

BOARD OF SELECTMEN'S MEETING
July 23, 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 June 11, 2015, as amended.

VOTE

4-0

Chair concurs

F. Public Comment:

There was no public comment.

G1. Department Head/Committee Reports

5:40 PM 1) **Budget Committee: Recommends Appointment of Cindy Saklad, Nov. 2015**

Mr. Lee said that he didn't get a formal notice from the Budget Committee that that action took place; that he did hear about it so he put it on the agenda; that he doesn't have any paperwork that has it as minutes.

Mr. Beckert asked the Budget Committee Chair if that was the majority vote of the Budget Committee.

Ms. (Donna) Murphy, Chair, said yes; that we didn't send a notice and adhered to the policy from last year, which was to give the notice during this time. She added that there was a vote taken and it was 3 to appoint and 2 not to appoint; that the Chair agreed in the negative but the Chair does not have a vote on our committee.

Mr. Pomerleau said that he has taken the position right along that elected people should be elected by citizens, and that's that; that there's been a lot of discussion about this and, particularly, around the charter, which focused on this subject matter, as well. He added that he started researching this because he wanted to be comfortable with his position; that he went to legislative statutes for some guidance and that Title 30-A §2602 pretty much covers it; that there are 3 categories that the statute deals with and he quoted, "2. *Vacancy in office other*

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than selectman or school committee. When there is a vacancy in a town office other than that of selectman or school committee, the selectmen may appoint a qualified person to fill the vacancy.” Additionally, he read “3. Vacancy in office of selectman. When there is a vacancy in the office of selectman, the selectmen may call a town meeting to elect a qualified person to fill the vacancy.” and said that electing Selectmen by the citizens holds firm and there are no options to filling a Selectman position other than a vote by the citizens. He said that it then covers municipal school committee and gives a reference to 20-A; that there are two places there and one is ‘municipal school’, which means it is self-contained within the municipality, and the other one is ‘school district’, which is what Eliot has, and the statute §1254 says, “3. Filling vacancies. Vacancies shall be filled as follows. A. The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until a successor is elected and qualified.” He said that the guidance for officials in the town, other than a Selectman, come down to what our policies and practices say here. He added that the first place he went was the Ordinance Governing Municipal Boards, Commissions, and Committees and paragraph 3 says Town standing boards. These are permanent municipal boards authorized and required by state statute, Eliot ordinances, or by town meeting. This ordinance applies only to elected or appointed by the town boards, excluding MSAD #35 and York County budget, so it appears to cover elected; that when you go to filling of vacancies on page 3 in paragraph 6, it says, “Vacancies on appointed boards, other than anniversary term expirations, as caused by resignation shall be filled by the Board of Selectmen as soon as possible after posting (not in the newspapers) the vacancy for 12 days. Each such appointment should be for the remainder of the unexpired term. The Board of Selectmen shall cause the filling of similar unexpected elected vacancies in accordance with state law.” He said that State law puts us back to ‘the Selectmen may appoint’; that there really is no specific guidance and you get looped right back, so, obviously this wasn’t good guidance. He added that, from there, he went to the Selectmen’s Policies, which covers “Appointed Committees Policy – For any committee to which the Board of Selectmen appoints its members, the Board will post any membership openings for 3 weeks unless the Board of Selectmen decides that it is an emergency and needs to appoint a member in a shorter time period. This is to ensure as much participation by the public as possible.”, and that’s about all it says and, again, kind of ambiguous because it says appointed committee policy. He said that the only place that deals with Budget Committee vacancies is the Budget Committee by-laws, which says, “The Budget Committee may seek out, name, and recommend to the Board of Selectmen appointments to the Budget Committee when a vacancy exists no later than 60 days prior to the next election. The term of the appointment shall be limited until the next election.” He said that he thought that, when these were originally drafted, someone wisely recognized the need to keep the Budget Committee independent of the Selectmen; that although the law

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kept the appointment authority with the Selectmen, much like the Fire Chief is elected, citizens and the Selectmen have to do the appointment, they deferred to the Budget Committee for the decision to fill, or not fill, and to make the recommendation. He added that, in the end, his belief that an elected position should be filled by an election, only, is not supported by law, our policies, and not in the future in the charter. He said that he would change his position but, having read what he has read, he thought the only flaw in the process, so far, is that there should be a proper posting before any appointment is made; that this is not the kind of vacancy someone will find on the web site; that it isn't on the web site, not under the list of vacancies; that he thought it should go out to the public and be properly posted, and then the Budget Committee re-take up their recommendation, whatever happens. He said that he wasn't sure why the inconsistency of posting times but before we take any action he thought the Budget Committee should take it back, post it properly, and then come back to us with their recommendation.

5:48 PM Mr. Murphy asked how long it has been published and known that this opening existed.

Mr. Beckert said that he would say since the June election.

Mr. Pomerleau said that that doesn't constitute a posting.

Mr. Murphy said that he considered it a renewal of an existing member. He asked if we are going to post all open positions; that he supposed we would even though we think the incumbent member is going to apply.

Mr. Beckert asked Mr. Lee if the Town Clerk has posted the vacancies on the committees; that that is usually down during the time just following Town Meeting

Mr. Lee said that he did not know if that has been posted, or not. He added that we are addressing that tonight, with all the vacancies that still remain, and he suspects we will promptly post it tomorrow, reiterating that he didn't know if she had posted it yet. He said that we could post the empty Budget seat if that is the will of the Board.

5:50 PM Mr. Pomerleau said that he checked the web site and it is not included and has never been there.

Mr. Murphy said that, if we intend to abide by that, then we should abide by it and delay the actual appointment after a sufficient public announcement; that if we're going to do that we have to do it for all the openings.

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Mr. Beckert said that that was why he asked the question because, normally, after the election and after the appointment process for people who have applied to be reappointed, that for vacancies that still exist the Clerk usually does go out and make another advertisement, or this Board does.

Mr. Murphy said that he would jump ahead, saying that we already had a listing showing 15 openings on boards, asking if we were going to advertise all those, then.

5:51 PM Mr. Fernald asked if, when the voters vote and there is a vacancy, isn't it that time that shows there is a vacancy on the Budget Committee; doesn't the vote, itself, indicate a vacancy (in June).

Mr. Beckert said that he thought Mr. Pomerleau's point was the formal posting policy of posting it for three weeks or 12 days, whichever one is the right one; that he isn't sure why there is an inconsistency.

Mr. Pomerleau said that he thought the regular announcements of vacancies on the web site would suffice as a posting. He added that the Budget Committee hasn't been included because their by-laws allow that decision to post it or fill it to the Budget Committee and they hadn't taken that up until their last meeting.

5:52 PM Ms. Davis said that she concurred that the Budget Committee is responsible to nominate someone for the position but it should be posted so that other people could consider applying for it.

Mr. Fernald asked if we have done this in the past.

Mr. Murphy said that, yes, we have; that we have neglected posting, he thought, in the past; that we have appointed without posting.

Mr. Beckert said that, if we need to post, then we need to post; that he knew that we had appointed positions that have been vacant to the Budget Committee and the school board; that the last one we appointed to the school board when there was a vacancy was Mr. Fisher; that we've done both – appointed and left seats vacant until the next election. He added that he agreed that the State statute was very vague but the interpretation is that the Board has the authority to appoint or leave vacant.

Mr. Fernald said that his point was that we have done this in the past, appointing without posting.

Mr. Beckert asked when the Budget Committee's next meeting would be.

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5:54 PM Ms. (Donna) Murphy said that the Budget Committee is meeting on August 17th.

Mr. Beckert said that gave us time to post and he didn't see why we wouldn't post; that the Budget Committee has already reported to us that there was a majority vote to appoint Ms. Saklad to the Budget Committee. He added that the Ordinance Governing Boards, Commissions, and Committees was passed by the Town and that it carries a little more weight than Selectmen's Policies.

Mr. Lee said that if we went with the 12-day posting that would also get us within the period of our next regularly scheduled meeting. He added that if the appointment took place at that next meeting that would be in time for whoever it is to attend the meeting in August; that he didn't think that was any giant setback at this point.

5:55 PM Ms. (Donna) Murphy, speaking as a citizen, said that she would take exception to that; that when she was at that meeting nobody brought this up and she was not aware of this policy of posting. She added at that meeting there were several residents there who were expressing their concern and unhappiness with the inconsistency of applying policies and procedures and, rightfully so, they were. She said that we may get other applicants; that she would propose that the vote of the Board be postponed until the committee meets on the 17th and determines what they want to do with this new information and consider any new applications that may be brought forth; that the Budget Committee would not have time to consider new applications if the Selectmen meet prior to our meeting.

Mr. Pomerleau said that he didn't see any problem waiting until the Budget Committee has met; that there is no sense of urgency and suggesting we wait until they make their next recommendation after a proper posting.

Mr. Beckert said that we would post it for 12 days, per the ordinance, and asked if that was the consensus from the Board.

It was the **consensus of the Board** to post the position for 12 days.

5:57 PM Mr. Beckert said that we will post it for the 12 days, per the Ordinance Governing Boards, Commissions, and Committees and give the Budget Committee an opportunity to review the applications, just as we will review them, reminding that the Selectmen have the appointing authority.

Mr. Lee said that he would post that vacancy and all the other vacancies.

Mr. Beckert agreed; that the clock has been ticking since June and we have 60 days to reappoint or they go defunct.

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Mr. (Jim) Tessier asked for clarification regarding posting vacancies.

Mr. Beckert said that it would be posted on the web site and in the papers, such as the Portsmouth Herald.

Mr. Lee said that we also post it in places like the Transfer Station and other places around Town.

5:58 PM Ms. (Cindy) Saklad asked, at this point, why even bother because, if the Budget Committee isn't going to meet until August 17th and, at that point, consider and recommend, it wouldn't get to the Board of Selectmen's meeting until August, then that means two meetings that that person would fill – September and October; that November would have an election and there may be somebody. She reiterated her question as to why even bother.

Mr. Murphy said that we would keep your recommendation; that that has been made.

Ms. Saklad said that, according to what you're doing, nothing could happen...the earliest a person could sit on the Budget Committee in an appointed position would be September; so, two meetings...why bother.

Mr. Pomerleau said that he thought that the decision of whether or not it's worth bothering is the decision the Budget Committee will make; that if they think it is compelling to have someone in for the remaining two meetings, then that's up to them and not our decision.

Mr. Beckert said to do the postings and see what happens, at this point; that we'll need to try to remain consistent.

G2. Administrative Department

5:59PM 1) Town Manager Activities Report

Mr. Murphy discussed Line 68 that had DPW set up appointment to take Selectmen Pomerleau to the Pleasant Street Project area to take a tour, saying that the more he thought about it, the more he is upset by that because that's one department taking one Selectman out on a project which is controversial and large and becoming a big area, and the rest of us Selectmen weren't involved, or didn't even know it was happening and, maybe, we saw something going on but with no explanation. He added that this is an example of Selectmen taking action and getting things on their own as a separate thing; that particularly it's involving time of a department head and he thinks that should have been an open thing and we all

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should have been there to understand Mr. Moulton's explanation about that complicated project with a site review.

6:01 PM Mr. Lee apologized, saying he didn't think of it in those terms; that he tried to set it up and help Mr. Pomerleau get out there and better understand it.

Mr. Murphy said that we have a number of departments and he doesn't go out to different departments asking for information; particularly since Mr. Lee exists now; except for the time he saw lights on late at night at the DPW, concerned there was something wrong, but, other than that one time, he never goes out to any department.

Mr. Lee said that he has also been asked, just to clear this up, because Mr. Pomerleau and Ms. Davis haven't been around to the new ECSD office or Public Works; that Mr. Pomerleau has asked him if he could go around and meet the other staff and see the other places, some of which he has never been in. He asked if, before he compounds anything, we should think in terms of inviting the board with public notification that three, or more, of you will be getting together and will go to see the various facilities. He added that we also talked about doing a tour of the sewer pumps, as well, which might be part of that same trip; that he knew that all of you would like to see exactly what we are seeing in those holes, etc.

Mr. Murphy said that he thought it should be a Board thing rather than an individual Selectman; that it depends upon the department schedule, also.

6:03 PM Mr. Pomerleau disagreed; that that carries the limitations to an individual Selectman learning about the Town, visiting sites, etc. to an absurd extreme; that we have three Selectmen that have seen what they want to see 10 times over. He added that for this to be some formal action of the Board carries to just nonsense. He said that he is an elected Selectman, he wants to have an orientation about the Town he is working for, meet people, see things; that if that requires some sort of formal action, it's nuts.

Mr. Murphy asked if we were going to have five of them, then; that there are things out there that he wasn't aware of, he hasn't seen; that he has heard about them and Mr. Pomerleau has heard about them, but he hasn't been out there to be shown and he thought we weren't supposed to interfere with departmental operations all by ourselves.

Mr. Lee said that he would have to have guidance from the Board as to how you want him to handle these types of requests. He added that, in his experience, it has not been unusual for a new Board member to come in and sit down with the Manager to go over some of the existing policies they need to know about and,

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maybe, take an hour tour as an orientation. He said that, where it is a project we are doing, that may have been a different circumstance where all of you may have wanted to take a field trip to see the same thing, hear the same thing, and so forth; that that might be a horse of a different color.

6:05 PM

Mr. Murphy said that another thing is the ECSD; that he has never been over to see their new arrangement in the school, what rooms they have, access, and things like that.

Mr. Lee said that he could see where, if each of you said you wanted 45 minutes of his time to go over there, then it could get out of control and become very cumbersome; that he just needed guidance from the Board on how you would like him to handle these requests to go around and see things, meet the other staff, and so forth.

Mr. Fernald said that he didn't have a problem with new Selectmen being introduced to department heads but he thought that, as Mr. Lee said, if it is a particular project that we ought to look at and be more familiar with, then that probably should be something for the whole Board to be in on.

Mr. Lee said that if, for example, if Ms. Davis asked him to see the sewer pumps, you all would want to see them because that's a big project coming up; that we probably ought to get everybody out on the site for that project; however, if it's just a matter of introducing Mr. Pomerleau to staff and show him where they work, and so forth, he doesn't mind doing that with a new Selectmen member. He added that that was why he had Mr. Moulton do that but, in hind sight, it was probably wrong and again apologized for not thinking about the whole group; that he wanted to see if some familiarity for Mr. Pomerleau would help matters out. He asked the Board if they wanted him to schedule a trip so that we could all go see those sewer pumps so that we have a familiarity, possibly a late afternoon thing to see the two pump stations that are in trouble.

Mr. Beckert said that he didn't have a problem with that.

6:07 PM

Mr. Lee said that we'd have to post it and the public could come in their own cars.

It was the consensus of the Board to schedule this.

Mr. Beckert said that any new Board member needs to get out and familiarize themselves with the departments, employees, where they work, what the Town Barn is, etc.

Mr. Lee also extended the same invitation to any of the Board members about Pleasant Street; that he or Mr. Moulton could take you down to show you what is

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going on down there; that because we've given that opportunity to Mr. Pomerleau, if any of you would like to take him up on it, then let's make sure you all have an opportunity.

6:08 PM Mr. Murphy said that Mr. Lee mentioned in Line 93 that Attorney Fortin would provide a legal opinion on the Eliot Commons TIF and asked if that had come.

Mr. Lee said that he did get that legal opinion and has it on for the next agenda.

Mr. Murphy said that, on Line 123, it talked about the Avesta Housing Project and asked what that was.

Mr. Lee said that that was a South Berwick Project that is next to the schools; that the schools in South Berwick are really collaborating on that and doesn't have anything to do with the Town of Eliot.

Ms. (Donna) Murphy said that she would like to request, regarding the previous discussion on site visits, that once site visits are scheduled and would be ones that would be put on future warrants with money attached to them, that if possible an invitation could be extended to the Budget Committee.

Mr. Beckert said that he didn't see why not.

6:10 PM Mr. Lee said that, as we try to cooperate more closely, he would be happy to do that; that he thought it was very important for them to have the chance to do that.

Ms. Davis asked Mr. Lee to elaborate on Line 51.

Mr. Lee said that the marina directors down at the marina had indicated, when the Harbor Master had gone down there to see about the registrations on the boats at the marina, that the boat owners would prefer that the Harbor Master not go down and go on that property as a means of figuring out their registrations; that they are legally entitled to do that. He added that this had to do with private property; that he would have to do it by water.

Ms. Davis asked, regarding Line 52, sinking fund for boat basin fees what that plan involved.

Mr. Lee said that, per the contract with the State, any fees collected at the boat basin for using the launch facility, which is a State facility that they essentially lease to us, have to go back into a 'sinking fund', which is for the upkeep, maintenance, and administration of the facility, itself, and cannot be used for general fund purposes.

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6:12 PM Ms. Davis said that we had kind of anticipated ultimately working towards making this a kind of self-funded thing and asked if that meant there was a separation between what the Town supports in regard to Harbor Master salary versus...

Mr. Lee said no; that what it means is that what we can do, as we go forward, the salaries and any capital expenses that we have that would go into the boat basin, we could go into the sinking fund and use those funds but only for the purposes of running the boat basin – people, paving it, the docks, maintenance, etc.; that it has to be boat basin driven and, in fact, we're supposed to have, and he's spoken with the Harbor Master about this, a capital plan. He added that, if you are ever asked by the State what purpose our sinking fund has then he should be able to tell them the plan the Town has for how that money will be spent.

Mr. Murphy said that the law says that, if there are excess funds, then they go back to the State.

Mr. Lee agreed, adding that, in the absence of a capital plan for the facility, you are at particular risk for that action.

6:13 PM Ms. (Cindy) Lentz commented that there was a wonderful article in the newspaper about the boat basin. She asked how the lock box was working out.

Mr. Lee said that it was actually working out tremendously.

Ms. Lentz asked, if it was possible, if the Board would consider taking the boat basin over from the State; that the Historical Society is interested in doing some things down there as far as putting up historical plaques as there is so much history down there and we could make it into a really neat place.

Mr. Tessier asked if the State chipped in for maintenance and repairs down there or does it fall on the Town.

6:15 PM Mr. Beckert said that the State does for big-ticket items; that the State did some big repairs to the dock about 10 years ago. He added that it was the then State Commissioner's last hurrah before he retired because the Boat Basin Project in Eliot was one of his first projects when he became Commissioner; that when he retired he wanted to see the upgrades done down there as one of his last projects.

Mr. Tessier said that, going forward, it might be the Town's responsibility to take care of all of it.

Mr. Beckert said that that was something we would have to negotiate with the State because it is State-owned property.

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6:17 PM Mr. Murphy said that he thought it was a 99-year lease.

Mr. Lee said that Kittery recently got the State to release one of its parks that had a similar relationship; that he could check with the Kittery Manager and find out what they did and who they approached and how they got it.

Mr. Beckert said that he thought it was the John Paul Jones Park located near Warren's Lobster House coming from the Memorial Bridge (the center island).

Mr. Pomerleau said that that is also something that the TIF Committee is exploring as a potential item for using TIF funds.

Mr. Beckert said that the other piece of the puzzle down there is that 15 acres, or so, that is owned by the gas company right next to the boat basin park.

Mr. Lee said that he did call the gas company and asked them to call him back about what they're interests were in that 15 acres; that he put a call in to the State, too, and the call was not returned. He added that he was trying to find the right State person who actually has the power to make the decision to release John Paul Jones Park, for example.

6:18 PM Ms. (Donna) Murphy said that Dean Ryckerson, the Kittery Representative worked on that and should have all that information, as well as Dawn Hill, our State Senator, was involved with that.

Ms. Davis asked Mr. Lee to explain Line 95 regarding Cumberland Farms' appeal on signage.

Mr. Lee said that he would have to explain it very carefully because there is a threat of litigation; that they are currently going to the Appeals Board to seek a sign variance because the sign restrictions are making it such that they cannot put up the signs they thought were approved by the Planning Board but the Planning Board cannot approve signs; that there is a special permit one gets from the CEO and they did not get that permit; that Cumberland Farms somehow assumed they were approved because they had been to the Planning Board; that now they're stuck and the CEO won't issue the permit because it's in violation of our code. He added that they are quite upset; that they've put all this into the ground over there; that he's been in contact. He said that Cumberland Farms was going to go to the Appeals Board, first, and if that doesn't work out they may request to speak with the Selectmen at some different level.

6:20 PM Ms. Davis asked Mr. Lee to clarify Line 101 regarding appointment of the Health Officer for one year.

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Mr. Lee said that, by statute, the Health Officer is appointed for three years and MMA said that if the lady who is our Health Officer is okay with being appointed for one year, then you can appoint for one year. He added that, if she was hostile towards that and wanted to be appointed for three years, then the statute would stand but, in this case, she calls it a "no harm-no foul" for the appointment for one year and no repercussions.

Ms. Davis asked about Line 114.

Mr. Lee said that we do not have a boat-launching season pass for a boat company to come in and do launching; that we've made arrangements with Independent Boat Haulers on a price per boat launch down there and we are both happy with it; that that is what we tried to do with this other company but they won't do that; that they want a season pass because they don't want to pay per boat and is too much of a hassle. Mr. Lee said that the person said to him that he was going to get some information from a place in South Portland where they launch and have a season pass and that person is supposed to get back to him.

6:22 PM Mr. Lentz said that he checked out a few places that have that and found most of them charged around \$500 for a commercial season pass.

Ms. Davis asked if, regarding Line 133, we have this compensation study from Wells.

Mr. Murphy asked if Eliot was one of the 10 towns in their study.

Mr. Lee said that he suspected it was. He added that he does have all that material and could provide the results of their RFP so you could see the product that you could expect for the amount that they paid.

Ms. Davis said that that would be great. She asked about the status of the two sewer insurance claims on Line 150.

Mr. Lee said that there was no update, at this point. He added that there was phone tag between the adjustor and Sturgeon Creek Enterprises, who did the response; that they want to talk to the company about being able to see the parts and if this was a repair or just wear-and-tear or was this a true accident, a malfunction that was unforeseeable. He said that we will not have any news until the adjustor reports back to the insurance company.

6:24 PM **2a. Financial Reports**

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Mr. Lee said that he has questions submitted by Selectman Davis; that he and the Finance Director looked at those questions today and she is beginning a response for Ms. Davis; that he has nothing more, today, on those questions.

Mr. Murphy asked if he could know what those questions are; that he also had a question about the draft Expense Summary Report. He said that, presumably, there are transactions and reports that are affecting the fiscal year that just ended, that haven't come in yet and, so, you can't really close out the fiscal year until 45 to 60 days after the end of June; that this draft summary was not the full report for the end of the year.

Mr. Lee agreed that it was not and that is why we put draft on it. He added that he would give copies of Ms. Davis' questions to the Board members.

Ms. (Donna) Murphy requested that the Budget Committee received the financial reports electronically.

Mr. Lee said that that was fine. He added that he provides this to the Board for the second meeting of the month; that he will make a note to send one to Ms. (Donna) Murphy, as well.

Ms. (Donna) Murphy said that that would work.

Mr. Lee said that we would be doing quarterly reports on the sewer and ECSD and will try to CC the Budget Committee on that, as well.

Ms. Davis asked for the financial reports to be sent electronically to the Board, as well.

Mr. Lee agreed.

6:27 PM 2) Certified 15/16 Municipal Budget

Mr. Lee explained that, after the Town Meeting, we go through all the articles and what was approved; that we compare it to the budget the way the staff submitted it in terms of what goes in what line to make sure everything reconciles. He said that we have done that and everything ties out to the amount that will be raised in taxation, to the budgets that were submitted, and what was approved at Town Meeting He added that you should see that this document is entirely balanced and is what we would ask you to certify so that we can use it for our tax commitment.

Mr. Murphy said that he has not seen this document before and asked if it was new.

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Mr. Lee said that he did this last year, as well, but that Mr. Murphy might not have been here. He added that we try to certify the budget so that when we do the tax commitment there is no way that you will have an error in discrepancies between what was approved at Town Meeting and what departments requested.

6:28 PM

Mr. Murphy said that when Mr. Moulton comes before us for an expenditure we can tie it to this to see which fund lines are being depleted by his request.

Mr. Lee said that this is essentially our bible of spending.

Mr. Beckert said that this would apply to any department.

Mr. Lee commented that he has gotten a mixed reception on the Town Manager Activities Report he does and explained that he does it because it does give the Board insight into things you would otherwise never hear about; that some of them may interest the Board and he likes doing it. He added that when we talk about transparency, he thinks this is the ultimate document for showing transparency and all the activities that happen on a daily basis.

Mr. Beckert asked how soon we have to certify this municipal budget.

6:31 PM

Mr. Lee said that the sooner the Board does that the sooner we can set the tax rate. He added that we are very close to the deadline for that; that there is a memo in the Board's box right now that talks about, with 95% surety, it looks like our mil rate will go from 13.8 to 14 – go up 20 cents – and that is with, he believes, a \$90,000 overlay; that he thought the increase was 1.45%. He said that this is from the Assessor and he wanted to double check the numbers just to make sure; that if that is the case, then that's a lot less than what was initially expected. He added that he thought we generated about \$14 million in new value and that has helped; that the Assessor said that for the last several years the increase for the school has been in the \$500 or \$600 range, generally, and this year it was quite a bit lighter; that he thought it was in the mid-\$200' and that has helped, too.

Mr. Beckert said that he asked because we just got this document tonight and wasn't sure the Board was at the point to certify it tonight.

Mr. Murphy asked how we decide it is certifiable and where do we certify it.

Mr. Lee said that it would just be a motion that the proposed figures presented represent the Town certified Town budget; that he guessed the Board would have to trust that he and the Financial Director have done their homework, double checking and triple checking.

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6:33 PM Mr. Pomerleau said that he was trying to figure out if there was anything to be gained by scrutinizing it.

Mr. Beckert said that, in his opinion, there was nothing to be gained because the figures are what were voted on at Town Meeting.

Mr. Lee said that it would tie out to the minutes at Town Meeting; that, in fact if you remember, at Town Meeting Mr. (Noah) Lemire added some money back into Social Services, so we had to make sure we understood what that was, again and go back to find out what he did say and where did it go and what was the total amount.

6:35 PM Ms. Davis said that she normally goes through and checks every number; however, Mr. Lee has said that this thing balances and she trusts that fact. She added that she knows that the Town Clerk usually comes out with warrant article amounts and she's sure Mr. Lee has correlated that with this; that we normally see the minutes of Town Meeting, don't we.

Mr. Lee said yes; that he would put that on his list, too.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen certify this presentation of the results of Town Meeting as the municipal budget for the year 2015/2016.

VOTE

4-0

Chair concurs

6:37 PM **3) Sea Dog Realty, LLC Correspondence**

Mr. Lee explained that Mr. Forsley, owner of Eliot Commons, caught wind of the discussion regarding whether there were any performance guarantees when you do a credit enhancement agreement, such as we entered into with Mr. Forsley; that he attended the Shipyard celebration and ended up sitting with Mr. Forsley and talking with him; that Mr. Forsley was talking about all the things they have tried to do, the money they have put in to it, the things that have worked and not worked, and what they are continuing to try to do. He added that he thought it would be worth Mr. Forsley's time to just write a letter to the Board because maybe they don't know, or recall, what he has tried to do. Mr. Lee said that, regarding Ms. Fortin and the TIF question, there is no way you can hold them to any performance standards; that they speculate on what they can do, what they can create but there is no "if you don't we take back"; that there is none of that; that they would have her legal opinion memo for the next meeting.

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6:39 PM Mr. Pomerleau said that, for the audience who don't have the letter, what raised questions was that, given the original projections, it appeared to many of us that it was failing miserably; that he is referencing investments that have led to 54 part-time jobs; that the original TIF projected up to 600 by the year 2015 so, by any standard, the number of jobs is failing miserably. He added that that was a jobs TIF; that the primary focus of that particular TIF was job development. He said that he wasn't surprised that we have no recourse because it is a contract based on estimates and speculations, not guarantees.

Mr. Lee said that the letter was just to recap what Mr. Forsley thinks he's done that is positive for that area and is a reminder of the things he has tried to do; that Mr. Forsley talked with him privately about some of the things he is still trying to do.

6:41 PM 4) MMA Annual Election - Ballot

Mr. Lee briefly discussed and recommended the slate of officers.

Mr. Pomerleau moved, second by Mr. Murphy, that the Board of Selectmen authorize the Town Manager to sign the ballot and return it on the Board of Selectmen's behalf.

VOTE

4-0

Chair concurs

6:42 PM 5) Non-Union Benefits – No Correspondence

Mr. Lee said that the affected staff were not terribly pleased with him that their particular names, financial situations, and co-pays were being discussed publicly; that they kind of thought that should be done privately; that that is one issue so he would try to stay away from using names, etc. He also said that we have two unions and then we have the non-union group and, if you remember the last time he presented this, one of the unions gets \$3,000/year if they don't take medical insurance and the other is \$824/year; that there is a pretty big disparity between them. He said that his thought was that, perhaps, we ought to try to move toward something standardized and not try to accommodate each individual based on them proving what they are paying; that if we treated them similarly to the way we do with the union - \$250/month – that ends up being about \$3,000/year; that that would be in lieu of the \$9,000 to \$18,000 if they were taking the insurance; that with one of the unions we've agreed to \$250/month not to take it. He added that he thought that that might be our easiest path out of here to try to begin to move toward a consistent policy. He said that he doesn't have good answers for the Board on how to resolve this, at this point; that they are not even keen on disclosing to him what they co-pay to the spouse, or whatever, because they know

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it's going to be a public discussion and they are not comfortable with that. He added that he didn't get any information to advance this except to have a discussion with the Finance Director about possibly trying to standardize something so that, if you are an employee of the Town, going forward, and you don't want our insurance, then you get \$250/month and that would be the end of it. He suggested that, even when they again negotiate another union contract, that kind of thing in lieu of pay increases, or something like that, because if they go from \$824 to \$3,000 that's a good pay increase if they could take off the percentage side of the negotiations, in the next round of negotiations. He said that his best advice to the Board is to move towards some type of uniformity on this benefit.

6:44 PM Mr. Murphy asked if we could see this written up.

Mr. Lee agreed that he could and bring it back in two weeks. He asked if his suggestion would be something that would even be welcomed.

6:45 PM Mr. Pomerleau said that there were a couple of things he was not comfortable with. He said that it's nice to attempt to provide across-the-board equity but you have two unions involved; that that may not be their choice as to where they want to see it; that it's not totally within our control and we can strive for that to make it a negotiation goal. He added that this whole concept of equity amongst Town employees disappeared the day they went union; that different unions have different objectives – some want money here and some want money there – and it's just never going to be all equitable, anymore. He said that, on what we should reimburse, he is really flexible on considering there's a benefit to the Town to coming up with something here but he does think it matters that they use it for insurance; that he wasn't totally comfortable with the concept that we don't care what they do with it; that it isn't intended to be a way to get a windfall; that it's an insurance benefit and we recognize that we save if people don't use Town insurance but we want to see that benefit money going for insurance costs so show us that is what you are using it for and we will reimburse you what it's costing you for the particular portion; that that's just an area he is not comfortable with.

Mr. Lee asked Mr. Pomerleau if he could tell him what he is comfortable with in terms of what we should do.

Mr. Pomerleau said to pursue something we think is reasonable and beneficial to both to the Town and the employees; that on a scale of \$0 to \$18,000 how much of that benefit are we willing to hand over for the purpose of our gain; what's fair and reasonable.

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Mr. Lee said that, verbally, tonight he is suggesting on that scale of 1 to 18 is \$3,000; that he is hearing that that is not the right number and what he is asking is what is the right number.

Mr. Pomerleau said that he is open to that being somewhat of a fair number but he differs with Mr. Lee in that he would want to see it going toward purchasing other insurance; to require evidence.

6:47 PM

Mr. Lee said that we have to require evidence that they do have another qualifying health plan; that as far as "You used 'this' money to pay 'that' bill" he doesn't think is remotely practical.

Mr. Pomerleau said that they would have to have evidence of other coverage and the cost for their being in it.

Mr. Lee said that we could do that easy enough to have them show a deductible that has to be paid.

Mr. Pomerleau said that there is a premium that the spouse is now picking up for the purposes of dropping our insurance.

Mr. Lee said that they have to provide that now.

Mr. Pomerleau said that there are a lot of schemes out there; that someone could drop it, pay the \$95 penalty under the Affordable Care Act.

Mr. Beckert clarified that it would be our policy that they have to provide proof of insurance, which Mr. Lee is telling us that they do now.

6:49 PM

Mr. Lee agreed, saying they have to show that there is a co-pay that goes with it, an out-of-pocket; that he pre-stipulates that he has to have that right off. He reiterated his suggestion to go with \$250/month; that when he first got here he didn't need insurance as he was on his wife's insurance; that as part of his contract for the first few months he got \$250/month because he didn't need any of the Town insurance; that he was pleased with that and that is also what one of the unions has; that that is why he is suggesting that maybe that is the right place to be.

Ms. (Donna) Murphy asked if she could hear an explanation on that you've chosen the larger amount and, now, if this larger amount is considered for the non-union employees then how does that affect the people today that are only getting the \$824/year.

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6:50 PM Mr. Lee said that, as Mr. Pomerleau pointed out, they wanted their money elsewhere; that he didn't even know if anybody down there doesn't take insurance so, maybe, it's just a benefit that's being unused. He said that they wanted their money spent in different ways; that they negotiated for different things; that this wasn't of importance to them but was an importance to the Police, he believes; that he wasn't sure which one. He also said that, when we got up to the point where this general union was forming, negotiations had taken place up to a tentative agreement that would have paid \$4,400/year; that that was exactly where some of them wanted their money versus other places. He added that from others' perspective, we're at \$4,400, we de-certified the union, and now it drops down to this paltry amount when you changed the personnel policy; that if we came at \$3,000, which is similar to some other employees, their out-of-pocket is in that area; that it was his understanding from what he was hearing it is in that area; that the \$250/month is a satisfying amount, he believes.

Mr. Pomerleau said that he did some research on State employee health coverage and looked at our cost and \$3,000 would be exactly in the ballpark of out-of-pocket cost.

6:52 PM Mr. Lee asked the Board if they would like him to write this up as a formal proposal.

Several Board members said yes.

Ms. Davis said that she thinks that health insurance is for very lucky people to receive and, if they get their health insurance from a spouse, then they are receiving health insurance; that our employees have a benefit level that we've given them; so, whatever they take, they are paying out 15% if they are single and 25% for family; that she thought it should be equitable so we should know what they're paying with their spouse and our benefits should be whatever they are paying minus what they would pay if they were here; that that would be the limit of their benefit. She added that this is not a profit-driven thing and not a salary bonus and it's not really the goal for us to take the highest number that we're giving to any union in Town and bring everybody up to that level. She said that, maybe through common sense, our goal needs to be that we look at what is fair and then bring the other unions into line with that. She added that there are probably many people in Town who are not receiving insurance and they would feel fortunate to get what the Town employees are getting. She said that she thinks that it should be certified what they are paying their spouse, we should deduct their 15% that they would pay if they were here, and the limit of their benefit would be the difference.

Mr. Lee said alright, he had guidance; that he would try it a couple of different ways.

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July 23, 2015 5:30PM (continued)

6:54 PM Mr. (Bob) Fisher said that he has two employees that bring slips to him and he pays them what it will cost them for the year; that he has two more that don't get paid for anything because they have their own insurance. He added that he didn't think he should pay for a profit, which is what you are trying to present; that we should pay for what they pay for and that's about all we should have to pay.

Ms. (Donna) Murphy said that she hears what people are saying but she thinks you're also going to get to the point, if you go right down to the penny, it will be easier for the employee, here, to say they'll just take the insurance because they don't want to be bothered bringing in receipts; that there has to be something, not to get rich, of incentive for them to not be bringing in and having our employees going through all these receipts; that there must be some balance between having them provide some proof of what they're paying with the deduction of the 15% and, then, some incentive for that. She added that she has seen that in other places.

Mr. Pomerleau said that he could appreciate the argument about what it cost them; that he has a tendency to look at it from a cost-benefit analysis and \$3,000 compared to \$8,000 is a 5-to-1 return of the money we are spending; that there's a huge benefit to the Town of money not spent, with limits.

Mr. Tessier suggested they look at the time and effort it takes to keep track of all those figures, too; that if you give them the \$3,000, that is reducing the amount of time and effort Town employees are spending trying to sort this all out.

6:56 PM Mr. Lee said that they would have to send it in every year because there were changes every year – that amount would change every year, as opposed to setting it and leaving it there for several years, for example. He added that he will try to put together a memo with a couple of different options in it and also recapping the figures of cost, etc. so you can see the whole picture.

6) FOAA Training Monday, Aug 3 at 6PM, Big Meeting Room

Mr. Lee said that elected officials have to have FOAA training, including Budget Committee.

Mr. Beckert said that there has to be certification on file here at the Town Hall that you have had it.

6:58 PM 7) Collaboration Liaisons from BoS (2nd Wed at 8AM)

Mr. Lee said that, previously, Mr. Hirst and Ms. Davis had been appointed to attend collaboration meetings held monthly; that Mr. Hirst is no longer on the Board and Ms. Davis' work schedule has prevented her from attending most of

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them; that he thought it would be helpful to have one, or more, appointed selectmen who would like to attend those.

Mr. Murphy and Mr. Fernald volunteered to be the liaisons.

7:00 PM **8) MSAD #35 Second Egress**

Mr. Lee said that we had great success working with South Berwick on the bridge project with our local talent; that we have been approached by MSAD #35, in an effort for them to save some money, to see, if they pay for the materials and gas, could we donate the time to create a second egress at the high school.

Mr. Murphy asked if this would be another access onto Route 236.

Mr. Lee said yes.

Mr. Fernald asked what would the Highway Department not do because of that.

Mr. Lee agreed; that in economics terms we call this opportunity cost; that it we're doing one thing, we aren't doing another. He added that according to both our Public Works Director and Mr. St. Pierre in South Berwick, they could fit it into their schedules, and they would like to help them do this. He said that something, however, must not get done – a section of ditch or something else we'd be replacing during that week. He suggested that, maybe occasionally, putting our guys out there to do something like this to shave some savings might be the way to do it. He added that he thought it was a good idea to collaborate and help one another.

7:02 PM Mr. Fernald agreed except that, if a project does not get done at the end of the year and that project comes up the following year and it costs more money, then it's not a good idea.

Mr. Lee said that our Public Works Director is not looking to get out of this; that neither of us are; that we would like to participate but he does understand Mr. Fernald's point; that he thinks in terms of opportunity cost all the time as there is only so much room on the plate.

Mr. Pomerleau said that he was a little surprised to see that because, with all the discussions we had about stormwater projects and why he couldn't do much of it because of his schedule and it was all in planning, he made it sound like it was tough and tight.

7:03 PM Mr. Lee said that part of that, too, was that we already knew about this project at that point, when this came up – what can you do on this other project; that we had

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already been involved in the discussion of asking if we would tentatively think about it; that he kind of mentally blocked that out as a piece that might happen. He added that that is a different time of year – in October/November – so it's a little bit different.

Mr. Pomerleau said that the bigger issue for him was that we, the taxpayers, are going to pay for it one way or another; that the only trouble is that this hides it out of the school budget. He added that it becomes cost, whether it's opportunity cost, or not, born by the Town and it's not showing up in the school budget; that part of it he doesn't like.

Mr. Fisher asked what they needed the second access for.

Mr. Lee said that he didn't know.

Ms. Davis said that for this to be a true taxpayer savings would mean that the school did not plan ahead and did not have money to do this to put into their anticipated budget for this year. She added that her first question would be is if it is in their budget and, if so, how much.

Mr. Murphy said yes, that's his question, also.

7:06 PM

Mr. Beckert said that he was hearing that we want to know whether it was budgeted for in the school's budget, it would nice to know what the ultimate savings would be; that knowing why it was needed would be of interest.

Mr. Lee clarified that the Board wanted to know if this project was in the MSAD #35 budget and, if so, then all we're doing is freeing up that money for something else for MSAD #35 to do with it and, then, why is it needed at all - why are we spending any money to make a second egress before we commit to it.

Mr. Murphy asked how many years we've lived without it so what has come up that requires it now.

Ms. Davis said that a lot of times when we do these types of projects – working on Old Fields Bridge we rented a lot of equipment – if equipment rental is part of that, will we be reimbursed for that.

Mr. Lee said yes, everything – every bit of gravel, gas, rentals, portable potty, river protection; that they are paying for everything except for our guys and the wear and tear on our equipment.

7:08 PM

Mr. Lee said that this was for the end of August and he would bring this back for the August 10th meeting.

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Mr. Beckert said that they are looking to do this, if they do it, for the end of August.

Mr. Lee said that was his understanding; that they want to get it done before the beginning of school.

Ms. Davis said that it is awful traffic going into the high school, in-and-out; that it would be nice, if you're asking them, if that's to ease that congestion and also to kind of find out what the safety factors are related to the second egress.

9) Solid Waste/Recycling Committee Update – Next Meeting

Mr. Tessier said that at our last Solid Waste meeting we agree that we needed to come back to the Selectmen with an update of the progress we've made; that he was tasked with putting that together and sending it out to the committee for review, however, he was not aware of the requirement to get that information out a week ahead of time before your meetings; that, as a result, he did not have enough time to get it together for this meeting. He added that he asked the Town Manager to take it off the agenda for this meeting and add it to the next meeting.

Mr. Beckert said very good; that we will have an update at our next meeting.

G3. Public Works

7:10 PM 1) Pavement Striping Bid

Mr. Lee said that we are still recommending Poirier Guide Lines out of Athol, MA at an estimated lump sum cost of approximately 90,000 linear feet for \$6,283.20.

Mr. Pomerleau said that this Board has made it perfectly clear that they wanted to see three bids and they didn't want you to come here and reveal dollar amounts when you only had two, if you were going to ask for a waiver. He added that here it is again; that he doesn't care what happens now he is not going to approve this without three bids. He said that if we keep using a system that fails to produce results, then change the system, add to it, whatever you need to do; that there is a meaningful purpose for getting three bids, which is lowering the cost of competition; that that is why everybody in the world does it unless you have extremely extenuating circumstances. He said that he wants to see three bids.

7:11 PM Mr. Lee said that he believed a third bid did come in; that he doesn't seem to have it here and not sure what he did with it; that it came in afterwards and was from that same company (Hi-Way Safety Systems, Inc.); that they finally submitted it

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and we had to beg them to do so. He excused himself to get the third bid from his office. He brought back copies of the third bid and gave them to the Board.

Mr. Beckert re-stated the bids: Hi-Way Safety Systems, Inc., out of Rockland, MA, with a total of \$6,732; Markings, Inc., out of Pembroke, MA, with a total of \$6552.48; Poirier Guide Lines out of Athol, MA, with a total of \$6,283.20.

Mr. Lee apologized; that he didn't mean to cause turmoil; that he gets interrupted a great deal and forgets to do something once in a while.

There was discussion regarding when the packet is put together and what is put into it.

7:16 PM Mr. Fernald moved, second by Mr. Pomerleau, that the Board of Selectmen award the Roadway Striping for the 2015/2016 season to Poirier Guide Lines out of Athol, MA, for a unit cost of \$0.70 per linear foot with the estimated lump sum cost of \$6,283.20.

VOTE

4-0

Chair concurs

G4. Public Safety

7:18 PM 1) **National Night out, Aug. 4, 5:00 PM – 8:00 PM, Behind Police Department**

This was informational.

H. New Business:

7:21 PM 1) **Compensation Study Discussion**

Mr. Lee said that there was some money in the budget to do a compensation study; that the Town of Wells did one and thinks he previously discussed the amount they paid, which is comparable to the amount that he put in, with a little bit extra; that he thought they got a very good deal. He added that it was his intention to revamp their RFP and get before the Board for approval because this is a complicated request and he wants to make sure that everybody is on-board with what we get for results. He added that he wanted the results to be acceptable to everyone so we might even have to talk about this in a workshop. He said that, in the meantime, he would get them the results of the study; that he thought it would be good if everybody could really look at that to decide if it is as thorough as they hoped, or was not. He reiterated that he would get the Board that information, start changing the RFP to be reflective of the Town of Eliot, and try to get that all to the Board in two weeks. He suggested that it might be possible to spend a little bit of time at the August workshop discussing this. He said that he

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would hate to go through this process and come up with results that are deemed invalid. He added that this would cover all classifications. He said that he wanted to hear the Board's comments before he committed to anything and go down the wrong avenue.

7:23 PM Ms. Davis said that, maybe on that note, this insurance compensation thing wants to be something that relates to this; whether we need to make an immediate decision on that or whether it can wait until we get some comparison studies.

Mr. Beckert said that that is exactly what these companies do, depending on how thorough you want them to review.

Mr. Lee said that those two are linked; that it might be that he just has to let these folks know that, once we have the study, we will then render a decision and back date that decision to cover whatever has been deemed to be an appropriate amount; that if they are patient, we will have an objective look at what is going on around the marketplace and what they might be entitled to, which is comparable to going to Kennebunk or Wells or Scarborough or wherever else one might want to work.

Ms. Davis said that, as part of the Wells RFP, there was the ability to meet with the people performing the study and she thought they were able to meet two or three times to discuss needs and wants. She asked if this was something we could schedule so that the Board could be part of this.

7:25 PM Mr. Lee said that he would think so; that they could come down and be part of a workshop discussion or a separate meeting.

Mr. Murphy asked if the surrounding towns would include New Hampshire.

Mr. Lee said that he didn't know at this point; that he thought that was the whole idea – to look through the data that they got to find that out, among other things.

Ms. (Donna) Murphy said that she is not familiar with these studies; that if they do jump into New Hampshire, is it safe to assume that they take into consideration that there is no income tax in that state.

Mr. Beckert said that we could ask them.

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I. Old Business

7:29 PM 1) MDOT Speed Change Response

This was a response to the Town's request to lower the speed limit on Route 103 and that they would need 4-6 months to conduct a speed study; that they would contact the Town when that study was complete.

Mr. Lee said that we would hear back in November or December about the results.

Mr. Fernald asked if Mr. Lee was going to send a letter to the person who requested this.

Mr. Lee said that he already has.

J. Selectmen's Report:

7:30 PM 1) Committee Vacancy Report

Mr. Murphy said that there is a list in our packets that show 15 open slots on six committees, not counting the Budget Committee position.

Mr. Beckert read the list, saying that there was also a position for an alternate on the Planning board. This list is available on the Town web site.

Ms. Davis said that, a while back, we had discussed changing the **Mass Gathering Ordinance** because it's a real pain and asked if that was something we're not even targeting November for that.

Mr. Lee said that it is being worked on right now; that he and Ms. Albert have been working on it and he doesn't think it will be ready in November, as it needs to have hearings, legal review, etc.

Ms. Davis suggested this might be good to discuss during the workshop because she thinks we behaved inconsistently because of the confusion over this ordinance; that we need to develop some kind of a policy if this comes up again.

Mr. Lee said that we (staff) were stuck right in the middle of this mess and we couldn't be happier to get this cleaned up and have something that's understandable.

Mr. Beckert said that he would be curious to see what other communities have that cover that.

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July 23, 2015 5:30PM (continued)

7:32 PM

Ms. Davis said that she realized that Mr. Lee didn't **finalize a date** for when the year-end would be formalized on the **financial reports**; that some of her questions she submitted deal with questions on the reports and she has some **additional questions** on the **stormwater** from fiscal year 14/15 that she wanted to discuss. She asked if he was planning to finalize that immediately or if we have some time to finish the questions she just submitted; that maybe she could ask a couple more on stormwater.

Mr. Lee clarified that she was talking about the 14/15 fiscal year, she had some other questions of a financial nature about the 14/15 year, and you would like to be able to submit those and make sure those have been charged to the right accounts like the other questions, and so forth.

Ms. Davis said yes.

Mr. Lee said that we have time for that; that he would encourage Ms. Davis to send them over and he would send them to the rest of the Board so they know the types of questions we are responding to.

Ms. Davis clarified to the other Board members that she has developed a policy of sending to Mr. Lee and then it goes out to other members through Mr. Lee so, if you don't see it right away, that's because it's going to him, first.

Mr. Murphy said that he does that, also.

7:34 PM

Ms. Davis said that she thought our **workshop worked really well** last week; that it's a great opportunity for us to discuss the issues and find out what each other is thinking; that because it allows us much more time, she thinks we have a better understanding of why people are making the suggestions they are making. She added that the stormwater vote we had two weeks ago came up before we had an opportunity to have a workshop to discuss the stormwater thing. She said that she still had some outstanding questions about the stormwater so she wanted to submit these to the members of the Board for a future discussion. She added that it is a complicated issue, and one we can't proceed on tonight, but a couple of the most serious things that are in here is that a major change in scope, and this is her understanding based on her paperwork, was authorized for this project and it didn't come before the Board for discussion prior to moving on it; that additionally, our fiscal year 14/15 was expended and became over-budget, formally she guessed you would say, on October 3, 2014, and yet the change in scope, which cost us additional money, was authorized after that point and she was wondering what the legalities are, even what the appropriateness is, for any department to over-expend a warrant article for any reason, and, in particular, if it hasn't been brought before the Board. She added that she has additional documentation that backs this up; that she did not write down the specific list of

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July 23, 2015 5:30PM (continued)

expenditures that these numbers represent but she does have all that information available; that it was something she would like to talk about and have put on the agenda for one of our workshops for the future.

7:36 PM Mr. Lee said that he had a copy and made a note to put it on a workshop agenda.

Mr. Pomerleau said that he, too, was a big fan of the workshops; that he would like to follow up on what we did with the referendum reconciliation because he is really, really concerned about not having that done before November; that it raises a whole host of problems, not to speak of which **the charter**, and whether or not we'd have to come back to the charter with a revision and what exactly we'd be obligated to go out for in June if we don't do this format; that as far as changing the language, that's the easy part; that what's legal and what we want to move forward to, or what we want to risk, is the next question; that he thought we need to get johnny-on-the-spot with that and get it done, if we can.

Mr. Beckert said that he had discussion with Mr. Lee regarding the major concerns; that Mr. Lee understood what they were and the questions they needed to ask; that we may have to bring Attorney Saucier down.

Mr. Lee said that he put that in his email to Attorney Saucier; that he wrote that this is tough and we may need him here.

Mr. Pomerleau said that, with the points Attorney Saucier wrote, if he had him (Attorney Saucier) in front of him, he would want to challenge him – where's the precedent, what's the law, is that a recommendation that we can do it at our own risk, etc.

Mr. Lee said that he was not keen on being middle-man on that discussion.

Mr. Beckert said that, in all fairness to Attorney Saucier, if we do something that puts us at risk, then he, or his firm, are the ones that will end up defending that; that he needs to explain to us exactly.

7:40 PM Mr. Lee suggested having Attorney Saucier down for the third Thursday in August for that workshop.

It was the **consensus of the Board** to ask Attorney Saucier to attend the August workshop.

Mr. Lee said that he thought that was critical, especially after attending that Charter hearing, because they are trying to make that language a little bit like this to allow us to continue with Open Town Meeting, or we can change to this, but it won't be locked in to the charter unless it gets put in to the charter, as such.

BOARD OF SELECTMEN'S MEETING

July 23, 2015 5:30PM (continued)

Ms. Davis said that because of the time crunch we are under, she asked if he could make it on a different night than our regular meeting (and sooner).

Mr. Lee said okay.

There was further discussion of the very tight charter timeline and developing the language after meeting with Attorney Saucier.

Mr. Pomerleau said that, as far as reconciliation and taking the language that has to be added and deciding, that's an hour job; that once we have the answers to what we want to do, writing it is not a big deal.

Mr. Lee said that he would try to get Attorney Saucier down quickly, then.

7:42 PM Mr. Pomerleau said that he would like to ask the Board tonight to decide, on way or another, on the **changing of the time of these meetings**; that he would like to see it moved to at least 6 PM.

After some discussion, the Board **agreed by consensus** to try 6 PM for 3 months; that if attendance doesn't increase, we will go back to 5:30 PM.

Mr. Murphy said that over that last year we've been concerned about the size and amount we keep in the **unreserved account** and how that fund gets replenished when it is used up in one way or another. He added that, currently, the way it is replenished are the unused portions of departmental budgets or a little bit left in the Tax Assessor's overlay, which she can calculate when she makes the commitment, that allows a certain amount of undedicated funds because there may be abatements, etc.; that that assessor's overlay, by statute, cannot be larger than 5% of the, otherwise, total tax commitment. He said that, in looking through the State statutes and Municipal Finances, he came across 30-A §5801 Reserve Funds; that this establishes 4 different reserve funds that a town may set up, one of which is a credit reserve account that includes language to specifically appropriate money, which is in addition to what we do with the Town's unreserved fund (credit reserve account). He read, "*A. The annual appropriation for this purpose may not exceed 5% of the current tax commitment.*" and said that, in addition to the Assessor's overlay, the Town can vote to raise money to go into our unreserved account because it's getting too low and we need that buffer. He added that we probably don't want to do it because we have enough money and we handle our unreserved account pretty well but, we can do that, if necessary.

7:45 PM He also read, "*B. When the municipal legislative body determines that a financial emergency exists, it may order the withdrawal of the necessary amount from the account,*" so once again, it can't be spent without citizen approval.

BOARD OF SELECTMEN'S MEETING

July 23, 2015 5:30PM (continued)

Mr. Beckert said that this weekend will be the 20th Annual Eliot Antique Tractor & Engine Show and is open to the public Friday, at noon, and open until Sunday.

7:47 PM

Mr. Tessier said that at the last Budget Committee meeting, the **Budget Committee authorized him** to request of the Board and Town Manager that, if and when you address the budget process as part of the workshop, that you invite the current Budget Committee members and previous Budget Committee members. He added that he thought he made that request at a workshop but he later found out that no notes were taken and the Town Manager wasn't there so he didn't know that that request actually got recorded.

Mr. Beckert said that it has now.

Mr. Murphy said that we were reminded that these workshops are, in fact, Selectmen's meetings and, therefore, there must be a recording of what takes place. He asked if we can plan to have a recording secretary.

Ms. Lemire said that that would be a conflict for her for the third Thursday because she was a Board of Appeals member and that is the night they meet.

Mr. Lee said that he would probably have to do the recording.

7:48 PM

Mr. Pomerleau clarified that the statute requires you to keep records of motions made and votes taken and, given there's going to be none of that happening, there isn't much that we legally have to have in minutes.

There was discussion to make sure those workshops were video-streamed.

Ms. (Donna) Murphy, Budget Committee Chair, said that she believed the Budget Committee authorized a request to have the current committee invited to participate in that; that the discussion that included past members was to our own meeting.

Mr. Beckert said that the meetings are all open to the public, anyway; that past or current can come.

Mr. Murphy asked if Mr. Lee was looking into the quality of the video recordings we have here to improve it; that, hopefully, complaints that people can't understand, or hear, what is said, or who is speaking can be improved somehow. He added that he would also like to have a portable microphone so that anyone from the public who wanted to speak had a microphone as he often can't hear what is being said.

BOARD OF SELECTMEN'S MEETING
July 23, 2015 5:30PM (continued)

K. Other Business as needed

7:49 PM There was no other business.

L. Executive Session

There were no executive sessions.

M. Adjourn

There was a motion and second to adjourn the meeting at 7:50 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary