

**Draft SELECT BOARD MEETING
May 24, 2018 5:30PM**

Quorum noted

A. 5:30 PM: Meeting called to order by Chairperson Davis.

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

Absent: Mr. Hughes (excused); Mr. Donhauser (excused).

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

There was no public comment.

5:32 PM At this time, Mr. Lee asked to take the Quit Claim Deeds out of order so that they could be signed properly, as they had the notary, Ms. Harvey, here for this.

The SB agreed.

1) Issuance of Quit Claim Deed, Map79/Lot 026-061

2) Issuance of Quit Claim Deed, Map 70/Lot 12

Ms. Harvey explained that these were two properties that went to foreclosure that were purchased back by the residents/owners of the properties.

At this time, the Select Board members present signed both quit claim deeds in the presence of the notary.

F. Committee Resignations and Appointments

There were none.

G. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Murphy, second by Mr. Pomerleau, to approve the minutes of March 8, 2018, as amended.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

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Mr. Pomerleau – Yes

Unanimous vote to approve motion.

5:38 PM Public Comment

Mr. Lee said that a couple of folks just came in that he knew wished to speak during the public comment period and asked if they could be allowed to speak.

The SB agreed.

Ms. (Megan) Antunes, 41 DC Drive, said that they just moved to Eliot and live in the new development at Greenbriar; that we had an association meeting and the gentleman, Mr. (Joe) Falzone, who is in charge of the development. She added that she understands that this development was approved in the 1960's and, because of that, it is only being held to certain standards. She said that, from what she gathered at the meeting, they were not having the inspectors come to look at the leach field prior to giving the permit of occupancy; that there is arsenic in the water in a lot of the homes; that they do a test in the beginning and, if you don't know to have it tested, again, in three months because more homes and wells are going in and that can affect the well water. She talked about a woman who lives there that had a smell in her home, she had her water tested, and the arsenic levels were really high. Ms. Antunes said that, if you are within the one-year warranty period, then the contractor will put in a water system, but not after that one-year period; but if it's very common for arsenic to be in the water, then she doesn't think that makes sense, from a business perspective, to not already have those included. She added that, with the stormwater drains, there's a lot of blockage and erosion and it's all based on the developer not following the rules. She said that we have some other people, Jessa Kellogg, is awesome and actually spear-heading a lot of the issues in trying to find a way to get Mr. Falzone to fix them before he finishes those last six houses; that she's worried about if he gets away with it and, once he's done with the last house, our HOA fees will go from \$400 a year to \$600 a month because the homeowners will have to pay for all of the things he didn't do properly; that she just wanted that on record that we're all very concerned. She added that she really liked their home and that there has to be a way to get this gentleman to meet his obligations.

5:42 PM Mr. Lee suggested that her best bet was to talk with our CEO, make her aware, and she could go out and do inspections, find out what he was approved for, and see if she could intervene in any way; that the CEO is really the only staff person responsible for enforcing the PB decisions, if they are involved; that current standards should be applied. He added that the developer has to follow what he was approved for and he thinks we need to get that looked at. He reiterated for them to come in and talk with the CEO.

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Ms. Davis said that the SB will keep it on our radar and we will follow up, as well.

H. Department Head/Committee Reports

5:45 PM 3) Updated Planning Board By-laws

These are the PB by-laws have been approved by the PB and they are asking the SB to review and, if it meets your expectations, to countersign.

There was discussion regarding making sure these by-laws met the Charter and that approval of minutes is clearly defined.

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board approve the Planning Board by-laws, as amended this evening.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

I. Public Works

5:50 PM 1) Paving Bids

Mr. Lee discussed the difficulties of getting the minimum three bids, his findings on who towns in the area are using as paving contractors, with, for the most part, southern York County using Libbey Scott; that Mr. Mouton was also able to get road-by-road estimates from each vendor. He added that he did review the purchasing policy and that, in 7.2 it says if we can't get three bids, then we request a waiver, and that's what we're doing because we can't get three bids. He said that there are a couple of things that play into that; that there are a lot of pavers around but they pave driveways, they don't have the equipment, and they don't bid on roadways; that the other thing was traveling distance for the hot mix and the negative impact to the temperature of the hot mix that can have if it comes from too far a distance.

5:55 PM Mr. Pomerleau thanked them for the road-by-road breakdown because he had no way of making any sense between these two bids, even within Pike Industries additional list. He discussed getting the bids out earlier in the budget process.

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6:02 PM Ms. Davis discussed the difficulty of making a comparison with these bids because we have a lump sum from one vendor and a list of roads from the other vendor.

There was discussion regarding mobilization pricing impact, price differential with Pike, and adapting bid requirements to road-by-road standards for clarity and transparency.

6:15 PM Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board waive the three-bid policy for paving.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board approve the Libbey Scott paving contract, not to exceed \$470,000 and contingent upon voter approval of that warrant.

Ms. Davis asked Mr. Moulton to question the Tidy Road quote.

6:18 PM 2) Pavement Marking Bids

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board award the pavement striping to Kaz's Fine Lines out of Dover, NH in the amount of \$9,595.

DISCUSSION

Ms. Davis said that this was contingent on voter approval of the warrant.

DISCUSSION ENDED

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

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6:20 PM 3) Pavement Striping Bids

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board award Poirier Guide Lines out of Athol, MA in the amount of \$6911.52 for roadway striping, contingent on the warrant being approved.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

J. Administrative Department

6:23 PM 1) Town Manager Report

Mr. Pomerleau asked about **Line 53** regarding the loss of money in personal property value

Mr. Lee discussed the negative impact to our tax base due to new BETE rules.

Ms. Davis asked about **Line 103** regarding meeting with the new auditor.

Mr. Lee said that the meeting went very well.

a. Financial Report

Mr. Lee said that he and Ms. Bergeron are tracking this carefully, usually a couple times a week, and that he has cautioned staff and department heads to do watch the end-of-the-year spending; that we are doing all we can to bring this in under budget.

Ms. Davis asked that all paving/capital expenses are listed under one line item and asked that these be broken out to better track expenditures and know what's going on

6:30 PM 2) Great Hill Gravel Pit Concerns/Delays

Mr. Lee wanted to make the SB aware that we have a number of residents that have had it with the gravel pit, both the administration, here, and Ms. O'Donoghue and a number of others who live in the area. He added that it is still an active pit; that it's been referred to the Attorney General for failure to reclaim

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this pit. He said that what they've brought in is a bunch of concrete with rebar to fill the basic dig pit hole, which is fine; that they've not done much of anything when it comes to the gravel and loam and seed that goes into reclaiming the pit; that it's just gone on and on and on. He added that he spoke with the Attorney General's office and they said that they probably should put this back on the front burner; that they are claiming they don't have any money but Mr. Lee felt it was an obligation, since they bought it, to reclaim it; that residents are not happy about trucks going in and out, anyway, plus there is sometimes a line of trucks waiting to go in there; so, they do have money. He said that he thinks, at some point, we may have to write a very stern letter from the SB to someone that we are really fed up with the lack of action and accountability. He added that he has heard about this since the first day he got here and nothing has improved.

6:32 PM Ms. Davis asked if this isn't also a code enforcement issue.

Mr. Lee said that it was not anymore; that it got bumped up to the DEP and they bumped it up to the Attorney General; that he will keep up with the Attorney General on this.

Mr. Murphy said that he would think that the Town's concern about washing it down into the streams would be the basis for a suit against the State for not following through.

Mr. Lee agreed, saying that we may have to go full-boar on this; that he thinks we owe it to the residents to push hard on this.

Mr. Pomerleau discussed that, "*because this is an unresolved enforcement case, much of the DEP's file, including documents exchanged in settlement negotiations, is not available for public inspection*"; that we are not going to find out anything until we actually force them.

Mr. Lee said that he doesn't know if he's raising the red flag but he's going to push from an administrative standpoint; that if he gets to a point where he's fed up, he wants to come to the SB and let you know that he needs to act with seven signatures, cc Attorney Saucier, etc.

6:35 PM **3) Cable Committee By-laws (Revised)**

This is for review by the SB and possible approval.

Mr. Pomerleau discussed Committee Article 2: Duties d. "serve as principal negotiators of any new cable franchise agreement". He said that the SB had the final authority and should not delegate that authority to the committee; suggesting he use the word 'initial' instead.

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Mr. Lee suggested ‘serve as preliminary negotiators in any new franchise agreement and make recommendations to the Select Board for final action’, or something like that. He said that he would revise and bring back to the next meeting.

6:38 PM 4) Adopt Resolutions for ICMA-RC 401a and 457 – No Correspondence

Mr. Lee said that these would be offered as an alternative, or supplement, to our normal Maine retirement system offering; that the 401a is the one the employer contributes to, which would be less than MainePERS, and it is flexible.

Ms. Davis asked, if we’re matching and we already have this year’s budget, how will this impact.

Mr. Lee said that he doesn’t think there will be any budget impact we can’t absorb; that if, in fact, we swap out of one to the other, we could save money. He added that the 457 we will be able to offer to all employees and has no matching contribution; that it would be a good way to encourage people to save towards retirement.

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board approve the adoption of the resolutions for the ICMA-RC 401a Plan and 457 Plan.

DISCUSSION

6:43 PM Mr. Pomerleau said that the solvency of the MainePERS is highly dependent on the number of participants and anything that we do or they do that draws participation away from that retirement fund is harmful to the people in it; that he thought the employees should be aware of that. He added that he didn’t think we, as a Town, should encourage people away from the MainePERS.

DISCUSSION ENDED

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

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6:45 PM 5) Policy of Non-sufficient Funds

Mr. Lee said that the Treasurer and Town Clerk brought this to his attention that we really don't have much of a policy when it comes to insufficient funds (checks bouncing); that he asked them to research other town policies and generate a draft policy for us to consider, he considered this a first reading, and asked the SB to give him feedback; that he would have this put on the next agenda.

Mr. Murphy asked what happens currently.

Mr. Lee said that a lot of what we do is in here but we don't have any end game; so, we have people that have bounced checks over and over, again, and we don't want to take those checks anymore because we know pretty well that they probably won't be any good; that, for example, when someone registers their car and their check bounces, we have to contact the Secretary of State, or, we don't take checks 10 days before a lien goes onto someone's property for that reason but ask for cash or a money order; that when he first got here we accepted a check, we released the lien, and the check bounced. He added that we really do need a better policy that also gives us the ability to put someone on a 'no-check' list after 'so' many strikes; that it creates a lot of work for us and the police officers and we need a better disincentive.

6:48 PM 6) Policy on Small Amount of Uncollected Sewer Fees/Property Taxes

Mr. Lee said that this is another one that is a lot of administrative work for very little benefit. He explained that this would be for amounts under \$10, such as a few cents incurred because of a timing issue with the mail; that if a person makes every effort to pay the number we give them, we would like to be able to waive these small amounts. He added that this is for the SB's consideration; that this is a first reading and he will put it back on for a second reading.

Mr. Pomerleau suggested he strike the entire first line of the first paragraph. He also asked that, under Authority, State authority should be restated to acknowledge there is no State statutory authority. He also said that, if you are going to go with a surrender date, use the postmark date, not the receipt date; that paragraph e. needed some clarification.

Mr. Lee said that he would revise and bring it back.

6:55 PM 7) Storm Water Workshop – May 31, 5:30PM – No Correspondence

This is informational. This will be forwarded to the Budget Committee and Town Planner. The time was changed to 6 PM to accommodate the Budget Committee members.

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6:57 PM 8) Approve Warrants

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board approve A/P Warrant #112 in the amount of \$176,819.87, dated May 4, 2018; A/P Warrant #114 in the amount of \$856,578.38, dated May 9, 2018; A/P Warrant #115 in the amount of \$19,127.67, dated May 10, 2018; A/P Warrant #117 in the amount of \$87,397.71, dated May 16, 2018.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

K. New Business:

There was no new business.

L. Old Business: (Staples Update)

6:59 PM Mr. Lee sent an email to Attorney Saucier today asking him to please proceed with whatever court order he needs to get for us to have the ability to go in and remove the fence; that Attorney Saucier said that he would start immediately.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

M. Selectmen's Report:

There were no Selectmen's reports tonight.

N. Executive Session

7:00 PM Ms. Davis moved, second by Mr. Murphy, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405 A. Personnel Matter.

DISCUSSION

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Mr. Pomerleau said that the issue before us is pretty clearly defined as to what the action needs to be and, unless there is a Board member that has something that they want to bring up to prevent that and would need to be discussed, then he thinks this Board can vote on this without going into executive session; that if we go into executive session, then we can't act upon it until the next meeting.

Mr. Murphy asked if this was legal with only three members present.

Mr. Pomerleau said that everything is legal with a majority.

DISCUSSION ENDED

Ms. Davis withdrew her motion and Mr. Murphy withdrew his second to go into executive session.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board, as provided in our December 22, 2016 counseling, this letter be removed from the personnel file permanently.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

O. Adjourn

There was a motion and second to adjourn the meeting at 7:03 PM.

VOTE

3-0

Motion approved

Approved: July 26, 2018

S: / Mr. Richard Donhauser, Secretary