

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM

Quorum noted

5:30 PM: Meeting called to order by Chairman Beckert.

Roll Call: Mr. Beckert, Mr. Hirst, Mr. Fernald, Mr. Murphy and Ms. Davis.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:32 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of January 8, 2015, as amended.

VOTE

4-0

Chair concurs

F. Public Comment:

5:37 PM Ms. (Karen) Norton said that there has been some serious tree-cutting on Hanscom Road and discussed her concern for losing the sound buffer, increased traffic speeds due to clearer vision and Town liability. She clarified that she had called the DPW Director because the crew had done the road without hardhats and that is a serious safety hazard. She added that Mr. Moulton did go out right after she called him to purchase hardhats and hand them out the window to the guys. She also discussed her concern for cutting trees on the power line side, saying that the Town hires someone to cut the trees on the power side; that she wasn't sure how much training these crews have and she was looking at it from the standpoint of their safety and her tax dollars. Ms. Norton also said that she didn't understand why we had such a huge increase in South Eliot on the sewer bills; that they all knew that the storm drains have gone into it for a long time and weakened the system and asked why some of this payment wasn't coming from the Town's General Fund for these repairs instead of on the people of South Eliot. She added that if the stormwater had not gone into the system the system wouldn't have failed as quick; that we pay a minimum water we don't use and we pay a minimum sewer we don't use and now we are paying for stormwater damage that we didn't create; she reiterated the stormwater damage should come out of the Town's General Fund and not out of the pockets of the taxpayers of South Eliot. She added that those were her concerns and asked if she could get some follow-up to find out why.

Mr. Beckert said that we could get her some answers on the repairs, what has been done and why the increases on the sewer bills, at this point.

Ms. Norton reiterated her concern for the stormwater damage that has been ongoing for a very long time.

5:40 PM Mr. Lee said that we would be addressing how we would fix the sewer pumps that are failing in an agenda item tonight where the BOS would determine how much of this project would be borne by sewer users and how much, if any, would be borne by general taxpayers. He added that this would, in part, answer some of Ms. Norton's questions because part of this is stormwater-driven. He also added that, regarding the hard hat issue, he and Mr. Moulton are meeting to talk about safety issues, which he agreed was a tax liability to taxpayers.

5:42 PM Mr. (Denny) Lentz discussed cleaning out old prescription medicines and having to go to a neighboring town to dispose of them. He asked if they could have a disposal container here in Town.

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)

Mr. Lee said that we have an annual event to discard medicines safely but he would talk with the Police Chief to see if that is possible.

Mr. Hirst asked if Ms. Norton personally saw the tree company on the power side without helmets.

Ms. Norton said yes.

Ms. (Elinor) Aimee asked if the BOS had finalized the investment policy yet, suggesting they might consider Edward Jones.

Mr. Beckert said not yet; that they were having a workshop with Key Bank next week.

Mr. Lee said that the Town has signed a contract with Key Bank and so it was too late to change that. He added that we need full service sweep capacity to sweep money when we borrow against our tax anticipation note.

G1. Department Head/Committee Reports

5:46 PM 1) Conservation Commission: Appointments (See Memo)

This was a request to appoint Ms. Weeks (regular member) as an alternate and Mr. Cogswell (alternate member) as a regular member; that if the BOS approved this request, Ms. Weeks would have to reapply after Town Meeting.

Ms. Davis moved, second by Mr. Murphy, that the Board of Selectmen reappoint Connie Weeks as an alternate member, term to expire in 2015, and reappoint C.J. Cogswell as a regular member, term to expire in 2016.

VOTE

4-0

Chair concurs

G2. Administrative Department

5:48 PM 1) Town Manager Activities Report

Ms. Davis asked if Mr. Lee could fill them in on the Punkintown issue.

Mr. Lee said that that had to do with the Conservation Commission (CC) wanting to resolve a long-running concern regarding an access way over Punkintown Road to Town-owned property. He added that the CC wanted to know how much it would cost to do a deed search to settle the issue of legal access for the public, using Land Bank funds to accomplish this.

Mr. Beckert said that we had Duncan McEachern address this issue approximately 15 years ago and gave a brief history; that the BOS had authority to set available hours for use and by whom. He suggested they bring in Mr. McEachern, again, because of his familiarity with this, if they choose to pursue this; that Mr. McEachern was very specific that access could not be blocked based on State statute.

Mr. Lee suggested that he could contact Mr. McEachern regarding this issue.

Ms. (Nancy) Shapleigh suggested the property owner who thinks he has sole ownership submit proof and have that reviewed, rather than spend any money.

Mr. Beckert said that if we invite Mr. McEachern in then we should invite that property owner in, as well.

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)

It was the consensus of the BOS to have Mr. Lee contact Mr. McEachern regarding this issue.

5:56 PM

Mr. Lee discussed a memo he sent to all staff regarding taking vacation time and managing that better. He added that their new CEO has been updating the building permit application; that they were also updating an application necessary for the sewer ordinance regarding any appeal of the Sewer Superintendent.

Ms. Davis asked, regarding the budget meeting schedule, if Mr. Lee had more detailed information of which department we would be doing first, etc.

Mr. Lee said not at this point but that he could create something to give everyone an idea of what to expect and where to start, asking if the Board wanted to start with the easy budgets or hard ones first. He added that he is still working hard to get the budget out; that it has been a challenge because he is requesting a lot more detail and wants to know the underlying assumptions for the budgets.

Mr. Murphy asked if there was anything we could do to help.

Mr. Lee said that the one item on the agenda tonight was whether he was carrying any debt for the Town; that that really needed to be decided because right now he had a big red hole in his budget regarding this. He added that his budget depended on how the Board decided the sewer allocation.

Mr. Hirst said that he did not believe the Police Bond was completed yet.

Mr. Lee said that he would go back and check that.

Ms. Davis said that if we could do the more difficult departments first that gives the BudCom and BOS more time to ask questions and get answers.

Mr. Lee agreed that that was probably how he would lay it out.

Ms. (Donna) Murphy asked if the budget meetings could be started no earlier than 6 PM so that all the BudCom members could participate.

Mr. Lee agreed that that would be the earliest time for the budget meetings.

Mr. Beckert said that included in the report was MMA's review of the Governor's proposed State budget.

6:03 PM

2) Financial Report

Ms. Davis said that she was missing a revenue summary report for November and asked for a copy of that.

Mr. Lee said that he would put one in everyone's box.

3) SMPDC Newsletter

Mr. Lee said that they have been pretty helpful with our York County Manager's group; that they have been facilitating meetings, digging up grant programs, representatives from Senator King and Senator Collins have been attending; that they are working on better broadband internet access, workforce development, and the like.

Ms. Davis said that she noticed that the things listed on page 2, in particular, seem to go right along with our TIF alternatives so this might be a really good resource for us once we start getting into that committee.

**BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)**

Mr. Lee agreed, reiterating that SMPDC tends to be very helpful at all levels.

6:05 PM 4) Workshop Schedule

Mr. Beckert said that this was an update to the financial/personnel policies workshop schedule and, once Mr. Lee is finished with budgets they would set up firm workshop dates with the BudCom.

Mr. Lee discussed the need for full-time/part-time benefits guidance for employees and said that he would draft something for the Board to review.

Ms. Davis asked if there could be dollar amounts for the various revenue accounts when they meet with Key Bank to aid in the Board's decision-making.

Mr. Lee agreed he would do that.

There was discussion regarding the low number of applicants for the TIF Alternative Committee.

The Board agreed by consensus to one more advertising push to see if more applicants came forward then make a decision on the number for the committee at the next meeting.

6:13 PM 5) Abatement: FYE14, Map 16, Lot 12-38, \$1,300.26

Mr. Lee explained that a property was sold and there was no notice to the Town, thus the prior owner had paid the taxes on this property that the new owners should have paid. He added that they would be writing a supplemental bill to the correct property owner.

Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen abate the 2014 fiscal year taxes on Map 16, Lot 12-38 in the amount of \$1,299.88, as required.

**VOTE
4-0
Chair concurs**

G3. Public Works

6:17 PM 1) Pole Permit, River Road

Mr. Hirst moved, second by Mr. Murphy, that the Board of Selectmen authorize the installation of two poles according to the Central Maine Power Pole Permit request from Central Maine Power.

**VOTE
4-0
Chair concurs**

2) Revised Waste Recycling and Disposal Ordinance

Mr. (Jim) Tessier explained that the committee reviewed and updated this ordinance to reflect how business is actually being done now. In §102.3, he said that the committee recommended deleting this whole paragraph because they would like to see this ordinance address operations, recycling and solid waste of the Transfer Station; that this paragraph tends to be like a land use ordinance and could possibly be put into another document. He added that, in reviewing this ordinance, they recognized there was a second ordinance called the Solid Waste

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)

and Landfill Ordinance; that it seemed both ordinances were written around the same time but they appear to have a lot of conflicting requirements and that it appears that this second ordinance might be superseded because of ordinance language; that changes passed in current years were added to this ordinance and there are a few things in this ordinance that should be kept but he wasn't sure where they might go.

6:23 PM Mr. Lee said that bringing this to the Board was to get them familiar with it; that the PA was reviewing this to see if we needed it and, if so, what should be kept or might be covered in other land use ordinances. He added that he recommended putting the revised ordinance on the June Warrant along with a request to repeal the other one because it is a possible superseded ordinance that keeps getting amended.

Mr. Beckert suggested the Board review this and when the PA has done her work we can review it again. He asked Board members to share any questions or concerns with Mr. Lee.

G4. Public Safety

No items to address.

H. New Business:

6:27 PM

#1 TO : Board of Selectmen
FROM : Town Manager
REF : Boston Post Cane Award

Mr. Lee read a memo from Melissa Albert, which gave a background on this award given to the oldest resident in Eliot. He added that the most recent honoree was Elizabeth C. Betty Libbey who passed away in June of 2014 at 106 years old. He said that they are trying to identify the next recipient and will announce the honoree in June 2015; that they are asking for help in identifying the oldest resident in Eliot.

I. Old Business

6:30 PM 1) Pump Station Bond – Allocation Formula

Mr. Murphy discussed the different options and said that he thought Option B was the one he thought they should adopt, which would split the cost between the users and the Town. He said that that recognizes that 200,000/day is the amount of water waste we are allowed to have and the average use, currently, is about 110,000 actually being used by sewer users; that that amount is the basis for making the split and the other approximate 90,000 that is not being used by sewer users suggest that the Town ought to recognize that that belongs to the Town and not to the users because they are not using it.

Ms. Davis said that there was a strong contingent in Town that feels, who do not use the sewer, that it is not incumbent upon them to pay for the sewer. She suggested they put two warrants on the ballot – one where the sewer users would accept the costs at 100% and the second would be for the Town to vote to voluntarily pick up some portion of that cost. She discussed her concern that, because the pumps are getting in such bad shape, they couldn't risk the rest of the Town voting this bond down because they don't wish to participate. She added that they needed to make it such that the bond would pass this time around so that we can get moving with these repairs.

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)

Mr. Fernald agreed with Mr. Murphy that Option B is the fairest option for both the sewer users and the Town.

Ms. Davis asked what they would do if the rest of the Town votes it down.

Mr. Hirst said that that was his concern; that if we chose Option B and it was turned down, then we would have a serious problem, even more serious than the one we have now. He asked if it was inconsistent with good practice to put a second warrant on, which would hopefully assure the bond would pass.

Mr. Lee said that he didn't think so but was not sure; that he knew they could have multiple options on a referendum and, in fact, the LD1 referendum, at one point, had three options.

Mr. Murphy said that everyone needed to remember that any bond issue, whether we expect the users to pay for it, or the Town, must ultimately be backed by the Town; that the Town is ultimately responsible.

Ms. Davis agreed the entire Town stands behind the bond but two separate warrants would not be mutually exclusive if we go in for the Town voting for the sewer; that it isn't a district but, in a sense, it is that the sewer users pay for the repairs and, then, we have a completely separate second warrant asking residents if they wished to voluntarily contribute some percentage towards those costs. She further discussed her concerns if the bond did not pass.

6:40 PM

Ms. Norton commented that that was pushing the numbers around and still, again, not admitting the pump stations needing the repairs is because of the stormwater forced through them that the Town put into the system; that now a select few people, who live down there, are supposed to pay for the wearing out of the system by additional stormwater, She said that the residents did not put the stormwater in there and asked why they should be footing the bill; that that should be coming out of the General Fund.

Ms. Davis said that the system is a bit over 30 years old and is coming up for some mandatory repairs; that she was not choosing any side but reiterated that there were many residents in Town that did not feel like they have to contribute to this and we need the bond.

Ms. Norton said that, being a property owner in South Eliot, she didn't feel it was the residents of South Eliot...we are already being overcharged for water we don't use, for sewer we don't use, because there is a minimum set cap and we don't come close to what the set cap is. She added that there are single-family houses down there that pay more already and, now, you are expecting them to pay the repairs on top of it and it's not repairs that we created; that the Town, through their budgeting, created it.

Ms. Shapleigh suggested that, maybe, it was time for three choices and to bring back the expansion, which, with that, it could have been paid for through the TIF; that maybe it is time that people will stop to look at the choices they've made in the past because the TIF could pay for the repairs; that then none of the sewer users would be holding a bill they couldn't afford. She added that that was what we have been trying to say for the past few years.

6:43 PM

Mr. Lee said that if they put two competing questions on the warrant he would have to put in the budget the worst-case scenario because if, for some reason, non-sewer taxpayers were willing to do the 45% he would need it in the budget because the budget would also be voted at that same time. He also discussed the increased impact to sewer users depending on the option chosen.

Mr. Murphy said that he thought all the citizens of the Town should recognize the sewer system doesn't belong to the users, the sewer system belongs to the Town

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)

and the Town, like any sensible town, has to take responsibility for its own property and to expand, and foresee possible expansion in the future. He added that there were going to be additional sewer needs in this Town, as the Town grows; that they weren't sure where it would go but it would be there and the Town was going to be responsible to see that it gets in there. He said that the Town has to help make this thing work and he believes they should go with Option B; that we have engineers who are very experienced with how these things are done.

Ms. Davis said that it still comes down to the bottom line; that the DPW Director has been in here several times stating that we are probably overdue for a problem. She added that if we play roulette with this bond at this upcoming vote we're in trouble; that we just cannot afford another failure and have to put two warrants on the ballot this year so that we are at least somewhat guaranteed that the bond is going to pass and we can commence repairs to the system.

6:45 PM Mr. Beckert commented, as the Chair, that he wasn't sure that two questions on the ballot is the right way to go. He said that he thought the Town needs to do its homework; that the Town needs to explain the situation to the entire Town, to explain what happens if the system fails. He added that, by State law, if that system fails it would not be the sewer users that would fix the system but the Town of Eliot that would be faced with the fines from the DEP; that the State and federal government will throw everything at us and would come to Eliot to pay, not the sewer users. He said that we have hired engineers, having two firms look at this over the years, and we have a plan. He added that we can keep going back and kicking a dead horse as to what we should have done in the past but we are here now and we need to fix the situation. He said that he liked Option B because if the sewer users are only using 110,000 gallons/day that is all they should be expected to pay for; that the Town is responsible for the additional 90,000 gallons/day that is not being used. He added that that is our allocation, our agreement with Kittery; that the Town of Eliot agreed to 200,000 gallons/day – the sewer users didn't; that it is part of the IMA.

6:47 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen adopt Option B, with a 55%/45% split in the costs between sewer users and the Town.

DISCUSSION

Ms. Davis reiterated that they were playing roulette with this bond; that she thought it was ill-advised and has a potentially strong possibility of failure. She added that she recommended the Board not go in this direction.

Mr. Hirst said that he was very troubled by this because he has a worry that the bond could fail; that Mr. Moulton said at a sewer commission meeting last night that the penalties and fines that could result from failure of this system could be in the millions; that we do not have insurance for such things and that would come back on the entire Town.

6:48 PM Mr. Murphy said that in that case we should stop talking about the possibility, and promoting the possibility, that it's going to fail. He added that we, as a Board, should be selling this to the Town as responsible managers of the Town, do what's best for the Town.

Mr. Lee said that if it did fail in June, and failed resoundingly, we could very quickly, he thought, adapt to that and, by November, put this back out with 100% by sewer users or whatever we think at that point is more likely to succeed; that that does postpone this another four or five months. He added that it isn't like we would have to wait a whole year; that we could do a special on it, if necessary.

BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)

Mr. Hirst said that he was not technically competent to know the difference between these but we paid the engineer an awful lot of money to give us his advice and he has advised Option B without any doubt. He added that as much as it troubles him he thinks he would have to support Option B.

6:50 PM Ms. Davis said that pumping a septic costs around \$245 and this is an additional cost of \$130 to sewer users; that for that amount of money you are risking this failure and, in some sense, this could be seen as holding the rest of the Town hostage by telling them that they have to pay for the sewer system or they risk a failure when, in legal terms, the sewer users are responsible for this cost. She added that you can argue the moral responsibility of the rest of the Town but she thinks they need to give people a choice.

Mr. Beckert said that he thought the talk of failure, or possible failure, is just as much a scare tactic as it is to say that we're throwing this on the entire Town trying to scare them into the fact. He added that the facts are that the Town is responsible for the sewer system and, if the system fails, it is not the sewer users' responsibility to pick up the tab and the fine, it is the Town of Eliot's. He added that this was put on us by the federal government; that it is a system that needs to be maintained. He said that, either way, we need to do our homework; we need to do what's right for the Town. He called for a vote.

DISCUSSION ENDED

VOTE

3-1 (Ms. Davis against)

Chair concurs in the affirmative

Mr. Beckert said that the Sewer Committee and the engineer needs to get the word out to the Town that it needs to be justified as it has been in this report; that we need to make the Town understand what the ramifications are.

Mr. Lentz asked if there was any money in the sewer fees, now, for maintenance.

Mr. Lee said yes; that we have had two increases almost back-to-back for a couple of different reasons and part of that was to maintain the system. He added that we are putting a sewer budget together this year; that that has not been done in the past and he believes that is why this Town lost control of where we were going or running in the red. He said that they are pulling so many things out at this point that they have to fix, it's ugly.

J. Selectmen's Report:

6:55 PM Mr. Hirst asked Mr. Lee if he would give a report on the new AED's that we have.

Mr. Lee said that Mr. Muzeroll, with the South Berwick/Eliot Rotary, worked to get AED units; that we now have one in every Town building and a few days ago the staff had training; that these AED's were donated to the Town

K. Executive Session

6:57 PM Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. §405 F. Inability to pay, abatement request.

VOTE

4-0

Chair concurs

7:30 PM Out of executive session.

**BOARD OF SELECTMEN'S MEETING
January 22, 2015 5:30PM (continued)**

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen abate the 2013 taxes due on Map 47, Lot 23-000, less \$1,500, which is to be paid by applicant, an abated amount of approximately \$2,690.

VOTE

3-1 (Mr. Hirst opposed)

Chair concurs in the affirmative

L. Other Business as needed

There was no other business.

M. Adjourn

There was a motion and second to adjourn the meeting at 7:35 PM.

VOTE

4-0

Chair concurs

DATE

Mr. Grant Hirst, Secretary