

BOARD OF SELECTMEN'S MEETING
September 25, 2014 5:30PM

Quorum noted

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

Roll Call: Mr. Beckert, Mr. Hirst, Mr. Fernald and Ms. Davis.

Pledge of Allegiance recited
Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Fernald, second by Mr. Hirst, to approve the minutes of August 21, 2014, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Fernald, second by Mr. Hirst, to approve the minutes of August 28, 2014, as amended.

VOTE
3-0
Chair concurs

Public Comment:

5:32 PM Ms. (Janet) Saurman, 22 Park Street, addressed her concern with the Park Street Drainage Project through a letter she gave to the Board tonight, asking the Board to do a thorough review of this project and to address 'prescriptive use' for all property owners impacted by the current plan. She added that she was supportive of the project, which addressed the right-of-way (ROW) access to the Piscataqua River but also impacted long-standing property boundary lines. She asked for clarification of new survey lines, which enter and cross her property contrary to the deed and plot plan in her possession dated 1970. She requested that the question regarding the right to 'prescriptive use' of her property be answered by the Town in legal form before the project goes forward.

5:45 PM Mr. Beckert thanked Ms. Saurman for her letter and added that he would not have the Board discuss this tonight in this meeting. He said that because this could become a legal issue the Board needs to have this looked at by the attorneys; that this was not the forum to discuss something that could become a legal issue and could end up in court. He added that the Board would look into it and Ms. Saurman would be kept informed; that Mr. Lee would be the point man on this.

Ms. Saurman discussed her concern with timeliness as later in tonight's agenda the Board was going to address bidding for this project.

Mr. Lee agreed with Ms. Saurman and anyone else who may have questions about this new survey so he will make it a top priority to get this to the attorney quickly and involve the engineer, the surveyor, etc. He added that if they agree that certain people are entitled to a 'prescriptive use', we will have it drawn up and bring it to the Board at the same time we discuss the bid award to see if you (Board?) would agree to have them record it on behalf of the people who have had their lot lines changed because of this survey. He confirmed that the surveyor went back to the time that this was all one piece of land and followed every deed; that they were very sure that the work they did was the right work and that it tied into another survey that had been done, as well.

Mr. (John) Hamblett, Park Street, concurred with everything that Ms. Saurman just read to the Board.

5:49 PM Ms. Davis said that she believed that another resident on the road had submitted quite a large amount of documentation on this issue and requested that the Board be given copies of it and wanted to know if it had been received.

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Mr. Beckert said that there is nothing official that has been received by the Town; that he said in the email he sent to her that, once it was officially received and stamped, he would review it with the Town Manager to determine the forum in which it would be discussed.

Mr. Lee said that he had not received any documentation.

Mr. Beckert said that he would not continue discussion on this subject tonight.

Ms. Davis said that she would like to say that there are many issues surrounding this situation and she firmly believes that they need to have a meeting with these residents and find out what the issues are before we go to the attorney.

Mr. Beckert said that that would be determined and reiterated that they were not going to further discuss it at this meeting and closed the discussion.

5:53 PM Ms. (Donna) Murphy, Hanscom Road, read her letter regarding her concern with the conversation regarding the vehicle purchase for the Police Chief at the 9/11/2014 BOS Meeting; that it came to light that the contract with Kittery did not address the shared purchase of the Police Chief's vehicle and Kittery is not agreeing to fund half the cost.

Mr. Beckert said that the Board was in receipt of Ms. Murphy's letter and asked Mr. Lee to look into the situation the letter raised.

Mr. Lee said that that was under his report to the Board and would discuss it tonight.

5:57 PM Special Presentation: Key Bank Officials

Ms. (Sue) Barnacle, Relationship Manager, said that, for several months, Key Bank has been working with the Town Manager and Finance Director to consolidate some accounts on the business banking side, as well as the investment side (Leo Soucy, Portfolio Manager), and their purpose tonight was to ensure that they comprehended the Town's current investment policy statement and what was permissible within Maine statutes for municipalities.

Mr. (Leo) Soucy discussed the Town's current investment policy. He said that it was well-written but that he did have some minor critiques that they could talk about, perhaps, at a later date. He added that there would be three different sub-accounts: reserves (short-term), capital (intermediate, 2-3 years), and trust (long-term) and reviewed the 5-section portfolio report with the Board, highlighting 30-A M.R.S.A. §§ 5706 through 5719 (Tab 3), as well as various investment vehicles and pros and cons of the various investment vehicles. (Adding value without adding risk was emphasized.)

6:17 PM Ms. Davis asked, with their expense ratio and fee structure, how does it impact the total yield and do you have a report that would factor that in so that the Board could see that.

Ms. Barnacle said that the fees were charged quarterly and, for your group, they are going to run between 55 and 62 basis points; that as the account grows the fee diminishes.

Ms. Davis asked if, these accounts we are listing for the Town's assets (they are grouped together), we are ultimately going to go through and take a look at what things can be short-term versus long-term and break it out.

Mr. Lee said yes and gave examples, such as the TIF money not being accessed for potentially two years because of the timeframe to take any action on decisions as to how to spend that revenue or the fire truck reserve that would potentially be tied up for five to seven years; that they would have to decide which ones would be best to go long and which ones to keep short.

Ms. Barnacle said that when they break down the amounts in the sub-account, then it will be up to your group to determine the timeframe and let them know what the Town feels comfortable with.

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Mr. Lee said that we can do that in a workshop-type session, if the Board would like to be involved with all that; that he thought that would be helpful and he would like to see the Board involved in the policy-level of where we make those investments. He added that the staff could certainly make some suggestions for you (BOS) but, ultimately, that is something they would like the Board to weigh in on.

Mr. Beckert suggested that they could digest the report and set up a workshop, as was suggested, with Ms. Bergeron, the Town Manager and Key Bank.

Mr. Lee asked Ms. Bergeron to give a broad brush summary of what they have done, thus far, to kind of bring this together.

6:22 PM

Ms. Bergeron said that when she got here we had upwards of 40 accounts. With several banks, and what she and the Town Manager did was to have everything under one roof, essentially. She added that we partnered with Key Bank, consolidated all the reserves, with sub-accounting, into the wealth-management side (basically 3 accounts) and, on the operations side, we have an operating account in the General Fund, a Payroll Account; that we will have five total accounts once this is completed. She said that the other big push was to keep the TAN with Key Bank because the ease of transferring money from the TAN to our operating account is greatly enhanced if we have it all under one roof and, adding to that, because we have that relationship we were able to get an exceptional rate on the TAN. She added that Key Bank offers a sweep of the TAN that, when there is a surplus of funds in our operating account and we have borrowed against the TAN, then it will automatically pay that back and, if we find ourselves in a deficit with our operating account, it will sweep the TAN so that we don't overdraft anything.

Mr. Lee added that Key Bank also does a 'purchase card' program the Town can use to avoid the problems we have had in the past; that we have an automatic check reader, as well.

Ms. Davis asked if we could have the yield tables re-calculated to show the true bottom line with fees incorporated.

Ms. Barnacle said yes.

Ms. Davis asked, regarding delegation of authority, was it meant that the Treasurer had full authority and that the Treasurer only informs the Board what he or she will be doing, or, does the Board have the authority to approve the investments.

Mr. Beckert said that that may be something we need to tweak, as the investment policy was new.

Mr. Lee agreed and said that they could write the policy that, annually, the investments shall be reviewed by the Board for approval by the Board, with recommendations from the Treasurer, etc.; that this is policy and the Board should be involved with this. He added that it may be that we may want to make a couple more revisions to clean it up and make it consistent with the statutes.

Mr. Hirst said that he thought there were four sets of policies that our accountants told us we need to adopt and that he thought Mr. Lee was working on all four of them; that none of them have come to the Board for final adoption.

Mr. Lee said yes; that there were at least three other stand-alone policies he was working on, as well as a full set of internal control policies he has Ms. Bergeron and Ms. Rawski reviewing and that may need a Board workshop, as well.

G1. Department Head/Committee Reports

6:29 PM Harbor Commission Meeting Notes

Mr. Lee said that this was for the Board's review.

Mr. Lee also updated the Board regarding updating the assessment of property values.

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Mr. Beckert said that while the Harbor Master is present, if the Board would indulge him, he would like to jump down to **G.4-1 Omission of Harbor Master Supply Funding**.

Mr. Lee said that it has always been under the Police Department. That it had always been \$5,000 or \$5,500; that somehow it got omitted in this last budget. He added that we have incurred some expenses for the Harbor Master but were trying to keep the expenses way down.

The Harbor Master agreed, saying that we were trying to conserve fuel; that we were fortunate to have a boat leased to the Commission for \$1.00; that he didn't think we could be any tighter.

There was discussion regarding covering essential spending for this until the next budget cycle.

G2. Administrative Department

6:36 PM 1a) Police Chief Car Update

Mr. Lee said that this was a memo from Chief Short to the Kittery Town Manager regarding the expenses for the shared Chief's car expenses. He added that they have been working on language to present to respective boards to amend the interlocal agreement regarding purchases of joint assets; that at this point there is no vehicle being purchased and we are waiting on Kittery to see what their position will be.

6:40 PM 2) Appointment: Election Warden – J. Peter Dennett

Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen appoint J. Peter Dennett as Election Warden for the upcoming State general and referendum election to be held on November 4, 2014.

VOTE

3-0

Chair concurs

3) Marshwood Estates Correspondence

Mr. Lee said that a couple of State agencies gave Marshwood Estates Notice of Noncompliance. He added that the owner had applied to the State for revolving loan funds to upgrade the systems that run their water system; that it is mostly electrical issues causing the problems from what he understood; that this afternoon the State was to vote on whether the owner would get that loan; that they have approved the owners design to fix the problems. He discussed the number of email complaints he has received because of the water issues and that he told Representative Beavers that his (Town Manager) only option was to evict people because it was not habitable without potable water; that the Town would be responsible for relocating/housing those people. He said that he and Ms. Beavers went together to the State agencies to prompt them to use their leverage to resolve this issue and about a week later they took action.

6:42 PM 4) Post TAN Issuance Policy – Draft

Mr. Lee said that when you do a Tax Anticipation Note (TAN) there are requirements on the entity that is taking the TAN and this proposed policy is one of them. He recommended that they do a 1st Reading of this tonight and, after Board review, possibly adopt it at the next regular meeting. He added that this is pretty standard language and was submitted by Key Bank; that this would go into an overall set of financial policies the Town is trying to adopt.

The Board agreed by **consensus** that this would be the 1st Reading and would revisit this at the next regular meeting.

5) Joint Budget Priorities Meeting: Nov. 10 at 5:30 PM

Both the Board and BudCom agreed to this date.

6) InforME PayPort – ePayment System

Mr. Lee said that the purpose of this is that we would enter into a contract with InforME, a very widely used system by municipalities, that would allow people to make online tax and utility payments using the InforME PayPort; that there is no charge to the

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municipality but the charge (2.5%) is paid by the person using the PayPort system; that the minimum charge is \$1.00. He added that these people are PCI compliant and that ensures a level of security that the data is safe. He said that we would like approval by the Board to enter into this agreement to allow the PayPort ePayment Utility and Property Tax Service through InforME. He added that InforME has all the responsibility of the security and back-up of this data.

After some Board discussion, they asked Mr. Lee to check on the length of the contract and bring that information back in two weeks.

G3. Public Works

6:50 PM 4) Sewer Allocations: Fortunato and Cumberland Farms

Mr. Beckert said that the SD recommended approving sewer allocations for Frank Fortunato of 200 gallons/day and Cumberland Farms for 1,336 gallons/day.

Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen approve the allocation of 200 gallons per day to Frank Fortunato and 1,336 gallons per day to Cumberland Farms, concurrent with the Sewer Committee recommendation dated September 17, 2014.

VOTE

3-0

Chair concurs

6:53 PM 1) Diesel Fuel Bid

Mr. Lee said that we would recommend P. Gagnon & Sons, Inc. for a fixed price of \$3.01 per gallon for the 2014/2015 diesel fuel bid.

Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen award the fuel oil bid to P. Gagnon & Sons, Inc. for a fixed price of \$3.01 per gallon.

VOTE

3-0

Chair concurs

2) Carry Forward URIP Paving Funds

After some Board discussion, it was determined that these funds were carried forward on June 29, 2014.

3) Carry Forward PSNH Paving Funds

Ms. Davis asked why PSNH would pay more than the cost for repairs would be potentially.

Mr. Moulton clarified that they were not; that they were given an estimate for the damage that they did due to their project and that is what they reimbursed the Town for.

Mr. Lee said that the money they gave us was based on an estimate of damages; that when we go to pave it using our paving contractor, etc., if we can do it for less money, then the remainder could go into other road projects and not have to come from taxpayers.

Mr. Fernald moved, second by Mr. Hirst, that the Board of Selectmen give authorization for \$36,275.00 paid by Public Service of New Hampshire to the Town of Eliot for damage done on Worster Road during the project and to utilize any remaining funds for capital road projects and the funds be carried into fiscal year 2015.

VOTE

3-0

Chair concurs

7:04 PM 5) Park Street Storm Water Bid

Mr. Lee said that he wanted to make the Board aware that the bid was out; that legal answers to Park Street residents would have to be concurrent with this for this bid to be awarded; that there would be nothing for at least two weeks. He added that the easements were being drawn up and will be sent to the three property owners; that there

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are three permanent easements and one temporary construction easement we will be seeking and believe all parties are in agreement that they will do that. He added that he did think it would be helpful that there was some sense from them that their lot lines are prescriptively somehow maintained.

6) Additional Kittery Plant Upgrade Information

Mr. Lee said that this was additional information; that we didn't think it was necessarily complete so we have scheduled a meeting on September 30th at 8 AM that he and Mr. Pratt would attend to review with Kittery regarding what was still missing and unclear.

Ms. Davis asked why there was any reference to the Route 236 Sewer Project when it has been voted down three times.

Mr. Lee said that he thinks part of the issue is that Kittery is not planning on doing any upgrades to their plant; that Kittery has said that Eliot is gone and they are not planning on Eliot ever needing additional allocations. He added that we would like them to continue to consider that, whether it is Route 236 or we revise the TIF completely; that he was concerned because, in essence, if we do decide to do something with our TIF money with sewerage needing more allocation, any upgrade to this plant for additional capacity is going to be strictly on Eliot. He reiterated that the point was to have Kittery realize that Eliot might like to expand someday.

7:08 PM

Mr. Beckert said that he thought it was prudent regardless of where the sewer comes from – Route 236, River Road, or the center of Town; that Kittery needs to understand that, short of Eliot building their own sewer treatment plant, they all need to plan for the future; that Kittery right now is federally mandated to take Eliot's sewer. He added that he agreed with Mr. Lee that, for planning purposes regardless of where the Town expands sewer in the future, Kittery should look forward to upgrading their facilities now, while they are doing it, as today's dollar is much cheaper than it is going to be 10 years down the road.

Ms. Davis said that we are doing two pump station upgrades for \$1.5 million and Kittery is charging us for one pump station for \$1.3 million and that seems like a high price in comparison. She asked if we were working on that.

Mr. Moulton said that that was one of the questions we are asking; that, as part of the IMA Agreement, Eliot is supposed to have a review of any capital improvements Kittery does; that Kittery put it out to bid then apologized and, in his opinion, Kittery breached the IMA.

Ms. Davis said that last week it was stated that our pump stations didn't need to be replaced, that upgrades and replacements were unnecessary, that we had spare parts and asked why there was such a difference of opinion.

7:14 PM

Mr. Moulton said that, with all due respect, that is just an opinion; that it is his opinion and his knowledge, the engineer's knowledge, these have been reviewed; that we have underlying issues greater than just a pump. He said that we are running Pump Station #2 on one intake line and, if that line fails, we are running pump trucks down to Pump Station #1 or Pump Station #7 to deal with our sewer, on an hourly rate. He also added that the pump stations are out-of-date, they are inefficient, there is no back-up system, lack of consistent maintenance; that there are a lot of underlying issues that need to be addressed. He said that we have spent a lot of money on repairs this year and that is why he continues to caution, as we move forward, that it is inevitable that something may happen and it could be more expensive than \$1.5 million.

Mr. Lee said that Ms. Davis' point about why their one station is \$1.3 million and our two stations are \$1.5 million is well-made; that that is exactly why we want to meet because we haven't had a chance for our engineer to review their cost estimates.

Mr. Pomerleau questioned the 'teeth' in reviewing and asked if there was wording in the IMA that Eliot could challenge Kittery regarding this kind of thing.

Mr. (Jack) Murphy clarified that the word is simply to review the plan and associated costs but the word 'challenge' is not part of it.

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7:16 PM

7) Tree Maintenance Bids

Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen award the bid to Tom Chase & Sons, Inc. in York, Maine based on \$1,200 a day for removal and \$500 a day for grinding, subject to their providing proper insurance.

DISCUSSION

Ms. Davis asked, for future bidding on work like this, if we could be more aggressive with advertising venues to see if we can get more than two bids.

Mr. Moulton said that he could.

DISCUSSION ENDED

VOTE

3-0

Chair concurs

7:19 PM

8) Surplus Equipment: Discussion re: Public Sale

This was regarding miscellaneous DPW/Town equipment items the Town can no longer use.

Mr. Lee said that we are looking for some guidance and his thought was to run an ad in the paper, along with collecting sealed bids on each of the items, have items available for viewing for three weeks, ask for 10% down and the successful bidder would have 10 days to pay for the item in full or lose their 10%.

Ms. Davis moved, second by Mr. Fernald, that the Board of Selectmen advertise in the newspaper for the sale of the items listed in this Memorandum and that the resulting funds be appropriated to the Public Works Vehicle Reserve Fund.

VOTE

3-0

Chair concurs

G4. Public Safety

1) Omission of Harbor Master Supply Funding

This was resolved earlier in tonight's meeting.

New Business:

There was no new business.

Old Business

a) IT Security Plan

Mr. Beckert said that there was an article in the Maine Townsman that discusses IT Security and how Maine municipalities are dealing with it. He added that the Board may want to read that article.

Mr. Lee agreed it was a good article worth reading.

b) Insurance Dividend Status

Mr. Lee said that this was not complete yet.

c) FEMA/Insurance Reimbursement – Draft Policy II (Second Reading)

Ms. Davis discussed her concerns. She said that if one is using a vehicle for an emergency and nothing happens to it, it is used in the normal course of working the emergency, then she didn't know why the funding would drop into a CIP. She added that the people are voting for their CIP's and it seemed to her that the money should go into the General Fund. She said that she thought they needed to look more closely at the way it is worded for overtime as she was concerned that departments might be reimbursed for more than we normally budget for that.

7:25 PM

Mr. Lee said that that was not his intent; that he could clarify by saying, "up to the actual amount that was taken from the budget" because FEMA does pay a higher rate than the Town. He added that he agreed with Ms. Davis that this could all drop down to Fund Balance and, then, what we would have to do is to rely on people to properly fund capital reserves. He said that he would hope that, if we do that, we are warmly received

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when it comes to doing capital reserves. He added that it would be very occasionally that we would get FEMA reimbursements and we see it as an opportunity to re-capitalize reserve accounts without having to go to the voters and asking for it to be appropriated. Mr. Lee said that he believed this should go as written and would honor whatever the Selectmen want to do with it. He added that he was trying to lessen the need for CIP requests, if possible, but if you want full transparency we should put it in the full amount to be appropriated and let this drop to the Fund Balance. He said that when you let it drop to the Fund Balance he had two concerns; that according to our auditors we do not have enough Fund Balance and it should go there but he was also concerned with the reluctance to follow our CIP, at times, and this is an opportunity to help take some of the curse away of having to ask for the amount of money necessary to buy what was needed. He said that it really was a two-edged sword and for the Board to decide.

The Board agreed by consensus to change the wording on overtime that departments would be reimbursed up to the amount expended.

Ms. Davis said that where it says, "...will be treated as a general revenue and will be allowed to go through to fund balance." could they changed 'will be allowed' to say 'will'.

Mr. Beckert said that this would be on the next agenda.

7:30 PM

Hazardous Waste Day

Mr. Lee said that Mr. Moulton had a sudden conversation with the Kittery DPW Director and asked Mr. Moulton to speak to this.

Mr. Moulton said that he did have a conversation with the Kittery DPW Director; that they both agreed that it could potentially happen but because this was so short a notice it may be difficult. He added that he has presented a proposal and suggested they do it again this year in Eliot; then, such as the pay-per-bag program, they move forward with getting information out to residents, get the schedule of fees from Kittery and ultimately eliminate it from the budget line; that then Eliot residents could dispose of their hazardous waste in Kittery at their cost so that between now and approval of next year's budget (or sooner) we could implement this with proper notification and information to the people. He said that feedback from residents is that they want to hear and want to know why; that he had suggested putting out a survey to those who attend Hazardous Waste Day and at the Transfer Station to get feedback from more residents that would give us a better demographic of people of what they really want to do.

Mr. Beckert clarified that Mr. Moulton's request is to still have the Eliot Hazardous Waste Day on November 1, 2014 and pay for it out of the line item up to \$12,000 appropriated by the voters at Town Meeting and, then, going forward they would hopefully work out something, if that is what the residents want to do, with Kittery so that Eliot residents could bring their hazardous waste any day to Kittery for a user fee.

7:34 PM

Mr. Lee said that if this were any other project he thought the Board would be saying slow down, let's get it right, the devil's in the details. He added that we don't know the devils in the details right now and we were barely able to get a conversation going at this point; that he is fearful of it and told Mr. Moulton that it was probably appropriate to bring it back up for reconsideration. He said that if we were held to try working something out with Kittery, then he thought we would have to push this off to May, that it would probably have to be a spring collection, which was mentioned, because we do need more time; that there was no way we can do this in a matter of just a few days.

There was discussion among the Board and audience regarding the pros and cons of going with Kittery versus staying in Eliot, especially for this year.

7:47 PM

Mr. Fernald moved, second by Mr. Hirst, that the Board of Selectmen allow the Public Works Director to have Hazardous Waste Day on November 1st at a cost not to exceed \$12,000.

DISCUSSION

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Ms. Davis asked if they had done a price comparison between Kittery and Eliot to see if we would save any kind of money.

Mr. Lee said that we have not; that there just hasn't been enough time, especially with all the projects going on; that we don't have enough time to analyze this well and it scares him.

Ms. Davis said that, at the collaboration meeting, they seemed very agreeable to doing this and we still have a month; that even if we were a month late getting this going, then that would mean that people could start bringing their hazardous waste in weekly to Kittery, so, we are just going to drop \$12,000 because we don't want to wait a month.

Mr. Lee said that he thought we have done the best we can explaining this; that he understood what she was saying but that it is rushed, in his opinion, and that was why they brought it back. He added that it was up to the Board, at this point, to say wait and that would be fine with us; that we will do what we are asked.

Mr. Hirst said that in view of the fact that we stand a pretty good chance of coming up with some sort of a blanket deal with Kittery on sharing of facilities on just normal household waste it seems like we might be wise to let it go the way it was now and, then, do everything in the spring if we can come to an agreement on all trash and all hazardous waste and just go ahead with the \$12,000 now.

7:50 PM

Mr. Lee said that he could assure the Board that he would make every effort, over the wintertime, to come up with an analysis, a plan, get approvals; that this also needed to go through the Kittery Council. He added that he was flabbergasted, to be honest with the Board; that he didn't even know why Kittery would suggest that we could do it that fast but Kittery was not responding enough to get into the nitty-gritty of it, and what we already have on our plates.

Mr. Hirst said that he did not want to poison the well by doing this too quickly.

Mr. Lee said that it may have that effect; that he didn't know and didn't have any more to add to the discussion.

DISCUSSION ENDED

VOTE

2-1 (Ms. Davis)

Chair concurs in the affirmative

Mr. Beckert said that Eliot would go ahead with it this year but asked Mr. Lee to continue discussion with Kittery. He added that there was some collaboration discussion about general trash because Eliot has the pay-per-bag program and Kittery does not; that that went before the Kittery voters at one point in time and it was a slam-dunk that they didn't want to do it.

Mr. Hirst said that when we did the joint discussion in Kittery last year it was pretty well determined that, unless Kittery went to pay-per-throw, also, it would not be economically feasible for either town to do.

Mr. Beckert said that, moving forward with Selectmen's Reports, they did have an executive session, and asked what order they would take this up.

7:53 PM

Abatement of Tax Interest

Ms. Davis asked why this item was in executive session, as it is not personal and not personnel.

Mr. Lee agreed, saying that he had this debate with the staff on whether or not it needed to be in executive session and he didn't think it does.

The Board decided to discuss this in open session.

Mr. Lee said that, as the Board will recall, we had 12 or so properties that had been foreclosed on, that the Town was sitting on them, and they had discussed how to

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dispose of them. He added that, in calculating the amount that would bring these properties back into good standing, a miscalculation of \$37.86 was made on this particular property. He said that, in deference to how hard this person worked to come up with the money and the letter he wrote that said that if she could come up with the amount in the letter the Town would write her a quit claim deed, he thought it was only fair to her that the Town cover this. He added that this was only interest, not principle, and we get a foreclosed property off the books.

Mr. Hirst moved, second by Mr. Fernald, that the Board of Selectmen consider \$37.86 charged off as uncollectable interest for Map 79, Lot 26-4

VOTE

3-0

Chair concurs

Selectmen's Report:

7:55 PM

Ms. Davis said that she was wondering about the Park Street thing and why her request to be on the agenda was denied. She added that we have put things on the agenda without immediate correspondence; that she had correspondence forthcoming and, yet, she was denied and felt as though, being an equal member of the Board, that anything she wished to put on the agenda for discussion with the Board and the public should not be denied.

Mr. Beckert explained that the setting of the agenda is a joint task between the Town Manager and the Chairman of the BOS. He added that the documentation that Ms. Davis spoke about was not before us; that we had no idea what the formal complaints or concerns she mentioned would be coming forward from the Powers so, without seeing that, the potential that the Park Street issues possibly raised by the Powers could lead to legal ramifications, it was his and the Town Manager's responsibility to determine whether the open BOS meeting was the proper forum to even discuss it. He said that, as he had told her, once it came in and was officially received and stamped, then he would review it with the Town Manager and determine whether this meeting was the proper forum, or not, and that is why he didn't put an item on the agenda.

Ms. Davis said that people have a right to be heard; that she requested it in a timely fashion; that there may have been items the Board did not wish to discuss in public but the resident had a right to at least have their information received and heard.

Mr. Beckert said that he has seen nothing official come to this Town Hall and be day-stamped and received by the Selectmen, addressed to the BOS.

Ms. Davis said that we have items on here all the time that say No Correspondence.

Mr. Beckert said that he thought that what she was failing to see was the fact that the Powers' issue, because of things that have gone on or possibly gone on, could possibly lead to legal action by either party bringing action against the other (Powers or the Town). He added that as a sitting member of this Board he is not going to jeopardize that legal aspect and jeopardize the entire Town. He said that it was our (Board) responsibility to protect this Town in its' entirety and, until we see something in writing from the Powers showing if they have an official complaint...he had no problem dealing with it in the proper forum but he isn't going to deal with it on conjecture, he said-she said-they said; that that wasn't how to deal with things that have ramifications that could possibly go to Superior Court. He added that he did not want to discuss it further to prevent his one words from jeopardizing any future dealings.

8:00 PM

Ms. Davis asked if the **winterizing for the Harbor Master** was a Town boat; that she wanted to know why we were paying for winterizing that boat.

Mr. Beckert said that it is a boat we are leasing for Town use.

Mr. Lee said that the boat is being leased to us for \$1 and felt it was our obligation since he is leasing it to us; that we don't own our own boat; that he is charging a dollar and he just wants us to winterize it.

Ms. Davis discussed her concern for the **guardrail work** that, to her, seemed unnecessary.

BOARD OF SELECTMEN'S MEETING
September 25, 2014 5:30PM (continued)

Mr. Lee said that he would be happy to report back to her on that. He added that what he thought she was seeing was that one section is so noticeably lower it stands out; that he remembered Mr. Moulton saying that they looked okay but there was a federal standard of how high they have to be and some of these are as much as eighteen inches down; that he believes Pleasant Street is one of those.

Ms. Davis said that we have not seen any **financial reports** for months.

Mr. Lee said that we have July and August now and will provide those to you ASAP. He will send them out in PDF form to the whole Board.

8:03 PM

Mr. Hirst asked if we were on the timeline with our **audit** so that we have a chance of getting it mid-November.

Mr. Lee said yes; that Mr. Bachman was down here for a day and we went over the time schedule; that he wanted to know and so we scheduled them to come in at the beginning of October and they should be done in plenty of time for us to get it on time this year, with a Management Letter.

Mr. Beckert reminded everybody that Saturday was Festival Day and tomorrow night at Dead Duck were the festivities and fireworks; that October 7th is the Flu Shot Clinic here at Town Hall, starts at 9 AM and is free to residents; that the Town Yard Sale is October 4th all day at the Town Hall parking lot.

Mr. Lee said that on October 7th was the Public Hearing by the PB to the change to the Growth Ordinance.

Executive Session

There were no executive sessions tonight.

Other Business as needed

There was no other business.

Adjourn

There was a motion and second to adjourn the meeting at 8:05 PM.

VOTE

3-0

Chair concurs

DATE

Mr. Grant Hirst, Secretary