

SELECT BOARD MEETING

April 25, 2019 5:30PM

Quorum noted

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

B. Roll Call: Mr. Murphy, Mr. Lytle, Mr. Donhauser, Mr. Orestis and Mr. McPherson.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

5:32 PM 1) Maine Bicentennial Committee Presentation

Ms. (Jan) Cerabona, representing the Eliot Historical Society (along with Ms. (Lydia) Goodwin, representing the Library), discussed attending a meeting to learn more about how Maine is going to celebrate the 200th anniversary (2020) of the State of Maine. Ms. Cerabona said that we had a meeting with several groups in Town to share ideas. She added that there was a need to start talking about this, now, and we are hopeful that many organizations in Town would become part of this. She added that we thought Eliot Festival Day 2019 would be a good event to start this and then end with Eliot Festival Day 2020, which would give Eliot a year to put together a calendar of events, with everyone getting involved. She added that we would like the SB's support; that we have had two meetings, we think we have enough interest, we have some people who are looking at different things, such as different elementary grades focusing on one aspect of the history of Maine. She discussed the idea of a "Community Read", reading it in the fall, discussion about it in the winter, and then a tour of the areas it is talking about in the spring, and it will be open to the whole community. She also discussed how the timeline that connects Eliot and South Berwick communities from before they became towns could be incorporated. She said that she wants everyone to think about it, become involved, think about what everyone is going to do.

After a brief discussion, Ms. Cerabona and those with her agreed that they wanted to be recognized as a committee of the Town.

5:39 PM Mr. Lee suggested he could put together a sample set of by-laws for the Bicentennial Committee and get that to Ms. Cerabona and Ms. Goodwin; that he would post openings on the website and have this on the next agenda.

The SB was in full support of this.

5:41 PM Ms. (Kathy) Vetter addressed the letter she wrote back in January. She thanked the people who were cleaning up and said that it is starting to shape up. She asked

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

if there was a timeline of when the paving is supposed to happen down in that section of the Village.

Mr. Lee said that he wasn't sure; that the DPW has a three-week ditching project starting Monday so, maybe, sometime after that. He added that he has the master road schedule in his office and invited her to email him regarding this question.

5:44 PM Ms. Vetter said that the other thing she addressed in her letter of the utmost importance is the blue house on the corner of Leach Road and Spinney Creek Road.

Mr. Lee explained that we don't have a property maintenance ordinance and it doesn't rise to the occasion where Code Enforcement can go in; that it doesn't pose a public health hazard in terms of rats or mosquitos. He added that, under the statutes, it doesn't meet the conditions for condemnation; that he has sent the CEO out there twice to see if there was any legitimate reason to condemn the structure. He stressed the need for a property maintenance ordinance to give the Town the tools they needed for situations like this and talked about how citizens could develop and submit such an ordinance petition to the SB/PB for Town vote.

5:49 PM Mr. Murphy read a Proclamation in celebrating the 50th anniversary of Municipal Clerk's Week, May 5 – May 11, 2019. (Copies available at Town Hall.). He recognized our Municipal Clerks – Ms. Wendy Rawski, Ms. Brenda Harvey, Ms. Laura Bragg, and Ms. Debbie Brock in appreciation for their exemplary dedication.

Mr. Lee personally thanked our Clerks for the marvelous job they do; that he gets lots of great comments from the public.

F. Committee Resignations and Appointments

There was no action under this item.

G. Approval of Minutes of Previous Meeting(s)

5:56 PM Motion by Mr. Lytle, second by Mr. Orestis, to approve the minutes of February 14, 2019, as amended.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Murphy – Yes
Mr. Orestis – Yes

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

Mr. McPherson – Yes

Unanimous vote to approve motion.

5:57 PM Motion by Mr. Lytle, second by Orestis, to approve the joint Select Board/Budget Committee minutes of April 4, 2019, as amended.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

H. Department Head/Committee Reports

5:58 PM 1) Public Works Bid Recommendation to replace 2005 F550

Mr. Lee asked Mr. (Steve) Robinson, DPW Mechanic, to discuss the bids and recommendation.

Mr. Robinson said that we received three bids – New England Kenworth, bid for \$78,875.00 with a cab & chassis (no equipment); Daigle & Houghton, bid for \$80,380.00 but does not meet required specs – disc instead of drum brakes; another from Daigle & Houghton, bid for \$61,500.00, which truck isn't heavy enough for the application we want to apply it to and doesn't meet many of the required specs. He added that, after review, his recommendation to the SB is to award the bid to New England Kenworth on the T720 for \$78,875.00.

6:01 PM Mr. Lee said that, currently in the Public Works Vehicle Reserve, we have \$205,000 and, this year, an additional \$131,000 will be transferred to the Reserve on June 30th for a total of approximately \$336,000.

Mr. Donhauser said that they bid for cab & chassis only, asking if additional equipment will need to be added.

Mr. Robinson said yes, that we will put that out to bid after the new budget. He explained that the new equipment will be a front snow plow, side wing, and sander, as the equipment on the old truck is not to the quality and standard for the new vehicle. He added that we have a ballpark figure of around \$60,000 for the new equipment.

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

6:03 PM Mr. McPherson asked if this replaced the truck we spent some \$20,000 on over the last two years in repairs.

Mr. Robinson said yes, this is the truck we purchased from the school department and we had to put a lot of money into it to bring it back.

Mr. Lee asked if the Kenworth trucks in our fleet have parts that are interchangeable, for the most part.

Mr. Robinson said that the equipment we will put on this will be of the same caliber that the three other big trucks in our fleet do use so parts would be interchangeable. He added that we've had a lot of electrical problems with the Internationals and one reason why we are trying to get away from them. He also said that we expect to have this truck in operation for 15 years and we are pushing the limit with the one we have now.

6:05 PM **Mr. Donhauser moved, second by Mr. Lytle, that the Select Board authorize the purchase of this vehicle and accept the bid from New England Kenworth for the 2020 T720 Series Conventional at \$78,875.00.**

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

I. Administrative Department

6:07 PM 1) Town Manager Report(s)

Mr. Murphy asked about **Line 37** regarding the Planner starting research on our Comprehensive Plan.

Mr. Lee said that it is advised that we update the Plan every 10 years. He explained that, even though updating is no longer required, not updating every 10 years, if somebody challenges our zoning being out of compliance with the overall Comp Plan and the Comp Plan is over 10 years old, it is much tougher to defend your zoning decision. He had suggested to the Planner that the Planner gather the needed statistical information needed readily accessible on the web to help keep the costs down for this project.

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

- 6:10 PM** Mr. Murphy asked if the DCED in Augusta was still in charge of this.
- Mr. Lee said yes but, if they mandate us to do Comp Plans every 10 years, according to State law, then they have to pay 90%, so they don't mandate it anymore.
- Mr. Murphy said that he favored having the knowledge obtained locally for better understanding.
- Mr. Lee said that he may put some money in next year's budget to kick off the Comp Plan update.
- 6:11 PM** Mr. Murphy asked about **Line 73** regarding Mr. Lee reaching out to colleagues for their experiences with this.
- Mr. Lee discussed the upcoming private sewer workshop and that he has postponed it to see the outcome of the investigation, as he would like the DPW Director at that meeting. He added that there were a couple of managers that got back to him; that one advocated a one-time forcing of the subdivision homeowners to do some work to prove to the Town their systems were put in properly and, if not, walk away; that that same fellow said that, in the name of best management, hopefully they can bring their sewers up to standard and the Town accepts them because it isn't a good system to have private systems that no one wants to own or maintain. He added that another colleague said to just run away and take no responsibility but he didn't like that response.
- 6:13 PM** Mr. Murphy agreed that he didn't want to wait until something runs into the Piscataqua; that that is the very thing we want to prevent.
- a. Financial Reports**
- This was addressed later in the meeting.
- 6:14 PM** **2) Joint Workshop (May 7th at 7:00 PM) with Planning Board re: Marijuana**
- Mr. Lee said that he would put draft ordinance copies in the SB boxes. He added that the Cannabis Committee met last night and we are writing up a report of our findings that he will get to the SB in advance of the joint meeting.
- 6:15 PM** Ms. (Janet) Saurman revisited the **private sewer issue** asking if there was a reason to postpone start of work on the private sewers until the DPW investigation is resolved. She added that Mr. Lee had stated that he had been talking about this for three years, meetings have not happened regarding

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

Blueberry Lane, and she wondered when this Board will actually make a commitment to look seriously at this and resolve as best we can.

6:17 PM Mr. Murphy agreed with not wanting to wait until something else happens that has to be corrected.

Mr. Lee said that we can go ahead with that meeting without the DPW Director and, if it's the SB's will to go forward, he is fine with that and we will bring in the engineer; that the only thing is that the DPW Director has a pretty good working knowledge of our issues with regard to these sewers and how they were developed, etc.

Mr. Murphy agreed, saying that we also have 40-year engineers out there who also have been working for the Town so he would like to proceed on this – find out what other towns have done to solve these types of problems.

6:18 PM Mr. Orestis agreed that we should get the ball rolling on this

Mr. Lee suggested he would work with the Chairman to set a date for the workshop.

Mr. Orestis said that there was a workshop set for May 16th on his calendar.

The SB agreed. Mr. Lee will set up the agenda for May 16th.

There was a suggestion to involve Mr. Robinson and Mr. Sylvester, as well.

6:20 PM **3) Public Hearing – Town Meeting Warrant – May 9 at 7:00 PM**

This is informational.

6:21 PM **4) Draft Flex/Comp Time Language – Personnel Policy**

This is a draft language proposal to address Flex Time and Compensatory Time in the personnel policy, disallowing their use.

Mr. Murphy said that this is the first time this is coming before the SB and public and that we may want to think about this before adopting them. He asked for SB input.

6:23 PM Mr. McPherson asked, regarding sick time and vacation time, who keeps track of the department heads and where is it logged.

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

Mr. Lee said that it is logged on their payroll sheet when they take a sick day or a vacation day and he reviews those payroll sheets; that it is up to them to log it correctly. He added that they have to put in a request with Mr. Lee to take vacation time for approval/disapproval. He clarified that all the information is tracked in TRIO and automatically comes out on our paystubs every week.

Mr. McPherson said that there seems to be some numbers that don't add up.

6:25 PM Mr. Lee clarified that, when the SB gave approval for dispensation of some hours then rolling back to 120, he doesn't think that was adjusted in TRIO; that he will get that resolved.

Ms. (Diane) Holt asked if the Town audited the timekeeping.

Mr. Lee said yes, we have an independent CPA Auditor who does that.

Ms. Holt discussed her concern for the process of timekeeping.

Mr. Orestis discussed his concern for causing repercussions in eliminating flex time altogether, such as someone who needs to go to a doctor appointment or pick up a child and being able to work around that; that he believes this is something we need to look into a little more.

6:27 PM Mr. (Bud) Moynahan suggested giving every employee/department head 3 personal days as the simplest way.

Ms. Holt said that, in her auditing experience, flex time is usually set aside for people on a straight hourly schedule, not salaried employees.

Mr. Lee said that he would work to define this better.

There was discussion on the pros and cons of strict language.

Mr. Lee requested input from the SB as he looks to revise this.

6:30 PM Mr. Orestis said that the issue is that someone who is a salaried employee works 60 hours a week and then takes two days off the following week; that that is not common sense to him; that if he is in his office and works 60 hours, he doesn't take the Friday off, he goes in on Friday. He added that that is the issue, not using that common sense and he thinks we can all agree on that; that by penalizing other salaried employees by saying "No, you have to use your 2 hours to go to the dentist.", that becomes an issue. He said that he thinks we just need to shore up the language by saying that some weeks salaried employees will have more work to do and, other weeks, you may not.

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

- 6:31 PM** Ms. Holt said that she thinks the biggest problem has been transparency as to what the Town has done for the employees; that it hasn't been clear and she thinks that if people knew exactly what people were entitled to, what they were doing, she doesn't think they would have so many problems.
- Ms. Saurman said that she could be wrong but it sounds like there may be a back story, here, that we don't know; that if this is about a somebody who hasn't been using their salaried time the way it is intended, then she wondered if we could just fix the problem with the person, or persons, who aren't doing it right and then keep an atmosphere with employees of flexibility for real needs; that her experience has been that most employees are doing a good job and working the hours and putting in the effort they need to.
- 6:33 PM** **5) Job Description Reviews/Approval**
- These are for the SB to review and give input on. This will be on the agenda for the next regular meeting.
- 6:35 PM** **6) Administrative Assistant II – Approval of New Job Description**
- Mr. Lee changed the job description to reflect that the Administrative Assistant II is now doing payroll and the Treasurer is backup; that it used to be the reverse.
- Mr. Lytle said that Mr. Lee was changing what the Administrative Assistant II is doing and asked if he was going to compensate her for that, as well.
- 6:36 PM** Mr. Lee said that the start of this whole thing was that there was a side bar agreement with the Administrative Assistant II and some people took objection to that. He discussed his justification, in part, and whether the Charter gives him the right to do this.
- Mr. Orestis said that these are previously-approved and Mr. Lee just made a couple of updates to each of them.
- Mr. Lee said that that is correct.
- 6:38 PM** Mr. (Robert) Pomerleau said that his previous point when he referenced 4.9 of the Charter was about the entire side bar agreement; that by Charter, that is something that the SB has to approve in its entirety, including this reclassification.
- Mr. Murphy said that he would like to wait for the next meeting to have a chance to review this job description.
- There was no objection from the SB.

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

6:40 PM 7) Approve Warrants

Mr. Murphy moved, second by Mr. Orestis, that the Select Board approve A/P Warrant #91 in the amount of \$43,358.34, dated April 4, 2019; A/P Warrant #92 in the amount of \$125.00, dated April 10, 2019; A/P Warrant #94 in the amount of \$898,329.79, dated April 11, 2019.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

J. New Business:

6:41 PM Mr. Orestis said that we seemed to have skipped over I.1a Financial Reports; that he doesn't have any comments on it but just wanted to bring it to the SB's attention.

Mr. Donhauser said that we approve the warrant every week and one thing he noticed, which was dramatic to him, is that the electric bills have gone down an immense amount. He added that he thinks we should commend the individuals that are involved in changing the LED street-lighting.

K. Old Business:

6:43 PM Reschedule private sewer workshop

This was previously discussed.

L. Selectmen's Report: Seeking Committee Members

There are still a lot of openings for various boards and committees of the Town.

M. Executive Session

Mr. Murphy said that he believed we have an executive session tonight and doesn't have the reference for the motion.

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

Mr. Lee said that the reference is 1 M.R.S.A. §405.A Personnel Matter and the SB will be meeting with their attorney on that Personnel Matter; that he will not be attending.

6:45 PM Mr. (Denny) Lentz, Creek Crossing, said that he has a request; that over a year ago, he voted for a TIF program and it had menu items associated with it that you people agreed on; that his understanding was that, after the TIF Committee was formed, that we were going to implement and that's what the priority of the TIF Committee was. He added that he would like to see an update on where we are with the implementation of the TIF programing.

Mr. Orestis said that we now have a liaison to the TIF Committee and would anticipate that there will be more regular updates.

Mr. Lee added that the minutes are online, too, of what is being discussed.

Mr. Lentz agreed but said that he was looking for implementation, which he believes is their assignment, and he hasn't seen anything other than a revisit to what was talked about 4 or 5 years ago.

6:46 PM Mr. Lee said that they are talking about that section of Town; that we've even met with the landowner and asked if they are willing to sell; that there are some movements but he doesn't know if everyone is aware of all the movements in place; that he doesn't believe they are actively going back to Route 236. He clarified that that did come up because not everyone appointed was on board with this plan; that people have independent thoughts and some of them really felt that this was not the right way to go and they wanted to at least explore it; that he said several times that it's not worth exploring, you can't do anything about it at this point. He said that now we have gone back to how do we get sewer into that big lot and that's one of the proposals he has on his desk regarding the engineering costs – how to bring it in through the rear, down along that power line, and open that all up to have another whole economic development corridor between Route 236 and State Road to the rear of that property; then maybe bring the sewer by the front of the Town Hall and also bring it in from the front down along Libbey Lane and connect the two so that it forms a loop; that you would have a strong-looped sewer system and enters and exits from both pieces of property. He added that we are focused on that, that's exactly what we're doing.

6:48 PM Mr. Lentz said that we have a lot of money in that TIF Fund; that he, and he was an engineer, and the rest of the common folk don't have the ability to implement those menu items, asking why don't we have someone in here who has project

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

management experience and pay them; that we are lucky to have all this money and, for five years, we can't put a plan together.

Mr. Lee said that at one of our recent TIF meetings, he was asked to go out and find RFPs for economic development consultants, engineers, etc. and, also, to find lists of people that have been utilized in this capacity; that he has gathered them and sent them to the TIF Committee and he thinks that's their next step – to send out RFPs. He reiterated that it did take a while for everybody to get to a point where we accept the fact that we have this plan, and he's sorry that was frustrating for people and he isn't trying to be smart about it, but everybody that gets put on a committee comes with their own thing and he can't just make them think differently.

6:49 PM Ms. (Donna) Murphy said that the Townspeople voted the TIF; that every single person appointed to that committee was a supporter of the Route 236 sewer. She added that they knew, when they accepted that, that their job was to implement what the voters voted on. She said that the conversation in those meetings throughout this last year has regarded sewer on Route 236 and that's not okay; that that should have been nipped in the bud the very first meeting and it wasn't.

6:50 PM Ms. (Cindy) Lentz said that she was on the TIF Alternative Committee, we took it as far as we could; that we were not professionals nor are they; that they've had a year to implement a menu, which is more than any other committee has; that it has been a year and we have nothing.

Mr. Orestis said that he thinks the words that have been spoken, here, are correct; that it has been close to a year. He added that it seems like we are starting to head in the right direction; that he hasn't been to the meetings, and that's on him, so he can't tell anyone what has been going on. He said that, from what Mr. Lee has said tonight, we are starting to move in that direction and he can understand the frustration because we have a lot of money, we're in a great position where we can do something and, now, it's implementing the plan that was voted on last year. He reiterated that we have a liaison, now, and should be able to give regular reports. He said that he appreciates the feedback and concern.

6:52 PM Ms. Lentz suggested the SB have a written or oral report from the TIF Committee on what they're doing.

Mr. Pomerleau said that he has been watching the meetings very closely and it's very disingenuous to say that their primary focus, from the beginning, hasn't been to find some way to put Route 236 sewer back into play; that they have spent a large amount of time on it. He added that he will concede that there is finally some movement in the direction of the passed plan with consultants, and so forth, but only after their exhaustive efforts, shot down by the Town attorney, regarding

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

Route 236 sewer. He said that he disagreed that Mr. Lee wasn't their master; that they are not an independent organization elected by anybody, this Board is and the first obligation of this Board in the Charter is to implement the will of the people, which is the plan that was passed by a vote of the people.

6:54 PM Ms. Saurman said that if the SB is unhappy with the work that the TIF Committee is doing, then they need to get that message to them, ever so clearly. She added that, from her experience working on the committee, we worked long, long hours to put things forward and didn't get very far; that it's a tough committee to serve on and she would say that you're pretty darn lucky to get a group of people to serve on it, again, based on what the first committee went through. She pointed out that this is not an easy Town to serve on any committee because you can get pretty hammered if you dare to do or say something; that we've got to be careful, folks; that we sit here every week and wonder why we can't get people to serve on our committees.

6:57 PM Mr. Lee discussed his efforts at virtually every meeting to keep the committee focused on the menu they had to work on and his reluctance to just shut down discussion about other than the menu items; that he wanted to let people air it out and get it off their chests and get comfortable with the idea that sewer on Route 236 will not happen under this development program. He also discussed giving committee members the option of discontinuing on the committee if they didn't know what to do with this money or were unwilling to serve anymore. He was frustrated with comments that suggested he was not trying to marshal them in the right direction.

6:58 PM Ms. (Carol) Selsberg said that this is a really big deal and, as contentious as it is, she thinks it should be an agenda item every time the SB meets.

Mr. Orestis, speaking for himself, said that he thinks the message is loud and clear; that no matter what side of the issue you are on, at this point, you want a report; that that's fair and we owe that to you.

7:00 PM Mr. Lee said that he would make a point of adding it to future agendas.

Mr. Murphy said that his feeling was, with all this money, we should spend it on infrastructure that the Town needs all over, wherever that is.

7:01 PM **Mr. Murphy moved, second by Mr. Donhauser, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405.A Personnel Matter with the Town attorney.**

SELECT BOARD MEETING
April 25, 2019 5:30PM (continued)

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Murphy – Yes
Mr. Orestis – Yes
Mr. McPherson - Yes

Unanimous vote to approve motion.

7:48 PM Out of executive session. No action was taken.

N. Adjourn

There was a motion and second to adjourn the meeting at 7:49 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Richard Donhauser, Secretary

Date approved: June 27, 2019