

SELECT BOARD MEETING

July 28, 2016 5:30PM

Quorum noted

A. 5:30 PM: Meeting called to order by Chairperson Davis.

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

5:31 PM 1) Public Correspondence – Debra Lastoff

Mr. Lee said that Ms. Lastoff had previously reached out to the Board last year when Public Works went through and did some ditching on Old Road; that she has again contacted the Public Works Department this summer asking to put in a covered culvert, as she requested last year, to protect the lilacs and erosion of the ditch. He added that she included some pictures, which he doesn't think demonstrates a risk to the roadway's edge; that this is an old, 3-rod county road; that there was some question as to whether the lilacs, in full or in part, are within the right-of-way.

5:32 PM Mr. Moulton said that there is a little erosion along the roadway; that there is that type of erosion on other parts of Town because of the severe rains we have had, and not characteristic of one location. He added that the lilacs are still intact and there is vegetation along the ditch line on the inside; that he has measured the right-of-way, based on a 3-rod road, and the lilacs are technically at least partially within the right-of-way. He said that we did the work, there, we had discussed earlier to maintain the ditch lines and keep the drainage flowing; that we didn't disturb the roots, noticing that they are partially exposed but do not look very-well maintained on their own. He added that putting in the requested culvert would have a pretty significant cost and that he doesn't feel it is justified. He said that he thinks the bigger issue seems to be the lilacs, based on what he is reading; that we continue to manage and maintain ditches throughout Town and he, personally, doesn't feel it's warranted to do anything further.

5:34 PM Ms. Davis said that there was a pipe at the end of that ditch that seemed to have a lot of debris in it and blocking it, asking if Mr. Moulton would be, at some point, clearing that up and filling in some of that run-off in there.

Mr. Moulton said yes.

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Ms. Davis asked if it would be a big problem to put some top soil over the roots of those lilacs, and some erosion stone there.

Mr. Moulton said no, that we could do something, adding that it had been done previously but we can do it again. He added that there is vegetation there, so it shouldn't move, but we can reinforce it with a little additional top soil and probably with some erosion-control matting, as well.

5:35 PM Ms. Davis asked how the Board felt about that.

Mr. Pomerleau said that he looked at her lilacs last year and there was some root exposure that he wouldn't call serious; that they are very old lilacs. He added that he thought we could take advice from the expert; that lilacs will rejuvenate themselves and, having seen her pictures, here, he doesn't see any need for this Board to intervene, given that Mr. Moulton is sensitive to someone's 100-year-old lilac that he would recognize as someone's personal property as he goes about doing his work.

5:36 PM Mr. Lee said that he and Mr. Moulton talked about doing a bit of touch-up work out there and clean it up a bit but we certainly don't want to get into a covered pipe situation; that there is a whole series of things that happen once you start doing that; that we don't have money to do that properly.

Mr. Fernald said that he doesn't believe this situation was caused by the Town and it's obvious to see the erosion; but, he's concerned with setting precedent of fixing personal property within the Town, using Town employees and Town money.

Mr. Murphy said that he wondered if a short section of culvert to extend the culvert, which exists, maybe 6' or 8', just enough to go along in front of that lilac, filing in with soil and, then, those roots would be protected.

5:37 PM Mr. Moulton said that we could do a small section; that, as Mr. Pomerleau said, they do rejuvenate. He added that we didn't damage anything but just did the maintenance we needed to do; that we can do anything the Board wants but even doing a small section probably won't be enough because the lilacs continue all the way down around the corner.

Ms. Davis asked the Board if we could have consensus that we leave it to Mr. Moulton's discretion; that he understands the concerns of the resident and he will address that when he goes out to look at the roads.

It was the **consensus of the Select Board** to leave this to Mr. Moulton's discretion.

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5:38 PM Ms. (Nancy) Shapleigh discussed the failed re-appointment of Mr. Richard Dionne to the Sewer Committee at the last meeting. She said that she thought that a terrible disservice has been done to the boards in this community when a person cannot be put back on a board because another member of the committee did not like a comment that that person made. She added that she thought we still have First Amendment rights in this country; that she thinks he should have been asked; that she thinks it was totally uncalled for and, really, a terrible thing. She said that she thought the Board owed Mr. Dionne an apology; that if it's not in the minutes of the meeting why Mr. Dionne was not re-appointed to the Sewer Committee, she would like it made part of the public record in this meeting, that he was not re-appointed because a certain member of the Board said that he heard Mr. Dionne say, "That's not going to happen." and he (Board member) made up his mind that that person didn't belong on a board. She reiterated that she would very much like to make sure that is a part of the public record; that she thinks that is very important and she does think the Board owes Mr. Dionne, who is an excellent worker, an apology.

5:40 PM Mr. (Charlie) Rankie said that it was his assumption that, under Administrative Department, Item H (6) Charter Review, that is intended to cover the topic of 'meeting notices'.

Ms. Davis said that we have various things under that, so, yes.

Mr. Rankie said that he had a correspondence, here, and would like to reserve the right, after that item, to discuss the appropriateness of a meeting that was conducted; that he thought it would muddy things up if we started talking about it before that item.

Ms. Davis asked if the Board had any objection.

There was no objection from the Board.

5:41 PM Mr. Murphy said that he was glad that Ms. Shapleigh spoke up; that he made a personal apology to Mr. Dionne, for himself, when he saw him afterwards. He added that he, himself, was appalled at the action taken by Mr. Pomerleau; that we have a right to speak and can say wry jokes, even; that that's allowed by freedom of speech; that Mr. Pomerleau is famous for the almost scandalous things that he says and has published on EliotOnline for the last half dozen years; that here he is as a Selectman – one of the big boys – and he should not have made that (comment regarding Mr. Dionne) and that he didn't think you (Ms. Davis) should have agreed with him, either.

Ms. Davis asked if Mr. Murphy watched the meeting in question where the statements were made.

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5:42 PM Mr. Murphy said no; but that he has been to most Sewer Committee meetings and Mr. Dionne has a wry sense of humor; that he (Mr. Dionne) knows so much about sewer that it is a great loss to that committee to not have that experience; that that should have been taken into consideration rather than a little ‘miff’. He added that he has felt much more than a little ‘miffed’ many times and he doesn’t knock people off boards. He said that it was a wrong action and it deserves an apology, both from Mr. Pomerleau and the Board; that Mr. Pomerleau should move to put Mr. Dionne on that Sewer Committee; that that is the one thing that would correct the problem.

5:43 PM Mr. Pomerleau said that we begin with what has been the most divisive issue in Town for several years, now; that clearly in our Town ordinance and State law this Board, along with delegated authority to the Sewer Committee, have a legal responsibility to ensure that sewer rates are adequate so as to properly maintain the sewer system, and that includes repair, maintenance, capital improvements, and adequate reserve lines for that purpose. He added that no one has ever disputed that the dilemma we’re in is due to a gross negligence of both sewer committees and Select Boards for over a 20-year period that did absolutely nothing to properly enforce those ordinances and those State laws to maintain adequate reserves so that, today, had that job been proficiently done, we would not be having this dispute on how, now, to fix the South Eliot sewers. He said that it is an absolute obligation of the Sewer Committee to carry forward with the obligations of this Board, who appoints them, to ensure that those sewer reserves are adequately kept up. He said that, even after all this history, on that date following a just-defeated sewer bond, the Chairman of that committee made the comment that we now have to consider reviewing increasing sewer rates so that we can maintain adequate reserves for future repairs; basically, because there was not going to be any bond money, now, to replace them. He added that Mr. Dionne’s comments were an absolute dereliction of duty in his responsibilities to maintain those reserves; that he said “Why? Why bother? The reserves are what they are and, if they’re not adequate when we have a failure, they’ll just fail and the Town will have to pay.” He said that, not only was that a dereliction of duty, it was fundamentally dishonest and deceptive to the taxpayers of this Town; that he had an obligation to do his duty and, if there’s an apology coming, it should be from the Sewer Committee, whose other members sat there silent knowing exactly that they, too, had a responsibility to adjust those reserves in order that we didn’t repeat the same catastrophic circumstances in the future. He added that, not only that, never again did the issue of raising sewer rates come up in that committee until this Board, through the Town Manager, instructed Underwood Engineers to do a review study and, sometime earlier this year, we instructed them to impose the 25% increase; that it was necessary, needed, and they failed to do their job, again. He said that he had no apologies for what he did; that it is his responsibility, along with the members of this Board, to ensure that that sewer

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system is properly administered and that those reserve funds are adequate to meet all contingency problems.

5:47 PM Mr. Fernald said that he appreciated Mr. Pomerleau giving his opinion on what had happened; that Mr. Dionne also had an opinion that ought to have been respected. He added that we all have different views; that Mr. Pomerleau has a view and Mr. Fernald has a different view of what happened; that Mr. Dionne obviously had a different view, also, but that shouldn't be a precedent of keeping anyone off a board. He said that we should welcome other opinions on that board; that that is what makes good boards.

5:48 PM Mr. Pomerleau said that it's opinions like that led to 20 years of no sewer rate increases, failed to do their responsibility; that they are not there for opinions, they are there to do a job. He added that their job is clearly defined in our ordinances – adjust sewer rates and reserves, as needed.

Ms. Davis said to Mr. Fernald that she did watch that meeting and his opinions, as expressed, were very clear and they did seem to be, also, as a dereliction of duty; that that was her reasoning for her decision to not appoint him to the committee.

5:49 PM Mr. Fernald said that he guessed we would have to define what dereliction of duty is on these boards compared to what opinions are.

Ms. Shapleigh said that there were a lot of differing opinions; that a lot of the votes were influenced by Mr. Pomerleau, himself, on EliotOnline, his letters to the editor, and she still thinks he owes Mr. Dionne an apology. She added that she doesn't believe he (Mr. Pomerleau) knows the context in which it was said; that Mr. Dionne could have been kidding, as he is a kidder, but has worked very hard on this committee, and she has far more respect for him than she does for Mr. Pomerleau.

5:50 PM Mr. (Rich) Cattrano said that he is new to this area; that he moved here in March after living in New York for 69 years; that he is a neighbor of Mr. Dionne. He added that, after reading some of the material, he wanted to be involved in his Town; that he's retired and there's no way he can be involved because he's an outsider; that anything that he says at a meeting he feels will be held against him. He said that there were four on the Board, the vote went two for him (Mr. Dionne) and one not for him, with Mr. Pomerleau casting the deciding vote to make it 2-2, so he wasn't reappointed. He explained that he was here because he lives in Cole Brown Estates and this affects him; however, he can write the check, it won't be changing his life; but, maybe, other people in the sewer area, it's really important to them. He said that the bond should have been passed, if the right people were behind it and expressed it to the people that it's not going to charge everybody, it's only the sewer people; that it would have been trickled down over 20 years,

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He reiterated that he is a new person and, if he says anything someone on the Board or someone on the committee doesn't like – you are looking for committee people – he's out; that that's how he feels. He added that he's an outsider, not an insider, and he's going to live and die here, now; that he's not going anywhere. He said who's to say we don't want you, you're gone; you're from New York, we don't want you; that that's how he feels, and the Board has to change that where he feels welcome in Eliot.

5:52 PM Ms. Adams said that she agreed with Mrs. Shapleigh; that she felt the same way. She added that she served on the Charter Commission; that if she thought that everything she said would then be used against me because someone didn't like it, she wouldn't want to serve. She asked if the Board even thought of calling that person in and talking with that person, asking that person what he meant by what he said; asking if it was his conviction or was it just the heat of the moment or frustration. She asked why we aren't asking the people, not just saying he or she can't now serve; that she didn't think that was fair. She added that people say things all the time but it doesn't mean they vote a certain way; that they may change their mind because they get other information. She said that she thinks it was wrong that someone who wanted to serve was not at least asked, and it resolved a different way. She added that this is a wonderful opportunity, everything being video-streamed, but if it's going to be used against people, they are not going to want to serve.

5:54 PM Mr. Pomerleau said that he didn't misunderstand anything; that he was at the meeting; that it wasn't, and isn't, just a matter of opinion or free speech; that there was an obligation of a member of the Sewer Committee, upon a motion by the Chair, to do their job and consider an increase in sewer rates; definitely declined to want to do that.

Mr. Cattrano said that Mr. Dionne was not at tonight's meeting because he didn't want to cause problems and, without him being here, there is a little problem that was voiced.

F. Department Head/Committee Reports

5:55 PM 1) Budget Committee Report

Mr. Lee said that the Budget Committee met and voted to elect Ms. Murphy as Chair, Mr. Hughes as Vice-Chair, Mr. Lentz as Secretary, and Mr. Strong as the member for the union negotiating team.

Mr. Pomerleau suggested we meet as a negotiating team and bring Mr. Strong up-to-date.

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Mr. Lee said that he would set that up.

5:57 PM Ms. Saurman said that, in reading the Charter regarding this appointment, it seems the Charter has a contradiction.

Mr. Lee said that he would be addressing that; that there were a number of questions that came up regarding the Charter.

5:58 PM **2) Energy Committee Solar Update Memo**

Mr. Lee said that, after the vote for this, he received a number of comments from people not realizing how far along we were or they might have felt a little better about it; that when the Energy Committee met, they felt it would be good to give the Board an update of where we are at should the Board want to reconsider this, once legislation is clear regarding what they will do about net metering. He reviewed the memo that laid out the steps the Energy Committee has taken, to-date, saying that what is left is for resident approval, legal review, and where the PUC (Public Utility Commission) will go with net metering. He added that when we get clarity on that, we hope to come back to the Board to see if the landfill question could go back to the voters in a year.

6:00 PM Mr. Pomerleau said that he caught news that Governor LePage recently proposed a 3-year grandfathering on net metering; that he wasn't clear whether benefits would continue for those already in a project or a termination of net metering for everyone at the end of three years. He added that that is going to be a critically important piece of information because net metering is what makes this project pay off; that, if not, we will have to take a hard look at the numbers.

Mr. Lee said that we would stop proposing this. He added that CMP just recently went up 7% on electrical rates and all of our projections were based on a relatively 2% increase; that, if that trend continues and we can do net metering, that project is going to look better and better.

6:02 PM Ms. (Donna) Murphy, Budget Committee, said that we were not against the project, per se, but there were many unanswered questions that we needed; that we felt there could be some risk and one of them was regarding the net metering.

Ms. Davis asked if they were hoping to get something on the November ballot or waiting until next June.

Mr. Lee said that the Energy Committee is realistic, realizing that until the PUC, Governor LePage, or somebody, gets clear on net metering, we don't feel that it is worth bringing back before the voters because there are just too many questions. He added that we are ready to go forward once clarity is there; that it is a nice

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project, saving \$470,000 in electrical bills over the 25-year life span of that solar array. He also said that the contract would be reviewed in detail for the final submission, if this project goes forward.

6:05 PM 3) Solid Waste and Recycling Committee – Draft By-Laws

Mr. Lee said that he created a by-law template that the committee developed to fit their requirements, as well as the Charter.

Mr. Tessier discussed the inclusion of continuing to work with the school district regarding municipal solid waste issues as part of the regional effort.

Mr. Lee added that Kittery might be reconsidering the Pay-to-Throw program; that if people are on that program, regionally, then it becomes a lot easier to combine and gain mutual benefits; that without being on a similar platform, it becomes a little trickier.

6:08 PM Mr. Tessier said that, in Article 3.1 b. (membership), the committee felt that members should not be owners or employees of private solid waste businesses within the Town because they felt that could potentially be a conflict of interest.

Mr. Pomerleau said that, in Article 6.1 a. (meetings), “...*shall continue to meet at the Public Works Facility*” is a direct violation of the Charter; that the Charter requires that committees meet where there is video-streaming is available, unless it’s not. He explained that what the Charter members had in mind were circumstances that would not unnecessarily impede the meeting by the lack of the availability of video-streaming, using the example of the PB having an overflow of attendance and having to move to the Regatta or an equipment malfunction. He added that it was the intent of the Charter for complete, public transparency for all Town committees. He said that he doesn’t understand how this June 29th meeting even took place, especially since the Town Manager directed the committee to hold their meetings where there was video-streaming available.

6:12 PM Mr. Tessier said that this is an example of one Select Board member changing the wording and requirements that best suit his needs. He added that the Charter is not violated by what the Solid Waste members did; that the Charter says, “*Video streaming or any other media broadcasting where available, shall be scheduled, and utilized for all boards,...*”. He said that it was pretty apparent to him that the Charter Commission, when they worded this, recognized that there was potential for having meetings in another place other than the Town Hall that might be of benefit to that committee; that, in reviewing the Charter in detail, their committee felt that they fell under that category where it would be beneficial to meet at the Public Works Facility, explaining that, if an issue came up that we didn’t understand, we could tour the facility to understand better to make good decisions

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and recommendations back to the SB; that that is why we recommended the wording in the by-laws.

6:14 PM Mr. Pomerleau said that he felt this was more a clear example of a committee chairman interpreting Charter language to suit their own needs; that the purpose of the Charter in this provision was clearly to promote transparency in government. Regarding the need of the committee to be on-site, he said that the PB has a need to go off-site to do site walks; that they do their off-site reviews and come back here to do their business in the public eye. He added that the Energy Committee is another example of a committee that had to go off-site. He said that the intent with the Charter is to not give committees a choice, as to whether or not it is convenient, or not, but to do everything they can to comply with the intent of the Charter, which is to put all public business under video-streaming.

6:15 PM Ms. Davis asked if this was one of the issues we got an opinion on.

Mr. Lee said not; that this is a new one. He clarified that, when he spoke to Mr. Tessier, Mr. Tessier said that there were some members who did not have email, the agenda has already been posted, and to undo this and make sure members knew where to go would be too tough. He added that he told Mr. Tessier he would have to have this as his own choice because he has told him what he believes the Charter requires; that Mr. Tessier said that he would.

Mr. Tessier agreed. He explained that they did not have their meeting in July at the Town Hall for three reasons: 1) He did not have a key to the Town Hall; 2) He has not been trained on the security system; 3) He has not be trained on the video system; that they would not be having a meeting in August, either, to give time to resolve this issue as to where we would meet going forward. He added that, as the Chair regarding the by-laws, he is representing the opinion of the Committee to the SB. He said that the Solid Waste & Recycling Committee operates per the direction of the SB so we will do what the SB decides.

6:17 PM Ms. Shapleigh said that she didn't think that the majority of the Townspeople feel that everything has to be video-streamed. She added that many of the people involved in the Charter didn't understand the problems it would create; that they do publish all the meetings and the public is welcome to come to any committee meeting. She discussed her concern regarding video-streaming with some people trying to find members saying the wrong thing and not being re-appointed. She added that she thought this was being taken too far.

Mr. Lentz said that, as a member of the Charter Commission, Mr. Pomerleau was right; that the intent was clarity and purpose and wanted people to see what was going on. He added that they struggled with 'may' and 'shall' many times and this

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says you 'shall' use video-streaming; that we were asked to do that in the public hearings we had from the public.

6:18 PM Ms. Davis asked if Mr. Tessier would consider going back to his committee to see if they would change their minds or did she need to ask the SB if they would like to get a legal opinion.

Mr. Tessier said that the Solid Waste Committee operates for the SB and, if the SB directs us where to meet, he is sure the committee would do that; that what he presented tonight is what they decided last week.

6:19 PM Ms. (Donna) Murphy discussed her concerns. She said that she saw enough time between when the Town Manager memo went out and the time of the meeting to feel confident that, as Chair of her committee, she would be able to get in touch with members in some way to notify them. She added that it is the Town Manager's job to implement the Charter and she was hearing that a memo went out on the 29th with clear instructions that the meeting was to be held 'here' and it was not; that that, to her, undermines his authority from a committee acting against those instructions.

Mr. Tessier reiterated the reasons his committee didn't meet in July, or this month, in order to have some resolution by September; that we did not thumb our nose at the Town Manager. He added that he specifically told the Town Manager they would not meet 'here' because of those three items and get resolution by September; that they were not trying to thumb their nose at anyone in authority but trying to do the right thing, get things done in a timely fashion, and want to do what's right for the Town; that we want to cooperate with the SB and Town Manager. He added that he would take meeting at the Town Hall back to his committee, at the direction of the SB, and he was sure they would agree.

