

**Eliot Select Board Meeting and Public Hearing  
Thursday, April 9, 2020 at 5:30 pm  
At the Eliot Municipal Offices  
This meeting will be held "virtually"**

**\*\* Activate Video Streaming and Microphones \*\***

**AGENDA**

- A. Call to Order:**
- B. Roll Call:**
- C. Pledge of Allegiance:**
- D. Moment of Silence:**
- E. Public Comment / Requests:**
- F. Approval of Minutes of Previous Meeting(s): Special Select Board Meeting of March 11, 2020; Select Board Meeting Minutes of March 12, 2020**
- G. Department Head/Committee Reports:**
  - 1) TIF Committee: Engineering Price Proposals – Award Contract**
  - 2) Stormwater Bid: Tidy Road**
- H. Administrative Department/Department Head Reports:**
  - 1) Town Manager Report(s)**
    - a. MSAD #35 Budget Summary**
  - 2) Request for Enterprise Budgeting: Pay-To-Throw Bags**
  - 3) Create Ad Hoc Building Committee (2nd Reading)**
  - 4) Employee Recognition Program (1<sup>st</sup> Reading)**
  - 5) Certify Public Safety Impact Fee Ordinance**
  - 6) Certify Corrected "Amendments to Chapter 1, Section 1-2" (Land Use)**
  - 7) Approve Town Meeting Warrant and Sign Public Hearing Notice for 5/7/20 on Warrant Articles**
  - 8) Approve Warrants:**
    - a. A/P Warrant # 109   \$ 74,977.33**
    - b. A/P Warrant # 111   \$ 942,215.58**
    - c. A/P Warrant # 113   \$ 71,458.88**
    - d. A/P Warrant # 115   \$ 56,024.16**
    - e. A/P Warrant # 117   \$ 8,161.48**
- I. New Business:**
- J. Old Business:**
- K. Selectmen's Reports:**
  - 1) Seeking Committee Members: New Building Committee**
- L. Executive Session: MRSA Title 1, Sec 405 (A) Personnel Issue – Town Manager's Contract**
- M. Adjourn:**

### Select Board Budget Meeting

**Wed., March 11, 2020 at 5:30 PM**

## At Eliot Town Hall

## MINUTES

Present: Richard Donhauser, Phil Lytle, Bobby McPherson, Alex Orestis, Jordan Miles and Dana Lee

1. **Call to Order / Quorum:** Vice Chair Alex noted to the TV audience that we were going to delay the start of the meeting; the Chairman was on his way. Richard called the meeting to order at 5:45 pm, and declared all present.
2. **Review Budget Calendar:** The group opted not to address this item.
3. **Budget-by Budget: Make Recommendations:** The Chair explained that the recommendations could be done by consent agenda and that everyone had an opportunity to remove a budget item for further deliberation, before voting on a consent agenda. Richard made a motion to approve the recommended budget amounts as presented; this was seconded by Bobby.

Dana then proceeded to read each of the 20 articles and the recommended budget amounts.

Under Article 4, Revenues, Alex questioned why the BC recommendation was different. Jordan and Dana said that they were not yet provided the specifics of the changes, but assume that some of it is the HHW amount of \$4,100. The group discussed and remained committed to having the Town pay the full cost of HHW, so they stayed with the recommended amount on Revenues.

Under Article 5, Administration, Alex questioned why the BC recommendation was different. Jordan and Dana again stated that they were not yet provided the specifics of the changes, but assume that some of it is the removal of the Town Manager's proposed 2.5% salary increase. The group discussed and remained committed to leaving that amount in the budget.

Phil asked if the full-time Planner was in the budget. Dana said yes and explained that the increased cost was covered by new, anticipated cannabis revenues.

38 Alex asked if the 2.5% increase applied to the SB. Jordan confirmed. Alex  
39 suggested that be amended out of the budget. Jordan calculated the impact to be \$161.  
40 With a new Administration total of \$1,281,703. Dana explained that the revised number  
41 would become a part of the consent agenda.  
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43 As Richard listed off the other article (6 through 24), most of the BC  
44 recommendations and Staff recommendations were aligned.  
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46 Under CIP, again it was noted that the BC had made some cuts, but we were  
47 unsure what they were. Discussion ensued about what exactly was proposed for the  
48 Chief's car. Dana and Jordan explained that \$28,000 was budgeted to buy a used car  
49 with low miles for the Chief to use. There was more discussion about getting a new  
50 cruiser and let the Chief drive each new cruiser year one of our ownership. Bobby and  
51 Phil were clear that having our Police Chief drive around in an unsafe, worn out old  
52 cruiser was not acceptable. In the end the group decided to recommend the purchase  
53 of a new cruiser, the chief to use as he wishes, but recommending he use each new  
54 cruiser for year one. They added \$10,500 to Police Vehicle Capital (28,000 + \$10,5000 =  
55 \$38,500). Dana said that this revised amount (\$1,111,810) would now be a part of the  
56 consent agenda.  
57

58 There were no other changes. Jordan calculated the total appropriations to be  
59 \$6,906,504 – still under LD1.  
60

61 Dana conducted roll call on the consent agenda. Richard – yea, Phil – yes, Bobby  
62 – yes, Alex – yes.  
63

- 64 4. Any Final Adjustments (For Vote on 3/12 & C.O. Warrant): There were no final  
65 adjustments.  
66  
67 5. Other Business: There was no other business.  
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69 6. Adjourn: Alex made a motion to adjourn the meeting; this was seconded by Bobby and  
70 was so voted 4 – 0.  
71

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM**

**Quorum noted**

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

**B. Roll Call:** Mr. Lytle, Mr. Donhauser, Mr. Orestis and Mr. McPherson.

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Comment/Requests:**

**5:32 PM Portland Xpress (PXP) Project Update, Tim Wright**

Mr. Wright works with TC Energy and North Portland Natural Gas Transmission System (PNGTS) handed an information packet to the SB and gave an update of the Portland Xpress Project, which includes background information, project timeline, and public outreach. We work with Maritimes & Northeast, who operates the southern portion of the pipeline on our behalf. The Portland Xpress Project is being completed at the Westbrook Compressor Station, at the Eliot Compressor Station and, also, at Dracut in Massachusetts at a meter and regulating station. The project is adding creative capacity, which means we are using our existing footprint to leverage our network, our system, to provide more natural gas to the region. Specifically, in Eliot the work will include inside the fence line at the existing facility and add an additional compressor unit, which will give us the ability to move more gas. We will also add some additional facilities and buildings that will allow operation of the system. Our teams are being mobilized out there to get set up for construction. We have received a permit from the Federal Energy Regulatory Commission (FERC) along with State permitting. Over the next couple of weeks, we do not foresee any road closures on Route 236. Any oversized loads will need to be permitted and then access to the site will be off private roads. The work is scheduled to be completed in November 2020. Right now, the system provides enough energy to heat 573,000 homes.

**5:35 PM** Mr. McPherson asked how this would impact vehicle traffic - what is it now and what will it increase to.

Mr. Wright said that, as construction comes, I think we will see minor impact and we can provide updates on that.

Mr. McPherson clarified that he was asking about any increase in gas delivery trucks

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

Mr. Wright said that he didn't have an answer for that right now but he can get that answer from his team and share that with the SB.

**5:39 PM**

Mr. Lee asked if Mr. Wright knew what the total investment would be with this Phase II project.

Mr. Wright said that the overall investment of the project is about \$100,000,000. I don't have the specifics for the Eliot portion but he can get that for him.

Mr. Lee said that the reason I ask is that you are the base of our TIF District, which we very much appreciate, and someone from your group said that this project would add around \$900,000 of additional taxes into the TIF fund beyond the \$500,000 that is already going in. We are in the middle of doing some engineering for a big sewer/water pipe extension and we want to make sure that monies in that TIF fund will be sufficient to support any bond issuance. It is important for us to know what the anticipated financial benefit will be to our TIF District fund. If you could confirm that, that would be wonderful.

Mr. Wright clarified that the additional compressor will allow for additional gas to come in so there won't be additional pipe. We are compressing the gas more to send it through the same pipe.

**5:41 PM**

Mr. Donhauser said it would seem that, outside the fence, you aren't affecting anyone, with the pipe underground as it exists today, just maintain that existing pipe and increase the compression.

Mr. Wright said yes. He thanked the SB for giving me the opportunity to come in to speak and I will get the information regarding the increase of trucks on the road and increase in revenue for the Eliot property taxes. As this proceeds forward, we will continue to provide updates on the project should anything fluctuate.

**5:43 PM**

Mr. Lee pointed out that when they set up the first compressor station, they actually laid out the entire site with the Planning Board in advance, knowing that a second compressor would be there and any other necessary facilities, which gave them all their local permits for that site and that allowed them to go directly to FERC, DEP, etc.

Mr. Donhauser asked Mr. Wright to outline the partners involved in this.

Mr. Wright said that TC Energy owns and operates the Portland Natural Gas Transmission System. There are facilities from Pittsburg, NH to Westbrook and down to Dracut. This portion of the system is called 'Joint Facilities' so it's between PNGTS and Maritimes & Northeast.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**5:46 PM**

Mr. Donhauser said that his reason for asking was that when our TID District was forming, some were concerned that this company was going to go out of business and, if anything has happened, it's just the opposite, which is really good news for us.

Mr. McPherson asked if Chief Muzeroll was familiar with the compressor station; that I know we get calls for the one we have now.

Mr. Lee said that he is. We get calls about strange smells, and that type of thing, and Chief Muzeroll will run down there. He knows the people down there quite well and has been to some of their training sessions. Everything he has heard from the Chief is that it is a very safe operation.

**5:48 PM**

Mr. (Dan) Riley, attorney with Norman Hanson DeTroy (Portland), said that he lives in Kennebunk and serves as local counsel for TC Energy. To the extent that there are further questions, when Mr. Wright can't come, I'm just right up the road and can come down to answer any questions you may have. Regarding the Xpress trucks, they do operate out of here and we can get you more information from Express Natural Gas about those but it is not my understanding that any of the work being done here is built into their business plan. I expect that their business plan is going to operate as is. They utilize the pipeline up in Downeast Maine, as well, utilizing some of the compressor stations along the pipeline routes to take the gas and bring it to more remote sites that don't have direct access to natural gas distribution lines. Regarding the pipelines, themselves, if you take a look at the handout, some of the maps are a little small and we can get you larger versions to get a better sense of them. Essentially, the Maritimes & Northeast pipeline comes down the eastern part of the State and the PNGTS transmission line comes down the western border. They meet in Westbrook and that combined line comes down through Eliot and on to Dracut. Maritime & Northeast (public company) was built almost 20 years ago and the PNGTS (public company) line has been around for a long time. He added that he doesn't know, definitively, the life expectancy of the line but he will find out and get that information to the SB.

**5:55 PM**

Mr. (Jim) Tessier said that, under Revenue Article #4, the minutes from yesterday's meeting discussed having the Town pay the full cost of Household Hazardous Waste Day (HHW). I chair the Solid Waste & Recycling Committee (SWRC) and the last time I'm aware this was discussed was in May of 2019. If I remember correctly, the Town paid the set-up fee and residents paid a fee based on the products they brought to dispose of. Having the Town pay for everything was discussed at the May meeting but, after some discussion, that was not approved by the SB. In this year's budget, the Budget Committee was trying to comply with that policy by making a recommendation to add \$4,100 into the HHW revenue budget.

**Draft SELECT BOARD MEETING**  
**March 12, 2020 5:30PM (continued)**

**5:59 PM**

Mr. Lee said that I seem to remember Mr. (Noah) Lemire attending a Citizen's Option meeting and was in favor of the Town paying the entirety of the HHW. He believes that went on the ballot, as it was popular, and believes it went through. I don't remember what year but that this has been a source of conflict each year; that he was under the impression that we have been paying the whole thing ever since that Citizen's Option meeting reinstated it. He said that he would be guided by the SB.

Mr. Tessier said that adjusting the ballot does not change policy and the fee schedule is still posted at the Transfer Station website. The Budget Committee, SWRC, and the SB is still in agreement, as far as he knows, with not paying for the whole thing. He added that he just wanted to know what the SB wanted to have done.

**6:03 PM**

Mr. Orestis discussed two available options. One was to change the policy and the other is to change the vote on budget recommendations.

Mr. Lytle said that, when we created this program, the Town paid for everything because a big concern was that people might dump these products instead of bringing them to the Transfer Station. He doesn't know why it was changed but believes the amount of money we spend on this is peanuts compared to what it could be if these kinds of waste are not taken care of right.

Mr. Tessier said that I totally agree that we want to get that stuff out of people's homes but we made a recommendation and it seems to be working pretty well. If we see evidence there is a problem, we can always revisit this.

**6:05 PM**

Mr. Tessier discussed the Police Chief's car under the CIP Budget. I want to make sure that you know we (Budget Committee) totally agree with the SB statements made last night that we do not want the Chief driving around in an unsafe, worn-out, old cruiser. Our thought process is that the Chief currently has 4 Explorers (2 2016's, a 2018, and a 2019) and there is also \$38,000 in the budget to buy a new one in 2020. If he buys another one right now, he will have 3 pretty new ones that can be used for patrols and the other two for anything the Chief wants; that there are 3 Chargers, too. We felt that the cars available would give the Chief a good-quality, relatively new car to drive around. We felt that the \$28,000 to get a used car and retrofitting it was kind of throwing good money after bad. We would rather he get a new Explorer.

Mr. Donhauser said that that's what we did.

Mr. Orestis clarified that a lot of what we said (last night's meeting) was making assumptions based on best guesses. We were just trying to get our points out there.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**6:09 PM**

Mr. Donhauser asked if the SB wanted to revisit the HHW revenue budget line amount. Adding the \$4,100 in would be less taxes to be raised and would improve our LD1 position.

Mr. Lee said that it would be a matter of the SB moving to amend Article #4, the recommendation of the SB, if you want to be consistent with the policy that Mr. Tessier properly pointed out. You would move to increase Article #4 revenues by \$4,100.

Mr. Donhauser said that I think we should move back to that. The Budget Committee has reviewed it and it puts us in a better position. He asked what other Board members felt.

**6:10 PM**

**Mr. Orestis moved, second by Mr. Donhauser, that the Select Board amend the recommendation by the Select Board in Article #4 regarding the amount to be raised to \$4,100 to be consistent with the current policy.**

**DISCUSSION:**

Mr. Lee apologized, not meaning to mislead anybody. I was thinking that's what we were doing and still feel very strongly it's the wrong way to go.

Mr. Orestis said that, with that, we do have the opportunity, again, with the input of different Town committees and based on the recommendation to change that, if that is something we can do.

Mr. Tessier said that the revenue we are recommending is \$3,324,025. The Budget Committee recommendation actually has the net taxes decreased from last year. He added a real big thanks to the efforts by the Public Works Department Head in reducing his budget.

Mr. Donhauser added that he thought we owed thanks to the Budget Committee for the effort they have put into this.

**DISCUSSION ENDED**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**



**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**Unanimous vote to approve motion.**

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

**6:14 PM** Motion by Mr. Orestis, second by Mr. McPherson, to approve the minutes of February 27, 2020, as written.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**G. Department Head/Committee Reports**

**6:15 PM 1) TIF/Sewer Engineering RFQ Update**

Mr. Lee said that we sent out RFQs to engineers. We had five engineering firms submit. We had an independent panel made up of Kittery Water District Superintendent, Kittery Sewer Superintendent, Public Works Director (Kennebunk), Ed Henningsen, and Charlie Bradstreet and they were unanimous in their choice between Wright Pierce and Underwood Engineering. We have subsequently sent out a request for an engineering price proposal to those two firms that would get us through to a November ballot, potentially, on what the bonded amount would be needed for Phase I and Phase II of the project. Those are due back the 18<sup>th</sup> of this month. We will have the TIF Committee meeting, thereafter, and at our next SB meeting we will be recommending which engineering firm and sharing those price proposals with the SB. Mr. Henningsen was kind enough to put together a TIF timeline to give the SB a sense of the next steps.

**6:17 PM** Mr. Henningsen agreed our strategy is to have a question on the November ballot asking voters to approve a bond. The RFP came back with hourly wages for the different disciplines and we went back to ask for some kind of a budget price (project budget estimate) to support a ballot question. If we get bond approval in November, we will finish the engineering and then do a RFP for construction.

Mr. Lee added that we asked in the price proposal was to tell us your assumptions – 80 hours of principal engineer, 60 hours for assistant engineer – how did you get to your numbers so that we can ascertain the best value.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**6:19 PM**

Mr. Donhauser said that the good news from the gas company is that it appears the revenue will actually be pushed forward and that would help us with the bond issue. He added that we aren't going to spend all this money at one time but that this will be done in phases and, with potential excess money coming into the TIF, we could look at additional phases, even possibly in the Village District.

Mr. Henningsen agreed it would let us look beyond sewer and water improvements, such as sidewalks, that will help develop the commercial district we are trying to develop.

**6:20PM**

**2) Planning Board Proposed Timeline to November Ballot**

Mr. Lee said that the PB reviewed their timeline and didn't feel that a workshop with the SB was absolutely necessary to do. I'm just bringing it to you to see if you would want some sort of a workshop. The PB includes a summary sheet and any ordinances have been vetted by the attorney but, if the SB wanted a workshop, the PB is not against that.

**6:22 PM**

Mr. Orestis said that as long as there is an opportunity to review the ordinances and ask questions via email and get responses, that would be sufficient for me.

Mr. Donhauser said that I think we need to rely on the PB. They are competent people doing arduous work and I'm not sure I personally have that much to add to their ordinance revisions.

Mr. Lytle agreed, as the revisions are posted on the Town website and the PB holds public hearings.

Mr. McPherson did not see the need for a workshop for the stated reasons.

It was the **consensus of the SB** that they agreed with the PB that there was no need for a workshop.

**6:24 PM**

**3) Board of Appeals: Waiver Memo to Planning Board**

Mr. Lee explained that the Board of Appeals has been working to change the Waiver portion as it is not supported by State law and this memo outlines their proposed action.

**H. Administrative Department**

**6:25 PM**

**1) Town Manager Report(s)**

There were no comments.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

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**6:26 PM      a. Eliot-South Berwick Day at State House 3/31**

Mr. Lee said that that has been cancelled due to the COVID-19 outbreak.

**b. Water Testing Results Summary Report**

This is informational.

Mr. Tessier suggested looking back at the water samples the CC took years ago for the Town as a baseline going forward.

**6:29 PM      c. Compensation Survey: Final Survey**

Mr. Lee said that the survey has gone out to 13 towns (list available at Town Hall). Wells and Kennebunkport have already responded. Once all responses are in, he will do the data analysis and enter the information into a spreadsheet. He thanked Ms. Albert for turning the form into a pdf fillable form.

Mr. Donhauser asked what the logic was in looking at New Hampshire towns.

Mr. Lee said that they are operationally very similar and there is a tax implication. My feeling is that our staff could be swept up by any one of these towns. They are my competitors to keep my staff. We may have to take the tax implication into consideration and scale this to some extent, as that is a 5% to 5½ % differential.

**6:34 PM      2) Nominate a Spirit of America Award 2020 Recipient**

**3) Nominate a Fabyan Drake Award Recipient**

Both this and the Fabyan Drake nominations were taken together.

**Mr. Donhauser moved, second by Mr. McPherson, that the Select Board nominate Mr. Roland Fernald for the Fabian Drake Award.**

**Roll Call Vote:**

- Mr. Donhauser – Yes**
- Mr. Lytle – Yes**
- Mr. Orestis – Yes**
- Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**Nominations for the Spirit of America Award:**

**Jack Murphy – 3**

**Jim Tessier – 2**

**Roland Fernald – 2**

**A second round was completed to choose two:**

**Jack Murphy and Jim Tessier were nominated for the Spirit of America Award.**

Mr. Lee will notify the nominees.

**6:40 PM 4) Sewer Hardship Waiver (2<sup>nd</sup> Reading)**

It was stated that this would include potentially waiving the access fee if someone can fully demonstrate a hardship. Septic system failure would require hook-up.

Mr. (Terry) Chick, Sunrise Street, said that Mr. Lee had said \$5,000 to \$6,000 to connect but that doesn't include building the sewer main; that a buyer of my house would have to construct a sewer main for the street and then run a line to the house from the sewer main.

Mr. Lee clarified that, if there is no sewer main in front of your house, you will never be required to connect.

Mr. Chick said that the rules require connecting to the main if you are 250 feet from it. All four houses are within 250 feet to the boundary and that's what the ordinance says – "250 feet from the main (Route 236) to your closest boundary" – all of us are within 250 feet.

Mr. Lee said that there is a 'reasonableness standard' in every ordinance, as you can't write every condition in when writing an ordinance.

Mr. Chick said that Sunrise Street has a ROW but we would have to construct it. The cost of the sewer main, the four stubs for the four houses, a pump and a water meter is what he would have to tell the buyer and he would have to lower the price of his house. I would say the cost is more like \$20,000. The TIF program says they are not doing side streets so it's a combination of the TIF sewer project and the ordinance that has him concerned.

**6:48 PM** Mr. Lee agreed, saying that we would have to build that extension with regular sewer revenues. We do not have any intent of doing that in the near future. I

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

would be happy to bring down Keith Pratt and have you come in and sit down with him for clarification.

Mr. Chick said that I would like that.

Mr. Orestis asked, in this specific circumstance, would they still be required to connect to the sewer once they are in the process of selling their homes.

Mr. Lee said that that's why he wants to bring Mr. Pratt down, because you do make some very good points. There are some overlaps, there are some gray areas and I know you don't want these gray areas. I will have Mr. Pratt look at any other side streets that may be affected, as well, to make it clear that that is not our intention.

Mr. Chick suggested we be allowed to keep our functioning systems and future buyers, as well, until the system no longer functions.

**6:50 PM** Mr. (Mike) Federoff, Sunrise Street, looked at all the maps from the 2012 design and one shows our street, which shows a connector from across Route 236 and stopping at our road. If there is no intention to make us hook up, why is there a stub coming across the highway.

Mr. Le said that that is standard engineering practice. There will be a stub at every intersecting road and every parcel going down through, whether they get used or not.

Mr. Donhauser said that we need to get this straightened out because, if I were sitting in their shoes, I would be saying the same thing.

Mr. Lee agreed. He suggested the SB not adopt this until we have a further discussion with Mr. Pratt.

The PB agreed that this will go to a 3<sup>rd</sup> Reading.

**6:55 PM      5) Certification of Proposed Planning Board Ordinances**

Mr. Lee said that, along with the PB ordinance revisions, we also have the Animal Control Ordinance revision and the Eliot Tax Assistance Program. He summarized the PB ordinance revisions in Chapter 1 – Definitions, Chapter 33-189, Chapter 44-34, and Chapter 45-290.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

Mr. Orestis said, regarding the Tax Assistance Program, there were some changes during the workshop and asked where we ended up with those. There were some pretty significant concerns.

Mr. Lee said he ran those concerns by Attorney Saucier and then got back to Ms. Cepetelli. She got back with her committee and, using Attorney Saucier's advice, they made those changes and this document includes those changes.

**7:01 PM      Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve, by consent, the four Planning Board ordinance revisions and the Animal Control Ordinance revision, reserving the Senior Tax Assistance Program for further discussion.**

**Roll Call Vote:**

**Mr. Donhauser – Yes  
Mr. Lytle – Yes  
Mr. Orestis – Yes  
Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

Discussion regarding the Senior Tax Assistance Program:

Mr. Lee recommended certifying this. The changes were appropriate. We did get legal advice and we did follow it.

**Mr. Donhauser moved, second by Mr. Orestis, that the Select Board certify the Senior Tax Assistance Property Tax Program for placement on the June ballot.**

**DISCUSSION**

Mr. Tessier said that I went on the website to see any changes and it's not there. There is still the original and asked if there is some place it is available to look at.

**7:03 PM      Mr. Lee said that you will probably see all these things go up on the web tomorrow.**

Mr. Tessier said that one of the discussion points at the workshop was backing up the application dates to some time in October to give you some time to actually review them in case they were deficient. He was wondering if that had changed.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

Mr. Donhauser read the pertinent section, which had October 1<sup>st</sup> as the deadline for determination of application completeness. He further read that the rebate amount “will be mailed no later than December 31<sup>st</sup> of the year in which the application is submitted.”

**7:05 PM**

Mr. Lee said that I am good with all that. One of the things that we checked with legal review is that it cannot be applied to taxes but must be in the form of a rebate check.

**DISCUSSION ENDED**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

The pertinent documents were signed at this time.

**7:06 PM**

**6) Special Citizen’s Option Agenda Meeting 3/19/2020 at 5:30 PM**

Mr. Lee explained that we have to prepare for the Citizen’s Option Meeting – a Citizen’s Option Agenda. We are having this meeting to put in the recommendations of the Budget Committee and votes and our recommendations, with votes; that the SB has to sign off on that. I wrote up the draft agenda for that today, which shows all the ballot items to be voted on at Town Meeting. It’s a one-item agenda, a Citizen’s Option item we need to take up.

**7:11 PM**

**7) Create Ad Hoc Building Committee (1<sup>st</sup> Reading)**

Mr. Lee said that, in particular, I would like the SB’s feedback on Section 2 – Duties. I’d like to make sure that those duties are exactly what you have in mind; so, really take a look at that, really think it through, and get back to me if you have some ideas on other duties or issues with what is listed.

**7:12 PM**

**8) Approve Warrants**

**Mr. Donhauser moved, second by Mr. McPherson, that the Select Board approve A/P Warrant #102 in the amount of \$67,052.94, dated February 21, 2020; A/P Warrant #104 in the amount of \$16,154.23, dated February 21, 2020; A/P Warrant #105 in the amount of \$20,048.18, dated February 26,**

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**2020; A/P Warrant #107 in the amount of \$72,073.49, dated February 27, 2020.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**I. New Business:**

**1) Certification of Proposed Property Tax Assistance Program**

This was already taken up.

**J. Old Business:**

**7:14 PM Library Non-binding Memorandum of Understanding (MOU) Question**

Mr. Donhauser said that he, Mr. Lee, and Ms. Rawski went to the library and met with some of the library staff, two board members and Ms. Goodwin (Library Director). Library folks were able to convey what they meant by the operating budget and what they are thinking in terms of what they are asking for in the MOU. I'm not sure it is exactly the same view as the Budget Committee had as to what was being asked. I did follow up with both with Chairman Murphy and Ms. Goodwin, suggesting to them that maybe each of them would want to draft up what an advisory question would look like, what the actual wording would be and advising that it should be written using neutral language. I haven't received back a draft from the Budget Committee. The Library submitted a draft question within the letter the SB received, with a little background information. We do need to get this done pretty quickly but thinks we could afford to wait one more meeting to allow the Budget Committee to present what they think the form of that non-binding question about a MOU might look like.

**7:17 PM** Ms. Goodwin said that her concern, especially with the COVID19 virus, that no one would come to the polls in June. Because it's a presidential year, many of the voters won't come to the June vote; that they won't go twice this year. I would really like to see that question go on the November ballot. I believe the most accurate data would come out of November and I believe it would confuse the voter what we are actually asking for our budget this year.



**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

Mr. Donhauser clarified that the MOU sets out the parameters by which a portion would be paid by the Town for having a library in our Town and how much the trust will pay for fund-raising and other things the library will be doing, itself. In very general terms, it's the operating budget the library is proposing the Town pay (salaries, wages, benefits) and the trust maintains the property.

Ms. Goodwin said that we are the only town in the Seacoast area that does not have their operating budget fully funded. The operating budget would also include books, all of our materials, with utilities coming under our CIP and is a building maintenance issue. I am asking the Town if they will support the whole operating budget for the library, excluding anything to do with the building and the maintenance of the property.

**7:19 PM**

Mr. Donhauser said that you have to be really careful in defining exactly what is included and what is excluded. For example, I thought utilities would have been included. I'm not trying to make up your mind but asking what do you expect it to be.

Ms. Goodwin said that I would expect that making sure there is water, that the heat is on, etc. would be part of maintaining the building and would assume the trustees would want to continue to oversee that part of it.

**7:20 PM**

Mr. Lytle asked how many people work at the library now.

Ms. Goodwin said that there are currently eight employees, with two full time. If we were to get our budget for this coming June, that would increase our operating hours by four hours/week and would make one more employee full time, which is why we are asking for three benefit packages.

**7:21 PM**

Mr. Donhauser said that the library wants to be as transparent as possible with what you are trying to accomplish so we need to know exactly what the Town's portion would be for what you are proposing. Then, we've asked the Budget Committee to develop a question because it depends on whose shoes you are standing in. Everyone looks at it in a different way.

Ms. Goodwin asked if the SB would like her to go through the library's current proposal and select out the things they would like the Town to take over.

Mr. Lee said precisely, using utilities as an example of what might be seen as needing clarity, such as internet.

Ms. Goodwin said that the internet is completely paid by the federal government.

Mr. Lee suggested that a copier contract would be considered an operating expense.

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

616  
617 Ms. Goodwin agreed.  
618

619 **7:23 PM**

Mr. Orestis suggested that, if it is decided to put this on the November ballot, it would give Ms. Goodwin more time and not be rushed.

620  
621  
622 The SB was in agreement that this could go on the November ballot.  
623

624 Mr. Tessier said that I am personally in agreement with Ms. Goodwin on this  
625 because the Budget Committee would like to see what the residents of the Town  
626 feel and we would get a much better representation in November.  
627

628 Ms. Goodwin said that, in her letter, she put together an analysis of thirteen  
629 libraries in the Seacoast area and, whether they were municipal or private non-  
630 profit with the operational and library coverage, in every instance the towns are  
631 covering the operating budget except Eliot.  
632

633 **7:27 PM**

Ms. (Rosanne) Adams asked what say does the Town then have in the Library and its operation; that the Library could say they want five new people and now the operating budget would expand. Right now, the Town gives the Library funding but the trustees have total control over what they do with it, even when they tell us what they are going to use it for. They are not bound to it, it's really a gift from the people. Will it continue to be run the same way as it, is as a private library, and the Town has no say, other than budget-wise, how that Library expands and operates.

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640 Mr. Donhauser said that that is an excellent question and may need to be  
641 addressed in the MOU. He asked how many trustees there are.  
642

643  
644  
645 Ms. Goodwin said that there are three – Stephen Beckert, Peter Dennett and Ann  
646 Shisler. They are appointed by the Maine Probate Court. They put their personal  
647 financial life on the line for the Library and they get paid nothing. I've heard the  
648 argument that the Town doesn't have any say for years. I am standing in front of  
649 the Town and I do stand in meetings all the time explaining our position and  
650 budget. I think we are one of the most transparent organizations in Town because  
651 of that. Our budget request goes before the voters every year and that is their say.  
652 They can vote for it or not. We've shown that this Town supports having a good  
653 public library, along with a good school system. We have no say in our school  
654 system. The school budget runs it. She added that our trustee meetings are open to  
655 the public.  
656

657 **7:30 PM**

Mr. Donhauser asked Ms. Goodwin if some resolution of that problem should be included in the MOU. I think it's a legitimate question.  
658  
659

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

Ms. Goodwin asked if we can talk about that because I don't think the structure of the Library can change. Under the tenure of the current trustee board, they will never turn the physical part of the Library over to the Town.

Mr. Donhauser clarified that the MOU should say that the Town is responsible for X number of employees and have some right to say we determine the compensation of those employees, or something like that, with the recommendation of the trustees.

**7:32 PM** Ms. Goodwin agreed.

Mr. Lee said addressing all the points is even more reason to wait until November. There is a lot to be hammered out here.

Mr. (Bob) Fisher said that Rice Library in Kittery had the same situation. The library went out of business, the town took it over, got a grant to add an addition that didn't cost the town anything. He thinks our library could do that. He added that the trustees don't want to do split up the library but want it run as it is now.

Mr. Donhauser reiterated that the MOU needs to have a clear understanding of the different responsibilities, etc.

Ms. Goodwin said that Rice Library spent their trust down to less than \$60,000. We are trying to avoid what Kittery did and the only way to do that is to stop taking principal from the trust. Right now, the way we are operating we cannot. Last year we took \$66,000 out of the trust and made only \$43,000. I have gotten grants for the building expansion project; that that will not cost the Town anything. The space that will be available will be the biggest space in Town, besides the Regatta, that we will offer for free to all in-Town non-profits and, then, we will charge a rental fee for outside entities that want to use that space when the Library is not using it. I think it will bring in a decent amount of revenue that would offset the water, lights, and heat. That is the only expense that that addition will cost.

**7:34 PM** Mr. Donhauser said that I think there is no question that the people of the Town want to have that Library. It's a matter of how we are going to fund that Library; that it has to be written in some type of document so that everyone fully understands who is paying for what.

It was clarified that it was the **consensus of the Select Board** that this will go on the November ballot.

**K. Selectmen's Report:**

**Draft SELECT BOARD MEETING  
March 12, 2020 5:30PM (continued)**

**1) Seeking Committee Members**

There were no Selectmen's reports tonight.

**L. Executive Session**

**7:38 PM Mr. Donhauser moved, second by Mr. Orestis, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405(A) Personnel Issue – Town Manager's Contract.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**0:00 PM Out of executive session. No action was taken.**

**M. Adjourn**

There was a motion and second to adjourn the meeting at \_\_?\_\_ PM.

**VOTE**

**4-0**

**Motion approved**

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

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**Mr. Richard Donhauser, Chair**

**Date approved:**

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March 18, 2020

Town of Eliot  
Dana Lee, Town Manager  
1333 State Road  
Eliot, ME 03903

**SUBJECT: Request for Qualification – Engineering Services**

Dear Selection Committee,

Thank you for selecting Wright-Pierce as one of the top firms for the Route 236 TIF District water and sewer extension project. As requested, we have prepared a cost proposal to advance design of the project to the 70% level in order to support a bond question on the November 2020 ballot. Attached, please find the following:

- Price Proposal Response Form
- Project scope description
- Project fee worksheet

Thank you for inviting Wright-Pierce to submit a proposal for this project. If you have any questions, or if you need additional information, please feel free to call or email us at the contact information listed below.

Sincerely,  
**WRIGHT-PIERCE**

  
Ryan Wingard, PE  
Vice President  
[ryan.wingard@wright-pierce.com](mailto:ryan.wingard@wright-pierce.com)

  
Britt Eckstrom, PE  
Project Manager  
[britt.eckstrom@wright-pierce.com](mailto:britt.eckstrom@wright-pierce.com)

## Price Proposal Response Form

Name of Firm: Wright-Pierce

Name, Email and Contact Phone Number of Respondent:

Britt Eckstrom, britt.eckstrom@wright-pierce.com, 603.570.7126

Detailed Price Proposal: (Getting to a November vote / bond issuance):

\$ 794,950

- In submitting this price proposal, the Engineering Firm confirms that it can complete 70% design and an accurate total project cost estimate by August 21, 2020.

Ryan Wingard, Vice President

3/18/2020

Printed Name

Date

Signature



# Scope of Services

Wright-Pierce will provide the following scope of services in order to provide 70% design and opinion of construction cost to the Town by August 21, 2020. As of the date of this scope of services, it is assumed we will receive a signed engineering agreement by March 31st. It is also assumed that outside influences, such as the ever-increasing impact of the national COVID-19 situation, will be resolved in a timely fashion and will not impact our ability to complete the work. Wright-Pierce offices are currently implementing "work at home" mandates and we are confident we can remain productive during this time period. However, this may be impacted by further state and federal guidelines that may continue to reduce our ability to perform. We have every intention of meeting the August 21, 2020 deadline and our hope is that outside influences will remain in check and allow us to perform the work as expected. We also understand the Town may be facing some unexpected delays, so our hope is that Wright-Pierce and the Town will remain flexible through the project as we work together to develop the 70% design of the project.

## 1. Project Kick off and Review of Existing Documentation

- a. Attend project kick-off meeting with Town to review project scope and Town preferences and requirements.
- b. Review all plans, reports, studies created for the Town previously.

## 2. Field Data Collection

Perform detailed investigation of the project area. The project area is understood to be Route 236 from Lot 45-5 to Bolt Hill Road, Beech Rd from Route 236 to the State Road, and State Road from Beech Road to Clayton's Way.

- a. Coordinate field topographic and existing conditions survey.
  - Topographic survey to locate topographic features including structures, existing borings, thresholds, observable utilities, wetland flagging, and 2-foot contours. To meet project
- b. Coordinate subsurface explorations (soil borings and ledge probes) to define subsurface characteristics within the roadway right-of-way to support engineering decisions relative to utility installation.
  - Subsurface exploration program includes drilling ledge probes (every 200 feet) and borings (every 600 feet) within the paved shoulder of Route 236. Boring locations outside of the MaineDOT right-of-way will be coordinated with the Town.
  - Test borings will use hollow stem augers with standard penetration test (SPT) sampling to maximum depth of 15 feet below the existing ground surface.
  - A report summarizing the findings, including exploration location plans, exploration logs, laboratory test results, and evaluation and recommendations for design will be provided.
- c. Coordinate a wetland survey along the project corridors to determine location and type of wetlands that may be present within and adjacent to the right-of-way.
  - Jurisdictional wetlands will be identified and delineated in the field according to

schedule and minimize cost the majority of the project area would be mapping using aerial mapping which must be completed prior to leaf out.

- Horizontal datum would be Maine West SPC NAD83(2011) based on redundant GNSS observations. Vertical datum would be NAVD88 based on differential levels from published benchmark.
- Benchmarks would be set along the roadways at an interval of every 500 feet.
- Field survey to locate evidence of the apparent roadway right of way.
- Research of adequate thoroughness to support the determination of the apparent edge of roadway right of way.
- Note: There is a potential for cost savings if LIDAR imagery used in place of the aerial mapping.

the 1987 Federal Wetland Manual and Natural Resources Protection Act.

- Wetlands will be flagged and located in the survey effort. Potential vernal pools will be identified but not fully documented.
- d. Develop baseline drawings showing existing conditions, including limits of right-of-way, for the project area.

### 3. Preliminary Design

The preliminary design phase will include:

- a. Confirm wastewater generation projections and water demand for the TIF area.
- b. Attend a project progress meeting with Town to review the existing conditions drawings, discuss utility design features, and identify challenges to overcome as the design progresses.
- c. Develop preliminary design (30% progress) for the project area.  
Preliminary design will include design of new gravity sewer, sewer services, sewer force main, new water distribution infrastructure.
- d. Develop preliminary design of Beech Road Pump Station and Pump Station near Julie Lane.
- e. Continue coordination with private utility companies, Kittery Water District, Town of Kittery, and MaineDOT.
- f. Identify local, state, and federal permits that may be required.
- g. Develop a preliminary design package for the project area. The preliminary design package will include project drawings (cover, general notes, quantity sheet, plan/profile sheets, erosion control sheet, and details sheets) and an estimate of probable construction costs.
- h. Conduct a preliminary design review meeting with the Town.
- i. Conduct a public meeting to present the scope of the project and solicit input.

### 4. 70% Design

The 70% design phase will include:

- a. Advance the design of new gravity sewer, sewer services, sewer force main, and new water distribution infrastructure incorporating comments received from the Town and project stakeholders during the preliminary design review and public meetings.
- b. Develop design of Beech Road Pump Station and Pump Station near Julie Lane.
- c. Continue coordination with private utility companies, Kittery Water District, Town of Kittery and MaineDOT.
- d. Develop a 70% design package for the project area. The design package will include project drawings (cover, general notes, quantity sheet, plan/profile sheets, erosion control sheet, and details sheets)
- e. Develop estimate of probable construction costs.
- f. Conduct a design review meeting with the Town.
- g. If desired by the Town, conduct a public meeting to present the project to inform voters before the November election.

Upon successful vote on the warrant article, a fee for the final design, preparation of permit applications, preparation of bid documents, bidding services, construction administration and inspection services will be negotiated.





25 Vaughan Mall  
Portsmouth, NH, 03801-4012  
Tel: 603-436-6192 Fax: 603-431-4733

## Technical Memorandum

To: Steven Robinson, Town of Eliot, Public Works Director  
From: Meagan L. McCowan, P.E. & Keith A. Pratt, P.E.  
Date: March 24, 2020  
Subject: 2020 Rate Review

### Introduction

In January 2018, the Eliot Sewer Department increased sewer rates to fund new debt service (an additional \$21,700 annually) and to replenish capital reserves (\$24,000 annually for 7 ½ years). This resulted in a suggested budget of approximately \$515k, and a consumption and quarterly base charge increase of 5%, and a quarterly reserve charge increase of 45% (approximately a 10% overall increase for the average user). Existing sewer rates are as follows:

**Table 1: Existing Eliot Sewer Rates**

<i>Unit Charge (quarterly)</i>	<i>Total</i>	<i>Portion for Reserves</i>
5/8 in. meter	<b>\$111.52</b>	\$31.26
3/4 in. meter	<b>\$111.52</b>	\$31.26
1 in. meter	<b>\$154.48</b>	\$42.34
1 1/2 in. meter	<b>\$200.28</b>	\$56.14
2 in. meter	<b>\$322.06</b>	\$90.28
3 in. meter	<b>\$1,221.08</b>	\$342.29
4 in. meter	<b>\$1,554.50</b>	\$435.75
6 in. meter	<b>\$2,330.62</b>	\$653.31
8 in. meter	<b>\$5,458.98</b>	\$1,530.24
Expansion Users (EDUs)	<b>\$111.52</b>	\$31.26
<b>Unit Charge (annual)</b>		
Flat rate charge	<b>\$111.52</b>	\$31.26
Multiple Units (units - meters)	<b>\$111.52</b>	\$31.26
<b>Usage Charge (Volumetric)</b>		
Unit Charge (per 100 cf)	<b>\$6.08</b>	

In 2019, the Eliot Sewer Department noted their actual revenues were \$615k, \$100k more than the target budget. In this memo, UE reviews the 2019 revenue and account data to understand the surplus and provide future rate recommendations.

### Rate Review

UE noted that the 2014 rate model was used to estimate needed rate increases. UE compared actual 2019 information to assumed 2019 information in the 2014 rate model:

**Table 2: Model Estimated and Actual Rate Data**

<i>Parameter</i>	<i>Model Information</i>		<i>Actual Data</i>
	<i>2019 Estimated (2014 Model)</i>	<i>2019 Estimated (2020 Revised Model)</i>	<i>2019 Actual</i>
<b>Number of Accounts</b>	654	731	731
<b>Metered Usage (gpd)</b>	80,000	77,919	77,919
<b>Account/Unit Revenue</b>	\$302,314	\$338,862	\$351,192
<b>Usage Revenue</b>	\$237,348	\$231,172	\$236,988
<b>Other Revenue</b>	\$0	\$27,702	\$27,702
<b>Total Revenue</b>	\$539,662	\$597,736	\$615,882

The 2014 rate model assumed 654 accounts, metered usage of 80,000 gpd, and no other revenues. Using current rates and the 2014 model, UE estimated the total revenue to be \$539,600.

Based on 2019 data provided by the Sewer Department, actual 2019 accounts have increased to 731, metered usage has stayed relatively consistent at approximately 78,000 gpd, and an additional \$27,702 was generated in other revenues. Actual 2019 revenues were \$17,864 higher than the model predicted using updated account, usage and other revenue data, however were within 3% of actual revenues.

UE notes that the \$27,702 generated in other revenues is not entirely a stable revenue, as betterment, service and supplemental revenues will vary from year to year. The model is slightly conservative, which is desirable as it allows for variability in one-time fees.

In summary, the additional revenue generated in 2019 above anticipated revenue, was due to an increase in the number of accounts, and other revenue from betterment fees, supplemental fees, service fees and interest.

### Budget/Expense Review

While 2019 revenues were higher than anticipated, UE suggests that a new target budget may be appropriate as shown in Table 3. The 2020 target budget is based on actual expenses from 2019.

**Table 3: 2018 Estimated and 2020 Estimated Eliot Sewer Department Budget**

<i>Budget Item</i>	<i>2018 Estimated</i>	<i>2020 Estimated</i>
<b>General Expenses (70-01)</b>	\$64,000	\$64,000
<b>Pumping Station #1 (70-05)</b>	\$15,000	
<b>Pumping Station #2 (70-10)</b>	\$15,000	<b>\$85,000</b>
<b>Pumping Station #3 (70-15)</b>	\$11,000	
<b>Disposal to Kittery</b>	\$160,000	\$160,000
<b>Capital Reserves</b>	\$94,000	\$94,000
<b>Kittery Capital Improvements (Eliot Share of Dept)</b>	\$28,000	<b>\$40,000</b>
<b>Public Works Director Salary</b>	\$30,000	<b>\$36,000</b>
<b>Pumping Station Debt Service</b>	\$98,500	\$98,500
<b>Total</b>	<b>\$515,600</b>	<b>\$577,500</b>

### **Recommendations**

UE recommends the following based on the above analysis:

- Develop a 2020 budget of \$577,500. Assuming no “other” revenue, it may not be warranted to change rates at is time.
- Monitor revenues and expenditures in 2020.
- If revenues significantly exceed expenditures again in 2020, consider options for rate modifications in 2021.

[illegible]



***Town of Eliot***  
***Public Works Department***

476 Dow Highway  
Eliot, Maine 03903

Phone: (207)-439-9451 Fax: (207)-439-7017

CORRESPONDENCE # *G-2*  
SELECTMEN'S MEETING

04-09-20

April 1, 2020

To: Dana Lee, Town Manager  
From: Steve Robinson, Public Works Director  
Re: Tidy Road Culvert Replacement

On Saturday, January 14, 2020 we experienced a torrential heavy rain storm. The Department received numerous flooding and wash-out calls. One in particular was on Tidy Road. Just in from State Road there is a stream crossing approximately 10 to 12 feet below the road deck which empties into Sturgeon Creek which is brackish water (salt & fresh water combined). The 30-inch culvert under the road failed and undermined the road. To replace this culvert, because of the conditions, the Army Corp of Engineers are involved. Set by their standards, we are required to replace this with a 6-foot diameter culvert. Due to the magnitude of this project, we do not have the equipment to adequately perform the job. With only having one road in and out, a temporary road will need to be constructed and then removed when the job is completed.

Below are the 2 bids received out of 4 contractors for Tidy Road:

- William Shapleigh & Son Construction: \$95,107.00
- N.P. Giroux Excavating: \$97,996.50

Materials to be supplied by Public Works:

- Culvert: \$9,000.00
- Gravel: (Estimate) \$4,000.00
- Crane: (Estimate) \$2,000.00

It is my recommendation that the bid be awarded to William & Son Construction for the bid price of \$95,107.00.

Due to this being caused by storm damage, I am recommending to fund this project from the *Storm Water Budget*.

I look forward to discussing this with you.

Respectfully Submitted,

Steve Robinson  
Public Works Director

**Town Manager Report**

CORRESPONDENCE # *H-1*  
SELECTMEN'S MEETING  
04-09-20

**To: Board of Selectmen**

**From: Town Manager**

**Thrs, March 5 (from Noon)**

- Finalized all materials for SB Packet
- Wrote up Supplemental Agenda Notes for SB members
- Called 4 applicants for Custodian position; left messages for all
- Wrote up the "not selected" letters for the other 3 engineering firms
- Mailed both types of letters (continue in the process / not selected) to engineering firms
- Discussed two items with Planner; easing our view on change of use; withdrawal / we are closing the file on an adult use application; unacceptable at this time
- Sent out invite to 2 BC members and SB chair to meet with Treasurer and me to discuss format of "big" CIP

**Fri., March 6 – VACATION DAY**

**Mon., March 9**

- Read and responded to several of 55 over-weekend emails; 5 phone messages
- Tried to help Selectman Lytle with PC issue; needs MS Outlook
- Called back an MDOT official about "culvert replacement on 236"?
- Set up appt. with resident re: planning / CEO
- Reviewed memo of budget changes from BC
- Drafted responses to most-recent BC memo; discussed with Treasurer
- Having final AIP Ordinance put in Municode form and certification page
- Another 40-50 email through the day
- More discussion with Treasurer on BC memo
- Signed, notarized and mailed back interrogatory related to old, whistleblower complain
- Requested staff convert compensation response form to fillable and mail out to 13 selected towns
- Conducted Custodian interview
- Finished response to BC; emailed to BC Chair and SB
- Wrote a cover letter to the Towns helping with pay plan update; going out today

**Tues., March 10**

- Read and responded to several emails; many related to Covid-19
- Prepped for CI&E meeting
- Received an email from a colleague with Coronavirus advice from their attorney; very helpful
- Spoke to the Chairman for a little while
- Signed A/P checks
- Discussed w/ CEO issuing a violation to an illegally operating marijuana shop; also updated on junk truck issue
- Dump truck being taken to HP Fairfield today for upfit / body, etc. – should be about three weeks

- Spoke to other selectmen some about budget; meetings coming up, etc.
- Sent out request for donations (Jack Murphy)
- Compensation survey went out – 13 towns
- Spoke to MDOT guy re: turtle crossing (culvert) being installed in Sept./Oct., anticipate a 6 Pm Fri – 6 Am Sat 236 shutdown; they will be coming to an upcoming SB meeting soon to explain the project – advised Chief and DPW
- Sent out Property and Casualty renewal application to senior staff to update all that should be insured; remove items no longer with us
- Sent BOA waiver amendment to legal review
- Made plans to create the Citizens' Option Agenda on Thursday
- Prepped CIP documents for meeting
- Had a 1 hour meet with 2 BC members, Treasurer and SB Chair on re-format / expectations for CIP
- Had a CI&E Meeting

Wed., March 11

- Attended the monthly collaboration meeting at Supt.'s office; discussed Covid-19 prep; school resource officer; reviewed the school budget impact
- Asked Treasurer to prepare a list of recommended budget appropriations for the SB
- Read and responded to some of the 44 overnight emails
- Spoke to Fire Chief re: Work is progressing nicely on getting the new repeater up
- Met with a frustrated PB applicant; spoke to staff about the issue
- Processed payroll
- Sent invite out to meet at KWD on April 1
- Coordinated a meeting at PD for next Monday to address ADA issues
- Have the ADA door guy coming today at 1:30 pm to fix our front door
- Spoke to the PWD about the Pavilion – only \$500 for wood siding; discussed stain vs paint and sealing it, discussed correcting the lighting (½ are out / dirty covers)(LED); need to get bids on interior painting
- Called two painting vendors; left messages
- Our custodian withdrew her resignation; advised other applicants
- Reviewed final budget numbers to be recommended
- Attended SB Budget Mtg

Thrs., March 12

- Reviewed about 25 emails; responded to several
- Typed minutes of last night's budget meeting
- Typed minutes of CI&E meeting
- Met with CEO and Police on two neighborhood matters
- Completed the final paperwork on the SRF loan
- Had Treasurer update sheets / Start Citz. Option
- Spoke with CSD; school is disallowing weekend activities, including Men's Basketball league (big money); Director has found alternates for two other programs



- Spoke to Sewer Pumps engineer – we have a \$28,000 & \$44,000 (construction / engineering) surplus from the project; SRF is allowing us to repay ourselves for PW's work and to fund the (2) portable generators and to finish the force main report (underway)
- Referred a marijuana lab zoning question to Planner
- Drafted the 3-19 agenda
- Met with Heather; more problems on the way if school closes
- Met with a resident who has a survey dispute; provided advice
- Discussed with Fire Chief RE: advising groups to postpone "large gatherings"
- Inquired with SMPDC about a billing issue / max contract price
- Set up meeting to start billing out some of contract Planner's time
- Reached out to TIF attorney about a portion of contract planner's compensation coming from TIF funds, if the work is on Commercial development
- Prepped for SB meeting
- Attended SB meeting
- Re-capped my to do list at home

Fri., March 13

- Sent out email with re-cap of meeting
- Wrote nomination for R. Fernald to American Legion; mailed it
- Wrote to Spirit of America with our nominees
- Discussed the revenue change with Treasurer; HHW was a zero revenue in current year's budget
- Read and responded to about a dozen emails
- Started an RFP for an economic development / planning consultant for TIF district
- Checked on the new posts at Pavilion; looks good
- Sent an inquiry to P. Saucier re: dragster / noise levels
- Denied a request to traverse a posted road for a cement truck
- Spoke the SB Chair and Phil for a while; amending the agenda for 3/19
- Spoke to a police office about another illegal marijuana place
- Sent a reminder to Mr. Staples of Monday deadline
- Set up a Covid-19 response meeting with staff
- Spoke to Kittery TM; going to share resources / policies on Covid-19

Weekend: Spoke to staff via phone re: coming week / shutdown, etc.

Mon., March 16

- Reviewed 40+ emails, mostly shut down notices from towns
- Held an emergency Covid-19 Mtg; closed to public until Thrs. am; will re-assess on Wednesday
- Drafted a memo for staff and one for the public
- Cancelling PB Meeting
- Made posters for door
- Started work on the Town Meeting warrant
- Finished draft warrant; distributed for review

- 127 • Planning Board meeting is cancelled
- 128 • Notified all committee and board heads w/ Covid-19 policy
- 129 • Lots more emails through the day
- 130 • Changed phone message; advised the press
- 131 • Wrote additional language for e-alert and web re: Thursday's meeting
- 132 • No word from Mr. Staples – deadline
- 133 Tues., March 17
- 134 • Read and responded to emails
- 135 • Requested more bids on a chimney cap for pavilion
- 136 • Worked on a planning / economic development RFP; distributed to TIF Committee for
- 137 review
- 138 • Inquired with attorney about a "what if" scenario related to the potential group
- 139 gathering for Citz. Option
- 140 • Met with Clerk about messages for public re: meetings
- 141 • Worked on an employee recognition program
- 142 • Got an overview from ECSD – all programs are down (revenues...)
- 143 • Inquired of nearby managers for their plans going forward
- 144 • Called a staff meeting for tomorrow at 11:30
- 145 • Had a meeting with staff re: where / how to hold C.O. meeting
- 146 • Wrote two extensive memos re: Covid-19 response
- 147 • Met with Fire Chief for EMA update
- 148 • Revised planning / economic development RFP; distributed to TIF Committee for final
- 149 review
- 150 • Called a Portsmouth painter to see if we could get a painting quote for pavilion. He has
- 151 been tested / quarantined
- 152 • Sent out a reminder about Mr. Murphy's newspaper donations
- 153 • Started the 3/26 SB agenda
- 154 • Sent out notice to submit Town Reports; I will write the one for SB / TM
- 155 Wed., March 18
- 156 • Read and responded to emails
- 157 • Drafted a rotating schedule before staff meeting – skeletal / rotating crew; still no public
- 158 for at least end of March
- 159 • Discussed next steps with several staff pre-staff meeting
- 160 • Held a Covid-19 staff meeting; decided to let staff work from home
- 161 • Wrote up a memo for staff, SB and Boards and Committees; distributed
- 162 • Several mini-meetings with staff about what-if scenarios
- 163 • Lots of town managers reporting their closing plans
- 164 • Got the emergency provisions the legislature approved and sent them out, including
- 165 being able to Skype into meetings
- 166 • Received Engineering price proposals; sent them out to TIF Committee
- 167 • Updated a math issue on the C.O. warrant

168       • Quick update from EMA; working on backup dispatching; 1 confirmed case in York  
169       county

170

171

172

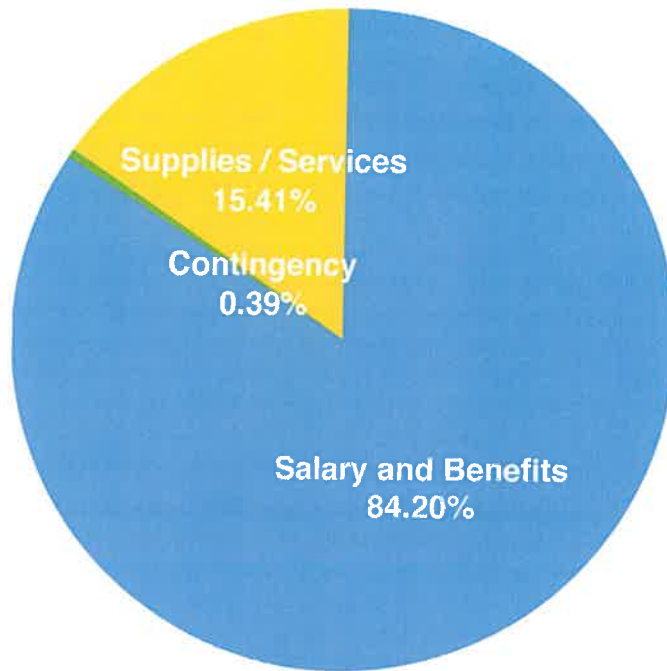
173   **Stopped making daily notes during pandemic.**

**MSAD #35  
REVENUE/ASSESSMENT  
BUDGET SUMMARY**

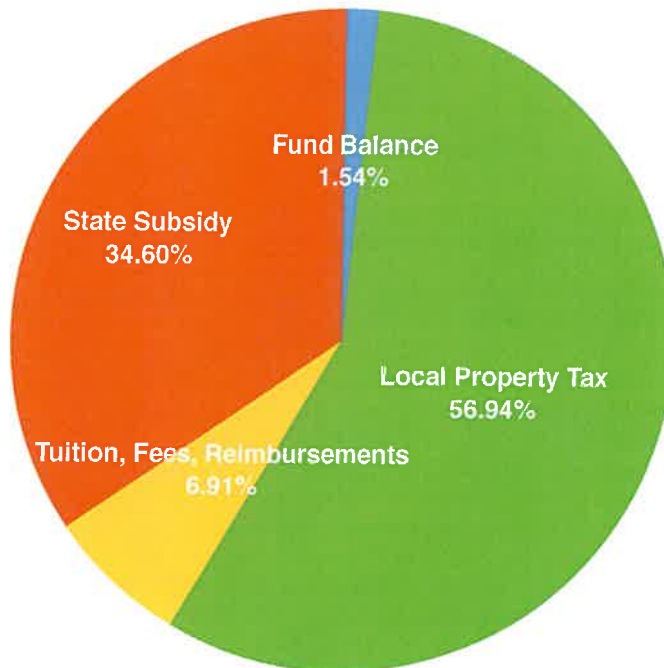
CORRESPONDENCE # **H-1A**  
SELECTMEN'S MEETING  
04-09-20

	FY20	FY21	Inc/(Dec)	
			Amount	%
<b><u>DISTRICT EXPENDITURE BUDGET</u></b>				
District Operating Budget	\$ 31,316,020	\$ 31,734,837	\$ 418,817	1.34%
Teacher Retirement Cost	\$ 652,500	\$ 661,010	\$ 8,510	1.30%
<b>Total District Budget</b>	<b>\$ 31,968,520</b>	<b>\$ 32,395,847</b>	<b>\$ 427,327</b>	<b>1.34%</b>
<b><u>DISTRICT REVENUE BUDGET</u></b>				
<b>State Subsidy</b>				
State Subsidy	\$ 10,972,668	\$ 11,208,458	\$ 235,790	2.15%
<b>Total State Contribution</b>	<b>\$ 10,972,668</b>	<b>\$ 11,208,458</b>	<b>\$ 235,790</b>	<b>2.15%</b>
<b>Local Tax Revenue</b>				
Required Local Contribution	\$ 13,223,706	\$ 13,469,460	\$ 245,754	1.86%
Additional Local Contribution	\$ 4,536,026	\$ 4,978,348	\$ 442,322	9.75%
Local Only Debt Service	\$ 237,252	\$ -	\$ (237,252)	-100.00%
<b>Total Local Tax Revenue</b>	<b>\$ 17,996,984</b>	<b>\$ 18,447,808</b>	<b>\$ 450,824</b>	<b>2.50%</b>
<b>Local Non-Tax Revenues</b>				
Regular Education Tuition - Rollinsford	\$ 1,643,380	\$ 1,661,738	\$ 18,358	1.12%
Special Education Services - Rollinsford	\$ 175,242	\$ 233,333	\$ 58,091	33.15%
CTE Tuition - Rollinsford	\$ 10,000	\$ 10,000	\$ -	0.00%
Regular Education Tuition	\$ 55,000	\$ 55,000	\$ -	0.00%
Community Bus Rentals & Activity Trips	\$ 50,000	\$ 50,000	\$ -	0.00%
Interest Income	\$ 30,000	\$ 20,000	\$ (10,000)	-33.33%
Use of Facility Fees	\$ 13,000	\$ 13,000	\$ -	0.00%
Misc. Receipts and Refunds	\$ 75,000	\$ 75,000	\$ -	0.00%
E-Rate Discount	\$ 15,500	\$ 15,500	\$ -	0.00%
Medicaid Reimbursement	\$ 12,500	\$ 12,500	\$ -	0.00%
State Agency Client Reimbursement	\$ 10,000	\$ 10,000	\$ -	0.00%
Technology Infrastructure Services	\$ 39,246	\$ 83,510	\$ 44,264	112.79%
<b>Total Local Non-Tax Revenues</b>	<b>\$ 2,128,868</b>	<b>\$ 2,239,581</b>	<b>\$ 110,713</b>	<b>5.20%</b>
<b>Applied Fund Balance</b>				
Fiscal Year End Surplus	\$ 520,000	\$ 500,000	\$ (20,000)	-3.85%
Prior Year Fund Balance Applied	\$ 350,000	\$ -	\$ (350,000)	-100.00%
<b>Total Local Non-Tax Revenue</b>	<b>\$ 870,000</b>	<b>\$ 500,000</b>	<b>\$ (370,000)</b>	<b>-42.53%</b>
<b>Total Projected Revenues</b>	<b>\$ 31,968,520</b>	<b>\$ 32,395,847</b>	<b>\$ 427,327</b>	<b>1.34%</b>
<b><u>LOCAL ASSESSMENT</u></b>				
Total Eliot Assessment	\$ 9,957,757	\$ 10,200,711	\$ 242,954	2.44%
Total South Berwick Assessment	\$ 8,039,227	\$ 8,247,097	\$ 207,870	2.59%
<b>Total District Assessment</b>	<b>\$ 17,996,984</b>	<b>\$ 18,447,808</b>	<b>\$ 450,824</b>	<b>2.50%</b>
<b><u>ADULT ED ASSESSMENT</u></b>				
Town of Eliot	\$ 53,146	\$ 54,175	\$ 1,029	1.94%
Town of South Berwick	\$ 54,603	\$ 56,387	\$ 1,784	3.27%
<b>Total Adult Ed Assessment</b>	<b>\$ 107,749</b>	<b>\$ 110,562</b>	<b>\$ 2,813</b>	<b>2.61%</b>

### FY2021 Expenditures

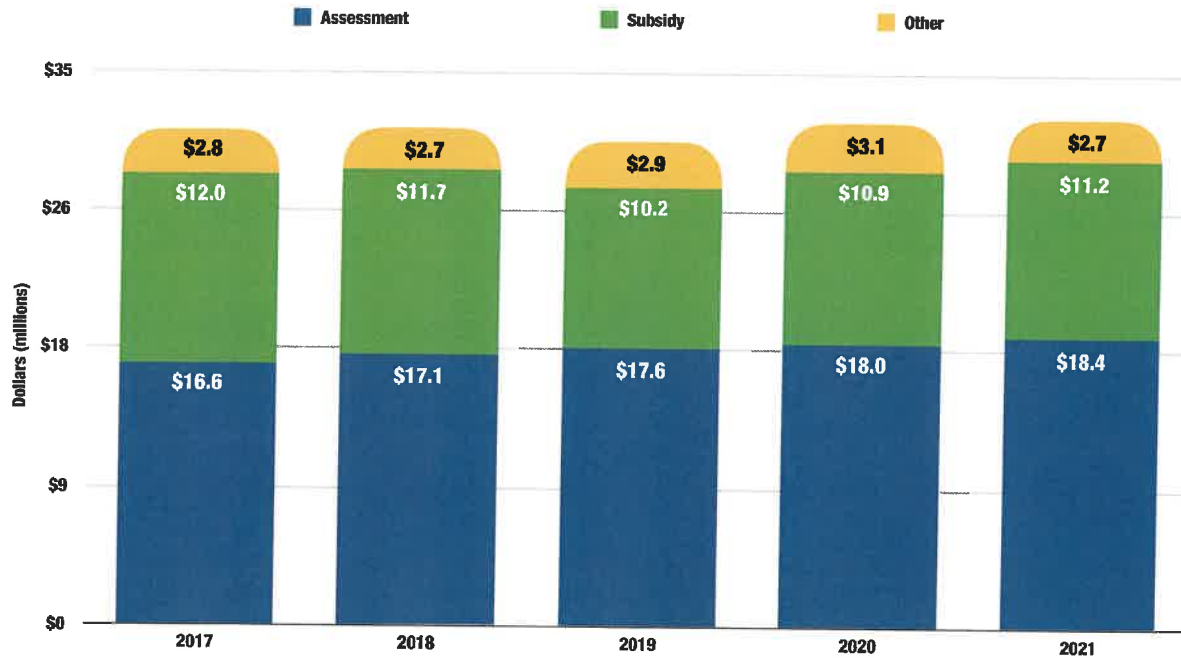


### FY2021 Revenues



## Five Year Budget Comparison

	FY2017	FY2018	FY2019	FY2020	FY2021
Student Enrollment (October 1)	2,373	2,369	2,315	2,225	2,229
Expenditure Budget	\$30,961,228	\$30,988,082	\$29,985,127	\$31,316,020	\$31,734,837
Teacher Retirement Cost	\$482,944	\$602,600	\$602,600	\$652,500	\$661,010
Total Expenditure Budget	\$31,444,172	\$31,590,682	\$30,587,727	\$31,968,520	\$32,395,847
\$ change from prior year =	\$995,125	\$146,510	-\$1,002,955	\$1,380,793	\$427,327
% change from prior year =	3.3%	0.5%	-3.2%	4.5%	1.3%
State Subsidy	\$11,969,766	\$11,739,706	\$10,175,733	\$10,972,668	\$11,208,458
\$ change from prior year =	-\$322,209	-\$230,060	-\$1,563,973	\$796,935	\$235,790
% change from prior year =	-2.6%	-1.9%	-13.3%	7.8%	2.1%
Eliot Assessment	\$9,068,824	\$9,399,776	\$9,770,341	\$9,957,757	\$10,200,711
\$ change from prior year =	\$251,892	\$330,952	\$370,565	\$187,416	\$242,954
% change from prior year =	2.9%	3.6%	3.9%	1.9%	2.4%
South Berwick Assessment	\$7,566,392	\$7,729,930	\$7,767,281	\$8,039,227	\$8,247,097
\$ change from prior year =	\$153,614	\$163,538	\$57,351	\$251,946	\$207,870
% change from prior year =	2.1%	2.2%	0.7%	3.2%	2.6%
District Local Assessment	\$16,635,216	\$17,129,706	\$17,557,622	\$17,996,984	\$18,447,808
\$ change from prior year =	\$405,506	\$494,490	\$427,916	\$439,362	\$450,824
% change from prior year =	2.5%	3.0%	2.5%	2.5%	2.5%



**Request for Enterprise Budgeting**

**March 17, 2020**

We are swapping over to a new Pay To Throw (PTT) bag vendor and are now solely selling the bags from the Town Office and Transfer Station, we may need to use what will be incoming revenues from the bags' sale to be used to upfront the cost of buying a bulk load of bags (to get a better price). We anticipate the need for about \$12,200 and have projected well more than that in Revenues to offset the initial \$12,200.

## Boxes And Bags Unlimited

**41 Chestnut St**

**P.O. Box 2341**

**Lewiston, ME 04241-2341**

**Tel# 1-800-696-6702    Fax# 1-207-782-9597**

**E-Mail Address:** [bags528@aol.com](mailto:bags528@aol.com)

**Web Site Address: [www.boxesandbagsunlimited.com](http://www.boxesandbagsunlimited.com)**

Date: 03/11/20

**Customer: Town Of Elliot ME**

[illegible]

**Lead Times: 4-6 Weeks**

**Plate Charge: N/A**

**Terms: Net 15 Days**

**Freight: Prepaid**

**Price Guarantee: 30 days from quote date**

**Note:**

Approved By: Jeff Marcotte



04-09-20

# **Eliot Building Committee Ad Hoc Committee**

## **By-Laws**

### **Adopted (date)**

#### **ARTICLE 1: PURPOSE**

- a. The purpose of the Eliot Building Committee, (hereafter referred to as the Committee) is to serve in an advisory capacity to the Select Board on all matters associated with investigating office needs at the Town Office, including considerations for Community Service Department and Committee usage.
- b. The Eliot Select Board shall review the purpose of the Committee at least every five (5) years, with the option to retain the Committee, restate the Committee's purpose, or disband the Committee. The first review shall be five (5) years from the date Select Board approves the Committee's by-laws.

#### **ARTICLE 2: DUTIES**

The Committee shall:

- a. Examine the space needs and shortcomings of the Town Hall facility and the Community Service Department. The Committee is asked to think very long term (40-50 years).
- b. Examine past efforts, plans, minutes of meetings associated with past examinations of needed space.
- c. Meet with staff as be advisable to better understand building(s) space needs now and in the future
- d. Determine the location of any expanded or new building space along with the necessary civil engineering that would need to be undertaken to determine suitability of the land / wetlands, etc.
- e. Recommend to the Select Board specialists needed (architect / construction specialists) to determine options for additional space (expand to a second floor, etc.)
- f. Research what other Towns have done recently with regards to their municipal offices.
- f. Make one or more written proposals for review and action by the Select Board.
- g. If funding of the Committee is sought, a detailed budget request must be submitted to the Town Manager no later than November 1 of each year.

#### **ARTICLE 3: MEMBERSHIP**

##### **3.1 Appointments and Terms**

- a. The Committee shall consist of five (5) regular members and two (2) alternates appointed by the Select Board. A liaison from the Select Board may also be appointed by the Select Board (non-voting).
- b. All members of the Committee shall be eligible voters of the Town.

- c. Members shall be eligible for reappointment.
- d. Non-voting specialized consultants may advise the Committee as needed.
- e. When a member is absent from a meeting or recuses him / herself from action on a motion, the Chair shall appoint an alternate member to that position for the meeting on that motion.

### **3.2 Staff Support**

- a. The Town Manager, or his / her designee shall provide staff support to the Committee.

## **ARTICLE 4: OFFICERS AND ELECTIONS**

### **4.1 Officers and Responsibilities**

The officers of the Committee shall consist of the Chair, Vice Chair, and Secretary. The duties of the Committee officers shall be as follows:

- a. **Chair.** The Chair is the official spokesperson for the Committee and shall publicly express only those points of view that are reflective of and have been agreed upon by the Committee. The Chair shall preside at all meetings of the Committee; call special meetings when necessary; approve agendas drafted by staff; assign members to sub-committees; monitor conflict of interest in all of the Committee's activities; ensure adherence to local Ordinances, Town Charter and State Statutes; ensure proper training of the Committee's members; recruit new members when a Committee vacancy occurs; keep the Select Board apprised of the Committee's activities; and perform all other duties necessary or incidental to the office. The Chair shall decide all points of order and procedure during meetings and his/her decision shall be final unless overruled by a majority of the members present. The Chairperson is a voting member of the Committee.
- b. **Vice Chair.** In the absence of the Chair, or in the event of the Chair's inability to act, the Vice Chair shall perform the Chair's duties. In the event of the absence or inability to act of both the Chair and the Vice Chair, the remaining members shall appoint one of their members to act temporarily as Chair.
- c. **Secretary.** The Secretary shall record the minutes of the Committee meetings and be responsible for maintaining the Committee's records.

### **4.2 Elections**

- a. Officers shall be elected annually by a majority of the Committee membership at the first meeting of the Town's fiscal year.
- b. No member may serve in the position of Chair for more than two consecutive terms.

#### **4.3 Removal from Office**

- a. Members are expected to attend scheduled meetings on a regular basis. The Committee Chair shall notify the Select Board if a member fails to attend at least 50% of all regular monthly meetings over a one (1) year period. Such action shall constitute a resignation that must be acted on by a majority vote of the Select Board.
- b. Committee members may be removed by the Select Board for malfeasance in office.

### **ARTICLE 5: SUBCOMMITTEES**

- a. The Chair shall appoint those subcommittees that are necessary to accomplish the Committee's work, subject to the approval of a majority vote of the Committee.
- b. The Chair shall be an ex-officio member of every subcommittee.

### **ARTICLE 6: MEETINGS**

#### **6.1 Regular Meetings**

- a. The Committee shall meet at least monthly at a place and time so designated by an agenda approved by the Chair.
- b. The Committee may meet more frequently as determined by the Chair or a majority of the Committee.
- c. Agendas shall be posted on the Eliot website and locations that the Select Board agendas are posted. Agendas of regular meetings shall be posted at least seven (7) days prior to the meeting.
- d. All meetings shall be open to the public. Every agenda shall have a section that is specifically for people to offer public comment, though time restrictions for speaking may be adopted as deemed required.

#### **6.2 Special Meetings & Emergency Meetings**

- a. The Chair may call a special meeting of the Committee provided that the agenda is posted three (3) days prior to the meeting. Public notice will be provided for Emergency meetings as soon as possible and on all available sources of media.

#### **6.3 Executive Sessions**

The Committee may call for an executive session only under the provisions and terms specified in the Maine State Statutes.

#### **6.4 Quorum & Voting**

- a. The Chairperson may appoint Alternate Members to serve as Regular members for purposes of creating a quorum.
- b. A quorum of the Committee shall consist of a simple majority of the regular membership, including Alternate Members serving as a Full Member.
- c. No official action, binding resolution or discussion of committee business shall be made by the Committee without a quorum of the membership.
- d. The Committee will take action pursuant to motions and seconds made by Committee members. A roll call vote count shall be maintained on any Committee vote. The action will be approved if a quorum is present at a meeting and a majority of those present at a meeting vote in favor of the action.
- e. Proxy voting shall not be allowed.

#### **6.5 Presiding Rules**

Parliamentary procedure in Committee meetings shall be governed by the adopted rules of order, Robert's Rules of Order Newly Revised, current edition with particular attention to "small municipal board" section.

### **ARTICLE 7: PERFORMANCE ISSUES**

Committee members serve as official representatives of the Town of Eliot to the business community, to other governmental units, to the press, and to the public at large and therefore are expected to comport themselves accordingly. All members shall adhere to the Maine Freedom of Access Act Laws (1 MRS § 401 et seq.) and, where applicable, the Eliot Personnel Policies and Procedures Manual. The Town Manager is the FOAA Officer for the Town and all such requests to the Committee shall be immediately conveyed to the FOAA Officer.

### **ARTICLE 8: AMENDMENT OF THE BYLAWS**

These by-laws may be amended, and recommended for amendment to Select Board, by a 2/3 vote of the Committee after two (2) weeks advanced notice of the intent to change has been given in writing to each Committee member.

## **ARTICLE 9: EFFECTIVE DATE**

These by-laws shall become effective upon a vote of the majority of Committee members in a regular meeting and a majority vote of Select Board.

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Richard Donhauser, Chair

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Alex Orestis, Vice Chair

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Phil Lytle

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Robert McPherson

## **Staff Recognition Program**

CORRESPONDENCE # H-4  
SELECTMEN'S MEETING  
04-09-20

### **The Eliot MVP Award**

- 1. This award is given two times per year – once in June and once in December.**
- 2. Each staff member from each department votes for one of their own and submits the name for a random drawing.**
- 3. Police, CSD, Admin, Fire and Public Works each have one week to “vote” for someone from their division and to submit the name to their Department Head for the drawing.**
- 4. The Department Head will hand out ballots (anonymous respondents) to each staff member, and ask them to vote and drop off their selection in a bag, box or folder.**
- 5. The Department Head then tallies the votes and advises the T.M. of that Department’s employee selection to be entered into the drawing. Any noted comments from the nominators will also be provided to the Town Manager.**
- 6. All the nominated staff suggested by their peers will be mentioned at a Select Board meeting and the winner gets a framed “MVP” certificate and something “extra.”**
- 7. A list of past winners will be maintained and departments are asked not to nominate the same person over and over.**

**The criteria for who you choose is pretty loose.**

**It could be the one who:**

- Keeps morale up**
- Effectiveness / Hard Work**
- Best Teammate**
- Clever / Problem Solver**

# **Eliot's MVP Employee Award**

**June of 2020**

## **BALLOT**

**DEPARTMENT:** \_\_\_\_\_

**NOMINEE'S NAME:** \_\_\_\_\_

**SAY A LITTLE WHY YOU NOMINATED THIS STAFF PERSON:**

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04-09-20

**TOWN OF ELIOT**  
**PUBLIC SAFETY IMPACT FEE ORDINANCE**

**1. Authority.**

- A. In accordance with 30-A M.R.S. § 4354, paragraph 1A(4), and its statutory and constitutional home rule provisions, the Town of Eliot hereby ordains the following chapter to authorize the assessment of an impact fee for the purposes of providing for public safety capital improvements needed as a result of expansion in building-related activity as specified herein.
- B. Town exempt. The Town is exempt from the payment of an impact fee as provided herein.

**2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT:** A person making application for a building permit under Title 16, Land Use and Development Code.

**IMPROVEMENTS:** Newconstruction/development/building or renovations to any existing structure that increases that structure, by volume or square footage, or changes in the existing footprint.

**PUBLIC SAFETY:** The maintenance, prevention of, and protection from conditions that could endanger the safety of the general public, including, but not limited to, fire, police, transportation and emergency medical services.

**PUBLIC SAFETY CAPITAL IMPROVEMENTS:** New, expanded or modified public safety equipment or facilities as approved in the Town Capital Improvement Plan process.

**3. Purpose and application.**

- A. The Select Board acknowledges that improvements in the Town lead directly to public safety infrastructure and capital equipment requirements made necessary by such development. The purpose of this impact fee is to ensure that improvements in Eliot are supported for those public safety requirements with necessary equipment and facilities, and ordain that such improvements must bear a proportional or reasonably related share of the cost of public safety equipment and facilities through:
  - (1) The payment of an impact fee that must be dedicated to paying for such needed public safety capital requirements; or
  - (2) The direct funding of the public safety capital improvements of such needed equipment and facilities.
- B. Determination of impact fee. The amount of the fee provided herein is reasonably related to the improvement's share of the cost, where the construction cost, as shown in the application for the building permit, amounts to or exceeds the sum of \$100,000.
  - (1) The impact fee assessed is calculated by the CEO at the rate as set forth in Appendix A1 per \$1,000 of the cost of improvements in excess of \$100,000.



- (2) The first \$100,000 of the cost of the improvements, as determined herein, is exempted from this impact fee.
  - (3) The following formula is to be used to determine the impact fee: Cost of the improvements less \$100,000 x the rate set in Appendix A = Impact Fee.
- C. Payment of impact fees. Prior to the issuance of a building permit, the applicant must pay this public safety impact fee as determined above. The impact fee must be paid to the Town for deposit in the dedicated impact fee account established for this purpose at the time of issue of the building permit.
- D. Waiver of impact fee. The Select Board by vote, may waive in whole or in part the payment of an impact fee as determined under this chapter if the CEO, in consultation with the Town Manager, finds that:
  - (1) The applicant, as part of the improvements to be undertaken, is required by the Town or a state or federal agency, as part of the development/building approval, to make or pay for capital improvements that are in the same nature as the capital improvements to be funded by the impact fee as determined under the terms of this chapter.
  - (2) The construction/development/building subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Select Board, in consultation with the Town Manager, may waive only that portion of the impact fee assessed hereunder that is attributable to the affordable housing units.

#### **4. Impact fee account.**

- A. All impact fees collected under the provisions of this chapter must be segregated and accounted for in a dedicated impact fee account designated as the Public Safety Impact Fee Account.
- B. The impact fee account is established by the Town Manager and must be the depository for all impact fees collected by the Code Enforcement Officer under the terms of this chapter.
- C. The impact fee funds must be segregated by the Town from general revenues and must be applied solely and exclusively towards capital improvements for public equipment and facilities for which the impact fees are collected hereunder.
- D. No portion of these funds may be used for routine maintenance or operational activities of the Fire Department relating to public safety improvements and expenses.
- E. The proceeds in this account may be expended in concert with other revenues and planned expenditures of capital improvement funds of the Town only for capital costs of equipment and facilities for the public safety as authorized by this chapter.

#### **5. Refund of impact fee.**

- A. If a building permit for which an impact fee has been paid is revoked or allowed to lapse prior to the commencement of the improvements, the payer of the impact fee is entitled to a refund, without interest, of any impact fee paid in conjunction with the issuance of that building permit.
- B. A request for refund must be made in writing to the CEO within 60 days of the lapse or revocation of the building permit, and the refund if deemed to be allowed hereunder is to be remitted within 60 days after the request is received by the CEO.

#### **6. Reasonable schedule.**

- A. Any fees collected that are not spent or obligated by contract for the specified improvements allowed under this chapter by the end of the calendar quarter immediately following 10 years from the date the fee was paid must be returned to the payer of the impact fee, or successor, heir or assign, together with interest calculated at the simple interest rate of 2% per year from the date of the payment of the impact fee.

#### **7. Enforcement.**

- A. This chapter is enforced by the CEO or any other person duly authorized by the Select Board.

#### **8. Review and revision.**

- A. The Select Board must periodically review the provisions of this chapter at least once in every five-year period.
- B. If the Select Board finds that the anticipated cost of the public safety capital improvements has changed or that the identification of capital improvements subject to this impact fee is no longer appropriate, the Select Board may make recommendations to the Town of Eliot voters for any appropriate amendments to this chapter.
- C. Any changes adopted as a result of such review must apply to all future development but must not be applied retroactively to construction/ development/building projects that have already paid an impact fee.

#### **9. Violations and penalties.**

- A. Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3.

## **Municipal Officers' Certification of Official Text of a Proposed Ordinance**

To Wendy Rawski, 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:

"Town of Eliot Public Safety Impact Fee Ordinance", which is to be presented to the voters for their consideration on June 9, 2020.

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.

Given under our hands this 9th day of April, 2020.

---

Richard Donhauser, Chairman

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Alexandros Orestis, Vice Chairman

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Philip Lytle, Selectman

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Robert McPherson, Selectman

**Select Board**

**Town of Eliot, Maine**

# memo

CORRESPONDENCE # H-6  
SELECTMEN'S MEETING  
04-09-20

To: Town Manager  
Select Board Members

From: Kristina Goodwin – Land Use Administrative Assistant

CC: Denny Lentz – Planning Board Chair  
David Galbraith – Planner Consultant  
Wendy Rawski – Clerk  
Melissa Albert- Administrative Assistant

Date: April 3, 2020

Re: Chapter 1 Section 1-2 Ordinance Revision Certification

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Please find attached the Planning Board's proposed Ordinance Revisions for Chapter 1 Section 1-2. These were previously certified by the Select Board however the previous version did not capture the changes that the Planning Board had recommended at their October 29, 2019 and December 3, 2019 Planning Board meetings. The attached Section 1-2 Ordinance Revision recommendations have been reviewed and approved by the Planning Board Chair and Planner Consultant. For your reference and records, I have also attached the minutes of the Planning Board meetings of October 29, 2019 and December 3, 2019.

Thank you,  
Kristina

**Amendments to Chapter 1 – General Provisions, Section 1-2 of the Municipal Code of Ordinances of the Town of Eliot, Maine.**

**Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S.A. § 3002(2)]**

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 **““Amendments to Chapter 1 – General Provisions, Section 1-2” of the Municipal Code of Ordinances of the Town of Eliot, Maine to define land uses and rules of construction.** which is to be presented to the voters for their consideration on June 9, 2020.

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: \_\_\_\_\_

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Town of Eliot Board of Selectmen

**ARTICLE \_\_\_\_\_ Shall an ordinance entitled “Amendments to Chapter 1 – General Provisions, Section 1-2” of the Municipal Code of Ordinances of the Town of Eliot, Maine to define land uses and rules of construction dated \_\_\_\_\_ be enacted?**

## **THE AMENDMENT WILL:**

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- Define land uses and rules of construction which are not currently defined in Chapter 1.

## **BACKGROUND AND RATIONALE:**

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- This amendment is proposed by the Planning Board to provide definitions for land uses and rules of construction which are not currently defined in Chapter 1.

## SEC. 1-2. – DEFINITIONS AND RULES OF CONSTRUCTION.

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ADD THE FOLLOWING DEFINITIONS:

New Text in Bold and Underlined

1. **Accessory building** means an outdoor structure such as attached or detached garages, sheds, playhouses, storage buildings, pergolas, garden structures, greenhouses, private studios, boathouses, pool houses, cabanas, and other similar residential buildings.
2. **Animal Breeding** for the purpose of land use this shall means a location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period.
3. **Animal Husbandry** means a branch of agriculture concerned with animals that are raised for meat, fiber, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.
4. **Bank** means a universal bank, limited purpose bank, trust company, savings bank, industrial bank, savings and loans association or credit union organized under the laws of this State, also known as a financial institution. Excluded from the definition of "financial institution" is any limited purpose bank that is predominantly engaged in the business of a nondepository trust company and is subject to Bureau of Financial Institutions Regulation.
5. **Bathhouse** means a dressing, shower, or toilet facility.
6. **Bathing Beach** means a natural or artificial flowing or impounded pond, lake, stream, river or other body of fresh or salt water at the location where it is used for bathing and swimming purposes.
7. **Bed and Breakfast** means a home occupation in a single-family dwelling in which lodging or lodgings with meals served before noon are offered to the general public for compensation, offering no more than six bedrooms for lodging purposes.
8. **Bulk oil fuel tank** means single or multiple compartment tanks with or without supports. The intended use of tanks is to receive and store oil products for the purpose of redistribution.
9. **Business Office** means a place of business where professional or clerical duties are performed.
10. **Cemetery** means a burial ground; a graveyard.

Amendments to Chapter 1 – General Provisions, Section 1-2 of the Municipal Code of Ordinances of the Town of Eliot, Maine.

11. Earth material removal, less than 100 cubic yards and 100 cubic yards or greater means road construction, railway beds, causeways, dams, levees, canals, and berms. Other common earth removal are land grading to reconfigure the topography of a site, or to stabilize slopes.
12. Equipment storage, trucks, 3 or more means semi-permanent or long-term containment, holding, leaving, or placement of goods, materials, or three or more trucks; usually with the intention of retrieving them at a later time. It does not include the interim accumulation of a limited material amount during processing, maintenance, or repair.
13. Farm equipment store means a store where any kind of machinery used on a farm to help with farming. The best-known example is a tractor.
14. Fence means a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.
15. Firewood sales means any location where wood burned as fuel is sold.
16. Fireworks sales means any location where a device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations is sold.
17. Funeral Establishment means every place or premises devoted to or used in the care and preparation for the funeral and burial of human remains or maintained for the convenience of the bereaved for viewing or other services in connection with the human remains or as the office or place for carrying on the profession of funeral service.
18. Gardening means the activity of tending and cultivating a garden, especially as a pastime.
19. Gasoline station means a business for servicing motor vehicles especially with gasoline and oil.
20. Government buildings or uses means an administrative building, such as but not limited to: town hall, library, courthouse, public safety or law enforcement buildings, other municipal buildings, fire stations, jails and detention facilities.
21. Grain or feed store means a business selling livestock feeds.
22. Harvesting wild crops means the collection of any plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.
23. Hospital means a facility offering emergency services and inpatient care and services for observation, diagnosis and active treatment of an individual with a medical, surgical, obstetrical, rehabilitation or psychiatric condition requiring direction or supervision of a physician and which may or may not offer similar services to outpatients.



Amendments to Chapter 1 – General Provisions, Section 1-2 of the Municipal Code of Ordinances of the Town of Eliot, Maine.

24. Indoor commercial recreation & amusement facility means an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports. Such facility may also provide other regular organized or franchised events. Including but not limited to arcade, assembly hall, athletic and health clubs, bowling alley, community center, conference center, exhibit hall, gymnasium, or movie theater.
25. Library means a building or room containing collections of books, periodicals, and sometimes films and recorded music for the public to read, borrow, or refer to.
26. Livestock means animals raised in an agricultural setting, including the Rural District, to produce labor and commodities such as meat, eggs, milk, wood, etc.
27. Manufacturing means the making of articles on a large-scale using machinery; industrial production.
28. Museum means a building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited
29. New construction of telecommunication structure 70 feet and higher, New construction of telecommunication structure less than 70 feet high means the construction of a structure, typically steel, that are designed in order to support antennas for telecommunications and broadcasting. Wireless communication for the most part, such as mobile networking, television antennas as well as radio broadcasting
30. Nurseries, plants mean any business or individual offering nursery stock for sale: woody plants (trees, shrubs, vines etc.) and herbaceous plants (bulbs, annuals, perennials, vegetable seedlings, houseplants, etc.), but does not include cut flowers or cut Christmas trees.
31. Park means a public green area in a town, used for recreation.
32. Places of worship means a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. A building constructed or used for this purpose is sometimes called a house of worship. Temples, churches, synagogues and mosques are examples of structures created for worship.
33. Playground means an outdoor area provided for children to play in, especially at a school or public park
34. Printing plant means the activity or business of producing writing and images on paper or other material with a machine.
35. Produce and plants raised locally, seasonal sales mean agricultural products (for example, wool or flowers) that have been produced or grown locally, especially by farming, processed and then sold.

Amendments to Chapter 1 – General Provisions, Section 1-2 of the Municipal Code of Ordinances of the Town of Eliot, Maine.

- 36. Professional offices mean an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which primarily use training or knowledge of.
- 37. Recreational facilities, non-intensive means public or private facilities for use by the general public such as boat or yacht clubs, docks, swimming pools, golf and country clubs.
- 38. Retail stores, local, other means a store that specializes in the sale of a limited quantity and variety of items.
- 39. Road construction means the act of constructing a road.
- 40. School means any institution at which instruction is given in a particular discipline.
- 41. Survey & resource analysis means the process of analyzing results from surveys.
- 42. Warehouse means a building where raw materials or manufactured goods may be stored.
- 43. Wholesale business facility means a building where the sale of goods or merchandise to retailers; to industrial, commercial, institutional, or other professional business users; or to other wholesalers (wholesale businesses) and related subordinated services. In general, it is the sale of goods to anyone other than a standard consumer.

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

In the construction of this Code, and of all ordinances, the following rules shall be observed:

*100-year flood.* See "base flood."

*Abutters* means owners of adjacent property, including property separated by a street, road, or stream, from the property under review.

*Acceptable waste* means waste materials that will be accepted at the ERDF. Includes: domestic trash, special handling items and recyclable and compostable materials.

*Access way* means an easement or a strip of land giving access to one or more back lots.

**Accessory building means an outdoor structure such as attached or detached garages, sheds, playhouses, storage buildings, pergolas, garden structures, greenhouses, private studios, boathouses, pool houses, cabanas, and other similar residential buildings.**

*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 and that meets the requirements of section 45-459. Accessory structure or use means a use or detached structure that is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Note—** Definition of "accessory use" and "accessory structure" have been added through a previous ordinance revision, pending codification.

*Adjacent grade* means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Affordable housing* means decent, safe and sanitary dwelling units that can be afforded by households with annual incomes no greater than 80 percent of the median household income in non-metropolitan York County, as established by the U.S. Department of Housing and Urban Development (median household income shall be published in the Annual Report of the Municipal Officers of the Town of Eliot, Maine). A renter-occupied unit is affordable to such households if the unit's monthly housing costs, including rent and basic utility costs (the costs of heating and of supplying electricity to the unit plus the cost, if any, of supplying public water and public wastewater disposal service to the unit), do not exceed 30 percent of gross monthly income. An owner-occupied unit is affordable to such households if its price results in monthly housing costs that do not exceed 28 percent of gross monthly income for principal, interest, insurance and real estate taxes. Estimates of mortgage payments are to be based on down payments and rates of interest generally available in the area to low and moderate income households.

*Aggrieved party* means an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

*Agriculture* means the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

*Allocation (or sewer capacity allocation)* means the commitment of a specified amount of wastewater treatment capacity (measured in gallons per day or GPD) as approved by the Eliot Sewer Committee and/or Board of Selectmen for a specified development or land use.

*Alteration* means any change, addition, or modification in construction, or any change in the structural members of a building such as bearing walls, columns, beams, or girders.

*Alternate tower structure* means manmade or natural objects, clock towers, bell steeples, light poles, water towers, and similar alternative-design antenna mounting structures.

**Animal Breeding for the purpose of land use this shall means a location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period.**

**Animal Husbandry means a branch of agriculture concerned with animals that are raised for meat, fiber, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.**

*Antenna* means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

*Applicant (chapter 35)* means a person with requisite right, title or interest or an agent for such person who has filed an application for development that requires a post-construction stormwater management plan under this chapter.

*Aquaculture* means the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

*Area of shallow flooding* means a designated AO and AH zone on community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the flood insurance study cited in article I of chapter 25.

*Arterial street* means a major thoroughfare which serves as major trafficways for travel between and through town.

*ASCE* means the American Society of Civil Engineers.

*Assisted living facility* means a housing facility, licensed by the state, which provides care in residential settings for elderly persons and persons with disabilities. This includes state licensed housing facilities known as congregate housing and residential care facilities.

*Assisted living facility dwelling unit* means a dwelling unit licensed by the state for assisted living facilities.

*Auto graveyard* means a yard, field, or other open area used as a place of storage for three or more unregistered or unserviceable, discarded, worn-out, or junked motor vehicles, including all vehicles which cannot pass the state inspection test in their existing condition or are otherwise inoperable.

*Auto recycling business* means the business office of a person who performs auto recycling.

*Auto recycling operation* means the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.

*Auto recycling operation, limited* means the incidental dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles subject to the following limitations:

- (1) Meets all state requirements for an auto recycling operation.

- (2) Conducted incidental to an approved (state and/or local) auto repair garage or auto service station.
- (3) No more than ten unregistered, unserviceable, discarded or worn-out automobiles (or parts which take up the same area as ten assembled automobiles) per acre allowed on lot.
- (4) All recycling operations must take place within the boundaries of the recycling enclosure or inside buildings on the lot.
- (5) Recycling enclosure must be a solid visual screen (fence, wall, etc.) at least six feet high which completely surrounds all outside recycling operations.
- (6) No vehicles or parts of vehicles are to be stored outside the recycling enclosure except those within buildings on the lot.
- (7) Size of the recycling enclosure is to be no larger than 25 percent of the lot size or 10,000 square feet, whichever is less.
- (8) The perimeter of the recycling enclosure should be located as far from the lot lines as practical and shall comply with setback requirements specified for front yard, side yard and rear yard dimensions from principle structures in section 45-405, dimensional standards (see information below for setbacks).
- (9) The recycling enclosure must be fitted with a visual screen gate, which is kept closed at all times except when entering or exiting with vehicles.
- (10) No portable or fixed crushing machinery is allowed on lot.
- (11) Application must identify how all fluids, batteries, tires and lubricants are going to be removed and/or stored in compliance with DEP requirements where applicable.
- (12) Hours of operation shall be limited to 8:00 a.m. through 5:00 p.m., five days a week, Monday through Friday.
- (13) Noise shall not exceed 50 dbA during hours of operation. Noise shall be measured at the property line, four feet above ground. Exemptions of section 45-407 of the Eliot Zoning Ordinance shall apply.
- (14) Minimum lot size shall be two acres in those districts where allowed.

*Auto repair garage* means a place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, and overall painting and undercoating of automobiles.

*Auto service station* means a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

*Average daily flow (ADF)* means the total annual flow divided by the number of days in the calendar year, expressed as gallons per day (GPD).

*Back lot* means a lot which does not have the minimum street frontage required in the zoning district but which is accessed by an access way which either passes over or has been divided out of one or more other lots separating all or part of the back lot from the nearest qualifying street.

*Back lot, first generation* means a back lot separated from the nearest qualifying street by only one lot.

*Back lot, later generation* means a back lot separated from the nearest qualifying street by three or more lots.

*Back lot, new* means a back lot created after June 14, 2005.

*Back lot, second generation* means a back lot separated from the nearest qualifying street by two lots.

**Bank means a universal bank, limited purpose bank, trust company, savings bank, industrial bank, savings and loans association or credit union organized under the laws of this State, also known as a financial institution. Excluded from the definition of "financial institution" is any limited purpose bank that is predominantly engaged in the business of a nondepository trust company and is subject to Bureau of Financial Institutions Regulation.**

*Basal area* means the area of cross-section of a tree stem at four and one-half feet above ground level and inclusive of bark.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year, called the 100-year flood.

*Basement (cellar)* means any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50 percent of its volume below the existing ground level.

**Bathhouse means a dressing, shower, or toilet facility.**

**Bathing Beach means a natural or artificial flowing or impounded pond, lake, stream, river or other body of fresh or salt water at the location where it is used for bathing and swimming purposes.**

**Bed and Breakfast means a home occupation in a single-family dwelling in which lodging or lodgings with meals served before noon are offered to the general public for compensation, offering no more than six bedrooms for lodging purposes.**

*Best management practices or "BMPs" (chapter 35)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Biomedical waste* means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

*Board of selectmen.* The term board of selectmen shall mean the Board of Selectmen of the Town of Eliot, Maine.

*Boarding home or boardinghouse* means a building, having a common entrance, in which rooms are offered for accommodation, with or without meals, for compensation. The number of rooms allowed is to be limited by building size, adequacy of water, sewer, parking space and fire safety.

**Note—** 22 M.R.S.A. § 2501 states, in part, "Private homes shall not be deemed or considered lodging places and subject to a license where not more than three rooms are let.... Cottages [for summer occupancy] shall not be deemed or considered lodging places and subject to a license where not more than three cottages are let."

*Boarding house.* See "boarding home or boardinghouse."

*Boarding kennel or kennel* means facilities for five or more dogs kept under care of one owner or one or more dogs kept for breeding or compensation.

*Boat launching facility* means a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

*Boats registered in landowners name* means the burden of proof of boat ownership rests with the landowner (or person to whom water-dependent home occupation right has been transferred) and shall consist of either state registration or federal documentation in the landowner's (or person to whom water-dependent home occupation right has been transferred) name.

*BOD (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter or as prescribed in the current edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Building.* See "structure."

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

*Building inspector.* See "code enforcement officer."

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

**Bulk oil fuel tank means single or multiple compartment tanks with or without supports. The intended use of tanks is to receive and store oil products for the purpose of redistribution.**

*Bureau* means, within chapter 44, Shoreland Zoning, the State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

**Business Office means a place of business where professional or clerical duties are performed.**

*Camper* means a single tent, tent trailer, camper body (for mounting upon an automobile or light truck), camper trailer, camper mobile home, or similar recreational vehicle, provided the same is used for temporary camping and not for permanent living or sleeping quarters.

*Campground.* See "campground or camper park."

*Campground or camper park* means any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

*Camping, temporary* means any camping use not exceeding six months out of a one-year period.

*Canopy* means the more or less continuous cover formed by tree crowns in a wooded area.

**Cemetery means a burial ground; a graveyard.**

*Cementitious* means having the property of or acting like cement.

*Certificate of compliance* means a document signed by the code enforcement officer stating that a structure is in compliance with all of the provisions of this chapter.

*Certified perimeter survey* means the process of determining boundaries and areas of tracts of land. The perimeter survey shall be certified by a person licensed in the State of Maine as a professional land surveyor.

*Clean Water Act (chapters 31 and 35)* means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., also known as the "Clean Water Act"), and any subsequent amendments thereto.

*Coastal wetland* means all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the highest annual tide in which an

activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. Note: All areas below the highest annual tide are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows. Coastal wetlands, by definition, include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the highest annual tide are all considered to be coastal wetlands.

*COD (chemical oxygen demand)* means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*Code.* The word Code shall mean the Municipal Code of Ordinances, Town of Eliot, Maine.

*Code enforcement officer* means a person certified under 30-A M.R.S.A., Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

*Collector street* means a street providing access to 15 or more units of residential development, or to more than 2,500 square feet of retail commercial or industrial floorspace. It also includes streets which serve as connectors or feeders to arterial or other collector streets, or which collect traffic from a minor street or streets.

*Combined sewer* means a sewer receiving both surface water runoff and wastewater.

*Commercial adult enterprise* means any business a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials, of any kind which depict or describe any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
- (4) Less than completely and opaquely covered:
  - a. Human genitals;
  - b. Pubic region;
  - c. Buttock;
  - d. Female breast below a point immediately above the top of the areola; or
- (5) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Any business which devotes more than 20 percent of its floor space to exhibiting or displaying materials described in subparagraphs (a) through (e) above or derives more than 20 percent of its revenue from dealing in such materials shall be presumed to be a commercial adult enterprise unless the applicant presents clear and convincing evidence that dealing in such materials does not constitute a substantial or significant portion of the overall business enterprise being conducted on the premises.

*Commercial establishment* means any structure or land or combination used for the sale, purchase, or lease of any goods such as gas stations, restaurants, or grocery stores and services, but not home occupations.

*Commercial hauler* means any person, party, company, or corporation who as a business handles and hauls solid waste for compensation.

*Commercial/industrial street* means a street servicing uses in the commercial/industrial zone. (Does not include Sunrise Street.)

*Commercial pier* means a permanent structure extending over the water the principal use of which is the production of income from a water dependent business use such as supporting the buying or selling of goods and/or services to vessels, providing continuous access to commercial vessels used to generate income, the berthing and/or repair of transient vessels, access to rental slips and moorings, fishing, or



harvesting of shellfish, conducting tours or sightseeing trips, or the operation of a limited or full service marina. A pier shall be treated as a commercial pier for all purposes and shall be subject to the requirements and limitations applicable to commercial piers under this section if it is designated as a commercial pier on the application for approval first filed with the town, is more than six feet in width, or has pilings that extend below mean low water. A pier, which meets the criteria of this definition, is a commercial pier even if it is not associated with or does not support a land based commercial use.

*Commercial use* means the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

*Compostable materials* means the product of decomposition. A humus-like material, usable as a soil amendment or fertilizer. Examples include yard waste (leaves, grass clippings and herbaceous plants) and kitchen food waste.

*Comprehensive plan or policy statement* means any part or element of the overall plan or policy for development of the town as defined in 30-A M.R.S.A. § 4326.

*Computation of time.* In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(12).

*Conforming use* means a use of buildings, structures, or land which complies with all applicable provisions of this chapter.

*Construction or construction activities* means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances, including land clearing, grading, excavating and filling.

*Construction drawings* means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

*Contour lines and elevations* means contour lines, spaced at intervals of not more than five feet or at such intervals as the planning board may require, and elevations shall be based upon U.S. Geological Survey topographical map datum of existing grades.

*Contractor* means any entity that agrees to furnish goods, materials, equipment, personnel, and/or services that meet or exceed stated requirements or specifications, at a mutually agreed upon price and within a specified timeframe to another independent entity, principal, or project owner. The term shall include the contractor's agents, employees, and/or subcontractors. Contractor may also mean "owner" if the work is to be performed by the owner.

*Convey* means to sell, lease, rent, give, or allow occupancy of a dwelling unit. Dwelling unit means a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes and apartments, but shall not include trailers or recreational vehicles.

*County* means the County of York, Maine.

*Cross-sectional area* means the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances

from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

*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.

*DBH* means the diameter of a standing tree measured 4.5 feet from ground level.

*Dead-end street* means a street or sections of a street that has only one connection to a nondead-end street and is closed at the other end.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other town officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; or of equipment or materials. Within chapter 44, Shoreland Zoning, "development" means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

*Dimensional requirements* means numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

*Dinghy* means a vessel associated with a specific larger vessel and principally used for transportation from the larger vessel to a landing or other vessel. The intent is that unregistered, nonpowered boats such as canoes and kayaks that are not associated with the operation of the marina shall not be counted when determining the allowable number of permitted boats.

*Direct discharge or point source (chapter 31)* means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

*Disability* means any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

*Discharge (chapters 31 and 35)* means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state."

*Disruption of shoreline integrity* means the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

*Disturbed area* means clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." "Disturbed area" does not include routine maintenance but does include redevelopment.

*Domestic wastewater* means wastewater essentially free of industrial wastes or toxic materials and which originates from domestic conveniences such as toilets, urinals, sinks, showers, drinking fountains, home laundries, kitchens, school cafeterias, and floor drains, and similar sources as approved under the Maine State Plumbing Codes.

*Driveway* means a vehicular access way less than 500 feet in length serving two single-family dwellings or one two-family dwelling, or less.

*Dwelling* means a fixed structure, containing one or more dwelling units.

*Dwelling, multifamily.* See "multifamily dwelling."

*Dwelling unit* means a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes and apartments, but shall not include trailers, recreational vehicles, or accessory dwelling units. An accessory dwelling unit is not considered an apartment for purposes of this Code. The provisions of this definition relating to accessory dwelling units are retroactive to January 1, 2003.

**Earth material removal, less than 100 cubic yards and 100 cubic yards or greater means road construction, railway beds, causeways, dams, levees, canals, and berms. Other common earth removal are land grading to reconfigure the topography of a site, or to stabilize slopes.**

*Earth material removal* means operations whereby topsoil, sand, gravel, clay, peat, rock, or other materials are removed for sale or for use on another lot.

*Easement* means the authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

*Elderly housing* means housing units constructed or operated as part of a life care facility or housing units constructed, operated or financed wholly or partially with state or federal funds. Elderly persons or handicapped persons shall occupy the housing units. The state or federal funding program must have received the approval of the United States Department of Housing and Urban Development as one designed and operated to assist elderly persons.

*Elderly housing dwelling unit* means a dwelling unit specifically designed for elderly persons.

*Elderly person* means a person 55 years of age or older or a couple that constitutes a household and at least one of whom is 55 years or older at the time of entry into the facility.

*Electrical inspector.* See "code enforcement officer."

*Elevated building* means a nonbasement building:

- (1) Built, in the case of a building in zones AE and A to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or stilts; and
- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to two feet above the magnitude of the base flood.

In the case of zones AE and A, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of floodwaters, as required in section 25-17.

*Elevation certificate* means an official form (FEMA Form 81-31, 02/06, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and is required for purchasing flood insurance.

*Eliot Recycling and Disposal Facility (ERDF)* means the facility maintained by the town for the purpose of recycling, composting and disposing of solid waste.

*Emergency operations* means work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger or potential danger. Within chapter 44, Shoreland Zoning, "emergency operations" means operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

*Enforcement authority (chapter 31)* means the person(s) or department authorized under section 31-4 to administer and enforce the chapter.

*Engineer (or P.E.)* means a registered professional engineer licensed by the State of Maine.

**Equipment storage, trucks, 3 or more means semi-permanent or long-term containment holding, leaving, or placement of goods, materials, or three or more trucks; usually with the intention of retrieving them at a later time. It does not include the interim accumulation of a limited material amount during processing, maintenance, or repair.**

*Essential services* means gas, electrical or communications facilities, steam, fuel, electric power or water transmission or distribution lines, towers and related equipment, telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

*Excavation* means any breaking of the ground except agriculture or common household gardening and ground care.

*Excavation contractor* means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

*Excessive (chapter 18)* means amounts or concentrations of any constituent of a wastewater which, in the judgment of the superintendent or Town of Kittery Wastewater Treatment Department, will cause damage to any portion of the wastewater collection system; will be harmful to a wastewater treatment process; cannot be removed in the wastewater treatment process to the degree required to meet the Town of Kittery or Town of Eliot discharge permit; will otherwise endanger life, limb, or public property.

*Exempt person or discharge (chapter 31)* means any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for the discharge of stormwater from the Maine Department of Transportation and the Maine Turnpike Authority Municipal Separate Storm Sewer Systems, or a general permit for the discharge of stormwater from state or federally owned authority municipal separate storm sewer system facilities; and any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency ("EPA") or the Maine Department of Environmental Protection ("DEP").

*Expansion of a structure* means an increase in the footprint or height of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

*Expansion of use* means the addition of one or more months to a use's operating season; or the use of more footprint devoted to a particular use.

*Family* means one or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse or motel.

**Farm equipment store means a store where any kind of machinery used on a farm to help with farming. The best-known example is a tractor.**

**Fence means a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.**

*Filling* means depositing or dumping any matter on or into the ground or water.

**Firewood sales means any location where wood burned as fuel is sold.**

**Fireworks sales means any location where a device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations is sold.**

*Flood or flooding means:*

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)a. of this definition.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

*Flood insurance study.* See "flood elevation study."

*Floodplain or floodprone area* means land area susceptible to being inundated by water from any source (see flooding).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain, grading, or erosion control ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

*Floodway.* See "regulatory floodway."

*Floodway encroachment lines* means the lines marking the limits of floodways on federal, state and local floodplain maps.

*Floor area (within chapter 44, Shoreland Zoning)* means the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

*Floor area, gross* means the sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls.

*Footprint.* Definition of footprint had been added through a previous ordinance revision, pending codification.

*Force main* means a line without access from individual properties providing access from pumping station to trunk and sewer main.

*Forest management activities* means timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

*Forest stand* means a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

*Forested wetland* means a freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.

*Foundation* means the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

*Freshwater wetland* means freshwater swamps, bogs and similar areas, other than forested wetlands, which are:

- (1) Of ten or more contiguous acres; or of less than ten contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten acres; and
- (2) Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

*Front lot* means a lot with frontage on a qualifying street.

*Frontage, street* means the horizontal distance between the intersections of the side lot lines with the front lot line that abuts a town way or a private way meeting the minimum standards of a town street.

*Functionally water-dependent uses* mean those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities (excluding recreational boat storage buildings), finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Funeral Establishment means every place or premises devoted to or used in the care and preparation for the funeral and burial of human remains or maintained for the convenience of the bereaved for viewing or other services in connection with the human remains or as the office or place for carrying on the profession of funeral service.**

*Gambling* means that process in which one stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he, she or someone else will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of

contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

*Gambling casino* means a building, structure or other facility used to allow, conduct, hold, maintain, or operate a game of chance, game of skill, electronic video machine, roulette, high stakes beano or bingo, slot machines or any other type of gambling activity. A gambling casino shall not be construed to include a building structure or other facility when used incidentally by any bona fide nonprofit charitable, educational, political, civic, recreational, paternal, patriotic or religious organizations, or a volunteer fire department or other public safety nonprofit organization when used for the conduct, of any beano, bingo, raffles, games of chance or other activities specifically permitted by Maine state statute provided that such nonprofit organizations do not exist primarily to operate such activities and that all requirements of state statute including all requirements for licensing by the Chief of the Maine State Police are strictly met.

*Gambling device* means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. However, lottery tickets and other items used in the playing phases of lottery schemes are not gambling devices within this definition.

*Game of chance* means any game, contest, scheme or device in which: (A) a person stakes or risks something of value for the opportunity to win something of value; (B) the rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and (C) chance enters as an element that influences the outcome in manner that cannot be eliminated through the application of skill.

As used in this definition, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or regulations of any of these. A shuffle of a deck or decks of cards, a roll of a die or dice, a random drawing or generation of an object or objects or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance.

*Game of skill* means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that is not a game of chance.

*Garbage (chapter 18)* means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**Gardening means the activity of tending and cultivating a garden, especially as a pastime.**

**Gasoline station means a business for servicing motor vehicles especially with gasoline and oil.**

*Gender* means either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

**State Law reference—** Similar provisions, 1 M.R.S.A. § 71(7).

**Government buildings or uses means an administrative building, such as but not limited to: town hall, library, courthouse, public safety or law enforcement buildings, other municipal buildings, fire stations, jails and detention facilities.**

*Grade* means, in relation to buildings, the average of the finished ground level at the center of each wall of a building.

*Grade plane* means a reference plane representing the average of finished ground levels adjoining the building at all exterior walls. When the finished ground level slopes away from exterior walls, the

reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

**Grain or feed store means a business selling livestock feeds.**

*Great pond* means any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres, except for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

*Great pond classified GPA* means any great pond classified GPA, pursuant to title 38, article 4-A, M.R.S.A. § 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

*Ground cover* means small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

*Growth permit* means a permit issued in accordance with the provisions of this chapter, which allows the issuance of a building permit within 90 days of approval for the construction or placement of one new dwelling unit within the Town of Eliot.

*Growth permit application* means an application designed to collect information about proposed residences, to be used as a basis for rating them for approval.

**Harvesting wild crops means the collection of any plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.**

*Hazard tree* means a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

*Hazardous wastes* means a waste substance or material, in any physical state, designated as hazardous by the board of environmental protection under 38 M.R.S.A. § 1319-O. It does not include waste resulting from normal household or agricultural activities. Examples are radioactive material, explosives, biomedical wastes, contaminated soils, dredge spoils, and poisons.

*Height of a structure* means the greatest vertical measurement between two reference points defined as follows:

- (1) The lower reference point shall be the grade plane as defined herein.
- (2) The upper reference point shall be the highest point of the roof surface.
- (3) A parapet wall, fence, railing or similar structure that extends more than two feet above the roof surface shall be included in the determination of building height, but shall not be included if it does not extend more than two feet above the roof surface.
- (4) To determine building height, measurements shall be taken at least every five feet around the entire perimeter of a building. An average is calculated from these figures and that figure shall be the building's height for the purposes of this [Code].
- (5) When referring to a telecommunication structure, the distance is measured from ground level to the highest point on the structure, even if said highest point is an antenna or other appurtenance.



*Height of a structure (within chapter 44, Shoreland Zoning)* means the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

*High intensity soil survey* means a survey that shall contrast soils down to one-tenth acre or less. The mapping units shall be the soil series. Single test pits and their analysis shall not be considered a high intensity soils survey.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary of the interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior, or directly by the secretary of the interior in states without approved programs.

*Holding tank* means a closed, watertight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or groundwater or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

*Home business, water-dependent* means home businesses as defined in section 45-1 that require location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. A water dependent home business shall meet the requirements of home businesses, section 45-456.1. The following uses are allowed as water dependent home businesses:

- (1) Rental of offshore moorings or docking facilities (excluding dinghies) for boats, limited to a maximum of two rental spaces above and beyond that needed by landowner for boats registered in landowner's name.

**Note:** Authorization and location of rental moorings is the responsibility of the harbormaster and appropriate state and federal agencies. This [Code] establishes the maximum number of offshore rental moorings a waterfront landowner or lot can have to qualify for a water-dependent home business.

- (2) Outdoor winter storage of boats (September through May) shall be limited to a maximum of two rental spaces above and beyond that needed by landowner for boats registered in landowner's name. Rental spaces shall meet minimum yard and property line setback requirements for principal structures.

**Note:** In cases where landowner is not a municipal resident on a property seeking a home business, water-dependent, the landowner may transfer (via a letter to the code enforcement officer) their home business, water-dependent rights to a person who is a municipal resident on their property. In no case, shall there be more than a total of two rental offshore moorings or docking facilities, or outdoor boat storage facilities allowed per lot.

*Home businesses* means uses that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential. Home businesses must comply with the requirements of home businesses, section 45-456.1.

*Home occupation (regular and water-dependent)* means an occupation or profession customarily carried on within a dwelling unit or accessory structure and clearly incidental to the use of the dwelling unit for residential purposes. It may include hairdressing, millinery, laundering, preserving and home cooking, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession. It shall also include any occupation or trade carried on or away from the premises and not requiring outside storage of an inventory, stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use or activity not otherwise permitted within a district by this chapter shall not be permitted as a home occupation. A lodging business shall not be considered a home occupation.

- (1) Except for signs as permitted by this chapter, there shall be no external evidence of the occupation. Outside storage of motor vehicle is limited to one business related van, pickup truck, or passenger car.
- (2) At least one member of a family occupying the premises must be engaged in the occupation.
- (3) There shall be no more than five employees engaged in the occupation, including family members. Within any shoreland zone governed by chapter 44 of this Code, such an occupation shall employ no more than two persons other than family members residing in the home.
- (4) No more than 25 percent of the total area of the principal residential and other structures shall be used for the occupation.
- (5) Retail or other sales of merchandise on the premises shall not be considered a home occupation.
- (6) Except for residential requirements, parking for a home occupation shall not exceed ten spaces.
- (7) Home occupations occupying separate buildings shall meet the minimum yard dimensions for principal buildings.
- (8) Providing for rental of offshore moorings or docking facilities (excluding dinghies) for boats shall be limited to a maximum of two rental spaces above and beyond that needed by landowner for boats registered in landowner's name.

**Note:** Authorization and location of rental moorings is the responsibility of the harbormaster and appropriate state and federal agencies. The intent is to establish the maximum number of offshore rental moorings a waterfront landowner or lot can have to qualify for a water-dependent home occupation use.

- (9) Providing for rental indoor or outdoor winter (September through May) storage of boats shall be limited to a maximum of two rental spaces above and beyond that needed by landowner for boats registered in landowner's name. Rental spaces shall meet setback requirements for principle structure.

**Note:** In cases where landowner is not a municipal resident on property seeking water-dependent home occupation, the landowner may transfer (via a letter to the code enforcement officer) his/her water-dependent home occupation rights to a person(s) who is/are municipal resident(s) on his/her property. In no case shall there be more than a total of two rental offshore moorings or docking facilities or boat storage facilities allowed per lot.

*Home office* means a place within a dwelling unit or within a structure accessory to a dwelling unit where office activities take place. A home office may include desks, chairs, tables, telephones, file cabinets, computers, printers, facsimile machines, copy machines, and other equipment customarily found in an office environment.

**Hospital means a facility offering emergency services and inpatient care and services for observation, diagnosis and active treatment of an individual with a medical, surgical, obstetrical, rehabilitation or psychiatric condition requiring direction or supervision of a physician and which may or may not offer similar services to outpatients.**

*Household hazardous waste* means leftover or unwanted product used in the household that has the same hazardous properties as the regulated industrial waste. This means that they can ignite or catch fire; react or explode when mixed with other substances; corrode; and/or are toxic. These materials have the potential to pollute the air or water when land filled or flushed down the drain. Examples include oil based paints, pesticides, solvents, caustics, etc.

*Increase in nonconformity of a structure* means any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

*Indirect discharge* means the introduction of pollutants into the Town of Kittery or Town of Eliot wastewater collection systems from any non-domestic, non-governmental source regulated under section 307(b), (c) or (d) of the Federal Water Pollution Control Act (also known as the Clean Water Act).

*Individual private campsite* means an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

**Indoor commercial recreation & amusement facility** means an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports. Such facility may also provide other regular organized or franchised events, including but not limited to arcade, assembly hall, athletic and health clubs, bowling alley, community center, conference center, exhibit hall, gymnasium, or movie theater.

*Industrial* means the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

*Industrial activity (chapter 31)* means activity or activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26(b)(14).

*Industrial establishment* means any structure or land or combination used for the manufacturing, processing, or fabrication of any article, substance, or commodity.

*Industrial user (chapter 18)* means any non-governmental source of indirect discharge or any source that discharges industrial wastes to the Town of Kittery wastewater treatment facility.

*Industrial wastes* means solid and liquid wastes, not including hazardous wastes, generated by industry. Often this is in the form of slag, sludge, cake, and dust.

*Institutional buildings and uses* means educational, religious, philanthropic, fraternal or social activities primarily conducted indoors and not including residential occupancy.

*Institutional use (within chapter 44, Shoreland Zoning)* means a nonprofit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the wastewater pollution control facility, its treatment processes or operations, or its sludge processes, use or disposal; and

- (2) Therefore is a cause of a violation of any requirement of the Town of Kittery or Town of Eliot's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

*Joint authority* means purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(3).

*Junkyard (salvage yard)* means a yard, field, or other area exposed to the elements and used as a place of storage or disposition for:

- (1) Discarded, worn-out or junked plumbing, heating supplies household appliances and furniture.
- (2) Discarded or scrap lumber.
- (3) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

*Keeper and proprietor.* The words keeper and proprietor shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or through a servant, agent or employee. M.R.S.A. The abbreviation "M.R.S.A." shall mean the latest edition or supplement of the Maine Revised Statutes Annotated.

*Kitchen food waste* means all residential food scraps/waste including bones, eggshells, seafood residue, coffee grounds and filters, etc. Paper napkins and non-coated paper containing food residue can also be included.

*Land clearing debris* means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.

*Land management road* means a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

*Landfill/dump* means a site for the placement or disposal of refuse and debris identified as prohibited wastes by this chapter either on the ground or below ground, but not to include containerized waste or other which has been generated on site and merely awaits permanent disposal. The municipal disposal facility is the only site in the town at which any person may dispose of prohibited wastes. This facility is limited to the use of town residents and to wastes generated within the boundaries of the town.

*Lateral line (chapter 18)* means the sewer conduit from a house to a street.

*Legislative body* means town meeting.

*Level of service (LOS)* means a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 2010 Edition or latest available update, published by the National Research Council, Transportation Research Board. There are six levels of service defined in the manual, ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Library means a building or room containing collections of books, periodicals, and sometimes films and recorded music for the public to read, borrow, or refer to.**

*Licensed forester* means a forester licensed under 32 M.R.S.A. Chapter 76.

*Life care facility* means a planned community that meets state and federal licensing and certification requirements and includes more than one of the following uses:

- (1) Elderly housing.
- (2) Nursing facility.
- (3) Assisted living facility.

*Limited commercial pier* means a permanent structure extending over the water the principal use of which is associated with and in support of a water-dependent home occupation or water-dependent home business.

**Livestock means animals raised in an agricultural setting, including the Rural District, to produce labor and commodities such as meat, eggs, milk, wood, etc.**

*Locally established datum* means, for the purposes of this [Code], an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

*Lodginghouse.* See "boardinghouse." (22 M.R.S.A. § 2491 par. 6) Eating and lodging place or lodging places means every building or structure or any part there is kept, used on, maintained as, advertised as, or held out to the public to be a place where eating and sleeping, or sleeping accommodations are furnished to the public as a business, such as hotels, motels, guest homes, and cottages.

*Lot* means a parcel of land which is defined by metes and bounds, or by boundary lines in a recorded deed, or which is shown on a recorded plot or plan.

*Lot area* means the total horizontal area within the lot lines.

*Lot area (within chapter 44, Shoreland Zoning)* means the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

*Lot, corner* means a lot with at least two contiguous sides abutting upon a street.

*Lot coverage* means the percentage of the lot covered by all buildings.

*Lot, interior* means any lot other than a corner lot.

*Lot lines* means the lines bounding a lot as defined below:

*Front lot line* means, on an interior lot, the line separating the lot from the street; on a corner or through lot, the line separating the lot from either street.

*Rear lot line* means the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

*Side lot line* means any lot line other than the front lot line or rear lot line.

*Lot of record* means a parcel of land, a legal description of which is recorded on a document or map on file with the county registry of deeds.

*Lot, through* means any interior lot having frontages on two more or less parallel streets, or between a street and a waterbody, or between two waterbodies, as distinguished from a corner lot. All sides of

through lots adjacent to streets and waterbodies shall be considered frontage, and front yards shall be provided as required.

*Lot width, minimum* means the horizontal distance between the side lot lines, measured at the setback line. In any shoreland zone governed by chapter 44, "minimum lot width" means the closest distance between the side lots lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements set out in chapter 25, article IV.

*Mandatory recycling* means programs requiring the separation of recyclable and compostable materials from their solid wastes.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Manufactured housing* means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

- (1) *Mobile home* means a unit constructed after June 15, 1976, commonly called a "newer mobile home," that the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards, meaning a structure is transportable in one or more sections, that in the traveling mode is 14 body feet or more in width and is 750 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401 et seq.
- (2) *Modular home* means a unit that the manufacturer certifies is constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning a structure, transportable in one or more sections, that is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

*Manufactured housing unit.* See "manufactured housing."

**Manufacturing means the making of articles on a large-scale using machinery; industrial production.**

*Marina, full service* means a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

**Note:** Authorization and location of rental moorings is the responsibility of the harbor master and appropriate state and federal agencies.

*Marina, limited* means a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for up to eight boats (excluding dinghies) not registered in landowners name, and which may also provide accessory services such as boat and related sales, indoor storage of boats, indoor storage of marine equipment and boat repair. A limited marina does not allow outdoor storage of earth moving equipment, forklifts, dump trucks, backhoes, industrial machinery, boilers, stationary engines, boat cradles, jack stands, derelict boats or engines, hull or structural molds for fiberglass boat repair or construction, jigs and molds or frames for boat repair or construction, cranes or cherry pickers or other lifting equipment, petroleum products (except home heating oil), air compressors or sand blasters, welders, industrial gases, winches, marine railway equipment, pilings, timbers, steel plating or bar or round stock, concrete reinforcement bar, unused major marine hardware and hull items including keel castings, masts and rigging, anchors, structural sections or ladders, deckhouse, pilothouses, cabins, antennas and pulpits.

**Note:** Authorization and location of rental moorings is the responsibility of the harbor master and appropriate state and federal agencies. The intent is to establish the maximum number of offshore rental moorings a waterfront landowner or lot can have to qualify for a limited marina.

*Market value* means the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

*Mean low water*, for the practical purposes of this chapter, shall be the location of the low water line determined by observation of low tide using a 0.00-foot tide.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Medical waste* means isolation wastes, infectious agents; human blood and blood products, pathological wastes; sharps and lancets, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes; and dialysis wastes.

*Medium intensity soils survey* means a general description of soils in areas no greater than two acres in size.

*Mineral exploration* means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

*Mineral extraction* means any operation within any 12-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

*Minimum lot width* means the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

*Minor development* means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50 percent of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

*Minor street* means a street providing access to less than 15 units of residential development, or to less than 2,500 square feet of retail commercial or industrial floorspace, or serving other premises generating less than the amount of traffic normally expected for the above uses.

*Mobile home park* means a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

*Motel* means a structure in which more than five rooms are offered for overnight accommodation, with or without meals, for compensation. This definition includes hotels, but excludes boardinghouses.

*Multifamily dwelling* means a building or portion principally designed, adapted, or used for occupancy by three or more families, each living in its own separate quarters. Each individual unit which functions as a separate living quarters shall be deemed to be a dwelling unit.

*Multiunit residential* means a residential structure containing three or more residential dwelling units.

*Municipal officers* means the Board of Selectmen of Eliot, Maine.

*Municipal official* means any elected or appointed member of the town.

*Municipal permitting authority* means the municipal official or body that has jurisdiction over the land use approval or permit required for a development.

*Municipal resident* means any person who occupies a dwelling within the town for more than 180 days in a calendar year.

*Municipal separate storm sewer system or "MS4" (chapters 31 and 35)* means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly-owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

*Municipality* means the Town of Eliot.

**Museum means a building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited**

*National Geodetic Vertical Datum (NGVD)* means the National Vertical Datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)."

*National pollutant discharge elimination system (NPDES) stormwater discharge permit (chapters 31 and 35)* means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Native* means indigenous to the local forests.

*Natural outlet* means any outlet (other than a manmade outlet) into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

*NEIWPCC* means New England Interstate Wastewater Pollution Control Commission.

*New construction* means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structure.

**New construction of telecommunication structure 70 feet and higher, New construction of telecommunication structure less than 70 feet high means the construction of a structure, typically steel, that are designed in order to support antennas for telecommunications and broadcasting. Wireless communication for the most part, such as mobile networking, television antennas as well as radio broadcasting**

*New development* means any construction activity on unimproved premises.

*Nonconforming condition* means a nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this [Code] or subsequent amendment took effect.



*Nonconforming lot* means a single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the area, frontage, or width requirements of the district in which it is located.

*Nonconforming structure* means a structure which does not meet any one or more of the following dimensional requirements; setback, height, footprint or lot coverage, but which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

*Nonconforming use* means use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

*Noncontact cooling water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

*Nondead-end street* means any street that is not a dead-end street.

*Non-native invasive species of vegetation* means species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

*Nonprofit medical marijuana dispensary* means a not for profit entity licensed under Section 6 of the Rules Governing the Maine Medical Use of Marijuana Program, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia, prepared marijuana any marijuana products or byproducts, or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.

*Non-stormwater discharge (chapter 31)* means any discharge to an MS4 that is not composed entirely of stormwater.

*Normal high-water line (nontidal waters)* means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support nonforested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland."

*Number.* A word importing the singular may extend and be applied to the plural, and vice versa.

**State Law reference—** Similar provisions, 1 M.R.S.A. § 71(9).

**Nurseries, plants mean any business or individual offering nursery stock for sale: woody plants (trees, shrubs, vines etc.) and herbaceous plants (bulbs, annuals, perennials, vegetable seedlings, houseplants, etc.), but does not include cut flowers or cut Christmas trees.**

*Nursery schools.* See Day nurseries.

*Nursing facility* means a skilled nursing facility on the Medicare program or a nursing facility in the Medicare program which meets state licensing and federal certification requirements for nursing facilities and has a valid agreement with the department of human services. The primary function of the facility is to provide housing, meals and nursing care for the aged, chronically ill, infirm or incurable persons.

*Nursing home* means any building in which three or more aged, chronically ill, infirm or incurable persons are housed and furnished meals and nursing care for compensation.

*Oath.* The word oath shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.

*Official map* means the map adopted by the town showing the location of public property, ways used in common by more than two owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the town or additions thereto resulting from the approval of subdivision plans by the planning board and the subsequent filing of record for such approved plans.

*Official submittal date* means the time of submission of a preapplication, final plan for minor subdivision, preliminary plan or final plan for a major subdivision. The date the planning board accepts by majority vote a complete application shall be indicated on the application. The application shall be accompanied by any required fees and all data required by this chapter.

*Off-site parking* means an off-site parking facility is any facility meeting one or more of the following criteria:

- (1) Any surface parking lot or parking structure which provides more than ten parking spaces for use by persons who are not visitors to or occupants, customers or employees of a use other than parking located on the same lot or a contiguous lot;
- (2) Any surface parking lot or parking structure which charges fees for parking, where such fees constitute the primary source of revenue derived from the use of the lot on which the parking is located;
- (3) Any surface parking lot or parking structure which provides parking spaces for passengers of a regularly scheduled shuttle bus service;
- (4) Any surface parking lot or parking structure which is the only use located on the lot, unless the parking is utilized to provide required off street parking for a use on an adjacent lot as allowed by section 45-490 or section 45-492 of this Code.

The term off street parking does not include a long term storage facility approved as a storage business.

*Outflow stream* means any perennial or intermittent stream, as shown on the most recent edition of a 7.5-minute series or, if not available, a 15-minute series topographic map produced by the United States Geological Survey, that flows from a freshwater wetland.

*Outlet stream* means any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

*Owner.* The word owner applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

*Ownership* means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association. The term family shall include spouse, parent, child or grandchild.

*Paraphernalia* means equipment, products and materials that are ordinarily used in planting, propagating, cultivating, growing, harvesting, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body and includes all items listed in the state definition.

**Park means a public green area in a town, used for recreation**

*Pass-through* means a discharge that exits the Town of Kittery wastewater pollution control facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town of Kittery or Town of Eliot's NPDES permit (including an increase in the magnitude or duration of a violation).

*Peak rate or flow* means the maximum instantaneous rate of flow recorded during any calendar year measured in gallons per day.

*Permitted use.* See "conforming use."

*Person* means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

*Personal property.* The term personal property includes every kind, tangible and intangible except real property.

*Petitioner* means a person, group, firm, organization, corporation, developer or subdivider who petitions the municipal officers to lay out a street as a town way.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland* means:

Temporary: Structures that remain in or over the water for less than seven months in any period of 12 consecutive months.

Permanent: Structures that remain in or over the water for seven months or more in any period of 12 consecutive months.

**Places of worship** means a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. A building constructed or used for this purpose is sometimes called a house of worship. Temples, churches, synagogues and mosques are examples of structures created for worship.

*Planner* means the person designated by the board of selectmen to perform the functions assigned by this Code to the planner or, in the event the board of selectmen has not appointed a planner, the code enforcement officer.

*Planning board* means the planning board of the town created under 30-A M.R.S.A.

**Playground** means an outdoor area provided for children to play in, especially at a school or public park

*Plumbing inspector.* See "code enforcement officer."

*Pollutants (chapters 18, 31 and 35)* means dredged spoil, solid waste, junk, incinerator residue, wastewater, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

*Post-construction stormwater management plan (chapter 35)* means BMPs and stormwater management facilities employed by a development to meet the standards of chapter 35 and approved by the planning board.

*Premises (chapters 31 and 35)* means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

*Prepared marijuana* means the dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations. It does not include the seeds, stalks and roots of the marijuana or other ingredients in goods prepared for human consumption and use.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a public sewer. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Title 40, Chapter 1, Part 403 of the final rules of the United States Environmental Protection Agency.

*Principal structure (building)* means the structure in which the primary use of the lot is conducted. In shoreland zoning, chapter 44: Principal structure means a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

*Principal use* means the primary use to which the premises are devoted, and the main purpose for which the premises exist. There may be more than one principal use on a lot. In shoreland zoning, chapter 44: Principal use means a use other than one which is wholly incidental or accessory to another use on the same lot.

**Printing plant means the activity or business of producing writing and images on paper or other material with a machine.**

*Private right-of-way* means a street that is not intended to be offered to the town for acceptance as a public way.

*Private wastewater disposal system* means any sewage disposal system not constructed, installed, maintained, operated, or owned by the Town of Eliot.

**Produce and plants raised locally, seasonal sales mean agricultural products (for example, wool or flowers) that have been produced or grown locally, especially by farming, processed and then sold.**

**Professional offices mean an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which primarily use training or knowledge of.**

*Prohibited wastes* means any unwanted, worn-out or discarded manufactured or industrially processed item or any naturally occurring but hazardous substance or naturally occurring substance that has been contaminated with hazardous chemicals or materials of industrial manufacture. Prohibited wastes shall not include wood, rocks, soil, sand and gravel or agricultural wastes which are uncontaminated by hazardous substances; products specifically manufactured for routine household use and discarded in the course of normal household use; scraps of construction or demolition debris when interred on site during the course of construction or demolition and which contain no hazardous materials.

*Property.* The word property shall include real, personal and mixed property.

*Public facility* means any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

*Public property* means property owned by the town and any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Public solid waste disposal facility* means any land or structure or combination of land area and structures, including dumps and transfer stations used for storing, salvaging, reducing, incinerating, reclaiming or disposing of solid waste.

*Public utility* means any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, transportation or water to the public.

*PVC* means poly vinyl chloride.

*Qualifying street* means a public street or a private street meeting the standards of chapter 37, streets and sidewalks.

*Real property.* The term real property shall include lands, tenements and hereditaments.

*Recent floodplain soils* means the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg, Lovewell, Alluvial, Podunk, Suncook, Hadley, Medomak, Cornish, Rumney, Sunday, Limerick, Ondawa, Charles, Saco, Winooski.

*Recreational facility* means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational facilities, non-intensive means public or private facilities for use by the general public such as boat or yacht clubs, docks, swimming pools, golf and country clubs.**

*Recreational vehicle* means a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

*Residential dwelling unit* means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

*Recyclable materials* means materials that can be reused or reprocessed in the manufacture of goods. A list of currently recyclable materials will be posted at the ERDF and may include glass containers, aluminum and tin cans, mixed paper, cardboard, plastics (including #1 (PETE) bottles, #2 (HDPE) natural and colored bottles, and miscellaneous (#3 - #7 and #1, #2 non-bottles)), used motor oil, rechargeable batteries, and scrap metal.

*Recycling* means the process by which used or otherwise discarded materials are diverted from the waste stream and returned to use in the form of remanufactured products or raw materials.

*Redevelopment* means construction activity on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

*Registered primary caregiver* means a person, a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's use of marijuana.

*Regulated small MS4 (chapters 31 and 35)* means any small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" ("General Permit"), including all those located partially or entirely within an urbanized area (UA) and those additional small MS4s located outside an UA that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

*Regulatory floodway* means:

- (1) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and
- (2) When not designated on the community's flood insurance rate map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

*Relative* means child, parent, grandparent, brother or sister, and such relationships resulting from adoption or remarriage (step-parent, step-child, step-brother, step-sister, etc.).

*Replacement system* means a system intended to replace:

- (1) An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or
- (2) Any existing overboard wastewater discharges.

*Required improvements, as used in chapter 33, article III (Site Review) and in chapter 41 (Subdivisions)*, means the infrastructure improvements necessary for the construction of a development, including street grading, street surfacing, storm drainage, utilities (including conduits for cable where electric and telephone utilities are to be located underground), landscaping and any other site improvements required by the planning board in approving a site plan or subdivision plan.

*Residential dwelling unit* means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

*Residential pier* means a permanent structure extending over the water the principal use of which is the personal, recreational, and noncommercial use of the shoreland owner. Any pier which is over six feet in width or which has any permanent structural parts extending below the mean low water line shall not qualify as a residential pier and shall be deemed to be a commercial pier.

*Restaurant* means an establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures to take out food or beverages for consumption outside the enclosed building.

*Restaurant, takeout* means an establishment where food and/or nonalcoholic beverages are prepared and served to the public for consumption on or off the premises; where food and/or beverages may be served to pedestrians from an exterior opening or counter but not to occupants in motor vehicles whether parked or in a drive-through lane or similar arrangements; and where use of exterior loudspeakers is not permitted. The licensing authority may approve service of alcoholic beverages within an enclosed service area for on-premises consumption.

*Restrictive easement*, as used in the provisions of this Code governing small wind energy systems, means an easement on a property abutting a small wind energy system that imposes restrictions on the uses and structures within the easement area that are sufficient to allow the small wind energy system to be located closer to the property line than the otherwise applicable setback requirement.

*Resubdivision* means the division of an existing subdivision or any change or lot size therein or the relocation of any street or lot in a subdivision.

**Retail stores, local, other means a store that specializes in the sale of a limited quantity and variety of items.**

*Riparian forest buffers* means performance standards for setback areas associated with farm and croplands contained in USDA booklet titled "Riparian Forest Buffers," NA-PR-07-91.

*Riprap* means rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

*River* means a free flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. Note: The portion of a river that is subject to tidal action is a coastal wetland.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Road* means a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Road construction means the act of constructing a road.**

*Roominghouse*. See "boardinghouse."

*Rotor diameter* means the cross sectional dimension of the circle swept by the rotating blades.

*Roulette* means a game of chance in which players bet on the compartment of a revolving wheel into which a small ball will come to rest.

*Routine maintenance (chapter 35)* means maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

*Salt marsh* means areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

*Salt meadow* means areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas.

*Sanitary sewer* means a sewer which carries wastewater and to which storm, surface, and groundwater are not intentionally admitted.

*Sanitary wastewater* means the wastewater which is essentially free of industrial wastes or toxic materials and which discharges from sanitary conveniences such as toilets, urinals, sinks, showers, drinking fountains, home laundries, and from kitchens, school cafeterias, and floor drains, as approved under the Maine State Plumbing Code.

*Sapling* means a tree species that is less than two inches in diameter at four and one half feet above ground level.

**School means any institution at which instruction is given in a particular discipline.**

*Seasonal* means six months out of any one-year period.

*Seedling* means a young tree species that is less than four and one half feet in height above ground level.

*SDR* means standard dimension ratio.

*Septage* means the wastes from holding tanks such as vessels, chemical or portable toilets, campers, recreational vehicles or trailer wastes from septic tanks of private systems and cesspools, including trucked or hauled wastes.

*Service drop* means any utility line extension which does not cross or run beneath any portion of a water body provided that:

- (1) In the case of electric service:
  - a The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b The total length of the extension is less than 1,000 feet.
- (2) In the case of telephone service:

- a. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
- b. The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

*Setback* means the minimum horizontal distance from a lot line to the nearest part of a structure.

*Setback (within any shoreland zone governed by chapter 44)* means the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

*Sewage.* See "wastewater."

*Sewer* means a pipe or conduit for carrying wastewater.

*Sewer capacity allocation.* See "allocation."

*Sewer main* means the line serving as a conduit for sanitary wastewater from the lateral lines from each individual property.

*Sewer superintendent ("superintendent")* means the head of the Eliot Sewer Department and shall be appointed by the Eliot Board of Selectmen or his/her authorized deputy, agent, or representative, as appointed by the board of selectmen.

*Shall* and *will* are mandatory; *may* is permissive.

*Sharp curve* means any curve with a centerline radius less than the minimum centerline radius allowed by section 37-70.

*Shore frontage* means the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

*Shoreland zone* means the land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action, within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high-water line of a stream.

*Shoreline* means the normal high-water line, or upland edge of a freshwater or coastal wetland.

*Sidewalk* means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Sight distance* means the length of unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

*Sign* means any structure, device, light, letter, word, model, banner pennant, insignia, trade flag, or representation that is designed to be seen from outside a building or from a town way and which is designed to occupy a message to the public. It advertises activities, goods, products, services or facilities available either on the lot where the sign appears or in some other location.

*Sign, direct illuminated* means a sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes which are part of that sign.

*Sign, flashing* means a sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, light direction, and/or animation. Illuminated signs which indicate the time and temperature shall not be considered as flashing signs.

*Sign, freestanding* means a sign which is not attached to or supported by any building or tree.

*Sign, indirect-illuminated* means an illuminated sign whose illumination is derived entirely from an external artificial source.

*Sign, parallel* means a wall-mounted sign which is parallel to the building surface and not more than 12 inches from that surface.



*Sign, projecting* means a sign which is attached to a building wall, tree, or other structure and which extends more than 12 inches beyond the surface of that portion of the building wall, tree, or other structure to which it is attached.

*Sign, roof* means a sign which is located above, or which projects above, the eave line or the parapet wall of the building.

*Sign, wall* means any sign which is painted on, incorporated into, or consisting of cutout letters or devices affixed to the building wall with no background defined on the building wall.

*Signature or subscription* . The word signature or subscription includes a mark when the person cannot write.

*Significant river segments*. See title 38, M.R.S.A. section 437.

*Single-family dwelling*. See "dwelling unit and family."

*Skid road or skid trail* means a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

*Slash* means the residue, e.g., treetops and branches, left on the ground after a timber harvest.

*Slot machine* means any machine which operates by inserting a coin, token or similar object, setting the internal mechanism of the machine in motion, and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, tickets or something of value.

*Sludge (or biosolids)* means waste containing varying amounts of contaminants removed from water, sanitary sewage, wastewater, or industrial wastes by physical, chemical, or biological treatment.

*Slug* means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

*Small municipal separate storm sewer system, or "small MS4" (chapters 31 and 35)* means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state- or federally-owned systems, such as colleges, universities, prisons, Maine Department of Transportation and Maine Turnpike Authority road systems and facilities, and military bases and facilities.

*Small wind energy system* means a system of equipment located on a single lot that has an aggregate rated capacity of not more than 100 kW that converts and then stores or transfers energy from the wind into usable forms of energy for use on the same lot as the system, or on an abutting lot in the case of a common system serving more than one principal use or structure. This equipment includes the base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. Small wind energy systems are allowed only as accessory uses or structures, and only one small wind energy system is allowed per lot.

*Small wind energy system height* means the height above grade to the tip of the turbine blade when it reaches its highest elevation.

*Soil scientist* means a soil scientist certified by the state.

*Solar energy system* means a system designed and used to obtain energy from the sun in order to supply energy to a principal use or structure located on the same lot as the system, or on an abutting lot in the case of a common system serving more than one principal use or structure, for the purpose of reducing the consumption of fuel for heating or electricity. A solar energy system may include solar hot water or air heating or photovoltaic systems. Solar energy systems are allowed only as accessory uses or structures.

*Solid waste* means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste,

septage or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

*Something of value* means: (A) any money or property; (B) any token, object or article exchangeable for money, property, amusement or entertainment; or (C) any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

*Special flood hazard area*. See "area of special flood hazard."

*Special handling items* means a group of acceptable wastes that require special handling at the ERDF. These may include but are not limited to furniture, white goods, auto parts, carpet, demolition and construction debris, TVs and monitors, fluorescent tubes, electronic equipment, propane tanks, etc.

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

*State*. The term state shall mean the State of Maine.

*Storm-damaged tree* means a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

*Storm drainage system* means the municipality's regulated small MS4 and any of the unregulated small MS4.

*Stormwater* means any stormwater runoff, snowmelt runoff, and surface runoff and drainage; "stormwater" has the same meaning as "storm water."

*Stormwater management facilities (chapter 35)* means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the post-construction stormwater management plan for a development.

*Stream* means a free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

*Street, town way or public way*. The word street shall embrace streets, highways, avenues, boulevards, roads, town ways, lanes, bridges, and all other public ways dedicated to public use.

*Structure (building)* means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

*Structure (building, and within any shoreland zone governed by chapter 44)* means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite

dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

*Structure (floodplain)* means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

*Subdivision* means the division of a tract or parcel of land into three or more lots within any five-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term subdivision also includes the division of a new structure or structures on a tract or parcel of land into three or more dwelling units within a five-year period, the construction or placement of three or more dwellings units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into three or more dwelling units within a five-year period.

*Subdivision, major* means any subdivision containing more than four lots, or any subdivision requiring new public or private street connection, or the extension of municipal services.

*Subdivision, minor* means subdivision containing not more than four lots.

*Subdivision, mobile home park* means any subdivision containing three or more manufactured homes on a parcel of land under unified ownership.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's board of appeals.

*Substantial start* means completion of 30 percent of a permitted structure or use measured as a percentage of estimated total cost.

*Subsurface sewage disposal system* means any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Survey & resource analysis means the process of analyzing results from surveys.**

*Sustained slope* means a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

*TDH* means total dynamic head.

*Telecommunication structure* means a tower of any height and all accessory equipment which supports communication (broadcast or receiving) equipment, either analog or digital. It also includes a tower of any height and all accessory equipment which supports communication (broadcast or receiving) used by television or radio broadcasts.

*Tenant, occupant.* The words tenant and occupant applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Tidal waters* means all waters affected by tidal action during the highest annual tide.

*Timber harvesting* means the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to chapter 44, subsection 44-35(p), clearing or removal of vegetation for activities other than timber harvesting.

*Timber harvesting and related activities* means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

*Tower* means with regard to a wind energy system, the structure on which the wind system is mounted. This includes a monopole, freestanding, or guyed structure that supports a wind generator.

*Tower height* means with regard to a wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

*Town.* The word town shall mean the Town of Eliot, Maine, and shall extend to and include its several officers, agents and employees.

*Town boards, committees, commissions, officers, employees, departments, etc.* Whenever reference is made to a board, committee, commission, officer, employee or department, etc., it shall mean the same as if it were followed by the words "of the Town of Eliot, Maine."

*Town of Kittery (chapter 18)* means Town of Kittery Wastewater Pollution Control Facility.

*Tree* means a woody perennial plant with a well-defined trunk(s) at least two inches in diameter at four and one half feet above the ground, with a more or less definite crown, and reaching a height of at least ten feet at maturity.

*Tributary stream* means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term stream as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. Note: Water setback requirements apply to tributary streams within the shoreland zone.

*TSS (total suspended solids)* means the total of all settleable and nonsettleable solids in a sample of wastewater, measured in milligrams per liter by weight.

*Two-family dwelling* means a building or portion principally designed, adapted, or used for occupancy by two families, and each living in its own separate quarters.

*Unacceptable waste* means hazardous waste, sewage treatment plant and septic tank residues, industrial waste, commercial waste sludge, coal and incinerator ash, asbestos and asbestos containing waste, tires, and other waste designated unacceptable by the board of selectmen.

*Universal waste* means electronic equipment specified by the State of Maine. Examples include TVs, computers, fluorescent tubes, etc.

*Unpolluted drainage* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Upland edge of a wetland* means the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

*Urbanized area ("UA") (chapter 35)* means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

*Use* means the purpose for which land or a structure is arranged, designed or intended, or for which land or a structure is or may be occupied.

*Variance* means relaxation of requirements of this chapter as provided in section 45-49(b).

*Variance (floodplain management ordinance)* means a grant of relief by a community from the terms of the floodplain management regulations.

*Vegetation* means all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four inches in diameter, measured at four and one half feet above ground level.

*Velocity zone* means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

*Veterinary hospital* means a commercial establishment, operated by a licensed veterinarian, for the medical and surgical care of sick or injured animals.

*VFD* means variable frequency drive.

*Vibration* means a temporal and spatial oscillation of a displacement, velocity and acceleration in any material.

*Viewing booth* means any booth, cubicle, room, or stall within premises of a commercial adult enterprise used to display, by audio or visual reproduction, projection or other means, any materials listed under the definition of commercial adult enterprise.

*Violation* means the failure of a structure or other development to fully comply with a community's floodplain management regulations or ordinances.

*Volume of a structure* means the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Warehouse means a building where raw materials or manufactured goods may be stored.**

*Waste container* means any receptacle with a capacity of two or more cubic yards used for the collection, storage and/or transportation of rubbish, garbage, materials to be recycled and other substances and materials.

*Wastewater (or sewage)* means the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water or stormwater that may be present.

*Wastewater collection system* means the structures, pipes, pumping stations and other facilities and appurtenances owned by the Town of Kittery and/or Town of Eliot required to convey sanitary wastewater and/or industrial wastes to the Kittery wastewater treatment facility.

*Wastewater pollution control facility* means all facilities owned by the Town of Kittery for the collection, treatment, and disposal of sanitary wastewater, industrial waste, and septage. The wastewater pollution control facility is comprised of the wastewater collection system and the wastewater treatment facility.

*Wastewater treatment facility* means the central plant facility owned by the Town of Kittery for the treatment and disposal of sanitary wastewater, industrial waste, and septage.

*Water body* means any great pond, river, stream.

*Water crossing* means any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

*Waters of the state* means any and all surface and subsurface waters that are contained within, flow through, or under or border upon this state or any portion of the state, including the marginal and high seas, except such waters as are confined and retained completely upon the property of one person and do not drain into or connect with any other waters of the state, but not excluding waters susceptible to use in interstate or foreign commerce, or whose use, degradation or destruction would affect interstate or foreign commerce.

*Wetland* means a freshwater or coastal wetland.

**Wholesale business facility means a building where the sale of goods or merchandise to retailers; to industrial, commercial, institutional, or other professional business users; or to other wholesalers (wholesale businesses) and related subordinated services. In general, it is the sale of goods to anyone other than a standard consumer.**

*Wind turbine* means the parts of the wind system including the blades, generator, and tail.

*Windfirm* means the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

*Wood waste* means brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.

*Woody vegetation* means live trees or woody, nonherbaceous shrubs.

*Written and in writing* . The words written and in writing shall include any representation of words, letters or figures, whether by printing or otherwise.

**State Law reference—** Similar definitions, 30-A M.R.S.A. § 2001.

*Yard* means the area of land on a lot not occupied by the principal building and parking.

*Yard, front* means the area of land between the front lot line and the nearest part of the principal building.

*Yard, rear* means the area of land between the rear lot line and the nearest part of the principal building.

*Yard, side* means the area of land between the side lot line and the nearest part of the principal building.

*Yard waste* means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.

(T.M. of 6-19-01, (arts. 6—8); T.M. of 11-6-01, (arts. 2, 8); T.M. of 3-16-02, (art. 3, § 1), (art. 4); T.M. of 11-5-02; T.M. of 6-10-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-8-04; T.M. of 6-14-05; T.M. of 6-16-07; T.M. of 6-16-07; T.M. of 6-14-08; T.M. of 6-9-09(1); T.M. of 6-9-09(2); T.M. of 6-12-2010(3); T.M. of 6-18-2011(5); T.M. of 6-18-2011(6); T.M. of 6-16-2012(1); T.M. of 6-16-2012(3); T.M. of 6-11-2013(1); T.M. of 11-5-2013; T.M. of 6-9-2015(1); T.M. of 6-9-2015(2); T.M. of 6-14-2016(1); T.M. of 11-6-2018(2); T.M. of 11-6-2018(3))

**State Law reference**— Similar definitions, 30-A M.R.S.A. § 2001.

04-09-20

**TOWN OF ELIOT, MAINE**  
**ANNUAL TOWN MEETING ELECTION / REFERENDUM WARRANT**  
**TUESDAY, JUNE 9, 2020**

**To Deborahlynn Brock, 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 9, 2020 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.

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 Manager 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/Overseers of the Poor for a three-year term, One (1) Select Board/Overseers of the Poor for a two-year term, Two (2) Budget Committee Members for a three-year term, One (1) MSAD #35 Director for a three-year term, and One (1) MSAD #35 Director for a two-year term.

**ARTICLE #3:** To see if the Town will vote to increase the property tax levy limit of \$3,585,479 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.

**Note:** The Select Board's recommended total tax levy is \$85,042 more than the Budget Committee recommendation (\$3,500,437); but in either event, the amount in excess of LD 1 limits is \$0. This article has to be voted by written ballot.

**ARTICLE #4:** To see if the Town will vote to apply the following 2020 / 2021 Estimated Revenues to reduce the amount to be raised by taxation (fiscal year is July 1, 2020 to June 30, 2021).

Revenue	Amount
Excise Tax	\$1,450,000
On-Line Excise Tax	\$ 290,000
Boat Excise Tax	\$ 15,000
Revenue Sharing	\$ 378,000
Interest (Investment/Tax)	\$ 50,000
Clerk Fees	\$ 30,000



CEO Permit Fees	\$ 119,000
Use of Sewer Fees (Bond)	\$ 98,511
Sewer Administration	\$ 35,804
Board of Appeal/Planning Board Fees	\$ 5,100
Police Fees / Grants / Details	\$ 45,550
Miscellaneous Fire Revenues	\$ 275
Boat Basin Launch Fees	\$ 24,000
Tax Liens	\$ 7,000
Snowmobile Reimbursement	\$ 800
Marijuana Licensing Fees	\$ 35,000
Pay Per Throw	\$ 60,000
Use of PW Reserve (embankment)	\$ 12,500
Use of Legal Reserve	\$ 15,000
GA Reimbursement	\$ 7,300
Recycling	\$ 78,700
York Hospital Grant (CSD)	\$ 11,500
CSD Program Revenue	\$ 100,000
KidsPlay Program Revenue	\$ 230,000
TIF Revenues	\$ 163,985
Dog Licensing Fees / Violation Fees	\$ 4,800
Miscellaneous	\$ 5,000
Mooring Fees	\$ 14,000
MDOT Road Assistance	\$ 34,700
AIP S.A.L.T Donation	\$ 2,500
<b>TOTAL ESITMATED REVENUES:</b>	<b>\$3,324,025</b>

Eliot Select Board Recommends \$3,324,025 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$3,324,025 (Vote: 4 – 0)  
(Last Fiscal Year: \$3,110,951)

**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.

Eliot Select Board Recommends \$1,281,703 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$1,279,397 (Vote: 3 – 1)  
(Last Fiscal Year: \$1,216,404)

**ARTICLE #6:** To see what sum the Town will vote to raise, appropriate, and transfer for Hearings and Elections:

Eliot Select Board Recommends \$32,970 (Vote: – 0)  
Eliot Budget Committee Recommends \$32,970 (Vote: 4 – 0)  
(Last Fiscal Year: \$23,262)

**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.

Eliot Select Board Recommends \$189,988 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$189,988 (Vote: 4 – 0)  
(Last Fiscal Year: \$180,013)

**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.

Eliot Select Board Recommends \$1,200,840 (Vote: 4 - 0)  
Eliot Budget Committee Recommends \$1,200,840 (Vote: 4 – 0)  
(Last Fiscal Year: \$1,126,739)

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

Fire Hydrants	\$ 83,940
Dispatching	\$123,360
PSAP (911)	\$ 20,735
Harbormaster	\$ 12,789
Streetlights	\$ 16,000
Animal Control Officer	\$ 14,241 *BC Recommends \$11,305
<b>TOTAL REQUESTED AMOUNT:</b>	<b>\$271,065</b>

Eliot Select Board Recommends \$271,065 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$268,129 (Vote: 4 – 0)  
(Last Fiscal Year: \$278,615)

**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.

Eliot Select Board Recommends \$924,485 (Vote: 4 - 0)  
Eliot Budget Committee Recommends \$924,485 (Vote: 6 – 0)  
(Last Fiscal Year: \$1,019,752)

**ARTICLE #11:** To see what sum the Town will vote to raise, appropriate, and transfer for Snow Removal.

Eliot Select Board Recommends \$246,544 (Vote: 4 - 0)  
Eliot Budget Committee Recommends \$246,544 (Vote: 4 – 0)  
(Last Fiscal Year: \$250,848)

**ARTICLE #12:** To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, benefits, and operation of Summer Maintenance.

Eliot Select Board Recommends \$82,776 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$82,776 (Vote: 3 – 1)  
(Last Fiscal Year: \$78,240)

**ARTICLE #13:** To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, benefits, operation, and maintenance for Roads and Bridges.

Eliot Select Board Recommends \$8,000 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$8,000 (Vote: 4 – 0)  
(Last Fiscal Year: \$15,000)

**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.

Eliot Select Board Recommends \$265,853 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$265,853 (Vote: 3 – 1)  
(Last Fiscal Year: \$252,296)

**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.

Eliot Select Board Recommends \$129,430 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$129,430 (Vote: 4 – 0)  
(Last Fiscal Year: \$200,000)

**ARTICLE #16:** To see what sum the Town will vote to raise, appropriate, and transfer for the salaries, fringe benefits, operation, and maintenance of the Community Service Department.

Eliot Select Board Recommends \$491,020 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$491,020 (Vote: 4 – 0)  
(Last Fiscal Year: \$479,943)

**ARTICLE #17:** To see what sum the Town will vote to raise, appropriate, and transfer for General Assistance.

Eliot Select Board Recommends \$20,000 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$20,000 (Vote: 4 – 0)  
(Last Fiscal Year: \$20,000)

**ARTICLE #18:** To see what sum the Town will vote to raise, appropriate, and transfer for Capital Improvements.

Capital Improvement	Requested Amount	Notes
Roadway Paving	\$ 450,000	
Public Works Vehicle Reserve	\$ 212,710	2 vehicles/backhoe lease
Transfer Station Vehicle Reserve	\$ 20,100	Roll Off Truck
Transfer Station Facility Reserve	\$ 32,500	Recycling building paint and recycling bailer
Police Vehicle Capital	\$ 38,500 *BC Recommends \$0	New Cruiser-Chiefs vehicle
Police Portable Radios	\$ 21,400	10 Radios
Police Mobiles	\$ 15,200	6 Mobiles
Police Station Capital	\$ 8,600 *BC Recommends \$3,600	Interior Upgrades
Town Hall Capital	\$ 30,000	Civil Engineering for New Town Hall
Technology Upgrades	\$ 6,500	PC's for clerks/assessor
Records Preservation/Codification	\$ 10,000	
Parks/Facilities Frost Tufts Playground	\$ 16,000	
Parks/Facilities Skate Park	\$ 9,000	
Boat Basin Ticket System	\$ 20,000 *BC Recommends \$0	
Fire Truck Reserve	\$ 125,000	All Fire Trucks
SCBA Air Paks(3) Spare Bottles (3)	\$ 29,500	
EOL Fire Gear	\$ 3,800	2 Sets
EOL Fire Helmets	\$ 10,500	
Fire Mobile Radio Update	\$ 7,500	
Update/Replace Rescue Tool	\$ 12,000	
Pre-Emptive Traffic Control Device	\$ 20,500	Includes 3 Transmitters
Fire Station on-going Rehab	\$ 12,500	
<b>TOTAL REQUESTED AMOUNT:</b>	<b>\$1,111,810</b>	

Eliot Select Board Recommends \$1,111,810 (Vote: 4 – 0)

Eliot Budget Committee Recommends \$1,048,310\* (Vote: 4 – 0)

(Last Fiscal Year: \$960,600)

**ARTICLE #19:** To see what sum the Town will vote to raise, appropriate, and transfer for the operating Reserve Accounts.

Land Bank Reserve	\$ 5,000
Health Insurance Reserve	\$15,000
Contingency	\$54,460
<b>TOTAL REQUESTED AMOUNT:</b>	<b>\$74,460</b>

Eliot Select Board Recommends \$74,460 (Vote: 4 – 0)

Eliot Budget Committee Recommends \$74,460 (Vote 4 – 0)

(Last Fiscal Year: \$38,000)

**ARTICLE #20:** To see what sum the Town will vote to raise, appropriate, and transfer for Town Standing Committees.

Board of Appeals	\$ 3,600
Budget Committee	\$ 1,200
Conservation Commission	\$ 1,520
Capital Improvement & Energy Commission	\$ 350
Planning Board	\$17,000
Aging-In-Place Committee	\$ 6,000 *BC Recommends \$3,300
Bicentennial Committee	\$ 4,500 *BC Recommends \$1,500
<b>TOTAL REQUESTED AMOUNT:</b>	<b>\$34,170</b>

Eliot Select Board Recommends \$31,170 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$31,170 (Vote: 4 – 0)  
(Last Fiscal Year: \$30,028)

**ARTICLE #21:** To see what sum the Town will vote to raise, appropriate, and transfer for the William Fogg Library.

Eliot Select Board Recommends \$200,600 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$190,000 (Vote: 4 – 0)  
(Last Fiscal Year: \$180,000)

**ARTICLE #22:** To see what sum the Town will vote to appropriate and raise for Social Service Agencies.

Agency of Aging	\$ 1,000
Eliot Festival Day	\$ 1,500
Historical Society	\$ 2,500
Maine Home HealthCare	\$ 1,600
Memorial Day	\$ 520
Project Share	\$ 500
Senior Citizens	\$ 1,500
York Community Action Corporation	\$ 1,600
<b>TOTAL REQUESTED AMOUNT:</b>	<b>\$10,720</b>

Eliot Select Board Recommends \$10,720 (Vote: 4 - 0)  
Eliot Budget Committee Recommends \$10,720 (Vote: 4 - 0)  
(Last Fiscal Year: \$12,050)

**ARTICLE #23:** To see what sum the Town will vote to appropriate and transfer to Fixed Assessments from the established Tax Increment Financing Account and the Eliot Sewer Fund.

Eliot Select Board Recommends \$199,789 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$199,789 (Vote: 4 – 0)  
(Last Fiscal Year: \$174,665)

**ARTICLE #24:** To see what sum the Town will vote to appropriate and raise for Debt Service.

Eliot Select Board Recommends \$115,271 (Vote: 4 – 0)  
Eliot Budget Committee Recommends \$115,271 (Vote: 4 - 0)  
(Last Fiscal Year: \$118,250)

*Note: \$98,511 will be reimbursed by sewer fees; the remainder is for the LED Street Lights bond and the HVAC Replacement at Town Hall bond.*

**ARTICLE #25:** Shall an Ordinance entitled “Animal Control Ordinance” dated March 12, 2020 be enacted?

*The complete text is available at the Town Office and on the Town Website ([www.eliotmaine.org](http://www.eliotmaine.org)) for review.*

**ARTICLE #26:** Shall an Ordinance entitled “Eliot Senior Taxpayer Assistance Program” dated March 12, 2020 be enacted?

*The complete text is available at the Town Office and on the Town Website ([www.eliotmaine.org](http://www.eliotmaine.org)) for review.*

**ARTICLE #27:** Shall an Ordinance entitled “Town of Eliot Public Safety Impact Fee Ordinance” dated April 9, 2020 be enacted?

*The complete text is available at the Town Office and on the Town Website ([www.eliotmaine.org](http://www.eliotmaine.org)) for review.*

**ARTICLE #28:** Shall an Ordinance entitled “Amendments to Chapter 1 – General Provisions, Section 1-2” of the Municipal Code of Ordinances of the Town of Eliot, Maine to define land uses and rules of construction dated March 12, 2020 be enacted?

*The complete text is available at the Town Office and on the Town Website ([www.eliotmaine.org](http://www.eliotmaine.org)) for review.*

**ARTICLE #29:** Shall an Ordinance entitled “Amendments to Chapter 44 – Shoreland Zoning, Section 44-34” of the Municipal Code of Ordinances of the Town of Eliot, Maine to define land uses and rules of construction dated March 12, 2020 be enacted?

*The complete text is available at the Town Office and on the Town Website ([www.eliotmaine.org](http://www.eliotmaine.org)) for review.*

**ARTICLE #30:** Shall an Ordinance entitled “Amendment to Chapter 45, Zoning, Section 45-290” of the Municipal Code of Ordinances of the Town of Eliot, Maine to update the Table of Uses and add Uses dated March 12, 2020 be enacted?

*The complete text is available at the Town Office and on the Town Website ([www.eliotmaine.org](http://www.eliotmaine.org)) for review.*

**Given under our hands this 9th day of April, 2020**

\_\_\_\_\_  
Richard Donhauser, Chairman

\_\_\_\_\_  
Alexandro Orestis, Vice Chairman

\_\_\_\_\_  
Phillip Lytle, Selectman

\_\_\_\_\_  
Robert McPherson, Selectman

Select Board  
Town of Eliot, Maine

DRAFT

### **RETURN OF THE WARRANT**

Eliot, Maine

\_\_\_\_\_, 2020

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Eliot Town Office Interior & Exterior Bulletin Boards, the Eliot Transfer Station Bulletin Board, the Eliot Post Office Bulletin Board and the William Fogg Library Bulletin Board in said town, being public and conspicuous places in said town, on the \_\_\_\_ day of \_\_\_\_\_, 2020 being at least seven days before the meeting.

\_\_\_\_\_  
*Insert Resident Name Here*  
Resident, Town of Eliot, Maine

**TOWN OF ELIOT, MAINE**  
**OFFICE OF THE SELECT BOARD**  
1333 State Road, Eliot, ME 03903

**PUBLIC HEARING NOTICE**

**AUTHORITY:** ELIOT SELECT BOARD  
**PLACE:** ELIOT TOWN OFFICE  
**DATE OF HEARING:** THURSDAY, MAY 7, 2020  
**TIME:** 7:00PM

Notice is hereby given that the Select Board of the Town of Eliot, Maine will hold a public hearing on Thursday, May 7, 2020 at 7:00PM in said Town to hear public comment on Annual Town Meeting Warrant Articles Three through **Thirty** to be voted by secret ballot on Tuesday, June 9, 2020.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Copies of the Annual Town Meeting Warrant, proposed ordinances, and proposed ordinance amendments are available at the Town Office and on the Municipal Website ([www.eliotmaine.org](http://www.eliotmaine.org)).



## **Municipal Officers' Return**

Eliot, Maine

Pursuant to 30-A M.R.S.A. §2528(5), we have this day, being at least 10 days before the hearing directed Wendy Rawski, Town Clerk to notify the inhabitants of said Town of a public hearing, to be held at the time and place, and for the purposes stated above, by posting a copy of said notice at the following public and conspicuous places in said Town: Eliot Town Office, Eliot Transfer Station, Eliot Post Office and William Fogg Library.

***Given under our hands this 9th day of April, 2020.***

\_\_\_\_\_  
Richard Donhauser, Chairman

\_\_\_\_\_  
Alexandros Orestis, Vice Chairman

\_\_\_\_\_  
Philip Lytle

\_\_\_\_\_  
Robert McPherson

**Municipal Officers  
Eliot, Maine**

## A / P Warrant

Warrant 109

CORRESPONDENCE #  
SELECTMEN'S MEETING  
04-09-20

H-8A

03/06/2020

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
<b>00002 2WAY COMMUNICATIONS SERVICE, INC.</b>						
0454	16678	03	feb account activity	64336		
Feb account activity			E 01-01-24-30		1,550.00	0.00
Police dept			E 10-05-10-14		770.00	0.00
highway dept			E 20-01-20-40		150.00	0.00
<b>Vendor Total-</b>					<b>2,470.00</b>	
<b>00071 BERGERON PROTECTIVE CLOTHING</b>						
0454	16679	03	CIP Fire Gear	221203		
CIP Fire Gear			E 62-05-99-01		7,665.25	0.00
<b>Invoice Total-</b>					<b>7,665.25</b>	
0454	16679	03	chemical firehouse deterg	221284		
chemical firehouse deterg			E 10-01-20-55		135.00	0.00
<b>Invoice Total-</b>					<b>135.00</b>	
0454	16679	03	CIP Fire Gear	221313		
CIP fire gear			E 62-05-99-01		1,119.96	0.00
<b>Invoice Total-</b>					<b>1,119.96</b>	
0454	16679	03	CIP fire gear	221161		
CIP fire gear			E 62-05-99-01		1,929.62	0.00
<b>Invoice Total-</b>					<b>1,929.62</b>	
<b>Vendor Total-</b>					<b>10,849.83</b>	
<b>00131 COMCAST</b>						
0454	16680	03	comcast bill csd	021120CSD		
comcast bill CSD			E 30-01-15-03		165.10	0.00
<b>Invoice Total-</b>					<b>165.10</b>	
0454	16680	03	Comcast fire dept	02202020Firedep		
comcast fire dept			E 10-01-15-03		52.86	0.00
<b>Invoice Total-</b>					<b>52.86</b>	
0454	16680	03	comcast bill pub works	02132020PW		
comcast pub works			E 20-01-15-03		108.38	0.00
<b>Invoice Total-</b>					<b>108.38</b>	
<b>Vendor Total-</b>					<b>326.34</b>	
<b>00287 INDUSTRIAL PROTECTION SERVICES, LLC</b>						
0454	16681	03	scba maint	163008-00		
SCBA maint			E 10-01-11-19		1,031.00	0.00
<b>Invoice Total-</b>					<b>1,031.00</b>	
0454	16681	03	SCBA maint	163007-00		
SCBA maint			E 10-01-11-19		650.00	0.00
<b>Invoice Total-</b>					<b>650.00</b>	
0454	16681	03	repair/maint	163100-00		
repair/maint			E 10-01-24-10		203.00	0.00
<b>Invoice Total-</b>					<b>203.00</b>	
0454	16681	03	SCBA maint	163009-00		
SCBA maint			E 10-01-11-16		1,690.40	0.00
<b>Invoice Total-</b>					<b>1,690.40</b>	
<b>Vendor Total-</b>					<b>3,574.40</b>	
<b>00352 LAWSON PRODUCTS, INC.</b>						
0454	16682	03	7 way conn plug	9307381422		
7 way conn plug			E 20-01-24-10		10.60	0.00
<b>Vendor Total-</b>					<b>10.60</b>	
<b>00474 NORTHEAST HYDRAULICS, INC.</b>						
0454	16683	03	vehicle rep/maint	75458		

Warrant 109

Jrnl	Check	Month	Invoice Description	Reference	
Description	Account	Proj	Amount	Encumbrance	
vehicle rep/maint	E 20-01-24-15		276.66	0.00	
<b>Vendor Total-</b>			<b>276.66</b>		
<b>00555 RADIO COMMUNICATIONS MGMT, INC.</b>					
0454 16684 03 radios fire dept CIP	E 62-05-99-01	84075	2,404.47	0.00	
<b>Vendor Total-</b>			<b>2,404.47</b>		
<b>00617 SANEL NAPA</b>					
0454 16685 03 vehicle rep/maint	E 20-01-24-15	03102020	104.04	0.00	
<b>Vendor Total-</b>			<b>104.04</b>		
<b>00648 SOUTHERN MAINE PLANNING</b>					
0454 16686 03 stormwater	E 20-30-05-35	14782	1,399.35	0.00	
<b>Vendor Total-</b>			<b>1,399.35</b>		
<b>00717 TOWN OF KITTEERY, MAINE</b>					
0454 16687 03 weekly station checks	E 70-05-25-10	124	283.33	0.00	
Pump station 1	E 70-10-25-10		283.33	0.00	
Pump station 2	E 70-15-25-10		283.34	0.00	
<b>Vendor Total-</b>			<b>850.00</b>		
<b>00725 TREASURER OF STATE</b>					
0454 16688 03 bmv 0214-0228	G 01-2040-00	bmv 0214-0228	39,267.22	0.00	
<b>Vendor Total-</b>			<b>39,267.22</b>		
<b>00764 VERIZON/WIRELESS</b>					
0454 16689 03 cell phones pub works	E 20-01-03-12	9848699190	72.55	0.00	
<b>Vendor Total-</b>			<b>72.55</b>		
<b>00817 PITNEY BOWES, INC.</b>					
0454 16690 03 lease invoice	E 01-01-10-30	3310737079	124.41	0.00	
<b>Vendor Total-</b>			<b>124.41</b>		
<b>00824 TREASURER, STATE MAINE</b>					
0454 16691 03 Dogs feb 2020	G 01-2010-00	022020	138.00	0.00	
<b>Vendor Total-</b>			<b>138.00</b>		
<b>00827 TREASURER OF STATE</b>					
0454 16692 03 weapons permits	G 01-2050-00	022020	145.00	0.00	
<b>Vendor Total-</b>			<b>145.00</b>		
<b>00873 U.S. BANK CORPORATE TRUST/BOSTON</b>					
0454 16693 03 bond interest	E 07-70-65-03	MMBB2019AELIT1	1,559.94	0.00	
<b>Vendor Total-</b>			<b>1,559.94</b>		
<b>00885 ELDREDGE LUMBER AND HARDWARE</b>					
0454 16694 03 vehicle rep/maint	E 10-01-24-15	021520	22.78	0.00	
<b>Vendor Total-</b>			<b>22.78</b>		
<b>00899 TREASURER OF STATE</b>					

Eliot  
8:04 AM

# A / P Warrant

03/06/2020

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
0454	16695	03	Moses		MOSES 022020	
MOSES 022020			G 01-2030-00		1,450.00	0.00
Vendor Total-					1,450.00	
00906 W.B. MASON COMPANY, INC.						
0454	16696	03	office supplies		207910932	
office supplies			E 20-25-20-40		578.94	0.00
Vendor Total-					578.94	
00909 TREASURER, STATE OF MAINE						
0454	16697	03	tran sta storage facility		DEP0210201swf00	
tran sta storage facility			E 20-25-06-55		308.00	0.00
Invoice Total-					308.00	
0454	16697	03	annual reporting fees		DEP0211201swf00	
annual reporting fees			E 20-25-06-55		194.00	0.00
Invoice Total-					194.00	
Vendor Total-					502.00	
01051 WELLS FARGO FINANCIAL LEASING						
0454	16698	03	copier lease		5009385411	
copier lease			E 01-01-10-30		95.00	0.00
Vendor Total-					95.00	
01118 ATLANTIC FUELS, INC.						
0454	16699	03	dyed diesel		120333	
dyed diesel			E 20-01-20-10		629.49	0.00
Vendor Total-					629.49	
01219 KUSSMAUL ELECTRONICS CO., INC.						
0454	16700	03	vehicle rep/maint		162771	
vehicle rep/maint			E 10-01-24-15		245.70	0.00
Vendor Total-					245.70	
01244 P. GAGNON & SON, INC.						
0454	16701	03	heating fuel fire dept		51270	
heating fuel fire dept			E 10-01-15-01		620.09	0.00
Vendor Total-					620.09	
01260 SPRINT						
0454	16702	03	cell phones fire dept		02162020	
cell phones fire dept			E 10-01-03-12		259.92	0.00
Vendor Total-					259.92	
01335 STEVEN R. ROBINSON						
0454	16703	03	phone reimbursement		022020	
phone reimbursement			E 20-01-03-12		20.00	0.00
Vendor Total-					20.00	
01418 SPRINT						
0454	16704	03	cell phones csd		557872025-213	
cell phones csd			E 30-01-10-12		249.83	0.00
Vendor Total-					249.83	
01513 Consolidated Communications						
0454	16705	03	consolidated comm bill FD		02182020FD	
consolidated comm FD			E 10-01-15-03		266.04	0.00
Invoice Total-					266.04	
0454	16705	03	consolidated bill pub wor		02182020PW	
Pub works phones/internet			E 20-01-15-03		248.12	0.00
Invoice Total-					248.12	

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
<b>Vendor Total-</b>					<b>514.16</b>	
<b>01659 ATLANTIC RECYCLING EQUIPMENT, LLC</b>						
0454	16706	03	baler maintenance/repair	64985		
baler maint/repair			E 20-25-24-10		325.00	0.00
<b>Vendor Total-</b>					<b>325.00</b>	
<b>01671 GREENWOOD EMERGENCY VEHICLES</b>						
0454	16707	03	TANK 1 rep	87166		
tank 1 repair			E 10-01-24-85		404.50	0.00
<b>Vendor Total-</b>					<b>404.50</b>	
<b>01719 SEACOAST FIRST AID &amp; SAFETY, INC.</b>						
0454	16708	03	Invoice: 21976 and 20873	21976/20873		
Invoice: 21976 med suppli			E 20-25-03-05		81.65	0.00
20873 med supplies			E 20-25-03-05		27.80	0.00
<b>Vendor Total-</b>					<b>109.45</b>	
<b>01853 TOWN HALL STREAMS</b>						
0454	16709	03	monthly town streams	10690		
monthly town streams			E 01-01-05-24		250.00	0.00
<b>Vendor Total-</b>					<b>250.00</b>	
<b>01911 ALTERNATIVE COMMUNICATIONS SERVICE</b>						
0454	16710	03	block voicemail boxes	47944		
block voicemail boxes			E 01-01-15-03		120.00	0.00
<b>Vendor Total-</b>					<b>120.00</b>	
<b>02015 HEATWAVE OIL, LLC</b>						
0454	16711	03	GA Oil/heat	276449		
GA oil/heat			E 50-01-15-01		239.00	0.00
<b>Invoice Total-</b>					<b>239.00</b>	
0454	16711	03	#2 fuel	276312		
#2 fuel			E 20-01-15-01		451.47	0.00
<b>Invoice Total-</b>					<b>451.47</b>	
<b>Vendor Total-</b>					<b>690.47</b>	
<b>02025 Organic Solutions, LLC</b>						
0454	16712	03	composting	7700		
composting			E 20-25-06-55		36.00	0.00
<b>Vendor Total-</b>					<b>36.00</b>	
<b>02064 Seacoast Printing</b>						
0454	16713	03	basketball medals	4827		
basketball medals			E 81-12-03-05		408.00	0.00
<b>Vendor Total-</b>					<b>408.00</b>	
<b>02225 Seacoast Redicare</b>						
0454	16714	03	physical exam	97237		
physical exam			E 01-01-03-05		75.00	0.00
<b>Vendor Total-</b>					<b>75.00</b>	
<b>02347 Smart Source of Boston, LLC</b>						
0454	16715	03	AIP mailer	0761999		
AIP mailer			E 05-05-50-06		595.00	0.00
<b>Vendor Total-</b>					<b>595.00</b>	
<b>02350 New England Kenworth</b>						
0454	16716	03	vehicle rep/maint	02292020		
vehicle rep/maint			E 20-01-24-15		166.97	0.00
<b>Invoice Total-</b>					<b>166.97</b>	

\*\*\* SEPARATE \*\*\*

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**A / P Warrant**

03/06/2020

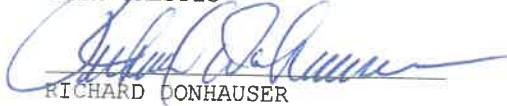
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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
0454	16717	03	vehicle rep/maint		02292020	
vehicle rep/maint			E 20-01-24-15		176.95	0.00
Invoice Total-					176.95	
Vendor Total-					343.92	
<b>02475 Leaf</b>						
0454	16718	03	copier/printer bill		10391834	
copier/printer bill			E 01-01-10-30		690.00	0.00
Vendor Total-					690.00	
<b>02637 MTM Acquisition, Inc.</b>						
0454	16719	03	csd booklet		26859	
csd booklet			E 30-01-05-25		1,102.92	0.00
Vendor Total-					1,102.92	
<b>02638 Jordan Miles</b>						
0454	16720	03	postage reimbursement		02272020	
postage reimbursement			E 01-01-20-05		26.35	0.00
Vendor Total-					26.35	
<b>02726 Darcy Christian</b>						
0454	16721	03	dance class		03032020	
dance class			E 81-11-03-05		240.00	0.00
Vendor Total-					240.00	
<b>02739 Northeast Laboratory Services</b>						
0454	16722	03	water tests		051210	
water tests			E 62-04-10-35		800.00	0.00
Vendor Total-					800.00	
Prepaid Total-					0.00	
Current Total-					74,977.33	
EFT Total-					0.00	
Warrant Total-					74,977.33	

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

  
ALEX ORESTIS

  
RICHARD DONHAUSER

  
PHIL LYTLE

  
ROBERT MCPHERSON

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**A / P Warrant**

03/12/2020

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Warrant 111

**CORRESPONDENCE # H-8B**  
**SELECTMEN'S MEETING**  
**04-09-20**

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
<b>00002 2WAY COMMUNICATIONS SERVICE, INC.</b>						
0469	16723	03	install antenna on loader	64325		
antenna install-loader			E 20-01-24-10		201.00	0.00
<b>Vendor Total-</b>					<b>201.00</b>	
<b>00109 CENTRAL MAINE POWER</b>						
0469	16724	03	cmp town office	700000212220		
cmp town office			E 01-01-15-02		19.57	0.00
<b>Invoice Total-</b>					<b>19.57</b>	
0469	16724	03	cmp pd	700000212218		
cmp pd			E 10-05-15-02		19.57	0.00
<b>Invoice Total-</b>					<b>19.57</b>	
0469	16724	03	cmp street lights	724000590098		
cmp street lights			E 10-30-15-02		553.60	0.00
<b>Invoice Total-</b>					<b>553.60</b>	
<b>Vendor Total-</b>					<b>592.74</b>	
<b>00121 Cintas Corporation #758</b>						
0469	16725	03	uniforms pub works	02292020		
uniforms pub works			E 20-01-03-15		667.35	0.00
<b>Vendor Total-</b>					<b>667.35</b>	
<b>00147 CUMMINS NORTHEAST, LLC</b>						
0469	16726	03	generator maintenance	V6-23097		
generator maintenance			E 10-05-10-14		496.76	0.00
<b>Vendor Total-</b>					<b>496.76</b>	
<b>00247 GRANITE STATE MINERALS INC.</b>						
0469	16727	03	road salt	INV075598		
road salt			E 20-05-22-25		4,567.94	0.00
<b>Vendor Total-</b>					<b>4,567.94</b>	
<b>00340 KITTELY WATER DISTRICT</b>						
0469	16728	03	Water bills	04052020		
Account 3529			E 01-01-15-04		92.30	0.00
account 3345			E 70-10-25-10		36.65	0.00
account 3527			E 10-05-15-04		36.65	0.00
<b>Vendor Total-</b>					<b>165.60</b>	
<b>00352 LAWSON PRODUCTS, INC.</b>						
0469	16729	03	supplies/materials	9307429142		
supplies/materials			E 20-01-24-05		446.57	0.00
<b>Vendor Total-</b>					<b>446.57</b>	
<b>00388 MainePERS</b>						
0469	16730	03	mainepers february	022020		
admin			E 01-01-03-40		1,738.56	0.00
clerks			E 01-02-03-40		1,599.44	0.00
land use			E 01-03-03-40		1,408.51	0.00
police dept			E 10-05-03-40		7,269.40	0.00
pub works			E 20-01-03-40		2,193.38	0.00
csd			E 30-01-03-40		476.80	0.00
csd			E 81-02-03-40		346.17	0.00
contributions			G 01-2215-00		9,841.15	0.00
<b>Vendor Total-</b>					<b>24,873.41</b>	
<b>00474 NORTHEAST HYDRAULICS, INC.</b>						
0469	16731	03	vehicle rep/maint	75448		
vehicle rep/maint			E 20-01-24-15		19.08	0.00

## Warrant 111

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
<b>Vendor Total-</b>					<b>19.08</b>	
<b>00579 GENEST PRECAST</b>						
0469	16732	03	drainage materials	51526		
gasketed pipe			E 20-01-22-65		84.00	0.00
<b>Invoice Total-</b>					<b>84.00</b>	
0469	16732	03	drainage materials	51531		
drainage materials			E 20-01-22-65		54.00	0.00
<b>Invoice Total-</b>					<b>54.00</b>	
<b>Vendor Total-</b>					<b>138.00</b>	
<b>00617 SANEL NAPA</b>						
0469	16733	03	vehicle rep/maint	11501		
vehicle rep/maint			E 10-05-24-15		5.92	0.00
<b>Vendor Total-</b>					<b>5.92</b>	
<b>00619 S.A.D. # 35</b>						
0469	16734	03	MSAD 35 payment	032020		
March Payment			E 60-01-99-30		834,241.92	0.00
<b>Vendor Total-</b>					<b>834,241.92</b>	
<b>00625 SEACOAST MEDIA GROUP</b>						
0469	16735	03	advertising	00032870 030120		
admin			E 01-01-05-01		169.10	0.00
appeals bd			E 05-05-50-05		391.66	0.00
planning bd			E 05-05-50-45		421.66	0.00
<b>Vendor Total-</b>					<b>982.42</b>	
<b>00626 SEACOAST BUSINESS MACHINES</b>						
0469	16736	03	contract printer	IN73415		
contract printer			E 10-05-10-14		62.19	0.00
<b>Vendor Total-</b>					<b>62.19</b>	
<b>00648 SOUTHERN MAINE PLANNING</b>						
0469	16737	03	TIF consult	14794		
tif consult			E 62-04-10-35		160.00	0.00
<b>Vendor Total-</b>					<b>160.00</b>	
<b>00717 TOWN OF KITTELY, MAINE</b>						
0469	16738	03	fuel bill eliot pd	03032020		
fuel bill eliot pd			E 10-05-20-15		898.66	0.00
<b>Invoice Total-</b>					<b>898.66</b>	
0469	16738	03	fuel bill	03042020		
fuel bill pd			E 10-05-20-15		172.31	0.00
<b>Invoice Total-</b>					<b>172.31</b>	
<b>Vendor Total-</b>					<b>1,070.97</b>	
<b>00725 TREASURER OF STATE</b>						
0469	16739	03	bmV 0228-0306	0228-0306		
bmV 0228-0306			G 01-2040-00		42,152.90	0.00
<b>Vendor Total-</b>					<b>42,152.90</b>	
<b>00761 UNIVERSITY OF NEW HAMPSHIRE</b>						
0469	16740	03	external camp group swim	I-40554		
external camp group swim			E 81-09-03-05		100.00	0.00
<b>Vendor Total-</b>					<b>100.00</b>	
<b>00816 IRVING OIL MARKETING, INC.</b>						
0469	16741	03	fuel bill pub works	33345497		
fuel bill pub works			E 20-01-20-15		296.50	0.00



**A / P Warrant**

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
<b>Invoice Total-</b>					<b>296.50</b>	
0469	16741	03	fuel bill pd	33345493		
fuel bill pd	E 10-05-20-15				38.23	0.00
<b>Invoice Total-</b>					<b>38.23</b>	
<b>Vendor Total-</b>					<b>334.73</b>	
<b>00817 PITNEY BOWES, INC.</b>						
0469	16742	03	postage machine pd	3310720644		
postage machine pd	E 10-05-10-14				95.91	0.00
<b>Vendor Total-</b>					<b>95.91</b>	
<b>00845 YORK COUNTY TOWN AND CITY CLERK'S A</b>						
0469	16743	03	clerks membership (4)	03122020		
clerks membership (4)	E 01-02-03-01				60.00	0.00
<b>Vendor Total-</b>					<b>60.00</b>	
<b>00906 W.B. MASON COMPANY, INC.</b>						
0469	16744	03	trash bags	208526839		
trash bags for town offic	E 01-01-20-40				119.08	0.00
<b>Invoice Total-</b>					<b>119.08</b>	
0469	16744	03	office supplies trans sta	208463048		
office supplies trans sta	E 20-25-20-40				34.98	0.00
<b>Invoice Total-</b>					<b>34.98</b>	
0469	16744	03	office supplies transfer	208344934		
office supplies transfer	E 20-25-20-40				13.99	0.00
<b>Invoice Total-</b>					<b>13.99</b>	
0469	16744	03	water for pd	208045753		
water for pd	E 10-05-20-41				59.85	0.00
<b>Invoice Total-</b>					<b>59.85</b>	
<b>Vendor Total-</b>					<b>227.90</b>	
<b>01007 ELIOT SMALL ENGINE REPAIR, INC.</b>						
0469	16745	03	equip rep/maint	02292020		
equip rep/maint	E 20-01-24-10				284.56	0.00
<b>Vendor Total-</b>					<b>284.56</b>	
<b>01118 ATLANTIC FUELS, INC.</b>						
0469	16746	03	dyed diesel premium	96356		
dyed diesel	E 20-01-20-10				392.11	0.00
<b>Invoice Total-</b>					<b>392.11</b>	
0469	16746	03	dyed diesel	120845		
dyed diesel	E 20-01-20-10				187.20	0.00
<b>Invoice Total-</b>					<b>187.20</b>	
<b>Vendor Total-</b>					<b>579.31</b>	
<b>01244 P. GAGNON &amp; SON, INC.</b>						
0469	16747	03	heating fuel	54102		
heating fuel	E 10-05-15-01				354.70	0.00
<b>Vendor Total-</b>					<b>354.70</b>	
<b>01267 VERIZON/WIRELESS</b>						
0469	16748	03	air cards pd	9848831348		
air cards pd	E 10-05-10-14				160.04	0.00
<b>Invoice Total-</b>					<b>160.04</b>	
0469	16748	03	cell phones pd	9848991354		
cell phones pd	E 10-05-03-12				312.37	0.00
<b>Invoice Total-</b>					<b>312.37</b>	

