

BOARD OF SELECTMEN'S MEETING
March 10, 2016 5:30PM

Quorum noted

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

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of January 14, 2016, as amended.

VOTE
4-0
Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of February 18, 2016, as written.

VOTE
4-0
Chair concurs

F. Public Comment:

5:41 PM Mr. (Charles) Bradstreet said that at the last special meeting there was a vote for a 78/22 split and he would like to ask the Board to reconsider that vote at this time. He added that it is his sense that this split vote is a waste of time; that it's not going to pass. He asked the Board to consider utilizing TIF funds in a phased project as this was something the Town would not have to borrow against and would be done as money accumulates in the TIF account; that he believes it's legal to do. He said that he knows it's gone before the Townspeople a number of times but it's gone with different questioning; that the only thing we haven't seen are 100% born by the Town or utilizing TIF funds that would cost nobody anything. He added that he would like to see the Board consider this to see what we can do to bring this Town back together.

5:44 PM Mr. Murphy said that his thoughts have been going in the same direction; that he had discussed with the Town Manager that he thought this proposal we reluctantly agreed to would be one more of the same, even though the proportions were different. He added that we have a phased plan put together, and it may need updating, but he would like to go back to that for various reasons, one being that the basis for approval from the State for this TIF, at all, was to support economic development along Route 236; that it could come bit-by-bit in phases. He discussed the statutory requirement to designate a Commercial/Industrial (C/I) Zone when we set up zoning in Town; that business owners in the C/I Zone are taxed at a higher rate and asked what the Town had done to support those businesses and discussed his concern for what might happen if we don't support the C/I section of Town.

5:47 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen reconsider the adoption at the Board of Selectmen's last meeting of the 78%/22% split leading to a bond for adoption in June.

DISCUSSION

5:48 PM Mr. Pomerleau said that any kind of vote for Route 236 expansion he believes is doomed to failure. He added that people don't want extensive construction on Route 236; that it's not about funding, it's about expansion, and the TIF survey pretty much supported the Town's sentiment. He said that if we go down this

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road, it's going to kick the can down to another failure further down the road waiting for something to be done about the sewer repair in Eliot. He added that he did not believe it would be lawful under DECD criteria. He said that we came up with a solution to move forward with a vote on a bond for the sewer repair, we have a TIF Alternative Committee for the express purpose of trying to come up with alternative solutions for the TIF, and spent time and money on that. He suggested letting the process go forward, let the committee do their work, and let the voters decide.

5:49 PM Mr. Murphy disagreed with Mr. Pomerleau regarding the TIF survey results, saying that the survey did support limited economic development along the Route 236 corridor. He added that he is in favor of letting the TIF Alternatives Committee go on as he would welcome ideas for later phases but was concerned that the 'con' committee did not put forth any reasons against the project at the time.

5:51 PM Ms. Davis said that the arguments put forth at the last meeting are still valid; that we are too far down the road in developing the engineering design for the sewer system and the need for immediate repairs, to make a case that the repairs to the sewer are 'made necessary' coming out of economic development. She added that we have a serious situation with these sewers and they need to be repaired; that reconsideration could potentially delay repairs until November if a vote fails.

5:53 PM Mr. Fernald said that we have put out two other votes to the people on the sewer that were exactly what we have here and the only thing different is the percentage of who pays what; that every option has been voted down and he believes this will be voted down, also; that he doesn't believe people not on the sewer want to pay for it and people on the sewer feel it's a Town responsibility and they shouldn't pay for it, either. He added that, if we could use these TIF funds, then we wouldn't have to go out for a bond and nobody would have to pay for it; that we would pay for it in phases as we had money in the TIF and we could continue that right out to Route 236. He said that he didn't see why this was not a good approach; that it's a savings for the Town.

5:54 PM Ms. Davis said that of the \$500,000/year going into the TIF, \$125,000 of that is taxpayer money; that it's money that would come to the general fund if it weren't going to the TIF. She added that the TIF Alternatives Committee might come up with ideas that would benefit the entire Town whereas this use might not necessarily benefit the entire Town. She said that by doing this in a phased method you would be committing us to the entire project, or at least a good portion of the project; that if we start we need to finish and it was a \$9 million project. She clarified that what she thought was being said was, whether we bond it or trust our luck that TIF revenues stay up at the same levels for 20 years, we'll still be committed to that and people may be a little bit leery. She discussed Kittery bringing sewer up to the Eliot Town Line and that possibly being a less costly alternate solution. She added that there are no guarantees and discussed her concern for sewer failures before this is resolved.

5:56 PM Mr. Fernald said that there is no guarantee that this will pass, either, and what will we do after this.

Ms. Davis said that it won't if we're not committed to it and walking around South Eliot telling everybody they're going to get it for free. She added that everybody's going to have to give; that people on septic are going to have to compromise a little bit and spend the price of a cup of coffee every year to get this job done. She said that there are no guarantees if we have a major illicit discharge; that there has been past discussion that sewer users would have to pay for that but, once again, there could be a fight over that, as well. She added that the whole Town needs to be concerned about this and we need to get in and get the job

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done; that if we wait until November, they probably can't start construction until the following spring, so we are really taking a chance.

5:57 PM Mr. Murphy said that he thought bringing in Kittery at this time is a red herring because Kittery would have us pay through the nose to use their system; that we would be using an enormous amount of money in Kittery, which we want to use here in Eliot, and that was the reason for not going that way before.

5:58 PM Mr. Pomerleau went back to a point Mr. Fernald made that he thinks has some degree of merit; that, if TIF money could somehow be used that neither taxpayer or sewer user had to shell out for it, that might be something that could entice everybody. He added that that's why he thinks it's so important to let the TIF Alternatives Committee continue its work because he could see that as more of a lure to everybody involved if we were bringing sewer down here to the Village where the long-term residential impact would be high; that it's a direct route along the problem area as opposed to down Route 236. He said that the TIF Alternatives Committee may well come up with that kind of solution and a lot of people might buy into that because they see a lot more universal benefit. He said that the point was not to put all our eggs in one basket; that any one thing we put forward, based on history, has a low probability of passing, reiterating that we just keep kicking the can down the road. He added that that's why he had proposed putting back a 100% user and a 50/50 split on one ballot so we get a plurality winner and increasing the odds of something passing; that regardless of the singular proposal, we sit at high risk of nothing passing once again. He said that, even if we were inclined to think about putting another TIF vote, he sees no reason why it should exclude a bond vote.

6:01 PM Mr. Beckert said that there had been a lot of discussion and needed to pull this back to deal with the motion for reconsideration; that, then, if anyone wants to change the way they voted or the wording or another article, that would have to be done after the motion to reconsider is taken. He clarified that voting for reconsideration would open the table back up again for what could possibly go on the ballot.

6:02 PM Ms. Davis asked what the legalities would be if both passed; that in order to reconsider this she would want some viable options.

Mr. Beckert asked Mr. Lee, if he (Mr. Beckert) called for a vote on the motion to reconsider and it passes, does that mean they have to make a definitive decision tonight.

Mr. Lee said that he doesn't think so; that other questions could be asked up to the time we finalize the warrant.

DISCUSSION ENDED

6:04 PM

VOTE
2-2 (Davis, Pomerleau)
Chair supports the motion to
reconsider and concurs in the
affirmative

Mr. Beckert said that he supports the motion only because he thinks it will open up discussion, again, and possibly put something on there we might be able to get a plurality vote on, as Mr. Pomerleau suggested. He added that Ms. Davis is also right in that, if we have to wait until November because nothing passes, we could have serious problems.

6:06 PM Mr. Bradstreet said that he appreciated the reconsideration. He added that the talk is out there that, if people in South Eliot are forced to pay for the system, then

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they would never support anything to do with TIF; that that is what bothers him being on the TIF Alternatives Committee.

Mr. Beckert asked where the TIF Alternatives Committee was with any suggestions.

6:08 PM Mr. Lee said that we are not quite at the halfway point of our consultant's work so we don't have a list or any projects identified, yet; that they will meet next Monday with the consultant who will give some preliminary findings; that he thinks it will be around the end of April for the final report.

Mr. (Bob) Fisher said that there are some other alternatives we could all be looking at; that instead of going down Beech Road, we'd be better off going down Bolt Hill Road because sewer is already there; then pick up from Beech Road down to the places down here; that we might get an agreement with Kittery Water District and use that for discharge. He added that we'd at least get the other part of the mall down there, get them on the TIF, use that money for the TIF but, also, that would relieve the pressure down there in South Eliot. He also suggested we could adopt a sewer system as Eliot's sewer system – the sewer department and the sewer people and, then, they would have to pay for that. He said that if it's our sewer system, which it is, and we are going to put other systems into it eventually, then we ought to pick that up ourselves. He added that he thought there was room for two articles and vote on it that way.

6:10 PM Mr. Bradstreet said that it's a viable idea and probably the least expensive way to get out of it but the DEP is going to, as they did in the '80's, initiate another sewer system here under the Clean Water Act. He added that, by phasing it and at least bringing it to Beech Road and State Road, we'd have it here. He said that, if we want to have a business district or Village district, we will have to have these services – water, sewer, 3-phase, etc.; that, in his personal opinion, the TIF alternatives are all leaning to some form of infrastructure. He discussed the potential problems we may have towards the river and waterways in Town in the next few years and that getting sewer down here, centrally located towards Route 236 and the Village, he believes would be the best money spent, if you're going to spend TIF money, for the whole Town. He said that most everybody is going to get sewer at some point, asking to do this smart and do it right.

6:13 PM Mr. Beckert said that there has been discussion of the expansion of the Village District, per the Comprehensive Plan, which would mean any phasing would have to be re-numbered; that zoning would have to be changed but the zoning can't be changed, per the Comprehensive Plan, unless sewer is available, which would reduce the sizes of the lots in the new, proposed Village District. He added that that was why he asked the question regarding the TIF Alternatives Committee; that regardless of where the sewer goes, if we expand it and it goes into that system down in South Eliot, it has to be repaired and upgraded to take any expansion.

6:14 PM Mr. Pomerleau said that he thought we were into two different subjects as to whether or not with the TIF someday, somehow, somewhere there's a solution to our current sewer problem and, meanwhile, what happens until we get there. He added that, if we expand sewer, he suggested we should come straight down along the river, first, as it is the most critical, imminent area of need; that the EPA doesn't have a lot of money and they aren't mandating a lot of projects, now, because they can't back them up. He said that he believed that, if there is ever going to be public support for the TIF on sewer, it would be bringing it down along the river; that he doesn't believe putting Route 236 back on the ballot will pass. He added that along the river has many more households that would benefit and where the need is most critical; that that is still a long process away from us and we could have the possibility of something going terribly wrong with the current system. He suggested bonding and putting the '100%' choice and the

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'50/50 split' choice on the ballot and letting them compete; that he thinks a plurality is likely to produce a winner there.

- 6:18 PM** Mr. Murphy said that what he has heard seems to ignore the very basis of our TIF, which was directed and approved by the State; that we can't go very far outside of that and we don't know the limitations on that. He added that there's been no proposal, yet, that can be looked at legally. He said that the State-approved plan was planned to include a lot of the things Mr. Pomerleau is talking about; that they would come because it would be built further out than what can be done now; that things could come from the river, the library, and Route 236 to that central point and pumped to Kittery Water District, which would avoid the high cost of buying into Kittery's system. He added that our lawyers said that we can spend this money now but it can't be just because those pump stations need it but because the pump stations are needed for the purpose of the TIF, to take the effluent from the economic development area. He said that we can do it with cash rather than bonding; that fear of bonding was a large reason it failed a year or so ago. He added that the C/I Zone needs help as they can't go anywhere without sewer and water; that we still have the opportunity of improving that and getting acceptable businesses to come in, adding more money to it so that cash will continue to accumulate.
- 6:22 PM** Mr. Pomerleau strongly disagreed, saying that that plan has been rejected three times because it wasn't just about funding but also expansion; that the level of business growth needed to impact our taxes was too high. He added that we are a nice, rural Town and there will be development out there without the sewer, which clearly has happened; that we haven't been at a loss for businesses coming in and he doesn't see any appetite for sewer expansion on Route 236.
- 6:23 PM** Mr. Lee said that he was asked if there was any legal way to use the existing TIF funds, right now, that could be approved by DECD to fix the pump stations and in that way we don't bond. He added that, back in 2014, a phased plan was put together that would allow that; that he just got confirmation of that from Attorney Fortin. He said that we would have to head toward Route 236, as Mr. Murphy said; that he didn't know if you could take a big circuitous route to get down there; that he thought we would have to be fairly direct about what direction we're going. He added that Attorney Fortin did say that we can flip our phases and make pump repair Phase I, then head to State and Beech and do something up here; Phase II, he thinks. He said that Attorney Fortin was, while not 100% sure, very sure DECD would approve. He added that we are going to be asked by the Mr. Bradstreet's and South Eliot's of the world if there was a way to do it and there is a way to do it.
- 6:25 PM** Mr. Pomerleau said that that is very incomplete and misleading; that her letter says that, if we do that, we have to take that back to the voters; that we essentially have to re-write the TIF plan to eliminate the bond language, explaining to the voters that cash would be used in a phased plan and get voter approval. He added that we can't just go ahead and spend the cash.
- 6:26 PM** Mr. Lee disagreed there was anything misleading in what he said; that that is all in the letter. He agreed that it may die right on its face because of the words 'Route 236 sewer'. He added that she did say we would have to get approval of whatever plan it is; that if it's a phased plan, that plan would be the first warrant article, with a second warrant article to approve funding out of the existing TIF fund should the phased plan pass.
- 6:27 PM** Ms. Davis said that she didn't think DECD would approve this with how far advanced we are in the engineering plans for the repairs and would not find these repairs were 'made necessary' because of economic development; that the pumps need to be repaired now, independently; that this doesn't pass the sniff test at all.

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Mr. Lee said that that is inconsistent with what Attorney Fortin told him and wrote; that she is fully aware of our current situation with the pump stations and it had no bearing on her opinion.

6:28 PM Mr. Pomerleau said that he thought it was questionable whether or not it would ever meet the 'related to' or 'caused by' provision any longer. He suggested it would take us 15 to 20 years to complete a plan using cash to build in phases and he didn't know how building piecemeal would spur economic development; that it would make more sense just to borrow the money and get it done.

6:30 PM Mr. Beckert asked where the Board wanted to go, asking if they wanted to put on more than one warrant article or if we needed more clarification from the DECD.

Mr. Lee said that we have a little over a month until the final warrant is due.

Mr. Bradstreet asked if we can ask the Town to release TIF funds with approval of the DECD project. He suggested a second option could be 100% bonded by the whole Town.

6:31 PM Ms. Davis said that one of the specific mandates in the Charter was that we not beat to death a similar vote and we are discussing going for a fourth one; that she knew the Charter doesn't take effect until this coming June but right now we are violating that whole principle.

Mr. Fernald said that we are doing the very same thing by putting out this request (72/28 split); that we're just changing the percentages.

6:32 PM Ms. Davis said that this isn't a spurious vote, we have to repair the sewers because we are mandated; that it isn't because we want to but because we must.

Ms. Adams said that this is a very divisive thing, this sewer, and it all came about because of a lot of things that happened; that she thinks that the Town has just got to all pay for the sewer; that she thinks that's the only unifying thing that can be done at this very moment. She added that she doesn't think we can wait to determine if the TIF can do it, or not; that she thinks logical people would, if they knew the real facts behind it, support the TIF paying for this; however, because of all the misinformation that's been given over the many different votes, they object to just mentioning it, and now you have the South Eliot people upset; that she believes they want the Town to pay for the sewer. She added that she thinks it's time for the Town, because it needs to be done, to pay for the sewer; that she doesn't think there's any other way to go. She reiterated that she thinks it's so divisive and there's so much disinformation and people are so polarized and they don't understand it, that that's the only way it's going to be done to unify this Town; to say we recognize our responsibility in this and we're all in this together, we're all a part of this Town, we'll all take responsibility for it. She said that if you put out a 72/28 or 50/50 split, it will be voted down again. She added that she would hope that people would not vote down 'totally paid by the Town' and would see that this is really the only way to bring us back together again and stop this. She said that this is ridiculous and it all came about because of not being able to fix the sewer when we had the opportunity. She added that she felt really badly for the people in South Eliot and for the Town with this whole process. She said that she would recommend '100% the Town'.

6:35 PM Mr. Murphy said that the trouble with agreeing to use the TIF funds to repair the pumps, if we could agree, is that the Town is allowed to do that only if it's part of the agreed-on plan to get to Route 236; that we can't just say that we want to use it over 'here'; that we are stuck with this plan, which isn't a bad plan. He added that our legal advice said that we can use it for repairs if the Town agrees there is a phased plan to get to Route 236. He discussed the example of Mr. Lang's Business Parks creating a good environment for start-up businesses and the need

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for water and sewer to replace his private septic and wells in order for those businesses to succeed; that we should be supporting those kinds of businesses.

- 6:38 PM** Mr. Fisher said that he doesn't think floating a bond will work, reiterating his suggestion to start with Beech Road and head towards Kittery, going up Bolt Hill Road, as Phase I and would be paid for by TIF funds. He supported the Town Manager's position on this and it would benefit all the new elderly housing going in on Bolt Hill Road and it would solve the problem with the pumps. He added that, if you don't do this, he will have a petition in June for the next warrant.
- 6:39 PM** Mr. Pomerleau said that he didn't believe the Town would support 100% taxpayer funding. Discussing some sewer history he said that, in the origination of the sewer, the fed paid 80%, the Town paid 20% and, by Town vote, the Town split the cost 50/50; that a sewer ordinance was put together to set aside reserve funds for the operation, maintenance, and capital improvements, including capital improvements to Kittery, to be paid by sewer users. He added that the funds should be there, now, and we shouldn't have to have had this conversation because the money would have been there. He said that, with all the documentation he has, all roads lead to one conclusion – sewer users are responsible for sewer expenses, not taxpayers; that he thought there would be complete outrage if we put 100% taxpayer funding on the warrant and would be the worst divisive option yet.
- 6:42 PM** Mr. Tessier said that he didn't care how good the plan was, it was apparent to him that, if you lay out only one option, it isn't going to get approved because there's not enough agreement across the whole Town to vote for anything. He suggested laying out a couple of percentage options and the TIF option as one of those options and let people pick; let the majority decide what they are willing to support; that the sewer has to get fixed and we can't just put this off, potentially, for another year. He said that we have to put up a plan that is going to get approved to do the work and the majority decides how to pay for it.
- 6:43 PM** Mr. Lee said that what Mr. Pomerleau said about a plurality vote makes a lot of sense; that everybody has an opinion of what might pass but nobody knows how it will go. He suggested putting out a question that had three options – 1) bond \$1.7 million at 78/22 to repair and upgrade sewer pumps with no obligation to extend sewer on Route 236, or 2) approve phased plan to get sewer to Route 236 using \$1.7 million from existing TIF funds, or 3) neither.
- 6:44 PM** Mr. Pomerleau said that he didn't think those were good options; that the 78/22 wouldn't be an enticement on that side of it and you could still get a rejection on the TIF. He added that all you could do with the TIF suggestion is should we pursue that because of the timing in front of us; that you're not going to have an amended TIF plan approved by DECD for the voters by June.
- 6:45 PM** Mr. Lee said that he wasn't suggesting that we amend any TIF plan; that the first suggestion has nothing to do with the TIF but is just like bonding a building; that the second option was accepting the fact that we've obligated to extend sewer to Route 236 to do economic development and, if you accept the premise of a phased plan, then we could take \$1.7 million out of the TIF plan; that the third is to choose neither and not fix the pumps at all right now. He clarified that the options are to either put your money where your mouth is for the 78/22 split and we don't go down on Route 236 or people would rather accept the fact that we're going to get sewer down on Route 236 because they don't want to pay any more.
- 6:47 PM** Mr. Beckert said that we have a meeting next week, asking if he could get a couple of Board members together with the Town Manager, maybe Mr. Pomerleau and Mr. Murphy, to come up with some constructive alternatives to put on the ballot that we can look at next week.

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Mr. Pomerleau and Mr. Fernald agreed to get together with the Town Manager; that Ms. Davis and Mr. Murphy would give any input they had to the three.

6:48 PM Mr. Pomerleau said they needed one clarification from Attorney Fortin's letter and that is whether we need to put forth an amended TIF plan regarding a phased plan.

Mr. Beckert suggested the three could ask her that question.

6:49 PM Mr. Lee said that Attorney Fortin answered the question regarding bonding with him on the phone today; that she has been consistent that we have to get the plan approved by the voters but she did say that the method of funding it – bonding versus cash – does not matter. He added that he would ask her for clarification with Mr. Pomerleau and Mr. Fernald present.

G1. Department Head/Committee Reports

6:50 PM 1) **Comprehensive Plan Review Committee: Suspension of Meetings for 6 months**

This is informational.

G2. Public Works

6:51 PM 1) **Legal Opinion Re: Stormwater Budget/Heating Fund**

Mr. Lee said that Attorney McGill basically said that what the Selectmen did in the way we funded stormwater was legal and okay to do it that way; that, likewise, the taking of the social security disability insurance money to use in the winter heating fund was also within the Board's jurisdiction to do. He added that, in both cases, she has said that no wrong-doing took place.

6:53 PM Mr. Murphy said that he was greatly reassured that the actions of our management and this Board were correct.

Mr. Pomerleau said that he had concerns with her answer on Question 3 because she says there is no clear answer to the BOS' sole authority to allocate or spend miscellaneous reimbursements of this kind; that she alludes further down to check with our auditor and he found it odd that the attorney, from her legal opinion, said that she couldn't find any clarity so check with the auditor.

Mr. Beckert read the attorney's discussion on Question 3, which said in part, "*The Town's auditor is the best source to consult on the question of how these miscellaneous and minor revenues may be handled consistent with standard financial practices.*"

6:55 PM 2) **Tree Cutting Notification Policy (2nd Reading)**

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen accept the Tree Cutting Notification Policy, as written.

VOTE

4-0

Chair concurs

6:56 PM 3) **CCTV Proposal – Eastern Pipe, LLC**

Mr. Lee said that he is still so unclear about the Purchasing Policy; that he didn't know that if, when we're using the same vendors we have been using, does each one need to be bid, do we shop it each time; that he just doesn't know where we are with this at this point.

Mr. Beckert asked if this was a normal company that we use.

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6:57 PM Mr. Lee said yes; that they have done all the pipe service for us, all of the CCTV stuff. He added that it was suggested, at one point, to just ask for a waiver if you don't think you've got three bids and you think you might need a waiver, just ask for a waiver of the policy. He added that, to cover himself a bit, he decided to put together this request for waiver of purchasing policy form and attach it in the event that we...are expected to get three bids, or whatever. He said that he put this in here to explain why we are not seeking three bids; that this is an existing contractual relationship we've had with this vendor and our MS4 consultant, Kristie Rabasca, has vetted this company as her preferred sub-contractor due to their quality of work and promptness. He added that we are being advised to use this company and we have traditionally used this company.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the Town Manager's request for a waiver of the purchasing policy with respect to Eastern Pipe Services, LLC, as specified in the Memo G2-3, Selectmen's Meeting 3/10/2016.

DISCUSSION

6:59 PM Mr. Pomerleau said that he doesn't think this criteria is uniquely different from any vendor we've ever used; that we have a three-bid policy and we should make an effort to get three bids.

Ms. Davis said that it was difficult to believe that, from Boston to Portland, everybody is using this vendor because it's the only one out there and they can't get three bids, either. She added that we should at least go out and make a comparative bid effort so that we know where we stand; that even if we decide, for reasons of trust, to stay with this that we should at least try. She added that she spent 10 minutes on the internet and found a company called Advanced Pipe Inspection out of Dedham that said they travel all over New England and been in business since 1994, we should make an effort. She asked if we could get recommendations from nearby towns.

7:00 PM Mr. Lee said that we can find bidders; that it's just that he no longer knows what the rules are; that for many, many years, as he understood it, if we had the same vendor, we continued to use that vendor; that in this case Ms. Rabasca is kind of the MS4 expert.

Ms. Pelletier said that there would probably be a violation of the purchasing policy, anyway, because there are really only two companies that ever bid on these things and this is one of them, asking if that would need a waiver, in and of itself. She added that the other company is Ted Berry. She explained that the difference with a lot of them is that they camera but they don't record; that Ted Berry and Eastern Pipe do record.

7:01 PM Ms. Davis said that we have a lot of sewer within a 60-mile radius of here and it is difficult to believe that we can't find reliable companies that do this work, too. Mr. Beckert asked if it was unreasonable to try it for two weeks, if this was something that couldn't wait.

Mr. Lee said that he didn't think there was anything that couldn't wait.

DISCUSSION ENDED

VOTE

2-2 (Pomerleau, Davis)

Chair concurs with the opposed

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Mr. Beckert said that we need to come up with a concrete change to our bidding policy because he knows it's hard to get three bids, even if there are three companies out there; that they may choose not to bid.

7:02 PM **4) Drainage Improvements Proposal – Titcomb Associates**

Ms. Pelletier said that Titcomb Associates is a third-party subcontractor to Integrated Environmental (Kristie Rabasca); that we used the same team on the first phase of Pleasant Street and there's no reason to use a different surveying team for Wood Avenue. She added that they are the same company, did great work for us, and they're speedy; that it would seem odd to go out to bid.

7:03 PM Mr. Beckert asked if we already had the general contractor and this is a sub-contractor of the existing general contractor that we are working with.

Ms. Pelletier said yes.

Ms. Davis said that this is a different stormwater project. She asked if they knew what their balance was in the stormwater account right now.

Ms. Pelletier said yes; that she didn't know it exactly as of this minute but we have that information.

7:04 PM Ms. Davis asked if she knew where they were, financially, this year when you are in here requesting money for this.

Ms. Pelletier said yes.

Ms. Davis asked what her starting amount was and what her balance was right now.

Ms. Pelletier said that this isn't her requesting this money; that this is a Town project that we've been moving forward with all along.

Mr. Lee said that he didn't know what that balance was right now and asked if that should be included with future bids, as well.

Ms. Davis said that because we just had a problem with Park Street, whatever you want to call it, being overspent.

Mr. Lee said that it was not.

Ms. Davis said, be that as it may, do you think now, as we get further into the year, we want to know what our budget is before we request additional funding.

7:05 PM Ms. Pelletier said that she believed a rough estimate was around \$35,000 left as a balance.

Ms. Davis asked if she had any outstanding expenditures that would come from the currently available balance.

Ms. Pelletier said that she wasn't sure; that she doesn't handle the billing for this on a day-to-day basis; that that is done by Mr. Moulton and he couldn't be here tonight.

Mr. Pomerleau said that he didn't understand why you are asking for a waiver; that it's just a survey and using this sub-contractor doesn't mean we're getting the best price. He added that we have a bidding policy, let's bid.

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Ms. Davis reiterated that we need to know, for sure, where we are at financially; that she thinks Leech Road is on the schedule for 17/18, which is for the following budget season.

Ms. Pelletier said that we have engineering for it this year and it is going to be done the following year. She added that we have to do the surveying and engineering this year and do it the following year.

Ms. Davis said that they could do it next year because it's not coming up until the year after that. She added that the reason she is asking this is because she believes they have some outstanding payments that still need to be made for retainage on the Pleasant Street Project; that we also have a request that is in jeopardy to fix the erosion on Pleasant Street. She said that if we have any outstanding funds on the Pleasant Street Project (Phase I), we should be considering using the money to put towards the erosion problem before we move on to another project that's not up for work for two years.

7:07 PM

Ms. Pelletier said that this has been systematically part of the plan the entire time and you have to do the surveying and engineering ahead.

Ms. Davis said that it's not on the list until the 17/18 budget; that you could do it next year.

Ms. Pelletier said that that's not how it works in the municipal world; that she doesn't know it to work any quicker than that and that's the cycle we've been doing things on.

Mr. Lee clarified that you generally prep for the project in one year and do it in the following year; so, if you survey and design it this year, you do the construction the following year; that that's how these traditionally work.

Ms. Davis said that we have a budget that we're requesting for next year and we wouldn't be doing the work until the year after that; that we'd still be one year ahead on this; that it's not due until 17/18. She added that, in addition, we're ahead on our stormwater; that we have a bigger problem on Pleasant Street erosion right now. She reiterated that we need to know what our finances are when we come in here asking for more money and, then, we need to balance what we have to do two years from now and get more important projects done next year.

7:08 PM

Ms. Pelletier said that we are not asking for money; that this was budgeted for 15/16; that it's in the memo that the survey, itself, was a budgeted amount and we're not asking for any more money.

Ms. Davis said that you don't even know what your balance is and what your outstanding bills are.

Ms. Pelletier said that she didn't realize that was a prerequisite of coming here and asking for something that was already budgeted.

Ms. Davis said that you guys budget things and don't always know what your balance is before you spend it. She suggested we find out, for sure, what we have and what we need and, then, make a decision.

It was agreed that this would be brought back in two weeks with financial answers and if there is anything still owed on Pleasant Street Phase I (10% retainage), as well as why the need for more than originally planned for.

7:10 PM

5) I&I Work: Underwood Engineering Proposal

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Mr. Pomerleau said that he had previously raised the question of why we were routinely giving Underwood Engineers work when they'd long exhausted the original TIF contract; that he had the impression that after the last ESR that we were going to start going back out to bid. He asked why they were just asked to do the work and why aren't we going out for bids.

Mr. Lee said that the only thing he could say is this is going to get to be very long and arduous to do any bidding and he guessed that was okay with folks. He added that, if you want him to go get bids on these things, he will have to write specs; that none of these will be back in two weeks because we have to write actual specifications if you want to have these things bid out properly. He added that it takes an exhaustive amount of work to be able to compare apples to apples; that as long as that is the most important thing to do with our time, we'd be happy to do it.

7:12 PM Mr. Murphy said that he thought we had taken Underwood Engineers to be our engineers at the present time; that they have full knowledge of us, what our needs are, etc. He added that he thought we should trust them and trust our management.

Mr. Fernald said that we do create relationships with some of the vendors; that Underwood Engineers has been a good vendor for us, a good engineering department, and he doesn't see why we would continuously go out and try to find somebody else and teach, all over again, what our problems are.

7:13 PM Mr. Murphy said that it seems to him that we are inoculating the whole business community against Eliot because no one is going to be trusted and they're all going to have to submit bids that they know that Eliot isn't going to accept. He added that, when you find a good person, like a good employee, he thinks you keep them.

Ms. Davis suggested that there might be other engineering firms out there that might like the opportunity to try for this work; that it might actually produce a good feeling in the community for other businesses to feel like they had a competitive chance at this work.

7:14 PM Mr. Murphy said they would understand that, following up, if they're good, they can find someone to hire them and keep them on as their engineer so they don't have to keep changing everything.

Mr. Pomerleau said that there's a lot to be said for long outstanding relationships and there's also the downside of that with cozy relationships that sometimes lead to inflated prices, lack of competition, and not necessarily best business practices. He added that that's why we have a purchasing policy and a bidding policy, to get the best bang for our buck on the citizen's taxes and he sees no reason that this is an exception in any way.

7:15 PM Mr. Murphy said that his reasoning was that it was a great amount of work on our personnel.

Mr. Fernald asked for clarification of the request.

Mr. Beckert said that it was for an I&I engineering proposal to continue the work on the I&I that we've had Underwood doing; that they are, in fact, our second engineering firm that we've had working on the sewer system.

Mr. Lee said that the discussion he thought we had, and he knows he's had with Mr. Moulton and Mr. Pratt, is that once we wrap up the pump stations, we will go out for a new engineering firm to establish a contractual relationship for a period of time. He added that that was the game plan, to complete one project because of their familiarity with this particular project, then, start over. He said that that's

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why he put in these waiver forms because he just doesn't have a sense of how to go get pricing anymore.

7:16 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve this request for an Engineering Services Request involved with Underwood Engineers and Keith Pratt to continue the I&I work they have been doing on our sewer system, proposal dated February 26, 2016.

DISCUSSION

Ms. Davis asked how do we know what the value of this service is if we don't have some specification whereby we could put it out to bid so that we would know what we are getting for the money. She added, as it is, we don't have apples to apples, even with a single vendor; that we apparently haven't clarified what we're asking for and what we would be getting for the money that we're spending if we don't summarize this. She said that there's no need to say that, necessarily, we have to write an entire specification book to ask for what's going to be done here; that we should be competitive and go out, at least occasionally, to get competitive bids for this work.

7:18 PM Mr. Murphy said that it was his understanding that this is just a segment of the whole thing; that it ties in with previous segments done and, maybe, additional segments yet to do on the whole thing. He added that, if we hire someone new, they will have to learn our system and it will take more time; that they won't know how to bid it because they don't know the whole system.

DISCUSSION ENDED

VOTE

2-2 (Pomerleau, Davis)

Chair concurs in the affirmative

G3. Administrative Department

7:19 PM 1) Town Manager Activities Report

There was no discussion.

a. Quarterly Reports – Reserves, Sewer, Investments

The sewer report was the only one done as the Town Manager is working with the Budget Committee on questions and answers and updating budget sheets. Future reports will include the quarter being reported on.

7:20 PM 2) Citizen's Option Administrative Process

Mr. Lee discussed that this is criteria developed to implement procedure rules for the Citizen's Option Meeting.

7:21 PM 3) Request to Produce Signs re: Citizen's Option

Mr. Lee said a suggestion from Ms. Adams was to use the existing charter signs and make new slips to go over them announcing meeting information. He added that funding would come out of Elections & Hearings; that we didn't budget for this and he isn't sure we have enough money for this.

It was agreed that, if the budget didn't allow this, then they would not have it done. Copies will be made immediately to be made available to residents and will be available in The Sentinel.

7:25 PM 4) Workshop on March 17? Topics? Eval Form/Process

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Mr. Lee said suggested this workshop should include having the Budget Committee and BOS together to find where they have commonalities regarding the budget and to understand what each group is cutting, adding, and amending to understand each other's thoughts on where to go with the budget; that they would meet at 6PM. He added that, also on the 17th, he has proposed we get together at 5:30 PM because the Libbey Subdivision has been appealed by the developer; that the abutters who brought the appeal to the BOA, through their attorney, have contacted our attorney because they want us to defend the BOA's action. He said that our attorney recommended we have an executive session to receive legal advice on how to proceed.

The Board agreed to the proposed agenda. Mr. Pomerleau will not be in attendance due to a prior commitment but will give his thoughts to Mr. Lee.

7:27 PM Mr. Tessier asked, regarding the joint workshop, if they would expect kind of a list of priorities from the Budget Committee to present.

After discussion, both groups agreed to bring lists of priorities/thinking to the workshop for better facilitation of the discussion.

7:34 PM **5) Draft Annual Report of the Select Board and Town Manager**

Mr. Lee said that Selectman Davis gave him some helpful suggestions and this is the revised report; that he will put in the GA figures.

7:35 PM **6) Policies Related to Disbursements - Charter**

Mr. Lee said that this is new. He explained that, because our Charter has certain provisions that might find us one day not having a quorum (recall for BOS members) and power hasn't been given over to pay certain required bills, that could really throw a wrench into things. He added that M.R.S.A. Title 30-A §5603 allows disbursement of employee's wages and benefits, payments for municipal education costs, and State fees when a policy is adopted by the municipal officers to designate one or more municipal officers, in emergencies, to sign the warrant; that this policy would be renewed annually by a vote of the municipal officers. He said that it was his intent, with the Board's approval, to develop a policy for this should, after July 1, for some reason find ourselves short-handed. He added that this is prohibited without a policy.

The Board agreed that the Town Manager should develop a draft policy.

7:41 PM **7) Establish Public Hearing Date for CDBG**

This is for Modernist Pantry and will be the first item on the agenda March 24th.

G4. Public Safety

7:43 PM **1) Route 236/Depot Road Intersection; MDOT Hearing; 3/15, 6-8 PM, MMS**

Mr. Beckert said that the PB cancelled their March 15th meeting so that PB members, and any others, could attend.

This is a meeting to discuss several designs at that intersection, to include a round-about or additional turning lane to the current intersection or do nothing.

H. Old Business:

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7:48 PM Mr. Tessier said that he and the DPW Directors from Eliot and South Berwick met with Randy Stewart (MSAD #35) and his facilities people for an initial meeting to talk about recycling and composting; that it was a very good first meeting and they have scheduled another meeting to lay out some potential options.

I. New Business:

There was no new business.

J. Selectmen's Report:

State school funding was partially restored.

K. Committee Vacancy Report

There are still 10 vacancies on various committees.

L. Other Business as needed

There was no other business.

M. Adjourn

There was a motion and second to adjourn the meeting at 7:50 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary