

SELECT BOARD MEETING

July 12, 2018 5:30PM

Quorum noted

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

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

There was no public comment.

F. Committee Resignations and Appointments

5:31 PM Mr. Lee let the SB know that Ms. Horner (PB appointment) would be arriving late.

The PB agreed to wait for Ms. Horner to arrive

Aging-in-Place appointment:

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board appoint Ms. Jean Paulantonio for the term ending June 2021 to the Aging-in-Place Committee as a regular member.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

5:33 PM Board of Appeals appointment(s)

Mr. Lee said that we have two others that have come in that we will take up at our July 26 meeting – Mr. (Jay) Meyer and Mr. (Cabot) Trott.

Mr. Donhauser moved, second by Mr. Murphy, that the Select Board re-appoint Mr. (Bill) Hamilton as a regular member to the Board of Appeals for the term ending June 2021.

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Roll Call Vote:

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

Unanimous vote to approve motion.

5:36 PM Conservation Commission appointment:

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board re-appoint Ms. (Sarah) Plocharczyk as a regular member, term to end June 2021, to the Conservation Commission.

Roll Call Vote:

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

Unanimous vote to approve motion.

5:38 PM Planning Board appointment(s):

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board appoint Ms. Melissa) Horner, for the 5-year term ending June 2023, to the Planning Board.

Roll Call Vote:

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

Unanimous vote to approve motion.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board appoint Mr. (Douglas) Warrender as an alternate member to the Planning Board, term ending in June 2023.

Roll Call Vote:

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

Unanimous vote to approve motion.

At this time, the SB signed the appointment papers.

G. Approval of Minutes of Previous Meeting(s)

5:47 PM Motion by Mr. Donhauser, second by Mr. Lytle, to approve the minutes of April 26, 2018, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

5:53 PM Motion by Mr. Donhauser, second by Mr. Lytle, to approve the minutes of May 10, 2018, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

5:54 PM Motion by Mr. Donhauser, second by Mr. Lytle, to approve the labor contract workshop minutes of June 21, 2018, as amended.

Roll Call Vote:

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

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Unanimous vote to approve motion.

H. Department Head/Committee Reports

5:55 PM 1) Letter of Commendation – Public Safety Response

This was a letter commending the actions of the Police and Fire response to an emergency event by the Strong and Trafton families. Mr. Murphy read the letter to the attending public. (Copy of letter is available at Town Hall.)

Mr. Murphy said that that was a very nice letter.

Mr. Lee agreed, saying that he wanted to share the letter with the community.

I. Public Works

5:59 PM 1) Report of Estimated Costs to Drain Town Hall Foundation

Mr. Lee said that there were two types of material that needed to be bought from different vendors – pipe and stone, with loam at some point from the stone vendor; that with that in mind he didn't think that would necessarily violate our bidding policy, as none of these individual items will be over \$5,000. He added that, at the end of the fiscal budget, we have a little over \$42,000 in administration, suggesting the SB utilize some of those funds for this project. He said that, if the SB approves this project, we would do the work with the Public Works crew and equipment, except for the rented excavator. In discussion with Mr. Lytle, it was suggested to do the drainage work, first, and see how spring goes; that if the water problem persists, then do the gutters. He added that the most concerning to the engineer was the height of the ground around our building; so, even though the drainage is the most expensive, he believes that will most likely be the one to solve the water issue. He also discussed the liability issue with this problem and the need to correct it.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board carry forward \$10,000 from the Administration Budget for the year ending June 30, 2018 for a foundation project with respect to the Town Hall.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis – Yes

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Unanimous vote to approve motion.

6:08 PM 2) Update: Paper Shredding Now at Transfer Station – No Correspondence

Mr. Lee said that he was asked by several residents about shredding personal papers; that he spoke with the Public Works Director and, now, residents can take their papers to the Transfer Station and place them in a locked, secure container, which is hauled off by the Sanford company to their facility; that this is no cost to the residents.

J. Administrative Department

6:10 PM 1) Town Manager Report

Mr. Lytle asked about **Line 107** regarding the number of police officers.

Mr. Lee said that we are short one police officer; that we currently have eight police officers.

Mr. Lytle asked about Line 185 regarding the status with the gun club.

Mr. Lee said that he did follow up; that Mr. Tuttle was very nice and cooperative, bringing down the by-laws for the gun club and admitted that they had one, maybe two, people who insisted on breaking the rules. He added that he has heard from residents that it has quieted down pretty significantly. He also added that the club will put in security to discover who is breaking rules and remove their membership; that there is also suspicion that some may be sneaking in. He asked if they would consider enclosing the gun range structure to help buffer the sound and they are going to look into that and get back to Mr. Lee.

a. August 9th SB Meeting – Will be absent

Informational.

6:14 PM b. Great Hill Pit on Web.

Mr. Lee said that he met with the owners and their attorney, going out to the site; that they submitted a bunch of information – original maps, approvals, etc. along with a cover letter; that all that is now on the Town website. He added that he was reasonably satisfied with what he saw at the site; that they are continuing in the direction of reclamation.

Mr. Lytle asked who was inspecting the trucks.

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Mr. Lee said that they don't really get inspected; that they are limited by their license as to what they can take. He added that, periodically, the DEP under the guidance of the Assistant Attorney General, will come out and examine the site to see if anything has been dumped that doesn't belong; that they've given it a relatively clean bill of health and the most concerning thing is that they bring in broken-up foundations with inert concrete that has a lot of rebar in it; that they have to recycle the rebar.

6:16 PM Ms. (Sarah) Plocharczyk, Conservation Commission, said that we've had a lot of citizens come forward with interest in getting their water tested because of their concern that what is going on at Great Hill is affecting their well supply. She added that she wanted to put that on the SB's radar because they aren't required to test the water to see if they are contaminating anything; that it's only voluntary.

Mr. Lee said that Ms. O'Donoghue came in to speak with him about that and she volunteered to do some leg work to figure out which properties directly about the site; that we have water-testing kits that are about \$40/sample and, with possibly nine properties, that would be around \$360, and he would bring that to the SB at a later date.

6:18 PM **c. Review Schedule to November Voting**

Mr. Lee said that we should be discussing, as early as next meeting, what we want to go on the November ballot because, in going to August (three meetings away), the SB has to sign the final warrant and certificate (Aug. 23). He added that he has started drafting items he believes are going to be on there. He said that anyone considering a seat has until September 7th to turn in nomination papers.

6:20 PM **2) Meeting Offer re: New Compressor, 01/19 – No Correspondence**

Mr. Lee said that the PNG folks have made an offer regarding the new compressor to come in late December or January to do a presentation to the SB as to exactly what they are doing.

The SB agreed they would like them to come in.

6:22 PM **3) Review of TIF/Legal Expenses**

Mr. Lee said that he was asked to get a year's worth of TIF expenses and legal expenses associated with labor negotiations; that from July 2017 to June 2018 we spent \$6,179 getting the TIF Amendment done; that from August 2017 to May 2018 we spent \$36,462 on Police and Public Works and the formation of the Administrative Union.

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Mr. Murphy said that it is less than he feared.

6:24 PM 4) Adoption of Annual Administrative Articles

Mr. Lee reviewed the administrative articles.

Mr. Murphy asked what happens, regarding paying tax abatements/interest out of the overlay account, when that account isn't big enough.

Mr. Lee said that, if it was an abatement that exceeded the amount of the overlay, he believed it would probably come from Undesignated Fund Balance; that he wasn't sure.

Mr. Murphy asked if we should include that in that article.

Mr. Lee said that it would be very hard to imagine an abatement that would be bigger than the overlay; that our overlays are \$60,000 to \$70,000 now; that unless it was the compressor station, it wouldn't happen. He added that it would be worth finding out if we should ever exceed it; that he will ask MMA.

6:27 PM Mr. Lytle asked if 7% charged as the interest rate for late taxes was high.

Mr. Lee said it is the same amount we use every year and is an amount that most towns carry; that it's supposed to be a disincentive.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board adopt the Administrative Matters Usually Acted Upon At The Annual Town Meeting for the Select Board.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

6:30 PM 5) Town Meeting Referendum Ordinance Workshop/Public Hearing

Mr. Murphy read the memo, which discusses three potential amendments: how, when, and who determines what appropriations are to be reduced if LD1 override fails, the rate of interest to be charged on delinquent sewer accounts, and consider granting authority to the SB to allow use of unexpected revenues associated with

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“extra police activity” when such activity has been unexpectedly intense in any given fiscal year. It also discussed consideration of whether this ordinance is still needed.

6:33 PM Mr. Lee said that, at a minimum, he believes we should take this up in a workshop pretty quickly and at least amend the administrative articles to give the SB authority to do things like set interest rates and put that on the ballot for November; that right now he doesn’t know where that authority lies and he doesn’t know about LD1 override authority. By way of example of unexpected revenues, this year for the first time we anticipated \$5,000 in revenue to come in from people paying our police officers to stand guard at some event; that this year CMP came in, will be here about another 6 months, and we have been on Beech Road day after day at \$65/hour and have taken in about \$65,000. He added that this also affects our payroll rather dramatically. He said that, in gross budgeting, you can’t use those revenues; that revenues are segregated from your expenses and this is a very unique case where gross budgeting fails to operate in any kind of a profit-making mode; that it costs him money to make money and we’ve made a lot of money through the Police Department this year but he has a very fixed budget that cannot change regardless of what we’re called upon to do. He explained that this past month he met with the Police Chief and told him he didn’t know if we could accept any more requests for outside activity; that that would have been a union issue, and we did figure out how to accept some of the work, enough that his budget should be okay. In talking about the draft ordinance revision he wrote, he also talked about how things might be grouped differently and he thinks we have some agreement from the Budget Committee and previous Select Board about some of the groupings. He asked if the SB was interested in a workshop on this or doing an amendment to go to the voters.

6:37 PM Mr. Murphy said that he was interested; that he found other things that could be improved.

The SB agreed to include this in their workshop on August 2nd.

6:38 PM Mr. (Robert) Pomerleau, Cedar Road, said item-by-item on the LD1 matter, authority is inherent in the LD1 language, itself, which is State law, and it requires the municipal officers to comply with the LD1 cap. He added that it’s been around for 20 years and there’s no specific language in LD1 that requires any kind of a second vote to approve cuts. He explained that, in 2014/2015, that was not the primary purpose of going back to the voters; that that was the SB’s attempt to get the voters to reconsider their vote on LD1. He added that he gave Mr. Lee several State statutes that deal with interest charged on sewer accounts and he thinks it’s pretty clear that the authority is there for the SB to set those rates. He said that he would strongly support retaining the Citizen’s Option; that his vision for it was the opportunity for citizens to come forward unhappy with

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both the SB and Budget Committee to say that neither one of them are spending the money we want to spend and we want to offer a lower amount in any particular budget; that he never envisioned a request at a Citizen's Option to spend more money but he doesn't think it's worth sacrificing the benefit. He added that, regarding the Town Referendum Ordinance, it gives structure and order; that if you don't have that, then that gives complete discretionary authority strictly to the Town Manager and the Charter speaks to that; that you possibly have to do some Charter amendment. He said that that tells you what accounts should be put before the voters and the fewer choices on that ballot, the less empowerment the citizens have. He recommended the SB add a salaries/benefit line item for every department; that, in his opinion, that is a major weakness with how citizens approve budgets, using union budgets as an example of no direct citizen or Budget Committee input.

6:45 PM Mr. Donhauser asked Mr. Pomerleau if salaries, wages, and benefits would be a separate article, in and of itself.

Mr. Pomerleau said that that would be a line item under each department budget. He added that citizens have no direct way to address labor costs; that New Hampshire has it in their State law that they have a ballot item on every ballot that specifically addresses the current new year's increased budget cost from labor negotiations; that they spell it out and we have no way of addressing that. He added that, if you approve that contract and that budget goes through and, even if the citizens reduced the budget, the Town Manager is not obligated, if it's not a line item, to address it by salaries and wages; that he can take that money from other areas in the budget. He said that, if you were to actually address the salaries in the budget with a reduced amount, you're still obligated by the contract to pay the contract provisions, whether you have the budget for it, or not; that that would leave you the alternative that, if you're going to comply with a salary and benefits reduction in the budget, then you'd have to reduce hours and staff. He explained that he thinks that will make the negotiation team more conscious of the fact that there's a body out there that's going to need to approve the end cost of these negotiations and they are going to be more cautious about the money they are spending.

6:51 PM **6) Repeal Creation of Harbor Committee**

Mr. Murphy read the memo to the attending public. (Document available at Town Hall.)

Mr. Donhauser asked, in the absence of a committee, how are decisions made; by the Harbor Master,

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6:53 PM Mr. Lee said that the Harbor Master comes to him with ideas, problems, etc. and he resolves them.

Mr. Murphy moved, second by Mr. Lytle, that the Select Board resolve that the previously-created Harbor Committee is hereby repealed and abolished as residents did not express interest in the Committee.

DISCUSSION

Mr. Donhauser said that he didn't understand the benefit of removing the possibility of having a committee.

Mr. Lee said that it can always be re-created, too, if something came up where people suddenly said that we're doing a bad job and need a committee to advise, we could always re-create it; that right now there is a committee out there that has been unpopulated for months and months; that it's a pretty straightforward request to keep the clerk's paperwork in order. He added that part of the problem was that the committee felt that they wanted to supervise the Harbor Master; that they wanted an employee and tell him what to do and how to do it and we can't have that; that we tried nicely to stop it, then it got nasty. He said that they abolished it as a commission and thought, if they wanted to exist as a committee, we'd love to have all their wisdom there but they had no interest in that.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

6:56 PM **7) Add York River Designation Question to November Warrant**

Mr. Lee asked if it was the intent of the SB to put this warrant article on the November ballot.

Mr. Murphy said yes. He added that he wants the warrant article to be more technically complete, asking that the word 'Partnership' be inserted before the words 'Wild and Scenic River designation...', as that is the official name; that after the word 'designation' insert the words 'US Congress' because that is the

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organization that actually does the designation. He also suggested inserting the word 'such' between 'that' and 'designation'.

Mr. Lee said that we will take this up at the workshop and adopt it the following week.

7:00 PM 8) Adult Retail Cannabis Task Force By-laws (Draft)

There was discussion regarding using the term 'task force' versus 'committee'.

Mr. Lee clarified said that this task force would exist only briefly, for a single task, and that is to look at the other elements that the PB is not empowered to look at, reading the proposed duties of this task force. He added that, once they've done the report, much like the TIF Alternatives should have been a task force, this is a one-time project item, not an ongoing item that's going to need constant maintenance. He also said that he doesn't have an issue with calling it an ad-hoc committee; that they would probably not have a budget.

Mr. Murphy suggested several edits regarding officers.

7:04 PM Mr. (Denny) Lentz said that he agrees with the Town Manager that it is a task force; that you have an end objective and it's not ongoing. He added that he doesn't agree with 'ordinary Eliot citizens'; that this is very important and it takes some expertise to be able to look at some of those issues that they will run into in the study of cannabis. He said that, if you look at other towns, Kittery for example, they have a doctor from York Hospital, the Police Chief, the Fire Chief, the CEO; that those are the type of people you would want on this committee, with maybe some citizens, but he thinks it's far bigger than just a group of citizens.

Mr. Murphy asked if Mr. Lee was thinking along those lines.

Mr. Lee said that it's still being developed and the first time we've seen it. He added that, if you ever have changes to these things, getting them to him in advance would be better than the night of the meeting. He clarified that this is entirely up to the SB in how they want to structure it; that he just put together a simple draft set of by-laws, very similar to all the others we've done recently; that this will look much different than the others with a whole new structure, as we have a standard template we are using. He said that his thought is that this is a 1st reading and we ought to have it back on the agenda for the 26th for possible action by the SB then ask the staff to advertise for membership. He added that he agreed with Mr. Lentz that you need a good mix of people – a doctor, a grower, someone who is anti, perhaps, a cross-section; that there would be staff at these meetings who could offer their insights, too.

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7:08 PM Mr. Murphy clarified that, in a sense, it is a SB ad-hoc committee for a given purpose to do a certain thing over a certain time.

Mr. Lee said that, if Mr. Murphy would give him his notes, Mr. Lee can incorporate them, if the SB wished that to happen; that if you want to keep it standardized, you can look it over and see where you want to be.

Mr. Donhauser said that he, personally, would prefer standardized to what we're doing as a Town; that he would be happy to look at Mr. Murphy's comments but it's pretty much semantics, as far as he is concerned, what we call the thing.

7:09 PM Mr. Lytle said that he liked that we would need more than Eliot people involved in this, like the York Hospital doctor.

Mr. Lee said that he thinks Mr. Lytle might be suggesting that specialists can also be members.

Mr. Lytle agreed.

Mr. Orestis said that he thinks we need to have a standardized template; that as far as the name goes, it doesn't really matter – task force or ad-hoc committee – it's fine.

Mr. Lee said that he went through the Charter and picked out all the requirements of committees some time ago when the SB was looking at all the mission statements for all the committees; that he created a template as a result. He added that he will make changes to include allowing specialists and changing the name to ad-hoc committee and bring it back in two weeks.

7:11 PM **9) Personnel Policy Considerations**

Mr. Murphy read the memo to the attending public regarding the impact from the wage study changes. He said that this sounds like a workshop.

Mr. Lee agreed, asking if the SB wanted him to schedule another workshop later in August or September; that we don't have to consider this immediately but, at some point, the staff have been quite forceful in asking if we can reconsider.

Mr. Donhauser discussed the vacation time policy; that it's lump sum versus monthly accrual, asking if lump sum is in arrears or in advance.

Mr. Lee said in arrears.

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7:15 PM Mr. Donhauser clarified that a person works for a year and, then, they get a lump sum.

Mr. Lee said that that was his understanding; that that is how he was told it was.

Mr. Donhauser said that that would make sense; that if you give it to them in arrears then the person has earned it but, if you give them a lump sum at the beginning of the year and all of a sudden they terminate.

Mr. Lee agreed, saying that was the thinking behind the change in the model. He added that the problem with this is that, when this was put into effect, we only gave notice of about 30 days' notice to our employees that we were swapping over to an accrual system, people had not fore-planned, and some vacations got kind of blown up; that it turned out to be just a real morale killer.

After some discussion regarding if it is in arrears, Mr. Lee said that he would do some research on it and get back to the SB; that he just wanted to let the SB know that there are a couple of things with the pay plan that remain very unpopular. He added that the staff has been really great about accepting a lot of the changes but there are a couple of changes that they felt were a bridge too far; that being 'redlined' was one of them; that they never agree with the towns used and he didn't agree with the towns; that he thinks we need to take a little bit of a look-back as this thing and see if all the stuff is necessary or if one or two of these things could be softened. He said that he just had an employee resign because of the 'redline' issue and there was a town that offered more money and better benefits in a town right next to us.

7:18 PM Mr. Murphy asked if there were any employees that lost vacation time because of the pay plan changes.

Mr. Lee said no; that the only person in that position right now is Mr. Moulton but he's been actively taking vacation. He clarified if there is going to be a change, we went kind of fast, and they didn't have much time to adapt to it; that we only allow them to carry a minimum amount of vacation time forward, too. He said that it proved to be a pinch point for a lot of the staff and he wanted to bring it to the SB's attention.

7:19 PM Mr. Lytle said that he has heard a little about this; that he would like to see the original survey, what was accepted, what was changed, to where we are right now, and what towns we used; that we could then go from there and, if we need to go back out, we just lost \$10,000 doing one, and that doesn't make sense.

Mr. Lee said that he would get him that information.

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- 7:20 PM** Mr. Pomerleau said that it stunned him to see this recommendation after we just spent thousands of dollars to hire a consultant, spent a year and hundreds of hours of work; that our sole objective was to make sure we were paying fair and competitive wages in our labor market. He added that this complaint about the towns we used surfaced early; so, we went back to the table and talked with the consultant and he gave us the comparable town criteria – operational compatibility, total assessment value, and population, explaining some details of each criterion. He also discussed the towns they ended up using, taking the three or four bottom steps in the range out, which had the affect of negating the low-end towns' impact on the wage range; that it raised everything up. He added that, at the end, he went to the 2016/2017 MMA Wage Study just to compare where we ended up, explaining the details of the spreadsheet he developed, and found that we are at the top of the pile in terms of wages earned.
- 7:26 PM** Mr. Lytle said that he doesn't disagree with what Mr. Pomerleau is saying but he would like to see the information; that, if we have to have that consultant come back in and talk to us, then he would be willing to do that.
- Mr. Murphy said that he would rather have another consultant.
- Mr. Lee explained that the reason the consultant was removed in the first place was because he didn't believe there was a hard number at which you reach a certain point and are redlined; that that was a major point of conflict with the previous SB; that the whole philosophy of how you pay people got twisted. He added that there was a starting range, a middle range, and an outer range and it didn't have a hard-line number that 'this' is where you are cut off; that that was a whole different philosophy that was brought to the party.
- 7:27 PM** Mr. Orestis asked, before we go any further with this, if we could make sure that the information through the study, through the consultant, is available to all of us; that then we can review all that information and make a determination.
- Mr. Lee said that he would be happy to do that.
- 7:28 PM** **10) Purchasing Policy Considerations**
- Mr. Murphy read the memo for the attending public regarding the process for purchasing goods and services.
- 7:30 PM** Mr. Lee said that, with the last Board, it took him awhile to come to the understanding of how they interpreted that purchasing policy and he just wants to know, or check with you, if you will be operating under the same very stringent interpretation of the purchasing policy or if it will be more a what he considers to be a common sense approach.

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- 7:31 PM** Mr. Murphy said that this is the first submission of this question and it will probably depend upon the circumstances, etc., on each case. He asked for Mr. Lytle's input from his past experience with buying.
- Mr. Lytle said that, if we put out six bids and only two come back, as far as he is concerned, that's it. He added that, with sole-sourcing, it depends on the price, whether it is over \$10,000 or under \$5,000.
- Mr. Lee said that we ran into a situation that we didn't know what it was going to cost to repair; that we knew it was going to be around \$4,000, possibly more, and we were scared that, if it went over \$5,000, we were going to come back and hear about it.
- Mr. Murphy said that it could now be delayed because you have to put out bids, and so forth.
- Mr. Lee agreed, saying that he also has to stop them from what they're doing, have them put the broken parts in, what does he do. He added that it just became so cumbersome and he just wants to explain that to the SB so we can have a good relationship on what and when to bid. He said that he has no problem bidding; that he's done it for 25 years but he's just never had that interpretation and he doesn't really want to live by that.
- 7:34 PM** Mr. Lytle said that, with previous Boards over the years he's worked with, usually the person representing the project would come before the Board and explain what was going on; that 90% of the time the Board would okay it.
- Mr. Lee said that he understands that there will be times when you're not in favor of it, or you do want to have it re-bid, and he's not against doing any of that; that he just thinks there were times when it was taken too far and wants to make sure that this Board is kind of more understanding about the realities of life on the ground here; that not everything is straight and narrow and black and white, sometimes it's very messy and he's got to have some discretion.
- 7:36 PM** Mr. Murphy said that he thinks we would be mislead by trying to live to a process that's mechanical rather than common sensical and aware of the realities of the world and personal knowledge of the people involved, experience with the people involved, all those things. He added that the bid process can take three weeks.
- Mr. Lee agreed; that there's a reality out there that doesn't always blend right with that policy and he just needs to convey that to the Board. He explained that he isn't looking to change the policy; that the policy is fine; that the policy says to attempt to get three bids but when we did attempt to get three bids and failed to do

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so, we sometimes took a fair amount of criticism, and he didn't think it was warranted.

7:37 PM Mr. Murphy said that he's not sure that this Board has enough direct modern experience and knowledge of pricing to be able to be the backstop for you in your decisions; that, if we meet twice a month, we're not going to be the person to make the decision if you have to make it, say, within 3 or 4 days. He asked Mr. Lee how much leeway he has before he has to decide to go out; that it varies, doesn't it; that there are emergencies.

Mr. Lee said that there are. He reiterated that he thinks the policy is okay the way it is; that he's just saying that the interpretation needs to be better. Regarding bidding thresholds, he said that most towns have the same \$5,000 and the only one that doesn't is South Berwick, and they don't have any amount. Using \$150,000 budget for a sidewalk, Mr. Lee said that they just go get the sidewalk done and they don't have to go back to the Council. He added that he doesn't want to do that as there has to be a lot more accountability than that; that he's looking to adhere to the policy. He reiterated that the way that we interpret it needs to be a little more practical about the realities that happen in his seat.

7:38 PM Mr. Lytle said that his question was how often this came up.

Mr. Lee said that it comes up a lot with regard to Public Works; that you can get over \$5,000 time and time again; that it mostly impacted the Public Works Department and the Transfer Station. He added that it was probably every other meeting that we had at least one of these types of purchasing things that turned into something unnecessary, in his estimation. He also said that we've had to delay things a couple of times as a result. He added that he wasn't looking for action tonight; that it was simply notification.

7:39 PM **11) Collection of Small Amounts Policy (2nd Consideration)**

Mr. Murphy said that this is an update to the policy with regard to uncollected sewer amounts, asking if this was an opinion or does Mr. Lee want us to make a decision.

Mr. Lee said that this is for adoption; that we discussed at the last meeting not wanting to go into the expensive lien process for amounts under \$10 but rather roll it forward into the next sewer billing, if that was doable, and it is.

There was discussion regarding the need for clarity that amounts under \$10 would be rolled forward versus going to lien.

Mr. Lee said that it might need to be revised to clarify that.

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7:42 PM Mr. Lytle agreed with Mr. Lee.

Mr. Orestis said that it seemed that Ms. Rawski had specifically mentioned the uncollected sewer amounts policy and the amount will still be collected; so, he was a little confused where Mr. Murphy was seeing the time period that's allotted for those to pay off that small amount.

Mr. Donhauser said that he thinks we should approve the policy, as written; that in paragraph e. it says, "It is the policy of the Town of Eliot to still make efforts to collect amounts under \$10, but not to utilize the lien process to collect those sums.". He added that all we're doing is avoiding the lien process because the lien process is very, very expensive and takes a lot of time; that it isn't that someone is getting out of paying because, if it goes over \$10, the very next time you go to lien, anyway.

7:44 PM Mr. Lee agreed that that is exactly what it says.

Mr. Donhauser moved, second by Mr. Orestis, that the Select Board accept this Policy Regarding Small Amounts of Uncollected Property Taxes & Sewer Charges, dated June 28, 2018 for the Town of Eliot.

DISCUSSION

Mr. Murphy read 3. Policy, e., ii, "Seven (7) days prior to the start of the 30-day notice period which begins the lien process (36 M.R.S.A. 942), the treasurer shall send a letter via first class mail to the last known address of each sewer user with outstanding balances of less than \$10.00 stating when the lien process will begin, the amount due, and that additional fees will be imposed unless payment in full is received prior to the start of the 30-day notice period. A copy of each letter sent shall be maintained as part of the sewer user's file."; that this is the process and there's no rolling over into the next bill that's greater than \$10.00; that this is something that they do for something that is less than \$10.00. He added that he doesn't see any rolling over into a later bill.

7:48 PM Mr. Lee said that he doesn't think it's expressly stated; that he thinks it's presumed that that is the only thing you could do otherwise.

Mr. Murphy said that it seems to him that there's just a delay in the lien process but they haven't stopped the lien process on amounts less than \$10.00.

Mr. Orestis said that, under 1. Purpose a., "...provide the Tax Collector with the discretion to waive imposition of interest on unpaid...sewer charges..."; so, it gives them discretion to waive that under \$10.00.

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7:49 PM Mr. Donhauser said that he thinks Ms. Rawski is stating the lien process and then, like Mr. Orestis is saying under the Purpose, she has the right to waive it; that you still have the same lien process, and that amount under \$10.00 will ultimately go to lien once it becomes above \$10.00.

Mr. Murphy said that Ms. Rawski isn't waiving the tax but the imposition of interest.

Mr. Lee agreed.

Mr. Orestis said that, in previous meetings, the Town Manager has stated that the idea behind this policy is that, from the day someone mails their check to the day it's received, there may be additional interest on that; that in previous cases we have been going through the lien process for \$1.30, 60 cents, of interest unquestioningly. He added that the idea is that the Tax Collector can have discretion to waive that lien process.

7:51 PM Mr. Lee agreed, adding that we are going to try to collect it through first class mail and, if that happens, then we don't have to waive it; that if it gets to the time of doing liens and it's still outstanding, we can waive it in lieu of the lien process.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

7:53 PM 12) Reconsideration of Nepotism Waiver - PWD

Mr. Lee said that he was asked by some SB members about this nepotism waiver that did not get granted. He added that he has included the draft management plan that we created with regard to the father-son relationship at Public Works and how we would break that relationship, putting Mr. Lee in as manager if it came to anything like raises, promotions, demotions, discipline, whatever it might be, so that Joel Moulton and Stanley Moulton would have no management relationship. He explained that the previous SB felt that, being a part-time guy having a pretty minor role there, it shouldn't be too hard to replace and the Town Manager shouldn't take the time to be involved with the management of an employee working in that capacity. He said that he also included all the panelists'

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recommendations, per the SB's request; that they did recommend that that management plan be put in place for Stanley Moulton, as we did for Amanda Ouellette at ECSD; that the SB felt that that position was of a different ilk, that Ms. Ouellette at ECSD was a more important-type position and it would be appropriate for him to spend his time, if necessary, in that relationship.

7:55 PM Mr. Murphy said that the purpose of this seems to be okay to him; that this accomplishes the purpose and the oversight of this person is not that difficult.

Mr. Lee added that there really isn't any opportunity for this person to face any kind of advancement, or raise, or anything else.

Mr. Murphy said that what he understood from before is that there were certain other employees that felt that they would be given more hours to work if that position was open, but he doesn't think that's the question.

Mr. Lee said that, in fact, the other PW employees thought it was very unfair to Stanley Moulton.

7:57 PM Mr. Lytle said that he had a lot of concerns; that we have a six-year employee and, now, he hasn't had a problem, he does his job, he works every week and, then all of a sudden, we say we're going to get rid of him. He added that we had this panel that reviewed all these waivers and the panel recommended for them to stay so why would we not keep him; that it doesn't make sense. He said that, if we're going to go by the Charter, which he truly believes we should, we needed to start from the day the Charter was made with the question of whether someone has a relative that works for the Town; that you don't take a 6-year person, after the Charter was put in, and say he's all done because of the Charter; that that's not right.

7:58 PM Mr. Donhauser moved, second by Mr. Lytle, that the Select Board provide a waiver for Stanley Moulton in view of the Ethics Panel recommendation and allow him to continue in his employment.

DISCUSSION

Mr. Donhauser said that the reason he made that motion was that he thinks the nepotism policy is very important and he also thinks it has to have some common sense. He added that he's not sure how Stanley Moulton is going to affect the Town because of his position as the father of Joel Moulton; that he's a part-time employee who drives a waste truck once a week and works at the Transfer Station. He added that Mr. Stanley would impact other employees only marginally; so, he doesn't see the major impact that not giving the waiver to Stanley Moulton would have and doesn't see that he has an impact on the Town.

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He explained that he thinks that nepotism is more relevant in an office situation where you have people sitting right next to you and they're doing the same function and, all of a sudden, they have to go home and you have to continue working because your person that you have some relationship supervises you. He said that he doesn't think that's what's really happening at the Transfer Station; that he's sort of alone in that building and he's not taking anyone out of the other buildings or in any supervisory capacity.

8:00 PM Mr. (Jim) Tessier, Johnson Lane, asked if Mr. (Stanley) Moulton was hired before the Charter went into effect.

Mr. Lee said yes.

Ms. (Donna) Murphy said that Mr. (Stanley) Moulton was first hired as a part-time, temporary employee because Joel Moulton stated that he was the only person that could do this particular job; that since that time, Joel Moulton has given him other jobs, which is how he came to be in the position he is in now. She added that she's been to the Transfer Station; that to say that no employees are complaining, employees are complaining that he's taking hours from them that they could do. She said that this needs to be looked into before you simply waive this off; that this was put into place for a reason.

The Town Manager and SB members have not heard of any complaints.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Lytle – Yes

Mr. Orestis - Yes

Unanimous vote to approve motion.

8:04 PM 13) Approval of Warrants

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board approve A/P Warrant #132 in the amount of \$132,089.63, dated June 28, 2018; A/P Warrant #133 in the amount of \$269,146.74, dated June 29, 2018; A/P Warrant #2 in the amount of \$249,177.11, dated July 5, 2018.

Roll Call Vote:

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

Unanimous vote to approve motion.

K. New Business:

There was no new business.

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 8:07 PM.

VOTE

4-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S: /Mr. Richard Donhauser, Secretary

Date approved: September 27, 2018