

BOARD OF SELECTMEN'S MEETING

April 14, 2016 5:30PM

Quorum noted

A. 5:30 PM: Meeting called to order by Chairman Beckert.

B. Roll Call: Mr. Beckert, Mr. Fernald, Mr. Murphy, Ms. Davis and Mr. Pomerleau.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of March 10, 2016, as amended.

VOTE

4-0

Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of March 17, 2016, as written.

VOTE

4-0

Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of March 22, 2016, as amended.

VOTE

4-0

Chair concurs

F. Public Comment:

5:36 PM There was no public comment.

G. Department Head/Committee Reports

5:37 PM 1) Police Department: Confirmation of New Police Chief, Elliott Moya

Mr. Lee said that we have a number of people here to help us with this confirmation. He said that he would very happily and respectfully ask for the Board to confirm Elliott Moya as the next Police Chief of the Town of Eliot. He added that he has given the Board some information about Lt. Moya, explaining that he has been with us since 2007, climbing up through the ranks, and serving as a lieutenant for the past several years; that he has served as detective; that he has a broad education and training background, served as security in the Air Force, and

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has all the key strengths Mr. Lee is looking for. He added that Lt. Moya has been a tremendous employee; that he believes Lt. Moya will be an excellent Police Chief for this Town and he would ask for the Board's confirmation. Mr. Lee also offered his thanks to Police Chief Short, who will be getting done he thinks May 27th after a long tenure with the Town. He added that he wanted to thank Chief Short for preparing such an excellent candidate for our next Police Chief. He said that he looked for confirmation of Lt. Moya as the next Police Chief effective upon Chief Short's retirement.

5:39 PM Chief Short said that it started with Lt. Moya asking in an email if we had any intern positions; that we had a vacancy at the time and suggested Lt. Moya come apply and see if we could put him to work; that he's watched him come up through the ranks; that he's watched his leadership abilities, especially lately. He added that he thinks the Town is going to be in good hands; that it's been great working with him, he has all the faith in him in the world, and all our people like working for him; that he has a great leadership style and he thinks Lt. Moya is going to be awesome.

5:40 PM Lt. Moya said that he and Chief Short have seen a lot of ups and downs at the Police Department and, truly, if it wasn't for Chief Short, he wouldn't be standing here today. He added that, if he had to think of a word, trust is what comes to mind; that we've worked so hard together and been through so much; that he couldn't ask for a better mentor and that he expects Chief Short's phone will be ringing with the hundred questions he will have. He added that Chief Short is a very big part of why he is standing here and he thanked Chief Short.

5:42 PM Mr. Lee said that we also have several members of the Police Department here tonight –Judy Smith, Administrative Assistant; Tina Buckley, Animal Control Officer; Sgt. Morneau, Officer Romano, and Detective Delaney.

5:43 PM Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen confirm Elliott Moya as the Eliot Town Police Chief, effective on the retirement of Chief Short.

DISCUSSION

Mr. Pomerleau said that he would like to commend Lt. Moya on his background; that he loves to see people with this combination of field experience and hands on, especially locally, having come up through the ranks and the really good educational background, which he thinks is critically important in police enforcement these days. He added that Lt. Moya most definitely has a good mentor and he is obviously well-supported by the staff, which is probably most critical, so he wishes Lt. Moya great success and definitely like seeing him come on-board.

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DISCUSSION ENDED

VOTE

4-0

Chair concurs

At this time, everyone present welcomed Elliott Moya and congratulated him.

5:45 PM 2) Eliot Energy Committee – Solarize York (Eliot) Concept

Mr. Lee said that they weren't here, adding that this is probably a non-starter at this point. He explained the program and said that the person heading this up may be going with an independent agency to help a regional effort but we have to wait to see how this works out. He added that he wanted to introduce the concept to the Board; that, at some point, he would probably be asking the Board if they would support such an effort.

H. Public Works

5:47 PM 1) Sewer Rate Options

Mr. Lee said that Underwood Engineers has provided the Board with three rate options. He said that a couple of meetings ago we did approve a 25% rate increase; that the purpose of this memo was to show the Board different ways in which we could achieve 25% more revenue. He added that Mr. Moulton recommends Option #3, which is a blended rate and seems to be the most balanced, according to the analysis, and, therefore, probably the best for our sewer users. He said that the question is which option the Board would like to pursue to achieve the 25%.

5:49 PM Mr. Moulton said that Option #3 makes it more consistent and equitable across the board for both commercial and residential users while not putting a high impact on those that have less usage. He added that this would generally be for restoring reserve accounts; that we currently have only \$65,000 in that reserve for sewer so we are looking to try to build the reserve up and have money for emergency purposes.

Mr. Beckert read Option #3: *"...to increase both the meter charges and the consumption charge by approximately 23%. This would result in a 5/8-inch and 3/4-inch meter charge increasing from \$79.30 in 2015 to \$98.00 in 2016, along with a consumption charge increase from \$4.71 per 100 cubic feet to \$5.79 per 100 cubic feet."* He also read the other two options; that one was to increase fixed meter charges and one was to increase consumption charges (Document available at Town Hall).

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5:52 PM Mr. Lee added that the memo explains that those options aren't as flexible and adaptive as the blended Option #3.

After discussion, the Board agreed Option #3 was the best and most balanced choice.

5:55 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve Option #3 on page 2 of 4 in Item H1 taken up at the Selectmen's Meeting of 4/14/2016.

VOTE

4-0

Chair concurs

5:56 PM a. Sewer Debt Alternatives for Pumping Station Improvements

Mr. Lee said that one of the options that may end up on the ballot would be to have the sewer pumps repaired through a bond to be paid by the sewer users. He added that he asked Mr. Pratt, regarding the increase we just talked about, how close that comes to covering new debt, if it went that way and his short answer was that we would still be off by about 5%; that another 5% rate increase might be necessary. He said that we wanted to advise the Board of this potential.

Ms. Davis said that, if the vote goes that way, it would be another approximate \$30/year increase across the board.

I. Administrative Department

5:58 PM 1) Town Manager Activities Report

Ms. Davis asked Mr. Lee to expand on Line 28.

Mr. Lee explained the difficulty they are having leaving Iron Mountain Storage, with fees and charges to do that; that the Town Clerk has been working hard to get this resolved; that, as a result of this and letting them know that he would spread the word about the fact that Iron Mountain punishes you if you want to leave, they have waived charges.

5:59 PM Ms. Davis asked about Line 84 (Blueberry Lane).

Mr. Lee said that he has had an initial discussion with the developer; that he has had many discussions with the residents of Blueberry Lane who can find no records of a road association or deeding of the sewer system to them; that he is not of the opinion that the residents or the Town own the sewer system; that he is of the opinion that it is still owned by the developer. He added that the developer

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didn't agree or disagree but said that the Town has, for years, allowed residents to attach to 'his' system and asked how we were going to resolve that; that if, indeed, the Town wants to claim that the he (developer) owns it, why did the Town allow people to attach to it, and how does that play into it. He said that we need to do some more work on what, if any, problem that might pose for the Town, saying he wasn't sure it wasn't within the Town's right to connect people even to a private sewer that ultimately feeds into the public sewer system.

6:01 PM Ms. Davis asked about Line 149 (Virtual Town Hall).

Mr. Lee said that we had a demonstration of a much-upgraded, smarter, lower labor web page that has interactive forms, and many other things. He added that it's about \$7,000 to get into it, with a payment plan offered over three years; that what we're using now has nowhere near the potential of this product and the new product is integrated with our streaming video. He said that this has a lot of benefits to the Town and our residents and he would like the Board to look at it with an open mind. He added that he would like to bring the vendor in to show the Board what this product does; that Virtual Town Hall has been around for many years and is being used by many of the surrounding communities.

6:05 PM Mr. Murphy asked about Line 190 regarding one of the Selectmen going outside and dealing with a State agency without the rest of the Board knowing.

Mr. Lee explained that Attorney Cook, Town TIF Attorney, contacted me out of the blue and said she got a call from a woman who works at DECD; that Selectman Davis had called to ask some follow-up questions of what you can, and cannot, do with TIF money; that the woman at DECD thought she was talking to a town manager or a planner or something like that until later in the conversation; that she then got a little nervous that maybe she was talking out-of-school and called Attorney Cook and Attorney Cook called him to let him know and just logged it in his report.

Mr. Murphy asked if we could find out what Mr. Lee learned.

6:06 PM Ms. Davis said that, actually, it wasn't a Selectman that called, it was a private citizen and, if Attorney Cook gave Mr. Lee that impression, it was highly inaccurate.

Mr. Beckert asked if it was Ms. Davis who called.

Ms. Davis said absolutely.

Mr. Beckert said that Ms. Davis is, first and foremost, a Selectman and she has been told that before in conversations we've had with the attorney; that we will

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have a discussion in private, if we have to, in executive session as a personnel matter.

Ms. Davis said that she believes she is a private citizen and she can contact anyone, anywhere, any time.

Mr. Beckert said that, actually, she can't and she has been told that by the attorney that this Board acts as a Board and the Board members act when directed by the Board, not on their own; that our Town ordinance covers that, as well. He added that we need to end the discussion because this is not an appropriate venue to discuss personnel and possible...

6:07 PM Ms. Davis said that it was a constitutional issue and we'll leave it at this.

Mr. Beckert said that, if we have to continue discussing it and some discipline comes out of it, it will be done in executive session.

Ms. Davis said that if she finds a need to contact her, again, she will.

Mr. Beckert said that, if she kept going, that would force him to force the issue by the Town's ordinance and what the attorneys have told us.

Ms. Davis said that the attorneys have told us we can talk to anyone; that no actions were taken, only questions were asked.

6:08 PM Mr. Beckert said that Ms. Davis was not authorized to go outside this Board to contact a State agency to try to convince a State agency that we were doing something we shouldn't be allowed to do.

Mr. Lee clarified that he didn't think there was anything about convincing but thought that she was just asking questions.

Mr. Beckert said that they were the same questions that had been asked here and answered here in memos from our attorney.

Mr. Lee agreed.

Ms. Saurman said that she didn't understand why the Board would take the position "if this keeps happening, we're going to take action." She added that it has happened before; that, apparently, it happened, again, and as a citizen, she would like it sort of squared away as to what the responsibilities and protocol is. She said that she understands the rights of a private citizen; that she just wonders how, or if, it's undermining the work we are trying to do on our TIF Committee and that you folks are trying to do for the Town. She added that she doesn't

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understand why Ms. Davis can't bring her questions up in this meeting and direct them to our Town Manager so that we all know the questions and we all can hear the answers. She said that she would assume that that is why Ms. Davis wanted to become a Selectman, so that she could get information for all of us; that, if you're having personal conversations as a citizen, then that's fine but you also have a responsibility as a Selectman; that she is not convinced that anyone could, necessarily, separate those kinds of behaviors. Ms. Saurman said that, as a citizen, she would like the Selectmen to take a stand, find out what actually can be done, and keep the citizenry informed if we have Selectmen who are choosing to behave differently than what basically serves as a board of directors.

6:10 PM Mr. Fernald said that, as the Chair pointed out, this is not the venue for this particular issue; that he thinks we should move on.

Mr. Beckert agreed, saying that this was not a done issue.

Mr. Pomerleau asked if, regarding Line 210, "Met with Selectman Murphy re: Charter and Ordinances", that was someone acting outside the Board independently.

Mr. Lee said no; that it was just a general discussion; that this is something that Mr. Murphy is interested in and he wanted to discuss how we might go about getting the rest of the Board interested in possibly rewriting the ordinance (Governing Boards, Commissions, and Committees); how to write it up and how to get it on the agenda.

6:12 PM a. New Custodian

Mr. Lee said that Ms. (Diane) Cullen has retired and we have hired Elza Pearson; that her husband, Ron Pearson, works at our Transfer Station; that she is a very nice lady and has been doing a great job, here, in the first couple of weeks she's been here; that she's very pleased to be working with us.

b. Planning Board Checklist(s)

Mr. Lee said that the Planner has been developing a checklist for the PB to make sure they have covered everything as they go through an application; that she has created one for subdivisions and site plan review.

6:14 PM 2) Offer to Purchase Town-owned Land; Ms. Donovan

Mr. Lee said that he thinks she was told to come at 6:30 PM and asked if the Board wanted to put this off until then; that she is planning to attend.

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The Board agreed.

6:15 PM 3) Election/Ballot Clerk Nominations

Mr. Fernald moved, second by Mr. Murphy, that the Board of Selectmen accept the Democratic Election Clerk list, the Republican Election Clerk list, and the Election Clerk list for 2016 – 2018.

VOTE

4-0

Chair concurs

At this time, the Board signed the three documents.

6:18 PM 4) Remaining Timeline to Town Meeting

Mr. Lee reviewed the timeline with the Board.

6:20 PM 5) April 21 Workshop Topics (TM Contract/Form of Ballot)

Mr. Lee discussed the many topic issues available and asked the Board's direction.

Mr. Beckert said that we need one night to sit with the Town Manager to hammer out his contract.

The Board agreed. This will be the agenda for April 21.

6:21 PM After discussion, Mr. Lee will get future workshop dates for the first and third Thursdays.

6:22 PM 6) Remaining Budget Votes for Warrant (If Needed)

Mr. Lee said that Article the 18th is resolved; that that was taken care of the other night during the budget reconciliation process. He added that they still need to resolve Articles 25 through 30 tonight, if possible.

Article the 25th:

Mr. Lee clarified that monies taken for salaries from the TIF are not in addition to but part of the employee's regular salary; that the amount requested from the TIF supplants tax money, reducing what the Town contributes to the employee's compensation. He added that the TIF Alternatives Committee will be working through May before recommendations are made and, probably going forward, there will be a lot more focus on TIF and he wanted to keep the \$20,000 for consulting and for legal in there; that he hoped to get the Board's support on that.

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6:26 PM Mr. Pomerleau discussed flexibility in interchanging legal and consulting; that the Town Manager may find he needs more in legal when a formal TIF goes forward.

Mr. Lee said that we could combine them, if that is what Mr. Pomerleau is suggesting.

Mr. Pomerleau said yes.

The Board agreed by **consensus** to combine legal and consulting into one line of \$40,000.

6:27 PM **Article the 26th:**

Mr. Lee said that this is the York County taxes of \$486,867 assessed for Eliot.

The Board agreed by consensus to recommend that amount.

Article the 27th, 28th, and 29th:

Mr. Lee said that these go together. He explained that we were having trouble coming up with how to fund the sewer pump repairs; that the Board assigned Mr. Fernald and Mr. Pomerleau to come up with some form of question we could ask the voters that would cover the varying interests of the five Selectmen; that he submitted that to the attorneys, going back and forth with them; that the attorneys were unsure they could write in such a manner that it would pass bond counsel and pass DECD; that they finally did, in this order, with one having to be a non-binding referendum vote, and Attorney Mueller has offered to attend a BOS meeting if the BOS needs verification from her that, indeed, this is the only method they felt comfortable putting these rather disjointed, if you will, options together as a series of choices. He added that it is his opinion that the attorney is saying, if not this format, the Board needs to come up with completely different questions. He said that Article the 27th talks about approving a multi-phase sewer development plan for Route 236 and appropriate \$1.7 million out of the TIF funds. He added that Article the 28th asks, if voters don't approve the multi-phase option, to bond the \$1.7 million for repairs to the two pump stations; that Article the 30th, a non-binding referendum, asks whether voters want repayment of said bond to be paid 100% by sewer user fees or 100% by general fund taxation. He explained that the attorney's reason for putting Article the 30th is put as non-binding is that any bond issued by a town is a general obligation bond; that, ultimately, the bond holders know that it would come from the Town of Eliot's pocket because it is backed by the full faith and credit of the taxation ability of this Town. He asked for feedback from the Board as to where they want to go with this.

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6:31 PM Mr. Pomerleau said that, before going further, he did some research with Robert's Rules of Order on the reconsideration vote (gave handout to BOS); that according to Robert's Rules of Order, we had a timeframe within which we were supposed to have acted on that, which would have been the following meeting after we voted to reconsider. He added that, according to 'this' criteria, since we didn't deal with it, the motion being reconsidered stands in full effect. He said that we have a 78/22 bond passed by vote by this Board.

6:32 PM Mr. Beckert asked if the sub-committee had anything ready for the next meeting.

Mr. Pomerleau said that these three options before us now were already done.

Mr. Beckert said that he thought we were playing semantics and games; however, there is an alternative in that you can put this as a fourth item on the ballot.

6:34 PM Mr. Fernald said that we voted the following meeting to reconsider.

Mr. Pomerleau clarified that we had passed the 78/22 split to bond and, then, the following meeting we voted to reconsider that; that once we voted to reconsider, according to Robert's Rules of Order, we either had to pass something new that night or no later than the next meeting, of which we did neither; so, failing to do so, according to Robert's Rules of Order, the original vote stands in full effect.

Mr. Fernald said that, however, at that meeting the Board agreed to assign himself and Mr. Pomerleau to work this out so that was the action that was made.

Mr. Pomerleau said that there wasn't anything that we voted on to replace it.

Mr. Murphy said that it doesn't have to be the same action.

6:35 PM Mr. Pomerleau said that one can have their own opinions but not make up their own rules; that they are right in front of us.

Mr. Murphy disagreed, adding that he wanted to review Robert's Rules of Order for himself.

Mr. Beckert said that the language contradicts itself; that it says "generally" and "general" doesn't tell him that it is absolute.

6:36 PM Mr. Lee suggested that, since there's a difference of opinion on the interpretation of Robert's Rules of Order, that probably that would be the first item the Board would need to take up of whether it is a valid objection, or point of order, to a procedural thing we did wrong or, if it is, in the Board's opinion, something that

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was not done incorrectly. He added that ultimately, this Board has to decide if it followed parliamentary procedure properly or improperly.

6:37 PM Mr. Pomerleau said that they were welcome to read...

Mr. Beckert said that he was reading Mr. Pomerleau's handout.

Mr. Pomerleau said that this was Robert's Rules of Order Condensed Version for Dummies; that the actual Robert's Rules of Order are much, much more complicated to read; that it will reflect what's here (handout); that he went in and researched them.

Mr. Fernald said that this was Mr. Pomerleau's interpretation.

Mr. Murphy asked Mr. Pomerleau if he used the 11th Edition (most recent).

Mr. Pomerleau said yes.

Mr. Murphy said that he wanted to look into this before taking any action.

6:38 PM Mr. Beckert said that there was enough of a question in his mind with what is worded on this sheet of paper (handout) that he would like to see the Board seek legal opinion; that when something starts out "generally, the consideration..." that doesn't tell him that it is absolute that it has to. He asked for the Board's pleasure.

It was the **consensus of the Board** to seek a legal opinion.

6:39 PM **Article the 30th:**

Mr. Beckert said that this deals with the CDBG grant application for Modernist Pantry and a caveat added on the surety.

Mr. Lee said that he did add a little caveat that was suggested by Selectman Davis; that he thought it was a prudent thing to add to just be clear about this.

6:40 PM Ms. Davis asked Mr. Lee if we feel pretty certain that the DCBG will honor this; that they will honor any warrant language that we put in there; that if this gets approved, this language will definitely cover us.

Mr. Lee said yes; that this has been reviewed by Andrea Smith; that he and Ms. Smith and Ms. Wang have worked together to make sure it's going to be okay.

Ms. Saurman said that she didn't realize the Board was going to move on so quickly. She said that, assuming Mr. Pomerleau's question doesn't hold up with

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regard to the word “generally”, she wanted to point out that, if the Board is deciding language to put on the warrant before Mr. Pomerleau handed out his piece of paper, if you really expect the public to understand the concepts that are being presented on those confusing warrant articles...she remembered that, when this first began, she had pleaded with the Board to put it in language that people could understand; that what we heard, before the parliamentary procedure discussion, was not clear language for your voters. She added that the Board will look, again, and find a way to present that.

6:42 PM Mr. Beckert said that, unfortunately, that's what the bond bank requires.

Ms. Saurman said that she thinks the Board ought to re-think what you're going to be asking the voters to vote on, if it's not too late.

Mr. Murphy asked if we could supplement this with a simple explanation.

Mr. Lee said that we might put a note in, if inclined; but, there again, we'd have to put it on the ballot because people aren't going to read this warrant; that they're going to vote on the ballot and the ballot, right now...he's getting very nervous because, if you want to add line items, notes, etc., this thing is going to be sixteen or eighteen pages long, two-sided; that we could have four options, per question, with a citizen's option. Mr. Lee said that, regarding Ms. Saurman's comments, he said the same thing to the attorney but this has to be in legalese. He added that he wished he could just put, “Do you want to borrow \$1.7 million and have taxpayers pay it or do you want to borrow \$1.7 million and have sewer users pay it, or, do you just want to use TIF money and commit to an economic development plan?”

Ms. Saurman said that that was how she understood it was going to be asked; that, then, you hear the language that it has to come out in and she finds it discouraging that we are going to be asking people (these questions) with such confusing language.

6:43 PM Mr. Lee said that we have two opportunities to get the word out on this; that one is a required public hearing on the warrant; that the second is that he's just begun writing a flyer for The Sentinel and the web page and we could also do something through the E-Alert System. He added that he thinks we can put this in layman's terms and get it out frequently enough and, maybe, have a sheet of paper at the Clerk's Office.

6:44 PM Mr. Lentz agreed with Ms. Saurman that this is the most confusing language he's ever read; that it's his opinion that, if you don't have something citizens will understand, they will vote 'no'.

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- 6:45 PM** Mr. Pomerleau agreed, saying that it's not just the language in the articles but the sequence of articles and the contingency requirements. He discussed his frustration with the attorneys giving us this kind of language and being the same ones that always tell us, whatever we do, we must make it clear because someone could challenge the outcome of the vote because the language was confusing. He added that he tested these articles with his wife, not giving any comments but just asking her to read them and, about 10 minutes into it, she was in disbelief; that he tested this with several other people and they said they didn't understand the articles, no one will tie these things together logically; that you have to read ahead to know what you're doing in the vote prior. He said that he didn't believe each article was even in context; that he personally doesn't agree with, or support, any of the articles.
- 6:47 PM** Mr. Lee said that he followed the directions of the two folks that came up with the three questions and submitted them to the lawyer; that this is how they came back. He added that he didn't want it this way; that when he told the attorney that it was very complicated and confounding and not getting any positive feedback, the attorney said that that's the only way that combination of questions could be put in a series that would be supportable. He agreed with everyone that it is confounding but it also has to pass bond counsel and that's a different threshold from the average voter in the voting booth.
- Mr. Beckert said that, if this is required by the bond counsel, then the issue lies in educating the voter with a simple explanation.
- 6:48 PM** Mr. Lee said that it was his intent to try every method under the sun that, when you see Article 27, 28, and 29, before you do anything, read them all and here are the choices you are going to be faced with, so that people will understand it in a very commonsense kind of a way.
- Mr. (Brad) Hughes asked why we have two options, with the third how we are going to pay for it.
- 6:49 PM** Mr. Lee explained that two of the Selectmen were assigned to try to come up with the form of the question; that one Selectman felt that we needed something that gave people the option of using the TIF fund; that the other Selectman wanted nothing to do with that and wanted to go with bonding; that with the bonding question one Selectman wanted 100% sewer users and the other 100% taxpayers.
- Mr. Hughes said that this seems to be two different projects; that one is Route 236 and one to repair the pump stations.
- 6:50 PM** Mr. Lee said that it is, the second with a bond. He clarified that they are both methods to pay for the pump station repairs – use cash out of a TIF account but

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you have to commit to a Route 236 plan or borrow the money, and you are either going to pay for it with 'this' group of people or 'this' group of people.

Mr. Hughes said that, now, he understands.

Ms. (Tina) Lane, Alden Lane, said that that's what needs to be explained, the difference, because that's what was lost the last time we voted; that we thought it was the same old as when we first began because that explanation wasn't there.

6:51 PM Mr. Lentz said that it was the same.

Ms. Lane said that she thought the first time it wasn't going to include the pumps.

Mr. Lee said that it did, but it was through bonding, not through cash and that's one big difference.

6:52 PM Mr. Pomerleau explained that we all thought, and he and Mr. Fernald tried to do, was to come up with something that would allow, or yield, choices for a plurality winner; that this is what the attorney ended up doing to that and that has nothing remotely close with what we set out to do. He added that the attorney is saying that we can't do that legally (plurality); that we haven't agreed to put any of this before the voters, and, to take it back to the 78/22, that's the only thing this Board has ever voted on 5-0. He said that we have an option that can go forward and none of these options, here, need to be in the picture at all.

6:53 PM Ms. Saurman asked the Board to reject this, understanding that they are against a deadline, because whatever you intended to do and the result you got doesn't seem to match; that she thinks the Board is not doing the voters a service by presenting this complicated and divisive issue more complicated and more divisive. She asked them to reject this and go back to work; that you have a Budget Committee person here who knows how numbers work and needed a fair amount of explanation, in person.

6:54 PM Ms. Davis asked Ms. Saurman if she was still in favor of the 78/22.

Ms. Saurman said that she was interested, after that, that a subcommittee was going to try to find another solution. She added that she would ask the Board to keep trying to work in the next couple of weeks to see if you can come up with some better, clearer wording.

6:55 PM Mr. Beckert said that he thought we needed to move on from this until we determine whether Robert's Rules of Order were followed, or not. Mr. Beckert said that he needed action on Article the 30th.

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Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approved Article the 30th.

DISCUSSION

Ms. Davis asked if this is going to be revised to include a Budget Committee recommendation.

6:56 PM Mr. Lee said that he had not revised this since that came up as a conversation but, as he said before, it is a money article and he has no personal qualms about the Budget Committee making a recommendation on it and would be happy to add that.

The Board was in consensus with the article, as written, with that addition.

Ms. (Donna) Murphy, Budget Committee, said that we met and took action on two of the articles; that on Article the 30th the Budget Committee voted 5-0 to support it.

6:57 PM **At this time, Item I2 was taken up as Ms. Donovan was present.**

Mr. Lee said that Ms. Donovan had previously tendered an offer of \$100 to purchase the foreclosed property adjacent to her; that she has subsequently made an offer to the Town of \$600 to purchase that land; that she is here tonight to find out if the Board would be willing to accept her offer and sell that land to her.

Ms. Donovan said that she purchased her property in 2005; that she received a letter from Mr. Lee last fall that the Town foreclosed under 'this' sliver that was, at first, purported to be running under her barn. She added that she came to the Town, did some research but did not understand how it was foreclosed in 2007 without notice to her; that the more she looked at the records, the more she suspected that wasn't the right parcel; that the lot line surveys conflicted.

6:58 PM Mr. Lee added that, after Ms. Donovan came in, we went to our GIS guy and he found that it was off by several feet in that particular area; that when he realigned it correctly her barn was no longer on that property; that it had moved sufficiently that she was all right and did not need that property.

Ms. Donovan said that purchasing it, frankly, would just square her property to a rectangle; that she doesn't think it's buildable and it makes sense that we would own it. She added that she asked for a foreclosure deed because, to this day, she isn't certain what the Town owns and what she is offering to buy, which she thinks is a fair price. She said that she was told there wasn't a foreclosure deed but she would like to see a copy of the deed.

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April 14, 2016 5:30PM (continued)

- 7:00 PM** Mr. Lee clarified that, when it's foreclosed, it's a perfected security and we don't get anything back, like a deed; that when we sell it, we sell it under a quit-claim deed.
- Mr. Beckert said that the only issue he has for selling it for less than what is owed on it in back taxes is that it sets a precedent; that, even when we sell a foreclosed property for back taxes back to the original owner, we sell it for all back taxes and associated fees; that this property has about \$1,600 to \$1,700 owed in back taxes.
- 7:01 PM** Mr. Fernald said that he agreed except that he doesn't believe that Ms. Donovan actually knew that she owed on this.
- Mr. Lee said that she didn't owe anything on this; that it was owned by someone named Thomas Larson, he thinks, and it was Thomas Larson that we foreclosed on. He added that we looked to see if it was buildable and he believes that the very smallest of acceptable mobile homes could just barely squeeze on that property; that he didn't know if you could fit the utilities as well as the mobile home.
- Mr. Beckert said that, even if Mr. Larson were to come in and want it back, the Town normally sells it back to the owner for the fees and back taxes owed, nothing less.
- 7:03 PM** Ms. Donovan said that she understood precedent-setting decision-making. She added that her issue was that imputed to you is the fact that you owned this from 2007; that she owned her property right next door from 2005; that she was first told that she was being offered property that ran underneath her barn and, then, we find out it does not. She said that the issue becomes the knowledge on the part of the Town; that if she had been offered the opportunity to buy this property, you would have been collecting those taxes the whole time because, if you look at the map, that it would make sense that we own this property. She added that she doesn't think it's fair and she doesn't think equity is required that she should pay back taxes that she never knew about; that she never knew it was foreclosed upon even though she was an abutter. She said that she was told the alternative is auction and that incurs expense for the Town; that she would show up for the auction but, in order to avoid auction, she thought this was a fair resolution.
- 7:04 PM** Mr. Pomerleau asked, if we decide to go out to bid, what our policy on setting the bid, do we set the minimum as \$1,680.
- Mr. Lee said yes, generally-speaking.

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Mr. Pomerleau said that he wonders if there was an option here to go to bid, setting the minimum at \$600 and no one coming along; that he didn't know if we had a policy on the bid having to be a minimum of back taxes due.

7:05 PM Mr. Beckert said that that is usually how it goes out as; that the minimum bid is usually set to cover what's owed.

Ms. Davis asked if there was any precedent for getting rid of the interest payment and for just the principal amount.

Mr. Lee said not generally speaking. He added that, when he got here, he found we owned a lot of properties we had foreclosed and sat on, and this was one of them; that what Ms. Donovan is saying, that by our own doing we let it sit there for nine years and becoming more and more costly to obtain; that if we had foreclosed in 2007 and offered it to her in 2008, probably \$121 would have been due but we let it sit there and, to some extent, shame on us.

7:06 PM Mr. Fernald said that that was the point he was trying to get at.

Mr. Lee said that the amount that has accrued is of our own doing.

Mr. Fernald agreed; that that is what he meant.

Mr. Pomerleau asked if there was a value to this land that anyone knew of.

Mr. Lee said that it was .1 acres and the only suggestion he's heard is whether, somewhere down the road, would we want to put a pumping station there; that that has never been discussed and doesn't think it's very practical or likely.

7:07 PM Ms. (Donna) Murphy said that she supposed anybody could go down to Town Hall to look at the foreclosed properties and been informed that way but said that it was her understanding that the Town is not obligated to notify people. She also asked, if the Board approved this offer tonight, then shouldn't it be offered to Mr. Larson for \$600. She added that she didn't want to lose that piece if it would be needed in the future.

Mr. Beckert said that he didn't know if Mr. Larson was even alive; that he didn't know if another abutter might be interested in this property. He reiterated his caution in setting precedent.

7:08 PM Mr. Lee suggested another option, putting it out to bid without a minimum bid in recognition that we sat on it for nine years; that everybody has a shot at bidding on it and we are following policy; that we see who bids, including Ms. Donovan, then determine if it is of an amount sufficient for what the Board is after.

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April 14, 2016 5:30PM (continued)

Ms. (Donna) Murphy asked if that opportunity would be afforded to other homeowners who may come under this situation in the future, asking if that would be setting a precedent.

7:09 PM Mr. Pomerleau said he was in favor of rejecting this offer, putting it out to bid, per policy, for the \$1,680; that if we don't get any takers then, maybe, we could come back to the drawing board in terms of her offer.

Mr. Beckert added that we should check policy because he thinks any tax-acquired property that we dispose of we need to run by the Conservation Commission first to see if it's anything they recommend we keep.

Mr. Lee agreed that we did have to do that.

7:10 PM Ms. Davis asked if it was a written policy that we put out the bid for the minimum owed.

Mr. Lee said that we do have a policy for how to dispose of tax-acquired property but he doesn't think it specifies the minimum bid; that he thinks that's more by practice over many, many years.

Mr. Murphy said that he considered this a special case and thinks the Town may have learned something from it that it desperately needed to know; that we should not let this be a precedent in the way we handle similar things but he hopes a similar situation never arises; that it seems to him to be rather unique, particularly the mix-up of all the maps; that we started out with a very different picture than the one we wound up with; that we had to have it re-surveyed.

7:11 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen accept Ms. Donovan's offer of \$600.

DISCUSSION

Ms. Davis said that Mr. Lee said that there were other properties in this condition and there may have been others that were purchased for the full price; that we would be cheating those behind and those in front and we would be setting a precedent. She added that she thinks we should let it run through the system and, then, make a decision after the fact.

DISCUSSION ENDED

VOTE

2-2 (Davis, Pomerleau)

Chair concurs in the negative and the motion fails.

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7:12 PM Mr. Beckert said that we will deal with the property in the normal fashion and check the policies. He added that he knows, by policy, we have to inform the Conservation Commission.

Mr. Lee agreed. He explained that it was just a simple ad in the paper, a Notice of Sale and not like an auction where people show up; that he will keep Ms. Donovan posted.

Mr. Pomerleau asked what part the Conservation Commission had in this.

Mr. Beckert said that the Conservation Commission reviews the property to see if it's something they believe the Town should keep (ex: forest or wetlands), makes a recommendation to the Town, and the Board makes a decision on that recommendation.

7:13 PM Mr. Lee said that, as an example, if we owned 4 or 5 parcels in the Town Forest and one went to foreclosure, the Conservation Commission would recommend keeping that parcel.

7:14 PM **7) Form of Ballot/Warrant – Line Items?**

Mr. Lee said that he wasn't sure what to say about this but he knows there was some discussion about this. He added that he doesn't think this is the year to suddenly implement it; that he thought we ought to wait to do it in conjunction with the re-write of the Town Meeting Ordinance, which he thinks we need to address at some point to get some clarification there. He said that he was concerned that we are trying to do too much too fast too last minute. He said that there have been enough people at the Citizen's Option Meeting, on the Budget Committee, and elsewhere saying that they think we ought to have more definition and, so, he didn't want to ignore that and he put it on the agenda as a discussion point, if it warrants a discussion this year to try to make some change.

There was no discussion on this item.

7:17 PM **8) Policies Related to Disbursements (2nd Reading – Revised)**

Mr. Lee said that it hasn't changed substantially; that Ms. Adams made a comment about putting in a clarifying statement in it and the Board seemed to be interested in that, so, he did put that in – "This authorization is to be used only in the event that a majority of the Select Board cannot fulfill their disbursement warrant responsibilities". He added that he thought that was clarifying enough that, under no circumstances, if a majority can be found, will you designate one or two people to do all your financial review work.

BOARD OF SELECTMEN'S MEETING

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7:18 PM Mr. Murphy discussed his concern for when this special exercise of authority might arise and the impact to the writing of the weekly warrant by way of separating what could (payroll, school, State fees), and could not, be signed for. He asked if this was understood.

Mr. Lee said that his thought was that, if this ever came into play that only two of you were left to sign the warrant, if that was a week that we had a school check that needed to be paid, then that could be released with your signature, but not paying the guy for sheetrock or the guy for crushed stone until the Board was functioning again, as an example. He added that we could separate out those that must be paid in that type of situation, released with one or two signatures; that he would only separate out those 'must pay' bills in a week we might not have the Board quorum.

7:19 PM Mr. Pomerleau said that the language says that we could get by with just one signing, asking what if there were two of us available. He asked if that was the intent or would we want both people available able to sign it.

Mr. Lee said that that was a policy decision; that that is not his decision but the way these things are written, as little as one could do it because, once you lack a majority, you're down to having a minority signature, anyway.

Mr. Pomerleau said that the question is do we want to allow just one to authorize it when two are available or do we want to have two, if available, to sign it; that it should state both, or one, if a majority is not available.

7:20 PM Mr. Lee said that he would have to craft language that the Board would have to see, suggesting that he do that and bring it back in two weeks.

It was agreed that the Board would have a third reading.

7:21 PM **9) MMA Unemployment Fund – Pursue?**

Mr. Lee said that one thing that's been kicked around is whether we are wise or somewhat foolish to be self-insuring unemployment; that depending on the town and the stability of the workforce, being self-funded isn't a bad thing; that, as an example, we have had some instances of unemployment with our police force for various reasons and that means we have been constantly having to look at rebuilding our unemployment fund. He added that he got a lot of information from MMA and provided it to the Board, thinking that, if we filled out that information regarding our demographic information, etc. and submitted it, then we could find out what the annual cost would be; that then the Board could consider whether they wanted to stay self-funded or want to pay a percentage of payroll into an unemployment fund and not have to worry about how much gets

BOARD OF SELECTMEN'S MEETING

April 14, 2016 5:30PM (continued)

paid out. He said that, unless the Board doesn't like that idea, he would ask to look into it as a potential way to stabilize unemployment costs; that he thought MMA stabilizes us, whereas, the way we do it now we could have spikes and valleys.

7:25 PM Mr. Murphy asked if Mr. Lee had used this in previous ways and was familiar with what he is asking us to look into.

Mr. Lee said yes.

Mr. Murphy asked for Mr. Lee's opinion.

Mr. Lee said that, because of the stability factor and that budgeting in towns can be so difficult, having an insurance policy, should anyone become unemployed, that person would get paid. He added that we would just make regular contributions into that unemployment fund. He said that this depends on the stability of your employee base; that if you have a stable base in that employees have been there for years, no turnover, and no unemployment, then self-fund it. He said that to the extent that we do have some turnover, he thinks it can cause an unstable situation you have to budget for or be flexible about. He added that he wasn't sure we are in that position.

7:26 PM Mr. Murphy asked, regarding the money that would go to MMA, if it comes out of their salaries or is it provided by the Town, in addition, as a percentage of the salary.

Mr. Lee said the latter; that the Town pays the premium in lieu of putting the money into a reserve account.

7:27 PM Mr. Pomerleau said that it was in the 1970's when this whole direct reimbursement provision was put into employment law; that it was the beginning of non-profits being part of the unemployment compensation system. He added that, initially, people said that they would self-fund because they don't ever lay people off and it didn't take long before they all learned the downside to that. He said that there have been a number of changes in unemployment law, which allows people to collect unemployment that is totally beyond the control of the town. Giving an example, he said that if someone leaves their job to follow a spouse to a new location of employment, just following a spouse that has another job and they have to resign theirs, that person is eligible for unemployment because they didn't do anything wrong and the town didn't do anything wrong; that if the employee is eligible, then the town pays. He said that this is one case of maximum benefits into the \$6,000 to \$8,000 range and the quarters lag, so it doesn't necessarily stop with one benefit year. He added that the benefit of having a low turnover is equally beneficial to the tax rate with MMA because they base

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April 14, 2016 5:30PM (continued)

your contribution based on your experience in turnover rates; that you get a better tax rate if you have a low turnover.

7:28 PM Mr. Lee agreed that was an important point; that we have our own designated pool and, if we don't use it much, we don't have to pay much more in and pretty flush; that if you use it a lot, your contribution will go up.

Mr. Pomerleau said that he thought it was a wise move to find out what the contribution rate would be and, then it becomes an easy math thing to compare that to one case; that in his experience, the only people who self-insured were the big corporations.

7:29 PM Mr. Hughes said that he has never known of unemployment benefits being granted to a person who voluntarily left a job. He asked, if in fact, we were funding in-house and someone wanted to file a claim, who makes the determination as to the validity of that claim.

Mr. Lee said that it was the Maine Bureau of Unemployment.

It was the **consensus of the Board** to have Mr. Lee to get more information on this.

J. Public Safety

There are no items.

K. Old Business:

There is no old business.

L. New Business:

There is no new business

M. Selectmen's Report:

7:31 PM Mr. Pomerleau said that the school is having their meeting on the opiate issue tonight; that the school extended him an invitation to go tomorrow so he will try to make it to that event.

N. Committee Vacancy Report

No update tonight.

BOARD OF SELECTMEN'S MEETING

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O. Other Business as needed

7:32 PM Mr. Lee said that this may be something where the Chair may want to recuse himself, regarding the Raitt Farm.

Mr. Beckert recused himself.

Mr. Lee said that the Raitt Farm is having an event and using Mainely Bartenders; that, according to statute, the decision to have a public hearing to issue the required license is up to the BOS; that you can waive that requirement for the Raitt's to have a temporary liquor license. He added that the person from Mainely Bartenders said that wherever he has been they don't require a public hearing for a one-day event; that this is a daytime event.

It was clarified that it is the Raitt Homestead Farm Museum requesting this as a non-profit organization, not the Raitt family.

7:33 PM Mr. Lee said that last year when Mainely Bartenders was required to have a public hearing there was a \$46 bill incurred that has not been paid; that he would suggest that the Board waive the public hearing subject to Mainely Bartenders paying their old bill of \$46.

The Board agreed.

Mr. Murphy moved, second by Ms. Davis, that the Board of Selectmen waive the requirement of a public hearing for the request from the Raitt Homestead Farm Museum for their upcoming Mainely Bartenders event.

VOTE

2-1 (Pomerleau)

Acting Chair concurs in the affirmative.

7:35 PM Mr. Murphy said that he would like for this Board to have a workshop to consider some problems that he thinks he's found with regard to the way our Ordinance Governing Boards, Committees, and Commissions is set up; mainly affecting the membership selection for various committees; that it's not spelled out properly or completely; that the rules for voting may also be involved. He added that several people have talked with him and, also, the Town Clerk is concerned and she would want to be involved in some of the discussion. He said that we would be hoping to have an amended ordinance available for this coming November.

7:38 PM It was the **consensus of the Board** to include this as a workshop topic.

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P. Adjourn

There was a motion and second to adjourn the meeting at 7:39 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary