

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM

Quorum noted

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

Roll Call: Mr. Moynahan, Mr. Dunkelberger, Mr. Murphy, Mr. Beckert and Mr. Hirst.

Pledge of Allegiance recited
Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Murphy, seconded by Mr. Hirst, to approve the minutes of May 14, 2014, as written.

VOTE
2-0 (Mr. Dunkelberger, Mr. Beckert abstained)
Chair concurs

Motion by Mr. Murphy, seconded by Mr. Dunkelberger, to approve the minutes of May 22, 2014, as amended.

VOTE
2-0 (Mr. Hirst abstained)
Chair concurs

NOTE: Mr. Beckert is now present.

Motion by Mr. Murphy, seconded by Mr. Beckert, to approve the minutes of May 28, 2014, as amended.

VOTE
3-0 (Mr. Dunkelberger abstained)
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of May 29, 2014, as written.

VOTE
3-0 (Mr. Dunkelberger abstained)
Chair concurs

Public Comment:

5:36 PM Ms. (Cindy) Lentz discussed her concern for a tense recent Selectmen's meeting over the budget and her hope that future meetings would be more civil, more effort would be put towards getting the school budget in line and Townspeople more involved.

5:38 PM Mr. Moynahan suggested it may be differing views, which is healthy for voters in that they could view two different approaches. He added that he hoped it didn't come across as causing separation because was not their intent. He said that Ms. Lentz's input was good.

5:39 PM Mr. (Charlie) Rankie discussed what he called 'where you sit' and that, as a sitting Board, Selectmen have a lot of influence on what goes on in Town and those sitting in the audience don't have quite as much influence; that that was something to consider. He added that that was why he volunteered to be on the Charter Commission because the Charter will be in place no matter where one sits. He thanked Mr. Murphy and Mr. Dunkelberger in serving as Selectmen for their strong efforts on behalf of the Town.

Mr. Moynahan said that it was a challenge making decisions; that they have packets way before the public so a lot of times their work was done or their minds have been decided on material ahead of time. He added that they were not dismissive of the public but their job was to make a determination on something

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM (continued)

in front of them and do it quickly and precisely with vast more knowledge than the public would have in a meeting; that it was a challenge to balance both in getting feedback from the public and their own knowledge.

5:42 PM Mr. Hirst said that they just had their 6th meeting with MSAD #35 and South Berwick and it is the Selectmen's intention to pay closer attention to the school budget this coming year.

Ms. Lentz asked if the public could be kept informed of the content of those workshops.

Mr. Lee was asked to ask Ms. Leathe to furnish copies of minutes of those workshops to keep the public informed.

G1. Department Head/Committee Reports

5:43 PM 1) Creation of Harbor Commission

Mr. Lee discussed that this would be in support of the Harbor Master and the duties around Eliot's harbor. He asked if the Selectmen would favor the creation of a Harbor Commission and, if so, he would draft a set of by-laws for the commission and a list of appointees for the Board.

Mr. Moynahan said that he thought this was a healthy step. The Board was in favor of this commission and the parameters Mr. Lee outlined in his memo.

Mr. Moynahan suggested that, once the commission is defined, it review the current operations and create a needs assessment and establish suggestions to be forwarded on to the Town Manager/BOS for better operations; to work with the ECSD when looking at creating alternative potentials and better utilization of the Boat Basin and user fees; that maybe they could define the ECSD's charge of the Boat Basin a bit better.

Mr. Beckert reminded everyone that the State played a role in the Boat Basin, especially dictating what the Town could charge to use the Boat Basin.

Mr. Hirst suggested the Town Manager/Harbor Commission review the contract between the State and the Town regarding the Boat Basin.

5:47 PM 2) RSU 35 Budget Transposition

Mr. Lee said that the school district made a mistake on their warrant; that under warrant Article #5 (school budget) the number was supposed to be \$2,760,582 but the number presented and voted on was \$2,706,582; that upon legal advise it was recommended to the school board that they use that lower number so the school budget is actually \$54,000 less than the recommended amount.

Mr. Moynahan said that he had a question regarding 'local tax revenues' as it pertained to the school's whole budget. He added that it shows the required local contribution (\$12,058,875) and then an 'additional local contribution' and asked Mr. Lee if that was similar to an LD1 cap for the school; that in essence we were exceeding that by \$3.5 million.

Mr. Lee said yes.

Mr. Moynahan said that further down there was 'prior year fund balance carryover' and 'additional carryover' of another \$585,000 and so it was \$4 million dollars over what the State says we should be paying schools.

Mr. Lee said that under 'essential programs and services' that was correct. He added that the \$12 million was in order to get the maximum drawdown in State funds.

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM (continued)

Mr. Murphy said that it was his understanding that that added amount the towns have more say in how that is divided.

It was noted that Eliot's increase was 4.9% while South Berwick's increase was 4.2%; that Eliot's valuation was rising faster than South Berwick's but with a lower median income and lower population.

Mr. Pomerleau commented that the \$4 million override came from local town taxes; that there was no State sharing with that.

5:50 PM Ms. Lentz asked how long was the contract with South Berwick as a united school system and what would happen if Eliot broke away from that.

It was said that it was not a contract but an established school district (RSU).

Mr. Lee discussed the process a town would have to go through to withdraw from an RSU that is very difficult, detailed, costly and long. He added that the key was if there were savings by doing that.

Ms. (Donna) Murphy asked what happened to the physical buildings.

Mr. Lee said that those were the things that got negotiated, along with existing debt and personal property; that there is language in the original document that formed the district that addresses this.

5:55 PM **3) Conservation Committee Notes**

Mr. Lee said that this was informational and that he was working with the Conservation Commission to complete this to-do list. He added that he was working to determine the status of the unclaimed lots regarding the Town Forest.

Mr. Beckert discussed the history of Punkintown Road and Johnson Lane.

G2. Administrative Department

6:00 PM **1) Town Manager Activities Report**

This is informational.

Mr. Murphy requested that dates be added to the working items.

Mr. Lee agreed.

2) Election Results – Handout at Meeting

This is informational.

3) Update Kittery Sewer: Review of Plans (no correspondence)

Mr. Lee said that there was no update at this time except that they had formally requested the plans to review but have not heard back yet.

6:03 PM **4) Update: River Road Cemetery**

This is the paperwork on the final settlement of \$7,375 to repair the cemetery damage, of which \$600 is the police detail, and that the work will be done on June 30.

5) Request to Use Contingency Funds; Elections; ADA Reimbursement

Mr. Lee discussed the process that reimbursements had to go through with gross budgeting.

Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen take \$3,801.26 from the Contingency Fund and apply it to the election equipment and the ADA door that the Town had to upgrade for the elections.

VOTE

4-0

Chair concurs

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM (continued)

6:10 PM 6) 80B Brief: Brigham Suit

Mr. Lee said that this was the latest briefing and was an informational update.

7) Audit Contract

Mr. Moynahan said that this was similar to what they had with RHR Smith last year and was for \$9,500.

Mr. Hirst said that it was silent on the issue of timeframe of delivery of the audit.

Mr. Dunkelberger suggested having RHR put the date in.

Mr. Lee said that he would ask them to amend this with a timeframe and he would bring it back to the Board in two weeks.

6:12 PM 8) Title-related Services Contract

Mr. Lee said that he thought this was a good contract. He added that the Town spent an inordinate amount of time doing title searches on sewer and property tax liens. He said that several surrounding towns are using this and it has been very successful.

Mr. Dunkelberger moved, second by Mr. Beckert, that the Board of Selectmen enter into contract with Maine Title Services, LLC to provide the services as listed on the attachment.

VOTE

4-0

Chair concurs

6:14 PM 9) Proposed Investment Policy: 2nd Reading

This is the required 2nd reading for this proposed policy. There were no changes made.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen approve the Town of Eliot, Maine Investment Policy currently before them for review, as written.

VOTE

4-0

Chair concurs

10) Depository Certificate(s): Key Bank (Notarized)

Mr. Lee said that this was the consolidation of accounts with Key Bank and to allow Rebecca Bergeron (Finance Director), Wendy Rawski (Town Clerk) and Dana Lee Town Manager/Treasurer) to be signatories on the accounts. He added that, if the Board approved it, they documents would have to be signed by a Notary in the Town Office.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen authorize the Chairman of the Board of Selectmen to sign both depository certificates, as necessary, in front of the Notary.

VOTE

3-0

Chair concurs

Mr. Lee said that the impact of this would be that all the bills that went through the office would also come across his desk for signature and was the check and balance.

6:18 PM 11) MMA Legislative Agenda Survey

This survey is done yearly through the Selectmen.

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM (continued)

Mr. Dunkelberger and Mr. Hirst suggested adding that the State abide by the 55% law for essential programs and services in Education.

Mr. Lee said, after giving some clarification of how the State gets around its own laws, that he would include all revenues due and payable to towns and municipalities, including Tree Growth, Municipal Revenue-Sharing, etc.

Mr. Dunkelberger said that it seemed only fair since towns were collecting revenue for the State.

Mr. Lee agreed that they didn't get a dime of any police ticket, etc. and yet this was all part and parcel of LD1; that when all this new money was coming LD1 was intended to say, "Look. This is newfound wealth. Don't overspend." He added that the newfound wealth never came but the 'don't overspend' stick is still there.

Mr. Moynahan said that State funding – all-encompassing - would be the first thing to look at.

Mr. Hirst said that he would like them to look at unfunded mandates.

Mr. Pomerleau suggested the State re-examine the formula, itself, for school funding.

Mr. Lee said that the formula basis for the RSU #35 split was part of the original negotiations for forming the RSU #35 and he believed the towns of Eliot and South Berwick, every three or five years, were supposed to review that formula to see if it still worked.

Mr. Beckert discussed the most recent review of the formula and that, at the end of that, their hands were tied within the statute as to how far they could go; that that needed to be revisited - the entire statute.

Mr. Lee added the formula for the county jails should be reviewed, as well.

G3. Public Works

6:30 PM Update: MDOT Use of Eliot Roads/Bond

Mr. Lee said that he asked Mr. Moulton to get it in writing, if he would. He added that it was his intent to advise the Police Department to be alert for this (State project trucks traveling on local roads).

2) CMA Engineers: Eliot Road Management and Funding Plan

Mr. (Bill) Straub, Principal and Project Manager with CMA Engineers, gave a presentation of their findings on Eliot roadways. He discussed the process of roadway deterioration as it relates to Eliot, short-term and long-term; that this covered all paved Town-owned roads and the roadway/pavement treatments and schedule for those roads his company recommended. He also discussed the technology used to determine the quality of the roadways. He suggested the Town not blindly follow the results but use them for their final decision. He also discussed various scenarios for budgeting over 20 years, long term. Additionally, he discussed the costs/benefits for various maintenance and repairs to Eliot Town roads, with annual expenditures of approximately \$500,000 to appropriately repair and maintain the roads, then revisit in 5 years to review and, possibly, reprioritize.

7:00 PM Mr. Lee said that he thought this was a great report and he was glad to have the information. He asked, if they did update this every five years, would it be the same expense as for the original study.

Mr. Straub said that there would be some savings but it would be a similar cost.

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM (continued)

The Board thanked Mr. Straub for coming in to explain their findings.
NOTE: This information is available at Town Hall.

G4. Public Safety

Mr. Lee had nothing.

7:05 PM Mr. Dunkelberger said that he has had a couple of complaints, and personal observation, as we have started the summer season and landscapers are out and around Town. He added that they (landscapers) are parking in some very dangerous locations and blocking roads; that they needed guidance, as it was an accident waiting to happen.

Mr. Lee said that he would follow up with the Eliot Police Department in encouraging these people to be a little safer.

New Business:

There was no new business.

Old Business

Mr. Moynahan discussed scheduling the second workshop to review the Personnel Policy and said that he thought it would be wise to wait for the next sitting Board to take up this work.

At this time, Mr. Moynahan took the time to thank Mr. Murphy and Mr. Dunkelberger for what they offered this Board to himself, personally, and the Town over the past few years in working for the Town. He added that he certainly appreciated every last minute these two men have spent in the work that they have done.

The Board concurred.

Mr. Moynahan said that they had a memo from the Town Manager on his priority goals for the Board's review; that they would hand these to the new members as guidance as they move forward.

7:08 PM Mr. Dunkelberger said that he would finish cleaning up the Selectmen's Policies and have that ready within the next couple of days to give to Mr. Lee.

The Board discussed going into executive session to work on a union contract. It was agreed that Mr. Dunkelberger would get together with Mr. Moynahan after tonight's meeting to get Mr. Dunkelberger's feedback and provide that to Mr. Lee.

7:10 PM Mr. Moynahan said that the Board had discussed having Mr. Lee look at the TIF financial policy, in general; that Mr. Lee came up with several items based on what Board members had collectively provided and asked if there was anything they had missed.

Mr. Hirst said that he thought it was great.

Mr. Murphy wondered if they should include the possibility of trying to entice Town citizens to become more active and to come out and vote; that he thought that was the biggest problem facing this Town.

There was discussion regarding the additional efforts the Town made this year to get more voter participation.

7:12 PM Mr. Moynahan read the BOS Town Manager's Priority Goals document for the benefit of the public. NOTE: This information is available at Town Hall.

7:15 PM Mr. (Andy) Dudek said that he would like to see something in the list the Chair just read that talks about the relationship of the Town of Eliot to the school department as it is a large part of the tax bill and is important to the voters, as was shown in this most recent vote.

BOARD OF SELECTMEN'S MEETING
June 12, 2014 5:30PM (continued)

Mr. Lee agreed with Mr. Dudek and that that \$3.5 million was tough to look at. He clarified that the administrators participate on the constructive, collaborative stuff but when it comes to questioning the budget, etc. that needs to come from the elected officials such as the Budget Committee, Board of Selectmen, etc. He added that he could get the information out, if the Board so wished, but to be the critic, he really shouldn't be in that role.

Mr. Dudek said that he understood but added that he believed the Town needed to be involved somehow, whether it be the Budget Committee, Selectmen, etc.

Ms. (Donna) Murphy discussed the difference in being able to speak at the Selectmen meetings versus the school board meetings and the difficulty in being able to speak at school board meetings.

Mr. Moynahan suggested that in a collaboration the committees could discuss having an open spot for financial considerations from members of the public. He added that on the warrant this year it (school budget) was only one line and had no statements of fact underneath, such as the fact that if the current school budget did not pass it would go back to last year's funding.

Mr. Dunkelberger reminded everyone that Eliot has two or three members on the school board and their phone numbers and emails are published and suggested reaching out to them to make a change in how they conduct their meetings.

Mr. Rankie said that he thought it would be wise to get the original agreement that formed MSAD #35 and look at the root. He added that, in working with this proposed charter, the commission hasn't really talked about the school because they don't know if the Town has any authority over the school or not and looking into the original document could clear that up.

Mr. Lee said that he would get that RSU 35 document and provide it to the Charter Commission, Budget Committee, and anyone else interested.

Selectmen's Report:

There were no Selectmen's reports tonight.

Executive Session

There were no executive sessions tonight.

Other Business as needed

There was no other business tonight.

Adjourn

7:20 PM Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen meeting be adjourned.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary

DATE

Mr. Grant Hirst, Secretary (6-14-14)