

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 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. Department Head/Committee Reports**

**5:31 PM 1) Re-adopt Annual Administrative Articles (Corrected Dates)**

It was the **consensus of the Select Board** to table this item until work was completed.

**2) Resignation: Board of Appeals: Ed Cieleszko**

Mr. Fernald moved, second by Mr. Pomerleau, that the Select Board accept the resignation of Edward Cieleszko and send him a letter of thanks for his service.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**5:33 PM 3) Permission for Beer Garden at Festival Day**

Mr. Lee said that this letter was from Ms. Muzeroll-Roy (ECSD), who was tasked by the Eliot Festival Committee to ask the Board to consider a ‘beer garden’ this year at the Festival on Saturday, September 24<sup>th</sup>. The letter listed the parameters for this and that the business doing this would carry their own liability insurance. He added that the Board would have to authorize this, per our ordinance.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the request.

**5:35 PM DISCUSSION**

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

Mr. Pomerleau said that he was totally opposed to this; that he didn't think beer at Eliot Festival Day is at all appropriate; that he thinks it sets the Town up for liability.

**5:36 PM** Mr. Fernald said that he thought the Board should approve this; that we have had beer festivals in the past and have certainly not had any problems. He added that it has been approved by our Chief of Police and that all potential vendors will have their own insurance.

Mr. Fisher said that this is a function that would make money and he thought the Town should charge them a fee, which could go towards helping an organization in Town.

**5:39 PM** Ms. Muzeroll-Roy said that she is here on behalf of the Festival Committee, who has charged her with something new this year, so she is wearing a hat not Community Services-related. She explained that they are trying new ideas, trying to bring new things into the Festival; that having a beer garden was one of the ideas brought up and would coincide with a band later on in the afternoon. She discussed the two vendors that had been approached; that it would be very contained, something like what Raitt's Farm does. She added that she is looking for permission for the Festival Committee to move forward and answer any Board questions in order to do so.

Ms. Davis asked if there were any further questions from the public.

Ms. (Michele) Duval asked what the fee would be.

Ms. Muzeroll-Roy said that the fee might have to be different but she didn't think the fee for a Festival booth was very much; that that would have to be discussed by the Festival Committee because the vendor would make money on it.

**5:41 PM** Ms. Davis asked for a show of hands from the public if they would be in favor of this.

The majority of the audience was in favor.

Ms. (Donna) Murphy asked if Ms. Muzeroll-Roy could talk about what the benefit is to the Town and where the beer garden would be located.

**5:42 PM** Ms. Muzeroll-Roy said that it would be adjacent to the Dixon Road red barn, explaining that we are going to have a band, this year, under a big tent, and off to the side of that would be the beer garden, confined to a small area right there, and would be from noon to 3PM.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

A member of the audience said that he has seen a decrease in participation in Eliot Festival Day year after year; that he thought that anything that would increase participation and getting people out to the Festival, itself, would be great.

Ms. Davis asked if the Chief was in favor of this or, at least not in disfavor.

Ms. Muzeroll-Roy said that she answered all his questions; that he would have someone float around that area just like they do that day, anyway, and the Chief was fine with everything as long as what was in the memo happened.

Mr. Reed asked if a police officer would be standing at the entrance to this beer garden.

She clarified that there would be a police officer in that area during that timeframe but that that would be something that the vendor would do.

Mr. Reed suggested the Chili Cook-off on Friday night might be a better venue for trying this out; that Eliot Festival Day (Saturday) is kind of a family affair and was concerned with people walking around with beer in their hands around the kids.

**5:46 PM**

Ms. Muzeroll-Roy said that they would not be walking around; that it would be over 21 in a certain sectioned-off area where you have to have your I.D. checked and go into that area to participate; that everything would be fenced off and there would be no kiddos under 21 allowed in that area. She added that you would only be allowed to have two drinks, similar to the way Raitt's Farm does it.

Ms. (Donna) Murphy asked who their target audience was by adding this.

Ms. Muzeroll-Roy said that they were just looking for a new venue idea to draw more people and that they had looked at other festivals that have offered this.

Mr. (Robert) Fisher said that he was opposed; that Festival Day is a day for kids and families.

DISCUSSION ENDED.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – No**

**Mr. Pomerleau – No**

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**The motion fails.**

**5:49 PM      4) TIF Alternatives Committee Presentation**

**a. Chuck Lawton, Planning Decisions – PowerPoint Presentation**

NOTE: Because of the venue change a power point presentation was not possible.

Mr. Lawton said that we were awarded the contract to work with the TIF Alternatives Committee (TAC) to find alternatives to what has happened in the past. He explained that a TIF district is a boundary delineating a set of properties whose taxable value, as it increases in the future, will be dedicated to use for particular purposes in that district. He discussed the creation of the Route 236 TIF District, the subsequent votes that opposed any action be taken, and that the TAC was designed to look at what was going on with this TIF District and why the community created it and then opposed its use. He discussed that they were to look at the broader region at what economic development opportunities exist, what could the Town do; look at the fiscal context in which the community finds itself, why should the community care and what difference would it make; that overlaying that was, of those possible economic development activities and whatever reasons the citizens of the Town may want to have those activities take place, what will actually pass muster with the citizens of the Town that they will vote to do. Mr. Lawton said that we looked first at the significant economic development opportunities in the greater region that Eliot might appeal to; that they found two. He added that one is that Eliot could be attractive to any number of growing businesses in the greater Seacoast region where a company would like a location close to turnpike access to markets outside, with a supply of workers; that we looked at a number of industries that had grown significantly over 2010 – 2015 and identified several that could find Eliot desirable with the right conditions.

**5:54 PM**      He added that the second opportunity was the regional demand for housing; that while the general population has been stable in Eliot and, largely, in the State of Maine, the projection is very much for an aging population – a declining school-age population and vastly increasing number of elderly over 65; that that has created an opportunity for people with young families looking for a more affordable place to buy a home and raise their children. He added that, should Eliot make an effort to create attractive residential housing of a type (product) – rural single-family or concentrated village or elderly housing, who is the target you are looking for. He said that there are signs of growth but that growth is not necessarily directed towards any one product or towards any one region of the Town.

**5:56 PM**      Mr. Lawton then discussed the fiscal context. He asked the question of what the realities were within which it makes a difference what taxes are raised in the

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Town of Eliot. He added that the central conclusions there were that, while the population is relatively stable and has been for the last 5 to 10 years; that it's projected to grow relatively slowly over the next 10 years (State Planning Office Management budget projections by town) but that the age composition – the number of young people – is likely to decline and the number of elderly people is likely to increase, with no change in current trends. He said that, if the current trends continue, what's likely to happen is that the cost of education on a per-student basis will continue to go up because you'll have the same programs divided across a declining number of students; that that is true in communities within the general districts, as well; that, therefore, the cost of the student would continually increase and, in the same fashion, the cost per unit of demand (household + business unit) of community services (policing, public works, general administration, management of town government) is going to increase, as well. He said that no change at all is likely lead to an aging population, increased pressure on the tax base, and increased tax rates; that the conclusion of the committee was that there is some desirability of some sort of economic something that would help increase the tax base.

**5:58 PM** Mr. Lawton said that the third question was, “What was the reason for the initial passage of the TIF District and, then, the four subsequent denials of “We’ve got it but we’re not going to do anything with it.”, and votes down every time the Town tries to do something with a program that’s already been set up. He added that we conducted a number of interviews, the Town did a survey; that we analyzed the survey results in the community to try to get at, if the first two were facts and figures – what’s the population, what’s the tax rate, what’s the fiscal context – the third is really attitudes and values and not so much facts but opinion – what people feel and what they’re willing to vote on. He said that, in that, the conclusion was that the first vote was in February at a Special Town Meeting and not a lot of people understood what TIF’s were and that every time, thereafter, at larger meetings with more people voting, it was rejected; that, in fact, in some cases people asked why they would be coming back to us; we did it in 2012, we did it in 2013, what are they trying to do, come back again and again and cram it down our throats until we accept it. He said that there was a lot of negative attitude, nothing to do with the product, but just the way it had been communicated, or not communicated, to the general populace. Mr. Lawton said that, so, the conclusions of the committee were that there is opportunity and there are generally two different areas where economic development could utilize a TIF and could benefit the Town fiscally but, if it is to occur, it needs to have broad public legitimacy; that it has to be part of a planning process and not viewed as an inside deal meant to favor certain people and out to create a profit for somebody and hurt everybody else without providing any benefit. He said that, if there is going to be a program, the general populace has to say yes in that they think this is consistent with the Comprehensive Plan, they want to maintain Eliot as a

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

bedroom community, a community with a rural feel, a community with a village center, a community that has a major artery running from Kittery to South Berwick on Route 236 and, if it was developed in a way that did not have a curb-cut every 20 feet and did not have stop-and-start traffic all the time, but did have design standards, setback agreements, targeted businesses; that there was a survey that said they would love to have development, we would love to have that development on Route 236, but we would want it to be certain categories of industries, certain locations, and not something that would create more traffic jams and create dirty, dangerous...would undermine the rural feeling, the town center, small-town community welcoming feel that we think that Eliot has now.

**6:01 PM**

He added that, if that planning process could be put in place and could be implemented, then, yes, it would be great to have a facility on Route 236 and, yes, we think it could be protected in such a way that people would approve it. He said that that is up to you; that that is going to prove, or not prove, to be successful. He said that the second one, then, was to say, in addition, and this was mentioned in the Comprehensive Plan that the Town last completed, that there was a desirability for a village center; something focused around having a concentrated development of single-family, perhaps some age-specific housing with a community-oriented grocery store, coffee shop, newsstand, service station, something that would serve that community and serve as a sort of 'pick yourself up by your bootstraps', have housing and, with the housing, attract the customers that would support the businesses in the village center. He explained that something to consider would be to have a downtown village TIF, oriented toward a village center; but, again, that should be the product of a community planning process and that that should be the result that reaches out to people to say do you want to have this in this region, and what sort of uses of TIF funds would be available in that, something to provide incentives for walking parks or business assistance for a business that might locate in the center, something that would create an attraction for single workers from the greater Portsmouth area who might find this desirable, something that would support greater use of the recreational facilities and the water resources in the Town; that all of that could be included but that would be the second alternative. He added that the third alternative is to simply do nothing, disband the TIF that stands now, don't have any TIF's, and let current trends continue without any effort to save the current TIF or create any new TIF. He concluded that those were the alternatives that were presented and that is what is in the report to the committee.

**6:04 PM**

Mr. Lee said that he thought that one of the primary things that the Board would like to hear from Mr. Lawton is those next steps, having reviewed what we looked at and the variables, the three circles and the nexus of what comes together. He added that the TIF Alternatives Committee went before the Board and suggested that we should probably ask the folks to authorize some TIF money to hire either a consultant or a staffer for a TIF-based project and the Board said that they

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

needed to know more about exactly if he is recommending that, is that what he is saying or is this something the committee, itself, should be able to do. He asked how we get the right data, the right information, and the right visuals to put it out there; that the Board would like to know what specific steps Mr. Lawton would recommend that we do to advance the right course of action for whatever TIF project that may be selected.

**6:06 PM** Ms. (Rosann) Lentz, TIF Alternatives Committee Chair, said that when we were approaching the Board and asking for a planner, we were specifically asking for someone who has experience in planning; that has the background and is experienced in TIF's and on a part-time basis. She added that we really feel that it is experience that is necessary in order to make what this committee has been working hard for viable for the community and legitimate for the taxpayer to have confidence in it.

Mr. Lawton was asked to explain what a TIF is.

**6:07 PM** Mr. Lawton said that TIF means Tax Increment Financing, explaining that, for example, this basketball court is the Town and everyone here is sitting on a piece of taxable property and there isn't any podium out here; we need a podium; let's get a podium so we can have a more productive meeting; that we're going to give a TIF for 'this' (inside the circle the three-second corridor of the basketball court) and it is now our TIF. He added that we are going to create a podium and it's going to be worth \$1,000; that we're going to tax that at \$1,000 but the only use that that \$1,000 can go to is to pay for this podium. He said that we are taxing the owner of the podium, the person who has invested in building this podium; that he is going to say he will rent out his microphone, rent out his books; that he can make a business out of running the podium, here, and helping everybody in the community communicate better; that the community says that that's a good idea but nobody has invested in a podium and a microphone, let's help them; let's go into a deal and say, if you build it, we won't tax you on that for you, yourself, we'll tax and put that tax revenue into the cost of building the podium and the State's going to make a contribution to that, as well, by not including this podium value when we set what you have to pay for school assessment, school funding formula, and what you have to pay for county taxes; that it's an economic development tool available to communities who vote proactively to have it that says that the taxes on a new piece of property, within a certain defined district, can go only for those things that we say can be done in that district with TIF money.

**6:10 PM** Mr. Lee said that, with the Tax Increment Financing District (TIFD), he thought they would talk about the whole Town and, then, what you do is identify a series of parcels, and that is your district; that we basically take a snapshot of these

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

parcels – their value – at a given point in time; that we did it that 2009, establishing the base value for all these properties and we will continue to collect that as normal taxes. He explained that, to the extent that any of these properties, including any new ones that go in on an empty piece of ground (which we experienced) add a deck or a small addition, etc., any of those new taxes – that's the increment. He said that those new taxes go into a special fund just for economic development and that special fund is what we have been trying to figure out what to do with, whether we run sewer or some other use, with these monies that have collected from the enhanced value of this little district we created to capture a couple of big ones that we know are going to bring some value.

Ms. (Michele) Duval asked Mr. Lee to explain the advantage we get with the State.

**6:11 PM** Mr. Lee said that, with the school money and county taxes, that money is sheltered for the purpose of the State giving us money; that when the State gives us educational money, they look at how wealthy we are, and if they see all this additional value being gained in our Town, they give us less education money and, when the county assesses us for taxation, if they see all this extra value in our Town, they hit us for more county taxes; that we lose revenue and we pay more; that this shelters that money; that people don't pay attention to that and it is as if we don't have that value because it is a dedicated resource going back into whatever we choose to use it for within the menu we selected. He said that the TIF we have, currently, only says water or sewer on Route 236; that those are the only options for usage of that money. He added that the TIF Alternatives Committee was to come up with what other things we could use this TIF money for, other than water and sewer, and other than Route 236; could we use it for a business park, could we use it for a village center, or any number of things – ecotourism – anything that would bring jobs and people and value. He said that it is for a fixed period of time; that a TIF has a certain lifespan that goes away and all that new value does get recognized and does become general taxation after the TIF expires.

Ms. (Sally) Lewin asked if Mr. Lee could explain that, if this TIF is not honored and funded, that the project could have been half-paid for by now. She added that you can't just choose to do something with that money; that you must submit a brand new TIF plan to the State of Maine.

**6:12 PM** Mr. Lee explained that what Ms. Lewin was saying is that, if we're not happy with just being limited to sewer and water on Route 236, one of the things the TIF Alternatives Committee is trying to do is come up with a new menu of things we could spend it on – sidewalks, street lights, beautification-type projects, acquiring

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

run-down properties and turning them into good properties – things like that. He added that you have to resubmit and go back to the State for any new changes.

**6:13 PM** Ms. Davis said that she would like to turn this over to the Board, first, and when the Board is finished with discussion, we will turn it to the audience for comments.

A member of the audience asked if he could ask a question.

Ms. Davis said that what she would like to do is turn it over to the Board, first, because this is their meeting; to just hold on, we will talk to the audience in just a minute.

The audience member said, so, they will get to him later.

Mr. Fernald asked who actually controls these TIF funds, who is authorized to spend these funds.

Mr. Lawton said the legislative body of the community, as limited by the approved plan and the approved district.

Mr. Fernald agreed, saying that that is the Townspeople.

Mr. Lawton agreed, saying that, if there is a proposal for water, sewer, street enhancement, for a planning individual hired to do economic development, all of those would need to be approved by the legislative body of the Town.

**6:14 PM** Mr. Murphy said that while it is true that the money is spent within the precise district, itself, if the needs of that district involve some area outside the district for the purposes of connection to treatments, or something like that, that is also allowable. He added that that is why our Town can, in fact, repair our pump stations; that they aren't in the district but they are needed to support the activities within the district. He said that it's not just spending within the district; it's other things that support that outside of the district.

Mr. Fernald said to just continue with that is that you, through your vote, authorize those funds and that to be done, not this Board.

**6:15 PM** Mr. Pomerleau said that, to follow on with the authority for that spending, the TIF Statute gives that authority to the local officials; that it is within the contract of our specific TIF that limits us (SB) to the voters approving the spending of these funds; that that's not State statute, reiterating that State statute gives Town officials the authority to spend our TIF; that that's a specific provision in it that it

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

requires us (SB) to go to the voters. Regarding the report, he said that he has some issues with some of the data and assumptions but he ends up fine with the recommendations. He added that he agreed that before we implement, or try to implement, and go to those voters with a spending proposal, we should have some professional-level planning and lay this out thoroughly and efficiently, dot the 'I's' and cross the 'T's', and educate the public – absolutely. He said that the question of that recommendation is of timing; that he reads Mr. Lawton's recommendation to be after the point we have amended our plan, which is nothing but a blueprint of where we want to go; that that kind of detail is absolutely not necessary in the document we submit to DECD; that it's where you get that approval, and the voters approve it, now you go to the detail level, and get into planning; examine every single aspect on that plan and how it needs to be implemented, what needs to be done with zoning, purchase of land; that, then, we present something officially out to the public. He explained that he assumed that because the basis of Mr. Lawton's original critique was the failure to do that in the last one. He said that the problem wasn't at the approval stage because that passed; that the problem came at the implementation stage – that failed four times. He asked if he understood correctly that what Mr. Lawton recommends for our planner is at the implementation stage and not at the amended TIF plan resubmitted to the DECD, which is where he thinks many others advocate that need.

**6:18 PM**

Mr. Lawton said that the first answer is yes; that the central conclusion is that an improved planning process delineating alternatives and involving the citizens in understanding and supporting those things through surveys, through committees, in work with professional planners, through interviews with real estate brokers, interviews with targeted businesses, with design standards, with a whole number of things that a staff member, or consultant, or whomever the SB chooses to engage; that's the first step. He added that that could very well involve, after that, some amendments of the existing TIF, or, the addition of an additional TIF, altogether. He said that that is part of what may come from these recommendations but, certainly, the first step and central conclusion from an examination of the votes, the opinions of voters as a result of those votes, and the findings of voter surveys is that the planning process was inadequately followed in this particular TIF, up to this point.

**6:19 PM**

Mr. Pomerleau asked if he understood Mr. Lawton's recommendation correctly.

Mr. Lawton said yes.

Ms. Davis said that in the proposal, here, for the work that you were going to do it said that Mr. Lawton would prepare a report listing the economic development activities that his research, in his best professional judgement, indicates that best

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

meet the three-pronged goal of a project; that the report would be presented in a form that could be directly entered into a development plan and may be presented to the DECD and public hearings or other ways of communication with voters. She added that her understanding, when we first initiated this report, was that he would be giving us some concrete and specific ideas of what direction we could go in; that we would pull together a laundry list of things that we think the people would be interested in and, once we settle them on that list that we would then submit an amended TIF to the DECD; that after that point we would hire a planner to implement the plan the best way possible. She said that when she looks at this report she is not seeing anything specific and, certainly, nothing that could be turned in to the DECD as an amended plan. She asked if there was more to this; would he be coming back with some more specific ideas or is this where it stops.

**6:21 PM** Mr. Lawton said that his central conclusion from this and, as he presented it to the committee, was that, to take that initial...what Ms. Davis is describing as the list to go in to the DECD (Department of Economic & Community Development) would be premature and would be, in some ways, as fruitless as the last one in that the need for greater public involvement in the planning process. He added that he could say medical service buildings would be highly desirable and could be located, and there are companies that would like to do that and we could put that in; that he could say that a less-than-one-acre, concentrated housing development in a village center served by water and sewer would be desirable but that will be something that meets the feasibility from the general economy; that he can't speak for what the voters of the Town of Eliot would approve and, so, his conclusion and that of the committee was that, to take that next step would be premature, and that this report ended with this recommendation that the planning process should be the next step of the TIF Alternatives Committee and, thereby, the Select Board.

**6:23 PM** Mr. Lee said that the quandary we find ourselves in is that the TIF Alternatives Committee says we need a planner now and want to get started right now to bring a planner on board and help them define what are appropriate projects and what would not be appropriate; that he thinks part of the Board here, at least, is of the mindset that we could do the development program – the menu – as a committee, without a planner; that we would only bring a planner in after we had put down what we think should be the full menu of possible uses of that money. He added that that's the division – do we get a planner, up front, or do we get a planner upon implementation of an approved development program.

Mr. Lawton said that his answer to that question is that it would involve a lot of work that would probably prove to be unnecessary after the planning had narrowed it from the perspective of what's feasible in the community; that, if

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

we're talking road curb-cuts, design standards, zoning ordinances, changes in the existing regulations affecting business and housing development, that for anybody to prepare that list prior to some sort of public engagement process is, in effect, repeating what was done the first time and would be putting the cart before the horse in the process that planning is all about – what does the community feel it wants to do and, then, what are the conditions by which that could be achieved rather than here's a bunch of things that we want to do and, now, let's toss them out there and see what gets voted and approved.

**6:24 PM** Ms. Davis said that, until you know what the community is interested in doing, it would be fruitless, also, to concentrate a lot of money and effort in studying and suggesting revisions to the ordinances because they may not want that; that she thinks we need some more specific and, yet, slightly undefined ideas that we could get people to buy into. She added that we at least need to give them some general projects that they could say that, yes, they are interested in that or, no, they aren't; so that, when we are looking at things like a village plan or we're looking at something going on down at the Boat Basin, there are several things that the committee could be doing, such as talking to residents, local businesses, other town planners, looking at TIF's that have been implemented nation-wide and getting some ideas; that we also got quite a long list of TIF projects that have gone on in Maine. She reiterated that, until we know what the people are interested in, we can't just narrow it down that specifically to hiring a planner. She added that the committee has a broad range of skills and abilities and we should be out talking to the people and finding out what they want because that's how they are voting; that they are voting about how these things are going to affect the Town, so, until we give them at least three or four different choices of a general direction to go in, we have nothing to study; that based on what Mr. Lawton is saying, right now, we would more-or-less be confined to studying Route 236 and developing that; that we need to give them alternatives; that that was the whole point of this, to provide alternatives. She said that, when she looks at the report, there are some general suggestions in here but nothing specific, not enough to put before the voters and asking them if they are interested in doing 'this' or aren't they. She asked, regarding housing, how we put a TIF behind housing; that we can't use TIF money to develop single-family residences, we might be able to invest in some elderly housing, she didn't know, but that also didn't seem to be a direction the people were interested in going in. She said that she thought that, before we look at a planner, we have really got to dig in and get some ideas that we can talk to the public about.

**6:27 PM** Ms. Saurman said that she wondered if any members of the TIF Committee, since we are so involved, and recognizing that the Board is excluding the general public, might be allowed to be in this part of the discussion.

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

Ms. Davis said that they certainly will, just let us find out from the rest of the Board if they had any other questions before we turn it over to the TIF Committee.

Mr. Fisher said that he had a point of order; that he would like to talk to the items you brought up, here, before you go into an appeal that the committee should be doing or you (SB) should be doing; that he's got some ideas, himself, and he has come here, if he may.

**6:28 PM** Ms. Davis asked if this was talking about various projects and things like that. She asked if she could have this Board finish up with their questions, then, let the TIF Committee talk and, then, the public can talk.

Mr. Fisher said that he would like to tell the gentleman that he has done a fine job, so far, tonight, and he would like to ask him (Mr. Lawton) a few questions before he leaves and turns it over to you (SB).

Ms. Davis said that he would be able to ask but she would like the Board to finish up first; that the TIF Committee has been listening to the comments, tonight, and they have some things they want to say and, then, we will turn it over to the public; give us a few more minutes.

Mr. Pomerleau said that, regarding this downtown transportation TIF in his report, if we were going to expand the TIF down into the Village and, possibly, the Boat Basin, we've only got about 50 TIF-permitted acres left, more or less, and, in all likelihood, it would require amending the boundaries of the TIF; that something down 'here' would have to go and, then, we would have to take those acres and utilize them for the Village and the Boat Basin. He added that you couldn't do anything in those areas unless they were listed in the TIF District. He said that, with this 'downtown TIF', he knows that those acres are not counted against your statutory limits of TIF use; that he's not sure how you would blend those two and how you take the risk with the processes for a 'downtown TIF'; that it almost seems you would have to clearly have that established before you risk sending an amended TIF to the DECD to change the boundaries and excluding the Village or the Boat Basin because you are relying on the downtown. He added that that's the muddy part for him – how to approach. He said that, in the downtown, he sees some big advantages in the State guidelines for downtown TIF's; that different kinds of grants are available and different kinds of things you can do with grants that you can't do with TIF money, like municipal buildings, and so forth; that it's very intriguing to go down that road but how do you go at that legally, asking if you go ahead, be safe, change the boundaries, include the Village that's written in the TIF and, then apply to be a 'downtown TIF'; that if you succeed, then those

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

acres can be excluded; if you fail, you are covered because the Village is in your amended TIF.

**6:31 PM** Mr. Lawton said that he thought he understood Mr. Pomerleau's question; that his sense in that is that, should you choose to do a 'downtown transportation (omnibus) TIF', that would be its own application, with its own development plan, and would be submitted to DECD; that that, as Mr. Pomerleau said, would not count towards the statutory limits on value and acreage. He added that that would not require submitting any changes to the Route 236 TIF as it exists now; that it might be desirable, in the Route 236 TIF that exists now, to amend it to allow contributions to the 'downtown TIF' activities as an eligible item in the development program of the Route 236 TIF, and that is a possibility. He said it might include certain connections - signage from Route 236 to the Village, an entryway with traffic signals and turning and design and signage that could be complimentary - but he doesn't see any risk to an approved Route 236 TIF coming from the submission of a downtown TIF.

**6:32 PM** Mr. Pomerleau said that that wasn't really his question. He said that, for example, we wanted to proceed with a downtown TIF and make an application process in that timeframe; that he doesn't know what the risk of the offset of having such a downtown TIF approved but there must be some risk. He added that, with that risk factor, in order to proceed with amending our current TIF so we can get that ball rolling and, if you would exclude the downtown TIF, it's not plausible; that then you've got to change the boundaries of the existing TIF to include the Village or the Boat Basin. He said that that's the question - is the safe way to amend the current TIF, include the Village, then probably the Boat Basin and, once it's approved, then apply for downtown status, therefore eliminating any risk in amending the current TIF.

**6:34 PM** Mr. Lawton said that he thought we were getting into a little inside baseball, here, of what's the better strategy; that his own sense is that, working with the department, through a planning process as you submit either an expanded and amended Route 236 TIF or a separate downtown village TIF, is equally, possibly, and likely to be successful given a reasonable relationship with the DECD and a reasonable planning process; that in his view the more difficult plan would be that saying that we've amended an existing TIF to include a downtown and, now, we're going to amend it, again, and make it a downtown TIF; that that may be viewed as a back door way of trying to get into a downtown TIF.

Mr. Pomerleau asked if he was suggesting it would be a simultaneous discussion with DECD; ultimately, we want to do 'this'.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Mr. Lawton said to be up front and say what you want to do and how you're thinking about it; that they are very receptive to working with communities – we've done it 'here' and 'here' or we haven't done 'this' or you run 'this' risk or 'that' risk. He added that he would say yes about working with the DECD about both, or any alternatives, is the best strategy.

**6:35 PM** Mr. Pomerleau said that, as he recalls the statute, there doesn't have to be an amendment in the TIF to allow the use of funds in a downtown TIF; that he thinks that's allowed by statute, just like the exclusion of the land is in statute; the use of other TIF revenues is also automatic.

**6:36 PM** Ms. Davis said that she would like to turn it over to the Chair of the TIF Alternatives Committee.

Ms. Lentz said that she was going to say what she has to say last; that she would let every other committee member say what they would like to say because we all have strong feelings about what we're requesting tonight; that we really think the Board needs to take that into consideration.

Ms. Saurman said that she has three things. She said that, if you (SB) would like to rewrite the mission for the TIF Committee, please do so, and each individual will decide whether we want to continue serving. She added that she, personally, is not going to go out and talk to the community and, then, have to go say who she talked to – being questioned that she is saying that's what they said – she isn't going to do business that way. She said that we did a survey and the percentage of people who answered our survey was extraordinarily high; so, we're not just making ideas up on how to use the TIF Committee; that we asked you (residents), you sent information back, and we want to work with the information that's back on the TIF. She added that we have not, contrary to some of the public's view, decided on a plan to present to the voters because this committee decided unanimously that we needed a planner and professional help from this stage, on, because we don't want something to fail again, whatever it is; that we, too, would like to put this at an end for our Town, reiterating that, if they want to rewrite what they want this committee is to do, then do it. She said that we are doing what our survey suggested we should do and we are telling you that we unanimously said, as a committee, we don't know what to do next without a planner; that we worked pretty hard and, to ask us to do a lot more, without some professional help, is not going to move any project, or projects, forward. She said that we are not ready to say to the voters a village plan or sewer; that we've done that. She added that we want details; that we want to say that 'this' is what 'this' plan will look like, friends, and 'this' is what 'this' plan will look like; that we then want them to choose. She said that we are not going to put another headline out on our ballots, again, for people to have to make a decision; that we're going to have a

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

headline, and she has a new story, folks, and it's actually going to be filled with facts.

- 6:39 PM** Ms. (Michele) Duval agreed with what all Ms. Saurman said; that the only thing she would add is that, as a committee, we are not void of ideas but we wanted to include all of you (residents) in the plans – the community coming up with an idea, or ideas, wherever it goes. She added that it isn't that all of us individually didn't have things we'd like to do but we are staying open-minded; that that's why we did the survey; that we keep reminding each other to stay open-minded and not get stuck on one idea because we don't really think it's been fleshed out well-enough, yet, to present to you (residents). She added that it's like four times we've voted on sewer because we've been told "build the sewer and businesses will show up"; that, obviously, we didn't believe that, as a community, or we would have passed that. She said that we want to have a planner, now, so that when we come to you with an idea, or two; that it has all the details and we can describe what it's going to look like and how to get there, whatever it is; that we're going to really nail it. She added that that's why we're asking for a planner at this point in time.
- 6:40 PM** Ms. (Cynthia) Lentz said that we are working on your (residents) survey; that all the information that we are working with is coming from that survey – you, the people, in this Town. She added that we want to do something for this Town; that that's why we asked for your advice, what you'd like, what you don't like; that Ms. Duval is correct, we have no definite 'anything', really, but we need help to go to that next step with your (residents) ideas, not ours. She said that Ms. Duval is correct; that we keep saying it's the Town, it's the Town, not us.
- 6:41 PM** Ms. (Rosann) Lentz said that she would like to thank the committee members because we have been working hard and we understand that there are a lot of issues going on in Town right now; that we know there are a lot of issues focusing around sewer, which is what everyone here is about tonight. She added that the TIF Alternatives Committee would like this planner to come in and help us define what needs to be done in this Town as far as the TIF is concerned; whether it's to help with the sewer, whether it's to help build other economic development areas that would bring in the tax base that would lower the tax rate for the community, whether it would be to help our elderly citizens, as it is an aging community, and we offer absolutely nothing in this community for our elderly; that she thinks this is one of the focuses that this TIF Committee would like to hit on. She said that, with that, it is essential for a planner to come in and say that this is what that person has gathered for information, this is what's available out there, this is what's viable, this is the zoning we should create; that that is not going to be the committee's responsibility; that that is for us to bring forward to the Selectmen

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

and the taxpayers to vote on. She said that we need the planner and she's asking, tonight, for a vote for a planner.

**6:42 PM** A member of the audience asked for clarification that the TIF money could not be used for the schools.

Mr. Lee said right.

The same audience member said that that meant that, if the school had a gigantic need for money, it would come out of the taxes.

**6:43 PM** Mr. Lee said that that was correct – no community-type buildings, generally speaking.

Mr. (Bob) Fisher said that he wasn't on the sewer but he came down here tonight to talk about the sewer. He added that we've heard a lot of things about the TIF but what you don't know is that some of the people behind me, good friends, nice people, like to have good neighbors, they're the ones who put out the bad news, to begin with, because they want...the first one we took a vote on was to pass a bond bill; that you rejected the bond bill because a bunch of lies come out from the people behind it saying that the Town administrator...our taxes were crooked; that they would not be able to keep the compressor station running because they wouldn't be able to pay for the bond because, then, you'd have to pay for the bond, itself; that's what they told you. He added that this is \$3 million ago that they said all this and talked through ever since. He said that, tonight, he would like to speak about a proposal that he has; that he's talking about the sewer system and what really needs to be repaired; that he wants to see a change in the direction of how the sewer got down to Beech Road. He added that he would rather it go down to Bolt Hill Road, because we already have a sewer halfway down there, and take that extension down to Route 236, with hardly any cost, at all, would clean up a bunch of stinking odors that come out of the sewer now and, then, you could take the same thing and run it down to Beech Road and stop, don't go any further; that that would be Phase I. He said that that would take in your sewer system, get incentive to go down Route 236, which would be covered by the TIF that we have existing; that's all inclusive by one mile from Bob Pritchard's place; that that's where the pumping station would be; down to Beech Road and stop it right there; that you don't have to go any further than that because your vote would have to make it move further down Beech Road...is there and from Morgridge down to Beech Road is one item; that we already have industrial area in the TIF area that could use sewer systems. He said that he thought it would be beneficial for everybody in Town that the TIF money be spent to fix the sewer, go up Route 236 to a point, and terminate it right there.

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

**6:46 PM** Ms. Davis said that she would like to ask the SB exactly where they would like to head this evening; that we could sit and talk about the TIF all evening, and she thinks we should allow a couple more comments from the public but, what we're hoping to achieve tonight, specifically, is that there are a lot of items for discussion, here, as Mr. Fisher just brought up. She asked the Board where they wanted to go with this.

**6:47 PM** Mr. Pomerleau agreed we could be here all night. He said that this is a presentation by Mr. Lawton, suggesting we take a couple more comments, conclude this, and move on with our agenda; that some of this information is going to come right back up in another agenda item. He added that he wanted to make one point on changing the mission of the Alternatives Committee; that when that was formed we had Attorney Fortin down here, in which she helped us get the committee together and go through a whole list of alternatives, suggesting we reference our Comprehensive Plan, she gave us a long list of similar projects that could be used from throughout the State; that that was the mission of the Alternatives Committee – come up with a list of alternatives; that the mission was not as an implementation committee going into the finite details of including a planner for presentation to the public at the financial approval level of the TIF. He said that there has been no change in their objective by this Board; that he guessed, more than anything, that the Board was suggesting that they conclude their mission.

Ms. (Rosann) Lentz strongly disagreed and said that she was off the committee.

Ms. Saurman said that she was off the committee, as well.

**6:49 PM** Ms. Davis said that our meeting tonight was to witness the presentation by Mr. Lawton who is giving up his time to be here, asking if, for the next few minutes, we could please confine ourselves to questions for Mr. Lawton while he's here, so he can go home. She added that, after that, we have a letter from Ms. Shapleigh that is going to discuss the TIF; that we will take that up after we talk with Mr. Lawton. She asked if there was anyone here who had a question for Mr. Lawton.

A member of the audience said that, when the original TIF was set up, after reply from the Town to the Comprehensive Plan, everybody wanted it stuck out on Route 236; that they didn't want businesses in their little housing communities and to keep it out 'there'; that the State talked about moving Route 236 to four lanes. He added that the idea was for the TIF to pay for the sewer pumps, put the sewer on Route 236 so we'd get better businesses, better buildings, more tax money, and no school process stopping that. He said that we have a study right now, which is on our Town website, that basically says that Route 236 is a gold mine, protect it. He asked why we aren't looking at Route 236.

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

**6:51 PM** Mr. Lawton said that we are looking at Route 236. He put his role in context by saying that he answered a request for proposal (RFP), he came, he interviewed, he worked with the committee for 6 months; that we did the process that we delineated what that work plan was, and presented a report here to summarize that. He said that he had everything from do Route 236 to don't mention Route 236, that this was an Alternatives Committee. He added that, from his reading of the environment within which Eliot operates, Route 236 could be a gold mine; that it has not proven to be not because of any engineering, not because of any legality, but because of a human relations planning problem; a failure of trust, a failure of execution, a failure to communicate what you want to do, why you want to do it, and how you are going to do it. He said that the central conclusion he came to in 6 months of work as meeting the requirements interactively, not just 'here it is – go get the list and fill it out'; interactively, over a period of 6 months, this is what we looked at in all three of those areas – what's the economic opportunity, what's the fiscal reality, and what's the attitudinal value reality of where those things overlap; that the conclusion was that nothing is going to overlap if you don't have an effective planning process, planning meaning those who are affected participating in the process of defining what you are going to do, how you are going to do it, where are you going to do it, who is it going to cost, and how are we going to pay for it. He added that those are the decisions that have to be made; that they can't be a listing of 12 of them and you go out a pick it like menu items at a restaurant; that that would cost you hundreds of thousands of dollars and you could still lose a vote. He said that the biggest need is interaction between someone who knows about economic realities of this Town and the value added to this Town and can communicate them in such a way that they'll win a campaign of votes to approve a project. He added that the substance of this approach is that - here's one thing – do nothing, here's another thing – do Route 236, here's a third thing – do a village-oriented development on a housing-based economic development strategy; that all three are feasible but none of them will be approved unless there's an intricate planning process talking about location, zoning ordinances, curb-cuts, signage, sewer extension, size of lot, taxing impact on the Town; that that has to be presented in a way that a majority of voters will approve it. He said that you could have forty plans and, if nobody believes in any of them, you'll get forty defeats.

**6:54 PM** A member of the audience said that he went to the sewer meeting a while ago and wanted clarification that there are no restrictions on using TIF funds for the sewer system.

Ms. Duval said that it has to be an economic development plan; that the sewer can't just be built because you want to do the sewer, it has to be a planned development that uses a sewer.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

The same audience member asked, regarding Route 236 as a ‘gold mine’, if there was any reason why one would want to develop out there with a sewer system that is going to be failing.

Ms. Duval said that there was no sewer on Route 236; that there’s no failing sewer on Route 236; there isn’t one. She added that those businesses in the Commercial/Industrial Zone, they’ve come and they’ve arrived without sewer.

The same audience member said that he might not understand it correctly; that part of the economic development along Route 236 requires sewer, asking if that was correct.

**6:54 PM** Mr. Lee said that all use of Tax Increment Tax money must ultimately support economic development. He added that we have been told that we could repair the two sewer pump stations with TIF money only if we are pursuing an economic development strategy on Route 236; that that is how our TIF is structured. He added that on Route 236 now, except for private sewer lines in front of Eliot Commons, we don’t have Town sewer on Route 236.

The same audience member said that, for the full \$1.7 million to be used toward sewer, it would have to be part of a larger economic plan.

Mr. Lee said yes, adding that each phase of that plan would have to be separately supported by a vote of you folks; that the first phase of that, which was put out and voted down before, was to fix the sewer pumps with TIF money, Phase II would be to run new sewer toward Route 236, onto Route 236, then up and down Route 236 to support new and existing businesses; that it has to be connected; that you couldn’t fix the sewer pumps and run it to a residential neighborhood, for example, as that’s no economic development plan.

**6:57 PM** Ms. Davis said to Mr. Lee two more questions from the public for Mr. Lawton.

Ms. Reed, Pleasant Street, asked what dollar amount per thousand...how it would affect your average homeowner, per thousand, if we just dissolve it. She also asked, if we did dissolve it, would it affect us like taking out a 401K early, as an example.

Mr. Lee said that there has not been a case where a community has passed a TIF, collected money into it and, then later, dissolved it; that that has not taken place. He added that we did ask our attorneys about it and the answer was that it would be a special act of the legislature to figure out if we owed them money or not; that he has heard things like, “Of course not, we wouldn’t reach back and say you got extra money for schools, you owe it to us”, and “You didn’t pay as much to the

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

county so we are going to send you the bill”; that he has heard others say just the opposite – that, “If you did that, sheltered this value and didn’t do it in good faith (did it just to take advantage of things), yeah, we’re going to want that money back.” He said that he didn’t think we have done it under the table, or wrongly, we have tried four times to spend this money, so, he didn’t think we would ever be titled as just trying to dupe other towns in York County and not pay our portion of county taxes, or to get more education aid than we are entitled to; that we have tried to spend it but just can’t seem to get a positive vote, which is what Mr. Lawton is presenting tonight; that the way to do that is to have fully detailed, analytical plans that explain where it’s going, are there any parcels available, what’s the potential for it, what are the zoning issues, what are the obstacles, the hurdles, we have to get through, and how practical is that, could we do it.

**6:59 PM** Ms. Reed reiterated her question regarding the impact per thousand.

Mr. Lee said that he didn’t know that number; that her question could not be answered other than it would take a special act of the legislature; that no one has tested that.

Ms. Duval said that, in addition, we don’t know how the State would change school support, and such.

Mr. Lee said that nobody knows what the legislature would do if we went back to them and said, “Hey, we’ve been doing this for seven years, now, and we haven’t done anything with money, we’ve accumulated all this money, we’ve gotten more education money, we’ve saved on county...we want to dissolve it. Any harm?”; that we don’t know what they’d say.

**7:00 PM** A member of the audience said that he was looking at the Underwood Engineering Report issued at the Town Meeting on June 18<sup>th</sup>, 2011 and it seems pretty clear that the original intent was to finance the cost of municipal sewer along a stretch of Route 236 where the Town would like to encourage and promote commercial development. He added that he’s also read the consulting report that the gentleman spoke of and it seems to indicate quite clearly that there is a pretty enormous potential of 80ish towns that are very similar to us we rank in the bottom 10% of just about everyone; that it seems like the opinions of the consultants (report is on the web site), and to everybody here, that it speaks volumes, personally. He said that, in the Underwood report, it states, “Infrastructure and improvements must be completed by March 31, 2014, within 5 years of the date of approval of the TIF District, as required by the State of Maine.” He added that we’re obviously past that deadline.

**7:01 PM** Mr. Pomerleau said that that was repealed by the legislature.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

The same member said that that was good to here; that right now we don't have any deadline on spending the money, kind of open-ended; that that gives us some leeway. He said that he wanted to thank the people on the TIF Committee for their hard work. He asked if we have a rough cost estimate on what it would cost to get the consultant that the Committee is looking for to get opinions on how to move forward.

**7:02 PM** Mr. Lee said that we do not.

Ms. Duvall said that we requested a part-time planner, asking what the interest was on the \$3 million.

Mr. Lee said that, as of this year, we have \$2.5 million sitting in the account and, at the end of this year another \$550,000 to \$560,000 will go into that account; that we will have \$3.1 million at the end of this fiscal year.

Ms. Duvall said that that generates interest every year and we just want to use a portion of that interest, alone.

**7:03 PM** The same member said that you are probably looking at \$40,000 to \$50,000, ballpark range.

Ms. Duvall said that she thought a part-time planner would be less than that.

The same member said that he thought that might be a reasonable way to pursue this, to go ahead and hire a planner to see if that would make some clarity and give some suggestions or judgements; to get a professional opinion and maybe have them double-check the engineering from the consulting report that seems to judge that doing sewer is a good idea, have them verify that with a second opinion; that it seems like a good way to proceed to hire a planner.

Ms. Davis said that, if there are no further questions from the Board, we will move on to the next item on the agenda.

**7:04 PM** Mr. (Jim) Tessier, Johnson Lane, said that the Committee has done a tremendous job and put an awful lot of time and effort and they came to you (SB) asking you if you would consider hiring a planner. He asked if the SB was even going to address that topic.

Ms. Davis said that, speaking for herself and she will put this before the Board, she would like time for consideration after hearing what was said this evening. She asked the SB if she could achieve some kind of consensus or do you want to make a motion.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Mr. Fernald moved, second by Mr. Murphy, that the Select Board hire a planner to be paid for by TIF funds.

**DISCUSSION**

Mr. Pomerleau said that he was going to oppose this motion; that it isn't needed right now. He added that the process of recruiting and deciding what kind of position – full-time/part-time consultant – would set this whole TIF Alternative progress back six months to a year. He said that he firmly didn't believe we need a planner; that we do need a consultant and that would be our TIF attorney, who helped draft the original document. He added that, once the list of alternatives is put together and someone like that could pull together a presentation, which is the blueprint for later implementation and those details; that he is not going to support a planner, at this point.

**7:05 PM** Ms. Davis said that, looking back at the early paperwork for the creation of this Committee, one of the bullet items on their mission statement was to create a short list of the best projects to pursue immediately for legal review and engineering” and also to develop a proposed timeline leading to a Town-wide vote, including milestone dates and draft hearing input and informational sessions.” She added that she didn't believe, at this point in time, we have achieved that, so, she would like to take this under further consideration and would not be able to support a planner, at this time. She also added that, if we're going to go in that direction, we need to come in with some ideas for, specifically in writing, what the planner's mission would be and some kind of potential cost for that; that whereas she couldn't support it tonight, she would be willing to look at something further down the road.

**7:06 PM** Mr. (Russ) McMullen said that these wonderful folks put up a lot of hot air and a lot of hot water, asking if you would please ask for a show of hands of how many people in this audience would like to see the Town hire a planner to assist in making this thing go forward in a professional manner. He reiterated his question; that he's not asking for a vote, he's just asking for a consensus of what you think these people here would like.

Ms. Saurman said that you've set that precedent, already, tonight.

Mr. McMullen said that this is the public you are representing, asking the SB to find out what they think.

**7:07 PM** Ms. Davis said that, certainly, we can enter that into the minutes but it is the SB that will be making the final decision, asking for all in favor of hiring a planner.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

There were several comments made by the audience frustrated by the process.

Ms. Davis said that she thought we'd said enough, this evening; that it could be entered into the minutes that a majority are in favor of hiring a planner; that we will certainly take that into consideration if this vote does not approve a planner this evening.

DISCUSSION ENDED

**7:08 PM      Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – No**

**Mr. Pomerleau – No**

**The motion fails.**

Mr. Fisher said that since they have one person missing on this and it's a tie vote, two that don't want to hire the person and two that do; that he thought it would be nice to have a good show of hands so that we can tell the two that made the decision not to hire one can actually see that they are voting against what the public wants them to know; that he thought that would be a good thing to do.

There was clapping in the audience.

Ms. Davis said that the Board would have a quorum with three members and we have four tonight; the motion fails.

**F.      Public Comment:**

**7:09 PM      1) Items Not on the Agenda**

Ms. Davis asked if there was anyone wishing to speak on anything that is not on the agenda.

Ms. Saurman said that she was very concerned; that, in fact, she was kind of surprised, earlier in the meeting, when you (SB) asked for a show of hands; that she was curious if you were going to do that every single time – you set a precedent this evening – a decision you folks have to make, are you going to ask the people who took the time to come out to do a show of hands. She added that Ms. Davis set a precedent; that she didn't know why you did it but you did it, and you may want to think about that in how the rest of the meeting is conducted.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**7:10 PM** Ms. Davis said that she believed it was within the discretion of the Chair to do so and, if the public is not interested in participating when requested, then you may certainly make your wishes known at that time. She asked if there was somebody else that would like to address something that is not on tonight's agenda.

Mr. (Charles) Bradstreet (resident), Dixon Avenue, asked what the procedure was in the Charter for Article 7, §11 on a recall; do we need to notify you, personally, or is this something we do on our own.

Ms. Davis said that she believes it requires a petition.

Mr. Bradstreet said it takes a petition and, he believes, five members to be on a committee for that recall.

**7:11 PM** Ms. Davis said that she didn't know; that we would have to request that information.

Mr. Bradstreet asked if he had five members who would like to join him.

Several members of the audience said yes.

A member of the audience asked where he could find a copy of the public participation policy.

Mr. Lee said that he has that and can call his office for that.

**7:13 PM** Mr. (Richard) Donhauser, Goodwin Road, said that he has lived here for 46 years and was the Town Auditor for, probably, 14 years, just before the current auditor; that he actually has three specific questions for Mr. Pomerleau and the first one requires a two-part answer. He said that Mr. Pomerleau has stated publicly on the local EliotOnline chat forum, as well as writing an editorial submission to the local press August 10<sup>th</sup> and he wanted to quote what Mr. Pomerleau said, "The undisputed fact with data presented by the Maine Revenue Service is that it takes \$200 million of development value to impact the property taxes by \$200. The level of growth will most definitely come with related municipal increased costs, costs that are typically at a ratio of 95 cents for every dollar of revenue." He said that what Mr. Pomerleau is suggesting is that \$200 million to do \$200 for a State refund on your tax return; that he said that that was undisputed and he disputes that. He added that his specific questions is, if you take the compressor station that is currently in the TIF, and it is the largest asset in the TIF, the assessed value is \$36,468 million and some change; that the result in real estate tax, if you apply our mil rate at \$14.05, is \$512,382. He said that, this morning, he asked the Town Assessor how many tax bills would be sent out and she told him there were 3,155 tax bills, reminding people that Mr. Pomerleau said it was \$220 million to save

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

\$200; that with the compressor in our TIF at \$36 million, if you divide 3,155 tax bills into the \$512,382 in taxes that the compressor station is generating, you would actually save \$162 on just \$36 million. He added that, if you apply the tax rate on \$200 million on our current mil rate, the resulting tax revenue is \$2.2 million, \$800,000 and, if you divide 3,155 tax bills into that, you'd actually save \$890; so, his question is how Mr. Pomerleau, do you state online in our public chat and also in the local media...how do you reconcile telling the public and our citizens of the Town of Eliot that it takes \$200 million to save \$200 on my tax bill.

**7:16 PM** Mr. Pomerleau said that he has the Maine Revenue spreadsheet and all he has to do is plug in the revenue and it tells you exactly what the tax is back; that all your calculations were not considering the tax sheltering; that 75% of all that revenue is gone and what's left is what impacts the local tax rate. He added that the original \$36 million was the original amount Maine Revenue Service said right at the Regatta and was in the Board of Selectmen's newsletter regarding that very amount that, in the absence of a TIF, it would save the average tax bill about \$36.

**7:17 PM** Mr. Donhauser said that he was anticipating that response and he also has that spreadsheet here; that that spreadsheet actually shows, with our TIF, that it saves \$711 per person, and he has that spreadsheet here; that he would provide that to you for your information. For his second question he said that there's been a lot of discussion regarding changing the TIF District to achieve other goals perhaps more suitable to our community, and he encourages exploration of these ideas and alternatives, providing infrastructure, or sewer, to the Village area to stimulate growth in that area of Town; that that is one of the suggested changes or alternatives. He said that his question to Mr. Pomerleau is, "If you build it, will they come to the Village area?"; that this is the precise criticism put forth by the opponents of the current TIF District on the Route 236 corridor, which is currently Commercial/Industrial. He asked if this infrastructure work that is going to take the sewer downtown, will that in some magical way, to the Town center, create economic development and how do you reconcile them coming to the Village area or Eliot Commons on the Route 236 corridor; that you are saying, on one hand, they won't if you develop the TIF and spend the money on sewer for infrastructure, you're saying, "Will they come?"; that he's asking Mr. Pomerleau if they will come to the Town center.

**7:18 PM** Mr. Pomerleau said that that's precisely what the planning process is all about...

There were several comments from the audience.

Mr. Pomerleau said the information stage; that that's when that will be done and that fits in precisely with Eliot's Comprehensive Plan to develop a Village

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

district; that it wasn't his idea, it's a direct quote right from the Comprehensive Plan to develop a village center with small mom-and-pop shops. He added that, obviously, it's not going to be a financial, competitive machine who have bought on Route 236 but it is more in line with what the citizens want – a rural atmosphere, nice village area, along the way we could put a sewer connection, which is part of the Comprehensive Plan, down into that zone, which would be a great beneficial asset for future issues along that river.

**7:20 PM** Mr. Donhauser said that his third question for Mr. Pomerleau was that, as an elected official acting, presumably, on behalf of all the residents here, and who live in Town, his expectation as a resident of that community is that only accurate and impartial information be presented to the public. He added that, clearly, the \$200 million fabricated number resulting in a \$200 increase in his real estate tax is, at best, misleading, and at worst, deceitful. He asked Mr. Pomerleau if he represented all of us in our community or just those who agree with him with his either uninformed, or misinformed, and/or personal agenda.

**7:21 PM** Mr. Pomerleau said that nobody is capable of making everybody in the community happy; that this issue has been voted on four times and, clearly, his views are consistent with those of the majority of the voters and this time on every occasion. He added that if you have some magic way that you can convince this Town on this issue and represent everybody, he would love to hear it. He added that, when it comes to deceitful information, Mr. Donhauser was on the original TIF Committee and you made a presentation built on the Comprehensive Plan and your pitch to the community if they passed this TIF was that you absolutely guaranteed taxes would go up from the compressor station if we didn't pass the TIF; that that was totally misleading.

Mr. Donhauser said that he didn't really recall that; however, he does believe that taxes in Eliot would go up if we did not have the TIF. He added that he can say, as an accountant, as a CPA, and an auditor of the Town of Eliot for a number of years, that the TIF is a good deal for the Town of Eliot; that it is a good deal for people on Route 236 without a doubt but, do people become unjustly rich because you run sewer down there, not particularly; that the value of the property will go up, however, when the sewer runs by that personal property, they have to pay an impact fee, so, there is an immediate cost to the personal owner and, then, they have to hook in and pay a hook-in fee; that not only that, they have to build a building and the Town doesn't participate in that; that that's the risk of the developer. He said that he is telling them that there are four areas where we save money every time we keep that TIF alive; that, by the way, he believes the project was projected to be around \$6 million and we have \$3 million in the TIF fund this year; that in ten years we could have paid this thing off and, now, here we are seven years later fighting. He added that he didn't really care whether the sewer

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

runs up and down Route 236, or not, to be honest but he is telling them that the TIF is a very, very good deal because you save the money, the tax, the State reimbursement for education; that when we send our money off to the State, they reimburse us for State education; that when we leave that \$38 million, or whatever the TIF is, on top of our assessment that value will go down and we would receive less State aid. He asked where people thought the State aid for education would come from, it will come out of your pocket; that, yes, your taxes will go up if we eliminate this TIF.

**7:23 PM** Mr. Pomerleau said that that absolutely defies everything we know; that 75% of those TIF monies are sheltered and that means, without the sheltering, 25% of it is left over; that terminating the TIF would reduce your school funding allotted, reduce your revenue sharing, and it would increase the Town tax. He added that the net effect from those losses is the whole \$500,000 goes into the general fund and those losses come out of it; that today, if that TIF were terminated, it would be a net increase of the general fund of \$125,000 and there is no way that would cause your taxes to go up. He asked if that were true, why in the world would anybody develop; that if developing more was going to cost you higher taxes, why would you do it.

**7:25 PM** Mr. McMullen said that he had prepared a statement for tonight that addressed a lot of the issues that a lot of people, here, are really not aware of; that he isn't going to do it because the Chairman doesn't want it done but he did serve on the Comprehensive Plan Committee for over two years; that he was actually the author of all the language written in the Comprehensive Plan regarding all real estate changes, commercial and residential. He said that you have to understand that the Comprehensive Plan was a very complicated committee; that it was 16 people and not everybody was on the same side but, when we approved the language for the commercial and residential changes in the Comprehensive Plan, we had the 16-party vote yes; that there wasn't a question in the house that the benefit was there for the Townspeople. He added that he also served on the TIF Committee with Mr. Donhauser, he did a wonderful job as Chairman, he had a tremendous background and knowledge of the Town of Eliot because he has audited books here for 14 years; that he trusts this man's judgement and have known him for many years. He said that he would like to discuss something that he is personally upset with; that on May 16, 2016 a member of the EliotOnline forum asked a question concerning an article in the Portsmouth Herald reporting on a business developer, meaning himself; that he writes, "I was reading this article and I saw this quote "Business Development Committee member Russell McMullen told attendees people want sewer and water on Route 236 but not large buildings." I find it hard to believe this is true after being voted down three times." He asked a question, "Is this true that people want sewer and water on Route 236?" He added that Mr. Pomerlau said, "No, Jason, it's not true. It's just a

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

deceptive spin of a survey that was done on the TIF Alternative Committee and he then stated, "Consider the source." He said that he would ask Mr. Pomerleau to answer what is considered the source.

**7:27 PM** Mr. Pomerleau said that 'consider the source' means 'consider the source'.

Mr. McMullen said that you are so disrespectful to the crowd tonight. He said that since this was put down directly at himself, he would like Mr. Pomerleau to explain that but, obviously, he isn't going to. He added that the real crux of this is that he falsified information to this gentleman. He said that the survey very clearly...and by the way he has every survey, all the answers, everything here...every time a taxpayer was asked what they want for economic development, they stated that sewer and water were the highest vote and they wanted it on Route 236 to create jobs; that Route 236 is the place to do this. He said that Mr. Pomerleau told this gentleman that Mr. McMullen was full of whatever; as a Selectman and as a person, he has served on a board that Mr. Pomerleau absolutely flabbergasted him; that he doesn't feel you should be a Selectman representing the whole Town.

**7:29 PM** Ms. Davis said that we will confine ourselves to the issues and we will not talk about Selectmen tonight; that if you have a problem please submit it in writing.

A member of the audience said that Mr. Pomerleau quoted four times voted down the TIF, they did; that back in the 1960's, we voted down zoning he doesn't know how many times, and we now have zoning; that you read through the Comprehensive Plan, it was thorough, we now have the decent economics.

**7:30 PM** Ms. (Melissa) Horner, Alden Lane, said that she does have sewer. She said that she wanted to speak this evening, publicly, for those of you not on EliotOnline, that she takes quite a verbal lashing from members of this Board sitting in front of her; that the reason she is speaking up this evening is to bring something to the attention of the entire public, video-streaming, and for the minutes. She said that, two days ago, Selectman Pomerleau wrote publicly "the undisputed fact that was represented by Maine Revenue Service that it takes \$200 million of development value to impact our property tax by \$200"; not only does Mr. Donhauser dispute this, she disputes this, and so does the gentleman who gave the presentation that evening, Mr. Michael Rogers (Maine Revenue Service); that she spoke with him, personally, last week and he gave her verbal consent to say publicly, on his behalf, that the numbers you have been parading around for years as truth are not the truth; that they are an extreme oversimplification of the presentation and there is no way to adequately boil down the numbers in the manner that you have presented them. She added that there are also a few emails through EliotOnline stating that this was actually fact from the Maine Revenue Service but she has

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

actually taken an email from the State as stating that we calculated these numbers to be worth as much as they shared, which is \$200 million; that she also has a spreadsheet from the Maine State Revenue Service and she played around with it, too, and she isn't a CPA and actually came up with \$711, as well, based on adding \$200 million of development in the TIF District. She said that she just wanted to publicly warn people that are blindly following members of this Board down the path of un-factual information and things that they are calculating in their own living room.

**7:32 PM            2) Correspondence – Roberta Place, et al – Request for TIF Funding of Sewer**

Mr. Lee said that Ms. Place and five others sent a letter saying, "We qualified voters request that the Select Board place an article on the Town Warrant at a special town meeting. The Article shall be for the Town of Eliot to vote on the existing TIF agreement signed by the State of Maine and the Town of Eliot to expand the sewer on Route 236 through the existing aging sewer system."

Ms. Davis said that she would like to poll the members this evening and find out if this is a topic they wish to take up at this meeting.

Mr. Pomerlau, Mr. Fernald, and Mr. Murphy all said yes.

**7:33 PM            Mr. Fernald said that he understood that you have a certain number of signatures on your letter; however, as a Selectman, he will tell her (Ms. Place) right up front that the TIF has failed four times and he looks at it this way – he's supposed to represent the whole Town and the Town voted the TIF down. He added that the only way he is going to vote to re-establish that TIF is if you come up with the correct number of signatures on a petition and force the issue.**

The question was asked as to what the correct number was that was needed. It was determined that that number was 314.

Mr. Murphy said that he was part of the original TIF plan and it has always bothered him that its value was not recognized by citizens who were voting against it. He added that we worked very carefully and we had to work very fast in order to preserve that new value - \$35 million; that because we were delayed in starting that we lost even the initial building – somewhere around \$200,000 to \$300,000 had already been spent in building the building, so, we captured only the last \$35 million of the assessed value. He said that the one thing that we thought was, on this, was that the most expensive costs in Town for doing anything to improve the Town is the infrastructure, so, instead of trying to decide what size buildings we wanted, etc. we said that no matter what gets built, anywhere in Town was going to require basic infrastructure – sewer and water or

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

electricity or gas – and that leaves sewer and water; that there could be no question about the need for that in a C/I Zone which the Town had to set up, by statute, when we adopted zoning. He said that we have had sitting out there for 30 years, or so, a C/I Zone, which could go nowhere and was just built on back pastures and forest and so forth; that the railroad through Town was abandoned and the State picked it up for a major highway and, suddenly, we had all this road frontage and the Town decided to adopt that area as the C/I Zone, where no one was living. He added that we preserved and protected Goodwin Road and State Road and River Road; that those would now, at last, be free of all the commercial and navy yard traffic, which could go down Route 236. He said that you might not remember that the first C/I Zone began at the Kittery Line and went all the way to the South Berwick Line, 250 feet on either side of the new Route 236 but wound up with what we have now as our C/I Zone, asking what have we done to assist that C/I Zone; that he doesn't think the Town has done anything to support that C/I Zone. He said that businesses that get out there rely on septic systems, describing Mr. Lang's multi-unit business park, as an example, with 20 to 30 small, start-ups in one building that are relying on wells and septic systems when they ought to have Town water and sewer. He explained that this was part of the idea when the TIF commission first got set up; that there were 10 people on that of a whole, wide range of Eliot citizens that were part of that thinking. He said to do this was to allow the expensive thing, which is very difficult for a town to do on its own, and get sewer and water along there and, then, let whoever wants to come decide what the building is going to be, what the purpose is going to be, so long as it's with development of plans and the Planning Board; that we didn't have time to decide all the prettinesses of the little things because so much of this money was going to be needed to buy this expensive infrastructure along Route 236. He added that having a new pump station to collect all that would be the basis for accepting future needs, as they developed along the river, for ordinary housing development, or Marshwood High School (now Middle School), which still treats its septic outflow and puts it into Sturgeon Marsh, which becomes Sturgeon Creek. He said that he doesn't know how often Sturgeon Creek is tested and thinks it's something the Town should have a program for. He added that he is in favor of the Town, once again, calmly looking at what is the best use, the most expensive use, the most useful use, and there are many directions possible; that you've got to have sewer and water. He said that that's where we were when we set up the TIF and that's where we still are. He reiterated that he was in favor of this and to get the petition going, encouraging people to find the 314 signatures.

**7:41 PM**

Mr. Pomerleau said that we've voted on this four times, knowing that it failed each time with a greater margin; that the Town's decision on this is quite clear that the citizens do not want a sewer expansion on Route 236. He added that our

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

first obligation in that Charter is to execute the will of the people and that's what he intends to do.

**7:42 PM** Ms. Davis said that it is disappointing to hear some of the contentions tonight that there has been misinformation without actually backing it up with documentation. She added that she was at the Maine Revenue Service presentation that was given by Mr. Rogers and, for every dollar that the Town earns in assessment, the State reduces our school funding by 75 cents so the Town only receives 25 cents of every additional assessment. She said that what she would like to do is to see if she can get a consensus from the Board that we follow up with Mr. Rogers at the Maine Revenue Service and we'll put the answer on a future agenda.

There was consensus of the Board to follow up with Mr. Rogers.

Ms. (Roberta) Place, Spring Lane, said that she wrote the letter in accordance with the new Charter because that was the procedure that was to be followed; that she understands Mr. Pomerleau's feeling on that, however, the sewer expansion project on Route 236 she would like placed on a ballot at a special Town meeting to, first, fulfill the original intent of the TIF, which is to encourage economic development on Route 236 and broaden the tax base for the Town and, secondly, to pay the needed repairs to the South Eliot sewer system, relieving the sewer users of an enormous financial burden and the Town of any further expense. She added that the State has made it abundantly clear that the problem is serious and demands immediate attention; that according to Ms. Davis the Town has received notification from the DEP stating that they are monitoring the situation, asking how much more serious does it need to get. She said that she certainly acknowledges that there may be other uses for the TIF money but shouldn't what is obviously needed for the good of the whole Town take precedence over things that are wanted; that according to the survey done by the TIF Alternative Committee, the citizens in Eliot want water and sewer on Route 236 and economic development. She added that the sewer reconsideration and adoption of the Route 236 expansion project will alleviate the immediate threat and prepare the Town to handle future problems, such as the sewer for this building. She said that she can see no downside to bringing this to another vote and feel the citizens of South Eliot certainly deserve another chance, especially now that we are aware of the dangers of ignoring the aging system.

**7:46 PM** Ms. (Nancy) Shapleigh, Sandy Hill Lane, said that one thing she would like to comment on is whether there would be business out on Route 236. She added that she's been a broker, and is the oldest broker in Town (44 years), and the one thing that happens when you have a piece of land on Route 236, is they ask if you have sewer and water, and they go away because we don't have sewer and water; that they will come, if we do that, and that's from her 44 years of experience. She said

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

that she worked with Ms. Place on the letter; that she feels that we are in a position like somebody that won a megabucks ticket; that we have all this money and we can make the people in South Eliot, and the sewer system, whole without hurting anybody else in Town; that that money belongs to everybody in Town to do it and putting in the sewer will help them, and keep them out of trouble, because she is sure that some of those people will not be able to afford the repairs. She urged everybody to put aside "I have my own septic system. I have to fix it"; that we'll all have to fix it on septic systems, or whatever, if we have a spill that goes down into the creek that runs to the river, or goes into Spinney Creek; that there's a shellfish company on Spinney Creek, right now, and it won't take much to put them out of business and, then, we'll have a law suit there. She said that, as taxpayers, she thinks we are very foolish if we don't do this because she cannot see the DEP or the EPA taking any excuses when we have almost \$3 million in the bank – we can fix it, we should fix it.

**7:48 PM** Ms. (Sally) Lewin said that many of you know she was their representative in the legislature and she was here for the TIF meetings, almost all of them and she has seen an absolute fiasco develop out of which should have been a very straightforward thing; that all we were asking on the last four votes, which the Town turned down, and she believes they turned it down largely based on those nasty, little green sheets that were in the Sentinel and all over Town; that they were erroneous, they were not factual, they were other people's point of view who did not want this TIF to happen. She added that she appreciates that Mr. Fisher has supported this because, initially, he did not; that he saw the light. She added that there are two people that are sitting at that Selectmen's table, tonight, who are there for the right reasons, and that is to serve all of the public, not just the ones that they care about. She said that the other two she heard the word 'recall' and that made her a truly happy girl; that she thinks it's absolutely appalling that Mr. Pomerleau casts forth aspersions on people's character and never, ever steps up with the numbers he says he did...and Ms. Davis, Chair, a second sewer committee; one wasn't enough, we really needed another...really. She added that we have numerous reports, and the last report, she believes, agreed with all the other reports; so, she is absolutely stunned that we are behaving like this is a Chinese fire drill. She said that people got bad information; that she would urge every one of you to take anything you get that does not have a name signed to it and throw it in the trash because you are going to get information that is not accurate or good. She added that those green sheets caused the votes to be 'no' votes, if people voted for this. She said it is much to the best interest to this Town to do this and we can't just go willy-nilly go spend the money as we bloody well please; that there are procedures that have to happen; that we have great cost benefits to the Town for having done the TIF as far as it went. She said that all we needed you to do, for those who don't get out and vote or voted no because of something they read, all we needed was permission to begin the first phase of the

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

project and pay for it; that, then, they would come to you again, as a body, and pay for the second phase of the project. She added that we're already sitting on almost \$3 million and it will be \$3 million before the end of the year; that we have a Chairman of this Board who would like to charge every sewer person that's on that sewer \$2,600; that she doesn't know about the rest of you folks but she doesn't have \$2,600 (clapping prevented the speaker from being heard) behooves you to know who it is that's giving you information and she can tell you that Mr. Murphy has done a right thing the whole time he's there and so has Mr. Fernald; that they are true and honorable public servants. She said that, the other two, she's seen them try to manipulate things and they did manipulate four votes. She added that we need to vote to do this and we need to do it right away.

**7:52 PM** Ms. Duval said that Ms. Shapleigh said that she's been a broker a long time in this Town and what she hears all the time is that people want sewer down Route 236; that whether or not that's true, she could disagree with that, but her point is that \$3 million will not bring a sewer down Route 236. She added that it's your money and, if you want to use the TIF to do it, we're going to have to build-stop, build-stop, build-stop and it will take 20 years before we finish that project using a half a million dollars a year. She said that nobody is talking about the reality that \$3 million does not solve building the sewer down Route 236.

**7:53 PM** Ms. Shapleigh said that the income from the TIF would pay for a bond.

Ms. Duval said that the income from the TIF is around \$200,000.

Ms. Saurman said that she didn't know if this was the right time in the meeting agenda because, frankly, she thinks this meeting has just gone in ways that are hard to understand. She added that she did want to point out that, on a letter that Ms. Davis wrote to her fellow Selectmen dated June 20, 2016, and this is the same letter you quoted making the 641 sewer users responsible for the \$2,650, she stated, "Given all the facts, the history of warnings from staff, and the discussion at the last Sewer Committee meeting, this Board cannot afford to delay action without assuming responsibility for potentially negative and expensive outcome if the aging system fails." She added that her question to Ms. Davis, with those words, is that it sure sounds like you are agreeing that the Board, meaning the Town, would be responsible if this system fails but you are not willing to acknowledge that you are responsible now that it's working; that those are your words – that if it fails we're going to be responsible, so, how can you be responsible for half a situation and not the other; that this sewer is part of our Town or it isn't. She said that she would have a real curiosity about your wanting to accept...to acknowledging you'll accept half the responsibility if it breaks but you don't want to assume any responsibility if it's working; that if it works it's ours and if it breaks they'll pay for it.

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

- 7:55 PM** Mr. (Ed) Strong, State Road, said that the only request he would have is that, if this does go out to vote, again, that it not be done at a special town meeting, it be done on voters day and it be done by secret ballot; that that's the only way it's fair to all the people of the Town.
- 7:56 PM** Mr. (Ray) Faulkner, Maple Avenue, said that he's lived in South Eliot since 1978 and prior to the original sewer being constructed; that his understanding is that, if the pump stations fail, then the Town is in a serious problem; that, unless we have working pumping stations, there are no other expansions of the sewer system that would take place, so, it would seem to him that we ought to go ahead and repair the pumping stations. He added that the Town was ordered to install this sewer system by the federal government and, if the Town had not done that, we would have been liable for fines and penalties – the Town, the taxpayers; that, therefore, the people on the sewer system saved the Town from those penalties. He said that he had a septic system back then and he didn't need to go on the sewer system, but, a sewer system only serving those that had failing systems or overboard discharges, would not be economically feasible, therefore, he is on the system. He said that, without funding, at this point in time, if it fails and we are assessed fines and penalties, the Town pays the fines and penalties, all the taxpayers. He added that, if that's the case, why put the burden of the repairs on the people on the sewer system; that, if it fails, the Town is responsible. He said that he didn't see why certain of the TIF monies could not be used to upgrade the pumping stations because it would be necessary at some point in time, anyway. He added that, if we go through the practice of having those that benefit from something pay for it then why don't we have the students in the schools pay to maintain the schools; that recently we installed storm drains on Pleasant Street, through Dixon and Main Street, asking if just the houses there pay for the storm drains – no, it was part of the Town infrastructure; that he thinks the sewer system has to be looked upon that way.
- 7:58 PM** Mr. Lee said that he wanted to clarify regarding legal advice we got about fines. He explained that, if we got fined, if there was an overboard discharge and we got fined, it is true that the Town would receive the bill; that it is also true, however, that it would be within the Selectmen's authority to decide which fund is going to pay; that, if they so decided, the fine may be paid, also, by the sewer fund. He added that how to pay for it is up to us, locally, according to the attorney; that the EPA and DEP don't care where the money comes from; that it will come out of this Town and they can take it out of any pool they want – contingency, cash balance, or, they could say this is a sewer user problem and the fine could hit the 641 people.
- 7:59 PM** A member of the audience said that, as far as the petition, he would be happy to take signatures; that we could get a piece of paper and do it right now.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Mr. Lee said that, if indeed you want to do a petition, the most important thing you should do is talk with our Town Clerk; that she will tell you how to specifically do it, and so forth. He added that he would hate to see somebody go out, get a petition going, and do it wrong from the get-go, reiterating to get information from the Town Clerk on the petition process, up front.

**8:00 PM** Mr. Fisher said that he brought up the subject of using the Route 236 sewer system and discussed the three phases he earlier put out in front of the people, emphasizing that we don't have to spend the money all at once but do it in phases; that there would always be some money left in the TIF doing it that way.

A member of the audience asked who owns the water; is it the Kittery Water Department and we just get it from them; that we have no control over where it goes or how it goes, other than we can ask for it.

A member of the audience said that he had a quick question that he would like clarification on, specifically from Mr. Pomerleau and Ms. Davis. He said that, going back to your June 20<sup>th</sup> letter to the Board of Selectmen, he gets the impression that, and not trying to put words in your mouth, at the last Sewer Committee meeting is that Ms. Davis and Mr. Pomerleau are in agreement that, if we do not get a bond passed in November, that you would be implementing the cost and doing the sewer upgrade; that the \$2,650 would basically be taken from the sewer users as a special assessment, asking if that was her intention.

**8:02 PM** Mr. Lee confirmed he was correct.

**8:03 PM** Ms. Davis said that we will be discussing the first phase of this when Mr. Pratt comes up here. She added that the bottom line is that we had four attempts to pass the TIF, three attempts to pass a bond; that it's the Selectmen's responsibility to make sure that the sewer system stays functional; that we are out of options. She added that the only recourse that we have is to start this and to charge, by statute, those who are responsible to maintain the sewer system. She said that, if it was a septic system, that septic user would have to replace that system; that this is a sewer system and the sewer users need to replace and make it functional. She explained that the two ways to go about these charges are that we can do it in one lump sum, and \$2,650 is just straight division and it wouldn't necessarily be that much because we are going to cover that later...your two choices are this – spread it out over a bond and make it considerably less painful, rates have already been raised in order to have enough money for a contingency problem, in the meantime, while we are looking at engineering design; that if we pass a bond, users are not going to be looking at any, or much, of an increase over what they're paying right now.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**8:05 PM** The same audience member said that he assumed this would be a five-person vote, two voted for and two against and that wouldn't take place if we didn't get a bond passed in November and it was a dead-lock; of course, it wouldn't be because by that time we'll have a new Select person.

Ms. Davis said that the Select Board, by statute, responsible to make this functional, so, if we come in to a meeting in November and no bond has been passed, it would be highly irresponsible of this Board to not proceed with a charge directly to the sewer users.

There were several comments made by the audience.

**8:06 PM** The same audience member thanked Ms. Davis for her clarification on that. He added that he just wanted to say that \$2,650 is an enormous amount of money; that something that just came out is that 63% of the American populace generally cannot afford a \$500 emergency so any amount five times that would really put some people in some really dire straits. He added that he thinks that everybody agrees that the sewer obviously needs to be fixed, or upgraded and updated, and then get to working. He discussed the liability for Spinney Creek, saying that he spoke with Ms. Howell (Spinney Creek Shellfish) and she said that if anything leaked into that the EPA shuts it down for a minimum of three weeks; that she has between 15 and 21 working there at any time during the summer so that would put at least 15 people, almost all Eliot residents, out of work; that as a potential liability, he would be hard-pressed, with the legal aspect of that, to see that all impressed upon just the sewer users; that he thought a legal case would be pretty bad. He added that he would like to present something to the Board of Selectmen as an alternative view; that he personally would like to see the TIF money used for the sewer but, in absence of that, he would like to see a second bond put on the ballot, passing paperwork to the Board, explaining that it is a split division of the money and the cost to the non-sewer users, asking for a little compassion on this, would be \$9.90 a year so, just think of your neighbor who is potentially going to take a \$2,650 hit; that that could put him in bankruptcy, if they get an assessment on their house, it could be a foreclosure; that he understood and appreciated the non-sewer users might not want to contribute to this but he thinks there's an obvious benefit to the community. He added that, for the sewer users, the cost would be \$90.86 a year; not a huge amount of money but it gets it done. He said that he spoke with Joel (Mr. Moulton?) and ran the numbers through the actuarial tables and is based on a \$1.7 million bond over a 20-year time; that he thinks it's a responsible choice just to get something done so that, in the springtime, he's a sewer user and he doesn't want to get hit with a \$2,650 bill. He said that he thinks a 9 to 1 division cost for getting the sewer done is in everyone's best interest.

**8:09 PM**      **3) Correspondence – Larry Gaudreau – Sewer Concerns**

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Mr. Lee said that a second letter was submitted by Mr. Larry Gaudreau and read it to the public.

Several in the audience asked if that was legal to do.

Ms. Davis said, by Town ordinance and Maine State statute; that it is not only legal but we are responsible to do it.

**G. Public Works**

**8:12 PM 1) Sewer Assessment Fee Models**

Mr. (Keith) Pratt, Underwood Engineers, said that they have been involved in the wastewater system for a while, now; that we did do a rate adjustment and the intent of that adjustment was to cover the debt service for the anticipated improvements bond, a majority portion of it –around 75% to 80%; that that rate increase has allowed some funds to start accumulating. He added that, when we met with the Board last, the Board agreed that they wanted to proceed with the design to take some time off the clock, get the design done and, while the design is being done, we could sort out how to pay for it. He said that the question came up on how to fund the design; that the rationale was to try to keep the reserves up to see if there was any way we could use some of the reserves to help fund the design in the event that some of the money that was raised for the debt service isn't needed, yet; that what we took back was to try to maintain the level of reserves because we still have both stations that we need to maintain and, then, look at whatever we can get out of the reserves, fund the design, and, then, a certain balance might be put on a special assessment. He said that one of the options we suggested, and there are several ways to do this, that to maintain the levels that exist and look at the cash-flow of the work that is going to take place for the next six months for the design, we could probably take \$50,000 out of the reserve, with the suggestion that the balance could be raised by special assessment; in that way, the reserve accounts are staying flat or level. He said that a special assessment to fund the design, on a typical user, would be \$73, or could be divided between two bills.

**8:15 PM** Ms. Davis said that the reason we accumulated this reserve account was in case we have some type of a mishap, asking if we took \$50,000 out how much would be left and would that potentially be enough to cover a problem.

Mr. Pratt said that it's going to take 5 to 6 months just to do the design; so, the cash-flow is going to essentially match what we think the revenue is going to be; that when we picked the \$50,000 number, it would keep the reserves flat; that we

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

wouldn't be drawing out of it because of the way the cash-flow would be coming in.

**8:16 PM** Ms. Davis asked, if you start design immediately, you mentioned in your ESR that you would be billing monthly, asking if we are going to have enough, then, to start drawing...to pay those expenses before any risk.

Mr. Pratt said yes.

Mr. Fernald said, just so these people know exactly the amount, it is \$99,000 (could not hear what he said).

Ms. Davis said that half of it will come from direct assessment of sewer fees at the next billing quarter and we can decide to sort that out between two billing quarters; that then half would come from the reserve account.

Mr. Fernald said that every sewer user would be charged \$73 one time.

Mr. Pratt said yes.

**8:18 PM** A member of the audience said that we were told when the rates doubled back in 1989 that money was going to be escrowed for maintenance of the sewer system, asking why this money wasn't escrowed.

Mr. Pratt said that, also, one of the things the Town has asked us to do, when we look at the rates, we've started, and he can tell people there is money put into reserves now; that he can only speak to the rate models and recommendations we've made over the last three years and he can tell them what is going into the sewer fund today. He said that the budget that was recommended by the Board when they supported this rate adjustment, it puts \$70,000/year into the reserves just for those purposes; that that started, maybe, a year, or two, ago.

**8:19 PM** Mr. Lee said that, in the past, decisions were made that the rates were adequate and that they didn't want to burden the sewer users with rate increases and the system should be fine; that it was not viewed as something that should be done, wasn't an emergency, was viewed as not being necessary for quite a number of years.

The same audience member said that, in 1989 when the rates doubled, we had this exact same meeting based on this exact same thing, and we were told it was going to be escrowed; that that's why they doubled the rates in one year; when nothing else went up that year, we were in the middle of a recession, but the sewer rates doubled. She asked, again, where the money went and who was responsible if,

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

now, all these poor decisions were made, time and time again, why do you expect only the sewer owners, who did not have a say in those decisions, why do you expect us to bear the burden of the cost of those decisions. Regarding the septic issue, she has paid, gallon in and gallon out, she has paid year after year for over 30 years. She added that that money was mismanaged and we should not be assessed for \$2,650 for something we didn't have a right to vote on, originally, how the money was going to be spent, we don't have a right to vote now, why are you assessing the people versus the hook-up; that new people in Town haven't even touched the sewer, but they owe \$2,650; that people have already paid \$25,000 over the years, they owe \$2,650; that it's inequitable.

**8:20 PM** Ms. Davis said that \$2,650 is the absolute emergency contingency plan to fix the sewer.

The same audience member said that that was what the Town owed, not the sewer users, the Town, everybody. She added that you are opening a Pandora's box because, if people get together and get a lawyer, opening the door to only users are going to pay, that is going to split this Town, asking why you are splitting the Town over something like this.

Ms. Davis said that we did try a 45/55 vote and we also tried a 78/22 vote.

The same audience member said that you don't vote on every road you fix, asking why you are voting on this; that this is a bill that belongs to the Town.

At this time, people were talking were each other, and were unable to be understood.

**8:25 PM** Ms. Davis closed public comment at this time. She asked the Board where they wanted to go with this.

Mr. Pomerleau said that there is no doubt that we must act, discussing information he had received from the Division of Wastewater Quality Management back in 2015 when he was exploring fines and asking them how they go about that; that location, corrective actions, circumstances impact how they assess fines, exercising a lot of discretion; that they might look hard at a circumstance if it appeared that Eliot neglected the system until the condition of the system created a crisis; that he thinks we're there. He added that he didn't think we'd get any sympathy from DEP with a spill, at this point. He said that not only does this give statutory authority but statutory obligation to raise the funds that are necessary to keep the sewer system operating. In looking at the Town's liability, he had Spinney Creek in mind, saying that when you look at someone who could be forced to shut down for three weeks and that loss of business, that is certainly a

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

very serious matter to them and he certainly has to weigh the fact that they're contacting a lawyer to pursue damages to the Town would certainly not be out of the question. He discussed the statute that defined the liability to the Town if a discharge happened in this situation; that if individual Selectmen, if neglect were found, were also liable, individually, for up to \$10,000. He said that the bigger issue is that we've reached the end of the line; that we have to take the authority we have to start this engineering process, regardless of how the ultimate funding is done, at least in our defense we could say we started the engineering for it. He added that he has a motion prepared if the Board wants to entertain it.

**8:26 PM** Mr. Lee said that one of the other things that was discussed by the Select Board was that, for the very, very low income people, allowing a process to abate that charge for anybody who could prove real financial distress; that, if approved, the rate increase would allow a pool of money for that.

Ms. Davis clarified that the assessment is not \$73 for everyone; that they base the assessment on meter size, describing the price levels.

**8:29 PM** Mr. Pomerleau moved, second by Ms. Davis, that the Select Board waive all bidding requirements, as an emergency measure, and accept the proposal by Underwood Engineers, ESR #23, for the engineering of the sewer pump stations at a cost not to exceed \$99,473. The funding of this proposal shall include the use of sewer reserves of \$50,000 and the remaining \$49,473 to be raised by special assessment over the next two billing cycles, as defined and outlined in the Underwood proposal, dated August 2, 2016, Correspondence G-1. In the event that a bond proposal passes in November, 2016 the \$50,000 in reserve funds will be returned to the reserve fund from bond proceeds, when available, and the second billing cycle special assessment shall be cancelled.

**8:32 PM** There were several comments from the audience.

**DISCUSSION**

Ms. Davis said that, since Mr. Murphy and Mr. Fernald did not second this motion, she would like some comment from both on where they think this is going.

Mr. Fernald said that, to tell you the truth, he is not sure which way to vote on this; that he understands that there is a need, right away, to do this engineering so we can get these pumps taken care of. He added, however, adding more funds to your sewer bill is not something he is in favor of; that he still has trouble deciding.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**8:34 PM** Mr. Murphy said that he didn't like increasing the sewer bill, either; that he thinks the Town should find some way of using the TIF funds; that this is a Town problem but he does think we need the engineering design.

Ms. Davis said that in order to proceed with the repairs we must commit to Underwood Engineers the \$99,500, \$50,000 to come out of the reserve account and users to be billed an additional \$36.50 at the next quarter. She added that this is the step that we need to take in order to avoid liability with the State if we have a problem with these pump stations in the interim; that, at the cost of \$36.50, she would highly recommend that we proceed with these repairs and get moving on the engineering. She asked if there was any additional comment from the Board.

Mr. Murphy said that he would like to see this all in writing.

Ms. Davis asked Mr. Murphy what he wanted to see in writing.

Mr. Murphy said that he wanted to see it better; that he hears her words but they don't make sense.

There were several comments from the audience.

**8:36 PM** Mr. Murphy added that we are no more desperate than we have been for four years, why is it suddenly, from you, that we're desperate.

Ms. Davis said that she is only saying what the Director of Public Works and Mr. Pratt has been telling us over the last four years and, now, it's four years down the road. She reiterated that it is the responsibility of this Board to make sure.

Mr. Murphy said that he understood that but he thinks the monies should come from a different method.

Ms. Davis said that we cannot use the TIF money without a Town-wide vote and we need to proceed with these repairs.

Mr. Murphy said to get it once again.

There were several comments from the audience.

A member of the audience said that the vote was confusing, the way it was written; that a lot didn't understand it and it wasn't fair.

**8:37 PM** Mr. Lee said that it was confusing and it's necessarily confusing, unfortunately, for two reasons. He explained that, one, the Department of Economic and Community Development (DECD) requires certain language be in it, such as if

**SELECT BOARD MEETING**  
**(Marshwood Middle School)**  
**August 11, 2016 5:30PM (continued)**

you use TIF money to fix your sewer pump stations, you are also committing to do commercial development with sewer mains on Route 236; that that needed to be in there according to DECD and, then, more importantly and more confusingly, is that in, order to issue an actual bond, you have to have a bond lawyer involved and they require the Treasurer's Statement and all that confusing language or else we would not be able to issue bond, no matter how you voted. He added that the bond counsel would say it's not clear enough, believe it or not.

**8:38 PM** A member of the audience said that she has been on the sewer for 27 years, she lived her little life, she has no idea what's going on, she didn't even know about the first vote because there's no way to tell others about it; that it's not in the newspaper. She added that she asked Mr. Pomerleau about it online and he said the green sheet and, now, she's finding out that he writes the green sheet, so, that's really not good information, either. She said that, when we go to vote, it should be written so that everybody understands it; so, although the vote didn't pass four times, it didn't make sense to a lot of people who did know about it; that some people went door-to-door and said, "Hey, you've got to vote tomorrow."

Mr. Lee said that two years ago, when we did a vote, we did put together an informational flyer; that we put it on the Sentinel, which theoretically goes to every household in Eliot; that a lot of people don't read the Sentinel. He added that, then, this year, noting that, we spent some money to do a direct mailing to every mailbox in Eliot and he still had a lot of people say they didn't get that. He said that we are trying, really, to get that information out to make it simple. He added that one thing that has been suggested to him, if we were to put any other question out, is rather than put some sort of footnote at the bottom that suddenly explains it in clear, layman's language, we put it at the top. He asked the Public Works Director what the condition of the sewer was, in his opinion.

**8:40 PM** Mr. Moulton said that, in his opinion, is imminent failure that could happen; that when he said that five years ago, we did an assessment of the pump stations; that there are issues with the pump stations, we've had large expenditures for all the repairs to the pump stations; and I hope you folks aren't getting two things confused tonight. He explained that, one, the Board is looking at funding the engineering and the engineering, if it's not funded tonight and you wait for a bond, then that's six months further down the road; so, the intent, right now, is to get going on the design so when the bond passes, we're that much further ahead to utilize the money, however it's bonded, whether it's TIF or some percentage, then you can do the repairs faster and more efficiently. He added that construction costs continue to escalate; that it went from \$1.5 million to \$1.7 million; that the economy is good and that's what drives construction, which will drive the costs. He said that, with the pumps, we've done a number of repairs this year.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**8:41 PM** Mr. Lee asked how many failures were there in the last couple of years.

Mr. Moulton said that we've probably had close to 10 or 12 issues; that we had some small discharges and, because of staff, sub-contractors, and help with consultants, we've been able to contain it and not have massive discharges. He added that we did shut down Spinney Creek at least once that he can remember, maybe more, for 21 days; that we had over 1,000 gallons of an illicit discharge but we were able to respond get to it quickly, but, what we did was more than just a mandate. He said that, so you know, the State Electrical Inspector has been in and he has looked at the condition of the electrical; that a lot of that drives the cost, too, because you're not meeting the code; that, with that, it also means you have to do some improvements to the buildings to get clearances around the equipment, and things like that; that there's a lot of things that drive the cost. He reiterated that, right now, the Board is just trying to fund the engineering, which will help push this project forward six months no matter how it's voted in November; that he assumes the Board is going to have another vote in November. He said that we will be six months ahead, ready to put this out to bid, and start construction, and you will end up saving yourselves some money in the long run; that as time goes by it continues to rise.

**8:43 PM** There was confusion regarding the six months with only three months to a November vote.

Mr. Lee said that he thinks what the answer is is that it would take about six months total.

Mr. Pratt said that we were looking at it that we would essentially lose the following winter for six months because we're trying to get it in just in time for the end of next year. He clarified that it is a long process and what we were trying to target was getting a bid; that if the design goes forward, now, and construction is somehow funded in November, you would be in the position to get a bid in the spring; that that would allow us the lead time, with the complexity of the construction, to get the stations online by the end of the year – Thanksgiving timeframe. He added that, if we lost some time here, the concern was that we might lose the balance of the winter; that we would actually be into 2018.

**8:44 PM** Mr. Murphy asked how much money you would need now.

Mr. Pratt said that \$99,000 is the engineering contract.

Mr. Murphy said okay, let's call a special town meeting and simply withdraw that money from the general fund; that you've got plenty enough to do it.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Someone asked how long it would take to call a special town meeting.

Mr. Murphy said seven days; that the Selectmen can call a meeting in seven days.

There were several comments from the audience and clapping.

**8:45 PM** Mr. Lee said, please, everybody; that he knows it's very upsetting but we are trying to conduct an orderly meeting, if at all possible. He added that the other thing he wanted to mention is that we would be using the Clean Water State Revolving Fund, which goes through a thing called Maine Bond Bank, and they only have two issuances – one in the spring and one in the fall; that part of the thinking on this is that we need to be ready to issue this in the spring, otherwise, we can't issue the debt until the fall and that's part of that six month answer, as well. He said that, otherwise, we would have to go conventional banking and, right now, we can get this for 1.5% to 2% with the special State fund; that traditional financing would not have that rate.

Mr. Murphy asked how quickly we would get the money from the revolving fund.

**8:46 PM** Mr. Pratt said it would be a month or two.

Mr. Pomerleau said that this is a direct sewer-related expense; that that was what the Sewer Enterprise Account was set up for; that you can't use TIF money without a vote. He added that he doesn't believe it's actually legal to use general fund money to put into the Enterprise Account for repairs and maintenance. He said that this is going to delay things substantially; that we are on the verge, here of serious legal action, as far as he is concerned; that State statute is pretty clear with our obligation, here, and if we were to do that, it would just be a direct violation of our legal obligation to take care of this.

Mr. Murphy said that he can't vote for your motion until he has seen it written; that your reading it is insufficient.

**8:47 PM** Mr. Fernald said that, actually, the monies that come out of the general fund, like that, are usually one-time costs; that we make sure that nothing that comes out of the general fund is going to be repeated every year; that this \$99,000 would be a good example of it coming out one time.

There was clapping from the audience.

A member of the audience asked how you can charge us a special exception when the sewer system, originally, was not a special exception; that it was shoved down our throats. He added that we didn't get together and say we are going to do this

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

as a special exception and pay for all this together. He asked how you get away with charging us, now, a special exception in a small portion of the Town, and not spreading it to the rest of the Town, when that was not a special exception from day one; explain that one to him and, maybe, we should get some legal advice on that one.

**8:48 PM** Ms. Davis said that this was part of the regular maintenance...

Several in the audience strongly disagreed. A heated discussion followed.

**8:49 PM** Ms. Saurman said that what she thinks the Selectmen are facing with the folks, here, this evening is something she talked about a long time ago, when all this started; that there are people on this Board who refuse to acknowledge the history behind our Town sewer and all of these folks, here, or a good many of them, know the history of it; that as she has tried to explain to you before, and this is what we don't get. She said that we get why we were told it was going to be put in, we couldn't keep polluting our river, or Spinney Creek, but what we don't get is why, it was the Town's responsibility all those years that we were paying our bill; that, if past Select Boards, with no malice intended toward anyone, didn't maintain the sewer the way it was supposed to be maintained, she begs them to explain to her how were we supposed to know that. She said that, with that little old lady on Brixham Road and her septic system fails, well, Ms. Saurman guessed, probably, she wasn't maintaining it the way it might have been maintained. She added that, as an aside to your comment about the little old lady on Brixham Road, this used to be a Town that, when a little old lady on Brixham Road ran into trouble, the community would help her; that if you want evidence of that you can ask Mr. Murphy, who lives on Brixham Road, and when he lost everything he owned to a fire, he had an entire community behind him; so that's how we used to be, folks. She said that the history is such that you are saying to us, "sorry it was all mismanaged, not maintained or taken care of, or whatever, but guess what, it's your bill", and we didn't know that, we just paid our bill, we paid it every single month, assuming that when we write a check to the Town of Eliot, that's who was taking care of the sewer problem; that some of you folks sitting here tonight are saying, "Nope, we were just the conduit. We were just pushing the money through." She said that you were supposed to be taking care of it and that's the part...if you guys would even acknowledge that, she might move an inch closer to your position; that you will not acknowledge the history of how the sewer got to where it is and how none of us had any idea that this is what was happening...none.

**8:53 PM** Mr. Pomerleau asked the Chair if we could move the question.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

Ms. Davis said that this discussion is over and asked the recording secretary to call the roll.

**Mr. Fernald – No**

**Mr. Murphy – No**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**The motion fails.**

Ms. Davis said that she would like to go on the record that this is an act of extreme irresponsibility...

The audience made several comments.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board call a Special Town Meeting in the very near future for the express purpose of getting Town approval for appropriating the expenditure of up to \$99,500 to proceed with the final design phase engineering for the Main Street and Kings Highway pumping station improvements project, to be taken from the unassigned fund balance of the Town.

**DISCUSSION**

**8:54 PM**

Mr. Fernald asked Mr. Lee what would happen to the undesignated fund balance if we were to approve that.

Mr. Lee said that our undesignated fund balance is right now he believes is supposed to be about \$2.3 million and we have recently been able to get that up to a little over \$2 million; that we're not at quite \$2.3 million but we've made some pretty good improvements in the last two years on fund balance; that we have an overlay amount of over \$100,000 this year, even with keeping the tax increase to just five cents; that it could certainly absorb this because we are not in a bad situation, in terms of the fund balance...

There was clapping from the audience.

Mr. Lee did say that the auditor did say that your target is 60 days' worth of savings account, if you will; that that is what the fund balance is, your savings account. He added that we are at like 47 days, or 49 days; a little shy of where we want to be.

Mr. Fernald said that that's a recommendation.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**8:55 PM** Mr. Lee agreed that that was a recommendation.

Mr. Pomerleau said that he was not going to support it; that it is a sewer user expense, not a taxpayer expense; that he is not going to go to the taxpayers, after all these votes, and ask them to approve this.

There were several comments from the audience.

Mr. Murphy said that this is a Town emergency and this is precisely why we built up over \$2 million in our fund; to take care of situations that are very difficult to assign responsibility and to get funding done fast.

Mr. Reed asked if your special town meeting was going to take the form of a written vote.

Mr. Murphy said that that hasn't been decided yet.

A member of the audience said that there was a fund; that he used to call it the Mary Lizzy Spinney Fund that the Selectmen could use to help people in need.

**8:57 PM** Mr. Murphy said that he didn't think that the Mary Lizzy Spinney Fund had that much money in it at the present time.

There were several comments from the audience.

Ms. Davis said that, since we are still in discussion, she will put forward that she cannot support this, either; that this is a sewer user expense for routine maintenance; that after the vote fails, she will make a new motion and she asked the recording secretary to call the vote.

A member of the audience said that you are not voting to charge the sewer users; that this motion is to have a meeting and you said that it is your responsibility to do everything you can do to fix the sewer; that by not supporting this motion to have a meeting, you are not doing your responsibility to fix the sewer. He added that he didn't care what your view is on the spending, you're voting to give the Town another chance to look at this; that that's all you are voting on.

After further discussion back and forth, Ms. Davis asked for the vote to be called

**8:58 PM** **Roll Call**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

**Ms. Davis – No**  
**Mr. Pomerleau – No**

**The motion fails.**

Ms. Davis moved that the Select Board take \$50,000 from the Sewer Reserve Account to commence engineering, which will be repaid if the bond succeeds in November and give us enough engineering to get us through to the vote...

Many said that they couldn't hear and Ms. Davis reiterated her motion.

Ms. Davis moved, second by Mr. Pomerleau, that the Select Board take \$50,000 from the Sewer Reserve Account, which will see us through the engineering for ESR #23 until November, after which point we will know where we need to go because we will put something on the ballot; so we won't need a special town meeting; we will take the money from the Sewer Reserve Account and we will replace it, if a bond passes in November. If a bond doesn't pass in November, we have a big problem.

Mr. Murphy asked if this idea from Mr. Moulton would be sufficient.

Ms. Davis said that he heard from Mr. Pratt that it would be sufficient; that he can make it work.

**DISCUSSION ENDED**

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**9:01 PM**

Mr. Fernald said that, just for your understanding, folks, this is going to be coming out of the Sewer Reserve Account, according to ordinance, and not your pockets.

Ms. Davis said that we have a few more items on the agenda and she would like to find out from the Board if you would like to continue or if you would like to table this until our next regular meeting.

**SELECT BOARD MEETING  
(Marshwood Middle School)  
August 11, 2016 5:30PM (continued)**

After discussion, the SB chose to do the roof bid, then, call it a night.

**2) Sewer Engineering Proposal – ESR #23 (Second Consideration)**

This item was included in the previous discussion.

**H. Administrative Department/Department Head Reports, cont.**

**9:02 PM 1) Transfer Station Roof Bid**

Mr. Lee said that the Transfer Station is in need of a roof replacement; that our Public Works Director has solicited three bids with roofing contractors to replace the shingled roofing system; that the request will come from the Building Facilities Reserve Account and was budgeted for in the 2016/2017 budget.

Ms. Davis asked Mr. Moulton if he had a recommended contractor.

Mr. Moulton said the low one.

**9:03 PM** Mr. Fernald moved, second by Mr. Murphy, that the Select Board enter into contract with Lowry and Son Roofing for \$8,500.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**P. Adjourn**

There was a motion and second to adjourn the meeting and table the balance of the agenda until the next regular meeting at 9:05 PM.

**VOTE**

**4-0**

**Chair votes in the affirmative**

October 31, 2016

\_\_\_\_\_  
**DATE**

**S:/**

**Mr. John Murphy, Secretary**