02223 High Flying Flag Co.

**A / P Warrant**

03/12/2020

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Warrant 111

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
0469	16757	03	5x8 US flag		3923	
5x8 US flag			E 20-01-24-05		119.00	0.00
<b>Vendor Total-</b>					<b>119.00</b>	
<b>02225 Seacoast Redicare</b>						
0469	16758	03	hep b vaccine		97636	
hep b vaccine			E 20-25-03-15		89.00	0.00
<b>Invoice Total-</b>					<b>89.00</b>	
0469	16758	03	hep b vaccine transfer st		97237	
hep b vaccine transfer st			E 20-25-03-15		89.00	0.00
<b>Invoice Total-</b>					<b>89.00</b>	
0469	16758	03	vaccines/physicals		95858	
pub works			E 20-01-03-05		173.00	0.00
transfer station			E 20-25-03-05		89.00	0.00
<b>Invoice Total-</b>					<b>262.00</b>	
<b>Vendor Total-</b>					<b>440.00</b>	
<b>02315 Coyote Club Wildlife Ed.</b>						
0469	16759	03	Jan-april after school	Jan-april		
jan -april after school			E 81-11-03-05		2,914.00	0.00
<b>Vendor Total-</b>					<b>2,914.00</b>	
<b>02333 EcoMaine (Bulky)</b>						
0469	16760	03	bulky contract		02292020	
bulky contract			E 20-25-06-55		1,559.47	0.00
<b>Vendor Total-</b>					<b>1,559.47</b>	
<b>02515 Edison Press</b>						
0469	16761	03	logout/tagout sheets		108263	
logout/tagout sheets			E 20-01-24-05		138.00	0.00
<b>Vendor Total-</b>					<b>138.00</b>	
<b>02739 Northeast Laboratory Services</b>						
0469	16762	03	sturgeon creek sample		T95731	
sturgeon creek sample			E 62-04-10-35		200.00	0.00
<b>Vendor Total-</b>					<b>200.00</b>	
<b>02740 Urban Air</b>						
0469	16763	03	50% deposit for april tri		03102020	*** SEPARATE ***
50% deposit for april tri			E 82-01-03-05		212.45	0.00
<b>Invoice Total-</b>					<b>212.45</b>	
0469	16764	03	2nd half of april trip		03102020pt2	*** SEPARATE ***
2nd half of april trip			E 82-01-03-05		212.45	0.00
<b>Invoice Total-</b>					<b>212.45</b>	
<b>Vendor Total-</b>					<b>424.90</b>	

A / P Warrant

03/12/2020


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Warrant 111

Jrnl	Check	Month	Invoice Description	Reference	
Description	Account		Proj	Amount	Encumbrance
			Prepaid Total-	0.00	
			Current Total-	942,215.58	
			EFT Total-	0.00	
			Warrant Total-	942,215.58	

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

ALEX ORESTIS

  
RICHARD DONHAUSER

  
PHIL LYTLE

  
ROBERT MCPHERSON

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A / P Warrant

03/18/2020

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Warrant 113

CORRESPONDENCE # H-8C  
SELECTMEN'S MEETING  
04-09-20

Jrnl	Check	Month	Invoice Description	Account	Proj	Amount	Encumbrance
Description							
00109 CENTRAL MAINE POWER							
0478	16766	03	cmp route 236-beech	7000000212337			
cmp route 23- beech rd			E 10-30-15-02	29.66		0.00	
			Invoice Total-	29.66			
0478	16766	03	cor state/bolthill rd	7000000212340			
cor state/ bolthill rd			E 10-30-15-02	18.37		0.00	
			Invoice Total-	18.37			
0478	16766	03	route 236 rd	7000000212225			
route 236 rd			E 10-30-15-02	15.35		0.00	
			Invoice Total-	15.35			
0478	16766	03	route 236	7000000212227			
route 236			E 10-30-15-02	15.35		0.00	
			Invoice Total-	15.35			
0478	16766	03	new kittery road	7000000212226			
new kittery road			E 10-30-15-02	15.35		0.00	
			Invoice Total-	15.35			
0478	16766	03	cmp 468 HL dow highway	7000000212215			
cmp 468 HL dow highway			E 10-30-15-02	20.63		0.00	
			Invoice Total-	20.63			
0478	16766	03	cmp old rd	7000000212342			
cmp old rd			E 20-10-15-02	15.35		0.00	
			Invoice Total-	15.35			
0478	16766	03	cmp 11 dixon road	7000000212341			
cmp 11 dixon road			E 20-10-15-02	15.35		0.00	
			Invoice Total-	15.35			
0478	16766	03	cmp river road	7000000212338			
cmp river road			E 20-10-15-02	27.70		0.00	
			Invoice Total-	27.70			
0478	16766	03	cmp greenacres rd	7000000212336			
cmp greenacres road			E 20-10-15-02	51.96		0.00	
			Invoice Total-	51.96			
0478	16766	03	cmp Harold L Dow Hwy	7000000212339			
cmp Harold L Dow Hwy			E 20-25-15-02	21.69		0.00	
			Invoice Total-	21.69			
0478	16766	03	cmp transfer	7000000212335			
cmp transfer station			E 20-25-15-02	316.09		0.00	
			Invoice Total-	316.09			
0478	16766	03	rte 236 garage	7000000212334			
rte 236 garage			E 20-01-15-02	15.37		0.00	
			Invoice Total-	15.37			
0478	16766	03	cmp dixon ave	7000000212224			
cmp dixon ave			E 70-15-15-02	15.35		0.00	
			Invoice Total-	15.35			
0478	16766	03	cmp main st	7000000212222			
cmp main st			E 70-10-15-02	19.57		0.00	
			Invoice Total-	19.57			
0478	16766	03	cmp pleasant st	7000000212221			
cmp pleasant st			E 70-05-15-02	19.57		0.00	
			Invoice Total-	19.57			
			Vendor Total-	632.71			

00340 KITTEY WATER DISTRICT

**A / P Warrant**

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Warrant 113

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
0478	16767	03	water bill pleasant st	4291Pleasant		
water bill pleasant st	E 70-05-25-10				36.65	0.00
<b>Vendor Total-</b>					<b>36.65</b>	
<b>00343 L.W. MORGRIDGE &amp; SON, INC.</b>						
0478	16768	03	pump truck/2.75 hours	6027		
pump truck/ 2.75 hours	E 70-10-25-10				467.50	0.00
<b>Vendor Total-</b>					<b>467.50</b>	
<b>00529 ReadyRefresh by Nestle</b>						
0478	16769	03	water pub works	20B0310044268		
water pub works	E 20-01-15-04				151.62	0.00
<b>Vendor Total-</b>					<b>151.62</b>	
<b>00570 York County Registry of Deeds</b>						
0478	16770	03	12 lien discharges	12 lien dischar		
12 lien discharges	E 01-02-05-20				228.00	0.00
<b>Vendor Total-</b>					<b>228.00</b>	
<b>00578 RICCI SUPPLY COMPANY, INC.</b>						
0478	16771	03	CIP pavillion	17570		
CIP pavillion	E 62-05-99-01				151.56	0.00
<b>Invoice Total-</b>					<b>151.56</b>	
0478	16771	03	CIP pavillion	17228		
CIP pavillion	E 62-05-99-01				105.07	0.00
<b>Invoice Total-</b>					<b>105.07</b>	
<b>Vendor Total-</b>					<b>256.63</b>	
<b>00650 SOUTHWORTH-MILTON, INC.</b>						
0478	16772	03	vehicle rep/maint	1883849		
vehicle rep/maint	E 20-01-24-15				395.52	0.00
<b>Vendor Total-</b>					<b>395.52</b>	
<b>00725 TREASURER OF STATE</b>						
0478	16773	03	bmv 0306-0313	0306-0313		
bmv 0306-0313	G 01-2040-00				25,524.52	0.00
<b>Vendor Total-</b>					<b>25,524.52</b>	
<b>00830 HYGRADE BUSINESS GROUP, INC.</b>						
0478	16774	03	envelopes	657336		
envelopes	E 01-01-05-25				165.00	0.00
<b>Vendor Total-</b>					<b>165.00</b>	
<b>00906 W.B. MASON COMPANY, INC.</b>						
0478	16775	03	office supplies	208560407		
office supplies	E 20-25-20-40				89.98	0.00
<b>Vendor Total-</b>					<b>89.98</b>	
<b>01006 ME. MUNICIPAL EMPLOYEE HEALTH TRUST</b>						
0478	16776	03	insurance april	042020		
admin	E 01-01-03-10				4,220.97	0.00
land use	E 01-03-03-10				3,225.39	0.00
clerks	E 01-02-03-10				3,330.96	0.00
pub works	E 20-01-03-10				1,195.41	0.00
police	E 10-05-03-10				13,731.58	0.00
CSD	E 30-01-03-10				1,062.60	0.00
KidsPlay	E 82-01-03-10				1,592.19	0.00
Youthbound	E 81-09-03-10				2,152.80	0.00
contributions	G 01-2230-00				6,705.73	0.00
<b>Vendor Total-</b>					<b>37,217.63</b>	

## Warrant 113

Jrnl	Check	Month	Invoice Description	Reference	
Description	Account	Proj	Amount	Encumbrance	
<b>01118 ATLANTIC FUELS, INC.</b>					
0478	16777	03	dyed diesel	121207	
dyed diesel	E 20-01-20-10		520.76	0.00	
			<b>Vendor Total-</b>	<b>520.76</b>	
<b>01337 CNC ELECTRIC</b>					
0478	16778	03	sewer maintenance	2827	
sewer maintenance	E 70-01-25-10		300.00	0.00	
			<b>Vendor Total-</b>	<b>300.00</b>	
<b>01719 SEACOAST FIRST AID &amp; SAFETY, INC.</b>					
0478	16779	03	medical supplies	22341	
medical supplies	E 20-25-03-05		93.25	0.00	
			<b>Vendor Total-</b>	<b>93.25</b>	
<b>01770 UNDERWOOD ENGINEERS</b>					
0478	16780	03	main st/kings hwy	15150	
main st/kings highway	E 92-01-99-01		3,261.34	0.00	
			<b>Vendor Total-</b>	<b>3,261.34</b>	
<b>01771 AFLAC INCORPORATED</b>					
0478	16781	03	aflac	959378	
aflac	G 01-2219-00		105.16	0.00	
			<b>Vendor Total-</b>	<b>105.16</b>	
<b>01772 DELLA LAND CORPORATION</b>					
0478	16782	03	disposal fees	2221	
disposal fees	E 20-25-06-55		72.00	0.00	
			<b>Vendor Total-</b>	<b>72.00</b>	
<b>02302 Holloway Automotive Group</b>					
0478	16783	03	vehicle rep/maint	5038562	
vehicle rep/maint	E 20-01-24-15		111.51	0.00	
			<b>Vendor Total-</b>	<b>111.51</b>	
<b>02397 Maine Accessibility Corporation</b>					
0478	16784	03	fix ADA door	202000357	
fix ada door	E 01-01-20-05		431.00	0.00	
			<b>Vendor Total-</b>	<b>431.00</b>	
<b>02647 Cynthia Fielders</b>					
0478	16785	03	kidsplay refund	03162020	
kidsplay refundq	E 82-01-03-05		210.60	0.00	
			<b>Vendor Total-</b>	<b>210.60</b>	
<b>02671 JD's Drain Cleaning Inc.</b>					
0478	16786	03	sewer maintenance	1759	
sewer maintenance	E 70-01-25-10		277.50	0.00	
			<b>Vendor Total-</b>	<b>277.50</b>	
<b>02706 Rod's Animal Control</b>					
0478	16787	03	pest control	426585	
pest control	E 20-01-24-05		580.00	0.00	
			<b>Vendor Total-</b>	<b>580.00</b>	
<b>02741 Maldini Electric</b>					
0478	16788	03	electrical permit refund	Map47 Lot 20	
electrical permit refund	R 01-01-40		50.00	0.00	
			<b>Vendor Total-</b>	<b>50.00</b>	
<b>02742 McKenzie Staviss-Whiteman</b>					

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Jrnl	Check	Month	Invoice Description	Reference		
Description			Account	Proj	Amount	Encumbrance
0478	16789	03	permit refund		map 21 lot 2	
permit refund			R 01-01-40		30.00	0.00
Vendor Total-					30.00	
02743 Treasurer, State of Maine						
0478	16790	03	NRPA permit fee		03182020	
NRPA permit fee			E 20-30-12-50		250.00	0.00
Vendor Total-					250.00	
Prepaid Total-					0.00	
Current Total-					71,458.88	
EFT Total-					0.00	
Warrant Total-					71,458.88	

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

ALEX ORESTIS

  
RICHARD DONHAUSER

  
PHIL LYTLE

  
ROBERT MCPHERSON



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Warrant 115

CORRESPONDENCE # H-8D  
SELECTMEN'S MEETING  
04-09-20

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
<b>00069 BEN'S UNIFORMS, INC.</b>						
0482 uniforms	16791	03	uniforms E 10-05-03-15	91016	100.00	0.00
<b>Vendor Total-</b>					<b>100.00</b>	
<b>00071 BERGERON PROTECTIVE CLOTHING</b>						
0482 CIP fire gear	16792	03	CIP Fire gear E 62-05-99-01	221629	1,337.92	0.00
<b>Invoice Total-</b>					<b>1,337.92</b>	
0482 CIP fire gear	16792	03	CIP Fire Gear E 62-05-99-01	221664	473.86	0.00
<b>Invoice Total-</b>					<b>473.86</b>	
0482 CIP fire gear	16792	03	CIP fire gear E 62-05-99-01	221475	9,081.04	0.00
<b>Invoice Total-</b>					<b>9,081.04</b>	
<b>Vendor Total-</b>					<b>10,892.82</b>	
<b>00072 BERNSTEIN, SHUR, SAWYER &amp; NELSON</b>						
0482 Planning	16793	03	legal fees E 05-05-50-45	03232020	522.50	0.00
code enforcement			E 01-01-10-02		1,787.50	0.00
employment matters			E 01-01-10-02		416.00	0.00
staples enforcement			E 01-01-10-02		558.00	0.00
wastezero matter			E 01-01-10-02		1,523.09	0.00
general legal			E 01-01-10-02		685.50	0.00
<b>Vendor Total-</b>					<b>5,492.59</b>	
<b>00109 CENTRAL MAINE POWER</b>						
0482 cmp fire dept	16794	03	cmp fire dept E 10-01-15-02	700000212223	15.36	0.00
<b>Vendor Total-</b>					<b>15.36</b>	
<b>00131 COMCAST</b>						
0482 comcast bill pub works	16795	03	comcast bill pub works E 20-01-15-03	03132020	216.81	0.00
<b>Vendor Total-</b>					<b>216.81</b>	
<b>00265 HAYDEE'S PEST-FREE MANAGEMENT, INC.</b>						
0482 exterminator transfer sta	16796	03	exterminator transfer sta E 20-25-24-20	158036	50.00	0.00
<b>Vendor Total-</b>					<b>50.00</b>	
<b>00285 IAFC MEMBERSHIP</b>						
0482 IAFC membership	16797	03	membership E 10-01-03-01	000060859	255.00	0.00
<b>Vendor Total-</b>					<b>255.00</b>	
<b>00287 INDUSTRIAL PROTECTION SERVICES, LLC</b>						
0482 radio rep/maint	16798	03	radio rep maint E 10-01-24-40	163419-00	191.00	0.00
<b>Vendor Total-</b>					<b>191.00</b>	
<b>00340 KITTELY WATER DISTRICT</b>						
0482 water bill fire dept	16799	03	water bill fire dept E 10-01-15-04	3528FD	36.65	0.00
<b>Vendor Total-</b>					<b>36.65</b>	
<b>00352 LAWSON PRODUCTS, INC.</b>						
0482 supplies/materials	16800	03		9307462252		

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Warrant 115

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
supplies/materials			E 20-01-24-05		408.43	0.00
			<b>Invoice Total-</b>		<b>408.43</b>	
0482	16800	03	supplies/materials	9307458621		
supplies/materials			E 20-01-24-05		1,429.75	0.00
			<b>Invoice Total-</b>		<b>1,429.75</b>	
			<b>Vendor Total-</b>		<b>1,838.18</b>	
<b>00458 NATIONAL WRECKER, INC.</b>						
0482	16801	03	vehicle rep/maint	44304		
vehicle rep/maint			E 10-01-24-15		831.20	0.00
			<b>Vendor Total-</b>		<b>831.20</b>	
<b>00524 PISCATAQUA LANDSCAPING &amp;</b>						
0482	16802	03	irrigation winterization	9583		
irrigation winterization			E 01-01-20-05		90.00	0.00
			<b>Vendor Total-</b>		<b>90.00</b>	
<b>00529 ReadyRefresh by Nestle</b>						
0482	16803	03	water for town office	00C0441964087		
water for town office			E 01-01-20-40		106.82	0.00
			<b>Vendor Total-</b>		<b>106.82</b>	
<b>00555 RADIO COMMUNICATIONS MCMNT, INC.</b>						
0482	16804	03	mobil repair	84250		
mobil radio repair			E 10-01-24-10		360.00	0.00
			<b>Vendor Total-</b>		<b>360.00</b>	
<b>00579 GENEST PRECAST</b>						
0482	16805	03	drainage materials	M540		
drainage materials			E 20-01-22-65		8,200.00	0.00
			<b>Vendor Total-</b>		<b>8,200.00</b>	
<b>00648 SOUTHERN MAINE PLANNING</b>						
0482	16806	03	planning assistant	14815		
planning assistant			E 01-03-01-01		6,696.12	0.00
			<b>Vendor Total-</b>		<b>6,696.12</b>	
<b>00816 IRVING OIL MARKETING, INC.</b>						
0482	16807	03	fuel for csd	33345455		
fuel for csd			E 30-01-20-15		140.43	0.00
			<b>Vendor Total-</b>		<b>140.43</b>	
<b>00817 PITNEY BOWES, INC.</b>						
0482	16808	03	postage town office	03172020		
postage town office			E 01-01-20-05		85.16	0.00
			<b>Vendor Total-</b>		<b>85.16</b>	
<b>00885 ELDREDGE LUMBER AND HARDWARE</b>						
0482	16809	03	supplies/materials	03152020		
supplies/materials			E 20-01-24-05		194.21	0.00
			<b>Vendor Total-</b>		<b>194.21</b>	
<b>00906 W.B. MASON COMPANY, INC.</b>						
0482	16810	03	office supplies fd	STMT28899869		
office supplies			E 10-01-20-40		79.98	0.00
			<b>Invoice Total-</b>		<b>79.98</b>	
0482	16810	03	office supplies transfer	208662850		
supplies transfer station			E 20-25-20-40		61.98	0.00
			<b>Invoice Total-</b>		<b>61.98</b>	
0482	16810	03	office supplies town off	208876546		

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description	Account	Proj				
office supplies town offi	E 01-01-20-40				20.99	0.00
			<b>Invoice Total-</b>		<b>20.99</b>	
0482 16810 03 office supplies pd	E 10-05-24-20			208561007	47.28	0.00
			<b>Invoice Total-</b>		<b>47.28</b>	
			<b>Vendor Total-</b>		<b>210.23</b>	
<b>01007 ELIOT SMALL ENGINE REPAIR, INC.</b>						
0482 16811 03 new truck saw	E 10-01-20-55			017796	422.98	0.00
			<b>Vendor Total-</b>		<b>422.98</b>	
<b>01051 WELLS FARGO FINANCIAL LEASING</b>						
0482 16812 03 copier lease	E 10-05-10-14			5009633069	167.75	0.00
			<b>Vendor Total-</b>		<b>167.75</b>	
<b>01118 ATLANTIC FUELS, INC.</b>						
0482 16813 03 dyed diesel	E 20-01-20-10			121592	350.04	0.00
			<b>Vendor Total-</b>		<b>350.04</b>	
<b>01244 P. GAGNON &amp; SON, INC.</b>						
0482 16814 03 heating fuel fire dept	E 10-01-15-01			54096	584.67	0.00
			<b>Invoice Total-</b>		<b>584.67</b>	
0482 16814 03 heating fuel fire dept	E 10-01-15-01			02292020	194.83	0.00
			<b>Invoice Total-</b>		<b>194.83</b>	
			<b>Vendor Total-</b>		<b>779.50</b>	
<b>01260 SPRINT</b>						
0482 16815 03 cell phones fire dept	E 10-01-03-12			03162020	239.03	0.00
			<b>Vendor Total-</b>		<b>239.03</b>	
<b>01267 VERIZON/WIRELESS</b>						
0482 16816 03 air cards fire dept	E 10-01-15-03			9848816135	68.56	0.00
			<b>Vendor Total-</b>		<b>68.56</b>	
<b>01393 HOME DEPOT CREDIT SERVICES</b>						
0482 16817 03 supplies/materials	E 20-01-24-05			03132020	433.74	0.00
			<b>Vendor Total-</b>		<b>433.74</b>	
<b>01445 Allegiant Care</b>						
0482 16818 03 health insurance	E 20-01-03-10			052020	7,003.23	0.00
pub works	G 01-2230-00				1,459.77	0.00
ee contributions			<b>Vendor Total-</b>		<b>8,463.00</b>	
<b>01513 Consolidated Communications</b>						
0482 16819 03 town office internet/phon	E 01-01-15-03			03182020TO	398.64	0.00
			<b>Invoice Total-</b>		<b>398.64</b>	
0482 16819 03 cons comm public works	E 20-01-15-03			03182020PWD	248.12	0.00
			<b>Invoice Total-</b>		<b>248.12</b>	

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
0482	16819	03	cons comm bill PD		03182020PD	
cons comm bill PD			E 10-05-15-03		473.92	0.00
Invoice Total-					473.92	
0482	16819	03	cons comm. fire		cons comm fire	
cons comm fire dept			E 10-01-15-03		266.04	0.00
Invoice Total-					266.04	
Vendor Total-					1,386.72	
<b>01974 EMERGENCY SERVICES MARKETING</b>						
0482	16820	03	Iamresponding subscript		03262020	
Iamresponding subscriptio			E 10-01-11-24		210.24	0.00
Vendor Total-					210.24	
<b>02015 HEATWAVE OIL, LLC</b>						
0482	16821	03	heating fuel pub works		276835	
heating fuel pub works			E 20-01-15-01		377.11	0.00
Invoice Total-					377.11	
0482	16821	03	heating fuel transfer sta		90	
heating fuel			E 20-25-15-01		86.21	0.00
Invoice Total-					86.21	
Vendor Total-					463.32	
<b>02029 WEX Bank</b>						
0482	16822	03	fuel bill fire dept		64165409	
fuel bill fire dept			E 10-01-20-15		342.11	0.00
Vendor Total-					342.11	
<b>02295 Witmer Public Safety Group, Inc.</b>						
0482	16823	03	fire truck repair		E1939958	
fire truck repair			E 10-01-24-85		150.58	0.00
Vendor Total-					150.58	
<b>02427 Norman, Hanson &amp; Detroy, LLC</b>						
0482	16824	03	collective bargaining		355137	
collective bargaining			E 01-01-10-02		730.87	0.00
Vendor Total-					730.87	
<b>02594 Delta Medical Supply Group</b>						
0482	16825	03	gloves		138559	
gloves			E 10-05-03-15		95.14	0.00
Vendor Total-					95.14	
<b>02744 Macklin Construction</b>						
0482	16826	03	Pavillion Roof- Cap IMP		03/05/2020	
Pavillion Roof CIP			E 62-05-99-01		5,718.00	0.00
Vendor Total-					5,718.00	

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Warrant 115

Jrnl	Check	Month	Invoice Description	Reference	
Description	Account		Proj	Amount	Encumbrance
Prepaid Total-				0.00	
Current Total-				56,024.16	
EFT Total-				0.00	
Warrant Total-				56,024.16	

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

ALEX ORESTIS

RICHARD DONHAUSER

PHIL LYTLE

ROBERT MCPHERSON

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A / P Warrant

Warrant 117

CORRESPONDENCE #  
SELECTMEN'S MEETING  
04-09-20

04/01/2020

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Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
<b>00109 CENTRAL MAINE POWER</b>						
0499	16827	04	street lights		723000652330	
street lights			E 10-30-15-02		517.62	0.00
Vendor Total-					517.62	
<b>00191 ELECTRIC LIGHT COMPANY, INC.</b>						
0499	16828	04	traffic tech/replace lens	18435		
traffic tech/replace lens			E 10-30-15-02		545.00	0.00
Vendor Total-					545.00	
<b>00529 ReadyRefresh by Nestle</b>						
0499	16829	04	water for pub works	0310044268		
water for pub works			E 01-01-20-40		171.60	0.00
Vendor Total-					171.60	
<b>00617 SANEL NAPA</b>						
0499	16830	04	vehicle rep/maint	032020Highway		
vehicle rep/maint			E 20-01-24-15		647.72	0.00
Vendor Total-					647.72	
<b>00625 SEACOAST MEDIA GROUP</b>						
0499	16831	04	advertising	03292020		
advertising			E 01-01-05-01		169.10	0.00
Vendor Total-					169.10	
<b>00626 SEACOAST BUSINESS MACHINES</b>						
0499	16832	04	copier contract	4519334		
copier contract			E 30-01-03-05		713.14	0.00
Vendor Total-					713.14	
<b>00764 VERIZON/WIRELESS</b>						
0499	16833	04	cell phones pub works	9850795232		
cell phones pub works			E 20-01-03-12		72.55	0.00
Vendor Total-					72.55	
<b>01853 TOWN HALL STREAMS</b>						
0499	16834	04	monthly town streams	10757		
monthly town streams			E 01-01-05-24		250.00	0.00
Vendor Total-					250.00	
<b>02414 FleetScreen, Ltd.</b>						
0499	16835	04	annual renewal fee	103110		
annual renewal fee			E 20-01-03-05		25.00	0.00
Vendor Total-					25.00	
<b>02556 CAI Technologies</b>						
0499	16836	04	PWIM consulting	9100		
PWIM consulting			E 20-01-10-05		2,526.25	0.00
Vendor Total-					2,526.25	
<b>02722 Sebago Technics, Inc</b>						
0499	16837	04	stormwater consulting	202003132		
stormwater consulting			E 20-30-12-50		2,373.50	0.00
Vendor Total-					2,373.50	
<b>02745 Anya Wittenborg</b>						
0499	16838	04	csd refund	03252020		
CSD Refund			E 81-01-03-05		150.00	0.00
Vendor Total-					150.00	

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A / P Warrant

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Warrant 117

Jrnl	Check	Month	Invoice Description	Reference	
Description	Account		Proj	Amount	Encumbrance
Prepaid Total-				0.00	
Current Total-				8,161.48	
EFT Total-				0.00	
Warrant Total-				8,161.48	

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

ALEX ORESTIS

RICHARD DONHAUSER

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