

BOARD OF SELECTMEN'S MEETING
July 9, 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. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May28, 2015, as amended.

VOTE

2-2 (abstentions)

Chair concurs in the affirmative

F. Public Comment:

There was no public comment.

G1. Department Head/Committee Reports

5:35 PM 1) Charter Commission: Public Hearing 7/21 w/ Selectmen & Town Manager

This was to announce a Public Hearing of the Charter Commission Charter draft on July 21 at the Eliot Grange at 7 PM; with public input welcome. The Selectmen and Town Manager have been invited to attend to give any preliminary comments. This Public Hearing will be video-streamed.

G2. Administrative Department

5:37 PM 1) Town Manager Activities Report

Ms. Davis asked the Town Manager if he would elaborate on Line 38.

Mr. Lee said that the MMA, along with a State agency, requires a yearly Fiscal Survey; that they have now agreed to have one that satisfies both; that the survey requires fiscal information from the municipality and the school. He added that they got the survey back to MMA on time.

Ms. Davis asked for more information on Line 141.

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Mr. Lee clarified that the original appropriation was \$29,000 and there were some cost overruns regarding ECSD's move to Eliot Elementary School; that they were just recapping that to reconcile the particular account.

Ms. Davis asked, regarding Line 144, if Mr. Lee had heard anything from Kittery Wastewater Treatment Facility about the percentage of Eliot's share and capital improvements.

5:39 PM Mr. Lee said that Mr. Moulton was looking into that.

Ms. Davis asked if, regarding Line 149, Mr. Lee could explain what kind of survey.

Mr. Lee said that the TIF Alternative Committee (TAC) very much wants good quality, statistically relevant public input and SMPDC has said that they may be able to help us put together such an unbiased survey and pursue it until we get enough responses that it's statistically relevant.

5:41 PM **2) Municipal Appointments**

Mr. Lee suggested the Board have a Consent Agenda with this item. He explained that the Board could act on all these appointments in a single motion; that if there was a particular appointment a Selectman wanted to discuss, then the Board could pull that one off the Consent Agenda to be discussed separately.

Ms. Davis said that she would like to take exception to the one for the Budget Committee; that this is a situation that has come up previously and, previously, the Board has declined to appoint someone to the Budget Committee because an election was coming up. She added that it was decided that, rather than appoint, the person should be elected to the committee. She said that that was the only one she would like to take out of the mix.

Mr. Lee said that he would like to do the Health Officer on a one-year term instead of the three-year term because we have two other qualified staff members that can do Health Officer work; that this is nothing against Ms. Darr but, every year, we are looking to squeeze a few more bucks out of the budget. He added that both he and Ms. Ross are certified Health Officers and could very possibly do that job; that it is a very low impact position in terms of duties.

The Board agreed to modify this position to a one-year term.

Mr. Beckert asked the Board members for comments regarding Ms. Davis' suggestion on the Budget Committee position.

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5:43 PM Mr. Murphy said that he didn't quite understand Ms. Davis' objection. He asked if she would rather have the member elected than appointed.

Ms. Davis said yes; that in the past this situation came up, explaining that there was a meeting on July 10, 2014 where there were members of the public that were willing to step forward and be appointed to the Budget Committee; however, the Board objected to that and said that they preferred that the position come up to be elected at the November elections and declined to appoint anyone.

Ms. (Janet) Saurman said that, while that may have been the Board's decision at that point, the Board could certainly make another decision this evening. She added that Ms. Saklad could not be here tonight and that it would be fine if Ms. Saurman spoke. She said that Ms. Saklad had an overwhelming number of people ask her to reconsider and, so, she is seeking an appointment until the election in November. Ms. Saurman asked that the Board consider Ms. Saklad be appointed; that she has done some work for this committee and is willing to work again until the election.

Mr. Murphy asked if she was going to run in November.

5:45 PM Ms. Saurman said that she couldn't say definitely but she is intending or considering to run. She added that she doesn't know what happened in the past but she thinks that whenever we have an opportunity to have a full board or committee, with the right number of voting people, the better the Town would be benefitting.

Mr. Fernald said that he noticed, in the past, particularly that a lot of documentation has come to us on the Charter that indicates that the Budget Committee members would like to appoint people on their committee and do it right away when there is an opening on that committee until the next election comes up; that this is basically the same process so he doesn't see any big differences and suggested that we do this.

Mr. Pomerleau said that this is a mirror situation of the last time; that he happened to be the candidate that was recommended by the Budget Committee for appointment; that the Board's rationale at that point was that the work of the Budget Committee really didn't commence until late November, early December and there would be no harm done by leaving the position vacant and providing an opportunity to fill it in the November election; that, then, if there were no candidates, consider an appointment. He added that he thought they should respect the Budget Committee's by-laws that say that they will recommend the appointment; that if someone is going to apply for the Budget Committee then he thought the application should be forwarded to the Budget Committee first.

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5:47 PM Mr. Murphy said that he has wondered about the Budget Committee selecting its own members because this is supposed to represent the citizens of the Town selecting a varied group of members to serve on that committee; that he believed the particular person has served that kind of function in the time she was on the committee this last year. He added that he doesn't like the idea of the Budget Committee selecting which ones they are going to have and allow on their committee when it should be more open.

Mr. (Jim) Tessier said that he agreed with Ms. Saurman; that he felt Ms. Saklad is very, very qualified for the position; that he didn't think it made sense to wait until November to have a person, when you have someone qualified, so you can fill the committee.

Ms. Adams said that, based on Mr. Murphy's comment about it's the citizens elected the people, she would say it would be better to wait until that election. She added that she happened to agree that it would be nice to appoint, if you need to but the committee doesn't really get into doing anything with the budget until November and it's better that an elected committee be elected by the people and not appointed. She said that she didn't know that it did any real good to appoint a person until November and, then, go through an election.

Ms. (Donna) Murphy said that Mr. Murphy just made a comment about representing the people and, therefore, he didn't support the Budget Committee appointing a member but she doesn't see a difference between that and five Selectmen choosing someone and appointing them. She added that she fully supports waiting until this election; that we have six people that are currently on the Budget Committee; we have a quorum and the work doesn't get started until January. She added that three Selectmen sitting up here were on this Board last July when they declined to appoint someone in the same situation.

5:50 PM Mr. (Bob) Fisher said that he disagreed with Mr. Murphy and Ms. Adams; that he thought it would be good for the Budget Committee to make a recommendation to the Selectmen and say he wants to sit on the job; that it would be a four-month advance to the Budget Committee because he would be involved in the decision-making all the way up until November; that in November he will hopefully run, and we hope we have some other people running at the same time; that he didn't think it would harm the system, at all, to run it that way.

Ms. Saurman asked if she was understanding that the Budget Committee is not meeting until next January – when is the next Budget Committee meeting if the work doesn't start until 'whenever'.

Mr. Tessier said that we have a meeting next week.

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Ms. Saurman said that it sounds like because we didn't do it last time we can't do it this time and that just doesn't strike her as a...are we talking about payback or having a good Budget Committee with people thoroughly engaged in it and getting the work done from June until November's election or are we saying that because Mr. Pomerleau didn't get voted in we aren't going to let anyone ever do that again; that that's not a way to do business.

5:52 PM

Mr. Beckert clarified that the Budget Committee is an elected position, so is the school board; that when there is a vacancy on the Budget committee or school board, by law, the Board of Selectmen have the authority to appoint, to leave it vacant, to put it out to Special Election, or wait until the next regular election; that they can do it in whatever order they want to from one year to the next; that it doesn't have to be set as a precedent because they did it in the previous year 'this' way or they've got to do it 'that' way because they've done it; that they can do it whatever way the Board's feeling is at the time.

Mr. Lee agreed. He said that, regarding a point of order, on a Consent Agenda you can pull a person off, then vote on the rest and go back to the question, have motions on the floor during the discussion; that he is just clarifying that you could get the bulk of these done and, then, take the issue of Ms. Saklad's application separately.

Mr. Fernald said that he was the one who made the motion to have the Budget Committee member to be elected and not appointed by the Board at that time; that he thinks he is going to stick with that. He added that he knew Ms. Saklad is well-qualified but he still feels the same.

Mr. Beckert said that on the list of appointed persons the Board has before them he is hearing that they want to remove the Budget Committee position from that list; he asked if it was his understanding that the Board is prepared to move and vote on the remaining appointments on that list in their entirety and with the amendment of the Health Officer's term from three years to one year to expire in June 2016.

The Board agreed.

Mr. Beckert said that we will pull the Budget Committee position off the agenda for the purpose of moving and voting the other appointments. He asked for the pleasure of the Board on the remaining appointments.

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5:54 PM Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen appoint the following candidates that are indicated on the 7/01/2015 appointments memo as indicated on G2-2, omitting the Budget Committee position and modifying the Health Officer's term from three years to one year to expire in June 2016.

VOTE

4-0

Chair concurs

Mr. Beckert asked for the Board's pleasure on the Budget Committee position.

Ms. Davis moved, second by Mr. Fernald, that the Board of Selectmen wait to see if the Budget Committee puts forward a candidate, per their by-laws.

DISCUSSION

5:56 PM Mr. Murphy asked what Ms. Davis meant by "puts forward". He asked if she was saying she would bring this candidate to this Board for appointment.

Ms. Davis said that she believed that, according to the Budget Committee's by-laws, they make a recommendation for an appointee; that we would wait and see if they do produce a candidate and, if not, that we wait until an official election in November.

Mr. Murphy said that he thought that, if we don't appoint this one, then he didn't think they would appoint another one; that if we're not going to appoint Ms. Saklad because we don't want to be appointing one rather than having them voted, then he thinks it's pointless to wait for the Budget Committee, even though you have by-laws that allow you to put someone forward for appointment; either we vote for her or we appoint her. He added that he thought the position here was that we want to wait for voting.

Ms. Davis said that that is not to say that the Budget Committee will not put forth Ms. Saklad but she thinks we should honor their by-laws; that if they do, indeed, put her forward, then we can vote for her at that time.

Mr. Beckert said that the Chair had an inquiry because he was curious as to whether the Budget Committee has the right number of people to be able to operate and vote on any decision; that usually, anything other than an odd number is not the right combination.

5:58 PM Ms. (Donna) Murphy said that she thought that, if there was a 3-2 vote, she didn't know how much of an issue that would be.

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Mr. Beckert asked if the Budget Committee's Chair was allowed to vote in any other situation than a tie.

Ms. (Donna) Murphy said that she can concur; that she can't vote.

Mr. Beckert said that he just wanted to make sure that we are not putting the Budget Committee in a position where they can't function properly.

Ms. (Donna) Murphy said that she didn't think it would; that she thinks the bulk of the work is done; that we are starting our work in January for the budget. She added that, speaking for herself, she does strongly believe this is an elected position; that there isn't a ton of work done between now and November; that we have an election coming up in November and we can put forth candidates for that election who choose to come forward and get somebody elected by the people, not by six people on a committee or five people on the Select Board.

5:59 PM

Ms. Saurman asked, just so she understood, that the Budget Committee will not be making a recommendation; that it just seems a bit contradictory, as Mr. Murphy was pointing out; that you are either not going to appoint somebody, at all, or you are...that she is just not clear...do you want the person you appoint to come from your Budget Committee; that if that's the case, then your argument a bit ago is invalid, which was the people sat up here and said they weren't going to appoint someone and, since we didn't appoint someone last time, we can't appoint someone this time; that you can't have it both ways. She said to just make a decision; that if you want to wait until the election, wait until the election; that's fine but let's not try to have it both ways.

Mr. Fernald said that he believed the appointment would only be until the election in November.

Ms. (Donna) Murphy said that she thought the spirit behind the Budget Committee bringing forth somebody to be appointed is in situations where we don't have that quorum and we aren't able to function or operate; that at this time we have six out of seven members so we are able to function and there is an election coming up in November.

6:00 PM

Mr. Tessier said that we have a meeting next week with six members on the Budget Committee and it would seem that we could discuss that next week and make a decision as to whether we, as the Budget Committee, want to make a recommendation or not; that if we decide to make a recommendation we can come back to the Board and make that recommendation.

Mr. Murphy said that he assumed that the Budget Committee, like any other committee, is a public meeting and you permit your visitors – nonmembers – to

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Speak and make suggestions or testify or whatever at certain points in your meeting; so, Ms. Saklad could come to your any of your meetings and make input and provide information and comment on your actions, and so forth, even though she could not vote. He added that he just wanted to point out that citizens can be more active than they are and don't need to be members.

6:01 PM Ms. (Donna) Murphy said that it is in bold at the bottom of all our agendas that public input is welcome throughout the meeting. She added that Ms. Saurman has often been very valuable at our meetings and she would like to work more this year to encourage more people to come and offer their input. She said that if there is heavy discussion on a topic we don't wait until the end of the meeting for people to be able to comment; that it is done in a timely fashion.

Mr. Pomerleau said that it seems like we have two different debates going on here; whether or not it ought to be filled at all and, if it is going to be filled, where it should come from. He added that he thought we should always remember that the whole purpose of the elected committee is to be an independent arm from the Board of Selectmen; that therein lies the Budget Committee's by-laws state that they can make the recommendation recognizing, by law, that the Board of Selectmen may have the final authority to approve that recommendation. He said that he thought it was quite appropriate that recommendations for appointment go through the Budget Committee to remain that independent arm from the Board of Selectmen. He added that his own personal position is, and it had nothing to do with his (or Mr. Dunkelberger) being a candidate, that he agrees with Mr. Fernald, given that there is no emergency, no crisis; that the Budget Committee Chair has stated clearly that they can function quite well until we get into the budget season; that we just put this off and wait to see what happens in the election and do nothing to fill it.

6:03 PM Ms. Davis clarified that the whole purpose of what she was trying to get to, here, is that we shouldn't just appoint somebody without first, at least, hearing from the Budget Committee; that she has a sense that this appointment did not come as a recommendation through the Budget Committee, which is per their by-laws. She added that she thought we should wait to hear from them and see if they want to appoint somebody and we want to appoint somebody or we should wait until the election comes through. She said that there has been a certain amount of sensitivity, in the past, to negative motivations being imputed to people so it would be nice to not have our motivations appear questionable sometimes, too.

DISCUSSION ENDED

VOTE
1-3
Motion fails

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Mr. Beckert said that the position would remain vacant, at this point. He added that it could be brought up, again, at the next meeting by someone voting in the majority; that other than that it becomes a dead issue.

At this time, the Board signed the document for the approved appointees.

6:05 PM Mr. Tessier asked if what just happened prevented the Budget Committee from addressing this issue and making a recommendation back to the Board.

Mr. Beckert said that right now, yes. He added that if the Budget Committee discusses it at their meeting next Tuesday, in the Chair's opinion, and they bring it back to a member (voting in the majority) of this Board for reconsideration, then it can be discussed at the next Board meeting.

At this time, the Board agreed to take up G3. 2, the Modernist Pantry request for a sewer allocation.

6:06 PM **G3. 2) Modernist Pantry, 336 GPD Sewer Allocation Request – So Recommended**

Mr. Lee said that the Sewer Committee had made a recommendation to do an allocation of 336 gallons/day for the Modernist Pantry. He invited Ms. Wang to introduce herself and her business.

Ms. (Janie) Wang said that she is the owner of Modernist Pantry; that she lives on Old Farm Lane off of Beech Road. She added that what they are looking to do is move their facilities, which actually started in Eliot in their home, and looking to build on the lot next to which NAPA Auto is right now; that we are looking to build a 10,000 square-foot facility and have a footprint for an eventual expansion, as well. She said that, right now, we are talking to Eliot Commons to try to connect to the sewer there and, so we are requesting the gallonage. She added that what we do is sell various kinds of specialty niche cooking ingredients on-line; that we distribute that nation-wide and also world-wide, as well, to home cooks, restaurants, and caterers.

Mr. Dupuis clarified that this application is for both buildings, as recommended by the Sewer Committee, to be built on the site.

6:08 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the request from the Sewer Committee's recommendation of 336 gallons per day allocation to the Modernist Pantry.

VOTE

4-0

Chair concurs

At this time, the Board resumed their regular agenda.

