

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM**

**Quorum noted**

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

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Hearing: General Assistance Ordinance - Maximums**

**5:31 PM** Mr. Lee said that Ms. Albert (GA Assistant) was present to answer any questions regarding this.

**5:32 PM** Public Hearing was opened.

Ms. (Rosanne) Adams asked if Ms. Albert could explain what did go up or come down.

Ms. Albert said that utilities stayed the same; overall maximum amounts went up \$9.00 for a 1-member household to \$237 for a 5-member household; food maximums stayed the same; housing maximums went up \$2.00 for a 1-member household to \$236 for a 5-member household, depending on the number of bedrooms. She added that the SB could adopt the State's recommendations or choose to decrease or increase these amounts.

Mr. Rankie asked what Ms. Albert's opinion was on whether the amounts should go up or down.

**5:34 PM** Ms. Albert said that she felt the numbers were pretty much on the mark; that they are appropriate for this area.

Mr. Lee added that larger towns, Portland as an example, sometimes do their own surveys when they know these numbers won't work and need higher numbers; that, generally, for smaller, more rural towns, these numbers usually work quite well.

**5:35 PM** Public Hearing closed.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board accept Maine Municipal Association's new October 1, 2016 to September 30, 2017 General Assistance Ordinance Appendix Sections A, B, C, & D.

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**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

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

**5:37 PM** Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of July 28, 2016, as amended

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

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

**1) Written Correspondence to S.B. - none**

**5:46 PM** Ms. (Michele) Meyer, Odiorne Lane, asked if the Town had in place any anti-harassment policy.

Mr. Lee said that that would make for a hostile work environment and our personnel policy precludes somebody from creating a hostile work environment.

Ms. Meyer asked about an anti-retaliation policy.

Mr. Lee said that he didn't believe there was anything about that in the personnel policy.

**H. CDBG Grant – Revised Form of Guarantee**

Janie Wang and Chris Anderson (Modernist Pantry proprietors), Brian Doyle (DECD), and Bob Nadeau (Bangor Savings Bank) were present for this agenda item.

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- 5:47 PM** Mr. Lee said that we have been working on revisions and believe we are at the best we can do. He added that Mr. Nadeau could not honor putting in an “evergreen clause” – an automatically renewing letter of credit; that the SB could notify the bank at the end of that year, if this had not been completed, asking the bank to extend the letter of credit, which the bank was okay with.
- Mr. Nadeau said that we have agreed to give you a 45-day notice that the letter of credit is coming due for expiration and we have asked that you notify us no earlier than 30 days as to whether you want to renew the letter of credit.
- 5:49 PM** Mr. Lee said that Mr. Doyle and his assistant, Andrea, have both indicated that almost as of Day One when the doors open we could meet the job requirement (nine employees and confirm it within a few weeks to a couple of months, so he doesn’t know if we will get to the extension. He added that he feels pretty comfortable with it and, as he has come to understand, there are no 100% guarantees but he thinks we’ve locked it down pretty well, now. He clarified that this is not the contract but just the letter of credit that would have to be agreed to before signing consideration of a contract, which would then bind us to the entire agreement.
- 5:51 PM** Ms. Davis asked if the number of times that it could be extended was unlimited or limited.
- Mr. Nadeau said that, if the SB notifies us within that ‘no-later-than-30 days’ period, then we are committed to extend it, and extend it for increments of one year, for however many times it needs to be renewed. He added that Modernist Pantry would pay a flat fee for renewing the letter of credit. He also added that the contract says it would be renewed for six-month increments.
- 5:53 PM** Mr. Lee said that the lawyer said one year initially, with 6-month renewals; that he also added that Lawyer’s legal advice that, although it isn’t an evergreen clause, there are systems we have to ensure that we don’t fall prey to having to repay this.
- 5:54 PM** Ms. Davis said that, in the original paperwork that we received with the letter of intent, there was a job retention clause and she hasn’t had a chance to see if job retention is in this revised contract; that she guessed we would have to review the revised contract to see if there any job retention criteria we would have to abide by.
- Ms. Wang clarified that our purpose here, today, is to get the letter of credit finalized because we have been here three times, that we have a representative from the bank here, and she thinks this is a good time to iron out any final concerns about it. She added that the contract, itself, is a separate issue and we

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would certainly be happy to come back and take that up in two weeks when you have had a chance to review; that she just wanted to make sure that those were two separate issues we are discussing tonight.

**5:55 PM** Ms. Davis agreed they were two separate issues but we did just receive this copy tonight; that until she has a chance to review it she would prefer to have the time to do it and to put this forward until the next agenda.

Ms. Wang said that she thought, realistically, it's not that different from what you have reviewed several times; that we pretty much made every single change that you requested; that last time we were here she asked Ms. Davis what she would find acceptable and Ms. Davis said that if it's guaranteed, essentially, until the DECD releases the Town from its obligations, and that is exactly what this contract says. She added that she would be happy to read and review this, as a group, but she doesn't want to push this back any further; that it has been 3 weeks, we have the bank here, and it's not reasonable for her to drive Mr. Nadeau down every two weeks.

**5:56 PM** Ms. Davis said that, normally, she doesn't like signing a contract without thoroughly reading it.

Mr. Murphy said that we are not doing a contract tonight but a letter of credit.

Ms. Wang reiterated that it is pretty much exactly the same; that you get everything you want except for the 'evergreen clause'. She added that she thought there is a little of reasonability that should be expected and cooperated with the Town and with the business; that to say that, perhaps, we've slipped something in there that's under the radar is not reasonable and, additionally, your lawyer has signed off on it four times.

Ms. Davis said that at this point she has not seen that the lawyer has signed off on this particular one; that the last email she received the attorney said that it had not been updated, per his request.

Mr. Nadeau said that he has four emails from the attorney and can show Ms. Davis the most recent one that goes with that letter.

**5:57 PM** Mr. Lee said that he thought that was up on the dais; that it was with the contract.

Mr. Fernald said that, with the recommendations of the Town Manager, we should move forward.

Mr. Murphy agreed.

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Mr. Pomerleau said that he was very comfortable that this is as good as it gets; the bank has to notify us and we have to respond; that that extends us to six months and there is no limit on the number of extensions; that there would have to be a cascade of screw-ups. He added that he would not second-guess the people who are in charge of approving this application but did have concerns.

Mr. Doyle said that the people reviewing this whole procedure are the same people who will review it as it evolves and, as Ms. Smith said before, when the employment is created, you notify us that it meets the guidelines of the contract; that Ms. Smith does all she can to respond in a timely manner to come down here to close out the contract.

**6:00 PM** Ms. Davis said that, after members of the Board have had time to review the contract, they will forward any questions at that time; that if the Selectmen are comfortable with this language, and it does say “any further requests”; so, we are taking you at your word that that means that if this was to unforeseeably drag on longer than 18 months that we are covered, yes.

Mr. Doyle said yes.

Ms. Davis said very good and asked for a motion.

**6:01 PM** Mr. Pomerleau moved, second by Mr. Fernald, that the Select Board accept this irrevocable letter of credit, as presented to the Select Board on September 22, 2016, from the Modernist Pantry, as far as the Town is concerned.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**6:02 PM** Ms. Davis added that we did make promises to the Town; and she realizes that you (Modernist Pantry owners) may be feeling that this review has been stringent, but we have a responsibility to the Town and that is the only reason we have questioned this.

Ms. Wang responded, saying that she very much appreciated the Board’s diligence for this matter and the Town’s residents; that she feels better that the Board takes everything that comes before them seriously. She added that there is also a line of reasonability to what to expect when you enter into contracts; that to make banks bend against what they commonly do is very difficult, and they tend

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not to do it, so she hopes that we can collaborate when we come back in the next two weeks and enter into a contract.

**6:03 PM** Mr. Pomerleau said that he wanted to thank the gentleman from the bank for making this trip and providing the information

**I. Public Works**

**6:04 PM 1) Funding of Sewer Pumps Final Design (\$49,000)**

Mr. Lee said that we needed an additional \$49,000 allocated to complete all the engineering, which would bring us all the way up to bidding, contract documents, etc.; that the engineer could complete this work in time to begin construction in late spring or early summer, 2017, with final construction to be complete by December, 2017. He added that there were two options he and Mr. Moulton considered to pay that additional \$49,000 – immediately decide to issue a one-time special assessment on sewer users (October billing) and the downside would be that the election is all time-consuming for the sewer-billing clerks and may appear to be ‘salt in the wound’ to sewer users that they would exclusively carry the \$1.7 million burden, plus, this new assessment right before the holidays; that they believed the better option would be to use our capital reserves (\$109,000) and/or betterment reserves (\$75,000) to fund the needed \$49,000. He added that we do not recommend assessments at this point unless the November vote fails, which may force an assessment.

**6:07 PM** Mr. Pomerleau said that he thought that was the only path forward and that they make it conditional that any money removed from the reserve be replaced back to the reserve if the bond passes.

Ms. Davis said that engineering was included in the \$1.7 million, asking if there was any reason why we could not immediately repay this fund if the bond passes.

Mr. Lee said that he was unsure but could certainly consider that; that he will look into that.

**6:09 PM** Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the using of up to \$49,000 from the Betterment Reserve to complete all design and specification work for bidding in late spring or early summer.

**DISCUSSION**

Ms. Davis asked if we could amend that to say we will use \$50,000 from the Betterment Reserve to be returned from the bond, in the event that it passes, or to

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be returned through an assessment, if the bond does not pass; that, in either event, we need to keep this funded for the future.

Mr. Murphy asked if Mr. Lee recommended that.

Mr. Lee said that his only concern was taking that amount immediately; that he was more comfortable completing the project, first, to make sure they would have enough left to accomplish that re-funding; that he thought the project came first and the surplus would be determined later. He added that, if the bond doesn't pass in November, he thinks we will be at a low-enough point and delayed another year that we will have to restore some of that money; that he thought assessment would be the Board's only real likely method of doing that.

**6:11 PM** Mr. Murphy said that he believed we could handle that at that time and it doesn't have to complicate the simple motion.

Mr. Lee said that if we find that, during the construction period, we need that \$50,000 to handle emergencies taking place, he would be the first to say let's hope it comes in under budget, let's take \$50,000 from the bond and move it over for what we need right now.

Mr. Murphy said that he would just-as-soon wait.

Mr. Lee said that it would be good to advise people that, if it does not pass, we are spending from very limited resources that will have to be restored through some sort of assessment, potentially.

**6:12 PM** Mr. Moulton reminded the SB that July was the first quarterly billing that rates increased from the last rate-increase approval; that we have another billing going out in October so you are going from \$40,000 for reserves to \$70,000 (goal); that you have some extra capital there. He added that, if the bond is approved and we enter into construction and we have a system that fails, we will already have things in place and contractors on-site, so controls will be better and there would be less of an issue of having a major catastrophe.

Ms. Davis discussed her concern for the amount of money set aside for engineering and the temptation to spend it; that we have saved money (reserves) and kind of turned ourselves around; that it's betterment, it's for the future. She added that borrowing from it is not ideal but is better than raising the rates at this time; that she would only feel comfortable doing it if we promise to pay it back with the engineering fees that are already incorporated into the bond.

**6:14 PM** Mr. Lee suggested we could make ourselves whole, first, unless the project comes in short, in which case, we would have to give it back to the project.

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Ms. Davis asked Mr. Murphy if he would be willing to amend his motion to include that.

Mr. Murphy said yes.

Mr. Lee said that the amendment would add 'to restore said money upon receipt of bond proceeds'. He added that, if we get to the point where the project is going over, then we meet back here and decide what to do next.

**6:16 PM** Ms. Davis said that, except, it is contingent, also, that if we don't pass the bond, we will assess these to make up the difference in the Betterment Reserve Account.

Mr. Lee said that we should probably go on to say that, in the event that the bond doesn't pass, assessments will need to be issued to restore the \$49,000.

Mr. Fernald said that he was willing to second that.

Mr. Pomerleau said that he thought that was a much better way to do that as we have no guarantee that we will need reserve money.

**6:17 PM** Mr. Lee said that, regarding the bond, if it passes we could finance a bond anticipation note with the Maine Bond Bank, which is essentially interim financing, until the bond closes.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**J. Department Head/Committee Reports**

**6:18 PM 1) Request Waiver of ECSD Policy**

Mr. Lee said that Ms. (Amanda) Paradis (Kid's Play Director) was present to explain a special situation and ask if policy could be waived.

Ms. Paradis said that a customer for Kid's Play has fallen under non-payment from the summer camp; that she has asked for her child to come back to the



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program under agreeing to pay extra beyond her normal fee to pay back the summer camp balance. She added that, typically our policy is that people cannot register for any programs until accounts are paid off; that we were hoping that we could try to work with her to get her in a better place.

**6:20 PM** Mr. Lee clarified that, if this person does not have the before- and after-school program, then that person is essentially unable to work.

Ms. Paradis agreed; that this person has a commute to the job and, without this care, this person is stuck. She added that we are asking to break our policy for this situation and enter into a re-payment contract. She also added that she feels this person is in a better position, job-wise, so believes this person would be able to make the payments.

Ms. Davis discussed her concern with the payment policy for these programs, expressing her concern that ECSD policy makes parents legally responsible to pay for the entire season when they sign their child up for the summer program but the child is not allowed to attend if pre-payment is not received; that this results in parents being denied a service for which they will ultimately be charged full price.

**6:26 PM** Ms. (Donna) Murphy discussed the abatement process we have for property taxes and asked if there was an abatement process for this.

Mr. Lee said that he did not know of any process, now, but that was not to say we couldn't create one if that is a concern of the SB. He added that, presently, we are here to decide whether to enter into a re-payment agreement; that if the SB wanted to forgive some portion of that debt, they could but that would also be an exception to the policy. He said that he didn't have the math so didn't know how much would get waived.

Ms. Paradis said that she could figure out the amount.

**6:27 PM** Mr. Lee said that we could enter into a repayment agreement, even if it's only for the weeks that the child actually attended and did not pay; that we could abate the balance of the weeks the child did not attend.

Mr. Fernald said that he agreed with what Mr. Lee was saying but would like to see it in writing before he makes a decision, asking if this could be postponed to the next SB meeting.

**6:28 PM** Mr. Lee said no; that we need the answer on the civilian contract; that what we could do, the first couple of payments will get us back to her in time to get that written up so that we could then vote on that; that if the SB lets us at least enter

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into the contract, we could get started with this person, get the child back into the program, and come back to talk about the abated amount.

Mr. Fernald said that that would be much better.

Mr. Murphy agreed.

Ms. (Michele) Meyer, Odiorne Lane, asked about the balance amount.

Ms. Paradis said \$840.

**6:29 PM**

Mr. Pomerleau said that he saw Ms. Davis's point and he also saw policy; that this is a bit of a difficult problem. He added that the only thing that might have been done different is to arrange a payment plan sooner.

Ms. Paradis clarified that, in her letter to the person, she asked for the person to either come in to make full payment or arrange a payment plan.

Mr. Pomerleau said that he didn't know how you could have done it much differently than that; that he understood why the program has to charge people for a space they lock up due to fixed costs that are revenue-dependent. He added that it doesn't make sense to do other than what's being recommended – no sense to pursue legally or remove the person's capacity to earn income because of lack of child care. He said that he is fine with what is being recommended.

**6:31 PM**

Ms. (Nancy) Shapleigh said that she thought something should be done to help this child; that, perhaps, we should look longer at the ECSD budget to put something in to help needy children or parents.

Mr. Murphy asked about scholarship funds.

Ms. Paradis said that we gave out a few this summer so, right now, we don't have anything.

Mr. Pomerleau moved, second by Mr. Fernald, that the Select Board enter into an agreement to waive the Eliot Community Service Department policy on non-payments, as represented by the Director.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

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**Unanimous vote to approve motion.**

Mr. Lee said that the issue of amount would be on the next agenda.

**2) Resignation from Harbor Commission: Ben Brickett**

**6:34 PM** Mr. Lee said that Mr. Brickett's formal resignation was submitted.

Mr. Fernald moved, second by Mr. Murphy, that the Select Board accept the resignation from Mr. Benjamin Brickett from the Harbor Commission, with regrets, effective September 22, 2016.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**6:35 PM** Mr. Rankie said that the Harbor Commission By-laws say that when there is a permanent vacancy, the most senior alternate shall be appointed to fill the unexpired term; that he is the most senior alternate and is asking to be appointed.

Mr. Murphy said that he's not sure the committee can control the appointments; that he thinks that's still the SB's decision.

Mr. Rankie said that the SB approved the Harbor Commission By-laws.

Mr. Pomerleau said that he agreed with Mr. Murphy that that is not within their discretion, by-laws or not. He added that we also have a posting policy for all vacancies. He said that this Board retains exclusive authority to appoint members to vacancies and a committee can't write a by-law to override that; that he recommended that we post it and then proceed from there.

Mr. Murphy agreed.

**6:36 PM** Ms. Davis said that, by convention and the by-laws, normally speaking, it would be the senior alternate that would be appointed but we still have an obligation to post it.

Mr. Pomerleau said that we need to spend more careful time reading by-laws that come before us because, if we had noticed that, we probably would not have approved it.

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**6:37 PM** It was the **consensus of the SB** to post this open position and address it at a later date.

Mr. Rankie gave the SB a copy of the Harbor Commission's by-laws to review, pointing out that they also say that any recommendation by the Town Manager will be reviewed, first, by the Harbor Commission.

**3) Appointment to Board of Appeals: Two Candidates (Mary Kate Hanson/Charles Rankie)**

**6:38 PM** Ms. Hanson and Mr. Rankie were present for this agenda item.

Ms. Hanson said that she would like to withdraw her application for the full BOA position, in recognition that an alternate has applied for that, and be considered as an alternate.

Mr. Pomerleau said to Ms. Hanson that, on her application, she said that she had experience in interpreting ordinances and policies, asking if she would give him some background on what she meant.

Ms. Hanson said that she was on the Kittery School Committee for three years and part of that is creating ordinances; that she has also been on a lot of governing boards at UNH, which involved creating ordinances, and a number of other boards that have certainly been policies.

Mr. Murphy asked if those boards have had men on them that she has sort of competed with in terms of solving issues.

**6:41 PM** Ms. Hanson said yes; that she does not back down and her brothers can testify to that.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board appoint Charles Rankie to be a regular member of the Board of Appeals for the term that is open.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

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Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the application of Mary Kate Hanson to the position of associate member just opened on the Board of Appeals, term to expire in 2018.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**4) Bruce Staples – Notice of Violation/Court Action**

**6:47 PM** Mr. Lee said that Mr. Staples was present; that a letter from the CEO said that he has not corrected the violation in the time allowed and did not appeal it; therefore, she is notifying the municipal officers, as required per §45-101 (b), which says that the SB is “hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and imposition of fines that may be appropriate or necessary to enforce the provisions of this chapter in the name of the town.” He added that it is before the SB to, if necessary, proceed with legal action to enforce the notice that was properly issued by the CEO; that the SB has some background information there, as well.

**6:48 PM** Mr. Pomerleau asked Mr. Staples why he never responded to any of the requests from the Town to act.

Mr. Staples said that that is the first time he has heard.

Mr. Pomerleau asked if he meant the action we have now or the original letters that we have.

Mr. Staples clarified some of the original letters that the SB has.

Mr. Pomerleau asked if he never had any original notification.

Mr. Staples said no. He added that his lawyer was supposed to be here tonight but he got this notice yesterday to appear at this meeting. He said that he didn’t know that this was an issue with the CEO; that he would request, because he got the notice just yesterday and he called his lawyer today, who is at another board meeting in York, and he needs to get his lawyer in on this, that we could have a

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continuance of this until the next meeting so that we can get all the information from Ms. Ross.

**6:50 PM** Mr. Lee said that we would not be opposed to a continuance for two weeks; that we thought we'd give Mr. Staples a courtesy call to let him know that this is coming up before the SB and if he wanted to attend, he certainly could. He reiterated that he was not opposed to postponing this for two weeks so that Mr. Staples has opportunity to get legal counsel. He added that, with Mr. Staples' statement that he did not get notified, we will provide greater proof of notification.

Mr. Staples confirmed that Mr. Lee would agree that he got the call yesterday afternoon to come here for tonight's meeting.

Mr. Lee said right, and there was no obligation to even do that; that he thought it would just be courteous to do so.

Mr. Staples said that he then would not have shown up; that that's the only notification he had gotten about this meeting.

**6:51 PM** Mr. Lee said that Mr. Staples had received several notifications; that after a number of notifications, we stop notifying, and go to the SB.

Mr. Staples asked if Mr. Lee had copies of those notifications.

Mr. Murphy asked if they were sent by certified mail so that there was a receipt.

Mr. Lee said that that is what he was talking about; that he hasn't gone into the file to look but thinks we can find certified mails that have gone out and either went unsigned or...

Mr. Staples said that he has not turned back...not received any certified mails from the CEO.

Mr. Lee said that that is why he would suggest that the SB postpone it for two weeks and let everybody get their ducks in a row because he can see that it will be challenged.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board postpone this agenda item for two weeks.

**DISCUSSION**

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Mr. Pomerleau said that he assumed we have the correct address – 23 Staples Crossing, PO Box 173, Eliot, Maine.

Mr. Staples said that that was correct.

**6:52 PM** Mr. Lee agreed.

Mr. Staples asked if they were sent out certified.

Mr. Lee said that he didn't know off the top of his head; that that's why we are postponing it for two weeks, so he can find out if there were certifications sent out.

Mr. Staples asked if it was normal procedure to call him the day before this meeting.

Mr. Lee said that it's not normal procedure to have to call at all; that he does believe letters went out to Mr. Staples saying to correct it.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

Mr. Lee informed Mr. Staples that that meeting would be on October 13<sup>th</sup>.

Mr. Staples said thank you.

**5) Energy Committee: HVACs and Generator Concerns**

**6:53 PM** Mr. Lee said that Mr. (Ed) Henningsen (Energy Commission - EC) was present tonight and has been critical in helping us do some of the more technical aspects of the Energy Commission's work; that he is here tonight to present a request from the EC about the allocated use of \$12,000 through the CIP Program for the Police building.

Mr. Henningsen said that we budgeted \$12,000 to do upgrades to the weatherization, insulation, etc., to the Police Station; that we reviewed that and

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reviewed past surveys done on the Police Station; that those two surveys picked on the HVAC system as being problematic. He added that the Police Department could use additional insulation and weatherization but he doesn't feel right spending money on the Police Station if, in a few years, we are going to be forced to do something with the HVAC system; that part of what he is looking for is that we would like to have an engineering review done on the Police Station, with recommendations as to what to do with the HVAC system (cost for the Town Hall was \$2,200 to \$2,400); that the other option at the Police Station is to put an electrical generator in. He said that we had a local contractor come in, walking through the three buildings, and the Fire Station wants one put in, the Town Hall has provisions for one but doesn't know the location of the generator, and we found different questions with the three buildings; that he then couldn't get any response from that contractor, so, he would like to spend some of the funds to have an electrical engineer review all three buildings to come up with RFP's to put emergency generators in for the three buildings to put into the CIP Plan so that that work can be coordinated and done in a proper fashion. He added that, regarding other work, the Town Garage doesn't have an exhaust system for when they run the trucks in the building. He said that we would like to change strategies a little bit; that we may have some excess money left over but we may be back to the SB next year and the year after looking for more money to implement other things.

- 6:58 PM** Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the amended use of up to \$12,000 of the appropriation under Capital Improvement to 1) contract with a mechanical engineering firm to review the Police Station HVAC Equipment and to develop an RFP's for the replacement of said equipment at both the Police Station and Town Hall and 2) to contract with an electrical engineering firm to review electrical systems and best options for providing or upgrading generators to the Police Station, the Town Hall, and the Fire Station.

**DISCUSSION**

Ms. Davis asked, regarding the date you anticipate receiving that CIP request, if that has already come and gone.

- 6:59 PM** Mr. Lee said no but that he believes that (CIP requests) is coming up at the end of October; that he has found, working with the EC, that there are things that will be very hard to guesstimate the cost without knowing more of what really needs to be done; that he thinks that's what the EC has been focused on. He added that he was in hopes that we would get a very good, comprehensive CIP and part of that will require spending some money to know what we don't know. He said that he would recommend that, if there is money left over from this \$12,000, it be dropped through to the Police Building Reserve.



**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

- 7:00 PM** Mr. Pomerleau said that this is one of those committees that do such a thorough job and leaves him with a strong sense of confidence in their recommendations; that we are not committing to any changes but agreeing to a shifting of the EC's priorities as to how they would like to spend their money. He added that he is assuming that they have thought that all out; that he is impressed with the documentation and the studying they do; that he has no objection to their recommendation.
- 7:01 PM** Ms. Davis said that we have a tremendous amount of CIP planning coming up; that she has read through the HVAC system documentation and her sense is that there is some comfort question in some parts of the building and there are some age questions; however, that has to fall into the priorities that we look at when we see the whole picture, which she was thinking was probably November. She added that her preference would be to take a look at where we're headed because it may result in nothing being done so, to spend our money on this right now, she would like to see it delayed until we have our CIP meeting to see exactly where our plate is on all of this and move forward after that; that still in the back of her mind she is concerned about this floor, and we haven't looked at it; that we have a lot of other things and don't have the complete list in front of us right now. She said that, ultimately, we are working toward a priority for this but, right now, we have functioning systems and what we would spend to rip out and replace that maybe would result in some energy savings but how many years is it going to take. She said that one 2011 estimate was, for one building, \$70,000.
- 7:03 PM** Mr. Lee said that that's why we put those in there to give you an idea of the scope of what we're talking about; that he thinks that's what makes it most important that we know those numbers going in or he can't present you a CIP.
- Ms. Davis said that what we are seeing here is that it's \$70,000 so, unless you are planning to ask for full funding in the upcoming budget, what we're going to be doing is saving money for the future, which we can do without having an exact number; that she would like to see exactly where we're headed throughout the whole Town, since we've spent so much time on the CIP this year; that she isn't saying that we won't do this.
- 7:04 PM** Mr. Henningsen said that he thought it was fair to just take the Town Hall building; that the Police Department is 5 to 6 years younger than this Town Hall. He added that the Town Hall is 28 years old and the mechanical systems are original to the building; that a boiler's lifespan is around 20 to 25 years and a condensing unit is less than that; that, to him, there is a criticalness at the Town Hall to get the systems done before we spend money in an emergency situation and, then, not going ahead with what you should be doing. He said that the Police Department building is younger and can live for a few years but, again, 2 or 3 years ago they had to change their condensing unit out; that these things can go

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

whenever. He added that you may want all the ducks in a row but you may have some issues if this thing decides to fail and you have to do something in a hurry.

**7:06 PM** Ms. Davis agreed with him but what we are doing here is planning and this budget won't take effect until next June; so, if the boiler decides to die in any event under any circumstance, no matter what engineering we have done, if it fails in the next month we will have to replace it. She added that, if we do the study and it says to do something completely different, we can't do anything completely different until next June. She said that all she was asking is that we take everything under consideration during our CIP meeting in November and we prioritize what we are looking for; that she knew the equipment is somewhat older and do have to bear that in mind but it isn't critical and not an emergency and stuff we need to be thinking about in conjunction with other priorities; that it would only be two more meetings.

**7:07 PM** Mr. Lee said that he was not committing to having any CIP done in two more meetings; that he doesn't have to roll out a budget until January 1<sup>st</sup>. He added that the CIP stuff gets to him at the end of October and, then, he will take it for quite a while to manipulate it and do more research on every item that is submitted to him. He said that reviewing the CIP in November would be ideal and he is hoping that, toward the end of November, he will have that draft plan ready for everybody to look over before we get into the budget season.

**7:08 PM** Ms. Davis asked if Mr. Henningsen could specify what size generator we need for these buildings or do we need to hire an engineer to analyze all the electricals for this.

Mr. Lee said that we need an engineer to do it; that he's not qualified to do that.

Mr. Murphy said that he has worked with the EC for several years, now, and this he finally sees is something worth going for so that we'll know what we're talking about in this group of most important buildings, you might say; that you need to know this before you can do your CIP study; that this tells you what you're going to need.

**7:09 PM** Ms. Davis said that she agreed but we can't do anything until next June.

Mr. Murphy said that there is up to \$12,000 in their current budget; that it isn't enough to do a lot of real stuff but it does tell you what to analyze to see what the real picture is going to be and what the real costs are going to be, and that would go into the budget.

Mr. Henningsen agreed this would tell what the real costs would be so you can put the cost into your CIP; that without knowing what your real costs are, you are

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

just throwing a dart at the dartboard and no basis. He added that the engineering report include a RFP and budget numbers (cost estimates) from their experience; that we could take that out for actual RFP's to be for work performed after budget time in 2017.

**7:10 PM** Ms. (Donna) Murphy asked, if this was approved tonight, would the RFP's be available on time for the CIP that is with the target date at the end of November; have all that information by the end of November.

Mr. Lee said that, depending on the engineering study costs and given our purchasing policy and the authorities left within the Town Manager's scope for smaller numbers, he is almost sure we can get this work done in the \$1,500 to \$2,200 range on each of these things; that he doesn't think it's going to require a full-blown RFP process, but informal bidding, and we can do that relatively quickly.

**7:11 PM** Mr. Pomerleau said that he thought the Chairman's point was that we can do the study but it might get buried in the priority list and it wouldn't make much difference how accurate it is if it wasn't going to get done next year or two years from now; that this may result in nothing getting done as opposed to insulating the Fire Station. He added that he didn't see this ending up, other than on an emergency basis...that may make the difference of where it ends up if an immediate need is discovered.

**7:13 PM** Mr. Henningsen said that this came about with the comfort complaints; that they installed LED lighting throughout the building and saw a decrease in electrical usage until cold weather; that they looked through the building and found people using electric space heaters because their offices were too cold. He added that there is an air distribution problem in the building, the building is one zone, which should be at least 4 or 5 zones, and efforts were made to improve the situation; that all of this led to where we are today. He said that the Town should have upgrading the HVAC systems as part of the CIP; that he is more concerned with this building than the Police Station, so, he would hope the CIP for this building would come first, including revising the HVAC system. He described the costs of inefficiency of the current, old system and the payback if you were to convert the heat pumps. He added that, as he understands it, the building does not have an emergency generator; that it has some provisions for a generator but he doesn't know where the generator is, or the cord, or when the last time it was tested or tried in this building; that putting a fixed installation of an emergency generator into your CIP would benefit the Town and the building, explaining that this is a three-phase building and he doesn't feel comfortable writing a RFP for that work; that it should be done by a professional who understands it.

**7:19 PM** Mr. Lee discussed his concern for an emergency forcing them to put in less than the best option and having to expend more a year or two later.

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

Mr. Henningsen said that part of what we're asking for – the engineering studies – is planning; that it's needed to facilitate the planning that you want for your CIP, to develop your costs so you have accurate numbers in your budget when you actually do this; that we're not saying it's going to get done until it's properly approved.

**7:20 PM** Mr. Pomerleau said that it made sense to him to proceed with this; that he didn't know how we would fit this into a CIP plan without knowing the details of how we prioritize without this kind of information. He added that Mr. Henningsen has identified that it has moved from a comfort complaint thing to a potential real problem.

Mr. Lee said that we have had breakdowns on this boiler before and spent a fair amount on breakdowns already; that we have been warned that it is at the end of its useful life. He added his concern for being forced to close and being forced to put in the wrong furnace in an emergency that doesn't think long-term but is a bandaid; that he has seen that that has happened a lot in this Town; that this is an element of planning and he would like to be able to know that his numbers mean something.

**7:22 PM** Ms. Davis said that, to her, it always seems like we are reinventing the wheel; that we are talking about tearing out everything that is in these buildings and putting in new stuff – new ducting, new zoning – we're never just happy with keeping what we've got and, then, replacing it in like-kind and saving some money; that you save \$6,000/year and you spend \$60,000 on all this revamping; that it takes you 10 years just to make up the difference of what you have put into it.

There was some discussion regarding space considerations and that current systems took up much less space.

**7:24 PM** Mr. Pomerleau said that we are far from determining what the solution is; that he thinks what we are trying to do is identify what the problem is. He added that he didn't think there was any commitment to heat pumps or drastic changes and the recommendation may end up that we can make a few minor changes and remain status quo but that's the whole point of getting the analysis. He reiterated that he thought we ought to go with the analysis.

Ms. Davis asked if anything just down goes towards this or do you need a completely new study.

**7:25 PM** Mr. Henningsen clarified that we are using the Town Hall engineering study and what we are asking for is for the engineer who did that study to write a RFP for us so we can get quotes from contractors. He added that there would be a separate engineering study on the Police Station, with a RFP and pricing; that the electrical

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

part would be an assessment and RFP's written so we could get pricing for installing emergency generators for all three buildings.

Mr. Lee reiterated that there was no commitment to put them in but, in a CIP plan, he needs to have some idea what to put in; that, otherwise, it's going to be nonsense and his numbers meaningless.

**7:26 PM** Ms. Davis said that she would like some assurance that, when we do these studies, that there is some consideration to saying that what we've got here may not stink and all we have to do is replace 'this', 'this', and 'this' as it becomes broken or too old.

Mr. Henningsen said that we have; that we have documents from the engineer regarding this. He added that that is all part of what we are trying to put forth; that there are other options being looked at but we are trying to establish that we have some knowledge to the numbers that we are giving you; that we would be doing our due diligence to get the numbers at least into the ballpark. He said that we just need to start somewhere solid and we don't have anything solid to start with.

**7:27 PM** Mr. (Jim) Tessier, Johnson Lane, said that it seems like that what the EC is proposing is giving you information on the current status of the equipment and some projected costs on what it would cost to make changes they feel need to be made, which would then give you the information you need to fit it into the CIP and help you set priorities in the CIP and a spending plan for years going forward; that it would make it easier for the Town to budget and plan for the future. He added that it just seems like a good idea to him.

**7:28 PM** Ms. (Donna) Murphy said that she would second what Mr. Tessier said. She added that this Town Hall has been reconfigured from what it originally was when the Police Station was here; that you can tell by just where the light switches are. She added that she is hearing that no work has been done on the heating system from when it was reconfigured so this is still the original system; that she wouldn't discount comfort as someone who works for a state agency; that it's very difficult in that we are either sweating to death or freezing and our meetings are often held in rooms where we are wearing winter coats; that it does lower productivity. She said that she supported this, also.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:30 PM**

**6) Engaging Committees re: Self Assessments**

**a. Requested Opinion of Town Manager Regarding Committees**

**b. Formation of Sub-Committee?**

Mr. Lee said that the SB has seen the self-assessments on each of these committees/boards and the second part of the request was for him to give his personal opinion on their missions, functionality, and the need for them, etc.; that that memo is in their packets. He added that he is not prone to giving his personal opinion on things like this, but he was asked to do that, and he was hoping that people didn't take it personally because it wasn't personal. He said that the Planning Board (PB) and Board of Appeals (BOA) are established by statute and there is not much, in my opinion, that's going to make much difference whether the Eliot PB functions very well or poorly; likewise whether the Eliot BOA functions well or poorly; that he would say that, from his personal observations and watching some videos, and so forth, that the BOA could probably use some more training, especially in the area of taking testimony, if we are to have such a board, and our charter requires it; that he didn't put a lot of time into those two. He said that the Eliot Conservation Commission was a long-standing, stable commission with a unique community focus, unlike other committees; that he thought they were a good commission, been around a long time, have a good purpose and seem very focused on their mission, and doing very well. He added that the Eliot Energy Commission is highly functional and effective, very forward-looking and looking to save money through energy efficiencies and better planning. He said that the Eliot Business Development Committee (EBDC) just disbanded on their own, recognizing that their mission is at odds, perhaps, with the existing mission; that there's no TIF project out there to work on and begin to advance and, when there is some sort of a TIF project or they are asked to be part of developing a TIF project, they indicated they would be willing to come back and re-organize. He said that the Eliot TIF Alternatives Committee (ETAC) is a highly-functional, important committee, in his opinion, and needs to continue until the mission is complete - some sort of economic master plan and priority uses for TIF funds – thereafter, it should be disbanded. He added that you may opt to go with a different form of committee after this group reports out; that it would probably be along the lines of a TIF implementation committee that, once the projects have been decided and staffing has been arranged, would look into the careful implementation on behalf of the SB. He said that the Eliot Comprehensive Plan Review Committee (ECPRC) is a very frustrated committee that doesn't have very many members, they had trouble getting quorums, they have no real

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**September 22, 2016 5:30PM (continued)**

power to enforce the implementation of the Comprehensive Plan; that the Chairman called to ask if they even needed to do the assessment below, given they have no power to do anything but raise awareness of unfinished tasks prescribed in the 2009 Comprehensive Plan. He added that he believed they did fulfill their primary purpose; spreadsheets went out to each committee, which spelled out everything that needed to be done and broke it down into low-, medium-, and high-priority, with expected dates of completion; that feedback from committees was asked for and we received no feedback. He said that he thought that that was the last straw for the ECPRC and thinks they are just as happy to be disbanded, at this point, and return this mission back to the SB to make sure that the Comprehensive Plan is followed up through the various entities that are mentioned in there. He added that we are very close to entering into our next Comprehensive Plan planning session (2019) and the process is about 18 months, if it goes well; that we are looking at reconfiguring this into a Comprehensive Planning Committee, which will then be tasked with helping to create, and involve the citizens, in the next Comprehensive Plan. He said that the Eliot Solid Waste & Recycling Committee (ESW&RC) is a highly functional committee that has served its purpose in assisting with the conversion to a pay-as-you-throw system, have achieved significant cost-reductions in our waste management, worked on a revised ordinance and a thorough recycling program. He added that the primary mission, he thinks, is to update the operations manual; that he thought that might be a task best left to the Public Works Director; that he thinks they've served their purpose very well but he isn't sure they have a clear mission and may want to be disbanded. He said that the Eliot Sewer Committee (ESC), although populated with well-informed, dedicated members, we now have a Public Works Director who is an active Sewer Superintendent and are taking rate and engineering advice from a professional consultant; that by their own self-assessment, they could not really define their mission. He added that he thought they may have very limited purpose, now, and may want to be disbanded. He said that, with the Eliot Harbor Commission (EHC), it initially proved to be informational but, as time went on, the relationship with himself and the Harbor Masters has been contentious; that despite several meetings they continue to demand action from his staff as though the staff works for them; that even work on the ordinance took its own direction despite legal advice to the contrary; that members' personal interests in how the harbor is managed, that has shown through, and may be the cause of the conflict. He added that they don't feel valued by Town officials; that they don't have good communicative relationships with himself, or the harbor masters, and the staff agrees with that assessment. He added that, although populated with well-informed and dedicated members, once the ordinance is complete he recommends they be disbanded. He said that the Eliot Building Committee (EBC), the Eliot Information Technology Committee (EITC), and the Eliot Shellfish Committee (ESC) have all previously changed their standing to on-call or as-needed basis, or are dissolved, or disbanded altogether. He added that these are his opinions and the decision to retain or

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**September 22, 2016 5:30PM (continued)**

restructure these boards, committees, and commissions is strictly that of the Eliot SB.

**7:38 PM** Mr. Murphy said that he wanted to thank the Town Manager for doing this. He added that it was obvious that there was a wide variation in the response; that the Conservation Commission produced a very good return, it seemed to him, and it did work as it was intended to work. He said that he thought that, if we are going to consider disbanding, we need to consult with the committees because the committees, themselves, have an understanding of who they are, why they're there, what they have yet to do, or, maybe they say they've waited to be told what to do, or, they've waited to find someone to get approval for this whole list of things that they want to do if the Town could afford it; that we don't know that within a committee. He added that he thought this SB, with the Town Manager, should hold a series of consultations with each of the committees, instead of just throwing them away, and re-examine this from both sides.

**7:39 PM** Mr. Lee agreed and said that he certainly wouldn't want the Board to act just on his opinion; that, as Mr. Pomerleau mentioned a couple weeks ago, possibly some sort of subcommittee of the Board to speak with each committee to see if they need their mission clarified or really do want to disband.

Mr. Murphy disagreed a subcommittee should do this; that it's too difficult to get one on this Board at the present time. He added that he thinks this involves the Town, which means that any questioning, etc. should be here at this committee and the public could become more aware of what these committees are actually doing or have done or hope to do; not be something off to one side where two members of this Board ask the questions, discussing his concern for getting a full understanding of what each of these committees has meant to the Town and may mean in some future way. He said that these committees, in a sense, belong to the public; that they don't belong to this Board, though we set them up. He reiterated that, if we go forward with this, it should be here in an open, generous discussion.

**7:42 PM** Mr. Pomerleau had a much different view; that he thought trying to form a citizen committee to review committees would be cumbersome. He added that oversight and supervision of committees is the specific responsibility of the SB, as specified in the Charter, and that is what he thinks we should be doing as a Board. He said we should take their self-analysis, the Town Manager's recommendations, two of us sit down with the committees or the chairs, get an analysis, get any feedback, draw some recommendations to bring back to this Board; that, then, this Board could decide where to go from there and, maybe, put out to the public for their input. He said that this is a management function, an evaluation of your organization, and that is the way he thinks we should approach it.



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**September 22, 2016 5:30PM (continued)**

**7:43 PM** Mr. Fernald said that he agreed we should do this but he is not in favor of having two of us do this but that it should be the whole Board; that we all have different opinions and there are different questions we would like to ask; that some of us have a lot more knowledge about why these committees have been formed. He reiterated that he would like to see this come before the whole Board as a workshop.

Mr. Pomerleau discussed the efficiency of a subcommittee doing this in not having to require the formal requirements of the full Board meeting; that for the final analysis it comes back to the whole Board. He added that he was looking for speed and efficiency to do an analysis; that doing it as a whole Board would take a long time with everything the Board is now doing.

**7:45 PM** Mr. Murphy said that it comes back to the Town's citizens, rather than just this Board; that we do appoint them but the functions they serve are Town functions.

Ms. Davis suggested the Board might want to do a feasibility study amongst ourselves on how we would do that; that she tends to agree with Mr. Pomerleau's approach because, then, action could proceed unhindered by trying to get this on the calendar; that our meetings are very long, as it is, on regular meeting nights; that our workshops are pretty much full for the next few months and we have budget coming up. She added that if you don't want to approach it, as suggested, then we need an alternative.

**7:47 PM** Mr. Lee said that if we are going to have difficulty deciding which way to go, in terms of involving the committees, perhaps it would be valuable to take a couple of weeks, think about it, and maybe we could talk one-on-one, if we have time, and see if we can come up with a mixed approach that might work rather than try to fix it, here and now, while we still have so much of the agenda to do.

Mr. Tessier said that he thought the Board was doing a very valuable thing here but one thing that he is very disappointed in, that in discussing committees and, as has been said, some of these are very long-standing committees, is that they weren't even invited to be at this meeting. He added that, as far as the Solid Waste & Recycling Committee, he provided updated by-laws to you a couple of meetings ago and there wasn't too much discussion; that he thinks an area that you could be looking at is the by-laws of each committee. He said that he tends to agree with Mr. Lee in that, in these past few years, we have accomplished a lot so a lot of what we needed to get done, is done, but what we added to our by-laws was the interface with other towns and the school board; that if you feel that's an area we need to work on, then, there's value for the committee to continue but, if you don't want us to work in that area, then, there probably isn't reason for continuing. He thought that there was value in the committee members talking to the Board in trying to figure out what you want us to do and where you want us to

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

go; that he then thought it became pretty self-apparent whether we need to keep a committee in place, or not.

**7:48 PM** Ms. Davis said that that was the whole purpose of setting up a couple of Selectmen and the Town Manager to start talking to the committee members to find out these things.

Mr. Tessier agreed, and we filled out the questionnaire, but we weren't invited to be part of this discussion.

**7:49 PM** Mr. Pomerleau said that there wasn't much point or purpose in doing that until we decided we would actually do something and he doesn't know how a committee would have impacted that; that committees don't run themselves, they are appointed and supervised and overseen by the Board and the Board determines the need for the committee based on whatever the public funds and budgets told us what we need to get done. He added that this was an off-shoot of the surveys going out and he said that, if we are going to do this then we ought to follow up, identify the problems and come up with a plan of what we want to do; that there may be a lot of common problems that surface; that committees may not need to exist anymore, maybe their mission needs to be changed.

**7:50 PM** Mr. Tessier agreed but added that there was value in committees hearing the assessment of where the Town thinks they are; that it helps the committee to understand where they are and the perception of the Board and the Town Manager.

Ms. (Donna) Murphy said that she thought Mr. Lee did a fine job and owes no apology to anybody for any of the comments he has made; that she sees a lot of value in what Mr. Pomerleau has suggested regarding having a couple of Selectmen to attend that. She added that just because some committees, the Sewer Committee in particular, are long-standing doesn't mean you keep going with them if they are unclear about their mission or don't take it seriously or don't ask for direction.

**7:51 PM** Mr. Murphy discussed reviewing Selectmen minutes from October 2001 and the sparsity of detailed information in those minutes; that this was when the Sewer Committee (Eliot Sewer Advisory Committee) was formed and the minutes do not say what their mission is or what they are supposed to do. He added that there are still concerns that were mentioned at that time that haven't been solved.

**7:54 PM** Ms. Davis asked if the will of this Board was for the Town Manager to give this some more thought and make some recommendations at the next meeting based on the sentiments that we have expressed.

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

After further discussion, the Board agreed.

**K. Administrative Department**

**7:55 PM 1) Town Manager Report**

Mr. Fernald asked for an update on **Line 22** (ECSD).

Mr. Lee said that this time of year for ECSD is the busiest, as summer is winding down and fall is winding up; that he believes that they have to focus their limited staff on their primary purpose; that he spoke to Ms. Muzeroll-Roy about finding that third bid and getting back to them to see if we can still get it done this fall; that, with everything, we might not see it until spring, now.

Mr. Murphy asked about **Line 107** (virtual Town Hall web software developer).

**7:57 PM** Mr. Lee said that this is scheduled for October 13<sup>th</sup>, at the beginning of the meeting, for about a 15-minute demo.

Mr. Murphy asked about **Line 51** (spoke to Kittery Town Manager re: Finance Director Panel).

Mr. Lee said that he was asked to be on the interview panel for the Kittery Finance Director position; that he did that this past Monday.

**a. Financial Report**

There were no questions.

**b. Report of the Collaboration Team**

Ms. Davis asked for elaboration on collaboration.

**7:58 PM** Mr. Lee said that members from South Berwick and MSAD #35 really enjoy when Select persons attend those collaboration meetings; that it is more than just the Manager and South Berwick has a couple of Councilors who attend with pretty good frequency and they were hoping that one, or more, of you would also make it your mission to try to attend and participate in those collaboration meetings. He added that he told them that the 8 AM meetings are a little tougher for his Board than they seem to be for the other people but, to the extent that any of you would like to participate or come to those meetings, he was going to try to leave a notice in your box of the upcoming meetings so that you could attend, if you like.

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

**8:00 PM        2) Select Board Recommendation on Growth Permit Question – No Correspondence**

Mr. Lee said that we simply need a vote from you on the growth permit question and, then, he needs to go in and amend the warrant for signature towards the end of this meeting.

**8:01 PM**        Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board recommend the annual growth permit of 30 permits per year, as submitted by the Eliot Planning Board for the referendum ballot in November.

**DISCUSSION**

Mr. Pomerleau said that he has been deeply engrossed in this, attended PB meetings, and actually done some projections for them on where the growth permits were heading; that once it was discovered that senior units had to be calculated in, it changed the projections drastically. He added that one thing he did with the 10-year projection that he pointed out that he thinks this Board has to work with the PB on, is that we should be looking at a 10-year plan because the numbers he has projected for 10 years could add some 560 units; that that is without another single senior housing unit being built of what we know today; that that does kind of startle one, that when you look at department heads saying that they could handle 30, or 50, and, when we start looking at long-term numbers like, that there is going to be a major impact. He said that, for this immediate number of 30, one of the things his calculations showed was that it's not going to have a dramatic impact on those numbers moving forward; that, in his view, the benefit of the 30 is to catch up with the backlog of pending homes that people are looking for. He added that this will end up greater than 30 no matter what happens, whether this 30 passes, or not; so, he will support the 30 for the upcoming year.

**8:04 PM**        Ms. (Rosanne) Adams said that she was waiting for this explanation and she realizes that it isn't going to do much; however, why up it; that she really didn't see why they would up it even one when we've got this situation happening. She added that she didn't understand his comment about looking at a 10-year plan, saying that she thought they were really going to have to take a look at the ordinance; that for these units not to be included in a growth permit, but counted for the growth permit, is ridiculous; that she thinks we really need to look at that ordinance, again, if this is fair.

**8:05 PM**        Ms. Davis said that she doesn't think it's governed by our ordinance but governed by the State statute; that she doesn't think we have any control over it, asking if that was correct.

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

Mr. Pomerleau and Mr. Murphy agreed that that was correct.

There was further discussion on the State statute and how it was applied to determine the number of growth permits.

**8:08 PM** Ms. Davis said that she has heard from many constituents that are very unhappy with the rate of growth so she will be personally sticking with the minimum number in honoring the last vote we took on the growth ordinance.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – No**

**Mr. Pomerleau – Yes**

**3-1 vote to approve the motion.**

**8:09 PM** **3) Select Board Recommendation on Sewer Funding Question – No Correspondence**

Mr. Lee asked if, on this agenda item, everyone was going to maintain their previous vote from a week ago, when we met at Marshwood High School, in terms of the \$1.7 million sewer bond; that it was a 3-1 vote, with Mr. Murphy in the negative.

Mr. Fernald said yes.

Mr. Murphy said that that was his feeling and he doesn't think that will keep it from being on the ballot.

Ms. Davis said to Mr. Murphy that his vote against the bond was not a recommendation for the TIF; that what we are recommending with this bond is to avoid residences in South Eliot from having to suffer a full assessment for the cost of the repairs; that this bond is to spread those payments out over a 20-year period, rather than having to resort to that and, so, she would encourage Mr. Murphy to change his vote on that and to recommend the bond so that we do not create a poor situation for them in the future.

**8:10 PM** Mr. Murphy said that this article will get on the ballot, as it is.

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

Ms. Davis said that she would like him to recommend it so that the citizens would be in favor of voting for this so that it will save South Eliot from a potentially disastrous situation.

Mr. Murphy said that he doesn't understand it in quite the same way that Ms. Davis does; go right ahead.

Mr. Lee clarified that the vote was still 3-1.

The Board agreed.

Mr. Lee asked to take a minute to edit the document (warrant) to reflect the Board's direction while the Board dealt with agenda item #4.

**8:11 PM** Ms. Murphy said that she wanted to report that the Budget Committee voted at their last meeting to support the bond with a 6-0 vote. She added that they are requesting the documents that support the figures that are on the warrant.

At this time, Mr. Lee brought back the revised warrant. There was some clarifying discussion.

**8:14 PM** At this time, the SB discussed the **medical marijuana caregiver petition**.

Mr. Pomerleau said that he didn't know if the petition writers ran this by our CEO but he knows their initial objective was to simply include caregivers to the ordinance and that, prior to that, the ordinance was written for dispensaries. He added that, if you look at Item C, it reads, "*A dispensary or registered primary caregiver facility may not be located within 500 feet of the property line of an existing public or private school, residential property...*", saying that, for the large part, caregivers are home-based businesses and they are going to be in residential zones, if they are a home-based business; that if they are operating in something bigger than that, then they're probably going to be governed by PB ordinances regarding commercial, business-type entities. He added that he didn't know how this would allow them.

**8:15 PM** Mr. Lee said that this is a petition written by a citizen and he presents it to the SB as it was presented to him. He added that we have had petitions presented in the past that weren't very clear and you accept them the way they are and we work out the bugs afterwards.

Mr. Pomerleau agreed, unless we find something that isn't legal; that it's a little bit muddy to him from what he read with the MMA stuff.

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

There was further discussion regarding the language of this petition and its impact.

**4) Appoint Warden for Election – J. Peter Dennett**

**8:37 PM** Mr. Fernald moved, second by Mr. Murphy, that the Select Board appoint J. Peter Dennett as the Warden for the November 8, 2016 election.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**5) Receive and Accept Citizen's Petition for November Warrant**

Mr. Fernald moved, second by Mr. Murphy, that the Select Board accept the Citizen's Petition for the November Warrant, Article 5.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**6) Finalize/Sign the Town Meeting Referendum Warrant/Ballot for November 8, 2016**

Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the Town Meeting Warrant for November 8, 2016, as presented.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

**Unanimous vote to approve motion.**

**7) Mary Lizzie Spinney Trust – Reconsideration of \$5,000 to Heating Fund**

There was **consensus by the SB** to table this item.

**8) MSAD #35/South Berwick: Request to Join Them to Petition MDOT for MHS Traffic Signal**

There was **consensus by the SB** to table this item.

**9) MMA Voting Credentials for MMA Annual Meeting**

**8:38 PM** Mr. Murphy moved, second by Mr. Fernald, that the Select Board designate the Town Manager to be Eliot's voting delegate to the Maine Municipal Association Meeting on Wednesday, October 25, 2016, at 1:30 PM in Ballroom 5 at the Cross Insurance Center in Bangor, Maine.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**L. Old Business:**

There was no discussion.

**M. New Business:**

**8:41 PM** Mr. Lee said that the York River Study Committee has asked to make a short presentation on our meeting of either November 10<sup>th</sup> or November 24<sup>th</sup>.

The Board agreed that Mr. Lee could choose the meeting night for this presentation.

Ms. (Donna) Murphy asked that, when it is placed on the agenda to discuss whether to join the school board requesting the light and/or speed limit, could some information be requested on costs and who would be responsible for those costs if it was determined that, for example, we were going to install a light.



**SELECT BOARD MEETING**  
**September 22, 2016 5:30PM (continued)**

**8:44 PM**      Mr. Lee said that he could find that out.

Ms. Davis said that we had discussed doing a workshop on October 6<sup>th</sup> to discuss Town Manager appraisal forms and asked if Mr. Lee could make sure that gets out there.

Mr. Lee said that he would get an agenda out and send it to Ms. Davis for review, then post it.

**N.      Selectmen's Report:**

There were no Selectmen's reports tonight.

**O.      Committee Vacancy Report**

There was no discussion.

**P.      Adjourn**

There was a motion and second to adjourn the meeting at 8:45 PM.

**VOTE**

**4-0**

**Chair votes in the affirmative**

January 12, 2017- Approved

**DATE**

**S: /**

**Mr. John Murphy, Secretary**