

BOARD OF SELECTMEN'S MEETING
February 11, 2016 5:30PM

Quorum noted

A. 5:30 PM: Meeting called to order by Chairman Beckert.

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of November 12, 2015, as amended.

VOTE

4-0

Chair concurs

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of January 27, 2016, as written.

VOTE

4-0

Chair concurs

F. Public Comment:

5:45 PM Ms. (Cindy) Lentz asked if there was anything to report from the school board.

Mr. Fernald said that we met last Wednesday and asked Mr. Lee to give the update.

Mr. Lee said that one thing discussed was that, according to the State funding formula, MSAD #35 stands to lose over \$1 million in subsidy; that they are appealing that number, along with a number of other school districts, because the State is using a new computer system and the numbers don't seem to be coming out correctly. He added that last year they got no approval to buy buses but this year they got approval to buy five buses; that MSAD #35 still has the bus garage reserve (\$600,000) and plan to use that to buy the buses but they will have to wait because State reimbursement for buses is two years in arrears.

5:47 PM Mr. Fernald said that they also talked about the round-about and the public hearing for that, which date has not been set, yet. He added that they talked about additional signal lighting at Marshwood High School because of the accident that occurred last fall where the dance studio entrance is opposite the school entrance, as well as additional street lights along that area of Route 236 up to Route 91.

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5:48 PM Mr. Lee said that they also discussed that Great Works School and South Berwick are working together to realign that section - Academy and Vine; that the cost has grown but they are staying with it, which will ultimately allow them to designate that area as a school zone. He added that, regarding the opiate/heroin issue, he got a follow-up email from the superintendent of their efforts on that and he would print that out and have it available for the next meeting.

5:49 PM Mr. (Denny) Lentz said that the cemetery damaged last year got hit, again, this past weekend; that he believed it was the plow.

Mr. Moulton said that one of his guys said that they might have hit it but wasn't sure.

Mr. Lentz said that it was cracked and the iron railings are gone.

Mr. Moulton said that he would get together with him and Mr. Lee.

5:50 PM Mr. Beckert said that there were three items scratched from the agenda: G2. 1) (not ready), G2. 2) (not ready), and G3. 6) (fully resolved).

G1. Department Head/Committee Reports

5:52 PM 1) Sara Castellez – Application for Appointment

Ms. Sara Castellez was present for this.

Mr. Beckert said that Ms. Castellez checked three different committees and asked her what would be her first choice.

Ms. Castellez said the Eliot Energy Commission.

Mr. Lee asked her what her background was.

Ms. Castellez said that she has worked in the medical field for 25 years and she now does real estate.

5:54 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen appoint Sara Castellez to the Eliot Energy Commission, term to expire June 2018.

VOTE

4-0

Chair concurs

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5:56 PM 2) Solid Waste & Recycling Committee 2016 Plan

Mr. Tessier discussed the two things they were going to work on this year. He said that the first was to try to establish communication with the school district to see if there were some things the Town could do to help them with their composting and recycling efforts. He said that the second was trying to do some things for Earth Day: conduct a roadside clean-up in Town, conduct a compost bin sale, and have an informational session at the Fire Station April 19th for residents covering back-yard composting, food waste collection at the Transfer Station, and how to improve recycling to reduce purple bag expense. He added that the Town Manager suggested we video-tape it to put it on the Town website and they agreed that would be a good idea. He said that he was hoping to get input from the BOS or Town Manager on other things they thought we might do.

6:00 PM There was some discussion regarding the goals for the informational session; additionally, that the Transfer Station is currently collecting about 160 tons of food waste a year, about a third of the total waste.

6:03 PM Mr. Pomerleau said that an MMA bulletin had information on food composting and conversion to an energy source; that it's going big-scale.

Mr. Tessier said that there are a lot of different aerobic and anaerobic digesters; that some are just producing compost, some producing fuel (diesel), etc. but many are pretty expensive; that they work well on a large scale. He added that he thought, because of the details and costs, this might work on a regional basis. He said that Mr. Fox does standard composting, starting with taking our food waste, first, and has expanded to take in food waste from surrounding communities.

6:05 PM Mr. Murphy asked if there weren't DEP regulations as to how that must be done and how much you can have in various quantities.

Mr. Tessier said that he was sure there were but he was not real familiar with them; that that is one of the big advantages of having Mr. Fox take our food waste, in that we don't have to deal with that, Mr. Fox does.

Mr. Pomerleau commended Mr. Tessier for working to make compost bins available through the Town because the one he has now he drove to Kennebunk to get when their DPW was putting this out to the public.

6:06 PM Mr. Beckert said that we had compost bins a few years back; that he has one of the original ones.

There was **consensus of the Board** for the Solid Waste & Recycling Committee to move forward with the sale of compost bins.

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6:07 PM 3) Next Workshop/Topics?

Mr. Lee said that we are having a special meeting February 18th to do a performance evaluation on him; that we need to focus on the sewer pumps and bond question and suggested we use our meeting in March for that.

After some discussion, Mr. Lee was tasked to set up an additional workshop in late February to focus on the bond question/sewer.

G2. Public Works

6:09 PM 3) Sewer Ordinance Appendix – Sewer Standards

Mr. Lee said that they had Appendix II, Construction Standards, for putting in sewer systems in Eliot for Board review; that Appendix I has to do with billing procedures, rates and rate increases, all kinds of administrative/financial types of things and the Planner is working on that now; that that should be ready for our next meeting. He added that, once the Board has approved the appendices, we would be able to notify sewer users of any pending rate increase and a system for how to do that. He suggested we may need to take a bit of time to focus on these at our next Board meeting in order to move forward with a sewer rate increase, which will accompany whatever bonding option we discuss.

6:12 PM Ms. Davis asked if the rate increase we voted a couple of weeks ago have not taken effect, as yet.

Mr. Moulton said that there were questions on how the ordinance and appendices molded together and the decision was made to hold off until the 1st quarter of 2016, pending completion of the appendices.

Mr. Lee said that he believes we need to get our procedures in place, first, to make sure we do this properly.

Ms. Davis asked if this was a boiler-plate document and whether modifications had been made.

6:13 PM Mr. Moulton said that he put the document together, with assistance from Underwood Engineers, and is a construction standard that is related to residential, tie-ins, and things like senior housing sewer systems. He added that this is a document that a contractor will follow to construct sewer within the Town.

Mr. Lee added that these are standards that are widely used for installation of sewer systems and tweaked a little bit for Eliot specifically.

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6:14 PM Mr. Pomerleau said that he did not have enough background knowledge to question or challenge anything; that all he would ask is that, when it comes to us for final approval, if there's anything in there that could be perceived as controversial, please point it out to us.

Mr. Lee asked Mr. Moulton to have Mr. Pratt work on that.

6:15 PM 4) Route 103 Speed Study Results

Mr. Lee gave some background on the reason for this study, saying that Mr. Phil Soucie from the Maine DOT did come down to look at Route 103. He added that Mr. Soucie found that one of the signs the State put up is wrong, that it should say 35 M.P.H. instead of 40 M.P.H. and they will change that. He said that the other change will be a reduction of the speed limit to 30 M.P.H. between Cedar Road and Fore Road and that the State will install a reduced speed ahead warning sign prior to the 30 M.P.H. zone.

6:18 PM Tree Cutting/Monica Winston Letter

Ms. (Monica) Winston asked the Board if they had a disagreement with what she was asking for.

Mr. Pomerleau said that he thought her request was perfectly reasonable, whether it needs to be a policy or customer service.

Mr. Lee's suggestion was that we have a postcard we could leave notifying of upcoming tree cutting and a number to call if homeowners have any special instructions or concerns.

Ms. Winston said that that would work fine.

After some discussion, it was agreed that Mr. Lee would write a policy for this for future consistency and bring it to the Board for their review and approval.

G3. Administrative Department

6:21 PM 1) Town Manager Activities Report

Ms. Davis asked if we had had many foreclosures in January.

Mr. Lee said that they had two and the 60-day redemption letters have gone out; that he is concerned about one of them as he has been unable to make contact with the owner. He added that nine were resolved before the foreclosure deadline.

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6:24 PM Ms. Davis asked about the FOAA request.

Mr. Lee said that it went well. He added that this had to do with who owns the Blueberry Lane sewer; that, now, the homeowners believe the sewer never the left ownership of the developer, explaining that there was no requirement to form a road association, no deed references in any of their deeds, no realtor ever advised, and none of our documents show that the Town took it; that we have legal opinions that say it (sewer) is not ours and we accepted the road as a public roadway. He said that he has a call in to Attorney Saucier regarding this.

6:27 PM Ms. Davis asked about Line 99 regarding Harbor Master training.

Mr. Lee explained that our Harbor Master already has the required courses so there is no need for that. He added that we may be getting a grant for the Animal Officer's (ACO) micro-chip reader (\$300).

Ms. Davis asked about Lines 131 & 132.

Mr. Lee explained that he and the TIF Alternatives Committee have been looking at where a 'village district' might go, looking at the locations and buildability of parcels; that he looked at the Town-owned parcel fronting Dixon Avenue directly next to the Town Hall, discussing some ideas.

6:30 PM Mr. Murphy asked about Line 106 regarding drafting an employee recognition program.

Mr. Lee said that this was a possible goal that came up in the evaluations and he thought it was a good idea. He added that there are a number of different ways, depending on what you are trying to get for an outcome – a good job, a good idea, better efficiency, money savings, and the details of procedure and implementation that would go into creating such a program. He said that some questions were around what we are trying to achieve, how to establish a fair process, how to quantify savings, and the benefits to the community.

6:33 PM Mr. Pomerleau said that there are some pretty simple, universal approaches that don't have to be terribly expensive; that if you focus around calling it employee appreciation and recognition, discussing one State example, and suggesting expanding it to include acknowledgement and recognition of our volunteer committees and fire fighters. He added that it might be something like a picnic at the Boat Basin.

Mr. Lee agreed, saying that that was the kind of input he was looking for.

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6:34 PM Ms. (Janet) Saurman said that she liked the idea of an employee appreciation day. She added that she thought it would be really important to know why you want to do this and to make sure you are coming up with ideas that will have our employees and volunteers working collaboratively with each other, not against each other.

6:35 PM Mr. Beckert talked about the two annual events the Town used to do for Town employees and volunteer committees – a summer barbecue and a Christmas party – just to say thank-you for working and volunteering for the Town.

Mr. Lee said that we had a Christmas get-together this year; that all the staff went down to the Shipyard Brew Pub after work, had a little Christmas swap, and such; that it was really nice and people liked that, and it's a morale booster and collaborative. He reiterated that there were a lot of ways to do this but just did not want it to backfire if it's not nice and clean and simple.

Mr. Pomerleau suggested this would be a good team-building tool for committees, as well.

6:39 PM 2) Financial Policies – Collection of Personal Property Taxes

Mr. Lee clarified that we have \$2,200, not \$20,000, in unpaid personal property taxes for 2013 through 2015. He said that we sent out letters to active businesses and a report is included in your packets, which includes four accounts that are slightly overpaid. He added that he wanted the Board to understand what we currently do because, when we do our financial policies, we need to have some clarity as to what your expectations are. Discussing the four accounts overpaid, he said that, in order to keep our tax records straight, he will have to send checks for \$.02, \$.45, \$.12, and \$.92. He also said that he would need the Board to abate those that are uncollectible (under \$2,000/business closed), recognize we will need to cut checks for three of the four credits and ask the fourth if we can apply his \$.12 to his other taxes.

6:45 PM Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen agree with the Town Manager's suggestion, in all regards, to abate those personal property taxes that haven't been paid and let him handle the refunds in the most expedient way

VOTE

4-0

Chair concurs

6:47 PM 3) Provide BOA Training

Mr. Lee said that this came up after the Libbey Appeal; that we had our attorney sit in as a resource for the BOA and after the appeal was done there were some

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expressions of concern by the attorney of some procedural issues; that a couple of Board members had suggested we offer, or persuade, all of them to get a refresher in the BOA training offered by MMA; that it could also be done by our own attorneys if we want to bring the training here instead of sending them to Saco. He added that there is one coming up on February 23rd and put that in their boxes but he doesn't think that people are going to necessarily leap on it as nobody has called him. He said that it's up to the Board if they want to require them to attend training and suggested holding it on a night they don't have a lot of business, bringing someone in to do an hour, or so, of the basics just to refresh everybody. He asked the Board what they would like to do.

6:49 PM Mr. Murphy asked if we know which members have not had any training.

Ms. Lemire said that Charlie Rankie was the only one she knew about; that he's the newest member of the BOA.

Mr. Murphy said that if any one of them has not had training, then they should have it, as it is a very important board; that he would recommend we require it and he would like it done here with our attorneys.

Mr. Lee suggested that, if we're going to offer it, then he thought it would be helpful for all BOA members to attend; that there could be a training every three years for them, as a group, and they could remind each other of what was heard.

Mr. Murphy said that we could record it and play it back later on.

6:50 PM Mr. Pomerleau said that he thought this was an absolute necessity. He added that he would like to know what our attorney felt were weaknesses; that he spoke with the attorney that night and he had a very specific area in due process that he was concerned about. He said that this is not a trivial short-coming but critically important as you move forward into the court process; that there's no substitute for training.

Mr. Lee said that, probably, it would be that same attorney who would come down to talk about proper procedural things.

There was discussion around using the legal reserve or contingency fund to pay for this training.

Mr. Lentz asked if the board has been made aware of any of the feedback from the lawyer.

6:52 PM Mr. Lee said no; that the lawyer did not do it formally, it was only word-of-mouth. He added that he did email the BOA Chair to let him know there were

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some concerns and we might want to offer.....but not in terms of specifics. He said that we are very grateful that anybody would serve on that board; that he thinks that Attorney Saucier would be willing to write a letter discussing primary issues he would like to go over with the BOA; that he thought that would be helpful and would send a signal that we're not trying to pick on the BOA but that these are complicated, judicial issues and we're just volunteers.

6:53 PM Ms. Davis asked if Mr. Lee had researched any online courses for this through the MMA; that, like the FOAA yearly refresher training, it doesn't hurt to have it once a year, especially if it's available online.

Mr. Lee said that he would check to see if they have a DVD of this training.

Mr. Fernald said that he would rather our attorney come down because that way they could ask questions, have back-and-forth, and get a lot more knowledge.

Mr. Pomerleau wondered if it was plausible if the person doing the training in Saco could be made available to come here to do both; that that was a combination of BOA and PB; that he thought it would be very beneficial for both boards to be cognizant of the challenges of the other.

6:55 PM Mr. Lee said that the trainer is also an attorney; that all MMA does is just governmental, administrative law-type stuff and it would be quality training for less money.

Mr. Beckert said that he thinks it might be a two-fold issue. He said that our attorney was there and he witnessed things he was uncomfortable with is what Mr. Beckert is hearing, and that might be the first step; that policy-wise, he thinks we might have to reiterate that training on an annual basis, or every three years, is mandatory.

Mr. Lee agreed that, at least once early in their terms, he would think they would want to get that training.

Ms. Lemire said that the BOA by-laws require an orientation every time a new member comes on board.

6:56 PM Mr. Lee said that that would help serve that capacity, too, because he was just looking at their by-laws, the ordinance that governs it, and what's required and we owe this to them.

Mr. Lee will check on Attorney Saucier's availability as well as MMA availability.

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6:57 PM Ms. (Donna) Murphy, speaking as a citizen, said that it seemed to her that, between the PB and BOA, there is a great possibility of lawsuits; that she is hearing 4-5 hours with an attorney being around \$1,000 annually and thinks it would be vitally important to have somebody come down annually for these two boards and have a face-to-face with questions, to have this as built-in training for these two boards in the budget and require it once a year.

6:58 PM 4) Pursue CDBG Grant?

Mr. Lee said that he was approached by someone from the State who is helping one of our businesses with some financing; that there is a program through the State through the CDBG (community development block grant), a grant that is given through municipalities directly to a business for capital and non-capital equipment, land, site improvements, rehabilitation, construction of commercial buildings, job training, etc., with the intent of creating low and moderate income jobs. He added that, as long as that business creates the necessary jobs, then that money is given to the Town so that we can give it to them but "in the event that job creation requirements are not met, the applicant community will be responsible for immediate repayment to DECD of all CDBG funds expended on the project." He said to the person that he didn't think that would be wildly popular and this person asked him to check with you.

6:59 PM Mr. Pomerleau was not at all in favor of this.

Ms. Davis said that 8 (e) EDP Matching Funds Requirement seems to require matching funds from the community.

Mr. Lee said that he believes this is a non-starter.

It was the **consensus of the Board** that they do not feel comfortable doing that kind of a program.

7:02 PM 5) Reconsideration of Public Works Vehicle Directive

Mr. Lee said that he went back and gave his report on what should be done with the FEMA money and the Finance Director reminded him of their current policy. He added that the last directive we were given would violate that policy and we are asking for reconsideration to be consistent with the policy, reading the two actions he proposed.

7:03 PM Ms. Davis said it would be the same result; that it's not running through revenue but directly into the CIP for equipment.

Mr. Lee agreed that was the only difference.

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7:04 PM Mr. Pomerleau moved, second by Mr. Fernald, that the Board of Selectmen reconsider our prior vote on the issue of the FEMA funding for Public Works and Fire Department.

VOTE

4-0

Chair concurs

Mr. Murphy moved, second by Mr. Fernald, that the Board of Selectmen approve the requested actions in Paragraph One and Two of the Memo from the Town Manager to the Board of Selectmen, dated February 4, 2016.

VOTE

4-0

Chair concurs

7:06 PM Ms. Davis said that she thought we needed to prioritize this year pulling together the warrants we've done over the last couple of years on all the CIP stuff, reconcile that, and somehow coordinate it with our investments.

Mr. Lee agreed that was something he wanted to get done, too; that he would like to have a really credible capital improvement plan, for the whole Town, with the history behind it and a plan forward. He discussed his concern for sticker shock once it is all laid out and visible.

7:08 PM Ms. Davis said that there is a point at which there is no return on the investment, suggesting they go back three years.

Ms. Bergeron said that she thinks she went back five years because she did Public Works before Mr. Moulton was here. She added that she thought five years was good but that it was just time-consuming to do all that research, as much of that didn't flow through TRIO before she was hired. She agreed that it needed to be done.

7:09 PM Ms. Davis said that it was difficult to assess our need for liquidity if we don't have something tied to those investments.

Ms. Bergeron said that she did not dispute that at all.

G4. Public Safety

This had no agenda items.

H. New Business:

There was no new business.

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I. Old Business

This had no agenda items.

J. Selectmen's Report:

There were no Selectmen's reports tonight.

K. Other Business as needed

This had no agenda items.

L. Executive Session

This had no agenda items.

M. Adjourn

There was a motion and second to adjourn the meeting at 7:12 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John Murphy, Secretary