

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM

Quorum noted

A. 6:00 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)

6:01 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of June 25, 2015, as amended.

VOTE

4-0

Chair concurs

F. Public Comment:

6:11 PM There was no public comment.

Mr. Beckert commented that Ms. Saurman (Item G1. 5) would not be in attendance tonight and would not make a statement regarding her resignation from the school board.

G1. Department Head/Committee Reports

6:12 PM 1) York River Steering Committee Presentation

Ms. (Beth) Della Valle, Planner, introduced herself, saying that she has been working through the Town of York with the York River Steering Committee. She said that last year the York River Steering Committee (YRSC) met with this Board to give you an update on the Wild and Scenic River Project, presenting a proposal on how they were intending to develop a recommended slate of individuals to serve on the new York River Study Committee (YRSuC) that will be overseeing/managing the study process over the next three years. She added that she gave the Board a detailed report on the efforts the YRSC went through to identify the ten people being recommended on the proposed slate to serve on the study committee. She said that we are looking for two things from the Board this evening – one is to review the slate and hopefully endorse it, and the second is to identify a specific liaison for the Town of Eliot who would maintain an ongoing communication with the Board on the process of the study. She said that we are also reviewing this with Kittery and York and that Kittery endorsed the slate last Monday; that York will be looking at it August 24th. She explained that, since we

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

started this process, South Berwick has decided they would like to join the effort and we will be working separately with them so as to not slow the process down; that likely one additional person would be added to the slate representing South Berwick; that we will let Mr. Lee know if and when that happens.

6:15 PM Ms. Davis asked if there were more than ten people that wanted to be on this or did you decide on ten because that's how many you got.

Ms. Della Valle said that she thought there were actually twelve people who applied; that the steering committee looked at everyone's background and interests and also tried to balance different points of view on the study committee.

Mr. Murphy said that he would be willing to be the liaison for the YRSuC.

Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen endorse the entire slate of committee members as provided to us by the York River Steering Committee.

VOTE

4-0

Chair concurs

6:19 PM Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen nominate Mr. Murphy as liaison for Eliot on the York River Study Committee.

VOTE

3-1 (Mr. Murphy abstained)

Chair concurs in the affirmative

6:20 PM **2) Solid Waste/Recycling Committee Update**

Mr. (Jim) Tessier gave a brief history of the Solid Waste Recycling Committee (SWRC), saying that this committee started in 2000, with the Town disposing of 1,674 tons of trash and, by 2009, that figure was down to 996 tons. He added that by 2012 it went back up to 1,089 tons and the committee wanted to take some action to drive that number back down. He explained that their focus has been on improving recycling procedures in Town, reduce trash, and reduce the tax burden on residents. He summarized the memo he had presented to the Board, which covered the kitchen food waste collection program, Pay-to-Throw, and collection of miscellaneous plastics, as well as other changes made by the PW Director that have significantly reduced the costs and put Eliot ahead of most other communities in the region in dealing with municipal waste disposal (MSW). He also discussed the savings and revenue they had that reduced the Transfer Station expenditures to just over \$132,000 from \$410,108 two years ago, along with a 70% reduction in MSW. He added that the committee recommended against any

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

action that would disrupt the programs we have in place because they are working so well.

6:28 PM

Mr. Murphy said that he thought that what had been done was quite remarkable but asked if there was a side to this that we are ignoring or not thinking about, which is the part of the Town that is not working with the municipal waste reduction and recycling, asking if they could determine if that has increased or decreased or what percentage of the Town chooses to just bag it all up and have a commercial hauler just haul it away, with the Town not knowing those numbers.

Mr. Tessier agreed that there was certainly a number who were not using the Transfer Station but there was no way to determine how much that is. He added that the bottom line is that all the residents of Eliot now have choices, and really good choices. He said that, before we implemented Pay-to-Throw, the good recyclers and good composters subsidized the people that didn't spend very much time sorting out their trash; that as a result of all the programs in place, people who do a great job recycling and composting don't spend hardly any money on disposing of their trash; that another group is not as diligent, but still doing a pretty good job, pay a little more but they are paying their fair share of what it costs for the Town to get rid of the trash, so it's like a user fee – the more they throw away the more they pay; that for the residents who just don't want to bother (which is a choice) – if they don't want to participate and recycle, they pay a commercial hauler to come by their house to pick up their trash and they can put out as much as they want. He also said that the thing is that it is a choice – good recyclers are paying less, the ones who don't work as hard pay a little bit more, and the ones who don't care pay the \$6/week, or whatever it is, to have the commercial hauler pick it up; that it's fair to everyone.

6:31 PM

Mr. (Bud) Moynahan said that we had three meetings before we implemented Pay-to-Throw and there were a lot of questions we couldn't answer. He added that one answer he could give was that he was a fairly good recycler and, since September 2013, it has cost him \$16 for purple bags; that that is 23 months and we have saved on the tax rate. He said that the other side, as Mr. Tessier said, is that if you choose not to use our facility, which the Town is mandated to supply, then that is your business, but it doesn't cost him anything.

Mr. Pomerleau said that a couple of months ago he had a lot of dialogue on this on Eliot-on-Line and the majority of it was not favorable; that the bottom line that taxpayers wanted to know was if it was saving them money and what it was costing them. He explained that the pay-per-bag works very well for him; that he is a once-a month type; that it takes effort and space and time but there are two of us, retired, and we don't generate a lot of trash. He added that for other people that's not quite the reality for them. He said that, when he got the committee's memo, he had some numbers to work with; that he took the \$410,000 budget

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

before recycling, calculating the rough tax impact for the current median household value of \$300,000, coming out with a tax cost of \$120.30; that he then took this year's figure of \$133,000 for the cost of the Transfer Station, doing the same calculation, and came out with a tax of \$39.90. He added that the other side of that was what was off-setting the gain in terms of their cost per bag; that he talked with Mr. Moulton about this and his best estimate for the typical user of a family of five was one bag per week; that Mr. Pomerleau said that he thought that estimate was possibly a little conservative for a family of that size but that would amount to \$104 a year. He said that combining the \$104/year with approximately \$40 in taxes comes to \$144 that is costing that household today with pay-per-bag as opposed to the \$120 before we implemented the program. He added that those are not encouraging numbers as far as how it's impacting the taxpayer's pockets, recognizing that there are a lot of variables and really boils down to individual households. He said that, using himself as an example, he is probably on the low end of use so he is benefitting \$60 to \$70/year; but he also talked with a family near where he lives that have several kids in diapers and they said they used two bags a week just for diapers. He said that this would have a rather regressive impact for low-income households with children. Discussing the projected savings the memo discussed from 2012 to today, he said that in August 2013 we passed LD1, which reduced the Transfer Station budget by \$85,000; that it seems the committee is taking credit in their total savings for what was otherwise a mandated tax reduction; that when he factors that in it makes these numbers worse as far as the overall benefit. He said that he doesn't think there is a solid conclusion that this is benefitting the taxpayer, in that respect, and there may well be, that when that contract comes up, there ought to be some serious consideration about dropping the pay-per-bag and mandatory enforcement of recycling to see if we can accomplish better results than we did before.

6:37 PM Mr. Moynahan said that we have had mandatory recycling since the early '90's and he has found that it has been very hard to enforce, both by residents who may not be willing to recycle and employees at the Transfer Station making sure things are properly recycled.

Mr. Pomerleau said that we've had three years of people being well-trained in how to properly recycle; that you've built good habits after three years about separating things and, if people could reflect on that as a way of saving themselves tax dollars, with a better effort at enforcement, he thought the results could be better than they ever were.

6:39 PM Mr. Tessier gave copies of a November 2014 article from the Maine Townsman to the Board that addressed what Mr. Pomerleau was just talking about, which happened in the Town of Sanford. He explained that, in 2010, Sanford implemented pay-to-throw (PAYT) and the volume there went from approximately 130 tons/year to roughly 65 tons; that shortly after that there was

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

an initiative in Sanford to cancel PAYT; that that passed and the volume went back up to roughly 100 tons; that that continued for a couple of years and, then, the residents had another initiative and re-implemented PAYT; that as soon as they did it dropped back down to about 60 tons. He said that he understood what Mr. Pomerleau was saying that people get trained and better at things, but human nature being what it is and what we saw in Sanford, there's a very high probability that, if we cancel PAYT at this point, the volumes are going to go up considerably. Discussing the LD1 comment made about taking credit for something we didn't do, he said we are not; that we are talking about a whole program and all the pieces that fit together to result in the tax reduction; that it wasn't just one thing but a combination of only having the Transfer Station open two days a week, improving the hydraulics on the canisters, getting our own truck, and implementing these new programs; that they all work together to provide a much more comprehensive program for the residents of Eliot. He added that because we have those good programs we can give people choices. He said that he understood that there were going to be a certain number of families that might struggle with the fee; that in 2012 we were throwing away 1,089 tons a year, which cost the Town approximately \$73,000/year in hauling and tipping costs and now, at 329 tons, it's costing the Town about \$22,000/year, which is a \$50,000/year savings and a reduction in the tax burden on the residents to get rid of the trash, and there is less trash being generated; that he thinks it's a win-win all around.

6:43 PM Ms. (Connie) Corrigan said that, coming in here from the Eliot Conservation Commission, she was kind of a steward of the earth, you might say. She said that, generally, she thought that people, when they have children, that usually 18 months to 2 years is how long they might have diapers so that's not an unusually long time, adding that we are running out of space trying to fill the earth with junk that's not good for us and creates pollution problems; that we can't keep creating things that we're going to have to stick somewhere and, then, deal with it forever. She added that it's much better to separate these things and recycle them and not put things in the earth like we used to do. She also discussed her concern with the diesel pollution from carting things back and forth and other air pollutants that are part of a bigger picture people need to think about.

6:45 PM Mr. (Don) Webber said that something not mentioned and not large in dollars and cents was that a few years ago we had to pay to get rid of brush; that now, thanks to the Road Commissioner and the committee, we are getting rid of it and it isn't costing the Town anything.

Mr. Moynahan said that once Mr. Fox Composting gets going he's going to have a tremendous demand for that stuff because there's nothing better than any other thing they do, the compost he is making; that this is future-looking.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

Mr. Tessier said that he recently read that a Pennsylvania senator proposed to his state senate a bill that would allow states to charge a higher fee for other states to bring their trash into their state of Pennsylvania. He discussed that Eliot currently takes their trash to Portland but had been taking their trash to Rochester; that we could find ourselves in a situation where New Hampshire wouldn't take our trash or charge us twice as much. He added that he wasn't trying to be negative about this whole thing but there is this potential that, if landfills start to fill up, it's going to get harder and harder to figure out where to take our trash; that the less we generate the better off we are going to be, overall.

6:47 PM Mr. (Bob) Fisher thanked the committee for their recycling efforts. He said that he was concerned with people who have units outside their house to dump their garbage in; that he has noticed that some don't maintain them and stuff is out on the ground. He added that he was wondering what the Selectmen's suggestion would be to control these units, as he was concerned about the pollution and rats.

Mr. Lee said that when you see something like that (overflowing units) report it to the Town office; that he forwards it to the CEO and we go out and follow it up as a complaint on a potential public health hazard.

6:49 PM Mr. Moulton said that with everything that has been implemented since he started here (6 years ago) the Transfer Station budget went from approximately \$600,000 to approximately \$200,000; that that roughly equates to \$100,00/year in reductions based on the different programs, and other things, that we've done; that the Town has saved around \$400,000 in five years and he is always trying to think of different ways to improve on that; that at some point he would like to make this level-funded or as level-funded as it can be as it becomes a user-based fee. He added that there are people who spend more; however, you can go to the Transfer Station now, and the real thing with pay-per-bag is self-policing – giving an incentive to have people recycle; that he was always trying to get people to recycle and they would for a couple of weeks but then it would go back real fast; that, with the whole picture, these programs have reduced waste and personnel that save residents money.

6:52 PM Ms. Davis asked if it was possible to know how many people were picked up by trash companies in Town since pay-to-throw was implemented to see what their tonnage is.

Mr. Lee said that he didn't know if they would reveal that to us.

Mr. Moynahan said that they had no idea what they pick up in Eliot because they also pick up in Kittery, South Berwick, and in York and they don't separate out how much is picked up in each town. He described a situation in Rye where the town was paying a hauler, without receipts, and when they asked for receipts the

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

hauler said that that was private information and would not share that information with the town.

Mr. Moulton said that in the past six months if you are at the Transfer Station when it's open they are very busy; that for those that had left, they are coming back and doing a diligent job of recycling. He added that their weights and tonnage are up slightly but their recycled quantities are also up; that he isn't the best recycler and for his family of five it was one 30-gallon bag a week; that it's all in what you put into it.

6:54 PM Mr. Pomerleau said that some time ago somebody came out with approximately 150 to 250 households had gone to private service; that he didn't know what the accuracy of that was but, using that figure, that is about 8% of the total households. He added that, from his perspective, you could claim that was a success of the pay-per-bag and these are the people who don't want to recycle so they are paying the price; that on the other hand it doesn't meet the goals ecologically or environmentally because, now, less is getting recycled and is just getting dumped somewhere. He said that there are a fair number of people that have just been driven away

Mr. Tessier said that they were probably the ones who were dumping six bags at the Transfer Station so, whether they are dumping six bags at the Transfer Station or paying for six bags at the end of their driveway, it's still six bags of trash.

6:56 PM Mr. Fernald said that there are some elderly out there that don't go to the Transfer Station, for obvious reasons, and have their trash picked up; that there is a clientele out there for that. He added that he really did think that this committee has done a super job over the years and we need to congratulate every one of you, thanking them for saving money on the tax rate. He said that this is more of the stuff we need to get out there to let the people know what we are doing for the Town.

Mr. Lee said that the thing he wanted to point out is that essentially what we are talking about, here, is a user-fee system and, what we've recently done with household hazardous waste (HHW), is that we went to a user-fee system; that if you generate a lot of HHW then you will have to pay more for generating all that waste; that he didn't think it was an inconsistent system with what we've recently done and the way we've looked at HHW, taking it out of the tax rate and saying if you want it, you buy it.

6:57 PM Ms. (Roseann) Adams said that recycling is really in the same vein as energy conservation; that what you're trying to do is change the way people deal with it; that you are trying to affect a person's lifestyle; that Ms. Corrigan spoke very clearly about the implications of not doing it. She added that she didn't think that

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

now is the time to change anything; that she thought it takes generations to change the way people look at what they consume, how they consume, what they buy, and how they live; that you can't mandate that to anybody and she thinks it's a fair thing that people will pay for the amount of trash that they decide to throw away; that she hated to say it but, if you can pay for diapers, you can pay for these bags.

6:58 PM Mr. Tessier asked if there was a way to get this kind of information out more to the general public so that more people are aware.

Mr. Lee said that, if Mr. Tessier wanted to have a fairly summarized-type thing or a graph, we have a newsletter that's going out in the Sentinel to every household for pre-November voting that we could put a blurb in kind of explaining the changes and costs; that we are going to try to do that a couple times a year.

Mr. Beckert said that it could also go in the ECS newsletter.

Mr. Lee agreed; that they have a fall and spring brochure, too, that we could put something in, as well.

Mr. Tessier said that he could submit something to the Board for their review before it goes out.

Mr. Beckert clarified that he should submit it to the Town Manager. He added that they could also put it on the Town website.

Mr. Lee suggested that, if they had a web page, we could put that on, as well.

6:59 PM **3) Sewer Committee: Recommended November Warrant Article: Sewer Bond \$1.5 m (100% Sewer Users)**

Mr. Lee said that the prior vote with the 55/45 split did not pass; that we were forewarned that general taxation for the sewer system would not be popular and ended up not being popular; that it would appear that we should probably defer back to having the sewer users pay 100%, which has been recommended; that the other thing he would mention with regard to this is that, currently, the Sewer Committee is also beginning to concern itself with, if this fails because a different group of people defeat this, getting ready for another Plan B if this fails.

Mr. Pomerleau moved, second by Ms. Davis, that the Board of Selectmen move forward with the November referendum question for the pump station bonding question funded at 100% by sewer users.

DISCUSSION

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

Mr. Murphy said that this was a difficult thing; that we are just playing a game with the voters to get us to a point where we might have to take steps in another direction – a Plan C direction, or something like that; that it will, at least, be one more measure of what the Town, as a whole, really feels about repairing these pumps that are nearly dead; that he thought this was another test.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

7:03 PM 4) Planning Board – Accept Resignation of Leroy “Dutch” Dunkelberger

Mr. Beckert said that the Planning Board has accepted his resignation and he would recommend that the Board send him a letter of thanks for his service.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen reluctantly accept the resignation of Dutch Dunkelberger from the Planning Board and send a letter to him thanking him for his excellent service.

VOTE

4-0

Chair concurs

7:05 PM 5) School Committee – Accept Resignation of Janet Saurman

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen accept, with regret, the resignation by Janet Saurman from the Eliot School Board as a Director of that board.

VOTE

4-0

Chair concurs

Mr. Beckert said that we will send her a letter of thanks for running for that position. He added that, as required by law, and we do have a letter from Dr. Nash, we are required to appoint an interim director until the next regular election; that it would be the Chair's recommendation that we advertise for 12 days and see who we have for interested parties and, then, make the decision at that point who we will appoint as interim director.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen advertise for twelve (12) days to fill the position of Interim Director on the MSAD #35 Board and, then, make a decision on who we will appoint to that position of those who apply.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

VOTE
4-0
Chair concurs

7:07 PM 6) TIF Alternative Comm. – Accept Resignation of John Chagnon

Mr. Beckert said that Mr. Chagnon has taken a teaching position that conflicts with the scheduled committee meetings.

Mr. Fernald moved, second by Mr. Pomerleau, that the Board of Selectmen accept Mr. Chagnon's resignation from the TIF Alternatives Committee and thank him for his service to that committee.

VOTE
4-0
Chair concurs

G2. Administrative Department

7:08 PM 1) Town Manager Activities Report

Mr. Lee said that he would be happy to answer any questions about his TM Report, or the to-do list stuff that he has, and then he will go on to the other items, as the Chair requests.

Mr. Fernald had a question on Line 53 (Marshwood Estates water issues). He said that he received a call from a woman whose daughter lives there; that it's a bad situation.

Mr. Lee agreed it was a bad situation; that the water situation at Marshwood Estates has been bad and remains fairly bad; that his understanding is that there will be funds made available to him to repair the system but he needs to re-do his mortgage because his current mortgage prohibits a second mortgage to go against it and, so, he thinks the owner submitted a plan to the State that calls for re-issuing the mortgage, altogether, and rolling in the new debt that the State is willing to provide so he can fix the system; that, by November, he has to have some additional plans with them; that the State is monitoring it fairly closely but they are still letting time go by.

Ms. Lemire said that it could be a year before anything even starts.

Mr. Lee agreed, saying that it's not moving quickly.

7:11 PM Mr. Fernald asked if they were getting drinking water out there from anyone or is anyone doing anything for them.

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

Mr. Lee said that it comes and goes; that they've had a couple of 'boiled water' orders out there – three in the last four weeks.

Mr. Fernald said that he knew that the woman he spoke with said that they washed their clothes and they came out orange.

Ms. Lemire agreed that was happening.

Mr. Lee said that when we went up to the hearing a lady came with us and she brought a bottle and it was literally just crud in it; that she offered it to the Bond Bank, there, making the loan and they didn't want to drink out of it.

7:12 PM Mr. Fernald asked if this was something that the State is taking care of and it's out of our hands.

Mr. Lee said yes.

Mr. Fernald asked if there was anything we could do.

Mr. Lee said that there might be, if we wanted to take it out of the State's hands, but he thinks we open a tremendous Pandora's Box; that if we were to condemn the Park and have to relocate everybody in the Park; that he thought we needed to let the State do it; that they have much more authority and power to do that kind of stuff.

Mr. Fernald asked if there was any way we could put any type of pressure on this.

Mr. Lee said that he has written emails on people's behalf to Norm Lamie (Drinking Water Program guy) and Roger Crouse, another Drinking Water guy he has worked with; that they are trying to work on this thing but the owner's mortgage prevented us from going forward because it wouldn't allow them to encumber another mortgage on it; that the owner has to refinance the whole package before he can do the repairs; that the repairs are expensive. He added that Representative Beavers has helped to push this along; that we've had a lot of pushing...a lot of pushing.

Ms. Lemire suggested we should start sending the State our water bills.

7:13 PM Mr. Fisher said that, years ago, one of our 'great fathers', who gave us Dead Duck Inn and some other things, took the position that we should go after Kittery Water District (KWD) to expand their system; that we could do that by legislation and we were going to try to do that back in the early 60's when we wanted them to move in; that they have plenty of money to expand; that they have taken over part

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

of York, already; that they have plenty of water and they could kind of force them, he thought, to move into Eliot and move that line up.

Mr. Lee said alright, he didn't know about that one.

7:14 PM Mr. Beckert said that he would think that the Park management and ownership would approach the Kittery Water District, as they are a private entity.

Mr. Murphy suggested, perhaps, that they may have already done that.

Mr. Lee said that he didn't know that; that as far as what KWD's plans are for extending, he doesn't know.

Mr. Beckert commented that KWD will extend lines up Route 236 and put as many hydrants in Eliot as we want, if we pay for them; that they've already told us that in several letters over the years.

Mr. Lee said that we are still discussing what we will do with TIF funds, too.

Mr. Beckert said that might be an option to ask the park owner if he has approached the KWD; that the KWD might be interested with the potential number of new users.

Mr. Lee said that he would reach out to the park owner.

Mr. Pomerleau said that the owner down there is not in great financial shape; that solutions are going to be threatening; that even running Kittery water out there he didn't know if that requires a vote - re-plumbing their water supply, different pipes, etc. He said that he knew that, under consumer protection laws, the tenants there could withhold rent and that reduces the owner's income and makes his financial situation worse; that it's not an easy road to find a solution.

7:16 PM Mr. Lee said that it was worth noting on Mr. Pomerleau's point that the money he (park owner) would be getting is more related to the system that actually pumps water than the mains themselves, which are also not in good shape; that even if we have a reliable source of pumping water, we still have mains that tend to break and this, that, and the other thing. He added that those are more readily repairable and small, affordable bits and bites than this big several hundred thousand dollar-type deal he's got to do.

7:17 PM Ms. Davis asked for additional information regarding Line 221.

Mr. Lee said that the Town has taken possession of a small sliver of land and, in large part, her driveway and house sit on that sliver of land; that we reached out to

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

offer her that land. He added that we've done a calculation that would be a very affordable purchase because we're just looking to get tax money; that this land has been around since 2008 or 2009 and one of the ones he's trying to clean up. He said that it would be around \$1,000 to buy this piece of land and that would make her property whole; that he tried to explain to her in his letter that, if she didn't get back to him, he would have to put this out at public bid. He added that it is barely big enough to put a very small basic mobile home on and it does have a small bit of frontage; that it's a non-conforming lot of record but there is a house sitting on it and she would never be able to get clear title to sell her house the way it stands. He said that she hasn't gotten back to him and he doesn't understand it; that he didn't put anything in there to threaten her, just asking her to call him.

7:19 PM Ms. Davis asked if, regarding Line 225, Mr. Lee could update the status on the school bus garage situation.

Mr. Lee said that we recently had a collaboration meeting and they are currently pursuing a two-path strategy. He said that one continues to be trying to get the school bus garage built and continuing that process with the Planning Board. He added that the other is that they've gone back to the owner of the property where they used to lease that facility; that the property owner's plans fell through and is asking the school if they would like to come back so the school is in negotiations with the property owner to lease his facility.

Ms. Davis said that she has heard a lot of complaints from people that they do not like this idea but it also sounds like there is a technical reason why it didn't go forward and asked Mr. Lee if he knew what that was,

7:20 PM Mr. Lee said that he wasn't the person to explain it; that from the PB's perspective he didn't think there were a lot of issues why it couldn't be approved; that he thought there were operational issues that tried to be brought to the forefront but those aren't necessarily issues the PB has to be concerned with.

Ms. Davis asked about Line 273.

Mr. Lee said that the school superintendent talked with South Berwick and was told they had fallen behind in their work and could not do the egress work for MSAD #35; that with their decision to pull out and we stopped further discussion; that this is Item #3 under Old Business tonight. He explained that we are not doing that project; that the school did have the money in their budget to contract the entire thing to be done and that's the route they are going.

7:22 PM Ms. Davis said that, regarding Line 275, that situations seems unfair and asked if that was something we would continue to pursue.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

Mr. Lee said yes; that we're not giving up on that; that this is really a technical glitch and the IRS wants to fine us \$1,000 because you have to hit some button like three times to confirm the receipt of the thing; that the software is not at all intuitive that you have to do all these steps.

7:23 PM

Mr. Pomerleau discussed Line 202 regarding new value and new taxes/spending. He said that when he calculated the mil rate per thousand he came up with \$70,000 not \$90,000 (\$5m) and \$210,000 not \$270,000 (\$15m). He added what really struck him, equating this to whatever the accurate amount is dollars and spending, remember from the Maine Revenue spreadsheet and Eaton Peabody, that non-sheltered revenue ends up reduced by 75% and 25% ends up in general revenue; that from his figures we would have about \$52,500 to spend.

Mr. Lee explained that he got the \$90,000 from the Assessor, as he was playing with some numbers regarding discussion around TIF alternatives and economic development and how much investment it would take to generate however much in new taxes, etc.

Mr. Pomerleau said that he thought there was something there of value for citizens to understand in how much assessment value it takes to impact your tax bill by \$10.

Mr. Lee agreed, saying that as our value goes up the State gives us less money, as well, through less school aide and more money to the county; that any dollar of new taxes generated from value will lose revenue on the other side; that the 25%, or so, is what ends up in our pockets at the end of the day.

7:26 PM

1a) Mil Rate and Overlay Report

Mr. Lee discussed that the mil rate settled at 14% from 13.80%, which is an increase of 1.45%; that the amount we will be able to put in overlay is about \$119,000, which is 18% of the total amount that could have gone into overlay. He added that, in talking with Dr. Nash, she indicated the school was going to receive another \$370,000 this year; that he believes they are going to let that go to fund balance and use it in the following year because they are not appropriated to use that money, he believes. He added that his hope was that there would be a gentler impact next year.

7:29 PM

1b) Town Meeting Article Activity Summary

Mr. Lee said that this was in lieu of the minutes; that at some point the Town Clerk will get us a full set of minutes from Town Meeting; that this was provided to show the actual votes taken.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

1c) Change in Phones/Travel Policy

Mr. Lee said that this is an internal policy he was making the Board aware of; that this is to make the policy more consistent.

7:35 PM 1d) Workshop Topics for August 20

This was an informational reminder for Board members.

1e) Eliot Commons TIF – Legal Opinion

This was informational.

1f) Xfinity Notice – Changes to TV Service

This was informational regarding service package changes.

7:43 PM 1g) Capital Projects List

Mr. Lee said that this is an internal document to remind staff and the Board that these are the current projects that need to be done this fiscal year and to get action started now.

There was discussion regarding the IMA (Police Interlocal Mutual Agreement) agreement with Kittery around purchase of a car for the Police Chief; that the IMA has to be hammered out before anything happens regarding purchase of a car. Mr. Lee will make more inquiries regarding this issue.

7:47 PM 2) Acquiring Dead Duck from State

Mr. Lee said that he received advice from Kittery on how to go about starting the process and drafted a letter to the Commissioner regarding Dead Duck; that he was looking to see if he had the endorsement of the Selectmen to go forth with that letter.

It was the **consensus of the Board** to have Mr. Lee move forward with this inquiry to the Commissioner.

There was discussion regarding the need to fully develop a plan to go with the sinking fund, resources available to the Town to make enhancements, and the potential for TIF funds to possibly make Dead Duck part of an eco-tourism facility. Also discussed was inquiring of the gas company regarding the 15 acres next to Dead Duck, as well as survey work and potential easements.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

7:53 PM Mr. Lentz said that part of the Hammond Garrison (historical) sits right in the middle of the park where all the lilacs are; that the foundation of that garrison is still there.

It was also said that this is a protected site; that it is one of the oldest plantings of lilacs in America.

It was the **consensus of the Board** to have Mr. Lee pursue inquiries with the gas company concerning the 15 acres, as well.

7:55 PM **3) Proceeds of Public Sale**

Mr. Lee said that they were writing a description of the items we are putting out for public sale, with advertising to go out in August. He said that he discussed this with staff regarding the two ways to look at this money; that this is a sale of primarily capital assets and should the money of capital assets go back into capital reserves or should it drop through to fund balance and, as needed, we will raise taxes to make capital investments. He added that he thought he knew the answer but was double-checking.

Ms. Davis suggested we might let it drop through to fund balance, keep a record of it and, when we go to present the budget the following year the following year, we could say that so much passed through and ask if we could take so much of this from the fund balance to offset the CRP.

Mr. Lee said that that was a very good idea; that the accounting would be easy.

7:57 PM **4) Comcast – Franchise Fee/PEG Channel**

Mr. Lee said that he met with Mr. Jay Somers, Comcast representative, to discuss where our franchise stood, access to PEG (public, education, government) channels, franchise fees, production equipment, etc. He added that he checked with the streaming video people and they said we could do the PEG channel and streaming seamlessly together. He discussed benefits and costs and asked if the Board was interested in pursuing this.

There was discussion regarding the benefits (availability of Town meetings) to the residents versus the costs (\$30,000 to \$40,000 to establish + a small monthly subscriber fee), possibly putting this before the voters if there is a real interest. It was also said that there would be no charge to non-subscribers.

Mr. Murphy suggested this go out in the next newsletter to the residents to ask for their feedback on whether they would be interested.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

Mr. Lee said that this would be absolutely non-commercial, as it is prohibited.

There was discussion regarding using the income stream as general revenue in future years with Comcast subscribers paying fees every year but everyone potentially benefitting from the revenue source. There was also discussion around the ability for people to broadcast community events, such as school basketball and football games. Additionally, there was discussion regarding options in how to structure the subscriber fee and the length of time for that fee.

It was the **consensus of the Board** to have Mr. Lee pursue this idea and bring the information back to the Board.

G3. Public Works

8:10 PM 1) Winter Salt Bid

Mr. Lee discussed the bids that came through the SMRPC RFP and the independent bid submitted by Granite State Minerals for the low price of \$51.73/ton, which the Town has been doing business with for years. He added that that price was very good and recommended it to the Board.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the acquisition of our salt from Granite State Minerals at their offered price of \$51.73 per ton bulk road salt, delivered, for the 2015/2016 season.

DISCUSSION

There was discussion regarding the benefits of getting independent bids and building long-term relationships with different companies.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

8:15 PM 2) Pump Station Inspection Report

Mr. Lee said that this was informational; that it was a lengthy report and is available to the public. He added that the essence of the letter from the Maine DEP is of their great concern over the condition of these pumps and a lot of notes about not being to code, safety concerns, scabbed together, etc.; a possibility of failures according to them. He added that he hopes this type of message gets out, especially in advance of the November vote for the sewer bond because it is so critical and this report just lays it on the line.

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

Mr. Murphy clarified that the Pump #'s on page 4 were in the wrong order. He also said that, on page 6 under pumping, that #1 should be added between 'this' and 'pump station' to clarify.

Mr. Moulton said that he thinks that the inspector is just calling the first pump station he looked at as PS #1, but he will get clarification.

8:18 PM Ms. Davis asked Mr. Moulton to give a bit of history on the sanitary sewer overflows (SSO's).

Mr. Moulton said that SSO's are anything that has to be reported; that there was a sewer main break on Pump Station #1 during budget season last year and we've had a couple of those, a couple of issues with back-ups for the pump stations just because of clogging years ago that created mild illicit discharges; that the reports are mandatory, whether they are 5 gallons or 50 gallons or 100 gallons and we have to report our actions to those SSO's.

8:20 PM Ms. Davis asked if it was possible at some point in the near future to get a more detailed description of the recommended work and how it coordinates with complaints 'here', a discussion about the value engineering, and what things are absolutely required.

Mr. Moulton said yes because Mr. (Keith) Pratt would be in attendance at the pump station field trip.

3) Pump Station Tour – 8/19 at 4:15 PM, Meet at Pump Station #1

This is a reminder for the Board; that we will meet here and then go to Pump Station #1.

G4. Public Safety

8:22 PM 1) **Draft Policy: "Over-the-Road-Banners"**

Mr. Lee said that this came about because the Congregational Church asked to put up a banner advertising their blueberry pancake event; that he and Chief Muzeroll put together a draft policy because there really wasn't one; that he was looking for feedback from the Board regarding this.

Mr. Murphy said that he had the feeling that this was sort of a Fire Department thing over the years and kind of kept it to themselves and didn't want others utilizing this; that maybe now they are letting it be bigger.

Mr. Lee agreed and that, also, he thought it was one of 'if it seemed right they did it and if it was for something like a for-profit company, then no'. He added that he

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

has never been too keen on not having a consistent policy. He said that Chief Muzeroll's biggest concern was liability because of the varying quality of banners used and was where most of the work was done to create minimum criteria for the banners.

There was discussion regarding the potential cost for liability insurance (low to nothing) and looking to York to see what their policy is. There was also discussion regarding where this policy would go (Selectmen's Policies).

8:27 PM Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen adopt the policy regarding "Over-the-Road Banners" into a Selectmen's Policy, as written.

DISCUSSION

Mr. Fernald asked if we needed to do a 1st and 2nd reading to be able to adopt this as a policy.

It was agreed that the Board should follow that process for this policy.

DISCUSSION ENDED.

Mr. Pomerleau amended his motion to make this the 1st Reading of this policy. Second by Mr. Fernald.

VOTE

4-0

Chair concurs

8:30 PM There was discussion regarding the placement of flags on telephone poles, as well, and whether that should be included; that it might be as simple as asking for help from the Fire Department or Highway Department.

Mr. Fernald said that with this "non educational charitable organizations (must supply copy of current 501c...)" a lot of organizations, particularly charitable, find it very difficult to get 501-c status, so there are a lot of them out there without this. He added that he wondered why this was a stipulation.

Mr. Beckert asked Mr. Lee to follow up on that.

Mr. Murphy suggested they might add a fifth bullet that allows other non-profits to apply.

8:32 PM Mr. Pomerleau commented that it wasn't like we have a line of people wanting to put up banners and, with people in Eliot, we're probably overboard with this

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

document. He added that someone who doesn't have incorporation papers probably doesn't have liability insurance either and that's probably not a good thing to waive.

H. New Business:

8:33 PM 1) Authorization to issue Tax Anticipation Note

Mr. Lee explained that we recently completed our required cash flow projection and the Town doesn't need the \$4.5 million approved TAN, as our financial situation has improved, and we can only have \$3.3 million; that because the amount is lower, Key Bank's lending rate goes from 0.66% to 0.69%. He recommended the Board reauthorize TAN borrowing under the new terms.

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

1. That under and pursuant to Title 30-A, §5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of up to \$3,300,000 principal amount of Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2015 and ends June 30, 2016; and
2. Said note shall be dated on or around August 1, 2015, shall mature on or before June 30, 2016, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Selectmen, shall be issued on an as-needed basis, shall bear interest at the rate of 0.69% per annum calculated on the basis of actual days elapsed in an assumed 360-day year, shall be payable at Key Bank National Association and shall otherwise be in such form and bear such details as the signers may determine; and
3. That said note is hereby sold and awarded to Key Bank National Association in accordance with its proposal dated June 3, 2015; and
4. Said Note is hereby designated as a qualified tax exempt obligation of the Town for the 2015 calendar year pursuant to the Internal Revenue Code of 1996; and
5. That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note is hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefore.

VOTE
4-0
Chair concurs

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

8:39 PM Ms. Davis said that she thought we had collected most of the taxes in Town; she asked that now we are in the middle of August and out of money.

Mr. Lee explained the cash flow cycle in that we collect taxes twice a year and also go into the red twice a year; that we don't have enough fund balance to go through without borrowing. He added that we are not having to borrow as much but he isn't sure why; that he didn't think it was directly related to tax collection rates.

Ms. Davis asked if we are borrowing from now until the next tax bills come out.

Mr. Lee said yes and that the tax bills will be coming out very soon. He added that this month and probably next month the school payment blows us out of the water; that it is in excess of revenue; that we hit another low point in February/March in this cycle; that the TAN covers those low spots.

8:41 PM Mr. Murphy said that this TAN does not affect our investment.

Mr. Lee agreed. He said that because we do all our business with Key Bank – borrow TAN money, sweep money, etc. – the best news about this is, even if this is the time we have to start borrowing, as he told them about sweep accounts, at the end of every day, we pay off as much of that as we can and, at the beginning of every day, we can borrow what we want; that it automatically sweeps and, so, you aren't paying one cent of interest more than you have to for the very minutes you have their money, essentially.

8:43 PM Ms. Davis asked if she could request of the Town Manager that he get a current balance on the school's general fund.

The Board said that she could ask for it.

Mr. Lee agreed, saying she could go FOAA on that; that he doesn't have any say-so in that whole thing.

There was discussion around having a better fund balance and adequate overlay to avoid having a TAN and saving that money.

I. Old Business

8:49 PM 1) Non-Union Benefits

Mr. Lee said that he provided the Board with an analysis of one employee; the only employee who wanted to divulge this because, as he has indicated, there has been some concern about names mentioned; that he said we will talk and we

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

won't use any names. He added that, in the memo, the differential comes out to \$243/month and he explained how it was calculated. He discussed that, in our Personnel Policy, right now, we turned this thing on its head and, when we were negotiating with the general government union, we had it the other way around; that he thought that was a big surprise to people because, previously, we had been willing to do more than that and suddenly we are only willing to do this very minor part of it. He added that he has come back to the Board a couple of times, now, and asked if we could amend the Personnel Policy to provide a fixed benefit for non-union employees who do not take our medical plan. He said that if this amendment of \$250/month is acceptable to the Board then he will create replacement language for the Personnel Policy that would make this occur.

After further clarification and discussion, it was the consensus of the Board to allow draft language developed by the Town Manager for reimbursement up to \$250 with documentation of actual expenditures by the Town Manager, minus the 15% deductible.

8:59 PM 2) Compensation Study

Mr. Lee said that we have \$5,500 budgeted for a compensation study; that at a previous meeting he said that this would cover union positions but this only covers non-union positions. He added that there are at least a couple of things that concern him about this; that one is that if it is the intent to do both union and non-union, then we don't have enough money and there's no sense in going forward; that, secondly, if we find that one or more of us is overpaid he doesn't know if the staff will be willing to go down to the amount they should be making; that if we find that we have a couple of staff that are grossly underpaid he isn't sure he is going to get full support to bring them up to what they should get paid; that this could be an exercise in absolute futility and frustration. He said that the alternative is what he has done two times with the Town Clerk and Finance Director, which is to do his best guess looking around the neighborhood, use the MMA stuff for similar-sized towns with similar demographics and economic conditions, labor markets, and that got criticised.

9:01 PM Mr. Murphy asked what was wrong with it.

Mr. Lee said that you are supposed to have someone come in and do a labor analysis on the position, a pay classification; that you classify them on the complexity of their work and come up with a calculation. He added that, in different towns, people do different things; that our Town Clerk does sewer billing and our website and does that make it different and worth more; that you can't do apples to apples, it is not a clean comparison; that one might have a master's degree, one might have gone through the school of hard knocks, one might have 4 years of experience, one might have 35 years of experience; that it's just not a good way to

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

compare; that you'd actually have to do a full-blown paid study. He said that we put in \$5,500 but it was only for non-union because, otherwise, we're contractually stuck in these things because he doesn't know how that would even play out.

9:02 PM Mr. Pomerleau agreed with Mr. Lee if it's not going to include union; that where he sees the biggest benefit of a wage study is as a negotiation tool; that obviously it's not going to get done in time for anything current but would be a good negotiation tool, done professionally, and it has to be done that way. He added that the first thing he jumped at when the suggestion they wouldn't be able to afford to do a rewrite of a job description and an analysis; that the crux of the whole evaluation has to start with a professionally written job description (Wells) so you could compare real apples to real apples. He said that, even if we were going to include the union, it's not timely to do that because we could get this done but we're locked in to a 3-year contract with Public Works, now, and we're looking at another contract coming up with Police; that it would be outdated before we need it. He added that if that rolls back to the non-union staff, to be honest with you, most of them have been blessed with wage increases rather recently, so he doesn't know how many are left.

9:04 PM Mr. Lee said that he didn't, either, and that's his whole point; that he doesn't think this is money well-spent, he doesn't think writing an RFP and sending it out is money well-spent. He added that he would like to carry it forward into a following year and, maybe, over the next two years try to build it up to an amount that could be used prior to the next round of negotiations and do everybody at one time. He said that he thought that would be the more sensible avenue. He added that, without any objection, he would proceed and just simply advise the Finance Director to let that carry through, do not spend it, put it into a compensation study reserve, or something like that, and try to build that up over the next two years of \$5,000 each year and see if that \$15,000 to \$16,000 would get the whole thing done.

It was the **consensus of the Board** to follow the Town Manager's suggestion regarding the compensation study and funding.

9:05 PM **3) MSAD #35 Second Egress**

This was done earlier in the meeting.

Mr. Beckert said that we do have a handout; that there was a **Budget Committee appointment issue** that we had advertised for the 12 days and had one application, which was Cynthia Saklad. He added that it was his understanding that the Budget Committee took another vote and does not recommend we appoint Ms. Saklad.

BOARD OF SELECTMEN'S MEETING

August 13, 2015 6:00PM (continued)

Ms. (Donna) Murphy, Budget Committee Chair, said that the Committee did take another vote; that it was her understanding, through the last meeting, that the initial application was rejected and it was sent forth to be advertised; that then Ms. Saklad did fill out a new application. She added that that application was considered by the Budget Committee at a meeting; that there was a motion made and comment that there were only two meetings left until November; that the Budget Committee voted to not fill that position at this time and to wait for the November elections.

Mr. Beckert said that that was the Budget Committee's recommendation.

Ms. (Donna) Murphy said that that was correct.

9:07 PM

Mr. Pomerleau said that, as we stated last time, we defer to them based on their by-laws; that he thinks the Board should follow the Budget Committee's recommendation, as the other elected committee here.

Mr. Fernald said that he thought we had decided at the last meeting that we wouldn't pick their recommendation but follow Mr. Pomerleau's suggestion and put this out in the public to see if anyone would be interested in the position; that we have done that.

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen appoint Cynthia Saklad to the Budget Committee position, term to expire in November 2015.

DISCUSSION

Mr. Beckert said that the quandary is that the Budget Committee voted to put her on once and, now, they have voted again to recommend not; that we advertised for 12 days like we said we were going to and we got an application; that he was kind of miffed at why we would turn volunteers away that come forward. He added that he questioned whether it's November that needs to be done or June that the vote would come up again to fill the vacant position.

9:09 PM

Mr. Lee said that it was our intention to put the Budget Committee vacancy...that, in fact, the question he has is that we have all these vacancies that he was going to post for people to take out papers to run for Budget Committee in November; that that was what we've been discussing in that this person would have only the September and October meetings to attend. He added that during one of those meetings, anyway, he is hoping we can get together in some sort of a workshop to discuss a better, smoother kind of process between the two entities and how we do the budget better, and so forth. He said that it would be nice that whoever fills that two-month term was also running and he suspected that Ms. Saklad might well do

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

that; that he didn't want to get in the middle of this as he isn't sure what you all want to do.

9:10 PM Mr. Lentz said, in his opinion and as a member of the Budget Committee who was involved in this, this thing has been postponed because the BOS did the right thing and said, no, this position should be posted. He added that there was a new application that came in; that we did look at the application and we treated it as a new application. He said that the same thing happened a year ago and your opinion, at that point, was that this is an elected body, there are only one or two meetings left, so let's let this go until election and let the people decide. He added that he thought we needed to be a little more consistent; that that's not a criticism but a complement to what he is saying.

Mr. Beckert asked whose position we were trying to fill, specifically, because of the way the write-ins went; that it was a little bit uncommon.

Mr. Lentz said that he took one that was a one-year position but he doesn't know whose it was.

9:11 PM Mr. Murphy said that the last couple of meetings we settled on a plan and we proceeded with that; that he hated this possibly changing our plans; that we've had a consistent plan that we've come up with at this point, we've followed the rules, we've advertised the position, and he believes we've gotten no one new, just Ms. Saklad.

Mr. Beckert said that the other point is that we only have two meetings.

Mr. Murphy said that he didn't care; that we've done it and it should at least be the member until November, assuming that it is open to elections. He asked if that was the question, now, whether there are going to be elections in November.

9:12 PM Mr. Lee said that the intent would be to try to properly elect, from all the people, a Budget Committee member; that this would be an interim fill-in, as he understands it.

Mr. Pomerleau said that what we agreed to last time was to re-post it and, then, follow the recommendation of the Budget Committee; that that's what we agreed to. He added that, as far as he is concerned, this elected body needs to respect the decision of the other one.

Mr. Fernald said that, with that, that was what we had planned to do; that we were going to follow the Budget Committee's recommendation and then this came up that it was decided that, after looking at the situation, we would go out and

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

advertise, and that's exactly what we did. He added that it doesn't go back to them.

9:13 PM Mr. Pomerleau said that what we decided last time was that the only guiding document we had how to properly handle this was the Budget Committee's by-laws and the only flaw that had happened was that it hadn't been properly posted; that we decided to do it right, post it, let the Budget Committee then forward us their recommendation. He added that we have the power to do it but to exercise the power just because you have it is rather petty, in his view; that they don't feel they need it and asked what the big problem was for us.

9:14 PM Ms. Davis said that she feels very strongly that, as an elected body, the Budget Committee should be self-determining and that our role is to support the decision that they do; that we, as the final authority, would make the appointment based on their recommendation; that they have decided to not make a recommendation; that they have followed the process all the way through in a very good way to advertise it, they've made their decision; that she thought we should let that elected body make their own decision.

Mr. Murphy said that it seemed to him that the Budget Committee, really, changed their minds or that they have another reason for not approving this clearly qualified person, even if it is only two months and even if this person becomes a candidate, if that's the way we're going to go and that has been all the talk that we would be going; that the fact that there is a question about that, now, is to him a change in the ground rules; that he thought they should proceed with the ground rules we were doing before – advertise it, find out how many people want to be on it, select one of them, and appoint them; that only one person is available, no one else applied; that we know she's qualified – what's the matter. He asked why the Budget Committee should change their mind about that person.

9:16 PM Mr. Lentz said that it was because time has passed, almost a month from when this happened; that we're not really in the budget season; that there's no real budget information being passed; that we are a new group of people and trying to understand the process. He added that there's no new budget work happening and, not speaking for his colleagues, from what he could see the decision was based on the fact that nothing was really happening, we only have another two months and it's time for election; that we are an elected body and let the people decide. He said that that's what happened between the last time and this time – a month, that's what happened.

Mr. Beckert wanted to ask a question, because he can see where he is sitting; was this a majority vote of the Budget Committee or was this a split vote.

Ms. (Donna) Murphy said that the vote was 3-2.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

Mr. Beckert said that it was not unanimous.

9:17 PM Ms. (Donna) Murphy said no. She said that it was similar to the previous vote, which was 3-2.

Mr. Beckert said that that was the other way.

Ms. (Donna) Murphy agreed.

Ms. Davis asked what the Board's rationale would be in overriding the recommendation of the Budget Committee.

Mr. Beckert said that we are the appointing authority, period, not the Budget Committee. He added that, if there were six candidates, we may not agree with whoever they forwarded; that this Board is the appointing authority, right now, for any Town board or committee. He said that, regarding the school board, by law, we have to appoint an interim person on the school board; that that's his feeling but he was trying to decide which way he was going to go.

9:18 PM Mr. Pomerleau said that what Mr. Beckert said was not rationale; that that was just the exercise of power because you have it.

Mr. Beckert said that that was exercising the authority of this Board as the appointing Board in Town. He added that the Budget Committee has no appointing authority, period; that they can make a recommendation and we may not agree with the recommendation; that that is why he asked what the vote was.

Mr. Pomerleau said that he knew we had the power but what she is asking is why we would want to ignore the recommendation of the Budget Committee.

Mr. Beckert said that if the Budget Committee had told him that it had been a unanimous decision not to make the recommendation, then that would have made his decision a lot easier but, where it's a split vote and he doesn't know the rationale of the entire discussion back and forth...

9:19 PM Mr. Pomerleau said that he has heard Mr. Beckert say that the vote doesn't matter; that it's a vote one way or the other and the whole count doesn't matter.

Mr. Fernald said that he didn't understand why the Budget Committee actually came up with a vote, asking if that was because of the timing in that there are only so many meetings left; is that why there was a re-vote.

Ms. (Donna) Murphy said that that was expressed by a member of the committee; that she thought it should also be noted that the previous time, when the applicant

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

came in and spoke with the Budget Committee, she was not committing to run in November. She added that she was expressing that as a comment that somebody made about appointing someone who was, then, possibly committing to run; reiterating that this applicant didn't commit to run.

Mr. Fernald said that this is the recommendation that you made, first.

9:20 PM Mr. Murphy agreed, saying that we proceeded on that and we carried that forward; that now, suddenly, you are yanking the ground under that we were operating on.

Ms. (Donna) Murphy said that she thought Mr. Murphy was taking this personally and pointing at me; that she thinks that's really inappropriate. She said that the Committee had a discussion and took a vote; that she is getting the feeling and you're very clear that you don't agree with that vote, but the Committee took that vote and that is the result she is reporting this evening.

DISCUSSION ENDED

VOTE
2-2 (Pomerleau, Davis)
Chair concurs in the negative and will leave the position vacant until the election in November and, then, it will be a clear decision of the Town.

J. Selectmen's Report:

9:21 PM 1) Committee Vacancy Report

Mr. Murphy said that he did not do this report all be himself; that Ms. Albert generates this and keeps it up-to-date so that, at every meeting, we have a new page. He said that there were 19 open committee positions, which are available for citizens to volunteer to help the Town.

9:23 PM Ms. Davis said that she didn't know when we are closing out the fiscal year, if that becomes something that's cast in stone, but she just had a couple of outstanding things on the 14/15 budget, asking if Mr. Lee could advise on that.

Mr. Lee said that the books weren't closed quite yet; that it would probably be within 7 to 12 days that we will have our final bills. He added that we got in the July bills from CMP today and they get paid with this warrant; that we might still have a few more bills trickle in over the next 10 to 12 days.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

Ms. Davis said that there was one issue we had discussed using contingency funds, back on January 8th; that the motion was made that we would pay for the boiler for the DPW (\$7,300) out of the contingency fund with the proviso that, if money was left over for that department, that it would pay the contingency fund. She asked if that was something we could look at.

9:24 PM Mr. Lee said yes, that he would get back to the Board on that.

Ms. Davis said that she would not belabor the point because it was late, but there was one important article – the stormwater article. She said that she has done some totaling up of the expenses for stormwater, and it was something that was raised in a memorandum that she sent out a month, or so, ago (gave a handout). She added that the major concern, here, is that we went over budget on stormwater and much of the expense associated with stormwater has been, according to the financial reports, applied to other departments than the stormwater article. She said that she thought it was something we need to talk about and make a determination of how we are going to handle this. She said that part of the concern arose because she has been looking at the MMA's municipal officers manual and how overdrafts are handled; that she thinks this needs some deep discussion.

9:25 PM Mr. Lee said that we are working on getting these answers; that the first set we got took, he thinks, 11 staff hours to answer; that he's not sure what is written 'here' necessarily is anything that he would represent as being accurate; that he would like to answer it to Ms. Davis' satisfaction. He added that it came in on July 23rd and we are on August 13th; that we are obviously busy as can be and these questions require a tremendous amount of research time to dig in to. He said that we don't mind doing it, if we are required to, and if you want us to look into these things and spend time, we are happy to do it; that getting memos at the meeting, he tries not to do that to the Board; that he feels sideswiped whenever it happens, frankly.

9:26 PM Ms. Davis said not to feel sideswiped because she has to present these at some point and, as she said, no action is required tonight because, naturally, you can't. She added that her concerns are addressed in this memo and she thinks they are serious; that we need to look at this, whether at a workshop or future regular meeting.

K. Other Business as needed

There was no other business.

BOARD OF SELECTMEN'S MEETING
August 13, 2015 6:00PM (continued)

L. Executive Session

9:27 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. Labor Negotiations (Police).

VOTE
4-0
Chair concurs

10:09 PM **Out of executive session.**

Mr. Beckert asked if there were any actions or motions.

Mr. Pomerleau moved, second by Ms. Davis, that the Board of Selectmen reject the draft union contract between Maine Association of Police (Eliot Police) and the Town of Eliot and to request a return to negotiations.

VOTE
4-0
Chair concurs

M. Adjourn

There was a motion and second to adjourn the meeting at 10:14 PM.

VOTE
4-0
Chair concurs

DATE

Mr. John Murphy, Secretary