

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 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.

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**Public Hearing: Liquor License Renewal for the Daily Scoop, DBA 207 Tavern, located at 811 Harold L. Dow Highway, Eliot, Maine 03903 and Special Amusement License Renewal for the Daily Scoop, DBA 207 Tavern, located at 811 Harold L. Dow Highway, Eliot, Maine 03903.**

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

Scott Dehetre was present for this public hearing.

The Town Manager clarified that the Agenda did not reflect the correct business.

There were no public comments.

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

Mr. Lee said that the Fire Chief and Police Chief had no negative comments.

**Mr. Lytle moved, second by Mr. Orestis, that the Select Board approve the Liquor License Renewal and Special Amusement License Renewal for the Daily Scoop, DBA 207 Tavern.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

**E. Public Comment:**

**5:33 PM** Mr. (Gene) Wypyski, Publicity Director for the Eliot Festival Day Committee (EFD), was here to say we appreciate the support given by the SB and to give the SB an update as to our plans for this year's festival. This is the 40<sup>th</sup> Eliot Festival Day, happening September 26<sup>th</sup>, and our goal this year is to grow the festival. This year features more booths, a larger 5k, 10k, and Half-Marathon Run, greater entertainment options, better food choices, and a return of the Fireworks Show. The EFD Committee publishes a brochure describing the festival events/vendors and, new this year, the brochure will feature an expanded business directory with listings and ads from local companies. We will have it at the festival but also bulk-mail it to all the residents. We will be selling advertising in the brochure to generate the funds we will use to grow the festival, explaining the different ad options. The application to advertise this year is already up on our website – [www.EliotFestivaland5K.com](http://www.EliotFestivaland5K.com) – and I have applications with me tonight. We appreciate your support for our efforts for the festival. My goal is to talk to every business in Eliot. Thank you very much.

**5:36 PM** Mr. Lee said that an idea floated by Mr. Pomerleau is that, because this is promoting our businesses through the brochure and because it promotes our community, it is possible that we could use some TIF funds, if necessary, because it is sort of an economic development type of activity. He suggested to Mr. Wypyski that if their fundraising, in terms of getting fireworks, etc. is not fully successful through their efforts, this may be another resource that the SB could consider.

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

**5:38 PM** Motion by Mr. Orestis, second by Mr. McPherson, to approve the minutes of February 13, 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**

There were no items.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

**H. Administrative Department**

**5:40 PM 1) Town Manager Report(s)**

Mr. McPherson asked for an update regarding **Line #85**, Shiloh Farm.

Mr. Lee said that the neighbors are quite unhappy. The neighbors, I believe, have retained an attorney because they feel that the facility has expanded and expanded and gotten into things that are now troubling for the neighbors, things that go into the evening at 9:30 – drums and bonfires and wedding receptions, etc. It's a little neighborhood and our CEO, along with the Planner, Fire Chief, and others, have been working with them to try to scale this back. He thinks it's going back before the Planning Board. He was going to try to facilitate/mediate a discussion between the neighbors and Shiloh Farm but I later met with some of the neighbors who said not to bother because they didn't want to have that meeting and, so, I have cancelled that; that I think it will play out at the Planning Board.

Mr. Donhauser asked if they are not operating within their permitted use.

Mr. Lee said that was correct. Not even close. They will really have to scale back.

**5:41 PM a. Financial Reports**

Mr. Lee said that, in looking at this, we are about where we need to be both in expenditures and revenues. I think we're good with the time of year and four months left.

**5:42 PM 2) AIP Workshop on Senior Tax Assistance, March 2, 2020 at 5:30PM – See New Proposed Ordinance**

This is informational. The draft ordinance is available for review. The public is invited.

**5:46 PM 3) Determination of Select Board Vacancy**

Mr. Donhauser said that Mr. Murphy will unlikely return to the SB due to illness. He had several conversations with Mr. Murphy in trying to determine how to resolve the vacancy issue. Mr. Murphy didn't feel compelled to resign because he felt he was elected by the public and should fulfill that term. He also recognized that he was not going to be able to come back and he felt, in his situation, to allow the ordinance to remove him from his position from the SB rather than him giving up his position. He knew he wasn't going to qualify because he's missed so many meetings. I think, on March 3<sup>rd</sup>, he's going to be 93 and has served the Town for many, many years in many capacities. I brought him the letter that his removal

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

would happen, per the Charter, 14 days after his notification that, as a result of not meeting the Charter qualifications of a Select Board member, he would be removed and he has not responded.

**5:48 PM**

Mr. Lee said that it isn't really a matter of removal but a determination that the seat has been vacated. That is a fine distinction that has come from the attorney. He suggested a motion as follows: Due to the standards in the ordinance and in the Charter, and after opportunity to appeal, the seat is now declared vacant.

Ms. (Donna) Murphy asked if Mr. Lee could cite, for the record, the exact part of the Charter. She discussed her concern that the record reflect why a SB member was being removed and show the letter.

It is under §2.9 (residency requirement and absenteeism without notice) of the Charter and has been cleared by the Town attorney.

Mr. Lee suggested the letter be attached to the minutes of this meeting, which will create a permanent record of the basis for the removal.

The SB agreed.

**5:51 PM**

**Mr. Donhauser moved, second by Mr. Lytle, that the Select Board declare, due to the standards in the ordinance and in the Charter, and after opportunity to appeal, the seat is now declared vacant.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis – Yes**

**Mr. McPherson - Yes**

**Unanimous vote to approve motion.**

Mr. Lee said that, at the direction of the SB, he would create a very nice letter and plaque for Mr. Murphy's long service.

Ms. (Wendy) Rawski clarified that Mr. Murphy is still a resident of Eliot, even though he's living in NH, because he's in a nursing facility. He can retain his residency, here, as long as he wants to because there isn't a nursing facility in Eliot. His residency is not in question because this was his last place of legal residence before going into a nursing home. He has requested an absentee ballot so I am going to take him a ballot tomorrow.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

**5:54 PM** Mr. (Jim) Tessier asked if the intent is to have the open position on the June ballot.

Mr. Lee said yes, to fulfill the balance of that term. There will be three positions open.

Ms. Rawski said that nominations are opening tomorrow for positions to be elected in June – two full Board positions, in addition to Mr. Murphy’s two-year position, two Budget Committee members, and two School Board members.

**5:55 PM**      **4) Nominate a Spirit of America Award 2020 Recipient – No Correspondence**

Mr. Donhauser said that he would like to nominate Jack Murphy.

Ms. (Dona) Murphy nominated Ed Strong, who has served Eliot for many years on the Budget Committee, in union negotiations, and on the Charter Commission.

Mr. Lee said that there are others he would like to have the SB consider. Mr. Tessier, who has been very active as Chair on our Solid Waste & Recycling Committee, primarily responsible for some major cost reductions, serving many years on the Budget Committee, and attends many other meetings to stay abreast of what’s going on. Mr. Ed Henningsen, who is currently chairing the Energy & Capital Improvement Committee and taking on some bigger projects there, He is also now chairing the TIF Committee, which is another big responsibility. Nominations need to be in by the end of February and he will have an item on the agenda for the first March meeting to make the selection. People can call, send an email, or come in to the Town Hall to make a nomination.

**5:58 PM**      **5) Discuss Future of Town Hall**

Mr. Donhauser brought this up at the last meeting, with the purpose to at least explore the expansion or renovation of the Town Hall to then put it before the voters in some fashion for them to determine whether the Town Hall should be expanded.

Mr. Lee discussed ways to do this. Before he got here, there was a building committee that worked on this. We had Kelly Davis, architect, was involved with designing this building in 1987 and he had offered some free architectural help to at least get some idea of what an expansion might look like; that he already helped a couple years ago when he conducted interviews with staff members, SB members, historical members and he has given a copy of those results to the SB, along with information on some of the other short-comings here. He suggested that the SB might re-form an ad hoc building committee to look into the need for renovation, expansion, or any other option. The other suggestion was to put on an

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

advisory question on the ballot, explaining that it would be hard to word something like that without being leading. He felt the best way was to form an ad hoc building committee, giving them a set of by-laws with the set of tasks the SB wants done and timeframe within which to report back.

**6:01 PM** Ms. Rawski said that we did a non-binding question on that and it was supported, which included the reasons we felt we needed to move forward with this.

Mr. Donhauser agreed that there were quite a few justifications for looking into this. He asked if the documentation has been made available, yet.

Mr. Lee said not yet but, if the SB would like, he could upload it to the Town web under Town Hall Project to allow people to see why this is even on our agenda. We are several years past the 2009 Comprehensive Plan prediction that we would need to do something regarding the Town Hall by 2014 and there is some strong justification for expansion but he wanted to get SB direction first. He added that this will be at least a year away, will need a lot of vetting and have many questions. He is asking for some money in the budget for the purpose of conducting a study regarding the land, here, (wetland delineation, surveying, etc.) under Civil Engineering (CIP). My hope is that we can start the process soon because it could take several years to make it a reality. He added that, if for some reason that money is not approved, at least the Clerk's Office, for ergonomic reasons, needs to be looked at for rehabilitation.

**6:05 PM** Mr. Donhauser said that I think even more important than that is security because, literally, any individual could walk in the front door and go anywhere in this building, unrestricted.

There was general agreement on the SB and with the Town Manager.

It was the **consensus of the Select Board** to put together an ad hoc building committee.

Mr. Lee will have a timeframe outline, draft by-laws, etc. for the next meeting.

**6:06 PM**     **a. Air Quality Testing Results**

Mr. Lee discussed the results that came back with a couple of concerns, reading from the report, itself (copies available at Town Hall). Found were common molds one might find in their house or out in the environment but no black mold was found. The report recommended that we install a ventilation system in the attic to ventilate the building and an air purifier for the main office, as well as opening some windows to allow fresh air to circulate and clean out any mold and dust. He added that he will forward the full report when he receives it. Most of the

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

issues are from water coming up through the flooring and that has mostly been mitigated by the outside drainage work done last year. He also discussed the storage problem in the Town Hall, which has become a big issue. We have gone through quite a lot but the State archival rules require us to keep some documents for life or for very long periods of time, even though we are trying to go paperless. Even after carefully cleaning out our documents at Iron Mountain Storage, the break room is basically packed with old records. We are going to try to put some shelving in the old, small furnace room (now empty) to get some storage from that space, short term. Beyond that, I have no more suggestions to resolve the storage issue. We continue to remove anything that no longer has value – broken chairs as an example. Also, our records in the vault are not fire-proofed and that needs to be done, at a minimum, as well as the Town Clerk's Office. He has been holding off on any renovations but even our insurance company risk manager has told us that some of the things we've been doing are not very safe. He has put renovation of the Clerk's Office and fire-proofing the vault as an alternate amount in the budget.

**6:17 PM** Ms. Rawski explained the specific ergonomic issues being experienced by the Clerks as they do their work, including height and work space areas. Risk management has been in to do an assessment and is seeing the issues. Among other things, I have had to purchase a trailer to store election equipment in because we no longer have the space in the Town Hall. I want to do something to help the people in my office but the whole building needs to be looked at. She doesn't want to do spot renovations just in her office because it feels like a short use of money when the whole building needs to be looked at. I would rather wait to have a good feasibility study to see what can be done to serve every need in the building and the community.

**6:21 PM** Mr. Lee said that we have discussed potentially having an open house on Eliot Festival Day to allow people to come in and take a break from the sun and tour around the building to see what they think.

**6:22 PM** Mr. Lentz was very concerned with the air quality issues and asked about any air exchanger that might have come with the new air conditioning we just installed.

Mr. Lee said we ended up re-using our air exchanger, which I believe was undersized to start with, and the person doing the work is suggesting we need to upsize our air exchanger. I believe that was a duct work issue.

Mr. McPherson discussed his concerns for the security issue, asking if we should be waiting several years before doing something or react to that now.

Mr. Lee discussed his intent to include some sort of additional security measures in the budget to be done at least on a pro tem basis until some other decision is

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

made. Reiterating what Ms. Rawski properly said, we don't want to throw money into this building if it ends up being completely renovated, as those hallways may no longer exist when we're done but may be a part of a bigger meeting room, for example. When Ted Short was here and Mr. Hirst was on the SB, they had done a whole security plan that we've never done anything with; that Mr. Hirst has expressed a lot of concern about security.

**6:25 PM** Mr. McPherson, reiterating his concern, said that someone coming into the building should at least greet them as they come in. It seems that some of that could be corrected immediately.

**6:26 PM** **6) Sewer Hardship Follow-up**

Mr. Donhauser read the proposed hardship section: "Sewer Hardship Waivers. In limited circumstances the Eliot Select Board, upon request, in writing, may consider waiving certain fees such as the 'access-only sewer fee'. It is incumbent upon the person making the request to clearly identify the reasons why they should be eligible for a waiver. All information in any such hardship request, including personal and financial details, shall remain confidential and referred to only by account numbers. Hardship waivers may be issued with conditions such as for a limited time only or a partial waiving of the fees. There is no appeal process if the waiver is denied."

Mr. Lee said that that is a proposed §6 (12) to be added into the appendix. We ran this by the attorney and, by the way the ordinance was written, we are able to do this. as a result of resident concerns, we took this to engineers and this is the type of language they have seen. I feel this would be a good addition to the appendix should we run into someone with a real genuine hardship. There are a number of different things that towns do that honor hardship situations and our Sewer Ordinance didn't have any of that kind of wiggle room. He is proposing this as a solution, especially residential folks that are living in the C/I Zone.

**6:29 PM** Mr. (David) Damon, Sunrise Street, discussed his concern that big business has a way to regenerate the money they invest in the sewer system but the residential person has no way to revamp their money, especially since this is a commercially-zoned septic system. He was not entirely happy with the proposed solution.

Mr. Lee explained that he pursued a relief valve, per the Sunrise resident request, and this is the best I could come up with without what I think would be an ordinance that probably wouldn't stand up in a law court. He said that I would consider this a first reading so that people can see this and provide feedback. I would like to put it on the next agenda for a second reading and possible amendment, if needed.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

**6:32 PM** Mr. (Terry) Chick, Sunrise Street, asked if Mr. Lee talked with engineers regarding side streets. You want us to pay a system development fee but yet the pipe isn't going down our street

Mr. Lee read from Mr. Pratt's memo: "*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 sewer main on Route 236 is LPSS (not gravity) requiring special provision for individual connections.*
- *The proposed public sewer is associated with a TIF.*
- *Not all buildings on Sunrise Street 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 to not require connection does the fee waiver then go hand-in-hand? Keith".* What I'm proposing in this is that it would go hand-in-hand. He clarified that residents of Sunrise Street had very little to worry about because, according to what is written here, there would not be any expectations for those side streets, primarily. This man doesn't believe, from a technical side, that Sunrise Street residents would be involved.

**6:39 PM**      **7) Select Board Approval – Marijuana Application**

This was to bring *Adult Use Marijuana Stores, Cultivation Facilities, Manufacturing Facilities and Testing Facilities Application* into compliance with the Ordinance and includes all the changes. The memo also has a question: "Would the Select Board like us to create a template for the letter of denial per §11-8 (b)(2) i through iv?" I told them yes, that we would need something if we issue a denial.

An alignment issue was noticed on page 5 of 7 with 'Fire Rescue Chief', which will be corrected.

**6:45 PM**      **Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve the application, as revised.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Lytle – Yes**

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

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

**Unanimous vote to approve motion.**

**6:46 PM      8) Approve Warrants**

**Mr. Donhauser moved, second by Mr. Orestis, that the Select Board approve A/P Warrant # 96 in the amount of \$112,900.71. dated February 3, 2020; A/P Warrant #98 in the amount of \$58,470.44, dated February 6, 2020; A/P Warrant #100 in the amount of \$908,360.29, dated February 13, 2020.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**I.      New Business:**

**6:47 PM      Memo from Eliot Police Department**

Mr. Lee read the memo from Police Chief Moya regarding a federal grant they would like to pursue, which would allow us to hire an additional officer for specific programs, that would support our plans for safety and security in our schools and to strengthen our community service programs. Chief Moya says in the memo that the deadline to file for the grant is March 11 and he is asking if the Select Board will support us moving forward with this grant application. Mr. Lee said that this would be a new officer and we would pay 25% of salary and benefits. South Berwick Police Department has a resource officer at Marshwood High School and MSAD #35 pays a portion of that. The reason we took this to Superintendent Caverly is that they would have a monetary participation in this, although we haven't worked out what that would be yet. They are in favor of this and we think it would be a very good use of money within the Middle and Elementary Schools. The question is should we pursue the grant, keeping in mind that we don't have to accept it. We could find out if we qualify and then make a decision but this is just the first step. He added that this potential officer would be dedicated to the schools during school hours and would do other things (regular police work) when the schools are not in session. During the school year this person's primary responsibility would be as the school resource officer.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

All SB members were in favor of this.

**6:54 PM**      **Mr. Donhauser moved, second by Mr. McPherson, hat the Select Board move forward with the grant application.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

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**6:55 PM**      Mr. Donhauser said that there is a letter from the Budget Committee to the SB regarding the Library.

Mr. Tessier discussed the concerns between the Library and the Town. The Budget Committee set up a sub-committee to meet with the Library to try to work out some details and encourage them to put together some plans. The sub-committee thought things were going very well but about a year ago it was becoming obvious that the Library was not too happy and decided they didn't want the sub-committee attending any more of their meetings. The Budget Committee feels like there isn't much we can do and believe there should be some sort of arrangement between the Town and the Library on how we move forward. There is no question that the Library supplies a tremendous value to the Town, and the Budget Committee agrees with that, but we just want to see some kind of arrangement for the funding so that people know that, going forward, and we don't keep having a back-and-forth between the Library and Town. He explained that the Library requested a \$20,600 increase in the Town funding, compared to last year, and that's quite a bit of money in the budget for something that isn't a Town department.

**6:58 PM**      Mr. Donhauser said that, in the letter, the Budget Committee mentioned a memorandum of understanding (MOU) and asked what that would look like. I agree but I'm not certain what the components would be.

Mr. Tessier said that I think that would be a point of discussion; that in trade for all the Town funding, the Town might want somebody on the Library board as an example. The Library gets some money from their trust fund, which they can't deplete, they get ancillary funds from rentals, books, etc. but, in my opinion, they haven't looked at any other viable way to raise a reasonable amount of money. He

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

suggested they might ask the many people in Town if they would be willing to contribute \$10/year to the Library and that could really reduce the amount they had to take out of their trust fund. It could have built up the trust fund over time and possibly generate funds long term. That hasn't been discussed so that might be a point of discussion regarding a MOU. The Library, at the joint SB/Budget Committee Budget meeting, agreed that having a MOU might be a good idea so they seem receptive to the idea.

**7:00 PM** Ms. (Donna) Murphy said that the Library told her that they were audited but I don't know by whom.

Mr. Donhauser said that reviewing the audit might be one component of a MOU.

Mr. Lee said that, during that joint meeting, he thinks the Library Director may have said something to the effect that in some towns it is understood that salaries and benefits, only, are paid for by the town, and everything else would be the Library's responsibility or they would take care of salaries and benefits and the town would take care of everything else. That might be in a MOU.

**7:02 PM** Ms. (Donna) Murphy asked the Library for their business plan and we were repeatedly told that the business plan was to ask the Town for more money. That's a concern. They do a great job at fundraising for the addition. We have asked if they do fundraising to replenish their trust fund and that hasn't happened. The concern is that, with the trust fund numbers and the amount they are taking out, they would deplete the trust fund in 8-10 years and, balancing that, they have been crystal-clear that they do not want any input from the Town. As I'm watching it this year, they don't have the money coming out of the trust fund and, yet, they want an increase and open another day, which is going to add costs. They want the Town to pay for the full-time positions they are creating this year. The concern is that they are not looking at all this from a business standpoint.

**7:03 PM** Mr. Donhauser said that I think the MOU is a grand idea but asked what the process is.

Mr. Lee said that, after this letter came out, I got a call from the Library folks and tomorrow at 1 PM, they've asked to meet with me about this. I think we're going to discuss what a MOU would look like and, if we do a non-binding advisory question on a ballot, what might that look like. I think tomorrow will be an opportunity for me to open this up with Lydia Goodwin and at least one or two of the trustees to say that this is on our table and this is something that the SB is considering and to begin that conversation.

Ms. (Donna) Murphy said that the Budget Committee feels that this is a policy issue, which falls with the SB.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

Mr. Donhauser said that we have some leverage because, in a sense, because it's money that the Town is going to give to the Library and I think we should use some leverage and have some type of written MOU.

**7:06 PM** Mr. McPherson said, considering the salary part, how many hours is the Library open and would they be considered full-time employees. We don't have any say in that. We give them a lump sum of money, asking if that's it. We have to be careful, in considering the salaries of the Town employees, that we don't create an issue in giving lump sum money with no say in the salary. We have no control over that but thought that more information on that issue would be good for him.

Ms. (Donna) Murphy suggested that part of the non-binding question might ask at what level the citizens would support for salaries as the vote that actually passed was for lower amounts a couple of years ago.

**7:10 PM** Mr. Lytle said, to me, this has been an issue the past five or six years and it's going to get worse before it gets better. If we don't come up with something with them then you might as well figure you are going to be paying for that whole Library.

**J. Old Business:**

**7:11 PM** Mr. Donhauser sent Mr. Le an email about the salary and wage plan, where we stand, and how we're moving forward on that or what the thinking on that currently is.

Mr. Lee said he left a memo from Ms. Rawski regarding towns she thought would be comparable to survey for her position and a memo on the start of the actual survey, itself, regarding questions he would ask. He wanted to know what other types of information the SB might want him to gather. He added that he wanted to ask about total compensation rather than just salary. He also received suggested towns to survey from other employees, as well. He added that it's hard for the Fire Chief because of his unique position here.

Mr. Donhauser asked if Mr. Lee thought it was appropriate to look at different positions in different towns.

Mr. Lee said that I don't like that idea. I'm going to try to find some of the common elements in here, such as a police department or a recreation department. He added that he was looking for some advice from the SB if we should just have one group of six or seven towns that basically have everything we have.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

Mr. Donhauser felt Mr. Lee should not do what he just said primarily because that would be eligible for criticism, cherry-picking positions and what level you want.

**7:18 PM**

Mr. Lee agreed, saying that he would just ask them what they think would be comparable and then I intend to do some research to see what towns would fit. We are making progress and it is a rather big undertaking.

Mr. Donhauser asked if we are operating under the current pay plan.

Mr. Lee said not really because this year I did recommend a 2.5% non-union pay adjustment, whereas, if they had a step, would have been 1.5% and if anybody wanted a COLA, it would have been added onto the 1.5%. Most of these positions are at or over “maximum” pay. I was clear when I proposed it that I’m not going to utilize that for the non-union positions because it seems so unfair given what the unions have negotiated. He doesn’t think it is unreasonable to treat most of your staff as similarly as you can. We are even trying to do that contract to contract so there is no cherry-picking the best of all of them. He said that it’s entirely up to the SB and Budget Committee in terms of what you will recommend in terms of the percentage increase on the non-union employees. The budget currently calls for 2.5%. If I was exactly staying on the pay plan, he thinks a couple non-union staff have a step left but three or four of them are over right now and, so, it would have been nothing other than a discussion with you about some sort of a COLA, perhaps. I think that’s what the pay plan anticipated but I don’t think it anticipated some of the fallout it created. He anticipated going out to see what has change since the last survey and hopefully being able to repopulate that chart with more balanced steps. This current plan only anticipates you being here for 10 years and I don’t think that’s the way it should have been set up. I do think the plan has some redeeming features and won’t throw the baby out with the bathwater.

**K. Selectmen’s Report:**

**\_\_\_\_\_ PM 1) Seeking Committee Members**

There were no Selectmen’s reports tonight.

**L. Executive Session**

There was no executive session tonight.

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Mr. Lee said that, at this time, we should adjourn the business meeting and open the workshop.

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

**7:28 PM**      **Mr. Donhauser moved, second by Mr. McPherson, that the Select Board adjourn the regular session of the Select Board.**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

At this time, the SB agreed to take a short break.

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**WORKSHOP: Budget Update and Q and A**

This is for the SB to ask its questions and to have its questions answered outside of a joint meeting. Mr. Lee wanted to walk through some documents he had placed on the dais with the SB and answer any questions they had and gather any requested additional information.

**7:31 PM**      Mr. (Jordan) Miles, Treasurer, gave a summary of the changes made to the budget to this point:

- Added in marijuana revenues (increase of \$35,000)
- Mooring revenues (increase of \$14,000)
- Added full-time Planner (small increase in wage but not overall budget)
- Merit bonus items reduced to zero
- TAN interest reduced (\$2,000)
- Decreases kept the budget under LD1 but increased the Planner wage

Mr. Lee said that the other memo says we are carrying \$70,000 in unexpended reserve funds but it is actually \$57,500. I will get to the CIP in a moment but wanted to just recap the changes made to-date per our joint meetings and Budget Committee recommendations.

Mr. Miles said that we are a little more under LD1 than we were. Mostly the marijuana revenue covered going to a full-time planner versus what we had set aside for a planning assistant.

Mr. Donhauser asked if Mr. Lee saw the mil rate changing.

**SELECT BOARD MEETING and PUBLIC HEARING  
February 27, 2020 5:30PM (continued)**

**7:35 PM** Mr. Lee said no, not based on anything we did. One of the things he and Mr. Miles discussed that every time we've discussed a new person – the planner position or a new officer, for instance – you have to put in a family plan because we have to assume “the worst”. Regarding the salt reserves, where the salt wasn't used in any given year it would go into a reserve so that we wouldn't have to budget the maximum amount every year. Similarly, with the health insurance reserve, we might want to look at what was left for medical insurance and what was budgeted and, if there is any surplus, put it into that reserve so that going forward we could budget single plans and use the reserve if it ended up being a family plan. Mr. Lee read a memo from the Treasurer regarding capital reserve accounts to include new reserve balances, the 2018-2019 expenditures, what the action date is on each of the items, total anticipated cost. We redistributed known reserve amounts. We put in what the budget for 2019-2020 added to each of those several reserves and, therefore, what the current reserve balance is and, then, the new CIP reserve as of February 20. We've also printed out the budget pages for everyone. He referred back to the memo regarding various reserve amounts that were either not needed or the project was abandoned and recommended we carry these funds forward to our fleet reserves (fire, police, DPW) to create a safety net or to fund future Town Office renovations/expansion. I also received a series of questions from the Budget Committee today that they deem to be unanswered to-date, which the SB has, as well as his responses. At this point, the SB has had several weeks to look over the budget, been to a couple of joint workshops, the Budget Committee has asked some good questions, we've had some good discussions. He asked if the SB members had specific questions about specific budget items.

**7:49 PM** Mr. Tessier said that we sent the SB two memos this week, primarily concerning the CIP, and asked if the SB would like a discussion on why we sent those memos.

Mr. Donhauser agreed.

After some clarifying discussion, it was determined that there were misunderstandings of the level of detail wanted, mostly in the CIP budget sheets, and that the Town Manager would add the level of detail he has done the past two years. The SB also agreed that the Town Manager would run the 1.6% and 2% COLA wage sheet scenarios in addition to the 2.5% COLA wage increase sheet.

**M. Adjourn**

There was a motion and second to adjourn the meeting at 8:31 PM.

**VOTE**

**4-0**

**Motion approved**

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S/ Mr. Richard Donhauser, Chair**

**Date approved: 03/12/2020**

**Letter sent to Mr. Murphy attached:**

February 10, 2020

Dear John Murphy,

Please accept this letter as official notification of the Eliot Select Board's intent to declare a vacancy in your office on the Eliot Select Board consistent with Article II, Section 2.9 of the Eliot Town Charter and 30-A M.R.S. § 2602 for the following reasons:

1. You no longer reside in the Town of Eliot. Your nephew has indicated that even if you are released from your current residence in Portsmouth, New Hampshire, you will be unable to reside at their home in Eliot due to safety and health concerns.
2. You have had excessive absences from meetings due to your current situation.
3. You are unable to fulfill the duties of your position due to your long-term health and medical situation.

Under these circumstances, the Select Board would be willing to receive and accept your voluntary resignation of your office, if you were to tender it in writing. Absent such a resignation, the Select Board regrets that the only option available to it would be to consider you to have forfeited your office and to declare a vacancy,

**SELECT BOARD MEETING and PUBLIC HEARING**  
**February 27, 2020 5:30PM (continued)**

with that vacant seat to be filled at the Annual Town Meeting Election to be held on June 9, 2020.

If you have any written materials or clarifying information that you believe may affect the Select Board's pending declaration, please provide them within 14 calendar days of receipt of this letter.

With great care and respect,

Richard Donhauser, Chairman