

BOARD OF SELECTMEN'S MEETING
May 26, 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. 5:30 PM – Swearing in of Chief Elliott Moya and Reception – No Correspondence

5:32 PM At this time, the ceremony honoring the incoming Police Chief began. Mr. Lee thanked the Portsmouth Pipe & Drum Unit and the Eliot Police Department Honor Guard, along with the Eliot Police Force and Elliott Moya's nephew, who played the National Anthem (on his trumpet), for participating in honoring this occasion. He introduced Deputy Chief and Lieutenant Elliot Moya as Eliot's next Police Chief and gave a summary of his background education and experience.

5:39 PM At this time, the Town Clerk, Ms. Wendy Rawski swore Elliott Moya in as Eliot's Police Chief and, then, his wife pinned on his badge.

5:42 PM Police Chief Moya thanked everyone, especially his family, for their support, as well as the outgoing Police Chief, Ted Short, saying he was an excellent mentor and thanked him for all his help and guidance.

5:45 PM Reception

F. 6:00 PM – Public Hearing: Budget Information

6:02 PM **The Public Hearing was opened.**

At this time, Mr. Lee gave an overview of when and how the annual meeting voting would happen and encouraged residents to vote absentee because of the changes and anticipated long lines on Election Day. He also explained that the Select Board (3-2) recommended a 3% pay increase for non-union employees while the Budget Committee recommend a 1% pay adjustment; that the Selectmen also recommended the solar project (3-2), which adds \$40,00 (to the budget) into a reserve to eventually buy out the solar array that would be located at the Transfer Station. He explained that a great deal of the savings comes from the Police Department, due to the employment restructuring. He also clarified the differences between Articles 27 and 28 (ballot) and what each would approve regarding the pump station repairs.

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- 6:10 PM** The Budget Committee discussed supporting the purchase of a binder, in-house, for doing Town Reports and the like, reconfiguring the way that police cruisers are purchased, and raising the Fire Fighter's stipend.
- Mr. Lee clarified that the good news is that we are just committing to getting onto and down Route 236; that we can still amend the phasing as to where we take it and not locked into any plan, at this point.
- 6:15 PM** Mr. Pomerleau, discussing the solar array project, said that the Energy Commission did an outstanding job researching and getting all the details; that, at the time we approved it, it was a solid proposal with long-term savings. He added that legislation was introduced this year in Maine that would have made it even better for municipalities that was vetoed. He explained that it appears the Governor wants to do away with the net metering provisions, which is essentially the bonus baby of the solar project because what is generated, but unused, is electricity that you can sell to the power company; that if that disappears the benefits of the solar project could be seriously diminished. He added that he was very concerned about voting for this project until we find out how this will impact us.
- 6:18 PM** Both the Selectmen and Budget Committee thanked Mr. Lee for making the budget process go smoothly.
- 6:19 PM** **The Public Hearing was closed.**

G. Public Comment:

- 6:20 PM** Ms. (Rosanne) Adams gave a copy of a letter she received yesterday afternoon from Ms. Mitchell, Assistant Director of the Maine Historical Preservation Commission with their findings concerning Old Libbey Lane. (Letter available at Town Hall). She suggested that we might want to consider looking at our ordinance criteria and a procedure that will ensure a concerted effort is made to identify and help protect our historic resources. She asked that copies be distributed to the Planning Board and Board of Appeals.

H. Department Head/Committee Reports

There were no items.

I. Public Works

- 6:23 PM** **1) Sewer Phasing Cost Updates – K. Pratt**

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Mr. (Keith) Pratt clarified that they were asked to update the 2012 cost projections if phasing were to happen. He said that, if we assume the pumping station projects are built and the Phase I project possibly constructed 2 years later, we projected about a 19% cost increase (\$4 - \$4.3 million); that that would be approximately two thirds of the TIF area. He added that there would be future phases if voters chose to continue it on that would have some additional costs; that those costs have not been done because we have not completed any kind of advanced design in those areas; that it would be something less than the Phase I project.

Mr. Lee asked Mr. Pratt to speak to the Kittery idea that was brought up.

6:27 PM Mr. Pratt said that, in 2012, there was already a plan in place to connect the Route 236 Sewer Extension to Kittery via Route 236 and Martin Road; that we looked at that option and compared it to four others (value engineering study) to support the most cost-effective option. He added that two options emerged; that the first was to stay the course and connect to Kittery via Martin Road and the second was to route the sewers down Beech Road and State Road and go through the existing infrastructure in the Village area (ultimately proposed) through the existing pumping stations. He explained that we selected the second one because it was the lowest cost option and we were comparing what we thought would be the ultimate build-out; that it was less by well over \$1 million. He added that, more importantly, that option put more money into Eliot as opposed to paying for more sewers in Kittery.

6:29 PM Mr. Pomerleau said that, back then, Kittery wanted the Town of Eliot to pay for a lot of infrastructure that was going to be in Kittery but, now, they have done that (built sewer infrastructure to the Eliot line); that the question now is if that would be a better way to go because they have already done that.

Mr. Pratt said that we have not formally approached Kittery to renew those discussions; that what we have pointed out is that we would need to see about a \$2.9 million savings in what was projected at the time that we were going to pay Kittery in order for us to see that that option would be the lower cost to Eliot; that we were suggesting to take a look at those numbers to see if there was any possibility that that is something that Kittery would even consider; that he thought they would still be looking at some sort of a buy-in to cover the associated costs. He also said that we need to look to see if they sized it to accommodate Eliot. He said that he thought the next step would be to decide whether or not we want to approach Kittery.

6:31 PM Ms. Davis asked if, at the time, Kittery was anticipating that Eliot would construct the sewer from along Martin Road all the way to the wastewater treatment facility.

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Mr. Pratt said that they were proposing where the sewer would go, would construct them under their responsibility, and charge us for our share of that construction; that just because they are now constructed he's not sure our share would go away; that he thinks that they would still be looking for that share.

6:32 PM Ms. Davis said that Kittery is in trouble right now and probably looking to pick up as much revenue as they can. She added that, when he said there would be a required savings of \$2.9 million; that looking at the way we would be routing it, now, we would be saving on a force main and saving on the \$1.7 million pump upgrades. She also said that she didn't know what the Kittery interceptor costs is but she knew we were going to anticipate a buy-in of 200,000 gallons, which wouldn't potentially change but she doesn't know if this \$1.6 million includes something in addition to the gallons-per-day buy-in that we were talking about. She added that there is a savings, here, and it would be nice if we could at least explore and compare, even if that option doesn't work out; that right now we don't know.

6:33 PM Mr. Pratt said that we still have time to do that. He added that he would say you aren't saving with the pumping station projects because, even though you don't route through the Village, if we go Route 236, that's a cost the Town still has to bear; that that is something that is still needed.

Ms. Davis said that responsibly spending the TIF money means that we should optimize the way we're spending it for economic development; that if we don't route the sewer through South Eliot then we would not be upgrading the sewer because the sewer on Route 236 wouldn't be routing that way, so, we would be saving the \$1.7 million for the TIF. She added that the State is going to look at us, to some degree, to responsibly use the money to do what the intended purpose is. She said that we need this information at least for consideration before we go too much further and asked if this was something this Board was interested in finding out.

6:35 PM Mr. Lee said that, after meeting with Mr. Pratt, we wanted to let the Board know that we're not sure there is a realistic likelihood the response is going to be great; that he understood, without any response, we don't know. He added that he and Mr. Moulton would be comfortable, if the Board wanted us to approach Kittery, with a motion from the Board to ask us to try to acquire that information. He also said that we do not expect a very positive outcome from that.

Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen ask the Town Manager to talk with Kittery about any potential possibilities we have with offering a route on Route 236.

DISCUSSION

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Ms. Davis said that she would like to see a response to that as soon as possible, hopefully before our next regular meeting.

Mr. Murphy asked if our current contract with Underwood Engineers have enough funds to support their efforts in doing that.

6:37 PM Mr. Pratt said that he would double-check with Mr. Lee to see where we stand with our contract but he thinks we're pretty much capped out with what we've established; that if we're talking about a meeting just to see, it's not a lot.

VOTE

4-0

Chair concurs

Mr. Pratt said that he would contact the engineer in Kittery tomorrow.

6:38 PM **2) Private Sewer System Discussion – K. Pratt**

Mr. Pratt commented that the Town and Mr. Moulton have been very proactive in starting to take a hard look at maintaining, operating, and making the sewer system sustainable; that one of the things that was completed by the Town was an operations and maintenance manual of the entire system. He added that we looked at some sewer use ordinance updates with the idea that we want to make sure, going forward, we are investing the right amount of time, money, and resources to maintain the system. He said that discussed a lot is being in compliance with State and federal law and the operational manual talks about private sewer systems that connect to the public system, being aware of them because, to some degree, there is exposure and responsibility for the Town to make sure those are in compliance, too, whether by ordinance or transfer, the expectations the Town puts on themselves to maintain the system, to the private system, or whether we look at these private systems in a different way. He explained that we were asked to look at what exists out there for private systems and to see if these systems are being maintained and are also in compliance, with the concern that, if there is a failure in a private system, what happens and who is responsible. He said that there were, throughout the sewer collection systems, several (8-9) of what we consider private systems and quite a bit of infrastructure associated with these. He added that this is a sort of head's up in that we may be talking more with the Board on how to approach these; that the Town has asked us to develop a 'scope of work' to investigate the condition of some of these private systems so that, moving forward, we can decide, if there are improvements that need to be done, whether the Town wants to consider taking ownership of them or whether improvements are required of the private entities who own them. He clarified that we are just in the beginnings of that; that we will be coming back with that scope of work, with

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the idea that there would be some costs with the assessment, and how and who would pay that assessment.

6:43 PM

Ms. Davis asked if these were private community septic systems would we be having the same discussion.

Mr. Pratt said that he didn't think so because these go into the Town system; that we have the ordinance in place so we would be looking at making changes in the ordinance to make sure things are in place so that any discharges that the Town put into Kittery are appropriate; that there is some responsibility for Eliot to make sure that that's the case. He added that we should be extending some of those responsibilities to the people that go into the Town system.

6:44 PM

Ms. Davis said that she realized that a private system is not hooking into our system but we would never contemplate owning that, as a Town, to make sure that it doesn't leak or not defective in any way, including the ground around it, asking what other towns are doing with this problem.

Mr. Pratt said that he thought the Board would see a mixed bag; that we have been involved with a lot of systems where the town has just extended and been clear of what the expectations are on the private system (same standard for both); that he has seen towns take over ownership in certain instances because, in the end, if something fails in one of these systems, the town is probably going to get the phone call, anyway, and probably respond at some level.

6:45 PM

Ms. Davis asked Mr. Pratt if he could provide the Board with some samples of ordinances that other towns have used to control any negative impact.

Mr. Pratt said yes.

Mr. Pomerleau said that, to him, there is a private sewer system and they want to tap into the Town's sewer, then they're subject to the Town's ordinances with regard to use; that he didn't even know why that would be a question. He asked if the real question was whether or not there was an issue of ownership of these private sewer systems and who was going to be responsible; that that was the issue that was initially before us.

6:46 PM

Mr. Pratt said that that was part of the discussion and that is part of the effort Mr. Lee is going to be pursuing in parallel with this; that there is some thought that some of these may have already been transferred to the Town.

Mr. Lee clarified that we know we have several instances throughout Town where we aren't even clear who the owner is, if that owner is still around, or if that owner has any money. He said that one of our first discussions was that, if we are going to hold ourselves to these standards, with back-up generators, maintenance,

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etc., we are going to have to bring the hammer down on these people that put in these private systems, requiring them to bring them up to a standard; that we must be ready to do it legally, put some money into it, and not be afraid to have some teeth. He added that, short of that, the only other thing we could do is think in terms of the Town taking ownership; that that's not his first suggestion, rather, try to identify, or force them to identify, their shortcomings in their systems because they haven't maintained them and, then, to order repairs, etc. to those systems; to be prepared for a fight if we can even find the person to fight with. Regardless, he believes we have to at least have some advanced contingency planning on how we would deal with this; if not, start the compliance process now before the horse gets out of the barn.

6:48 PM Mr. Murphy agreed with the Town Manager completely as well as Mr. Pratt's advice; that we need to look at this to see what problems there are and who will pay for it. He added that he thought we should go ahead.

Mr. Beckert asked Mr. Moulton if, when the current sewer ordinance was last updated, the updates put in that ordinance actually gave it some teeth for compliance.

Mr. Moulton said yes.

6:49 PM Mr. Beckert clarified that the question is to identify those that don't comply and make them comply.

Mr. Moulton agreed, and finding the person responsible. He added that that was one of the tasks during the updates because of the specific topic of illicit discharges and who would be responsible; that ultimately the Town has the biggest pockets.

There was some discussion regarding Riverview Estates' private system that does have issues; that, at some point, that may be the way the Town expansion goes; that most anything along the river, at some point in the not too distant future, will probably be required to be sewerred.

6:50 PM Mr. Fernald asked if the ordinance required a homeowner's organization within that area, itself, to be responsible for their sewer system.

Mr. Moulton said that, without having it in front of him, the intent was that there should be a homeowner's association in most cases for the anticipated private sewer system; that he does not believe, in these cases, there is any record of one on file of any kind.

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Mr. Lee said that, in an ideal world, every one of these subdivisions would have been required to form a road association (much like a homeowner's association) for that very reason because, until a road is accepted as a public road, they all have to chip in and decide how the road will be maintained; that when they are buying their house on a private sewer system they are actually buying a sewer system in a similar way. He added that he thought the reason it was easier for everyone to not really speak in loud voices about it was that the developer wanted to sell those parcels; that if you say you have to belong to a road association and have one seventh of the cost of a private sewer pipe running down your road, then those parcels aren't going to sell very quickly. He said that he didn't think the developer had much incentive to create an association and be clear with the buyers; that many of the buyers have nothing in their deeds and nothing in their sales documents about any association or any private sewer line; that there are no records of the Town or residents being responsible; that it has to be the developer who put it in and that we shouldn't have let this go without having an answer as to who owns the system.

6:52 PM Mr. Murphy asked if this suggested the need to go back to our subdivision ordinances; to find out who is in charge at that level.

Mr. Lee said that we are at the beginning of that and does think we need to have that conversation.

Ms. Pelletier said that the ordinances are now updated so that these situations will never happen again; that it is a requirement now.

Mr. Fisher said that the PUC (Public Utility Commission) has a system where, if you have three people going to the same system, then they have to have an organization.

6:54 PM **3) Storm Water MS4 Permit Updates**

Mr. Moulton said that, as of July 1, 2018, the next permit cycle will take effect (State/EPA); that that is in the process of being reviewed at the State level and the Town has the option of, and is, reviewing it and will comment. He added that the packet he submitted discusses some things that are forthcoming and some of the things we've done and why, as a complete update, and the comparison we did with Raymond, NH (a similar size town to Eliot) that shows their next permit cycle and significant cost changes compared to what we currently do and pay. He discussed the capital projects related to this, saying that, although the outfall (illicit discharges) was the original intent, we needed to find the source of the illicit discharges, which leads to drainage and stabilization of roads; that it's a full picture of where we think the permit and costs are going so that the Town will be prepared.

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6:57 PM Mr. Murphy said that, currently, the interest in this is the Piscataqua River, asking if, when that is satisfied, will Eliot be required to look closely at, say, York River or Spinney Creek, etc.

Ms. Pelletier said that we hope not; that we never know if a water body is going to start testing high for some illicit discharge. She added that, if it does, then the State starts to step in and regulate it and tell you your total maximum daily load from each pollutant that it can have; that you hope your water bodies don't end up on these impaired water body lists because the costs go up exponentially.

6:59 PM Mr. Murphy asked if we could expect to move back away from the Piscataqua River, following wetlands back up into the highlands as the sources of possible pollution.

Ms. Pelletier said that she thought it will only become a more comprehensive, all-encompassing program as the years go by, as it has from the beginning.

Mr. Lee said that it's not good news; that he wants to look out further and further to what exactly we have coming down the pike, especially where we are trying to put together a comprehensive capital improvement plan (CIP). He added that what we can do is that Maine is probably going to follow in the footsteps of New Hampshire and what they're seeing there is frightening as to what it means to us. He said that he thinks we need to be aware of that as we plan our budgets and capital spending; that we need to start talking now, about this, wondering if we should try to get several towns to share a staff person who just is our MS4 person, for example; how are we going to deal with it when it comes.

7:00 PM Mr. Murphy said, in looking at the sample from Raymond, NH, their MS4 costs start at \$50,000 the first year and go up approximately \$50,000 in each of the next four years, to end at \$150,000 the fifth year. He added that that is something that has to be planned for.

Mr. Lee reminded everyone that this is only the MS4 portion; that these are not the projects, so it gets even scarier. He added that this is just MS4 compliance – inspections, outfall testing, evaluations of properties, doing inventory of aging septic systems, annual inspection of each of those, etc.

7:01 PM Ms. Pelletier said that we have some ideas for funding so it is not entirely tax-payer funded; that other towns have done some creative things to curb costs and we can meet in the future to discuss that.

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7:02 PM 4) Pleasant Street Embankment Bid Award

Mr. Lee said that we went to seven contractors and got back four prices that are reasonably close, except for one. He added that we recommend that the Board go with the low bid who is also the bidder who is working on Pleasant Street – Brex Construction Corp at \$45,825 for the Pleasant Street Embankment Stabilization Project.

Mr. Fernald said that that is still over the amount that was budgeted for.

7:03 PM Mr. Beckert said that, in Mr. Moulton's memo, it says, "With the Board's permission, the department would like to enter into negotiation with Brex Construction for a reduction in the bid price to comply with the \$43,500 budgetary figure."

Mr. Lee said they were hoping the Board would award this to Brex up to \$43,500 and authorize negotiation to have PW do small portions of work to trim the bid down by, maybe, setting up the site, coning, marking things, etc.

Mr. Moulton said that we have broached the topic with them; that the Town was going to remove the guardrail and the contractor was going to be responsible for installing the jersey barriers (replacing guardrail) but, by agreement, the Town will pick up that task; that he has an agreement with the Town of York to utilize their jersey barriers they use along the beach in the winter; that we will pick them up from York, set them in place, and the contractor will remove them as the project goes forward. He said the verbal agreement is pending the Board's approval tonight and funding, with the project moving forward on June 14th.

7:05 PM Mr. Fernald asked, with all that Mr. Moulton has said, if that will be that figure, or lower.

Mr. Moulton said that the price to Brex will be the budgeted figure of \$43,520; that the Town will pick up that in-house \$2,000 cost by moving the barricades, and such.

Ms. Davis said that this has not been approved by Town vote, yet, asking how we are proceeding with the timeline.

Mr. Moulton said that it is pending approval June 14th; that being that it is Brex as the low bidder they will do this project in conjunction with Phase II of the drainage project pending approval of that money, as well. He clarified that it would basically be a lump sum project with two contracts.

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7:06 PM Mr. Lee said that he thought that any motion should be contingent upon voter approval funding.

Ms. Davis said that it won't commence or be invoiced until after July 1st.

Mr. Lee agreed.

Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen award the contract for the Pleasant Street Embankment Stabilization Project to Brex Construction Corporation, not to exceed \$43,520, and not commence until the Town has approved it in the June vote.

DISCUSSION

7:07 PM Ms. Davis said that, with a project like this, part of the cost is excavating and carting material away and replacing it with some sort of riprap (stone). She asked why we couldn't make a deal with the contractor that our trucks do the carting away and provide the materials; if there was ever a way we could save by negotiating something like that.

Mr. Moulton said that it would be difficult because 2½ of our trucks equal one of their large trucks; that our trucks carry 9 cubic yards to their 24 cubic yard trucks; that in this case the math doesn't work and the damage to our equipment would be too severe.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

7:09 PM 5) Truck Equipment Bid Award for the 2016 Kenworth

Mr. Moulton said that we are looking to re-purpose current equipment for a savings of approximately \$40,000, clarifying that the equipment we are looking to re-purpose would be 84 not 89. He added that the Town has re-purposed another truck (1979); that this HP Fairfield equipment has stood up well with minimal damage. He said that we went out to four bidders who do truck fit-ups; that two were light-duty trucks and did not want to entertain some of the heavier duty stuff we have; that we ended up with two bids that came in – one from Viking-Cives and one from HP Fairfield for a difference of \$4009. He added that he provided pictures of different equipment, and Mr. Robinson (PW mechanic) is here to discuss our concerns, as we look to have the Board approve the higher bid for \$32,999 to support the overall integrity of the truck.

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7:12 PM Mr. Robinson showed the Board a 3" pin that broke in half on one of our snowplows, explaining that this is the main pivot point and, when that sheared off, it broke the plow in half but the plow equipment on the truck and the truck frame was not damaged because of the integrity of HP Fairfield's work. He added that the integrity of Viking-Cives probably would have destroyed their equipment and the actual truck frame, itself, and, in turn, would have damaged the front hydraulic pump and the integrity of the front of the engine, which is where the pump hooks on.

Ms. Davis said that we approved a \$94,000 dump truck a couple weeks ago and, now, we're adding this amount; that she doesn't remember this being mentioned as part of the total package of expenditure.

7:13 PM Mr. Moulton said that it isn't; that this is a separate bid and was budgeted for this year under truck equipment; that it is another thing we are looking for approval for on June 14th by the voters. He added that we wouldn't take possession of the truck until July 1 and would have this work done after that date.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the Eliot Department of Public Works Director's recommendation and accept the bid from HP Fairfield in the amount of \$32,999 to outfit the 2016 Kenworth.

VOTE

4-0

Chair concurs

7:17 PM 6) Skid Steer Bid Award

Mr. Moulton said that, contingent on voter approval, the Board and Budget Committee were in agreement that we would, hopefully, enter into a lease purchase for a new skid steer, predominantly used at the Transfer Station. He added that he has provided three bids; that the apparent bidder, overall, for a lump sum cost of the skid steer would be \$37,200 for a seasonal payment of \$7,912.16. He said that he put \$10,000 in the budget for this year and he is looking for Board approval, pending voter approval, to move forward with this.

Ms. Davis said that she thinks we budgeted \$15,000 for this and asked if there was any way we could accelerate this purchase to save some money.

Mr. Lee said that he thought they would be happy to do that.

Ms. Davis asked if Mr. Moulton could work out the details and let us know.

Mr. Moulton agreed.

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7:19 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the Public Works Director's recommendation to approve the lease-purchase option with Milton Cat for a lump sum of \$37,200 or a lease-purchase price of \$7,912.16 per year, depending upon voter approval.

DISCUSSION

Mr. Lee said that we will also pursue the possibility of paying them over a shorter period of time.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

7:20 PM 7) Transfer Station Disposal Fees

Mr. Moulton discussed his memo regarding the disposal fees charged at the Transfer Station, saying that he adopted them when he came; that his research found that our fees are similar to other towns in the area and better enforcement helps to level fund the Transfer Station. He added that he doesn't think they are too high and will continue to monitor this; that he thinks that we are in line with surrounding communities and everyone around us has a minimum fee.

Mr. Pomerleau said that he brought this to the agenda because he was at the Transfer Station when a pretty irate gentleman came to him complaining that he had just been charged \$3.00 for an empty 5-gallon plastic bucket. He added that his sentiments were 100% with him when it costs \$3.00 to buy it brand new. He said that he doesn't remember a minimum fee being charged and has never seen it posted; that all the years he's lived here the number of things he's thrown in that dumpster he's never been charged a penny for and he knows he's not the only one; that he thinks that's excessive. He said that he understands the laudable goal of trying to make it self-funding but, as a practical matter, \$3.00 to throw away a plastic can (seems excessive). He added that he told the guy to stick it in his purple bag, fill it up with the rest of his stuff, and he can throw it away for nothing; that one shouldn't have to go to that extreme. He said that the bigger question, for him, was when this started; that there seems to be a disconnect in that you say it's always been there and it looks to him like something new. He also asked whose authority it was to set the fees and why aren't these things coming through the Board; that that's a revenue.

7:25 PM Mr. Moulton reiterated that he adopted them. He said that, sometimes, people get rid of a series of items, one at a time, when no one is looking; that this man's claim may be true but he wasn't there to see. He added that, as he said in the memo, there were many residents that used to get upset to see someone throw

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something away and be charged and see others not be charged; that every resident should be treated fairly. He said that we would look to do a minimum fee and the Board can change that if they wish.

7:27 PM

Mr. Lee said that he understood what Mr. Pomerleau was saying and did think that this is an item that should be established by the Board, adding that neither he nor Mr. Moulton were aware when these fees were set, or by whom. He suggested that, if the Board is concerned enough about the fees, they could ask the Solid Waste Committee to review the existing fee structure and make a recommendation to the Board for amending or what fees are appropriate; that they could periodically do that every two to three years.

Mr. (Jim) Tessier said that every year in the Town Book there are four pages that address the Transfer Station and one of the pages lists all the fees charged; that it says at the bottom of the page that prices were effective 4/1/2011 so they have not been changed in five years. He added that what is listed 'here' are the big items; that the attempt by the Solid Waste Committee, at the time, was to try to set fees that were absolutely charging the resident what it cost the Town to get rid of the material; that there was no profit being made by the Town. He said that he thinks the fees listed here are pretty fair; that he did agree they needed to be looked at periodically because item prices increase over time. He added that, a couple of years ago, they added miscellaneous plastic and people can put plastic buckets, up to a 5-gallon pail, into the miscellaneous bin and they would not pay a fee for that. He said that what is not addressed here are the small items and certainly needs to be looked at; that the difficulty in setting a minimum fee is that people come in with a small handful of items that a minimum fee might be too much to apply for what they are bringing in.

7:32 PM

Mr. Fernald asked where the Transfer Station got rid of the t.v.'s, monitors, and electronics that we charge residents for.

Mr. Moulton said that it is North Coast Services (NH) and their costs are going up this year because it costs money to get rid of it; that the recycling portion has gone away and the tubes (fluorescent) and older t.v.'s have gases in them. He added that we try to stay on top of this; that we can definitely look at a small item. He said that the way to get around major complaints is by the size of the load and that is up to the attendant; that you have to put trust in your employees that they can size it; that he has never seen them overcharge anything. He suggested putting in a weight scale and charge people what it cost for the disposal and is probably a \$20,000 to \$30,000 capital expense; that that would probably eliminate any questions anyone would ever have about disposal of anything.

Mr. Fernald asked if there was a State program that helps pay for disposing of electronics.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

7:34 PM Mr. Moulton said not to his knowledge but he will look into that.

Mr. Fernald said that the company Mr. Moulton mentioned first (Portsmouth) told him that the State has a program that pays that company for the electronics they dispose of and that Eliot is a part of that; that he took 11 t.v.'s over there and it didn't cost him a penny. He asked, if that's the case, why we are charging our Townspeople, also asking if that company actually came to Eliot to pick the items up.

Mr. Moulton said not the one he is discussing; that North Coast Services comes to Eliot; that it may only be a NH program and involve specific state regulations; that he would take a look at the state (NH) program.

7:36 PM Mr. Fernald said that they had indicated they could do that because they had an office in the State (Maine) and Maine has a program for that.

Mr. Moulton said that he would inquire further.

Ms. Davis suggested we look into what is charged to residents in conjunction with Mr. Moulton to come up with a fair compromise regarding fees charged to citizens to flat-fund the Transfer Station versus what service the Town can provide because they already pay for this service; maybe have a workshop.

Mr. Moulton cautioned the Board regarding adjusting fees as the vendor could, at any time, charge the Town more, and he might get caught short in his budget. He clarified that we used to get a minimal \$12 in revenue, or so, for a truckload and now it costs \$1,000 every time they come in.

7:42 PM After further discussion, it was the consensus of the Board that the Public Works Department and Solid Waste Recycling Committee review fees over time, and currently, and come back to the Board with more information and recommendations.

8) Request Carryover of DPW CIP Funds

Mr. Lee read the DPW Directors memo regarding carrying over CIP funds (\$11,701) for the purpose of constructing a wash bay in FY16/17, required by Maine DEP under the previous stormwater audit (MS4 Permit). Mr. Lee recommended this.

7:44 PM Ms. Davis said that we have had this in at least two previous budgets, asking why this question is coming up now; that it has been in the reserve account to be used, asking why the implication that it would be turned over to the general fund.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

Mr. Lee said that the staff had the same question; that it was an abundance of caution because he has thought there would not be an issue with money and, then, there was an issue, adding that he just wanted to make sure we were all on the same page on this. He added that he didn't see where we wouldn't be but he also felt it necessary that he check in.

After some discussion, Mr. Beckert asked Ms. Bergeron, if it is in the reserve, it doesn't drop through, anyway.

7:46 PM Ms. Bergeron said that she thought there had been some confusion on capital reserve accounts versus just reserve accounts – capital accounts that are earmarked for a specific purchase and not expended in the year they are approved, would drop through; that she thought that is why we were here tonight because that was earmarked for a specific purpose; that if it was going to be utilized by June 30th is why we are asking the Board's permission to carry it into the next budget year, so that it can be.

Ms. Davis said that it has been on a CIP for the last 2-3 years; that she would view this in that, if we appropriated \$50,000 for a project and we only spent \$40,000, then she would anticipate the \$10,000 savings would roll back into the general fund but, whereas, we are saving for this project, long-term, then we don't touch it until the time comes to do the project.

7:47 PM Mr. Murphy asked for confirmation that it would do no harm if we approve the carry-over of this amount.

Mr. Beckert agreed it would do no harm.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the carrying forward of the balance of \$11,703.11 so that it will be available as part of a continuing reserve account.

DISCUSSION

7:48 PM Ms. Davis asked if there was a need to formalize that; that we have a lot of other long-term CIP projects that we are saving for. She added that she thought it was just a matter of policy that the money stays in there until we do the project.

Mr. Murphy said that there seemed to be a question about that and he was trying to resolve the question.

Mr. Lee said that, from an auditing standpoint, we would feel a lot better if there was authorization to carry forward the money.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

7:49 PM Ms. Bergeron said that she discussed this with RHR Smith; that there were two types of reserve accounts – one for capital specific projects and reserve accounts for assets (fire truck, dump truck, etc.), which do not require Board permission to carry forward. She clarified that capital specific projects that aren't utilized in the year they are approved, by his own admission, would need to drop through to the general fund.

Mr. Lee said that we will be working on our financial policies and that would be the time to discuss capital projects versus reserve accounts.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

7:51 PM **9) Pole Permit, Beech Ridge Road**

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the Central Maine Power Permit request for Beech Ridge Road Pole, Job #1030027686.

VOTE

4-0

Chair concurs

The Board signed the pertinent document at this time.

J. Administrative Department

7:52 PM **1) Town Manager Activities Report**

Mr. Lee reminded everyone that the Memorial Day Parade would start at 9 AM at the Eliot Elementary School.

Ms. Davis asked for more information on **Line 36**.

Mr. Lee said that there is a resident who has owned a piece of property since 1986; that we had a subdivision come in that took a lot of permits and the CEO told the resident that, at the current pace, he is looking at 3 years, at least, before being able to get a growth permit. He added that he met with the resident, Planner, and CEO and, more realistically, about 16 of the 24 spaces the developer took on the growth permit list he can't get because you can only get 8 maximum in one year; that the news the resident got was not as bad as it could have been. He said that we talked about the process in the ordinance to set the yearly number of growth permits.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

7:55 PM Ms. Davis asked about **Line 81**, regarding a resident complaint about the chip seal, saying that she had received complaints.

Mr. Lee discussed a resident with kids who can't use their skateboards with the chip seal repairs to the road; that he and Mr. Moulton have discussed the use of chip sealing going into the future.

Ms. Davis said that she had concerns regarding the use of this product.

7:57 PM Mr. Lee said that he has 25 years of paving experience and used it in many places; that we had roads in Buxton chip sealed 30 years and they were very strong, never needed any treatment.

Ms. Davis said that Mr. Moulton initially said that it was going to save our roads; that it was something we need a little discussion on because we're receiving complaints.

Mr. Lee said that, at an administrative level, he and Mr. Moulton have had a couple of discussions because it's not working here in terms of it being received well. He added that it does make sense, he understands it, it is a good product, and it does last but people think they got a bad paving job.

Ms. Davis said that she thought we've been carrying around \$50,000/year on this but we never take it out for bid; that she didn't know if there was only one vendor for this but, if we are going to continue this, we need to start looking at that, too.

7:58 PM Mr. Lee said that we may not be continuing it.

Ms. Davis, regarding **Line 126** (solar array), asked if we were going to have the many missing details of the contract before the June vote.

Mr. Lee agreed we need more details to questions; that we have to see if the people will support the solar project and, if they do, then this has to be forefront of working out the many complex details on the Purchase Power Agreement (PPA). He added that he didn't want to spend a lot of money on legal if the Town rejects it. He said that we are not even close to a signed document; that we will have to go through it with a fine tooth comb, get legal review, and negotiate, possibly, several different points; that a vote supporting this is not confirmation of a contract.

8:00 PM Mr. Murphy, regarding **Line 129** (boat claim), asked for more information.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

Mr. Lee said that the Harbor Commission asked him a legal question regarding multiple names on one mooring; that he got a response from one of our attorneys and he thinks everyone has that.

a. Referendum Town Meeting, Tues., June 14 – No Correspondence

This is informational.

b. Monthly Financial Reports

There was no discussion.

8:03 PM 2) Endorsement Request: Solarize Seacoast

Mr. Lee said that this is a group of just regular people working with a non-profit called SEAREI; that they will be putting out proposals for solar photo-voltaic roof installers and screen the various responses to find which contractor has the best package deal to save residents money. He added that the Town is in no way involved with picking the vendor, any part of the business transaction; that the only reason for asking for endorsements from the KEYS towns to make it easier for residents to be able to at least speak with the vendor to see if it makes sense and if there is a savings to the resident. He clarified that this group would vet the vendors and, then, it's strictly between the homeowner and the vendor. He added that the group would like to have a link on the Town web page and the Energy Commission has endorsed this as a nice idea to help people.

8:07 PM Mr. Pomerleau asked if we are talking about having actual information on our web site that is a link to any company.

Mr. Lee said no; that what we would have a link back to SEAREI and they would have the information. He added that he believes they have done an excellent job of being very, very clear and that is why they are getting support; that the town is in no way endorsing the vendor, or solar power necessarily, or anything other than people who want solar power should not be duped and this group wants to try to hook it up in such a manner that people don't get duped.

8:09 PM Mr. Pomerleau said that he went to that presentation and he was quite comfortable with them, as well; that if something developed to the contrary we would just yank it.

Mr. Lee agreed.

It was the **consensus of the Board** to move forward with this.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

3) Town Manager's Employment Contract Extension

Mr. Pomerleau moved, second by Mr. Murphy, that the Board of Selectmen accept and enter into a three-year agreement for a contract of hire with the Town Manager of the Town of Eliot, dated May 26, 2016.

VOTE

4-0

Chair concurs

8:11 PM 4) Select Board Draft Workshop Schedule

This is informational for the Board.

Mr. Pomerleau said that he would like to see us drop our July workshops; that it is a very busy, short season and he sees nothing there that is all that compelling; that he would like to see customer service moved up and referendum town ordinance moved to the end.

Ms. Davis agreed regarding July; that some of the topics we may be able to combine.

Mr. Murphy said that he liked the position of the referendum town meeting ordinance because there will undoubtedly be some comments after the actual experience that all the citizens have in June; that we do need to look at that to see if it needs some changing. He added that he was glad to see review of the 'previous four'.

8:16 PM 5) June 30, 2016 – 2:00 PM Office Shutdown for End of Fiscal Year

Mr. Beckert said that the Clerk is asking that we close the office at 2PM that day to allow the staff to do the required balancing and reporting of the end of the fiscal year to be ready for the new fiscal year the next day.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve Wendy Rawski's request to close the Town Hall Clerk's Office the afternoon of June 30th at 2 PM.

VOTE

4-0

Chair concurs

8:22 PM 6) Abatement Request: Map 15/Lot 5-2 – 0 Moses Gerrish Farmer Road

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the abatement in the amount of \$756.43 on Tax Map 15/Lot 005-002.

BOARD OF SELECTMEN'S MEETING

May 26, 2016 5:30PM (continued)

VOTE

4-0

Chair concurs

8:24 PM 7) Request to Apply for Grant: Summer Intern

Mr. Lee said that the Maine Town and City Managers Association, a group he belongs to, use part of their fees for several scholarships, of which one is an intern; that it is fully paid by the Maine Town and City Managers Association and we would like to see if we could get an intern for the summer for a student studying Public Policy or Public Administration or some related field; that we have identified a number of places where we could use some free help and get caught up with some routine matters and some exciting things, such as MS4 requirements, accounting and finance, planning, etc. He added that we were wondering if the Board would have any objection to us going for a grant to have a summer intern.

Mr. Murphy said that there was the implication that this would just be for Maine students but he didn't see it specifically limited to that.

Mr. Lee said that the interns did not necessarily have to come from Maine; that he suspects they will choose a Maine student.

It was the **consensus of the Board** to allow Mr. Lee to go forward with the grant.

K. Public Safety

8:29 PM 1) Request for Carryover of Fire Dept. CIP Funds

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen carry over the amounts requested in the Fire Chief's Memo, dated May 15, 2016, specifically the Fire Capital Generator in the amount of \$20,000, the Fire Capital Communication System Upgrade at \$10,000, and Fire Capital Structural Response Clothing remaining balance of the allocated \$5,000.

VOTE

4-0

Chair concurs

L. Old Business:

There was no old business.

BOARD OF SELECTMEN'S MEETING
May 26, 2016 5:30PM (continued)

M. Approval of Minutes of Previous Meeting(s)

8:32 PM Motion by Mr. Murphy, seconded by Mr. Fernald, to approve the minutes of May 5, 2016, as written.

VOTE

4-0

Chair concurs

N. New Business:

There was no new business.

O. Selectmen's Report:

There were no Selectmen's reports tonight.

P. Committee Vacancy Report

There was no new report.

Q. Other Business as needed

There was no other business.

R. Adjourn

There was a motion and second to adjourn the meeting at 8:38 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary