

SELECT BOARD MEETING
December 13, 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:

5:31 PM Ms. (Cindy) Lentz said that, on the last TIF meeting, there was no posting of the meeting, no agenda, no minutes, no video-streaming and she would like to know why. She added that this Town went through a terrible time about the amount of time you have to post the meeting and she would like to know why.

Mr. Lee said that he drafted an agenda, put it out to the Chair and Vice-Chair and asked them if everything was okay, and we never heard anything back about any changes; that he thinks we were all waiting to hear something and, for that reason, it fell through the cracks.

Ms. Lentz asked why it wasn't video-streamed.

Mr. Lee said that his staff says that it is video-streamed; that they do have it on the web; that it did get turned on.

Ms. Lentz said that it doesn't come through.

Mr. Lee said that Ms. Albert has double-checked it because Mr. Pomerleau had indicated the same thing; that she said that she watched it. He added that that was the very first set of minutes and Ms. Plocharaczyk produced them the very next day in draft format, which we don't necessarily post; that we will, now, because people are very anxious to follow along.

5:32 PM Ms. Lentz asked if the committee had an understanding that things are to be posted in a timely manner.

Mr. Lee said yes; that he wrote the agenda for them and sent it out to the Chair asking if there were any changes, as he does for all; that he doesn't think the Chair was fully involved, yet, and nobody reminded him that it wasn't a completed question; that we were waiting for a response.

Mr. Orestis said that he just checked the website and the video is posted.

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5:33 PM Mr. Murphy asked Mr. Lee if there wasn't a question, now, about when the TIF Committee takes place; that it conflicts with this meeting. He added that he objected to that so he thinks it's going to be at some other time and he believes they may be deciding on that tonight.

Mr. Lee said yes; that he and the Planner discussed that before he goes into that meeting, saying that, probably, a Monday night would be best.

5:34 PM Mr. Pomerleau said that, regarding that TIF Committee meeting, he tried to log in that night and watch the meeting; that it was definitely not being broadcast; that he then logged in the next day, thinking it might be some lag, and it definitely wasn't being broadcast. He added that he knows how the mechanism works here; that it is recorded inside the building and, if something is wrong with the website, you can still later post it, which is what he expects happened.

Mr. Lee said that, usually when we have a problem like that, somebody advises him because we have to contact the video-streaming guy to upload it and there was no discussion about that. He added that we have very slow Comcast internet, here, and we're changing over to fiber optic and, hopefully, that will stop some of the jittering and dropped signal we get. He said that none of that was done intentionally; that it was just a new committee getting off the ground and, sometimes it's not a smooth flight.

F. Approval of Minutes of Previous Meeting(s)

5:38 PM Motion by Mr. Lytle, second by Mr. Donhauser, to approve the minutes of November 8, 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

5:39 PM **1) Resignation: Conservation Commission – Jessica O'Donoghue**

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Mr. Lytle moved, second by Mr. Orestis, that the Select Board accept the resignation of Jessica O'Donoghue from the Conservation Commission, with regret.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson – Yes

Unanimous vote to approve motion.

H. Department Head/Committee Reports

There were no reports.

I. Administrative Department

5:42 PM 1) Town Manager Report(s)

There were no comments.

5:43 PM a. Punch List Update – Sewer Pump Stations

Mr. Lee said that he thought it important to advise the SB on this as this is a very expensive project. He added that we are effectively done with the Main Street Pump Station and we are very, very close to being done with the Kings Highway Pump Station. He said that the value of the punch list items was \$18,300 and the value of the items that have been done is \$12,850 so we only have a little over \$5,000 left in punch list items for the Main Street Pump Station; that the total value of all the outstanding punch list items for Kings Highway had been \$22,200 and, as of November 30th, \$15,500 had been done so we have only about \$6,700 of outstanding items. He added that the only change order on this was going down; that it's been a very good project with a very good contractor, a very good engineer, and he gave Mr. Moulton high praise for looking after it all the time.

5:44 PM b. Maine Municipal Bond Bank – Feb 13 Deadline – HVAC/LED

Mr. Lee said that the HVAC project (\$110,000) is 80% done and they are just waiting on baseboard heat; that the LED acquisition project (\$75,000) will begin shortly and that came in much lower at \$46,000; that the Energy Commission does believe that there may be some requests for additional streetlights so there

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may be little add-ons to the initial amount. Speaking to people at home, he said that, if people feel they live in a neighborhood that it too bright, too dark, kids waiting at a bus stop, etc. and you would like to make comment, please send an email to the Town Manager about that until December 21st; that there is a large diagram of all our streetlights and their wattages in our lobby. He added that there are several towns in the area, including Dover, Rochester, and Portsmouth that have these streetlights.

5:46 PM Mr. (Ed) Henningsen, Capital Improvement & Energy Commission, said that the wattage varies from light to light; that major intersections have a little higher wattage, the lowest wattage for rural streets is 25 watts; that 3000 is the kelvin, or brightness, of the light, so 3000 kelvin is equal to a household lightbulb. He added that Gulf Road, all the way into Dover, are basically 3,000 kelvin at 25 watts and this will show you what the lights will look like.

5:48 PM Mr. Lee said, regarding the bonding, that he thinks we should bond for \$165,000 because there is no need to bond that last \$25,000; that he does want to leave a little wiggle room for extra lights. He added that he thinks the current total is \$154,700 and change but he thinks having another \$2,000 to \$3,000 in case somebody wants to add a couple of lights is wise and will be very small in terms of repayment of the debt. He said that the Bond Bank has to have the application in by February 13, 2019 in order for it to be processed in the spring; that, in addition, the way we did it in terms of borrowing from ourselves, he has to submit for the debt service within 60 days, he thinks, within the completion of the project and that will work out great because both of these projects will be done by the end of January.

5:49 PM Mr. Murphy said that the Town Manager is authorized to do this, already; that you don't need further approval from this Board.

Mr. Lee agreed, saying that this is just advising the SB of that last administrative step, which is to apply for that bond in the proper amount.

5:50 PM Mr. Lytle asked who was responsible for maintaining them, keeping them going, reporting them out, etc.

Mr. Lee said that CMP will not be fixing these streetlights ; that there are companies you can contract with for maintenance but the first year they are completely under warranty. He added that, back when we began this project, in order to go up and do anything on those lights you had to have someone who was lineman-certified, as well as an electrician, and go up in a bucket truck to do the work. He added that, since then, they seem to be reconsidering the requirement on the lineman-level of certification; that you may be able to do it with just an electrician and your own bucket truck. He explained that the work to replace these

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things is literally that it takes longer for the bucket to get up than it does to do the work to fix them; that they said that even their installs are going to be super-fast; that they think they will be able to do the whole Town in 2 to 3 days. He said that we do have a bucket truck if we want to save some expense and there are companies we can contract with.

5:51 PM Mr. Murphy said that the decision for Eliot hasn't been made.

Mr. Lee said no, adding that these lights have about a 1% failure rate and the first year is the most likely year they will fail; that if the fixtures, themselves, were no good coming off the manufacturing line, we're going to know that pretty quickly and they will do all that work. He added that we are carrying \$800/year for repairs so it's very minimal

5:52 PM Mr. Lytle discussed his concern for monitoring the streetlights going out. He said that the streetlight at the end of his road has been out for a couple of months; that somebody should take the initial responsibility and he thinks it should be the police; that it would be of benefit to them as well as the residents.

Mr. Lee said that he knows the police could, and should probably, notice these things and report them but, frankly, if the light has been out at the end of your road for 2 or 3 months, why haven't you reported it.

Mr. Lytle said that he couldn't get the pole number, as he didn't want to get killed trying to get it.

5:53 PM Mr. Lee said that we ask people to report them out and he can ask the police, if they see one out, to mention it to him and he will get it fixed.

Mr. Lytle said that we had this problem the last time he was on this Board and we set it up that the police would monitor on the second and third shifts; that if they saw one out, they'd call it in and it would get fixed.

Mr. Lee said that he didn't see a problem with that but he also believes in personal responsibility; that if he lives on a road with a streetlight at the end of that road and the streetlight has been out for a couple of weeks, he's going to go find a pole number and call somebody. He added that he did report, from Mr. Lytle's information, that streetlight to CMP.

5:55 PM Mr. McPherson said that Mr. Lee mentioned that CMP was thinking about being more lenient on who they would allow to work on these things.

Mr. Lee said that CMP has to do it that way and insist on it because the Public Utilities Commission (PUC) originally had it that you had to have linemen-level

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accreditation , or certification, in order to do anything with these lights; that when Portland was putting them in, they had to have a lineman tech and an electrician in the bucket to do all those lights in Portland. He added that, since then, the rumor is that they are possibly thinking of not going to have the lineman accreditation to deal with LED lights; that you might just have to have a professional electrician. He said that the average person cannot go up there and do it, at all.

Mr. McPherson said that there's 12,470 volts right above your head, right out front, here; that the Town's truck isn't insulated where a lineman's truck is an insulated boom and they wear gloves.

5:56 PM Mr. Lee said that he didn't want to use our truck; that he wanted to contract it, which is why he carries the \$800 in our estimates. He added that that's what other towns are doing; that they're not putting their own liability out there and he doesn't want to, either.

Mr. McPherson said that you would certainly have to have something in writing from CMP but he can't imagine that they are going to allow somebody up into that space because, to properly work to change the streetlight head, you have to disconnect it on the secondary side of the poles. He added that you have to know what you're doing; that you don't just go up there with an idea that this is going to disconnect something; that, liability-wise to the Town, you have to be pretty careful with who is doing it and what their qualifications are.

Mr. Lee said that he would make a note to get back to the SB on who, and how, will be doing the repair work and what the rules are around it.

5:57 PM 2) Meadow Lane – Planning Board Recommendations

Mr. Lee said that the SB referred the matter of Meadow Lane and what should be required of Meadow Lane to the PB, who took that up; that they want it to be done right, they want it to follow the protocols in the ordinance, which calls for some core samples to be taken out of the roadway to make sure the under soils were done properly with proper road fill. He added that he has notified the homeowners on Meadow Lane and they know that that's the only way forward, doing the recommendations in the PB letter. He said that, other than that, it's not going to go on a ballot.

5:58 PM Mr. Murphy said that, as a result of those tests, there might be some kind of work to be done; that that's what we want to know.

Mr. Lee said that, if the borings come back poorly, there's not enough money on that road to do what they would have to do; that they would have to re-construct

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that whole road; that, if it wasn't done right in the first place, they would have no way to rectify it

5:59 PM 3) Amend Fees for Mooring

Mr. Lee said that we haven't raised mooring fees since 2001 (18 years with the same fee system); that our fees are much lower than the ones around us. He added that the Piscataqua is not the most ideal place to have a mooring but we felt it was time to go up a little on price. He said that we have put together this proposed update to the mooring fee structure and discussed the proposed fee changes.

6:00 PM Mr. Murphy asked what the period was that this covers – the summer or all year long.

Mr. Lee said that moorings are issued once per year and good for one year; that most renew it year after year and we aren't really recognizing the amount of revenue that many towns are recognizing off their mooring fees. He added that we do spend money on Harbor Masters, and so forth; that we actually go out on the harbor, send letters to people to ask them to fix their mooring balls, we have a GPS map of all the moorings, now. He said that he thinks there's a pretty good value out there so, if the SB is inclined, he knows the Budget Committee had mentioned in the past to do something more with mooring fees to bring them more in line with our actual expenses; that, likewise, they've asked for ECSD revenues to be more in line with actual expenses, which will be put out soon in our budget documents. He explained that we need to do this now so that we can advertise it prior to spring and people start to show up to do their boats; that, maybe, we could get something out in the spring ECSD brochure.

6:02 PM Mr. Murphy noted that some of our local staff recommended going to \$5/foot rather than \$3/foot and the Town Manager chose not to do that.

Mr. Lee agreed, saying that he thought that was too much of a jump so he moderated it back a little bit; that this may be shocking enough.

Mr. Lytle asked where the fees go when they come in.

Mr. Lee said that they go into the General Fund. He explained that, in gross budgeting that we do, there is no time when you take a fee and then offset what we pay the Harbor Master, that we can't do that in gross budgeting; that every revenue has to be transparent and displayed and you put all the revenues in just for general purpose, with a few exceptions (TIF). He added that all expenses are just one big expense; that there's no offsetting 'this' expense as directly tied. He said that we used to use net budgeting, netting something out against something

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else – example: mooring fees net out Harbor Master, excise nets out the Town Clerk's Office. He added that that was not transparent and auditors did not like it.

6:04 PM Mr. Murphy said that he thought this was the Boat Basin and the fees stay in a Boat Basin account.

Mr. Lee clarified that those are launch fees for launching a boat.

Mr. Murphy said that the moorings are all up and down the river and belong to the Town.

Mr. Lee agreed, saying that is what you hook your boat onto and you have rights to that mooring.

Mr. Orestis asked how many moorings we have; that there was some question a few meetings back.

Mr. Lee said that he honestly didn't know off the top of his head because he wasn't prepared to speak to that depth; that there were many, many that were abandoned and we tried to get ahold of the owners; that we got no responses back and he thinks we'll go out this spring to cut the chains and drop those moorings to get them out of the water because they are a navigable hazard. He added that he also realized we have spares and asked why we have a waiting list; that a lot of the spares, and abandoned moorings, are in places that people really wouldn't enjoy but we did clear up the waiting list. He said that he thinks we've done a good job clearing that up but he does think we should offset our costs for doing that work with some higher mooring fees.

Mr. Murphy asked if it isn't a kind of heavy pollution just to drop them to the bottom, is that what people do all around the world rather than recover them.

6:06 PM Mr. Lee said that you recover the ball; that you drop the chain.

Mr. Murphy asked why you didn't pull the chain.

Mr. Lee explained that there was a several thousand-pound concrete thing attached to it.

Mr. Lytle moved, second by Mr. Donhauser, that the Select Board approve the proposed fee structure for the mooring fee plan.

Roll Call Vote:

Mr. Donhauser – Yes

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Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:08 PM 4) Space Needs Update – Interview Results

Mr. Lee said that he invited the committees, boards, and staff to come in for an opportunity to speak with the architect, Kelley Davis, who was originally involved with creating the building, and the results of those interviews are in the SB packets. He added that, as you can see throughout the notes, a lot of people see a lot of space needs in this building. He also said that Maine Municipal Association (MMA) has a risk management division, which is part of their insurance division, that sends out people to make sure you don't have a lot of safety issues; that he didn't ask him to come out, he came out, and got us on a couple of things; but, there were three things that were directly related to the building being so filled; that we have whole rats nests of wires underneath desks; that they're not set up in a way that we could meet video display terminal requirements; that we're set up in such a way that employees have to do a lot of twisting and turning. He added that, in our vaults, we have very thin boards that hold staggering amounts of weight and they are bending to the point that he has to replace those; that the MMA guy also said that we have stuff stacked up all over the place on tall file folders that may come down; that the man from MMA told him that he should be very concerned that he has a lot of hazards around here and Mr. Lee said that he doesn't know where to put it. He said that we took everything out of Iron Mountain Storage a couple of years ago because it was expensive and we wanted to reduce the budget; that we brought it back here and the ladies did a great job going through it, finding interesting historical documents and things that probably never should have been put in storage, frankly. He added that we sorted through dozens of boxes and what we've retained has made our situation worse. He also said that he did put in the budget \$35,000 for civil engineering that would go toward the first phase of doing any kind of renovation/addition project; that in order to do that project you have to delineate wetlands, a topographic map, a site survey that shows our borders and what is here, what size they are and location to other things because the planning requirements would be that, if your building is 'so' big, you'll need X number of parking spaces; so, in order to design anything, you have to know what your requirements are going to be. He said that, because it may very well push out to the rear of the building, that used to be an old school and he doesn't know what they buried, as they probably filled in the old foundation hole and we probably ought to know that before we get into it, as that could be another cost item. He added that renovation isn't the answer, here, because it's a storage issue, primarily, and of course, over the next 10 or 20 years,

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you are probably going to add another staff person and you have no place to put them.

6:12 PM Mr. Murphy said that out back is a problem because they had their toilets in the basement of that building and in a giant hole that had been blasted out of a huge ledge that the crags of which you had to walk through and duck to get to the bathrooms; that they had some storage units down there and it was kind of damp. He added that ground work would have to be done out there before foundations, or anything like that.

Mr. Lee said that the other thing he wanted to tell the SB was that Lebanon used their school for voting and they had it scheduled for a week while the kids were going to be in school; that they were told no, that they couldn't do it while the kids were in school; that we're not going to let a whole bunch of people come in and vote while kids are at school; that if you move it to next week, we're on vacation and you can use the school. He added that that has been true in a couple of other locations, as well; that they're not going to allow thousands of people to go tramping through their schools, some of whom might be deviate or armed and, so, we're going to reach a point where we are going to have to rent some place, like The Regatta, potential. He said that he hasn't heard anything from our superintendent that she intends to do that but he wouldn't be surprised if that's somewhere down the road. He added that he is just making the SB aware, and he doesn't want to pay any more in taxes, but inevitably, just for the good of the folks of this Town, going forward 10 or 20 or 30 years, you have to think about what's going to happen with this building.

6:15 PM Mr. Lytle asked what was in all these boxes.

Mr. Lee explained that it was all the voting equipment that we have to truck down to the Middle School and truck back here.

Mr. Lytle asked if having a storage building would help them out.

Mr. Lee said that it certainly wouldn't hurt, if we had a proper storage building, not just a shed; that some of that is electronic equipment and you can't leave it out in the cold. He added that that would help in terms of storage but it wouldn't solve the problem, describing some of the things that needed to be addressed.

6:16 PM Mr. Murphy asked if this summary was being used to develop a tentative plan or draft procedure.

Mr. Lee said no; that it's just more-or-less to advise the SB that there are real issues with this building and he doesn't know if he's really being heard all the time on that issue; that he thinks it's a major concern for him and an obligation for

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him to kind of point it out to the people of this Town that your Town Office has gotten to a point where you need to do something different.

6:17 PM Mr. Murphy said that he thinks this Board has a right to begin thinking seriously about what should be done and how. He asked Mr. Lee if he wanted a committee made up or is this Board a sufficient committee.

Mr. Lee said not at this point; that he was just advising that that's why he put \$35,000 in the budget; that \$35,000 that's in the CIP is directly related to site survey, wetlands, topos, civil engineering. He added that, even if you don't go forward with a renovation next year, you're still going to need all this material when you do reach a crisis.

6:18 PM Mr. Lentz said that he may be way off base but he guessed his question was regarding a building committee that had pretty much looked at a whole new building with the ECSD but there was also a plan to expand this building and the same architect did all that planning. He asked if we shouldn't have some plans and land plots around that were done.

6:19 PM Mr. Lee said that we have some diagrams of some hopeful, kind of...this whole place has been drawn out really nice but you look at it and there were like only 30 parking spaces; that somebody wasn't thinking it through fully. He added that this isn't a very big parcel of land and, if we're going to use it for voting, he doesn't know if it can be done here; that we, at least, need to take a look and see before you go out and buy an expensive piece of property, as South Berwick did with their police station. He said that that's another huge expense and we would like to see if this could work; that he's trying to use the shortest money he can to solve the problem.

Mr. Lentz said that he just thought the SB would like to look at what plans had been there before; that it would help them.

6:20 PM Mr. Murphy said that we still have Ms. LaBella's plan and there were four or five subcenters for the municipal complex and the total parking for all of those, including the Police Station, etc., were 104 places.

Mr. Lentz said that there was no engineered plan.

Mr. Lee said no; that it was a theoretical plan and it used all of the wetlands; that we couldn't do that. He added that he appreciated the idea and was where he started. He said that, right now, it's just a discussion piece to be thinking about long-term.

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6:21 PM 5) Personnel Policy Update (6th Reading)

Mr. Lee said that, as he understands it, Mr. Murphy and Mr. Lytle would each like an opportunity to sit down with him to talk with him about the ones you have question marks on in the matrix.

Mr. Murphy said that he's gone through this in great detail and he has questions and suggestions and corrections.

Mr. Lee said that we aren't in a great rush and he'd rather go slow and get it right. He added that, if you would like to skip over this or formally table this, he will meet with you folks over the next couple of weeks and put it back on the next agenda.

Mr. Murphy said that there wasn't any objection to that suggestion so that is what we'll do.

Mr. Lee said that he would be available early next week. He also discussed putting the budget book together and the changes he was making so that it would be easier to understand the moving parts in the budget.

6:24 PM 6) Approve Warrants

Mr. Murphy moved, second by Mr. Orestis, that the Select Board approved A/P Warrant #50 in the amount of \$116,468.07, dated November 24, 2018; A/P Warrant #53 in the amount of \$285,852.70, dated November 29, 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

J. New Business:

6:25 PM Mr. Lee read a memo from the Police Chief asking to continue the use of 2-Way Fleet as the sole source vendor for the upfitting of equipment for the police cruisers, explaining that they have been using this vendor for their recent upfits, the vendor's quality of work and service are very good, and they are in close proximity in Newington. He said that what the Police Chief is asking for is a

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waiver to the purchasing policy and to consider 2-Way (NEVO) a sole source vendor and, per our policy, we can have sole source vendors. He clarified that this would be ongoing until such time that we don't view them as a good vendor; that we would not be under a contract and can change anytime we want. He added that, right now, we are happy with them and their prices have remained very consistent.

6:26 PM Mr. Murphy said that this doesn't sound bad to him so long as we keep monitoring it.

Mr. Orestis asked if we didn't already approve this upfit with 2-Way for this particular cruiser.

Mr. Lee said that it may have but we didn't talk about it in those terms; that we want to be careful that we honor that policy and get SB permission to designate something sole source, not just assume we can do it.

6:27 PM Mr. Murphy asked if we could insert 'on a case-by-case basis' in any kind of approval.

Mr. Lee explained that a sole source would be, for example, like WB Mason; that we do so much business with that vendor that, even though it's in small increments, it's way over \$5,000. He added that there's a lot of them that we use as sole source and nobody raises questions; that 2-Way is one that we spend a lot of money with and they are kind of our sole source IT and upfit vendor because they are so handy and good at it.

6:28 PM Mr. Orestis said that it just feels like there's a policy in place to grant a waiver when these situations come up.

Mr. Lee said that there is.

Mr. Orestis said that he's failing to see the need to designate then as a sole source provider and he's open to hearing opposing viewpoints on that.

Mr. Lee said that he was open to just waiving the bidding requirements in this circumstance, if that is how you want to do it; that, then, if you want us to come back each time we upfit a cruiser, we'll just come in for a waiver of 'must bid' to see if you will just go with the existing vendor.

Mr. Murphy said that that sounds like a good idea to him, asking how the SB felt.

The SB agreed that each individual thing should come in.

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Mr. Lee clarified that he is okay to let the Police Chief know it was waived, anyway; that it's not a sole source and each time he needs to make sure he comes to Mr. Lee and he will go to the SB.

The SB agreed.

6:29 PM Mr. Donhauser moved, second by Mr. Lytle, that the Select Board waive the purchasing policy for the upfit for our cruiser, recently purchased.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Lytle – Yes

Mr. Murphy – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:30 PM Mr. Murphy said that he had three issues. He said that one was regarding the pay plan and asked if we had acted on that.

Mr. Lee said that, three weeks ago, he came in and that was in the SB packets; that recently he spoke with Selectman Lytle and he wanted to go over it, again, so he just put it back in your boxes again. He explained that what he did two weeks ago was simply explain that that was how he was handling the pay scale and the COLA piece; that the SB didn't have to do anything; that he was just advising that, as he preps his budget, that's his logic for what he's doing. He added that, when we get into budget reviews if one or more bodies, for some reason, wants to do something different than what he's done, we have the master wage sheet; that if the votes are such, we can amend the master wage sheet. He advised the SB that it's kind of tricky this year with the pay scale, the 2.8% CPI, and people who are at the top of their steps, and so forth; that he spent a long time trying to split this onion and not cry; that it's not easy and he finally came up with this as his best compromise that may be accepted by everybody that will be reviewing his budget and may be accepted by the staff as being a reasonable approach.

6:32 PM Mr. Murphy said that the second is a letter he received from Chris Chidester with regard to the Rollingwood Gun Club and the amount of noise that they make; that she was very polite but strong in her letter. He read her letter into the record, which listed reasons for the increased noise, the impact it is having on nearby residents, and requesting help on how they might find mutual agreement to resolve this issue. He said that this is not the first concern about the club and it seems to him that this club can claimed to be grandfathered, and they are for the

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way they were at the beginning but not for the way they are now; that that seems to be a wedge that the Town could begin wielding in the code enforcement; that he knew we had a noise ordinance but wasn't sure it applied to this organization.

6:35 PM Mr. Lee confirmed with Mr. Donhauser that this was the same gun club he had come to Mr. Lee about.

Mr. Donhauser said yes.

Mr. Lee said that he met with the primary operator; that he had come in, saying that they had gotten loose about hours, with people going longer and starting earlier, and he was going to address that; that it got better, as he understands. He asked Mr. Donhauser if it had gotten worse, again.

Mr. Donhauser said that he would say so.

Mr. Lee said that he may have to reach back out to this fellow and remind him of our agreement to watch the membership. He added that he is guessing that, each time the leaves fall off the trees, it gets louder because that's a big buffer for sound and, in the spring, he would guess that the sounds would begin to dampen. He said that he also offered to this fellow, based on a suggestion by Mr. Donhauser, as the gun club has an open range, no walls, and they don't have any money to do anything and Rollingwood residents are so frustrated, that the residents might take up a collection and give the gun club the money to put up the walls and baffle them so it contains the sound. He said that we didn't have agreement with all the neighbors at that time but the feeling was from Mr. Donhauser that most of his neighbors would participate if that would really work; that we were going to try that avenue; that the fellow said that he would go back to discuss it and get back to Mr. Lee but he never got back to him.

6:37 PM Mr. Murphy said that the guns being fired today are not the guns of 50 years ago.

Mr. Lee agreed, saying that he will check with the CEO and the Planner but he doesn't think we're going to have a strong case because they do preempt that whole subdivision.

Mr. Donhauser said that he thinks the major concern is the rapid fire so his thought was that they might, at least, restrict the type of weapon they fire there. He added that, on an Easter Sunday a couple of years ago, they were having a contest and it sound like a war going on over there; that it's just the rapid fire that is very, very annoying. He agreed with Mr. Lee that the buffer does go away in the fall when the leaves drop off the trees.

SELECT BOARD MEETING
December 13, 2018 5:30PM (continued)

Mr. Lee said that he thinks that's probably a big part of it and, thankfully, there's a lot of woods up there because, otherwise, it would be really loud.

6:40 PM Mr. Donhauser said that he doesn't know what the Town can do but, certainly, the Southern Maine Fish & Game Club should at least do something with respect to restricting the amount of shooting and the rapid fire or the type of weapon that can be shot there.

Mr. Lee suggested restricting on Sundays, too, because that's kind of the day that you want to have with your family, church, and so forth and to be out there and hearing that must be really distracting.

Mr. Donhauser asked if the Town could offer an ordinance.

Mr. Lee said that he would have to check a bunch of legal things on this to see where we are and what the Town could do, itself, without their cooperation, if anything; that barring that maybe ask them to come in to speak with the SB and make any suggestions that they could make because we're getting a lot of complaints. He added that we could discuss with them, specifically, giving it a rest on Sundays, have 6 days a week, start no earlier than 7AM and end no later than 5PM, can we start being realistic, here. He said that he didn't know this was coming up and did not research so he will have to look two weeks ahead.

6:42 PM Mr. Murphy said that our CEO will be able to check but we used to have sound limits and times of day within which it could not be exceeded.

Mr. Lee agreed, saying that he would check on that

Mr. Donhauser said that, when he brought this to Mr. Lee's attention, there were several people, including Ms. Chidester, who came to his home to talk to him about it; that there was some mitigation to it but it's right back up, again.

6:43 PM Mr. Lee said that he thinks they briefly paid attention to the starting and stopping times and kind of reined people in but he doesn't want to have to do that every three or four months; that he shouldn't have to. He added that he would put it on the agenda and have the Planner and CEO look into it and maybe talk with the MMA to see where we stand, legally, with any rights.

Mr. McPherson suggested talking with the board for the gun club association.

Mr. Lee said that he would look into maybe getting in front of that board, as the Town Manager, during one of their regular meetings to talk about some concerns we're having; that we could discuss doing this cooperatively or uncooperatively, and he would rather do it cooperatively.

SELECT BOARD MEETING
December 13, 2018 5:30PM (continued)

6:45 PM Mr. Murphy said that the third was letters of complaint from John MacGinnis with regard to the Cannabis Committee (AURCC); that he thinks there ought to be pro and con members and he suspects we've loaded that committee with people that will see it go forward. He added that Mr. MacGinnis thought that the Town had voted no but we haven't taken any final vote on anything; that we've taken a couple of straw votes, or one, getting the Town's opinion but that wasn't a formal, legal action.

Mr. Lee said that he has been in close contact with Mr. MacGinnis and gave him the results of the non-binding advisory survey; that he writes back to Mr. MacGinnis each time saying, for example, that we purposely delayed appointing anyone, hoping to get folks like him, for example, who are not in favor but no one would come forward to give their time for the opposing view; that we have to at least vet it to see if it's proper for our Town and it's not necessarily going to be a yes, at all. He added that he invited Mr. MacGinnis to attend meetings and give his views; that he doesn't know how to resolve it with him.

Mr. Orestis asked if he could recommend Mr. Lee invite him to attend the next cannabis meeting.

6:47 PM Mr. Lee said that he has; that he even told him in the email when the meeting was.

Mr. Orestis said that he thinks that's important; that if he has real concerns, which is the appointing of the committee and has voiced those concerns over and over again, then he thinks that committee would be happy to have him speak those concerns; that that's the point of it.

Mr. Lee agreed; that he will invite him for the December 20 meeting at 6PM.

Mr. Lentz said that we have invited them (AURCC) to join us at the PB, also; that they were there last week.

Mr. Lee said that this is an active issue and, if you are out there watching us tonight, please make your voice known, whichever side you're on. He added that we're trying to reflect the will of the people and there are two sides to every story.

K. Old Business:

6:49 PM Mr. Donhauser said that, at the last meeting, he spoke about compensating Mr. Lee in the form of repayment to his contributions to his retirement plan that weren't made in the past; that he's had an opportunity to talk with Mr. Lee, asking Mr. Lee to speak to that.

SELECT BOARD MEETING
December 13, 2018 5:30PM (continued)

Mr. Lee said that he appreciates you all even considering the issue that he got into for about a year and a half, when there were no contributions to his retirement made by the Town. He added that that's kind of on him, as he thinks about it; that he was the chief administrative officer, he wasn't checking his paycheck, and so forth; that, also, he doesn't want the angst, frankly, that would come with receiving a lump sum payment when he's watching certain staff not really receiving much at all. He said that he thinks that it's very important, from a leadership standpoint, not to pursue this any further; that he got a very good evaluation and he appreciates that and he appreciates all the consideration that any of you may have given this but he wants to withdraw any consideration of that. He said that he's going in the budget at 2.8% and he will consider himself grateful. He added that, if and when he negotiates a new contract to stay on with the Town for another 3 years, or so, then that's probably the appropriate time to do something where you kind of do a reset. He said that he doesn't need an executive session tonight to further discuss this; that he just doesn't feel right about it and, actually, he doesn't feel right about anything non-monetary, at this point; that whatever the staff is enjoying, he should enjoy, and no more; so, he is going to stay that way.

Mr. Murphy thanked Mr. Lee.

6:52 PM Mr. Orestis asked if Mr. Lee had an update on the skate park.

Mr. Lee said yes; that \$7,000 has gone into the budget to do something about the skate park; that he doesn't know where that number comes from except that it will be around that amount to tear it down and put something else back.

Mr. Orestis suggested a community garden.

L. Selectmen's Report:

There were no Selectmen's reports tonight.

M. Executive Session

Mr. Lee said that there was no one here for a sewer abatement so we won't need an executive session for that.

6:53 PM Mr. Lee said that the second December meeting is the 27th and he was wondering if there would be a majority Board that week.

All Board members will be here.

**SELECT BOARD MEETING
December 13, 2018 5:30PM (continued)**

N. Adjourn

There was a motion and second to adjourn the meeting at 6:54 PM.

VOTE

5-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/ Mr. Richard Donhauser, Secretary

Date approved: January 24, 2019