

SELECT BOARD MEETING
December 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, Mr. Pomerleau, and Mr. Hughes.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Approval of Minutes of Previous Meeting(s)

There were no minutes approved.

F. Public Comment:

5:31 PM Ms. (Michele) Meyer, Odiorne Lane, said that she had a statement to read and would like it attached to the minutes.

Mr. Fernald asked if this was regarding a personnel matter to do with an employee; that he would like to know what the subject matter is, as there is a procedure if there is a complaint against any employee.

Ms. Meyer said that it's not a formal complaint; it's a statement.

Ms. Davis said that we are simply trying to avoid a personnel issue; so, if it's a personnel issue, she thinks we'd have to handle it a different way; that if this is a comment about procedure, policy, or ordinance, then, please.

5:33 PM Ms. Meyer said that she isn't sure where it falls but she does believe she has a First Amendment right to express her opinion, here, in a public forum and that's what she intends to do. She read her statement. (Available at Town Hall.)

5:41 PM Mr. Murphy said that this is the first time he has heard of such a problem. He thanked Ms. Meyer for coming forward; that we should probably ask the Town Manager if there was anything he could say to explain it.

Mr. Lee said that he believed there was a whole other side to the story that has not been told; that he welcomes the Maine Attorney General to get involved and Brenda Kielty, Freedom of Access Act person (Ombudsman) at State to get involved; that he hopes we do hear all the emails. He added that he did not suggest that they needed a restraining order; that the PB Chairman and the Planning Assistant both said, "I want a restraining order. They scare me." He said that he was trying to help them by saying that he would take all your (Meyers)

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

computations, the way Ms. Pelletier does them, and he would submit them to our attorney to have him go through to see if we have made errors; that he asked Mr. Meyer, and Mr. Meyer did; that he was very explicit about what he thought were the wrong computations. He said that, when he asked if Mr. Meyer minded if he (Mr. Lee) sent them off to the attorney and then we would both agree to the outcome, he didn't get a yes or a no; that we've been around and around on this thing three or four or five times; no matter what we answer, it's the wrong answer; that he hopes it all does get out and you can see what's gone on.

5:43 PM Mr. Murphy asked if it was the process that's being fought against or is there some specific land use issue that you want that is somehow not being treated, or looked at, in the same way.

Ms. Meyer said no, sir; that's not the issue; that it's simply seeking an understanding of a certain aspect of procedure; that it's simply wanting to know how things are done, why, and just understanding the process. She added that Mr. Lee was confusing some issues, here – that anyone, anyone, would be afraid of her and Jay (Mr. Meyer) – that would require a restraining order; that that in the same sentence with our trying to understand how it is (Kate).

Mr. Lee said that he didn't suggest the restraining order; that he was asked to pursue it because a staff person...

Ms. Meyer said that you are giving this SB the impression that we have somehow threatened individuals in this Town and you know that that is not the case.

Ms. Davis tried to interject into the discussion...

Mr. Lee said that, actually, he doesn't know that; that, in fact, last night at the Planning Board meeting...

Ms. Davis stopped the conversation, saying that Mr. Pomerleau attends these meetings and she would like to get the Board's opinion.

5:44 PM Mr. Pomerleau said that he has some insight into some of the foundation of the issues, here; that some of it comes rather stunning to him that there is any reference to a restraining order or Attorney General's office; that that goes beyond any insight he has had about the issue; that he doesn't see either one, in sight of that, as going anywhere. He added that he certainly saw no grounds for any restraining order, nor does he see any grounds, from his base knowledge of what's going on, for any involvement for the Attorney General's office. He said that he did think, however, that this is something that comes within the discretion and authority and responsibility of the Select Board (SB) to resolve; that it is the SB's specific responsibility to oversee committees. He said that it is somewhat of a

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

gray area where the Town Manager's responsibilities lie, as opposed to the SB, but the Charter clearly calls for the Town Manager to ensure for administration of all the Town's policies to all employees and boards; that the actual responsibility for any decisive action or oversight, up to and including removal of any appointed person for cause, is strictly the jurisdiction of the SB. He added that what he thinks needs to happen, now, is that some information he doesn't know about, he has never seen - he has some core understanding of what the roots of it is - but he needs to see the information involved, the emails involved, the basis for her complaint, any documentation we can put together; that, then, this Board should sit and deliberate on where we go with it. He said that if it evolves, down the road, into a personnel action that becomes the likelihood of an executive session where we need to persevere (parse) all that information; that if it's policy, procedure, FOAA, anything like that that's totally within the realm of public discussion, okay; that he thinks we have to stop here, get everything that's available in terms of reference material and complaint, and proceed from there.

5:47 PM Mr. Hughes concurred, saying that he knew nothing of this matter and it's difficult to think of what to try to do tonight on this issue without further information.

Ms. Davis said that it would be good to see if we can handle this in-house; that she thinks we have a consensus, do we, to...

Mr. Murphy said that that's a pretty good way to go. He added that he was on the PB for fifteen years, as Chair for the last twelve; that he knows the rules have changed somewhat since then but he can't see that the PB would act in this way, at all; that she should not be having those feelings, so, he is concerned.

5:48 PM Mr. (Jay) Meyer asked to make a recommendation that there is video tape of some of these actions if you were to view the PB meetings; that he could supply dates and minutes, if you like.

Mr. Pomerleau said that last night's meeting would certainly have been a catalyst, he thought, for some contentious discussions that went on, outside of what should have been necessary, he thinks; that he recommended that, at a minimum, everyone watch last night. He added that there is a lot that has gone on prior to last night and, if Mr. Meyer had other dates he wanted to make specific reference to, by all means, do so. He said that it isn't going to get resolved here tonight and no discussion tonight; that when everybody gets up-to-speed with what's happened, what the issues are, and what everybody's position is, then we can go from there.

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

5:49 PM Ms. Davis asked if you (Mr. Meyer) could supply the email and is everything we need to know in the email or do you need to supply us with additional comments about your concerns.

Mr. Meyer said that he would go through his emails and potentially supply the SB with additional comments, if necessary. He added that he's had meetings with Mr. Lee and come to the Town Hall to ask for information; that he's basically just asking for information; that he's curious about policies, procedures, and that people in the Town are treated equal and there is not preferential treatment to some citizens differently than others have been treated.

5:50 PM Ms. Davis said that we have consensus to proceed with reading some more and watching some videos.

G. Written Correspondence to Select Board

5:51 PM 1) Proclamation Request – School Choice Week

Mr. Lee said that this memo comes from Andrew Campanella, President of National School Choice Week; that Mr. Campanella described this as a non-partisan, non-political awareness campaign and does not advocate for legislation. He added that getting involved in this would be a policy decision for the SB.

Mr. Pomerleau said that he can't even imagine that issues are not fundamentally based in hot political issues and he would stay so far away from this; that he doesn't know who this group is, what their agenda is, and there is not a whole lot of Maine involved in this; that he would not proceed with this.

5:52 PM Mr. Fernald agreed that he didn't think we needed to go any further with this.

Ms. Davis said that she did a little research on this; that the State of Maine observes this. She added that there was some information on the web site; that Maine participates in a lot of school choice; that some schools actually have open enrollment where kids can enroll in schools outside of their area; there are charter schools, magnet schools, private schools, virtual and online learning, and homeschooling.

Mr. Murphy said that the list of participating cities and counties was missing the second page; that this list covered A through M only; which included 46 counties across the states and 76 towns scattered in various states. He added that he didn't think we should go with this.

Ms. Davis said that, if citizens had brought this forward, she thinks she would be more persuaded to consider it.

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

It was the consensus of the SB that they are interested to receive the information and that is where it stands.

2) Comcast Notice – Fox College Sports

This was informational.

H. Public Works

5:56 PM 1) Pump Station Design and Funding Update

Mr. Lee said that we have a new person (from Underwood) who has been assigned as the project lead – Steve Smith; that Mr. Smith met with him, Mr. Pratt and Mr. Moulton and we would like to lay out the schedule and give an update on the funding. He addressed three issues. He said that we discussed using a pre-qualification process for the contractors; that we would do this on a RFQ (request for qualification) basis but it must still be competitive, as the State of Maine requires it. He added that, if we put it out, generally, to any contractor, we may get what we paid for; that with this price and the importance of these buildings, he felt we wouldn't want anything but a very qualified contractor doing it; that we would like to put this out to multiple contractors but qualify them first. Mr. Lee said that they are suggesting we pre-purchase the pumps that will reduce the lead times and, therefore, we can finish the construction projects sooner. He added that Maine DEP will accept pre-purchase of pumps so long as the Town went out to competitively bid pumps, which should be consistent with the SB's expectations. He said that we are recommending that we pre-buy the pumps; otherwise, we may be sitting around for a long time when we do need them.

5:58 PM Mr. Murphy said that Mr. Lee made a point that one of the requirements is that we use American iron and steel, asking if that was a requirement in the pumps, themselves.

Mr. Lee said that he suspected that that was what it entails. He added that, perhaps, the most important thing that we need clarification on – when we are out in the field and putting in a pump station, there will be quite often field changes that will have to be made and when those happen, the way that Mr. Pratt has this structured, he has put in a contingency allowance for the pump stations of \$100,000 total. He said that their concern is that, if we come up against something that's a field change order and we need to authorize some extra thing because we've run into a problem we didn't expect, is that going to be something that we should come back to the Board each time or could we simply be allowed that allowance for each pump station so we can keep working and not have delays from having to stop everything, they de-mobilize, we lose a couple of days while

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

we hold a special meeting and go back; that it's not going to be a very practical way of trying to adjust things in the field, if we do that.

6:00 PM Mr. Murphy suggested that they might not have to come back for approval but that Mr. Lee inform us of what's going on.

Mr. Lee said that we would be happy to do that; that, in fact, they are going to be using a budget sheet and that budget sheet has already put the \$99,000 back into the sewer reserves that we used for the engineering; that we've already spent \$99,000 restoring what you wanted restored. He added that that report would come out periodically with the different things we are spending on, with the list of field change orders, etc. and, whenever possible, we would go out to get a couple of prices; but, if we have to leave a hole in the road, for example, while we come back to get authorization, it's going to be a slow, difficult project. Mr. Lee said that, if indeed, you would allow us to go with just the contingency, if we got close to going over the contingency, he would recommend that the SB say to stop everything and come back to explain what happened.

6:01 PM Mr. Pomerleau made two points. He said that he was totally in favor of giving the process as much flexibility as possible to get done but not an open checkbook, suggesting they put together some criteria; that, otherwise, he would have no idea what you are talking about; that he would like Mr. Lee to give the Board some idea about how much flexibility you would like to see.

Mr. Lee agreed and said that, at which point, he would bump it up to the SB because this is outside his purview.

Mr. Pomerleau said that, if you give us something to approve and it looks reasonable, he thinks everyone up here wants to see this get done before we have a problem.

6:02 PM Mr. Lee suggested that maybe he and Mr. Moulton could put together some criteria that are reasonable that, if some change order is so big we would come back to the SB.

Mr. Pomerleau said that, on the issue of pre-bidding, he was somewhat reluctant, recognizing his level of specific, technical knowledge might not recognize what's involved, asking if he could expand on why you think this is really necessary. He added that that seems, to him, to be a clog in the wheel, another step that slows it down, this has got to be done before the approval, or is 'this' something that gets done while we are waiting for 'this' to happen.

Mr. Lee said that it is concurrent and within the timeline; that, if you look at that timeline, you will see that we have fit it into that timeline to be somewhat

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

concurrent with other work that's going on. He added that he is sure that Underwood has a whole article on why he suggests we use requests for qualifications (RFQ), first.

6:04 PM Mr. Moulton said that we have discussed it so that is something we can definitely do.

Mr. Hughes said that he would equate that to, if he was having a contractor doing major work on his house, wanting to know that he was qualified to do it; that he wouldn't just hand it over to anybody; so, he would do some research about the person he was potentially hiring to see what he has done in the past, whether or not the customers were happy; that we've done that before and this is no different, really.

6:05 PM Mr. Moulton said that it would be a two-step process; that it would be a RFQ to qualify contractors that are familiar with sewer...

Mr. Pomerleau said that this isn't a new concept to him; but from his narrow perspective, it usually involves some very highly technical, skilled areas of expertise that are necessary and you want to make sure you are dealing with people that are qualified to do it.

Mr. Lee agreed, saying that we will come back to the SB with some proposed criteria for using the contingency and something about RFQ's and why it would make a lot of sense.

The SB agreed.

Mr. Murphy asked that acronyms be clarified.

6:06 PM Mr. Pomerleau said that his biggest concern was that it looked like it added time to the project, asking them to deal with that.

Mr. Hughes clarified that Underwood would be reviewing these so they would pretty much know the qualifications; so, it shouldn't consume a lot of time.

Mr. Lee and Mr. Moulton agreed.

Ms. Davis said that it will limit who will be bidding based on who responds to the RFQ; so, let's make sure we have a lot.

Mr. Lee and Mr. Moulton agreed.

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

Ms. Davis asked if they could confirm the contingency; that she could have sworn it was closer to \$200,000.

Mr. Lee said that we've accounted for \$99,000 and have \$100,000 in total contingency between the two buildings; that that is the \$200,000.

6:08 PM Ms. Davis said that we would have had engineering within the original bid; so, it shouldn't have to come out of the contingency, she would think.

Mr. Lee said that he might have that wrong; that we will clarify that.

Mr. Pomerleau said that he was in favor of pre-buying the pumps and he is totally in favor of anything that speeds the project along.

Ms. Davis asked if we were still looking at a Bond Anticipation Note (BAN).

6:09 PM Mr. Lee said no; that, in speaking with Mr. Pratt, based on the schedule, the timeline, what we know from the State Revolving Loan Fund (SRLF), the Bond Bank, and when our money would show up (phone calls we've had) he doesn't expect any invoice of any significance would hit Mr. Lee's desk until June or July; that we should have the money by May; that by the time we bid it, they roll out and get started, it's going to be May, basically, and then he will have the money in, with the first invoice in June.

Ms. Davis said that the pumps are rather pricey, asking if they are going to accept a purchase order without a bond.

Mr. Lee said that he wasn't sure; that he would have to look into the cost of the pre-purchase and how that affects a BAN.

6:10 PM Mr. Tessier asked if the contingency numbers would increase the budget above what's already been budgeted or just shifting the fees around a little bit and staying within the budget.

Mr. Lee said that the contingency is a part of the \$1.7 million.

I. Department Head/Committee Reports

6:12 PM 1) Eliot Energy Commission By-laws (2nd Draft)

Mr. Lee said that they met and implemented the changes you had requested; that, unfortunately, during the discussion one of the members did not want to be told about the need for a Chair, Vice-Chair, etc. and decided to resign, which is your next agenda item. He added that, for the two that remain, these would be the

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

amended by-laws, per the Charter, and per the revisions that the SB recommended.

Ms. Davis asked if it was made clear that this is a Charter requirement.

6:13 PM Mr. Lee said that he made it very clear that every committee is subject to this, with one point of contact. He added that they do a rotating Chairmanship thing and break up all their jobs into little pieces; so, they do everything a little different than most and are more of a communal-type committee. He said that he would hope that the SB would adopt the by-laws for the remaining members so that, if we can get more members, we'll have a good set of by-laws to go by.

Mr. Pomerleau said that he didn't have the impression, from watching the meeting, that what Mr. Lee said had anything to do with the resignation; that this committee works on a consensus model and he likes that, himself, and understand that they prefer not to have someone 'in charge', per se; that it seemed to him that she was resigning because she had other commitments.

6:14 PM Mr. Lee said that she has subsequently sent in an email of resignation that speaks to what he just said; that she had agreed to be the Chair through June and, the next day, he got the email that said it just didn't feel right and she was not willing to do this; that he thinks it just bothered her at a deep level.

Mr. Murphy suggested clarifying that (pv) meant photo voltaic; that, under Section 4.2 (b), it still bothers him that no member may serve the position of Chair for more than two consecutive terms; that he supposed that was in the Charter but we have trouble getting legitimate available people, who are qualified and want to do what this committee is doing and this is cutting their legs off because they have been there two years. He suggested adding "This restriction may be ignored if circumstances, then existing, support such action, which must have unanimous support of the Commission members and majority approval of the Select Board." He added that our problem is finding people to do it, at all, and part of why cutting them off at two years is stupid. He also suggested adding "including those attending by telecommunication" after 'meeting' in the last sentence under Section 6.4 (c.).

6:18 PM Mr. Lee said that, unless the Charter was revised, he would not be allowed, by the Charter, to incorporate Mr. Murphy's wording suggestion regarding Chairmanship terms. He added that he doesn't disagree with him that it's hard enough to get people to be on the committees, and even harder to chair the committees, but it's in the Charter.

Mr. Murphy said that he has a long list of things in the Charter that were done hastily at the end.

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

Mr. Lee asked, if he made the other changes (spell out photo voltaic, scratch second 'Commission', include telecommunication attendance) to the document, could the SB adopt them, as amended.

6:20 PM Mr. Fernald moved, second by Mr. Murphy, that the Select Board adopt the Eliot Energy Commission By-Laws, as shown, and after the changes have been made.

There was discussion regarding the date of the amended changes – December 22, 2016 – and that the amended changes did not include anything that conflicted with the Charter.

Roll Call Vote:

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

Unanimous vote to approve motion.

6:23 PM 2) Eliot Energy Commission Resignation – Sara Castellez

Mr. Lee clarified that Ms. Castellez is a different person than the person he was discussing earlier; that he has a second resignation for the next meeting. He added that Ms. Castellez's work schedule is getting busier and less flexible, making it impossible to continue as an effective member on the Energy Commission.

Mr. Fernald moved, second by Mr. Murphy, that the Select Board accept the resignation of Sarah Castellez, as of December 22, 2016, which will be accompanied by a Letter of Thanks.

Roll Call Vote:

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

Unanimous vote to approve motion.

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

J. Administrative Department/Department Head Reports

6:25 PM 1) Town Manager Report

Mr. Fernald asked for an update regarding **Line 77** – Senior Luncheon staff donations.

