

SELECT BOARD MEETING
December 27, 2018 5:30PM

Quorum noted

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

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

5:32 PM 1) Request to restore Annual Senior Dinner

This was regarding a memo from Mr. Grant Hirst asking for the SB to consider starting the Annual Senior Dinner up again.

Mr. Lee said that he believes the Administrative Assistant said that this past year, or two, the South Berwick Rotary has been doing it and it has apparently been coming off very well; that they are very pleased with the way the Rotary is doing it.

5:35 PM Mr. Donhauser clarified that it is the South Berwick/Eliot Rotary, of which he is a member, and last year we did do the Senior Dinner. He added that the Rotary provided all the food, except for the desserts; that he believes pies were brought by the individuals who attended the dinner. He said that we do a Thanksgiving Dinner in South Berwick and we thought it would only be correct to do a summer thing in Eliot; that we plan to do it, again, this spring. He explained that the Rotary does all the purchasing, preparing, and serving and invited the Select Board members to join in to help. He also said that it is held at the Eliot Congregational Church.

Mr. Murphy asked for Mr. Hirst' comments.

Mr. Hirst said that, if the SB is content to have it that way, he thought that the important thing was for the tradition to continue. He added that, if the Eliot/South Berwick Rotary is willing to do it, he thought we could at least, perhaps, offer some help, if they need it, from Town employees.

Mr. Lytle said that the original reason for setting this up was for the Town employees to be able to talk with the senior citizens and, if the Town employees are not involved, then we're in trouble; that he would hope that, somehow, we could take a couple of hours off that day and have it as a service for the Town employees so that they can interact with the senior citizens.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

5:35 PM Mr. Lee said that the employees always enjoyed doing it; that the difficulty, sometimes, is that we often had to take money out-of-pocket to buy things; that we tried to put a little in the budget for it. He added that he thinks the employees would be happy to help out and help serve; that that was never really an issue and many really loved doing it. He said that we could join up with the Rotary and, when we know the date, he could advise the SB.

Mr. Lytle spoke to the fact that he didn't see any lights in the Town building over the Christmas holiday or the Police and Fire Departments, asking who made the decision not to do that and why.

5:36 PM Mr. Lee said that we used to have \$600 in the budget to buy the big wreaths that went up outside, decorate, etc. but that was cut and we haven't been doing it. He added that he put it back in the budget this year for reconsideration.

Mr. Murphy said that he thought that was a good idea; that we shouldn't drop it without talk.

5:37 PM 2) Request for Town to Test Wells

Mr. Murphy said that he wasn't aware that that was going on but he was aware that, over the past 20 years, the Conservation Commission has had a certain amount of their annual budget (up to several hundred dollars) that went to testing wells scattered around the Town; that we probably have records about that.

Mr. Lee said that this is a request for the Town to fund the sampling. He added that he called the State Laboratory that helps towns do water testing; that we have at least eight or nine people that want us to test in the Great Hill pit area. He explained that a basic test is \$70 a piece and more complex tests cost \$110, listing some of the things that would be tested for, such as cadmium. He clarified that the request is due to the activity that has been taking place up there and not really being monitored. He said that he has been up there once, with the owners, and went around and it looked to him that the fill was inert fill, with a lot of it cement or concrete-type stuff and rebar; that he didn't see any signs of anything else. He added that they have been filling this for a long time, now, and there's a sense from these folks that they would like to know that their water is safe and feel the Town might have a certain obligation to help them test it. He said that he didn't approach the Conservation Commission about doing this but he could, as they do have a budget. He also said that the water test kits we have are very old and the State Laboratory suggested that we use the new tests, not the old and, perhaps, even get rid of them. He added that he doesn't have a source of funding unless the Conservation Commission wants to use some of their budget for that purpose.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

5:41 PM Mr. Murphy said that he would talk with Ms. Moore (Conservation Commission Chair).

Ms. (Janet) Saurman, Park Street, said that she doesn't know a lot about this issue but it strikes her as rather odd that the Town would consider testing wells for a certain group of people who simply put a letter together and said we want the Town to test our well, and pay for them, when we could not get the Town to help South Eliot with its sewer issues. She added that she doesn't see any difference; that we were told at the time, by many people, that it was our sewer, we owned it, we paid for it, we fix it; that there were plenty of people who said that no one was helping them with their septic systems or their wells so why should the Town turn around and do anything for South Eliot. She said that all she is going to ask the SB for, as they continue this discussion tonight, is consistency because, when you open this up to testing wells for seven or eight people near a, perhaps, questionable landfill problem, which is a whole different story and the Town should address that, then what prevents a next neighborhood of folks on wells to say they would like to have their wells tested, too. She said that the Town clearly voted, as these folks would tell you, time and time again, there was going to be no help for South Eliot for the sewer and, so, to now decide that we will help individual people test their wells, she thinks the issue of consistency, alone, would leave you open to some problems. She suggested that, if these folks are concerned about their well water, they do what those of us in South Eliot had to do, which was buck up and pay the bill; that if we find out there's a problem with the landfill up there, then it does become an issue that the Town has to address.

5:44 PM Ms. (Donna) Murphy, Hanscom Road, said that she completely agreed with Ms. Saurman; that she has a well and, if she wants it tested, she gets it tested; that she doesn't think that anybody's taxes should be going to pay for individuals. She added that it is her understanding that the Conservation Commission has already sent out letters to people asking if they would like to have their wells tested and it sounds like this Board was not aware of that; that it was also her understanding that these committees report to this SB and not sending letters to people without approval from this SB.

5:45 PM Mr. Murphy reiterated that the Conservation Commission has, over the last 15 years or so, did this as a regular thing; that they were concerned about getting a map of the water quality throughout the whole Town so that the Town could then ask if we should do something about it. He added that he is personally concerned with the subdivision lady, who came in three or four months ago, talking about the arsenic that they found in their whole subdivision; that he doesn't know what the best options (individual treatment, whole subdivision treatment, or expand the Kittery water system) would be and thinks it's something we should look at just for the health of the citizens. He asked if we should have someone looking into this for the Town and have the Town help do it for everyone.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

- 5:47 PM** Ms. (Donna) Murphy said that, for individual people who get their wells tested and it's discovered that there's contamination coming from Great Hill, there are legal means that they can pursue.
- Mr. Lee added that Great Hill is under a DEP order, right now, so the DEP has an eye on them and has been down to inspect them a couple of times; so, there is information at the DEP regarding their investigations into it and they didn't see a need to act on it, per se, but they do have an order requiring its proper reclamation.
- 5:48 PM** Mr. Murphy said that this doesn't deal directly with water quality seeping out, or does it, does it mention that that's part of the order control.
- Mr. Lee said that they have created a stormwater settle-out pond; that all the excavation that they dug out of there they have to put back at least a 30% slope, he thinks, so it doesn't continue to erode and, so, there is a water element to it from the DEP – what are they doing with the storm run-off, where's it going, and are they collecting it and letting it settle out into the ground someplace; that they do have a fairly-large retention pond, there.
- 5:49 PM** Ms. Saurman said that she was of two thoughts; that, first of all, she's sorry that it came to this; that this is the kind of divisiveness that came about when that issue of the sewer came up in South Eliot and the idea was simply – your sewer, your problem, Town not involved; that she's not happy that that's how we ended up but that's how we ended up. She added that this, to her understanding, is not the Eliot Conservation Commission doing sort of sample water testing in various areas in Town, which would probably be under their purview to just check general quality; that this is eight or nine folks from a single neighborhood, near Great Hill, that are concerned with their water quality and want the Town to take care of testing their particular eight wells, and we don't do business in Town that way, anymore; that we don't pick up the issue of what is involved and is best for the whole Town; that we were clear with that in the votes and, if we did, then we wouldn't have had the voted we did, time and time again, which said to heck with the sewer people in Eliot – their problem, their sewer. She said that the concern she wants the SB to hear is that, when they decide that eight people in one neighborhood should get their wells tested, there's going to be eight more people in another neighborhood asking why their wells aren't being tested. She added that it may not be the best way to do business but it's the way we ended up deciding we were going to be as a Town with these votes in the past.
- 5:51 PM** Mr. Murphy said that he agreed with a lot of what Ms. Saurman said; that he believes the Town has a responsibility for its citizens and he wishes things could go back to the way they used to be before things happened in recent years but he guesses we're not going to; let's think about it.

**SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)**

Mr. Donhauser said that he tended to agree with Ms. (Donna) Murphy and Ms. Saurman; that he believes it's an individual well and an individual problem to test the well. He added that, if it becomes a bigger problem, then he thinks the Town gets involved. He said that, other than that, he thinks it opens a Pandora's Box in that, if you do a few people, why not do all the people. He said that he thinks it's prudent on the SB's art to stay back, see what the results are of the individuals who want to test their wells and, if there is a major problem with Great Hill, then we step in and get involved.

F. Approval of Minutes of Previous Meeting(s)

5:57 PM Motion by Mr. Lytle, second by Mr. Orestis, to approve the minutes of October 25, 2018, as amended.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

G. Committee Resignations and Appointments

There were none.

H. Department Head/Committee Reports

5:58 PM 1) Revised Planning Board By-laws

Mr. Lee said that, back in September, there was one final change requested by the SB and the PB acted on that regarding PB resignations being submitted to the SB, in writing, to become effective.

Mr. Murphy thanked the PB for adding the requested change.

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept the revised Planning Board By-laws, as presented before us.

Roll Call Vote:

Mr. Donhauser – Yes

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

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

Unanimous vote to approve motion.

6:00 PM 2) Revision to Tax Increment Financing Committee By-laws

This revision was “5.1 Regular Meetings d. All meetings shall be open to the public. Every agenda shall have a section that is specifically for people to offer public comment, ~~though time restrictions for speaking may be adopted as deemed required~~. A time limit of 5 minutes shall be imposed on each person wishing to speak during the public comment section.”

Mr. Murphy asked for SB comment.

6:01 PM Mr. Donhauser said that he though the words “, ~~though time restrictions for speaking may be adopted as deemed required~~” fulfill the exact same thing and he thinks it’s up to the Chair to impose any restrictions. He asked if someone can do an additional five minutes after everyone else has spoken.

Mr. Murphy said that he didn’t know; that it depended on how the Chair, perhaps, runs it.

Mr. Donhauser said that limiting people to five minutes is very restrictive; however, in some circumstances, it is definitely required but he thinks it’s up to the Chair to impose a time limit at that meeting because there may be only one person and they may want the individual to speak longer; that he supposed the Chair could waive it. He reiterated that it is too restrictive, as written, and better, as written originally.

6:02 PM Mr. McPherson asked if that five minutes was consistent with all other meetings.

Mr. Murphy said that it varies from meeting to meeting; that the SB has a limit of ten minutes, if we adopt it at meetings, but we don’t.

Mr. Lee said that it isn’t consistent among the other by-laws.

Mr. Donhauser said that, in view of that, he would definitely oppose this revision; that we should err on the side of consistency, if anything.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

6:03 PM Mr. Murphy pointed out that these by-laws can be amended at any time, also, with public notice at one meeting and a review at the next meeting; so, if these turn out not to be working for them, after all, they can amend a better set or better timing.

Mr. Lentz said that he agrees with Mr. Donhauser 100%; that they are unique in other by-laws so it isn't consistent; that it's much better that the Chair sets that depending on the type of meeting, the subject being discussed, and sometimes you'll want people to speak more. He added that he got a little bugged about these documents; that, to begin with, these are a governance document and it should be the committee writing the rules and, as long as they are consistent with other committees, he really believes it should be in their hands; that it's the way they operate, it's who they are, it's their interaction with the public, and that's what they are describing in these documents.

Mr. Murphy asked if they should have the right to do that.

Mr. Lentz said absolutely.

6:05 PM Mr. Murphy said that he wasn't sure what the Ordinance Governing Boards, Commissions, and Committees says on this point.

Ms. (Donna) Murphy said that she also agrees 100% with Mr. Donhauser that the public should be restricted to five minutes unless 100 people show up and the Chair determines there's just not enough time. She added that she questions why this is being imposed when it's not in other committees; that for consistency, if there's a purpose at a particular meeting to limit the numbers, then she can understand that but limiting it in the by-laws doesn't allow for that flexibility.

Mr. Murphy asked who made this change.

6:06 PM Mr. Lee said that he was in this meeting when the TIF Committee met last, and he may have spoken with them about it not being consistent with other by-laws, but the TIF Committee made this change at their last regular meeting and have submitted it to the SB to see if they will adopt this amendment.

Mr. Orestis said that, according to the Charter, it says "Time limits may be set by boards, committees, and commissions."; that it doesn't say anything about by-laws, etc., so he isn't sure, and we can go to vote, but it seems like that's what they want and, as Mr. Lentz said, it's their committee, that's how they run it, that's how they interact with the public.

6:07 PM Mr. Murphy said that he doesn't like the idea that a Chair can arbitrarily cut off public speaking; that if they foresee this as a problem or they are living through a problem and trying to do something about it, but he doesn't know. He added that

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

he thought we should just go with it and follow this very carefully and see what happens, to see if the public is hurt by it in a way that we could recommend they be a little more generous.

Mr. McPherson asked if the Chair of all committees have the right to cut somebody off if they have been talking for 20 minutes, half an hour, and ramble on, as we've seen in meetings before.

6:08 PM Mr. Lee said that they do; that as Selectman Orestis just read in the Charter, that's a duty invested in the chairmanship of any committee.

Mr. McPherson said that he would agree with the way it was previously written, that the chair has the power and we should leave the power with the chair.

Mr. Murphy clarified that Mr. McPherson did not want to accept this amendment.

Mr. McPherson said that he would vote 'no' to amend this.

Mr. Lee said that this motion could be handled in a couple of different ways; that, if the SB is against this idea, they could simply not act and the existing by-laws remain in effect; that the other is to vote to actually reject them; that he thinks they could do it as they did the other one in that there was no motion, no second to approve the amendment, so it died for lack of a motion, if they are inclined to do it that way.

6:09 PM Mr. Murphy said that taking no action doesn't stymy that committee; that they can continue to meet and conduct business and, maybe, gain a little more experience in what the best time limit should be rather than adopt this short one.

The Select Board **agreed by consensus** to table this item.

6:10 PM **3) Appoint Wendy Rawski as Registrar of Voters through 12/31/2020**

Mr. Donhauser moved, second by Mr. Lytle, that the Select Board accept the appointment of Wendy Rawski as Registrar of Voters, term from January 1, 2019 to December 31, 2020.

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

At this time, the SB signed the appropriate document.

I. Administrative Department

6:13 PM 1) Town Manager Report(s)

Mr. Murphy asked, regarding Line 33, how the collaboration meeting with South Berwick and MSAD #35 went.

Mr. Lee said that they would really like to have an elected official from the SB go with him because they bring a school board member, or sometimes two, and he is usually attending on his own. He added that, for a time, Mr. Murphy was attending with him, periodically; that they're early in the morning and, if anybody is interested, they would like to see any one of the SB, or a couple of you, if you would like to go with him next time. He said that they have fixed times and dates and a rotating location schedule that he could share with the SB.

Mr. Lee gave an update regarding Ms. Debbie Scribner's Town of Eliot Flag Project, saying that she took in enough orders to get flags; that the Town ordered three and hung one up in the Clerk's Office. He added that we are going to wait until spring to hang them up outside, at this point. He said that there are a couple spares left with the Eliot Historical Society and Ms. Scribner has a couple spares, too, if anyone had an interest in getting one or if anyone had an interest in the next batch; that each flag costs \$50.

6:16 PM a. Punch List Update – Sewer Pump Stations

Mr. Lee said that the update is that there is no punch list anymore; that any work that is left is a couple of small warranty items; that, otherwise, the stations are effectively complete. He added that, in the spring, there will be a little more clean up and landscaping. He said that the job is done, on time, and under budget; that we had a couple of change orders with a net effect of driving the price downward. He added that Underwood and the construction company did a good job and it went flawlessly; that even getting our reimbursements from the State has been done very well.

6:17 PM Mr. Orestis said that he drives by the pump stations every day and they are looking better and better. He added that it was good work and looks awesome.

b. Financial Reports

There was no comment.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

6:19 PM 2) Solar Array Grand Opening January 4 at 10AM

Mr. Lee said that we have our solar array up and running, now, and between the two solar arrays, it will provide about 95% of all the municipal power needs; that we are very pleased to have that project on board; that we have to do a little cover work on the landfill in the spring. He added that he would like to invite anyone interested to go over on January 4th at 10 AM; that we're going to have a ribbon-cutting ceremony and light refreshments.

6:20 PM 3) Update: Mr. Staples' Fence

Mr. Lee said that Attorney Orso, who was representing Mr. Staples, is still representing him and they have written an "Objection to the Plaintiff's Motion for Judgement for Specific Acts for filing in the above captioned case", reading the objection, which states that the defendant has moved the fence (August, 2017) in response to the Consent Agreement and requests dismissal and awarded costs associated. He explained that he spoke with Attorney Brandwein (Bernstein & Shur), who said he didn't understand why they made the motion to dismiss, as we already have a successful contempt of Court, and doesn't think they could throw this out, even if inclined. He said that he wasn't sure what this was supposed to do but he was sure we would find out, as time goes on, and he will keep the SB updated on the fence issue.

Ms. (Gail) Chase (neighbor) said that the fence hasn't been touched.

6:22 PM Mr. Lytle asked what our attorney had to say; that it seems something is missing, here.

Mr. Lee reiterated that our attorney doesn't think this motion is worth the paper it's written on, he believes, because Mr. Staples is in contempt of Court. Mr. Lee read Attorney Orso's email response to Mr. Lee regarding this matter.

6:23 PM Mr. Donhauser said that, essentially, if we get a court date and there is a judgement by the court, the very next step is for us to hire a contractor to remove the fence.

Mr. Lee said to remove the fence and, then, we would move on to what is called a Sheriff's Sale of one of his non-primary properties to recover our fines and fees and legal costs.

6:24 PM Mr. Donhauser asked if we are attempting to achieve a writ of execution, which would be the next step after getting a judgement to settle the penalties against him.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

Mr. Lee agreed that that was the direction we are headed.

Mr. Murphy asked, if we try to sell one of his properties, is there a time interval during which Mr. Staples can provide the actual cash rather than allowing his property to be sold.

Mr. Lee said yes; that we don't have to, as that is a last resort; however, when you're talking fines of this size, you often end up doing it; that in Mr. Staples' case, that may not be the case. He added that we will take it one step at a time, for now.

6:25 PM Ms. (Donna) Murphy, Hanscom Road, said that she received information that she is looking for confirmation on that Mr. Staples has a lawsuit against the Town regarding the DPW illegally cutting trees on his property.

Mr. Lee said that there is no active lawsuit of that nature; that he thinks Mr. Staples may have complained about it, or threatened it, but he has never been advised of any lawsuit.

Ms. Chase asked if the fines were going on and if they were every day.

Mr. Lee said yes.

Ms. Chase asked if there was a reason why the contractor, who built the fence, isn't held in contempt with Mr. Staples.

6:26 PM Mr. Lee said that he believes that the contractor did what his customer told him to do and the contractor probably didn't know to set it back two feet; that we don't go after the contractor, we go after the owner, as it is the owner's responsibility to do it correctly.

6:27 PM **4) Final TIF Documents/Allowances**

Mr. Lee said that, when the voters approve a TIF, there is a statement in there that allows the Town Manager to make slight adjustments, depending upon the feedback from the Department of Economic & Community Development (DECD). He explained that, after the voters passed it with our attorney's best advice of what DECD might accept, it goes to DECD for approval and the person doing the approval had a couple of concerns. He added that he put that in the SB packets on some of the things that they have stricken; that one is that elder care is currently not something we can do, childcare is. He said that he thinks a citizen contacted Representative Meyer and asked that that be reexamined regarding why you can't have elder care if you can have childcare; that both are programs that take people out of the workforce. He said that this is a very hard document to

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

read; that he had to call the attorney to ask what all the strikeouts were and they are strikeouts from the previously-approved TIF, the replacements of what is allowed; that the only thing we lost was the elder care portion of this. He added that there really is no appeal to this so he has approved it; that it has gone back and he wanted to advise the SB that we will be getting a final re-drafted document much better than 'this' document showing what we can do. He said that no action is necessary.

6:30 PM 5) Personnel Policy Update (7th Reading)

Mr. Lee said that he has not yet been able to discuss questions from Mr. McPherson and Mr. Lytle. He reviewed the points that the SB agreed on. He said that his plan was to update the personnel policy for the next meeting, with the changes and then work on the 'additional vacation days for long-serving employees' and get the SB the language out of Article 31 of the DPW contract; that he will get all that to the SB for the next time around and then we will finalize this after that. He added that they left job descriptions under the responsibility of the SB and we did not discuss retroactively awarding any increase to people at the top of the pay scale; that, at this point going into the new budget, he's not that interested in talking about it, as he doesn't see how we would do that. He said that there were a couple of folks that asked about getting reclassified; that they went into the budget as their old classification and, if that's to take place at all, it has to involve the SB; that he would have to go through and use the system that we have for putting numbers to the 14 different criteria to see if, indeed, anything has changed enough that they would have moved to a different grade; that he would then have to come to the SB and have them agree to that reclassification. He added that this has not been taken up at any level, at this point. He also said that he has a bunch of job descriptions that are updated and they never got approved; that he ended up going back using old ones, which are not correct, but were at least adopted. He added that they need to be reviewed by the SB and amended.

6:37 PM 6) Approve Warrants

Mr. Murphy moved, second by Mr. Orestis, that the Select Board approve A/P Warrant #56 in the amount of \$286,890.77, dated December 12, 2018; A/P Warrant #57 in the amount of \$47,373.33, dated December 13, 2018; A/P Warrant #58 in the amount of \$818,554.99, dated December 17, 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

Mr. McPherson - Yes

Unanimous vote to approve motion.

J. New Business:

6:38 PM Mr. Murphy said that, now that we have a full Board that is sort of working together, he wants to go back and bring forward certain problems that the Town has lived with over the last several years; that it is evident that our Ordinance Governing Boards, Commissions, and Committees needs to be updated. He explained that this Board had a workshop on that very subject on May 19, 2016, in which a number of changes were proposed and, since then, it has not seemed possible to carry that forward. He added that the SB has the authority to review, make amendments, hold public hearings, and bring it to a vote before the public. He said that it is the Chair's wish that we could do that, now, and have that available and on the ballot in June. He explained that, if that should be adopted, it would be in more distinct conflict with certain statements in the Charter and we would have to amend the Charter. He added that he believes this Board should promote the setting up of a new Charter Commission because, almost certainly, the changes that would have to be done to the Charter are of a significance that would require a Commission rather than just a SB amendment. He added that we will be talking about this in the future but wanted to caution everyone that we've waited a long time and that wait has had the wonderful result of allowing the Town two full years trying to live with the Charter, to live with what it says and what it doesn't say or which one of the versions within it does the Town go by in those cases where there is conflict. He said that this may take a workshop to be planned.

6:41 PM Mr. Lee said that he has noted that the job description and certainly this will have to be a workshop

Mr. Lytle asked if there was a way we could generate a list of what people say is wrong with the Charter.

Mr. Murphy said yes, but not tonight; that he thinks the Town Manager has a list and it may be that department heads have lists.

6:42 PM Mr. Lee agreed that the staff has a few issues we'd like to bring to the SB's attention where there is some conflict between the Ordinance Governing Boards, Commissions, and Committees and the Charter; that they should speak to each other because the Charter references the Ordinance for the purpose of going into greater detail about what happens but they are inconsistent in certain places. He added that there are a couple of State statute updates that we may want to rethink

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

and discuss but we will do that at the workshop; that he will get the staff list together.

6:43 PM Mr. Orestis asked what the process would be to establish a Charter Commission.

Mr. Lee said that six are elected at-large and three are appointed by the SB, for a total of nine.

Mr. Orestis asked when that would start in the process.

Mr. Lee said that it sounds like the Chair is saying that he would like to, very soon, ask people to serve on a Charter Commission and, if that's going to take place in June, we have precious little time.

6:44 PM Mr. Orestis asked when is the last date that Mr. Lee needs for documents to be on the ballot.

Mr. Lee said that that would be 60 days prior to the actual vote; so, we are talking April 6 that we have to have it signed, sealed, and delivered to the Clerk so that it could be turned into ballots. He explained that, for June, this Board would have to have at least six nominees to go on the ballot, three SB appointees, and it needs to be turned into the Clerk less than 60 days prior because we still have to manufacture ballots, etc.

Mr. Murphy said that the three appointed by the SB don't have to be there at the start, they can occur after the election.

Mr. Lee agreed; that the six you want on the ballot would have to be done and Selected and we'd have to put something out right away, probably, saying we are taking applicants to serve on a new Charter Commission.

6:45 PM Mr. Murphy said that that was why he wanted a workshop so we could discuss why this has to take place.

Mr. Lee said that he thinks we need to discuss the timing, too, perhaps.

Mr. Murphy agreed, saying that, if something is wrong and it can't be done, we need to find that out.

Mr. Lee said that he would like to discuss this a little more with the SB members, as you trickle in, and get your ideas on it; that, for now, he certainly understands what Mr. Murphy's message is as he has spoken to him many times about it; that it's not impossible to do but it may be very, very hard to do.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

6:46 PM Ms. (Rosanne) Adams said that she finds the conversation very nebulous; that you're talking about some changes in an ordinance that necessitates changing a charter and, usually, when you develop a charter, you look at your ordinance and you change your ordinance to reflect your charter unless there's something in that ordinance you obviously can't live with because it's in the charter. She added that forming, six months from now, a Charter Commission on things that haven't even been put forward, that she knows of, is like kind of putting the cart before the horse. She said that it's possible that the changes that you feel, in the Boards, Commissions, and Committees, need to be made that are against what the Charter says don't need to be made and you need to go the other way. She added that she would just caution the SB, when they go through this; that it's a big process.

6:47 PM Mr. Murphy said that much of the Charter doesn't need to be changed; that he would like to draw Ms. Adams' attention to a public information source, right now, and that is the workshop that this Board held on May 19, 2016, in which ten changes to the Ordinance Governing Boards, Commissions, and Committees were brought forward; that some of those are necessary because of the actions that took place in the elections in 2015; plus, things that were put into the Charter that, in retrospect, that have been bothering him and are very questionable.

6:48 PM Ms. Adams said that it could be, if a Charter Commission was established, that they would not agree.

Mr. Murphy said of course.

Mr. Lee said that, in speaking with the Chair, he is currently working on making it less nebulous by putting together the exact stuff in the form of a memo for the SB to review; that tonight he thinks Mr. Murphy was just saying to be prepared to see a memo describing what he's seen since the Charter has been approved and what we did in that workshop

6:49 PM Mr. Murphy said that this is to correct actions; that he doesn't want to get at people, as everyone's different and, so, you have a different idea of what can be done and what ought to be done and so forth but some of the things that actually took place have never been done in Eliot before; that he has been considering this for several years and we can take a good look at this. He added that there is nothing solid about a charter; that he still has the 72 or 73 charters that were printed out in October 2013 and every one of those have been altered a number of times, sometimes over and over.

6:50 PM Mr. Lentz said that he agreed with Ms. Adams, asking who makes the decision on whether you modify the ordinances or modify the Charter and what do the citizens have to say about that; that all he's heard is "I". "I", "I", meaning you;

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

you've had time, you've done this, you've seen that, what about the rest of the folks.

6:51 PM Mr. Murphy said that he knows and it has worried him; that nothing's going to happen until everyone gets together and the Town will decide, of course. He added that he is not alone; that people have come up to him.

K. Old Business:

6:52 PM Mr. McPherson asked if there has been anything finalized from the Department of Labor (DOL) with the Public Works Department, the issue we have had since the beginning of September.

Mr. Lee said that he got a phone call from Tammy Gross, DOL, this week and said that she is beginning to work on that report; that she told us that it might be two months before the Town saw anything from her, which he thought was startling, but we are expecting to see a report sometime soon.

L. Selectmen's Report:

6:53 PM Mr. Lee said that we are still looking for people on a number of different committees.

Ms. (Donna) Murphy asked if Mr. McPherson could share what he was talking about.

Mr. McPherson said that this was before he was on the SB, and Mr. Lee could explain it better, but there was an issue with a few employees from the Public Works Department and it went to the DOL

6:54 PM Mr. Lee explained that they felt they were in a somewhat unsafe situation, they reported it to the DOL and the DOL came down and spent two days going over all things Public Works; that a lot of it was training-related and need to do a better job on training. He added that we are expecting a rather lengthy report and he knows that the Director of PW has been working on several training things, even as we are waiting for the report. He said that we should be hearing something very soon and he will make sure that everybody knows; that, in fact, we're obligated to post it.

M. Executive Session

There was no executive session.

SELECT BOARD MEETING
December 27, 2018 5:30PM (continued)

N. Adjourn

There was a motion and second to adjourn the meeting at 6:55 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary



Mr. Richard Donhauser, Secretary

Date approved:

February 28, 2019