6:21 PM Mr. Cattrano said that this is what he tried to say before; that we try to do the right thing and get put down; that they made an attempt...

Ms. Davis said that we passed a Charter.

Mr. Cattrano agreed; that the way he read the Charter is that there looks like there is an exception. He added that they made an attempt to do one 'here', present it to the SB, and get it squared away for September; that they made an attempt, they were put down, and asked why even be on the committee. He felt it was inappropriate discussion at a meeting but should be talked about on the side; that he felt bad for the gentleman.

6:22 PM Ms. Davis explained that we have to approve the by-laws and this is a point of contention.

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Ms. Saurman said that Mr. Tessier has made it absolutely clear what they did, why they did it, and they're not going to do it again; that you couldn't have a better response with regard to the issues that Mr. Pomerleau brought up and the Chairman responding to them. She added that what she thought they probably ought to be discussing next, quite frankly, is when you're going to train every committee chairman on how to use the equipment; that there's your next question, there's no argument, and they are ready to go forward and do it, reiterating that the SB couldn't ask for a better response regarding this issue. She thanked Mr. Tessier for his efforts.

6:23 PM Ms. Davis said that this Board could only address the by-laws as they came before them; that, right now, they say that they don't want to come in to the Town Hall, they want to hold their meetings elsewhere; that that's the issue, and not that there was a problem created at the last meeting, but of where do we go moving forward. She added that Mr. Lee believes that video-streaming should be done and that he sent out a memo to that effect. She asked the SB if they felt Mr. Lee should be left to do his job or do they feel they need to make a motion in some other direction.

Mr. Fernald said that he didn't think a motion was necessary.

6:24 PM Mr. Murphy said that he thought that Mr. Tessier would be happy to change the paragraph, 6.1 a., and bring his committee here. He added that he would be happy to show Mr. Tessier how to set the alarm, and so forth, and he is sure there are extra keys.

Mr. Tessier said that he was sure that that could get done; that that wasn't the issue but that he just didn't have the time to get it done in that period of time.

Mr. Murphy said that he thought that the committee's by-laws should recognize the need to meet at a place where there is streaming; that that would make it easier for more people to become aware of the work of the committee, which is the purpose of this streaming.

6:25 PM Mr. Fernald agreed that we have to abide by our Charter, adding that not everything is black and white; that as we go through this process, we're going to find things that we need to address within the Charter. He added that, as an example, if we have 50 or more people in this room, we have to hold the meeting somewhere else where, probably, video-streaming won't be available; however, we need to abide by our Charter the best we can.

Ms. Davis said that these by-laws are for their regular meetings and they want to codify where they need to get it done; that her impression was that they wanted to keep it as stated in the by-laws unless the SB instructs them to do otherwise,

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asking if there was consensus that the SB would like them to meet here and participate in video-streaming.

6:26 PM Mr. Murphy asked how difficult it would be to set up streaming at the Public Works Facility.

Mr. Tessier said that he didn't know enough about the technical details but thought it would be easier for his committee to meet here.

Mr. Rankie discussed the discussions that had been had by the SB about whether to even have video-streaming; that the Charter Commission focused very clearly on transparency but we also understood that the system in the small conference room is horrible and this system 'here' is poor, at best. He added that we totally recognized that, by authorizing and getting video-streaming approved, the Town Manager could go forth, do his job, and add budget item for next year so we could improve this stuff. He said that technology, now, is much more adaptable and we knew that Mr. Lee couldn't come forth with a budget item for improving video-streaming when it was a constant debate whether we would have it or not.

6:28 PM Ms. Davis asked the SB if there was consensus to ask committees to meet 'here' (Town Hall) until such time as they come up with an alternate solution more to their liking.

It was the **consensus** of the Select Board.

Mr. Tessier asked if there was anything else in the by-laws that the SB would like us to address.

Mr. Fernald said that he didn't understand why what is in the Charter is being repeated within the by-laws; that we do have to abide by the Charter in the majority of this stuff, such as Officers and Elections are in the Charter.

6:29 PM Mr. Lee said that, in an effort to make sure every committee clearly understood, he went back to the Charter and took actual provisions from the Charter as a quick reference within the by-laws; that he didn't want committees to miss anything in the Charter. He added that managing the implementation of this Charter is not easy, so, he did the template such that it is unmistakable what people are supposed to do.

Mr. Fernald said that his concern was that, whenever the Charter might be changed, all those documents would have to be changed, as well. He added that it might be better to just reference the Charter in those areas.

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- 6:30 PM** Mr. Lee agreed, saying that he put out two documents – a list of all the Charter provisions that went with committees, which then also became part of the template; that he was using an abundance of caution.
- Ms. Adams said that the taking of minutes is mentioned in the by-laws but they don't have a secretary, asking how the minutes were taken for this committee.
- Mr. Tessier said that he (the Chair) took the minutes.
- Ms. Adams asked if that shouldn't be in the by-laws.
- 6:32 PM** Mr. Tessier said that, under Article 2: Duties c., it reads, "Maintain minutes of each meeting that are forwarded to the Town Clerk as soon as practicable after approval.", and so minutes must be taken by our by-laws.
- Ms. (Donna) Murphy said that, if there's no secretary, according to Robert's Rules, that responsibility automatically falls to the Chair.
- Mr. Pomerleau said that, by law, video-streaming serves as minutes if you can't come up with someone to actually take the minutes.
- 6:34 PM** **4) Eliot Business Development Committee - Disbanding**
- Mr. Lee said that they have voted to request to be *"disbanded until such time that economic development activities are back on the community's agenda, at which time, the members may ask to reform the committee to assist in those efforts."*
- Mr. Murphy said that he was a bit bothered by that because these standing committees are fairly permanent; that they become part of the government and to change the government is a 90-day change before the Town Meeting time in which to become accepted. He suggested that, rather than disband this committee, we could simply suspend the meetings.
- 6:35 PM** Mr. Lee said that he thought suspension would be fine with the committee.
- Mr. Murphy moved, second by Mr. Fernald, that the Select Board replace the word disband with suspend in the first sentence and the word disbanding to the word suspending in the last sentence of the memo dated 7/28/2016.
- Mr. Pomerleau said that they have a budget, they aren't going to meet, and have no specific plan, suggesting they be disbanded and roll their budget back into the general fund; that we could reinstate them at any time. He added that, on the question of whether they are a standing, legal part of the Town, the Charter clearly gives this Board authority to disband them.

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Mr. Lee asked if Mr. Murphy was accepting the suspension of the EBDC with his motion instead of disbanding the EBDC.

Mr. Murphy said yes.

6:38 PM Mr. Lee clarified, regarding the budget, that it would go unspent and drop through to the general fund at the end of the year.

DISCUSSION ENDED

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

G. Public Works

6:39 PM 1) Proceeding with Pump Station Funding

Mr. Lee said that Keith Pratt (Underwood Engineering) has information regarding cost-cutting alternatives, engineering designs, and easements. He added that he had anticipated that this would be more a discussion of where we go from here because we don't have a solution on the horizon to our two failing sewer pumps stations. He suggested talking about cost-cutting alternatives before going ahead with final design or easement work.

6:41 PM Ms. Davis said that, from her perspective, the point of this evening is that we have heard repeatedly over years that these repairs need to happen; that we have a potential real, catastrophic problem looming. She added that, from the workshop, her feeling was that, because the bond was defeated in June, we could not allow that to stop the SB from proceeding with the repairs; that we need to start now so that we don't fall a year behind in planning and implementing the repairs. She said that, as the summer progresses, we are going to look at cost-saving measures; but, the main thrust is that we see what we need to continue with the design and moving that forward, to prepare for these repairs; that we will have to consider an assessment on the sewer users to pay for this analysis over the summer.

6:43 PM Mr. Pratt said that they did both; that we put together a scope that looked at technical assistance, to look at cost-savings, but we also put the contract together for the final design. He added that if we find something significant that the SB

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wants to do to reduce costs, then we may have to do a scope adjustment; that the SB has a full scope before them to get themselves to bidding documents so that this could be advertised as soon as this phase of the work was done. He said that the final design is for both stations; that we also included the easements; that this contract gets the SB to that point. He clarified that, if the SB proceeds with final design, we would be complete sometime mid-winter so that, then we'd get DEP and final approvals; that the SB could be advertising in the spring assuming the funding is in place, which would allow us to have the stations up and running by the end of the year. He added that this is within the budget and scope that was identified before.

6:47 PM Ms. Davis asked for confirmation that Mr. Pratt is showing \$99,000 and that is the amount that is absolutely necessary to get started on this prior to a vote in November.

Mr. Pratt said that we have always said that we had a budget that was adequate to try to get a bond vote; that he thought that the concern was to try to get a jump on things. He added that what this does is gets you to the point where, if you get a bond vote and you have the authority to fund, these things can be advertised and you can be on the street with soliciting bids; that instead of waiting for the bond vote and getting another 5-6 months to do the design, that's what we're doing, here, if you choose to proceed with this.

Ms. Davis asked Mr. Pratt if he gave any thought to what the assessment would need to be on the sewer users to pick up this \$99,000.

6:48 PM Mr. Pratt said that we included that assistance; how it is allocated and how it will be charged; to run some numbers for the SB so that you can proceed with it.

Mr. Lee said that, as we discuss this, it will be important to look at our most current sewer funding report.

Mr. Moulton said that there was \$112,645 in the capital reserve and \$75,984+ in Sewer Betterment, for a total of \$188,630.

Mr. Lee said that, with that in mind, we spent almost \$90,000 in repairs and this is \$99,000 more in work that needs to be done. He added that that would not leave us a lot should something catastrophic happen, again, and that is a concern; that he wanted the SB to consider that, if we are going to fund this, either through an assessment or some other means, and take cash out of the 'bank', we're going to be left dreadfully thin, without a safety net.

6:49 PM Ms. Davis said that the SB would need some guidance on a one-time fee that we would need to charge on the next bill to pay for this \$99,000.

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Mr. Pratt said that that can easily be done.

Mr. Pomerleau said that he reviewed a number of Mr. Pratt's previous memos and reports and it bothers him on how inconsistent on the subject of what was absolutely necessary and what, if anything, was expansion. He added that in many memos, everything Mr. Pratt proposed in the \$1.7 million was absolutely necessary regardless of any future expansion, and there was no expansion built in; that Mr. Pratt kind of reaffirmed that at the last workshop. He said that, then, all of a sudden, Mr. Pratt is coming up with \$200,000 to \$300,000 that might be expansion and might be cut.

6:50 PM Mr. Pratt said that he never said that; that he said, and always had, that there was a small piece that is expansion-related – we would put a space in there that would allow a third pump for King's Highway; that there's always been a component. He added that he thought that he's been very consistent in saying that it was a small piece, maybe 10% to 15%.

Mr. Pomerleau disagreed. He said that the whole point he was trying to get to is that there may be semantics we're talking about in the capacity for expansion, as opposed to expansion, that gets a little muddy. He asked if what Mr. Pratt was proposing now makes that abundantly clear and weed that out – that 'this' is the amount absolutely necessary.

6:51 PM Mr. Pratt said that, if he understood Mr. Pomerleau's question, we are talking about a \$1.7 million project, how much of that is truly to expand the building for future pump space, then that can be clearly presented as we proceed with this; that we'll have better drawings, better designs, better cost numbers; so, that can be determined. He clarified that, instead of him saying that he thinks it will be 10% or 15%, we can present a real number of what we think it is.

Ms. Davis said that the issue before us tonight is that we proceed with the engineering and we should not take it from the reserve accounts.

6:52 PM Mr. Murphy said that it says that we need \$99,000; that we can call it \$100,000 and, with 640 users, that is about \$157 each.

It was discussed that sewer bills just went out, so that charge is three full months away.

6:53 PM Ms. Davis asked if there would be any kind of a problem with billing versus when we can assess this.

Mr. Lee said that he didn't think so; that we could use reserves, temporarily, to get it started; that Underwood is going to bill every 30 days.

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Mr. Pratt said that he could give the SB a cash-flow projection, if that would help, but it would be spread out.

Mr. Lee said that we could float some money for a while and, then, re-build it after the assessment comes in; that he thinks we can cash-flow it.

Mr. Pomerleau agreed that we needed to be a little flexible, here, to allow some reserves to build, adding that we don't have a lot of choices; that we take this risk now or risk the bigger one later, and this is a risk we have to take because the reserves are there.

6:54 PM Ms. Saurman said that she was wondering if the SB could float it, somehow, with Town money over time, asking if we could borrow some, or take just part of the money rather than the whole; that \$157 may not seem like a lot of money to the SB but, when her sewer bill is \$157 more in September, that's a lot of money. She restated if there was a way for the SB to take some from our funds, maybe half, and then increase it for the sewer owners for half so that we are not hit with such a significant increase, or, could you float it with our Town money longer and break it up in smaller chunks for us, over time, if that's the way the SB is going to go. She said that it seems to her that, when the SB says, "We have to do something. We have to take the risk.", they are actually saying the sewer users have to do something and take the risk; that she would like to be in the conversation and wondering if there are some accommodations that could be made so that we're not faced with a \$157 increase in our bill, one time or not, this next time around.

6:56 PM Mr. Cattrano asked if that \$99,000 was for a complete survey of the situation and what the final cost would be for upgrade now and in the future.

Mr. Pratt said yes.

Mr. Cattrano said that you have a tentative figure of \$1.7 million to do the system; that with the new survey, give or take 10% to 15%, that could be \$2.1 million or \$1.4 million.

Mr. Pratt clarified that the question, as he has always understood it, was that the \$1.7 million included some provisions in the station for the future and, if the Town decides not to do that, then how much would that reduce costs.

6:57 PM Mr. Cattrano said that he had no problem where the Town could lay some money out; that, to him, that was good faith, recognizing that they didn't want to deplete the budget, but that it's a big bill. He added that he came from Long Island and never had a sewer bill because it was incorporated into the taxes; that this is an added expense. He said that he didn't mind spending the \$99,000 if he knew we would save money in the long run.

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Mr. Lee suggested that, possibly, the easiest thing would be to have Mr. Pratt, Mr. Moulton, and himself discuss various options for how to do this assessment and what portion we could cash-flow permanently out of our money, what portion could we get it from \$157 to \$100, could we get it down to \$80, and cash-flow the rest of it; and, could we break it up over three payments, or over the next two payments, to mitigate those things. He suggested we propose that for the SB, along the lines of what Ms. Saurman, and others, have recommended that, if you must do it, make it as easy as you can, leaving a cushion but bring as much as you can to the party.

Mr. Pomerleau agreed that that was a good idea.

6:58 PM Ms. Davis said that, as we figure out how we are to do this, it will not hold up the work; that the whole purpose of tonight was to say we need to get going on this; that we will figure out the financing but it's not going to delay Mr. Pratt in any way, she hoped.

Mr. Pratt said that, other than he would like to sign a contract but he didn't know if they were ready to authorize that.

Mr. Lee asked if we could proceed with the \$6,000 technical assistance piece; that we could authorize that, cash-flow that, giving us time to come up with the rest of the assessment and, at another meeting, authorize the other two components, knowing how we would fund it.

Mr. Pratt said that it probably wouldn't make any difference to wait two weeks to authorize the whole thing.

Mr. Lee said that he thought the consensus is that it would be authorized, and that discussion would happen on how to pay for it so that we don't kill our sewer users.

6:59 PM Mr. Pomerleau said that he didn't necessarily see the need to wait; that what Mr. Pratt is going to come up with is not going to change the scope; that you could make it contingent that you provide what you provide to the Board, as far as funding it, but that shouldn't be an impediment.

7:00 PM Mr. Fernald disagreed, saying that he needs to see how it is going to be broken down before he votes yes or no on this.

Ms. Davis said that the question was how concerned we would be by a two-week delay.

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Mr. Pratt said that it was not going to change the station being on-line December 2017.

Ms. Davis said that we could afford to iron out the details.

Mr. Lee suggested we come back in two weeks with the whole thing, sign it then, have the plan, and choose which way to pay for it.

Ms. Magnuson said that she was personally still questioning the fairness of putting this bill on the sewer users; that we all know that this whole sewer thing was mandated by the government. She added that we, in the south end, do not own the sewer; that we pay for that usage and to keep bringing that burden upon us is totally unfair. She said that our bills keep going up and we have a lot of retired, elderly people in South Eliot, and a lot of very young families; that this is a burden for the many people on fixed incomes. She said that in your letter of June 20th that it appears that you are suggesting we south-enders pay the \$2,650, each, and that has been voted down by the Town at least two times; that she questions the legal right of the SB to say that we have to pay that money when we are constantly voting it down. She added that she knew that the sewer issue was one of the biggest hitting this Town but, again, she thinks we need to remember that this was mandated; that the people in the south end had no choice. She said that we know that the TIF money was voted down; that we got a legal opinion and that it is legal for the TIF money to pay for that; that she wondered how many people totally understood. She discussed hearing that people don't want Route 236 to expand, but it is expanding, and we won't be able to stop development out there. She reiterated that, if the Board is contemplating over \$2,000 on each sewer user, then she thinks they need to get a legal opinion on that because that has been voted down; that she didn't think a committee of four should be able to override what taxpayers voted on.

7:04 PM Mr. Pomerleau said that we have a legal opinion and we have full authority to do that because it is in our original ordinances and State law; that it's an obligation of sewer users, and sewer users only. He added that, from day one, it has been the obligation of sewer users.
Several in the audience disagreed.

7:05 PM Mr. Pomerleau said that the ordinance was written from day one; that it hasn't changed and it is the obligation of this Board to set adequate fees, as necessary, to deliver a system to the users, regardless of what that is – repairs, improvements; that it's all outlined in ordinance and State law. He added that the only thing that can go to the voter is a bond. He said that there is no legal obligation for taxpayers to support that system.

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Ms. Magnuson said that she could not, in good conscience, regardless whether the law said she could do it, go against something the Town has voted down.

7:06 PM Ms. Davis said that, in good conscience, we have a very real responsibility to employee safety and to potential illicit discharge from the sewer system because we failed to repair it. She added that, because the bonds have consistently failed, this is our only alternative to repair the system.

Mr. Murphy disagreed, saying that there may be other alternatives.

Ms. Davis said that, if we pay this \$99,000 to get this ball rolling, that she thinks it would make everybody feel better that, first of all, we're going to try to mitigate the cost of the \$99,000 and, secondly, the Board has already assessed an increase in sewer rates that had kind of a dual purpose. She explained that the first was to have money in a reserve account in case there was an illicit discharge, planning for an unknown emergency; that, if that were not to happen, the money that is in there would be adequate to pay for the bond for these repairs. She said that, if she is stating this correctly, prices for sewer will not go up when we finally get a bond, in some form, to repair this; that if we do cost-savings, that would help.

7:07 PM Mr. Pratt said that what he thought she was referring to, when we made the last recommendation on the rate increase, the intent was to cover an emergency, in the interim, and the idea was that that rate increase should be adequate to make the payments on the bond.

Ms. Davis said that we implemented 25% for the last sewer bill and, potentially, Mr. Pratt said that the bond might be as much as 30%; that if we had to assess another 5%, she thought that was all we were looking at. She added that, if we come down on the pricing, then that might be the difference.

Mr. Lee said that he thinks they did the last pricing based on the 78/22 model and the 22% taxpayer portion represented 5%.

7:10 PM Ms. Davis said that we are talking a fairly minimal increase; that planning has taken place over several months and action taken to cover this situation. Mr. Pomerleau said that, regarding the impact on low-income, he agreed that \$100 a year may not sound a lot to some people but, if you are on a fixed income, it may mean something you are giving up; that that's why he proposed, last year, that if we went through with a bond, that this Board consider some low-income assistance fund to help people like that. He added that we can still pursue that and he would be more than happy to lead it.

Ms. Davis pulled the discussion back to the Board.

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Mr. Lee recommended the Board make a motion to approve the full scope of the ESR #23 and that the Town Manager be asked to work with the engineer to come up with a couple of different scenarios of how that assessment could be fairly applied.

Ms. Davis added that we mitigate it for the sewer users as much as is humanly possible.

7:11 PM Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board approve ESR #23 submitted by Underwood Engineers this evening for the engineering of the Main Street and Kings Highway Pumping Stations improvements, with the provision that the Town Manager provide the Select Board with a funding scheme that mitigates, as well as possible, the cost to sewer users, in some form or fashion, to make it as easy as possible.

DISCUSSION

Mr. Fernald said that he was going to vote against this because, as he stated, he wants to see how it's going to be broken down before he votes.

7:13 PM Ms. Davis said that she believed we could trust the three gentlemen over there to come up with a fair and equitable scheme. She added that a major concern is that, if we continue to delay these repairs, we will be responsible for a potentially negative outcome; that she would highly recommend that we rely on their expertise to provide us with the information, post-approval.

Mr. Fernald said that he understood but that, in talking with Mr. Pratt, he was very comfortable moving forward in a couple of weeks so that we can get this information to make some decent decisions.

After further discussion, an amendment to the motion was made.

Mr. Pomerleau moved, second by Mr. Murphy, to amend his motion to authorize Underwood Engineers to proceed over the next two weeks with necessary calculations for the funding mechanism for ESR #23.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

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7:18 PM 2) Transfer Station Fees Review

Mr. Lee said that the Transfer Station fees have been reviewed and they feel the amounts charged are adequate and appropriate.

Mr. Tessier said that the fees haven't changed in five years; that they feel they are consistent in order to cover the Town's cost for disposal of that material. He added that, regarding TV's and monitors, the State has a program that covers the disposal cost; that the State allows towns to charge a handling fee and Town employees handle these materials 2-3 times in processing them for pick-up. He said that we do have to pay to get rid of other electronics, such as computers and fluorescent tubes. He said that it was for the Board to decide whether or not to adjust those fees. Regarding the issue of small volumes, he said that that issue started because a resident wanted to get rid of a 5-gallon pail; that the resident had several options at the time – put it in the miscellaneous plastics, put it in a purple bag with his trash, or, put it in the bulky bin. He clarified that anything that goes in that bulky container, the Town has to pay for to get rid of. He said that, for small items, it isn't clear-cut and thinks the Public Works Director and Solid Waste Committee could probably refine the policies to make it clearer.

7:23 PM Mr. Fernald said that he understood that employees have to handle the TV's, etc.; that there is no cost to the Town and, actually, the Town pays the employees to do that. He added that it seems as though every time we turn around, as taxpayers, we're paying for this and we're paying for that; that we need to look at the other way. He added that he knew we were looking for revenue but we are a Town of people and we should be looking for things we don't have to pay for; that we should be looking for ways to do that.

Mr. Tessier agreed, saying that was why he said we would review the requirements; that we found out about the State program and we could possibly decide not to pay for the TV's; that that's a decision the Board would make.

7:24 PM Ms. Davis said that this seems to be a philosophical issue; that many Town services have been converted over to a user-fee system. She added that, in this case, we are already paying for staff and many of the recycling items do go to the recycler for free. She asked if it was the Board's decision to consider whether we should keep the user-fee system going or do we want to look very carefully at these fees and decide that, in these particular cases, we would pass the break along to residents.

7:25 PM Mr. Fernald said that his argument to this is that our budget pays for practically everything and, if it doesn't, then maybe we need to get charged for it; but not charged 2 or 3 times for the same thing. He added that we should be looking for

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ways to save money and not charge our residents for those types of things; that that is something he feels strongly about.

Mr. Pomerleau said that he thought, clearly, there needed to be some adjustment on the TV fee; that we are charging residents when it costs the Town nothing; that if we are getting it disposed of for free then it seemed there ought to be a significant adjustment with that item. He added that he thought there was some justification, to some degree, to accommodate some labor costs, even though they are there. He added that, if that required, and you could show that, excess hours for that that otherwise wouldn't be in the budget, then that would be a fair amount to calculate as a reasonable fee for those items; that he imagined it would be a significant drop. He added that, regarding the minimum fee, it is just too subjective; that everything that gets thrown into that bin we pay a fee per ton, so divide that fee by 2000 pounds and it would come down to a per-pound cost. He suggested that, if it's less than 50 pounds, let them throw it away and, if it's more than 50 pounds, then charge them ten cents a pound, something relative to the real cost.

7:29 PM Mr. Lee agreed it was a philosophical thing; that the increased use of user fees is because it is considered the most progressive way of taxation; that if you use it, you buy it. He added that, then, there is the broad-based taxation method, adding that user fees are also intended to modify behavior. He said that it is a good discussion to have, philosophically, and if we want to back off user fees, then that's fine, too.

7:30 PM Mr. Murphy said that he was of a mixed mind, here; that he didn't think we should be charging just blindly. He added that there should be a pointed purpose that 'this' charge solves a problem; that now everything gets recycled, which means that somebody has to do something with 'it' besides crushing it and throwing it in a dent in the earth and putting more dirt over the top. He said that that may cost money, as it takes time to recycle.

7:32 PM Mr. Lee said that, perhaps, we should look at re-calculating the amount of extra labor that is not generally paid for during the normal working hours and adjust the TV fee; that the other one was to look at some sort of system of estimated weight – over-under 10 pounds, over-under 20 pounds, etc.; that they could do that and come back to the Board with that, at least to mitigate those two areas, initially. He said that, then, they could look at other things to make them also included in the tax rate, as Mr. Fernald suggested.

7:33 PM Ms. Davis said that, looking at these recycling fees, most of the fees for these items are exceedingly low; that she thinks the major point by Mr. Fernald is that we are already paying for their time and, maybe, it would be nice for residents to catch a break once in a while. She read listed prices from Northeast Recovery,

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many of which were zero, saying that we are going to have to decide on our philosophy and, if we're going to do one, then we should do many of these things; that we should commit ourselves to one direction. She added that, if the Board is largely in favor of seeing a reduction in these expenses, then that is probably where we should go; that we could have the Town Manager and Public Works Director look at these prices and bring most of these things down.

7:35 PM Mr. Pomerleau disagreed, saying that he thought the committee has already told us that the prices are in line with standard charges; that what they aren't in line with is charging for a TV that isn't costing us. He added that, at \$60/ton, that works out to three cents a pound, so, if someone threw away 50 pounds, then that would be \$1.50. He said that we don't have to make a mountain out of a molehill, but we do have to use user fees to keep taxes down.

Mr. Moulton said that to eliminate any question we could get a small scale; that if it's 50 pounds, or more for example, then you assess on the price per pound; that they could definitely look at TV's and the off-hours needed by attendants. He cautioned the Board regarding non-residents trying to use our Transfer Station, which does happen.

7:37 PM Mr. Fernald said that he has property in other towns and they charge nothing to dump everything and the tax base is low. He asked what we do for white goods.

Mr. Moulton said that dishwashers, dryers, etc. go in the metal can and there's no charge for that. He added that, for refrigerators, air conditioners, etc., the Freon has to be extracted, so there is a fee for that. He said that we can look at this and review it for adjustments.

Mr. Tessier said that whatever we do with the small items, we have to figure out something that's fair to the employees, too, because we want to avoid the potential confrontation between the residents and employees; that it isn't fair to the employee to put them in that spot. He added that, maybe, the scale is the right answer because it would be simple and easy and takes it out of the hands of the employee.

7:40 PM Mr. Lee agreed, saying that most of the complaints he has heard is when one of those folks has to use his discretion on that weight thing; that he thought a scale would help mitigate a lot of this, at least make it fair in so far as there is still a fee attached to it. He added that he and Mr. Moulton will come back to the Board with some solutions.

H. Administrative Department

7:41 PM **1) Town Manager Activities Report**

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Mr. Fernald said that, regarding **Line 150**, that any discussions the Town Manager has with a Selectman would not be construed as instructions, in any way, without the total Board being involved.

Mr. Lee said that that was correct; that Mr. Pomerleau was just sharing his view of Mr. Lee's role; that when we get to the Charter questions and the legal review, in here, he does intend to speak to that a little bit. He clarified that Mr. Pomerleau has not given him instruction and he would not take instruction from any one of you; that he would take it to the full Board.

7:43 PM Mr. Pomerleau asked, regarding **Line 129**, how a % of a total salt claim (in well) would be done.

Mr. Lee said that he didn't believe we had any responsibility in this, at all; that there is a way to do it, explaining the process. He added that, at this point, he didn't see why we would pursue this any further; that he didn't see how this would be solved, after the fact. He said that, if the resident had come to us when he first discovered salt in his well and that he thinks the Town's snowplow was responsible, we could have tested it then and drawn some solid conclusions. He added that he had been advised by MMA that, under our insurance with them, this claim would have been denied because the resident did not handle it correctly by remedying it and then pursuing a claim with the Town.

7:46 PM Ms. Davis asked about **Line 88** regarding a new fad causing distracted drivers and pedestrians.

Mr. Lee said it was Pokeman Go; that people walk into ponds, into the middle of roads, and it is happening everywhere.

Ms. Davis asked if, with **Line 117**, Mr. Lee had heard an update on the Conservation Commission's request for funding.

7:47 PM Mr. Lee said yes; that he had a conversation with the Chair today, giving her a little further guidance on what the SB will need to make a decision; that he did get a very thorough follow-up letter and that will be on the agenda for the next meeting.

Ms. Davis asked about **Lines 131 and 132**, regarding generators.

7:48 PM Mr. Lee said that he was working to develop a thorough CIP Plan and generators for the various Town buildings is part of that; that he had someone come in to give him rough estimates so that he could put them in the CIP.

Ms. Davis asked about **Line 188** – possible future fraud situations.

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Mr. Lee said that we have recently run across the resource, “GoFundMe” website, and found some surprising results.

7:51 PM Mr. Pomerleau asked, regarding **Line 98-100**, about discussions with the Police Chief on a greater role in the opiate issue.

Mr. Lee said that he and the Police Chief have had a couple of good discussions regarding the task force; that to the extent we participate in that task force, when we need them, all eight come here at no expense to help us when we have identified an opiate issue, and he will have a more thorough report for the Board at a later date. He added that, furthermore, if you seize assets from opiate dealers, those assets get shared between any of the committing departments; that it is very possible that the amount of seizure you get from drug busts would more than cover your investment of putting some of your manpower into this regional entity that’s trying to bring it down on opiates. He said that he has the Chief developing a full proposal for us so that we can actually look at it. He added that it is certainly something to look at and we do have a big opiate problem all over the area, here.

7:52 PM Mr. Pomerleau expressed his concern that it not just focus on enforcement, as the law enforcement community has clearly recognized a different direction in allowing people to come in to try to find resources to help.

Mr. Lee said no; that we have also discussed a school liaison, for example. He added that education, treatment, etc. are all part of it but, at the same time, you’ve got to get the folks off the street.

7:53 PM Ms. (Donna) Murphy said that it sounds like the task force is looking at the dealers and not arresting users who need help.

Mr. Lee agreed.

a. Financial Report – Year End

This is informational.

b. Quarterly Reports

This is informational.

7:54 PM **c. Driving Records**

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Mr. Lee pointed out that the Selectmen's Policies call for annual review of driver's licenses to make sure we don't have people driving municipal vehicles who have a terrible driving record.

2) Set Mil Rate for 2016/2017

Mr. Lee said that we had a fairly good increase in residential housing value this year that absorbed some of the increases in the amount that has to be collected for taxes; that the Town went down around \$129,000 but the school was up about \$380,000. He added that between all those, our mil rate, which was 14%, will go to 14.05%.

7:56 PM 3) Bank Bids for Tax Anticipation Note

Mr. Lee said that we got three bids – Key Bank, Androscoggin Bank, and Bangor Savings Bank. He added that Key Bank has all of our fiduciary accounts; they came in the lowest at .79% and the one he is recommending; that Key Bank is the lowest and is seamless in that, at the end of each night, any surplus in our general fund pays off any TAN debt that we have so we aren't paying one extra cent of interest; there's no checks, no time delay, it's automatic and seamless.

Ms. Davis asked if we had gone out to any local banks.

Mr. Lee said that we did but they did not respond.

Ms. Davis asked if the TAN Note was mandatory or will our general fund ever get to the point, and what would that point be, where we wouldn't need this.

Mr. Lee said that, last year, we only borrowed that TAN money very briefly; that we only spent a couple of thousand dollars in interest. He added that we had \$10,000 budgeted and thinks we only spent around \$2,000 because our fund balance has improved. He said that, this year, even with the 14.05, another \$100,000+ will go into fund balance, so we will continue to build toward that right number. He explained that, last year, we came very close to not having to borrow at all; that to get a TAN Note, you have to do a cash-flow analysis proving that you're going to run out of money. He added that the amount we can borrow this year is less than it has been in the past because our cash needs are lower, because our cash flow is better.

Mr. Lee realized he did not have the specific language of the motion and asked to recess for a couple of minutes while he got the language.

8:00 PM The Select Board recessed the meeting at this time.

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July 28, 2016 5:30PM (continued)

8:04 PM The Select Board re-opened the business meeting at this time.

Mr. Murphy moved, second by Mr. Fernald, that this Select Board accept the Tax Anticipation Note Authorization, dated July 28, 2016:

BE IT SO VOTED:

1. That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of up to \$2,000,000 principal amount of Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2016, and ends June 30, 2017; and
2. Said note shall be dated on or around August 9, 2016, shall mature on or before June 30, 2017, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Selectmen, shall be issued on an as-needed basis, shall bear interest at the rate of 0.79% per annum calculated on the basis of actual days elapsed in an assumed 360-day year, shall be payable at Key Bank National Association and shall otherwise be in such form and bear such details as the signers may determine; and
3. That said note is hereby sold and awarded to Key Bank National Association in accordance with its proposal dated July, 2016; and
4. Said Note is hereby designated as a qualified tax exempt obligation of the Town for the 2016 calendar year pursuant to the Internal Revenue Code of 1996; and
5. That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note is hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefore.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

8:08 PM **4) Staff Certifications: General Assistance/Certified Clerk of Maine**

Mr. Lee said that Ms. Rawski has received the very prestigious Certified Clerk of Maine, which is a lifetime certification that requires many hours of dedication to

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July 28, 2016 5:30PM (continued)

achieve and lots of training; that she has joined a very small, but long-serving, group of Clerks who are considered lifetime Town and City Clerks.

Mr. Lee said that Ms. Albert has been approved as a Welfare Director/General Assistance Administrator by the Maine Welfare Directors Association, likewise putting in a lot of training and hours to receive this recognition. He added that he wanted to offer his thanks and congratulations to both Ms. Rawski and Ms. Albert. He said that he does favor a lot of training, wanting to see people keep up-to-date with their training and get certified; that both of these folks have put in the time and you know that they are well-qualified at what they do.

8:11 PM Mr. Pomerleau suggested the SB have the Town Manager draft a letter to both people commending them for the initiative they have taken for their training, ascribing to the highest professional standards for the sake of delivering the quality of services to the citizens of the Town of Eliot.

It was the **consensus of the Select Board** to have Mr. Lee draft the letter.

8:12 PM **5) Appointment of Liaisons/Negotiating Committee**

Mr. Lee said that we need to find out to what extent we will be using liaisons to committees; that we also have to pick our annual negotiating committee members (2) from the Select Board.

Mr. Pomerleau said that he was interested in continuing with the negotiation committee, as we are in the midst of a contract.

Ms. Davis said that she was also interested in continuing.

8:13 PM Mr. Murphy said that he would rather like to see one of the old guys on; that he has never been on that committee and would like to be on such a committee. He added that he didn't think it should be automatic; that Mr. Pomerleau and Ms. Davis have had some special training, going through a course, and he would like to do the same, or, have Mr. Fernald do that. He discussed his concern regarding Mr. Pomerleau's treatment of our employees and this Police contract is very much about how we treat our people and employees; that it's a special group and he just thinks it should be someone else. He said that there will be plenty of time for Mr. Pomerleau to express his opinion and give advice when we have the necessary executive sessions.

8:15 PM Mr. Pomerleau said that we are right in the midst of a long process, already, with the Police contract. He added that Mr. Murphy thinks that, somehow, he has some superior talent that eludes him, at this point. He suggested we revisit who is going to be on it with the next contract rather than jump in the middle of this one.

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8:16 PM Ms. Davis said that she has worked with Mr. Pomerleau for a while on this particular contract and has witnessed his ability to move this forward and to deal with the situation competently; that she would like to see him continue on here regarding this process.

Mr. Fernald said that he believed that, if he made a motion to appoint Mr. Murphy to this negotiating committee, it would fail.

Mr. Fernald moved, second by Ms. Davis, that Ms. Davis and Mr. Pomerleau be on this negotiating committee.

8:18 PM **Roll Call Vote:**

Mr. Fernald – Yes

Mr. Murphy – No

Ms. Davis – Yes

Mr. Pomerleau – Yes

Vote to approve motion passes 3-1.

Ms. (Donna) Murphy asked if the Budget Committee should appoint Mr. Strong for the fiscal year rather than just for the Police contract.

Mr. Lee agreed that they should.

8:19 PM Mr. Rankie said that, for what it's worth, the Charter Commission discussed this, at length, and he thought that it was negotiation-specific; that if you had a Budget Committee member who would be better at one negotiation and another one at another; that we didn't visualize it as 'this' is your person for X amount of time. He added that the Charter also allows the Budget Committee to reach out into the community to pick a negotiating member, not necessarily be confined to just their committee.

Mr. Pomerleau said that it doesn't give any specifics whether or not they could change; that, absent any restrictions of such, he sees nothing in the Charter that would prevent the Budget Committee from changing that designee; that for the time being, the Budget Committee has recommended someone to the negotiating team for all labor contracts.

8:22 PM Mr. Rankie said that the meaning of 'all' was that the Select Board did not have a choice in any labor negotiations; that they had to take along with them the designated Budget Committee person.

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Ms. Davis clarified that Mr. Rankie was saying that the Budget Committee could appoint two different people to two different contracts.

Mr. Rankie agreed.

8:23 PM Mr. Pomerleau said that what you intend sometimes falls by the wayside by what you write, which is what we have to follow; however, he thought that was potentially open to acceptance by its wording.

8:25 PM At this time, there was discussion regarding appointment of liaisons.

Mr. Lee said that, in the past, we have allowed, and even encouraged, liaisons to committees to keep communication open. He added that at least one Selectman is interested in serving as a liaison and at least one committee is interested in having a liaison. He asked if the SB wanted committees to request a liaison or do you want a Selectman to discuss his interest as a liaison and name the committee.

Mr. Fernald said that committees should request a liaison, if they want one, instead of us forcing ourselves on them.

8:26 PM Mr. Murphy said that, originally, a liaison was to act as a reassurance to any committee to know that the Selectmen are interested in what the committees are doing; that they are Townspeople trying to solve a Town problem that Selectmen really don't know enough about or don't have enough time to be involved in; that Selectmen liaisons do not have a vote nor can they be the official conduit of information between the committees.

8:28 PM Mr. Pomerleau said that it was obvious from the Charter that, when they removed Selectmen from participation in committees, that's clearly what they want to happen; that there's a very careful line there, for a Selectman as a liaison to a committee, not to cross; that the role of the committee liaison is to provide guidance to the committee when they seek it from the Board, as our representative, and to report back to the Board progress and any questions committees may have. He added that the Charter now requires that every committee report to the Select Board on a regular basis; that it also allows for liaisons to committees. He said that, in agreement with Mr. Fernald, we leave it to the committee to decide.

8:30 PM Mr. Murphy agreed that it should be up to the committee to ask for a liaison.

Mr. Lee asked if the SB would like him to draft a memo to go out to the committees informing them that, if they would like to be considered for a liaison position, please let us know.

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The Select Board agreed.

8:33 PM Mr. Lentz suggested that the Select Board might want a template, or format, in which you would like things reported to you; that he thought the SB needed to bring a little more formalization in these reports.

Mr. Rankie said that, years ago, the SB had chairs of committees in on a regular basis to report on their committees and that that might be a way to go.

8:34 PM **6) Charter Review/Legal Updates**

Mr. Lee said that this is a response to several questions regarding Charter meaning. He discussed the questions and responses from Attorney Saucier.

The **first question** was, “Must write-in candidates file a declaration of candidacy 45 days before an election under Maine law or Eliot’s Charter?” Mr. Lee said that the short answer is no; that the appropriate State law was not cited in the Charter and Attorney Saucier recommended that be clarified through an amendment, if that is the intent of the Charter.

Mr. Lee discussed the **citizen petition question** regarding whether the SB or citizens could put something substantially similar before the voters, again, within a one-year period. He said that the short answer is no because Attorney Saucier believes that that applies prospectively and is not retroactive; that it would apply to new petitions going forward.

Mr. Lee addressed the **question of conflict** regarding a Budget Committee member as part of the labor negotiating teams. He said that Attorney Saucier wrote that,” in his opinion, the two sections should be read together”; that “the team that meets and negotiates with labor union representatives and arrives at a tentative agreement must include a member of the Budget Committee, but only the Select Board may vote to ratify and approve the contract.”

8:39 PM In a question regarding **appointment to committees where there is a vacancy**, Attorney Saucier said that this only applies to ‘elected officials’ and not ‘appointed officials’.

Asking if the **Town Meeting Moderator required a full nomination process**, Attorney Saucier said that “the Charter does not appear to make any explicit exceptions to the petition process for the moderator; Section 7.2(B) references the State law requirement for the filing and acceptance of nomination petitions – and that State law specifically excludes moderators. This could be clarified in a future amendment.”

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Another question asked if **the Treasurer had to be a Maine resident** and Attorney Saucier replied that “State law requires the Treasurer to be a Maine resident unless ‘otherwise provided by Charter’.”; that the Eliot Charter does not require this.

8:41 PM Mr. Lee said that this question falls under Section 8.7 of the Charter and says that **all boards, committees and commissions serve at the pleasure of the Select Board except members of the Planning Board and Board of Appeals** who do not serve at the pleasure or direction of the Select Board except for removal for cause. Attorney Saucier wrote, “A reasonable reading...indicates that the Select Board has no role in the purpose, mandate, direction, and decision-making authority of the Planning Board and Board of Appeals due to their quasi-judicial responsibilities

Mr. Lee said that he asked **the budgetary question about advertising in** newspapers and Attorney Saucier said that “it is not clear from the language in the Charter if there may be other occasions that would make such posting impossible, such as budgetary reasons.” He said that he reads this as that we have to post meetings in the newspaper.

8:43 PM Ms. Adams said that this provision was to make sure that, if it was at all possible, the notice of the meeting could be put in the paper; that it was illogical to think the agenda would be put in the paper and was a little much. She added that boards and committees post meeting notices in the paper, now; that it wasn’t the intent that you pay for an advertisement and, if the Select Board would like, she would be glad to look through the minutes to see what the discussion was on this.

Mr. Tessier said that the Portsmouth Herald has a weekly listing of meetings that take place in local towns.

Mr. Lee said that, if that is sufficient, he felt much better.

There was further discussion that confirmed the intent was to post in the free sections of local newspapers.

8:46 PM Mr. Lee discussed another question regarding some **ambiguity in the posting requirement** and Attorney Saucier wrote, “Meetings of the Town’s various boards, committees, and commissions must be ‘publicized by the Town in advance’ and public notice for all public proceedings ‘shall be given seven days prior to the meeting.’ The Charter does not further define the term public notice and does not include a requirement for the notice to include an agenda. However, a separate section of the Charter requires that board agendas must be posted on the Town’s bulletin board and website, as well as ‘local newspapers, where possible’. There is no time requirement associated with the agenda posting

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requirement in Section 8.8. Similarly, under Maine's FOAA, notice of a meeting 'be given ample time to allow public attendance and... be disseminated in a manner reasonably calculated to notify the general public.' The law does not contain a requirement for an agenda to be included in the notice, only that the notice include the date, time, and place of the meeting. That said, many municipalities will include an agenda and a list of topics to be discussed in the notice as a courtesy to the public. As with the last few questions, the Town may want to clarify whether the agenda posting requirement in Section 8.8 must be within a certain period of time before a meeting, either through an amendment to the Charter, ordinances, or various by-laws." Mr. Lee said that the way he intends to monitor this is that, whenever we post the meeting, we will want to post the agenda; that he didn't think, however, that the Charter had the teeth to come down on a committee for not posting an agenda but he does feel, to the greatest extent possible, we need to give public notice and, at the same time, put out the agenda.

8:49 PM Mr. Rankie said that he has a few things to substantiate why he thinks it's imperative that agendas be public. He added that he would prefer the Select Board direct the Town Manager to ensure that, specifically, the Planning Board's agenda is published no less than seven days prior to a PB meeting. He said that, to him, the meeting and what it is for are all one and the same; that you don't have to say 'agenda'. He said that the Charter is a tool for the Town; for the legislative body, for the executive body, for the administrative body. He explained that this is of the utmost importance to him, especially something like a PB, where a person's whole landscape (life) is going to change with what's coming before them. Considering the PB, he said we are talking about paid staff, so it's a matter of directing paid staff to make a cut-off date.

8:52 PM Mr. Lee said that he has had a discussion with Ms. Pelletier and that one of the things we need to do is to change the land use ordinance, which has in it a timeframe by which you need to submit stuff, and it is unreasonable; that it allows you to turn it in very, very late and we have one day to process it. He added that you're going to have to change that ordinance if you want that seven days; that he would be happy to do it; that he thinks it should be. He said that Ms. Pelletier would be happy to do it but, the ordinance has to change, and people are going to have to be prepared earlier if you want it seven days in advance. He added that you can't drop something off on Friday afternoon and expect to see an agenda fly up there Monday morning; that that's not going to work, and that's what the ordinance thinks. He added that, until that ordinance is changed, we are doing the best we can with a single person working to prepare all that needs to go out.

8:54 PM After some heated discussion, Ms. Davis said that this seems like something we need further discussion on. She suggested that, where the PB can get in at least a preliminary agenda, even if it has to change, then maybe we can track the people that come in on the last day.

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Mr. Lee said that his intent was to get it up as quickly as we can because he knows that people are looking for it; that he is fully aware of that. He added that he thought, if you worked in this building, you'd be stunned at the last-minuteness of many people.

8:55 PM Mr. Pomerleau said that what would be critically important is whether or not, within State statute, there is a criterion for the posting of that agenda.

Mr. Rankie said that, if there is, he hasn't found it.

Mr. Lee said that there isn't.

Mr. Pomerleau said that, if there isn't a specific agenda posting requirement by law, then our Charter would guide and, if the Charter does not, which it doesn't, then we can correct that with Selectmen's Policies for Boards, Commissions, and Committees.

Mr. Lee agreed.

8:56 PM Mr. Pomerleau said that he didn't think there would be a lot of resistance for something as important as a PB meeting to requiring an agenda be posted for seven days.

Mr. Lee said that the land use ordinance would also have to go before the voters and be approved for a change to back that up to something more reasonable.

Mr. Pomerleau suggested that the SB could add to their policies that we want all committees to post their agenda to accompany their notice.

Mr. Lee said that the direction he has laid out for these committees is to do that and they've been better about it, thus far. He added that the land use ordinance has a provision in it that handcuffs us.

8:57 PM Mr. Murphy said that the ordinance change would go to a Town Meeting, but it's not like a Charter change, and it has the effect of law, where policies don't have the effect of law. He explained that the ordinances are actually Town laws and we're supposed to be following them.

Ms. Davis asked if that was something we might have ready for November.

Mr. Murphy said that he thought we could; that the changes would probably not be in more than two or three places in the ordinance.

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Mr. Pomerleau said that he didn't see the critical urge to try to push that into the November election; that we are trying, best we can, to keep non-critical information out of that election. He agreed with Mr. Murphy that it was the ordinance that needs to go to a vote; that we can, meanwhile, change that with Select Policies, which is the next step down in guidance, and we can do that.

8:59 PM Mr. Rankie asked that the SB give specific instruction for that so we don't have 'we'll try to do it' but 'we will do it'.

Ms. Davis said that, if she understood correctly, Mr. Lee has said that everybody that can produce an agenda seven days in advance, he's requiring that agenda to be produced; but that the PB has an ordinance loop-hole that allows people to come in at the last minute and they can't deny them, asking how they would change that.

Mr. Rankie said that that would be a motion to modify the agenda at the beginning of the meeting; that agendas would be posted, with seven days, as long as staff was adjusted so that they knew they need to do that.

Ms. Davis clarified that what Mr. Rankie was saying is that these revised agendas are not being made available or no agenda is being made available.

Mr. Rankie said that, typically for the PB, the agenda comes out one day before a PB meeting and people need to know, if there is something in it that affects you, so they can adjust things to be at the meeting.

9:02 PM Ms. Davis asked Mr. Lee if that was possible.

Mr. Lee said that he thinks he has said all he can say.

Mr. Fernald said that we are talking about a situation where the office staff has not much time to do things, where, all of a sudden, an agenda has to be created in a certain amount of time by one person or one committee. He added that he would like to hear more from the Town Manager.

9:03 PM Mr. Lee said that he would like some time to think about this; that he didn't expect this to be a such a big deal and would need some more time to get some details, please. He added that, in the meantime, we will do our best; that he could put up an agenda for the PB in that one day; that it may be blank, largely, and we can amend it to have substance one day before. He reiterated that he would get back to the SB on what was, and was not, possible; that he hoped there was some listening happening about that ordinance.

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Mr. Pomerleau said, regarding posting, that, typically, the three days will be more applicable than the seven because they regularly schedule meetings.

Mr. Lee agreed that regularly scheduled meetings only have a three-day notice.

Mr. Pomerleau said that, in order for that to comply with the three-day minimum, it would have to go out Friday; that it can't go out Monday for that week.

9:04 PM Mr. Lee said that he would include that in his update in a couple of weeks, here, about what we can do and how to do it to notify people better; that he just needs to look at the issue more thoroughly. He added that he does realize that folks have wanted that agenda out.

Ms. Meyer said that, for the most part during a PB meeting, there is discussion about what the next meeting is going to be focusing on; that there is a general idea and that information that comes trickling in, hand-delivered, in a flurry the day before is generally, if she is understanding correctly, something added to a project, or a revision, or something requested; that those are minor issues addressed at a PB meeting. She added that she thought it was the bigger issues that the folks in Town would like to have a bit of advanced notice.

Mr. Lee said that he would take that into consideration; what was discussed at the last meeting that we can put out that you know is going to be on the agenda.

9:05 Ms. Meyer said that it was her understanding that there was, generally, an agenda, a list of items; that they are looking forward and know what they are going to be pursuing and the timeframes in which they need to be pursued.

Mr. Lee said that he would try to come back with some way that would meet the intent, and the spirit, of what needs to happen, here, although he would still like to look at changing that ordinance.

9:06 PM Mr. Rankie said that to make an agenda doesn't take any more time, if you do it timely, than if you do it at the last minute; that sometimes, at the last minute, it becomes more difficult to try to put things together. He added that he doesn't know what anyone's work day is and doesn't know how the Town Manager has assigned people; that all he knows the end result that not having something available, timely, is not available. He said that he's not trying to tell anyone how to do their job; that, as an example, and adding the caveat that he knew that Ms. Pelletier was doing double-duty as CEO, when packages had to get to the BOA, on three different occasions and for very important things, they received them the day of the hearing and that's not timely. He added that it's very important that the resources get out to those who need the resources when they need them, and timely would be a key word.

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There was discussion regarding the expenditure for legal advice around the questions discussed earlier in the meeting.

9:20 PM Mr. Rankie said that the Town Manager sent out an email, that included every Selectman that has email, and there was some give-and-take discussion; that, in his mind, that constituted an illegal meeting. He added that we need to be cautious of that.

Ms. (Donna) Murphy said that she didn't disagree that, perhaps, some of the timelines weren't adhered to perfectly; that it is a large document (Charter) and something new for the Town. She added that Mr. Lee has been very accessible for questions, this Board has been addressing, quite well, questions coming up with this Charter as we work our way through this process. She added that she would like to commend the Board, Mr. Lee, and his staff for dealing with all of this.

9:22 PM **7) Boat Basin Fees – Revert to old fees**

Mr. Lee said that the number of people using the Boat Basin, especially from out-of-town, has dropped rather dramatically; that we've heard a lot of complaints about the new fees. He added that he is strongly recommending that we return to the old fee structure.

Mr. Fernald said that he was glad for this discussion; that it bothered him that he could go to Kittery to launch and save \$25, as a non-resident, than if he launched here in his own hometown.

9:24 PM Mr. Lee said that we had to look at that long and hard; that we are out of the ballpark and he would like to see it revert back. He added that we don't have enough expenses to warrant it; that we were dragging in a lot of money that first year because people hadn't made other provisions but, this year, they have. He said that he would like to advertise it in the fall ECSD brochure; that this would be effective next year.

There was discussion of, instead of charging a flat fee to everyone who launches a big boat, that residents be charged a lesser fee.

There was also discussion around progress for Eliot in owning the Boat Basin; that phone calls were not being returned from the State.

There was discussion regarding what the revenue loss actually looks like.

This will be placed on a later agenda for discussion.

9:30 PM **8) Changes to Next Year's Election/Town Meeting**

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This was skipped, as a joint workshop was coming up with the Budget Committee regarding this.

9:31 PM At this time, Ms. Davis said that she would like to interject, here, that occasionally the Board does have some emails; that, to the best of her knowledge, we do not participate in discussion. She added that one member expresses a concern or has some information that he or she imparts to the Town Manager and copies the other Selectmen, reiterating that we have never engaged in any discussion or back-and-forth.

Mr. Lee agreed, saying that Ms. Davis and Mr. Fernald never answer; that Mr. Pomerleau will come up with something; that they are by-standers to him and Mr. Pomerleau going back-and-forth on something.

Mr. Rankie said that he just thought it was worth bringing up.

Mr. Lee said that, just the other day, Mr. Fernald cautioned about all the email stuff; that he reminded him (Mr. Lee), himself, so he said that he appreciated that to Mr. Rankie.

Mr. Rankie also suggested that emails be sent out with a blind copy so email addresses didn't get passed around.

9:33 PM 9) Compensation Study – Draft RFP Revised

Mr. Lee said that he made the revisions that were requested and wanted to see if there was anything else; that, unless there were any other changes, he would like to put this out to bid; that these folks who do this are spread very far and few and he will have to go several hours out to get at least three bids.

9:35 PM There was discussion regarding including all, or some, positions in this wage study, whether a reduced scope might be done, and what is actually done in a study like this.

The Select Board agreed that Mr. Lee should move forward with this.

9:38 PM 10) Town Hall – HVAC Report

Mr. Lee said that this could be postponed for two weeks.

L. New Business:

The Select Board agreed to take this out of order.

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9:39 PM ECSD Tennis Court Repairs

Mr. Lee said that we only received two bid proposals; that Maine Tennis & Track withdrew their proposal due to a timing issue and too much work; that, before going any further, he wanted to know if this would suffice, per our policy, or would the Board be willing to waive that. He added that this was under New Business is because he would not put it on the agenda until he had a third bid; that when we found that the third bid had withdrawn, the ECSD Director hustled around trying to find somebody, and we couldn't come up with anybody. He said that he has two bids and thinks one of them is a very good price.

9:41 PM Ms. Davis said that the recommendation is for the higher price.

Mr. Lee said that they have worked on them before and it does include the 3-year warranty on the repaired cracks and surfacing, which he understands that the other does not make.

Ms. Muzeroll-Roy said that that was correct, saying that the recommended company is also, for the future, hopefully part of the fence repair, as well; that they would do any fence repair for the following year; that she would like to get the whole fencing done around the tennis court, as well, so they would just keep moving with the project. She added that they did all of Marshwood High School so they come pretty recommended in this area.

Mr. Lee said that he has used both, in his career, and had good luck with both; that if there is a warranty issue, he always prefers going with someone who warranties.

**9:42 PM Mr. Pomerleau suggested they get over the hurdle of two bids, first.
Ms. Davis asked, if we're not under a time constraint, could we take a look and try to satisfy the bid requirements.**

Mr. Fernald said that we've used these people before; that we know what their qualifications are and how well they do their job.

Mr. Fernald moved, second by Mr. Murphy, that the Select Board waive the three-bid process for this particular item.

9:43 PM DISCUSSION

Mr. Pomerleau said that this frustrates him to no end to have these keep coming in here with less than three regardless of how much we try to impose that we want three; that he guessed that, until we finalize the new financial policy, he will make

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his position really clear. He asked if this was something urgent that needed to be done.

Ms. Muzeroll-Roy said that this has been on the agenda for about 5 years, now, to get done; that the basketball court needs to be done, as well, but she would like to start with the tennis court, as it is used just about every day, and that court takes a beating with the sun on it; that for the past two years we go down there and continuously burn the weeds out of the cracks, which is now making the cracks larger, and it's costing more money to put the sealer over it constantly. She said that, regarding urgent, she's sure there were a million other things that could be done, reiterating that this has been on the agenda for about 5 years, now; that there is a meet-and-greet group that are down there constantly using the court that have been asking her when these courts are going to be done.

9:44 PM Ms. Davis asked about two weeks to find a third bid.

Ms. Muzeroll-Roy said that she actually reached out to the athletic director (Marshwood School), here; that these are three names that she had originally and, then, she reached out to others and these are the three names that everybody keeps giving her; that she doesn't know who else.

Mr. Lee said that it might be out-of-state but we can find somebody; that, if you want to wait two weeks, we can come back in two weeks; that he thought you had a motion and a second to proceed.

9:45 PM Mr. Murphy said that he noticed that the first one mentions that the cracks are approximately 450 linear feet but the second says that there are 900, asking if there was a reason for that.

Ms. Muzeroll-Roy said that she noticed that the other day when she was putting this together; that it's a really big difference but it is the first one that is correct.

Mr. Murphy asked if both these companies came down to examine the courts.

Ms. Muzeroll-Roy said yes; that the first company was the one who put the tennis courts together but, yes, she has met with both of them personally. She added that another difference between these two companies is that the first literally grinds down the surface, whereas, the other one is just basically cleaning, resealing, and repainting, so, that is where the price difference is, as well.

Mr. Murphy asked if, with the second company, the surface remained uneven.

9:46 PM Ms. Muzeroll-Roy said that that was correct; that the sides will be left the same and, with the first company (higher price), will make everything grind and

SELECT BOARD MEETING
July 28, 2016 5:30PM (continued)

completely level; that they are doing much more. She added that she is going on previous experience with this company and how they put in the high school courts; that she has had good experiences with them and where she gets court paint from; that she put in a reference with the Marshwood athletic director and he has had no issues with them, as well.

9:48 PM Mr. Cattrano said that, his first meeting and doesn't know the protocol, these are things that should be behind closed doors; that you have a dwindled audience, now, after four hours; that he has no idea what you are talking about and has no input into it. He added that, on your agenda, this should be behind closed doors; that the meeting's over and then you meet, because there's nobody here, anymore. He said that he was beginning to understand that everything is open business and that is why he is still here.

DISCUSSION ENDED

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – No

Mr. Pomerleau – No

Vote to approve motion fails.

9:49 PM Mr. Lee said that we would come back in two weeks and hopefully have two things, apologizing to the ECSD Director. He asked if she (ECSD Director) could have something written up about the quality difference in the two; that then he and she needs to talk to find another couple of firms that we can reach out to.

9:50 PM Mr. Pomerleau said that the one big difference between them was the grinding and there was no cost associated with that so you couldn't see the value of that.

I. Public Safety

There was nothing under this.

J. Old Business:

There was nothing under this.

K. Approval of Minutes of Previous Meeting(s)

SELECT BOARD MEETING
July 28, 2016 5:30PM (continued)

9:51 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of May 5, 2016, as written.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of June 23, 2016, as written.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

9:54 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of July 7, 2016, as amended

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Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Unanimous vote to approve motion.

9:54 PM At this time, Mr. Lee said that the administrative articles he mentioned to the Board had the wrong dates for the taxes due; that it is just a quick correction but the SB probably ought to make a motion to adopt the revised administrative articles with the corrected dates; that the dates end up being weekend dates and that won't work.

Because several Select members did not have the information before them, this was rescheduled for the next meeting.

SELECT BOARD MEETING
July 28, 2016 5:30PM (continued)

M. Selectmen's Report:

There were no Selectmen's reports tonight.

N. Committee Vacancy Report

There was no discussion.

O. Other Business as needed

There was no discussion.

P. Adjourn

There was a motion and second to adjourn the meeting at 9:57 PM.

VOTE

4-0

Chair votes in the affirmative

DATE

Mr. John Murphy, Secretary