

Eliot Town Manager Report May 2, 2024

**Submitted by
Michael J. Sullivan to the Eliot Selectboard**

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



Eastern Trails Meeting.

It was standing room only in Eliot Town Hall on April 30 as people from all over attended an update about planning and design of the Eastern Trail in Maine as it winds way from South Portland south through the North and South Berwick, Eliot to Kittery and on to New Hampshire. The Town of Eliot's hardworking State Representative Michelle Meyer was in attendance providing remarks and support for this incredible public amenity, thank you Rep Meyer!

This meeting was held in Eliot because of the efforts of Planner Jeff Brubaker who recognizes the possibility and importance of Eliot being included in the Eastern Trails network. This will be a substantial asset for Eliot. Having cyclists visit Eliot allows them to become intimately familiar with the town in a way a car does not allow, spend money at Eliot businesses and consider Eliot as a great place to live or work. We should consider it a form and function of advertising that benefits all. Thank you, Jeff!

Thank you to Dean Williams and SMPDC and the team from VHB and to all the visitors from all over Maine that are excited and supportive of moving this project forward! Great job to all the other partners and participants as well.

Right of Way (ROW).

We recently had some inquiries about “right of way” rights and responsibilities. There seems to be a misunderstanding about what purpose the ROW serves and what the town can, cannot, should or should not do in the ROW.

For those who do not know what a ROW is primarily a defined strip of land along a public accepted roadway (varies in size) that the town has an easement to remove growth, objects fences or walls if they present a danger to the public. There are some nuance to this, but for the sake of this discussion I will not bore you with those exceptions.

The ROW is similar to any other easement, it gives a party (in this case the town) some rights, but it is still your land. The question has come up a few times around trees in the ROW and whose responsibility it is to maintain or remove the tree.

Below is a response from Maine Municipal Association Legal Department (they also are our insurance carrier).

The municipality **may** at its expense remove healthy or dead trees located within the right of way if they pose a safety hazard to the traveling public or impede the municipality’s ability to maintain the road. If a tree is located in the right of way but is not (in the determination of the municipal officers or road commissioner) a safety hazard, then the municipality is under no duty to remove it, even if the abutter requests removal. **If the reason for removing the tree is to protect an abutter’s house or property, rather than the traveling public, then the abutter should pay the costs of removal.** Trees located outside the road right of way should not be removed by the municipality without the landowner’s permission. The municipality may cut any limbs in the air or roots on the ground that intrude into the right of way, even if the trunk of the tree is outside the right of way.

The policy of the Town of Eliot is we do not, should not, cannot do work on private property, this includes the ROW, with the exception in the ROW when it “poses a safety hazard to the traveling public”. I would respectfully suggest that if a town was responsible for removing any and all tree in all ROWs the effect on the budget would be astronomical, therefore impacting property taxes for even people on private roads. Thank you to all those who maintain their ROW with safety of the “traveling public” in mind.

Town Hall Project Update.

As was discussed over the last few Select Board meetings, we have secured temporary space for Town Hall operations after an exhaustive search throughout Eliot.



After some negotiation the landlord (Sea Dog Realty) worked with us to fit the cost into a reasonable and affordable agreement. We did look at several alternatives as we made are way through the town and there is few commercial spaces in Eliot which coould accommodate the operation from parking to office space to location easily.

Thank you to all those who made extrodianary efforts from the Congregational Church to Green Acres B'Hai thank you for trying to make this need for space work.

This space is 3100 square feet, has accessible bathrooms, heat, A/C, wired for internet, plenty of parking and centrally located. It is smaller that the Town Hall space we occupy now (4200sq.ft.), but doeable.



There are logistics which will need to be addressed for storage, security and IT. There will be less availability for meeting space for the 12 months we plan on being in the temp space, but we will be working through those challenges over the next few months.

The preliminary design is in its final stages, the bond anticipation notes will be up for sale shortly and the SB will be asked to consider a Construction Manager at Risk model at the upcoming meeting. Given all the moving parts the project seems to be inching in the right direction.

The expectation is we will be in this space some time around Labor Day and hopefully will be moving back to the “new” Town Hall the following Labor Day. Once a final lease is signed we will make a more prescribed announcement and have a signage strategy in place to guide the public.

Respectfully submitted,

Michael J. Sullivan

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Town of Eliot, Manager