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6:09 PM G2. 3) Discussion of Non-union Benefits

Mr. Lee said that we had previously discussed this regarding what portion of medical insurance premiums might an employee get back as a benefit if they opted out of our insurance plan; that the memo went on to explain the numbers, and so forth. He added that, subsequently, he got a memo from a staff member, which he has included, who objects to the proposal to provide that benefit. He said that you also have the calculations of what a buy-out at 50% of the Town's cost would be (\$4,497.84); that he was subsequently asked to put together the annual maximum pay-out for union employees that opt out of Town-sponsored health insurance and that is \$3,000 for Public Works and \$824.23 for Police; that those were each negotiated. He added that you then have the total cost for a single plan for the Town's portion and the annualized savings from employees that don't participate; that in the case of the Police \$8,400 is saved in a single plan and almost \$6,000 is saved in Public Works; so, as you can see, the numbers are all over the place. He said that one union negotiated for \$824.23, one union negotiated for \$250/month and this group, at one point, had negotiated when they were forming a general government union, with a tentative agreement, a 50% employer match. He added that when we changed it back to the employee's portion, instead of the employer's portion, that they were concerned that, at one point it was okay and, now, it isn't okay. He reiterated that that buy-out would be \$4,500, more or less, for the non-union folks, \$3,000 for the Public Works, and \$823 for Police and they are all over the place. He added that the Board had asked him to go back and talk with the employees as to what their expectations were and their expectations were that whatever was in that tentative agreement in that union contract would stand; that he explained to them that that wasn't necessarily true and would not necessarily stand; that that agreement did not go through; that they de-certified their union and that is irrelevant at this point. He added that he would like to treat them fairly but just what is 'fairly'.

6:13 PM Ms. Davis said that the purpose of the Affordable Care Act (ACA) is an attempt to make sure that everybody is covered by health insurance and she thinks that one way we could work towards that would be to find out the employees that aren't taking it, and her assumption is that their spouses have it...that if we want to bring them up to a standard that the rest of the administrative employees enjoy, that we find out if they are paying towards their spouses' insurance and that we offer to pay the difference between what they would pay if they took our insurance and what they are paying with their spouse; so, we are not just giving money away for nothing but we would just be bringing them up to equality with the rest of the employees here.

Mr. Lee said that, first of all, Ms. Davis is correct on both counts – all three affected employees have spouses that have insurance and there is a co-pay, as there is in most places; that, here, it is 15%; that he wasn't sure what it was in

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these other three places but all may be different; that that's the only thing, and that may be okay; that they pay 15% here for our plan, so we can identify that cost and, then, look at the difference of the two; that it wasn't a bad approach. He said that he kind of likes it; that it makes them whole and it treats them equally, in a sense.

6:15 PM Mr. Pomerleau said that he asked Mr. Lee for those numbers so he could get a sense of how we treat all the employees. He added that this is a real dilemma; that this is difficult trying to establish what's fair to the employees, what's fair to the taxpayers, what's equitable; that there's no equity in this comparing it to two union contracts and, falling short of discussing union contracts, what we do may set some precedent in terms of what they start coming after; so, it's a real touchy, difficult situation but he does like this approach because, when he ran this through his head and looked up the ACA; that there are so many schemes you can think of, here, giving several examples of why someone might want to opt out. He added that, probably, more legitimately and more commonly is that it is going to be someone who has an availability on a spouse's plan; that he tried to focus on that particular person. He said that we save money and asked if we care what they do with whatever we provide and, well, he guessed we do. He added that it's a benefit and not supposed to be a windfall. He said that, when we are dealing with people that are attempting to insure themselves to a spouse's plan, he thinks Ms. Davis' idea is a pretty good starting point; that he didn't think there was an easy solution but reiterated that he thought that was a very good starting point that we would reimburse them up to the cost of whatever they incur to become insured on another plan.

6:17 PM Mr. Lee added less what they would normally have to pay here, anyway, is what he heard.

Ms. Davis said that it is also a complicated issue so she would not feel comfortable making an absolute decision tonight; that this may be something we might want to run the numbers in reality and talk about at a workshop.

Mr. Lee said that we will definitely run the numbers and get back to the Board on how this works out. He added that he thought he would have a follow-up discussion to see how this would fly; that he thought that it would probably be okay.

It was the **consensus of the Board** to have Mr. Lee get the numbers and check with employees regarding this.

Ms. Adams asked how this even got started where we compensate people for not taking insurance; that no job she has ever worked in compensated me, including the one now, for using my spouse's insurance; either she wanted it or she didn't.

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Mr. Beckert said that it was the union and union negotiators on both sides.

Ms. Adams said that we never had that before we had a union.

Mr. Beckert said no, not to his knowledge.

6:18 PM

Mr. Pomerleau said that he thought that part of that may have been driven by insurance companies and the medical industry; that he remembered the raise when he was double-covered and, essentially, what they would do with the insurance industry is that they would take, for whoever the individual patient was, their employment plan as the primary plan and bill the other plan as secondary. He added that he thought that created a whole lot of premium paying, administrative paperwork, hospital billing to two insurances, and it was all kind of a waste of money, from an administrative standpoint, to have a person with two insurances; that he thought people began to recognize if they wanted to get on another plan, they buy out; that there's a benefit to the Town, here, we save money. He said that the question is how much of that are we willing to share for the benefits - the cost-benefit relationship.

4) ECSD Mower Purchase Option

Mr. Lee said that the Finance Director and the ECSD Director reviewed the end-of-year budget numbers, discussing how they would handle the payment to Eliot Small Engine for the approved mower purchase, and found that the ECSD Director had close to \$20,000 left in her operating budget under Town Parks, which is closely related to the need for the mower. He added that it is our recommendation that, rather than do half in this year and half in next year, you could do it all through 14/15 and we'd still have an intact Parks budget for 15/16; that it seems sensible to him to pay for it out of remaining funds in this year's budget.

6:21 PM

Ms. Davis said that the purpose of our CIP system is that we plan for these things; that the mower was giving trouble and, technically, should have been on the CIP if it was a big concern. She added that she had a sense that, in a way, this circumvents the voters because what we are doing is estimating a budget, then not using all of the budget, and buying things on the CIP that normally would go through the process; that people would be made aware of what was being purchased, especially these big things. She said that she would grant that there is money left over, we've already given her approval, and kind of a defacto thing now; that in the future this isn't a great way to do it.

Mr. Lee said that we have had that discussion; that he wished that this had been something he had been more aware of regarding its failing condition and had been put in that way but it didn't make it; that, of course, it's still in a state of

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development; that it's a pretty basic document, at this point, and it needs a lot more work. He discussed the large number of capital assets they have and the work it would take to assign a number to every capital asset, such as the number of mowers and fences, and list out each lifespan; that it would be absolutely staggering how much we should be putting away in a CIP; that he also discussed this with other departments, as well. He added that this is not an intention to circumvent, however; it's just that we are not in a very mature state of capital planning, yet.

6:23 PM Ms. Davis said that we hear a lot that we over-expend line items because budgets are just estimates and, so, when we go under, our logic shouldn't be to spend it, as it is just an estimate; that maybe the taxpayer gets it rolled back into the General Fund. She said that there is another mower listed on the capital assets and asked if that was something that can't be shared and we really need the second one.

Mr. Lee said that you do need two; that one is being used for municipal grounds almost through a non-stop basis through the Public Works Department and one is used by the ECSD three days a week for the parks; that many, many times we have two mowers going pretty much all day.

Ms. Davis said that she thought the mower they are eliminating was purchased in 2010 and they paid \$7,200. She asked what was going to happen with that mower; is it not useful at all or is it something that Public Works could keep running.

Mr. Lee said that he recently put out a memo to everybody asking if they had surplus equipment; that, for an example, the Police Department has the Animal Control Officer's truck and is not able to be used; that the frame is all rotted out but the engine, 'this' thing, 'this' piece, 'that' piece; that he started putting this out to people about having a public sale of many of these things that are half broken or we are not really excited to have anymore, and he thinks this would go into that sale.

6:25 PM Ms. Davis said that there is \$20,000 left in this budget; that that budget was only \$44,800 and asked if that meant that something wasn't done that is normally done; that that is a big shortfall in a budget of that size.

Mr. Lee said that, primarily, it was we didn't put a lot of money into the mower once the motor died; that we could have gone out and spent \$3,000 to fix the motor and try to get the frame re-built, etc.; that that is what most of that money goes to – repairing that mower; that it was dead and we let it stay dead. He added that that's the only thing he can think of because all the parks got mowed just as much as usual with the same staffing.

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Ms. Davis said that there were things missing from the 14/15 budget and she would like to take a review of that; that there's no electricity, as in previous years; there's no water in the park's budget; that there are a lot of items that weren't included on the financial report that normally are for the parks; that she was thinking that that may be part of the reason they are lower. She reiterated that she would like an opportunity, with the Board's approval, to take a look at that. She said that she thought there was still plenty left in there but it is difficult to do a financial analysis of any of our expenditures if not everything is there.

6:27 PM Mr. Beckert said that we changed the form of budgeting and we need to look at what areas of the program things might fall under now (categories).

Mr. Pomerleau said that he is not going to try to reverse what the Board has already approved; that we are going to find a lot of times when we have some difficult, grey areas in how we administer the budget. He added that the only way he can find to resolve grey areas in almost anything is to sit on a fundamental set of principles and be consistent with it; that one of those principles in the future is going to be that, if you have excess budget money, then it's going back to the taxpayers. He said that, if it involves health, safety, or an emergency, you have to be flexible with some of your principles. He reiterated that that is where he is going to be in the future; that he would otherwise not be going along with this.

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen approve paying for the Eliot Community Services Department mower out of the 2014/2015 remaining funds from their operating budget.

6:29 PM **5) Monthly Workshop, Third Thursday, 7/16 at 5:30 PM**

5A) Draft Agenda

Ms. Davis said that she noticed the agenda had public comment at the beginning, then board-only discussion; that depending on how this works out, it's nice to have the public weigh in at the time something is being discussed.

Mr. Beckert said that he thought the intent of that was to try to not have these workshops weighted down by a lot of back-and-forth. He added that we welcome the public's input; that they are seeing what we will be discussing; that, hopefully, if they have some input, they will bring it forward at the beginning of the meeting or write down some bullet points they want us to talk about.

Mr. Lee said that he formatted the workshop in such a manner that it is almost like three quick public hearings where we will take some public comments at the beginning but, once we turn it back into the workshop format, we will continue with just the five Selectmen talking.

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Mr. Beckert said to remember that this is a meeting where we aren't going to be making decisions; that this will be to talk about things, to brainstorm, in preparation of making decisions down the road.

6:31 PM

Mr. Pomerleau said that he had a really strong feeling that, when we're doing the public's business, the public ought to be able to participate; that while recognizing there are limits and the meeting needs to be smooth and effective, it doesn't sit well with him that we are doing the public's business but we don't want to hear from the public. He added that he would rather suffer the consequences of an extended meeting than shut out from public participation.

Mr. Beckert suggested we try it and see how it goes.

Mr. Murphy said that there is another side to that and that is that we are the elected people to do the business of the Town; that, granted, we have input from people but, if it's always the same small group of people here speaking, then there is a shift; that it isn't we making the decisions that the Town expected us to make. He added that it could, rather, appear that we are being run by the people who come here and that is something we must not let happen; that we cannot appear to be, and cannot be, run and wait to do anything until we hear what the people, who come, say. He said that he didn't want to hear the public before we express what the problem is from our point of view and possible solutions that we can come up with and then, after we've done that, we are willing to listen to whether the public can expand on those, improve them, correct them, or something like that. He reiterated that this Board cannot be, or appear to be, run by who come and talk loudly at the meetings.

6:33 PM

Ms. (Donna) Murphy asked if it would be possible to consider doing the public comment after the discussion, as Mr. Murphy suggested, because it's difficult to comment on something that hasn't been discussed.

Mr. Lee had no qualms with that, at all; that he just had to draft something and he knew the Board wanted public comment somewhere.

The Board agreed they would like public comment after Board discussion.

6:35 PM

6) Eastern Trail Request

This was informational.

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G3. Public Works

6:36 PM 1) Underwood Engineering Service Request (ESR #17)

Mr. Lee said that he got a question, or two, from Selectman Pomerleau and he has sent stuff around to the Board regarding the agreement where Underwood Engineering was selected, after interviewing several firms, and we entered in to a contractual relationship with them; that even without the concerns from the Board he and Mr. Moulton had spoken together that it was probably time, after this sewer project, that we do go back out and see if we still have the best pricing and best engineers of those qualified, and re-issue some sort of a contract, for a three-year term, that they'd be our consulting engineer, as we do with an auditor or legal firm. He added that he thought that Underwood is perfectly content to compete again; that it isn't unusual in the industry. He said that, with that said, ESR #16 is to provide technical assistance to support the bond warrant article to be presented at the November 2015 general election, anticipating that the debt service will be 100% by sewer user fees; that that is basically talking about rates – any impact and potential rate adjustment. He added that it is also to evaluate options to a bond if the vote fails. He said that the memo also went on to talk about what information would be provided by the Town. He added that the total budget for those tasks is \$5,000 and we would ask for the Board's approval.

6:38 PM Mr. Pomerleau said that what struck him with this is that it is in the \$5,000 range and why aren't we going out to bid; that he wanted to know if we had Underwood under a contracted retainer and, having read the original contract, he was glad to hear what Mr. Lee had to say because, clearly, they have outlived the original purpose of the contract, which was back in 2011 that was pretty much focused on the Route 236 expansion. He added that we have gotten back to where items like this have to go back out into the competitive world; that Underwood certainly has an advantage; that this may even be something that you would attempt to do as a sole-source contract. He said that there is a rational, legitimate justification for things like that but he thinks it has to go back to the drawing board; that this is not an automatic Underwood reign anymore. He said that, as to the actual request itself, he has a hard time struggling with why this money needs to be spent for the majority of these purposes; that we've seen so many sewer rate calculations and adjustments going back over years, here. He added that they put out a four-scenario project last time, with 100% sewer users as one of them, telling us what the average cost per user would be; that he didn't see where there was a whole lot new to be looked at. He said that, around some of the other items, we do have a Sewer Rate Adjustment Committee under the Sewer Committee; that it would seem to him, based on tons of existing information, that whatever needs to be done they could do it. He added that creating a sewer district he thought was a discussion for another day, which may come whether or not the bond passes and really has nothing to do with it; that with calculating bond interest, and things like

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that, that you can go on the State authority web site and they'll give you all that information; that it doesn't require an engineering firm. He reiterated that he is struggling with the \$5,000 because he doesn't see a whole lot of value behind it.

6:41 PM

Mr. Murphy said that he has sort of come to trust this business; that he doesn't think \$5,000 is very much for what they want to do and keep up-to-date with the shifting positions that Eliot is giving; that it seems to be justified.

Ms. Davis asked Mr. Moulton if he felt he needed any further advice or assistance on interim repairs that they would be helpful with.

Mr. Moulton said yes; that that is the bigger part of the whole ESR and, based off that, we would probably look at how we need to adjust the rates; that right now the rate adjustments we've made are based on what we're trying to put into the reserve account so that we can maintain the current system and build capital so we stay in the black versus going into the red. He added that we have issues with the pump stations and other issues we need to deal with, such as I&I; that those compiled with some of the further review of the pump stations. He said that, in his view, he thought it would be great to have the Board visit the pump stations with himself, Mr. Dupuis, Mr. Lee, and Underwood to truly see what we have discussed; that show-and-tell would be a good thing; that they could see, hands-on, concerns and issues as we move forward; to see how a pump station actually works, how old it looks and is. He added that he is not confident that 100% on rate payers is going to pass and asked what do we do then; that we'd have to look at some type of repair and do some kind of adjusting in the current system in order to keep this thing limping along so that we don't get into illicit discharges and those things we've discussed before.

6:43 PM

Mr. Lee said that because of the letter (DEP) we received, they want to know what our 'Plan B' is; that our 'Plan B' is to go before the voters in November, probably 100% user. He added that, with that said, we are sort of in another position where we need a 'Plan B' because, if this doesn't happen in November, he asked if we are going to phase in a repair, are we going to do something interim – stopgap – and what is the amount of money we are talking about and how would that be financed; what would that do to rates as opposed to the full \$1.5 million project. He said that he thinks there is more to it, although he agreed we do have some of that information; that one issue is to ask what is our best strategy going forward if it is defeated. He added that we will have spent a lot of dumb money if we don't have a thought-out, pro and con, cost-effectiveness on each strategy; that that is what he and Mr. Moulton discussed and why we thought we needed some help on this; that we are going to be asked how we know 'that's the most cost-effective and how do we know 'that's' the best use of money; that he doesn't have an engineering background where he can feel certain of it.

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Ms. Davis agreed with Mr. Pomerleau that some of these bullet points have been done to death; that what we are doing is spending the sewer users' money and some of it looks to me like it needs to be thought about after the fact and, maybe, they can come in with just the things we must have right now.

6:45 PM

Mr. Lee said that we could amend it just to do the phased, the interim, the pros and cons, cost-effectiveness, and look at the rate structure after, he guessed.

Mr. Moulton said that we could delete things off the ESR-approved and adjust the amount; that that's a sum 'not to exceed' and we could make adjustments on the ESR based on the discussion tonight.

Mr. Fernald said that the reason he didn't speak on it is that he isn't an engineer and he relies on Mr. Moulton's input; that if there's something we need to have done then he would certainly support that but, if there is another way, then we should do that, too.

Mr. Murphy said that he felt it was important not to change horses, at the present time, in the middle of the stream; that we have a complicated system, with a complicated history, down there and this company is aware of it. He added that, to have a new company come in and have to find all the problems, and so forth, is not the thing to do.

Mr. Lee said that we are not looking to do that; that what he had suggested is that Underwood should probably see this thing through on the pump station project but, in the interim, or simultaneously, begin to look for who might be the next consulting engineer while we wrap up whatever this project is on these two pumps.

6:47 PM

Mr. Dupuis, Sewer Committee Chair, said that he thinks the issue with this whole program is that it has allowed us to be a little pro-active in a situation we have always been reactive to; that we need to set that 'Plan B' forward; that we need to have some answers. He added that we support the allocation of this money.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the request for funding for up to \$5,000 for ESR #17.

DISCUSSION

Mr. Pomerleau asked Mr. Dupuis if he thought everything in the request would be beneficial to him; that regarding the bonding he didn't see how that mattered; that we appointed a Sewer Committee; that there were items in this that may help and items that may not.

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Mr. Dupuis said that there are always items that need to be discussed and, in order to have discussion with professionals, you have to pay for their time; that we can't expect people in the professional programs to volunteer their opinions without being paid for them.

6:49 PM Mr. Pomerleau said that he was asking what items in this request Mr. Dupuis felt were critical that he needed.

Mr. Dupuis said that he felt that they were all critical; that he thinks that was why they were put on the paper, so that we could explore those things. He added that Mr. Pomerleau made a statement that he didn't think it was worth even looking at creating a sewer district and asked why it was not important to have that information available should it be requested.

Mr. Pomerleau said that his point was that that was a discussion for another time.

Mr. Dupuis agreed but Mr. Pomerleau was asking for his point and he thinks it's important to discuss these things.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

G4. Public Safety

6:50 PM 1) Fire CIP Surplus Disposition

Mr. Muzeroll said that they had talked at a couple of meetings what we would do with the excess money. He added that it was immaterial to him where it comes from; that he was just giving the board the opportunity to look at accumulation – a hodge-podge of \$100 dollars here, a couple hundred dollars there, left over from the non-payroll operating budget of the Fire Department. He said that, in discussions with the Financial Officer of the Town, one of her recommendations was to leave the money, even though it's not a great amount of money, in the capital fund rather than have it drop into the undesignated fund; that as he explained in the memo it would be a savings somewhere along the line if we took it out of the regular CIP. He said that he was giving the Board the options and he was here to answer questions.

6:52 PM Ms. Davis said that she did go back and do a review and this \$5,000 for the turn-out gear was on a CIP a couple of years ago; that, for whatever reason, it was dropped out of the budget before it hit the warrants; that she wasn't sure why it got left off but it did. She added that, however, your situation is different because you do have the CIP money available because of the savings on the sprinkler; that

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her preference is decidedly to use the money from the CIP and, then, if things come up, we'll allocate it in future budgets.

6:53 PM Mr. Muzeroll said that \$3,000 to pay the bill is not a lot of money; that a lot of this he offers mostly for discussion that at least the department is trying to think of alternative ways to fund projects, save the Town and taxpayers some money, and best utilize the money for pre-planning purposes in the financial strategy that we've talked about. He added that whether it comes from the CIP fund that we've talked about or it comes from left-over non-payroll operating funds is really immaterial, other than the fact that he recommended we go with Option #1.

Mr. Pomerleau said that, once again, trying to stick to the principle that left-over funds ought to go 'there'; that it all comes down to planning and not having incentives to not fatten budgets; that they're just fundamental concepts that you try to stick with.

Mr. Muzeroll responded by reiterating that, if you look at where the excess funds come from in the operations, it is \$100 here and \$100 there; that it's not like he is planning throughout the year to not spend there and over-budget here and under-spend to save money; that he doesn't know of any department that does that.

6:55 PM Mr. Fernald said that we seem to face this over and over again; that it's very difficult for him to make a decision on this in that we don't seem to give our department heads the incentive to look at their budgets and save a little here and a little there, maybe using that money on other things that may come up in the year. He added that, because of gross budgeting, and all that, it just becomes so cumbersome to do; that he would agree with Ms. Davis in how we approach this.

Ms. Davis moved, second by Mr. Fernald, that the Board of Selectmen approve the purchase of the turn-out gear, funded through the left-over money from the sprinkler purchase at \$5,000.

DISCUSSION

Mr. Muzeroll said that he wasn't sure we wanted to pigeon-hole that \$5,000 specifically to turn-out gear; that he would rather see the language that it is added to the Fire Equipment Capital as part of that.

Mr. Beckert asked Ms. Davis if she would agree to do it that way.

Ms. Davis said that, in the original CIP, it was put on the list as turn-out gear, so you are saying it's different now.

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6:57 PM Mr. Muzeroll said no; that we were funded this year for turn-out gear; that he knew she was talking about last year is where it dropped through the cracks – in last year's budget; that part of that \$19,000 that was requested and approved for this year was for turn-out gear. He added that if this goes into that broad-term CIP fund, then it is used for those types of projects that we have talked about, to include turn-out gear, which may reduce requests for items in the upcoming years.

Mr. Lee said that, if you had an \$8,000 item next year and we have \$5,000 additional in the CIP, maybe you just request the remaining \$3,000 and plan on using the \$5,000 in Capital Equipment.

Mr. Muzeroll said that he had no plans to come to the Board to ask for anything extraordinary.

Mr. Beckert suggested that a better way, maybe, to phrase the motion would be to go with Option #1, as recommended by the Chief in the memo dated June 29, 2015, which is G4-1.

Mr. Lee said that he thought Ms. Davis wanted to go with Option #2.

Mr. Muzeroll clarified that, with Option #1, the only amount of money considered, and that would be consensus vote of the Board, is \$96.66; that the rest of that \$2,898.34 would come from the remaining operating budget; that Option #2 is to pay it out of CIP.

Mr. Lee added that, with Option #2, they would let operating funds drop through to fund balance, as gross budgeting would normally do.

Ms. Davis said that she wanted to buy it out of the CIP.

The Board agreed that she wanted to use Option #2.

7:00 PM Mr. Beckert clarified that Ms. Davis' motion is to go with Option #2 on the G4-1 memo dated June 29, 2015.

Ms. Davis and Mr. Fernald agreed to that wording.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

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2) Fire Gear Washer-Dryer Bid

It was clarified that this did not include a dryer.

Mr. Muzeroll said that he hoped the Board had had a chance to read his memo justifying how we purchase this unit that was approved by the voters at the last Town Meeting. He added that we are getting a very good deal, here; that a couple of us have toured a number of fire stations looking at what people have for gear extractors (fancy washing machine); that we've seen some that work and some that are considerably cheaper, but they pay for it in the long run with repairs and unavailable parts. He said that this machine we settled on is known world-wide – commercially used, fire departments; that one of its advertisements is that it is almost fire fighter proof; that he doesn't even believe you have to read because there's a picture on the machine that shows bunker gear and, if you push that button, it's going to put the detergent in that it is supposed to for that gear. He said that other savings we will have is that the final fit-up and electrical will be done with in-house licensed employees and that's about an \$1,800 savings.

7:03 PM Mr. Lee said that one of the last things he did in the Town of Poland was to help the fire department purchase a washer/extractor and, when all was said and done, we didn't get a deal on it and we didn't have anybody in-house to do the plumbing, and so forth, and we were well over \$11,500 on that unit; that that unit was the same unit and it is almost everywhere.

Ms. Davis said that it would have been nice if we'd seen the state bids in comparison to this; that you have a range, here, from \$7,411.50 to \$8235.00.

Mr. Muzeroll that that is from the contractor and Mass Bid; that it is Mass State Contract FIR03 Bergeron Protective Clothing and lists their vendor number; that according to their vendor specialist, that is the price range, whether it is a 0% discount or 105 discount, depending on how it's bid; that that is usually done by quantity through the Mass bid board to approved vendors. He added that all of Mass bid stuff is usually done on a price range.

7:05 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the purchase of the washer/extractor for \$7,926 from Bergeron Protective Clothing.

VOTE

4-0

Chair concurs

H. New Business:

There was no new business.

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I. Old Business

7:06 PM 1) Award of Storm Water Bid

Mr. Lee said that we were asked to do two things; that one was to see what items we might be able to reduce from the Brex Corp. base bid and do ourselves or within our operating budget in some way, shape, or form. He added that the second thing we were asked to do was to detail how the initial stormwater estimates back 18 months ago changed and grew over time; that we have tried to provide a very thorough response to that and, also, to what we can do. He said that Mr. Moulton did meet with Brex Corporation and did the negotiations on a per unit basis; that we hope that we have satisfied both inquiries. He said that one of the things we need to be aware of is on the 2nd page of that memo that says: *“It should also be noted that the department is already going to address additional drainage issues within the Pleasant Street area on two side roads, Rosemary Lane and Pleasant Avenue, off of Pleasant Street. The Town will be performing lateral drainage tie-ins on these streets to the Pleasant Street drainage for additional cost savings of \$115,000. The savings was calculated on a cost per linear foot basis from the bids that were received.”*; that he wanted to point out that, although this number for this project is high and a lot higher than what you saw 18 months ago, we’ve tried to describe how it changed over time and we’ve got a lot of work that we are going to do on a per-unit basis that otherwise would have cost that kind of money. He said that Public Works is already involved in this project but we did look for other items in addition to that, in good faith, as requested.

7:08 PM Mr. Moulton said that he provided the Board with a list of things that we discussed in the meeting with Brex Corporation as far as incidentals, which aren’t huge but do have a monetary value to it as it relates to the department – pavement saw-cutting, pipe demo (removal of existing pipe), relocate mailboxes, tree clearing, stump tipping fees, apply base gravel and sub-base gravel materials (from the crushing operation approved at last meeting), supply loam and seed, hydro-seed and/or hand seed the guardrail, and take over the paving at the Town’s unit cost, which is cheaper than the contractor’s. He added that there was a reduction in each phase, for a total of two phases, from Brex if the department takes those over of \$56,853 in the bid; that there is a monetary value to the department, one way or the other, and that was a reduction to \$39,693 for a total estimated savings adjustment to the entire project of \$17,160. He said that he didn’t include any labor costs or trucking costs when he did his estimates; that this was strictly on what he felt what was going to be the cost to do certain portions of the project and try to show you some savings there.

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Mr. Beckert said that that \$17,000 savings, along with \$115,000 approximate savings on remaining work on the two side streets, is about a \$132,000 savings to the Town.

Mr. Moulton agreed.

Mr. Murphy asked, regarding the two columns, if the right-hand column replaced the left-hand column or does it reduce it by how much you do of the left-hand column.

7:10 PM Mr. Lee said that it replaced it.

Mr. Murphy said that Brex will not be doing those jobs and Mr. Moulton will be doing those jobs.

Mr. Moulton agreed.

Mr. Fernald asked what other jobs would not be done because of what you are doing with this.

Mr. Moulton said that, based on the work schedule he has for the year, there will be no other jobs not done; that we're just going to work a little harder to get these done, with present personnel.

Mr. Pomerleau thanked Mr. Fernald for agreeing to go along with this so that he could find answers to some of the questions he had on the changes; that it was really valuable and he is a whole lot better educated on the subject than he was at the last meeting. He added that he did a tour with Mr. Moulton today down on Pleasant Street to actually see the work; that that kind of helped and helped put things into perspective. He said that Mr. Moulton sent him an email the following day after the meeting on why the answer wasn't so clear in the three pages submitted by the consultant and it boiled down to that it went from 400 feet of pipe to something like 1,700 feet of pipe and he asked why someone didn't say something about that that night. He said that not only is it triple the amount of pipe but it is obviously the labor of putting it in. He added that it wasn't just limited to that because Mr. Moulton showed him today that the scope expanded to some side streets that were really not part of the stormwater objective to start with in 2013. He said that he went online and found this Stormwater Program Management Plan for York County MS4; that obviously we were into this plan in June 2013, which doesn't expire until June 2018. He added that he went on the EPA site to find out about these Massachusetts and New Hampshire MS4 standards, which he found, then found information in Maine where they delegate this to Maine DEP; that he couldn't find anywhere, and he does have an email in to the Director of Stormwater Management asking Mr. Ladd to tell him about

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these MS4 standards in NH and MA and when they will get here; that he didn't get an answer. He said that he did recall, on a previous occasion, when he talked to DEP regarding the nitrogen problem in NH and, by federal law, once that was adopted it was binding on Maine; that he asked him that same question about what happens and the person said that, from the moment it's passed, it would be at least 4 or 5 years before that would be implemented in Maine because there were a series of public hearings, and so on. He said, to put this all into context, the premise behind the tripling of the cost was going to be this long-term savings; that part of his struggle, because he can't imagine on any level of any business, that you are going to triple your expenses, up front, without having specific numbers of the savings on the other side of the equation. He added that the reason the numbers aren't there is because they aren't known; that it's pure speculation at this point; that nobody has identified what these savings are, when they're going to happen, if they're going to happen; that it would certainly appear to him that they are years away, if at all possible. He reiterated that he has a real struggle sitting here tripling our costs on the premise that there is long-term savings but those long-term savings are not in black and white and dollars and cents, even as an estimate, so, he is not going to vote for this because he doesn't think there is a justification in black and white.

7:15 PM Ms. Davis said that it does seem strange that the Board, itself, was not informed about this tremendous change in scope before it was implemented. She added that back at the end of last year, as far as we knew, what we received in December 2013 was a plan to fix outfalls 56 and 57 for a price of \$91,300 and, suddenly, something dramatically changed and the letter of January, which she doesn't think the Board received at that time, attempted to clarify new pricing but without any real detail as to what happened to make it different. She added that, from looking at the bid documents, it's a huge change; that it seems to be more or less abandoning our entire stormwater system in that area in favor of almost completely replacing it; that if we are looking at savings – for example, testing outfalls – it seems to be off-set by the number of catch basins that we're adding and the fact that we're just giving up what we're currently using. She said that, if there is savings, she thinks we need further discussion as to exactly what that entails and what it is. She added that the addition of Rosemary and Pleasant Avenue, as part of the scope of work, was never part of the original; that the engineer that came to do the original 5-year assessment she doesn't believe mentioned those, at all; that we seem to be taking on a whole bunch of stuff that's not required at this time. She reiterated that she thought further discussion about what exactly we do need to do needs to be held with the Board and more explanation provided.

7:18 PM Mr. Moulton said that, as far as how portions of this expanded, it relates all the way back to the original thought of looking at what we had to do for our original stormwater plan after the audit; that then, in the interim, we moved forward and

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Park Street became the #1 project that we had to focus on; that as part of Park Street we looked to have grants and we did the public access grants; that we applied looking to apply grant money and grant funding to Park Street and Pleasant Street. He clarified that, as part of that, we were required to do meetings with abutters to the property or people on the streets that would be affected by this; that at that time we received input from residents asking if this grant would help them 'here' or 'here'. He said that these are things we always try to do, are required to do, and continue to do; that his memo also includes the I&I work we have been doing where we have required residents to remove sump pumps from their homes; that when they do that they discharge onto their property, it flows towards the road; that in winter salt is required because of icing, so, there is another expense. He said that we took concerns of the residents, winter maintenance concerns because of I&I, which is now I&I being discharged into the roadway, and his observations of drainage issues on these streets. He added that, as far as Rosemary and Pleasant Avenue, yes, those will be conveyed into the existing system, which allows us to discharge into the river as everything else; that those were an added scope that we're looking to do but he needed a conveyance system to get it there because there are also drainage issues on those streets. He said that he showed Mr. Pomerleau some of those areas on Rosemary today. He added that taking into account the effect on the entire neighborhood and looking at the project, as a whole, the scope expanded and it expanded because residents had concerns and issues; that we took into account everything and looked at what is forthcoming in permits; that we don't know what the cost savings is but the bigger drive with this is that we have discharge on residents that cause us extra winter maintenance and dealing, also, with drainage issues that residents have. He said that we tried to do what is right for residents as residents spoke to us; that we took that scope and brought it before the Board in March before we even proceeded with the bid to say this is what we intend to do, this is how we intend to bid it, and he does believe there was a consensus of the Board, at that time, to move forward with the project that way; that that is how we proceeded and that's where we are today – because of where we went, what we brought forward, because it was going to be a budget issue; that there was support from the majority of the Board, from the Budget Committee, approval at Town Meeting with minimal or no discussion on the floor; that he feels these things have been recognized by residents as issues that are forthcoming to the Town, as he has previously stated in other meetings. He said that we are kind of in the forefront; that there is information coming forward that all MS4 communities, not pertaining to upcoming permits, but capital projects they will have to expend money on; that they are using large numbers out of their CIP plans; that we are trying to implement this in sections so it's less of an impact on taxpayers; that we move forward, meeting the needs and requirements of our MS4 permit; that we stay in compliance without potential fines or anything else. He said that that's why and how this whole project evolved to the size it is and why we are requesting approval to move forward; that it's funded by the allocated money at

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Town Meeting; that he and Ms. Pelletier have provided the Board with as much information as we can, as requested, and hope that you vote in favor of the project.

7:22 PM Ms. Pelletier said, regarding the comments Mr. Pomerleau said about changes coming along down the pike sometime, that each permit cycle is a 5-year cycle so the one we are in now goes until 2018, with the new cycle starting in 2019 and new requirements in place. She explained that we have a 5-year stormwater plan we submit to the State, that is approved by the State and that's the general framework of what we have to do in that five years. She added that we are just trying to anticipate the future where we will actually be required to test what is coming out of the outfalls and minimizing them as much as possible; that it will be very quantified what testing prices will be at that time but, at the moment, it's \$70 for just one bacteria; that there are many things that are going to have to be tested and these tests are not cheap. She added that this is an unfunded mandate; that we have it on good authority that this is coming our way; that she thought the more you reduce the number of outfalls you have along the water, you will see a savings.

7:24 PM Mr. Pomerleau said that Ms. Pelletier was saying something he couldn't find anywhere – that you have it on good authority – and asked what authority.

Ms. Pelletier said that it was David Ladd; that she's known Mr. Ladd for 13 years. She also said that she and Ms. Rabasca, consultant, are the only original people to this permit. She added that Mr. Ladd tries to alert us at our regional quarterly meetings about things that are coming our way; that it comes down through him from EPA to the Director of the DEP; that he tries to prepare us; that there really wasn't a question about it but just a matter of what's going to need to be tested; that they are talking pharmaceutical products – down to that; that it's going to be expensive – each outfall will be very expensive to test and we have to test it every single year. She added that she disagreed with him that it's off-set by the catch basins because cleaning catch basins is nothing compared to testing the water quality of each outfall; that she saw that was where you would see a significant savings.

7:25 PM Ms. Davis said that we have a storm drain system in place and some of the resident' concerns could be addressed by utilizing what we have now.

Ms. Pelletier said that much of that is not functioning; that it's crumbling clay pipe. She added that she thought it was always important to remember that the point of this is that, under the Clean Water Act, it's for clean water; that that's the purpose at the end of the day. She said that we have non-functioning drainage, there, and broken structures that do nothing; that that is not really an existing system.

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Mr. Beckert asked how long we have been under the MS4 Permit.

Ms. Pelletier said 13 years.

Mr. Beckert agreed that this is nothing new to Eliot; that it is ongoing and progressive.

7:26 PM

Ms. Pelletier said that this is the third permit cycle we've been in and it's grown exponentially – the requirements; that with the next permit cycle they're also talking about identifying and mapping every single septic system in the Town and that is another enormous expense that is going to be part of the stormwater program; that it just keeps growing and there's not really anything we can do about it.

Ms. Davis said that part of the original estimate for the work was to replace some of the pipe and to make repairs to our existing system to make it functional; that an engineer walked around and looked at that and made these recommendations; that she guessed we need further discussion.

Ms. Pelletier said that we had to come up with that plan, again, as part of this permit – how we're going to prioritize what infrastructure needs to be repaired when; that, again, this is required under that permit. She added that you really don't know until you...the initial estimate was not based on much more than a walk-through; otherwise, we would have spent even more having that plan prepared but, when you get on the ground and you get all the details – you don't know where all the foundation drains are coming in – until you actually see, it's difficult to account for it all. She said that she doesn't think they are that far apart, though.

7:28 PM

Ms. Davis said that Mr. Bradstreet did walk through, he was the engineer, and he did make the \$91,000 recommendation.

Ms. Pelletier agreed, but it was based on just a cursory evaluation of it; that he didn't spend time on the ground investigating and looking at people's lands.

Ms. Davis said that he made a 5-year recommendation to the Town of Eliot, based on that.

Ms. Pelletier said they were estimates.

Mr. Lee said that the only thing he can say is that his understanding was that, two weeks ago, if we could provide comparatives as to how this project grew, then we would go forward with the project; that he's hearing a changing of that opinion, at this point. He added that we did do all the steps with the sitting Board of

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Selectmen – we brought forth the bid, explained that we were going to do both phases at once to save money, we did what we had to do with the Budget Committee and that whole process, and getting through Town Meeting. He said that he is almost incapable of discussing this, at this point, because he does feel...and estimate is different than pre-engineering; that if we want to pay for pre-engineering we can pay for pre-engineering and those numbers would be an awful lot closer. He reiterated that an estimate is a walk-through on a 5-year plan but you have to go out and talk to the neighbors. He said, regarding the Park Street situation, that that project grew because we listened to neighbors; that we've done the same over here and it did expand from 417 feet, and we do want to solve multiple problems that have been in that neighborhood for a long time. He added that we don't enjoy spending money but we do have to meet the MS4 thing; that he thought long-term thinking, as Ms. Pelletier was pointing out, about these outfalls is going to be very, very wise. He said that he really hopes the Board approves this.

7:30 PM Ms. (Janet) Saurman said that she wanted to be clear. She asked if, at the Town Meeting, the funds for this you are describing to us tonight were approved, including Rosemary and Pleasant.

Mr. Moulton said yes, it was to approve the whole stormwater project.

Ms. Saurman said that she knew that we are switching the way we do our budgets and our decisions in the future but the point is if, at the Town Meeting, the voters who were there approved this and these people provided the Board with information they asked for and we're talking about keeping the river clean then she doesn't understand why it's such a difficult decision. She said that she wanted to thank Mr. Pomerleau for taking the time to review and go down and visit today; that she thought that's really important; that she doesn't know if others went, or not, but she appreciates that he went down to see exactly where it is; that she thought that was really helpful. She added, however, that the Board is not in the business of engineering, you aren't in the business of how you keep a river clean, you aren't in the business of testing for pollutants, and we've got a couple of people who we paid to keep ourselves and our Town informed about that; that she felt they had given us good information tonight.

7:32 PM Mr. Pomerleau said that we could stand on the original plan and meet federal requirements; that we expanded the scope, the projections, and that's where the costs came from. He added that it has nothing to do with being blocked and it was wrong; the thing exploded to what it is because the project was changed big-time; that whether the guy walking around had the right numbers, if we went back to do that original job, then those numbers wouldn't be that far off from where they were. He added that the point he was trying to make was that we are tripling costs, here, based on nothing more speculation that those standards are going to change;

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that they're going to be terribly expensive, and we don't even have any cost numbers as to what the savings would be; whether we take 20 years or 50 years, we have nothing; that nobody spends money like that without some factual information to base it on.

7:33 PM

Mr. Lee said that we don't know those numbers; that he doesn't know what all that testing will be and we can't provide that. He added that the other thing that increased the scope of it is something that falls under something that Mr. Pomerleau spoke about a couple of weeks ago – customer service – listening to people, helping them, trying to make the best of whatever situation when you run in to a person, giving examples of how Park Street expanded. He said that part of what we did is we listened to the neighborhood; so, it's not just speculation and tripling and that; it's also listening to the people down there that are affected.

Mr. Pomerleau said that we've done this a couple of times, here, in that we've highly escalated budgets, paving, for one, and it was all based on the long-term savings and, in contrast with this one, those savings were there; that they were projected, in black and white, there were dollars, language, and rationale; that you have nothing here. He said that the question becomes this: "What burden do you put on taxpayers, today, to improve the situation for the taxpayers down the road?"; that there's got to be a limit; that homeowner today makes those types of decisions every day – someone needs a new roof and asks whether he should put a 20-year on, a 30-year on, or a steel roof and the logic comes back that if he spends big for the long-run, then he is really way up, but the homeowner has to reconcile that with his income and his budget. He added that the difference between the homeowner and the municipality is that you have no limits to the income; that you're just going to raise taxes all the time.

7:35 PM

Mr. Lee agreed that the difference between the two is staggering; that we can't think like a homeowner and, at some point, that homeowner will die or sell the asset; that he can't and, even if he dies, somebody else will be here; we can't sell Eliot, so, thinking long-term always make sense.

Mr. Pomerleau said that, still, it's the homeowner that's got to carry the cost of doing that today with that same budget.

Mr. Lee said that, on a policy basis, he couldn't agree. He added that it's up to the Board to decide at his point.

Mr. Fernald said that he was hoping that, at this meeting, we would decide how these increases were obtained down the road and accept them and, then, make a decision to move forward with the stormwater; that this is not something we are deciding to do but something we are mandated to do and he has all the faith in the world in our departments that their recommendations are valid and that we should

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move forward with this. He added that he was hoping that we would get the blessing of the whole Board; that, unfortunately, we all have our own opinions about the projects but he thinks we need to move forward.

7:37 PM

Mr. Murphy said that he has lived in Eliot a long time and he has always wanted Eliot to be a good, clean Town. He added that we know more, now, about how dirty the world is and how much of that dirt we make; that it's a danger to our world to pollute the rivers. He said that we are learning that, that we know we've got to do something, and Eliot is starting to clean up its riverside. He said that he didn't think these costs are excessive; that, yes, they're painful to those who can't afford it; that he sympathizes with them, and he is with them in that, but Eliot needs to be improved, corrected, saved. He added that he is in favor of this; that it's the best kind of plan we have, even though it may hurt some people to pay for it; that that's the nature of civilization and living in an environment that we want to protect for the future. He said that he is in favor of it.

Ms. Davis asked Ms. Pelletier if she was saying that the original plan does not comply with our 5-year plan.

Ms. Pelletier said no, not at all.

Ms. Davis said that it's the same water that's going in to the river, whether it goes through our existing system or whether it goes through your brand new system; that it's the same water.

Ms. Pelletier disagreed with that; that if you have any idea how a stormwater system works, it's going through that system so it's filtered before it gets into the water; that if it's broken, it's not being filtered.

7:38 PM

Ms. Davis asked Ms. Pelletier what she meant by filtered.

Ms. Pelletier said that any distance the water has a chance to run, any length it can run, there's a chance for it to filter a little bit more before it gets into the system. She added that, if it's running through corroded pipes, then it's being polluted even more; that you don't know what's being picked up in the stormwater as it sheets off the road, then erodes somebody's property because it's not directed anywhere; that it's just a non-functioning system.

Ms. Davis asked if the \$91,300 meet our requirements.

Ms. Pelletier said that she thinks it would meet the minimum requirements of the plan, yes, but long-term – we are not proposing these things just for fun; that it's an attempt to save money and that is really the only intention. She added that

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we're trying to think ahead on what's smart to do now while we are already out there, while these things are already open.

Ms. Davis said that the water is running through a pipe.

Mr. Murphy said that it's not being treated.

7:39 PM Ms. Davis said that it's not being treated in either case.

Mr. Moulton said that going through a series of catch basins, as the stormwater travels and works its way to an outfall, some catch basins have subs; that subs collect silts and, sometimes in those silts, there is contamination; that the silts settle out in the bottom of the basin and the water transposes down through and eventually makes it to the outfall. He said that that is how a lot of it is filtered; that part of the other filters are the tree filters that are proposed in this project. He added that catch basins are cleaned in the Town of Eliot with a collaboration effort with the Town of Kittery; that he pays nothing for catch basin cleaning because it's a collaboration and we share equipment, so there's a cost-savings there. He reiterated that added catch basins, advancement of the drainage, were based on all the things he stated before - I&I, residents, and just an increase in drainage issues observed in that area. He added that the embankment into the river is eroding; that it's eroding at a certain rate per year and that is why we maintain our outfalls; that we have to maintain some of the erosion; that that is just an added thing that's part of what contaminates the rivers. He said that the project, as a whole and in his opinion, meets every criterion that we all just discussed - resident's needs, filtration of the groundwater, improved I&I, reducing winter maintenance and, eventually, a cost-savings in some manner down the road for the stormwater outfall testing. He said that we are pro-active and moving forward; that he will personally take all responsibility for the expanded scope but he did bring it before the Board for consensus prior to because he took everything that he just stated into consideration as we expanded the scope of the project. He said that, if there is blame, then blame him because that's his job; he did as he is required to do, as he is hired to do, and as requested by the residents of this Town.

7:42 PM Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen select Brex Corporation for \$354,448, that includes the reduction created by the work contribution of the Public Works Department, for Phases I and II.

DISCUSSION

Mr. Pomerleau said that, per our purchasing policy when we go to bids like this, it doesn't really hold on just the low bid but most advantageous to the Town, if he remembers correctly. Regarding the 1% difference in the original bid between that and the local vendor, Shapleigh Construction, he said that he didn't know why we

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July 9, 2015 5:30PM (continued)

wouldn't want to strongly consider the local contractor; that we obviously know the huge benefits. He added that the difference is only 1% and he is local, so, he is saying to consider the Town's policy in the awarding to a local vendor when it's that close. He added that, with respect to the estimates that were given on Town work that could be done, he thought in all fairness it should probably have been done with all the bidders.

VOTE

2-2 (Ms. Davis, Mr. Pomerleau)

Chair concurs in the affirmative

J. Selectmen's Report:

7:46 PM 1) Committee Vacancy Report

Mr. Lee said that, now that these appointments are made, we will issue a formal vacancy report for the next meeting.

Ms. Davis said that she had a question about something that was in the warrants - #154 – there was a charge for the dog park for \$2,980 and she was wondering if we will be reimbursed.

Mr. Lee said that the Town served to collect those funds on behalf of the Eagle Scout, so, that came from the funds collected by the Eagle Scout, not Town funds.

Ms. Davis said that there is a topic on the stormwater that she would ultimately like to address and she doesn't know if tonight's the night to do it because of what we've just been discussing. She added that she has added up the expenses for the stormwater for the fiscal year 14/15; that so far we have spent, and this doesn't include everything, \$148,000 this year on stormwater and she begs to differ that the Board was informed about the change of scope before it was actually ordered and before work proceeded.

Ms. Pelletier said that that was in March; that she would be happy to get the minutes for Ms. Davis.

Ms. Davis said that she realized we were informed about this whole new engineering plan that was ordered but that took place probably at the end of last year when we already knew we were over budget. She reiterated that we have spent a minimum of \$148,000 on stormwater and we budgeted \$90,000 in fiscal year 14/15. She said that she believes it goes to show that we have a disregard for the way we are spending this money and part of the objection to this increased scope is that we don't seem to have a concept of what we're doing here.

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7:49 PM Mr. Beckert said let's not go into the increased scope or the vote that we just took; that we took the vote and, unless there is a motion to reconsider, then that subject, right now, is a dead issue. He added that, if Ms. Davis has questions on what was expended on stormwater, he asked her to please put them all in writing so that we can all share those and review them all at the same time.

The Board agreed they would like that done.

Mr. Beckert reiterated for Ms. Davis to put her questions in writing so that we all have the same information in front of us and we can provide to the Town Manager, Mr. Moulton, and Ms. Pelletier for any input on their side. Ms. Davis said very good. She added that she realized the timing was bad because it seems like sour grapes but it's not; that it's a concern she has pursued over today and she thinks it needs to be addressed; that we need to look at our whole approach.

Mr. Pomerleau said that a lot of people have asked him how the Town ended up paving the library driveway and parking lot.

Mr. Beckert said that the library did that and it was paid out of the library trust.

Mr. Lee explained that we coordinated with the library so that, if we were having a company come up and reclaim the road right beside it, that they would also do the library at the same time to save them a mobilization fee.

7:51 PM Mr. Pomerleau said that, consistent with his initial efforts to want increased public attendance and participation and openness, he would like the Board to consider moving these Board meetings back to 6:30 PM to make them more conducive for people who work

K. Other Business as needed

There was no other business.

L. Executive Session

7:52 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.

VOTE

4-0

Chair concurs

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8:35 PM Out of executive session.

Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen request that the MAP Bargaining Unit be asked back to the negotiating table to further review some of the contract provisions.

VOTE

4-0

Chair concurs

M. Adjourn

There was a motion and second to adjourn the meeting at 8:36 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary