

BOARD OF SELECTMEN'S MEETING
June 9, 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. Public Comment:

5:31 PM Ms. (Donna) Murphy gave copies of a letter she read at this meeting to the Board regarding negative statements made by Selectman Murphy about her at the BOS meeting of May 19, 2016. (Available at Town Hall.)

5:34 PM Mr. Beckert thanked her for her letter and said that the Board would take it under advisement.

Ms. (Rebecca) Davis (private citizen) read her memo regarding the Route 236 Sewer Expansion Project imminent vote and her concerns regarding this vote and the use of TIF monies. (Available at Town Hall.)

Mr. Beckert said that the Board would take her memo under advisement.

5:36 PM Mr. Beckert said that he wanted things, as it says at the top of the agenda, that if you have things that are going to come before these meetings, then they need to be in to the Town Manager by the Thursday of the week before. He added that he is not going to start taking things that are not properly brought before this Board on agenda items just so people can grandstand.

F. Boston Post Cane Award

5:37 PM Mr. Beckert said that the Boston Post Cane Award was given last year to Mrs. Dot Manson and she holds the Cane until such time that she is no longer with us.

G. Department Head/Committee Reports

5:38 PM 1) Conservation Commission requests permission to research Conservation Easement.

Mr. Lee said that they are requesting to be put on the agenda to discuss next steps with the Board regarding a conservation easement for the Town Forest property located at the end of Punkintown Road; that there are questions regarding the

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validity of a particular deed (boundary dispute) and they would like to fund a surveyor to verify the accuracy of the deed in question. He added that they would like access to money in the Land Bank to hire attorney/ surveying type professionals to find out why we cannot get an accurate reading of Punkintown Road boundaries.

5:40 PM Mr. Beckert said that when the Parson's property had been purchased by vote of Town Meeting the boundary lines had been perambulated all around the property and, at the time, there was no question of the deeds being wrong.

Mr. Lee said that there is one particular landowner who doesn't believe we have a contiguous piece of property; that his deed shows that he owns across the road where we think we own across the road to make it contiguous. He added that he thinks we will need professional help to have final resolution to the Punkintown Road boundary issue. He said that the CC is looking to the Board for guidance to help make this a more formal request as to who to hire, what they hope to achieve, and a specific money amount; that he thought it would be appropriate for the Board to ask for more details regarding this request.

After further discussion, it was the **consensus of the Board** to allow the Conservation Commission to develop a full proposal to bring to the Board.

5:46 PM Ms. (Wendy) Rawski, Town Clerk, said that she is not a member of EliotOnline but was informed of some postings that had her name involved in them; that she wanted to clarify some things on that publicly. She explained that a member of her election staff that was in a training session with her on Monday posted some comments she thinks were misleading versus the words she actually said. She said that comments made were, "Wendy, the Town Clerk, stated that it was going to be a circus and there were going to be many ugly people." She said that her comments to the staff were that they would have people that were upset; that it happens at every election and the staff needs to know that they don't deal with that but get the moderator, the warden, or myself to deal with those people; that there would probably be lines waiting to get into the voting booths and feeding ballots into the machines. She clarified that her comments were merely protective, in nature, to the staff that would be there. Additionally, Ms. Rawski said that none of the municipal employees in this building would knowingly allow any propaganda in, or outside (outdoor message center), of this building that promotes any referenda item that's on that ballot.

5:48 PM Mr. Lee said that he checked with the staff; that that's not the graphics used by the Planning Department but other graphics generated elsewhere.

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Ms. Rawski said that she thinks someone may have used the opportunity to use that outside message information center; that she may have to padlock it if it happens again.

5:50 PM Mr. Lentz said that those same diagrams were in our Planning packets.

Mr. Lee said that Ms. Pelletier looked at the diagram and said she didn't believe that was her diagram.

Mr. Lentz said that he would bring the one in his packet down to Mr. Lee..

Ms. Rawski said that, as of 5:20 PM this evening, the Town Clerk's Office has issued just shy of 800 absentee ballots; that average total votes cast for this cycle election is normally about 1,200.

H. Public Works

5:52 PM 1) Skid Steer Lease Update – No Correspondence

Mr. Lee clarified that we went back to the 16/17 budget and found we have \$10,000, not \$15,000; that the amount of the lease is almost \$8,000 and he didn't feel the difference between the two was sufficient to negotiate on the lease.

2) Road Management Plan Update

Mr. Lee said that CMA Engineers just updated the plan. He noted that the average Pavement Condition Index (PCI) has increased from 65 to 69 on a scale of 0 to 100, which means our roads are improving; that they added a summary table of treatment methods to reflect today's prices; that CMA recommends staying at \$500,000 funding to improve and maintain roads to reach a PCI of over 96 within 20 years. He added that they provide a 5-year road plan, with the actual roads and needed work, to guide the Town as they make decisions on priorities.

5:56 PM Mr. Moulton said, regarding a concern by a resident on surface treatments, that in order to stay with this \$500,000, surface treatment has to be a vital part of what we do. He added that chip sealing is one of the more viable treatments and tends to last longer; that the final product is rough but is cheaper than asphalt and does gain more life for the roads we have to maintain; that this allows us to take care of roads that are in worse condition and eventually get back to those roads we've treated. He said that it's critical to continue to look at these surface treatments and really pay attention to what we're doing as part of the whole budget that hasn't had full funding, as it gets tweaked downward every year, and that impacts the way road management is prioritized.

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Mr. Lee added that South Berwick is taking out a \$4 million bond because they didn't keep up with their roads and we are trying to avoid bonding and paying interest on things we have to do; that the roads have to be maintained.

6:00 PM 3) Pole Permit – Sargent's Lane

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the pole location permit on Sargent's Lane.

VOTE

4-0

Chair concurs

The pertinent document was signed at this time.

I. Administrative Department

6:02 PM 1) Town Manager Activities Report

Ms. Davis asked Mr. Lee if, when we review the financial policies at a workshop, he was going to give us the latest updates.

Mr. Lee said yes; that he was working to get all the pieces put together to have that available to the Board.

Ms. Davis asked, regarding Line 60, for an update with Ms. Donovan.

Mr. Lee said that he explained to her how the Town arrived at the money number (back taxes) being asked for the property and letting her know that the Town had decided to keep the property.

6:04 PM a. Referendum Town Meeting, Tues., June 14 – No Correspondence

This is informational.

b. Boat Basin Report to State

Mr. Lee said that this was informational, adding that he sent this to Thomas Linscott at the Department of Agriculture, Conservation, & Forestry and he sent back that he really just wanted to see operational costs and how that matches up with our fees. He added that he still wasn't clear regarding the parking lot because that is the main reason he wants to reserve money, as that shouldn't be out of the Town's paving program, and he would like to leave any monies at the end of each year in the reserve towards paving. He also said that Mr. Linscott needs to see this report annually.

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There was discussion regarding MS4 mitigation (assessment) as it relates to paving and where the Town was in the process of potentially purchasing this property from the State.

6:10 PM c. Senior Luncheon Thank You

Mr. Beckert said that they received a letter from the Bogh's thanking everyone who helped with the Senior Luncheon.

2) Select Board Draft Workshop Schedule - Revised

Mr. Lee requested that the Board review the charter for the revised June 16 workshop date and give any questions or concerns for legal clarification. He added that the scheduled workshops would move down one place; that topics will be pushed back a bit because of no July workshops. He said that, tentatively, we might have a joint Review of the Budget Process workshop with the Budget Committee on August 4th. He added that, because the Budget Committee is meeting soon to discuss this, they could also submit their comments and recommendations in writing prior to August 4.

Ms. Davis asked if, according to the Charter, the Budget Committee is going to have someone placed on the union negotiating team.

6:13 PM Mr. Lee said yes; that they will need to select someone, suggesting the Budget Committee may want to discuss that at a June meeting because, as of July 1, he and department heads are out of the union negotiating.

6:14 PM 3) June 30, 2016 – 2:00 PM Office Shutdown for End of Fiscal Year – No Correspondence

Mr. Lee said that he was just confirming this closing.

4) Salt-in-Well Claim

Mr. Lee said that he had added 'salt-in-well' claims to our insurance but not before this incident happened; that this claim was denied. He added that the resident chose to fix the issue before bringing it to the Town, which precluded the insurance claim process through the Town.

Mr. Pomerleau asked if the test this person had done indicated anything within the parameters that MMA gave us; that if there was some indication, then it may be worth testing the well again; that if the Town is responsible, then he thought it should be more than "I think so." He wondered if this was the only well or if there were others.

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Mr. Lee said that he would follow up on those questions and bring what he found back to the Board. He added that he didn't think we were given the time to use a process that would have helped determine if we are at fault.

6:20 PM Mr. Beckert agreed that this was after-the-fact; that we can't reconstruct a lot of that.

Mr. Pomerleau suggested cutting the person some slack in having a contaminated well and the pressure to get it resolved in a timely fashion; that he may have never given it a thought to go to the Town, first.

Mr. Lee did not disagree.

6:22 PM **5) Application for Mainely Bartenders-America-on-Tap event June 25th**

Mr. Beckert recused himself for this, as it is at the Raitt Farm, and Mr. Fernald became acting Chair for this agenda item.

Mr. Murphy moved, second by Mr. Pomerleau, that the Board of Selectmen approve this application.

VOTE

3-1 (Beckert abstained)

Chair concurs

At this time, the Board signed the pertinent document.

J. Public Safety

6:24 PM **1) Harbor Ordinance (1st Reading)**

Mr. Lee thanked the Harbor Commission for the many hours and time they spent on the Harbor Ordinance; that it has been sent to Bernstein Shur for review, as well as Ms. Pelletier. He asked the Board to review this and get back to him with any comments or questions.

Mr. Pomerleau said that he wanted everyone to look over the appeals section, as it is not well written as to the Select Board's involvement in the final appeal and how it comes to the Select Board.

6:27 PM Mr. Murphy suggested not calling this a 1st reading as this was pretty complicated; that he wants, very much, to look at this very carefully. He added that, as you know, the Piscataqua is an unusual river and, for certain uses, like navigation and piloting, Maine law leaves it all up to New Hampshire law and the Coast Guard; that our own harbor ordinance needs to be careful about what it claims to do.

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Mr. Tessier asked if the adjustment of fees is addressed in this draft ordinance.

Mr. Lee said that it was addressed in Section 10; that it says that the Harbor Commission will set the fees.

Mr. Beckert said that he thought that it should say that the Harbor Commission will propose the fees.

Mr. Lee said that there is a lot of good in this draft and reiterated that the Board review the proposed ordinance for any issues or concerns.

K. Old Business:

There was nothing under Old Business.

L. Approval of Minutes of Previous Meeting(s)

6:30 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of April 28, 2016, as amended.

VOTE

4-0

Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May 19, 2016, as amended.

VOTE

4-0

Chair concurs

M. New Business:

There was no new business.

N. Selectmen's Report:

6:35 PM Mr. Pomerleau said that the opiate program is coming out of the talking stage and we're beginning to see some funding in programs.

6:37 PM Mr. Murphy said that he spoke with Mr. Bruce Flaherty, president of Maine Spirit of America, a chapter of Spirit of America Foundation, which is a non-profit organization to recognize the contribution of citizens to municipalities. He added that we might want to put this on our next meeting's agenda for consideration; that it somewhat parallels what Eliot has done for years with the Fabian Drake Award.

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O. Committee Vacancy Report

6:39 PM Mr. Lee said that we are carrying this on the Town website.

P. Other Business as needed

There was no other business.

Q. Adjourn

There was a motion and second to adjourn the meeting at 6:40 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary

9 June 2016

Eliot Town Manager, Eliot Board of Selectmen
Eliot Board of Selectmen
1333 State Road
Eliot, Maine 03903

In Re: Slander

During the Board of Selectmen meeting on May 19, 2016, Selectman Jack Murphy made misleading, untrue and accusatory statements about me. At no time during the meeting did Selectman Murphy provide any documents or offer any evidence to support his accusations nor did the Chair request any offer of proof.

During discussion regarding the write-in candidates for Budget Committee in the June 2015 election and language in the Town Charter, Selectman Murphy made the following statements about me:

"She looked at who she was displacing and she decided to accept the election and the three-year term."

"But what worries me the most is this very specific allowance put in there by the say of Donna Murphy. It was her suggestion that if there's an opening after June, in their book, the Chairperson of that Committee is allowed to select a person and put him on that Board. *(In reference to the Eliot Town Charter)*

"Now, it was shown last June that that Chairperson could actually create such an opening by displacing another person, not a citizen, who put himself forward and she be killing two birds with one stone and fulfill her desire to have the members of that Committee be entirely chosen by the Committee year after year. This process would proceed until they had on there, only the people they selected"

The fact is that I have never discussed my decision to accept the position with Selectmen Murphy and therefore he possesses no knowledge as to my thoughts on this matter.

Selectman Murphy's statements regarding the language in the Charter and my "desires" are blatant lies. At no time did I say or suggest to the Charter Commission that any such language or statement be incorporated in the Charter. At no time have I ever expressed a desire that the Committee be entirely chosen by the Committee. In fact, the opposite is true. I have gone before the Board of Selectmen, the Charter Committee and spoken at Budget Committee meetings about my strong feelings against any Board or Committee appointing members to elected boards.

There were further comments made at that meeting that my acceptance of the position prevented Dutch Dunkleberger from serving on the Budget Committee. This is not an accurate statement. In fact, Mr. Dunkleberger became ineligible shortly after the election as he was no

THE FOURTH TIF VOTE

On the eve of the fourth vote on the Route 236 Sewer Expansion project, I wanted to take a moment to speak plainly.

Underwood Engineers has documented on numerous occasions that repairs and maintenance to the South Eliot sewer system are required.

They are required imminently, and they are required regardless of any other sewer expansion.

The Town's proposed use of TIF revenue to repair a 30-year old residential sewer system outside of the TIF District is not a proper use of those funds.

It deprives the entire town of other benefits that might be gained, and blatantly disregards the purpose of the TIF program, which is to produce jobs and promote economic development.

This project has been brought to a vote of the people without providing them with a defined plan or updated cost projections with which to make an informed decision.

Alternative routes, which may make more efficient use of TIF revenue, have not been seriously explored.

This is a vote based on blind faith and the illusion of "free" sewer repairs. It's not free.

Unfortunately, government, unlike the private sector, neither assesses the effectiveness, nor holds officials responsible for the end result, of investing large amounts of public money.

This situation is not right, and it is not prudent.

Thank you.