

SELECT BOARD MEETING
January 25, 2024 5:30PM
Town Hall/Hybrid

Quorum noted

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

Roll Call: Mr. Donhauser, Mr. Widi, Ms. Dow, Mr. Shapleigh, and Mr. Trott.

A. Pledge of Allegiance recited

B. Public Comment: None

C. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Donhauser, second by Mr. Widi, to approve the minutes of September 23, 2023, as written.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

Mr. Trott - Yes

Unanimous vote to approve motion.

D. Public Hearing: None

E. Reports: None

F. Appointments/Resignations: None

G. New Business:

5:33 PM 1. Discussion Depot Road and HL Dow Highway (Dutton)

Randy Dutton from Gorrill-Palmer was present on Zoom, as well as Mr. Brubaker, for this item.

Mr. Dutton said that this a brief summary of the intersection evaluation we just completed on the Route 236/Dépot Road/ Cedar Road intersection. He shared his screen for the presentation. The team for this study included the Town of Eliot, SMPDC, Maine DOT, and us. The evaluations we completed were the safety review, level of service, queue, and benefit/cost assessment. The purpose was to

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review and evaluate potential alternatives for the intersection previously identified in 2022. One was a 'no-build' that would maintain the existing configuration, the 'modified traffic circle' that included adding Cedar Road to the signal, or the 'round-about' that also included adding Cedar Road to the intersection signal. Efforts completed were capacity analysis for 2023/2033/2043 (level of service & queue), safety review (not high crash location), opinion of cost, and benefit/cost assessment (need minimum of 1 or higher). The net benefit cost for this evaluation was -0.11 for reconfigured signal and -0.07 for the round-about. The recommendation that came out of this study was to maintain the existing geometry and some mitigation to be done. Mitigation would include installing Adaptive Traffic Control (ATC); upgrading traffic signal heads with louvered backplates and retroreflective boards; ADA landings, enhancement of pedestrian crossing with the school right there, upgrade to countdown pedestrian crossing heads, and emergency pre-emption to relieve intersection congestion. That's really the evaluation in a nutshell.

5:39 PM Mr. Sullivan asked if there is an ability for Gorrill-Palmer to do a cost analysis of the minor upgrade recommendations.

Mr. Dutton said that we can absolutely do that. I will coordinate that with Mr. Brubaker.

Mr. Trott asked if Cedar Road was considered in the minor upgrades.

Mr. Dutton said that these are more upgrades to the traffic signal and not really to Cedar Road. This intersection is not considered a high crash location. It had only four crashes for the three years from 2020-2022. Part of the reason that the modified and round-about intersections had such low cost/benefit ratios is because the intersection is actually operating safer than what's predicted, even though it's a little dysfunctional and unique.

Mr. Donhauser asked if they addressed students crossing that intersection in some way.

5:41 PM Mr. Dutton said that, as part of the recommendations, we are suggesting additional accommodations for students crossing. It would include improvements to the pedestrian crossings, such as landings that would give students a safe place to stand while they wait to cross, enhancement of the pedestrian crossing (different or enhanced striping), upgrade countdowns to pedestrian heads that gives students a better indication of how long they have to cross and when it's safe to cross.

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Mr. Donhauser asked who would pay for the costs of construction, as Route 236 is a State-owned road.

5:43 PM Mr. Dutton said that there are several avenues to receive funds. You could approach the DOT and they could partially pay for some of the improvements, depending on what the improvements were and depending on which avenue you chose, which funding source you chose. It could be a BPI (Business Partnership Initiative), a PPI, which is basically an initiative – a downtown study initiative. There is also a VPI (Village Partnership Initiative). They are all very similar and all include contributions from the Maine DOT.

Mr. Sullivan said that, because of the score, it would be hard. I think Mr. Dutton is trying to be nice, that the Town would probably pay for this.

Mr. Dutton agreed.

Ms. Dow asked if there is currently a crosswalk there.

Mr. Dutton said yes.

Ms. Dow said that I was just there this morning and didn't notice it.

Mr. Dutton said that that's part of the problem. It doesn't stand out.

5:45 PM Ms. Dow said that it seems that would be important to make them stand out next to the school and a very valid thing to put our energy into.

Ms. Lemire said that a plus, when the lights are going to slow the traffic down when kids are going to and from school, people slow down.

Mr. Sullivan said that one of the challenges is that the Maine DOT limits the time period you can have those flashing lights working; that activities that get out later you can't have them blinking for those events under DOPT rules. It's really unfortunate that we don't have more control to make it fit the school schedule.

Ms. Dow moved, second by Mr. Trott, that the Eliot Select Board recommend no substantial change be made to the Town of Eliot Depot Road and Harold L. Dow Highway intersection as the preferred design and inform the Maine Department of Transportation of the stated preference.

Roll Call Vote:

Mr. Donhauser – Yes

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Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve motion.

5:47 PM 2. Tri-State Trek ALS June 23, 2024 request for approval

Mr. Sullivan said that we have a number of similar request during the year for bike group to come through, usually fundraisers. In this case, River Road will be used and stops at a park just over the border in South Berwick. The Police and Fire Departments have no concerns. The group has provided us with an insurance rider and a map is in your packets.

Mr. Shapleigh said that it's the William Bray Park; that he died of ALS.

Mr. Trott moved, second by Mr. Shapleigh, that the Eliot Select Board allow the June 23, 2024 ALS Tri-State Trek to use the streets, as described, for this annual regional fundraiser and thank them for their efforts.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve motion.

H. Old Business:

5:49 PM 1. Town Manager Annual Evaluation

Mr. Donhauser said that I have not quite completed the evaluation compilation the SB has been working on so I would like to table it until the next meeting.

It was the **consensus of the Select Board** to table this agenda item to the next regular meeting.

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5:50 PM 2. Charter Revision Discussion

Mr. Widi discussed the suggestions he made, keeping most of them on the minor side. I got thins on paper for the SB's review so we could decide whether to go forward with a charter commission, do nothing, or determine these are minor changes to put before the voters.

Mr. Trott also had recommendations, as well. The biggest one is in Article 3 (under Town Manager job description/qualifications). My recommendation: he or she should possess the following recommended qualifications. I don't want to say 'minimum' because throughout we have encouraged Mr. Sullivan to train people within and move up. We should add language to those qualifications to allow leeway for someone who has been in this Town and working their way up, such as the Town Clerk, as an example. I have down 27 years as a municipal employee in other towns and worked for some really great town managers, most of whom came up through the ranks, being supported with training by the towns they were in, and all started at the bottom of the proverbial ladder. I will put my suggestions in writing. Regarding Article 6.3, I'd like to see the Budget Committee added. All I'm looking to add is a description for them – 'the Budget Committee shall have input to development of financial policies in matters of investment or knowledge related to their budget.' I would like to see the Budget Committee become more budget/finance committee than just a budget committee. Not that they will set the policies but involved with developing policies. The other thing I would like to add to the Budget Committee is 'the budget committee, as elected officials, shall receive compensation set forth by the Town Manager and approved by the Select Board.' We have other unelected committees that do receive compensation and these people put a lot of time in. I think we need to start recognizing the amount of time our committees put in.

5:55 PM Mr. (Gene) Wypyski, Creek Crossing, also member of the Budget Committee, said that what I would like you to note in your recommendation is that, on today's Charter, the Budget Committee is in service to the legislative body, the citizenry. Should we take on additional responsibilities in terms of policy, etc., wouldn't the result of those recommendations be to you (SB), which is different than what the Budget Committee does today. We don't make recommendations to you at all.

Mr. Trott said that my thought, as our Finance Manager is looking at doing things, your involvement would be so you could report back to the legislative body and have knowledge of where we're going and the things that are being done. I know the wording needs to be worked on.

Mr. Wypyski said that my thought is simply because everything that we do is to the legislative body, you are going to substantially change the nature of the

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Budget Committee if, now, we're making recommendations or analyses that wouldn't necessarily benefit the legislative body.

5:57 PM

Mr. Trott said that I'm not asking you to make policies; be involved in development so you, as the budget people, can have maybe recommendations and input to the finance director people.

Mr. Wypyski said that that's my point. Right now, the Charter says that we make those recommendations to the legislative body and that's our reason for existence.

Mr. Wypyski said that all I'm suggesting is that, if we were to take on new responsibilities, which I think is a good thing, might we get caught up in the Charter issue of who we work for and still effect good stuff for the people.

Mr. Trott said that this is why I brought it to you at your meeting last week, to look at the verbiage and see what your thoughts were. This is not something that would be done right away.

Mr. Wypyski said that I will put it on our next agenda for discussion.

Mr. Trott said that, until we get the language down, we won't know if this would be a significant change to the Charter or a revision through our legal counsel.

5:58 PM

Mr. Sullivan said that I think we can craft some language that would bifurcate those responsibilities, the Budget Committee answering on budgetary items and making recommendations to the legislative body and also making recommendations or reviewing changes in policy - financial investment, bonding - just as a review mechanism and recommended back to the SB. I think the SB is open to getting recommendations from others about things like bonding, about our investment policies. So, I think there are ways that the language can be crafted, working with Mr. Trott and Mr. Wypyski to make sure everyone understands the input. I will then run it by counsel to find out if it would be a change or a revision. It is very helpful to hear these different points of view. I don't think anyone disagrees to having people involved in areas that they understand; that it will benefit the Town. The Sb determines the threshold of revision versus significant change and I would strongly urge you to do it on advice of counsel. If it isn't a material change to the role that the effective Charter article has on the Town or governance of the Town, then it's considered a revision and has to go before the voters, anyway, that it should have plenty of discussion. We bring it up now because, if there is going to be language, we want to get it sometime in February somewhat nailed down so there can be discussion in March and it does, or does not, go on a ballot in April.

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- 6:01 PM** Mr. Widi reviewed the changes he suggested:
- 2.10 Remove “at least twice a month”. We should be meeting to accomplish a task, not just to meet. In November, our second meeting always falls on Thanksgiving.
 - 2.13 Change language to “1 year or the same month the article was voted on the prior year” because not every approval date aligns with exactly one year.
 - 2.15 Authentication of recording of ordinances – add “reference to website”.
 - 2.16 Codification of ordinances. Delete ‘within three years after adoption of Charter’. We are well beyond three years.
 - 3.1 Paragraph 6 – clean up language and move to Paragraph 5.
 - 3.2A, B., B.8., B.11 Appointment process of Town Manager (TM) (first time used) – need to shorten the time taken for this process. Not good for the Town and expensive. Concern mentioned for legal notice requirements. Positive comments about the process, itself, once started. Other factors impacted time to complete.

6:08 PM Mr. Sullivan commented, using experience with other charters, that there seemed to be a sense that almost everything is overprescribed and doesn’t give elected officials the ability to adapt to the situation. He gave two examples that could cause issues. One regarding the language that a full majority of SB had to vote for or against the TM hire (use seated members) and if a TM can’t be selected the language says you have to re-start the process (not using the foundation already created).

6:12 PM Mr. Widi said the last suggestion was adding a section to finding a TM – “The SB may consider a candidate who is currently employed by the Town of Eliot without calling a search committee. That candidate must be qualified according to §3.1, In this situation a public interview must be performed in addition to an optional executive session interview.” That is to encourage continuity. I understand the ‘3-bid rule’ mindset; that you want to have the best of the best. There is something to be said that somebody can feel they can move up in the organization.

Mr. Trott said that in the Charter the search committee must do all interviews in executive session (3.2.B.8). Not saying that we can’t change it. He also discussed his confusion where the Charter says that a former SB member may be appointed without the minimum requirements; that it’s not clarified if this is for only emergencies and is something else we need to look at.

Mr. Sullivan said that I think that is an area that Bernstein & Shur should review, particularly to make it consistent with the ethics laws. You might want to appoint

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a subcommittee of two members to review the language and concerns and bring it back to the full SB.

Mr. Widi continued:

- 4.5 says "All departments and offices shall be administered by a department head." Some departments have one person.
- 4.13 "The Town shall provide compensation to appointed officials for the performances of their duties, as determined by the TM." I would add board and committee members.

Mr. Sullivan said that I would change 'determination by' to recommended to the SB' because the SB is the appointing authority and you should be making the final decision. The TM can work with the SB to find just compensation.

6:19 PM

Mr. Widi continued:

- 6.3 I would remove budget committee filling their own vacancies. The SB doesn't and I think this should be consistent for both.
- 6.5 SB action on budget. It currently says that the budget committee must make their recommendation before the SB. If they are acting independently from the SB (as said in the Charter) why does it matter when they make their recommendations in relation to us.

Mr. Donhauser agreed with Mr. Sullivan's suggestion to form a subcommittee.

Mr. Trott and Mr. Widi agreed to be on that subcommittee, with Mr. Trott suggesting keeping the Budget Committee up to speed, at least, on our deliberations.

The SB agreed by consensus.

6:21 PM

Ms. (Suzanne) O'Connor, Planning Board member, said that the PB had just reviewed some comments that we came up with but I don't have anything in writing. I would look for opportunity to provide written comments to you on a couple of things that we found before you close out this process.

Mr. Donhauser said that that would be great.

Mr. Sullivan said that I think it's good to get used to having the Charter adjustments and changes discussed regularly, sections of it, and a healthy thing

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6:24 PM 3. Public Works Truck Bid Acceptance

Mr. Sullivan said that they reached out to 16 different dealers from Maine and NH and only got one bid. They would like to go back out for bid. I spoke to the Chair and he said I could take it off the agenda for tonight.

6:25 PM 4. Re-appoint Chief Jay Muzeroll

Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board re-appoint Chief Jay Muzeroll as the Town of Eliot Fire Chief for one year.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

Mr. Trott - Yes

Unanimous vote to approve motion.

6:26 PM Mr. Sullivan apologized, saying he had a request late this afternoon to make sure that we follow the process in notifying you. We've looked through some of the personnel policies and records and we can't find where the public was notified. I didn't even know that the public had to be notified. We have added an officer to the Eliot Police Department – Officer Casey Cyr. She has gone through the academy and worked for us, now, for almost a year and 3 months. Officer William Dries has been with us since 2021. Officer Robert Govoni has been with us almost three years, now, and he is through the academy. Paul Shield has been appointed as the Animal Control Officer (ACO). AS we go back through the records, we may find more of these, and will make public announcements.

I. Approval of Warrant(s):

6:28 PM Mr. Donhauser moved, second by Mr. Trott, that the Select Board approve Payroll Warrant #64 in the amount of \$58,648.96 dated January 10, 2024; Payroll Warrant #66 in the amount of \$54,489.97, dated January 17, 2024.

Roll Call Vote:

Mr. Donhauser – Yes

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Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve motion.

6:30 PM Mr. Donhauser moved, second by Mr. Shapleigh, that the Select Board approve A/P Warrant #63 in the amount of \$369.11, dated January 9, 2024; A/P Warrant #65 in the amount of \$122,361.50 dated January 10, 2024; A/P Warrant #67 in the amount of \$84,440.93, dated January 17, 2024.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve motion.

J. Adjourn

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

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve motion.

The meeting adjourned at 6:31 PM.

Respectfully submitted,

Ellen Lemire, Recording Secretary

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Lauren Dow, Secretary

Date approved:
3/28/24