

BOARD OF SELECTMEN'S MEETING
October 22, 2015 6:00PM

Quorum noted

A. 6:00 PM: Meeting called to order by Chairman Beckert.

B. Roll Call: Mr. Beckert, Mr. Fernald, Mr. Murphy, Ms. Davis and Mr. Pomerleau.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Approval of Minutes of Previous Meeting(s)

6:02 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of October 1, 2015, as written.

VOTE

4-0

Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of October 13, 2015, as amended.

VOTE

4-0

Chair concurs

F. Public Comment:

6:03 PM No one from the public spoke.

G1. Department Head/Committee Reports

6:04 PM 1) **Eliot Energy Committee: Presentation of Solar Array Project**

Mr. (Charlie) Case gave a little background on the Energy Commission (EC). He said the EC was started in late 2006 by Laurel McEwen and a few others and spent some time establishing a really terrific mission statement, working on Comprehensive Plan policies and procedures, which were really well done. He added that, around 2009, a bunch of us joined up with the EC, starting out implementing what they had set up for the previous couple of years and he found that the Comprehensive Plan was a great blueprint for us; that subsequent to that, we did a point-of-action plan over a period of a couple of years that really put down, in print, how we were going to go do that, how we were going to implement the Comprehensive Plan, and how much it would cost over a period of 10 – 12 years, adding that that plan was available for review. He said that, starting in 2010, the BOS voted to do some renovations to this (Town Hall) building and, in this year's Town Report we itemized, from 2010 to early 2015, what has

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actually been accomplished, how we got the money, where it came from and, by line item, what we found were savings. He said that, up through early 2015, \$58,000 was spent that the Town voted, \$53,000 was obtained by grants from the federal government through AAARRA funding, which we thought was pretty good; that the investment from the Town voters was \$3.50 per average household per year, which we thought was a really good investment. He added that the benefits of energy reduction are that you reduce the energy you use and get that back every year for a long period of time; that we also reduce our carbon dioxide footprint, which we all also know is a good thing to do; that reducing our energy usage helps all around. He said that one of the things we talked about in this last Town Report was extending our solar generation capability to increase it to the point where we could generate all the electricity we need for the Town buildings and some portion of the schools, as well. He said that there's a great spot out there near the Town Garage where we capped a landfill; that we've been through some various iterations out there, which he will get into in a few minutes; that it appeared that there was enough space out there to do all that we needed it for the Town and about 40% of the schools. He added that he and the Town Manager and a few others have met with the school a number of times and he will get into why we are not including the schools in this project. He said that he was here to talk about an opportunity for the Town to save about \$900,000 over forty years and that includes all of the investment that we would make; that it's a net opportunity. He added that he wanted to point out that we now have a system with about an annual capability of roughly 50,000 kw (kilowatt) hours per year on the Town Garage; that it started on July 3, 2013 and, in Year One, it was about 103% of what was forecast; that in Year Two we were at slightly less than 100% and that was because we had a miserable February and early March that, every time that the solar array melted off, we had another blizzard; that, even then, we did really well for Year Two; that Year Three looks really good and we are well into that. He said that the point he is trying to make is that the technology is there, there is nothing earth-shaking about what we tried to do; that what we did was enter into a power-purchase agreement, which we call a PPA, with a company called ReVision Energy. He said that, with a PPA, ReVision, or any company that would do this, funded the entire installation as a turn-key project and what we agreed to, on our end, was to buy all the power they made. He added that, considering we use a lot more than 50,000 kwh/year that was pretty easy; that it got a little complicated with the State of Maine but the Maine Public Utilities Commission (PUC) has made that pretty easy. He explained that we just connect up our solar array at the Town Garage to the grid and, when we are generating more than we are using at the Town Garage, which is typically any sunny day throughout the year, we feed excess back into the grid and credit up to nine other meters. He added that our theory is that, with the new system, we can credit up to eighteen meters, depending on how big they are. He said that this gets pretty simple; that we have to be careful how we do the billing and how we allocate but it's pretty straightforward how to do that. He asked why would an installer want to do this

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and answered that, at least until the end of next year, they benefit from some pretty good federal tax credits, which he thinks relate to about 30% of the install cost. He said that the other thing they do is that they can sell renewable energy credits called 'REC's'; that ReVision Energy was able to sell REC's on the Massachusetts market; that the Maine market hasn't been very good and we are hoping it's going to improve; that they were getting between 4 cents and 8 cents per kwh for the RECs that they were selling, which is pretty darn good. He said that our thought for the expanded system that we're talking about now would be that we would do a similar thing that we are doing with ReVision Energy – we would buy power from them for the first six years and, then, buy the system from them at a fraction of the cost of their installation and, at that point, we would basically get free electricity; that, then, we can sell renewable energy credits on the open market. He added that there's a reasonable shot that we could make some money while we are also generating all the power we need and have enough money to do whatever maintenance we need, as well. He said that we've done this a couple of times, looking at what we think we need forward to the year 2020 for all the power that the municipal buildings would need, including street lights, this building, sewer pumps, etc., and we came up with the number of 225,000 kwh per year, given that we already have 50,000 kwh per year pumping into the grid. Mr. Case said that the proposal, now, is for 175,000, clarifying that what we initially did, before realizing that the school was not going to be part of it, was that we went out for a 660,000-watt system and, for a number of reasons, the school opted out; that he won't get into the details of that unless someone has a question. He said that our systems are called small, general service for businesses; that the schools are generally either medium service or higher-grade service and, instead of paying for the delivery charge that we would pay of about five and a half cents/kwh to CMP, when you get into the larger systems you end up paying practically nothing per kwh but you pay a lot of money for demand charges. He added that what happens is that, if you want to reduce your energy costs, what you need to pay attention to is when you have peaks and it turns out that demand charges are based upon calculations made once a month for the highest hour of usage that you have during each of the peak periods. He said that there are New England charges, as well, that are calculated on the basis of a daily use once a year on the peak usage of the entire New England grid. He added that we offered to really work hard with the school to help them analyze how their usage affected their peak demands; that, at this point, they haven't taken us up on that offer, either. Mr. Case said that we are looking at a 175,000 kwh/year system; that we feel comfortable that it will feed everything we need by the year 2020 and we think it's a great investment. He added that the installation cost was about \$480,000; that after year six we can buy the system for about half of that, at \$240,000. He said that, interestingly enough for the system that's on the Town Garage, federal rules are the same; that it cost about \$150,000 to put that system in; that, at the end of six years, our recommendation to the BOS is to go ahead and buy that system. He added that it would normally be about a \$75,000

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purchase but ReVision Energy, at that point, made us a sweet deal in that the federal government requires them to put a price of about \$75,000/year but, at that point, ReVision is going to cap what Eliot has to pay and we are going to make the rest of it a donation. He said that whatever that comes out, and an appraisal has to be done at that point, we are actually capped at a number of \$43,000. He said that we have three increments of \$7,000 in the kitty already there; that it's up to the BOS whether Eliot buys the system and gets the next 34 years pretty much free; that you can choose to not buy the system, use the money for something else, and continue to buy the power from the installer. He added that they will allow us to buy the system, from time to time, at the end of year ten, as an example, and the price would be lower.

6:17 PM Mr. Lee said that, regarding the school, he recalled that we were going to cover about 80%.

Mr. Case agreed that, originally, we were going to cover 80% and that was going to be a 1.3 mw (megawatt) system, adding that we went through several iterations; that what we learned, first was the Maine Public Utilities Commission (MPUC) capped us at 660,000 for a system to be net-metered in a way that we think was advantageous to us so that basically said we were going to do the 1.3 million kwh/year in two pieces. He said that that took us from about 80% of the school's usage to about 40%; that we actually talked to South Berwick, at that point, when we scaled it back to half a system, and they were expressing an interest in utilizing an area that they have that is wide open to put the second increment in so that we could, collectively, feed the schools at 80%, or, we could put a bigger system in and cover the schools. He added that he doesn't know where that is headed, at this point, but we think, at this point, we should just forge ahead for just the Town. He said that, if the schools came back to us he guessed we could expand the system again. He said that what we did, for this system, was we went to three companies – ReVision, who we felt was very qualified, and solicited other companies to come back and tell us how they were qualified to do this. He said that another company, American Capital Energy out of Massachusetts, ended up doing a bid for us and a third company, Barrington Power, also did a bid for us and Barrington Power provided, by far, the best technical proposal and the lowest price, so we had the most advantageous on every count with Barrington Power. He added that, at this point, we are working with Barrington Power and, when we scaled back the system without the schools, we asked Barrington Power to update their bid and they were still lower and better than the larger systems that we had gotten bids from. Mr. Case said that this is a turn-key system; that it is mounted to the capped landfill; that there are weighted concrete pieces that are placed there or are poured on-site; that Barrington Power would probably opt for pouring on-site. He added that technology is moving ahead very fast and putting systems on a capped landfill is very common; that cities and towns around the country figured out that there's a whole lot of area

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that can't have trees on it, you have to keep it mowed, and it's not doing any good so we might as well have technology that allows us to put solar arrays on capped landfills. He said that, obviously, we are not allowed to penetrate the capped material, which is non-permeable clay; that it has a fair amount of soil strength and we have to be well within that and calculations allow us to do that; that we have to be very careful what vehicles go onto the capped landfill to install this system but we are comfortable that that can be done. Mr. Case said that the system we're proposing, Barrington Power has proposed 11½ cents/kwh for five years, fixed, which we think is a great deal; that an escalation, starting in year six, of 80% of whatever CMP and the standard offer is. He added that we did an analysis of system savings, assuming a very minimal 2%/year increase by CMP, and that's how we came up with our \$900,000 savings. He said that our pricing with Barrington Power is valid through December 2015. He pointed out that the actual savings depend on a whole lot of factors and we've certainly learned that the cost of energy, electricity, fuel, heating oil, is highly volatile. He added that a year-and-a-half ago there were projections of a really cold winter coming up and all those nice clean power plants that we've just built in New England use natural gas and, with the way that the power plants buy their natural gas, they buy it on a contract basis a couple of days ahead; however, all the people who use natural gas to heat their homes, those contracts are for the whole winter; that he guessed we didn't know where we were headed. He said that he thought the New England states are actually going to increase their capability of bringing more natural gas into New England. He added that one of the factors is how much do we use in New England; that there are national factors; there are grid factors – how much power can we input into New England; that there are international factors – how much power and energy is China using, and it just goes on and on and on. He added that, then, there are people who bet on futures pricing, and that's what really controls the price of gasoline and electricity; that there's option pricing. He reiterated the availability of natural gas through New England generation facilities has an impact. He said that, back three years ago, we were paying roughly 13.8 cents per kwh in Town buildings and now we're paying 12.8 cents per kwh. He added that we tried to save a lot of money by entering into a contract with an aggregator that works just for the towns and non-profits called Maine Power Options; that the schools did it for all of theirs and we did it for two of the sewer pump stations and this (Town Hall) building; that we thought we were doing a smart thing to cap the cost we were going to pay for power; that as it turns out we are paying 2.5 cents per kwh more than CMP and the standard would offer to charge us right now. He explained that it was like at one's home where you get a home heating oil contract with a fixed price; that that's what we did and, then, the price of oil went down to almost nothing, along with natural gas. Mr. Case said that we have a timing issue and what are our options. He said that Barrington Power is ready to go with a full 175,000 kw system per year; that they've done a terrific technical job and we feel very comfortable that this system could be on-line before the end of the year if we signed a PPA with them now. He said that the

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contract we signed with Maine Power Options goes through to November 1, 2016 and, with the two sewer pump stations and this building taken out, we cannot use the 175,000 kwh per year; that we can use about half of it. He said that he wrote down three options; that one was to see if we could get out of the contract with Maine Power Options but that is probably backed up by some hedge funds someplace and probably unlikely. He added that another one was to wait until next year to build the first system but he doesn't think we're going to get the same sweet deal next year that we are getting now. He said that another is to build the landfill solar in two pieces, start now and, then, as soon as we can start the other half. He said that he would hope that we could look at the Maine Power Options and try to get out of that, if we possibly could, as a first option. He said that he is looking to the BOS to see whether you think we are on the right track and do you have a preference for how we go.

6:27 PM Mr. Pomerleau said that he hasn't gotten his head completely wrapped around all this; that it would be helpful for him to see it in spreadsheet form, particularly if there's a projection on rather significant changes in the...

Mr. Case said that he did a 40-year analysis.

Mr. Pomerleau said that that was per year; that you are basing that on the current 11.8 cents/kwh and a 2% annual increase, asking what if there was a 20% increase.

Mr. Case said that that was a very good question. He said to, first of all, assume we buy it after six years; that the first five years are fixed and, in year six, we will be charged at only 80% of whatever the increase is in year six; that after that we buy it out and we're free and clear; that we only really have to worry about one year if we decide to buy it out.

6:29 PM Mr. (Mike) Dupuis asked for confirmation that, at the end of the 6-year buy-out period for the Town Garage system, it would be \$43,000, asking what the life expectancy was.

Mr. Case said 40 years. He added that nobody's had a system up for 40 years, yet, but what is very interesting is that the technology is moving ahead and it's not clear how these things degrade. He also said that one nice thing about Barrington Power's proposal is that they will have a system where, if one particular panel starts degrading, we'll know that and we can replace that panel. He added that it is the industry's belief that, at this point, 40 years is a pretty reasonable life.

Mr. Lee added that in their proposal, he believes, for the first 25 years there's a guarantee of no less than 80% of its predicted productivity.

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Mr. Case agreed that was true, reiterating that the industry doesn't really know what the degradation is; that there's quite a bit of information out there that says it doesn't degrade much at all.

6:30 PM

Ms. Davis said that she also wanted to see the spreadsheet of the financials on this.

Mr. Case said that the biggest savings are toward the end but it's important, if we want those savings at the best deal, from his standpoint, it is to buy it after six years and, then, just go from there because all these increases that might happen, we are free and clear of those and we can sell REC's on the open market just like they are doing.

Mr. Pomerleau said that one thing that bothers him a great deal is that, obviously, you are presenting it as a smart thing to do and there's some money savings here.

Mr. Case said he personally thinks that the Budget Committee has been working to save money for the Town and that's exactly what we're trying to do.

Mr. Pomerleau said that he was still troubled about what the school's problem was, here; that, originally, a big piece of this was going to be able to realize...he knew this was separate but this is all the same taxpayer.

6:31 PM

Mr. Case said that the schools use 2.3 million kwh/year of electricity and that's been pretty much for the last five years; that 50% to 53% of that gets paid by the Town of Eliot; that you can do a little math and figure out that the impact of the school is a whole lot more than us but that shouldn't stop us from doing what's right for us. He added that he really struggled with this one, asking how can we go to the schools and say, "You must go and take every step you can to minimize your cost, whatever it is, and figure out how to do that." He said that right now he thinks that's the school committee's job and, maybe, people here start going to school committee meetings and say, "Do you know what you're not doing?" He gave an example: he said that one of the peaks you want to avoid at all costs is between 4PM and 8PM but that's when the janitors clean the rooms; that they start out and turn on all the lights and, when they finish a room, they turn off that light; that we suggested at one meeting that, maybe, they should have flag, or something, on the front of the door of each room so, if it's red the room is not clean, yet and, flipping it over, it's green and you don't have to keep the lights on all the time. He said that they are not paying attention to when they're using electricity and how much they are using at any given time. "Hey, it's complicated" "So what?" He added that the other one is that there is a thing called the New England Grid ISO-New England Charge, which is a capacity tag charge; that the high school uses more than half the electricity bill: that what you have to do with capacity tags is that you have to pay attention to when the New England

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ISO Grid is maxed out; that that is probably being governed by Connecticut and toward New York City, which is a very high usage area; that it depends on its temperature but it's a single hour on a single day where you hit that peak; that that can happen anytime but, typically, it's August or July. He said that what we said to the school is, "You have a big generator and the generator is there because the high school is our (emergency) shelter. Let's assume, three times a year, it would be smart for you to cut off from the grid and run the generator; that, then, you could substantially reduce your capacity tag charge." He said that a large user of electricity is the Kittery Sewerage Treatment Plant; that they figured this out seven years ago and put in a big generator and, when Maine Power Options puts out a flag that it could be today, they shut off and turn on their generator so they don't pay any capacity tag charge. He added that, if the high school could do that, we could put...each of the schools could have time-of-use meters installed pretty cheap; that the high school has that and the other schools could also have that and, again, shut off during the time that that peak hour happened and you would shut off and not take any load from the grid. He said that there's a lot of pieces to the puzzle and it will probably take some effort to get there.

6:35 PM Mr. Murphy asked how much that would save.

Mr. Case said that for just the high school, alone, he did a quick calculation...and it depends on the capacity auction each year...that the auction price is pretty low right now but it was \$30,000 just for the high school alone each year; that it could be a whole lot more than that.

Mr. Lee said that we did this whole building with LED lighting; that we did it with rebates and every one of the fixtures we brought in, we only ended up spending like \$10 per install; that the high school has hundreds of lights over there that are the old tube lights.

6:36 PM Mr. Case said that we suggested that we go in there and really work with them; that maybe they can hire some competent help to say what they could do and what it would cost; that we are trying to be an example to them (business manager/superintendent) and met with them at least three times and pointed all this out. He added that he thought it was appropriate to start with them but it may be prudent to start talking to the school board.

Mr. Lee reminded the Board that, at one day or one meeting back right after he and Mr. Case went in and met, is when he had said that infamous line that "we're not a good dance partner" and people weren't sure what he meant by that; that that was part of, he thinks, entering into any kind of contractual something-or-other with the Town of Eliot made them (school) uncomfortable.

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6:38 PM Mr. Fernald said that, at some of the meetings, they indicated that they were into a special program of some sort, which indicated to them with their calculations that what they are doing would be less than what the Town could provide.

Mr. Lee said that they have an energy consultant.

Mr. Case said that they actually don't; that that contract is done; that they did have one that was monitoring their energy usage out of Texas. He added that it does get complicated because of the way the delivery charge is calculated; that he thinks it's worth a whole lot more study in both how their delivery charge ends up being calculated through demand charges and capacity tag charges.

6:39 PM Mr. Lee said that, for our part, the only thing that's of concern to him, and he's expressed this to the Energy Committee, is that Barrington Power he thinks was of the opinion that we were going to move a lot faster than we have moved and they have investors; that they have to attract investors in order to make this work and he thinks the investors are nearing either do it or don't do it; that investors are not going to sit around and let their money wait for Eliot to do something when they can go and invest it elsewhere. He added that Barrington has advised us of that; that they're getting a little nervous about the timeframes; that he had spoken to them because we should put \$40,000 aside for each of six years; that that's a budget allocation and won't happen until June, which means we don't get built out until the end of the Maine Power Option contract on, or about, November 1, 2016 and the owner of the company said that that was a long ways off. He said that he thought that was why Mr. Case was saying that sooner rather than later would be an excellent idea, but, we would have to postpone the first year's reserve of \$40,000, if we were going to do it that way, and increase it to \$240,000 divided by five years, perhaps, or something like that.

6:40 PM Mr. Case discussed the risk if we don't do this and we decide not to buy it out at the end of six years. He said that we would keep buying power from Barrington Power and we still won't have paid any capital; that Barrington Power was the only one who said they would increase their price to us by only 80% of what CMP increases.

Mr. Lee said that if we opted to hang onto it for, say, 15 years without buying it out, he believes he heard that the answer was that, essentially, it would have no value; that the cost to remove it would be greater than any remaining value in the panels, or any of the other equipment, so there is a point at which they would say just to keep it because it has no residual value and the company doesn't want to bother pulling up all the fencing, concrete, and all that; that at some point they would not want to maintain it anymore, either.

6:42 PM Mr. Fernald said that, as he understands this, there is no upfront cost to the Town.

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Mr. Case said that there was a small cost because we have to involve an attorney to go through the contract.

Mr. Fernald said that the other cost is the buy-out at the end of six years. He asked what the down side was to this.

Mr. Case said that, personally, he didn't see a down side. He said that if Barrington Power went out of business that is covered in the contract; that we had the same contract issues with ReVision Energy and that is all covered in the contract. He added that he doesn't have everything, as it was 2 ½ years ago when that contract was signed, but we went through every line item and then we had Attorney Duncan go through it with a fine-tooth comb and he said the contract looked pretty good and there were only a few little things we needed to do.

6:43 PM Mr. Pomerleau discussed the school. He said that he would like to know what benefit that there would be to our project being able to include the school.

Mr. Case said that it was his opinion that it doesn't benefit the project we're talking about tonight; that it doesn't reduce the cost, we can do what we want all by ourselves; that as a taxpayer in Eliot he felt we should be doing something with the schools; that from Day One when Ms. McEwen and the others set up this commission, they've been talking about the schools, education of the schools, because most of the power we pay for is used by the schools. He added that whether they're part of this or not, to him, doesn't matter; it's can we work with the schools and reduce their energy footprint and cost because it's important for taxpayers in Eliot; that that's his simple answer.

Mr. Murphy said that that continues to be a problem.

Mr. Case looked up on Goggle what the average usage cost per square foot was for the average school in the United States; that there are a whole lot of them in the South that use a lot of air conditioning so that may have skewed it but, in total, our schools are about average. He asked if they could be a whole lot better by putting in LED lights, by insulating better, by doing all the things that we're doing in Town, here; sure, absolutely; by paying attention to when they have all the lights on and when they don't they could absolutely reduce their costs a whole lot.

6:46 PM Mr. Lee said that, in answer to Mr. Pomerleau's question and he agrees with what Mr. Case is saying, the cost of the system increases proportionately, the cost of the buy-out increases proportionately; that their cost to buy out their share of it would have to be raised and appropriated, as would ours; that it's the whole thing that gets proportionately bigger but he would not say that there's any economy of scale having them in or out, really. He said that he didn't believe we were paying more because of their lack of participation.

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Mr. Pomerleau asked if there would be a savings by the volume.

Mr. Lee said that when we had the bigger system they did quote us a slightly smaller per kwh price; that that went up a little bit because of the lack of participation and the down-sizing; that that was the only measurable increase to our cost for their (school) lack of participation.

Mr. Moulton said that the question is, if it is decided to move forward with the Town's portion of this, is it adaptable if you continue negotiations with the school to add to the grid, at that point.

Mr. Case said that it depends on how much space we have on the capped landfill.

Mr. Moulton said that Mr. Case had already done the analysis with the capped landfill that it would accept the sized grid it would need for the schools.

Mr. Case said yes; that is the simple answer of course.

Mr. Fernald said that what he understands is that, if we go into this with the Town, that down the road we could add the school; that if we can show them what we are saving and convince them that it's a good thing, then we could add them.

6:47 PM

Mr. Case clarified that we can't add all the schools because there's not enough capped landfill; that you could do 40% of the schools and, then, he thought we would have to look at the vacant land in South Berwick.

Mr. Lee said that South Berwick has a site where they might be willing; that they're kind of watching what we're doing to see if they might do the same thing.

Mr. Pomerleau asked what their answer was. He added that there was an article in Seacoast Online, he believed.

Mr. Case said that they (school) are going to say that because we don't have a fixed price for delivery charges then, what happens is, if you generate power into the grid for the school buildings that are on intermediate or high-end usage, then their delivery charge won't benefit from it because their delivery charge is calculated very differently than per kwh. He added that we agreed but said that they could end up saving the same amount of money if they pay attention to demand charges and capacity tag charges; that their answer was that they could do that, anyway, and save a bunch of money and our answer was to agree and suggest they do that. He said that, on the good side, the schools have done a lot of energy savings over a 10-year period; that it's just not happening in the last five years, that's all.

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6:49 PM Ms. Davis said that the rumor was that the school was considering doing their own solar project and asked if that was true.

Mr. Case said no; that at one point he thinks they said they would do it for their new garage.

Mr. (Jim) Tessier said that he really supports what the Energy Commission is doing; that he thinks it's a fantastic job and that this project is another example of what you are doing. He added that he does have one concern in that we're talking about building this on the landfill and the State has specific requirements that you have to meet in order to do that. He asked if the Town has approached the State to get approval yet.

Mr. Case said that we, plus Barrington Power if we go forward, will end up going to the State but it appears that nobody has an issue; that the basic thing is that you can't penetrate the cap and there is some other stuff in there, too. He thanked Mr. Tessier, as he brought that to our attention a few months ago and we did pass that along to Barrington Power and they've reviewed it.

6:50 PM Mr. Lee said that we got the handout from DEP that talks about when you put solar on a landfill; that there's actually a handout of what you must and cannot do and, so, we've been guided by that.

Mr. Tessier said that that guidance you got from the State says that you have to put together a whole bunch of information and provide it to them and get their approval; that then you go forward with your detailed design. He added that he just wanted to make sure we weren't putting this off or signing any contracts or doing anything without that.

Mr. Case said that Barrington Power would have to do that; that they already have a detailed design that he thinks meets what you are talking about; that they are responsible to do that.

6:51 PM Ms. Davis asked for confirmation that the layout of the panels would be such that we could definitely add the school on.

Mr. Case said yes because we already did a layout of that.

Ms. Davis asked what is the longest that any municipality has had this installed for, so far.

Mr. Case said that Germany has more installed capacity than any country and they've been doing this for, he would say, maybe 20 years. He added that he had a house he recently sold that had a system that Barrington Power installed 7½ years

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ago; that it saw 95-mph winds, hail, 4 feet of snow, it saw everything and he never saw any degradation in power at all. He said he wasn't sure where the degradation comes from because he was able to measure that very accurately; that the advertisement will tell you that and you can see it online. He added that, 7 ½ years in, he was still getting within a tenth of a percent of what he got for the other seven years.

6:52 PM Ms. Davis asked if there was any estimation of standard maintenance costs over the 40-year span.

Mr. Case said that one maintenance thing is cutting down trees that block the arrays; that Mr. Moulton had an oak tree that was doing a bad job on some of our panels so he fixed that. He added that everything is monitored online so you can see exactly what's happening; that if you ever have to replace a panel you can do that; that it's even easier on the ground because you can walk up to it and unbolt it instead of having to get onto the roof. He said that he thought it was \$250 for a panel; that, once we own the system and are selling renewable energy credits, we'll have a nice little kitty to go do that. He said that, if you figure it out, we are using 225,000 kwh/year of solar power, we could sell that many kwh on the open market at between 4 and 8 cents a kwh, or whatever the market is at that point; it's a lot of money.

Ms. Davis asked how much of a problem was it going to be to keep this mowed and maintained.

6:53 PM Mr. Case said that it was a matter of mowing the field; that Mr. Moulton already mows it; that it is a matter of keeping trees off.

Mr. Lee said that Barrington Power, in the agreement, has full maintenance of the site until such time that we purchase it from them.

Ms. Davis said that they'll be standing on something, right, so how much hassle is it to keep it mowed.

Mr. Case said that they are up high enough that you can get a mower under it.

6:54 PM Ms. Davis asked if they had calculated in the cost of removal; is it hazardous waste at that stage and what would it be like to get rid of this.

Mr. Case said that, like every electronics thing, there are semi-conductors in them so there is that much hazardous waste there; that there are wires so it's no different than a building that has light fixtures and wires and thermostats. He added that we have not calculated what it would cost to remove it after 40 years,

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yet; that we don't know what it would cost in 40 years but, right now, it's not that expensive; that that is probably something we should look into.

6:55 PM Ms. Davis asked if it was possible to keep rotating these things so that you're replacing panels and it goes beyond 40 years.

Mr. Case said probably.

Mr. Beckert said that no one knows what the life expectancy is, really.

Mr. Murphy agreed, saying that the life expectancy might be 80 years.

Mr. Case agreed that it might be. He said that when he put his system on seven years ago the best he could get was 170-watt panels and now you can get 300-watt panels that are the same size; that 10 years from now we could be able to replace the panels with 500-watt panels, as technology is moving ahead very fast. He added that a great thing about Barrington Power is that they've got it all monitored so you can upgrade a piece; that you don't have this great big thing that you just have to take out and put back in; that the inverter is the expensive piece and what they've done is that they have a modular version and have a bunch of them; that they'll build some sheds to put them in.

Mr. Lee added that there would be fencing for security.

6:56 PM Ms. Davis asked if they were looking for an answer tonight.

Mr. Case said that he thought it would be great to just go forward; that the problem is how do we buy the power; that we need to figure that out.

Mr. Lee said that he believed it would probably be in the interest of the BOS to hold a public hearing on this and not just to jump into it. He added that, if we wanted to get going sooner rather than later, though, which he thinks would help Barrington Power feel more secure and the investors still in place, etc., we would want to proceed pretty quickly with some sort of public hearing, or informational piece, or something. He added that what we would probably have to do is omit the first year's reserve from the upcoming budget and wait for the following year's budget to start that reserve, putting us at a 7-year span or 5 years with slightly higher amounts than \$40,000. He said that, if we want to put it in the budget, then Barrington and their investors, it may blow up on us; that he doesn't know if the owner (Barrington Power) meant it that seriously, or not. He added that, if we waited, then we'd have to put the money in in June, then we'd get contracts and have lawyers, finally sign it, in September build it out, and have it running in November or December 2016. He said that when he said that to the owner that is when the owner showed discomfort. He added that, right now, if we move quickly

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on it and opted not to reserve funds for it, at this point, we could move ahead with it very quickly.

6:58 PM Mr. Case agreed, adding that the problem would be buying the power; that we'd have to buy power we can't use because we are already paying Maine Power Options for that, so we have to figure that one out.

Mr. Lee said that he still thinks we could probably do this for December 2016, put the money in the budget, if that was so decided by the Board and Budget Committee that they wanted to proceed with this, and he thinks Barrington Power would find investors at the time when we are ready to go.

Mr. Case asked Mr. Lee if he liked the idea of doing half of 175,000 now.

Mr. Lee said that we could do that but he was not a fan; that he would rather do it in one shot.

6:59 PM Mr. Murphy asked what Barrington Power thought about that.

Mr. Case said that he didn't know, as he hasn't proposed that to them. He added that all the communication is going through Mr. Lee. He also added that he just came up with this today.

Mr. Murphy said that we don't know, then, if it's viable or not.

Mr. Case said that he personally thought that Barrington Power would like to get something started.

Mr. Lee said that he thought the issue was that you will run into two sets of mobilization charges; that twice they are going to have to get contractors and trucks and concrete; and twice they would have to travel here; and that is where he thinks you're going to lose some efficiency and he thought it would be fairly significant, too, to move a construction crew not once, but twice, for this.

Mr. Murphy asked what we would do with the power that's generated.

Mr. Case said that it would go into the grid; that we have twelve months to use it; that the problem is that, if we accrue a whole lot in the bank that we can't use, it's going to cost the Town money to pay for all of that; that we probably won't be able to use it because it will probably be more than what we are needing; that he didn't think that would work.

7:00 PM Mr. Moulton asked if they would be pouring the concrete or would they be pre-cast pedestals.

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Mr. Case said that he started out with pre-cast pedestals; that he thinks, at this point, the owner is looking at pouring it onsite to keeping the big trucks away and using a boom.

7:01 PM Mr. Lee said that he spoke specifically to the owner about that because he doesn't want them up there on that landfill.

Mr. Pomerleau said that, just off the top of his head, he was wondering if they could somehow tie this in to use some TIF monies, given the location of it and the compressor station being down there; that he imagines they are a fairly big user of power... whether or not this thing could be expanded to provide the compressor station with power, therefore, allowing us to utilize TIF funds in that arena.

Mr. Case said that we actually talked about whether there was a way to use TIF funds, here, and we couldn't come up with any but we didn't think of trying to power the (compressor station). He added that the problem was that, if we are generating power and we want to power other things, we have to have some kind of ownership in it; that unless we wanted to pay a dollar for a share of ownership in the station, that would not be allowed by the PUC.

Mr. Beckert said that the power has to go to something we own or have a financial interest in.

Mr. Case agreed, saying that that is why the schools work.

7:02 PM Mr. Pomerleau said that there's still some possibility; of course it wouldn't be the compressor station; that there are things we can't own as long as it's not predominately for Town purposes but the Town could be using simultaneously; that there may be some avenues, there, down the road. He added that, obviously, you have eliminated the compressor station because it has to be provided to something the Town has some interest in. He asked if there was any specific limit to it.

Mr. Lee said that we haven't looked that far into it.

Mr. Beckert asked Mr. Lee, at this point, how quickly can we get a public hearing scheduled.

7:03 PM Mr. Lee said that we have another meeting coming up November 10th; that we could start at 5:30 PM with a public hearing.

Mr. Pomerleau said that that was okay with him. He asked how Mr. Lee was proceeding with what; that he was unclear on that. He asked what Mr. Lee's

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recommendation on how to move on this and what's the public hearing going to be over.

7:04 PM Mr. Lee said that the public hearing would be on the proposal, what it costs to do it, what the likely returns would be, etc.; that maybe he could convince Mr. Case to make a trip back in a couple of weeks; that maybe we could even put together a chart, like what was suggested, to try to give everyone something that is more graphical, instead of words, and have those for the hearing; that he thought that would be helpful.

Mr. Pomerleau agreed, especially at the public hearing, because one picture is worth a thousand words.

Mr. Beckert asked Mr. Case if he would be available.

Mr. Case said that he would have to check on that.

Mr. Beckert suggested they tentatively set up a public hearing on November 12th at 5:30 PM, predicated on whether Mr. Case is available.

After some discussion, the Board agreed to tentatively schedule the public hearing for 7 PM on the same night to give more of the public the opportunity to attend.

The Board thanked Mr. Case for coming in.

2) Board of Appeals: Request for Planning Board Action

7:06 PM Mr. Lee said that you have a letter from the Board of Appeals talking about 'front yard' and 'corner lots'; that it is his understanding that the PB has already started to look at that.

Mr. Beckert agreed that the PB was already looking at this; that they had a resident come before the PB about this and it's a question that has come to the PB before.

G2. Administrative Department

7:07 PM 1) Town Manager Activities Report

a. Financial Reports

Ms. Davis asked, discussing Town Sewer, ECSD, Kid's Play, and capital projects, if some of those numbers are going to be updated; that a lot of those are in red or is that just the cycle they're in.

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Mr. Lee said that it's a cycle; that it's a cash flow issue; that we're always in the process of collecting funds that are due to us. He added that it is one of the only places that we have old receivables and what happens is you expend a lot at one point and, then, go into another season and do a lot of collection; that they actually have a pretty tidy fund balance.

7:08 PM Ms. Davis said that previous fund balance doesn't go on here.

Mr. Lee said that we will get better with that but remember that we are slowly trying to get a sewer budget together and this budget, as well.

Ms. Davis said that at our last regular meeting we discussed capital improvement accounts and asked if that was something the Board is agreed; that she thought that Ms. Bergeron had mentioned that she could pull together a spreadsheet showing current balance and what was added this year so that we know what all the totals are for each of the projects.

7:09 PM Mr. Lee said that, in fact, we did that with the Public Works Equipment Reserve from the discussion we had about the truck. He added that it took Ms. Bergeron quite a while but we went back several years and we were able to tie it all out to current balance today. He said that there are several of those accounts to be done.

Ms. Davis said that Public Works is done, asking if it showed everything that's gone in and come out.

Mr. Lee said yes.

Ms. Davis asked when he anticipated handing that out.

Mr. Lee said November 12th.

Mr. Murphy said that he assumed that these lists of accounts, both for revenue and for expenses, are in fact the total list of accounts; that they're the list in which something has happened.

7:10 PM Mr. Lee said that it's the total; that, in fact, many of them have no activity

Mr. Murphy said that there is only one that is completely zero in all five columns and that is right at the beginning of revenue – 01-02-05, Auto Agent Fees.

Mr. Lee said that these are thorough.

Mr. Murphy agreed, adding that they are complete so there aren't any others to bother printing out.

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Mr. Lee said that we don't really have a choice to pick and choose; that it prints the whole report.

Mr. Murphy said that the revenue account numbers have no direct connection with expense account numbers.

Mr. Lee said that that was correct; that they are separate and apart. He added that, generally, as you look at the percentages, we are in pretty good shape for the first quarter.

b. Quarterly Reports

There were no comments or questions regarding this.

2) Cumberland Farms- Consent Agreement

Mr. Beckert said that this item is off the table; that there is no need for a consent agreement at this point in time; that the Board of Appeals granted their variance and Cumberland Farms withdrew their request.

G3. Public Works

7:12 PM 1) Pump Station Report / Timeline: Underwood Engineering

Mr. Lee said that Mr. (Keith) Pratt is with us; that he got the questions from Ms. Davis and has come tonight to try to respond to those and any other questions you may have about the sewer pump station projects.

7:13 PM Ms. (Donna) Murphy said that she didn't **speak on G2-2** during the Public Comment time because it was on the agenda; that she would have spoken during Public Comment if she had known it was off the table. She said that she watched the meeting the other night with the Board of Appeals (BOA) and she was a bit disturbed and baffled how some of them came to their conclusion; that they did make a comment that there was a 45-day period in which this Town could appeal that decision, or whomever, could appeal. She asked, to be clear, whose responsibility is that and how would we find out when that decision is going to be made of whether that variance is going to be appealed.

Mr. Lee said that a person from the general public could come forward and appeal it or, he guessed, the Town, itself, could appeal it but he has not had any direction to put anything on an agenda to appeal the decision of the BOA.

7:14 PM Ms. (Donna) Murphy asked who at the Town would make that decision.

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Mr. Lee said that it would be this Board.

Mr. Pomerleau said that he was going to wait until the end to bring that subject up; that the outcome of that variance is, in essence, to reverse the ordinance. He added that there is no other way to look at it; that a condominium can't have their own 100-square-foot sign and, by virtue of the variance, that condominium owner can now have a 100-square-foot sign. He said that he would imagine the CEO was not pleased with the outcome of that and he is certainly open to the suggestion that the Town should consider appealing that; that he knew it wasn't precedent, legally, because only courts set precedent but you know darn well that, when Aroma Joe tried to come in, they couldn't get their sign out there; that they withdrew and decided to go down the road. He added that in comes this big corporation right behind them and, now, they have a sign; that he doesn't think it bodes well for where we're headed as far as that whole condominium thing down there. He said that he would like to hear from the rest of the Board but he is certainly open to the discussion of the Town appealing that decision.

7:15 PM Mr. Murphy said that he didn't go to the meeting and hasn't played it back so he doesn't know exactly what was said; that he understands that Cumberland Farms got their big sign, or one of them. He added that he believed it was a sign that they have to share with other businesses.

Mr. Pomerleau clarified that it was just theirs.

Mr. Lee added that it was a free-standing sign. He pointed out two things; that there are two concurrent court documents that are pending and that, first, they are pending for the issuance of the sign and they are pending nobody appealing within the 45-day window; that at this point there is a stay on those two things; that one is to overturn the decision of the CEO and one has to do with estoppel. He added that, if we seek to appeal the decision of the BOA, we will be simultaneously agreeing to defend two lawsuits where they will go to court to try to get this overturned.

7:17 PM Ms. Davis said that it seemed to her that the CEO was acting on our ordinances and that the rationale used here for waiving the ordinance may not be on very firm ground; that it would kind of open the door for what precedent would we use for denying anybody else within The Commons, if they chose to go against what has been in place already.

Mr. Lee agreed with Mr. Pomerleau that this decision doesn't make precedent; that that's only by courts so he doesn't think, necessarily, that we have to look at this as precedent-setting.

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Ms. Davis asked what reason would we give another condominium owner or rental person in the Commons.

7:18 PM Mr. Lee said that he didn't know; that he did not have ownership over this, quite frankly.

Ms. Davis said that it would be interesting to know what the CEO thinks; that that was quite a report she put out for the reason for denying the signs; that she was overridden for doing her job.

Mr. Lee said that he thought it was fair to say that neither the Planner nor the CEO thought this would go through; that he thought they were rather stunned that it did. He added that he would tell you, too, that we are staff and, when those decisions are made - good, bad, or indifferent - we plug on.

Mr. Murphy asked if this decision only applies to The Commons or does it apply to the entire industrial zone.

Mr. Lee said that it applies just to this one particular business.

7:19 PM Mr. Beckert said that, from his experience on the PB, the courts do not consider the BOA or the PB precedent-setting boards; that they consider the decisions made on the particular application that is currently before them, period.

Mr. Pomerleau said that he knows he's heard Mr. Beckert say it on the PB and he thinks the record bears what you said to be true; that when these kinds of cases get to court, the courts get real irritated with the lack of consistency with the application of our zoning laws. He added that he knows that some of them are very ambiguous and difficult and, sometimes, contradictory, but they like to see at least you take some consistency. He asked where that left us with other condominium owners within The Commons, for the sake of consistency; that if we've opened the door to "Why can't we have our own individual sign? We can show the same competitive hardship by not having our sign out by the road." He said that some of the criteria used by Cumberland Farms, in their defense, was this disadvantage, competitively, for not being able to put their gas price out there, which he doesn't dispute, but he thinks that held true for other businesses that are sitting in behind Cumberland Farms, that are now completely obscured by Cumberland Farms, that would benefit them substantially to have a sign out there on Route 236 to let people know they are in there. He added that he was just taking the avenues that were used; that two of them he disagreed there was any logic to it and he thinks that, if there is going to be hardship, he thinks they should have the burden of proof of showing it, not just declaring it. He said that he was not sure, with the criteria they used, that he doesn't know where his position is,

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here, to speak on the Appeals Board, whether this comes back to us, someday, in some capacity, so he's cautious...

7:21 PM Mr. Beckert said that that was going to be his next statement, to be very cautious because, if it goes to court...

Mr. Pomerleau said that he thought it was a highly-winnable appeal...put it that way.

Mr. Fernald said that one of the things that is hard for anyone to understand is when you are sitting in the seat and making the decisions; that he is not comfortable with trying to analyze what the BOA's purpose was around the decision that they made at that time. He added that it's like, again, looking through the window and us making a decision in that we don't actually know what they were actually thinking at the time. He said that it's a tough decision on any boards that you sit on but, sometimes, you have to accept what was done. He added that he wouldn't recommend us doing anything as far as the BOA.

7:22 PM Mr. Pomerleau said that the only experience that he's had with that, when thinking of being governed by the Administrative Procedures Act, with quasi-judicial and with our Department of Labor decisions, an adjudicator would be the first-line decision-maker and all of that was always subject to appeal; that any decision of the first-round adjudicator that was reversed, the adjudicator had a right to appeal; that they always gave standing to the original decision-maker; that if you feel your work had been unjustly reversed, here, and that's kind of where he is coming from, here; that you employ a CEO to administer our standards and he thinks he would like to know what the CEO thinks about it and whether or not they would like to see us behind them in some sort of an appeal. He added that he didn't know if Mr. Fernald had watched the video; that he has been following it and understood what the arguments were and there are obviously a lot of things controlled by the moment of the hearing, what is said and what isn't, from hindsight that he has the benefit of. He said that he doesn't think it's a trivial thing what just happened here; that they essentially reversed our ordinance. He said that the ordinance says that, for a condominium sitting down there, there has to be one sign by which all the participants in that condominium project puts their advertising, and that's that one big 100-square-foot sign they have down there by the entrance; that they essentially reversed our ordinance in allowing an individual unit within that condominium to have a sign.

7:24 PM Mr. Fernald said that he understood that but he wants to know the reasons behind their decision, as they sat there and made those decisions; that sometimes everything is not black and white.

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Mr. Beckert asked if there was anything else on that issue; that he was going to say very little because, if it ends up going to court, he might be the only one that can go testify because everyone else has already spoken and presented a bias in the judge's opinion.

7:25 PM Mr. Pomerleau said that he thinks the original point he was trying to make is that it is appealable; that we know it's appealable by a taxpayer or if there was another party involved; that it might be another condominium business down there. He asked if that right extended that to us, as a Town, and, in particular, the CEO; that if they do have that right to be considered an appellant, is it our decision to do that or can the CEO launch their own appeal.

Mr. Lee said that he would think it would have to be the BOS that would have to make that decision; that he didn't think it would be within the power of a staff person to appeal on behalf of an entire town and spend taxpayer's money on the appeal and on two subsequent lawsuits, and so forth, reiterating that the BOS would have to make that decision, and that's a pretty big policy decision.

7:26 PM Ms. Davis asked if her understanding was correct from reading the CEO's report that the signs of Cumberland Farms would be in violation of our ordinance even if they were on a stand-alone property.

Mr. Lee said that he didn't recollect; that he wasn't prepared to speak to this because it was being pulled off the agenda; that he didn't recap any of this material.

Ms. Davis asked if there was time for us to take this under consideration for two weeks while Mr. Fernald looks at the video and the rest of us look at the rest of the information.

Mr. Lee said that he could put it on the agenda for two weeks, if the Board would like to do that.

7:27 PM Mr. Beckert said that the Chair would be more comfortable, and this is only the Chair's opinion, if there was a recommendation that came forward to this Board, say, from the CEO.

Mr. Lee said that that is the staffer that works with the BOA.

Mr. Beckert said that he understood that and is what he is saying; that it's kind of the Town taking on the Town.

Ms. Davis said that we have to clarify the situation and, if this is the way to do it...

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Mr. Beckert said that you have to look at what the ramifications would be on both ends of it, whether you clarify it or let it alone or wait to see if, during the 45 days, one of the other condominium owners down there were to move forward, or what-have-you.

7:28 PM Ms. Davis moved, second by Mr. Pomerleau, that the Board of Selectmen take it under advisement for two weeks and speak with the Code Enforcement Officer and try to get a sense of where we should go with this.

DISCUSSION

Mr. Beckert clarified with Ms. Davis that she can't force the CEO to appeal anything.

Ms. Davis said no; that she would like to gather more information; that she would like to re-read the CEO's initial report of the reasons for denial and get a better sense of where this is going.

Mr. Murphy said that he worried that we might be viewed as afraid to fight and support our CEO in the proper maintenance of her interpretation of our ordinances; but, of course, what is the proper interpretation is the problem, and can there be variations and slow change, you might say, over a period of time and readjustment of what our expectations were, and so forth. He added that this probably should be thought about and talked about, in an official way, in order to see if there is a justifiable, official way to proceed; that he has not had a chance to talk with anyone in any detail, yet, and, yet, he knows that there are feelings of, he won't say abandonment; that he would leave it there.

7:30 PM Mr. Beckert asked Ms. Davis to repeat her motion.

Ms. Davis reiterated that we take this under advisement for two weeks and try to do some more research, read the CEO's report of the denial, look at the ordinance, look at the video of the BOA meeting and, then, come back next meeting with some better direction for where we want to go.

DISCUSSION ENDED

VOTE

3-1

Chair concurs in the affirmative

Mr. Beckert said that the Chair would remain positive because, if this goes forward, it could be sticky.

7:31 PM At this time, the Board returned to Item G3. 1., and Mr. (Keith) Pratt.

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Mr. Pratt said that Mr. Moulton and Mr. Lee forwarded him some questions from this Board and asked how they would like him to address them.

Mr. Beckert suggested he address them one-by-one.

Mr. Pratt said that these were questions in follow-up to our report that was done this winter; that we did some additional services for the Town to look at alternatives, to discuss some funding, and to sort of update things; that that was based on a technical memo we issued in the beginning of October and the questions that have come up are in response to that. He said that the **first question** raised was about some additional "excavation, shoring, and structural modifications at the King's Highway Station than previously assumed" and what we had done, back when the original reports were done, was based on just the feasibility report. He added that, subsequently, the Town advanced a 30% design, which we did over the last 6 to 8 months; that it was during that 30% design that we had additional efforts from the structural engineer and the geotechnical engineer; that they looked at the stations a little bit closer and identified some of the needs for some additional shoring, sheeting, at the Main Street Station because of the vicinity to the road and the type of soils that were encountered; that some of the cost increases were associated with that and the structural improvements that were part of that and that was as a result of us taking a drawing of 30%. Mr. Pratt said that the **second question** that was asked is related to that; that some of the cost increased because of that and, when we had done the original feasibility report and identified the \$1.5 million job project, we were carrying a 20% contingency, and that's normal; that we do a 20% contingency because we are making a few more assumptions in the costs. He said that now that we've advanced the project to 30%, a lot of those assumptions are becoming more clear and better defined; that the increase in costs is absorbed by that contingency and are now building this project at a 10% contingency, while we are at 30% design. He added that that is also relatively normal; that we are comfortable with a 10% contingency, based on the level of effort and design.

7:33 PM

Mr. Pomerleau commented that some of these terms that Mr. Pratt throws out he doesn't...he just figured out what 30% design meant; that you are at that 30% stage in the process, right.

Mr. Pratt said yes.

Mr. Pomerleau said that he didn't understand that; what does 30% design mean.

Mr. Pratt clarified that the feasibility report was just a report; that we wrote a report, based on our experience in the visits to the station, and came up with costs. He added that you authorized 30% design, so we actually had drawings, now; that we have technical drawings, now, that he would say are at 30% complete.

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7:34 PM Mr. Pomerleau said that, once you put it in context, he got it.

Mr. Pratt asked them to stop him if he used a term that needs explanation.

Ms. Davis asked Mr. Pratt if that meant that the increased cost of a 10% of the contingency or your knowledge means that you could comfortably reduce the contingency by half.

Mr. Pratt said that it's both, but he thinks the first is a better description, that the increased cost used up 8% to 10% of the contingency.

Ms. Davis commented that we are now hoping that we don't go into a contingency of more than 10%.

7:35 PM Mr. Pratt said that we are carrying a contingency of 10% at this point, when you hold the cost at \$1.5 million. He addressed **the third question**, "Preliminary engineering costs are not included in the \$1.5M but could be eligible for reimbursement later if funds permit. What does this mean?" He said that we are talking about pursuing the SRF loan, which you do not have and cannot get until you get a warrant article passed; that what is allowed, often, is any costs that were incurred, sometimes prior to the loan, can be absorbed, if the budget permits. He said that this would be the opposite; that, let's say, at the end of the job we never used that 10% contingency, then you would have the right to pull some things in, if you chose to; that sometimes that's good if you are trying to re-capture some capital reserves.

7:36 PM Mr. Pomerleau asked what 'SRF' represented.

Mr. Pratt said that 'SRF' meant the State Revolving Fund; that that is a loan that you would then get through the State.

Mr. Pomerleau said that he was thinking sewer relief from.

Mr. Beckert said same thing.

Ms. Davis said that she still doesn't understand how that explains how we would be 'eligible for reimbursement later if funds permit'.

Mr. Lee said that he thinks what Mr. Pratt is saying is that some other engineering costs have been paid out already.

Mr. Pratt agreed that you have expended quite a bit just in the planning stages.

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Mr. Lee added that, if we ended this project with surplus, you could, if it made sense, we could go back to a previous fiscal year where money was expended toward this project and the engineering of it, then you could essentially put that money back through to the fund balance and pay for it through the SRF funds; that, in other words, you could exchange a current expense from a prior fiscal year, or whatever, with existing revenue; that you can use it to offset that expense from prior, almost like you were borrowing money from yourself until this SRF money came through; that then all engineering would get paid for through SRF; that we could make that decision if money was there; all of it, from Day One, he wants it all to go through this SRF fund, and put it all together and make it nice a clean – what was the total project cost – you could do that from Day One, with engineering, if the money is available when it's done.

7:37 PM Ms. Davis said that we are paying for engineering out of the sewer reserve account, right now; that if we don't spend all of the \$1.5 million we can take the balance and put it back in the reserve account and keep it in the loan so that, at least, we are putting money back in.

Mr. Lee agreed, saying that another way to look at this is, normally when you close on the loan, it is at that point that you say that the total project was \$1.36 million and that's all we want to borrow; however, if you said we already had, say, \$100,000 worth of engineering in this thing and want to borrow \$1.46M because we want to repay ourselves that \$100,000 in engineering, you could do that. He said that they would allow that because you have legitimate expenses from a previous period on the same project.

7:38 PM Ms. Davis said that because money is cheap right now, it might be best to take it out and keep it in our reserve account.

Mr. Lee said that our reserve account is dreadfully low.

Mr. Pratt said that the point we've been trying to make, he thinks, is that the SRF (Revolving Loan Fund) program is a very flexible program, probably one of the more flexible programs that exists; that you have these opportunities. He added that you may, or may not, choose to do it but it is an option. Mr. Pratt said that the **4th question** was the same thing; that if there were associated administrative or legal costs, that can be wrapped into the loan, as well, at your option, as long as it's under the \$1.5M. He said that the **fifth question**, "An Environmental Review (ER) must be completed prior to bidding.", that was in our report; that the question was who performs the review, what is being reviewed, and how might the outcome affect the project. He said that the review is completed by the design engineer (very common) and there is a strict format, or a laid-out, recommended format that the DEP provides; that they have already given us the guidance and are already familiar with the project but you do need to contact the various State

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agencies, Historical Preservation, and so forth. He added that, because it's a sewer-type project and a Public Works-type project, they tend to fall into one of two categories: a categorical exclusion – it's a sewer pump station so you categorically exclude it, or, a FONSI – a Finding of No Significant Impact; that you go through the process to make sure that the due diligence is done. He said that that's done when you apply for the loan.

7:40 PM Mr. Pratt said that **the next question**, "Therefore, some new requirements will not be applicable including a Fiscal Sustainability Plan (FSP) and Cost and Effectiveness Analysis. What does this mean?" and **the next question** applies to the same thing. He explained that the State just changed their rules on the SRF Program and, if you remember, we were successful in getting the pumping stations eligible for the SRF Program a few years ago when we were talking about the Route 236 expansion; that you are still on that list so, even though you didn't proceed with the project back then, this project is still on the State Intended Use Plan because we applied and because they know it's something that would happen. He said that, because we were on that list prior to the changing of the rules, we would fall under the old rules. He added that the State said that you have the choice to reapply, if you wanted to but, then, you would fall under the new rules; that they actually advised us to just stick to the old Intended Use Plan list and continue on.

7:41 PM Ms. Davis asked if this was just more paperwork, more stuff that we would have to do to achieve the same goal.

Mr. Pratt said yes; that there was a little bit more involved with the new rules; that you would be obligated to do the FSP; that you may choose to do it, if you want to but, under the new rules, you would be obligated to do it.

Ms. Davis asked if Mr. Pratt could give us a brief idea of what a FSP is.

Mr. Pratt said that he would actually have to go back and look at the rules; that they actually provide some funding to do it, a match-type thing, so you're going to have to pony up and they're going to give you some incentive to do it. He added that he thinks the best plan is, if you hear the term asset management, long-term funding, and sustainability, they want to make sure that your rates and your capital, or reserves, and things that you are building are going to be supported. He said that it may be stuff you are going to want to do, anyway, and we may be doing some of that as part of the report; it's just that the new rules would require you to do it and the old rules say it's not required.

7:42 PM Mr. Pomerleau said that he thought he knew the answer to this and, now, he's not so sure; that he thought, initially, what that was is that it was related to Route 236 because he remembers, very specifically, you did a revenue and cost projection analysis projecting the addition of new users on Route 236 and the rate of

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consumption they would do with the reserve and the revenue they would generate; that that is what he thought that was, at the time.

Mr. Pratt said that he thought that a little different.

Mr. Pomerleau said that Mr. Pratt was showing how it was going to be paid for.

Mr. Pratt said that that was more of just a revenue stream as a result of the work to justify how you might want to support the project.

7:43 PM

Mr. Pomerleau asked if it was a necessary part of this thing.

Mr. Pratt said no. He said that these are new rules so he thinks they are being defined but, in his experience and this is true in the work we do in New Hampshire, they just want to know that you have a sustainable plan so, if you're going to build infrastructure, you will be able to maintain the infrastructure; that that's probably the broadest definition of what they're looking for. He said that you have a user-rate structure, you have capital reserves, and you have a maintenance plan. He added that we will be issuing, if this does go forward, operation maintenance plans will be given so you'll have operation and maintenance plans; that this is just the fiscal component to it. He said that you are already doing some of it, anyway. Mr. Pratt said that he thought, in part of that question, there was a recommendation to write a letter to the State; that the Town wrote a letter to the State saying that they wanted to stay on the 2012 Intended Use Plan and you are; you're on that list.

Ms. Davis said that Mr. Pratt mentioned matching funds or some contribution towards these plans. She asked, if we don't go forward with that and you said we could consider doing it later, does that mean we wouldn't get any matching funds, then, to do a study.

7:44 PM

Mr. Pratt said that he didn't know but he can ask them that; that you may still have that opportunity. He said that **the next question** talks a little bit about the interest rates with the SRF loan. He explained that the way this works is that, if it passes in November, we would project closing the loan in early 2017 and the reason is, as Mr. Lee had mentioned, you really kind of can work on a credit-line basis so that you're only borrowing what you need and, then, if you're under budget, you just close the loan for what you need; that that's the way we are proceeding. He added that you do have the option of closing the loan right away, taking all the bond proceeds, putting it in the bank, and then finishing the project; that then you're going to borrow all of it, \$1.5M, and you don't have the flexibility of pre-paying. He reiterated that both options exist for you but we suggest...

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7:45 PM Mr. Lee said that you can pre-pay.

Mr. Pratt agreed you can pre-pay with no penalty.

Mr. Lee said that, then, we could take the full \$1.5M and, at the end of the project, if we had \$100,000 left we could throw that back at it right away.

Mr. Pratt said that you would do that against the principal. He added that you can do it, either way, because there are short-term interim costs if you borrow, too. He said that the point, again, is that it's a very flexible program.

Ms. Davis asked when we would decide on that and are we looking forward to seeing what interest rates are doing and whether we would be smarter to lock it in at the beginning; that if you're talking about paying for previous engineering, it sounds like you're going to go with the \$1.5M, anyway, for the most part.

7:46 PM Mr. Pratt said that we have been saying all along, he thinks, you want to do this sooner than later because rates are about as low as they've ever been and they are only going up. He added that that analysis would be done if this passed; that we're going to want to sit down and make those decisions; that we haven't made that decision and you have the flexibility to make it at any time.

Ms. Davis said that we would get on that right away.

Mr. Lee said that his sense is, at least for his part, he would advise you to take the full \$1.5M as soon as we can because interest rates have no place to go but up and, because there's no pre-payment penalty, and at least we will have the money and we can pre-pay anything we did not need to borrow, which would knock our principal down right after the project is done. He added that, if we wait, he's afraid that we're going to see rates rise slightly and that's going to impact our project quite a lot, in terms of real money over a long term.

7:47 PM Mr. Pratt said that, unfortunately, New Hampshire does it a little bit different; that they allow you to take the better of the two rates, whenever you first passed it or when you close, whichever is better you get. He added that, in Maine, you get the rate, 2% below market, when you close; that, if they're going up and you wait, then you're going to lose and, if you do it now, you're going to get the better rate; that that's how Maine works. Mr. Pratt discussed the **next question**. He read, "In the absence of "additional maintenance and emergency repairs", accumulated funds from rate increases will be held in the sewer reserve account?" He said that the answer to that is yes; "Could these funds be used to make additional bond payments?" - he said yes but he didn't think we'd recommend that, since we're trying to keep our capital reserves up, but that would be your choice; "Will there be a pre-payment penalty attached to the loan?" - the answer is no.

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7:48 PM Ms. Davis said that she guessed the gist of this would be that rates are increasing concurrently with the idea that there may be some maintenance and repair issues until this gets resolved; that, if we don't end up using that money, then when do we reconsider the rates and where we stand, financially, with the bond; that she was just looking for where Mr. Pratt sees it going; that if nothing happens and we've accumulated this funding then she thinks you're planning to look on possibly using that money somewhere good.

Mr. Pratt said that it might help to know, too, when you close the loan, the first payment isn't due for a year so you do have that.

Mr. Lee said that you have an interest-only payment that first year.

7:49 PM Mr. Pratt said it was six months, interest-only, and then the first principal and second interest payment is twelve months so that gives you a bit more time. He said that the **next question** was on whether the date should be 2016 and he said that, yes, that was a typo; that that was on the schedule that he thinks said 2015 but it should be 2016 having to do with when some of the construction would occur. Mr. Pratt addressed **the next question** on "substantial completion and startup" (these are some terms we use in the industry) versus when "Debt Service Begins" and "what is the difference between "Substantial Completion and Final Completion". He said that when we set up our contracts, when these are bid and awarded, there is a contract that says the contractor will do 'this' work and be complete in a certain timeframe and the first timeframe is 'substantially completed'. He added that there are two timeframes; that the first one is that they must be done – substantially complete – at some set date; that that is defined as when the Town, then, gets beneficial use; that up until that point it's the contractor's site, the contractor's facility, he's responsible for the station – for by-pass pumping, or anything like that – to facilitate the construction, they are responsible for; that the day that substantial completion is issued, we've said you've met the intent of the contract, we can now take beneficial use, and we are taking back the operation; that that is an important date. He added that that starts the clock ticking for a 1-year warranty period; that once we have accepted it as substantially complete, then we have one more year for warranty issues; that during that period we hold some money, 2% typically, and any contract issues or any punch-list items or any warranty items that show up, they have the obligation to come in and complete those until we issue final completion. He said that these are actually forms we sign, engineer recommends, Town concurs, then issued to contractor that you are now substantially complete; that you are now final complete – very important dates.

7:51 PM Mr. Pomerleau asked if the Town made the decision whether it is substantially complete.

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Mr. Pratt said that, first of all, there is a contractual obligation to meet it and, then, they will request it, if they feel they have met it; that they will not get it without the concurrence of the Town and the engineer; so, yes, we have to issue it. He added that, sometimes, they are in dispute, we are not always in agreement; that they might think it's substantially complete but there are certain things that aren't ready; that if the alarms aren't ready, we may not want to take it, for example.

Mr. Pomerleau said that you do have the checklist (sirens going) so it isn't completely subjective; that you have targets they have to meet.

7:52 PM Mr. Pratt agreed, saying that it wasn't an exact science but, typically, beneficial use is the term; that it's pretty clear in the specs. Mr. Pratt said that **questions on 4A, 4B, and 4C** relate to us taking a look at some alternatives to the whole project that we've been recommending – can we just do some electrical work, just do some internal work, just do some phased work. He added that he should start by saying, in the beginning of that section of the report, we said that these are not recommended; that Underwood was not recommending these but we looked at them because the Town wanted us to. He said that one of the questions related to some costs related to some interim electrical work that was less than the total project; that the question was, if this work was done, would that bring the system into code compliance and the answer is no; that these were electrical things that we were saying should be done if you're just focusing on reliability; that one of the biggest issues, here, is reliability; that we're trying to get these stations up and running so that they maintain reliability for you; that that's where these options were kind of directed but they do not resolve the code issues; that because of the space limitations you just physically cannot meet code setbacks for electrical, unless you expand the building.

7:53 PM Ms. Davis asked why we are allowed to be in non-compliance of these code issues and at what point does it become mandatory.

Mr. Pratt said that it was a local issue; that from his experience, you aren't going to see the State, necessarily, come down and give you a violation, unless it leads to spills, environmental impact; that they've already, sort of, given us some feedback on that; that you aren't necessarily going to see DEP necessarily come down on the local code issues. He said that they will note them and they may, if it starts getting to health and safety issues; that he has seen it happen in the past, but we are taking the approach that the Town does want to meet code, and that's why we are recommending it be done.

7:54 PM Mr. Murphy asked if these stations met code at the time that they were built; asking if we can know that, even.

Mr. Pratt said that he guessed we can presume; that he didn't know.

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Mr. Lee said that they were done under a federal contract; that there must have been inspections on it.

Mr. Pratt agreed, adding that you are in a very typical situation; that we do pump stations all over the place; that we are doing eight of them, right now, in Portsmouth and all of them have the same types of issues, when you are looking at stations that are thirty or forty years old.

Mr. Lee said that, to add one more thing to your question, he always understood that, it's like a building you have on Main Street that might not meet the Americans with Disabilities Act (ADA); that no one is going to come down and necessarily make you unless somebody who - it's a public place where you are going into a public restaurant, or public accommodations, and somebody is barred from going in there - then they can bring suit, or they can bring action, to make you comply with ADA. He added that, normally, if you were to do something with that building on Main Street and start to do substantial reconstruction, then you would have to meet all code; that, in other words, we'll let you be out of code because you are grandfathered, as such, but the day you start doing substantial renovation, then you are going to have to bring everything up to code.

7:55 PM Mr. Pratt agreed.

Ms. Davis said that she was wondering if this option was enough of a change that it's going to trip that, or, it's the kind of thing that we could go for another 20 years. She added that she guessed that the sewer users are going to want to know what their options are and what their timeline is.

Mr. Pratt said that he was not saying it was an option; that his recommendation is not to do that, just to be clear from where we are coming from.

7:56 PM Mr. Dupuis (SC Chair) said, responding to Ms. Davis' question, in our meeting with the State Electrical Inspector, Bill Perry, he would condemn the building immediately if it wasn't for the fact that we are looking to bring it up to code with modern revisions; that there is nothing in Pump Station #2 that complies to a current electrical code so, the fact that the Town is moving forward with revamping, safety, etc., that's where we have the grandfather clause and that we would be terminated soon if we didn't do something.

Mr. Pratt addressed **the next question** regarding "Confined space/safety issues remaining. Will these concerns be mitigated by the interim repairs.", and he said no; that the reason the confined space issues are being mitigated is because we are putting stairs in and making it an accessible place, not a hatch that you have to go down with entry equipment. Addressing the next question, "Short term cost savings are outweighed by future full replacement costs. What is the approximate

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life expectancy of this option (in years)?”, he said we aren’t recommending them; that we don’t really have life expectancy; that he is saying they are zero and you still are not going to be in compliance if you do these. He added that he just wanted to remind the Board that we looked at it because we were asked to but we are not recommending these interim options.

7:57 PM Mr. Pratt said that **the next series of questions** related to the SRF again. He read “Confirm intentions to Maine DEP to apply for CWSRF funding of \$1.5M (by 10/2/2015, if possible).” He said that 10/2/2015 was the deadline for the pre-apps; that since we didn’t, that was not applicable to us because we are going to stay with the existing Intended Use Plan; that we just wrote a letter to the State describing our intent, which we did, and he believes they have acknowledged that.

Mr. Dupuis confirmed that the State has acknowledged that letter.

7:58 PM Mr. Pratt read, “Submit an application in November to the MMBB if the warrant article passes.”, and said that he thinks the question is “What’s the difference between CWSRF and MMBB?” He said that the answer is that they are kind of the same, in this case, because the State and federal government is subsidizing and securing these loans but you actually get the money from the bond bank; that, really, they are together, in this case, but you’re getting the benefit of 2% below prime because it is the federal program.

Mr. Lee said that the bond bank has several different pools of money and you get the money through the bond bank. He added that, in this case, it’s coming through the Clean Water SRF Fund; that they have a number of funds when you apply to the bond bank; that it could be coming from that pool of money or the SRF; that ours will come from SRF through the bond bank; that they are the lending mechanism for that fund.

7:59 PM Mr. Pratt read **the next question**, “Consider other Town resources/funding for work such as administration and drainage so that CWSRF funds are maximized for construction.” He said that that kind of goes back to the question we were talking about; if you chose to keep some of the administration and other soft costs outside of the loan; that it just helps you make sure your loan of \$1.5M has the money you need to get the job done.

Ms. Davis said that what Mr. Pratt was saying that, in any event, if we took out the \$1.5M and didn’t use it all, we wouldn’t consider using it for administration and other costs unless we had some left over.

Mr. Pratt agreed. He read **the next question**, “Refine costs during final design to verify sufficient funding.” He said that, as design proceeds, we are always updating the costs; that we typically do it at 30%, which is what you have now, and 60% and 90% just to see where we are at prior to bidding. He added that, if

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this thing passes and then we do a project cost update at 60% or 90% and we start seeing the contingency drop again or, vice versa, if we see it expand; that that happens sometimes because, when we go to final design, we can also see things happen the other way where things can get better; that then we make some design decisions to discuss keeping the project on track. He added that we do this right along so that, when we bid it, we know we have a project we can get done.

8:00 PM

Mr. Pratt read **the last question**, "This may require interim funding until CWSRF funds are available. Please explain where the interim funding would come from." He said that he thought that Mr. Lee was just talking about you may not proceed with that option but, in that case, you would either use funds you have in your reserve or, if that's not enough, you would just get a line – bond anticipation note, or something, at your option.

Mr. Lee said that the SRF does interim financing, as well; that they would convert it to permanent financing at the end of the project when the total amount due is known; that we would just pay that 1%, or whatever that current interest rate level ends up being, on the interim money and the amount of interim money that we need to borrow to pay the bills along the way until we close. He added that that goes back to the question of adequate fund balance; that if you had, say, \$2M in fund balance, chances are you wouldn't have to pay any interim financing costs because we could probably just go on fund balance; that where we use the tax anticipation note (TAN) to float us through lean cash-flow periods, we'd probably have to pay some interest to borrow interim financing or use much more of our TIF funds, which we pay .66 on and we're going to, hopefully, be paying .1 on the borrowing.

8:02 PM

Ms. Davis said that it almost sounded like we would be better off just getting right in there and take the money and, then, if we have any left over we can decide what to do from there.

Mr. Lee said that he would think so; that he just wants to tie this up at the lowest rate possible.

Ms. Davis said that the bottom line is, just to be very clear, is that this is the cheapest, most cost-effective way to handle this situation and there is no shortcut.

Mr. Pratt said that that was our opinion. He added that he was just issuing another report in another community and he was looking at the costs because he knew it was going to be coming up – how are the costs comparing to other stations; that we were looking at eight stations in Portsmouth, some of which are smaller than the Eliot stations, and they were all coming in right around \$700,000 to \$750,000; that a lot of communities have these so there's a pretty good idea of what these things cost to build. He said that anything short of this, in our opinion, you are not meeting all the code and the real big costs associated with this is trying to deal

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with confined spaces and electrical issues because of where the panels are; that we need the space and that forced the addition and that forced the cost.

8:03 PM Ms. Davis said that both solutions for both pump stations are going to significantly increase the safety factor for people who are working on these pump stations and that is one of the major reasons it's going this way.

Mr. Pratt agreed; that in the case of the Main Street Station, we are actually bringing the pumps out of the ground so the confined space just goes away. He added that the confined space goes away at King's Highway because we're putting in the stairs.

8:04 PM **a. Letter from John True, DEP**

Mr. Lee said that this was just informational; that you've seen the other memo from Underwood Engineers, previously, and then the questions came, reiterating that these are all informational.

b. Pre-Utilization Allocation Quarterly Fees

Mr. Lee said that this was similar; that this is just reading material for the Board, at this point; that we are going to have to have some discussion on rates.

8:05 PM **2) Transfer Station Retaining Wall**

Mr. Beckert said that the Board should have the third bidder that came in; that he had committed to bid but just didn't get it to us.

Mr. Lee said that we now have three bids and Mr. Moulton has written a fairly thorough memo about buying our own rebar, and that sort of thing, and keeping the cost down for the Town. He added that the lowest bid is M.E.K. Poured Foundations out of Farmington, NH. He said that, before he says any numbers, he wants to make sure he is at liberty to say numbers.

Mr. Beckert asked if all Board members are satisfied that we have three legitimate bids in front of us.

8:06 PM Ms. Davis said that, before we start on that, her first question is that during our budget process for CIP this year, the impression that the paperwork gives is that this was a complete project; that now we're looking at phase I and phase II at cost beyond the original request, which was for \$40,000 and it was down to \$35,000. She added that she was wondering why it seems either the scope has expanded or, for whatever reason, we weren't aware there was a phase II and the cost implications of doing this in two phases, as opposed to one.

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8:07 PM Mr. Lee said that there are a couple of things; that he thought that he and Mr. Moulton always thought it was a 2-phased project; that he doesn't remember where it said it was a complete project, that it said that this is the only time, the only thing; that he doesn't remember ever saying that because we've always thought it would be two phases. He added that Mr. Moulton wanted to do it all in one fell swoop and he (Mr. Lee) said that we better break it up over a period of at least a couple of years because it's a lot of money and it's just not going to fly with one big retaining wall at \$60,000, or whatever the number is; that he would like it broken up into bite-size pieces. He reiterated that he always imagined it two phases and he doesn't think that's any change unless you have documents that say this is the one and only phase. He said that the other thing, too, in speaking to Mr. Moulton, because we can bring this thing in \$9,000 under budget, or thereabouts, Mr. Moulton asked if we should just keep going with it and he (Mr. Lee) said no, not to just keep going with it; that that \$9,000 will drop through to fund balance and, if they choose to allocate a phase II, then they'll choose to allocate a phase II; that it's not within our purview to go to them and say that we overestimated the budget, we have \$9,000 left over, and we're going to keep doing extra work; that we'll ask for it if we need that phase II, when the time comes.

8:08 PM Ms. Davis said that we have a whole layout on our CIP that shows our projected expenditures, saving up for dump trucks, saving up for fire trucks, but nothing was mentioned this year about a second phase on the wall; that trying to bring that in to some kind of planning and looking at the whole CIP, as a package.

Mr. Lee said that he would reiterate what he said before; that he gave the Board a list of capital assets that goes on for three pages and that 99% of them don't have a capital plan behind them; that he just became aware of this retaining wall when the insurance company came out and did an inspection and said that we can't have this. He added that only then did he become aware of it and only then would he have added it to a CIP; that he didn't think either one of us was planning to do anything until the insurance company said that this is not good.

8:09 PM Mr. Moulton said that his intent was always to do something because he recognized a potential issue; that that was prior to Mr. Lee being here. He added that he has been kind of on this for a couple of years and, when the insurance company came out, they just reinforced what his concern was; that that is why he spoke with Mr. Lee last year and we put it into a CIP plan. He said that we have an issue that was recognized before; that he had no support prior to, to get this done in any form of a CIP; that once we got the insurance on it, which backed up his request, that basically forced hands to get it done because we have a safety issue.

8:10 PM Mr. Lee said that that was why he put it in the budget but he didn't want to put in the entire wall because one was only really – one wall exists and that wall, the

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existing wall, is a complete package; that he wants to replace that entire wall. He added that it should really wrap around the back of this a little bit, as well, and that was yet to be seen; that he wasn't even sure that he was sold, yet, that we were going to go around the back of it; that, for him, it was what was the past that was in trouble right now and it is this piece, right here, that they are noting. He said that we should get a price for that and do that in this year's budget and get them out of our hair. He said that, even phase II for him, he doesn't even know if we're going to bother to go around the corner and do any of that; that we do need extra space over there and we'd have to have a retaining wall to make extra space. He said that, at this point, this is the most scary piece right now that we have to fix, in his estimation, so that's all he put in. He added that, if he did represent it as a single project, it is that we will do that full retaining wall that has been discussed in the safety letters.

Ms. Davis said that it would just help, if there are things floating around in your head, that we need to take into consideration as we're looking at the whole budget, not only for the current year that we're discussing but, especially with CIP, down the road.

8:11 PM Mr. Lee said that, as he said the other day, as time permits we are flushing out CIP's, we're putting together sewer budgets, ECSD budgets; that there's a lot of work to be done on a lot of these fronts and we are doing the best we can. He added that the capital accounts get a reconciliation from time immemorial...sure, would love to do that, it's just there's a lot of this stuff; that if you want every thought kicking around in his brain, woo.

Mr. Beckert asked, bottom line, what were Mr. Lee and Mr. Moulton looking for.

Mr. Lee said that, bottom line, we are looking for \$11,750 to be utilized from the Transfer Station CIP account, \$10,950 of that to M.E.K. Poured Foundations, and the other \$800 of that to be used for...

8:12 PM Mr. Moulton said that we are looking for Phase I on the retaining wall to be an estimated cost of \$26,000 expenditure; that that's with the Town paying for the concrete, the reinforcing steel, and paying for any balance, out of the \$35,000 budget line.

Mr. Lee said that \$9,000 we're going to be able to put back into the fund balance.

Mr. Beckert asked for the pleasure of the Board.

Mr. Pomerleau asked what Mr. Beckert wanted.

Mr. Beckert said that he wanted a motion.

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Mr. Pomerleau asked if it was to pick the bidder or was it...

Mr. Lee said that it was to select M.E.K. Poured Foundations at a price of \$10,950 and to further allocate from the Transfer Station CIP account an amount that would bring us to \$26,000 to buy the concrete and rebar and the concrete truck that we are going to hire, and so forth; that it's a total of \$26,000, of which \$10,950 is for a vendor called M.E.K. Poured Foundations.

8:13 PM Mr. Pomerleau moved, second by Mr. Murphy, that the Board of Selectmen approve a total of \$26,000 for this phase of the retaining wall project, with \$10,950 to M.E.K Poured Foundations of Farmington, New Hampshire, and the remainder to purchase concrete and rebar and hire a concrete truck, to come out of the Transfer Station Capital Improvement Plan Account.

VOTE

4-0

Chair concurs

G4. Public Safety

8:13 PM 1) Eliot Police Auxiliary Update

Mr. Lee said that Lt. Moya told him that the Police Auxiliary had voted, in the affirmative, the required actions that he had cleared through Susan Caston (MMA) of how we would convert this over to a VIPS (Volunteers in Police Service) program; that they have taken their necessary steps and what he would ask the Board to do tonight is to take the required steps the Board needs to take to reconstitute them under the Town, thereby allowing us to provide them certain liability protection and other safeguards against them being personally sued for certain things or out-of-pocket expenses while they are volunteering. He recommended that somebody or somebodies make four sets of motions and read in the names of the members.

Mr. Murphy said that the next page has to do with the benevolent association and asked if that was also something we have to take down.

Mr. Lee said that there are two different names, explaining that the reason it looks a little confusing is because, somewhere along the line, MMA believes we still have a benevolent association, or something like that; that when he talked with Susan Caston, she said to just to be clear, make reference to whatever former structures we had so that they would now be disbanded and any assets would go under this new VIPS.

Mr. Murphy asked if we didn't have to disband them by action.

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Mr. Lee said that, by these four resolves, we will have disbanded them and reconstituted them.

Mr. Beckert asked if we needed a separate motion on each resolve or can he accept a motion that the resolves be instituted as listed on this document G4-1, dated October 22, 2015, and that the officers and members of the Eliot Police Auxiliary Volunteers be those noted on the attached spreadsheet to that document.

8:16 PM Mr. Lee said that, yes, you could do that.

Ms. Davis moved, second by Mr. Fernald, that the Board of Selectmen approve the four necessary resolves, as laid out on the document in the Selectmen packets that is number G4-1, dated 10/22/2015, and referencing the attached spreadsheet of seventeen officers/members be enacted as of tonight.

"Be it resolved that a new organization, known as the "Eliot Police Auxiliary Volunteers" (EPAV), be constituted under the rules and conditions of the Volunteers in Police Service Program (VIPS), details of which are attached hereto.

Be it resolved by the Eliot Board of Selectmen to acknowledge and accept the dissolution of the Eliot Police Benevolent Association and / or Eliot Auxiliary Police Division, established in 2009, and agree to receive and manage all said remaining funds from that / those organization(s), as a dedicated fund within the Eliot Police Department, for ongoing training and other operational costs associated with the Eliot Police Auxiliary Volunteers program. Be it further resolved that any and all disbursements from said dedicated Eliot Police Auxiliary Volunteers funds shall be managed through the Town's normal warrant approval process, annual town meeting budget appropriation and annual town audit, as required by law.

Be it resolved that the following individuals are seeking to become Auxiliary Volunteers in the newly-formed "Eliot Police Auxiliary Volunteers" be appointed:

- 1) Vicki Uzzle*
- 2) Nick Cerabona*
- 3) Barbara Field*
- 4) Ruth Hirst*
- 5) Duncan Raeside*
- 6) Elinor Hannigan*
- 7) Ernie Bruneau*
- 8) Helen Berube*
- 9) Jared Nabel*
- 10) Jean & Bob Seeley*

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- 11) *Karen Lambert*
- 12) *Kitty Geilen*
- 13) *Larry Bouchard*
- 14) *Roger Cullen*
- 15) *Ruth Drake-Benedict*
- 16) *Sandra Smith*
- 17) *Grant Hirst*

Be it resolved that as Eliot Police Auxiliary Volunteers, and all newly joining members, shall be subject to all the requirements of the VIPS program, including but not limited to training, annual evaluations, criminal background check, and reference checks."

VOTE

4-0

Chair concurs

8:18 PM 2) Police Cruiser Bids

Mr. Lee said that Chief Short is with us tonight and he knew there were some questions regarding what he was requesting for vehicles; that Chief Short made himself available this evening to answer any questions that Board may have.

Mr. Beckert asked Chief Short to speak to his request.

Chief short said that we solicited bids for cruiser replacements and, to give a little bit of background, the gold standard, for years and years, has been a Ford Crown Victoria and Ford stopped making these more than a few years ago, now, and it put the market for police vehicles in a state of confusion because nobody knew what was going to happen from that point forward – Dodge stepped up, Chevrolet reinvented their Caprice, which at least in his opinion, hasn't fared well, and Ford kind of struggled – they put a Taurus out that was too small a body package; that the passenger package is relatively small and what he decided, in 2008, was that the Charger was the more roomy, better vehicle out there; that we went with the Chargers. He added that, as everything evolves in police work, and most every other job, our equipment is forever changing; that we didn't have the availability of all-wheel drive vehicles but, now, we do; that we didn't have the ability of a pursuit-rated SUV-type vehicle but, now, we do. He said that, in looking at, in part, at what some of the other agencies are doing, it kind of speaks to what he had in Kittery; that he had cars that needed to be replaced; that one of the vehicles he got was a Dodge pick-up to use as a supervisor's vehicle; that it's a four-wheel drive, full crew-cab, allows strobe lights and evidence and whatever, in the back. He added that it's pretty much limited to just supervisory use. He said that the next go-around, because of the things he was hearing in different agencies that are purchasing the SUV's, is that the officers seemed to really like them; that there

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seems to be a lot of comfort room in there for them; that he thought that he had to get another vehicle and he would try the SUV to see how it works. He said that, from first-hand experience, in dealing with police officers who liked to complain pretty much about everything – change and things that remain the same – he got nothing but positive feedback on the SUV's – a lot more room, a lot more comfort, the all-wheel-drive component because then you have the availability to not be so concerned about the snow and what-have-you, and, you know, the rear-wheel-drive vehicles. He said that as we went through the budget motions, here, we put information together on the all-wheel-drive; that we looked at a couple of rough bids during the budget process – an all-wheel drive V-8 Dodge Challenger, an all-wheel drive SUV, he thinks, Dodge Durango – when it came time to go out to bid, learning a little bit more about the Dodge Durango package, it's not police-pursuit rated; that it's a law enforcement package and he isn't sure why they differentiate between a pursuit and law enforcement package but, nonetheless, non-pursuit rated. He added that the only pursuit-rated vehicle at the time was the Ford Explorer; that we put bids out for the Ford Explorer and we got bids back from two different dealerships and he thinks we sent them out to eight' that we had same experience down in Kittery; we sent them out to eight and got two bids back. He said that, with Mr. Lee's guidance, we were able to get a third bid on the Dodge Durango; that that at least gave us three bids. He added that his recommendation was because there was only a three or four hundred dollar difference between Starkey Ford and the Ford dealership in Augusta; that Starkey Ford is closer and we could have our warranty work done right down the road, if we need to, and it would be easier to go with Starkey Ford, with the cost difference. He said that that's where he left it with the recommendation. Chief Short said that, by way of some illustrations, one of his officers, prefacing by saying his officer was a cross-fit instructor so he's in very good shape, is 6'2" and 250 pounds and, when you start to try to put a body like that into a smaller vehicle, like the Ford Taurus, it's not going to be comfortable for him; that, right now, from what he sees out there for what's available and what's going to provide the officers the most comfort and safety and allow them to get to the places they need to get without concern for the road conditions, adding that we are very fortunate in Eliot with the way our roads are taken care of, it is his recommendation that we go with the Ford Explorer SUV package.

8:24 PM

Chief Short said that he knew there were questions about what is transferrable; that, quickly, part of the issue we have, and back along we were passed the Model R charges because we were about the first to go to Chargers; that Dodge came to Portland and put on a presentation, had already decided to change the body style of the Charger, and smaller organizations are more severely impacted every time they make these subtle body-style changes; that one of the two cars he wants to take off the main line and move into a different position, is of the old body style (both are, actually), and nothing on an old body style would fit on a new Charger; that those costs are the push-pumpers, maybe the cages; however, radios, radars, computers, all those things, are transferrable from car to car. He added that it's

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usually some minor cost items such as stands for the radars, the push bumpers, maybe the cage brackets, not so much the actual cage, itself. He said that that happened when we went away from Fords; when they stopped making them, everybody stopped buying them, all this Ford equipment, especially for people who bought it just before the rotation; that we were stuck with all this equipment that doesn't fit into anything, and, likewise, with this. He added that he thinks that Ford has created a winner with this SUV; that he knows that the Maine State Police first jumped into the Taurus' and are now switching their fleet over to the Explorers because they have seen that the Explorers are a better fit. He said that gas mileage was brought up and one of the things with these vehicles is that, when you are putt-putting around town, they are great with 18 to 20 MPG but, when you have to accelerate, if out working traffic or responding to an emergency call, the gas mileage on these vehicles can go down to 8 to 10 MPG. He added that there's not a lot of difference between the V-8s that shut down into four cylinders and the V-6 that has better gas mileage because they're sixes, but the difference is really miniscule. He said that those things were ultimately things he took into consideration when it came to making a decision on what he thought was going to be the best vehicle going forward for our officers.

8:27 PM Mr. Pomerleau said that what he was looking at in the beginning was that, obviously, we could continue with the Chargers because we've been going along that way and that, for the sake of what you've identified, was officer comfort and some degree of winter safety, you were induced into looking at the all-wheel drive, or 4-wheel drive. He added that he would also hope that, when you do that, you consider the taxpayers on the other end that have got to carry that bill; that you have some sort of analysis of what it would cost us to continue with the Chargers and just how much more are we going to be paying with this comfort and winter traffic kind of thing; that it has to be reasonable.

8:28 PM Chief Short said that, when we did our budget, that was some of the information that was requested; that we ended up getting as close to an exact quote as we could get on the difference between the Chargers and the Durangos. He added that the Explorers are cheaper, not by a huge amount of money (maybe \$700 or \$800) but they are less money than the all-wheel drive V-8 Charger; that they don't have the V-6, all-wheel drive, Charger available for the police market; that they have had them for a couple of years for the civilian market and why they haven't made that jump to the police market, yet, on those he doesn't know. He added that he has said right along that the Chargers we have are V-6 Chargers; that when the V-8's came out, he has said right along to this Town that the V-8 will do 150 MPH; that the horsepower that those things put out is unbelievable. He said that we don't need that kind of vehicle in Town and, so, to expend it on the V-8 just to get the all-wheel drive...he is very concerned about the amount of horsepower because, even in an all-wheel drive, they're still going to do 150 MPH, not that that means the officers are going to be doing that, but we just don't need it. He

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added that he would rather stay with the V-6 package vehicle. He said that all that information was put together during our budget presentation on roughly what those costs were going to be. He said that, to your (Mr. Pomerleau) point, that was all presented in the budget, obviously, in front of all the people who showed up for Town Meeting; that the budget was approved with those costs or what he had spec'd out as either a SUV or all-wheel drive, V-8 sedan, figured into that price.

8:30 PM Ms. Davis said that she didn't see that information and, so, it's difficult to make a comparison of changing the entire fleet now, intentionally, without having a spreadsheet showing the cost-comparison. She added that she did look through the information that Chief Short gave her and the Charger actually rated the best, except for the Tahoe on officer comfort and roominess. She said that there is an all-wheel drive Charger, a 4-wheel drive Police Interceptor sedan, an all-wheel drive Interceptor Police sedan, and there is the utility vehicle. She said that the Ford Police Interceptor gets the best gas mileage; so, it just would have been nice to kind of have an analysis of where we're looking, long-term, as far as gas savings and a closer price to the exact price of a full fit-up for the Sedan Charger versus the Police Utility. She added that she knows that you've stated in your earlier memo that you are anxious to get started with this but she still doesn't feel like she has a complete picture of what the costs are and what the benefits are.

8:31 PM Mr. Lee said that he was sure that he was speaking for Chief Short, here, in a certain sense, and he knows that he is speaking for himself; that this really is the first time that he's had an elected body really question that level of detail – the cruisers selected by the Police Chief that he wants to use for his department – so he didn't think that either one of us would have expected that a spreadsheet on this type of decision would have been necessary.

Ms. Davis said that she requested the information four weeks ago that there be some type of a comparison just so we have an idea of what the spread was; that you don't have to get into super detail but, right now, she couldn't tell you what the cost difference is from the utility vehicle to a sedan, either Police Interceptor or a Charger.

8:32 PM Mr. Lee said that he understood that; that he also hoped there was an understanding that, for the Chief and himself, this feels a little deeper than most Selectmen would go into this level of decision-making; that it's almost like we don't have a Town Manager on this one.

Ms. Davis said that, if you are taking these things into consideration, then these should be things you are thinking about and easily able to present us with this information so that we'll know the rationale of why these decisions are being made; that since it does seem to be tending towards a complete change in our

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fleet, given the fact that we represent the residents of the Town, it would be good for us to understand where you are coming from on this.

8:33 PM Mr. Pomerleau said that he fully understood that you wouldn't have expected that level of detail to be requested by a Selectman; that on the other hand he would have expected that, if you were actually going to do a change like that, that you would have been prudent to do some kind of a cost analysis before you made that decision and all we would want is to show us what you used. He added that you are talking about a total change-over and you must have done something to look at how much this would cost; that those are better, everyone likes them, and it's going to double our fleet cost.

Mr. Lee said that it didn't double any fleet costs; that it was just a couple of pieces of equipment.

Mr. Pomerleau said that he was using it as an example; that to make the change you had to come up with some sort of rationale that you weren't spending excessively; that it was reasonable; that you have had to do something.

Mr. Lee said that we did.

Mr. Pomerleau said that he thought that was the information she was looking for.

Mr. Beckert asked if there were any comments from the other end of the bench.

8:34 PM Mr. Fernald said that he has all the confidence in the world that the Police Chief and the Town Manager did the analysis that was required to purchase all these vehicles; that he is certainly confident that they have done their job.

Ms. Davis said to Mr. Fernald that, if they had done that analysis, then it should be readily available to provide to us, and that's all that we are asking for, here, to just know where the taxpayer's money is going; that she realizes that it isn't doubling and she also realizes that officer comfort is important, of course it is, they spend a lot of time in these vehicles. She added that the documentation that the Chief gave her she studied pretty thoroughly; that she was looking at the gas mileage, looking at the ratings of the various vehicles, and the Charger came up there pretty high, so, she was just looking for a reason to make a different decision.

8:35 PM Chief Short said that what he can tell her, and what Michigan State Police Study guides say, is that it takes all those things into account but they also take into account that the Dodge Charger will do 150 MPH; that that adds to some of the things that they look at for a high rating. He added that he can also tell them, from first-hand experience of what the officers in this area are experiencing, driving the

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SUV's, including Portsmouth, in talking to 2-Way, the people that put these cars together when they become police vehicles, is that the users in this area, for what they've been riding in, are rating the Ford SUV's very high; that it is, in part, about comfort; that there's a bigger part in there about safety. He said that, when you have more head room, when you have the worst possible case-scenario – a couple of weeks ago Sargent Morneau was coming northbound on Route 236 from Kittery and somebody, who was a distracted driver, veered off the road coming southbound, hit the guardrail, came back over across the road, and hit Sargent Morneau's vehicle; that he was lucky that it was not a head-on collision; that it hit the back side of the car and he was very fortunate that it wasn't something worse, so, there is also a safety component; that there's always a safety component. He added that he has personally pulled a dead Maine State Trooper out of a vehicle that was driving a standard police sedan because the roof crushed and crushed his head. He said that, now, we have the ability to have a vehicle, like we've changed guns, like we wear bullet-proof vests, all those things, that are going to provide a safer passenger area for these officers to do their job – comfort is a part of it, safety is a part of it, state-of-the-art is a part of it. He added that he did understand what Ms. Davis was saying, and when he looks at these things and consider the cost to switching some of the minor equipment, like the bumper guards and the cage brackets, you're talking maybe \$1,000 that we're going to have to use a new front push bumper or a new cage, the guts of the car – the lights and the radio, and all that stuff – they don't change. He added that center consoles change because Dodge decided to change from the more boxy-style Charger to the more swept lines and it changed the inside of the vehicle, or, it changes the way that the seats are set so, any way you look at it, he factors in those costs based on what the worst-case scenario is and, then, equipment that we can re-use that we can save money on. He said that he knows that, when the budget was being put together, Mr. Lee asked him for specific information about what the cost would be to build a cruiser and, so, he spoke with 2-Way and Raitt's Signs and did the research and provided that information and, for whatever reason, he didn't keep a copy of that, but the information was provided. He added that those are things he takes into consideration on a daily basis and part of how he tries to run that department. He said that he appreciated wanting to know this but, also, when it starts to be that the Board of Selectmen are going to ask for every little detail or a huge spreadsheet or more than three bids, it starts to sound like the department head is going to be micro-managed on every decision. He said that the money was there, the budget CIP request was built on what it was going to cost and, as rough as we were; that he feels comfortable with where we are at with it and he doesn't feel like we are way out in left field; that we are in a decent range. He added that, yes, we are changing our fleet but the actual cost to change the fleet, now, is the availability of an all-wheel drive vehicle as opposed to a rear-wheel drive vehicle; that that's where the bigger cost comes in; that that would be his argument about why we should be all-wheel drive because it gives us the ability to not necessarily be concerned about inclement weather where rear-wheel

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drive inhibited us; that we had that Ford pick-up, as the worst-case scenario, and that thing went belly-up. He added that this meets our goals all the way around.

8:40 PM Mr. Pomerleau said to the Chief that listening to you it is obvious that what we were looking for, to some large degree, to some place in your head; that as you talked he listened to the rationale; that he gets a bit annoyed about this micro-management thing. He said that their role is oversight and everyone up here can take their own view of how they do that; that he did it for 30 years with the Department of Labor; that he had five managers and, if a federal audit had come along and all of a sudden he found out we were in non-compliance and they ask him, in his oversight capacity, how he did that – well, he trusted them; that he'd probably be out on the street. He added that oversight means every now and then, yeah, he trusts the Chief, but his role as a Selectman for oversight is, from time-to-time, to verify it; ask some probing questions, have some idea, from time-to-time, on significant items; that this isn't just buying another car, this is a fleet change, so he makes no apologies for suggesting that he would have liked to have seen that analysis that went into the Chief's head. He added that he hears it; so you understand where we're coming from, reiterating that he thought their role, as Selectmen in oversight, is from time-to-time to verify these things and there can't be 100% trust; that that's not oversight.

8:42 PM Mr. Murphy said that he found in his long life that it's hard to make the things that he wants, in his life, appear the same way that you thought someone else wanted in his life. He added that the business of being a police officer has elements, characteristics, effects, that we non-police officers can't really feel. He said that for him, as an example in buying a vehicle, the one thing that he must have before all else is the ease of getting into it and getting out of it; that if that works he doesn't care how much gas it uses; that he has a car that he can use because it's one he can get into and out of; it's the right height, my feet have a place and all these things are terribly important when you don't want to have to think about that; that it's something that's far more important than the amount of gas that it uses. He added that he, for one, respects the Chief and his experience and, also, the experience of all his staff. He said that he would like to approve this and asked if we were ready for a motion.

8:43 PM Mr. Beckert said that Ms. (Donna) Murphy has had her hand up.

Ms. (Donna) Murphy, Budget Committee Chair, said that she was the Chair last year and was the one that brought up, during one of our conversations, a question regarding the SUV's and would the Chief be switching over to them; that at the time, when we were presented with information, the Chief had shared that he would not be looking into the cost of it so the decision, last year, was based on the assumption we would be buying a sedan. She added that she, as Budget Committee Chair, would like to see that analysis' costs so that, when decisions

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are made, we do have that information. She said that she did think that would be helpful; that she wasn't saying, one way or the other, whether we would want the SUV, or not, because she works in a similar field and she agrees that getting in and out of a vehicle is vital, at times, and the SUV's are certainly easier to get in and out of and she is not lugging the equipment the Chief is. She added that, while that may make sense for the Chief, we need numbers. She said that, if it was possible to provide that for this budget season, she would appreciate that, if we're looking to change the whole fleet.

8:44 PM Ms. Davis said that she would just like to say that the Chief didn't know, one way or the other; that she would personally be in favor of this; that she supports the police and she wants them to be comfortable; however, it's been four weeks and it was a question of just give some totals, here, of what the difference is. She added that she guessed that it seemed just a little bit disrespectful to not receive an answer on something like that from either one of you. She said that, now, we'll be voting on this and, in a sense, voting blind, because we don't know what the price difference is; that we can't make a judgement call on this; that she guessed we move ahead with the police utility vehicle.

Mr. Beckert asked for the pleasure of the Board.

8:45 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen agree with the Police Chief's recommendation to accept the bid supplied by Starkey Ford, Incorporated of York, Maine for the price of \$27,312 for one and \$54,624 for two Ford Explorer Utility Police Interceptors, year 2016.

VOTE

4-0

Chair concurs

8:46 PM **3) Weatherization / Water Heater: Fire Dept. Building: Bids**

Mr. Lee said that he just wanted to report back that we pulled out the weather-stripping and the priority pricing; that we gave the insulation guy a little more flexibility in his schedule so he dropped \$1,000 of that and, then, we also dropped \$1,800 of weather-stripping and we will buy that, in-house, through the Fire Department guys and do that on our own. He added that Chief Muzeroll was able to go back to Gagnon on the on-demand water heater; that there was another model of that water heater that is only slightly less efficient but, otherwise, very similar and has a filtering system on it, which is good, and in doing that we reduced the cost; that we are now down to \$22,000 and change and we had a \$24,000 budget. He said that we have authorized both of those to go forward; that the Chief will be doing the weather-stripping with his own forces, and buying materials, and we will still have a very high-efficiency on-demand water heater over there, which should save a tremendous amount of money. He added that the

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Board had made this conditional that we get in under \$24,000 and he wanted to update the Board that we have met the condition and, therefore, have awarded the bids.

H. New Business:

8:48 PM Mr. Lee said that the only thing he had was the Thanksgiving issue.

Mr. Beckert said that **Thanksgiving** will be our **second meeting date** in November, which by the Chair's authority, is not going to happen on Thanksgiving Day. He added that the question is, and we will know as we get closer, do we need to have a meeting earlier that week or can we do without one entirely.

Mr. Lee suggested it might be best to get to that first meeting in November to see where we stand.

It was the **consensus of the Board** to accept Mr. Lee's suggestion.

8:49 PM Mr. Beckert said that we've done our three-month stint starting the meetings at 6:00 PM; that the Chair would like to see the meetings go back to 5:30 PM and become consistent from that point forward. He added that, if we need to do things like we discussed tonight with the public hearing, then we can take a break and do it at 7:00 PM, things like that. He added that he doesn't honestly see that it's increased the number of people that have come to the meetings; that, unless there was one particular thing that they were interested in, the attendance hasn't increased at all, to be honest.

Mr. Pomerleau agreed that it hasn't but he still likes 6:00 PM better; that 5:30 PM is horrendous for his dinner schedule but he will go along with the majority of the Board.

Mr. Beckert asked for the pleasure of the Board.

It was the **consensus of the Board** to go back to 5:30 PM for all Selectmen's meetings.

I. Old Business

8:52 PM **1) EPA Air Monitoring: Extension of Testing**

Mr. Lee said that he has spoken with Mr. Patrick Bird (EPA principle) and we have not really had any elevated readings of SO₂; that the highest elevated reading came in the dead of the winter, which makes sense, because that is the only time

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that plant defers back to coal usage; that it doesn't tend to use a lot of coal anymore. He explained that what they normally do, with this type of testing, is that they do three years of testing before anything is meaningful; that they would like to get at least two full winters in to see if there is anything that's improving or worsening. He said that he didn't think that people on Sawgrass were necessarily thrilled that we put it down there; that we put barriers around it so it wasn't obvious, and all that; that he thought he would first ask if there is any reason that the Board would not want it down there for another six months, or so, and then what he thought he would do is write to the Sawgrass Lane residents telling them that the intent was to have that down there another six months; that by April we will get it out of there and that will be it to see if they have a hue and cry about it and want it gone immediately; that, if so, he guessed we allow them to pull it out now before the snow flies. He added that he did think we should defer to the residents down there; that he knew a couple of them mentioned trying to sell their home and there's this thing out front and what is that and why do you have a dumpster in the middle of the island, explaining that it's air monitoring for sulfur dioxide and the houses aren't selling so good; that he isn't sure they even want it down there anymore. He added that he did want to see if there was any part where the Board said that they didn't want it there anymore, either, get rid of it; but, we're the ones that brought that action so we think we want them to continue monitoring.

8:54 PM Mr. Beckert said that he would agree that the governing body for that monitoring is the U.S Department of Environmental Protection; that if they say they need another six months to have something conclusive, then, guess what...and that's the Town's land. He added that he understood the resident's concerns but there were also a lot of residents complaining about the need for the monitoring.

Mr. Lee added that that might be an area where it might be the highest concentration, as well; that he would think they would like to know.

Mr. Pomerleau agreed; that it would defeat the purpose of putting it down there if it was pulled out before it was thorough; that he didn't know about residents with their home sale thing; that he thought they had a problem with disclosure laws, here, that if someone buys 'this' house, they might die of lung disease; that they probably want to know that.

8:55 PM Mr. Murphy said that he didn't believe the Town paid any money for that, either.

Mr. Lee said no; that they would also be doing some additional mobile testing and they hit other areas where they know there might be more concentrations that back up to this stationary.

BOARD OF SELECTMEN'S MEETING
October 22, 2015 6:00PM (continued)

Mr. Beckert asked if it was consensus of the Board that, if the EPA from the US Government says they need another six months, we give it to them.

The Board **agreed by consensus**.

Mr. Lee added that it was so that they could adequately respond to our complaint.

Ms. Davis asked if she could just read this one line, though; that it says that, "To date, the monitor has observed some concentrations of SO₂ that appear to be associated with the operation of the power plants in New Hampshire, but well within the national ambient air quality standard for SO₂", which is in agreement, essentially, with the monitoring station that's down-river and, even though they are offering this, and she thinks it's good for us to take them up on it because it's there, some of the people who were initially concerned with this, never felt like that was necessarily the best spot for it, anyway, so she, even if this comes out that there are no SO₂ exceedances, it's not going to convince some of the people, anyway, because of the location.

8:56 PM Mr. Lee agreed that that was always the case.

Ms. Davis said that she guessed we would have to balance that, partially, against how strong the people feel on Sawgrass Lane.

Mr. Lee said that he did think it was worth saying to them that we are thinking about them and we don't want to say, unilaterally, yes to the EPA but we do think it's in the best interest of the community, etc. and unless they have severe issues, we would like to authorize it.

J. Selectmen's Report:

8:57 PM 1) Committee Vacancy Report

Mr. Murphy said that we still have openings on four committees; that there are additional slots for 15 additional citizens who want to contribute to Eliot's government.

Mr. Beckert said that the Library, a week from this coming Saturday (October 31), was going to have a fund-raiser at the Regatta and encourage residents to come out; that there would be heavy Hors D'oeuvres, a cash bar, and a little dancing.

K. Other Business as needed

There was no other business.

BOARD OF SELECTMEN'S MEETING
October 22, 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 8:58 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary