

**SELECT BOARD MEETING**  
**October 27, 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. Approval of Minutes of Previous Meeting(s): Joint Budget Workshop of Oct. 11, 2016;  
Select Board Workshop of Oct. 6, 2016**

**5:31 PM** Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of October 6, 2016, as written.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of October 11, 2016, as amended.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

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

**5:33 PM** There was no public comment.

**G. Old Business:**

**5:34 PM** 1) Notice of Land Use Code Violation – Period of Extension – Verbal Update

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee said that the fence has not been moved; that he has some email correspondence between our CEO and Attorney Orso, who was here the other night, which said that nothing had changed regarding compliance; that the attorney said that there had been considerable hesitancy by the people putting up the fence because of the history of litigation and concerns about trespass, that he is working on a resolution, and that he will notify the Town when it is done. He added that a proposal resolution was received by the abutter to Attorney Orso but he doesn't know what it is; that he suspected the proposal allowed the fence to stay, with less than two feet, which can be done with the owner's permission and registered at the Registry of Deeds.

**5:36 PM** Ms. Davis said that it sounds like it is in process.

Mr. Fernald said that we need to know the stipulations of that proposal, although, it sounds straightforward.

Mr. Lee agreed that it sounded promising but he needs to see what that proposal is; that this all took place today, with him asking Attorney Orso if this was going to get done because he had to report on it tonight. He added that the property line, itself, was in litigation, as well as the placement of the fence; that based on what we have for information, where that property line is, the fence is not set back 2 feet. He said that Mr. Staples is also questioning whether the boundary line is correct.

**5:37 PM** Mr. Fernald said that his concern was that this Notice of Violation was put forth in August and it is now October.

Mr. Lee explained that the SB's options would be to forego legal action for another two weeks or, if you forego fines and authorization to take him to court for another two weeks, because we do have something that appears the neighbors are trying to work it out, themselves, without need for litigation, or, we made it clear that, from two weeks from the last meeting, if it wasn't corrected we would take action. He added that he thought it was still within the SB's purview, if it's in the best interest of the Town, to allow another two weeks for Attorney Orso to continue to work with either fence installers or the neighbor to get this thing worked out. He said that, when we found out about the violation, we researched all the maps and property lines to determine that he was not two feet off his line.

**5:38 PM** Mr. Pomerleau said that his only question was, within the language of our code, whether we have the discretion of waiving it; if, by the condition of the abutter's agreement, is that legal for us to do. He added that that would not be common with most laws; that litigants don't have authority to change laws.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee reiterated that he had not seen the proposal; that that is the only thing an abutter to Mr. Staples would be able to offer them that would make the whole thing “go away”.

**5:39 PM** Mr. Pomerleau said that what confuses him about this is that it would seem to be a plausible solution a month ago, asking what has changed.

Mr. Lee said that Mr. Staples knows that, one way or the other, he either has to move it or he will end up in legal trouble so, maybe for the first time, he is motivated to reach out to the abutter to work this out.

**5:40 PM** Ms. (Gail) Chase (abutter in this) said that the proposal was for the fence going the long way off the back of the property can stay on the line if he puts finishing boards on her side; that the part (two sides of her property) where he has the fence through the well and bushes, it (the fence) is a crooked line, if he moves it three feet onto his property it straightens it out the line and by-passes all that. She added that that was the offer and he has refused it once, already, but it has been given to him, again, because he has a lot of things going against him at this point.

**5:41 PM** Ms. Davis asked if it was possible to send him a letter of seriousness that he has two more weeks and that is it.

Mr. Lee said yes; that he thought that is exactly what we would do – that the SB has authorized a conditional two weeks but there shall not be another two weeks beyond this, etc., so, if he’s been offered a deal to make this go away, we would suggest he accept that or move the fences where we’ve told him to move the fences.

Mr. Pomerleau asked Ms. Chase if that sounded okay with her.

Ms. Chase said yes; that whatever the SB decides is fine with her; that he has lots of options and it’s all up to him.

Mr. Pomerleau clarified that he was asking her if it was okay with her that the SB might prolong this for two more weeks.

Ms. Chase said that she did not.

**5:42 PM** Mr. Murphy moved, second by Mr. Fernald, that the Select Board authorize the extension of two weeks for Mr. Staples to finish negotiating or bring the problem to a conclusion.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**5:43 PM      2) Mary Lizzie Spinney Trust - Updates**

Mr. Lee read the memo update that Ms. Albert put together, with help from Ms. Bergeron, regarding the \$5,000 deposited from the Fund and the disbursements of that money, with the approval of Ms. Lytle. He said that not only was the \$5,000 depleted but also a part of the original balance in the Home Heating Assistance Program and, because of this, there were no funds from the balance to return to the Trust. He further read that *“Ms. Lytle has signed off (12) distinct times, authorizing disbursement of funds from this Trust”*; that this, along with MMA legal opinion, supported Ms. Albert’s recommendation that *“Ms. Lytle be allowed to continue as the nurse employed by the Town to oversee the Trust and all past distributions stand as authorized.”*

**5:46 PM**      Mr. Pomerleau said that it came down to the definition, last time, of employed and absent any historical documentation to the contrary and contrary to anything Ms. Lytle told Ms. Albert, we can go forward with that legal interpretation.

Mr. Lee said that Ms. Lytle agreed to stay on and continue to do this, working with Ms. Albert when an appropriate use of those funds might come into play.

Mr. Pomerleau said that he would like to have a record of disbursements so that there is a trail going forward.

**5:47 PM**      Ms. Davis said that this is a trail of the fuel fund but we don’t have any records right now of the actual Trust; that she thinks that, in order to keep this in the forefront, she needs to be added on as someone who is re-appointed annually so that we know what’s going on.

Mr. Lee said that he had suggested that to her and she was fine with that; that you could appoint her at the next meeting and formally get it documented that she is appointed.

It was the **consensus of the SB** to have her appointed formally.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

**5:49 PM** Mr. Lee asked if this issue was resolved insofar as what has taken place; that it's resolved going forward, keeping a good record, and making it clear who is doing the trusteeship.  
Mr. Pomerleau asked if they could appoint her tonight.

Mr. Lee said yes.

The SB agreed.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board appoint Janice Lytle the nurse appointee for the Mary Lizzie Spinney Trust Fund and the position be an annual appointment.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**H. Public Works**

**5:50 PM 1) Sewer Allocation: 258 Pleasant St., - 120 GPD – Failed Septic**

Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the request for 120 GPD (gallons per day) of septic assignment to the owners of 258 Pleasant Street.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**2) Sewer Allocation: 840 Main St., - 120 GPD – Construction of an Accessory Dwelling Unit**

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the request for 120 GPD (gallons per day) of septic assignment for an ADU (accessory dwelling unit) at 840 Main Street.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**I. Department Head/Committee Reports**

**5:52 PM 1) Planning Board: Request for Moratorium on Retail Marijuana Facilities and Social Clubs**

Mr. Lee said that he had the Planning Assistant draft some language to be used in enacting this and that is available, if you would like to use it. He added that the PB discussed “the potential effects of the local and statewide initiatives concerning medical and recreational marijuana as they relate to zoning/land use matters.” and the lack of controlling ordinances regarding the establishment of retail facilities and social clubs and formally requesting that the SB enact a 180-day moratorium on all retail marijuana facilities and social clubs so that “the PB can develop specific zoning ordinances”. He added that he thought this was a prudent move by the PB to allow us, as a community, to get ready for how we are going to deal with this.

**5:54 PM** Mr. Pomerleau said that many communities are facing this; that at first he thought we might be a bit premature because, if the law passes, the Maine Department of Agriculture (MDA) has up to 9 months before they enact rules pertaining to licensing and nobody can apply for a license until the rules are passed; that he was concerned about the timing but it seems we could get an ordinance developed within a year; that the vote in Eliot will tell us what they feel about legalization, which would be a guiding tool as to how we write our ordinance. He added that he would support going forward with a moratorium.

**5:56 PM** Ms. Davis asked if the 6-month extension require a Town vote

Mr. Murphy said no; that the SB is allowed to approve an extension.

There was discussion regarding whether the SB could approve the extension. M.R.S.A. §4356. (3) Moratoria says, “In municipalities where the municipal

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

legislative body is the town meeting, the selectmen may extend the moratorium in compliance with subsection 2 after notice and hearing.”

Mr. Pomerleau said that he thinks what that is saying is that we have to put out public notice and have a public hearing.

**5:57 PM**

There was general agreement.

Mr. Pomerleau said, regarding State regulation timing, if we will ban it, it won't make much difference but, if we would allow it and we wanted an ordinance that sets restrictions and limitations to it, then we may be premature with what the MDA does.

Mr. Murphy said that he believed that the purpose tonight, regarding the PB's request, is legitimate because the Town should have a moratorium in place before the election takes place because, if we don't have a moratorium, then someone could come in the day after the election and apply for it, and they would be grandfathered before we adopt a moratorium. He added that he thinks it's necessary just to protect the Town, to have this in place, and the PB will have their time and there won't be a grandfathered insertion.

**6:00 PM**

Mr. Lee said that that was why the wording was contingent on the State-wide passing of the referendum.

Mr. Murphy moved, second by Mr. Fernald, that, in accordance with the provisions of MRS Title 30-A §4356 (Moratoria), the Board of Selectmen enact a 180-day moratorium on the processing or issuance of development permits or licenses for all retail marijuana establishments and social clubs, so that the Planning Board may develop specific land use ordinances regulating such facilities. Moratorium shall be effective immediately upon the statewide passage of the Marijuana Legalization Act (Question #1) on November 8, 2016.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**6:04 PM**

**2) Harbor Commission: Appointment**

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee said that he didn't know where Elwood Zamarchi is; that he doesn't see him here and, regarding his application, the SB may want to table that until he can attend and you can ask him some questions.

Ms. Davis asked if we had posted that position.

Mr. Lee said no; that if Mr. Rankie moves up to full membership, then we really should post it, anyway, which is another reason to table, but he should be here to take some questions. He added that the only one he thought the SB might act on is Mr. Rankie.

**6:05 PM** Mr. Pomerleau agreed that it needed to be posted before, as there isn't a vacancy until we've appointed.

Ms. Davis asked about the appointment of Mr. Rankie to become a full member of the Harbor Commission.

Mr. Lee said that that has been posted.

**6:06 PM** Mr. Murphy moved, second by Mr. Fernald, that the Select Board appoint Charles Rankie to the open position, regular member, on the Harbor Commission, for the remainder of the open term.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**6:07 PM** **3) Eliot Solid Waste & Recycling Committee – By-laws - Revised**

Mr. Lee said that Mr. Tessier was here; that he believed the committee did everything that was consistent with what the SB asked and that these are now complete with the changes the SB sought.

Mr. Pomerleau moved, second by Mr. Fernald, that the Select Board approve the by-laws of the Solid Waste & Recycling Committee, as presented.

**DISCUSSION**



**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Tessier said that it has been discussed but with really no feedback from the SB about the committee being involved with talking to the school system and surrounding towns so he would understand that, if the SB approves this, then they are agreeing that that was something that they would like to see us pursue, as that is the only thing different from what we've been doing right along.

Mr. Murphy agreed that that was in the by-laws.

Mr. Fernald said that he thought the Town Manager should put together some information on how to run an executive session meeting for committee chairs.

**6:09 PM** Mr. Tessier said that he knew we would really appreciate that.

Mr. Lee said that he could put out a template of what to do, when you could and could not do certain things.

Mr. Murphy said that he would like to see recognition of the Ordinance Governing Boards, Committees, and Commissions and an agreement that you would follow the rules in there.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**J. Administrative Department/Department Head Reports**

**6:12 PM 1) Town Manager Report**

Ms. Davis asked about **Line 40**.

Mr. Lee said that one proposer called to get clarification regarding requirements for the RFP.

**6:13 PM** Ms. Davis asked if **Line 42** had been resolved (payment in lieu of health insurance).

Mr. Lee said that it had in regard to the one employee here. He added that this is a background project for us to keep an eye on it; that at some point we might want

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

to take another look at this, as it could be more straightforward. He clarified that it did work but could be neater.

Ms. Davis asked about **Line 55**, whether this second salt claim was in the same area.

**6:14 PM** Mr. Lee said no; that it was similar in that it took place some time ago and only recently submitted it; that they resolved it before coming to us. He added that he suggested that the person get her water tested according to MMA guidelines and, with that, the Town might be able to discover if the Town is liable; that he hasn't heard back.

Mr. Murphy asked about **Line 102**, regarding renovation and addition, asking if that had to do with the Town Hall.

Mr. Lee said yes; that back in 2010, we paid to have a study done for space needs and he was thinking about whether to put money in for capital projects; that we met with the person who did that work and we are waiting for this person to get back to us on costs for some additional design work; that we are just looking at ballpark figures and possibilities.

**6:18 PM** Ms. Davis asked about **Line 94**, regarding a staff member injured.

Mr. Lee said that the person became startled by the banging of a ramp by a piece of equipment; that he fell and ended up breaking his hip.

**6:19 PM** Ms. Davis asked about **Line 106**, regarding the State and the Boat Basin.

Mr. Lee said that they had forgotten about his request; that he updated his letter and sent it, again, and they will now look at it.

Ms. Davis asked about **Line 107**.

Mr. Lee said that he was told that the chance of this going through with the current governor is remote because he has not allowed any land transfers during his tenure.

**6:20 PM** Ms. Davis asked about **Line 159**, reclamation of Great Hill escrow.

Mr. Lee said that the person who did that reclamation had escrowed around \$24,000 25 years ago and recently asked for release of that; that there have been a couple of weird things. He explained that, when this escrow was put in, there was room for two signatures, one would be him and one would be someone from the Town so that both would have to sign off to release the funds; that they

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

intentionally left the Town signature line blank, knowing that the staff would change over 25 years. He added that this fellow has to agree to put one of us on so that we can then sign off on it. He said that a concern was that he has had some questions, off-and-on since he has been here, about this place; that he asked to see any documentation of inspections sign-offs – who says it's reclaimed properly, who says he's entitled to this money, etc.; that before anyone goes too far regarding signing off on this he wants to see some documentation to prove proper reclamation; otherwise, we may need some of that money to finish it.

**6:23 PM** Mr. Murphy said that the Code Enforcement Office should have several, thick manila folders on that whole thing.

Mr. Lee said that that's another project going on in the background, too.

Ms. Davis said that she thought we had water problems and complaints in that area not too long ago.

Mr. Lee said that that was why he wanted to see what was going on and who, how, where did it get signed off; that he will keep the SB posted.

Ms. Davis asked why she heard rumors, a year or two ago, that trucks were still going in there.

Mr. Lee said that it was his understanding that they are and that's why he doesn't feel comfortable signing off on anything until we know what's going on up there and if it was closed properly; that maybe the 25 years have passed but that doesn't mean it was done correctly.

**6:24 PM a. Financial Report**

Mr. Tessier asked if we had gotten the reports, yet, from the end of the last fiscal year – have those been completed to go to the SB and Budget Committee.

Mr. Lee said that he would check on that; that he thinks that that is complete.

Ms. Davis said that she thinks we're looking for a current account status report for year-end, with all the changes complete, and in electronic form.

Ms. (Donna) Murphy said that we have requested, several times, that we receive all the reports electronically so that she could forward them to all Budget Committee members, and she has still not received them.

Ms. Davis clarified that we are looking for expense summary and revenue summary reports in electronic form.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

**6:26 PM** Mr. Hughes said that we have asked for this several times and have been assured that it's a simple matter of updating the mail and, yet, we still do not get them.

Ms. Davis asked if we were talking about the expense summary reports.

Mr. Hughes said yes; that we have asked for them continuously for over a year and we have been assured it has been taken care of, yet, it never gets done.

**6:27 PM** Ms. Davis clarified that nobody gets them electronically, that's the problem; that it would have to be something special that she does. She added that, if possible, we either need to see if we could get into the habit of that or, when the SB gets them in our packets, it will refresh her memory and she will request it.

Mr. Lee said that he would try to have it go in automatically. He apologized but said that that office is ridiculously busy and have a million little things like that that we are supposed to recall and do on different schedules and it's becoming unmanageable, with all the requests going through that department, quite frankly. He added that that was no excuse and we will try to get it to you each time.

Mr. Hughes reiterated that it's been over a year and it's not happening; that he didn't know but it seemed to him that that would not be a terribly difficult task to take care of.

**6:28 PM** Ms. Davis said that there was something written in here regarding the **day after Thanksgiving**.

Mr. Lee reported that the concerns (union) expressed from a couple of weeks ago were valid; that they would still like to close the Town Office and use their paid off (own) time for that Friday; that they wanted him to confirm with the SB that that was still okay.

Mr. Pomerleau said that he had no problem with that.

Ms. Davis said that she thought that that was agreed. She asked if they wanted to consider trading Columbus Day for the day after Thanksgiving.

**6:29 PM** Mr. Lee said that that was quite possible; that that might be something they want to talk about and will deal with somewhere down the road.

**b. Proposed State Valuation**

Mr. Lee said that the State has us valued at \$911,650,000 and, locally, we believe that our value is \$949,000,000 and change; that those are relatively close, which was what he was talking about two weeks ago; that they are pretty close and that's

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

a good sign that our ratio is very good. He added that that State valuation is what the State will base our money for county, education, revenue-sharing, etc. on their adjusted number.

**6:31 PM** Mr. Murphy said that this was based on taxable properties, with exempt properties not included.

**6:32 PM**      **2) Next Workshop Date and Topic – Nov. 3, Review of Town’s Committees**

Mr. Lee said that he just wanted to confirm this. He briefly discussed the Comprehensive Plan Implementation Committee and the possibility of changing their mission/purpose. He suggested the SB members bring their packets covering Town committees to the workshop.

**6:33 PM**      **3) Nov. 8 Voting Information**

This was informational.

**6:35 PM**      **4) Approval: Eliot’s Financial Policies**

Mr. Lee said that he believed we could, at least, adopt this as a functional set of policies; that they may not be 100% correct and we may have to go back in as we see and learn things and, much like any document, tweak some things; that he knew, if the SB was willing, he knew that our auditor would be pleased to have a standing set of financial policies by which to guide us. He added that he would recommend adoption.

Mr. Murphy discussed his concern with the broad description of the “ranges of costs” and the problems that represents.

Mr. Lee said that he and Mr. Murphy could get together to look at suggesting amending specific things and we could re-adopt this, with amendments or corrections, at any time.

**6:38 PM** Mr. Fernald moved, second by Mr. Pomerleau, that the Select Board adopt the Town of Eliot Documentation of Internal Control Structure, as of October 27, 2016.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

**Unanimous vote to approve motion.**

**6:39 PM      5) Award: Compensation Study Proposals/Bids**

Mr. Lee said that the SB has been provided with three proposals and the prices for proposals were under a separate envelope; that this process is an RFQ (Request for Qualification) and explained what that meant. He added that the SB had had some time to look those over and his hope, tonight, was to hear from the SB as to which one, or ones, that they liked the best and, then, look at how the pricing came in.

**6:40 PM**      Mr. Pomerleau said that pricing will play a big role but, from his perspective, MRI (Municipal Resources, Inc.) had the best professional presentation; that he was impressed with their staff qualifications, as well. He added that he didn't necessarily like some of the samples they provided, with 16 steps and 15 ranges but, dealing with the size of the organizations they have compared with us, he thought they could bring that number down a bit. He said that he thought that DI JACOBS was very close behind them, not a great deal of spread, and they have had a lot of small town clients. He added that he would put Human Resource Partners third in all those categories; that price would have to be a real factor for them.

**6:43 PM**      Mr. Fernald said that, when he looked at them, there were things with all three that he didn't like and some that he did; that he agreed with Mr. Pomerleau that MRI was the best of the packet.

Mr. Murphy said that he found that MRI was the one he spent the most time on and looked at and made notes on all through it; that he thought we could actually accept any one of the three but there is an argument to be made for a company that's done it often because they can more quickly assess what this particular Town is doing wrong or needs to improve on rather than dig slowly to discover. He added that he would be happy with any one of them but MRI would certainly be acceptable.

**6:44 PM**      Ms. Davis said that she liked the tone of Human Resources; that she thought that they are all using a point system, all experienced; that she agreed with Mr. Pomerleau that MRI makes the best presentation and, while not necessarily a good indication, they took the time to give us something meaty. She reiterated that they all seemed qualified so, if there was a big price spread, she would probably be convinced by the much lower price.

**6:45 PM**      Mr. Lee said that he had MRI rated at the top and, for the staff members he had look at them (Ms. Albert, Ms. Bergeron), MRI came in as 1 or 2, as well, so he thinks there's a pretty strong consensus around MRI putting together the best

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

proposal. He added that only one of them is outside the total amount we have reserved for this and it is Human Resource Partners; that one of them is pretty much spot-on and the other one is weird low, which makes him curious.

At this time, the SB looked at the price quotes.

**6:47 PM** Ms. Davis said that she didn't think that any of them provided us with a great deal of samples for the job descriptions that they wrote up, so it's a little difficult to know; that they all described that that's what they are going to do; that that's a fairly big spread.

Mr. Pomerleau said that his opinion, there, is that Human Resource Partners appears to be a much bigger organization and probably carries more overhead; that they have a lot of lower-level staff that they have to integrate into the process and he would have almost guessed them to be on the higher end; that that's quite a spread. He added that he didn't find anything, in his mind, that would not justify taking the lower bid because they definitely did a decent presentation; that, for that kind of money, he would be hard-pressed to rationalize not taking them.

**6:48 PM** Mr. Hughes asked if they gave the SB a timeframe or did we stipulate a timeframe.

Mr. Lee said that that was specified; that, generally, he believed it was supposed to be completed around March or April.

**6:49 PM** Ms. Davis said that the fact that they have done quite a few towns in Maine and that they have a very good price would seem to indicate that we should go with our policy in this case and go with the lower price.

Mr. Pomerleau said that he almost went with DI JACOBS but the other one just did a better paper presentation and had a bigger staff, which may make it easier for them to do it more quickly. He added that he didn't see any justification for not taking them with that kind of a price spread.

**6:51 PM** Mr. Murphy asked if Mr. Lee had had a chance to talk with any other town managers who used these consultants.

Mr. Lee said that he talked with the Wells Town Manager (Jonathan) that used DI Jacobs. He added that he does know Don Tyler (Human Resource Partners) from working with him on several boards and from seeing his work; that he did a study for a regional council of governments (Androscoggin County) and did a very nice job. He further said that the lead on MRI is the person who just filled in as interim manager in Kittery and he has known her for many years; that he has seen studies they have done and they are a very good, reputable firm, for sure. He added that

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

the only thing he would say about DI Jacobs is that he has called a couple of times and, with one call, he spoke with Ms. Bergeron and, for whatever reason, she was very nonplussed with his demeanor, just came across funny. He said that he doesn't know anything about him except that Jonathan was pleased with the outcome.

**6:53 PM** Ms. Davis said that he has done some nearby towns so he has some experience in the area.

Mr. Lee agreed, saying that he would feel comfortable with any of them, and there is a \$7,500 spread between our #1 and our #2 – DI Jacobs is \$10,000 and MRI is \$17,500.

**6:55 PM** Mr. Fernald said that he certainly didn't mind taking the low bidder but this is considerably lower than the other two, which gives him pause to wonder why; that there has to be some type of reason why it's \$7,000 less than the other two vendors.

**6:56 PM** Ms. Davis listed towns the company has done work for – Portsmouth, York, Rochester, Rangeley, Old Orchard, Wells. She asked if Mr. Lee felt that he needed to check with any of those towns to get a reference.

Mr. Lee said that that was up to the SB; that he went off the proposals and the samples they submitted; that the samples were what he expected; that he had already talked with the Wells Town Manager and he felt pretty good about it. He added that he didn't call the others but he could; that you could approve DI Jacobs subject to a satisfactory reference check and if, in his opinion, they don't come back satisfactory, he would recommend not awarding this to them.

Mr. Fernald said that he would be more comfortable doing that; that he would want to delay this for two weeks.

Ms. Davis asked Mr. Lee how he felt about that.

**6:57 PM** Mr. Lee said that if he began to get bad references with DI Jacobs, then he would go on to get references from the other two because he would come back to report the references were poor and, therefore, you may want to consider the other two more strongly. He added that we do have a timeframe and delaying could push things back, suggesting they could do it contingent upon satisfactory references.

Mr. Pomerleau said that he's met the qualifications, the criteria, provided his plan, and has all his references; that he doesn't have a problem with getting a reference check afterwards but he doesn't have any reservation about awarding them the contract.



**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

**7:00 pm** Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board accept the bid from DI Jacobs Consulting Services for the amount of \$10,000 for the wage compensation study, as submitted October 10, 2016, contingent upon three satisfactory reference checks.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:04 PM 6) ECSD Billing Update**

Mr. Lee said, to follow up, we recalculated and sent the reduced repayment agreement; that the lady has responded, agreeing to the reduced amount, the child will be coming back, and she was grateful.

Ms. Davis thanked Mr. Lee for following up on that.

**K. New Business:**

**7:05 PM Appoint Additional Ballot Clerks**

Mr. Lee said that the Town Clerk has had to find additional representatives from each party to work the election; that he placed a memo on the dais for each SB member, along with a list of names of people to be appointed.

**7:06 PM** Ms. Davis said that the memo said that “staffing the upcoming election has been challenging” and asked what, in particular, about this is different.

Mr. Lee said that we need a significant number of people in a presidential election; that, in normal elections, we have plenty of people and in this one we need more people; that some of the people we thought would be able to help have not been able to. He added that, when she says challenging, it means she needs additional people to serve – one democrat, one republican – and he thinks that’s all it means.

Mr. Pomerleau said that he discussed this with Ms. Rawski and it is just the sheer volume of what the turnout is going to be; that it could be 4,000+ people; that in any typical referendum or election we get maybe 1,500 or 1,600. He added that, in

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

addition, with the number of absentee ballots this time, that's a lot of turn-around work.

**7:07 PM** Ms. (Donna) Murphy, Chair, Democratic Committee, asked if these were people that the committees voted to place on this list; that if she's asking for people who weren't voted on by the committees, does that have to go by the committees. She added that the Town Clerk did not exhaust that list because she (Ms. Murphy) was not asked and she is on that list.

**7:09 PM** Ms. Davis said that it says in the memo, "Election clerks nominated by the Town Clerk". She asked if Ms. Murphy was saying that it is not within the Town Clerk's purview to nominate.

Ms. (Donna) Murphy said that she doesn't know that. She added that, at our caucus and she believes at the republican caucus, people put their names forward wanting to be ballot clerks; that we voted on those people and sent that list in to the Town Clerk. She asked if the Town Clerk was taking it from that list; is she taking from that list that we submitted or is she saying that that list is exhausted and she needs, on her own, to appoint other people and, if so, does that additional list of people have to go by the committees.

Mr. Lee said that he believed that was up to the Town Clerk.

**7:10 PM** Ms. Davis asked, if we have enough people here, as nominated by the Town Clerk, is Ms. Murphy saying that she doesn't want the SB to accept this list because she wants to try out for this.

Ms. (Donna) Murphy said that she wasn't saying that. She reiterated that we had a caucus in March and, at that time, people put forth their names to be ballot clerks and put on that list; that the committee voted them to be on that list and then submitted that list to the Town Clerk; that that's her understanding of where the Town Clerk pulls the names from.

**7:11 PM** Ms. Davis said that, whether she did or did not approach those people, if she has enough people on here that are willing to do this.

Ms. (Donna) Murphy reiterated her question regarding whether the Town Clerk was pulling from the committee-approved list.

Mr. Lee said that he was sure that she did.

Ms. (Donna) Murphy said that it sounded like she had possibly exhausted that list and was looking to go outside that list.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee said that he thinks she exhausted that list and had to go outside that list.

**7:12 PM** Ms. (Donna) Murphy said that, then, her question would be does the democratic committee have to vote on that; that she doesn't know that answer but she also knows she has not exhausted that list because she was not asked and she is on that list; that she was voted in.

Mr. Pomerleau asked if there was an urgency regarding this.

Mr. Lee said yes.

Mr. Pomerleau said that, in that case, he has a certain level of comfort that the Town Clerk's knowledge of what she's required to do.

**7:13 PM** Mr. Pomerleau moved, second by Mr. Fernald, that the Select Board approve this ballot clerk list dated October 27, 2016: Kristina Buckley, Diane Cullen, Roger Cullen, Mary Dennett, Judy Felix, Lydia Goodwin, Beverly Hooper, Sharon Kibat, Grant Hirst, Ruth Hirst, Andrea Lott, William Lott, Jessica O'Donoghue, Harriet Philbrick, Roberta Place, John Reed.

**DISCUSSION**

Mr. Pomerleau suggested that, if we find there is some issue or discrepancy, we can revisit this and add or subtract names, or whatever; that he doesn't see it as a crisis.

Mr. Lee said that we need to press on at this late date.

Mr. Pomerleau agreed.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:14 PM** Ms. Davis asked about the **paving** that was being done at the **Police Station**. She said that she didn't recall that being on a CIP or being put before the SB for approval, asking if Mr. Lee could give some history of that.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee said that he can dig it up for them and present that; that he doesn't have it off the top of his head. He clarified that she wanted to know where in the paving plan that showed up.

Ms. Davis said yes; that she is basically concerned because, looking back at some of these accounts over the past year, or so, we've invested quite a bit on retaining wall stone in the amount of \$6,400; that there has been, according to the report for fiscal year 2016, we did paving at the Transfer Station in the amount of \$12,328; that at the Public Works facility \$15,333 and, then, there is another invoice for this fiscal year of a balance due of \$14,372. She added that the last three amounts that she mentioned came from the road fund and, in actuality, those are not roads; that they are CIP items and they have not received approval; that they have never appeared in a budget that she is aware of so there needs to be some research into why this work is being done.

**7:16 PM** Mr. Lee said that he would work on that; that he had a portion of the answer but he would rather make a whole answer.

Ms. Davis said that that would be great and asked that that be put on the next agenda.

Mr. Lee agreed.

**7:17 PM** Mr. Murphy said that he wondered if it was appropriate for a **Selectman to attend** the meeting of the Town Manager and the departments in the development of the **Town Manager's budget**. He added that he finds it hard to pick up on everything that's taking place with the budget; that it used to be that the Selectmen were doing it, themselves, so we learned piece-by-piece; that now we only hear the result of it and have to go back to ask questions about why costs are there. He said that everything is so compressed, now, that the development of what gets developed is very rapid and dense; that there's a lot of information that has to be covered. He asked why we all couldn't be involved in that, even if the terms of the discussion are between the Town Manager and the department heads. He said that it's wonderful having a Town Manager but it's much harder to be an overall Selectman if you aren't there while the information is being collected.

**7:18 PM** Mr. Lee said that the reason we get together is that we try to type out those justifications in the pages of the budget; that what he is meeting on is to prepare the explanation of the needs to go into a budget book. He added that, as he told Mr. Murphy, he is open to it if the SB would like to allow people to sit in; that he will proceed to have his meetings but thinks there are other fail-safes within the Town Manager form of government; in terms of the book that he puts together, it is enormous and is filled with a lot of...

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

- 7:19 PM** Mr. Murphy agreed it was enormous and it would be good to be there while it's being built rather than having to look at the whole brick wall, with all of the bricks, when you could have been there when they were placed.
- Mr. Pomerleau said that he thinks that crosses the line of interference with our role as Selectmen into the role of the Town Manager, which is a different form of government than it used to be when Selectmen participated in that aspect of it. He added that it is the Town Manager's job to develop the budget, with his staff; that he would find that intimidating to staff, questioning the purpose for Selectmen sitting in. He said that we have ample opportunity to question any details in the budget he presents to us; that he doesn't see where we gain anything; that he doesn't even like the sound of it; that it starts to violate the concept of the Town Manager form of government in our Charter.
- 7:20 PM** Ms. Davis said that, by the same token, it's public information and it's one or two Selectmen that have the time and desire to get in on the ground floor; that the budget is difficult to keep up with and, if somebody has a desire to become a part of it and, maybe, learn more than someone who doesn't have time to attend these meetings, is there anything particularly wrong with that if there is no interference during those meetings.
- Mr. Lee said that he would prefer not but there is nothing wrong with it and, if the SB would like to allow that, he was okay with it.
- 7:21 PM** Mr. Fernald asked Mr. Lee if it was actually feasible to do that.
- Mr. Lee said that, if a person was to be in the office kind of just sitting there listening to the discussions going on between himself and a department head, he doesn't see any real harm in it except, as he said, he does think that, maybe, some staff would speak more freely than others when they are in the presence of a Selectman about what's really going on; that sometimes, when we have these discussions between Town Manager and staff, we speak in everyday language; that he doesn't think that would take place if there was somebody sitting in from the outside, necessarily.
- 7:22 PM** Mr. Fernald said that this is a big change for some of us that have been in the Selectman seat for a while, taking some of the responsibilities away from us, but that is the purpose of having a Town Manager. He added that, although he understands Mr. Murphy's concerns and how he would like to continue to be involved, he does think it goes over the line. He said that he doesn't think that it is our purpose to sit in on meetings with the Town Manager and department heads.
- 7:23 PM** Mr. Murphy asked whose final budget it was – the Town Manager or the Selectmen.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee explained that the Selectmen are just making a recommendation on the Town Manager's budget that it's either appropriate or inappropriate; that the SB can amend it but, ultimately, he is putting out the Town Manager's budget for the SB's consideration and for the Budget Committee's consideration to amend and put forth to the voters what you want to put forth. He reminded the SB that he has a very tight timeframe to prepare this budget and any level of slowing him down with all the meetings he has to have with various people on various topics, if we get into any kind of discussion and get slow down...he has to have this thing out by a certain date and it's in the Charter; that he's fearful of having enough time to have the meetings he has to have, much less having any other input on it..

**7:24 PM** Mr. Pomerleau added that, in the Charter, Article 6 Financial Procedure outlines the process of developing budget step-by-step from the Town Manager to the SB and Budget Committee; where we weigh in and where we don't, what your role is, what our role is, and it doesn't involve us sitting in on your meetings with staff.

Mr. Murphy said that we will continue to rely on the joint meetings with the Budget Committee.

Mr. Lee agreed they would, as well as rely on what gets written in that book; that if you took it department by department and read through the justifications, that will be the content of what we speak about in those meetings; that you will get to see a boiled-down, cleaned up version of whatever we discuss.

**7:25 PM** Mr. Murphy said that he found that last year was very hectic and he felt he didn't understand things sufficiently to be able to say this is the budget we need.

Mr. Lee said that this year is going to be a little easier because, on or about the first week of January, you are going to get the entire book and you won't have to vote on that for four months; that he thinks they will have ample time. He added that, when you are at the Town Office and on some days, when he is able to come and sit and talk, if Mr. Murphy has an area he would like explained or has a question, he would be happy to talk with him if he needs some clarification verbally.

Mr. Murphy thanked Mr. Lee. He said that this discussion, itself, has been reassuring.

**7:26 PM** Ms. Davis said that, if you think that we, as a Board, need more time to sit down with Mr. Lee and just really go through this stuff, let's do that.

**SELECT BOARD MEETING**  
**October 27, 2016 5:30PM (continued)**

Mr. Lee said that if an additional meeting somewhere along the line would help to clarify, he would be happy to do that, too, but he thinks it has to be all of you if we do that.

There was discussion regarding the challenges of transition from one form of government to the other and from one form of budgeting to another.

**L. Selectmen's Report:**

There were no reports.

**M. Committee Vacancy Report**

There was no report.

**N. Adjourn**

There was a motion and second to adjourn the meeting at 7:28 PM.

**VOTE**

**4-0**

**Chair votes in the affirmative**

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**DATE**

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**Mr. John Murphy, Secretary**