

Draft BOARD OF SELECTMEN'S MEETING
June 25, 2015 5:30PM

Quorum noted

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

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Election of Officers

5:31 PM Mr. Beckert said that the first order of business, where this is a new Board after the election, is the election of officers for the Board, which are Chairman, Vice Chairman, and Secretary. He turned the election over to the Town Manager.

Mr. Lee said that, minimally by statute, the Chairman has to be elected by ballot so our Town Clerk prepared colored ballots for each officer; that we will vote on each officer one at a time.

At this time, Mr. Lee handed out the official ballot for Chair to the Board members.

5:33 PM Chairman – vote was 5-0 for Mr. Beckert.

At this time, Mr. Lee handed out the official ballot for Vice Chair to the Board members.

5:34 PM Vice Chairman – vote was 3-1-1 for Mr. Fernald.

At this time, Mr. Lee handed out the official ballot for Secretary to the Board members.

5:35 PM Secretary – vote was 5-0 for Mr. Murphy.

F. Approval of Minutes of Previous Meeting(s)

5:36 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May 26, 2015, as amended.

VOTE
4-0
Chair concurs

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G. Public Comment:

There was no public comment.

H1. Department Head/Committee Reports

5:42 PM 1) ECSD Mower

Mr. Lee said that there was a memo from Ms. Muzeroll-Roy that discusses the need to replace the Ferris Mower, as the motor has failed. He added that she had notified him last year when it did fail but there was no money to do anything about it; that as we end this fiscal year, she does have money remaining in her budget. He said that she got three bids; that one of the mowers is a little bit lower quality than the other but, when all is said and done, she has a price from Eliot Small Engine that she is recommending, and that he is recommending; that they would allow the purchase in two installments – one would be from this fiscal year and the other from her budget in the next fiscal year. He said that, between the two, we believe we can afford to replace that mower. He said that she mows several Town parks three times a week; that we ask for the Board's support to replace that mower so we can continue to maintain our parks.

Mr. Pomerleau asked how old and how many hours does that Ferris have on it.

Ms. Muzeroll-Roy said that it's only three years old; that at the time we got that mower it was one of the cheaper ones so, unfortunately, we went with that one, with a smaller deck. She added that, with the mowing we are doing now, we definitely need a bigger deck on the lawnmower; that the only place that replaces parts for the Ferris is in Hampton so we are wasting travel time to get replacement parts; that it probably only has three or four years of work on it but we are probably spending \$2,000/year on parts.

Mr. Pomerleau asked if any of that was covered under warranty any more.

Ms. Muzeroll-Roy said no. She added that to replace the failed motor on the Ferris is \$3,000 and it isn't worth it.

Ms. Davis asked if there was a reason this wasn't on her CIP request for the next budget.

Ms. Muzeroll-Roy said no reason in particular; that she was hoping we were going to get through this year but, when that died, it wasn't something she was looking into at that time. She added that she certainly didn't want to take money out of the CIP; that she is going to have contract money leftover because we are

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saving money on the end of this summer with some of our contract stuff; that she thought it would be easier to finagle some money around to do it that way.

Ms. Davis said that according to the financial report for the end of May there is only \$18,000 left to go through the month of June and asked if Ms. Muzeroll-Roy was expecting to have left-over money from that.

5:45 PM Ms. Muzeroll-Roy said yes.

Ms. Davis asked if the DPW Ferris mower could be shared.

Ms. Muzeroll-Roy clarified that the DPW does not have anything like that.

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen approve the purchase of the Exmark with a 60-inch mowing deck from Eliot Small Engine for a cost of \$10,500, as noted on the contract.

DISCUSSION

Ms. Davis said that we are going to wait to see how the budget works out until the end of June and he will take whatever is left from that; that you will pull it out of equipment repair for next year.

Ms. Muzeroll-Roy said yes.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

Ms. Muzeroll-Roy said that the grand opening for the Town dog park is going to be Saturday, June 27th at 9:00 AM at Frost Tufts Park.

Mr. Lee added that Chad Gregor submitted that plan (Eagle Scout project) and it's now up and ready; that we are calling it Barks & Recreation.

Ms. Muzeroll-Roy said that she would be presenting Mr. Gregor with a plaque on behalf of the Town.

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H2. Administrative Department

5:48 PM 1) Town Manager Activities Report

Ms. Davis discussed the Eliot Commons TIF. She said that she got the impression we cut them a check for their money and asked if there is any oversight as to how that money is spent; that, as this TIF was set up, he just gets the tax money and that's it.

Mr. Lee said that he reviewed it for that very purpose; that it is just an entitlement, as it is set up.

5:49 PM Ms. Davis said that, when we set that TIF up, it was kind of the idea that more employment would be created through the Eliot Commons and she was wondering if that was something that ultimately could be reviewed, or are we in this for the long-haul, and if it doesn't produce results what recourse is there.

Mr. Lee said that he wasn't entirely sure of that and it was a very good question; that that may be something we want to refer to our TIF attorney to see if there is an implied or expressed set of outcomes that they promised us in exchange for the TIF money to help them create those jobs; that it may be that it is such a violation of that agreement that one could undo the TIF because they have not held up their end of the bargain. He added that, with that said, they have just expanded with a Cumberland Farms at that same location, although, he thought the enticement was supposed to be the call center with 300 jobs; that that came and was there for a while then fell apart. He said that if the Board wanted to request a legal review of that TIF he would certainly follow up; that he hasn't spent any money looking into it; that he has read through the document and it doesn't look like we have recourse, but he isn't an attorney.

5:51 PM Mr. Pomerleau said that he tended to agree with Mr. Lee but didn't think it was a bad idea to check; that it is a credit enhancement agreement and not like a municipal TIF; that it's a contract. He added that they don't promise jobs, they project; that their projections for up to this year, from when they started projecting, were for 600 jobs and they are a far, far cry from that; that he thought the job count has actually gone backwards. He reiterated that it is a contract and a projection and he doesn't think there's a lot of grounds. He said that there was no adverse impact to the Town because there's been no revenue lost and no business come in; that it's a hard case to press for reversing it.

Mr. Lee said that that was why he let it go because he didn't see where we had anything to stand on.

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Mr. Fernald said that he understood that they were looking to have a hotel, which would have brought in those jobs.

Mr. Lee said that that was in play at one time, also, and he thinks they've made efforts to have call centers, hotels, etc. to fulfill it but, whether it's the economy, or whatever, it hasn't come to pass except for this Cumberland Farms expansion.

Mr. Fernald said that he would agree that it's something we ought to look into.

Ms. (Donna) Murphy said that she believed the call center was in place when the TIF was created, so those jobs were already there.

Mr. (Jim) Tessier said that he was under the impression that the way the TIF worked is that they didn't pay additional tax as the value of the property increased and asked why we were cutting a check back to them; did we overpay.

5:53 PM

Mr. Lee said no, explaining that the way it works is that, of the new incremental tax value that is created, 5% gets retained by the Town and 95% goes back to the developer; that they are supposed to use that money to put it back into the property to expand jobs and value and so forth.

Mr. Tessier clarified that they pay the whole tax and the increase in value and, then, we refund them.

Mr. Lee agreed, essentially, to have a clean audit trail on it.

Mr. (Jack) Dougherty said that it was his understanding that, when we voted for that TIF, we were projecting improvements - sewer, water - for the placement of a possible hotel over there. He added that we rejected, on three occasions, the expansion of the sewer, that hotel went away; that the hotel will be built in Kittery and we have a gas station - Cumberland Farms competing against an existing gas station across the street (Irving), plus our local gas station in Town, plus the local eatery in Town - a small grocery store. He added that the intent for the hotel did not come to pass because we did not expand the sewer as we were expected to do.

5:55 PM

Mr. (Charlie) Rankie said that he thought if you took a look at the order with the Eliot Commons that Mr. Forsley is doing, he had justified looking for expansion by taking the money he is receiving, most likely, and paying for his engineering fees for the elderly housing; that he believes Mr. Forsley has been before the PB and he is just cautioning the Board that he can show that he is doing something.

Mr. Pomerleau said that he didn't believe that the hotel ever had anything to do with expansion on Route 236; that when they went before the PB they specifically

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stated that they had the capacity with the Eliot Commons sewer to handle the hotel.

Ms. Davis said that the reason she asked was because, now, there will be added value because of the Cumberland Farms and the amount of taxes will go up; that it just seems that, as part of the agreement made with the Town, in good faith, we should make some (not huge) effort to monitor how it's being spent, if that's part of the deal.

5:56 PM Mr. Lee said that the part of this report that created the question from Ms. Davis was that he had been looking in the Eliot Commons TIF Reserve and he noted that we had something like \$85,000 accumulated in there; that he did some math regarding the 5% and felt there was no way we should have that much money in that account. He added that he and the Finance Director started looking back and some of the payments from 2013/2014, 2014/2015, etc. had been made from the General Fund and the General Fund was due back the money from the reserve TIF account; that that is where that payment went; that Eliot Commons had been paid right along but we had not re-paid ourselves. He said that we put all the captured Eliot Commons money into this account and, then cut a check to Eliot Commons; however, at the end of the year, we are supposed to re-pay ourselves and we had not been doing that. He added that we have now adjusted all those things, put in our 5% for the coming year, taken out the other two years, and we finally got it adjusted down. He said that, with that said, the math still doesn't work; that we're still at a number (around \$15,000) that seems like too much and there may have been some sort of starting amount that he didn't know about; that he doesn't have enough history to fully understand yet.

5:58 PM Mr. Beckert asked if, on the issue of looking at the TIF and the responsibility of the Commons owner, as far as what the money is used for, it was the consensus of the Board that we check with the attorney.

It was the **consensus of the Board** to have Mr. Lee check with the attorney on any monitoring the Board might do or questions we might ask.

Mr. Lee said that he didn't believe our normal TIF attorneys can help us with this one because he thinks they were actually representing Mr. Forsley in this one. He added that he had asked one of the attorneys some questions about it and was told they were not very close to that on the Town's end but were representing somebody else; that he wasn't sure who advised us through that process; that he will find out about that, as well.

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1) a. Financial Report

Mr. Lee said that he and the Finance Director have been meeting weekly to see how close we are; that it is going to be very close but we do believe we will make it through the fiscal year without overspending the budget. He added that we won't know the full amount expended until almost the end of July or beginning of August because that last CMP bill comes in, last phone bill comes in, etc. He reiterated that the actual financial summary report of expenditures, revenues, etc. will probably be a good month, or more, from now.

6:00 PM 1) b. Sewer Financial Report

Mr. Lee said that he did this to see how we are doing with the sewer since the rate increases; that we have \$69,943.85 but that does not include certain planned I&I work; that we are still pretty close to the edge and that he got together with the Public Works Director about talking with our engineers on a rate increase for a couple of reasons – we have to figure out the sewer bond and it still looks like there is barely enough to break even, in the big picture.

Mr. Beckert asked if this could be a quarterly report to the Board as we are collecting the fees quarterly and payments are made quarterly.

Mr. Lee said that he could; that it's easy enough to update, now, because we have the report in place.

It was the **consensus of the Board** to have these quarterly sewer reports in the month following the billing.

6:04 PM 1) c. Reserves Report

Ms. Davis asked if we were going to be seeing quarterly investment reports from Key Bank; that she was sure they are in the process of investing the balance of the funds that were in cash.

Mr. Lee said yes; that he would plan to do that quarterly, also; those odd kind of reports; that what he is doing right now are the regular financial reports monthly and, quarterly, he will try to do the investment report, the sewer report, and possible the ECSD Enterprise Fund report.

6:06 PM 2) Monthly Workshop, Third Thursday, 7/16 at 5:30 PM

Mr. Beckert said that we had talked prior to Town Meeting of the Board having a monthly workshop, just an informal workshop to chew the fat on some issues and

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brainstorm. He added that the public is obviously welcome but this is a workshop for the Board.

Mr. Pomerleau said that he thought it was an excellent idea; that he sat out in the audience wondering how the Board could be so spontaneous on some very complex issues and trying to make decisions without discussion.

Mr. Beckert said that that was exactly why we have talked about doing these because we don't have that opportunity to have an involved discussion on the issues.

Mr. Murphy said that he wanted it open to the public; that maybe the Board would discuss things first and, then, open the discussion to the public so it would be two-way, and it would be good to have the Town Manager there.

There was agreement that the Board would have their first workshop on July 16th.

Mr. Murphy added that there would be no decisions made but there will be lots of options, whatever options we can find and, maybe, it will be that the final action won't be any of those options because thinking about it may allow us to come up with a third one, which doesn't even come up at the workshop, but would be in our minds when we get to the actual meeting and do something.

6:09 PM

Mr. Fernald asked how we are going to decide what to talk about, would we have Board recommendations, or what.

Mr. Beckert said that that was open for discussion; that he was sure that once we have one that will lead into the next one and the next.

Mr. Murphy said that he envisioned this as preparing for the upcoming meeting so that we kind of had to know the agenda of the next meeting and prepare for that one; that we may talk about other things that come out of the past and hash over stuff that still isn't finished.

Mr. Lee suggested a couple of topics he felt they probably should discuss. He said that one was a very complicated one and that's the set of financial policies and that is something he thought that everyone on the Board ought to play a good, serious policy role in developing; that we have a good draft but there is still a lot to it and it's dense and it's tough sledding. He added that the other was that we need to go back to the drawing board on the sewer pumps and the bonding and what we want to do about November.

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Mr. Beckert agreed those could be two of the topics for the first meeting. He reminded the Board that, at a workshop, you don't make any decisions; that those have to be done at a regular Selectmen's meeting.

Mr. Pomerleau suggested, to add to that potential agenda, putting the referendum issue on there, as that may well be another subject matter that needs much deeper discussion.

6:10 PM 3) Legal Opinion – Town Meeting Petition/Ordinance

Mr. Beckert said that we do have the legal opinion we received from Bernstein & Shur dated June 19th and it is on the issue of the two referendum questions that both passed dealing with the same issue of referendum Town Meeting for the budget versus Open Floor; that that presents some issues.

Mr. Lee read the legal opinion for the benefit of the attending public. The summary of the opinion was that that they should be read together and can be reconciled and applied as supplementing each other. Copies of the opinion are available at the Town Hall. Mr. Lee said that part of what he found difficult in reading this was that, in the third paragraph, he talks about laying out all four options on the ballot and then he proceeds to say, however, we need to have one number and then a yes, no so he isn't sure that gets us very far. He added that the interpretation is that they are not so far apart that what Mr. Fisher envisioned being the citizens getting together, hearing the recommendation, and saying they have a different idea; that during a public hearing process, we could list that during a public hearing that there were suggestions made by to do ..., something like that but, when it gets to the voting it has to be a yes/no; that Mr. Fisher had wanted three choices – Budget Committee recommendation, Selectmen recommendation, citizen recommendation.

6:15 PM Mr. Pomerleau said that he has been deeply involved in all of this and he has previous copies of legal opinions gotten in the past; that, particularly, the biggest controversy is the ballot and he agrees with Mr. Lee that the attorney did a horrible job in guiding us in terms of the ballot - that a recommendation is not saying it's not legal or it's legal but you take a risk. He added that he knows that Rumford has in their charter specific amounts and he suspects that incorporating it into a charter covers us.

Mr. Lee said that that was correct.

Mr. Pomerleau said that that raises the question with the charter endorsement of the ordinance or does the language actually have to be in the charter to make it binding. He added that the big issue is not whether or not the referendum is binding because the Selectmen have the power to follow the wish of the public

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and go to a referendum ballot any time we want; that the ballot format really is the big, sticking issue. He said that a while back Mr. Lee sent him that stuff and he (Mr. Pomerleau) challenged what the attorney had said on the statute saying the recommendation of the Budget Committee and that would have had to have been interpreted in a very narrow sense – a recommendation merely said yes or no, which is counterintuitive to what a Budget Committee does; that the Budget Committee works out alternative figures and the statute says that you will present the Budget Committee's recommendation. He added that there is nothing in the law that gives a definition of 'recommendation' and, if you went to Webster's Dictionary, a recommendation can be an amount. He said that that may be the big, sticky issue we may yet have to go to legal with; that our workshop would be in terms of how we want to list the options for the 'yes' and 'no'; that if you think of the big problem, especially in the way we put it in the ordinance, the ordinance is written so that the winning options are a plurality winner. He added that he didn't think that any of us want to see any option of the budget, whether it's the Selectmen's or the Budget Committee's or the citizen's alternative, win with 34% of the vote and 66% of the people opposing it; that he thought we wanted to strive for having whatever option carries, carry with a majority of the vote. He said that the ordinance definitely has to be amended and thought there was no question about that; that then it becomes a critical issue for the Charter Commission to endorse in the charter and, then, it becomes a question of whether or not the charter passes. He added that, if the charter passes, we're home-free and, if not and there's some question of legality, then we're back to what he's recommending here.

6:18 PM Mr. Beckert said that we can discuss this more in the workshop but he thought that the Board needs to come up with the Board's way forward regardless whether the charter passes or it doesn't pass.

Mr. Pomerleau said that it appears that the Maine statutes have a great deal of weight given to Home Rule; that lacking any specific statute that says you can't do this then we can do it; that the attorney isn't recommending it but he isn't giving us a whole lot of legal precedent that says that this was struck down.

Mr. Fernald said that the thing he was disappointed with was that it didn't address anything about the citizen's vote at that budget meeting; that that, in itself, brings up a lot of questions. He asked if all these people who attend this meeting are going to have to be registered in some way because they are going to vote in some way; that we have to make a determination if they are voters of the Town of Eliot, asking if that meant they would be voting twice at Town Meeting. He added that there are a lot of questions up in the air.

6:20 PM Mr. Lee said that the only real advice he gave us was that you folks could sit down and figure how to make them work together.

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Mr. Pomerleau said that there are other communities that have a process like this and he didn't think the voting twice was really an issue; that a group determines this is the recommendation and there may not be a recommendation or it doesn't require another recommendation. He said that he didn't think that process was going to be all that difficult.

Mr. Lee agreed, saying that he did know, in speaking to John Madagan (Town Manager Rumford & Mexico) that it is because of the charter why they do it that way; that they were given the same legal advice we've been given – 'yes' or 'no' - unless your charter says otherwise and they decided in their charter that they were going to go otherwise.

Mr. Pomerleau said that they had specific language that the plurality winner must win with the majority of votes.

Mr. Lee said yes, that they also had that, as well. He added that that is a good workshop topic.

Mr. Murphy said that he agreed that it's not going to be easy, it needs to be talked about, and he wants to think about it more.

Mr. Beckert said that this would be a workshop topic, as well.

6:22 PM Mr. Lee asked the Board if they would like this issue in July or for August.

Mr. Murphy said that he thought we needed to start soon.

Mr. Lee said that right now he has three potential topics; that he didn't know how long the Board wanted to do the workshop but, if we have each one 45 minutes, we would be 2 hours and 15 minutes.

Mr. Beckert suggested keeping the workshops no later than 8 PM and that should give us plenty of time to discuss.

Mr. Pomerleau said that, as far as this issue, there is one thing to think about beyond the workshop in that this is going to impact our calendar in terms of Budget Committee meetings and presentations; that we really needed to work out a calendar around when the meeting is going to occur; that you pretty much have to have the budget recommendations ready by then.

6:23 PM Mr. Lee said that it changes the budget schedule dramatically and the logistics are such that it makes him have difficulty envisioning when we start such that all three recommendations end up on the printed ballot, with 30 days of absentee, it takes two weeks to order them. He added that we would, theoretically, be starting

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the budget process three months after the adoption of the first one because there is so much process that would go into this.

Mr. Rankie said that, for what it's worth, the Charter Commission is looking at the preliminary turn-over of the Charter package September 3rd, in our critical path so, if the Board has a recommendation that they would like the Charter Commission to look at, near-term is really important.

Mr. Lee agreed. He suggested we kick off with this one because they have a very tight timeframe.

Mr. Beckert said that he thought that regardless of where the charter is, and this isn't to disparage the Charter Commission, but whether the charter passes or not he thinks we need a process forward for how we are going to handle the budget referendum, period.

Ms. Adams asked if we had to, in order to incorporate the petition in the ordinance, amend the ordinance or is it possible, if the Selectmen figure out a way to meld these two, that it could just be printed in the charter.

6:25 PM

Mr. Lee said that it was his understanding from John Madigan that their process is laid out in their charter.

Ms. Adams said that, if the charter doesn't pass, then you are going back to the ordinance and the ordinance doesn't have the same provision as the petition.

Mr. Beckert said that, as Mr. Pomerleau stated and by State statute, the Selectmen have the authority to do referendum no matter what; that we could come up with a procedure to do a referendum and, unless it's challenged, it would be binding. He reiterated that he thinks we need to do this and move forward regardless of which way the charter goes.

Mr. Pomerleau said that he thought it was highly advisable to simply incorporate the citizen petition option in the ordinance and then we have one set of guidelines for referendum voting. He added that, as to whether or not the language actually gets incorporated into the charter, that is a serious question to think about because, within the language of the ordinance, we've given the residents the flexibility of, by petition, wanting to change that; that it would be much simpler if it remained in the ordinance, and the charter adopts the ordinance; that if it goes into the charter now you have to have a charter and, on a number of occasions with the charter, you've chosen to adopt an ordinance rather than incorporate the language for the sake of simplicity of change down the road.

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6:27 PM Mr. Lee suggested he could, before we get too far along and before our workshop, get a hold of the attorney and ask that question, "Can we do it simply by reference and then amend the ordinance so that, as the ordinance gets amended, the charter says that you will follow it?" or "Do we add seven pages of stuff to our charter?" He said that he would check on that and refer that back to Mr. Rankie and the Board for your knowledge.

4) Appointment of Assessor: Martine Painchaud 7/1/2015 – 6/30/2016

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen appoint Martine Painchaud as Single Assessor for the municipality of Eliot for the period of July 1, 2015 through June 30, 2016.

VOTE

4-0

Chair concurs

At this time, the Board signed the pertinent document.

6:30 PM **5) TIF Alternative Committee – Selectmen participation**

Mr. Lee said that when we set up the TIF Alternatives Committee (TAC) one of the things we tried to do was try to make sure it was fresh people who weren't just going to be recycled through committees, and so forth. He added that we found several who would serve and they are doing a great job, including Mr. Pomerleau, but Mr. Pomerleau got elected as a Selectman, so it posed the question of whether he should be continuing on as a member of the TAC; that Mr. Pomerleau knew it and that he would leave it up to the Board.

Mr. Beckert said that he was going to make a comment because he was pretty sure, by statute, that it is not an incompatible position; therefore, it's allowed. He added that the only incompatible position, he believes, by statute is for a Selectman to also serve on the Board of Appeals. He said that we've asked the question before and it is not disallowed by statute, so it is up to the Board.

Mr. Fernald said that he certainly didn't have a problem with Mr. Pomerleau serving on that committee; that he thinks Mr. Pomerleau is an asset to that committee to have him on there.

6:32 PM Mr. Murphy said that, nevertheless, there is a very strong feeling that they didn't want Selectmen on that committee and here we are and, now, is it suddenly going to all go away or did it mean something back then and was it serious enough that it should mean something now; that it deserves some discussion.

Ms. Davis said that this committee is looking for ideas and compiling information to put before the citizens; that it's not as though he is in a policy-making position

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so she thinks that, if he is interested in continuing on, they need as many people to remain on the committee as they possibly can keep.

Mr. Murphy said that he thought that any committee could be attended by the public; that the public is allowed to speak and give their opinions; that Mr. Pomerleau can continue to do that but he (Mr. Murphy) likes to follow the rules and a rule was adopted – think about that. He added that Mr. Pomerleau has lots of ideas, putting them out in various ways, and that undoubtedly will continue; but, to be an official member was vetoed earlier. He added that we can look to the future and ask how many other things will we allow to happen that we don't want to happen, now, just because of a change of personnel; that he wanted this thought about and talked about before we make a decision.

6:34 PM Mr. Beckert said that he didn't see that the Board had to make a decision tonight; that he threw the comment out there about it not being an incompatible position because everybody in this room knows that he serves on several boards and committees and also a member of the Board of Selectmen; that we legally checked it at his request with the Secretary of State's office and Attorney General's office. He added that he had no problem with Mr. Pomerleau staying on the committee but that is up to the Board.

Mr. Lee agreed it was entirely up to the Board. He said that there is a TAC meeting Monday night and he didn't know whether the Board wanted to resolve it before then or just let it carry on until you do have time to properly consider it; that he was being asked so he needed to be able to respond.

Mr. Murphy said that this may be an opportunity to get someone else on the committee who would like to serve there but can't get on the committee. He reiterated that this is an opportunity to find a new person who could contribute directly on the committee and still have the benefit of Mr. Pomerleau speaking and contributing whenever he wishes but not as a member of the committee. He said that it bothers him to see rules set up and then told it doesn't really matter in this case; that in this case we can close our eyes.

6:35 PM Mr. (Denny) Lentz said that it is hard to get good people on any of these committees and you all know that. He added that whatever you decide in this situation does that hold with the rest of the Selectmen as far as them being on other committees.

Mr. Murphy said that his understanding was that it doesn't hold for other committees; that it was this particular committee that was very particular about not wanting other members to be on it; that they wanted that committee to be free of association with other committees.

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Mr. Lentz said that he doesn't believe that was a committee recommendation; that he believed that came from the Town Manager to keep the committee clean and have new people.

Mr. Lee said no; that his initial recommendation to the Board was eight people, each would try to find a couple representatives they would like to put up, etc.; that he didn't have anything about Board or not Board. He added that it was actually during a public hearing that the people themselves said that they were kind of tired seeing the same old people and suggested getting some new blood and new ideas; that that became a fervor in the room that evening and we said that we clearly heard them; that it was at that point that it changed.

6:37 PM

Ms. (Donna) Murphy said that she thought that Mr. Pomerleau was probably the most well-versed on that committee with TIF alternatives and has been working on this for as long she has known him; that she thought he is very knowledgeable and should be left on it. She added that it troubles her a bit to hear Mr. Murphy say a rule is a rule and we have to follow it; that if we look at past decisions made by this Board with Mr. Murphy voting, he has often looked over some of the rules that have taken place and voted the other way. She also said that, if you are considering this, you have another member of the TAC who was also elected to a board – the School Board. She asked if that same rule applied and, if so, then you are removing two people from a committee who have been working for quite some time, leaving you with a pretty diminished committee.

Mr. Fernald asked if Mr. Pomerleau was one of the people who recommended that the Selectmen not be on the committee.

Mr. Pomerleau said no; that he didn't remember that that particular recommendation specified Selectmen; that it said any other board or committee, which he did support. He added that Mr. Murphy had a very fair point; that that was the rule when we formed the committee and he thinks the only thing to consider there is that, at the time he was appointed, he was not on another committee; that that happened afterwards and that's worth considering whether it should still apply, much like the Charter Commission was only supposed to have one Selectmen and, then, you got elected and that became a second. He reiterated that it was a fair question; that he isn't challenging the fairness of Mr. Murphy's question and, whether he remains or not, he has a high passion for this, particularly with the Village Plan. He said that by hook or by crook, he will continue to make efforts make a contribution; that whether he's a member or not or a member that abstains from voting or he becomes a liaison to it from the Board or he sits out there with the citizens and give ideas he would like the committee to pursue, he didn't know that it made a big deal of difference to him; that he is somewhat conflicted himself, much in the same way that Mr. Murphy is.

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He said that he is waiting to hear what the Board says and, maybe, even what the committee says about how they feel about this.

6:39 PM Mr. Beckert said that he would take one more comment.

Mr. Rankie said to Mr. Pomerleau, for the record, State statute says that the Board of Selectmen can appoint one Selectman; that it doesn't say anything about number of Selectmen in the Charter Commission in that the BOS did not appoint a Selectman; that Mr. Murphy ran as a Selectman but as an individual and, then later on; that he didn't want that...

Mr. Pomerleau said that he agreed with Mr. Rankie and stood corrected on the specifics; that he thought the intent behind the statute was that there be only one Selectman on it.

6:40 PM Mr. Rankie said that the intent was to not stack the deck.

Mr. Beckert reiterated that we don't have to make a decision tonight and that the State statute says that the two positions are not incompatible positions and, therefore, it is allowed.

6) Ms. Wiser Correspondence

6:41 PM Mr. Beckert said that Ms. Wiser wanted her correspondence to be read into the record. He read the correspondence:

"My name is MaryBeth and I am a concerned resident. I have lived here for 20 years. I just heard the Town is looking to fund the sewer upgrades with the tax base. This is unacceptable. How can you ask 78% of the Town to pay for a sewer system they are not serviced by. What is wrong with you people. I will be voting NO. Why can't the town put this on the sewer rates. Have you looked at putting principal and interest only over 20 years to cover the costs for the upgrades? Did you do a rate study? I would like a copy of the rate study. If the consulting firm that did the rate study suggested you fund the project with the tax base you should never hire them again. The \$1.5M should not be paid for outright using the budget. That is bad management. The Town should not be taking on any more debt until debt is retired.

This Town is so mis-managed and is not budget conscious. It is ridiculous. The taxes keep going up because the Town is mismanaged. You need to control those budgets.

I work in a Municipality and every year at budget time we are told level fund. It is then up to the department head to plan and organize the priorities for the department. To pick and choose what is absolutely necessary to to purchase, repair and maintain. This is a small Town.

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The Town Hall has too many employees. Why don't you consider part-time employees to save on insurances and other cost associated with full time employees. I work in a community with the same size population and we have a full time fire department, less employees and a much smaller budgets. We have one town employee who reports to an elected board who is not paid. We do not have a sewer system but have a water system that a portion of the town is served. We built a \$12M water treatment plant and that went on the rates of the water customers only. That cost to the water customers is approximately \$800,000 a year in principal and interst over a 20 year SFR loan from the state. There are grant programs available and low interest loans available to fund capital expenses. Why is this not considered?

I have watched this Town give special consideration to certain individuals due to their status, mismanage funds, go over budget time and time again, ignore known contaminated areas, which affects the ground water supply and did not want to deal with the clean up.. The Town also allowed toxic fumes and debris to fall on houses and kill vegetation and did nothing about it.

You wonder why so many people can't pay their taxes. It is getting too expensive to live here and is a burden. This Town is becoming unaffordable for retirees and families with children. This Town is a joke. The people running the Town are idiots. All they do is raise taxes every year. The school budget is way out of control. 4% increase is a lot. The employees should be paying more out of pocket for insurances like every other town is moving towards. Gone are those days of of 100% coverage. Towns are moving towrds 40% town 60% employee contributions. This alone is a huge savings to the tax payer. The explanations for this increase is not sufficient and vague. Give us a brake! It is simple stop spending so much money and control the budgets.

We pay your salaries and you work for us. If you all worked for me, you all would be fired for inadequate substandard performance. If you could not be fired a recall would be started. You need to start doing more with less. Where are the checks and balances? The Board of Selectmen have too much control. The control needs to be with the people, the voters.

I would get more involved on a committe but I work 10 to 15 hours a day serving the community I work in and do not have the time to attend meetings. Especially meeting that are held in the afternoon. How do you expect others to get involved if meetings are not accessible to most.

Please pass this along to the Board of Selectmen to be addressed at a meeting. I would like this email read into the record. I would like an explanation for all these shenanigans going on in this Town. The people deserve an answer!

*Respectfully submitted
MaryBeth Wiser
36 Sugarhill Drive”*

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Mr. Beckert asked the Board if they felt there was anything that needs to be done or discussed with that letter at this point. He added that if anyone wanted any background information on some of the comments Ms. Wisner has made he could fill the Board in but not at this meeting.

6:46 PM

Mr. Pomerleau said that he liked seeing people write in and we need to see through the inflammatory rhetoric; that she has concerns and some valid points that are worth noting, especially meeting times. He added that she is sending a message, she is a taxpayer that is crying out that she's having a hard time, reiterating that he thought there were things in here that were important to take note of. He said that he would encourage more people to do the same thing; obviously attempt to kind of tone down some of the criticism and write more tactfully; that it is what it is.

Ms. Davis asked if we normally contact a concerned citizen or would they want to come in and maybe discuss this more.

Mr. Beckert said that she could certainly come in if she wants a copy of the rate study and that type of thing; that she can certainly come in and talk with Mr. Lee. He added that the letter was addressed to the Town Manager and he could do a follow-up with her.

Mr. Lee said that he did follow up with her via email and he didn't hear back from her; that he did try to discuss some of her concerns in his email; that he thought she did know we were reading it into the record this evening.

6:48 PM

Mr. Murphy said that this is not the first time a letter like this, which contains complaints about the Selectmen; that there have been some others in recent years. He asked Mr. Lee how many such letters he receives.

Mr. Lee said that he has not received any letters like that; that he has received ones that, maybe, question the amount of taxation that's going to budget with the school and the Town together, or something like that, but nothing like this.

Mr. Murphy said that he thought that, if this lady really wants to advise us, then she ought to be here face-to-face; that he thought there were things she didn't know about the Town, she makes assumptions about other towns; that Eliot is Eliot and the Selectmen don't have a free hand to do everything they want and neither does the Town Manager; that we are constrained by the past and lots of other things.

Mr. Beckert said that we have read it into the record and Mr. Lee has indicated that he has reached out to Ms. Wisner; that if there's anything else to come out of it

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or she would like to come talk to the Selectmen, then she is more than welcome to do that to address her concerns.

6:50 PM 7) Mr. Bowman Correspondence

This correspondence discussed Mr. Bowman's concern regarding increasing amounts of speeding vehicle traffic on Route 103 (State Road) and to request that the Town petition the Maine DOT to lower the speed limit, currently 40 MPH, to 35 MPH.

Mr. Bowman's correspondence was read into the record:

"To The Eliot Town Manager and Board of Selectmen,

I request the Town of Eliot (Eliot Town Manager and Board of Selectmen) petition the State of Maine DOT to lower the speed limit on Route 103 (State Rd.) in Eliot between the William Fogg Library and Route 236. Currently the speed limit is 40 mph.

I have noticed an large increase in the volume and speed of traffic on the road in recent months. Motorists traveling along Rt. 103 in this section are greatly exceeding the speed limit. My estimate is some are traveling at 50- 60 mph! Rt. 103 is continuing to be heavily trafficked by both cars, semi's and large trucks both during the week and on weekends. Certainly this is not good for the condition of the road. I suspect that motorists are using this road to bypass the traffic on Rt. 236.

Rt. 103 is frequently used by cyclists, joggers, walkers and sometimes horses. I'm affraid it will just be a matter of time before someone is seriously injured or killed if the problem isn't addressed soon. I have been informed that the local town recommends the speed limits on State Highways and the State DOT approves them.

I would recommend that the speed limit be set at 35 mph as it is on Rt. 101 (Wilson Rd.) from the Kittery Trading Post to the Rt. 101 bridge to Dover. Rt.103 has about the same population density as Rt. 101.

in addition, frequent speed limit monitoring by the Eliot Police Department until the speed limit is reduced might help.

Also, there is a "HIDDEN DRIVEWAY" sign as you travel west on Rt. 103 before our driveway (1728 State Rd.). I really don't think it does much good as people still don't slow down and my wife and I have had several "close" calls with cars traveling too fast.

Chief Short is having the traffic monitored by his police force but they cannot patrol it constantly. I believe they are doing the best they can.

Thank you for your consideration in this matter.

Bill Bowman"

Mr. Lee said that what would need to happen at this point is that the Selectmen would need to vote to petition DOT to review the speed on State Road; that he would send that letter to the DOT, they would come down, we would probably ride it together; that he would ride with the traffic engineer and, in this case, we

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would try it at 35, 40, 45 and that traffic engineer would say which one felt the most natural, safe, normal, etc.; that they actually have the final say on whether we can change that or not. He said that this is simply a request for the Board to petition the DOT so, unless the Board feels strongly that that 40 mph zone is the proper speed in that zone, petitioning the DOT only gives Mr. Bowman and us a shot at getting it changed; that it doesn't guarantee it nor is the Board saying they aren't even going to ask the question. He added that his thought was to ask DOT to come down and look at it; that he has been up through there several times and tends to agree with Mr. Bowman; that it is a blind and tricky area with a low spot that, if you don't see them when they're coming before they get in that low spot, then you don't see them until they are on you, especially for Mr. Bowman. He said that he thinks petitioning DOT to come out here, double-check it and make sure that is the right speed probably is the right thing to do. Mr. Lee added that Mr. Bowman couldn't be here tonight because he had a previously-planned trip.

6:54 PM Mr. Fernald said that this is not the first time we've been asked to petition the DOT on that section of road.

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen petition the Maine Department of Transportation to do a speed limit review on Route 103, as stated in this document.

VOTE

4-0

Chair concurs

H3. Public Works

6:56 PM 1) Crushing Bids

Mr. Lee said that we have three bidders – Hartman Enterprises of Exeter, NH, New England Mobile Crushing of Chichester, NH, and Mick Construction, Inc. of Rollinsford, NH – and the low bid was from Chichester. He explained that we crush the recycled asphalt and some of the gravel borrow materials and reuse it for our materials like road base and shouldering, which saves the Town money.

Mr. Moulton agreed that it created quite a bit of savings. Using the ¾" gravel as an example, he said that, based on the price you would pay for gravel of about \$17/yard, we would pay around \$100,000 for the quantity he has in the stockpile to be crushed; that if we crush it the same cost would be about \$30,000; that there is considerable savings, we are recycling and the State thinks it's great. He added that the lot this material is staged on, it was a lot that was able to be filled in years ago but cannot be expanded anymore because of the wetlands so, to him, it's a win-win for the Town, something we won't have to purchase, and stuff that we can utilize on various things. He said that the crushing line is a little lighter than he originally requested but between that and using the gravel material line that

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would give him adequate funding to have it crushed and he wouldn't have to purchase as much gravel.

6:58 PM Mr. Murphy asked Mr. Moulton how much he envisioned crushing.

Mr. Moulton said the entire pile, which is roughly about 6,000 yards.

Ms. Davis said that some bidders are saying it is 5,800 cubic yards but Mick Construction is saying 8,500 tons and asked if that was a difference.

Mr. Moulton said that it was a 1.3 multiplier that you use to get the tonnage; that they're all around the same ball-park for yardage; that everybody is bidding on the same thing.

There was some clarifying discussion on how the formula is applied.

7:00 PM Ms. Davis asked if Mr. Moulton knew what the total estimated cost will be from the one he is picking.

Mr. Moulton said that the rough estimate total will be between \$30,000 and \$35,000.

Ms. Davis asked if that was going to leave enough in his gravel material line to do what he normally does.

Mr. Moulton said yes; that he wouldn't have to purchase as much crushed gravel material, which is the higher-priced material when you are doing road construction.

Ms. Davis said that she sees a lot of ledge rap in that account, as well.

Mr. Moulton said yes; that that would be reduced because he wouldn't be using that, he would be using this material.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve North East Mobile Crushing out of Chichester, New Hampshire as the contractor for the crushing for \$4.00 per cubic yard and \$5.00 per cubic yard.

DISCUSSION

7:02 PM Ms. (Donna) Murphy said, regarding the distance to Chichester, which is considerably further than Rollinsford.

Mr. Beckert said that the crushing would be done in Eliot.

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Mr. Moulton clarified that the trucking was moving it from where it's crushed to his yard within Eliot; that he will not be going to Chichester.

VOTE

4-0

Chair concurs

H4. Public Safety

There was nothing under Public Safety.

I. New Business:

There was nothing under New Business.

J. Old Business

7:03 PM 1) Storm Water Project Bids – 2nd Consideration

Mr. Lee said that, at our last meeting, Selectman Davis had a document from 2013 that she was referring to that had some initial estimates of what it was going to cost to get into this stormwater repair business; that those prices she was quoting from 2013 were significantly lower than what had begun to come in and she wanted to know what had changed. He added that he and Mr. Moulton had Kristie Rabasca from Integrated Environmental put together a fairly thorough memo for the Board explaining where we were, what other memos came out in the interim that should also be considered. He said that, at this point, we were looking to see if there were any other questions regarding the bids and if there is anything else we can answer before asking the Board to approve the bids.

Mr. Pomerleau said that he tried to catch up with this, read the memo a couple of times, came in last night and read a couple of the specs, and there is a lot about this that he finds troubling. He added that maybe his concerns could be eased. He said that, in just using ball-park figures, we used a professional consulting firm to do the original estimates, somewhere around \$100,000 and, now, it's like over \$300,000. He added that, in this explanation, he tried to find something he could grip and hang on to that was a reasonable explanation for a tripling of the cost; that some comments, like an improved economy, just doesn't cut it for him; that an improved economy doesn't triple the cost, 5%, 10%; that the cost of fuel is going down. He said that he understood that there were fluctuations but a very unsatisfying explanation, here, is provided; that the cost of the job is tripled. He said that he then looked at why that would be and he looked at the original bid; that either they did a terribly incompetent job on the original estimate or something substantial has changed in the specs of the job and, again, he couldn't find an answer for that in the memo, either. He added that, when he looked at

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what needs to be done, and he is not professing to be an engineer of any sort, there looks like there are items in there that the Town could do. He asked if there was a portion of this that the Town is capable of. He said that he understands we are up against a timeframe here regarding vacation schedules and, obviously, it's too late in the game to be changing vacation schedules; that he didn't see anything that's really compelling that says it's got to be done this summer. He added that we are not behind the 8-ball on this project; that he indicated we are a little bit ahead of the scale; whether or not it's wise to sit back on this and look at some of these costs and if we save some serious money, here, by putting this off and having Town staff planned, at some point, to be used. He added that he understood that, if they're doing that, then something else is not being done but this is like some serious money opposed to what may not get done; that these are all questions he had for Mr. Moulton and his staff. He reiterated that he was very troubled by this tripling of cost and not seeing any satisfactory thing.

7:07 PM

Mr. Lee said that it wasn't a tripling; that if you read the last paragraph on page 3, the 2015 estimates, those were the updated estimates and, at that one, they came in at \$120,000 for Phase I and \$125,000 for Phase II. He added that, if we go back to 2013 and compare 2013 with now, the very initial estimates made by those folks when we first entered in to the stormwater program, and hold them to those estimates, he thought was somewhat unfair. He added that those were updated in January and in March and we expected \$245,000 for the project on Pleasant Street; that it did come in at \$371,000 so it is over by \$130,000, or approximately 50%, more than what they estimated, even as close as January 2015. He added that she goes on to accept some responsibility that "*the January 2015 estimate should have been updated to reflect the higher prices received on the Fall 2014 bids for Park Street.*", because Park Street, too, was over what those estimates were. He said that having seen those construction prices they were using for unit prices, or not up-to-date unit prices, they should have updated it. He added that he didn't think they necessarily expected we would go back in time to see how close they were on the initial estimates or subsequent estimates but he takes Mr. Pomerleau's point. He said that he has said before, and he would say again, he is very concerned about us biting off a large piece of this project to do ourselves. He added that, that said, if it's the Board's will that we don't do certain things that we should do this summer and we put it into doing this work, somehow, we could do some sort of negotiation with Brex Corporation to, maybe, take some of it off and do some of it ourselves; that he didn't know as he hadn't discussed that with Mr. Moulton. He said that he thought that we ought to go forward with it but it's up to the Board what we do at this point, he guessed. He added that we did respond to the concern; that you do have a very lengthy memo in response, along with some other memos that came out in the interim. He asked if Mr. Pomerleau had anything specific he thought we ought to take on out of that project.

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7:09 PM Mr. Pomerleau said that he relied on their collective expertise; that he isn't sure what the Town is actually capable of; that we have the equipment and resources to do some portion of this – all of it or half of it – can it be done by Town staff; that he isn't talking about this summer; that he knew they were up against vacations.

Mr. Lee added a lot of work; that it wasn't just vacations; that we also have a ton of work; that the guys cannot take vacations once it rolls around to November/December because, with winter, we can't have them gone; that they are kind of limited to late spring, summer, and early fall so they tend to take vacation all around the same time.

7:10 PM Mr. Pomerleau said that, when it came down to the timeframes and requirements from the feds, he didn't see anything compelling that this has got to be done this summer; that we're not way behind federal requirements.

Mr. Lee clarified that it isn't really a matter that the feds said it had to be done this summer but that it's an entire work program that we have to fit into a period of time, and the way that we structured that was, hopefully, getting this done in the summer so we can focus on other things in the fall, other things in the winter, and other things in the spring; that we lay out all the different things – we've got paving we need to do; that the substantial amount of paving needs to be monitored, inspected, etc.; that we try to have them overlap as much as we can with whatever staffing we have available on those times, too; that it's quite a shell game to get everything done with the people we have, when it might only be two this week or three that week and, now, we're doing a construction project and a guy is sick or he gets called to jury duty; that it's a bit risky. He said that this was approved at Town Meeting.

7:11 PM Mr. Moulton said that you are dealing with tidal waters, permits with the State and certain criteria that needs to be followed as far as work done right along the Shoreland. He added that, although he was allowed to hire another staff member, we still don't have enough people for the project; that this needs an excavator and we don't have an excavator so we will have to rent one; that the crew size is not adequate enough and not experienced enough to do some of the stuff we have to do; that we can do a lot of things, like drainage all over Town and do things on side streets that may or will tie into it; that there are things we can do away from the water. He added that this would be like a 12-15 person construction job; that the trucks that are hired have all the excavation equipment. He said that the bridge project we did with South Berwick was a good collaboration project but was less complicated than this current project because we are dealing with tidal waters and Shoreland and things like that. He reiterated that there are various things we can and cannot do; that he is willing to do most anything and has approached the Board with many things; that even the Town of South Berwick thought we were nuts when he suggested they do the bridge project. He said that this current

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project is one he felt we were not 100% qualified to do and we don't have the adequate equipment to do it. He said that we were here in March, we discussed the whole conceptual plan for the project, and we approached the Board at that time with what our intent was and how to bid it. He said that the long-term plan was to save money and this does save money in the long-term; that bidding both bids will save us money in engineering, gives us a better price for next year on the project itself; that there were no questions or concerns at that time from the Board and he doesn't even think there were questions from the audience that night; that we had the engineers in to answer any questions or concerns. He reiterated that this project has been approved by the Town, it's been bid, and we're ready to go. He agreed that we aren't mandated right now to do it; that Eliot is leading the pack in this area and something he and Ms. Pelletier take personal responsibility for; that the other towns are going to be in the same boat that we are; that if you read part of Ms. Rabasca's memo, it states that they are using capital money, they are setting aside money, and they have other projects, as well. He said that we are actually ahead of the game and it's a good place to be because, then, you're not scrambling at the end. He added that he isn't asking to do the whole project in one year; that we have a little bit of leeway and can save on the taxpayer by doing it in two years. He said that we put a lot of effort into it, we looked at everything that could potentially cost us money in the future, we are reducing the outfalls from ten to three; that there's a lot of cost-savings that has been factored in; that some of the increased cost in the total project is related to the reduction in the number of outfalls, tying some drainage concerns that residents have on their properties into this project; that, in all, it benefits the whole Town.

7:15 PM Mr. Lee said that part of that, too, was because, when this was first initially estimated, they didn't know about what neighborhood concerns we would get into. He added that, when you step out onto Pleasant Street, the neighbors would explain that there's always been ponding water 'here' and ponding water 'there'; that you begin to change your designs to pick all those other things that are not necessarily directly in the initial stormwater project that was put down in 2013; that residents and their properties have a way of saying, "While you're here why don't you also...", and so we try to listen and the engineers try to take it in; that each one adds a little bit, incrementally, to the project and you take care of other little problems around that area at the same time. He said that he didn't really think that comparisons back to another time are terribly helpful; that it is what it is and these bids were very close; that they were not all over the place. He added that he really hoped they could get on with the project and still stay on our work plan.

7:16 PM Mr. Murphy asked, if we went to Ms. Rabasca and said that we wanted to do it ourselves, what would be their response, would they just laugh at us; that it seemed to him that this is too little and too late. He asked if Eliot was going to get into the major construction business, are we.

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Mr. Lee said especially not near tidal properties; that we might find ourselves really up the creek as we are not trained in that kind of permitting.

Mr. Murphy said that the liability of it frightens him.

Mr. Lee said that he has certainly never worked near tidal waters.

7:17 PM Mr. (Jack) Dougherty said that, as a resident of Park Street and an involved resident when we were working on Park Street, the Town and the engineers worked very closely with the people to strongly define what needed to be done, and why; and when the project was started they took time, but it was done in a timely fashion, with a minimum impact on the people on the street and those people using it. He added that to do anything less with Pleasant Street would be a very serious impact on those people over there because there is more to that street than there was on Park Street. He said that he knew the time and interruption that we had on Park Street and to do anything beyond that would be ridiculous. He added that he would strongly suggest the Board follow Mr. Moulton's recommendations.

7:18 PM Ms. Davis said that we have paid that company \$112,000, to-date, to do this stormwater analysis for us so it's just mystifying why they would come in in December 2013, which was just a year-and-a-half ago, with an estimate for Pleasant Street of \$119,500 and now it is \$371,600; that there is no real breakdown for a comparison; that if you came in with the list and showed this is what we estimated for gravel, for example, as \$5,000 and now gravel is \$15,000, then that's one thing, but this is a triple increase. She added that it was a professional presentation given to the Board and they were laying out a 5-year plan so they knew this wasn't going to be done in the next six months; that they were estimating a 5-year plan and an estimated capital investments. She said that the letter, whereas it does lay out some explanation, it's not very specific; that it says I'm sorry. We didn't estimate enough. She added that it would be good if we could see more particulars about why this thing has gone up so much over this span of time.

7:19 PM Mr. Fernald said that he thought the full Board should be behind this; that if there's anything that needs to be brought to any attention for any of the Board members to be satisfied with the project then we need to do that.

Mr. Beckert asked for the Board's direction in this. He said that he was hearing that there was dissatisfaction with the estimates or the actual...he wouldn't even call them estimates anymore because the bids are in and the company is telling you this is what it's going to cost to do this project as laid out by the engineers on engineering drawings.

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Mr. Fernald said that he heard concerns from Mr. Pomerleau if we do the project and we do some of the project with Town employees; that we got a response from Mr. Moulton about that. He added that he would like to hear from Mr. Pomerleau and Ms. Davis about those responses and help make some decisions.

7:21 PM Mr. Pomerleau said that his first question was whether the Town staff was capable and do we have the equipment and, relying on Mr. Moulton's answer, that appears to be a no, and that is satisfied.

Mr. Lee added that it is not that we don't have a person, or more, that could run an excavator, etc. but he thought, to Mr. Murphy's point, if we are only three or four people, and even if we hire temp labor or something like that, instead of being in and out of Pleasant Street over a relatively short time-period, which will still disrupt their life to some extent, we could be out there all summer and fall making very slow progress; that he didn't know if it was a matter of whether someone could use an excavator, can you use a level, can you figure out which way pipes go; that he thinks we can certainly can do all that; that he thought it was a matter that it would be painfully slow unless we brought in a lot of temp labor, and he didn't even know if they would be qualified to do much, if you could even get them this summer.

Mr. Pomerleau said that then there were the variations; that we are talking about a professional consulting firm that have been paid \$100,000 and it's tripled; that if you see an explanation in there you understand then tell him; that there is nothing in there that specifies why they are tripling. He added that he thought the best answer we got from the consulting firm was akin to 'whoops'. He asked how we do know if these estimates are any more accurate than the original ones; which professional firms are we relying on – is this one way off or are these way off. He asked if we were being taken advantage of because of the construction season; that this a nuisance job to them so they are really tucking it to us and, if that's the way, then let's go back out to bid and do it when we can do it cheaper. He said that he is looking for answers in terms of reconciliation of where we were to where we are; that he is troubled.

7:23 PM Mr. Fernald asked what it would take for information to Mr. Pomerleau and Ms. Davis that you would be comfortable with to move this project forward.

Ms. Davis said that, for her, it would take a more technical explanation of why the cost increased so dramatically. She added that, in the letter, a couple of new projects have been added; that we have a 5-year plan, and she realizes things change, but we are trying to do a 5-year plan and, in a sense, we are not sticking to it and there's no real explanation of why things changed like they did. She said that, if someone could come in here a give a good explanation of why there's a discrepancy, it would be good to know.

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Mr. Fernald asked if we could do that, and you were satisfied with the answers, then we could move forward.

Ms. Davis said yes.

7:24 PM Mr. Lee agreed with Mr. Fernald that this Board understand this and be comfortable with it and, with that, what he would suggest...that he wasn't too keen on this memo, either; that he expected a little more depth of back then we thought this, this, this, only to find out that was not true, this was true and, upon further examination, 'this' had to be added and 'this' had to be added and 'these' were the amounts, and that's why we went from \$112,000 to whatever; that he kind of expected a certain amount of that, in fairness to Ms. Davis and Mr. Pomerleau; that it almost seems like we should pause this for a couple of weeks and go back to say we really need to understand from where we started, and those assumptions that went into those numbers, and where we are today, who and how and where were we so far off. He added that he thought that was what they were looking for, for answers; that it may be a matter of trying to figure out if one or more of our engineers aren't very competent and we're going to hold somebody responsible for failing, or, is it any person trying to look forward on a stormwater thing and project prices, and so forth, might have not done a very good job because there's a lot to it; that he didn't know. He said that he hoped that it wasn't just to assign blame; that he hoped it was actually to get to the difference between what we were thinking then and what we are thinking now. He added that, if you look at it and it is obvious that somebody clearly missed a lot, then you do question how good these people are but, if it is more explicable than that somehow, then he would hope we not try to rub somebody's nose in it, if we find out there are some very explicable changes that took place that were not anticipated at that time – "Nobody told us. We didn't figure it in. And, then, we get out on the site and we learn more." – and it changes dramatically.

7:26 PM Mr. Fernald asked, additionally with that, if Mr. Moulton could look at the project and see if there is any portion of it that we can use Town employees, recognizing that Mr. Moulton has priorities scheduled, that would have a savings.

Mr. Lee said that we could look at that.

Mr. Fernald added that he was sure that Mr. Moulton had already done this.

7:27 PM Mr. Moulton said that back at the beginning, as he stated in his memo to the Board, the consultants removed the contingency number from the project; that there is always a contingency number put in and nobody thinks that is a real number; that a contingency number for an engineer is a real number because they are not contractors, they're engineers; that they are not in the field regarding the operations, planning, and things like that; that that contingency number, that could

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be 20%, or greater, is a true number. He reminded the Board that Underwood put in a 20% contingency number on the \$1.5 million sewer project. He said that these engineers removed it because it was not the consensus of the Board that that was a real number. He added that he is not here to combat anybody, or anything, but that '20% or greater' is a real number; that that is a true, factual number because engineers are not contractors. He said that the fact that the bids came in within \$4,000 of each other, that's a bid; that that is a true number because these people do this every day. Reiterating that these are the true numbers, he said that these bidders know what they are doing, they have the equipment to do it, and they have a process for doing it; that the contractor, not the engineer, does the process and planning and puts the associated cost to that. He said that the fact that the bids weren't all over the board and were so close, that was truly the best number. He added that the best part of doing the project bidding in this way is that we have a project number for next year that is a true figure. He said that it is a 30-day bid; that if we do not approve this tonight, it goes out to bid again and would cost us more money. He added that consulting fees...they helped us put it out to bid so there are more fees and costs out of a budget that was designed and built and has adequate funding for everything that we need to do for stormwater for next year. He said that we started off with a 5-year plan in 2013 and we've actually expanded that plan to be greater; that it is now six and seven years out because of the cost for the Town trying not to burden the Town with a large sum of money on any given year. He reiterated that Eliot is leading the pack; that every town is committed; that York has a million dollar project coming up. He said that it's a true thing, unfortunately, and it's an unfunded mandate by the federal and State governments; that these are things we should consider. He added that we can look at things we can do to cut some of the costs; that he was more than willing to get a breakdown from the contractor and compare it to the engineer's numbers. He added that it did have some things to do with the economy; that when you do projects and the economy is low, the interest rates are low and you can bid and do projects in the winter, then that's when people are hungry and they really tighten their numbers; that he wasn't saying that the contractors were taking advantage of us because, the fact that they are within \$4,000 between #1 and #2, those are true factual numbers; that one of them is a local contractor, somebody born and raised in the Town. He said that he didn't know how to better state to trust #2 because he's a former resident who grew up in the Town and gave you a number that is around \$4,000 lower than the highest bid; that it is pennies on the dollar for over the cost of that project. He added that he, personally, would be more than willing to give you any information you need but he would strongly request and recommend you approve this tonight so we can move forward.

7:31 PM

Mr. Pomerleau said that he would like to see the justification; that he is not comfortable with the explanation of 20% contingency on the original estimate; that that is like \$20,000 not \$200,000. He added that he would like to see what the

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Town can do and like to see it move forward in terms of providing a...and it's not about assigning blame, either. He said that if they did a poor job then we ought to hold them responsible.

Mr. Murphy said that he thought this is a complicated issue that the Town is not capable of doing and we ought to go ahead and accept the low bid, or the second low bid, either one. He added that he thought this was an unnecessary delay.

7:32 PM

Mr. Beckert said that what he was hearing from a majority of the Board is that they want further explanation as to why the increase in the estimates. He added that the increase in the estimates may bother him but the figures that you have for the bids are shovel-in-the-ground; that even in the business he is in, in submarines and bidding at the shipyard, you can have all the estimates in the world that you want but it's when it comes to the actual putting the tools to the metal, or whatever, that counts; that that's the cost.

Mr. Fernald said that his position was that this Board needs to be all together on this particular project and the only way we are going to put this to bed is to actually satisfy the question. He added that this is going to continuously come up, if we don't, and this project is not going to go forward; that he thought, unfortunately, that we need more information.

Mr. Beckert asked through the Town Manager and the DPW Director if we can get the additional information that the folks are requesting within the next two weeks; that he plans on bringing this to a vote at the next meeting.

7:33 PM

Mr. Lee said yes and that they would also discuss what portion of the project, if any, and what materials in the project, if any, we could do and somehow be able to negotiate down a little bit if there's something in there. He added that the question sounds like two parts – can we lower the cost, overall, and negotiate \$10,000 to \$20,000 out of this that we can do in-house, or whatever that number is, and then, how did you end up so far on your quantities and your estimates and assumptions.

Mr. Beckert asked when these bids would run out.

Mr. Moulton said tomorrow; that we would have to put it back out to bid or ask all bidders if they are willing to hold their bid for another two weeks.

7:34 PM

Mr. Lee said that we will ask them all to hold their bid for another two weeks; if not, then we have to put it back out and the Board might see all these numbers go up because they already know what the other numbers look like; that it's the start of a collusion-type thing because they all know what numbers they don't have to hit and what they must not; that it's a risk.

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Mr. Pomerleau said that, on the other hand, they might see that all those bids were rejected and the bids might go down.

Mr. Lee said that we might and we might see it go the other way.

Mr. Beckert said that, if we can get it earlier, let the Chair know so the Chair can call a meeting.

Mr. Moulton said that he would have it tomorrow.

7:35 PM 2) Fire Dept. – Sprinkler Bid – CIP Surplus Disposition

Mr. Lee said that the job was done but asked if the Board would table it, as Chief Muzeroll could not be here; that we need to get invoiced, as well. He added that there were no change orders to the project so it should be at the bid price.

It was agreed that this would be tabled until July 9th.

K. Selectmen's Report:

7:36 PM 1) Committee Vacancy Report

There was no report tonight.

Mr. Fernald said that Sunday the Town is going to award the Boston Cane Award to one of our Town residents; that the Boston Cane is awarded to the oldest person in the Town. He added that it belonged to Mrs. Libbey and she passed away in 2014; she was 106. He explained that, every year, the Eliot High School has a reunion of all the people who have gone to Eliot High School and we are going to have the reunion at the Regatta on Sunday afternoon; that it was requested that, because all the classmates and all the family will be there, we award the Boston Cane to her at that time. He said that they would do the presentation at 1:45 PM and he has asked the Board to attend to help award this person the Boston Cane. He did add that people could come to this but that people had to have tickets to come to the alumni banquet; that people were welcome to come watch the presentation but there would not be any places to sit; that they could come and, then, leave after that; that they would love to have people come for that.

7:40 PM Mr. Pomerleau said that he wanted to thank all the people who voted for him and supported him in his efforts to get elected; that for those who didn't vote for him rest assured that he will work on their behalf, as well. He added that he had a nice conversation with Mr. Fernald right after the election; that Mr. Fernald came up to congratulate him and could obviously see the excitement and enthusiasm and had

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some words for him that all new Selectmen come in and they want to change the world but then you run into reality that there's four others; that that was good advice on both counts so, at this point, he's not going to change the world; that he has some goals that he wants to introduce to the rest of the Board of what he hopes to be working on as we progress. He added that one of them was to institute some sort of customer service policy for all the Town and all employees. He said that, simply put, the first consideration, when we pass policies or ordinances or anything of the sort, is how it impacts our citizens, first and foremost, as opposed to staff conveniences; that we focus on the people we serve; that we are in the people service business and that's called customer service and we try to give that philosophy to what we do. He said that another was to try to establish an employee award recognition program that can incentivize employees that have that enormous knowledge that they have in how the Town works to offer up suggestions. He explained that he had worked in an organization where the people who worked on the front lines were the people who were closest to the problems and often had good ideas but nobody was going after them; that if an employee comes up with a cost savings – say \$1,000 - the employee would get a percentage of it, or something like that; that the details needed to be worked out but, if an employee saves the Town \$1,000, then the Town doesn't mind paying that employee \$20; something of that nature that gives people incentive. He said that he wanted to form an awards program – a recognition program – for jobs well done; that there's no doubt that in any organization that the people doing the work on the front are the greatest strength that you have and this was intended to try to capture some of that intelligence and energy that sits out there. He said that the last is open transparent government doing everything we can to be proactive, to reach out to people, to inform them; that the newsletter was a great start; more timely minutes; expanded use of video-streaming; reaching out to citizens and trying to engage them.

7:45 PM Mr. Fernald said that he was glad to hear Mr. Pomerleau's ideas; that, in the past, we have had many award-type things set up for our employees, initiative things; that he advised him to keep that in mind as we enter into the budget season because a lot of that got cut.

Ms. Lentz suggested adding short descriptions to Mr. Murphy's Committee Vacancy Report so that people had a better understanding of what the committees were all about. She also thanked the whole Board for a very nice, informative meeting tonight.

Ms. Davis reiterated that she thought the workshop was a good idea because sometimes we can discuss things more freely and bring up topics in a less procedural way; that it then kind of goes over better.

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Mr. Fernald agreed; that sometimes, when things are brought up at meetings and because we may not know the total history, or whatever, on that particular item, then we assume things that are going on and that's not good for this Board.

L. Other Business as needed

There was no other business.

M. Executive Session

7:47 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. Police Union Contract.

DISCUSSION

Mr. Lee said that, with Mr. Hirst just recently coming off the Board, Mr. Fernald remains the only person as part of the negotiating team. He added that right now we don't have anything coming up other than this contract; that he, Chief Short, and Mr. Fernald are the three people remaining on our side. He asked if, on the next agenda, the Board wanted to find a replacement person.

Mr. Fernald asked if we could do that now.

Mr. Lee said that the Board had a motion but they could do it after they come out of executive session.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

8:00 PM **Out of executive session. There were no actions taken.**

After some discussion regarding adding a union negotiating member to the team a motion was made.

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen appoint Mr. Robert Pomerleau to the Union Negotiating Team.

VOTE

4-0

Chair concurs

Mr. Pomerleau said that he would like more of an opportunity to meet the staff and tour some facilities of the Town.

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N. Adjourn

There was a motion and second to adjourn the meeting at 8:02 PM.

VOTE

4-0

Chair concurs

DATE

Mr. Jack Murphy, Secretary