

**SELECT BOARD MEETING
February 13, 2020 5:30PM**

Quorum noted

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

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

Absent: Mr. Murphy (excused) Mr. Lytle (excused).

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

5:32 PM Mr. (Jim) Tessier, Johnson Lane, asked if there had been some commitment made as to when the pay plan might be updated.

Mr. Lee said that I recently reached out to staff as to what towns they thought we should go to that is operationally similar to what they do and I'm waiting to hear back from staff as to towns we will survey on a compensation and benefit package. It will be on the agenda for a while because we first have to agree to what towns will be surveyed and go forward, depending on how quickly and thoroughly the towns respond.

F. Approval of Minutes of Previous Meeting(s)

5:31 PM **Motion by Mr. Orestis, second by Mr. McPherson, to approve the minutes of January 9, 2020, and January 23, 2020, as written.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

G. Department Head/Committee Reports

5:34 PM **1) Boat Basin Pavilion Roofing Bids**

Mr. Lee said that we received back 5 bids, ranging from \$5,660 to \$49,757. We met with Macklin Construction (low bidder) on-site. He seemed to have good references and spoke well the language of roofing, has a lot of experience, and I

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recommend that we go with Macklin Construction of Newmarket, NH at a bid of \$5,660.

Mr. Donhauser said that he noted that this bid was for shingles and the others were metal.

Mr. Lee clarified that we asked for an option for steel roofing, with only some offering a price on that but we don't have the money for steel. The shingles are very high-test for that kind of setting. This is just for the pavilion roof and they think it will take between a day and a half and two days to do the whole thing.

Mr. Lentz asked if that includes the sheeting under the shingles.

Mr. Lee said yes.

Mr. Orestis moved, second by Mr. McPherson, that the Select Board award the bid to Macklin Construction of Newmarket, NH for the price of \$5,660.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

H. Administrative Department

5:37 PM 1) Town Manager Report(s)

Mr. Donhauser asked about **Line #35** regarding air quality testing.

Mr. Lee said that the air at the Town Office was tested for mold, etc. because of water leakage in the ceiling and floors, requested from staff that are having sinus issues, etc. We expect the results back either tomorrow or Monday.

5:39 PM a. KACTS Grant – 236 Traffic Improvements

Mr. Lee said that KACTS meant Kittery Area Comprehensive Traffic Study. This is a federally-funded program that requires a local match (5%). I put in an exact replica of what Kittery had done from Beech Road to the Town line on Route 236 – egress/access management issues, turning lanes, safety improvements. We put it in for \$35,000 and, if we get the grant, we would be obligated for up to 5% of that. SMPDC said that we were the only community that submitted a request for

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planning funds and has put together a draft scope of work. Once they receive approval, they will prepare a government estimate and send to three pre-qualified consultants. It is hoped that some recommendations from this will be incorporated into the Route 236 paving project being done by the Maine DOT in 2022. It looks like we will be awarded the grant and the 5% can probably come from TIF funds. In fact, we may not go all the way to the Town line but to the end of the TIF area, adding that he would like to go to the Town line if I have to pro-rate the last part of it.

5:42 PM 2) Aging-in-Place – Action Plan Approval

Mr. Lee said that the Aging-in-Place Committee is looking for the Select Board to approve their Action Plan, dated January 17, 2020.

Mr. Donhauser commented that they have done an incredible job.

Mr. Orestis moved, second by Mr. McPherson, that the Select Board accept the Aging-in-Place Action Plan.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

5:44 PM 4) Appoint Mark Mitchell as Assistant B.I. and P.I.

This appointment would be to cover Ms. Bishop (CEO) when she can't be here.

Mr. Orestis moved, second by Mr. McPherson, that the Select Board appoint Mark Mitchell as Assistant Building Inspector and Assistant Local Plumbing Inspector.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

The SB signed the appropriate document at this time.

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5:45 PM 3) Dedication of the Town Report

Mr. Lee read: "I wanted to drop someone with the Town a line to inform you all that Jules Weyers of 684 Main Street passed away at the age of 95 last Tuesday. He is the designer of the Eliot town seal & was a grand marshall in your bicentennial parade in 2010. I don't know if there's anything that could be done as a means of remembrance in his name, but he is certainly a worthy candidate. Best, Crystal Weyers-Lauchtner (granddaughter)." He said that they wrote back to her suggesting they might perhaps honor him in the Town Report. It seems to him that this would be a very worthy person to honor in the Town Report.

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board dedicate the Town Report to Mr. Weyers.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

Mr. Lee will let Ms. Weyers-Lauchtner know that we are doing that.

5:47 PM 5) Amend Financial (Purchasing) Policies

Mr. Donhauser said that essentially that is moving from a \$5,000 limit requiring sealed bids to \$10,000.

Mr. Lee said that we left the middle section from \$2,500 to \$9,999 for informal bidding, which would have us calling around to several vendors to get prices.

Mr. Donhauser said that the Administration of the Town can certainly choose the better deal up to a certain amount. I think there should be oversight at some amount, which is the \$10,000 amount.

Mr. Orestis said that he thought we already approved this and this is just the final reading. Do we need another motion to approve it again.

Mr. Lee said yes because the 1st reading was when Mr. Orestis suggested a change to keep the \$2,500 so the second reading has a notable change.

Mr. Orestis moved, second by Mr. Donhauser, that the Select Board accept the amended Purchasing Policies, as presented.

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Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

5:50 PM 6) AIP Workshop on Senior Tax Assistance, March 2, 2020 at 5:30PM – See New Proposed Ordinance

This was informational. It will be posted to the Town website.

7) Update: Selectman Vacancy

Mr. Donhauser said that I have met with him a couple of times and, by the next meeting, we will have a definitive answer as to whether the position will be determined to be vacant.

5:52 PM 8) Amend Sewer Application

These amendments have to do with updating the sewer application, such as a signature line.

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board amend the sewer application, as written and presented to us.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

5:53 PM 9) Sewer Hardship Follow-up

Mr. Lee discussed the response from Mr. Pratt (Underwood) regarding the private residents on Sunrise Street concerned with being potentially forced to hook up if it goes by their road with the potential TIF Route 236 sewer:

“Here's some thoughts to continue the discussion.

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We haven't seen financial hardship clauses too much and we haven't been involved with writing suggested language... we generally suggest the Town's defer to any standard policy that exists for waiving any Town fee. I have seen broad examples where the Board is given the authority to make waiver decisions. Here's one example... *"Any proposed use not covered above or in cases where a higher factor, hardship or community waiver is recommended by Staff, the Town Council shall make the final decision based upon written application with supporting data."* It's pretty broad and gives the Board some flexibility. Article 18-8 of your existing ordinance gives the Board authority "to amend as' necessary, by majority vote, all...policies associated with this chapter" so there appears to be some existing authority to make policy change if desired.

There are many examples of "abatements" from other communities, but those generally refer to the quarterly billing, not the upfront fees that I've seen. EPA does provide some guidance on hardship too (customer assistance programs). There is a lot involved, however.

We think it makes sense to look at this neighborhood from a technical side because there may be reasons that connections are not encouraged in this specific instance.

- The proposed public sewer main on Route 236 is LPSS (not gravity) requiring special provisions for individual connection
- The proposed public sewer is associated with a TIF
- Not all buildings on Sunrise St. fall within 250' of the proposed sewer or have frontage on 236, so may require an additional sewer extension on Sunrise to serve them all/effectively

Because it is a LPSS, it was primarily targeted to serve the existing connections abutting Route 236. Additional connections can be made, if desired, but pumping is required. The LPSS was proposed to help manage project costs. If it was a gravity sewer, it would be a lot more costly for the Town and easier for property owners to facilitate the connections. If there is a waiver (Under Article 18-22) to not require connection, does the fee waiver, then go hand-in- hand?

Keith

The updated Ordinance does not provide any language that would allow a residential waiver of any fee/ fees, as I see it. I think the Board would like some sort of hardship waiver language. Have you seen such provisions in other Sewer systems/ordinances?

Dana

Cole and I looked at this quickly... First, the requirement for betterment and quarterly access fees, and, the requirement for connecting to the public sewers within 250' of the property was in the ordinance prior to the update (Article 18- 21(e)). So, it's not new. The recent update provided further clarification and changed the betterment to an SDC (which is essentially the same as far as the property owner is concerned). We mention this because there may be precedent in how the Town has waived this before (or if they have waived it at all). Setting precedent here may impact how future sewer extensions proceed including the Route 236 project.

With that said, however, it is up to the Board and/or maybe the sewer superintendent ... Since the Route 236 project is an economic development project, there may be reasons the Board would provide relief. There are also provisions in the ordinance that allow relief if the septic system is acceptable (Article 18-22(a)(l)). Additionally, this section of Route 236 is proposed to be a LPSS when constructed. This also may be a reason to look at this neighborhood differently

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because of technical and maintenance reasons... they would need pumps and/or LPSS systems too, which may not be desirable. Finally, this side of Route 236 is currently identified as Phase II of the extension so it may not be constructed initially. Hope that helps...
Keith”

Mr. Lee added that I think he’s given us some things to think about – amend the appendix on policies and procedure and allow for somebody to put in writing why they are facing hardship by being forced to connect to the sewer. If the staff found that reasoning sufficient, we would make recommendation to the SB to grant some sort of a waiver.

5:57 PM Mr. Donhauser said that I think it’s appropriate that we don’t force someone to pay an improvement fee where they have to spend an exorbitant amount to attach to our public sewer because it’s under pressure. Also, we are trying to prevent pumps on private properties from happening.

Mr. Lee said that he and Mr. Pratt discussed the remaining eight private sewer pumps as they are drafting the sewer budget. Some of them are under shrubs, under decks, up on the property. If the owner didn’t report to us that it had failed, it could back up and we could be in a liability situation. So, I have a draft letter going out to all the sewer users (with private pumps) saying that there are only eight of them left, now; that we are still maintaining their private pumps and we really shouldn’t be doing that, and it’s not fair to all the other people who, since 1980, have picked up their own maintenance on sewer pumps in the subdivisions that have private pumps. So, it’s a fairness issue, a legal issue. We shouldn’t be expending public dollars on private properties and we want to get out of it from a liability standpoint. He said that I am looking for the Board’s feedback on whether they want to see me draft something.

5:59 PM Mr. Orestis asked, just to clarify, that residential financial hardship is the direction we are going in.

Mr. Lee said yes.

Mr. Orestis clarified that it sounds like the form would be permitted in there, the form would be filled out, and then, based on how that form is filled out, it would be presented to us for a determination.

Mr. Lee agreed, adding that you might want to have the Sewer Superintendent’s opinion before it comes to the SB. I will prepare a draft for you for the next meeting.

6:00 PM **10) Public Safety Impact Fee – 2nd Reading**

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Mr. Lee said that he and Chief Muzeroll are looking to see if the SB is comfortable putting this on the June ballot. This would be an ordinance that establishes that there will be Public Safety impact fees going forward.

The SB agreed that they wanted to put this on the ballot.

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board place this proposed public safety impact fee ordinance on the ballot.

DISCUSSION

Mr. Orestis said that we still have to have a public hearing, etc., so I don't know if that's the appropriate motion.

Mr. Lee suggested that the motion say that it will be placed on the ballot in June in some form.

DISCUSSION ENDED

The amended motion reads:

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board will place this proposed public safety impact fee ordinance on the ballot in June in some form.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:02 PM 11) Approve Warrants

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve A/P Warrant #92 in the amount of \$8,463.00, dated January 17, 2020; A/P Warrant #91 in the amount of \$142,439.14, dated January 16, 2020; A/P Warrant #94 in the amount of \$67,832.49, dated January 23, 2020.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

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Mr. McPherson – Yes

Unanimous vote to approve motion.

I. New Business:

6:03 PM 1) Resignation of MSAD #35 Board of Directors (effective date June 8, 2020)

Mr. McPherson moved, second by Mr. Orestis, that the Select Bord accept the resignation of Ms. Teri Rice from the MSAD #35 Board of Directors, effective June 9, 2020.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:06 PM Mr. Donhauser came back to New Business and said that he would like the SB to consider a review of the Town Office space. I think we need to either look at the expansion. I think we have money in the CIP and that we should actually do something about that because, first of all, we're bursting at the seams for storage of required materials that need to be kept and personnel work in very cramped areas. We have architectural money available to us.

Mr. Lee said that I am requesting that in this year's capital improvement plan for either civil engineering to do soil testing, wetland delineation, etc. or consider making renovations to the building to maximize space. There are a lot of things that need renovation and one of the things that concerns me the most is the vault, as it is not fire-proof and not even water-proof.

6:07 PM Mr. Donhauser said that one of the things I've always been concerned about is safety or restriction to access of the various parts of the building. People can come in and walk all over the building without restriction. I think we need to have some type of security arrangement so that an individual has to go to a particular place, first, before they can go where they need to go.

Mr. Lee agreed and I think Ms. Lemire has heard it, too, from many of the staff people that that has been a big concern; that somebody just ends up standing right in front of you and – glad they don't have a gun.

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Mr. Donhauser reiterated that they can literally walk anywhere in the building and end up in the vault without knowing where they are. He added that he would like this put on our next agenda so that we can talk about it on how we may address that problem.

6:09 PM Mr. McPherson asked if we have the ability to go up in this building.

Mr. Lee said that my understanding is that we do not. I don't know that and that's one of the things we could have tested by a structural engineer. If we could keep the same footprint and have two stories and an elevator, that would be a huge improvement. That's the kind of thing I want to explore.

J. Old Business:

6:04 PM **Nominations for Spirit of America and Fabian Drake Award**

Mr. Lee said that he has submitted three names he would like the SB to consider but he would like to open it up to anybody who knows of a volunteer that has given, or is giving, a tremendous amount of themselves for the Town for either one of these awards.

K. Selectmen's Report:

6:05 PM **1) Seeking Committee Members**

The SB encouraged people to apply for committee openings, especially the Planning Board.

L. Executive Session

Mr. Donhauser said that we have an executive session on our agenda and because there was a lack of SB members here, I was actually going to postpone it but two of our Selectmen want to do it, so I am going to do an executive session.

6:11 PM **Mr. Donhauser moved, second by Mr. McPherson, that the Select Board enter into executive session as allowed in 1 M.R.S.A. §405(A) Personnel Issue – Town Manager's Contract.**

Roll Call Vote:

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

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Unanimous vote to approve motion.

6:36 PM Out of executive session. No action was taken.

There was no action taken.

M. Adjourn

There was a motion and second to adjourn the meeting at 6:37 PM.

VOTE

3-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Richard Donhauser, Chair

Date approved: February 27, 2020