

## **SELECT BOARD MEETING**

**August 9, 2018 5:30PM**

### **Quorum noted**

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

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Comment:**

**5:31 PM** Mr. (Mike) Dowling, Meadow Lane, said that, at the last meeting, we respectfully asked if we could have Meadow Lane be put on the warrant for a public road and during that meeting there were a couple of issues that came out; that one was whether the SB had the statutory right to waive current procedures for acceptance of a road and place it on the warrant and the other was what the difference is between the current and prior road specifications. He added that, regarding the first issue, Mr. Lee contacted Attorney Saucier and Attorney Saucier said that he “finds no requirements that the road must meet current standards, only that it has been evaluated by the various parties and the report is given. Based on the letter, it appears that the case of Meadow Lane was reviewed by the PB as part of the subdivision. The developer provided a performance bond. The road was approved by the former Public Works Director in accordance with then requirements. In my view, the Board could decide to place an article on the ballot based on the above information.” He further said that, regarding road specifications, Meadow Lane residents hired Bryan Nearson, P.E. to do an assessment of Meadow Lane and has done work for the Town of Eliot. He gave a copy of Mr. Nearson’s report to the SB at this time. He said that the engineer said that “the road appeared to be in good to very good condition for its current function with only minor defects expected of a roadway of that service. Roadway appears to be in very good condition from an overall quality perspective.” He added that, on the next page, they did a strength indicator, as well; that the Town requires a 3.00 and Meadow Lane has 3.08; that considering when it was built, the engineer feels it was built extremely well and has held up extremely well; that he thinks many of the SB members have visited Meadow Lane, as well. He clarified that what we would like to do, given this information and that we wanted to do all that’s required, respectfully ask the SB to bring it to a vote to approve putting it on the ballot for a November timeframe.

**5:35 PM** Mr. Murphy said that we would need to look at this and think it through pretty carefully. He asked for input from SB members.

Mr. Donhauser sked if Mr. Moulton had seen the road.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Moulton said that he has seen the road but has not seen any of the information that was handed out tonight.

Mr. Donhauser asked, from Mr. Moulton's observation, if he thought the road was a good one.

**5:36 PM** Mr. Moulton said that he would say it is holding up in fair condition; that he doesn't see major problems given it is a residential road without a high rate of traffic.

Mr. Murphy asked if the tree should be removed.

Mr. Moulton said that there were some minor things that should be addressed; that he would like to take a look at the report and the letter from Attorney Saucier; that he may have some additional questions for all, himself.

Mr. Murphy said that he thought we should get together and discuss this more thoroughly, with details; that he understands that the former Road Commissioner feels that it would not be out of the question, entirely, to have a few bores done to verify the way the road was built, despite the engineer's attesting statement before knowing the actual facts, is a very valuable thing.

**5:37 PM** Mr. Dowling said that the engineer did do some investigation of how the road was built, showing today's requirements are 3" of asphalt, 6" of crushed gravel, 15" of base aggregate and the road currently has 2½" of asphalt, 4" of crushed gravel, and 24" of base aggregate; that that is why, in the engineer's estimation, was the road not only built extremely but is holding up in good to very good condition.

**5:38 PM** Mr. Donhauser said that he is encouraged with how they proceeded in attempting to get this on the warrant; that he thinks that, after Mr. Moulton has an opportunity to review it, he thinks we should definitely consider putting it on the warrant.

Mr. Murphy said that we could add this to our next agenda.

Mr. Lytle said that it was good that they had the engineer look at it and okay it. He added that he didn't know what it would take to do 6 or 8 test bores and it's a 20-year road. He asked Mr. Moulton what the turn-around was on a road.

Mr. Moulton said that it's usually 20 if it's built to a certain standard and maintained properly; that Meadow Lane appears to have been.

**5:40 PM** Mr. Lytle said that it could be that it would have to be paved in the next five years, or so.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Dowling said that the most traffic on the road is foot traffic, like the public walking their dogs; that it's being used as a public road, already, and he thinks we talked about that at the last meeting; that it's not being used like 103 or Route 236.

Mr. Lytle said that he's been out there twice and he, himself, feels the road is in decent shape; that he does have a concern about the one tree at the corner because 5 years from now it's going to be out in the road.

Mr. Dowling said that he would be happy to cut that tree down, with the consent of all the neighbors; that he doesn't think that's an issue.

**5:41 PM** Mr. Lytle said that he wouldn't have a problem, with Mr. Moulton's review of the information, bringing this up at the next meeting.

Mr. Orestis asked Mr. Dowling if he had been in front of the PB, yet.

Mr. Dowling said that, with this one, we haven't; that there was full sign-off from the PB in 2004.

Mr. Orestis said that he drew himself to the last paragraph, here, that says to make sure to follow the procedures in the ordinance; to go to the PB for its required review and comments, receive a review from an engineer, which they have here. He asked if that would be the next step in the process.

**5:42 PM** Mr. Murphy said that, if they have not done that now it probably would be a good idea because the PB of 20 years ago is not the PB now and, to rely on a 15-year-old statement of the road is not something we should do.

Mr. Moulton said that, given it was required to meet a certain standard back then, his opinion is that you review the PB minutes and the ordinances, as they sat back then, when the road was constructed, compare them, and do a visual. He added that the PB has the right to go back but they may have the same questions he has, which may have been answered right here tonight. He added that he didn't know that the PB would be the next step for these people; that he thought taking a look at it, himself, and inquiring with the consultant and Attorney Saucier for a couple more questions may be the best way to go.

**5:43 PM** Mr. Murphy said that you are our Road Commissioner so we rely very much on your opinion; that we would like to work with more detail, point-by-point.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Moulton said that we can pursue it in any direction the SB would like; that he will take a look at this, ask a couple more questions, go out to look at the road, and putting it on the next agenda for discussion may be the best alternative.

Mr. Murphy suggested one or two of the SB should go out with Mr. Moulton so that we can understand what Mr. Moulton sees.

**5:44 PM** Mr. Lytle said that he believes it is in the ordinance that there should be a letter from the Public Works Director, Police Chief, and Fire Chief; that he doesn't see a problem if they get those letters.

Mr. (Paul) Sycamore, Meadow Lane, said that Mr. Moulton wasn't at the last meeting so he wasn't privy to Howard's statements on the road; that he had some really good information on the road and suggested Mr. Moulton talk with him; that one thing that Howard brought up that he thought was pertinent was that the current standard is 6" of crushed gravel with 15" of aggregate base, for a total of 21", and Howard's statement made it very clear that, when the builder was digging out the road, he dug out over 2 feet of everything and re-laid that whole thing; so, it sounds like, by today's standard, he went above-and-beyond what would be considered acceptable. He added that Howard also said that the Town came out and did multiple inspections at the time.

**5:46 PM** Mr. Moulton thanked Mr. Sycamore and said that he would talk with Howard.

Mr. Lytle said that there should be a stop sign at the end of the road.

Ms. (Donna) Murphy, Hanscom Road, said that she had a letter she would like to give to the SB with a request that this be placed on the agenda at the next meeting in two weeks regarding reimbursement with the sewer. She read her letter, *"On November 8, 2016, the Eliot voters voted, 2,692 to 1,313, to approve a bond of \$1.7 million to be paid for by the sewer users for the repair and upgrades to the South Eliot sewer system. On October 12, 2017, the Select Board voted to "have the Town's Department of Public Works provide labour and equipment to complete associated demolition, site work, road drainage, landscaping, and utility relocates to support the pumping station project." Discussion prior to the vote estimated costs at \$40,000 for materials and \$21,000 for labour. It was determined that material costs would be charged to the sewer reserves and labour costs incurred by the Town employees would be repaid by the sewer users. I, as a private citizen, am requesting that the Town Manager provide the following for the citizens.*

- *An accounting of the labour, equipment rental costs, and material costs expended by the Town through the DPW and/or any other departments.*
- *A written plan on repayment by the sewer users to the Town of Eliot."*

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

She added that she is not asking for it to be addressed tonight but that it be put on a future meeting for consideration and discussion and providing the requested information.

**5:47 PM** Mr. Murphy thanked her and said that the SB would take this under consideration.

Ms. (Donna) Murphy said that she could forward the minutes of that meeting that includes that discussion; that she could forward that to the Town Manager if the SB would like.

The SB agreed that would be good.

**F. Committee Resignations and Appointments**

**5:49 PM 1) Appointment of Select Board Members to Audit Sub-committee – No Correspondence**

Mr. Donhauser and Mr. Orestis volunteered to be on the sub-committee.

Mr. Lytle moved, second by Mr. Donhauser, that the Select Board appoint Mr. Donhauser and Mr. Orestis as a Select Board sub-committee to work with the Town auditor.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

**5:50 PM 2) Resignation: Planning Board – Doug Warrender**

Mr. Murphy said that it's been a kind of a hectic period the last couple of weeks; that Ms. Rawski has been away and the Town Manager has been away. He added that we have a number of resignations, and there were appointments, but this SB wants to get back to following the rules about appointing members; that when an opening occurs on a board, there's a 12-day period following the acceptance of the resignation by this Board, during which the availability of this slot is publicized and, then, after that 12-day period, the next regular SB meeting will consider a list of applicants who have applied during that period. He said that, today, the SB has a resignation from Doug Warrender from the PB and asked if the SB wished to accept this resignation.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Lytle moved, second by Mr. Donhauser, that the Select Board accept the resignation of Doug Warrender from the Planning Board.

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**5:53 PM** Mr. Lentz asked if the process was in place – the example of the PB resignation; that once the 12 days are up, is it automatic that something will be posted to replace that person or does that have to be a formal request.

It was stated that, once a resignation has been accepted, availability will be posted for 12 days; that then the SB will consider any applicants.

Mr. Lentz said that this one kind of frosts him a bit because the gentleman was appointed to the position, never showed up for a meeting, and now he's resigned.

**5:55 PM      3) Appointment: Cannabis Ad Hoc Committee – Hughes Pope**

Mr. Murphy said that Mr. Pope is the only applicant, so far, and, quite often in the past, we've waited until we have three applicants before we make any appointments to assure a quorum.

Mr. Lytle said that, with the paper he sent in, he is well-qualified.

Mr. Lytle moved, second by Mr. Donhauser, to appoint Mr. Hughes Pope to the Cannabis Ad Hoc Committee.

**DISCUSSION**

**5:57 PM** Mr. (Jim) Tessier, Johnson Lane, said that he doesn't know Mr. Pope or his qualifications. He added, however, that this committee has the potential to be making recommendations to the SB that could have substantial impact on this Town, long-term, and he would hope that the SB would, instead of adding people to this committee haphazardly, wait until all the people that are potentially available that want to be on board then bring them in, interview them, and pick the people the SB feels are the absolute best candidates.

Mr. Murphy asked how the SB felt about Mr. Tessier's comments.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

**5:58 PM** Mr. Donhauser said that he agreed 100%; that certainly we want to fill these committees and he doesn't see any problem in delaying Mr. Pope coming back; that perhaps we'll have two more people, or more, and we can choose the best candidates; not to say Mr. Pope is not a good candidate but it doesn't hurt for us to delay, and Mr. Pope can't do anything, anyway. He suggested the SB wait and that he would vote against the motion.

Mr. Lytle agreed with Mr. Donhauser but he didn't want to discourage Mr. Pope, either.

Mr. Murphy said that he knows Mr. Pope and he won't be discouraged.

**Mr. Lytle withdrew his motion. Mr. Donhauser withdrew his second. Motion is withdrawn.**

**5:59 PM      4) Resignation: Appeals Board – Jeffrey Cutting**

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve the resignation of Jeffrey Cutting from the Board of Appeals.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

Mr. Murphy said that there is now an official regular opening on the Board of Appeals and must be noticed to the public for 12 days before an appointment can be made.

**6:00 PM      5) Appointment to Appeals Board – Full Member – Jay Meyer**

Mr. Murphy let Mr. Meyer know that he should be sworn in as an alternate member, as he has already been approved, and that that wouldn't preclude him from becoming a regular member once the 12-day notice period was over.

Mr. Meyer said that he understood.

**6:02 PM      6) Resignation: Budget Committee – Steve Furbish**

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Murphy said that this was added to the agenda, passed to him by the Town Manager.

Ms. (Donna) Murphy asked, as this is an elected position, if the Charter addressed resignations from the Budget Committee; is it the Budget Committee or the Select Board who accepts the resignation.

Mr. Murphy said that the Charter doesn't address it; that the Budget Committee is a standing board of the Town and those fall under the Select Board for membership and acceptance of resignations. He explained that it is part of the necessary oversight that the Select Board has over all the elements of the government.

Mr. Donhauser said that he didn't think our Board would be in error by accepting Mr. Furbish's resignation.

**6:05 PM** Mr. Donhauser moved, second by Mr. Orestis, that the Select Board accept the resignation of Mr. Steve Furbish from the Budget Committee.

**DISCUSSION**

Ms. (Donna) Murphy said that Mr. Furbish submitted his resignation through email and she can forward that to the SB, if they like.

The SB agreed that they would like the email forwarded.

**DISCUSSION ENDED**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

Mr. Murphy said that the Charter does address the notice and requires a 14-day public notice.

**6:07 PM** Ms. (Donna) Murphy said that this leaves the Budget Committee short one member. She added that Mr. Furbish said, in his letter, that he was moving and decided to resign at this time so that there would be time for people to take out papers to run for the position. She said that the Budget Committee has the



**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

authority to appoint a member, if they choose to, but it's only until the next election, which is in November.

**G. Approval of Minutes of Previous Meeting(s)**

There were no minutes for tonight's meeting.

**H. Department Head/Committee Reports**

**6:09 PM 1) Energy Commission – HVAC Bids**

Mr. (Ed) Henningsen, Energy Commission, said that, of the 6 bids they sent out for the Town Hall HVAC project, they received three back; that the low bid was Thermo Dynamics, which is the local contractor, here. He added that the bidder was just under the \$110,000 bond budget. He said that, in the RFP, we had an option for a dedicated mini-split system for the computer room and the bid from Thermo Dynamics for that system was \$5,875, which takes us above the level of the approved bond; that we have options to consider – we can live with the door open and the noise the computers make while running and do nothing; that another option was that Thermo Dynamics offered a deduct of \$7,500 to leave the ductwork in place. He explained that, with hard years in the construction industry, any time you leave something up there for years, it seems to grow tentacles and get involved in the building and it becomes much more difficult to remove it, after-the-fact. He said that, with conversations and thoughts about renovating this building, and adding onto it, at some point in time you will probably go in and remove that ductwork; that he thinks it's better to do it now rather than later, as it can become more of an expense. He said that we would like to ask the SB to look at other sources of funding for the computer room; that there are budgets in there for the Town Hall emergency generator; that the Main Street pump station generator is available now and could be brought in here; which would work with the conversion from the HVAC project from 3-phase to single phase, and would be less costly to the Town.

**6:13 PM Mr. Murphy asked how old the generator is.**

Mr. Moulton said that it is 20 years old; that it has low hours of operation, only running when there's a power outage, and is well-maintained.

Mr. Henningsen said that another option was that he believes there is some money in a budget for the Town Hall HVAC work, to begin with, so maybe some of those funds could be used for the computer room air conditioning. He added that they could put together a letter to the SB, with dollars and figures, and let the SB look at it that way.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

**6:15 PM** Mr. Murphy agreed, saying that he was sure the Town Manager would want to look at that, also.

Mr. Henningsen said that, right now, we would like permission to contract with Thermo Dynamics to begin the renovations of the HVAC system.

Mr. Murphy clarified that that leaves the ductwork in, and so forth.

Mr. Henningsen said that that could be handled as a change order, or two change orders, depending on how we want to do it. He added that we had a meeting with Frank from Thermo Dynamics and found no issues with the schedule; that there should not be any time when the building does not have heat or air conditioning.

**6:16 PM** Mr. Lytle said that there is an extended warranty package included in the documents for \$3,111 and asked for clarification.

Mr. Henningsen said that this was an option to take out extended warranties on the equipment, if the SB wanted to; that that was something he did not recommend. He reiterated that he would like the ductwork removed.

**Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve Thermo Dynamics to be contracted for \$109,450 for the HVAC.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

**I. Public Works**

**6:19 PM 1) Stormwater Consulting Contract – Sole Source**

Mr. Murphy said that he had a couple of questions on page 5 of 21 where Ms. Rabasca (Integrated Environmental Engineering) breaks out each town, describing how her company will assist with inspections and investigations over the five-year permit cycle; that of the five towns, the company assists in conducting the outflow inspections of only Eliot. He asked if that was our request or hers.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

**6:21 PM** Mr. Moulton said that it comes down to a lack of personnel; that the other towns have dedicated stormwater people within their departments, and Eliot doesn't, so she assists with that; that we assist, if we can, to cut her time down but, if not, she does it for us. He added that it is a requirement of the MS4 Permit.

Mr. Murphy asked how that affected monies, if Eliot pays more for that service.

Mr. Moulton explained that each town pays a portion of a certain thing that is required of each, such as outfall inspections; that Eliot doesn't have anyone on staff so we aren't paying benefits, and things like that. He said that, actually, in that matter Eliot may be ahead of the game to have an independent consultant come in to do a 1-year inspection, write a report, and be done versus having someone on staff with vacation, benefits, and a salary. He added that everything is broken down on a percentage based on town size and tasks.

**6:22 PM** Mr. Murphy asked, regarding "*Task 4B. Written Procedures. The MS4 General Permit requires that each town develop a set of written procedures for construction site inspections and enforcement of erosion and sediment control measures. Integrated Environmental will develop the written procedures for each town. Each town will likely have a different set of procedures*", which procedure was in charge.

Mr. Moulton said the Town's ordinance oversees; that the Town has a certain number of ordinances that relate to stormwater, which are to be followed by each town; that there are variations but there are also additions that the MS4 Permit requires so there is a combination of efforts, there, that allow continuity for the Permit report and make it complete, giving illicit discharges as an example of our MS4 requirements.

**6:24 PM** Mr. Murphy said that he got the impression that even these 21 pages of dense wording is a tentative set waiting for the final 5-year plan to be approved in late October of this year. He asked if there is apt to be changes to 'this' as a result of the final version of the 5-year plan.

Mr. Moulton said that this year will be status quo, as indicated in the report, so the budget amount will not increase this year; that essentially the State gives every town a grace period because there is no complete approved permit; that next year the requirements of the permit will be included.

Mr. Murphy said that it appears there is a place for acceptance by each town, asking if that is a requirement that that be done tonight.

**6:25 PM** Mr. Moulton said that it is a request, explaining that our MS4 Permit expired in June and the contract came before us. He added that he has spoken with Mr. Lee

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

and bring this before you; that we have utilized Kristie Rabasca in our various hats on other consulting companies; that she has been doing the Town's stormwater for 15 years and there is a savings to having a consultant because a lot of what is done by this consultant is boilerplate for each town so there is a shared cost.

Mr. Murphy said that he wasn't sure who signed this.

Mr. Moulton said that it would either be himself or the Town Manager, as that is who has signed it in the past; that Mr. Lee wanted this brought before the SB as a sole source because we continue to have Ms. Rabasca as the consultant for the Town for the past three permits.

Mr. Murphy said that that made sense; that she knows the Town and we know her. He asked if SB members had comments or questions.

**6:27 PM** Mr. Lytle asked how much we pay for the consultant per year.

Mr. Moulton said that there should be a table attached to the document. He added that last year's budget was approximately \$20,000 to \$22,000, very similar to what this year's budget in the table is. He added that the budget numbers have been produced to reflect the comments, where the permit is heading in the future, and what is anticipated to be the final permit; that budgets 2, 3, 4, and 5 reflect 'that' amount per year. He clarified that it is going through final edits, now, and everything is pretty much set in stone as to what the State will require of us and what the EPA is requiring the State to enforce on MS4 communities.

Mr. Lytle asked if we have any projects we will be working on.

**6:28 PM** Mr. Moulton said that he would have that before the SB at the next meeting.

Mr. Murphy asked if Mr. Moulton wanted an approval by this Board tonight.

Mr. Moulton said yes, please.

Mr. Donhauser read the numbers for each of the five years: \$22,200 for 18/19, \$20,930 for 19/20, \$22,180 for 20/21, \$17,880 for 21/22, and \$22,180 for 22/23, saying that that is about \$100,000 over a five-year period; that the budget includes the first year for \$22,200.

**6:29 PM** Mr. Moulton agreed.  
Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve this contract, not to exceed the amounts, which total up to approximately \$100,000 over a five-year period.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Tessier said that the SB and Budget Committee had a joint meeting 5 or 6 months ago with the Town Manager and Public Works Director talking about stormwater and, at that meeting, we had specific questions about what is the cost of the various services provided by this contract; that the commitment was that that information was going to be provided back to us and it has not been for the Budget Committee. He added that he thinks there was discussion regarding potentially changing engineering firms because the current firm has not been very forthcoming in giving us specific information on what's required and what isn't required. He said that it seems like there is a fair number of questions still out here about whether we want to continue with this same firm and, in his opinion, he thinks we should hear from the Public Works Director, certainly, but also the Town Manager about what their decision is and why they are continuing with the same engineering firm because he thinks that's a big impact – knowing what is required to get done and what is extra and, then, we can decide how we spend our money appropriately.

**6:32 PM** Mr. Donhauser asked, if this is the sole source, who would be the alternative.

Mr. Tessier said that he didn't know.

Mr. Donhauser said that this is mandated by State or federal.

Mr. Moulton said that the MS4 Permit is mandated. He added that Mr. Tessier is correct that we had a discussion, and he and Mr. Lee have also had discussions at length; that by utilizing the MS4 group, which is the MS4 community in southern Maine, you share the cost; that if you were to sole-source a consultant, which you have a right to do, you will pay significantly more than what you will pay for a year, here, because they're going to generate the same bill every year. He said that one of the things he thinks was discussed, as far as the CIP Plan, is that Ms. Rabasca helps us with our MS4 Permitting but she did not assist us with our design engineering; that we are currently looking to do an RFP/RFQ to put out for design consultants for projects. He added that we would do an RFP/RFQ, have three firms that the Town would agree on and, whenever we had a project, we'd put it out to bid to those three firms and then choose the firm to do the project. He said that he thought that that was where the biggest concern was with some of the budgeting things and that is how we are moving forward; that sometime, hopefully by the end of September, that proposal will be coming to the SB for discussion, as well.

**6:34 PM** Mr. Donhauser asked if the total yearly stormwater budget was \$200,000 and 'this' is a component of that \$200,000.

Mr. Moulton said yes.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Murphy expressed his concern with the final version of this plan, asking if it wasn't likely that some of these cost numbers would change.

Mr. Moulton said no.

Mr. Murphy asked what would change.

Mr. Moulton said that basically it is some wordsmithing about the basic requirements and that's why this (report) was able to be produced and brought forward to each town, with a budget figure; that the general requirements, as projected for the next 5 years, are estimated in these budget numbers. He added that 'this' is the budget the Town is looking at for the next five years; that that is what he will bring forth each year for a budget figure to the Town for this service.

**6:35 PM** Mr. Donhauser asked if what Mr. Tessier is asking about is with respect to this component or with respect to the balance of \$100,000.

Mr. Tessier said that what he thinks Mr. Moulton has just laid out is a very logical approach based on the discussions that took place at that previous meeting. He added that, as far as he knows, that has never come up through the Town Manager and been formally presented to the SB so we have an overall plan; that we are just looking at a little piece of how this \$200,000 is going to get spent; that the overall is how we manage the amount of money we have to spend every year for stormwater. He said that, right now, we work with \$200,000 but we don't know if that's going to work every year, going forward, or not; that he thinks it would be prudent to have an overall plan as to how we approach the whole process.

Mr. Moulton said that that's what we are working towards.

Mr. Donhauser asked Mr. Tessier before we vote on this component.

Mr. Tessier said that that was up to the SB but he thinks it would make sense to have an overall picture of how we're going to proceed; that he's not in any way trying to diminish what Mr. Moulton is presenting, but the Town Manager isn't here and he hasn't presented his plan.

**6:36 PM** Mr. Donhauser asked if, by deferring this to another meeting, would that jeopardize anything.

Mr. Moulton said that it shouldn't; that he and Mr. Lee did discuss this and put it on the agenda for that reason.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

**6:37 PM** Mr. Donhauser asked to remove his motion as this discussion makes a lot of sense to him that we would hear from all parties and get the total picture, and not just the picture of one component.

Mr. Moulton said that he could provide more of the breakdown, too, and will make sure the SB has that for the next meeting.

The SB agreed that this should be tabled to the next meeting.

**Mr. Donhauser withdrew his motion. Mr. Lytle withdrew his second. The motion is withdrawn.**

Mr. Lytle said to make sure the Budget Committee received the information, as well.

**6:38 PM      2) Continue Use of Underwood Engineering (Sewer)**

Mr. Moulton discussed the many projects Underwood Engineers has assisted the Town with, which has saved the Town a lot of money, such as I&I work, sewer rates, an O&M manual, and policies and procedures; that there are a number of things to continue with regarding the operation of the sewer system, such as a long-term sewer plan. He added that Underwood has been very supportive, very helpful; that there were concerns about design, which was top-notch, but where we fell short was in not including enough money in the CPI prior to construction and we ended up with bidding budgets that ended above the approved amount from the Town. He said that he and Mr. Lee have had discussions and feel that Underwood Engineers is a valid engineering firm and have done well by the Town; that he would like to continue using them for all things sewer. He added that, as noted in his memo, anything significant or looking for projects would come before the SB for approval based on the purchasing policy and discussion prior to implementing any additional work. He reiterated that we would like to retain Underwood for anything sewer and would like the SB's comments on that.

**6:41 PM** Mr. Murphy said that it seemed a reasonable thing to consider and asked for SB input.

Mr. Lytle asked what our other options are.

Mr. Moulton explained that you would do another RFQ and look at other consultants; that there is an almost 8-year history with Underwood so there would be an added cost to get up-to-speed, which could cost potentially \$50,000 for a firm to review everything to-date, get on board, and get up-to-speed; that there is

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

value with the continuity of continuing to use the same consultant but that is up to the SB.

**6:42 PM** Mr. Lytle asked where we were going after we get our stations up to par, what is their duty from then, on.

Mr. Moulton said that he thinks the Town needs to look at a long-term sewer expansion plan for the entire Town; that it would probably be forthcoming to the Town to happen given any illicit discharge along the river. He added that, as he has stated before, it is his opinion that everything from Kittery to South Berwick and from Route 236 to the river, at some point, this Town will be required to be sewered; that we would look at developing a plan, going forward, look at the CIP, sewer rate analysis, continued I&I; that he has a whole list.

**6:43 PM** Mr. Murphy said that he remembered the overall plan that Underwood provided around 8 years ago showing what could possibly be needed to be done and how to do it; that we have not done much of that and believes the financial situation of the Town right now could allow this to be sensibly re-looked at. He added that he is in favor of keeping Underwood but would like to have the Town Manager here for something like this; that we don't have his input and for us to, once again, approve it being the way to go he thinks the SB needs to know more and have the Town Manager here. He added that he would like hold off and consider this more and have something rather specific in mind to guide the future actions of Underwood Engineers to support the Town's future plans.

**6:44 PM** Mr. Lytle asked how long we would be approving this firm for – one year, two years, five years, or indefinitely.

Mr. Moulton said that it could be anything the SB wanted to do.

Mr. Orestis asked what the current status was today with Underwood, if we did nothing, what would happen.

Mr. Moulton said that they would continue assisting us with pump station operations; that he has suggested we do a rate review after the completion of the project. He added that there's a one-year period the Town would have them on retainer, anyway, because there's a one-year guarantee, or warranty, by the contractor; so, we'd need a final review by them at the end, along with Town personnel, to review the pump station project before we release final funds. He said that there's always I&I work to be done to keep the cost down in Kittery; that Underwood has assisted us with the IMA agreement.



**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

**6:46 PM** Mr. Orestis said that we could go out to RFP and, if they do have minimal costs because they are familiar with our system, then that would show up in those proposals.

Mr. Moulton agreed.

**Mr. Donhauser moved, second by Mr. Lytle, that the Select Board table this issue until the next meeting.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

**J. Administrative Department**

**6:47 PM 1) Town Manager Report**

Mr. Orestis suggested the SB table this until the next meeting.

Mr. Tessier said that this is a SB meeting and the Town Manager isn't here, asking if there is a procedure or process where the Town Manager appoints someone to represent him at these meetings and to run the Town while he's gone.

Mr. Murphy said no; that the SB is here and carries forward, writing assigned checks, and so forth.

Mr. Tessier said that he doesn't have a problem with the Town Manager being gone but does he have someone to appoint to make decisions and run the Town, asking what if he's gone for two weeks on vacation.

**6:49 PM** Mr. Lytle said that he believes it's handled by the Chairman; that it has in the past and doesn't know if that has changed with the Charter.

**Confirm Dana Lee, Town Manager, as Treasurer**

Mr. Murphy was reminded that he didn't take up an appointment, which is not on the agenda. He said that it was to appoint the Town Manager as Treasurer effective August 15 since our current Treasurer, Ms. Bergeron, ends her work the 14<sup>th</sup>; that the Treasurer, Mr. Lee, will select his assistance or replacement people,

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

and probably there will be two, but he has the legal authority to make those choices. He added that Ms. Rawski said that it was important that we confirm this tonight.

**Mr. Lytle moved, second by Mr. Donhauser, that the Select Board confirm the Town Manager's appointment of Dana K. Lee as Treasurer, signed this 9<sup>th</sup> day of August.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Mr. Lytle – Yes**

**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

At this time, the SB signed the pertinent document.

**6:54 PM      a. Mil Rate**

Mr. Murphy said that we have a memorandum form Martine Painchaud, Assessor with regard to the tax rate, "The tax rate for the 2018/2019 tax year is \$15.20. The breakdown is as follows: County - \$1.16 (4%); Municipal - \$4.26 (28%); School \$10.33 (68%). The breakdown for last year is as follows: County - \$0.57 (4%); Municipal - \$3.58 (25%); School - \$10.15 (71%)." He added that that is a \$0.90 increase in the tax rate.

**6:56 PM**      Mr. Tessier said that at a previous meeting, he believes with the Budget Committee and SB, there was a discussion about how much we could increase the tax rate and be within LD1; that we were informed that the amount was \$130,800; that we then increased it to \$132,500 and we were informed that that would increase the tax rate \$0.13; so, he's a little bit confused how the tax rate went up approximately \$1.00. He added that the Budget Committee hasn't received any of this information and, so, we aren't prepared to discuss it. He said that he's a little frustrated; that at a SB meeting a few weeks ago, the Town Manager didn't send out the certified budget to the Budget Committee and, now, he hasn't sent out this information for us to look at; that he doesn't understand why the Budget Committee isn't getting this information to look at so that we can provide information to the SB and be able to discuss this in an intelligent manner.

**6:58 PM**      Ms. (Donna) Murphy, Budget Committee, said that, when Mr. Lee provided us some information regarding the increase, he was referring to the municipal budget, that it would increase \$0.13; that she was quite shocked to see, here, that

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

it was up \$0.68. She added that she's not sure whether the figures in here are incorrect or whether the figures provided by Mr. Lee are incorrect, but it would behoove the SB to request that this get looked at.

Mr. Murphy said that this is our first chance to look at this, also; that he doesn't know if there's very much we can do tonight

**6:59 PM** Mr. Lytle said that he went in to talk with the Assessor about why it went up and she said a lot of it went to a change in the land value of this new TIF proposal.

Mr. Orestis said that it seems to him that the increase is one concern but the overall concern is that the Budget Committee has not been provided the information in a time they thought it should be provided to them; so, he feels like the conversation should be around that request to make sure the Budget Committee receives this information.

There was discussion regarding how information is given out to various boards and committees and the timeliness of that information.

Ms. (Donna) Murphy reiterated her deep concern for the increase; that the Town Manager presented the \$0.13 to us and, during the conversation, he had had a conversation with the Assessor and that included all the increases in the added value. She also reiterated her suggestion that this be looked at.

**7:01 PM** Mr. Murphy said that he was sure it would be.

Mr. Tessier said that, frequently, information to the SB gets sent out by email and all the Town Manager has to do is add some more names to that distribution list, hit send, and we get the information when you get the information. He added that he isn't trying to create an issue, here, but it's very easy for him to send that information out but it almost seems like he (Mr. Lee) doesn't want to do that and he doesn't understand why. He said that the Town Charter talks a lot about the responsibility of the Town Manager to provide information to the Budget Committee; that he thinks it behooves the Town Manager to get the information to us because we're here trying to help you. He added that we aren't trying to fight the system but just want to be able to ask questions and provide good information and we can't if we don't have the information; that that's all we're asking.

**7:03 PM** **2) TIF Implementation Ad Hoc Committee By-laws**

Mr. Murphy said that he has not had a chance to review these, yet, and asked if SB members had any comments on the by-laws.

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

Mr. Orestis said that he didn't have specific comments on the by-laws but, at one time, we had all expressed an interest in having the TIF Alternative Committee come in and give a presentation, or something along those lines, to us. He asked for SB thoughts on whether there's interest in having them come in to speak with us.

**7:04 PM** Mr. Murphy said that he and the Town Manager have not spoken about that and he doesn't know what Mr. Lee's plans are for that. He added that he does believe that a number of people who were on that committee don't want to be on it again.

Mr. Henningsen said that he sat here and raised his hand to be on that committee but he's never been contacted or asked to be on the committee and he knows of another gentleman who has an interest, asking how that happens. He asked who is writing the by-laws, is it the committee and, if it's the committee, why aren't some people being asked to join it.

Mr. Murphy said these by-laws come from the Town Manager as a proposed draft; that the Town Manager has been working on by-laws for various committees, as a start point.

**7:35 PM** Mr. Henningsen said that, if that's the way it's done, fine; that it seems to him that a committee should create their by-laws.

Mr. Murphy said that these are sample versions to begin to work on by-laws, with everyone working from the same starting point.

Mr. Orestis added that we have not formed that committee, yet.

**7:37 PM**      **3) August 16 Workshop**

This is to hold the annual personnel policy review

**7:38 PM**      **4) Approve Warrants**

**Mr. Murphy moved, second by Mr. Lytle, that the Select Board approve A/P Warrant #6 in the amount of \$178,757.94, dated 8/2/2018; A/P Warrant #8 in the amount of \$46,219.15, dated 7/25/2018; A/P Warrant #9 in the amount of \$54,802.03, dated 7/27/2018; A/P Warrant #11 in the amount of \$246,860.08, dated 8/1/2018.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**SELECT BOARD MEETING**  
**August 9, 2018 5:30PM (continued)**

**Mr. Lytle – Yes**  
**Mr. Orestis - Yes**

**Unanimous vote to approve motion.**

**K. New Business:**

**7:40 PM** Mr. Orestis discussed Mr. Tessier's earlier question regarding the absence or disability of the Town Manager, as written in the Town Charter. He read per 3.5. "Absence or Disability For absences 10 business days or less the Town Manager may designate an Acting Town Manager without Board approval."

**L. Old Business:**

There was no old business.

**M. Selectmen's Report:**

There were no Selectmen's reports tonight.

**N. Executive Session**

There was no executive session.

**O. Adjourn**

There was a motion and second to adjourn the meeting at 7:11 PM.

**VOTE**

**4-0**

**Motion approved**

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S: / Mr. Richard Donhauser, Secretary**

**Date approved: September 27, 2018**