

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM

1 **Quorum noted**

2

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

4

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

6

7 **C. Pledge of Allegiance recited**

8

9 **D. Moment of Silence observed**

10

11 **E. Approval of Minutes of Previous Meeting(s)**

12

13 **5:31 PM** Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of
14 March 10, 2015, as amended.

15

VOTE

16

3-1 (Ms. Davis abstained)

17

Chair concurs

18

19 March 12 meeting minutes were not approved and will be placed on the next
20 regular agenda.

21

22 **F. Public Comment:**

23

24 There was no public comment.

25

26 **G1. Department Head/Committee Reports**

27

28 **5:35 PM 1) Planning Board, Growth Permit Ordinance Public Hearing, April 7 @ 7 PM**

29

30 This was informational.

31

32 **2) Solid Waste Ordinance, Public Hearing: 4/9 at 5:30 PM (regular meeting)**

33

34 This was informational.

35

36 Mr. (Jim) Tessier gave an update on the reformatting of this proposed ordinance.

37

38 **3) Budget Committee: Resignation, Bill Jacques**

39

40 Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen send Mr.
41 Jacques a letter of thanks for his service to the Town of Eliot.

42

VOTE

43

4-0

44

Chair concurs

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March 26, 2015 5:30PM (continued)

45 **5:40 PM Sewer Committee (not on agenda)**

46
47 Mr. (Mike) Dupuis, Sewer Committee Chair, discussed the event that happened
48 last Thursday (#2 Pump on Main Street) and why. He described the steps that
49 were taken to repair the pump and handle the overflow. He also described the
50 failure in the road and the clog in the #1 pump (Pleasant Street). He thanked all
51 who had helped get this under control.

52
53 Ms. Davis asked what caused the clog in the second pump.

54
55 Mr. Dupuis said that it was rags from sanitary items that build up over time that
56 form clogs that impact the ability of the pump to do its work.

57
58 Ms. Davis asked what caused the first failure.

59
60 Mr. Dupuis said that it was the valve that fell apart; that this failure may have
61 caused the line break.

62
63 Ms. (Donna) Murphy said that it sounded like it wasn't the pump that was the
64 initial cause of this but by products that sewer users are depositing through there.

65
66 Mr. Dupuis said no, that we initially had a mechanical breakage at #2 Pump
67 Station; that the clog was in Pump Station #1, which occurred while we were
68 working on Pump Station #2.

69
70 **5:47 PM** Mr. (Joel) Moulton said that the bill, at this point, is \$8317.50 so you are probably
71 looking closer to \$10,000 (emergency repairs) for the activities that happened
72 Thursday, Friday and into the weekend. He added that to rectify the situation at
73 Pump Station #2 we are looking at an estimate of \$14,535 to do the repair. He
74 discussed the several years of warnings they have told everyone about their
75 concern for failures and the issues are starting to occur. He asked, if the bond fails
76 in June, what would be the plan and purpose for moving forward. He said that
77 estimates to just keep this limping along are \$300,000 to \$500,000; that the Town
78 would be eligible for some SRF funding once you apply for it. He reiterated his
79 question of how the Town was going to proceed from here given the potential for
80 imminent failure and big illicit discharge. He added that this was not a scare tactic
81 but is a fact and he wanted them to be aware. He said that the valve and the panel
82 has been ordered; that these are things that we need, we got pricing that was all
83 comparable, and it is scheduled to be repaired next week.

84
85 **5:53 PM** Mr. Lee said that the Finance Director and Public Works Director met at his
86 request and tried to pull together a profit/loss type statement for the Sewer Fund.
87 He added that the ending balance as of 3/31/15 in the Sewer Capital Reserve Fund
88 is going to be \$42,678.01. He said that the Sewer Betterment Reserve would be

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89 used first for repairs and that has \$33,650. He added that in fiscal 2014 the sewer
90 system had a net operating loss of \$62,654 and for fiscal year 2015, year-to-date,
91 we are looking at, if things hold up okay, possibly a net operating income of
92 \$79,000 so from a minus \$62,000 last year to a positive \$79,000 this year, if
93 things don't continue to happen, it shows that all the rate increases we had are
94 working; that it is showing funds for future repairs and a net operating income. He
95 added that he wanted to report out that the money behind this is there but it is
96 certainly not a lot; that this is the first year we are starting to turn the corner from
97 negative funding to positive funding operations.
98

99 **5:55 PM** Mr. Dupuis explained that the 1" rod fell down into the pump and jammed the
100 impeller, cooking the motor, which fried the contact relays on the electrical panel
101 and essentially cooked that, as well. He added that that was the reason for the
102 panel; that there were multiple parts and the company doesn't exist anymore; that
103 it would cost more to rebuild than buy new. He talked about the need to not only
104 finish mechanical repairs but electrical repairs because we needed that pump up
105 and running; that it is only in a backup status right now. He said that we made a
106 shaft that night on the back of the trucks and that shaft is in place; that if we
107 operate that pump an operator must be right there around the clock.
108

109 Mr. Murphy asked if the new panel would be more modern with more safety
110 features with quicker detections of situations that require a shut-off rather than
111 letting them go on.
112

113 Mr. Dupuis said that it has some built-in safeties but it is not an elaborate system,
114 at all; that it's a bandaid, the get-me-by situation. He added that the panel and
115 design we need are \$25,000 to \$30,000; that all we can do right now is keep the
116 system up and running.
117

118 Ms. (Carol) Selsberg asked about the biodegradability of the products used by
119 people; that she thought they were supposed to be biodegradable.
120

121 **5:57 PM** Mr. Dupuis said that they are to a certain extent.
122

123 Ms. Selsberg asked for confirmation that adult diapers were being put down
124 toilets.
125

126 Mr. Dupuis said yes; that that is very common and they are not biodegradable. He
127 described the huge amount of this waste received at the Kittery Sewer Plant that
128 they have to filter out; that it has to be emptied every hour into 55-gallon drums.
129

130 Mr. (Phil) Lytle asked if the Town was going to send a letter out to all the
131 residents explaining what happened and what not to put in it again.
132

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133 Mr. Lee said that there was a plan on our next billing to include something about
134 this, what caused it and what you might put down your toilet that might cause yet
135 more damage.

136
137 Mr. Murphy discussed how long something biodegradable might take to break
138 down into its essential components, sometimes years.

139
140 Ms. Selsberg suggested imposing a penalty for anyone they find putting this stuff
141 down their toilets.

142
143 Mr. (Bill) Selsberg agreed with Mr. Murphy's point because he believed that, if
144 you took a survey, most people would think biodegradable is alright so that letter
145 has to emphasize that because they'll read your letter, and it's not in there, and
146 they will simply say it doesn't apply to them because they buy biodegradable.

147
148 **6:00 PM** Ms. Davis asked if, in addressing the DPW Director's concerns, would it be a
149 good idea to reconsider the way that the warrant is put on the ballot this year so
150 that we can give the Town a choice between passing this bond and supporting a
151 contribution by the rest of the Town. She added that, as it stands right now, there
152 is a risk of failure and she has heard it from many people that they would not
153 support this. She asked, given the DPW Director's concerns, if we should
154 reconstitute that warrant into two separate articles so that we can get the bond
155 passed and then ask people if they want to contribute, Town-wide, to the project.

156
157 Mr. Lee said that that idea has been brought to his attention by a couple of the
158 Board members, as well, who are equally concerned that, if this money is not
159 approved in June one way or another, will we have time to even get to November,
160 or especially next June, before more of these serious situations arise. He added
161 that he was initially opposed to that but it is growing on him that, perhaps, that's
162 the only way to have an insurance policy, to some extent anyway, that the bond
163 passes one way or the other. He said to that extent he echoed what Ms. Davis said
164 in that it may be time to acknowledge that we are rolling dice on a system that
165 doesn't have much life left in it; that maybe we ought to put that second option in.
166 He added that he didn't think it was fair to the sewer users, necessarily, but if
167 there was going to be loud opposition to it, we can't really afford to risk it.

168
169 **6:02 PM** Mr. Murphy said that, even in that case though, if the intention is for the sewer
170 users to pay the entire cost of the bond, still, because it is a bond the Town is
171 responsible for making sure that payments are made.

172
173 Mr. Lee agreed it was a general obligation of the community; that the source of
174 the money, however, would come from the sewer funds. He added that, if the
175 Board would like him to do so, he could draft the warrant article such that that
176 ballot question would have two options of funding – one at 45/55 and one at

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177 100%. He said that there is a statement of fact within the article, now, that the
178 bond is a general obligation of the community.

179
180 Mr. Dupuis said that he thought it was very important, as Chair of the Sewer
181 Committee, that the Town understands the liability if the Town has a failure; that
182 we have been very fortunate four times, now. He added that if a failure occurs and
183 hits the cove the fine will be tremendous. He stressed that we have exceeded,
184 mechanically, the life span on all our sewer.

185
186 **6:05 PM** Mr. Moulton discussed actual fines that have been leveled at towns for similar
187 discharges: Old Town - \$126,000; Auburn - \$65,000; Lisbon - \$21,000
188 (cumulative). He added that, under General Clean Water Act violations, penalties
189 can be assessed at \$25,000/day. He said that those are fines that could be added,
190 on top of repair and construction costs, to the Town.

191
192 Mr. Dupuis said that, knowing the liability of what we've got that could occur, we
193 can't ignore it.

194
195 Mr. Beckert asked if there was consensus from the Board for the Town Manager
196 to draw up draft wording for possible proposed wording for using both situations,
197 as far as how this would be paid for, so that the Board can discuss it at our
198 workshop/meeting on April 2nd.

199
200 The Board agreed by consensus.

201
202 Mr. Murphy reiterated that this sewer is not owned by the users; that it is owned
203 by the Town of Eliot and the Town of Eliot has legal responsibility for the
204 maintenance of such a system for those users.

205
206 **6:07 PM** Mr. Hirst asked, if the current bond proposal of 45/55 passed, what would be the
207 annual additional dollar implication of a \$250,000 home to support that bond.

208
209 Mr. Lee said that he calculated it out to be \$9.50 on a \$250,000 home in new
210 taxes per year for the life of the bond.

211
212 Mr. Fernald asked if it was possible to have three options on the ballot, with the
213 third option being that the bond would be paid for 100% by tax payers.

214
215 Mr. Lee said that he didn't know; that the form of the ballot gets tricky; that you
216 have to keep the ballot so that the voter understood. He added that it was possible
217 that a voter could check all three 'yes' and you would have to throw that vote out.
218 He said he could check on that but he asked how the Board felt about that.

219

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220 Mr. Fernald said that the Selectmen are trying to do what's best for the whole
221 Town, adding that he didn't think anyone on this Board was on sewer and so it
222 isn't something we are doing personally; that this is something we are doing for
223 the whole Town and feel the 45/55 split is the way to go and the fair thing to do.
224 He added that there are other people who feel that sewer users should pay 100%.

225
226 **6:10 PM** Mr. Beckert said that, as Chair, he didn't see any harm in checking into it to see if
227 it is an option.

228
229 Mr. Lee said that he would check on it, legally, to see if we could even formulate
230 a ballot question that would be understandable.

231
232 The Board was in agreement to have Mr. Lee check into it and they would discuss
233 it at the April 2nd meeting.

234
235 Ms. (Donna) Murphy shared that the estimated cost shared by 641 users is
236 \$2,340.09 per user, which would be prior to any interest and she believes the bond
237 interest is 1.5%. She added that that compared to somebody who has to replace a
238 septic, which could be up to \$25,000 and would not get an interest rate that low.
239 She added that that was something to bear in mind for people who do not have
240 access to that sewer system; that the Town would not help pay for their \$25,000
241 septic system bill.

242
243 **6:12 PM** Ms. Davis said that she has been reviewing the Underwood Engineering
244 paperwork estimates for Phase I/Phase II. She added that Mr. Dupuis said
245 something about the piping reaching its natural age and, unless she missed
246 something, the cost for the \$1.5 million was strictly for the pump houses and
247 didn't appear to include any new piping. She added that the \$1.5 million doesn't
248 include the 2-foot extension, or enlargement, of one of the pump houses discussed
249 (electric panel); that that was an additional minimum she thought of \$290,000
250 with other additional costs. She asked, if that is a concern, why is that not
251 incorporated into this, when were we thinking about incorporating it, and kind of
252 what's the plan because, for one thing, it doesn't look like the \$1.5 million is
253 going to cover everything we need to do initially. She added that she had thought
254 that some of that wasn't in there because it would wait until potential expansion
255 occurred but if that weren't to happen and, as Mr. Dupuis said, the piping is
256 reaching the end of its useful life, where are the sewer users after that point.

257
258 Mr. Moulton said that she was correct that it was strictly for the pump stations;
259 that the pump stations, in his and the engineers' opinion, are the bigger threat, at
260 this point, because it's mechanical and electrical. He added that they are going to
261 do an investigation of the existing line in some manner to determine what the
262 condition of that line is as one of the steps moving forward.

263

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264 **6:14 PM** Mr. Lee added that, very often, you will find that small sections of pipe go at a
265 time; that to think we would do all six miles of mains, etc. because they are all
266 nearing the end of their useful life wouldn't be realistic. He said that some of
267 these would go another 20 years and not have any problems and others could give
268 up at 30 years; that you look for sections of Town where you begin to see
269 sinkholes and problems and stuff coming up. He said that you do these things
270 incrementally and he is hoping that, as these reserves build up, that they can do
271 some of that with cash.

272
273 Ms. Davis asked if we had any spare pumps.
274

275 Mr. Moulton said that we do not have any spare pumps; that we do have a spare
276 motor. He added that it took three days to find a replacement for the valve that
277 was blown because parts are rare due to the age of the system and how it was
278 constructed; that everything has changed.

279
280 Ms. Davis said that when she read an earlier statement she had the distinct
281 impression that the break in the line occurred, which dislodged gravel, which
282 wrecked the pump but now she's hearing that some moveable piece in the pump
283 broke.
284

285 **6:16 PM** Mr. Moulton clarified with more detail regarding the grit getting into the system,
286 and has been infiltrating into the system; that with what they saw that night there
287 was an investigation to see if there was a break in the gravity or force main. He
288 discussed the second failure of Pump Station #2 while they were excavating
289 looking for breaks. He added that they have not found the problem, yet, and he
290 will be asking for more I&I work to determine what the issue is.
291

292 Ms. Davis said that the Pump Station in Kittery is being repaired for less than
293 \$300,000 and, coming up to speed on this, she needed a better understanding of
294 why our repairs for our two pump stations are so much more. She asked, in order
295 to give our sewer users a break, is there no way to take what we've got and dress
296 it up rather than have to do it completely for this cost.
297

298 Mr. Moulton said that we can dress it up for the short-term; that that cost is
299 estimated at between \$300,000 and \$500,000. He added that that was not a long-
300 term fix to keep this going; that it would be another additional bandaid to get you
301 a few more years. He said that, in his opinion, half a million dollars on a one and
302 a half million dollar project is bad money being spent. He added that Kittery does
303 continuance maintenance and have had upgrades, along with other variables,
304 through the years; that the more current you are the less it takes to redo things. He
305 said that these pumps have really had nothing but general maintenance for the last
306 few years and nothing prior to that.
307

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308 **6:20 PM** Ms. Davis asked if we dressed this ugly thing up for \$300,000 to \$500,000 do you
309 have some kind of life expectancy on that; that you are saying it wouldn't be
310 great.

311
312 Mr. Moulton said no because, as Mr. Dupuis alluded to, there are many different
313 things wrong with things; that some of the stuff at Pump Station #1 doesn't meet
314 code and some things we can't do because it wouldn't meet code; that it would
315 replace a few valves and motors and things like that but it wouldn't take care of
316 the whole issue. He reiterated that it would be another bandaid and he would
317 guess no more than five years so for a \$500,000 investment for five years or \$1.5
318 million for another forty years; that money is better spent, in his mind, for \$1.5
319 million.

320

321 **G2. Administrative Department**

322

323 **6:22 PM 1) Town Manager Activities Report**

324

325 Mr. Hirst asked if Mr. Lee did something with sprinkler systems.

326

327 Mr. Lee that there is a bid out to replace the recalled sprinklers at the Fire Station.
328 He added that the original manufacturer went out of business because of this.

329

330 Ms. Davis said that Mr. Lee spoke with the Planner about new Senior Housing
331 development and asked what that was about.

332

333 Mr. Beckert said that they have not presented their project to the PB yet.

334

335 Mr. Lee said that he was asked by the seniors at the luncheon if he knew if they
336 were going to be expensive or subsidized so he talked with the PA to get an idea
337 and sent it over to Ms. Muzeroll-Roy so she could tell the seniors what he was
338 told.

339

340 Mr. Tessier wanted to back up to the sewer discussion and say that another thing
341 to think about was that interest rates were much more likely to be increasing and,
342 five years from now, they might be a lot higher than they are today.

343

344 **1a. Financial Reports**

345

346 This was informational.

347

348 **6:24 PM 2) Request for Reconsideration of Sewer Abatement Appeal – Sylvester**

349

350 Mr. (Russ) Sylvester said that the process by which you are supposed to go by
351 when you have a need to go for an abatement...he read the ordinance and he

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352 doesn't see how he got to the Sewer Committee (SC). He asked how he ended up
353 there.

354
355 Mr. Lee said that he thought having an appeal from that ordinance was the first
356 one and he did inform the SC that there is no reason they should have opined on
357 this, at all. He added that it should have just been Mr. Moulton, as Sewer
358 Superintendent, making that decision and then it would have been Mr. Sylvester
359 appealing that directly to this Board.

360
361 **6:26 PM** Mr. Sylvester said that, no offense to the SC, it was completely unproductive. He
362 added that it was a waste of his time, the SC's time, and he got no suggestions
363 that were reasonable to cure the real problem that he has. He said that a
364 suggestion from the SC was to relax his rules and he was thinking he would say
365 the same thing back to the Town; that we have a unique situation in Cole Brown
366 Estates. He discussed the letter dated December 31, 2014 signed by Mr. Moulton.
367 He said that it pretty much outlines all the things he put before the SC and Mr.
368 Moulton regarding abatement issues and why there is a problem. He added that
369 what irritates him is that before that ordinance was put out for vote and before the
370 rates were even considered, that's the letter that should have gone out; that he is
371 pointing his finger at the Town of Eliot. He said that that's the letter that should
372 have informed the people what the implications were going to be. He added that
373 he thought this was the "shut the door after the horse is out of the barn"; that that
374 is what this is tonight.

375
376 Mr. Beckert said that tonight Mr. Sylvester is here requesting that the Board
377 reconsider the denial of his appeal; that Mr. Sylvester was asking the Board to
378 waive the requirement for him to have meters.

379
380 **6:28 PM** Mr. Sylvester said that that was not the whole thing. He said that since this all put
381 together and torn back apart, his request was that the abatements be approved for
382 all of the people at Cole Brown Estates that obviously did not use that water and
383 run it down their toilets and bathtubs. He added that it peaked during the watering
384 season and came right back down; where else would that water be going. He said
385 that there is a full set of figures and is pretty easy to understand how that all took
386 place. He asked if there was a violation of the ordinance or decided
387 inappropriately – no; that it should have been him and Mr. Moulton and he would
388 guarantee them that if we had an hour's conversation the solution would have
389 been the same one we have before us now – he is buying meters for every one of
390 those houses and retrofitting them; that retrofitting has already started; that every
391 new house that goes in we are putting those deduct meters in; that people will pay
392 \$1.50 to have them read and the problem will be cured. He reiterated that he
393 didn't think there was enough information out to the people that this was going to
394 affect the sewer users and that information was in the December letter, after the
395 fact. He said that he was asking for some \$2,500, total, for various residents up

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396 there for their abatements. He added that he didn't understand how the SC can sit
397 and advise, themselves, because the SC is advisory to this Board. He clarified that
398 this wasn't directed at anyone directly but he thought there was a flaw in the
399 thought process and he thought it was procedurally defective. He thought that the
400 appeal process needed to be looked at very hard. He said that the Superintendent
401 is supposed to issue permits for sewer ____ according to the ordinance but he gets
402 them from the CEO, always have and he guessed he always will. He added that
403 there should be a place on that permit now that we have enacted a sewer
404 ordinance and a grand sewer rate increase to check off things like sprinkler
405 systems; that that would have thrown up a flag and this issue would never have
406 been before the Board because it would have been dealt with way ahead of time.
407 He said that he would have been happy to pay \$12 for a sprinkler system if it had
408 been brought to his attention and the resident' attention that this spike in rates was
409 going to cost them to water their lawns. He thought there should be some type of
410 check back through that permitting process and, probably, as a suggestion, that
411 your PB process might want to be fine-tuned – a question to be asked or proof to
412 be shown that there is, or is not, a sprinkler system and the implications of the
413 rates to the people who are using those sprinkler systems; that they should put in
414 deduct meters. He asked if it wasn't incumbent upon the Town to educate and
415 protect the citizens; isn't that part of this process.

416
417 **6:33 PM** Mr. Beckert said that it is always part of the process but it is also part of the
418 process for the resident or the developer who is coming in to do a project to
419 educate themselves on the requirements, as well. He added that the ordinance
420 changed after Mr. Sylvester applied and got approval for Cole Brown Estates. He
421 said that it was his understanding from the attorneys that when the performance
422 standards of an ordinance changed they change for everybody; that there is no
423 grandfathering of performance standards. He said that Mr. Sylvester was asking
424 for abatements for 17 residents that existed prior to the ordinance going into
425 effect.

426
427 Mr. Sylvester agreed there were 17. He said that he did pursue, beforehand, the
428 installation of additional meters and, at that time, the SC's only solution was to
429 put in a seasonal meter, which is the same meter we have in our pits up there, on
430 the exterior of the building – put in on in the spring, read it, take it off in the fall,
431 blow the lines out and that is a big expense. He added that he is paying for the
432 new meters to be put in because it is not appropriate for them to have to pay sewer
433 based on watering their lawn.

434
435 **6:36 PM** Ms. Davis said that Mr. Sylvester is retrofitting these meters on everything and
436 asked when that was anticipated to be finalized.

437
438 Mr. Sylvester said that he expects all that to be in place before the watering
439 season, probably by the 1st of June.

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440 Ms. Davis clarified that we, in the past, would provide abatements by doing it by
441 hand here at the Town Hall so that people could get an abatement if they needed
442 one or could prove that they deserved it.

443
444 Mr. Lee said that they had different systems; that some people would call it in
445 with the before and after meter read, others would take a photo and send a copy,
446 and now they have this system (meters) that Mr. Sylvester was talking about.

447
448 **6:37 PM** Mr. Beckert said that that was one of the major changes in the ordinance so that
449 the process wouldn't be so haphazard.

450
451 Mr. Lee agreed with Mr. Sylvester that that letter should have gone out on or
452 about the time this ordinance was going to be adopted. He added that once he
453 knew people didn't know, that the changes were not out there and obvious, he
454 helped draft that letter and sent it out.

455
456 Mr. Sylvester said that the other part of what he was getting at was that we've got
457 a unique set of circumstances – we have 44 houses in one area; that he would be
458 interested to know how many other people on the city sewer system in South Eliot
459 have irrigation systems or have the need for deduct meters; that his guess was
460 probably a handful; that that letter would have cured the whole thing.

461
462 **6:39 PM** Ms. Davis summarized that the water did not go into the sewer system, you did
463 not use the service for that amount, you are going to kind of back up and put
464 meters in.

465
466 Ms. Davis moved, second by Mr. Fernald, that the Board of Selectmen reconsider
467 Mr. Sylvester's Sewer Abatement Appeal.

468
469 DISCUSSION

470
471 Mr. Sylvester said that when he submitted the original appeal paperwork the
472 dollar amounts, by customer, were included.

473
474 DISCUSSION ENDED

475
476 **VOTE**
477 **4-0**
478 **Chair concurs**

479
480 This reconsideration will be on the April 9, 2015 agenda.

481
482 Mr. Fernald asked what was the difference between Cole Brown Estates and the
483 rest of the sewer users.

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484 It was clarified that water used to water your lawn or wash your car is metered at
485 a much lower rate than what goes into the sewer; that the watering at Cole Brown
486 Estates was metered as sewage usage, not water usage.

487
488 **6:44 PM 3) Personnel Policies/Selectmen's Policies – Workshop Date – 4/16 @ 5:30 PM**

489 This is informational.

491
492 **4) Town Meeting Warrant, Signed by April 27 (For Your Review)**

493
494 Mr. Lee said that was the absolute drop-dead date for the Town Clerk but in order
495 to get it into the Town Report Book they will be meeting Thursday, April 2,
496 which will be fine to get it in the Book.

497
498 **5) Legal Advice: Referendum Town Meeting Ordinance**

499 This was informational for the Board to review.

501
502 **6) Re-drafted Referendum Town Meeting Ordinance**

503
504 Mr. Lee said that Attorney Saucier tweaked the form of the ballot a little bit and
505 he wanted the Board to pay attention to that. He also asked the Board to look over
506 the draft for anything else they thought should be put in there before the deadline
507 of April 27.

508
509 Ms. Davis asked, looking at the sample ballot, if people want to vote for the
510 Budget Committee amount, how that was that satisfied on these ballot samples.

511
512 **6:49 PM** Mr. Lee said that that was exactly what Attorney Saucier was getting at and why
513 he was pointing it out; that that is why he included the legal advice for the Board
514 to look at.

515
516 Ms. Davis said that she didn't understand why they couldn't have both on the
517 ballot and suggested they have two questions - one with the BOS recommendation
518 (yes/no) and one for the Budget Committee recommendation (yes/no) – and if
519 both fail it essentially goes back to last year.

520
521 Mr. Lee said that that was essentially what he had for the form of the ballot when
522 he sent it to Attorney Saucier and the attorney said that that was too confusing;
523 that there are two yeses and two noes for a question on those the way the attorney
524 is looking at it. He added that he would be happy to resubmit something to him;
525 that he is just showing the Board what he has received, to-date, on the answers on
526 this. He reiterated that he would check with the attorney, again, but he didn't
527 think he would get new answers.

BOARD OF SELECTMEN'S MEETING

March 26, 2015 5:30PM (continued)

528 **6:52 PM** Mr. Pomerleau said that, for what it's worth, he isn't saying you have to do it that
529 way but recommending this; that he thinks the attorney is wrong if he is telling
530 you you can't have the other option because Mr. Pomerleau has seen it on other
531 towns' ballots, he thought Rumford.

532
533 Ms. Davis said that she would like to research how other towns are doing this.

534
535 Mr. Beckert agreed that other towns do it differently; that you can put anything on
536 a ballot until it's challenged, legally, in court.

537
538 Ms. Davis said that this didn't give the people a refined choice.

539
540 Mr. Hirst said that we go to Town counsel and he tells us what we should do; that
541 we should pay attention to what he says. He added that we pay him to give us
542 advice and he is certainly not qualified to make a judgement on it.

543
544 Mr. Murphy agreed. He said that he wasn't certain the citizens would like it and
545 he didn't know what they would do; that that is one reason for having a Town
546 Meeting where you can argue things out.

547
548 **6:55 PM** Mr. Fernald said that he thought they have gone to the attorney once and received
549 his information and that is all they need to do.

550
551 Mr. Beckert said that the Chairman's suggestion is to take it, digest it and, if it
552 comes down to brass tacks, we can discuss it at the April 2nd meeting. He added
553 that if we have to get legal advice we can put Mr. Saucier under pressure; that if
554 we find other samples we can send it to him and ask if they are legal by statute.

555 556 **7) Commercial Building Permit Fee Consideration**

557
558 Mr. Beckert said that this was a memo from the CEO; that she has done some
559 work looking at building permit fees for commercial activity; that he thought what
560 she had was fairly self-explanatory.

561
562 Mr. Lee agreed; that it would essentially double the amount we get on commercial
563 permits only and has no impact on residential properties. He added that she
564 showed the impact for the Town this would have; that it is his understanding that
565 this is not dissimilar in proposed amounts to be charged than we are seeing around
566 the area. He added that he has heard from many people that to the extent we can
567 make these offices self-supporting with their fees, etc. that would be good; that
568 this would help to continue paying for planners and whoever else we have to have
569 in the mix. He said that he was looking for some feedback or bring it back in a
570 couple of weeks, whatever your choice may be.

571

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

572 **6:59 PM** Ms. Davis said that she would like to see what surrounding towns are charging.

573
574 Mr. Murphy said that he would like to know about surrounding towns, as well. He
575 added that, even without that, he was in favor of what is being presented.

576
577 Mr. Hirst said that he would be in favor of being competitive with other towns;
578 that he doesn't want to give it away but he doesn't want to overcharge and
579 discourage people from being here.

580
581 Mr. Fernald said that he thought Ms. Ross has done exactly that; that he thought
582 she has looked at other towns and come up with these figures. He added that he
583 thought it was just another process in being redundant.

584
585 Mr. Lee said that it would probably make everybody feel better if you have
586 actually seen the numbers from other towns.

587
588 Mr. Beckert agreed that it wouldn't hurt to wait until the next regular meeting.

589
590 The Board agreed for Mr. Lee to get the information from Ms. Ross and have it
591 on the next agenda.

592
593 **7:01 PM** **8) MDOT Petition for Traffic Light on 236/Bolt Hill Road**

594
595 Mr. Lee said that Kittery's concern regarded people being able to get out in the
596 area around Bolt Hill Road and McKenzie Drive. He added that we believe DOT
597 will say no because we don't have the warrants (accidents) that would justify
598 putting in a light there. He said that this is not the first request; that Kittery had
599 spoken about requesting from the DOT that they reconsider and the other was to
600 contact our legislators to have a special bill put in that by-passes the warrant
601 issue. He explained that Kittery was looking to find out if this community would
602 join them in being a petitioner to DOT to start the process of asking jointly for a
603 light to improve the safety of the 236 corridor. He added that if we were willing to
604 vote for that in the affirmative he believed we would then be willing to also, at the
605 same time, call our legislators to sponsor a special bill to by-pass DOT's
606 unwillingness to put in a light.

607
608 Mr. (Denny) Lentz said that last fall the PB had an applicant request to put a
609 business in on that corner; that he asked that that be looked at and the DOT turned
610 it down for the same reason.

611
612 **7:03 PM** Ms. (Carol) Selsberg said that we are unique given the traffic in and out of the
613 shipyard is a good tool, good piece of ammunition.

614

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

615 Mr. Beckert discussed the decrease in shipyard traffic over the years, except peak
616 hours, but added that overall traffic on Route 236 has increased.

617
618 Mr. Murphy said that he would think joining in this petition action would be far
619 preferable than trying to arrange for the required number of fatal accidents.

620
621 Ms. (Donna) Murphy asked if we were looking at Bolt Hill and not the Kittery
622 Transfer Station.

623
624 Mr. Lee said that we were all there and he didn't clearly hear if they said one or
625 the other.

626
627 Mr. Beckert said that we should clarify that because the discussion that we had
628 was the Bolt Hill intersection.

629
630 Ms. (Donna) Murphy said that both locations have day cares and parents have a
631 difficult time so there might be a little mention in there because of the children.

632
633 **7:06 PM** Mr. Hirst said that it is worth noting that all the traffic lights on Route 236 in Eliot
634 are owned by the Town. He added that if we put something in then we might get a
635 grant, although he doubted that, and it would be on us; that that is a very, very
636 expensive installation.

637
638 Mr. Beckert said that when the next light down (Martin/Stevenson) in Kittery was
639 put in the State told them how they would put it in and what they would put in but
640 Kittery paid for it.

641
642 Mr. Lee said that the Board was asking him to clarify which road Kittery was
643 talking about and look into the installation cost before we move too quickly.

644
645 The Board said yes.

646
647 Ms. Davis said that she has spent entire days at the Eliot Transfer Station; that she
648 has heard some terrible stories regarding near-misses and not-so-near-misses of
649 people trying to get out of there. She asked, if a light is needed at a transfer station
650 for the traffic, are we concerned about ours, how does the usage compare with
651 what's going on down there and would we be better off trying to get one at our
652 Transfer Station. She added that this is just a consideration because she has seen
653 some terrible accidents at ours; that it was nice to go to bat for Kittery but do we
654 have our own concerns.

655
656 Mr. Beckert said that Eliot and South Berwick had to petition the Commissioner
657 of Transportation and the DOT for the light at the new Marshwood High School.
658 He added that the DOT will give us a hard time no matter where we petition to

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

659 have a light because their thought process is that Route 236 is a corridor to move
660 traffic through and one they don't want traffic stopping on.

661
662 Ms. Selsberg said that the Transfer Station was only open two days a week; that
663 the traffic is steady for Bolt Hill and that will slow up and manage traffic better.

664
665 Mr. Selsberg said that, if we were to put something in at Bolt Hill Road and
666 Kittery is very much in favor of it and would benefit from it, he didn't see
667 anything that would prohibit Kittery from contributing.

668

669 **G3. Public Works**

670

671 **7:11 PM 1) Pleasant Street Storm Water – Conceptual Design w/Kristie Rabasca**

672

673 Mr. (Steve) Bradstreet, Ransom Consulting, introduced himself and said he was
674 doing the engineering design for Pleasant Street; that Ms. Rabasca had to run out
675 to another meeting. He discussed the conceptual plan for Pleasant Street to
676 upgrade storm drains, referencing two drawing plans that showed Phase I and
677 Phase II for this project. He said that the entire project cannot be constructed,
678 based on budget, in one year so they broke it out into two years. He described the
679 existing system starting at Rosemary Lane and that they were planning to remove
680 and replace the old system; that they will be putting in several catch-basins and
681 tree box filters to ensure water quality before it outfalls to the river. He added that
682 the outfall would be in the same area; that what they are doing with this entire
683 project, as part of the MS4 community, is to reduce the ten outfalls that affect the
684 water quality in the river to three; that the outfalls are all above water level of the
685 tidal river. He clarified that the first phase is all along the upper end of Pleasant
686 Street all the way to the outfall. He went on to describe Phase II (next fiscal year);
687 that this will be tied in to Phase I, still out-fallen in the same area but will collect
688 an area that is extremely flat where everything puddles in people's driveways,
689 front lawns, etc., spills out into the road and then into the river. He added that, in
690 this phase there are two additional outfalls that will be eliminated; that the current
691 outfalls are very difficult to find; that they are combining into one the three
692 outfalls existing as they come down the hill. He discussed the impact in that this
693 would ensure easier future maintenance, reduce outfalls, create easier water
694 quality treatment, remove flooding, create a well-defined system that will be
695 available in GIS making it much easier to locate issues regardless of the season.
696 He said that it is a lot easier when you know where your systems are and, once it
697 is designed, in place and GPS', it is much easier to find in the future. He added
698 that that, in a nut shell, is the project in two phases; that a big plus for the Town is
699 that we are reducing the number of outfalls.

700

701 **7:22 PM** Mr. Moulton read a portion of Ms. Rabasca's letter that gives an example of how
702 this project will save the Town money, "*As evidenced by the Long Creek*

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

703 *Watershed Management Permit (which applies to Portland properties in and*
704 *around the Maine Mall that have one or more acres of impervious cover),*
705 *prevention of water quality problems is much less costly to address than*
706 *correction once the water has become impaired. Properties in the Long Creek*
707 *Watershed are paying approximately \$3,000 per acre of impervious cover per*
708 *year to help in correcting water quality impairments due to stormwater runoff.*
709 *These retrofit costs in the Long Creek area range from \$22,000 per acre to*
710 *\$47,000 per acre. Additional costs to conduct stream restoration such as*
711 *replacement of riparian habitat and/or addressing stream channel erosion can*
712 *drive costs up to \$100,000 to \$200,000 per acre. Costs to install preventative*
713 *measures (which this project entails) during construction projects such as those*
714 *planned for this Pleasant Street project are much lower, at approximately*
715 *\$10,000 per acre.”* He said that, however people see this project, it will save us
716 money in the long term each year; that mandates are changing, such as sampling
717 outfalls, and reducing outfalls will reduce our costs of sampling for water quality.
718 He added that it is a cost, up front, but we are improving what is existing and
719 reducing the amount of maintenance in the long term. He said that one of the
720 things we are looking to do is to possibly bid this, this year, as two phases, the
721 second being contingent upon approval at next year's Town Meeting; that this
722 would have better costs, consistency with the project, etc.

723
724 **7:25 PM** Mr. Bradstreet emphasized the point that the contractor now knows that he is not
725 just bidding this project, he has future work for the next year and, so, there is a
726 better ability to have better prices for the overall construction. He added that it
727 also provides for the ability to have less costs for design and for bidding; that, if
728 you are putting out two sets of specs, two sets of plans, going through the bidding
729 process with pre-bid meetings and negotiations with the contractor, etc., there are
730 additional costs associated with that. He said that, overall, there are a number of
731 items in that letter that are cost-savings to be able to bid this as one project this
732 year, hold it for the next year, and you know the contractor; that you are familiar
733 with each other and the expectations; that there are a lot of benefits to bidding it
734 out as one project one year and holding it over the second year.

735
736 Mr. Fernald asked if the piping would be coming out both sides of the road or just
737 the opposite side of the river.

738
739 Mr. Bradstreet said that it would only be coming down the north side of the road,
740 where we believe it exists today down there, but we are providing pipes and
741 catch-basins going across the street in three locations only to capture any drainage
742 that is on that side of the street; that we are trying to prevent that flow from going
743 across everybody's driveways and eroding their front lawns.

744
745 **7:27 PM** Mr. Fernald discussed his concern for the several places where the road, itself,
746 meets the river edge.

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

747 Mr. Bradstreet said that, with that, the storm drain will be on the land side mainly
748 because, when you are behind that guardrail, it drops off and to construct anything
749 on that side would not be financially feasible.

750
751 Mr. Selsberg asked what the estimated cost of this was.

752
753 Mr. Bradstreet said that Phase I is \$125,000 and Phase II is \$120,000; that
754 approximately 30 to 35 properties will benefit from this.

755
756 Mr. Selsberg asked if the Town would pay for this, adding that he was in favor of
757 this.

758
759 Ms. Pelletier said that this project fell under the Clean Water Act (MS4); that this
760 is a federal mandate.

761
762 Mr. Selsberg asked if we don't repair the sewer in this community then what
763 happens to us, a possible fine.

764
765 Ms. Pelletier said yes.

766
767 Mr. Selsberg said that no one is talking about 45/55, no one at all; that he is very
768 much in favor of paying for this because it's a community and that's what we do
769 as a community; that when we go online and say that we get bashed. He added
770 that there are nice people (he doesn't know who they are) on Pleasant Street that
771 needs this and he is all in favor of paying 100% from the Town, and he thinks
772 that's the kind of thinking we have to have in this community, whether it be a
773 road or a sewer or a bridge, and that's what's lacking.

774
775 **7:30 PM** Mr. Murphy said that this is a project that is just at the top of a list of similar
776 projects.

777
778 Mr. Bradstreet agreed, saying that this is on the list of high priorities. He added
779 that the evaluation of all the areas in Town was done by Ms. Rabasca, with his
780 assistance; that this is the next project in line and is the highest priority in Town
781 right now.

782
783 Mr. Murphy said that we can expect, in future years, there will be more.

784
785 Mr. Bradstreet said that that was correct.

786
787 Ms. Davis said that this was a public road with stormwater going into a large river
788 so there is a slight difference between what we have to do for this EPA mandate;
789 that she understood what Mr. Selsberg was saying about community but,
790 unfortunately in this case, there isn't a choice.

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

791 Mr. Lentz said that it was mentioned that several outfalls will be eliminated and
792 asked whether they needed to be torn out or are they just abandoned.

793
794 Mr. Bradstreet explained that, if they are excavated or removed, that creates an
795 additional erosion potential on the embankment; that we will be capping them on
796 the downstream end, plugging them from the upstream end, then filling the pipe
797 with a flowable fill (sloppy concrete). He said that if we don't do this, the
798 corrugated metal pipes will rust out and soil will go in there and back out to the
799 river, which will bring sink holes and collapses in the road. He added that it is less
800 costly than to dig them up and take them out.

801
802 **7:32 PM** Mr. Lytle asked how many projects there are; that he sees this as a long-term
803 project for the Town.

804
805 Mr. Bradstreet said it is; that these happen to be the worst because they are a
806 direct impact to the river but there are a number of others that outfall into wooded
807 areas – brooks, streams, wetlands – but are more remote from the river. He added
808 that these projects were determined by DEP, by driving around with the Town and
809 Ms. Rabasca looking at every single storm drain system that the Town has and
810 finding out where it outfalls; that they will take water samples to determine what
811 type of contaminants are in the water; that that is one of the criteria for
812 determining what should be done.

813
814 Mr. Lentz said that he mentioned tree bark filters and asked if that was a high
815 maintenance item.

816
817 Mr. Bradstreet said no; that it is similar to a catch-basin inlet that, instead of
818 directly going into a storm water pipe and going out, it goes through a filter media
819 that is all around a tree that is planted and filters down through that into an under
820 drain that then goes into the lower part of the catch-basin and out into the storm
821 drain. He added that the filter media is replaceable, not high maintenance; that
822 typically it will last as long as the tree does; that they are very effective.

823
824 **G4. Public Safety**

825
826 There is nothing under this.

827
828 **H. New Business:**

829
830 No new business.

831
832 **I. Old Business**

833
834 **7:40 PM 1) Investments Information**

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

835 Mr. Lee said that we held this off because Ms. Davis had an interest in the fee
836 structure around it; that he did try to get some specific information from them and
837 you have that in your book. He added that he thought, now, it was up to the Board
838 to decide if this was going to work in terms of an investment strategy. He said that
839 the rates of return are terrible; that they will be terrible wherever we go but the fee
840 structure on it makes or breaks, he guessed, whether this makes sense or not.

841
842 Ms. Davis said that calculations, based on the sheets we just received, are that the
843 fees will amount to \$15,384 a year. She asked because the rate of return is so low
844 is there no other instrument that will hold this money in some kind of a cheaper
845 fashion.

846
847 Mr. Lee said that he wasn't sure about that and that is kind of where we're at; that
848 this is acceptable or not acceptable. He added that he didn't know if it would
849 mean we had to change our entire banking relationship, if that was premised on
850 this rate. He said that we asked them, point blank, if there was no other alternative
851 on the fees and they said no, that is the fee structure. He added that he was
852 looking for feedback around the fees.

853
854 **7:43 PM** Ms. Davis said that it wasn't so much the fee; that she had other questions. She
855 said that on the sheets they summarize the rate of return, annually, but these are
856 long-term investments so we don't actually realize anything until it matures. She
857 said that, in a way no, there is no annual return on this and if we have to cash in
858 early we will potentially lose, and probably will. She added that her major
859 concern was that we don't have a breakdown of each of these accounts and when
860 we think we might be using a certain amount from each account; that we don't
861 have a good sense how much of each of these accounts go into each fund and they
862 each have various maturity dates. She said that she thought, as a group, we need
863 to sit down with that list and figure out what we need, when, and we haven't done
864 that.

865
866 Mr. Lee said that he did that with the bankers, himself, after the meeting with all
867 the department heads; that they went through all the accounts and there were very
868 few he could state, with certainty, that we could let go more than a year – the fire
869 truck reserve, plow truck reserve, the TIF out a couple of years. He added that that
870 hurts us; that if we could invest for longer terms, we'd get slightly better rates of
871 return but he doesn't want to be in that position that Ms. Davis mentioned where,
872 all of a sudden, we need some of that money immediately. He said that he could
873 provide to the Board what we gave them for information and could confirm in
874 your own minds but he doesn't dare go out too long with these investments.

875
876 **7:47 PM** Ms. Davis said that she would like to see a chart of each of the funds and when
877 you would consider when we need to expend those; that some of these bonds are
878 going out to 2020 and, even if it's TIF-related, we may come up with a project

BOARD OF SELECTMEN'S MEETING

March 26, 2015 5:30PM (continued)

879 within a year, so 2020, and even 2018, seems pretty far out. She added that there
880 is nothing on the forms we've been given that relates this to any of our funds so
881 we can't assess the choices.

882
883 Mr. Hirst said that he thought our CIP was set out 20 years and that tells us when
884 each of the large purchases is likely to be needed; that he thought that would have
885 a bearing on this.

886
887 Mr. Lee agreed that we did reference that and the only ones he dared predict with
888 a certain date. He added that he would get those to the Board to show you what he
889 put down that he thought was the proper term for these investments and, then, ask
890 Key Bank to line up each of those specific funds with the term and type of
891 investment.

892
893 The Board agreed.

894
895 Ms. Davis said that we have \$2.5 million and asked if this couldn't go into a
896 savings account instead of a managed account. She added that it isn't so much
897 that we're too cheap to pay management fees but these are low management
898 bonds; that they are getting \$15,000 a year for essentially doing nothing. She
899 asked what the comparison was with just sticking \$2.5 million in a savings
900 account.

901
902 Mr. Lee said that he thought that was worth asking.

903
904 **7:49 PM** Mr. Murphy said that he wanted to see more decimal points in the computations;
905 that rounding builds up over time.

906
907 **2) Town Manager Goals – Third Reading**

908
909 Mr. Murphy, in discussing the first bullet, said that he would like to add 'and
910 provide Town-approved desirable services' and not limit ourselves to essential
911 services.

912
913 After some discussion, the Board, by consensus, agreed to leave this as it is
914 written.

915
916 Ms. Davis asked how often would we reevaluate this because some of the major
917 goals will be wrapped up soon. She asked if, after that, would we take a look at
918 where we go from there.

919
920 **7:50 PM** Mr. Lee said that, perhaps, as we continue through the year and some get
921 resolved, he was certainly open to asking what the Board's next highest projects
922 would be. He suggested taking another look at the end of six months to see if

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

923 there are any that have floated to the surface that really need to have attention
924 paid to it.

925
926 Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen adopt the
927 Town Manager Goals, dated 2/13/2015 Third Review, and marked I – 2, as it
928 stands.

929 **VOTE**
930 **4-0**
931 **Chair concurs**

932
933 **3) Household Haz. Waste Fee Schedule**

934
935 Ms. Davis said that there are minimum units they charge us for and asked what
936 the likelihood was that we would have a lot of underutilization of those units; that
937 if we only charged them a fifth for one gallon and there is a 5-gallon minimum,
938 does Mr. Moulton think that would be a problem.

939
940 Mr. Moulton said it was probably one of those unknown variables; that based on
941 what we've seen people bring in over the past few years people have brought in
942 100 paint cans or 20 paint cans and somebody might bring in one paint can and 20
943 gallons of gas; that basically it's what's purchased and what they need to get rid
944 of.

945
946 Mr. Lee said that, in his experience, people tend to bring in fairly small units; that
947 you get charged for a minimum of a gallon but they may very well have only a
948 Ziploc bag, but it still counts as a gallon.

949
950 **7:51 PM** Ms. Davis asked if it was possible to set this up as a revolving-type fund because
951 it's going to essentially be paid for with user fees. She added that the calculation
952 at the bottom says \$2,000 per session for a total of \$8,000 but, really, all we are
953 going to be paying is \$375 and the users are going to pay the rest; that if we could
954 take the money that we collect in the first session and deposit it back in then we
955 just revolve it, we don't have to appropriate a full \$8,000.

956
957 Mr. Lee said that we are going to get the bill from the HHW company and,
958 presumably, we will have collected enough money to put that in as revenue and,
959 then, cut a check to them in a very similar amount to what we took in. He added
960 that the only thing we have to do, if we did it that way, is the \$1,500 to pay for the
961 four set-ups a year at \$375 each; that he believes the Budget Committee is
962 discussing that that might be their recommendation, anyway. He added that he
963 didn't know what she meant by self-funding.

964
965 Ms. Davis said that, if we spent \$2,000 the first quarter and we collected most of
966 that money, then she'd like to deposit it back in rather than appropriate \$8,000

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March 26, 2015 5:30PM (continued)

967 from the taxpayers because what happens, invariably, this money gets utilized by
968 the department and gets spent on other things, as it is part of the plus and minus of
969 the entire department budget. She added that if we appropriate \$8,000 we will end
970 of spending \$8,000, even though we collected \$6,000.

971
972 **7:54 PM** Mr. Lee explained that, with gross budgeting, he would add \$6,000 to the revenue
973 side and he would put the appropriations side at \$7,500 and the net effect to the
974 taxpayer is the \$1,500. He said that that revenue is a revenue, it is not expendable;
975 that it is on the wrong side of the ledger to write a check out of revenue. He added
976 that we have to show what revenue we are going to take in, whatever the source is
977 going to be, and show the entire appropriation because we are going to expend
978 that amount of money; that the company will be the Town, not the residents; that
979 we have to budget that amount of money to be able to expend it. He added that the
980 good news is that we get to realize a new revenue we didn't previously have.

981
982 Ms. Davis said that if we decide to go that way then we're going to balance it off
983 by adding this line item to the revenue side.

984
985 Mr. Lee said that was exactly right.

986
987 **7:56 PM** Mr. Lytle said that he thought it was a big mistake; that from what he has seen
988 over the years, people are just starting to take it out of their cellars and turning it
989 in. He added that if you start putting fees on that stuff they will start dumping it.

990
991 Ms. (Donna) Murphy said that she thought it was consistent with the other policy
992 of charging people to take their trash.

993
994 Mr. Tessier said that there is a big difference between people's trash and the
995 materials we are talking about; that a lot of this stuff is pretty nasty stuff. He said
996 that he did not object to a user fee but he did want to encourage people to get their
997 stuff brought in; that a lot of this stuff doesn't get dumped but left in cellars and
998 garages.

999
1000 Mr. Lytle went back to when they originally started doing this; that that first
1001 couple of years were \$10,000 to \$15,000 because people brought it. He added that
1002 Mr. Moulton did a good job getting it set up this year and now it is getting down
1003 to a lot less.

1004
1005 **7:58 PM** Ms. Selsberg said that at the same time you are urging people not to throw diapers
1006 down the toilet you can be talking about how much it will cost for your
1007 grandchildren to remediate where you threw that gasoline. She added to make it
1008 incumbent upon them to do the right thing and, if the fees are reasonable enough,
1009 it will.

1010

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

1011 Ms. Davis said that they do have user-based fees in Kittery and asked Mr.
1012 Moulton if he had some sense of how that's working for them and if they feel they
1013 have a problem.

1014
1015 Mr. Moulton said that they have gasoline and things like that and that works for
1016 them; that they have their residents (for the kinds of HHW that we take) take that
1017 to Newington or Portsmouth at their own expense.

1018
1019 Mr. Pomerleau said that he thought that, if you start charging fees, people would
1020 be more conservative with what they buy.

1021
1022 Mr. Murphy said that we've had a long-standing list of prices or costs for
1023 disposing of upholstered chairs, mattresses, refrigerators, etc. but these things are
1024 more subtle, hideable, and more dangerous; that maybe they should be allowed to
1025 bring them in and we pay the cost since it's probably much less than it used to be.

1026
1027 Mr. Hirst said that he's heard that paint is going to be accepted as trash in the
1028 future, it it's not already.

1029
1030 Mr. Moulton said that paint is going to be a collectable after a new State law takes
1031 effect; that he believes that in July that it will be something that will be recycled.
1032 He added that local stores will be charging people in that gallon of paint a
1033 recycling fee within the price so people will be able to take their paints back to
1034 where they bought them.

1035
1036 Mr. Hirst said that it seemed that, in terms of volume, paint was a very high
1037 percentage.

1038
1039 Mr. Lee agreed that that's usually the big one. He added that when we were doing
1040 it we would just kitty litter and gravel out there and pop the tops off and make it a
1041 solid, just get rid of it, and not treat it as HHW.

1042
1043 **8:00 PM** Mr. Hirst asked if that was for both water- and oil-based paint.

1044
1045 Mr. Moulton said oil-based paint is considered hazardous; that water-based paint
1046 you can solidify and get rid of in the bulky can.

1047
1048 Mr. Fernald said that this is something we could institute this year and change
1049 next year if it doesn't work.

1050
1051
1052
1053

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

1054 Mr. Hirst moved, second by Ms. Davis, that the Board of Selectmen adopt the
1055 protocols set forth in the letter from the Public Works Department, dated March 4,
1056 2015 to Dana Lee and on the agenda as I-3.

VOTE

4-0

Chair concurs

4) Revised Budget Committee By-laws

8:02 PM

Mr. Murphy, discussing #17, said that he was bothered by the Budget Committee sort of insisting that they have a right to, or want to, have direct intercourse with department heads and so forth. He added that he believed that they should be limited to only with working with the Town Manager. He said that when you have another committee interrogating a department head and, maybe, disagreeing with what a department does out of a desire to see a department spend less they can't help but ask why they can't do it 'this' way and you wouldn't have to pay so much; that to him that's directly affecting the way a department works. He said that he would like the Budget Committee to not have that power to deal directly with a manager; that if they want information about money amounts then go through the Town Manager always.

Mr. Fernald agreed; that we, as Selectmen, have to go through the Town Manager for information from department heads and he felt the Budget Committee should follow suit.

Mr. Murphy said that, under #3, it says "*the Budget Committee will operate under the Maine Moderator's Manual*", which is really designed for a legislature – a large body; that he thought the Committee might want to consider heading toward Robert's Rules of Order for those sections dealing with small municipal boards; that the rules are different.

8:04 PM

Mr. Hirst said that he thought we all needed to follow the chain of command; that we have been lectured by the Town Manager that we have to do that so he would agree with Mr. Fernald and Mr. Murphy on that.

Ms. Davis said that the Budget Committee is an elected body; that she thought the Town Manager had that when any department head is invited to come answer questions that he would be present. She added that the Budget Committee was well within their rights to be asking questions; that a lot of times when they have these types of meetings they are on a fact-finding mission and not there to impose their will. She said that she didn't feel this was a threat, especially since the Town Manager does accompany the department head pretty much everywhere they go.

BOARD OF SELECTMEN'S MEETING

March 26, 2015 5:30PM (continued)

1097 **8:06 PM** Ms. (Donna) Murphy asked Mr. Murphy if he could point out where it says that
1098 the Budget Committee is going to have department heads present to interrogate
1099 them.

1100
1101 Mr. Murphy said that it was in there that the Budget Committee wants direct
1102 access to department heads in #17.

1103
1104 Ms. (Donna) Murphy said that we are an independently-elected committee and we
1105 adopt our own procedures and guidelines; that unless they are in violation of any
1106 policy, ordinance, or statute she doesn't believe the BOS has the authority to
1107 change them. She added that, if you read #17 closely, it says, "*The Budget*
1108 *Committee may request, through the Town Manager, the attendance of a*
1109 *representative or member of the Board of Selectmen, Town Manager, or any*
1110 *Department or Agency where the Committee determines their presence is*
1111 *necessary.*" She said that it doesn't say that person has to show up; that it says
1112 that we have the ability and may go to the Town Manager to say we would like a
1113 certain department head to come and have a discussion.

1114
1115 **8:08 PM** Mr. Beckert said that the Chair would make a comment and a suggestion. He said
1116 that the Chair's concern was whether this has been reviewed by legal to make sure
1117 it meets the criteria and does not violate anything to do with the town manager-
1118 form of government through State statute.

1119
1120 Mr. Lee said that it has not gone through any level of legal review.

1121
1122 Mr. Beckert said that the Chair suggested that it may need to have that cursory
1123 review done, whether through the Town's attorney or MMA just to make sure;
1124 that it doesn't cost us to ask MMA to do that cursory review.

1125
1126 Mr. Lee said that he would put this through MMA because they are so adept at
1127 these questions and it's free.

1128
1129 Mr. Hirst said that, rereading #17, he thought it would comply with the chain of
1130 command so he withdrew his concern.

1131
1132 Ms. Davis said that as both bodies work with department heads to develop a
1133 budget that's very important to the townspeople, that it would be a mark of
1134 cooperation for department heads to be willing to come in with the Town
1135 Manager and answer questions; that she doesn't think anyone has been put under
1136 any undue pressure when they come in, as it has been done for years in this Town.

1137
1138 **8:10 PM** Mr. Fernald said that, unfortunately and for Ms. Davis' information, he has sat, as
1139 a Chairman, with the Budget Committee on certain department heads and he has
1140 had to tell the department head that they do not have to answer those questions

BOARD OF SELECTMEN'S MEETING
March 26, 2015 5:30PM (continued)

1141 because it doesn't have anything to do with the budget; that those things have
1142 actually occurred and that is why we take these very seriously.

1143
1144 Ms. Davis said that, where there are cases of impropriety, we will address those
1145 but under normal circumstances it's within the Budget Committee's purview to
1146 find the answers to these questions.

1147
1148

1149 **J. Selectmen's Report:**

1150
1151 There were no Selectmen's reports tonight.

1152

1153 **8:12 PM** Mr. Selsberg said that he has read that we have had meetings with Kittery with
1154 respect to sharing and he didn't see that there was a discussion about community
1155 services.

1156
1157 Mr. Lee said that we have broached the subject but there doesn't seem to be a lot
1158 of interest. He added that one of our problems, right now, is that we don't know
1159 our own profit and loss now in that department; that he didn't think we were
1160 ready to get into a partnership until we understand our own operation a little
1161 better. He said that we are working on that.

1162

1163 **K. Other Business as needed**

1164
1165 There was no other business.

1166

1167 **L. Executive Session**

1168
1169 There were no executive sessions.

1170

1171 **M. Adjourn**

1172

1173 There was a motion and second to adjourn the meeting at 8:14 PM.

1174 **VOTE**

1175 **4-0**

1176 **Chair concurs**

1177

1178

1179

1180

1181 _____
DATE

_____ **Mr. Grant Hirst, Secretary**