

**Draft SELECT BOARD MEETING
June 14, 2018 5:30PM**

Quorum noted

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

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

At this time, Mr. Murphy read the resignation letter submitted by Ms. Davis, to be effective immediately.

Mr. Murphy said that we have a new member, Mr. Alex Orestis, who is a member of the Energy Commission, as well. He added that this is forbidden by the Charter. He read a resignation letter from Mr. Orestis.

5:33 PM Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept the resignation of Alex Orestis from the Energy Commission.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Abstained

Vote 3-0-1 to approve motion.

Mr. Lytle said that he was on the Solid Waste Committee, asking if he could not do that any longer.

Mr. Lee said yes; that if you have been elected to the Select Board, you can no longer serve on any committees. He added that Mr. Lytle may want to verbally resign from that committee, here and now, and follow that up with a written resignation letter.

Mr. Lytle stated that he resigns from the Solid Waste Committee.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board accept the resignation of Philip Lytle from the Solid Waste Committee.

Roll Call Vote:

Mr. Donhauser – Yes

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

Unanimous vote to approve motion.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Election of Select Board Officers

5:35 PM Ms. Rawski said that, after the annual Town Meeting, it is procedural to do an organizational meeting the first meeting after that for election of officers. She added that there is opportunity for SB members to serve as liaisons to committees; that Mr. Lytle could serve as liaison to the Solid Waste Committee and Mr. Orestis for the Energy Commission, for example.

1) Election of Chair, Vice-Chair, and Secretary

5:37 PM Ms. Rawski handed out written ballots to the Select Board members for each of the positions. The votes were taken one at a time.

Vote for the Chairperson:
John Murphy – 3 – elected
Richard Donhauser – 1

Vote for the Vice Chair:
Philip Lytle – 4 - elected

Vote for the Secretary:
Richard Donhauser – 3 - elected
Alex Orestis – 1

F. Public Comment:

5:41 PM Ms. (Nancy) Shapleigh said congratulations to the two new members; that she hopes we can develop more of a sense of community than we've had in the past; that she really wanted to thank the other (Mr. Murphy and Mr. Donhauser) two for hanging in there.

Mr. Murphy pointed out the podium and microphone in the room and said that, because of the number of complaints and suggestions from the citizens that we improve the sound recorded for our streaming services that we pay \$3,000/year

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for, it's up to us that the citizens get their money's worth from that streaming. He asked any who can to use the microphone.

G. Committee Resignations and Appointments

5:42 PM Mr. Murphy asked for a motion to accept Ms. Davis' resignation.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept the resignation of Ms. Rebecca Davis, effective immediately.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

Mr. Murphy asked Mr. Lee to develop a letter of regret, with gratitude, to Ms. Davis.

5:45 PM Mr. Murphy read Mr. Whalen's letter of resignation and asked for a motion to accept.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept Mr. Greg Whalen's resignation from the Planning Board, effective June 5, 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

H. Approval of Minutes of Previous Meeting(s)

5:46 PM Motion by Mr. Donhauser, second by Mr. Lytle, to approve the minutes of March 22, 2018, as amended.

DISCUSSION

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Mr. Lytle asked if we had to write these votes down on the paper; that it seemed like a lot of wasted paper.

Ms. Lemire said that that is required by the Town Charter.

DISCUSSION ENDED

5:48 PM Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Abstained (prior to membership)

Mr. Orestis – Abstained (prior to membership)

Motion to approve fails.

Ms. Lemire said that the minutes can be approved if the members abstaining view the video stream of that meeting to have full knowledge, then, at the next meeting you can approve them.

The Select Board **agreed by consensus** to table all sets of minutes for this meeting until new members could view the videos of those meetings.

I. Department Head/Committee Reports

There were no reports.

J. Public Works

5:52 PM 1) Pump Station Upgrade Construction Update

Mr. Lee said that Mr. Moulton gives us an update every two weeks. He added that this project has been going very well; that there have been no change orders and they are a little bit ahead of schedule. He said that we have productive monthly meetings with them and reimbursements from the State revolving fund are coming in.

5:53 PM 2) Stormwater Workshop Follow-up – Key Takeaways

Mr. Lee said that he, Mr. Moulton, and the Town Planner attended a workshop on the 31st with the Board and Budget Committee and had a very productive meeting. He read the nine takeaways in his memo from the workshop. He said that we have found human bacteroides in the Riverview Estates location and we have done a lot of work trying to determine where it's coming from; that it seems to be

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homeowner association's (HOA) septic because we've ruled out anything we think might be ours. He added that it's very expensive but they HOA) are doing work on it; that it was decided in that workshop that it would make no sense for us to go into Riverview Estates until they have their septic system in order; that then we can go in to do what drainage work would need to be done.

5:56 PM Ms. (Donna) Murphy, Budget Committee, said that she thought the word 'serious' in #1 was misleading; that we did have some discussion on bonding and, if you look at the Town Planner's comment on #9, she thinks that is a little more accurate regarding bringing a specific project to voters, if this were to happen.

Mr. (Jay) Meyer, Odiorne Lane, said that he would like to have an update on the Boat Basin; that he knew there was supposed to be a completion date of Memorial Day.

Mr. Mouton said that the project is moving along; that it's a little bit behind schedule due to some of the discussions with the Board. He added that we're hoping to have it open by the end of June; that all the interior painting, electrical, and carpentry is done; that there is some plumbing left to be completed.

Mr. Lytle asked if Mr. Moulton had a plan to get the grounds cleaned up.

Mr. Moulton said that, just prior to July 1, we will go out and cut roots off then topsoil, seed and mulch everything; that there may be some hardwood trees and shrubs put in, as well.

5:59 PM Mr. Lee said that he and Mr. Moulton finalized the design of a sign that we will put up down at the boat launch that includes cautions regarding the very strong currents and rules regarding carry-in/carry-out, kids, dogs, etc.

There was discussion regarding options to remedy the dog trash left behind at the Boat Basin and the Dog Park.

K. Administrative Department

6:04 PM 1) Town Manager Report

Mr. Lee thanked the election staff, who did a marvelous job at the election. He also thanked the public that were very supportive of our efforts and our bonds and budgets. Additionally, he thanked the election clerks who volunteer and sit there all day long for very little money.

Mr. Murphy said that everyone here is in hearty agreement with that.

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- 6:05 PM** Mr. Donhauser asked about **Line 10** regarding a revised response to a PW grievance.
Mr. Lee said that he drafted a response to a PW grievance and, after speaking with the PW Director, he revised it slightly; that he hasn't heard any more.
- Mr. Donhauser asked about **Line 14** regarding a grievance response to R. Cote.
- 6:06 PM** Mr. Lee said that R. Cote is the Teamster's representative; that he denied the grievance and has not heard back.
- Mr. Donhauser asked, regarding **Line 54/55**, if M&N was going to upgrade and put in a new compressor.
- Mr. Lee said yes; that the assessment will be going up. He added that he has a meeting next week with them; that they may have estimates of value of what they are putting in the ground; that he hopes to have a schedule, as well.
- 6:07 M** Mr. Donhauser asked about **Line 91** regarding a complaint about moving his property markers.
- Mr. Lee said that he thinks that was an area where Public Works had been working; that we did not move his marker.
- Mr. Donhauser asked about **Line 105** regarding arbitration threat.
- Mr. Lee said that we are in the middle of negotiations with Public Works and Police and not making great headway; that going to mediation with Public Works failed so now we are going to fact-finding; that the final step is arbitration, with each step being very expensive. He added that we need to find a new negotiating committee with this new Board; that we will need to have two of you get up-to-speed and then make some decisions about strategy.
- 6:09 PM** Mr. Donhauser asked about **Line 110** regarding Mr. Staples' fence.
- Mr. Lee said that we haven't moved the fence, yet; that we are filing a motion of contempt this week against Mr. Staples for failure to remove the fence; that, if the court grants it, that will allow us (or a contractor) to remove the fence.
- Mr. Donhauser asked what he would do with the fence once it is removed.
- Mr. Lee said that he would leave it on his lawn; that he hasn't asked the attorney but we would have no right to take it.

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Mr. Donhauser's concern is that Mr. Staples would take us to task going onto his property without his consent.

Mr. Lee said that, if the court orders this, no matter how much Mr. Staples takes us to task, he thinks we're on the right side of the law, adding that he understood Mr. Donhauser's concern.

6:12 PM Mr. Murphy asked about **Line 143** regarding a meeting with a representative from Great Hill Gravel Pit.

Mr. Lee said that we met in his office and then toured the gravel pit. He added that there is a lot to this and he will do a formal report for the June 28 meeting

6:14 PM **2) Key Audit Findings**

Mr. Lee said that he has the full audit for anyone who would like to see it; that what they have captures the audit – the key financial movement of the Town from one year to the next.

Mr. Donhauser read a paragraph from page 11: *"The Town's unassigned fund balance has slipped below a level to sustain government operations for a period of approximately two months. Yet, the Town maintains significant reserve accounts for future capital and program needs. The Town is working to rebuild this balance to a sufficient level."* He said that he's not sure that's an accurate statement.

Mr. Lee agreed and, in fact, our fund balance has been improving year after year but we're still under the recommended amount.

Mr. Donhauser said that he isn't sure what the auditor is seeing because, when he takes the revenue for the year and divide it by 12, our fund balance is greater than 2/12's (two months).

6:16 PM Mr. Lee said that he thinks we're very, very close to being at two months, which is where we want to be.

Mr. Donhauser said that it isn't clear to him how the auditor made that judgement that we don't have two months; that it looks like we do have two months.

6:17 M **3) Space Study Offer**

Mr. Lee said that we have had, over the past couple of years, two offers for essentially free architectural work in hopes of them getting the project of the Town Hall renovation and expansion. He added that the 2009 Comprehensive

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Plan said that we only had about 5 more years with this Town Office before we would have to do something with it. He said that the fellow who first designed this was Kelley Davis; that he had seen in the paper that we were concerned about space and offered to come in to do a space study, with an initial design and rough estimate for us; that at that time it was turned down because we had a lot on our plate. He added that this second fellow (Brian Rodonets) saw our concerns in the paper, contacted us, and said he would be willing to do the same type of thing. He invited the SB to walk around the building to see how we are crowded in here and discuss document retention schedules, for example, that seriously impact building space. He added that we have water coming up through the floor and a very undersized building, suggesting a workshop to address what we would or could do.

6:22 PM Mr. Lytle said that we had \$85,000 for the ECSD building; that we used part of that money to move ECSD over to the school. He added that he noticed somewhere in the minutes that, if LD1 didn't pass, they were planning to take money out of that, again, asking if they used all of what was in there.

Mr. Lee said that he thinks the bulk of it has been used because the thought was that we were never going to use a community service building.

Mr. Lytle said that they used the money for other things.

Mr. Lee said yes; that we used some of it in our budget in the past to support other community service things, like repairs to the pavilion and that type of stuff; that we at least tried to keep it with ECSD in its use but the Budget Committee and the seated Board felt that that money was going to sit there and we would never build an ECSD building if we can't even build a Town Hall building.

6:23 PM **4) Hydrostatic Water Seeping through Slab**

Mr. Murphy asked, regarding the wet floor, if Mr. Lee has any plans to do further work that require money that we don't have.

Mr. Lee said that Mr. Moulton is pricing out materials for the drain material around the building but we could use our own labor to dig up the shrubs, hopefully save them, lower the outside ground grade, which was part of the structural engineer's report, so that water doesn't sit right against the building with the shrubs holding it right in tight. He added that, if that doesn't work, then we have a cracked slab or the membrane that goes over the slab to keep water out has rotted or moved because the membrane is not protecting water from breaching the slab. He said that, with the pricing, we will be in front of the SB shortly with what to do; that near the end of the fiscal year, we don't spend money because it's a pretty tight budget.

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6:25 PM 5) Clean Water Committee By-laws (Review)

Mr. Lee discussed the draft document that he, the Town Planner, and Public Works Director have worked on; that the Town Planner broke out the next steps to get started with this, and we also have sample by-laws in the packet. He added that he thinks that, at some point, this Board will want to create that committee and begin to appoint people to it. He said that he knows it's been a long-standing desire to have a dedicated revenue source for our stormwater expenses; that if and when the SB is ready, you could adopt the by-laws and, perhaps, the next steps for getting this committee off the ground; that this has been around quite a few months and has not been acted on, yet.

6:26 PM Mr. Murphy asked if the fee that was going to be asked corresponded to similar fees elsewhere; are there examples from other towns that actually charge these fees.

Mr. Lee said that he has gathered a number of ordinances already from communities that went through it; that a lot of cities have done it because they have much bigger stormwater issues and impervious surface. He added that we are increasingly seeing towns our size adopting these things because the price for stormwater reparations and control of stormwater run-off is going up very fast, overtaking people's budgets.

6:27 PM Mr. Murphy said that he would like to look at the ordinances for those smaller towns.

Mr. Lee said that he could certainly make those available to the SB; that he thought that was really the work of the committee to look at that to see what makes sense and make recommendations to the SB. He asked the SB to review and give him any feedback or concerns; that then we could finish this up and vote it in and get going.

6:28 PM Mr. Donhauser asked how you measure stormwater for fee purposes.

Mr. Lee said that the standard was how much impervious surface you have (square feet); that Eliot Commons would pay a very high fee but there are a number of things you can do on your property to reduce your fee

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The Town Planner said that there are low-impact design standards that residents can do and, with low-impact development, you can get credits, which is how some ordinances are set up.

Mr. Lee said that you can do rain gardens, retention ponds, anything that would control stormwater on your property so that it doesn't get down to the general

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waterways. He added that we can now look at all the properties, with GIS software, from satellite and determine the amount of impervious surface on each parcel.

6:30 PM The Town Planner said that we offered some expanded options to look at Clean Water options and doesn't just have to be a funding for stormwater committee; that she and Mr. Moulton worked for a while on this to offer some revisions that a committee could possibly look at to help make the waters cleaner around Eliot.

Mr. Donhauser asked which the Town Planner thought was best – a funding committee or a clean water committee; that she did do two scenarios.

6:31 PM Mr. Lee said that the staff generally believes it should be something more than just the creation of a fee system; that Clean Water Committee is a goal all around – groundwater, drinking water, whatever type of water, septic field overflows.

Mr. Murphy discussed, from page 2, that there will be an online public comment period and posting the draft proposal online; that, surely, there is more than it just being online; that it should be offline, too, in ordinary public places.

Mr. Lee agreed; that that is just one way to reach out; that we are able to do online surveys on our website. He added that another way to do it is to put printed surveys at the Library, here, the Transfer Station, etc.

Mr. Murphy suggested including “and other traditional feedback channels”.

Mr. Lee asked the SB if they would like us to develop the by-laws according to this memorandum and then, on June 28th, vote to create this committee and ask us to populate it and get going.

6:34 PM Mr. Donhauser said that he would move forward, as quickly as practical, with the expanded mission.

Mr. Murphy said that it seemed a useful thing to do to help the Town solve the problem or to continue working with it in as many directions as possible, to involve citizens and get more information and action from them.

Mr. Orestis and Mr. Lytle agreed.

It was the **consensus of the SB** to move forward with this with the broader mission.

6:35 PM Mr. Lee said that he and the other two staff members who have been working on this will revise the by-laws to reflect the broader mission and create a separate

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document with the timeframes that would be realistic now that we are a little delayed on this; that it would be presented at the June 28th meeting.

6:37 PM 6) Cable Television Committee By-laws (Revised)

Mr. Murphy asked, as this stands, if it satisfied the objective.

Mr. Lee agreed that it did and thought it was ready to go. He will put this document in final form for the June 28th meeting.

6:39 PM 7) Policy of Non-sufficient Funds (2nd Reading)

Mr. Lee will put this in final form (as an appendix) for the June 28th meeting.

8) Policy on Small Amounts of Uncollected Sewer Fees/Property Taxes (2nd Reading)

Mr. Lee will put this in final form for the June 28th meeting.

6:43 PM 9) Approve Warrants

Mr. Murphy moved, second by Mr. Donhauser, that the Select Board approve A/P Warrant #119 in the amount of \$176,097.08, dated May 23, 2018; A/P Warrant #120 in the amount of \$765,839.31, dated May 24, 2018; A/P Warrant #122 in the amount of \$46,182.71, dated May 30, 2018; A/P Warrant #123 in the amount of \$303,069.95, dated May 30, 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

L. New Business:

6:45 PM Mr. Murphy said that Mr. Orestis would like to be the liaison for the Energy Commission.

Mr. Lytle moved, second by Mr. Donhauser, that the Select Board appoint Alex Orestis as Selectman liaison to the Energy Commission.

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Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

6:47 PM Mr. Murphy said that the next business is to set up the **union negotiating committee**.

Mr. Lee said that, in order to bring the whole SB up-to-date, we would probably have to do some of that in executive session; that he also needed to explain how much time and energy goes into it and what team members might be called upon to do – possible travel to Augusta, contentious morning meetings; that that's the type of stuff we could have a workshop on. He added that Mr. Murphy had mentioned a possible workshop next Thursday (June 21) to do part of it out in public and then go into executive session for the strategy piece; that we might have our labor attorney meet us at that workshop.

The SB agreed to hold this workshop June 21st.

6:50 PM Mr. Murphy said that we are a 4-member Board and perfectly legal; that we could, if we wish, call for a Special Town Meeting to **elect the 5th member**; that it is less than 180 days to our regular election and we can wait until then. He added that the decision is up to the Board.

Mr. Lee agreed that the SB could succeed fine for four months until we put somebody on in November to have a full Board.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board make the 5th position available for election during the November election.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

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M. Old Business:

There was no old business.

N. Selectmen's Report:

6:52 PM Mr. Donhauser said that he brought something to the attention of the Town Manager; that he lives near Rollingwood, which is on Goodwin Road, and there is a gravel pit that is owned by the Southern Maine Fish & Game (SMF&G) and they use it for target practice. He added that no one is opposed to it, except it sounds like a war going on over there on some days; that they are using assault-type weapons and all of his neighbors and all of Rollingwood are contacting him and asking him to find out about a noise ordinance. He said that, one Saturday, there was a constant firing of weapons; and, so, he walked down and it says "No Trespassing"; that he walked in and there were three young men; that they asked him how he got in and he told them that he walked in. He added that he had a discussion with them, finding out that only one was a Maine resident and getting the name of the SMF&G Treasurer. He said that they had a contest on Easter Sunday and there were weapons going off all that day. He added that the residents just wanted to be good neighbors and have this gun group to be good neighbors, too; that their by-laws allow them to shoot from sunup to sunset. He said that he talked with the Town Manager about looking into the noise ordinance; that he thinks we just need to bring our concerns to them.

Mr. Lee said that he intends to make a couple of phone calls tomorrow or Monday and, maybe, make a trip out there.

There was discussion on how the sound might be mitigated and agreement that Mr. Lee would discuss this with the SMF&G.

O. Executive Session

There was no executive session.

P. Adjourn

There was a motion and second to adjourn the meeting at 6:58 PM.

VOTE

4-0

Motion approved

Date Approved: July 26, 2018

S: / Richard Donhauser, Secretary