

BOARD OF SELECTMEN'S MEETING
June 11, 2015 5:30PM

Quorum noted

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

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Approval of Minutes of Previous Meeting(s)

5:32 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May 14, 2015, as amended.

VOTE

4-0

Chair concurs

F. Public Comment:

5:45 PM Mr. (Jim) Tessier said that he felt strongly that it's important to have both a strong Board of Selectmen and a strong Budget Committee working in order to make the budget process work efficiently and effectively; that then you have two different groups of people looking at the issues and kind of have checks and balance going on. He added that, with some of the meetings he has been to lately, it seems like there is a kind of us-against-them kind of attitude developing and that seems like it might be counterproductive to the efficiency of the process. He added that he was wondering if, in order to make it a little more collaborative, there is any thought given to having a debrief; getting the key people together to kind of look at the process to see if there are things that can be done to make that system work a little more efficiently and, in the end, have a better product for the Town.

Mr. Beckert said that that sounded like a good idea and asked the other Board members for their input.

Mr. Murphy suggested that might be a subject we could pick up at one of our workshop meetings.

Ms. Davis added that she thought that because the budget process and the Town Manager have a year under their belt, that things are going to move more smoothly during the next budget season, which is going to be a great help in getting both groups together and discussing all of the various, different projects.

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- 5:47 PM** Ms. Davis said that we received a letter from a resident and asked that it be put out during the meeting; that she wondered what the protocol for that was. She asked if somebody normally volunteered to do that.
- Mr. Beckert said that we normally put it on the agenda; that it has not been put on the agenda at this point.
- Mr. Lee said that he didn't put it on because he didn't realize he had to formally put it on; that she asked that it be read into the record; that he sent it to the Chair.
- Mr. Beckert said that he doesn't have his copy in front of him.
- Mr. Lee said that he thought there was no harm reading it into the record.
- Mr. Fernald said that he hasn't seen it; that he was concerned that, if it's from the public...does it deal with personnel or anything like that.
- Mr. Lee said only generally that we're not very competent.
- Mr. Beckert said that he thought it had been distributed to everybody.
- Mr. Lee said that he thought so, too.
- Mr. Hirst said that he had not seen it.
- Mr. Beckert asked if the Board wanted to put it on the agenda for the next meeting. He suggested that they do that, make sure all the Selectmen have it and put it on the next meeting agenda.
- The Board agreed.
- 5:49 PM** Mr. Lee asked if he should invite Ms. Weiser to be here.
- Mr. Beckert said that he could.
- Ms. Davis said that, in one of the minutes she was reading last week, she was listed as being present and she doesn't think she was; that she doesn't know how important that is.
- Mr. Beckert said that it was important.
- Ms. Lemire agreed.

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Ms. Davis said that she would look it up and let them know which one it is; that she would let them know if she was correct on that. She added that the other thing was that she made a motion about one of the ordinances and there were like three copies of different dates on there and, so, when we made the motion to...

Mr. Beckert said that he wasn't sure which one she made the motion on.

Ms. Davis said that she thought she said the 19th and she thinks we had gotten a newer one on the 31st. She asked if we needed to, technically, correct that at some point.

Mr. Lee said yes; that if he bothered to change the date, then it was content change.

Ms. Davis said that she just wanted to mention that; that we will need to follow it up and she doesn't know what the procedure is.

5:50 PM Mr. Lee asked Ms. Davis which one it was.

Ms. Davis said that it was something dated 3/19 and it should have been 3/31; that she believed it was the Referendum Town Meeting Ordinance; that there was one dated 3/19 and, then, one dated 3/31.

Mr. Lee said that the minutes were probably reflective of what made it on the ballot; that that's just probably grammatical, that we referenced the wrong date.

1) Public Hearing, Mainely Bartenders, LLC – June 27 Event at Raitt Farm

Mr. Beckert recused himself and appointed Mr. Murphy as Acting Chair. He added that Ms. Albert said that no one had to be present tonight from the Mainely Bartenders, LLC.

Mr. Lee said that the Administrative Secretary did advise them that they probably didn't have to be here this evening. He added that Mainely Bartenders will be supplying all the beer for the America On-Tap Event that will take place on June 27th at the Raitt Farm and, because of that, they needed the Application Permit for Catered Function to sell alcohol that day; that they are looking forward to the Board approving that and signing the application. He said that Mainely Bartenders is a company that specializes in catering events like this and obtaining these permits routinely.

5:52 PM Mr. Hirst said that we have a legal notice, here, that indicates this has to be a Public Hearing and asked if that needs to be announced as such.

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Mr. Lee said yes; that it should be that we are holding a Public Hearing, now, and taking public comments on the application.

Mr. Murphy agreed, saying that he was going to get to that but wanted the Board to talk on it first before having the public speak.

No Board members spoke on this.

5:53 PM Public Hearing was opened.

There was no one from the public who wished to speak to this application.

5:54 PM Public Hearing was closed.

Mr. Murphy asked for the Boards' pleasure.

Mr. Fernald moved, second by Mr. Hirst, that the Board of Selectmen issue an Application for Catered Function by Qualified Catering Organization to Mainely Bartenders, LLC.

DISCUSSION

Mr. Hirst asked if we had the bond [from Raitt Farm] yet.

Mr. Lee said that they contacted him the other day and a strange occurrence happened; because Times Square Media is a publicly traded company, now, getting bonding for them is much more complicated; that it requires a motion of the managing Board of Directors, he thought, and they did not give themselves very much time. He added that, that said, they only have 400 tickets sold at this point and it doesn't appear that they are going to get to the threshold of 1,000, which triggers the need for a mass gathering permit so, with that, they asked if they still needed a mass gathering permit and/or do they still need the bond. He said that, where they only have 400 tickets sold, and the mass gathering ordinance calls for 1,000 people at any one time, it was his judgement that we probably did not even need them to have a mass gathering permit; that they predicted a much larger outcome and they are not getting that big an outcome. He added that they had suggested they give us a \$25,000 check to be in the Town's name in lieu of the bond and held during the week during and following the week of the event, giving us time to make sure no damages occurred and that we wouldn't have to use the \$25,000 check. He said that they said that, if required to get the bond, then it would not happen in a timely fashion and the event would not go forward. He reiterated that, where they only had 400 tickets sold, he said that it was possible that they could be in front of us arguing that they didn't even need this mass gathering permit so, with that, he would accept the \$25,000 check, the event

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would still have its permit, and we will do the best we can with that. He said that this is, in part, in deference to the other event, the Powwow Event, which was also unsure if they would get 1,000 people; that they were unable to get a bond and we waived that requirement. He added that, trying to act in a similar fashion for an event that doesn't know how many people are coming; it is a first-time event for them; he behaved in a similar manner and tried to help the event move along. He said that it was strictly with that in mind that he tried to help move the event along by accepting the fact that they may never get to 1,000 people at a beer-sampling event in Eliot.

5:57 PM Mr. Murphy noted that these are rather different events; that beer tasting is not quite the same as the cultural event with Indian dancing.

Mr. Hirst said that he believed that the ordinance requires that the bond or check or securities posted be held for a year.

Mr. Lee said that he did tell them that, too, and they were very uncomfortable with having a \$25,000 piece of working capital sitting out there for a year, obviously; that we began to talk about whether there was a need for a mass gathering permit at all, at this point, given that they now have closer numbers as to what they think is actually turn out; that he thought it was better for us to have the \$25,000 to cover some eventualities for that week than to, basically, scrub the event because of this. He said that that was entirely up to the Board; that if Board wanted to deny this application, then they wouldn't have anyone catering beer and the event would fall apart. He added that they would have to cancel it, they would not be able to get the bond, and they're not willing to go through these hoops for this type of a turn-out.

5:58 PM Ms. Davis asked if it seemed contradictory to give them the permit, based on 1,000 people, and then say that...

Mr. Lee said that he ran into a lot of sticky situations where there are no wins; that he is trying to help them move forward; to live up to the intent of the ordinance to protect the Town from damages; that they don't seem to have the necessary numbers coming to this event to even warrant a mass gathering permit; that they have never gotten one, by their own admission, they haven't been in this position before and all came new to them; that we started late. He added that he is trying to make the best out of lemons, here. He said that he apologized if he didn't use his best judgement, here; that he thinks he did; and he thinks, in similar circumstances, trying to find a good compromise that protects the Town, he thinks he did about the best we could, although, there could be somewhere in there where you could say, "Is it completely logical? No, it's kind of a camel. We intended a race-horse but it ended up a camel."

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5:59 PM Ms. Davis asked if Mr. Lee thought there were any legal ramifications. She added that he said that this ordinance was antiquated and asked if there would be any legal problems if we skirted around it a little bit to make things go.

Mr. Lee said he thought the only legal ramification you face is, down the road, somebody gets treated differently than we've treated these people, recently, and they go foul; that if it was Native Americans, a little beer-sampling thing, you guys are as nice as can be, etc. but, it's us, we're a rock-and-roll concert and you bring the hammer down on us; that, hopefully, that won't ever happen but that's your fear; that a future case will be handled very differently and they will say that's not consistent and you are discriminating against them..

Mr. Murphy asked if it wasn't on our agenda to modify that ordinance.

Mr. Lee said yes; that, in fact, the staff has started working on a modification to that now to begin to get the Board to think about updating that and modernizing it.

6:00 PM Mr. Hirst said that he would say that if it's the determination that you do accept a check, that it be a cashier's check; otherwise you could have a stop-payment order

Mr. Lee said that he believed that, or a bank check, was what he had asked for.

Mr. Pomerleau asked if it would be acceptable for the Board to provide them with permission to move forward contingent on that they would not be allowed to exceed 1,000 people, as determined by the Fire Chief or whoever may be present; that if you get to 1,000 people you have to start turning them away; that then they are under the requirements for the permit; that there would be no sticky wicket with the bond and you've got the money if something happens but, if it starts to look like it's going over 1,000 people, then they would have to stop them.

Mr. Murphy said that he wasn't sure how many people could reasonably go in there; that it seemed that that was a large-enough site that more than 1,000 could easily be there. He asked Mr. Beckert what he would consider the level of number of people above which he would like to see them turned away.

6:01 PM Mr. Beckert said that to be perfectly honest, as a trustee of the non-profit organization that is trying to do an event here in Town, he would not want to have to see anybody have to be turned away but, with that being said, the property is large enough to hold well over 1,000 people.

Mr. Murphy asked if there would be police in attendance.

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Mr. Beckert clarified that they don't hire police officers but the Police Chief is aware of the event and had no problem with the event; that he didn't know if we have anything in the Town's file on any comments from him on that.

Mr. Lee said that the Police Chief was not concerned.

Mr. Beckert added that he had no concern with any of the three events being held out there.

Mr. Fernald said that the ordinance stated 1,000 people but that was 1,000 all at once and not over time.

Mr. Lee said that with only 400 tickets sold it would have to be quite a coincidence for 1,000 people to all be in attendance at one time; that that is why he did what he did in saying that he knew they hoped to get a much larger crowd but, being the first year out, and they are up against a bunch of events in Portland, etc. this weekend going on. He added that maybe one of your best things is, upon further determination of the number of tickets sold, we find that you are not in need of a mass gathering permit, we revoke the permit, and deem you not having to need a permit because we do not think you will exceed a 1,000; forget the \$25,000; forget all the stipulations; the ordinance doesn't apply. He said that that could be the other way to go; that he didn't know how the Board felt about that but he thought that was a perfectly reasonable argument at some level; that based upon evidence in front of him, anyway, he didn't think they were going to have a 1,000 people on-site at one time to sample beer.

6:03 PM

Mr. Hirst said that it sounded reasonable to him.

Mr. Tessier asked what the Bond would protect the Town from.

Mr. Lee said that the bond is held for a year because, not only directly after the event but further out, it's possible that something comes forward over weeks and even months after the event where somebody puts a claim in against the Town that, because of the event, they have been harmed and we have to use that money to further protect the Town against any claims that may be coming our way due to the event. He added that you can also ask to be an 'additionally insured' on their policy, which he also did; he asked to be an 'additionally insured' on their policy. He said that, in this case, what they were saying was to have the check for about a week afterwards, have the Police, DPW, Fire come out and check the site, the neighborhood, to see if we did anything bad and, if not, return the check because we are beginning to think we don't even have 1,000 people that will be there at one point. He added that he was only notified at the beginning of this week so he didn't have a lot of time to deal with this.

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6:05 PM Mr. Murphy said that he felt that they should approve this and asked the Board how they felt.

Ms. Davis said that she felt it was still contradictory so she thought that they should make a determination that we don't think they are going to have a 1,000 and, therefore, does not require it; that she didn't know that we should approve it if we think there are going to be 1,000. She added that by making a motion we are saying we think you're going to have a 1,000 and we're approving it, knowing that they are not going to fulfill the bond. She asked if it was possible to delay this until the next meeting.

Mr. Lee said that our next meeting is the 25th and the event is the 27th and 28th. He added that he thought they should deal with it tonight and he tended to agree with Selectmen Davis to say that they came to us thinking they would exceed a 1,000; that they have now come to us and said that now it's not looking like they will exceed 1,000 and do they still need a mass gathering permit and all these adjuncts on to it. He said that he almost thinks at this point it is better to say it appears they will not reach the threshold of the mass gathering ordinance and, therefore, they don't need one.

6:07 PM Mr. Pomerleau asked what happens in the event you tell them they don't need it and the ordinance doesn't apply and they do exceed a 1,000, asking if we were just throwing the ordinance out the window and we have no bond, we have no check. He added that he didn't think it would be terribly unusual for a beer event for people to buy their tickets when they go rather than in advance; that he thought they would easily exceed 400. He said that that was why he went to the contingency thing; that they would be okay and, if they got to 1,000, then that's a different matter.

Mr. Fernald asked how we would determine that; that just because there are 1,000 sold doesn't mean that there are 1,000 there.

Mr. Pomerleau said an estimate; that someone responsible who would say that he thought there were clearly 1,000 people here; that that's the best you can do.

6:08 PM Ms. Davis said that we don't want to discourage business in the Town, so, is it possible to approve this and get at least a brief legal opinion on if we would be in any kind of trouble on a liability basis if we don't get the bond, as stipulated by the ordinance.

Mr. Lee said that we could always seek legal opinion, certainly.

Mr. Hirst said that that would delay it so that we couldn't deal with it.

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Ms. Davis suggested approving it contingent upon there being no problem.

Mr. Beckert said that the bond and the mass gathering permit is one issue; that this you need regardless of whether you determine the mass gathering permit is required, or not; that this is a catering permit, so, they are two different permits and two different issues.

Mr. Murphy said that this can be approved and the other question be looked into.

Mr. Hirst asked if they sold tickets at the gate.

Mr. Lee said that they did.

Mr. Hirst said that, if they've sold 400 as of two days ago, they may have sold a few more but how many could possibly go to the gate.

6:09 PM

Mr. Lee said that he had no idea; that that's the whole problem with this thing because the application says, "Do you think you are going to have 1,000 people for a period of time for two hours."; so it is a sustained period of people staying there; like a 2-hour rock concert, you would have the whole group there for the whole time; that this is a coming-and-going, an ebbing-and-a-flowing. He added that the question is whether they would have a 1,000 sustained for two hours; and who's going to count and who wants to be the estimator.

6:10 PM

Mr. Muzeroll said that he was around when the original mass gathering ordinance was thrown out there and the intent of that was to stop what Mr. Fernald brought up; that, at the time, they wanted to have some concerts out off of Route 236 on one of the properties out there, with one or two thousand people at a time. He added that over the last several years he has had the opportunity to attend several beer festivals and, even when there has been a discount to the people that purchase tickets at some of the biggest festivals – Boston, Portland, Portsmouth, Exeter, Red Hook – of they had 400-500 people there at any one time it would be a miracle. He said that they may have had a couple thousand people over a 10-hour period but, if you have people drinking for 10 hours, Mr. Short's going to be busy. He added that, from what he's seen go on in this Town, we have had the opportunity at the Raitt Farm and out here on the road to have little festivals here and there and, throughout the course of a day, you may have 500, 600, 700, up to 1,000 people but he would doubt very much that you are going to have 1,000 people for a two-hour period. He said that he knew it was independent of the catering license but, when this was proposed to him, as the Fire Chief, he voiced his opinion, then, saying that this was an antiquated ordinance and they're never going to have 1,000 people there.

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Mr. Murphy said that it seemed to him that we have two issues, then; that one is simply approving this permit for a catered function and the second is to approve what Mr. Lee is suggesting – to accept a \$25,000 check for a short period of time to oversee any possible damage. He added that most people who come there are careful not to drink so much that they won't be able to drive away.

6:12 PM Mr. Lee said that he thinks they're limited, anyway, in the number of samples they're allowed, and they are smaller samples. He suggested that the Board approve the catering as one issue, as the Acting Chair had indicated, and the second thing is that he thinks it might be in the Board's interest, in deference to some of the concerns, that we find that the mass gathering permit, in all likelihood, will not apply to this event and that the acceptance of the \$25,000 assurance for a week is in lieu of any other permitting; that it is just a good-faith effort on their part to assure us that there will be no damages; that in that way it is not part of the mass gathering permit and we don't think it applies; that it is not something you can compare a future event against how we dealt with it. He added that they were kind enough to offer this in lieu because they knew of the Town's concern, we accepted it in lieu, and that's all you are required to do; that that was a side agreement on how we handle any damages that might come from this event.

Mr. Murphy asked how the Board felt about Mr. Lee's suggestion.

6:14 PM Mr. Hirst commented that the application suggests that they are expecting 3,000 people.

Mr. Murphy said that that has been discussed.

Mr. Hirst agreed; that he just wanted to note that we are voting on an application that says 3,000 are expected.

DISCUSSION ENDED

VOTE

3-0

Acting Chair concurs

At this time, the Board signed the pertinent document.

6:16 PM Mr. Fernald moved, second by Mr. Hirst, that the Board of Selectmen agree that this event does not require the mass gathering permit and that the deposit of a \$25,000 check for a week will be sufficient to cover expenses or possible damages.

VOTE

4-0

Chair concurs

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G1. Department Head/Committee Reports

6:18 PM 1) Town Clerk June 9, 2015 Election Report

Mr. Beckert said that he had the election results and read them for the attending public. He said that two were elected by write-in to the Budget Committee – Donna Murphy and Jim Tessier; that we have checked with legal and Ms. Murphy can resign from her existing term and accept the write-in term. He added that we need to know if Mr. Tessier accepted the term he was written in for.

Mr. Tessier said that he would accept that term.

Mr. Beckert said that both the Citizen's Petition and the Town ordinance dealing with the same were both passed and, with that, we have two actions that were voted in the affirmative; that we have sought legal counsel on that and we have not heard any answers back as to which one stands, if either one of them stands.

Mr. Lee said that they were also posted on the Town website and in the lobby of Town Hall.

6:23 PM Mooring Report

Mr. Lee reviewed the report of current moorings for the Town and included the mooring fee structure, as well. He said that what didn't come in this report was a request of the Board to vote to double the fees at the Boat Basin per the notice that was put in the fall ECSD brochure, the sign we made up, and that we started to implement. He added that we felt we needed the Board's backing to do this; that it is part of our effort to make that self-funding and to not be a burden to taxpayers at some point in the near future. He added that, with that, he would ask that the Board approve a doubling of the launch fees from \$5.00 to \$10.00 for residents and \$10.00 to \$20.00 for non-residents, and the same for annual passes for residents and non-residents; that they would double, as well.

Mr. Hirst moved, second by Mr. Murphy, that the Board of Selectmen approve the launching fee increases, as recommended by the Town Manager.

DISCUSSION

6:27 PM Ms. Davis said that, according to your Town Manager's Report, there were many complaints about the fee increase and you rolled it back, asking if that was why we are looking for Board support right now.

Mr. Lee said it was because, quite frankly, it was purely an administrative action up to that point; that we didn't really realize we would get a lot of push-back. He

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added that, come to find out, upon further review a lot more of it was non-residents that were having a beef with it than the residents; that it is very convenient for non-residents to use it as opposed to many other places but our fees are now approaching what it costs to go to other places and, so, they are beginning to complain.

Mr. Hirst asked if this was the time we should address the commercial boat-launching fees, as part of this motion.

6:28 PM Mr. Lee said no, not as part of this motion; that he didn't think we were ready to do that yet; that he thought we were going to have the Harbor Commission, and some others, work on that a little bit more before we're ready for prime time on that.

Mr. Fernald said, that when we originally set this up, we tried to do the best we could for the Townspeople of Eliot, as they pay taxes, anyway; that it seems to him that they pay taxes and, then, pay, pay, pay for other things in this Town and, on the boat launch issue, that was the reason we kept it low, for our people to do that. He asked if the increase was based on size of boat.

Mr. Lee said no.

Mr. Fernald asked what the fee was for a resident.

Mr. Lee said that it was \$5.00, currently; that we had hoped, and are opting to move it to \$10.00. He added that those fees have been in place for a long, long time and the tenor of the average resident in Eliot, if he is reading things correctly, is more concerned about using fees and not passing it through to general taxation – "If I don't use sewer, I don't want to pay for sewer." "If I don't use Boat Basin, I don't want to pay for Boat Basin." He said that he sensed more of that in the community and more of an emphasis of keeping taxes down; that he has had a lot of comments in the past about making the Boat Basin self-sufficient. He said that all those things, together, have led him to try to do this; that he didn't think the residents have a big complaint about that; that the non-residents will have a larger complaint because we are approaching the fees that other areas charge.

6:30 PM Ms. Lentz asked how much we are charging this hauler on Route 236; that he's down there with those great big boats and that is a perfect spot for him.

Mr. Lee said that he volunteered to go \$50.00 a boat with us and he has already dropped off \$1,100 with us.

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Ms. Lentz said that, on the other hand, you are charging \$20.00 and he is only paying \$50.00 for a boat 10 times the length.

Mr. Lee said that it's a start.

Ms. Lentz said that she would like to see it come from him and keep the \$5.00. She added that we go down there a lot, year-round, and she sees more New Hampshire trailers parked there than Maine on a consistent basis.

6:31 PM

Mr. Lee said that these are steps forward; that this has not been looked at for quite some time; that there are a lot of things that need to be looked at and he is just trying to make incremental progress in some areas, here.

Ms. Lentz said that she understood.

Mr. Beckert said that he spoke to the Harbor Master on Tuesday and he (Harbor Master) has spoken to a lot of the Eliot residents that use the facility; that they don't have an issue with the increase. He added that the Harbor Master said that they are happy to pay it.

Mr. Lentz said that he had a question on the stormwater plan (for Pleasant Street); that there is an item, there, where we are going to concrete that boat launch, as part of that plan, and asked if that was going to be monitored, also.

Mr. Moulton said that he thought that would be up to the Harbor Master but that the intent was to put the ramp back as it is – concrete – explaining that pre-cast concrete is more stable and has more longevity as it relates to what it currently is, which is asphalt and the tide coming in and undermining it, reiterating that the plan is just to restore the concrete planks versus asphalt, so it would be a longer-term fix than paving.

6:32 PM

Mr. Lentz said that he was just wondering, as he had never seen anyone use that, and he is there a lot.

Mr. Moulton said that just a few residents in the area use it.

Ms. (Donna) Murphy asked if there was a charge to use the boat launch on Pleasant Street.

Mr. Beckert said that the boat launch for the public's benefit on Pleasant Street is one of several Town landings that date back into the 1800's and is still maintained by the Town as access to the river. He added that that was strictly for the use of residents.

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Mr. Fernald asked, when Mr. Lee talked with the State about the boat launch, was it possible that it could be structured for the size of the boats going in.

6:34 PM

Mr. Lee said that he thought there could be; that the only stipulation that we've been told about is that the non-resident fee at no point can be more than double the resident fee. He added that if we were to go to something like that we don't care whether you are a resident or non-resident but how long a person will tie things up down there, per Mr. Fernald's concerns, then you would go to a size-based thing, almost like moorings; however, he thinks the idea is to break it up between resident and non-resident usage as opposed to like how moorings are done. He added that you would have to be down there all the time to do it; that we have just installed an honor fee box down there for Monday through Friday; that he thought the first day they had it installed he thinks they got five \$5 drops so they were willing to drop \$5 in with nobody around. He also said that the Harbor Master was down there and talked with a guy who was a non-resident who hadn't seen the sign, went back to his car and brought \$20 back, saying he was happy to do it. He reiterated that we could do it by size, just like we do moorings, and it would probably be the fairer thing to do because it really is how much a person ties up the facility.

Mr. Beckert said that if you talk to a lot of the boat-owners, even the out-of-state-residents, they will admit that it is one of the easiest launch facilities to use in the area; that that is why they come over here.

6:36 PM

DISCUSSION ENDED.

VOTE

4-0

Chair concurs

At this time, H.1 was taken out of order by consensus.

H. New Business:

1) Fire Dept. – Sprinkler Bid – CIP Surplus Disposition – No Correspondence

Mr. (Jay) Muzeroll, Fire Chief, said that they started the sprinkler work today and he thinks they will be done Monday. He added that it would take a bit more time than they factored in to replace the 130 heads in the attic because of the temperature there limiting the amount of time they could work up there. He added that it wouldn't cost us any more as it is a per-head installation; that he was still looking at about, or less, than \$3,000. He said that \$8,000 was allocated and Ms. Davis had asked him what he wanted to do with the money or what would be the disposition of the remainder of the money. He added that he wasn't expecting any great windfall; that he expected this contract to come in that we would be replacing them all and cost around \$7,100 to \$7,200 based on a previous quote.

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He said that, with the budget he is currently in, \$5,000 was cut from his budget last year in CIP for the purchase of protective equipment; that we funded two other things – the sprinkler head project and roof – explaining that the heading said roof but he thought it was supposed to be for protective equipment because the roof project is done. He added that, that being said, it gave him \$18,000 to spend on issues that needed to be spent this year. He said that he has \$10,696.61 left in that Facilities Account; that that would mean that, out of the \$10,700, \$8,000 was allocated for sprinklers, which left him about \$2,700 from other improvement projects. He added that he would like to, and he will approach the Board once the final bill comes in, take the money that is left over from the sprinkler replacement and put that towards continued replacement of structural firefighting gear; that he still has a shortage of at least three sets for this year, maybe more, and that will keep him fairly current other than boots and helmets and anything he can squeeze out of anything he will squeeze it. He said that they may not have answered Ms. Davis' question about how he was going to approach this; that it will be by memo to the Board through the Town Manager – “This is what's left. Can we do this?”; that, historically, he has asked the Board to do that and, with discussion, it hasn't been a problem; that he was willing to discuss it at any time.

6:40 PM Mr. Beckert agreed that it would be good to wait until the job is done to make sure there are no unforeseen hiccups.

Mr. Muzeroll said that they are doing an inspection of the system; that he got an email about flushing of the sprinkler system; that that would not be done with this contract because it wasn't a part of that contract but it will be done in our annual cycle, which is in the fall.

Mr. Lee said that it was already scheduled on a rotating basis for this fall.

6:41 PM Mr. Muzeroll said that he thought that was done every three-to-five years; that that gives him some surety that the work that they did didn't cause any other problems.

Mr. Beckert asked if it was the consensus of the Board that any decision on any surplus that may be left over from the sprinkler job will not be determined until the job is complete and any checklist items are corrected.

That was the **consensus of the Board**.

G2. Administrative Department

1) Town Manager Activities Report

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Ms. Davis commented that we have the jail crew working out on Route 236 and asked how that came about.

6:42 PM Mr. Lee said that they would be working all week. He added that it was his idea; that he got some complaints through Representative Beavers and asking if something could be done. He said that he and Mr. Moulton try with MDOT quite often to fix potholes, etc. and we don't get much in the way of response, unfortunately. He added that he didn't know enough, coming from western Maine where we use jail crews quite often; that he called the York jail and said that he would be needing a jail crew and they said that they have not done that in a long time. He added that he contacted Kittery and South Berwick to join Eliot and they agreed. He said that they got 40 bags yesterday; that the crew said it was a disaster up and down both sides of that road; that DOT gave them the bags, they had the gloves, and somebody furnished the vests; that the next thing he knew they were out here. He added that they are picking up a lot of trash out there and he appreciated it.

Mr. Moulton said that we have been collecting it at the Transfer Station and they have filled a container in 2½ days. He added that disposal was based on a per-ton basis and it was all light.

6:44 PM Mr. Murphy said that, on line 71 in the Town Manager Report, Mr. Lee had a discussion with the Finance Director about a PSAP bill that was unbudgeted and that they are formulating a multi-budget plan to cover this. He asked if they had set up a file for next year's budget, as this is one thing we want to make sure is included.

Mr. Lee said that the budget going to Town Meeting on Saturday includes this; that he didn't know about this when he was working on his first budget; that it is \$15,000 we pay to the Town of York and he didn't know anything about it, explaining that when he saw 'dispatch', with X number of dollars, it included PSAP; that in his world PSAP and dispatch go together and didn't know it was two different groups. He reiterated that he was never advised, it didn't get in anyone's budget, and now he is looking at \$15,000 bill near the end of the fiscal year; that they were counting pennies and having discussions with department heads that use this and we will get through it.

6:46 PM Ms. (Donna) Murphy thanked Mr. Lee for arranging for that crew to come and clean up. She said that she used to do a neighborhood clean-up here in Town until Pay-to-Throw came in and people weren't willing to do that. She added that she would like to see Eliot, maybe in April for Earth Day, have a Town-wide clean-up and have residents volunteer to do that.

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Mr. Beckert said that either the Solid Waste Committee or Conservation Commission had a sign-up sheet so that people could sign up for certain sections of their road.

Mr. Tessier said that that was run under the Conservation Commission; that they were also coordinating with the school department to do it on a Saturday.

6:47 PM Ms. (Donna) Murphy said that she thought it would be a good thing for this Town, perhaps even twice a year, to have a particular color bag handed out so that there is not a cost for the trash that is picked up.

Mr. Lee said that he thought it was a good idea; that he was pleased that the jail would participate; that there was no push-back, just saying that nobody had asked.

Mr. Lee discussed the Eliot Commons TIF; that 95% of proceeds of new value go to Eliot Commons and we are only supposed to be retaining 5% of it. He said that there is no way, in the number of years that have gone by, that 5% equals \$85,000. He added that he and the Finance Director have been digging into it; that he thought we had five years at about \$14,000, a piece, that should have been handled differently; that that was the money that really was for Eliot Commons' owners, not for us. He said that, for us, it was supposed to be 5% of the \$14,000 thing – around \$800 for five years, or some number, that should have accumulated in our 5%; that instead we had everything sitting in this account and did not separate them out.

6:49 PM Ms. Davis asked, regarding sewer damage claims with the insurance company, what that was about.

Mr. Lee said that he submitted two claims; that he submitted the March pump failure and the April failure after calling; that they said it is possible that they are covered so he started the claim; that the insurance company acknowledged receipt but he has not heard anything back from them, yet. He added that we pay insurance on those sewer pumps and he is not sure what it's for, if not for this.

Ms. Davis said that having a book of approved policies with the Administrative Secretary was great; that she has so many copies of so many different policies that she has trouble knowing which ones are the final issues.

Mr. Lee agreed; that he would like to have a copy available for each Selectman so that they know what policies are currently in place and to be able to get rid of any and all that are outdated.

6:50 PM Ms. Davis asked if the police situation was ongoing.

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Mr. Lee said yes; that there is more ongoing with that. He explained that we had a police officer that was on probation that, due to what he would call attitudinal-type things, didn't make it through probation; that the people who are trying to defend the two guys in court, there; that they felt that his dismissal was more evidence that we do stuff poorly, he guessed, so they requested a FOAA of everything about this officer as to why he was let go, etc. trying to tie it into some mismanagement thing. He added that it is expensive and troubling and he still doesn't think there's a thing in the world they're going to find in that police department.

6:52 PM **2) Authorization to Issue Tax Anticipation Note**

Mr. Lee said that one might argue that we should be bidding this but, in this particular case, we've made a complete financial commitment to Key Bank to manage our funds; that one of the things that happen with TAN Notes when you're using what they call 'sweep accounts' is that, at the end of any given day, if we have any extra money we pay our TAN and if we are short money they issue us just the amount that we need. He added that if we were to do it in any other way, then we are manually going down and we are borrowing more than we need, we're manually going down to the bank and repaying what we need; that this way it is automatically done right to the dollar, we don't borrow any more than needed, and don't keep it any longer than needed. He said that it probably is the most efficient way to borrow money that you can possibly find; that last year it was .60% and this year it is .66%; that that is a very favorable rate, we don't use it a great deal, and all our money continually goes entirely through the Key Bank process without a hiccup and he believes we should go forward with it.

6:55 PM Ms. Davis said that the borrowing amount is \$4.5 million and that seems like the credit limit, asking why that was so high.

Mr. Lee said that it is the credit limit and it usually is what you put in on a TAN Note. He explained that you do your cash flow analysis and, at the end of that, there is a maximum amount that is calculated; that you tend to put in that maximum amount and tend to work from. He added that we don't usually get to that amount but, to the worst of it with a school bill hitting right before we collect taxes, we might be down \$2 million out of that \$4.5 million.

Ms. Davis asked for confirmation that we are only charged for what we borrow for the length of time we borrow it.

Mr. Lee agreed, saying that that means it is 100% accurate what we are borrowing and 100% payback; that even if we get it at .66% someplace else, the time loss from moving it from this to this, he thinks we'd get hurt on money.

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6:57 PM

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen, so vote:

1. That under and pursuant to Title 30-A, §5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of up to \$4,500,000 principal amount of Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2015 and ends June 30, 2016; and
2. Said note shall be dated on or around August 1, 2015, shall mature on or before June 30, 2016, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Selectmen, shall be issued on an as-needed basis, shall bear interest at the rate of 0.66% per annum calculated on the basis of actual days elapsed in an assumed 360-day year, shall be payable at Key Bank National Association and shall otherwise be in such form and bear such details as the signers may determine; and
3. That said note is hereby sold and awarded to Key Bank National Association in accordance with its proposal dated June 3, 2015; and
4. Said Note is hereby designated as a qualified tax exempt obligation of the Town for the 2015 calendar year pursuant to the Internal Revenue Code of 1996; and
5. That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note is hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefore.

VOTE

4-0

Chair concurs

6:59 PM

3) Unassigned Fund Balance Policy - 2nd Reading

Mr. Lee said that, at some point, as part of our Financial Policy we should have an Unassigned Fund Balance Policy that directs the Board what to do with your fund balance, what your target is, what to do if it goes below the target or above the target, how you are calculating it – a very risky 30-day target, a more conservative 60-day target, as recommended by the auditor, or a super conservative 90-day reserve that you want to keep in your unassigned fund balance. He added that he put before the Board a draft Unassigned Fund Balance Policy that was created by Ron Smith (auditor); that Mr. Lee has used it in other towns; that it shows how to calculate it and it shows how much you are over or under in a spreadsheet that calculates it for you so that, annually, as part of the budget that can be put in to show what the fund balance was at the end of the year. He said that it would be very helpful if we get to a point where we want to fund things from this fund balance, like lower taxes or capital projects or something, we need to be able to know what we want to keep for a minimum fund balance at all times. He asked

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June 11, 2015 5:30PM (continued)

the Board to consider this and, if there are no concerns with it, we could adopt it; that if you would like to further consider it and have him put it on a future agenda, he could do that as well.

7:01 PM

Mr. Beckert said that this is the second reading and asked the Board if they had any major sticking points.

Mr. Murphy said that he has looked at this thoroughly, that he had a number of changes that Mr. Lee has incorporated, and he is satisfied with this level of it.

Ms. Davis said that it talks about what the balances should be but it doesn't talk about, and maybe this should be somewhere else, how that is attained. She added that Mr. Lee, last year, was talking about overlay and asked if we use this as our rationale for calculating the amount of our overlay; that she thought she remembered that there was a maximum overlay; that she didn't know what that is and what kind of an impact that would have on the mil rate. She said that people, when they go to vote the budget on Saturday there is sort of this idea that this is our tax rate and, when she looks at this she thinks, well, maybe not; so, does Mr. Lee have some idea what the spread is and where, if this is implemented, you would head this year, as far as the tax rate goes and how you want to approach bringing the number up, because it looks like we are a bit lower than we want to be.

7:03 PM

Mr. Lee agreed we are; that in the past, from his understanding, when you round off the mil rate, if you do the very smallest rounding you can to be the kindest you can to the taxpayer, you may end up with a \$25,000 - \$30,000 - \$40,000 overlay. He added that you can go as much as 5% of your commitment, which of course makes it a very large amount that you could put in there. He said that we had a year not long ago where there was an assessing error that caused an abatement of a significant amount of money, well in excess of the \$35,000+/- that was put into overlay, and that hurt us in the following audit. He added that, last year, he had it in at about \$90,000; that we rounded but we rounded stronger because we really should be thinking about easing into building that fund balance but not shocking people, as Ms. Davis said. He said that, this year, we had a good year with regard to abatements, doing very few with very low values, so most of that \$90,000 will go through; that he suggested to the Budget Committee at one point that if we could round it and get down around \$75,000 or \$80,000, and hold it there and have good years with normal abatements, then we could grow it reasonably and you would barely feel it because it really is the rounding of the first or second digit after the mil rate; that if it's 13.86 and we go to 13.9 it generates a certain amount, and that would be what we were shooting for was around that \$80,000/year, hoping that abatements would not be more than \$10,000 to \$20,000 and building \$60,000; that, if any revenue came in above what we projected that drops through to fund balance, and any appropriations that were made that we did

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not spend, that would drop through; so, between the overlay, unanticipated revenue, and unspent appropriations you build your overlay. He said that he would hopefully take \$10,000 off last year's overlay when we round the numbers this year to the mil rate for his recommendation to the Board, and that is up to the Board. He added that, in any given year, he has seen Selectmen or Town Councils increase the amount of money into the overlay to build the fund balance more quickly, which is tough when it hasn't been voted and it's just a decision on the mil rate when you fill out the form.

7:06 PM Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen adopt the Unassigned Fund Balance Policy dated June 11, 2015 and marked G2-3.

DISCUSSION

Ms. Davis asked if it was advisable to have the process by which you're going to do that or does that remain in this policy or does that remain informal and is something addressed on a year-by-year basis.

Mr. Lee said that he has not seen that in this particular policy; that in financial policies, however, he thinks they will have a section regarding overlay and the setting of the tax rate; that in that section he thinks she will find that, when you set the tax rate, here's what you want to be thinking about, here's the maximum and minimum you can do, this is the form that is used, those types of things. He added that he thinks, when we get to those more detailed things, at that point it will say this is how to create overlay, build your fund balance, etc.; that for this one it is just the target - what is your target and what do you do if you are below or above.

7:07 PM Mr. Murphy said that it is also true that unused monies in any department not otherwise promised fall through to help build up the unassigned fund balance.

Mr. Lee agreed and said that, unfortunately, what will happen, he thinks, as we work pretty closely with the Budget Committee, trying to be more detailed and leaving ourselves much less wiggle room, perhaps, than in days gone by, you aren't going to have a lot of unexpended money at the end of the year and you aren't going to have a lot of unanticipated revenues because we look at those very, very carefully, now, and try not to do much rounding; that we are being carefully scrutinized for padding and we are not padding; that it really does happen at the overlay level and, if you want tight, responsible budgets, you better be thinking about where the overlay is going to be because that might be all that goes in to build it. He added that he thinks last year he made it in under budget by about \$1,500.

DISCUSSION ENDED

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VOTE
4-0
Chair concurs

7:08 PM 4) Discharge of Lien – Map/Lot 089-005-000

Mr. Lee said that this was a housekeeping issue; that for whatever reason on of our Town properties got included in the lien list. He added that, in order to have our books balance out, he needed this abated.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the abatement of \$128.38 on Tax Map 089, Lot 005 for the year 2013 taxes, wrongly applied.

VOTE
4-0
Chair concurs

7:10 PM 5) Monthly Workshop, Third Thursday, 6/18 at 5:30 PM

It was suggested that we hold off on that workshop until after the new Board sits and is formed; that that won't be until June 25th.

It was the **consensus of the Board** to postpone this workshop.

G3. Public Works

7:11 PM 1) Storm Water Project Bids

Mr. Lee said that we had a total of four bids received for the Pleasant Street Stormwater Outfall/Drainage Project; that we bid it with both phases and made it very clear that both phases were subject to funding, funding for Phase I at this Saturday's vote and Phase II would be subject to next year's stormwater funding. He added that the lowest bid was Brex Corporation with a total bid for the two phases of \$371,608; that Year I's portion of that is \$152,176. He said that their first year bid was also the lowest of all four bids and, although their second year bid was the second lowest, collectively Brex Corporation is the lowest overall bid, they are a highly qualified firm, and we are recommending that the project be awarded to Brex Corporation, subject to funding at the June 13th Town Meeting.

Ms. Davis said that she thought we had a presentation on the Stormwater Project in December of 2013 and, at that time, we were given a lot of estimates and breakdowns of a 5-year plan; that Pleasant Street originally came out with an estimate of \$127,500 and, of that amount, \$8,200 was for non-mandatory work and she has questions about why there has been such an enormous jump in the

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cost of this; that she wondered, since it hasn't been funded yet, if we could sort of take this up and have some discussion about ways that we can look at, perhaps, some value engineering; in ways that we might look at Town participating in some of this work so that we're not subbing out close to \$400,000 for this. She reiterated that it just seems like an enormous increase in this and she has a lot of unanswered questions about it and wish that we could sort of take it up before we award a bid to anybody to see what we might do to bring it down a little bit, and to discover why there is such a discrepancy in the costs.

7:13 PM Mr. Lee said that, for one, it was an estimate given back in December of 2013 and was based on what they knew at the time; that as we got into looking at the project more thoroughly and actually designing it, an estimate goes from estimate to actual construction, what's on-site, looking at it more carefully. He added that almost two years have passed and the price of materials has moved.

Mr. Moulton agreed, saying that the bigger thing is that it was an estimate; that back in 2013 the economy was slowly rebounding and, now, construction is plentiful and the cost of materials is up. He added that a plus side to the whole thing is, as we approached the Board with doing it in two years, that second-year number is a budget number that we will have, solid, for next year because it's a fixed, locked-in number.

Mr. Lee clarified that this is one of the numbers that make up Stormwater for next year; that this is the construction number and there are other numbers that go into Stormwater that are non-construction.

Mr. Moulton agreed. He said that he thought a lot of it had to do with the economy and the cost of materials.

7:15 PM Mr. Lee said that he wanted to point out one other thing in that he was looking at the top three bidders and the clustering was \$152,000, 167,000, 156,000; that there is one that was way outside with \$261,000 and he doesn't know what they were looking at but the other three are right there, folks; that this is a very competitive bid; that one of them is a local company and they were off by only \$3,000 or \$4,000 from them being the lowest bidder. He added that we only have a four- or five-person department and for us to be out there doing portions of this work will be at the expense of a whole bunch of other work; that we are not even being supported necessarily to get another person for Public Works; that he doesn't know how much we could add to this project; that with what we do have to do we don't have that capacity to do much with this in-house. He said that those bids were all close and bid very well; that he thought they all knew what they were bidding on and that's probably what it cost to do that work.

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7:16 PM Ms. Davis said that if we bring those numbers down by subtracting the \$8,200 for the non-mandatory that brings it down to in the neighborhood of \$120,000, so, this bid is coming in three times higher after only a year and a half.

Mr. Lee said that he didn't know what document she was looking at so it was hard for him

Ms. Davis said that she was looking at both the minutes of the meeting, where the presentation was given, and a power point that was handed out during that presentation; that we also received from this paid consultant the original estimates for this work, which were highly detailed.

Mr. Lee asked if that was just year one or the whole project.

Ms. Davis said that it was the whole 5-year project. She clarified that what she was saying was that she has questions, we are not yet funded, and she would like us, as a group, to perhaps use the next meeting, get some information in the meantime, or a workshop to sit down and discuss why this is different. She added that she knew that the Budget Committee asked for greater detail on this, she asked for greater detail on this during the budget season and haven't received anything yet. She asked if we could give this some thought, especially since we haven't voted on it as a Town, yet; that an alternate to this would be to say that if it does, indeed, come in so much higher then she thinks we need to look at better planning for the funding and maybe not try to get this all down in one or two years when it's increased so much.

7:18 PM Mr. Lee said that he didn't have much to say in response.

Ms. (Donna) Murphy asked, if this bid is awarded and the Town chooses not to fund it, are there any legal ramifications because we've told a company that he gets the bid.

Mr. Lee said no; that his statement was 'awarded contingent upon funding being approved at Saturday's Town Meeting'.

Mr. Lee commented by saying that, if any of us is going to reference a document from which they are getting data to dissuade or persuade a decision, then he thought that document should be shared so that we have time to look at it in advance; that that is why he sends out his agenda stuff a week in advance. He added that, if we have a document out there, he would like to look at it; that he knew that, recently, we had looked into a claim that we had paved Dixon Road about 2 years ago and it ended up being Dixon Avenue, so, to look in that report, it might not read the same to him as it did to someone else. He said that the other thing was that there was a spreadsheet provided to the Budget Committee that

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broke out the Stormwater expenses and, to say that we did not provide information, he didn't think was entirely correct; that the information provided may not have been as detailed as they wanted; that he wasn't sure what level of detail they were after but we did try to provide a level of detail in that spreadsheet. He said that there was no harm in waiting until after Town Meeting, certainly; that he didn't know what more we could bring to it; that it is what it is and there are three bids that are very close; that he looks at it as a very good bid process and document. He added that he doesn't know where the \$127,000 is coming from and would like to look at that document in case it is being interpreted differently.

7:20 PM Ms. Davis said that it was handed out when the presentation was made; that she knew these kinds of things got lost but she has a stormwater folder and would be happy to make copies for everybody. She added that she would like a little research on knowing what other towns are doing. She said that, at the time, the very first study done was a five-town study for stormwater and the same company that created these bids created bids for all five towns; so, an opportunity to become more educated about exactly what's involved and some discussion about whether we could contribute. She said that she knows we contribute towards the paving and that must bring down some of the cost of our paving; that we did contribute towards Old Fields Road Bridge last year; that she would like to take a look at this and maybe hammer out a plan that would bring it down a little.

7:21 PM Mr. Moulton said that the Town of Eliot had a voluntary stormwater audit and, at that point, we developed a plan because we had so many inefficiencies because of the change and DEP and EPA coming down. He added that the other towns in the MS4 region are actually behind the eight-ball and we are actually ahead of the eight-ball; that they are being mandated to do the same thing we are doing now ; that that plan was developed so we could stay ahead of the ball and not have any further issues. He said that that's it in a nutshell and that's why we are at where we are at because we were proactive; that the other towns were non-reactive and, now, they are going to be doing the same thing we are doing starting this year.

Mr. Hirst asked Mr. Moulton what his timeframe is, also asking if he had anything that would dictate when this needs to be done.

Mr. Moulton said that it has to be done during this construction season; that he didn't want to do it as late as we did it last year. He added that he would rather get it done sooner than later so the project is done and we can get vegetation in where needed and stabilization of everything. He said that the intent would be, given approval tonight and at Town Meeting on Saturday, to move the project in the quick, near future so that we can achieve those things. He added that we are already looking at July when we would have the money to do the project and, if

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the contracts can't start until August, then we are already starting to push that envelope and this is a little bigger project than last year.

7:23 PM Mr. Lee added that the paving plants will close probably mid-November; that our window will be September – October, probably.

Mr. Murphy said that he thinks what Ms. Davis is referring to is November 13th, it was you who brought this to me and there was quite a detailed break-out of proposed costs and he can't relate to what's in that current one. He added that he can understand that anyone who was to rely on those estimates would think that something has changed but these are a year-and-a-half old and things can move fast; that he agreed with Mr. Lee that costs have changed significantly; that the understanding of the precise thing that's going to be done is far different from the necessary estimate made. He said that he didn't think we should require things to go by this 1½ year old estimate; that we just have to rely on legitimate planning in the present time.

7:24 PM Mr. Lee said that he would be willing to look at that document to try to figure out who created the document, where the numbers come from, what exactly those numbers relate to, and bring this back in two weeks.

Mr. Murphy said that this was from Ms. Rabasca.

Mr. Lee said that he could run that by Ms. Rabasca and see what was assumed; that he would like to know what was assumed at the time and what now is the case and what are the differences; that he thought that was the question.

Mr. Moulton said that he thought that we looked to eliminate 10 outfalls down to 3 in this Pleasant Street Plan because of the increased permitting that is coming forward for sampling, etc.; that in the long-term you will be saving \$20,000+/year.

7:25 PM Mr. Lee said that, maybe, that anticipated doing three different sections of pipe and we are now doing ten to avoid future operational expenses on an on-going basis. He suggested that that was what Ms. Davis would like to know – are we investing more now so that we have fewer operational expenses later. He added that that was 'fair enough' and suggested we do that and bring it back in two weeks for the Board.

Ms. Davis said that, in going through the minutes, she just felt concerned that we hired, and have paid, several thousand dollars to this consultant to give us advice and estimates; that when a budget comes in three times greater than an estimate from a professional and, yes, prices have gone up, but 1½ years is not really that great a timeframe and the minutes from July 11, 2013 state: "Mr. Moynahan said

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that this was from Ms. Pelletier, Planning Assistant, regarding the program audit conducted on June 4th by the Maine DEP; that there were no major deficiencies.” She said that, if you go down the road when you start looking at implementation, we start to hear concerns when we are budgeting for the Park Street Stormwater; that there is no consistency with the approach. She added that she guessed that some of what she’s seeing in these minutes is that there are mandated implementations and, then, some of them, she thinks, are good to do because you are looking down the road when they may become ultimately mandated. She said that what we’re doing doesn’t seem to fall under the list of ‘mandated’ and she would like to be educated; that she wished they could have a Board meeting with Mr. Moulton to talk about what’s mandated and what’s discretionary, why the prices went up like they did, and get a better feel for what we’re actually buying, here.

7:28 PM Mr. Beckert said to bring it back in two weeks.

Mr. Lee said that we would try to get a thorough report for the Board; that we only really have one week until the next Selectmen’s packet goes out but he would do his best; that it may come in a little bit later because, for the next little bit, we will be busy with Town Meeting and following up on that meeting.

Mr. Murphy asked how long these bids would be good for.

Mr. Moulton said that they were good for 30 days.

Mr. Lee said that that does limit us to the next meeting or they have the right to change their bids.

Mr. Murphy said that the bids are dated June 4th so the deadline is July 4th.

2) MCAPWA Award – Old Field’s Bridge Project

Mr. Lee said that MCAPWA is the Maine Chapter of the American Public Works Association and, every year, they do a competition for different things; that one of them is for Medium Size, Category B (Outside Assistance) and is where regional cooperation between two towns takes place to achieve some sort of cost-savings for the residents. He added that they gave, for 2014, First Place for the Shorey Bridge Replacement to the Town of Eliot and the Town of South Berwick; that this award said: “This recognition is for your efforts performed on this project which demonstrate excellence, quality, innovation, value, and community satisfaction.” Mr. Lee said that he wanted to congratulate the Eliot Public Works Department and the one in South Berwick, as well, because they did work together very, very well and they look forward to doing any other joint projects.

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He added that we have been approached by the school, theoretically, for us to bid on doing some driveway work.

7:30 PM Mr. Hirst asked if Mr. Moulton could just tell us roughly how much we saved by this collaboration.

Mr. Moulton said between \$56,000 and \$57,000.

Mr. Hirst said that this was just another example of the value of collaboration with other entities, other towns.

Mr. Lee said that that gets back to Ms. Davis' point, too; if and when we can free ourselves up for a week to go out and actually dig in the ground, and stuff, and not contract out, we can save some money; that we saw what the contractors' prices were, there. He added that, in this part of the year, when we get into doing all the other stuff we've got going and all the guys are on vacation, etc., and they can't take them in the winter, we're really slim-staffed a lot of the time. He said that he had to have Mr. Moulton take some vacation time, recently, and when Mr. Moulton came back, his desk was a mess, as we knew it would be; that we just don't have the man-power to go out and dig around very often. He said that he was glad we did on this one because it was a pretty short window we did it in.

G4. Public Safety

7:32 PM 1) MDOT Response to Petition for Traffic Signal

Mr. Beckert said that this was for the intersection at Bolt Hill Road and Route 236. He read the response for the attending public.

Mr. Lee said that he forwarded the response to Kittery and the Kittery Town Manager is going to take it up with the Kittery Town Council. He added that he wondered what the Board's position was on taking the MDOT up on the next two steps they offered that would lead us to know whether they're going to be able to willingly install a traffic signal there, or not. He added that his advice would be to take MDOT up on their offer.

It was the **consensus of the Board** that the Town Manager move forward to contact the State that we are in agreement that we would like to have MDOT proceed.

I. Old Business

7:35 PM 1) Purchasing Policy – 4th Reading

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Mr. Lee said that, in deference to Mr. Pomerleau getting elected and submitting a couple of changes, it may be valuable for us to hold off on doing this until he can be seated and address these changes; that at least one of them he tends to agree with and, the other one, we should at least talk about.

Mr. Beckert said to schedule this for the next regular meeting.

J. Selectmen's Report:

1) Committee Vacancy Report

Mr. Beckert asked if we had that.

Mr. Lee said that you do not; that this was something Selectman Murphy asked to do at meetings to update people on what vacancies are available.

7:36 PM Mr. Murphy said that, with the Board of Appeals, three terms expire this year, two regular and one alternate, and all three current holders wish to be reappointed for another 3-year term; one term expires on the Planning Board this year, a regular member, and that member has not yet applied to be reappointed, so there may or may not be an opening there; three terms on the Conservation Commission expire this year, all regular members, and two have expressed a wish to be reappointed and the third one has not yet done so; four terms expire this year on Business Development Committee, all regular members, and no one has yet applied to be reappointed, except one; three terms expire this year on the Shellfish Committee, two regular and one alternate, and two have already reapplied and the third has not yet reapplied; four terms expire this year on the Sewer Committee, three regular and one alternate, and two have expressed a wish to be reappointed and two have not yet said so and, in addition, there are two alternate positions that are currently vacant; two terms expire this year on the Energy Committee, regular members, one has already reapplied and the other has not, but there is an opening because of a resignation; that, with the Harbor Commission, one member does not want to be reappointed and two have announced their wish to be reappointed but, in addition, there is one alternate open position. He said that there are places for people to do things in this Town, and it's necessary; it's how we get things done. He added that you don't have to be a member to be there and speak and contribute.

7:40 PM Ms. Davis said that she had a couple of questions; that she was always playing catch-up but her project just got approved last night so, hopefully, more time is in the offing. She said that, on the revenue that's coming up at the Town Meeting, there are a couple of line items that look like they are added into the total revenue for the year. She said that the first one is 'carry forward' for the Charter and the second is 'carry forward' for the Fire CIP Painting, and together they amount to

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\$21,000, and she thinks they've been totaled in amounts to offset taxation but it's money we are just carrying forward. She asked if Mr. Lee could tell her if those expenses have been reapplied and, therefore, we need to reapply the revenue or whether we're just carrying forward revenue and we need to deduct it from the total amount.

Mr. Lee said that the expense side of that is included in the budget so that the Charter Commission would still have \$13,500 to expend but we have to show the revenue going in as \$13,500.

Ms. Davis said that it isn't new money we are taking in as revenue so are we counting it twice.

Mr. Lee said that it depends how you view it; that anything that's not used as revenue drops through to fund balance; so, unused Charter Commission money is going to drop through unless we stop it via the 'carry over' process and don't let it drop through. He added that, in either way, you do have to recognize that that \$13,500 is being used from someplace; either it is coming out of Fund Balance to pay this or we are raising it by taxation to pay it. He said that his view was that they both dropped through to Fund Balance and that, when you say 'carry forward' that would basically bring them back out of Fund Balance to use them. He added that he would have Ms. Bergeron check that to see if we can make an adjustment on the floor of Town Meeting. He asked if she thought those revenues were not applicable.

7:41 PM

Ms. Davis said yes; that they're being added in to the total off-setting revenue and, because we collected the money last year, we aren't collecting it again this year. She reiterated that it was \$13,500 for the Charter Commission and \$8,000 for the Fire Department CIP.

Ms. Davis asked a question about interest investment. She said that that is also going into the revenue as \$8,000 and, just based on our recent meeting with Key Bank, she didn't know that we were actually going to make that much or collect it this year; that she was curious if we had checked on that.

Mr. Lee said that he had not. He added that he did think that, at this late date, to be looking into these things for Town Meeting, which is 48 hours away, is not easy on him.

Ms. Davis agreed. She added that she noticed that Worster Road was finished paving a couple of weeks ago; that in our budget books there is a list of roads that are going to be paved for 2015/2016 and Worsted Road is listed on there, and she wondered why.

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7:43 PM Mr. Lee said that he was not going to try to answer live tonight, as he doesn't have anything in front of him and didn't have any time to prepare.

Ms. Davis said that she would like to be more educated on these two bonds we collected on Worster Road and if it was enough to pave the entire road; that she wondered how that worked – why would damage to one section of the road be re-numerated in an amount sufficient to pave the entire road.

Mr. Lee said that he thought it would be helpful if Ms. Davis sent him an email with specific questions of what she is specifically trying to find out, like – how do you spread \$50,000 and do that much paving.

Ms. Davis said that we had a \$50,000 bond, we spent \$26,000, and gave them a check back for \$24,000; then we got another \$36,000 for Public Service and that's the money she is assuming will be used to finish off the road.

Mr. Lee said that he guessed neither question was really very specific because he isn't sure he understands the underlying question.

Ms. Davis said that her final question was that she was curious that, if we are planning to do Pleasant Street Stormwater, then it would seem to follow that we would want to do paving but that road is not on the list of paving for this year and she wondered what the plan was for that; whether the work is such that it's not going to tear up the road enough to require re-paving. She said that, along with the bond question, she just wanted to know where that stuff appears; that normally she sees that it would appear on the revenue summary report and, at the beginning of the year, the \$50,000 was on there but, now, it's gone and only the \$36,000 is showing on there; that that may be a process but, if it could be explained how both the revenues and expenses are posted to these reports so that she could have a better understanding of how that works. She further said that we talked about Dixon Road briefly in an email, not 'avenue', and asked if it was more cost-effective to tear that thing up or to patch it so that it is easier on people to drive, or, where are we at with that discussion.

7:45 PM Mr. Lee said that, first off, he thinks what we do on Dixon Road is a full Board issue; that we haven't done anything on it at this point except to decide that the pavement is so beat up that we'd actually be better traveling on gravel than beating up our cars traveling the bumpy, old road that's out there; that he thought that was something he thought she should turn back to the Board for discussion; that at this point he is just waiting for direction on what to do there so he can't even answer that question.

K. Other Business as needed

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There was no other business.

L. Executive Session

7:46 PM Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. §405 D Non-union employee benefits.

DISCUSSION

Ms. Davis asked what the privacy nature was of this discussion because this follows along with a policy that appears in the Personnel Policy, so, why is it considered executive session.

Mr. Lee said that the reason he did that was because he does mention in this memo about the potential for something backfiring; that he doesn't care if we talk about it in public but is just trying to caution the Board about something backfiring and he thinks that, if we do it publicly, it's even more likely to backfire.

Mr. Beckert said that it was the Chair's opinion that if it has anything that could cause legal ramification then the Board needs to discuss it in executive session.

Mr. Pomerleau said that he had the same question; that unless this is employee-specific, and if it is, clearly, the statute says that anything that could cause an individual loss of privacy or embarrassment, you can't talk in public session; that if it's just generic policy, then that does not come under executive session.

7:48 PM Mr. Lee said that he would just as soon talk about it publicly; that he actually has some points to make that he thought ought to be public.

Mr. Murphy asked if there is an implication about affecting union negotiations.

Mr. Lee said yes.

Mr. Murphy said that we don't know what the effects are going to be of that.

Mr. Lee said that that's why he put a memo together, so you could all read it and make your own interpretation of whether it should be executive or not; that it's not an easy decision. He added that he wasn't trying to be secretive; that he just thought we are about to head for another problem.

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Ms. Davis said that she thought it was a sensitive issue and she can understand wanting to talk about it behind closed doors but, on the other hand, she doesn't feel that it falls under....

7:49 PM Mr. Lee agreed that it was a close one, a gray zone.

Mr. Beckert said that he had a motion and a second to go into executive session and asked if there was any more discussion.

DISCUSSION ENDED

VOTE

3-1 (Ms. Davis opposed)

Chair concurs in the affirmative

8:03 PM **Out of executive session**

There were no actions taken.

M. Adjourn

There was a motion and second to adjourn the meeting at 8:05 PM.

VOTE

4-0

Chair concurs

DATE

Mr. Grant Hirst, Secretary