

BOARD OF SELECTMEN'S MEETING

June 23, 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 There was no public comment.

F. Department Head/Committee Reports

There were no reports.

G. Public Works

5:32 PM 1) Skid Steer Lease Update

Mr. Lee said that we do have \$15,000 appropriated, not \$10,000, so Mr. Moulton went back to Milton Cat to see about changing the financing; that the memo explains how that would be done.

Ms. Davis said that this was a savings of about \$1,400. She added that, when they performed a second calculation, it looks like they calculated it based on \$37,500, not the original \$37,200 starting price.

Mr. Lee said that he would follow up on that.

It was the **consensus of the Board** to move forward with the lease agreement as defined in the memo from the PW Director.

5:34 PM 2) Route 236 Sewer – No Correspondence

Mr. Moulton said that Kittery down-sized their pumps and system once Eliot decided not to run down Route 236 for the expansion; that there would have to be some upgrades to their system, which they would pass back to Eliot. He added that there would have to be further discussion about if there are allowable allocations that would allow flows to Kittery that way.

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5:35 PM Mr. Lee asked Mr. Moulton if Kittery was going to investigate whether it is sized properly or is that something we would have to do with Underwood.

Mr. Moulton said that it would have to be a combined effort; that Kittery feels that they have done their due diligence and would probably look to Eliot to assist with some of the payments for their consultants in order to do so.

Mr. Lee said that the next phase of investigation will probably cost some money if we want to get serious about finding out if it's possible.

Mr. Pomerleau said that he didn't see any point in pursuing it any further, at this point, because it failed again.

Ms. Davis said that we need to look at what we're going to do about sewer repairs in South Eliot.

After some discussion, the Board agreed to hold a workshop in this matter in early July.

5:39 PM 3) Pole Permit – River Road

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the pole permit, as requested by CMP.

VOTE

4-0

Chair concurs

At this time, the Board signed the pertinent document.

H. Administrative Department

5:40 PM 1) Town Manager Activities Report

Mr. Lee said that the Clerk's Office has done a dynamite job with the new election process; that he gives very high marks to our Town Clerk and her staff.

Mr. Murphy asked about **Line 34** – Berwick not joining Kittery Dispatch.

Mr. Lee said that it didn't really impact us, as we are already contracted with Kittery. He explained that South Berwick pulled out of this and offered Berwick a better arrangement than Kittery could give Berwick.

5:43 PM Ms. Davis asked for an update regarding **Lines 9-10** (Riverview sewer).

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Mr. Moulton said that a potential source of an illicit discharge was found; that we've had meetings with the Maine DEP and the Riverview Estates Homeowner's Association. He added that there are deficiencies in their sewer lines that they have committed to the State to repair; that the Town is assisting with information regarding consultant contacts. He said that things are moving forward and we've set a timeline with Riverview Estates to stay on track and keep the State involved. He added that this should resolve the problem.

5:45 PM Ms. Davis said that we've had to invest several thousands of dollars in this, asking if that is going to be rectified.

Mr. Lee said yes.

Mr. Moulton said that a rough cost estimate for the work needing to be done is about \$50,000.

Ms. Davis asked if we have followed up on Mr. Webber's salty well – **Line 52**.

5:47 PM Mr. Lee said he sent Mr. Webber a letter asking him to do some homework about his neighbors and where their wells are located. He added that he told him it was unlikely we would be able to help him because he went right to a solution, where we should have tested the water several times to see if it was our fault; that he is still looking for causation and, if he can find that, then he'll keep the conversation alive but Mr. Webber needs to help us figure out where everything is in the neighborhood and why Mr. Webber is the only one affected.

5:48 PM Ms. Davis asked for clarification regarding **Lines 59-60**.

Mr. Lee said that trees in front of her house created a shield and the tree-cutting removed that shield; that she is trying to find out if we would be willing to possibly put up some type of inexpensive fence where the trees were, or something like that, to give her back that shielding; that he and Mr. Moulton need to go out and look to see if that would deem to be appropriate to do.

5:49 PM **a. Financial Report**

Mr. Lee commented that it looks like some of our revenues are coming in very strong; that on the expenditure side, we appear to make it on all our budgets, but some are going to be very close.

Ms. Davis said that there are a few line items that, to her, are questionable and will write them up and send them to Mr. Lee.

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5:51 PM 2) Report of Town Clerk - Elections

This is the official voting results from the Town Clerk. There were 1,401 votes cast.

Mr. Fernald commented that, on the Budget Committee vote, there were 2,583 blanks.

5:53 PM 3) Change of Two (2) Job Titles

This was a memo from Mr. Lee asking to rename "Administrative Secretary" to "Administrative Assistant" and "Assistant Planner" to "Planner" to better reflect the work being done in these two positions, with no additional compensation.

Mr. Beckert clarified, regarding the Assistant Planner issue, that when we created that position and took it before the Town, it was "Planning Assistant" to the Planning Board; that Carol LaBella was the first to fill that position and, then, Ms. Pelletier. He added that, when that position was first created, the PB was more active with having SMRPC engaged in assisting in ordinance-writing and we don't do that now

Mr. Murphy asked how much of her time is actually spent now as a Planning Board Assistant.

Mr. Lee said that GIS, managing an informational data base, stormwater, etc. was not a part of that position back then; that he didn't think the PB was more than 20% to 25% of her work now.

5:56 PM Mr. Pomerleau suggested that, given we've already got money set aside for a compensation study, we let this be defined professionally; that he did not think it made any sense to rename positions before the compensation study is done.

Mr. Murphy said that a longer title that better reflected the work done would be perfectly acceptable – slash, slash, slash, name them all.

Mr. Fernald said that, on both these, he thinks the job description has to be updated before we can consider changing the names.

5:58 PM Mr. Lee said that the administrative position has been updated since Ms. Albert took over but planning assistant has not.

The Board agreed that they wanted to wait for the compensation study.

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6:00 PM 4) Select Board Draft Workshop Schedule - Revised

Mr. Murphy said that he was still working on the Ordinance Governing Boards and could come in as a second on almost any one of these.

Ms. Davis asked if, when we have the workshop on the sewer repairs, we could have Mr. Moulton and Mr. Pratt attend.

Mr. Lee said yes.

6:01 PM 5) Approval of Form and Amount of Performance Guarantee for Proposed Road (Villages at Great Brook)

Mr. Lee said that we have the owner and his consultant here tonight; that the guarantee is from Maine Capital Group (project lender); that staff has reviewed the amount and form of the security and, tonight, we are asking the Board to accept the amount and form of the security.

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve and accept this letter of credit (\$309,400) from Hodge & Company, LLC to build the road in Great Brook, Eliot, Maine, which is off Bolt Hill Road.

VOTE

4-0

Chair concurs

I. Public Safety

This had no items.

J. Old Business:

6:03 PM 1) Harbor Ordinance (2nd Reading)/Legal Opinion

Mr. Lee said that he has sent this out to Bernstein Shur for legal review and is looking for feedback from the Board on the ordinance content.

6:04 PM Mr. Murphy said that one thing he found missing is the special relationship that exists between Maine and New Hampshire, vis-à-vis, the Piscataqua River; that Maine statutes (Title 38, subchapter 3) specifically has to do with piloting (navigation), which impacts Eliot's harbor; that this ordinance doesn't refer to that, as an example.

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Mr. Pomerleau reiterated his concern that, while this draft ordinance refers to an appeal of the Harbor Commission to the Board of Selectmen, it does not specify any details in that process; that that really needs some serious work.

6:08 PM Ms. Davis had several concerns:
Page 7 – why limit of one mooring per owner
Page 8 – Item 4 is repeated on Page 9 (Item 1), redundant
Page 9 – Item 3, where is list kept
Page 9 – VII – where will procedures be posted
Page 10 – Item 4 – why the sum of \$100
Page 11 – Item 8e, double-dipping?
Page 12 – Item 5, mooring pennant length clarification
Page 14/15 – Appeal Procedures, legal timing issues/process not clear
Page 16 – Item 2 (violations), charged fine each day
Page 16 – 3a – Class E crime? (misdemeanor)
Page 17 – 3e – How is Class E crime determined (under the influence)
Page 17 – 3f – How is enforcement implemented

6:15 PM Mr. Lee asked that grammatical corrections be submitted to him.

K. Approval of Minutes of Previous Meeting(s)

6:19 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May 12, 2016, as amended.

VOTE

4-0

Chair concurs

L. New Business:

There was no new business.

M. Selectmen's Report:

There were no Selectmen's reports tonight.

N. Committee Vacancy Report

6:20 PM Mr. Lee said that, at the next meeting, we will be doing the selection of officers, liaison positions, appointments, etc. He added that the charter is out for legal review, as well, for questions we had from our workshop.

O. Other Business as needed

There was no other business.

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P. Adjourn

There was a motion and second to adjourn the meeting at 6:22 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary