

SELECT BOARD MEETING
January 10, 2019 5:30PM

Quorum noted

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

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

Absent: Mr. Donhauser, (excused).

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)

There were no minutes approved.

G. Committee Resignations and Appointments

There were no items.

H. Department Head/Committee Reports

5:32 PM 1) Conservation Commission Town Forest Request

Mr. Murphy said that the Conservation Commission (CC) wants to be supported in their you might say assignment that they've had for many years to keep their eye on the Town Forest and the accesses to it, by the way. He added that Eliot has contributed to the road costs for lanes, for instance. He asked if the Town Manager has had a chance to consider this.

Mr. Lee said that he has; that he thinks we should follow up on these things; that if they were part of the original plan for the Town Forest, he thinks they should proceed.

5:35 PM Ms. (Lisa) Wise, CC, said that we took a look through the existing Town Forest Management Plan, which was put together back in 2009, but as far as we know no management actions have taken place; that we have summarized some recommendations we have put forward in the memo. She added that we would encourage the Town to consider taking those steps to manage the Town Forest for access, for recreation, for wildlife habitat, and an overall healthy forest.

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Mr. Murphy asked if the CC looked at the cost of having a forester consultant.

Ms. Wise said that we talked with a professional forester, who came to one of our meetings, and he didn't offer a specific cost because we were still in the early stages; that he would have to go out there and look at the types of management actions. and we might want to consider other professional foresters. She said that she thought it would be part of the process to talk with other professionals to get a sense of the scope and what they would recommend.

Mr. Murphy said that their budget this year doesn't include anything for these special new things.

5:34 PM Ms. Wise said that that was correct.

Mr. Lytle asked what the status of #5 was (accessibility/landowner issues).

Ms. Wise said that, in the 2009 plan, there were a few items that were flagged, such as unresolved landowner title or boundary issues, she thinks; that to her knowledge they haven't been resolved but that would take some research.

Mr. Lytle asked if there were any problems getting to it.

Ms. Wise said that she thinks there's a few different parcels and there were a couple of particular parcels that were flagged as potentially having some questions about the boundaries. She added that we haven't been able to track down documentation that that had been researched; that maybe Mr. Lee knows something about that.

5:35 PM Mr. Lee said that, anecdotally, Mr. Blanchette was very far into a process of advising people who had the small parcels out there in the Town Forest; that he thinks that Mr. Blanchette had gone through all the required steps to notify them that there was an interest by the Town, etc. and it never actually got finished. He added that, as he understands it, there were notices put in the paper, and so forth, some sort of a process that he began a long time ago.

Mr. Murphy said that the process was in process when we hired Mr. Lee and Mr. Blanchette left; that he believes that one of the files, which was central with the history of that, disappeared at that time.

Mr. Lee said that he offered the file to Ms. Richards at the time, as he thinks she was interested in continuing that, and he believes the CC may have that file regarding the Town Forest properties, or it may have been turned back here, he's not sure. He added that he would have to recommend, if we pursue this, and he thinks it's valuable to pursue this, as well as maybe getting back to seeing if we

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can acquire more of those small parcels there, we probably could, and should, use the Land Use Fund for this purpose because it is for the conservation of land and access of conserved land; that he thinks it's an appropriate use of that fund. He said that the CC has asked for additional money this year to be put into the Land Use Fund and maybe some of that money, if appropriated, could be used for this purpose.

5:37 PM Ms. Wise said, so that she is clear, if we did put forward a request to use some of those funds from the Land Reserve, those could be allocated to this sort of management action.

Mr. Lee said that that's what he's suggesting to the SB; that that may be an appropriate place to fund it from as that is what that money is for – acquiring new conservation, improving conservation, accessing conservation of conserved lands.

Ms. Wise said that one component of this that is particularly appealing is if we do some management actions, some harvest, those funds that are generated from the products of the harvest could be used to pay off the management actions as well as go back into the Land Bank Reserve; that, hopefully, it would be a revenue-generating opportunity for the Town.

5:38 PM Mr. Lee said that, with gross budgeting, it would be a general revenue but we could bring it forward in the following year as a revenue, or reserve, to go into the Land Bank. He added that he's done this in a couple different towns where we've cut some of the wood on town-owned property, selectively harvested stuff that just needed to get out of there so that new growth can do well, we've actually made a fair amount of money over the years doing that, and keeping it healthy, too. He said that one of the things we've seen, nationally, is that if you don't maintain your forests, it becomes a flashpoint for fires in dry weather; that he thinks it's all a wise idea and he's glad they brought it forward.

Mr. Orestis asked, as far as action tonight, what is Ms. Wise looking for from us tonight – just that she is informing us of the plans going forward and look for some of the costs associated with these objectives and, then, bring something back to us to say that Land Use funds can be used for 'this'.

5:39 PM Ms. Wise said we are looking for the SB's support and approval that we move forward with these recommendations to get more specific suggestions.

Mr. (Jim) Tessier, Johnson Lane, said that part of the process in the budget last year was providing \$40,000 to the Great Works Regional Land Trust (GWRLT); that part of the rationale for that is that they were going to develop parking on Route 101 and provide access to the Town Forest. He asked if we've pursued that in any way to make sure they take the steps they promised to do.

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Ms. Wise said that we are communicating with GWRLT on that very issue; that that project is going forward.

5:40 PM Memo from DPW Director Joel Moulton regarding engine repair

Mr. Lee said invited Mr. Moulton to speak to this.

Mr. Moulton discussed the engine trouble they had with the 2008 International Dump Truck during last Thursday's winter storm and that it was determined that the engine was unrepairable; that the options were to either put a re-built, or re-maned, engine (doesn't include replacement of engine block, cam shaft, and crank shaft) in or go with a new factory-built engine. He explained that he has reached out to three heavy truck repair facilities to obtain pricing for both options. He added that, besides the pricing, everything is comparable with a warranty of 2 years or 24 months on parts; that the workmanship varied in the warranty between vendors. He said that this is a vital piece of equipment, especially this time of year, for the maintenance of the Town roadways; that we've had to move some things around to make it work, given that we've only had some small storm events, but if we should have a large storm event, we may be in a little bit of a pickle. He added that he and Mr. Lee haven't had time to talk about the pricing but we did talk about the issue with the truck; that Mr. Lee has allowed him to bring this forward tonight in hopes that we can make a decision to move forward tonight and get it repaired and back on the road within two weeks. He said that he has provided all the back-up documentation that he thinks the SB will need and some of it entails questions he has asked as information that goes along with it just so that he could make sure that everyone had apples-to-apples on everything.

5:44 PM Mr. Murphy said that Mr. Moulton has yet made a recommendation or is he seeking assistance in making that decision.

Mr. Moulton said that he is just providing the SB with the three quotes and he would let the SB make the decision on how they want to move forward.

Mr. Lee said that it does appear in the middle of the front page of the memo, saying "*It is the recommendation of the Department and also the recommendation of each vendor to install a re-built or re-maned engine for the 2008 International Dump Truck.*" He added that given the relative cost for the re-built out of Dover Motor Mart and the extended warranty on workmanship of a year, he's thinking that's probably the recommendation, asking Mr. Moulton if he was correct.

5:45 PM Mr. Moulton said that he's going to refrain from any recommendation as it relates to this.

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Mr. Lee said to let him recommend then, as management, that it looks like our best bet, especially in terms of the warranty, the lower price, and that we've worked with Dover Motor Mart a lot in the past; that they treat us pretty good usually.

Mr. McPherson said that his first question was who opened the bids.

Mr. Moulton clarified that there was just pricing; that there were no sealed bids. He added that we didn't have time to get sealed bids given the fact that we found that the engine was blown last week and given that the meeting was this week; that we put forth a worst-case scenario, as it states in the memo, for requests for options of how to repair and rebuild or a complete replacement. He said that there was no real bidding done; that it was just pricing on the worst-case scenario and what the best option would be to go with.

Mr. Lee agreed that there was no formal bidding.

5:46 PM Mr. McPherson said that he didn't understand why there wasn't enough time to get sealed bids; that it's a lot of money to award to anybody; that, obviously, it's needed. He asked, if we're going to spend \$30,000 to \$40,000, why weren't the bids sealed.

Mr. Lee said that he had only asked Mr. Moulton to make phone calls and get pricing because we needed this back out on the road so quickly; that by the time we sent out the bids, they respond to the bids, we process the bids and get them to a meeting, we would not have had time and it would have been another two weeks before we had that truck back.

Mr. Moulton said that he just received all pricing today.

Mr. Lee said that we are handling this as an emergency.

Mr. McPherson said that he understood but asked why the bids would go to any department head, why wouldn't they go to Mr. Lee.

5:47 PM Mr. Lee said that bids usually do come in to him unless it's something where he asks for somebody to call around for pricing, in which case he believes his department head.

Mr. McPherson said that we do have a purchasing policy.

Mr. Lee said that he would dig it out and see what it says about emergencies.

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Mr. McPherson said that, if it states emergencies, he would like to see it, but 7.9 states that the Town Manager should open all bids and read them in public.

5:48 PM Mr. Murphy said that he was sure that equipment like that is not easily rentable on short notice, either, or is it. He asked if you could fill in the need by renting.

Mr. Moulton said that, generally, plow trucks are not rentable, that he knows of. He added that you can hire outside but, if you hire outside, then you get into other issues.

Mr. McPherson asked where the vehicle is now.

Mr. Moulton said that it is at National; that that's where it was towed.

Mr. McPherson asked if it was all apart at National.

Mr. Moulton said no; that the only thing that's off it is the wing plow so that it could be determined what exactly was wrong with the truck.

Mr. McPherson said that, if it's not fixed there, then it has to be towed.

Mr. Moulton said that that was correct; that all pricing includes, except National because it sits there, towing to their facility.

5:49 PM Mr. Lee said that, in the purchasing policy definitions, it talks about emergency purchases and then never mentions it again, apparently. He said that it's under §2. *Definitions 2.3 Emergency Purchase. A threat necessitated by a threat to public health, safety, or property.*"; that then he doesn't see any other reference to why they put that in there. He found "4.3.1 *Emergency waiver of bidding requirement – The bidding procedures may be waived by the Select Board when there exists an emergency as determined by the Town Manager and Select Board. All attempts shall be made to obtain the most competitive price within the time available.*" He added that that would be the section of the ordinance that he would find most applicable; that we are in the middle of winter and, if it had blown at the end of the winter, he would have gone out for a formal bid but, as we had a meeting coming right up and we needed to decide what to do with this truck, he figured it qualified as an emergency.

5:50 PM Mr. Murphy asked, for the record, is the Town Manager asking us to approve those parts of the purchasing policy.

Mr. Lee said right, 4.3.1, requesting a waiver under an emergency condition.

Mr. Lytle asked where the money was coming from.

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Mr. Lee said that that was part two of the conversation; that, right now, we're dealing with the process, as Mr. McPherson was asking if the process was legitimate.

5:51 PM Mr. Lytle said that he agreed with Mr. McPherson regarding the idea of coming in without a sealed bid but he would probably go along with this particular thing, with the understanding that we don't do this.

Mr. Lee agreed that we don't normally; that, normally, we bid everything.

Mr. Orestis asked, just as far as the process goes, at this point do we have to declare this is an emergency purchase before moving forward.

Mr. Lee said yes.

Mr. Orestis asked if that would be a vote.

Mr. Murphy said yes.

Mr. Orestis said that he thought we should bring it to a vote. He added that he didn't want to put words in Mr. Lee's mouth, asking if he was recommending that this would be an emergency purchase.

Mr. Lee said he believes it is; that he's recommending to the SB that this qualifies as one. He added that, right now, we are going to be using pickup trucks on some of our smaller routes while we shift the trucks around.

Mr. Moulton agreed. He added that we've moved some things around and it's worked for the small storms that we've had, so far.

5:52 PM Mr. Murphy asked Mr. McPherson if he wanted to reconsider his feeling about this since there is a position in our policies allowing this kind of process without bidding.

Mr. McPherson said that he understood that it is an emergency. He asked what the turn-over time is.

Mr. Moulton said that that's in the last paragraph and the turn-around time is about a week.

Mr. Lee said that he had said to Mr. Moulton that when he was asking questions, ask how quick the turn-around is, because if it's only a couple grand difference and somebody's going to be holding it for four weeks, that he doesn't want it there for four weeks.

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5:53 PM Mr. Moulton read the pertinent part of the memo: *“Each vendor anticipates 2-3 days to receive the motor and all the necessary parts for the repair work and turn around time of approximately a week. With the Select Board’s approval it is anticipated to have the 2008 International back in service within two weeks.”*

Mr. Murphy said that he heard essential agreement that we can apply the emergency section of our purchasing policy to approve, or meet, the Town Manager’s request, asking for a motion that we do so.

Mr. Murphy moved, second by Mr. Orestis, that the Select Board approve using the emergency section of the purchasing policy, § 4.3.1, for purchasing without bidding in this particular case.

Roll Call Vote:

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

5:55 PM Mr. Lee said that, regarding the vendor, his recommendation would be to go with the lowest priced one and the stronger warranty.

Mr. Murphy said that Mr. Lee was talking about Dover Motor Mart for \$26,969.18.

Mr. Lee said yes, with a 12 months/1 year warranty on the workmanship.

Mr. Lytle said that he didn’t mind going with Dover Motor Mart but he thinks he’d go with a new engine.

Mr. McPherson asked what year was it planned to have the truck replaced.

5:56 PM Mr. Moulton said that there were other trucks ahead; that this truck wasn’t scheduled for another 6 years; that by putting another motor in, we are hoping to get another 6+; that he’d have to look at the CIP.

Mr. Lee said that we scheduled these trucks for a 15-year lifespan and this is a 2008, so 2018, and that puts us at 2023 for normal replacement; that in the short conversation with Mr. Moulton, this would probably extend this truck out another 5 years from that date because the body is in really good shape. He added that it’s the motor we are having trouble with and this isn’t the first time, either; that these

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aren't motors that we really like but you can't reconfigure the front of the truck to put in the motor you would like; that you have to put in the engine that fits there. He said that these are engines that they don't make any more or, if they do, we're not buying them anymore.

Mr. Lytle asked if the new engines were different.

Mr. Moulton agreed that they are; that our old trucks with this engine are pre-emissions and we've had less trouble with those; that 2008 is the first year that International built their own engine and it had many emissions problems with it. He added that we've spent a significant amount of money on this engine, already, before this existing one; that the new truck has a Cummings engine.

5:58 PM Mr. Lytle asked about the replacement engine.

Mr. Moulton said that that would be a new International engine, as it's the only thing that would fit, unfortunately.

Mr. Murphy said that repairing this one and carrying it out to its 20-year life is what Mr. Moulton is suggesting we do.

Mr. Moulton said yes. He added that everything in the engine, if we do a re-man or re-build, will get replaced except for the engine block, cam shaft, and crank shaft. He added that, given that the truck got hot and overheated to an extent, each bidder put in a core charge for the block; so, should the block have cracked, that figure is already figured into each one of these bids; so, if the block is good, then that price (approximately \$4,800) comes out automatically. He reiterated that this is a worst-case scenario; that this is replacing things that we really don't know until we tear the truck apart.

Mr. Lytle said that he still felt comfortable if we got a new one.

Mr. Murphy asked how other SB members felt.

6:00 PM Mr. Orestis said that, with a new one as was mentioned, you have to put in the engine that fits in the truck, the same engine that would carry the same issues with it.

Mr. Murphy asked if that would just carry forward something that's been an albatross around our neck.

Mr. Moulton agreed. He said that we asked for bids last Friday and he received them today; that everybody pulled it out to give him some pricing so that he could have it here for the SB tonight. He added that he and the Town's mechanic looked

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to see if we could put a Cummings engine in because the 2009 International has a Cummings engine in it but the truck can't be retrofitted for a Cummings engine; that it just wasn't feasible so this is where we're at. He said that, basically, you're going to spend a little less money to rebuild it, except for some other parts; that it's the SB's call, as he is just bringing it before them.

6:01 PM **Mr. Murphy moved that the Select Board approve the selection of Dover Motor Mart for the amount of \$26,969.18 for a re-built engine.**

The motion fails with no second.

Mr. Lytle moved that the Select Board approve a new engine from Dover Motor Mart.

The motion fails without a second.

Mr. Moulton reiterated the impact/delay of choosing a new engine versus a re-built engine; that he understood what Mr. Lytle was saying and he didn't disagree. He added that it's just what do you want to invest in something that's 11 years old.

Mr. Lytle said that, if we were going to get rid of the truck in a couple of years, then he'd say go with the re-built, but that truck's going to be there awhile.

Mr. Lee reiterated caution regarding the history of those engines; that we hope it will last another several years but, based on what the Town mechanic told him, is that we expect trouble with that about every 4 or 5 years. He added that he doesn't know that we want a new one because he doesn't think we want to hold on to it any longer than necessary because the engines keep costing us a bunch.

6:04 PM **Mr. Moulton said that he thinks, with the CIP, the plan was to have this truck replaced before the 2004 and the 2006 because of the issues that we've had.**

Mr. McPherson said that he doesn't see the labor costs for Dover Motor Mart.

Mr. Moulton said that it was on the page at \$7,060 (new), under Work Done.

Mr. McPherson said that, if National Wrecker's labor is \$5,175 and Dover Motor Mart's labor is \$5,640, then the issue is in the parts and he can't seem to find it, asking if we're talking about a \$6,000 difference in parts. He added that the labor is cheaper at National Wrecker by approximately \$500.

6:08 PM **Mr. Lee said that these are the full quotes that they gave us based on whatever their thinking was; that he thinks, probably, that different companies make their**

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money in different areas. He added that we asked them what the all-in number was and to break it out so that you could look at what the parts and labor are.

Mr. McPherson said that this is a lot to digest in 15 minutes.

6:09 PM Mr. Lee asked, while the SB is thinking about a new or used engine and selecting the vendor, would the SB favor the use of contingency funds to cover the cost of this or would you like us to re-adjust what we have in reserves, now, for all Public Works vehicles. He asked Mr. Moulton what that number was.

Mr. Moulton said that it was approximately \$350,000.

6:10 PM Mr. Lee said that we have that amount in reserves for eventual replacement of all the vehicles and, currently, it's set up to replace different things at different times but we can shift that around if this one ends up having to take priority. He reiterated that you could either take it from Public Works Vehicle Reserves and we'll shift things around going forward or we can go into Contingency, noting that we've taken a fair amount out of Contingency and would need to restore it in a future year.

Mr. Murphy said that he doesn't think it's possible for us to narrow it down to the final pennies over which one is the best buy; that he thinks we need to make some kind of a decision that is going to be useful to the Town and it seems that our department head has enough experience in this and with the machines that we could reliably take his suggestions with some trust.

Mr. Orestis moved, second by Mr. Murphy, that the Select Board award the bid to Dover Motor Mart of Somersworth, NH to rebuild an engine of the 2008 International Dump Truck for the amount of no more than \$26,969.18.

DISCUSSION

Mr. Lytle said that he still wanted to go with a new one. He added that we don't know if the block is gone, or not; that Mr. Moulton said that it has been heated, which is not a good sign.

Mr. Moulton reiterated that the cost of the block is included in the re-build; so, if the block is gone, it is included in the \$26,969 price.

6:15 PM Mr. McPherson said that he can't seem to see the \$6,000 difference, if he's reading right, asking if someone could correct him. He added that the Dover Motor Mart parts list says \$22,169 and National Wrecker says \$25,890.

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Mr. Moulton said that the \$22,169.18 was the price of the total job, prior to the handwritten note by him, per the phone call with the owner, and adding in the core charge of \$4,800, which brought it up to \$26,969.18; so, the core charge was not included in the initial price.

Mr. Lytle moved the question.

Mr. Murphy asked if Mr. McPherson had anything more to say.

6:16 PM Mr. McPherson said that he could read this for three hours but we obviously don't have three hours. He added that he's used both places and he can't say enough about National Wrecker; that he realizes that there's quite a difference between prices. He said that National Wrecker is a tax payer and also in Town.

Mr. Murphy said that Mr. McPherson is going to perhaps, speaking a little philosophically, have to get used to not being in charge of everything that comes before us yet we do have to make a decision to let the Town go forward.

Mr. McPherson said that he guessed that he doesn't know what that means.

Mr. Murphy said that there's a learning process.

DISCUSSION ENDED

Roll Call Vote:

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - No

Motion is approved with 3 for - 1 against.

6:18 PM Mr. Lee asked, with regard to funding, if the SB would like him to use reserves that exist currently.

Mr. Murphy said that it was his opinion that either one of those sources of money might be called on, depending on what the future holds in store for us, and we don't know what that's going to be. He added that he liked keeping the Contingency as contingency because that covers many, many different things; whereas the truck reserve is specifically for the vehicles.

Mr. Lee said that he agreed and that would be his recommendation, to go into the amount we have currently reserved and adjust things so that we can continue with

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the truck replacement; that we'll probably have to adjust some numbers going into, not this year's budget year, but the following budget year.

6:19 PM Mr. Murphy moved, second by Mr. Orestis, that the Select Board approve the using of funds from the Truck Reserve Fund.

DISCUSSION

Mr. Lytle asked what we have in the emergency fund (Contingency).

Mr. Lee said that he doesn't have that off the top of his head but he thinks it's around \$75,000 to \$80,000; that that isn't very much for any emergency that could strike the Town; that we have a lot saved up to replace trucks so he thinks that's the more prudent way to go.

6:20 PM Mr. Lytle asked if that wasn't what the Contingency was for.

Mr. Lee said that the Contingency Fund was for something that was unforeseeable, that this is clearly unforeseeable and it does have to do with public safety.

Mr. Lytle said that we could put that back in this year.

Mr. Lee agreed that they could. He added that he wouldn't mind if the SB took it from Contingency but they would have to keep in mind that we'd like to keep Contingency around \$80,000, or more.

Mr. Murphy said that Contingency often involves people rather than things; that that's what worries him and why we want to keep it up.

DISCUSSION ENDED

Roll Call Vote:

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

I. Administrative Department

6:21 PM 1) Town Manager Report

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Mr. Lytle asked about **Line #12** regarding grant money.

Mr. Lee said that Mr. Bradstreet (TIF Committee) had heard something, in passing, that Topsham might have gotten some grant money for wastewater or sewer or something; that Mr. Bradstreet mentioned that to him and, further in his report, he mentioned that he checked in with Mr. Bradstreet and found that that was not the case.

6:22 PM Mr. Lytle asked about **Line #29** regarding salt shed marking.

Mr. Lee said that risk management is the arm of our insurance that is always running around inspecting us to make sure that we are following the rules; that one of the things they strongly recommend is that you mark your salt shed with “No Trespassing”. He added that they recently had somebody go in to get salt for their personal use and the big crust that forms up over it came down on him; that we marked the salt shed with a “No Trespassing” sign.

Mr. Lytle asked about **Line #34** regarding temporary mailboxes being removed.

Mr. Lee said that, down in South Eliot where they were putting in the King’s Highway pump station, we had to put up temporary mailboxes because the mailman could only go in one direction; that once it opened up, again, they got rid of the temporary mailboxes.

6:23 PM Mr. Lytle asked about **Line #40** regarding a minor injury at DPW.

Mr. Lee said that he thinks it was a wrist fracture but he can’t talk much about who or how because it’s a confidential, personnel type thing with regarding a medical injury. He added that the individual is back at work.

Mr. Murphy said that he observed that there are 8 entries dealing with cannabis and that duplicates the interest he has found in his periodicals and news; that he has read several articles about the burgeoning knowledge of the bad side of cannabis, suspected and verified. He discussed some of the negative impacts that are being discovered regarding the use of recreational cannabis.

Mr. Lee said that that’s why there’s so many entrees, because he has to read up on all those types of things.

6:26 PM **2) Safety Program Documents**

Mr. Lee said that we’ve had a couple of things recently’ that one was a visit from the Department of Labor down to the DPW finding some of their training was

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inadequate, some of their policies were not up-to-date, a couple of physical things in the building, etc.; that he then asked the risk management group to come down and do an audit of the building and what you have in your packets, tonight, are a number of internal policies that are being created from our Safety Committee that recently got back on board. He added that some of those you will see are Personnel Policy Appendix A things and that has mostly to do with the DPW; that they will also see Hazard Communication Program and Training, which he is obligated to do with the staff annually; that another one he worked on was the Personal Protective Equipment that is to be used by CEO's, explaining that he had to do that with a number of different folks but he started with the CEO. He said that he also included in here, for your edification, what the Town Hall administrative staff is required to have for annual training; that he also put together an emergency action plan that he will be going over with the staff. He added that we are trying to get more in compliance with the Department of Labor and with MMA management. He said that, hopefully, the SB is enthused to see us working toward greater safety and he wanted to keep the SB in the loop that we are trying to improve safety programs.

6:29 PM Mr. Murphy said that he found it interesting and read through it all. He added that, on page one of the Personal Protective Equipment Policy Appendix A, he found it interesting and surprising that there's no particular reference to the vascular system of the body.

Mr. Lee said that, candidly, this template is put together based on the actual requirements on OSHA and the Maine Department of Labor; that since they don't mention that, he's not going to mention that. He added that where it says the entire body, he thinks that covers things like skin, circulation. He said that we are going to be putting on CPR and AED training; that part of it is through the Fire Department and some of it is through Community Service working with our ambulance service.

Mr. Lytle said that he thought Mr. Lee did a real good job putting this together; that it covers anything he can remember going through and doing; that he was real happy to see it.

6:32 PM Mr. McPherson said that Mr. Lee said that that report Mr. Lee got from the Department of Labor was supposed to be posted, asking if we got a copy of that.

Mr. Lee said yes; that he and Ms. (Tammy) Gross (did the 2-day inspection) spoke yesterday and she is getting that report together. He added that he will be posting it to all the various departments to let everybody know about it, including the SB.

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6:33 PM 3) Spirit of America Award Nominee

Mr. Lee said that a lot of towns do this and this organization likes honoring volunteers; that they've asked Eliot if we would like to participate and he told Mr. Flaherty that he hoped we would. He added that the SB could see the different types of award winners; that some are people, some are committees, etc. He added that, by February 28th, he needs to notify Mr. Flaherty if we have somebody we would like to nominate. He said that he would like to open this up to the public; that if you know of a group or a person who is an incredible volunteer, you can first look it up online, then notify himself or the Town Clerk if you have somebody or some entity you want to nominate, trying to do it by February 1st so that the nominations can come before the SB for consideration, and the SB to select a recipient, so that he can notify Mr. Flaherty. He added that, some time in the spring, they have a special celebration for all the recipients. He said that, if it's the SB's will, he would ask Ms. Rawski to post that we're looking for nominations for the Spirit of America Award and post the letter that goes with it, indicating what it is.

6:35 PM Mr. Orestis asked if we have participated in this and was this something that has been ongoing.

Mr. Lee said that he tried to do it a couple of years but he doesn't think the SB was that interested in it; that he did bring this up last year but he thinks it died for want of a nominee, or something.

Mr. Orestis said that he thinks it would be great; that he thinks we should post it and get a nominee; that it's great to recognize individuals throughout the Town for their participation in volunteerism.

Mr. Lee said that the SB members have seen some of our volunteer groups and what they do and how they do it; that you all can make nominations as well as any of our boards and committees or members of the public.

6:37 PM 4) Begin Job Description Reviews

Mr. Lee said that he thinks the SB has 5 or so job descriptions (starting with A's) and he was wondering if he had any feedback on these job descriptions, in addition to Mr. Murphy's feedback.

Mr. McPherson said that, under Administrative Assistant to the Chief of Police, the word 'matron' is used in here two or three times.

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Mr. Lee said that that's the actual term they use in the judiciary system. He added that there will be a lot of these; that every two weeks he will send out about five, or so, and maybe we can go through them over the course of the winter.

6:39 PM 5) Personnel Policy Update and Art. 31 Vacation Consideration

Mr. Lee said that, at our last meeting, we agreed on many things, but there are still two items that are outstanding. He added that one is this Article 31, which comes from the Public Works union contract and what you'll notice is that, once a person gets to 25 years, in the Public Works union contract you get one additional day of vacation at your 25th year of service, 26th, 27th, and 28th; that when you get to your 29th, you could have a total of 25 days as opposed to 20, which is what we are limited to in the non-union personnel policy. He said that this was something that the Town Clerk raised when we were having our workshop because we have some who have been here 30 years or so; that that was requested by staff for the SB to consider regarding whether or not the SB would consider amending our vacation schedule to reflect the union vacation schedule; that it impacts only two people. He said that the other item is the process by which we handle pay and benefit administration while somebody is out on Worker's Compensation. He added that he thought that Selectman McPherson had indicated the last time we discussed this that it kind of stunk that an employee that works for the Town, gets injured, then has to use their sick time to compensate the remaining 25% of their full pay. He added that he would like something to go by on how he is to administer Worker's Compensation. He clarified that they pay 2/3rds of it and the other 1/3rd people have to use accrued vacation time so that they can get full payment. He said that that's the way it's done in most places throughout the State of Maine; that we've been advised by attorneys that we would be hard-pressed to find a different policy. He added that he understood that it would be very nice to be able to treat our employees that much differently; that there was some discussion of does it lead to an incentive to go out on Worker's Compensation, you aren't going to lose any sick time; that he didn't know. He said that he just knows that we've been advised that this is the best way to handle it and he has this here tonight in case the SB wanted to approve including this in our personnel policy.

6:43 PM Mr. Murphy said, discussing the vacation issue, that there is an implication that 25 days is the maximum that you can ever have for vacation, asking if that is set somewhere in the policy.

Mr. Lee said that it is, by definition in the union contract, and doesn't speak to anything greater; so, if it is silent on it, then it doesn't exist; that that is the most.

Mr. Murphy asked if it was possible that the union contract could increase that.

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Mr. Lee said that they could request that in three years when we sit down to negotiate, again, and we could revisit it but, right now, that's the maximum.

Mr. Murphy suggested the words "At this time, the maximum amount that anyone can accrue is 25 days a year."; that it doesn't say that that's the end but sort of implies it.

Mr. Lee said that it is heavily implied and it's not stated clearly; that we could do something like that in future years but this contract is settled for three years.

6:44 PM Mr. Murphy asked if anyone wanted this explained a little more clearly, step-by-step; that for those who have not been involved in it, it may be a little complicated.

Mr. McPherson said yes; that his comment before, and the sheet we had before was written differently about an employee losing 10.+/- hours...this is written different than the last one we went over.

Mr. Lee said that he had an original one that he sent out to staff for review and he thinks towards the end of it there were some changes made; that he may have sent out the wrong one to the SB today. He added that, in the interest that this may be the wrong document, he would put it on the for two weeks from now and you will have had more time to look at the correct one. He said that, if you want to take up the vacation item tonight, that's fine and, if you don't, that's okay, too.

6:46 PM Mr. Orestis asked Mr. Lee if he could, just one more time, run through what he's looking for on the vacation policy, as far as guidance.

Mr. Lee said that there are three different documents that govern our employees; that one is a Police contract, one is a Public Works contract, and one is the Personnel Policy for non-union employees. He explained that the request was, from a couple of our senior staff members, whether the SB would consider making it consistent between the Public Works contract and Personnel Policy on the way we handle vacation time at the outer limits of years of service; so, beyond 25 years, he thinks it is and beyond that Article 31. He clarified that what we are looking for is either for the SB to say no, that's too rich and they don't like it and get it out of the union contract or the SB doesn't mind inconsistency, they argued for it and they got it but it doesn't mean the SB is going to give it to everyone else because that's not a good policy or consistency among employees is important to the SB and if they have a 27-year serving Public Works guy and a 27-year serving General Administrative person, should they not have the same number of days. He said that he thinks those are the SB's three different positions from a policy standpoint; that one of those three probably speaks to you.

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6:47 PM Mr. Orestis said that he is of the opinion that we should keep them consistent across the board; that we should update the Personnel Policy to be consistent with the Public Works union contract.

Mr. Lee said that that's exactly what we are asking.

Mr. Lytle asked if they wanted to make that a motion.

Mr. Orestis moved, second by Mr. Lytle, that the Select Board approve making the Personnel Policy agree with the Public Works Union.

Roll Call Vote:

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:49 PM **6) Approve Warrants**

Mr. Murphy moved, second by Mr. Orestis, that the Select Board approve A/P Warrant #60 in the amount of \$188,292.78, dated December 21, 2018; A/P Warrant #62 in the amount of \$114,866.65, dated December 31, 2018; A/P Warrant #64 in the amount of \$42,304.33, dated January 3, 2019.

Roll Call Vote:

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

J. New Business:

6:50 PM Mr. Lee said that we are heading into budget season, and you all have your budget books, and he's had a couple of comments from Selectmen about, maybe, getting ahead of the curve; that we know that the Budget Committee does splendid work, study the books, and are diligent; that we go to these meetings and he knows that, sometimes, the Selectmen feel as though they are less prepared, perhaps, than the Budget Committee that focusses exclusively on budgets when the SB has so many

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things to focus on. He explained that what he thought he would do this evening is do a quick, quick summary of some of the key things we're going to be discussing in the budget and, also, what budget impacts are currently being proposed. He said that he got word that there was some discussion on EliotOnline of a \$490,000 increase; that that is, in part, true and what he wants to do is walk the SB through the Summary Spreadsheet.

6:51 PM Mr. Lee said, pointing to the spreadsheet, that there is, from one budget to the other, \$498,000 worth of increase as the gross amount (total gross of things in terms of spending only); that what he thinks is missed, if you go to the lower right-hand corner of the sheet, is how that breaks out. He explained that one of the things that needs to be recognized is that there is a revenue side of the budget, and the revenue side is up \$288,000, more or less; that what that leaves us with is a new net tax need of \$209,000, the net not the gross. He added that, of that \$209,000, the Assessor believes that the so-called LD1, which is the State limitation on how much you can increase taxes without the voters overriding it, is only about \$130,000. He said that, if the goal is not to exceed LD1, then we are over LD1 by approximately \$80,000 at the moment. He asked if that made sense to people.

The SB agreed that it did.

6:53 PM Mr. Lee said that his budget message included that we think \$130,000 will be allowed under LD1, we're going to be over by \$80,000, our revenues went up by \$288,000. He added that there is a very important page in your budget book that is called the Master Wage Spreadsheet, which includes the names of all the people, what they were making, what is proposed for them making, what their benefits cost, and so forth; that that is where the SB will find all the costs of all the personnel. He explained that all of the people at the top of the pay plan are getting a 1.3% increase; that anybody who still has a step left on the pay plan will potentially get that step, if they do well enough on their performance evaluation, and that would be a 1.5% step, plus the 1.3% COLA; so, a total of 2.8% for the people still in the pay plan, because that's what the social security adjustment is going to be this year - 2.8%; that for those at the top scale, only a 1.3% COLA.

6:55 PM Mr. Lee clarified that he had to make some decisions on that and that's the best way he could do it, in his estimation; that, if someone has a better way, we can discuss that during budget deliberations. He said that we were able to lower some expenses by about \$50,000 because of staff turn-over; that we had people who had family insurance plans and now we have people who have either no insurance need or only a single insurance need. He said that the William Fogg Library requested a \$20,000 increase and he is recommending a \$10,000 increase, which is twice what we did last year but we also know that the voters voted to bump up two things, one was the Fogg Library and the other the Land Bank; that those were two that the public spoke out at Citizen's Option, added money, and

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overwhelmingly supported; that the SB may want to consider that when he is considering only half of what the Fogg Library is requesting. He added that there are two staff changes requested in the budget; that they are both administrative assistants, both part-time, and each is being asked to go full-time, explaining that one is in the Land Use Department (20 hours/week) who helps with Code Enforcement, Planner, and Assessor and also serves as a screener for people coming in helping them with forms, looking at maps and property files, etc.; that the other is the Public Works Administrative Assistant who is there, now, 28 hours a week; that one needs family insurance and the other needs no insurance. He also added that there are two new items in the CIP, each a new \$35,000 request, one is for civil engineering here at the Town Hall property for the advancement of a potential expansion/renovation project and the other is for Public Safety communication equipment to be installed on the cell tower owned by Crown Castle, as we have big dead zones in Town and we need that repeater equipment up on that tower, especially for police officers out in East Eliot who have no radio communication to get back to anybody. He said that there is also a small amount of new debt service associated with the new LED streetlight buyout and the new HVAC system we had installed in the Town Hall. He said that we've made a significant effort to increase the amount of ECSD revenues we plan on taking in in response to a great idea from the Budget Committee; that they had seen a trend away from the revenue going down and the expenses going up; that they said to try to see if we can establish a goal, so we are trying to do that and, hopefully, that will work this year. He said that in the front of each section of the book there is a memo that covers the highlights of each of the sections. He explained that it looks like the Police budget is up over \$100,000 but this is because we have two accounts at \$20,000 a piece; that we also have an offsetting revenue (part of the explanation for the unusually high amount of new revenues) and part of it is ECSD, part of it is two grants we think we're going to get; that because we are a gross budgeting community, you put the \$20,000 we're going to spend enforcing something – drunk driving, seat belts, whatever it may be – and you put the \$20,000 in as a revenue; so, there is a \$40,000 bump-up out of that \$490,000 that are potentially one-time grants. He said that the last thing is that the Capital Improvement Plan is up by \$246,000 and he has already mentioned \$70,000 on those two special projects but, overall, the CIP Plan is up by \$246,000. He added that, in the past, Eliot did not have a great plan for managing its capital assets and, therefore, there is a backlog to be addressed and he is trying to slowly ease it in. He said that that is the entirety of the new need of \$209,000. He added that, hopefully, hitting the highlight will help get us off to a good start when we start meeting jointly with the Budget Committee.

7:00 PM Mr. Tessier, Johnson Lane, said that we have a joint meeting of the Budget Committee and SB next Thursday. He added that the expense, as the Town Manager has indicated, have gone up quite a bit; that at their first Budget Committee meeting, they did see quite a substantial increase in spending and we

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also saw a pretty substantial increase in revenues but that seems like a pretty large increase so we hope, at the joint meeting, that you would be able to provide some information to justify why you're expecting revenues to go up that much because, if the revenues don't go up that much and your expenses are that high, then it really increases what has to be generated by tax revenue.

7:01 PM Mr. Lee said that one of the things is that, in the past when the audits have come in, the reason we've been able to build up our fund balance, frankly, is because he has been extraordinarily conservative with revenues. He added that most of what we put in the fund balance (Town savings account) is not coming on the expense side – not from not spending what was appropriated – but more that he routinely kind of underestimates excise tax, for example, or 'this' or 'this', and he does that purposely because we need to build fund balance to some extent. He said that we are pretty much at where we need to be funded so he's being a little bit more honest on the revenues but we will discuss it, certainly; that when it comes to ECSD revenues, that's projection, and we'll see; that that's a moving business model because, if you go up too high, people stop coming.

7:02 PM Mr. Tessier said that the only reason he brings this up is because, the more we get done early with the budget, the better off we are and it just helps everybody have a better understanding where you're at and helps with deliberations and discussions.

Mr. Lee said that that was why he thought it would be helpful to give the SB a 5-minute overview just to get everybody on the same page.

Mr. Orestis asked, in order to make it as productive a meeting as possible out of the gate, is there an area of focus, being a newcomer to this, that we should come in prepared to discuss.

Mr. Lee said yes; that there will be an agenda coming out, probably tomorrow, and it will tell you which groups are coming before you; that you have a budget calendar, in fact, that tells you what groups are coming before you.

7:03 PM Mr. Tessier said that, for next week's agenda, we are all meeting with the Fire Chief, ECSD, and the Administrative Department; that those are the areas that we focused on at our meeting to be prepared for next Thursday's meeting.

K. Old Business:

7:04 PM Well Testing Information

Mr. Lee said that he had some well-testing information last time; that the SB decided not to help the people around the Great Hill Gravel Pit with private well

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testing; that he was asked to bring forward information. He added that he is going to put it on the website and send it to the Conservation Commission (CC); that he does have information on how you can get your well tested, how much it is, the different types of testing you can have, etc.

Mr. Murphy said that the CC, about 20 years ago, had a regular service donated each year where they would provide maybe 20 tests, assigning them to parts of the Town that the CC felt that the Town needed to have a feeling for how the water was out there. He added that he believes that those records probably still exist somewhere; that there was a file cabinet dedicated to the CC and maybe it's there.

7:05 PM Mr. Tessier said that, as Mr. Murphy indicated, some of those water samples were taken and the intent was to get baseline water samples; that if we still have those results, it might be a good idea to think about sampling a few of those that are in selected areas that you are concerned about to see if they've changed over a period of time.

Mr. Murphy said that that was part of what the purpose was, to see if there was any drifting or changing in any of those.

Mr. Lee said that that was a great idea; that he might mention that the CC may want to, just like they've taken on this 'old' initiative, take on a new 'old' initiative next year when they put together their budget to do exactly that project – to find where those old samples are and, these many years later, they want to go re-test those.

7:06 PM Mr. Lytle said that, in reference to water testing, even when ARC was out there, he had all the local streams, and everything around, all tested; that if we've got a problem, those should be tested also.

Mr. Orestis said that there's a number on the brochure if they can't afford to test their well; that he thinks that's an important piece, although he doesn't know if that's a factor, and there is information for that, as well.

7:08 PM Mr. McPherson asked if there was any follow-up on the Chidester complaint in Rollingwood about the shooting range up there on maybe meeting with their board to see if they can come up with an agreement.

Mr. Lee said that he has not followed up on that, yet; that he will follow up on that.

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L. Selectmen's Report:

Mr. Murphy said that it appears that the Clean Water and Cable TV committees are still searching for members.

M. Executive Session

There was no executive session.

N. Adjourn

There was a motion and second to adjourn the meeting at 7:09 PM.

VOTE

4-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Richard Donhauser, Secretary

Date approved: March 28, 2019