

**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM**

**Quorum noted**

**A. 5:30 PM:** Meeting called to order by Vice Chairman Fernald.

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Organizational Actions**

**5:31 PM      1) Election of Select Board Officers**

Ms. Rawski handed out written ballots to the Select Board members for each of the positions. The votes were taken one at a time.

Vote for the Chairperson:

Rebecca Davis – 3 – elected

Roland Fernald – 1

Vote for the Vice Chair:

Roland Fernald – 4 – elected

Vote for the Secretary:

John “Jack” Murphy – 4 – elected

At this time, Ms. Davis began her position as Chairperson.

**5:35 PM      2) Resignation of Stephen Beckert from Select Board**

Mr. Lee read Mr. Beckert’s letter of resignation from the Select Board. (Copy available at Town Hall.)

Mr. Fernald moved, second by Mr. Murphy, that the Select Board accept the resignation of Stephen Beckert from the Board of Selectmen, with regrets.

**DISCUSSION**

Mr. Pomerleau said that we, as a Board, should send him a letter thanking him for his service, a job well done, and his many years of institutional knowledge.

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Ms. Davis said that she was sure that she spoke for the entire Board when she says that we certainly appreciate the years of dedicated service that he has given to the Town.

DISCUSSION ENDED

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

**5:38 PM      3) Resignation of Jack Murphy from Energy Committee and Business Development Committee**

Mr. Lee read Mr. Murphy's letter of resignation from the Energy Committee and Business Development Committee. (Copy available at Town Hall.)

Mr. Fernald moved, second by Mr. Pomerleau, that the Select Board accept the resignation of Mr. John Murphy from the Eliot Business Development Committee and Eliot Energy Committee.

DISCUSSION

Mr. Pomerleau said that we should send a letter of appreciation to Mr. Murphy for his many hours of service on these committees.

Ms. Davis said that Mr. Murphy expressed that he would like to serve as a liaison; that they had more discussion about boards and committees coming up on tonight's agenda and asked if they could take that up then.

The Board agreed.

DISCUSSION ENDED

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

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Unanimous vote to approve motion.

**5:39 PM      4) Appointments of Municipal Officers**

Mr. Lee said that our tradition has been to do annual appointments but, with regard to the Charter, these appointments are made by the Town Manager and confirmed by the Select Board, with the exception of the Fire Chief, who is elected annually by the Fire Department and confirmed by the Select Board. He suggested that we do the appointments indefinitely until such time as they leave office or are removed from office; that there is no stated reason to do annual appointments under the Charter.

**5:11 PM**      Ms. Davis said that the legal opinion that came in today states that the Treasurer is not required to be a resident, asking if that will change.

Mr. Lee explained that that allows us to appoint our Treasurer if they do not live in Maine, as our current Finance Director does not. He said that the current Finance Director could be Treasurer, adding that he doesn't mind if that is changed to be Ms. Bergeron as Treasurer.

Ms. Rawski said that they thought it would be good for Mr. Lee to maintain the title of Treasurer and Ms. Bergeron stay as Finance Director because Ms. Bergeron writes the warrant and produces the checks and the signature comes from the Treasurer; that the auditor liked that we had that in place.

Mr. Lee agreed that they like the segregation of duties as a check and balance.

**5:13 PM**      Mr. Pomerleau moved, second by Mr. Fernald, that the Select Board give unanimous consent to the confirmation list of appointments to the Town of Eliot for 2016.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

**5) Appointments to Committees**

Mr. Lee said that the SB had a memo summarizing the appointments and, behind that, applications for reappointment. He noted that Mr. Henningsen (Energy

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Commission) is asking to be reappointed for one year only and he and the Town Clerk prefer to reappoint him for three years for stability's sake; that we advised him he could resign after a year. He also said that, on the Harbor Commission, both Mr. Emery and Mr. Trott have requested reappointment and Mr. Zamarchi has requested to be appointed as a new member and would like to be considered if the SB doesn't reappoint one of the others.

Appointment(s) to Board of Appeals:

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board reappoint Jeffrey Cutting and Ellen Lemire as regular members of the Board of Appeals for three-year terms to end in June 2019.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

Appointment to the Energy Commission:

Mr. Murphy moved, second by Mr. Fernald, that the Select Board reappoint Edward Henningsen as a regular member for three years to the Energy Commission to expire June 2019.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

Appointment(s) to the Harbor Commission:

Mr. Murphy moved, second by Mr. Fernald, that the Select Board reappoint Lee Emery and B. Cabot Trott as regular members to the Harbor Commission for a three-year term to end in June 2019.

DISCUSSION

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Mr. Pomerleau asked if Mr. Lee had any recommendations here.

Mr. Lee said no; that the only thing he would say is that both Mr. Emery and Mr. Trott are in the final stages of re-writing that ordinance; that there are things they need to check per legal opinion; that Mr. Emery is the Chair and they've made good headway on the ordinance; that they want extra time to finish it because they feel there are some other things they need to tidy up. He said that he thought it would behoove the Town to continue with the same people that started that ordinance process rather than bring in someone new.

DISCUSSION ENDED

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

Appointment(s) to the Planning Board:

Mr. Murphy moved, second by Mr. Fernald, that the Select Board reappoint Laurence Bouchard and Dennis Lentz as regular members to the Planning Board for a five-year term to end in June 2021.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

Appointment(s) to the Sewer Committee:

Mr. Murphy moved, second by Mr. Fernald, that the Select Board appoint Richard Dionne, Michael Dupuis, and Stephen Beckert as regular members for a three-year term to the Sewer Committee with terms to end in June 2019.

DISCUSSION

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Mr. Pomerleau said that he fully supports the appointment of Mr. Dupuis and Mr. Beckert but he will oppose the reappointment of Mr. Dionne. He suggested we separate those so he doesn't have to cast a vote against the two that he supports.

Ms. Davis asked if Mr. Murphy would be willing to withdraw his motion and vote on them individually.

Mr. Murphy said that he would withdraw his motion. Mr. Fernald withdrew his second.

**DISCUSSION ENDED**

Mr. Murphy moved, second by Mr. Fernald, that the Select Board appoint Michael Dupuis and Stephen Beckert as regular members for a three-year term to the Sewer Committee with terms to end in June 2019.

**Roll Call Vote:**

Mr. Fernald – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Ms. Davis – Yes

Unanimous vote to approve motion.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board appoint Richard Dionne as a regular member for a three-year term to the Sewer Committee with a term to end in June 2019.

Mr. Lee noted that Mr. Dionne was present at tonight's meeting.

**DISCUSSION**

Mr. Pomerleau said that he would oppose this because he attended a Sewer Committee meeting last June and the Chairman recommended seriously considering raising sewer rates; that Mr. Dionne's response was, "Don't even think about raising sewer rates. Sooner or later it will come to a head, and if there isn't enough money in the reserve account, the Town will have to pay for it." He added that he was stunned to hear that; that that is precisely the kind of thinking that got us to the dilemma we're in today where sewer rates weren't adequately raised over the period of twenty years. He said that, for that reason, he will oppose this appointment.

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**5:52 PM** Ms. (Nancy) Shapleigh said that, as a member of the SC and actually recruiting Mr. Dionne who had more experience than most anyone on that committee because he served on the SC and the Water Commission, she doesn't remember that particular statement but she does know that he has been there and has done a lot of work on the rate increase with us. She added that she didn't think Mr. Pomerleau knew what he was talking about when he doesn't think Mr. Dionne is a valuable person to the SC. She added that we want him for his good work and to continue to work with the SC in the best interests of this community.

DISCUSSION ENDED

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – No  
Ms. Davis – No

The motion fails.

**5:54 PM** Ms. Rawski said that all the appointment papers will be in Mr. Lee's office for signatures.

Ms. (Janet) Saurman, Park Street, said that she found it a little troubling that a member of the committee (SC), in the course of the committee's work, could not express an opinion and, then, have the committee take that opinion and make their vote and see what they want to do. She added that, frankly, she thinks it sends a really strange message from the Selectmen; that to ask us to volunteer for the committees, tell us there are all kinds of openings and you need us, but, dare you say something that somebody up there (Select Board) doesn't agree with, your name will be brought up publicly and told you aren't going to be supported. She said that Mr. Dionne is not a dictator, he's not running the committee; that he is one voice, entitled to his opinion, on the committee; that for him to be rejected for that reason she thinks is a terrible message that two members of our SB just sent out to the public. She said that the next time you ask people to volunteer for committees, remember, they want you to volunteer and say the things those two folks want to hear.

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**F. Public Comment – Items Not on the Agenda**

**5:55 PM 1) Public Correspondence**

Mr. Lee said that this was a letter he received from Ms. Claesson regarding the sewer vote, advocating TIF money be used for repair of the two sewer pumps. He said that he would not read it unless the Chair would like him to.

Ms. Davis said that we addressed this at an earlier meeting so, unless there is some objection from the rest of the SB, we're good.

Mr. Lee clarified that this was included, also, because the Charter requires any correspondence that comes in to the SB be on the agenda; that anything that we get, from now on, as correspondence will be coming to the SB.

**5:57 PM** Ms. Shapleigh said that she has been in this Town, this time, for 51 years and she's seen a couple of very good workers for this Town have to step down from committees; that many people don't bother to step up. She added that Ms. Saurman just mentioned why people probably don't stand up and she still thinks it's totally wrong for you to take one of the few people that lives in the sewer area off the committee (SC) who has the experience that he had all over the fact that one member of your Board did not like something that he said.

Ms. (Sharon) Magnuson, Pickering Drive, said that she has been attending meetings for about three months and wanted to personally thank Steve (Mr. Beckert) for what he has done for the Town and his commitment; that she was very upset when she read in the paper that he was stepping down but she could certainly understand why. She added that, in the few months she has attended meetings, she has been very disappointed in some of the behavior she has witnessed; that she doesn't think it's called for and doesn't have its place here; that she has seen a very divided Board and she hopes that will be changing; that each and every one will truly have the Town's interest, first and foremost, not personal interests; that that isn't how to do any type of Board work. She reiterated her thanks to Mr. Beckert, saying that he did an excellent job and will be very, very missed.

**6:00 PM** A member of the audience asked if Ms. Claesson's letter could be read so that the rest of the people could hear it.

The Board agreed.

Mr. Lee read the letter. He added that she turned in approximately 75 signatures with this letter.



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**G. Department Head/Committee Reports**

**6:01 PM 1) TIF Alternatives Committee Request**

This memo was a request to present their final report with Mr. Lawton (consultant) and a request to expend TIF funds to hire someone with experience in economic development planning and public relations.

Mr. Pomerleau said that he would prefer to wait until we can talk with Mr. Lawton, as he doesn't read what the consultant is saying the same way the committee is interpreting it, here, although he ultimately agrees that, long-term, a planner is going to be seriously needed. He added that a planner goes beyond what the TIF Committee is working on; that it is a very comprehensive Town-wide need. He said that, if he read this correctly, a submission of a TIF Alternative plan could drag out for a couple of years and doesn't think it is a good strategy; that he would rather see a resource like Attorney Joan Fortin, who started us out with this and the committee pulling their ideas together, along with the survey and Mr. Lawton's report, and proceed to develop a plan to go before the voters; that, then, that is when we need to hire a planner – before we put the plan before the voters for the money part of it. He added that he doesn't see the planner as the wise move, first, although he does see the need for the legal consultant.

**6:05 PM** Ms. Davis said that we had allocated a certain amount of funding from the TIF this year (\$40,000) to develop TIF alternatives so she thought it would be good if we heard from Mr. Lawton to get a better idea; that the Board, itself, needs to hear some information from Mr. Lawton to be able to make a more informed decision.

Mr. Murphy said that he did not like the idea of waiting years and years more, as suggested by Mr. Pomerleau, because we've waited many years to do a very simple thing in planning by this Town's municipal authorities; however, he is in favor of having a planner, if that's going to get us forward; that he thought we would need one as soon as possible and doesn't think we need Mr. Lawton's input, here, as he has already given his input in giving us his final report. He added that it's very clear what he's done and we can do it.

**6:07 PM** Ms. Davis asked Mr. Murphy if there would be any real objection with waiting until August 11<sup>th</sup>.

Mr. Murphy agreed he could wait.

It was the **consensus of the Select Board** to wait and hear Mr. Lawton's presentation.

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**6:08 PM** Ms. Saurman said to Mr. Pomerleau that there are a couple of folks in the back that are having a hard time hearing him and asked if he would speak up. She said that, as a member of the TIF Alternatives Committee, she agrees with Mr. Murphy; that if you have questions you want Mr. Lawton to answer, then that might be a different point to make. She added that his report has been finished and part of his report was that we need a planner to put plans together; that his biggest comment, no matter what we've done, is that we have not done a good job presenting to the Town with step-by-step ideas on what to do with the TIF money. She said that, because she didn't hear a lot of what Mr. Pomerleau said, she asked if he would repeat what his objection is to doing it ahead of time. She reiterated that we are going to need a planner; that that's what we haven't done well and that comes through. She added that it's money out of the TIF fund that pays it, it doesn't cost the taxpayers anything.

Mr. Pomerleau said that it is not clear to him that, when he recommended a planner, that he was recommending a planner to develop a TIF alternative plan as opposed to, once a plan is adopted, we need a planner to implement it; that that's his question. He added that the TIF plan that went to the DECD is nothing more than a template, an outline of the vision we want to see with TIF money. He added that, once that was approved, what he thinks Mr. Lawton faulted the Town for was that, when they went back to the Town to vote the money, there was no accompanying plan or vision behind it. He explained that what he thinks Mr. Lawton is saying is to develop your TIF alternative plan but, before you go back to the voters for implementation, get a professional planner to develop all the details, and that will take a long time. He added that he 100% agreed for the need for a planner before we go to the voters to spend 'this' amount of money to do 'this'; that they need a vision and clarity as to how that plan will impact everything in the Town. He said that he didn't think a planner was necessary to develop a revised TIF plan; that he did think the TIF Alternatives Committee would be wise to bring in Attorney Fortin, who is probably one of the leading experts in writing TIF plans. He added that, in the original meeting when she was advising us, she gave us a list of allowed projects, directing us to go to our Comprehensive plan, pull our ideas together, then she could help dot the I's and cross the T's; that there is a great deal of work to be done with what a TIF plan looks like after you form your ideas.

**6:12 PM** Ms. Saurman said that we (committee) feel that, without a professional, from this moment on we don't really know – we know the ideas that floated to the top from the survey, and we're willing to pursue those – but what we know now is that, to find out what those ideas are that are going to be able to be put out there, we need a whole lot of information; that she doesn't know who would get it for us because, frankly, we all admitted on the committee that none of us have the expertise to know. For example, she suggested it might be a Town center, and we've got to find somebody who can help us find what a Town center will look like, where it's

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going to be, what kind of zoning would happen, what kind of land is already for sale, and the same thing would be true of something on Route 236; that, also in Mr. Lawton's recommendation, he suggested that, perhaps, both ideas could be incorporated in developing economic development on Route 236 and tying it into a Town center, which, if she isn't mistaken, the committee thought would be a win-win. She reiterated that we know, to do anything more, we need a lot more expertise than we have.

**6:14 PM** Mr. Pomerleau said that he absolutely agreed with Ms. Saurman's points but, to him, it was a question of timing; that some of the details that she describes, don't have to be done before we submit to the DECD; that all DECD needs to know is that we are going to do a village plan, for example, and we are going to extend sewer; that here are some of the projections; that all the details get developed afterwards, which is where you're going to need a planner. He added that he agreed they would need some assistance moving forward but merely to write the plan; that he thought the Town Manager had a very good grasp on this; that between him and Attorney Fortin and the TIF Alternatives Committee you are very capable of writing the plan.

Ms. Saurman appreciated Mr. Pomerleau reiterating what he said; that she wanted to make sure that the SB knew why we felt we were in great need of some expertise at this point. She added that she agreed that Mr. Lee had a very good grasp of this but voiced her concern that he was hearing this was one more thing he had to do and whether it was a realistic expectation.

**6:16 PM** Mr. Lee said that he would be comfortable working with the TIF Alternatives Committee and Attorney Fortin to put together the development program and what items we will allow money to be spent on, thinking in terms of the joint commercial/industrial zone on Route 236, of the proposed village district, and what might go into those types of things; that he thought we could lay out the list of what we could spend our money on; that we could submit a report with the proposed uses for TIF money and, at that point, he is hearing that there would be a greater sense of going forward with a planner who knows how to make sense of putting all these things together for a master economic development plan.

**6:17 PM** Mr. Tessier said that his understanding at the meeting was that Mr. Lee was recommending a planner to help lay out different options so that you could put more planning in each option so the committee has a better ability to present to the Town the different plans so that the residents can make an informed decision before we propose how to change the TIF.

Ms. Davis said that more than one person has listened to the meeting and attended the meeting, and she's hearing a couple of different things; that she thinks the SB

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would like to hear from Mr. Lawton so that we can sit together to hammer out a plan.

Ms. Saurman said that she just wanted the SB to know that the committee is in need of a level of expertise beyond what we all have. She added that she thought the committee had done a tremendous job, we know what the Town is willing to support, and we're kind of saying is what happens next.

**6:19 PM** Mr. (Brad) Hughes said that he thought, at the very least, we have to have a 'scope of work' proposal presented to the committee to see that it's appropriate to spend the money out of the TIF funds we've allocated this year.

Mr. Lee said that we discussed that in the letter; that it was the committee's intent to talk about what would be the 'scope of work' for this person and, maybe, start spelling out the qualifications for this person, etc.

**6:20 PM      2) Discuss Proper Missions/Roles of Committees**

Mr. Lee discussed the need, because of our Charter, to review the need for Town committees and, possibly, refine them, and whether we have the right committees; that he would like to put this on a future agenda for discussion.

**6:22 PM** Mr. Murphy agreed; that it was his understanding that any standing committees have become part of the government, therefore, if you want to amend it, you have to take it back to the citizens for their approval.

There was discussion regarding the possible reduction in the size of committees to make them more manageable.

Mr. Lee added that, regarding the Charter, he has created a by-law template that he sent out to committees, and that template starts out asking what their mission is.

Mr. Pomerleau agreed that was an excellent idea; that committees serve a critical function in small towns, typically due to a lack of administrative resources; that as towns grow, some of those resources become available and the need for committees diminish. He added that, with all the vacancies and the question of a quorum to exist, it might be smarter to downsize some of the committees. He discussed that, regarding the Charter, it is within our power to create, change, and abolish committees.

The **SB agreed by consensus** for the Town Manager to contact the Chairs of the various committees to do a self-assessment of their mission, usefulness, and size and bring back a report on the same.

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**H. Public Works**

**6:29 PM 1) Approve Pole Permit**

Ms. Davis asked why we were being asked to approve this.

Mr. Lee said that he thought it was a throw-back to before there was a Town Manager; that he thought a vote by the SB to assign their decision-making over to the Town Manager and Public Works Director to assign pole permits, unless they look dangerous, in which case, we would bring that to the SB.

The SB agreed.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board agree to delegate responsibility for approving Central Maine Power pole permits to the Town Manager's authority.

**DISCUSSION**

Ms. Davis said that she assumed that this would be documented that you are both signing off on the easy ones.

Mr. Lee said yes.

Mr. Hirst said that there may be other utilities that put poles up, so, to limit it to CMP might be inadvisable.

**DISCUSSION ENDED**

Mr. Murphy amended his motion to make it applicable to any utility pole change.

Mr. Fernald seconded the amendment.

**Roll Call Vote:**

Mr. Fernald – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Ms. Davis – Yes

Unanimous vote to approve motion.

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**6:32 PM        2) Public Works Mutual Aid Agreement**

Mr. Lee said that Public Works departments across York County, and across the State, are doing mutual aid/assistance agreements, much like fire departments and, now, police departments; that should a town suffer some kind of disaster, we already have in place a mechanism, agreed to by our Board, that we can go with our equipment and manpower to give assistance. He added that he strongly liked mutual aid agreements; that having this in place allowed an immediate response instead of waiting for individual town boards to approve giving aid for each event.

**6:34 PM**        Mr. Moulton said that he has experienced this in the other municipal job, prior to coming to Eliot, in which a neighboring town needed aid and we were able to be off and running immediately to help them; that it's a good thing, a bonus for everybody.

Mr. Pomerleau said, regarding a later agenda item with a Fire Department response and the insurance problem, you have to have something like this in place in the event you make an insurance claim for any damage.

**6:35 PM**        Mr. Lee said that was correct; that this is a formal arrangement to spend your resources in 'that' town, and everyone's in agreement; that, then, the insurance company would have been able to help us a little bit more. He clarified that, in this instance, it wasn't a mutual aid agreement, it was that the Fire Department needs a contract directly with a business saying that, if we have to come put out a fire at your business, you will pay our mutual aid cost. He added that we didn't have that and Chief Muzeroll and he are discussing where to go next with that. He said that this type of agreement is new to Eliot; that it's new to the State of Maine in a lot of ways but public works departments have seen enough instances that they felt that they should try to get the same sort of pre-agreement to help one another. He added that this is the form that all other towns are looking at, as well.

Mr. Fernald said that he was in favor of this.

**6:37 PM**        Mr. Pomerleau asked if this had any connection to the emergency management plan we have.

Mr. Lee said that York County Emergency keeps track of, in their county plan, every asset in every town, such as an excavator or bulldozer, along with personnel and phone numbers; that he thinks there's always been an understanding that, if there was a major disaster in York County, they have a complete book of what resources can be pulled in from what areas.

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**6:38 PM** Mr. Murphy asked how this affected Eliot's budget every year, do we have a new account for unexpected expenditures for other towns, and do we get reimbursed, at all. He asked if we pay for what we do in another town.

Mr. Lee said that Section 3 is Reimbursable Expenses and described what was reimbursable and how it was reimbursed.

**6:40 PM** Mr. Murphy said that he was very much in favor of helping each other, particularly in times of stress and trouble; however, someone has to pay for that help.

Mr. Lee said that there is, largely, a 1% chance of ever needing to call upon this instrument and, if that 1% chance comes, probably the cost of fixing it will be the least of our troubles; that it is a low-likelihood but high-expense item for anyone signing this document, potentially.

Mr. Murphy said that signing this, now, is not going to change the way we do business.

Mr. Lee said not at all, explaining how the process worked to get reimbursed, much like what happens with FEMA.

**6:42 PM** Mr. Moulton used the example of the micro-bursts that occurred in Eliot a few years ago, saying that it didn't happen in every community but in our community; that when you have large trees blocking roads and can't get them open fast enough, and utilities are down, then other towns come in to help; that this is a good example of how mutual aid works.

Ms. Davis asked who would make the call for assistance.

Mr. Moulton said probably the Town Manager or someone in Mr. Moulton's position.

Mr. Lee said the EMA Director of the Town or, maybe, the Board would get together for an emergency meeting but, usually, the EMA Director.

**6:44 PM** Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board accept the recommendation to enter into the York County Maine Public Works Mutual Aid Agreement.

**Roll Call Vote:**

Mr. Fernald – Yes

Mr. Murphy – Yes

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Mr. Pomerleau – Yes

Ms. Davis – Yes

Unanimous vote to approve motion.

**I. Administrative Department**

**6:45 PM 1) Town Manager Activities Report**

Mr. Lee said that later in the agenda we have the certified budget; that we have been working on the mil rate analysis and, in two weeks, he hopes to have a definite calculation for the mil rate. He added that, regarding **Line 125**, he has been writing a “TIF Primer” because he heard, after the TIF votes, that a lot of people don’t understand how TIFs work; that he would have that for the next meeting for SB feedback.

Mr. Murphy asked him if he could include a description of the different kinds of TIFs – set up for different kinds of purposes and the degree to which they are limited to those purposes.

**6:46 PM** Mr. Lee said that he had something in there like that but he wants to be careful not to go down the rabbit hole with details; that he is trying to talk about our Town, our TIF, this is what we do, and this is where our money comes from. He added that he could talk about downtown TIFs and different rules and different percentages and their acreage doesn’t count, etc., but he was afraid he would be getting down a wormhole; that he wants to give it real simple, such as, how does a TIF work – the general structure. He did say that he did put down that people have to decide what the permissible uses are of that money, which is called your development program – the menu you can choose from. He pointed out the TAN bid (**Line 175**), which is required by the Charter. He said that, regarding **Line 170**, Ms. Davis suggested that about 6 months prior to foreclosure, letters go out advising people and inviting them to resolve before the deadline; that they sent out 46 letters and, after that, we were at 98% collection.

**6:49 PM** Mr. Pomerleau asked, regarding **Line 53** (Boat Basin), if there was an update.

Mr. Lee said that he called and left a message about a week ago; that the person has not called back and is on his to-do list to call again.

Mr. Pomerleau asked about **Line 77** – Town Hall needs.

Mr. Lee said that we are putting together a full capital improvement plan (CIP) so, department –by-department, he needs to sit down and talk about what they see



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coming over the next 10-20 years; that space needs is one of the things we discussed.

**6:50 PM** Mr. Pomerleau asked about **Line 93** and that the Town Manager verified that the FOAA didn't violate any confidentiality.

Mr. Lee said that these are public records; that he is certain of that; that we did provide it and that is because a number of sewer users are very upset and they want to contact other sewer users; that we didn't give out any confidential information.

**6:51 PM** Mr. Pomerleau asked, regarding **Line 98**, what the resolution was for Ted Short's sick time payout.

Mr. Lee said that he would have that for the SB at the next meeting.

Mr. Pomerleau asked about **Line 170** – 46 foreclosures – as that sounded like a lot.

Mr. Lee said that it wasn't a lot; that that is actually pretty good; that we were in the high 80's last year. He reminded the SB that there is still 6 months to go and there are only 46 accounts; that, in every town, probably 20 or so, who like to take it right up to the limit. He added that he didn't think that we'd actually see more than one or two that will be in serious trouble.

**6:53 PM** **a) Conservation Commission Follow-up**

Mr. Lee said that he wanted to let the Board know he had written this letter to the Conservation Commission asking for more information, per the last meeting

**b) Reserves Report**

This is informational to the Board.

Mr. Pomerleau said that the Town of Eliot Rte. 236 TIF showed \$2,025,273.62 and he thought we were in the \$3 million range.

Mr. Lee said that he would check the figures.

Mr. Murphy asked if we reserve some of that to be invested.

Mr. Lee said that he wasn't sure but would bring back an answer.

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Ms. Davis said that, ultimately, we're still working on jiving our CIP appropriations with what we see in our reserve accounts.

Mr. Lee said that that is still a goal; that both he and the Financial Director are working on it but each one of those takes a tremendous amount of research, so it will take some time. He added that we will go back 2-3 years to try to resolve this.

**6:57 PM      2) Charter Review/Legal Update**

This was a response regarding whether members of the SB may serve on any other board, committee, or commission and the answer was no; that the SB member needs to choose which position he/she wants to keep and resign from any other "decision-making or administrative body of the Town."

Mr. Lee also said that, regarding the citizen petition question, if a citizen's petition were presented to the SB, Attorney Saucier's answer was that the Charter would not prohibit the SB from accepting the petition, as it applies prospectively, not retroactively. He added that, if the SB went forward, at this point, with some substantially similar solution to the sewer pump issue, the SB is not prohibited, yet, by the Charter.

**7:00 PM      3) Special Election to Fill Select Board Position**

Mr. Lee that the Charter says, under Section 7.10, that an election must be held to fill the vacancy of an elected official that exists for "more than 180 days prior to the next regular municipal election" (June)'; that, in this case, the vacancy will be more than 180 days and we must hold a special election to fill that vacancy. He added that November 8<sup>th</sup> is a special election and does qualify. He also added that the Secretary of State has strongly indicated to the town clerks that they not add a lot to the presidential voting ballot; that if we add a local ballot to this it doubles the work for our staff. He added that we will handle anything on November 8<sup>th</sup> but we would prefer it not be; that we like to follow the Secretary of State's advice and not do anything more than the presidential because it's going to stretch us out pretty thin, anyway. He said that that's up to the SB; that it would qualify as a special election, if the SB wants it on in November, or, hold it sooner.

**7:03 PM**      Mr. Pomerleau said that, the Secretary of State's recommendation notwithstanding, these are not minor issues for this Town electing a Select Board member (sewer bond); that any time you can have 80% of registered voters participate in those critical matters, then that's democracy as good as it gets. He added that he had no problem with issues not critically important waiting until June.

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Ms. Rawski said that she felt that having local issues separate from federal and state issues can be better received; that people are more focused on what they are voting on from her 29 years of municipal work experience. She added that she will do what she's asked to do; that she is basing her view on the election that was in June; that that has been the most difficult election she has ever orchestrated for the Town of Eliot. She said that, in part, it was the changes (Charter) but there were also three elections going on at the same time; that when you have a municipal, school, and State ballot, they may be on the same date but they are three different elections that she, the Warden, and Moderator are controlling in that timeframe. She added that the Secretary of State's office, understanding the 'notwithstanding, Deputy Secretary Julie Flynn has been broadly expressing that, if municipalities do not need to add anything to, they are suggesting that be considered; that there is a big anticipation that this will be the biggest election ever in the history of the Country and it's going to be busy; that there will be lines and people have to be prepared for that – long lines, multiple ballots, expense, absentee ballots. She said that we did 800 absentee ballots in June and that's a lot for Eliot; that in a presidential election, she normally does around 1,300 and you know that's going to increase from there. She said that her preference, that she has stated since last November, would be that it be stand-alone; that we have the opportunity that we could hold a special election, separate from November; that we budgeted for that and it was approved. She added that she did see both sides of it.

**7:06 PM** Ms. Magnuson said that her personal opinion, as a citizen, is, because of the importance of this position being filled, that we would not wait until November but that we would go ahead and have a special election so that the Board can be complete.

Mr. Murphy said that he felt rather strongly that we should have a special election for the 5<sup>th</sup> Selectman as soon as we can. He added that he wasn't sure of the necessary, or required, timeframe but we should get the word out and urge people who are interested to take out papers so that they can be a legitimate selection for the citizens to choose from.

**7:07 PM** Mr. Lee said that Ms. Rawski's memo talked about the shortened process, if you wanted to speed it up.

Mr. Murphy said that that sounded like a good idea, adding that if we could keep it to this one issue, then everyone could concentrate on that, and not be confused.

Mr. Lee said that he thought it would be one issue because the Harbor Commission isn't ready, the TIF Alternatives Committee will need to go back to the drawing board for another month, or so, and we still haven't heard anything from the Conservation Commission.

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**7:08 PM** Mr. Beckert said that there is a chance the SB will be receiving something from the PB; that we have not finished our deliberations, yet, but by ordinance, the PB is required to review the Growth Permit each year and to make a recommendation to either leave it at the State minimum, which would not require a vote, or raise it above the State minimum, which would require a vote.

Mr. Pomerleau said that he is still opposed to a special election, as it is another expense; that he's looking at Ms. Rawski's projected schedule for the November election and absentee ballots have to be available by October 11<sup>th</sup>, asking how much time can we possibly save by having a special election.

**7:09 PM** Ms. Rawski said that the Board could say 'go' to her tonight, she could open nominations for 14 days, close nominations, order ballots, have ballots available for 30 days; so, 45 days in, roughly, so you are talking September.

Mr. Pomerleau said that she has October 11<sup>th</sup> 'here'.

Ms. Rawski said that that schedule that is before the SB is for a special election to be held in conjunction with the general election on November 8<sup>th</sup>; that absentee voting would begin October 11<sup>th</sup> for one in November.

**7:10 PM** Mr. Pomerleau said that he wanted to see as many people participate in what we do as possible.

Ms. Davis said that she thought that, potentially, we are going to have a sewer bond vote and, possibly, petitions that are going to come up for November, asking if there would be any advantage to hold an election in September and, then again, in November; that she thought things were going to have to happen in November, regardless.

Ms. Rawski said no; that if there is the potential that things will not be in on a timely-enough manner to be put on a special election, then she does not want to hold two; that she wants it to be one or the other. She added that, if she is going to have a local ballot in November, the SB might as well wait and put everything in November.

**7:11 PM** Ms. Davis said that, regardless of any petitions out there, we have a sewer situation that has to be solved in one way or another, so something is going to have to go on a ballot; that it's only fair that we offer that vote to as many Townspeople as possible. She added that she didn't see any way around a November Town ballot.

Mr. Fernald said that he thought we ought to take the advice of the State about putting everything on the November ballot and complicate the issue for our

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residents; that he thought there should be a special election to get it out of the way, then, concentrate on the presidential.

Ms. Davis said that we have a sewer vote that will have to come up in November; that if we can combine everything on that November 8<sup>th</sup> ballot, it will save the special election and more people will be coming out to vote.

**7:12 PM** Mr. Pomerleau said that the issue is not confusing the public, the public can handle two ballots; that the burden is on Ms. Rawski and the administrative staff. He added that we need to prepare for those things; that what we're here to do is run our government and let the legislative body decide where we go. He said that he thought it was critically important to give as many of the legislative body a chance to participate as possible; that we do what we need to do to accommodate Ms. Rawski and the staff to make that as easy and efficient as possible.

**7:13 PM** Mr. Murphy said that he could work on ideas, along with some others, about having another sewer vote; that there was a suggestion made on EliotOnline that he believes could be worked out with better costing, more understandable costing. He added that he thought that that could be voted on at an earlier time, also. He said that he didn't see why we can't have the full participation of the voters at any kind of Special Town Meeting that we have; that it could be done in a referendum manner, not the old Town Meeting format, to decide a Selectman and consider, once again, the repair of our sewer system, which is desperately in need of having action done. He said that he would like us to consider, maybe at our next meeting, take up the sewer process, again, and consider a certain proposal that he would like to make. He added that he would like to have this Board consider, seriously, taking that forward as rapidly as we take forward the need for a 5<sup>th</sup> Selectperson.

**7:15 PM** Ms. Saurman said that she was a little bit surprised, here; that it sort of sounds like you've already said that the sewer vote is going to happen in November; that, as a citizen, she wonders why it can't be sooner. She added that this may solve two problems in one, particularly when she is reading from a letter from you (Ms. Davis) that says, "The Board cannot afford to delay any more action without assuming responsibility for potentially negative and expensive outcome if the aging system fails." She added that, considering Ms. Davis wrote that, she was wondering why Ms. Davis is willing to wait until November to solve a problem when there is an opportunity to do some local issues in September. She reiterated her surprise that it seemed Ms. Davis had already decided the sewer question is not going to be decided until November; that she doesn't understand why that would have already happened; that, in fact, she's glad this came up because, frankly, not only say it within a meeting under new business but wondering when you were going to bring this issue up, again, because Ms. Davis' letter states that it needs to be done immediately, and November is not immediately.

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**7:16 PM** Mr. Murphy said that he was surprised, too, because he didn't think we had agreed to have the sewer vote in November, asking where that came from.

Ms. Davis said that we hadn't but we have to have a vote at some point this year; that she was speaking of that as a large possibility.

Mr. Murphy said that he would rather see it earlier, if possible, so we could get things done.

**7:17 PM** Mr. Pomerleau said that this sewer issue has been the most divisive, long drawn-out, contentious...

Mr. Lentz said that he could not hear with the whispering back here, asking the Select Board to speak up, please.

Mr. Pomerleau said that this sewer issue has been the most divisive, long drawn-out, contentious issue for this Town in years; that we keep going back to the same core voters and we keep getting the same results – nothing will pass. He added that we have an opportunity in November to add a couple thousand new voters to the mix that could change this outcome; that we have the opportunity to get the bulk of the community that is going to be impacted by this vote out in November. He said that he thinks it's critically important that we get the most people possible to weigh in on this and bring this to a resolution. He added that he knows the subject matter Mr. Murphy talks about that was put out by Mr. Moynahan and, in his opinion, it's going nowhere; that two components of it aren't even legal.

**7:18 PM** Ms. Davis said that Mr. Murphy wanted to discuss it at the next meeting, asking if he wanted to delay a decision on this until the next meeting.

Mr. Murphy asked what we would be deciding tonight.

Ms. Davis said that, if we decided to move forward tonight, we would have to start getting things ready.

Mr. Murphy said to get ready for an early Town Meeting to select a Selectman, as required by our Town Clerk and, at that time, we would be ready to also have on the warrant another chance to do what's right with regard to the sewer.

**7:19 PM** Ms. Davis said that we haven't heard back from any of our technical advisors; that Underwood Engineers is looking into some costs and what our timeline needs to look like; that right now we would be moving forward and we'd have to have a ballot ready, within two weeks, so that Ms. Rawski could get it out there for absentee ballots.

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Ms. Rawski said that it is the nomination process that would have to be opened, first; that 14 days is the shortest you could make it, then, 45 days after that, roughly, absentee ballots become available, and, 30 days after that...you set your election 45 days out from when those nomination papers are due.

**7:20 PM** Ms. Davis said that we would have to have a ballot ready in PDQ and she isn't sure we know where we're headed with that; that we haven't gotten our technical advice, we don't know what we'd be offering, and we'll have to be voting on what we will put on a ballot.

Ms. Rawski said that she was hoping to simplify the decision for many sitting on the Board; that she is here because she's given the Board the option of a shortened process to elect an officer and to take that opportunity to put forward any other referenda you may have for the Town to vote on because she didn't know what the Board's decision was going to be to fill the position of the vacated Select Board seat. She added that, right here, she is going to state that November is fine with her, if that is their decision, she is 100% behind November; that the Secretary of State's office says that they suggest but it's merely a suggestion that they ask us to consider. She said that she was absolutely hoping we could go that route but, if you aren't ready with the sewer options, and it doesn't sound like the Harbor Commission is going to be ready, TIF maybe, the PB may have some things...that shortened process would be quick to get us any benefit of having it sooner, so, hearing that there's work to be done, she's going to say, if the decision makes it easier for any of the Select Board members, go to November.

**7:21 PM** Mr. Fernald asked Ms. Rawski if she could give us a date for when it would happen in September.

Ms. Rawski said that it was all based on if you decided tonight to open this up and have a special election sooner than November. She added that she can clearly open nominations up and announce that nominations are open as soon as Monday; that, then, she can have those nomination papers available for a shorter period; that the Board has to vote on that for her to do the shortened process – 14 days – so that she would then have two weeks that nomination papers (SB vacancy) would be out but any articles would have to be to her and certified to her by that 14<sup>th</sup> day, as well, for her to be able to expedite the ballot production to have absentee ballots available 30 days prior. She said that if the Board thinks it's going to take any more than that timeframe – 14 days – to get things ready to go, it's not really going to be worth it; that we're looking at September but, if you push it out any more, you're getting too close to November, anyway.

**7:23 PM** Mr. Lee said that one of the critical things that Ms. Rawski said early was , if there has to be a second ballot in November, anyway, she'd rather have it all take place in November. He added that he is almost certain that there are going to be

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other local issues that will be on the November ballot. He said that he would like to echo what Ms. Rawski is saying, make it simple on the Board, let's go for November 8<sup>th</sup>, we can handle it.

Ms. Davis asked if the Board was in consensus.

**7:24 PM** Mr. Lee clarified that, regarding parliamentary procedure, the Board needs to vote on November 8<sup>th</sup> to be the local election.

Ms. Rawski said that the important thing right now is for the Select Board to determine when they are going to fill their vacancy so the residents know how long they are going to be sitting with four members.

Ms. Shapleigh said that she would like a point of order.

Ms. Davis said that she has not recognized the public right now; that she would like to hear an opinion from the Select Board.

Mr. Murphy said that he could wait; that it's not going to be easy, and there may be some decisions that are unhappy, but we can live through it. He clarified that points of order may only be made by this Board; that people in the audience have to raise their hand and be recognized.

Ms. Shapleigh said that she did; that she has a question about the procedure going on all this evening.

**7:25 PM** Ms. Davis said that she would recognize the public as soon as she heard an opinion from the Select Board on the matter that is before us.

Mr. Fernald moved, second by Mr. Murphy, that the Select Board have the election of the Selectman and any articles on November 8<sup>th</sup>.

**Roll Call Vote:**

Mr. Fernald – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Ms. Davis – Yes

Unanimous vote to approve motion.

**7:26 PM** At this time, the Chair was moving forward with the agenda.



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Mr. Murphy reminded that the Chair had someone in the audience she promised could speak.

Ms. Davis said yes; that we've talked out and made our decision and we need to move on with the agenda.

**7:27 PM      4) Annual Adoption of Administrative Articles**

Mr. Lee said that now that we are doing referendum-style voting for budget items, it left part of our Town Meeting Warrant out, and that was left for the Select Board to decide annually. He added that it was his recommendation, if none of these things were amended, that the Board could adopt the administrative articles as a consent agenda unless people want to adjust percentages or dates, in which case, you would want to deal with them individually. He added that this wording is what has been used year-after-year for these articles.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board accomplish the annual approval of this set of nine articles describing annual actions to be determined by the Select Board, the wording not to include any misspellings or typing in this presentation.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

**7:29 PM      Mr. Lee asked the Chair if she wanted to take any comments from the public.**

Ms. Davis said yes and recognized Ms. Saurman.

Ms. Saurman said that she was a little concerned that the Board is not recognizing people who have their hands up. She added that, when you took the previous vote, you neglected to call on Ms. Shapleigh and on her (Ms. Saurman), then you took the vote and, then, when Ms. Shapleigh tried to speak, you said, sorry, we've already taken the vote. She asked Ms. Davis how this was going to work with Ms. Davis as Chair, asking if she was going to look out and not decide to call on people; that, frankly Select folks, she was surprised you didn't want to hear what your citizenry had to say before you took your vote. She said that it's always worked that, with people who are here, they put their hand up, respectfully wait, and you neglected to call on either one of us; that you then took your vote and

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said that there was no reason for us to speak because you took your vote, asking how that was fair.

**7:30 PM** Ms. Davis said that we have an agenda to get through tonight and there's a certain amount of time and information we dedicate to this process.

Mr. Murphy said that we do recognize the citizens on these issues and we kind of do that before we take a vote, and that is the process; that we have all evening, if necessary.

**7:31 PM** Ms. Davis said that we have heard that, we've had a recommendation from our Town Clerk, and we discussed this thoroughly; that she guessed, in thinking back in her mind, she was wondering if she ever heard a previous Chairman close discussion and call a vote.

Ms. Saurman said that she never heard Ms. Davis say, "I'll close discussion."; that you ignored our hands raising, you took your vote, and then said there was no reason to discuss it further; that if you had said that, first, she would have understood, perhaps, what was happening.

Ms. Davis said that the fact that the audience was not recognized meant that we were calling the vote, and she called a vote.

Ms. Saurman asked if that was how she was going to handle it in the future; that, if you don't recognize us, that means you are going to call a vote.

Ms. Davis said that, based on your advice, from now on she will say that it is closed.

Ms. Saurman said that she was not giving advice; that she was asking her how that was fair.

Ms. Davis said that, from now on, you will be informed.

**7:32 PM** Mr. Murphy called a point of order. He said that he believes our policies say that we will recognize public input on questions before we vote.

Ms. Davis said that public input was recognized; that we were discussing this for quite a lengthy time. She added that, if he felt uncomfortable, he should have waited until he had more information.

Mr. Murphy said that he did speak up; that he reminded her that there were people waiting to speak.

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Ms. Saurman said that the second thing was, since you did recognize me earlier, that the comments made by Mr. Pomerleau a few moment ago during that conversation, when Mr. Murphy suggested he might be coming forth with a new idea for the sewer problem, and was totally put down and he (Mr. Pomerleau) said that it's not going to work, it's never going to happen; that that is essentially the kind of wording that Mr. Pomerleau directly quoted from the sewer person for making a comment similar to that, a reason for him not to be appointed; that it's quite interesting that it can be said from 'that' side in the course of a discussion but not on another committee in the course of a discussion. She wanted to point that out for the record that a committee member was rejected for expressing a personal opinion similar to the one Mr. Pomerleau said, which was, "Never gonna' happen. Not going to pass."

**7:33 PM** Ms. Davis asked Mr. Fernald, as a long-standing member on this Board, if he could please give her an opinion about whether it is necessary to recognize every hand in the audience. She added that she believed that, in the past, she has seen discussions terminated so that a vote could be taken by the Board.

Mr. Fernald said yes; however, if he remembers that, when he was Chairman, there was a certain person, who is sitting on our Board right now, that was in the audience determining that he (Mr. Fernald) did not call on him and he was very upset about it; that that person actually said something about the democratic process.

**7:34 PM** Ms. Davis agreed that was true, but, at some point, it does come to a point where you do have to call an end to discussion, asking if the Board would like to reconsider the previous vote and start again.

Mr. Pomerleau said somewhere in the Charter it clearly defines that the public will be given an opportunity to speak and it clearly says that the limits will be set by each respective Board. He added that there comes a point where you have every right, it's been done hundreds of times before, to close the discussion. He said that at the time the hands went up was after you asked to hear from the Board.

Several members in the audience disagreed, saying that wasn't true.

A member of the audience said that it's obvious that 'this' half of the Board is against the Town, not working for the Town. He said that he's been here his whole life and he's disgusted by this meeting; that the Town Manager has done a good job; 'that' half is trying to listen to the public; 'this' half already has your mind made up. He reiterated that he has been here all his life, retired as a Planning Supervisor from the (Portsmouth) Shipyard, and he's been to many meetings with Commanders, Captains from the Shipyard for hours upon hours for critiques, or

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for normal meetings, and when they got done their agenda, whoever was in the audience could talk; that if it went on for 20 hours, it was 20 hours. He said that he didn't think there had been that many people here speak and it hasn't gone on that much; that most people have been pretty polite, putting their hands up and talking to bring something up. He said that he was learning about Town politics; that he is a little bit not knowledgeable in some items but this is disgusting, the way it's been done; that most people in the Town don't even realize what goes on down here. He said that he can see it from 'this' half; that it's completely divided; their minds are made up.

**7:36 PM** Mr. Pomerleau said that you could cut the hypocrisy in this room with a knife; that he can't recall the dozens and dozens of times he sat out in that audience with his hand up, never to be recognized. He added to not make it sound that things have changed.

Ms. Shapleigh said that he spoke at every meeting. She asked if the Chair was going to recognize her.

Ms. Davis said yes, go ahead.

Ms. Shapleigh said that she thinks it's quite important that we get a 5<sup>th</sup> Select person much sooner than November. She added that she noticed that, in the past, the Chair only voted to break a tie and she wanted to ask Mr. Lee if that policy changed by the Charter or was the Chair out of line voting, unless there was a tie. She added that she just wanted to know the facts; that she wasn't looking to lecture you or show her disagreement with you; that she wanted to ask the question and she believes she is entitled to, particularly where she is blind.

**7:38 PM** Mr. Lee said that the Charter does now require the Chair of all boards to vote; that the Chair now votes, not just to break a tie, but in every circumstance.

Mr. Murphy added all chairs on all committees.

Ms. Shapleigh said that it would have been nice to have that answered.

A member of the audience said that, unfortunately, she raised her hand after Mr. Pomerleau spoke, before the vote; that she saw the Chair look at her, and the Chair may not have seen her hand and she'll give the Chair that; but, it is hard to be out here and raise your hand and try to be polite, and not be recognized; that she thought it was inappropriate that you didn't at least give an opportunity for the public to say something before you took the vote; that she didn't think it was polite.

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**7:39 PM** Ms. Davis asked her if she had something she wanted to say about the previous vote.

The same member of the audience said that she did; that it's not important now because the vote has been made.

Ms. Davis said that she has heard Mr. Beckert say many times that the Board is here to conduct the Board's business; that we do try to listen to as many people as possible but, ultimately, we listen to the Town staff and we get the advice and we make the best decision that we can. She said she should technically say that comments are closed; that, primarily, it was up to this Board to make that decision; that many times, it goes on too long and we get distracted and we need to focus on what we're doing.

**7:40 PM** The same member of the audience said that when you stated that you were going to take a vote those hands that were up, at that point in time, should at least have been given an opportunity for one more question, or something like that, and said that this was coming to a close and we're going to take a vote, but it happened quickly, and there was no room for anyone to say anything more. She added that it had been complicated, it had gone back and forth; that when you said you were going to vote, it was time for the public to stop; that we honored you in that way. She said that she thought it was important that you sit in a place of honor, of authority, and that we honor that authority; that the authority can't be taken the wrong way.

**7:41 PM** Ms. Davis said that she doesn't understand some of the comments, tonight, because we have voted almost unanimously on everything that has been brought before this Board; that to call us a disgusting situation and a divisive Board seems a little bit unfair, unless that's coming from somewhere else. She added that we try our best to recognize everyone and, in this particular case, we got the advice of our Town Clerk and our Town Manager; that we took our vote as administrators of the Town business. She said we will, of course, recognize the public when it is appropriate and she thanked her for her comments.

**7:42 PM**     **5) Compensation Study – Draft RFP**

Mr. Lee said that we have had money allocated to conduct a compensation study; that he put together a draft Request for Proposal (RFP) to vendors that do wage and compensation studies. He added that he acknowledged the Town of Wells for their examples of this kind of RFP; that he did doctor it up to make it unique to what our needs are and, tonight, he was just looking for any feedback.

Mr. Pomerleau said that he didn't think we had 12 to 14 comparable towns near us and suggested that number might be a bit ambitious. Discussing Item E

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(Objectives) on page 2, you've got "An opinion of the appropriateness of staffing levels by department and/or function." that he thinks is getting real ambitious for the money he thinks you're going to spend. He added that he thought that was a whole other element for a consultant to examine; one that would be really difficult in this Town since we don't have any cost codes, time-tracking.

**7:44 PM** Mr. Lee said that he did actually consider that when he was writing that; that that may be a bridge too far so he doesn't disagree with him.

Mr. Murphy said that he felt this would be quite adequate for our purposes.

Mr. Pomerleau suggested that, with the heading, it should say union and non-union or just take them both out; that it should be for all employees.

Ms. Davis said that in the third paragraph, second line, on page 1, both union and non-union should be included.

Mr. Lee discussed (g) in that same paragraph, "recommendations for union negotiating goals based on achieving internal and external equity in those positions."; that that is something he added because he wondered, as a group, if you might want some goals for that; however, that may be ambitious. He explained that he is kind of concerned about how all this would get implemented, asking, for example, how we would use inequitable union wage knowledge in negotiations; that in one of the phases we have to concern ourselves with is settling a police union contract; that once this becomes a public wage and compensation study, everyone will know what it says, and he wondered if the consultant might advise us how to go from the wrong number to the right number when you have union negotiations involved.

**7:48 PM** Mr. Pomerleau said that he thought the word Mr. Lee was looking for was parity between union and non-union employees; that he was afraid that any specifically-stated objective like that might create a failure to bargain in good faith complaint by the union because we're pre-disposed to a specific outcome.

Mr. Lee said that he tended to agree with him, unless there is consensus the Board wants it left in there. He added that he thinks we're going to have to cut this down to the essentials if we're going to get this done for the money we have, anyway.

Ms. Davis asked if there was some way to make a comparison with the private sector; that what we're doing, here, is continually making comparisons between towns; that it would be nice if we could take the secretary or administrative assistant, and the private sector, and compare what the people that are actually paying the taxes are making.

**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM (continued)**

**7:49 PM** Mr. Lee said that he didn't think that was the way they do these; that when we go to hire a vendor, we could certainly ask if that's an appropriate analogy; that he doesn't believe it is.

Ms. Davis said that she would at least like to know, in general, if they already have a chart made up of various job descriptions in the private sector, and wages, and what kind of increases people in the private sector are getting.

**7:50 PM** Mr. Lee said that he didn't know if they would want to use that as part of their methodology but, again, all he can say is that, when we get responses back, we will find out if that's what they do; that, maybe, when they don't find 12 or 14 communities, they find five that are like Eliot and, then, one business that does comparable work. He said that he would bring this back revised to the Board.

**7:54 PM      6) Voting for Representative to MMA Legislative Policy Committee**

Mr. Lee said that Perry Ellsworth is the only one that's going to be representing our portion of the State, he's up for re-election from our district, and he wondered if we could get a vote from the Board to vote in favor of Mr. Ellsworth being our representative to the Legislative Policy Committee of the Maine Municipal Association (MMA).

It was the **consensus of the Select Board** to support Perry Ellsworth for this position.

Mr. Lee recommended the slate of people running for vice-president and the executive committee for MMA.

It was the **consensus of the Select Board** to support the slate of people running for these positions.

At this time, the Select Board signed the pertinent documents.

**7:58 PM      7) Select Board Draft Workshop Schedule - Revised**

This is informational for the Board.

**8) Adopt Certified FY 16/17 Budget**

Mr. Lee said that we started this his first year here to provide the Board a certified budget, which means we went through every line and what was approved at Town Meeting to make sure it tied out to every line item throughout our budget, coming out with the same numbers.

**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM (continued)**

Ms. Davis said that, again this year, there is no overtime line item for the Administrative Department and asked if there was a reason for that; that we allocated it within the budget and it was broken out; that there was a line item for the Administrative Department and a separate line item for the Planning Assistant.

**8:00 PM** Mr. Lee said that he didn't know the answer immediately but he thought she would be in tomorrow to do some signing; that maybe we could spend a moment with the Finance Director and find out why, or if there's another explanation.

As an aside, Mr. Lee said that he would make a meeting protocol cheat sheet for Ms. Davis to help her as she gets familiar with her position as Chair.

Ms. Davis thanked Mr. Lee.

**J. Public Safety**

**8:02 PM 1) MDOT – Speed Zone Information**

This is informational.

Mr. Pomerleau suggested sending a copy of this to the school.

**2) Proposed Dispatch Agreement with Kittery**

Mr. Lee said that this is a three-year agreement, with Kittery, to continue to do our dispatching and, previously, we were going up in \$10,000 increments; that if you noticed in this one, we are just going with the Northeast Region Boston CPI for increases; that already he sees this as a win. He added that, with no offense to South Berwick, he believes the service out of Kittery is better and we are very happy there, by all accounts. He recommended we stay with Kittery; that it's a simple agreement.

**8:06 PM** Ms. Davis said that she was concerned that Berwick is willing to pay \$168,000, asking if we are only paying \$90,000 to Kittery, what is the rationale for them not participating in Kittery.

Mr. Lee said that, surprisingly, Berwick has a tremendously high call volume; that Berwick is a busy little town when it comes to police. He added that, when we were working on the four-way regional dispatch project, two things happened; one, that the manager in Berwick and the manager in South Berwick came to not believe the projected numbers for running a regional facility and, two, that they had to put in something like \$113,000 worth of technical stuff in order to communicate with the rest of us.



**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM (continued)**

**8:09 PM** Mr. Fernald moved, second by Mr. Murphy, that the Select Board enter in for the Town of Kittery to provide dispatch services for the Town of Eliot, as described on our packet J-2.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

**8:10 PM 3) A.R.C. Insurance Collection Issue**

Mr. Lee said that John Johnson from Hanover Insurance has denied our claim and Chief Muzeroll proceeded to bill the company directly; that we're waiting to hear back. He added that Hanover is the company's insurance and they are saying that, because we didn't have a specific contract, which would require reimbursement of our fire department, they don't have to pay us.

Ms. Davis said that the burned-out company's insurance won't pay for this, so they would have preferred that we go over, unassisted, and let it burn.

Mr. Lee said apparently. He added that this was a new area for him; that we are working it through as we can. He said that he and Chief Muzeroll have met about identifying some top businesses around here that would be that would require fire planning and, if they do because of what's in it, we'd better start having a standard contract in place to cover this

**K. Old Business:**

**8:15 PM 1) Harbor Ordinance (3<sup>rd</sup> Reading)/Legal Opinion**

Mr. Lee said that this has gone back to the Harbor Commission because we had a number of comments made by the attorney that looked it over; that the Harbor Commission will be working on those comments; that they know they will not have that ready for November; that they want some more time to answer our questions in more detail. He also discussed apparently abandoned moorings and what the Harbor Commission was considering regarding those.

Mr. Murphy said they should add a brief description of the river as a navigation channel, not controlled by Eliot.

**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM (continued)**

**L. Approval of Minutes of Previous Meeting(s)**

**8:19 PM** Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May 26, 2016, as amended.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

Ms. Davis asked, regarding minutes of June 9, if, when letters are read out, if we are going to include them in the text.

Ms. Lemire said that it depends; that they are available at Town Hall as part of the record. She added that, if you want them included, she can.

Mr. Murphy said that sometimes the author requests it; that it seems important for people to know it, not only now, but in the future, and make sure it's attached to this kind of timeframe. He added that it's reasonable to ask for; that he has done it once.

**8:28 PM** Mr. Pomerleau suggested they could be made attachments to the minutes; that if they have a document that was submitted, rather than incorporating it into the minutes, it would become an attachment to the minutes when posted on the web.

Ms. Lemire agreed, saying that she has done that.

Ms. Davis asked if we could ask Ms. (Donna) Murphy if she would like to submit an electronic copy that could be included as an electronic attachment.

Ms. (Donna) Murphy said that she would like to have her letter included.

Ms. Davis said that she would like her letter included, as well.

The letters will be sent to Mr. Lee for inclusion.

**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM (continued)**

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of June 9, 2016, as amended.

**Roll Call Vote:**

Mr. Fernald – Yes  
Mr. Murphy – Yes  
Mr. Pomerleau – Yes  
Ms. Davis – Yes

Unanimous vote to approve motion.

**M. New Business:**

**8:32 PM** Mr. Lee said that, after our workshop, it was reported to him by one of the people who attended that somebody ‘out here’ had speculated that he had somehow rallied these sewer users to that workshop; that he certainly did not. He added that, in fact, he was very flummoxed by all the people that showed up, as you recall, because he wanted to hold it in ‘there’ (small conference room); that, then, when all the people showed up, because of video-streaming, we had to stay in there and couldn’t move in here; that it kind of threw him off. He said that he is not rallying anyone to attend anything; that he doesn’t do that. He added that he does have people come to his house, sometimes, from his neighborhood and knock and talk. He reiterated that he’s not rallying, he doesn’t want to be a party to it, he doesn’t want to be a participant; that he will make his own separate vote out there when the time comes; that he doesn’t rally people to come and make his nights longer; that it’s not his style, not professional, not ethical and he would not do it. He added that he doesn’t know where that came from but he would like to make that clear that he’s not rallying anybody; that he doesn’t have a side in this, at all; that he just wants to see it done, whatever way we do it,

**N. Select Board Report:**

There were no Select reports tonight.

**O. Committee Vacancy Report**

There was discussion regarding committee quorums and liaisons, as well as updating of the vacancy report. This will be on the next agenda.

**P. Other Business as needed**

There was no other business.

**SELECT BOARD MEETING**  
**July 14, 2016 5:30PM (continued)**

**Q. Adjourn**

There was a motion and second to adjourn the meeting at 8:36 PM.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Ms. Davis – Yes

Unanimous vote to approve motion.

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**DATE**

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**Mr. John Murphy, Secretary**