

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 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:

There was no public comment.

F. Approval of Minutes of Previous Meeting(s)

5:32 PM Motion by Mr. Donhauser, second by Mr. Lytle, to approve the minutes of February 28, 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.

G. Committee Resignations and Appointments

5:34 PM 1) Eliot, Maine Bicentennial Committee By-laws

Mr. Murphy said that this draft version is interesting but a little incomplete.

Mr. Lee said that this is the template he sent over and, subsequently, they have sent back a more up-to-date version where they have filled in their duties, and so forth.

Mr. Murphy suggested we postpone this until we get the full version.

Mr. Lee agreed and said that he could out it on the next agenda.

The SB agreed.

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

5:36 PM 2) Planning Board: Appointment – Bill Olsen – Alternate Member

Mr. Olsen was present.

Mr. Murphy asked if Mr. Olsen had been on a planning board before.

Mr. Olsen said that he had not. He added that he has been on the Eliot Budget Committee and chaired that, at one point.

Mr. Murphy said that, if there are no questions from the SB, he would welcome a motion.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board appoint Mr. Bill Olsen as an alternate member of the Planning Board, for a term through June 2020.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

5:39 PM Mr. Murphy offered thanks to Rosanne Adams and Robert Fisher for the buffet luncheon served to our Town clerks in honor of Municipal Clerk's Week. He also thanked the South Berwick-Eliot Rotary Club and Mr. Richard Donhauser for their efforts in sponsoring the recent Senior Luncheon.

H. Department Head/Committee Reports

5:40 PM 1) Solid Waste and Recycling Committee – HHW Recommendations

Mr. Murphy read the memo from the Eliot Solid Waste/Recycling Committee (SWRC) regarding HHW (Household Hazardous Waste), which discussed suggested controls to be put in place if there were a change in policy, which they weren't convinced should happen. They included checking identification to ensure Eliot residents only, allow a maximum of \$50 of HHW dropped off per resident at no cost and paying for any additional, annual \$6,000 budget divided in half for each bi-annual event as the total maximum of free drop-off per event, and implement any new policy with the 2019/2020 fiscal year. Mr. Murphy said that

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

they seem reasonable but isn't sure what impact they might have on current policy.

5:42 PM Mr. Lytle questioned #1 regarding ID's; that we used to have stickers and, now, with the colored bags, we don't have stickers anymore.

Mr. Lee said that there are placards that hang from your window; that beyond that what he thinks they are talking about is actually asking for identification.

Ms. (Kathy) Vetter said that we go to the dump every Wednesday and, if there's 10 cars in there, 2 of them might have that placard hanging. She suggested they get the word out that, if you want to recycle, you better have your placard.

5:43 PM Mr. (Jim) Tessier, Johnson Lane, said that there is posted on the Town website, already, information on HHW and a fee structure; that it currently states that you have to provide positive identification to confirm you are an Eliot resident so #1 is not a change from what we currently require. He added that it seems a prudent idea, if the Town is paying for this, that people dropping off the material are Eliot residents. He explained that this whole discussion is taking place because the Town Manager proposed changing Town policy without informing and getting authorization from the SB and did not discuss it with the SWRC; that this was identified during the budget process review with an unexplained budget increase. He also said that residents shouldn't be paying for 55-gallon drums of hazardous waste, which is commercial, industrial, or agricultural; that HHW is talking about gas that's gone bad or fertilizer one isn't using or some type of insecticide, for example. Regarding the \$50 limit discussed in the memo, he said the fee is \$25 for 5 gallons of liquid or 20 lbs. of solid material; so, a resident, for free, could dispose of up to 10 gallons of liquid or 40 lbs. of solid at no cost, and we feel that is a reasonable amount someone can dispose of at no cost. He added that, beyond that, the residents should be paying a fee. Regarding #4, starting in the next fiscal year, we recommended that because we didn't know what was remaining in the current fiscal budget. He said that, after their meeting, he talked with the PW Director, and he said there was \$4,335 left in his budget and, if that is confirmed, then we could implement this change, if the SB decides to do this, for the June collection. He said that the SB had been talking before about setting this up as temporary for a year and go back in a year to assess the impact; that he would recommend that we do that after each HHW, getting the PW Director to tell us how much was collected and if that would create an issue for the budget.

5:47 PM Mr. Murphy asked if there was a record kept of what residents drop off and how that is valued.
Mr. Tessier said that it his understanding that there is a company hired to do the collection and they keep tabs on how much they collect because they are going to

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

collect a fee from the Town, if they want to get paid; that they probably keep a good record of what materials are turned in.

5:48 PM Mr. Lee said that they are required to have tickets of lading when they do the final disposal; that it has to indicate where it came from, what it is, how much there is, who transported it; that it's very carefully handled from beginning to end. He added that he wanted to thank the committee, as he thought they did a great job and these are very reasonable controls; that we can do this starting in June and he agrees that we should look back to see how it is working out.

5:50 PM Mr. Orestis said that we haven't discussed that the memo said the committee wasn't convinced a change in policy was warranted at this time, asking if Mr. Tessier could speak to this, as we are looking for the committee's guidance on this.

Mr. Tessier said that he thinks there's two ways to look at this; that residents are paying a fee to buy purple bags to cover the disposal of their waste and, from that standpoint, each resident should be paying a fee to get rid of their HHW; but, on the other hand, the reason we're collecting it is to get it out of circulation and people aren't dumping it, to collect it and make sure it's being handled correctly. He added that we can see both sides of it and thinks the Town Manager made a good point that, if it isn't costing the resident anything, they are more apt to bring it in, which he thinks is a good thing. He said that this policy has been in effect since 2015 and he thinks it's worked well; that it's covered costs, the Town isn't paying a lot to get rid of material but the volumes have gone down, which could be argued that, because residents are paying a fee, it's a disincentive to bring in the material.

5:52 PM Mr. Lytle asked if Mr. Lee had talked with the SWRC about what might happen with cardboard.

Mr. Lee said no. He explained that we had been taking York's cardboard and bringing it back and baling it, with the price per ton down very badly; that we had been spending about 6 man-hours, we're short-staffed, and losing money on this to the tune of about \$5,000/year. He added that he notified the York Town Manager that we will discontinue this in two weeks to give him time to find a way to deal with his cardboard; that it's a bartering-type thing, or pay for service, that York does with us because we have the baler, but we are getting beat up.

5:53 PM Mr. Tessier said that we could certainly discuss this at our next meeting but, as a resident, if it's a loss-leader and we're losing money, it doesn't make sense to continue. He added that he heard from workers out at the Transfer Station in the past that York material had a fair amount of contamination in it and that made it

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

an issue because anything that's contaminated is hard to sell, getting a smaller price and requiring more man-hours.

5:54 PM Ms. (Donna) Murphy said that this Town set forth a policy for people to be paying for their own trash and waste; that there are people in this Town that are left to be responsible and not purchase HHW; that the policy set forth was that the Town would pay for the set-up cost and people could pay for their own, whatever they purchased, if they choose to purchase it, they can dispose of it and pay for it. She added that, as a resident who isn't purchasing this material, she's now paying for her own trash, or a mattress or TV, and she's now expected to pay for other people's HHW. She said that she doesn't think it's too much to ask them to pay for the actual material they are getting rid of.

Mr. Lee asked if the SB was planning to take any action on this to adopt these recommendations and ask the Town Manager to implement them at his soonest convenience.

5:55 PM Mr. Murphy asked the SB if they agreed that this was a reasonable thing to do to see if this works better than the present system, and do we want to change this in some way.

Mr. Donhauser said that the way this memo was written the committee is recommending that there not be a change in the policy; that they're merely recommending we implement some controls. He asked if we should make a motion about the controls.

5:56 PM Mr. Tessier said that this is definitely a change; that right now, when we do a HHW Day, the residents are paying a fee to drop off any material based on the fee structure that we have in place at this time. He clarified that the Town Manager is proposing a completely different policy that says the residents do not have to pay any fee at all; that if they showed up with a 55-gallon drum of material, they aren't paying any fee to get rid of that at the next HHW Day. He added that he thinks there's two decisions; do we change the policy such that the residents are not paying a fee for materials that they are dropping off or do we implement the recommendations from the committee where residents can drop off some material at no cost but are paying some fee if they drop off more than \$50.

5:57 PM Mr. Sylvester, DPW Interim Director, said that he thought the people should bring their own and pay for their own; that he doesn't think it's fair to the other taxpayers to fork up \$50/head.

Mr. Donhauser moved, second by Mr. McPherson, that the Select Board not change the current policy and we leave it as it is.

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

DISCUSSION

5:58 PM Mr. Orestis said that he thinks this is an interesting topic because, with both sides, he can see Ms. Murphy's point and it makes a lot of sense, we're paying to dispose of our everyday trash and materials; at the same time, this is more hazardous waste, so, if someone is in a position where they have old gas at their house and they have to pay to dispose of it, then maybe they are more likely to just dump it out in their back yard; that he's not saying they are but maybe they are. He said that he can see both sides of the issue and he thinks it's one of those things where, maybe, it is best to keep the policy the way it is but now that this information is out there, we can solicit some feedback on it. He added that that was his position but was open to comments from others who may feel differently.

5:59 PM Mr. Lytle asked if Mr. Orestis was saying that he wasn't going with the recommendation of the SWRC.

Mr. Orestis said that the first line in the memo is "*The committee is not convinced that a change in the policy is warranted at this time.*"; so, our SWRC is saying that they don't feel that it's necessary but if we, as a Board, decide that it is necessary, then at minimum, we should take these steps. He added that he believes the motion on the table is that we are going to keep everything the same, the way that it is today.

Mr. Lytle said that he didn't agree.

Mr. Lee added that we will just be paying for the set-up of the vendor and their cost to do the collection and the tagging, etc. but, as far as any materials coming through, the existing policy is to have everyone pay their own way.

6:01 PM Mr. Donhauser said that he could see both sides of the issue, too; however, he more agrees that you should pay your own way. He added that the Town is subsidizing it, in fact, by paying the set-up fee for HHW Day.

Mr. Lee suggested that, perhaps, what we could do is make it known that, if you are someone who has some of this waste and on a very fixed income, then perhaps they could apply for a waiver of fees going forward; that maybe we could do something like that but he doesn't want to give incentives to people who can't afford those fees to simply get rid of it in an illegal manner. He said that he knows it's happened in other towns he's managed and he knows the policy of offering it for free has worked.

6:02 PM Mr. Donhauser asked Mr. Lee if we have experienced that.

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

Mr. Lee said he has not experienced it here. He added that that is why he feels there should be a failsafe for someone who does have some of this stuff that wants to get rid of it properly but also can't afford to do it.

Mr. Orestis said that if there are other individuals out there that feel otherwise, please let us know; that he hasn't heard complaints up to this point.

6:03 PM Mr. Lytle said that when this originally started, we spent \$10,000, \$12,000, \$14,000 doing it and it has gotten down to where it is now; that he likes the plan from the SWRC that, we've got a little bit, get rid of it and get rid of it right but he's afraid they won't do that; that if you charge anything, people will hang onto it and hang onto it and we will get back up to the big expense of getting rid of it or not getting rid of it, probably dumping it out back. He added that he agreed with SWRC's recommendation.

6:04 PM Mr. (Robert) Pomerleau, Cedar Road, commented that this seems like a classic example of a solution looking for a problem; that if we had some example of alarming levels of hazardous waste being dumped at some point in the future, then we could consider changing the policy. He added that it seems there is zero evidence that we actually have a problem so he supports the committee's recommendation to leave things the way they are.

Mr. Murphy suggested that it would be very easy for citizens to dispose of these types of things and we would never know; that he thinks it is encouraging for them to be open about what they have and bring it in.

6:06 PM Ms. (Donna) Murphy, Hanscom Road, said that that could apply to any of the waste we bring to the Transfer Station that we pay to get rid of (ex: mattress). She added that, if you choose to purchase hazardous waste, then you choose to get rid of it; that it's a choice people have

Mr. Tessier talked about the information on the Town website that lists hazardous waste that can be brought to the Transfer Station on HHW Days and what cannot be accepted, as well as the fees.

6:09 PM Mr. Sylvester said that this policy of everyone paying for their own HHW has been in place since 1988; that he has never seen anyone pouring gas on the ground.

There was some additional clarifying discussion.

DISCUSSION ENDED

Roll Call Vote:

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

Mr. Donhauser – Yes

Mr. Lytle – No

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Vote 4-1, motion passes.

6:18 PM 2) Crown Castle Tower Agreement – Legal Opinion

Mr. Lee said that this was regarding a previously-approved cell tower (Third Hill) that included a condition giving the Town permanent rights to hang public safety communication equipment for free. He added that the original company ownership changed hands several times until Crown Castle gained ownership; that the Town got to the point where they needed more repeaters (placed on cell tower); that the Town contacted Crown Castle, who was unwilling to allow this right. He said that, going back and forth between attorney's, Crown Castle acknowledged their obligation and allowed the Town to hang their equipment on the cell tower, sending over a lease, which Mr. Lee had Town legal review; that there were two issues around indemnification and insurance that Town legal suggested changed wording for. He clarified that this is before the SB so that they can read what the legal opinions are and see if the SB has any other concern about this agreement; that, for the most part, this is a standard contract; that the SB should look at the two issues before signing it.

6:21 PM Mr. Murphy said that he has many comments on this document but what he really missed were the exhibits – A, B, C, and D – which weren't included. He also addressed his concern for limitations placed on the Town that could prevent making changes the Town might need to their equipment.

Mr. Lee said that it is Crown Castle's tower and they view it as doing us a favor in allowing us to hang our communication equipment on their tower; that they have to approve equipment (ex: weight); that we have to ask permission to go into their property. He added that we have limited rights but the good news is that we don't have to pay to hang our communication equipment and we would have the coverage we need; that the attorneys said that, mostly, it's not a bad contract but the SB should have MMA weigh in on indemnification and insurance; that other than that they would recommend we enter into it.

6:24 PM Mr. Donhauser asked for clarification regarding the last few words on page 3 of the attorney's letter – "...robust non-interference of the license."

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

Mr. Lee said that they have to approve any time we want to go up to adjust, change frequency, etc.; that it is their tower, they have a bunch of other agreements with a bunch of other people who have a bunch of stuff on the tower. He added that it's nothing that we should like but the fact of the matter is that it is their tower and all they were made to do by the PB, effectively, is, when the time comes, we want to hang our equipment up there and the tower company will let us do so for free. He explained that we want to hang repeaters and there is engineering to determine where on the tower to hang them to get the best coverage without interfering with other people's equipment. He added that there is probably a monthly utility cost for the power unit at the bottom of the tower. He reiterated that, with this language, they put in the worst-case scenario of course, it is standard and he doesn't think we'll run into a lot of this. He also reiterated that the Town will enjoy a big savings, even though there will be some money paid out, up front in installing the equipment, but we have been preparing for this for a while by learning at what height, what frequency, etc.

6:32 PM Mr. McPherson discussed his concern that this is a license agreement and that 'license' implies this is terminable by Crown Castle at any time.

Mr. Lee said that they might write that but they are obligated under their approvals by this Town to let us hang equipment on there; that they may say that but he thinks we would challenge that in court.

Mr. McPherson said that, speaking from the Fire Department side, this is certainly necessary because radio coverage up there is poor and radio coverage becomes a safety issue, obviously; that thus needs to happen.

6:33 PM Mr. Lee said that he would like the SB to review this agreement and he will come back with some suggestions on indemnification and insurance and, then, he would ask for approval.

Mr. Orestis asked about next steps.

Mr. Lee said that our attorney and MMA would be reviewing at least indemnification and insurance and, when he submits this to MMS, they may find other things; that he might also ask the attorney to take a look at softening the "robust non-interference" language. He added that he noted to get all the exhibits and to get a copy of the sub-lease (Exhibit D).

6:36 PM **3) Public Works: Request Sole Source Bidding Approval – Plow Gear**

Mr. Robinson discussed the reason for sole-sourcing the vendor; that they only got two bids returned from four sent - HP Fairfield and Viking Cives; that they

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

have had HP Fairfield equipment since the 1960's and they are second to none as far as durability and reliability. He added that other surrounding towns have told him that they have had structural and electrical problems with Viking; that MAINE DOT strictly uses HP Fairfield out of Skowhegan, as well as the Town of South Berwick. He added that the cost would be around \$60,000 but have not gotten a firm bid, yet, as they are due in next week; that this is for the body and plow equipment.

Mr. Murphy said that it sounds like Mr. Robinson is on the right track.

Mr. Donhauser asked if the source of funds is the capital account.

Mr. Lee said yes; that the amount in that fund is rather large, as he previously discussed, and this money has been put away through budget reserves for this purpose.

6:40 PM Ms. (Donna) Murphy suggested that it might be better to look at a waiver of the three-bid policy and then make a recommendation to go with HP Fairfield.

Mr. Lee agreed that it could be done that way. He added that the reason we went this way is that all of our stuff is HP Fairfield, all the parts are interchangeable, etc.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board waive the three-bid policy for the purchase of HP Fairfield's equipment and also consider them as sole-source vendor of this equipment for this particular purchase, as recommended by the Public Works Department; source of funds to come from Public Works Highway Equipment Reserve Account.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:41 PM 4) Planning Services Proposal

Mr. Lee discussed his memo regarding a split recommendation on the warrant around the administration budget, namely, whether the land use assistant should be a full-time employee. He added that, meeting with SMPDC, they said that they

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

serve many surrounding towns as the town planner and that the cost is a flat fee contract of roughly \$30,000/year and, given the professional candidate competition and cost to attract them, it may be time to outsource this to SMPDC. He said that, if we do that and move the land use assistant to full time, the estimated net savings for 2019/2020 would be about \$32,000. He added that the contract services would include one day/week in the office and cover all our meetings, with the land use assistant working with customers and coordinating with the three departments and SMPDC. He said that there is a Memorandum of Understanding from SMPDC attached to the memo that includes an hourly rate until July 1 and, then, a contract for one year starting from July 1, 2019 and going to June 30, 2020 at \$30,000. He said that, if this meets with the SB's approval, he thinks this is the best way forward to provide good-quality planning services to our customers, good customer service, and save over \$30,000.

6:45 PM Mr. Murphy said that it seemed a reasonable thing to do under the circumstances.

Mr. Donhauser restated for clarification, saying we will move the land use assistant to full time and we will subcontract the planner position for \$30,000 versus hiring a planner for \$60,000+, so that is the savings.

Mr. Lee said that that was correct; that even outside of whatever happens with the land use administrative assistant position, he still thinks this is the way to go with planning position because he just doesn't think the Town is going to be able to financially afford a person who has a strong municipal background. He added that he's seen what they are paying them in towns not much bigger than here and their numbers are way up there.

6:47 PM Mr. Orestis asked if Mr. Lee had had a chance to speak with the PB.

Mr. Lee said that he spoke with Mr. Lentz a little bit but not the entire PB.

Mr. Lentz said that this is the first time he is hearing this proposal.

Mr. Lee said that he talked with Mr. Lentz about the other planner moving on but this is what we would anticipate; that Ms. Abbie Sherwin (SMPDC) would be the person assigned as our planner; that he could go out and look again but he thinks this is your best way forward.

6:48 PM Mr. Orestis asked if it would be unreasonable to ask the PB for their opinion before we vote to hire a planner.

Mr. Lee said no, not at all; that we don't have to do anything right away as SMPDC is going to cover us, in the interim, for the rest of the fiscal year.

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

Mr. Orestis said that he would like to hear Mr. Lentz's thoughts.

Mr. Lentz said that he heard the Town Manager better service to the customers, better service to the applicant but his natural concern is better service to the PB; that that is the main purpose of that person, at least, it always has been and maybe we are changing. He added that, without thinking about the details or conversation, he's certainly not happy about it at this point.

Mr. Orestis said that he didn't want to put Mr. Lentz on the spot; that he felt the next direction to go would be to get the thoughts of the PB because they are the ones who will work with the planner.

Mr. Lentz said that the SMPDC did an excellent job; that he is familiar with Ms. Sherwin and Mr. Feldman and they do a great job; however, he doesn't know what else this person will be doing, how they're going to work, how the day is laid out, is one day/week enough.

6:50 PM Mr. Donhauser moved, second by Mr. Lytle, that the Select Board table this issue to a future meeting until we can get feedback from the Planning Board.

DISCUSSION

Mr. McPherson said that, if the land use administrative assistant is approved for full time, he would think that would have an impact on this decision; that he would think it very important to have someone in that office full-time for the customers that come in.

Mr. Lee said that, if approved, she would move from the current 20 hours to 40 hours.

Mr. McPherson discussed his concern, if her position doesn't pass, on who would pick up the slack in the office with only 20 hours a week.

6:51 PM Mr. Lee agreed; that he suggested we might table this until after Town Meeting and that may change the recommendations of the PB.

Mr. Lentz said that we may have different thought processes; that, as far as he is concerned, the main emphasis of the planner is to support the PB. He added that, if we're going to pull away from that and it's more important, as the first line says, to support the community, he doesn't know what that means; that he just needs to understand that.

6:52 PM Mr. Pomerleau said that he supports exploring positions like this; that a few years ago the SB came seriously close to outsourcing the Assessor's work and the

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

estimates given back then were many thousands of dollars to be saved and, at the eleventh hour, it was dropped. He added that he thought, in this instance, he thought you needed to separate the planning assistant from the concept of outsourcing the planner; that the alleged savings are particular to this individual because, as he understands it, she doesn't require health insurance and, if you get a different person in there in the next several weeks, then that cost is going to go up several thousands of dollars. He added that he thought that needed to be explored regarding actual costs saved and what the voters do with the land use administrative assistant position. He encouraged the SB to be open-minded about outsourcing some of these jobs.

6:54 PM Mr. Orestis asked if SMPDC was keeping track of billable hours and, at a certain point, that's it.

Mr. Lee clarified that they will keep track of billable hours and he isn't going to be into it for more than \$30,000, even if they have to go over the number of hours they estimated.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

Mr. Murphy said that we have four minutes until we have to have a public hearing on the Annual Town Meeting and Referendum Warrant, asking if the SB wanted to call a recess at this time.

The SB agreed.

6:56 PM A four-minute recess was called by Chairman Murphy.

7:00 PM Chairman Murphy called the SB meeting back to order.

Public Hearing is open on the Annual Town Meeting Warrant and Referendum.

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

Mr. Pomerleau said that, on #5, you actually have a last year fiscal figure higher than either recommendation and your newsletter to the voters said that this would happen. He added that what isn't clear is that that doesn't automatically become the amount; that as he remembers the ordinance, you are then going to be required to go back through the budget and extract any extraordinary expenses that are not necessarily being carried forward. He asked why last year's figure is higher when you're trying to add 20 hours to an assistant, given nothing else has changed; what is the distinct number differences and would those numbers be extracted from that budget if the voters said no, they want last year's budget.

Mr. Lee said that that's probably a bridge we'll cross if both get defeated; that that really is the scenario in which that would happen.

Mr. Pomerleau commented that he thought that was important information for the voters to have before they cast their vote.

7:03 PM Ms. (Kathy) Vetter asked if they could explain what #24 and #25 means.

Mr. Lee said that one of the things that happens with the Town budget is that we get subsidized with two other forms of money: **with #24**, we get subsidized by TIF money, which comes in as a revenue to offset part of his salary, the Treasurer's salary, those of us who are involved with monitoring the TIF funds, and that we also have \$20,000 for legal consultations and \$30,000 for economic development consultations; that that is all being paid by the TIF, so, it comes in as a TIF revenue and he puts that in the budget as an expense, in the TIF, under Fixed Assessments. He added that the other part of that is from the Sewer Department, which pays us a certain amount for the people who maintain the sewer system (ex: person doing the sewer billing, DPW Director as Sewer Superintendent). He added that **#25** is for debt service, explaining the we recently posted a new bond regarding replacement of the HVAC system at Town Hall and acquisition of LED streetlights, which amount is fairly small; that the rest is going to be reimbursed by sewer fees for the repair of the two pump stations, which comes out of sewer revenues.

7:06 PM Mr. Tessier said, regarding #3, that at the last joint SB/Budget Committee meeting, the Budget Committee raised the question concerning why the Town is not following the guidance provided by the State in calculating LD1. He added that we keep saying to the residents that we can't calculate the figure, as it does in this article; that the guidance he provided was issued from the State 9/28/2018 that tells the Town what figure to use when calculating LD1.

Mr. Lee said that during this budget process, we have been following the same thing we had been following for several years; that, then, that was brought to his attention and he will not be doing that next year. He added that Mr. Tessier knows

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

the budget timeline is very tight and he hadn't had a chance to talk with the Assessor before this went out.

7:09 PM Mr. Orestis said that he thinks the correct answer is that it seems to have slipped through the cracks at the last minute, with the other things that are going on, and it seems like, from what the Town Manager is saying, it won't happen again.

Mr. Tessier said, regarding the 2019 Tax Levy Worksheet received in December, that it has all the calculations and Ms. Painchaud used the 2.77%.

Mr. Lee agreed, saying that we estimated what the new value was going to be that would be added to our value to come up with an estimated LD1; that that is not a true worksheet of the true number.

Mr. Tessier said that the guidance says to use the most recent information.

7:13 PM Mr. Lee said that he was glad Mr. Tessier brought this to his attention and it will happen no more forever; that in the late stages of this budget, he did not have time to check in with Ms. Painchaud, change all his documents, bring a special meeting, change the LD1 number; no. He added that he stayed with the budget calendar or else we wouldn't even get to Town Meeting on time. He also added that he has a meeting scheduled with Ms. Painchaud to calculate the actual number and would like to have that available at Town Meeting.

7:16 PM Mr. (Bob) Seeley discussed his concern regarding #8 on the increase in the Police Department budget.

Mr. Lee said that we recently settled a contract with the Police union and it called for a 3% increase in wages; that we also had health insurance increases. He clarified that we didn't add anything, that it was pure operational cost – things that went up in price.

7:19 PM Mr. Pomerleau said, regarding Article #19 (Town Hall civil engineering study), that he didn't know what was meant by adding the non-binding survey (municipal building renovation/expansion) question at the end.

Mr. Lee said that we want to get a sense from the taxpayer what level of support there is for someday expanding the Town Office. He added that, as he has said many times before, civil engineering money will be needed, whether it's an expansion in a year, 10 years, or 20 years, because we don't know anything about the property and you have to have a full survey before you can even have a discussion on whether we can go forward on this site; that we may not be able to go forward on this site.

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

7:23 PM **Public Hearing closed.**

I. Administrative Department

7:24 PM **1) Town Manager Report(s)**

Mr. Orestis asked for an update regarding **Line 9**, establishing Tidal Gate authority.

Mr. Lee said that, for many years, Tom Howell has run that gate; that he doesn't mind opening and closing the gate but he doesn't want to do the schedule anymore. He added that he wrote to the Department of Marine Resources (MDMR) asking for a representative, a DOT rep, the town manager of Kittery, and himself to come to a meeting to discuss who would do the schedule of openings and closings of that gate and be the one people contacted for requests/complaints. He said that MDMR and DOT have not responded but Kittery has. He said that he wouldn't mind doing this; that he would still take Mr. Howell's suggested input but it would be coming from the Town of Eliot.

7:29 PM Mr. Murphy asked about **Line 184** regarding working with webmaster on missing minutes.

Mr. Lee explained the process that the Town Clerk uses to verify minutes of Town committees and boards are posted to the website; that occasionally minutes need to be re-uploaded that have fallen through the cracks.

Ms. (Donna) Murphy asked for clarification regarding **Line 70/71**.

Mr. Lee said no; that the items are separate issues outside of the Town hall.

7:32 PM **2) Discuss Joint Workshop with Planning Board re: Marijuana**

Mr. Lee said that this was just an opportunity for anyone from the SB to discuss any follow-up or thoughts from that meeting.

Mr. Orestis said that he thinks the key take-away was to figure out the local licensing process; that that would be the next step where the PB was pretty clear they needed assistance.

Mr. Lee said that the Cannabis Committee wants us to come up with forms, the process, fees, etc.; that they will be working on that over the next couple of months and get that back to the PB, then get together with the PB and, then, put the finishing touches on that to go out for November.

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

Mr. Orestis asked if a general timeline could be put together to make sure we hit the deadlines.

Mr. Lee said yes.

Mr. Lentz (PB) added that there will be multiple licenses and permits; that they will bounce back and forth between here and the State and someone in this building has got to be accountable for registration, permitting, the fee schedule, and that kind of thing; that that's what we're asking for from the PB; that if we know what the process is, then we can reflect it in the ordinance.

7:36 PM 3) May 16 Private Sewer Workshop

Mr. Lee said that this workshop would include the DPW Interim Director, attorney, the SB, and himself to try to determine where the private sewers are, who we think owns them, if there are any laws that make us think that we do own them; that there are many questions and he is gathering a lot of information together. He added that he would get that information to the SB in advance for their review.

7:38 PM Ms. (Donna) Murphy asked for an update on the Blueberry Lane reimbursement.

Mr. Lee said that he submitted a bill to them and asked them to put it through their insurance company and the owner said that he was trying to do that. He added that the owner has not been back to him and he will follow up.

7:40 PM 4) Business Licensing (1st Consideration)

Mr. Lee said that the staff has been discussing whether it would be prudent or valuable to do any form of business licensing; that towns do this and there are reasons why they do it. He added that his memo lists those reasons discussed by the staff. He discussed concern for not having contact information in case of fire, as an example, nor knowledge of any chemicals that may be at these businesses, as well as being able to list a business directory on the Town website. He also discussed the side of this that people/business owners might not like. He added that he is bringing this to the SB as a broad idea to get feedback from the SB; that we aren't looking to make any money with this; that it would either be free or nominal (\$5).

7:49 PM Mr. Lytle said that he likes what you're doing; that he thinks we should know exactly what's in the buildings.

Mr. Pomerleau said that certain chemicals in any certain quantities must be reported by federal and State law; that this information is supposed to be part of

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

the emergency response plan so that, when the Fire Department responds to a fire, they know how to fight the fire.

Mr. Lee suggested that, regarding the business parks, it would be helpful to put hazard labels on the outside of each one of those units. He added his deep concern for what we don't know is in these units and the danger that posed.

Ms. (Donna) Murphy said that she heard the Town Manager observed marijuana in one of these units and wondered what the outcome was.

Mr. Lee said that it was reported to the Police and we shut it down.

7:52 PM Mr. McPherson said that he thinks it's a good idea; that we have iPads (donated by Lion's Club) in all of our engines and all that could be easily accessible when we get a call. He asked how many units were in the business park.

Mr. Lee said that he wasn't sure but that he would send the list he developed to the two Chiefs so that they at least know what's in there.

7:54 PM Ms. (Carol) Selsberg, Pickering Drive, thought this could use a study committee, appointed by the SB, because you're talking about security, emergency, and talking about some really cool sources of revenue; that the people on the committee should be professionals in these areas and could go over how to do this in the best possible way without being offensive. She added that we have a lot to lose without doing it and a lot to gain by doing it, not to mention the role-modelling for other communities.

Mr. Lee said that, currently, that is a staff committee putting together some potential ideas to present to the SB to see what next steps might be taken, such as a study committee or task force.

Mr. Murphy felt that this should go forward.

Mr. Orestis said that it seems we are all in agreement to continue down this road to see what we could come up with; that the Town isn't looking to make money with something like this but, at the same time, if we go in this direction, businesses comply and that would have to be thought through. He said to keep walking down this road and keep us posted.

7:55 PM Mr. Donhauser said that he thinks some of this information is very important and we should have it; that he thinks asking a business owner to report their tenants every six months is too much. He added that he had a storage business in Eliot and had over 800 storage units, asking if he would have to report every 6 months. He added that he thought you might find that many of these units have leases that

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

prohibit storage of certain types of materials, although that doesn't mean they aren't stored in units. He said that there is certainly a revenue possibility but there is a cost associated with this; that someone will have to verify or visit these places, catalogue personal property or self-disclosure; that, as a business person, there are so many regulations you have to go through, State and federal, and this is just another layer. He clarified that he is not opposed to it in its entirety; that the more layers you put on this onion, the more oppressive it is to a business person. He said that it may become more difficult to lease space in Eliot or do business in the Town, and he wanted to caution that this is not without cost. He suggested the reporting be annual or when a tenant moves.

7:58 PM Mr. Lee agreed that there are a lot of caveats to this.

Ms. (Donna) Murphy suggested that the SB needs to establish what the goal is – is it to increase revenue or to ensure the safety of our Fire and Police Departments; that there are laws already in place if this is to ensure safety.

Mr. Orestis reiterated that this was not going to be a source of revenue for the Town; that at the same time it would be a good option to explore that avenue, as well, and if this information is already out there, then we should use it.

8:00 PM 5) TIF Committee – ESR (31) – Sewer Routing Options in Village

Mr. Lee said that the TIF Committee has been meeting with Underwood Engineers and discussing alternative routing for sewer and water up in the village area; that an ESR was developed to include sewer routing alternatives and technical and easement assistance, each task to not exceed \$7,500. He clarified that there was nothing on Route 236 but bringing in professionals to help us understand what the potential costs are, the best options in terms of the shortest, least costly, long-range, potential need for a pump station, ground suitability, etc. He said that the TIF Committee would like to ask the SB to authorize expenditures from the TIF money in the amount of \$15,000 to begin some serious engineering work on a proposal they are beginning to develop; that they would like to start as soon as possible so that they can begin to put together a project proposal for voters to consider; that, at this point, they have a rough idea of what they would like to consider but they have to get some idea of how much it will cost to do infrastructure work.

8:03 PM Mr. Murphy asked what monies the TIF Committee could call on.

Mr. Lee said that each year we put in the fixed assessment, at least \$20,000 in consulting fees; that this year \$30,000 to \$40,000 was put in because we knew that this year would be when we actually had to implement the new development

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

program and there is money in the next year's budget to continue the TIF work; that we haven't used much at all and the money is available from that source.

8:05 PM Mr. Pomerleau said that he thinks it's a good idea and long overdue to run an engineering study for the cost of running sewer down along the Piscataqua River to the Village; that all of the rest of it is outside the plan we approved, not on the menu, and not authorized. He commented that this is nothing but a back-door attempt to get sewer on Route 236.

8:06 PM Mr. (Ed) Henningsen, TIF Committee Chair, said that the purpose of this study is to get an idea of what sewer and water costs would be; that we have been provided that the TIF funds could provide us with about \$20 million in construction and we want to know how much sewer and water will cost us to get to different areas so we can decide on whether we can even purchase property, is it going to take all \$20 million to just get sewer down 'here' and have no money left over to purchase it, or how much do we have to expand and do things with. He clarified that we set up different routes with Underwood down 'here' to Old Libbey Road and into the back property, go down Beech Road and go through the variances that we had there, etc. He added that we could then analyze the benefits and try to come up with a plan that made sense; that at this point, the way he interpreted the quote Underwood gave us was that \$7,500 would provide us with those rough order-of-magnitude costs. He said that he didn't know why we need the easement monies, at this point, unless we have an issue with easements; that maybe Mr. Lee could speak to that.

8:08 PM Mr. Lee said that there's one major part of this that we really need under Task #1, which is "Prepare Engineers Opinion of probable cost, to include sewer & water extensions, access road, lighting and sidewalks to Tax Map parcel 20-54" and, right above that, it says "alternate sewer routing", which was our discussion about coming in probably through the front on State Road, and he would argue that we are still in the Village District and not trying to get on Route 236; that we're just going down a short distance to the transmission lines back there and opening up another whole economic corridor heading back to the same parcel so we would, potentially, have sewer and water coming in from both and begin to start looping.

8:09 PM Mr. Henningsen clarified that we have had discussions on getting back onto Route 236 and we also realized that, to do that with sewer, we would need to go back to the voters and vote on it. He said that we aren't trying to sneak anything out of this thing; that we are just looking at our options, trying to say, if we do this, sewer and water is going to cost us X amount of dollars, so, what do we have left over to do things; that we have some projects that we've looked at. He added that, in looking at the Goransson property, we've looked at possible off-site parking for the shipyard, maybe a little strip mall and try to make a little center there but we

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

have no idea what the services are going to cost to get there and that's what we're trying to find out.

8:10 PM Mr. Lee said that he agreed with Mr. Pomerleau, to some extent, that any of the engineering on Route 236, for example the Transfer Station to Marshwood Junior High School, he thinks we'd have to pay out-of-pocket and, therefore, he does believe we ought to ask Underwood to reduce the scope of this work to the engineer's opinion of probable cost to include all the infrastructure to 20-54. He added that he does think we could ask for one other sewer routing, which is to additionally come in through the rear of the property off the power line proposed roadway for another opening for economic development corridor; that he doesn't think the rest of this would really fall under TIF.

8:11 PM Ms. (Donna) Murphy commented that the Town Manager introduced this as having nothing to do with Route 236 and #2 and #3 includes Route 236; that she thinks these things need to be presented as they are.

8:12 PM Mr. Pomerleau said that he didn't think it was a bad option to look at an alternative way into that lot down Beech Road and over.

Mr. Lee said that that's what we're looking at.

Mr. Pomerleau said that, if you are going down to the powerline and talking about a development road, that isn't on the menu; that you can't spend money on something that isn't in the plan. He added that you need to stop making believe thus isn't a way to try to get sewer down Route 236.

8:13 PM Mr. Lee said that the TIF Committee is trying to look very long-term and looking at leveraging what money we might have; that we are looking at \$20 million coming in over the next 20 years so we're really talking more about \$25 million to \$30 million over the life of that TIF. He added that, if we do this project up here in the Village and we get sewer as far as we can and we do an economic development something-or-other, we're still, potentially, going to have a lot of money left over. He said that they were thinking very long-term and, once the Village project was done, could we, then, go back to the voters at that point to say they still have \$17 million regarding further infrastructure development; that Underwood was only going to look at macro industrial averages per foot to go from Point A to Point B to determine how much we might get done, regardless of whether it was water and sewer or just water. He reiterated that the stuff done by the TIF, he agrees, is the stuff having to do with the Village area, whether it's this little Beech Road access along the transmission line to the rear or up through 'here', that's what he primarily wanted but he's working with a committee that also had other questions; that those questions went out to Underwood and they

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

submitted an answer; that he had his doubts but he thinks we really need to focus on the sewer and water routing up here in the Village, and all the infrastructure.

8:15 PM Mr. Pomerleau said that he didn't dispute that someday, down the road, when we know the cost and what we have left the Town may want to explore other alternatives and things could change; that they should stick with the plan that's in front of them.

Mr. Seeley wanted to know how many TIF members live on Goodwin Road or State Road that are proposing to eventually get this down Route 236; that the traffic on State Road has gotten so bad that it takes his wife five minutes to just get a break in traffic so she can get the mail. He added his concern for more expansion and growth on Route 236 and the impact to the Town.

8:17 PM Mr. Orestis said that, based on what was said tonight, he doesn't see that there is any way we can approve what is listed on this (ESR)

Mr. Lee agreed; that he thinks he will have to ask for it to be redone.

Mr. Orestis agreed, saying that, as far as the TIF Committee, we really have to focus on the current plan, first; that, then, if there is money left over, start exploring other options.

8:18 PM Mr. Lentz said that, perhaps, a good municipal planner is what we need for the TIF; that it could be paid for with TIF money as well as helping the PB; that he thinks we need to think about that a little more.

There was discussion regarding a traffic study being done on Route 236, maybe putting in a turning lane but, until something is done, cars will continue to go off on our side roads, such as Goodwin Road and State Road.

8:20 PM Mr. Lee said that he would put this back to the engineer and say to him that some portions of this cannot be paid for by the TIF, he doesn't believe and here's what he thinks can be paid for by TIF, asking them to put together a new ESR to be put before the SB and TIF Committee.

The SB agreed.

Mr. Pomerleau suggested getting a full engineering study on the Village plan, the whole, big picture because, the longer we wait, the more it will cost.

8:22 PM **6) Draft Flex/Comp Time Language – Personnel Policy (Revised)**

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

Mr. Lee said that he re-wrote this based on our last discussion and didn't know if the SB had any feedback on it.

Mr. Orestis said that he reviewed this and asked if he could email his suggestions over to the Town Manager; that he would like to wait to discuss this.

The SB agreed, as others wanted more time, as well.

8:23 PM 7) Job Description Reviews/Approval (2nd Reading)

Mr. Lee said that if anyone has any corrections, improvements, comments over the next couple of weeks to let him know and he will put this on the next agenda.

8:24 PM 8) Select Board to Countersign the MSAD #35 District Budget Referendum Warrant and Notice of Election to be held on June 11, 2019

Mr. Lee said that the MSAD #35 District budget meeting will be held on May 15th at 7PM in the High School auditorium and the district strongly encourages people to attend and learn more about the budget and ask questions.

8:26 PM Mr. Donhauser moved, second by Mr. Lytle, that the Select Board signs this validation referendum for the School District Budget.

Roll Call Vote:

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

Unanimous vote to approve motion.

9) Approve Warrants

Mr. Murphy moved, second by Mr. Donhauser, that the Select Board approve A/P Warrant #96 in the amount of \$85,623.45, dated April 15, 2019; A/P Warrant #98 in the amount of \$108,574.35, dated April 25, 2019.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. Lytle – Yes
Mr. Murphy – Yes**

SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)

Mr. Orestis – Yes
Mr. McPherson - Yes

Unanimous vote to approve motion.

J. New Business:

There was no new business.

K. Old Business:

There was no old business.

L. Selectmen's Report:

8:29 PM 1) TIF Committee Report

Mr. Donhauser, as TIF Committee liaison, said that it's been stated publicly, and it's true that the menu of items that the TIF is to be formed around was approximately a year ago; however, the TIF Committee, in their defense, has been meeting only since the last week in November, and one in December, and no member who is serving on that committee has ever served before so they had to get their feet on the ground. He added that they then realized that they needed to be more rapid in what they were doing and went to two meetings a month for a total of 10 meetings; that he thinks they are working in earnest and not trying to delay anything. He said that they have scheduled a walk-through of the parcel of land they are considering for economic development; that they did discuss the use of leverage whereby we take the accumulated money, to-date, and look forward to a bond issue that would do many projects, not one major project. He clarified that, not a plan, but a menu of items was approved and he thinks the menu is broad enough so that you could entertain a number of projects; that the only exception was that you had to exclude the project of Route 236 sewer, and that's well-known. He added that that didn't exclude water, it doesn't exclude the Town acquiring a parcel on Route 236, or some type of development, not that that is being considered, but is a possibility; so, there are things you can do on Route 236, the only thing you can't do is the sewer and the Committee has discussed that; that he wanted to bring those things to the SB's attention. He said that the group that is working are professional people and trying to do the best they can in their own mind for the Town of Eliot, as a whole; that he doesn't think they are secretly trying to undermine any of the TIF that was approved by the voters and he wanted to make sure that's quite clear to everybody. He added that he thinks they are working honestly and courageously on something that is very difficult that very few people can get everyone to agree on.

**SELECT BOARD MEETING AND TOWN MEETING WARRANT PUBLIC HEARING
May 9, 2019 5:30PM (continued)**

8:32 PM Mr. Lee said that he was going to include the latest TIF minutes in the next agenda for the SB's information and the public, as well.

2) Seeking Committee Members

Mr. Lee said that there were a significant number of openings and they are posted on the Town web page. He encouraged people to go look to see what they might want to participate in.

M. Executive Session

There was no executive session.

N. Adjourn

There was a motion and second to adjourn the meeting at 8:34 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

Mr. Richard Donhauser, Secretary

Date approved:
