

BOARD OF SELECTMEN'S MEETING
October 8, 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. Public Hearing for Town Warrant items; November 3, 2015

6:02 PM Public Hearing was opened.

Proposed Town Charter

No one from the public spoke.

Design, construction, and equipping of two sewer pump stations.

No one from the public spoke.

Referendum Town Meeting Ordinance

Ms. (Nancy) Shapleigh asked why we needed an ordinance for Town Meeting; that we have ordinances for everything now.

Mr. Beckert said that this particular ordinance covers the Referendum Town Meeting as the method of voting on the budgetary items; that it puts all the budgetary items on the ballot, if accepted.

Mr. Murphy said that his understanding of the reason is that this constitutes a change of government, the way we operate the government; that, in effect, the old Town Meeting goes away and everything is voted on by referendum. He reiterated that he believed that was considered a change in Town government, which requires that it be adopted 90 days, by ordinance, before the annual meeting, at which it becomes effective; that this will become effective next June.

Ms. Shapleigh clarified that the current law requires that you have an ordinance on how to do that.

Mr. Lee said that Open Town Meeting is pretty well defined through State statutes but, when a town opts to go to a referendum-style form of government, there are not a lot of prescribed ways of doing it – when will it be called, how will this be

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

done, what will be the form of the ballot, etc.; that if we were going to vote on budgets by ballot, by what process, by what method, what will the ballot look like, do we have an informational hearing; that all those types of details had to be worked out.

6:07 PM Public Hearing closed.

Mr. Beckert said that copies were available at Town Hall and encouraged everyone to read the articles and ask any questions they might have to the Town Manager and members of the Charter Committee.

Ms. Davis said that there would be a Budget Committee opening on the ballot, also.

E. Approval of Minutes of Previous Meeting(s)

6:22 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of July 30, 2015, as amended.

VOTE
4-0
Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of September 17, 2015, as written.

VOTE
4-0
Chair concurs

F. Public Comment:

6:23 PM There was no public comment.

G1. Department Head/Committee Reports

6:24 PM 1) Eliot Energy Committee: Non-Renewal of Term: Ben Brickett

Mr. Lee clarified that Mr. Brickett is not resigning; that he came to the end of his term as of June 30 and soon after found that his personal schedule was such that he cannot commit to that and the Harbor Commission so he is asking for his Energy Commission position not to be renewed.

Mr. Beckert said that he thought this Board should send Mr. Brickett a letter of thanks for his service for the Town on the Energy Commission.

The Board agreed.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

2) Vacancy: TIF Alternative Committee (Remain Unfilled)

Mr. Lee said that they had decided that, if we didn't fill it relatively soon, that we really shouldn't fill it at all; that since no one came forward in the six weeks, they decided they weren't seeking for that position to be filled so we can remove that from the vacancy list; that it is too late in the process to get anybody up to speed.

6:25 PM 3) Chief Short's Retirement

Mr. Lee read his memo regarding this; that the Chief was willing, if needed, to stay on beyond June 30, 2016 to help facilitate each Town's Police Chief search timeframe; that neither town intends to pursue a shared Chief again because of the unique circumstances of Police Chief Short's familiarity with both towns. Mr. Lee added that he got feedback from Mr. Pomerleau that he believes we should open up communications with Kittery Town Council, despite what the managers are thinking, and see if the two elected bodies want to pursue a shared Chief again.

6:27 PM Mr. Pomerleau said that certainly in the new charter language, and he thinks it reflects current language, that the determination of adding positions, dropping positions, and changing the format and structure of committees, etc. involves Selectmen authority, not that of a town manager; that he sees nothing in the town manager job description that authorizes him to make those kinds of decisions. He added that there is a school of thought that, with something that serious, the Town should weigh in on it, and he thinks that's open for discussion. He said that, at a minimum, he doesn't necessarily accept the rationale that he was uniquely qualified and the only one that could do it; that he thought there could very well be other competent, experienced people out there, at that level of management; that it's more your management skills than your knowledge of the local town and he doesn't see where Eliot is such a complex town that needs special knowledge. He added that he thinks that's something this Board and the Kittery Town Council would want to have discussions to thoroughly examine why we did we do that (joint Chief); if that was an economical objective and was it met or did it fail, is it something we want to continue to pursue. He added that that's certainly the trend these days in combining of resources and regionalization and the benefits of combined purchases, and so forth. He said that he thought there was a lot to be looked at before a decision is made, one way or another, whether or not we continue with a shared Chief; that he thinks a lot of that should be based on some cold, hard data. He added that we thought we were going to save some money and he thinks some of the money we thought we were going to save got watered down by elevating some lower positions, reiterating that he thought it needed further deliberation.

6:29 PM Ms. Davis said that it would be interesting to also speak with the Chief and get his impressions of what he felt worked and what didn't, and to just generally hear

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

from the people of the Town if they have any opinion about whether it has worked, or not, and make our decision based on more information.

Mr. Murphy said that he thought it would be wrong just to not look into it just because this Chief was somehow different. He added that his impression is that it has worked but he is not sure he has been informed of all the ways in which it has not worked and that should be looked at in a calm way and looking into, as Mr. Pomerleau has said, the costs, pro and con, of which ones did we really save or not save and whether that cost pattern can be maintained or improved further away from the experience of this one time. He added that he agreed that this experience needs to be looked at carefully and analyzed before proceeding.

6:31 PM Mr. Fernald said that he thought it would be a good idea to contact the Kittery Town Council to see if they are interested in pursuing this; that it may be that they are not but we should at least find that out.

Mr. Murphy said that if we find out they are not that would save us a lot of work into looking at something that is already decided from the other side.

Mr. Beckert asked if they thought it would be advantageous if the first place to start would be discussion with the Chief to see his feelings on the positives and the negatives over the last three years.

Mr. Murphy said yes.

Mr. Pomerleau said that, if the Kittery Town Council is still interested in pursuing it, then they would probably like to hear what the Chief has to say about the pros and cons, as well; that he would certainly be interested in the two town managers' views, too.

6:32 PM Mr. Fernald said that he thinks we first need to know if the Kittery Town Council is interested.

Mr. Lee suggested he reach out to the Kittery Town Manager to see if we could set up a joint meeting between the two boards, the Chief, and the managers. He added that he was wondering if any portion of that should be in executive session if we are going to talk about performance, what worked, what didn't, and that type of thing.

6:33 PM Mr. Fernald said that, if positions or anything like that are mentioned, he thought it should be.

Mr. Lee said that he as just concerned that the conversation may meander out into something that wasn't intended and wishing we weren't on-camera.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

Mr. Pomerleau said that the majority of that is certainly not executive session; that that's routine evaluation of effectiveness and if the Chief knows that he is going to introduce something, then save that for the end and say it in executive session.

The Board agreed.

Mr. Murphy said that he would think that it probably should be this Board's stand, even though we don't vote on it, that yes we're interested in the possibility and not saying that it can't happen but that we want to know that there should still be reasons to do it either way, or not.

6:34 PM Mr. Tessier said that, in addition to his local experience, the Chief is retired Maine State Police so he has some tremendous context. He was wondering if the Board could ask the Chief if he knew of people that might be able to fill that capacity to take over the position in both towns.

Mr. Murphy said that that would probably come up in our discussions.

Ms. Davis said that, even if the Kittery Town Council isn't interested in pursuing sharing in the future, she thought meeting together would be good as it would be kind of an information-gathering time and, in a sense, like an exit interview.

G2. Administrative Department

6:35 PM 1) Town Manager Activities Report

Mr. Lee discussed the entry regarding the TIF survey, thanking the many volunteers that helped get some 4,500 TIF surveys put together and out in one day; that we got caught back up on our timeframe even though it got pushed off by the printer a little bit. He added that we are really encouraging people to fill out those surveys; that, if people have two or three in their family, they can come down to get more surveys for those extra people because we only mailed out one per household.

6:36 PM Mr. Pomerleau said that, regarding Line 115, he didn't understand any of it and asked for clarification.

Mr. Lee said that he met with Mr. Moulton regarding the retaining wall (CIP items) and, in an effort to save money, we discussed buying our own materials and just bidding out the workmanship. He added that there was a household waste (HHW) cash-out issue with the primary attendant who was taking the money and misunderstood the directions of what to charge and undercharged, to some extent, and Mr. Lee is waiting to find out the exact amount. He said that they also talked about the cold storage building CIP project, which is an extension to an existing

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

building, and again, buying our own material and hire a helping carpenter to save money. He added that we also started talking about the 2004 Ford truck because it is in poor shape and we will be discussing that later in the agenda.

6:38 PM Ms. Davis asked if Mr. Lee and Mr. Moulton could talk about Lines 85 and 86.

Mr. Lee said that we have a letter that needs to go out to certain homes where we have to examine their connector line between the main and the property to see if that's a source of inflow. He added that Mr. Moulton wanted somebody else to review the letter to make sure everything was covered.

Ms. Davis asked where we stand on the Cumberland Farms signage issue.

6:39 PM Mr. Lee said that Bernstein Shur was served today on an 80-B appeal of the Board of Appeals (BOA), who turned down the administrative appeal; so, they want to go to court to see if the court agrees that the CEO acted appropriately and, at the same time, he also believes they are pursuing their other administrative remedy, which is to go back to the BOA for a variance. He added that there is a timeframe to file an 80-B so they have to do these things concurrently to meet the court filing deadlines; that they are also filing their BOA appeal to meet that deadline, as well. He said that he would be talking with the lawyer from Bernstein Shur tomorrow that is handling the case for us.

6:40 PM Mr. Beckert noted that the signage on the Cumberland Farms portico that covers the pumps on either end is covered with paper; however, at night when the sign is lit, it shows right through the paper that covers it.

Ms. (Donna) Murphy asked if the sign that was up now was the one they were asking the variance for or was it a different one.

Mr. Beckert said it was not the one that was up; that it is signage collectively for the site; that it is his understanding, and if you look at other Cumberland Farms that have been re-done in that design, there is a large sign that would stand where that rocked area is out on the corner that would be quite elevated plus the signage on the portico.

6:41 PM **2) Closure of Town Office – Day after Thanksgiving.**

Mr. Lee said that it was his understanding that, historically, if the staff is willing to take a vacation day, that we have been allowed to close the Town Office the day after Thanksgiving. He added that he has been requested to ask the Board if they would allow us to do that again.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

It was the **consensus of the Board** that the Town Office could be closed the day after Thanksgiving with the use of benefits.

6:42 PM **3) Joint Selectmen/Budget Committee Workshop – October 13th at 6:30 PM**

This was informational. Mr. Murphy has a prior meeting commitment that he will be attending that night.

4) Sale of Town-owned Assets

Mr. Lee said that they received no bids on the HP Printer or any of the flat-screen monitors but, since the bid closed, he had both staff and other people from the public offering \$5 a piece for them since no one is buying them. He asked the Board if he could sell those items at \$5/piece. He reviewed #'s 4-8, which were bid on. He said that the Ford pick-up rear body (#9) had no bids and we will get rid of that as scrap metal. He added that they did get bids on #'s 10-12. Mr. Lee said that, with regard to #11 (commercial mower), asked Mr. Moulton to talk with the Board about what he found with the John Deere and what his thinking is about saving some money on this thing.

6:46 PM Mr. Moulton said that during the summer his summer employment and ECSD combined forces and were able to do all the mowing around Town with combining equipment but his summer employee left and we had a changing of the guard at the ECSD for summer employment; that he had to pull out the John Deere from the Frost Tuft storage and start to use that; that this was after the bids had gone out. He added that we got it to work for a few mows for the remainder of the season but it is need of a lot of repair. He said that he knew it was already out to bid but asked if the Board would consider allowing him to take possession of the Ferris and put a new motor in it; that he could use it as a winter project for one of his new employees who is very knowledgeable with small engines. He said that we would have it operational for next summer and could last for a number of seasons. He said that the cost of a motor is around \$2,000, the cost of a new mower to replace the John Deere is probably a little less than, depending on what we need but you're looking at something that is a little more efficient than just a riding tractor. He added that that was a question he had for Mr. Lee and for consideration to the Board, recognizing they had bids and totally understands.

6:48 PM Mr. Beckert said that the Board has the right to accept or reject any/all bids and asked for the pleasure of the Board.

Mr. Murphy said that if there was a cost-effective way to make use of this he would be willing to approve the plan by Mr. Moulton.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

Mr. Murphy moved, second by Ms. Davis, that the Board of Selectmen approve the Public Works Director's plan to refurbish the Ferris Mower.

DISCUSSION

Mr. Pomerleau asked if it was worth \$3,000 fixed.

Mr. Moulton said that that purchase request four years ago was for either \$8,000 or \$10,000.

Mr. Lee added that this Ferris is only a 2010; that he thought with a new engine it should have some valuable life in it.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

6:50 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen accept the 11 bids and that the Town Manager be authorized to sell off the monitors for \$5 per piece, as we received no bids.

VOTE

4-0

Chair concurs

G3. Public Works

6:51 PM 1) Correspondence from Daniel Szopa

Mr. Lee said that Mr. Szopa lives on Grover Avenue and over the last year or so he has been in touch with himself (Mr. Lee) and Mr. Moulton; that he claims that the Town did damage to his driveway over a number of years. He added that we went to look at it, looked at how the water flows down there, etc., and he thinks it's not our issue; that he has shared that with Mr. Szopa twice, now; that he thinks Mr. Szopa is bumping it up to the Board to see if the Board would like to intervene and override and have us go pave part of his driveway that he believes we've ruined. He said that Mr. Szopa claimed that it was six years ago that Mr. Moulton's predecessor would plow up into his driveway and push snow in there, or something, adding that he (Mr. Lee) couldn't attest to that at this point, nor can Mr. Moulton. He added that, because of the way the water drains down there, the bottom of the driveway is where the water tends to pool because of the way it's graded and, if you have pooling water on a paved driveway, every time a tire hits it, you're going to blow out the end of your driveway. He added that we've denied his request. He said that when we paved Grover Avenue we did go the full length

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

in as an apron into his driveway, as we would do for anybody, but he doesn't think we should do anything more for him.

6:53 PM Mr. Pomerleau said that if Mr. Szopa was here and offering him something to consider that was not obvious to him when he went over to look at it...he looked at it and read his complaint and none of it made any sense to him; that he just couldn't fathom why, or where, the Town would be plowing snow that would have had anything to do with the damage he showed in his picture. He added that, quite honestly, it looks like his driveway after years of neglect and not being sealed and water getting in there and cracking. He said that he tried to give Mr. Szopa the benefit of the doubt but, unless he had some explanation here tonight that there was something we didn't know, he didn't see it as any grounds for his claim.

6:54 PM Mr. Beckert said that he would recommend we stand fast in that the request is denied.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen deny Mr. Szopa's request for the Town to take over the repairs in his driveway.

DISCUSSION

Mr. Pomerleau asked if we have insurance that would cover damage in Town for cases like this.

6:55 PM Mr. Lee said yes; that usually there will be a deductible with something like that, either \$500 or \$1,000, but if a plow, for instance, kicks a rock through a plate glass window we repair it.

Ms. Davis asked if we vote to deny this, does that preclude him from coming in with additional information and argue his case in the future.

Mr. Lee said that he didn't think so; that there's always room for reconsideration; that all he has to do is make the case and somebody who votes in the majority can say he/she will reconsider their motion; that if that gets a second, then it can be reconsidered, if done by the next meeting.

6:57 PM Ms. Davis said that, according to these emails, he feels as though he has someone else who is a witness to this; that if he will come in and make a stronger case, then she would at least like to be able to reconsider.

Mr. Beckert said that he questioned why now when this happened six years ago; that he looked at the picture and we've done at the end of his driveway, as we do with every other driveway when we pave a road – we cut and put a new apron in,

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

abutting what is remaining. He added that if we opened this up to one, we would open it up to everybody that has damage beyond where we stop.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

6:58 PM 2) Pump Stations Report & Timeline

Mr. Beckert said that this was a report from Underwood Engineers. He added that he understood that Ms. Davis had some questions and asked her if she wanted to discuss them tonight or come up with a list of questions we present.

Ms. Davis said that it is a really complicated subject and she knows that Mr. Lee and Mr. Moulton can probably answer some of these. She added that she thought she would like to pull together a list of questions and, maybe, down the road present them and even think about having somebody from Underwood, preferably Mr. Pratt, come in.

Mr. Beckert said that that made sense.

Mr. Lee agreed and said that he would prefer them in writing and have Underwood look it over and come back for a presentation.

The Board agreed.

Mr. Lee said that he would work on Ms. Davis' timeframe; that when you get those to him then that will trigger his next step but he'll put it down that something's coming.

Ms. Davis agreed.

6:59 PM 3) Diesel Fuel: Bids

Mr. Lee said that we did get three proposals and recommending P. Gagnon & Son with the fifteen cents over rack pricing, which is currently at \$1.611, as opposed to \$2.00 and \$2.27 that were the other two fixed numbers.

There was some discussion regarding the current pricing on fuel and over-rack rate versus fixed pricing.

Mr. Pomerleau asked if they offered cap price protection.

7:01 PM Mr. Lee said that he didn't know but that he would check on that.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

Mr. Lentz asked what we were paying last year.

Mr. Moulton said that we were paying \$2.01

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve going with the P. Gagnon & Son pricing offer of fifteen cents over rack for the diesel fuel expenses for 2015/2016.

VOTE

4-0

Chair concurs

7:02 PM 4) Tree Maintenance Bids

Mr. Lee said that we did get three bids and recommending the bid for tree maintenance for 2015/2016 be awarded to Tom Chase & Sons, Inc. out of York.

7:05 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen accept the bid, for the fixed rate cost for tree maintenance and stump grinding, from Tom Chase & Sons, Inc. of York, Maine for their pricing of \$1,200/day for removal and \$500/day for grinding.

VOTE

4-0

Chair concurs

7:06 PM 5) 2004 F250 Replacement

Mr. Lee said that Mr. Moulton has recommended one of two courses of actions for the Board's consideration to fund either a good used replacement or new pick-up to replace the Ford F250. He added that, currently, Public Works has approximately \$16,000 in a FEMA reserve account and we are anticipating an additional \$30,000 to \$34,000 from FEMA (approved) for the reimbursement for the January winter blizzard. He said that Mr. Moulton was thinking he would try to find something in that ballpark and get some options on pricing regarding what type of vehicles he could get at what prices to replace the F250. He added that he thinks it's important to note that it really didn't come to Mr. Moulton's attention how bad off this truck was until after the budget had been put in place.

7:08 PM Mr. Moulton said that the whole cab is rotted, the whole front end needs to be re-done and attach it to the frame, which is cracked; that they've welded it a couple of times. He added that a small fraction was budgeted in his CIP last year but there wasn't anticipation to replace it. He said that if the Board authorizes him to look into it, he would be back before the Board with a solution for a funding mechanism that would say how he would anticipate funding it; that if the Board said that that was acceptable, then we'll go the next step and the next step until he

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

gets approval; that he wanted to see if the Board would even consider before going any further.

7:09 PM Mr. Fernald said that he didn't have a problem with Mr. Moulton looking into the possibilities.

Ms. Davis said that she thought we had developed a policy for FEMA money in that it drops through to the General Fund.

Mr. Lee said not entirely; that the policy that was adopted was that anything that had to do with materials used and wages paid would drop through to fund balance but they also reimburse you for the wear and tear on your vehicles; that they give you a rate/hour on any vehicle and that goes into a FEMA reserve for replacement of vehicles that were overused in the course of a blizzard; that we got reimbursement for the overuse of the vehicles.

7:10 PM Ms. Davis said that it seemed a bit of a stretch to attribute \$30,000 to be used for this 2004 Ford pick-up for FEMA in January.

Mr. Lee said that they have really high rates of reimbursement on these things and it was a long storm; that FEMA came in and audited it and approved it.

Ms. Davis said that, in the 2nd paragraph, it states that the vehicle reserve account has a balance of \$105,000, which is allocated to replace our 2001 International Dump Truck; that she went back through our CIP and \$105,000 is allocated to the entire vehicle CIP for the DPW last year. She added that the 2001 has been scheduled for the CIP, with the estimated cost being around \$90,000, and the final payment toward the CIP isn't due until the next budget season; that trying to think we're going to move ahead on this in the springtime, yet, we're jumping just ahead by one budget year too many. She asked if there was a problem with waiting until we fulfill our CIP requirement to get this thing.

7:12 PM Mr. Moulton said that there were a couple of things; that, one, we have the budgeting for this truck; that he has been talking about this truck for some time. He added that he thinks if she looks he noted in the memo that we just had the two repairs to the cab (2001 International) that was sitting on the fuel tank. He said that what we would look to do is to put it out to bid this year and the bids wouldn't be accepted and approved until towards the end of the budget or just after the next budget.

Mr. Lee added that it takes forever for them to build these things.

Mr. Moulton said that was correct. He added that it's a process and he stated it this way just to let the Board know that there is additional need; that we have

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

\$105,000 and the truck costs around \$90,000. He said that he hasn't gone out to bid but that's the intent; that this truck needs to be replaced, we had to do some repairs, the cab mounts are rotting away. He added that that's the thing with these vehicles – pick-ups get a lot of mileage and big trucks don't get a lot of mileage but they age and are in the salt, and the salt just eats them alive; that that is unfortunately what kills the larger trucks versus a motor. He said that he was just trying to give the Board what his thinking is and how things were being thought out; that the options for this will be discussed at budget time.

7:14 PM Ms. Davis said that this is a kind of heads up but the intent is to kind of stick with the program; that we may get the bids but we are going to look to keeping our budget in place.

Mr. Lee said that he has waited up to nine months for an International to be delivered; that they take that long so you really do have to plan way ahead on this.

Mr. Moulton said that they are out a year right now; that as Mr. Lee explained, it's a process; that then you have to take it to H. P. Fairfield or Viking or some other company to get it fit up to take possession of it prior to next winter, reiterating that it is a long process; that he was just trying to give the Board some information on how we are moving forward and where we are with our reserve account.

7:15 PM Ms. Davis said that, according to a memo we got in March, at that time Mr. Moulton was looking for the wing-plow to be added to something; that at that time it was stated that the reserve account had \$79,000 in it and, in the last budget season, we added another \$105,000.

Mr. Moulton said that all that he was given by the Finance Director.

Ms. Davis said that she is looking at a print-out of our investments, which is only showing 100k in the DPW account. She added that we had \$79,000, we used \$13,000 for the wing-plow so we should have a lot more than 100k in the DPW vehicle account; that this is something we need to look at because there seems to be a disconnect, here, with the money; not your way to know what's going on with that. She said that the other thing with the CIP is that it looks like we have been saving up money for a pick-up truck for the last several years, showing \$5,000 in 2013/2014, \$5,000 in 2014/2015, and \$15,000 in 2015/2016 so we won't need to hit FEMA money because we've got this savings already, unless you want to go more than the \$25,000 out of that \$16,000 that we already have in the FEMA account.

7:16 PM Mr. Moulton reiterated that he was just going with numbers he was given to work with and that's how he presented it.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

Mr. Lee said that, however, that would work also and, if necessary, that FEMA money goes into the International.

Ms. Davis agreed. She said that there's just a problem with things adding up and we need to get the picture straight.

Mr. Lee said that we will get to the bottom of that right away.

It was the **consensus of the Board** that Mr. Moulton move forward to investigate the replacement of the 2004 F250 and come back to us with a proposal.

7:17 PM Mr. Lee asked if we should look for at least three deals.

Mr. Beckert said that if they are going out to look for a used vehicle, then he thinks they need to look for where it is, period; that you're not going to find the same used vehicle at three different lots. He added that, if it's a new vehicle, then it's a bid process and, if it's a used vehicle you find out there, then come back with that proposal.

Ms. Davis asked them to give a justification comparison if they want to get a new versus a used vehicle.

Mr. Moulton agreed.

G4. Public Safety

7:18 PM 1) Eliot Police Auxiliary Update

Mr. Lee said that they have not yet acted and we will have to table it again.

2) Police Cruiser Bids

This will be tabled until the Chief is here.

7:19 PM Ms. Davis said that the Chief gave her a big stack of vehicle information, which she went through; that the Charger that we're using is rated highly for police comfort and there is an all-wheel drive for the Charger. She added that part of the rationalization for wanting to go to the Interceptor Utility Vehicle was that it was all-wheel drive; that there is an Interceptor sedan that's all-wheel drive and there is also a version that's four-wheel drive. She said that she would personally like to see, when he comes in, is some type of rational for why he's picking one over the other and a total cost comparison between the various vehicles so that an assessment can be made on cost for equipping the fleet, one way or the other.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

7:20 PM Mr. Beckert said that he hadn't seen that other information.

Mr. Lee said that he didn't make five copies of the big file but thought it could be handed on once she had looked at it. He discussed that the Chief might not be available for a while as he is serving on a panel in Rhode Island in the evenings.

Mr. Beckert said to see how soon we can have him come to a meeting.

7:21 PM **3) Weatherization/Water Heater: Fire Dept. Building: Bids**

Mr. Lee said that, working with Mr.(Ed) Henningsen from the Energy Committee, we put this bid together; that he gave him a list of five or six contractors for each – five or six local plumbing contractors and five or six contractors in the southern part of the State, and in NH, that do insulation. He added that we sent bids out directly to those five or six selected vendors that Mr. Henningsen knows; that we also put it in the paper, put it on the e-alert; that we posted it all over the place, yet, we only had two show up for the walk-through and, after the walk-through, only one bid came in on each. He said that the Board had THE bid that came in for each.

Mr. Beckert cautioned the Board to not talk about pricing.

Mr. Lee agreed, saying that he just wanted to make clear that we did solicit, far and wide, to get several bids and this is what came in.

7:22 PM Mr. Pomerleau said that he was satisfied that Mr. Lee made the extra effort, beyond the normal that continues to fail Mr. Lee and, when something isn't working, he says to try something else, expressing his frustration with COG. He added that a relatively reasonable, extra effort to get the bids and we've only got one, then as far as he is concerned, he thinks we can move forward with it.

Ms. Davis said that if this were an emergency, she would say to move ahead with one bid; that her question would be if we anticipate enough savings that it's just worth going with this one number; is it a matter of comfort in the Fire Station, is it a matter of heating oil (exorbitant), asking where we are at.

7:23 PM Mr. Lee said that the dates within the bid documents would have to be reissued; that we'd have to schedule another walk-through; that we would have to hope for greater participation; that we would be into winter instead of catching it prior to winter, as we are asking for this work to be done prior to really cold weather hitting. He added that he thought it would be very frustrating, he thought, but it's doable; that it would be very frustrating.

Mr. Murphy said that he thinks we have to accept the reality and go with these.

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

Mr. Beckert said that Mr. Fernald and Mr. Pomerleau said that they didn't have a problem with these.

7:24 PM

Mr. Lee said that there was one other item. He said that if we were to accept these two, the money allocated for these two would be about \$2,000 shy of being able to award it; however, that said, the Energy Committee has an approximate \$2,000 budget and last year they ended up using it for the Weatherization Projects because he thinks we were \$1,900 shy last year on something; that we are usually pretty close. He added that he suspected that, even if we were a little short, one of two things could happen. He said that he could go back with the person with the higher number, probably, and see if we could tweak this down by a \$1,000 or \$2,000 and get out of it at the amount we've got, which was his first thought. He added that his back-up thought would be to go to the Energy Committee and ask them if they would be willing to use part of their budget to offset so that we could move ahead with these projects. He said that if he had the Board's conditional approval, subject to meeting the budget, then he would feel good about moving ahead to see if he could negotiate a little tweak with his one bidder on insulation.

7:26 PM

Mr. Murphy said that there is always the contingency plan, asking if we had a contingency fund made.

Mr. Lee said yes; that we have a decent amount of contingency, which is also a fallback; that he thought that between the Energy Committee and, maybe, some negotiations he thinks we could perhaps bring this thing in at or below budget, which is where he wants to be.

Ms. Davis said that trading money across warrant articles is not a favorite thing to do; that she doesn't even know if we are allowed to do that.

Mr. Lee said that we did it with the energy funds last year and it did not come up as an issue and it's an Energy Committee project; that they have a capital amount and operational amount and it's choosing to use their operational amount to subsidize their capital amount to get the project done. He added that he didn't think that was too far amiss and he didn't think an auditor would jump on that any more than he did the Public Works Stormwater project; that they are closely-enough related that it doesn't feel too weird.

7:27 PM

Mr. Fernald said that it may be interesting to find out what the Energy Committee is going to use the money for in the future.

Mr. Lee said that at the next Energy Committee meeting we are going to have a presentation on where we stand on the solar landfill; with that said, after going through a RFP process and two interviews and selecting our vendor, and so forth...when the school pulled out of participating, we had to shrink the size of it

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

because we couldn't use all the power we were going to generate; that we shrunk it down to 1.2 or 1.3 megawatts. He added that he was describing to the vendor the timeframe we have to meet with regard to Town Meeting, appropriations, etc. and he sort of threw his hands up, saying this was taking way too long, his investors are going to walk, and he doesn't know if he wants to be a party to it, etc. He said, going back to the \$2,000, we thought that that \$2,000 was primarily going to be needed to hammer out the purchase power agreement with an attorney, or some sort of consultant; that it's a fairly substantial contract that has to be hammered out. He added that it looks as though, at this point, and subject to the Board being interested in continuing with the solar landfill, that we won't need that \$2,000 in this fiscal year because we won't even be able to get appropriations on the table to fund the first year that has to be funded to put money away to buy the system out until June. He said that, in a sense, their \$2,000 is for Festival Day to buy a little pop-up tent or make a poster or something like that; that there's not much else that we spend money on. He added that he thought that money would be available if not used for legal review of a purchase power agreement until probably next fall.

7:29 PM

Mr. Beckert asked if, at this point, he could get a motion from the Board to approve the acceptance of these bids and to allow the Town Manager to move forward with the project under the condition that he can negotiate, work with the Energy Committee to come in within budget.

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen approve the acceptance of these bids and to allow the Town Manager to move forward with the project under the condition that he can negotiate and work with the Energy Committee to come in within budget.

VOTE

4-0

Chair concurs

It was agreed that a copy of the bid form be attached to this set of minutes.

H. New Business:

There was no new business.

I. Old Business

7:30 PM 1) Personnel Policy Amendment

Mr. Lee said that this has been rewritten according to our discussion of two weeks ago; that he hopes this will appease the employees and, at the same time, meet your desire to have it not be a revenue source and to just be to make them

BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)

somewhat whole. He added that we included the formula that was proffered by Mr. Pomerleau as part of the policy that would go in under the medical/dental insurance portion of our personnel policy.

Mr. Pomerleau said that he was comfortable with it.

Ms. Davis said that she remained philosophically opposed to it; that it's inequitable to the other employees.

Mr. Fernald said that he approved this; that it was a good step forward for us.

Mr. Murphy said that he approved it, also.

7:32 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen adopt the proposed amendment to the Personnel Policy, as shown on Agenda Item I-1.

VOTE

3-1 (Ms. Davis)

Chair concurs in the affirmative

7:33 PM **2) Over-The-Road-Banner Policy – No Correspondence**

This was tabled.

J. Selectmen's Report:

1) Committee Vacancy Report

Mr. Murphy said that the current list showed fifteen vacancies; that he wasn't sure that the list included Mr. Brickett, who is not renewing his term.

Mr. Lee said that it does not.

7:34 PM Mr. Pomerleau said that he saw a piece of Town equipment the other day excavating a ditch across the street from his driveway; that he went over to talk with the employee, asking what the issue was and was told that they were reclaiming Cedar Road. He asked Mr. Lee about this, as he has never seen this road on a list.

Mr. Lee said that he didn't know but that he would check to see what was going on.

K. Other Business as needed

There was no other business.

**BOARD OF SELECTMEN'S MEETING
October 8, 2015 6:00PM (continued)**

L. Executive Session

There were no executive sessions.

M. Adjourn

There was a motion and second to adjourn the meeting at 7:37 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary

**Town of Eliot
Request for Proposals**

The Town of Eliot is accepting bids from qualified contractors for two projects. A pre-bid meeting (9/30/15) is required to submit bids. Details and scope of work can be found at our website: www.eliotmaine.org or call 439-1813 ext. 107 for more information.

- 1) Insulation and Weatherization of Fire Station
- 2) Water Heater Replacement at Fire Station

**Town of Eliot
REQUEST FOR PROPOSALS
Fire Department Insulation Project**

I. Intent of this Document:

The Town of Eliot is presently seeking proposals from vendors to perform services as per the enclosed specifications and instructions provided, for the improvement of energy efficiency of the Eliot Fire Department Building through improved insulation.

By submitting a response to this document, the respondent is stating that he/she has read the entire document and fully understands the content, purpose, and requirements hereof. This document sets minimum guidelines.

II. Mandatory Pre-Bid Meeting:

All firms interested in submitting bids are required to be represented at a mandatory pre-bid meeting, which will be held on September 30, 2015 at 10:00 am. Bidders will meet at the Eliot Fire Station (park in back please). During this meeting, a tour of the worksite areas will be conducted in order for firms to familiarize themselves with all existing conditions. Only those firms represented at this meeting will be allowed to submit bids.

III. Submission of Proposals:

In order to submit a proposal the Bidder should be aware of the requirements contained in this Request for Proposals and any additional specifications or attachments, and make every attempt to submit a proposal meeting all requirements as set forth.

Format of Proposals Submitted

One (1) original bid proposal in a sealed envelope must be submitted to:

**Dana Lee
Town Manager
Town of Eliot
1333 State Road
Eliot, Maine 03903**

Proposals must be properly sealed and marked: "Fire Department Insulation Project" and must be received at the Town office no later than October 7, 2015 at 2:00 pm, at which time the proposals shall be opened and read. Proposals submitted via email, facsimile, or are delivered any other way than in a sealed, marked envelope as instructed above, will not be accepted. No proposal submitted shall be further altered in any way after the bid opening, but the Town Manager reserves the right to talk with the firms submitting proposals for clarification on the proposals submitted before forwarding a recommendation to the Eliot Board of Selectman.

Proposals must include price for all requested services including everything listed in the attached specifications / scope of work (Pages 6-7). A project work schedule and plan must also be submitted.

All proposals must be signed by the respondent's authorized representative and must include: the typewritten name, position, and the written signature of that representative. The contents of the submission of the successful respondent shall be considered a contractual obligation. Failure to meet these obligations may result in violation of the contract and/or other appropriate action.

The Town of Eliot reserves the right to reject any or all responses to this document, or to waive minor irregularities in the responses. The Town of Eliot reserves the right to accept any proposal that will in its opinion best serve the interest of the Town of Eliot, regardless of whether that bid is the lowest submitted.

A. Questions:

Contact Dana Lee Town Manager 207-439-1813 or townmanager@eliotme.org.
Questions should be submitted no later than October 5, 2015 by Noon.

B. Proposal Form:

The Town of Eliot requires that vendors' response to this RFP include a detailed, step-by-step description of the methodology intended for use in performing the scope of work as defined. This description shall include:

1. Letter of Transmittal:

Briefly summarize the services your firm will provide;

2. Project Specifications:

Describe in detail the services your firm will provide, specifically addressing how the points outlined in the scope will be met;

3. Prior Work:

Provide at least three (3) examples of similar projects in terms of scope, size and complexity that your firm has performed for other clients;

4. Timeline:

Work is to commence no sooner than October 12, 2015 and shall be completed no later than November 6, 2015, unless an extension is requested and approved. If no such extension is sought or permitted. The amount paid to the contractor shall be reduced by \$100 / day. If the Bidder wishes to work prior and after normal work hours, weekdays from 7:00 a.m. to 5:00 p.m., or during weekends and holidays, this may be allowed with the approval of the Town Manager and such work should not alter or supplement the bid amount submitted by the Bidder. No overtime or extra

charges may be charged for work completed during the weekend or off-hour times as described.

5. References:

Provide the names, addresses and telephone numbers of at least three (3) references that can objectively describe your firm's experience with a project of this size, scope and complexity. Describe any prior experience your firm has working with clients in Maine or similar regions in other parts of the country;

6. Additional Materials:

- **Please provide verification of your insurance coverages with your bid submittal**

Additional materials are welcome and may be submitted however, the Town reserves the right to make a decision without regard to any additional information submitted by any firm. The Town reserves the right to require additional supplemental materials to determine which proposal best meets the needs of the Town. If such materials are requested from any one firm, all firms will be given the opportunity to provide similar materials, but will not be required to do so. Any firm may withdraw a proposal at any time prior to execution of a contract without prejudice and without any reimbursement from the Town for any expenses that may be incurred at any time.

C. Selection Process:

The decision for selection **will** be made on a combination of criteria including:

- 1. Total cost;**
- 2. Similar successful experience;**
- 3. Project management approach;**
- 4. Documented experience of employees to be involved with this service;**
- 5. Quality and completeness of proposal;**
- 6. Bidders' ability to complete the work required in a timely fashion;**
- 7. Evaluation of the Bidder's understanding of the Town's needs.**

D. Subcontractors:

If you propose a multi-vendor or subcontracted approach, clearly identify all the subcontractors and the responsibilities of each party and the assurances of performance you offer.

E. Payment Terms:

Contract payment shall be **net 30** days upon contract completion and job acceptance by the Town, with a provision to pay invoices within 7 days for materials as they are delivered to the job site, to reduce escalating material costs. Contractor must submit to Town Treasurer a W-9 if there is not one on file.

F. Ownership and Collusions/Financial Interest by Town of Eliot Employees:

The Bidder certifies, by signing this proposal that he/she has not directly or indirectly been collusive with any other vendor/consultant or anyone interested in this proposal. Additionally, the Bidder stipulates that no Municipal elected or appointed officer or employee shall be financially interested, either directly or indirectly, in any contract. sale, purchase or lease to which the Town is a party, and the Bidder stipulates that no Town officer or employee has any financial interest, directly or indirectly, in this company.

G. Litigation:

In the event of litigation between the parties concerning this Agreement, the laws of the State of Maine shall govern this Agreement and any litigation shall take place in York County, Maine. If any provisions of this Agreement become invalid or unenforceable, the remainder of this Agreement shall not be affected.

H. Assignment:

Neither this Agreement, nor any part of this Agreement, may be assigned without the written consent of the other party.

I. Termination:

The Town of Eliot may terminate this Agreement at any time by providing ten (10) days advance written notice to the successful Bidder.

J. Independent Contractor:

It is agreed that the Bidder is an independent contractor, and all persons working for/or under the direction of the Bidder are its agents, officers and employees and not agents, officers or employees of the Town of Eliot.

K. Insurance:

Bidder shall maintain during the term of this Agreement the following: Insurance coverage and shall file with the Town Manager, prior to any work being started, certificates of such insurance, with the Town of Eliot named as an additionally insured, which shall be subject to the Town's approval as to adequacy of protection and compliance with this condition.

L. Workers' Compensation Insurance:

Bidder shall obtain and maintain Workers' Compensation Insurance and Employer's Liability Insurance in the amount of one million dollars (\$1,000,000.00) per incident.

1. Commercial General Liability/Automobile Liability:

Insurance coverage of not less than one million dollars (\$1,000,000.00) per occurrence with the Town of Eliot named as an additionally insured. If a general aggregate limit is used, either the general aggregate, including bodily injury and property damage, as a combined single limit or equivalent. General liability shall include contract liability. These policies shall be endorsed to include the Town of Eliot, its officers, employees and agents as additional insured. Certificates of such insurance, including all requirements, shall be filed with the Town Manager prior to any work being done.

2. Verification of Coverage:

Insurance, deductibles and self-insurance retentions shall be subject to Town's approval. Original Certificates of Insurance with endorsements shall be received and approved by the Town before work commences, and insurance must be in effect for the duration of the contract. The absence of insurance or reduction of stated limits shall cause work on the project to cease. Any delays shall not increase costs to the Town or increase the duration of the project.

M. Hold Harmless:

The Bidder shall defend, indemnify and hold the Town of Eliot, its officers, employees and agents harmless from any liability for damage or claims of same, including but not limited to: personal injury, property damage and death, which may arise from the Bidder or Bidder's contractors, subcontractors, agents or employees operating under this Agreement, excepting suits and actions brought by the Bidder for default of this Agreement or to the extent the claim arises out of the sole negligent or willful misconduct of the Town. The Town shall cooperate reasonably in the defense of any action and the Bidder shall employ competent counsel reasonably acceptable to the Town's legal counsel.

N. Reliance on Professional Skill:

It is mutually agreed by the parties that the Town of Eliot is relying upon the professional skill of the Bidder, and the Bidder represents to the Town that its work shall conform to generally recognized professional standards and codes in the industry. Acceptance of Bidder's work by the Town of Eliot does not constitute a release of Bidder's said representation. The Town retains the right to utilize a clerk of the works to oversee the project.

O. Codes, Regulations and Standards:

Bidder Responsibility: The Bidder shall assume full responsibility and liability for compliance with all applicable Federal, State and local codes, regulations and standards pertaining to work practices, hauling, disposal, protection of workers and

visitors to the site, and persons occupying areas adjacent to the site. This includes modification of procedures to comply with changes to codes, regulations and standards which occur during the work of this contract. The Bidder is responsible for providing medical examinations and maintaining medical records of personnel as required by the applicable Federal, State and local regulations. It is the Bidder's responsibility to get and maintain all the proper permits (except the Building Permit), etc. that are required to do this project, that are not provided by the town. The Bidder shall hold the Town's Representatives harmless for failure to comply with any applicable work, hauling, disposal, safety, health or other regulations on the part of himself, his employees or his subcontractors.

P. Warranty:

Specifications pertaining to warranties are provided in the scope of work portion of this document.

IV. Right of Rejection:

The Town of Eliot reserves the right to reject any or all proposals, revise specifications, request additional information from respondents, and to request additional proposals in the event that budgeted funds are exceeded by all respondents, or that no satisfactory proposals are received, and to accept the proposal most advantageous to the Town. Failure to meet all specified conditions may invalidate a proposal.

The Town of Eliot is an Equal Opportunity Employer.

Dana Lee
Eliot Town Manager

Fire Department Insulation Project Scope of Work

Insulation and Weatherization Upgrades

The intent is to reduce the energy loss into the attic area through air-sealing and installation of loose fill cellulose

General air sealing is required to seal all penetrations through the ceiling.

- Infill top of CMU wall between the two buildings.
- Seal with foam penetration through the ceiling, including the kitchen vent.

In the original building, blow in loose fill cellulose to reach R49.

In the 1995 Section, remove and discard the top layer of fiberglass batt insulation. Replace with 8" of settled cellulose.

Replace weather stripping around all 7 overhead doors.

Replace the weather stripping on all four man doors.

Replace existing attic hatch with new insulated hatch (R 20). Hatch to have plywood dam to retain cellulose and the perimeter gasketed.

Install a platform suitable for access. Sizing and location to be determined.

Basement **: Install 2" of spray foam insulation with intumescent paint covering on basement walls and rim joist.

** This work is to be quoted separately. It is optional depending on budget.

**Town of Eliot
REQUEST FOR PROPOSALS
Fire Department Water Heater Project**

I. Intent of this Document:

The Town of Eliot is presently seeking proposals from vendors to perform services as per the enclosed specifications and instructions provided, for the improvement of energy efficiency of the Eliot Fire Department Building through improved water heater functioning.

By submitting a response to this document, the respondent is stating that he/she has read the entire document and fully understands the content, purpose, and requirements hereof. This document sets minimum guidelines.

II. Mandatory Pre-Bid Meeting:

All firms interested in submitting bids are required to be represented at a mandatory pre-bid meeting, which will be held on September 30, 2015 at 11:00 am. Bidders will meet at the Eliot Fire Station (park in back please). During this meeting, a tour of the worksite areas will be conducted in order for firms to familiarize themselves with all existing conditions. Only those firms represented at this meeting will be allowed to submit bids.

III. Submission of Proposals:

In order to submit a proposal the Bidder should be aware of the requirements contained in this Request for Proposals and any additional specifications or attachments, and make every attempt to submit a proposal meeting all requirements as set forth.

Format of Proposals Submitted

One (1) original bid proposal in a sealed envelope must be submitted to:

**Dana Lee
Town Manager
Town of Eliot
1333 State Road
Eliot, Maine 03903**

Proposals must be properly sealed and marked: "Fire Department Water Heater Project" and must be received at the Town office no later than October 7, 2015 at 2:00 pm, at which time the proposals shall be opened and read. **Proposals submitted via email, facsimile, or are delivered any other way than in a sealed, marked envelope as instructed above, will not be accepted.** No proposal submitted shall be further altered in any way after the bid opening, but the Town Manager reserves the right to talk with the firms submitting proposals for clarification on the proposals submitted before forwarding a recommendation to the Eliot Board of Selectman.

Proposals must include price for all requested services including everything listed in the attached specifications / scope of work (Pages 6-7). A project work schedule and plan must also be submitted.

All proposals must be signed by the respondent's authorized representative and must include: the typewritten name, position, and the written signature of that representative. The contents of the submission of the successful respondent shall be considered a contractual obligation. Failure to meet these obligations may result in violation of the contract and/or other appropriate action.

The Town of Eliot reserves the right to reject any or all responses to this document, or to waive minor irregularities in the responses. The Town of Eliot reserves the right to accept any proposal that will in its opinion best serve the interest of the Town of Eliot, regardless of whether that bid is the lowest submitted.

A. Questions:

Contact Dana Lee Town Manager 207-439-1813 or townmanager@eliotme.org. Questions should be submitted no later than October 5, 2015 by Noon.

B. Proposal Form:

The Town of Eliot requires that vendors' response to this RFP include a detailed, step-by-step description of the methodology intended for use in performing the scope of work as defined. This description shall include:

1. Letter of Transmittal:

Briefly summarize the services your firm will provide;

2. Project Specifications:

Describe in detail the services your firm will provide, specifically addressing how the points outlined in the scope will be met;

3. Prior Work:

Provide at least three (3) examples of similar projects in terms of scope, size and complexity that your firm has performed for other clients;

4. Timeline:

Work is to commence no sooner than October 12, 2015 and shall be completed no later than November 6, 2015, unless an extension is requested and approved. If no such extension is sought or permitted. The amount paid to the contractor shall be reduced by \$100 / day. If the Bidder wishes to work prior and after normal work hours, weekdays from 7:00 a.m. to 5:00 p.m., or during weekends and holidays, this may be allowed with the approval of the Town Manager and such work should not alter or supplement the bid amount submitted by the Bidder. No overtime or extra charges may be charged for work completed during the weekend or off-hour times as described.

5. References:

Provide the names, addresses and telephone numbers of at least three (3) references that can objectively describe your firm's experience with a project of this size, scope and complexity. Describe any prior experience your firm has working with clients in Maine or similar regions in other parts of the country;

6. Additional Materials:

- Please provide verification of your insurance coverages with your bid submittal

Additional materials are welcome and may be submitted however, the Town reserves the right to make a decision without regard to any additional information submitted by any firm. The Town reserves the right to require additional supplemental materials to determine which proposal best meets the needs of the Town. If such materials are requested from any one firm, all firms will be given the opportunity to provide similar

materials, but will not be required to do so. Any firm may withdraw a proposal at any time prior to execution of a contract without prejudice and without any reimbursement from the Town for any expenses that may be incurred at any time.

C. Selection Process:

The decision for selection will be made on a combination of criteria including:

- a. Total cost;
- b. Similar successful experience;
- c. Project management approach;
- d. Documented experience of employees to be involved with this service;
- e. Quality and completeness of proposal;
- f. Bidders' ability to complete the work required in a timely fashion;
- g. Evaluation of the Bidder's understanding of the Town's needs.

D. Subcontractors:

If you propose a multi-vendor or subcontracted approach, clearly identify all the subcontractors and the responsibilities of each party and the assurances of performance you offer.

E. Payment Terms:

Contract payment shall be net 30 days upon contract completion and job acceptance by the Town, with a provision to pay invoices within 7 days for materials as they are delivered to the job site, to reduce escalating material costs. Contractor must submit to Town Treasurer a W-9 if there is not one on file.

F. Ownership and Collusions/Financial Interest by Town of Eliot Employees:

The Bidder certifies, by signing this proposal that he/she has not directly or indirectly been collusive with any other vendor/consultant or anyone interested in this proposal. Additionally, the Bidder stipulates that no Municipal elected or appointed officer or employee shall be financially interested, either directly or indirectly, in any contract, sale, purchase or lease to which the Town is a party, and the Bidder stipulates that no Town officer or employee has any financial interest, directly or indirectly, in this company.

G. Litigation:

In the event of litigation between the parties concerning this Agreement, the laws of the State of Maine shall govern this Agreement and any litigation shall take place in York County, Maine. If any provisions of this Agreement become invalid or unenforceable, the remainder of this Agreement shall not be affected.

H. Assignment:

Neither this Agreement, nor any part of this Agreement, may be assigned without the written consent of the other party.

I. Termination:

The Town of Eliot may terminate this Agreement at any time by providing ten (10) days advance written notice to the successful Bidder.

J. Independent Contractor:

It is agreed that the Bidder is an independent contractor, and all persons working for/or under the direction of the Bidder are its agents, officers and employees and not agents, officers or employees of the Town of Eliot.

K. Insurance:

Bidder shall maintain during the term of this Agreement the following: Insurance coverage and shall file with the Town Manager, prior to any work being started, certificates of such insurance, with the Town of Eliot named as an additionally insured, which shall be subject to the Town's approval as to adequacy of protection and compliance with this condition.

L. Workers' Compensation Insurance:

Bidder shall obtain and maintain Workers' Compensation Insurance and Employer's Liability Insurance in the amount of one million dollars (\$1,000,000.00) per incident.

1. Commercial General Liability/Automobile Liability:

Insurance coverage of not less than one million dollars (\$1,000,000.00) per occurrence with the Town of Eliot named as an additionally insured. If a general aggregate limit is used, either the general aggregate, including bodily injury and property damage, as a combined single limit or equivalent. General liability shall include contract liability. These policies shall be endorsed to include the Town of Eliot, its officers, employees and agents as additional insured. Certificates of such insurance, including all requirements, shall be filed with the Town Manager prior to any work being done.

2. Verification of Coverage:

Insurance, deductibles and self-insurance retentions shall be subject to Town's approval. Original Certificates of Insurance with endorsements shall be received and approved by the Town before work commences, and insurance must be in effect for the duration of the contract. The absence of insurance or reduction of stated limits shall cause work on the project to cease. Any delays shall not increase costs to the Town or increase the duration of the project.

Hold Harmless:

The Bidder shall defend, indemnify and hold the Town of Eliot, its officers, employees and agents harmless from any liability for damage or claims of same, including but not limited to: personal injury, property damage and death, which may arise from the Bidder or Bidder's contractors, subcontractors, agents or employees operating under this Agreement, excepting suits and actions brought by the Bidder for default of this Agreement or to the extent the claim arises out of the sole negligent or willful misconduct of the Town. The Town shall cooperate reasonably in the defense of any action and the Bidder shall employ competent counsel reasonably acceptable to the Town's legal counsel.

Reliance on Professional Skill:

It is mutually agreed by the parties that the Town of Eliot is relying upon the professional skill of the Bidder, and the Bidder represents to the Town that its work shall conform to generally recognized professional standards and codes in the industry. Acceptance of Bidder's work by the Town of Eliot does not constitute a release of Bidder's said representation. The Town retains the right to utilize a clerk of the works to oversee the project.

Codes, Regulations and Standards:

Bidder Responsibility: The Bidder shall assume full responsibility and liability for compliance with all applicable Federal, State and local codes, regulations and standards pertaining to work practices, hauling, disposal, protection of workers and visitors to the site, and persons occupying areas adjacent to the site. This includes modification of procedures to comply with

changes to codes, regulations and standards which occur during the work of this contract. The Bidder is responsible for providing medical examinations and maintaining medical records of personnel as required by the applicable Federal, State and local regulations. It is the Bidder's responsibility to get and maintain all the proper permits (except the Building Permit), etc. that are required to do this project, that are not provided by the town. The Bidder shall hold the Town's Representatives harmless for failure to comply with any applicable work, hauling, disposal, safety, health or other regulations on the part of himself, his employees or his subcontractors.

Warranty:

Specifications pertaining to warranties are provided in the scope of work portion of this document.

Right of Rejection:

The Town of Eliot reserves the right to reject any or all proposals, revise specifications, request additional information from respondents, and to request additional proposals in the event that budgeted funds are exceeded by all respondents, or that no satisfactory proposals are received, and to accept the proposal most advantageous to the Town. Failure to meet all specified conditions may invalidate a proposal.

The Town of Eliot is an Equal Opportunity Employer.

Dana Lee
Eliot Town Manager

Water Heating Upgrades

Replace existing indirect hot water storage tank with new on-demand unit meeting the following requirements:

Fuel is propane. Contractor is to splice into exiting propane line to service the new heater.

Energy Star rated.

Energy Factor equal to .93 or higher.

Flow capacity to be equal to or more than 7 gpm with a 50°F temperature rise.

Combustion and exhaust piping to be PVC. Exhaust discharge to be located away from the boiler combustion air intake.

- Contractor to provide document showing the distance that complies with code.

Location of water heater and all piping to be coordinated with the Fire Department. Present location being considered is on the outside of the boiler room wall near door.

Contractor to submit product selection and specification for approval.

The existing water heater is to be disconnected and removed from the boiler room. The Fire Department is responsible for disposing of the water heater.

Piping and electrical work: All new and terminated piping and electrical wiring to be done in accordance with the current code.

- There is a subpanel in the boiler room. The electrician is responsible to verify that it is suitable for an additional circuit to power the new heater.

FIRE DEPARTMENT BID OPENING

10/8/15 AT 10:48 A.M.

Rebecca Bergeron and Melissa Albert employees of the Town of Eliot, opened sealed envelopes for the following RFP (request for proposals). All Request for Proposals (RFP) were due to the Town Manager in sealed envelope clearly marked with project on or before October 7, 2015 by 2:00 p.m. All proposals received met this criteria.

Town of Eliot Fire Station Insulation Project:

Received one proposal from *BIOS Environments* with a location at 17 Patrick Drive, Westbrook, ME.

In the amount of **\$21,750** based on the RFP and the addendum.

Town of Eliot Fire Station Water Heater Project:

Received one proposal from *P. Gagnon & Sons, Inc.* with a location at 215 Main St, South Berwick, ME.

In the amount of **\$4,275.00** based on the RFP.

BI S

environments

October 6, 2014

Mr. Dana Lee, Town Manager
 1333 State Road
 Eliot, ME 03903
 (207) 439-1415, townmanager@eliotme.org

Re. Town of Eliot, Maine RFP Weatherization

Hello Mr. Lee,

Bios Environments (BIOSEnergy) is pleased to provide you with this task and cost proposal for weatherization and insulation services for Eliot, Maine. This quote is based the RFP, attached scope of work, and the addendum dated 09/30/15, and my site visit.

Base Bid cost and task estimate: \$21,750.00

Item	FIRE STATION Bid Item Descriptions	Sq. Ft.	Price
1	General Attic Air Sealing: Apx 10 cans of Great Stuff and/or caulk and 12 labor hours.	n/a	\$750
2	Infill top of CMU wall between buildings, apply 3 inches of spray foam. Air seal kitchen vent / apply 3 inches of spray foam. 1/3 of a portable 2 part foam kit and 8 labor hours.	30+-	\$650
3	Install 140Accu-Vent wind blocker air baffles at the vented soffits.		\$450
4	Rake the Loose Blown Insulation smooth & Loose Blow 15 inches (average installed depth, settles to 13.8 inches) Cellulose Insulation over the existing insulation at the older attic section.	4,148	\$7,680
5	Loose Blow 9 inches (average installed depth, 8 inches settled) Cellulose Insulation over the existing insulation at the newer attic section. The top layer of fiberglass shall be moved away from the perimeter of the attic to minimize wind wash before the new cellulose insulation is installed. The damaged (matted) insulation that has been walked over will be removed and disposed.	5,280	\$7,200
6	Replace weather-stripping on 7 overhead doors	n/a	\$1,400
7	Replace Weather-stripping at 4 man doors	n/a	\$400
8	Install Ceiling Attic Hatch at the existing framed hole: 4 inches of rigid insulation, weather-stripping, latches, and a handle. Install a wooden insulation dam.	3+-	\$320
9	Catwalk: Install a 2 foot wide wood cat walk from the access hatch to the sheet rocked fire wall. Rails will not be included as the walk is to be within reach of the truss supports. The walk way will be built using 2x10 framing to elevate the walk and 3/4 inch Advantech sheathing. The catwalk will essentially run parallel with the exterior wall, but may incorporate course modifications if unforeseen obstacles present themselves.	120+-	\$1,900
10	Priority Scheduling / Bid Time Constraints: To be completed between October 12 and completed by November 6, 2015.		\$1,000
	SUBTOTAL		

Optional Item: Install 2 inches of Bayseal CCSPF at the basement exterior walls at the storage / shop area; 2 walls. Cover the foam with DC-315 Intumescent Paint. 800 Square Feet. Price = \$2,800.00
 Owner is responsible for removal of equipment, shelving, and any other obstacles.

Bios is a local leader in energy efficiency weatherization retro-fits and new construction. We work with Maine State Housing, Efficiency Maine multi-family and single family program partner, residents, builders, companies and municipalities. Besides numerous CAP projects, we are currently finishing a large MSHA elderly housing project in Biddeford (Boilderhouse Lofts) for Portland Builders and we are insulating the new DHHS Office Building at the Portland Jetport for Landry French Construction.

Bios is also well known for our asbestos, lead, and air quality expertise. Having begun as an environmental-safety outfit, we know and follow all applicable governing regulations. As a weatherization outfit, we follow Maine Uniform Building Code and BPI guidelines.

There are no actions taken by regulatory agencies to report and there are no litigations to report.

• **Similar Projects & References:**

- Town of York, Robert Yandow, Town Manager, 363-1000, ext 221
- Town of Windham, Tony Plants, Town Manager, 892-1907
- Joel Moulton, Director Eliot DPW, 439-9451
- Kevin Moore, Director of Facilities RSU 35, 439-2438
- Portland Builders, PO Box 4902 D.T.S., Portland, Maine 04112, Bill Cuddy, 207-838-0118
- Maritime Apartments, 12 Windjammer Way, Bath, ME 04530, Melinda Whittaker 236-6119
- Efficiency Maine: Andy Myer, Program Director, 866-376-2463
- York County CAP, Karen Fernand, 207-324-5732
- Opportunity Alliance, Nathan Mills, 874-1175
- Community Concepts Inc, Kevin 743-7716

- Structure of firm: Incorporated
- Size of firm: 40
- Years in business: 16
- Owner: Mark Coleman
- Staff:

GM Scott Regan, 20+ years experience in construction and weatherization, personally supervises each site manager and visits sites daily and as often as needed.

Manager/Estimator Walter Farmer, 7+ years experience in insulation and weatherization, visits his job sites daily and is always available.

Site Managers, each with 5+ years' insulation and weatherization experience. Most of our employees have years of experience and are supervised by managers with Building Performance Institute weatherization training and/or vendor certifications. Bios strictly follows all lead-safe protocols.

- Bios does not use weatherization sub-contractors.
- Proof of Insurance attached.
- Financial Stability: 15 years in business. See attached balance sheet.

Estimated TIMELINE: Upon timely acceptance and completion of contractual paperwork Bios can accomplish this work in a timely fashion. Commencement of work can typically begin within 4 weeks of contract execution. One crew (3 to 4 workers) can accomplish the work in about 4 days.

Plan of Services / TIMELINE	Bios has 6 weatherization crews.	Estimated Days
Fire Station	3-4 person crew	3-4 days

Sincerely,



Walt Farmer, Estimator

walter@biosenv.com

Bios Environments

17 Patrick Drive, Westbrook, ME 04092

Mobile (207) 632-1175, Office (207) 854-5262, Fax (207) 854-2609

P. Gagnon & Son, Inc.

est. 1904



215 Main Street • South Berwick, ME 03908 • 207-884-2213

October 6, 2015

Dana Lee
Town Manager
Town of Eliot
1333 State Rd.
Eliot, ME 03903

Dear Mr. Lee:

P. Gagnon & Son is pleased to submit the following proposal to install a Rinnai Continuum water heater at the fire station located at 1329 State Rd. in Eliot, ME.

This proposal includes:

- 1/ RUC98i Rinnai Continuum LP Gas condensing water heater w/energy factor up to .96
- 2/ Vented through side wall terminating at least 7 ft. above outside ground surface
- 3/ Relocate water heater to wall outside of the boiler room
- 4/ Extend existing water piping to new location of water heater
- 5/ Install inline water filter to water heater
- 6/ Install condensate pump with condensate neutralizer kit
- 7/ Replace 60 gallon wc LP Gas tank with a 125 gallon wc LP Gas tank
- 8/ Replace LP gas piping with larger pipe size from LP Gas tank to water heater
- 9/ Install separate circuit with outlet, thermal switch and remote shut-off switch per code
- 10/ All appurtenances (venting, pipe, fittings, etc.)

The quote, which includes items above plus labor, is **\$4275.00**.
Quote subject to change after 30 days from above date.

The tentative installation dates for this proposal are **October 27th and 28th**.

If you have any questions, please do not hesitate to call us at 207/384-2213.

Thank you for your business and the opportunity to submit this proposal.

Sincerely,

Scott Hemingway
Sales Manager
P. Gagnon & Son, Inc.

Work related references

Prior work:

1/ Carl's Meat Market- State Rd. Kittery, ME

Installed Rinnai Continuum in Market

Jim Spencer- owner

207.439.1557

2/ Boulanger's Paving- School St. Berwick, ME

Installed infrared heating system

James Chandler- owner

207.698.7601

3/ MSAD 35 & 60 School Districts

Install tanks, heaters and piping to schools

Kevin Moore- Facilities Manager

207.676.2234

References:

1/ Aspen Builders- 91 Hildreth St. Westford, MA 01886

Frank McCabe- 978.866.0019

2/ Preacher's Aid Society- 51 Charles Wesley Ct. Wells, ME 04090

Rick Drawert- 207.467.3246

3/ Moody & Sons Construction- PO Box 366 Moody, ME.04054

Jason Moody- 207.646.6194