39,605.28	
00287 INDUSTRIAL PROTECTION SERVICES, LLC						
0930	30984	03	Meter Repair	186468-00		
Meter Repair	E 10-01-24-40				48.67	0.00
	Rep. & Maint / Radio					
Vendor Total-					48.67	
00816 IRVING OIL MARKETING, INC.						
0930	30985	03	FD Fuel	34919939		
FD Fuel	E 10-01-20-15				364.53	0.00
	Supplies / Gasoline					
Vendor Total-					364.53	
02982 Kittery Ace Hardware						
0930	30986	03	Misc. Hardware Items	3016-1		
Misc. Hardware Items	E 20-01-24-05				11.94	0.00
	Rep. & Maint / Sup. & Mat.					
Vendor Total-					11.94	
00340 KITTERY WATER DISTRICT						
0930	30987	03	3527 Qtrly Water	12/5-3/3		
3527 Qtrly Water	E 10-05-24-20				36.65	0.00
	Rep. & Maint / Building					
Invoice Total-					36.65	
0930	30987	03	3528 Qtrly Water	12/5-3/3		
3528 Qtrly Water	E 10-01-15-04				36.65	0.00
	Utilities / Water					
Invoice Total-					36.65	
Vendor Total-					73.30	
00343 L.W. MORGRIDGE & SON, INC.						
0930	30988	03	Pump Station Cleaning	153183		
Pump Station Cleaning	E 70-15-24-10				934.49	0.00
	Rep. & Maint / Equipment					
Vendor Total-					934.49	
00000 Lauren Albert						
0930	30989	03	Reimburse Mileage/Tolls	03.28.2023		
Reimburse Mileage/Tolls	E 01-02-03-05				181.18	0.00
	Emp. Benfits / Training					
Vendor Total-					181.18	
02475 Leaf						
0930	30990	03	PD Copier Lease	14489552		

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Warrant 92

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
PD Copier Lease	E 10-05-10-14		Contract Svc / Contra/Maint		220.64	0.00
Vendor Total-					220.64	
01794 MAINE ASSOCIATION OF POLICE						
0930	30991	03	Feb Union dues	6707		
Feb Union dues	G 01-2235-00		Union Dues		240.00	0.00
Vendor Total-					240.00	
00492 OTIS ELEVATOR COMPANY						
0930	30992	03	Elevator Service	NKA15618001		
Elevator Service	E 10-05-24-20		Rep. & Maint / Building		1,325.00	0.00
Vendor Total-					1,325.00	
01244 P. GAGNON & SON, INC.						
0930	30993	03	PD Oil	73333		
PD Oil	E 10-05-15-01		Utilities / Heating		668.13	0.00
Invoice Total-					668.13	
0930	30993	03	FD Heating Oil	73325		
FD Heating Oil	E 10-01-15-01		Utilities / Heating		850.95	0.00
Invoice Total-					850.95	
Vendor Total-					1,519.08	
03000 Stantec Consulting Services, Inc.						
0930	30994	03	Consulting	2059319		
Consulting	E 86-01-99-01		Misc. / Misc.		7,337.54	0.00
Vendor Total-					7,337.54	
00002 Stellar Networks						
0930	30995	03	Jan Tech Services	75374		
Jan Tech Services	E 10-05-10-14		Contract Svc / Contra/Maint		616.11	0.00
Vendor Total-					616.11	
01972 THE WEEKLY SENTINEL						
0930	30996	03	Public Hearing Notice	70272		
Public Hearing Notice	E 05-05-50-45		Town Comm. / Plan. Bd.		208.00	0.00
Vendor Total-					208.00	
00725 TREASURER OF STATE						
0930	30997	03	BMV 3/9-3/23	3/9-3/23		
BMV 3/9-3/23	G 01-2040-00		G/L DMV Regs		72,579.46	0.00
Vendor Total-					72,579.46	
00733 TREASURER OF STATE						
0930	30998	03	Training - PD	230307CJA9		
Training - PD	E 10-05-03-05		Emp. Benefits / Training		25.00	0.00

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account		Proj			
Vendor Total-					25.00	
02970 TriState Flag Inc.						
0930	30999	03	Vet Flags	110769		
Vet Flags			E 01-01-99-10		1,160.00	0.00
			Misc. / Awards & Cer			
Vendor Total-					1,160.00	
00906 W.B. MASON COMPANY, INC.						
0930	31000	03	Garbage Bags	236910665		
Garbage Bags			E 10-05-24-20		35.83	0.00
			Rep. & Maint / Building			
Invoice Total-					35.83	
0930	31000	03	Water	236793335		
Water			E 10-05-20-41		71.82	0.00
			Supplies / Water(Drink)			
Invoice Total-					71.82	
Vendor Total-					107.65	
02029 WEX Bank						
0930	31001	03	FD Fuel	87709938		
FD Fuel			E 10-01-20-15		197.10	0.00
			Supplies / Gasoline			
Vendor Total-					197.10	
00000 William Dries						
0930	31002	03	Reimburse Fuel	03.23.2023		
Reimburse Fuel			E 10-05-20-15		15.00	0.00
			Supplies / Gasoline			
Invoice Total-					15.00	
0930	31002	03	Reimb. Lodging for Traing	Harbor Master		
Reimb. Lodging for Traing			E 10-05-03-05		192.80	0.00
			Emp. Benefits / Training			
Invoice Total-					192.80	
Vendor Total-					207.80	
00796 YORK COUNTY COMMUNITY ACTION						
0930	31003	03	Community Liason	Sept-Nov		
Community Liason			E 86-01-99-01		6,875.00	0.00
			Misc. / Misc.			
Vendor Total-					6,875.00	

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account		Proj			
			Prepaid Total-		0.00	
			Current Total-		146,973.25	
			EFT Total-		0.00	
			Warrant Total-		146,973.25	

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Kristin McNulty TO PAY THE INVOICES ON THIS WARRANT.

Designated by:
Lauren Dow
LAUREN DOW

Designated by:
Robert McPherson
ROBERT MCPHERSON

Designated by:
Richard Donhauser
RICHARD DONHAUSER

Stanley Shapleigh

WILLIAM WIDI

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
02854 Amazon Capital Services						
0957	31004	04	Tax Forms	1MX4-91YX-3TKC		
Tax Forms			E 01-01-20-40		13.49	0.00
			Supplies / Dept./Office			
Invoice Total-					13.49	
0957	31004	04	TownHall Bldng Supplies	1Y7P-VLRR-NPTX		
TownHall Bldng Supplies			E 01-01-20-40		156.96	0.00
			Supplies / Dept./Office			
Invoice Total-					156.96	
0957	31004	04	Easter Brkfst Supplies	1HX3-FD39-13GN		
Easter Brkfst Supplies			E 30-20-20-40		105.92	0.00
			Supplies / Dept./Office			
Invoice Total-					105.92	
0957	31004	04	Yth Indoor Soccer Supply	1LTD-M3DV-DNPD		
Yth Indoor Soccer Supply			E 30-09-03-05		121.52	0.00
			Emp. Benfits / Training			
Invoice Total-					121.52	
0957	31004	04	Easter Brkfst Supplies	1P39-PXRG-K7C6		
Easter Brkfst Supplies			E 30-20-20-40		44.95	0.00
			Supplies / Dept./Office			
Invoice Total-					44.95	
0957	31004	04	Easter Brkfst Supplies	1P39-PXRG-WJ97		
Easter Brkfst Supplies			E 30-20-20-40		36.98	0.00
			Supplies / Dept./Office			
Invoice Total-					36.98	
Vendor Total-					479.82	
00109 CENTRAL MAINE POWER						
0957	31005	04	Street Lights 3/2-3/29	706001721961		
Street Lights 3/2-3/29			E 10-35-10-06		307.53	0.00
			Contract Svc / contract fee			
Vendor Total-					307.53	
00121 Cintas Corporation #758						
0957	31006	04	DPW Uniforms 3/31	4151168906		
DPW Uniforms 3/31			E 20-01-03-15		290.48	0.00
			Emp. Benfits / Uniforms			
Vendor Total-					290.48	
01337 CNC ELECTRIC						
0957	31007	04	Wall pack light install	3262		
Wall pack light install			E 20-25-24-50		350.00	0.00
			tation - Rep. & Maint / Bldg. Supp			
Invoice Total-					350.00	
0957	31007	04	Timer for Heater Block	3258		
Timer for Heater Block			E 20-25-24-50		700.00	0.00
			tation - Rep. & Maint / Bldg. Supp			
Invoice Total-					700.00	
Vendor Total-					1,050.00	
02710 Colleen Carson						
0957	31008	04	March Youth Programming	March 2023		

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
March Youth Programming	E 30-08-55-02		Prog. Exp. / Contracted		1,195.00	0.00
				Vendor Total-	1,195.00	
00131 COMCAST						
0957	31009	04	Cable/Internet 3/20-4/19	DPW 3/24-4/19		
Cable/Internet 3/20-4/19	E 20-01-15-03		Utilities / Communicat.		146.71	0.00
				Vendor Total-	146.71	
03008 Dan Mahoney Presents						
0957	31010	04	Video for Citizens Option	2301		
Video for Citizens Option	E 01-01-05-24		Service Fees / Video Stream		750.00	0.00
				Vendor Total-	750.00	
00191 ELECTRIC LIGHT COMPANY, INC.						
0957	31011	04	Traffic Signal Repair 3/3	5751		
Traffic Signal Repair 3/3	E 10-35-10-06		Contract Svc / contract fee		480.00	0.00
				Vendor Total-	480.00	
02940 Fisher Auto Parts						
0957	31012	04	Brake Parts	460-249610		
Brake Parts	E 20-01-24-05		Rep. & Maint / Sup. & Mat.		343.47	0.00
				Vendor Total-	343.47	
00265 HAYDEE'S PEST-FREE MANAGEMENT, INC.						
0957	31013	04	Pest Control	166138		
Pest Control	E 20-25-24-20		tation - Rep. & Maint / Building		70.00	0.00
				Vendor Total-	70.00	
02015 HEATWAVE OIL, LLC						
0957	31014	04	Heating Oil	763906		
Heating Oil	E 20-25-15-01		tation - Utilities / Heating		438.24	0.00
				Invoice Total-	438.24	
0957	31014	04	#2 Fuel	763804		
#2 Fuel	E 20-01-15-01		Utilities / Heating		597.45	0.00
				Invoice Total-	597.45	
0957	31014	04	Diesel	763803		
Diesel	E 20-01-20-10		Supplies / Diesel Fuel		2,703.70	0.00
				Invoice Total-	2,703.70	
0957	31014	04	Diesel Fuel	763549		
Diesel Fuel	E 20-01-20-10		Supplies / Diesel Fuel		2,429.70	0.00
				Invoice Total-	2,429.70	
				Vendor Total-	6,169.09	
02302 Holloway Automotive Group						
0957	31015	04	2013 GMC Repairs	6130384/2		

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
2013 GMC Repairs			E 20-01-24-15		1,388.47	0.00
	Rep. & Maint / Vehicle					
			Invoice Total-		1,388.47	
0957	31015	04	2016 GMC Repairs	6130528/2		
2016 GMC Repairs			E 20-01-24-15		426.04	0.00
	Rep. & Maint / Vehicle					
			Invoice Total-		426.04	
			Vendor Total-		1,814.51	
02209 Hussey Excavation, Inc.						
0957	31016	04	Mix delivery	3873		
Mix delivery			E 20-05-22-30		366.00	0.00
	P/W Supplies / Winter Sand					
			Vendor Total-		366.00	
01928 HUSSEY SEPTIC, INC.						
0957	31017	04	Porta Potty Rentals	P6883		
Porta Potty Rentals			E 20-10-05-09		310.00	0.00
	Service Fees / Toilets					
			Vendor Total-		310.00	
02957 Jordan Tweedie						
0957	31018	04	March Mileage Reimburse	March 2023		
March Mileage Reimburse			E 20-01-03-06		63.22	0.00
	Emp. Benfits / Mileage					
			Vendor Total-		63.22	
00330 KENNEBEC EQUIPMENT RENTAL						
0957	31019	04	Dolly Rental	364316-5		
Dolly Rental			E 01-01-24-20		10.00	0.00
	Rep. & Maint / Building					
			Vendor Total-		10.00	
02982 Kittery Ace Hardware						
0957	31020	04	conduit/PVC	3239/1		
conduit/PVC			E 20-01-24-05		20.47	0.00
	Rep. & Maint / Sup. & Mat.					
			Invoice Total-		20.47	
0957	31020	04	Misc. Screws	2702/1		
Misc. Screws			E 20-01-24-05		32.05	0.00
	Rep. & Maint / Sup. & Mat.					
			Invoice Total-		32.05	
0957	31020	04	Draino	2563/1		
Draino			E 20-01-20-40		10.79	0.00
	Supplies / Dept./Office					
			Invoice Total-		10.79	
0957	31020	04	Battery	2810/1		
Battery			E 20-01-24-05		20.69	0.00
	Rep. & Maint / Sup. & Mat.					
			Invoice Total-		20.69	
			Vendor Total-		84.00	
00340 KITTERY WATER DISTRICT						
0957	31021	04	March Sewer Readings	04.03.2023		

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
March Sewer Readings	E 70-01-05-70				1,131.00	0.00
Service Fees / Sw/Meter						
Vendor Total-					1,131.00	
00000 Kristin McNulty						
0957	31022	04	March Mileage	March 2023		
March Mileage	E 01-01-03-06				12.77	0.00
March Mileage	Emp. Benefits / Mileage					
March Mileage	E 01-01-03-05				154.14	0.00
Emp. Benefits / Training						
Vendor Total-					166.91	
02884 Nedra Sahr						
0957	31023	04	Constant Contact Subscrip	03.28.2023		
Constant Contact Subscrip	E 05-05-50-06				109.14	0.00
Town Comm. / Aging						
Vendor Total-					109.14	
02975 New England Vehicle Outfitters, LLC						
0957	31024	04	Truck Radio Repairs	1286		
Truck Radio Repairs	E 20-01-24-15				392.50	0.00
Rep. & Maint / Vehicle						
Vendor Total-					392.50	
02025 Organic Solutions, LLC						
0957	31025	04	March Recycling	14176		
March Recycling	E 20-25-06-55				445.50	0.00
tation - P/W Service / Spec. Waste						
Vendor Total-					445.50	
02774 Quadient Finance USA, Inc						
0957	31026	04	Postage Meter Refill	03.30.2023		
Postage Meter Refill	E 01-01-20-05				2,063.24	0.00
Supplies / Postage						
Vendor Total-					2,063.24	
00617 SANEL NAPA						
0957	31027	04	Parts - Oil Seal	377082		
Parts - Oil Seal	E 20-01-24-05				138.00	0.00
Rep. & Maint / Sup. & Mat.						
Invoice Total-					138.00	
0957	31027	04	Misc. Vehicle parts	375413		
Misc. Vehicle parts	E 20-01-24-05				115.57	0.00
Rep. & Maint / Sup. & Mat.						
Invoice Total-					115.57	
0957	31027	04	Rocker Switch	375000		
Rocker Switch	E 20-01-24-05				5.69	0.00
Rep. & Maint / Sup. & Mat.						
Invoice Total-					5.69	
Vendor Total-					259.26	
00626 SEACOAST BUSINESS MACHINES						
0957	31028	04	CSD Copier Contract	INV797818		
CSD Copier Contract	E 30-01-10-30				103.08	0.00
Contract Svc / Equip Lease						

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
Vendor Total-					103.08	
01719 SEACOAST FIRST AID & SAFETY, INC.						
0957	31029	04	First Aid Supplies	29379		
First Aid Supplies	E 20-25-24-50				70.85	0.00
			tation - Rep. & Maint / Bldg. Supp			
Vendor Total-					70.85	
02717 Shredding on Site						
0957	31030	04	Shredding	103922		
Shredding	E 01-01-05-75				57.50	0.00
			Service Fees / Bank Fees			
Invoice Total-					57.50	
0957	31030	04	Shredding	92032		
Shredding	E 20-25-06-55				57.50	0.00
			tation - P/W Service / Spec. Waste			
Invoice Total-					57.50	
0957	31030	04	Shredding	98290		
Shredding	E 20-25-06-55				57.50	0.00
			tation - P/W Service / Spec. Waste			
Invoice Total-					57.50	
0957	31030	04	Shredding	103306		
Shredding	E 20-25-06-55				57.50	0.00
			tation - P/W Service / Spec. Waste			
Invoice Total-					57.50	
Vendor Total-					230.00	
01418 SPRINT						
0957	31031	04	Cell Phones 2/9-3/8	557872025-250		
Cell Phones 2/9-3/8	E 30-01-03-12				218.68	0.00
			Emp. Benfits / Cell Phones			
Vendor Total-					218.68	
00002 Stellar Networks						
0957	31032	04	March Tech Services	75588		
March Tech Services	E 30-01-24-30				219.87	0.00
			Rep. & Maint / Computer			
Vendor Total-					219.87	
00679 TEAMSTERS LOCAL UNION #340						
0957	31033	04	PW/TS April Dues	April 2023		
PW/TS April Dues	G 01-2237-00				522.00	0.00
			Union Dues-P			
Vendor Total-					522.00	
01853 Town Hall Streams, LLC						
0957	31034	04	Monthly Streams	14730		
Monthly Streams	E 01-01-05-24				250.00	0.00
			Service Fees / Video Stream			
Vendor Total-					250.00	
01753 TOWN OF KITTEERY						
0957	31035	04	Corrected Q2 Sewer Bill	Q2		
Corrected Q2 Sewer Bill	E 70-01-05-60				342.11	0.00
			Service Fees / Sw/Kittery			

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
Vendor Total-					342.11	
00725 TREASURER OF STATE						
0957	31036	04	BMV 3/23-3/30	3/23-3/30		
BMV 3/23-3/30			G 01-2040-00		32,175.65	0.00
			G/L DMV Regs			
Vendor Total-					32,175.65	
00827 TREASURER OF STATE						
0957	31037	04	March Concealed Permits	March 2023		
March Concealed Permits			G 01-2050-00		30.00	0.00
			G/L Weapons			
Vendor Total-					30.00	
00899 TREASURER OF STATE						
0957	31038	04	IFW March	March 2023		
IFW March			G 01-2030-00		5,934.50	0.00
			G/L Snow/Atv			
Vendor Total-					5,934.50	
00824 TREASURER, STATE MAINE						
0957	31039	04	March Dog Licenses	March 2023		
March Dog Licenses			G 01-2010-00		135.00	0.00
			G/L Hd.Dog			
Vendor Total-					135.00	
01667 Treasurer, State of Maine						
0957	31040	04	March Vital Records	March 2023		
March Vital Records			G 01-2090-00		95.20	0.00
			G/L Vitals			
Vendor Total-					95.20	
00764 VERIZON/WIRELESS						
0957	31041	04	DPW iPads	9930487390		
DPW iPads			E 20-01-15-03		40.01	0.00
			Utilities / Communicat.			
Vendor Total-					40.01	
01684 VIKING-CIVES OF MAINE						
0957	31042	04	Cylinder Seal Kit	4523782		
Cylinder Seal Kit			E 20-01-24-10		79.26	0.00
			Rep. & Maint / Equipment			
Vendor Total-					79.26	
00906 W.B. MASON COMPANY, INC.						
0957	31043	04	Paper, Water	237278307		
Paper, Water			E 01-01-20-40		63.38	0.00
			Supplies / Dept./Office			
Invoice Total-					63.38	
0957	31043	04	Water Deposit Refund	CM1708430		
Credit Memo			G 01-9999-00		-18.00	0.00
			Clearing A/C			
Invoice Total-					-18.00	
Vendor Total-					45.38	

A / P Warrant

Warrant 94

Jrnl	Check	Month	Invoice Description	Reference	Encumbrance
Description	Account		Proj	Amount	
			Prepaid Total-	0.00	
			Current Total-	58,988.97	
			EFT Total-	0.00	
			Warrant Total-	58,988.97	

WE THE SELECTMEN OF THE TOWN OF ELIOT AUTHORIZE THE TOWN TREASURER
Kristin McNulty TO PAY THE INVOICES ON THIS WARRANT.

LAUREN DOW

ROBERT MCPHERSON

RICHARD DONHAUSER

Stanley Shapleigh

WILLIAM WIDI