Mr. Lee said that he added this to the Administrative Budget for \$400 or \$500, under Miscellaneous.

6:27 PM Mr. Murphy asked about Line 87, regarding having to re-contact a State official about the Clynk Program.

Mr. Lee clarified that, back in 2008 or 2009, an article came out discussing the State of Maine's concern about this bottle redemption program, especially the border towns of New Hampshire, and not getting appropriate redemption funds; and they were starting to go after those funds. He added that Mr. Hirst came to him a few months ago concerned that they may go after him, personally, as he put his name on the account because it has to be returned to one person, and he is returning a lot of bottles on behalf of the Eliot Police Department that may or may not be coming from Maine. He said that, after many phone calls, he spoke to the right guy who said he could give the right answer, he was meeting with his Clynk specialist on this, and would get back to Mr. Lee.

There was further discussion of varied experiences regarding this and the impact to Maine individuals and recycling center.

6:33 PM Ms. Davis asked what the grievance was on Line 8.

Mr. Lee said that this was a grievance out of Public Works and, perhaps, not best discussed in public (Line 18, Line 29).

Ms. Davis asked about **Line 56** regarding receiving invoices under the CDBG Grant.

Mr. Lee said that that was going very well; that we have confirmed that the State EFT's the first \$45,000, so we are paying the first \$45,000, and our reimbursement has already come.

6:35 PM Ms. Davis asked about Line 72 regarding putting out a good notice of their curtailed holiday hours.

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

6:36 PM Mr. Lee said yes and that, in fact, we have another e-alert going out tomorrow to remind people of the upcoming holiday schedule. He added that he would try to get some signs at the Transfer Station to inform people in that way, as well.

Ms. Davis asked about **Line 73** regarding sending monitoring school budgets email to South Berwick; that we are waiting to hear back.

Mr. Lee agreed; that he would take it to their Council and get back to us.

Ms. Davis asked about **Line 103 and Line 104** regarding possible co-owning/buying roll-off truck with South Berwick. She added that she thought that we allocated funds for that last year.

Mr. Lee clarified that we are both saving for a roll-off truck; that their truck is currently broken and we are letting them use ours until they can get the part they need for theirs; that each of us use that roll-off truck approximately 15-20 hours/week, go to essentially the same location, we both have trouble finding a person to do a 15-19 hour/week job, and, if we collaborated, it would cut our expense in half, share in all the repairs, and possibly hire one person to do both; that this is just an initial discussion about trying to save both towns a little money and operate a bit more efficiently.

6:37 PM Ms. Davis asked if this was something we could have in the works before our budget is finalized.

Mr. Lee said no; that he didn't think so; that he thought this was something that wouldn't be fully vetted before we got deep into the budget process; that both of us will have to go back to our respective boards to get some sort of a nod to go forward with it. He added that both towns are working on getting numbers for hours, weights, insurances, etc. to get the proportion right of truck usage.

6:41 PM Ms. Davis asked about Line 109 regarding asking the State to pay to repair the float at the Boat Basin.

Mr. Lee said that we heard back and we have a grant application from the State; that all he had to do was write it up, take some pictures that we sent over, and the guy said that they would do that; just fill out the grant application and get it back to him.

6:42 PM **a) Financial Reports**

Mr. Hughes asked if, under Public Safety (Revenue) – Police Chief, Reimbursement, we actually received that money; that he thought that was done at the end of May.

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

Mr. Lee said that it was; that he thinks this was the last of what we were going to get. He added that this is half the payments we would get in the course of a year and the last of what we were owed.

6:43 PM Ms. Davis asked why Admin overtime wasn't broken out.

Mr. Lee said that we noticed it wasn't broken out in the certified budget and we want to break that out; that we will correct that this coming time around.

b) Worker's Compensation – Dividend: \$6,077

Mr. Lee said that this came from our worker's comp insurer and from the Property & Casualty Pool; that they had a good year and we did well in terms of our claims. He added that this will be deposited in the General Fund.

6:45 PM c) Workshop Topics Update

Mr. Lee said that, on Dec. 29th, we will meet with the Harbor Commission and Sewer Committee to discuss the futures of their committees; that Jan. 5th, we will do half the workshop on Stormwater and half presentations by committees and the library to the joint Budget Committee and Board.

6:47 PM 2) MDOT Light Paving Plan - 2017

This is informational and will be posted on the Town web site.

6:48 PM 3) Appoint Registrar of Voters, Wendy Rawski, Jan. 21, 2017 – Dec. 31, 2018

Mr. Hughes moved, second by Mr. Murphy, that the Select Board appoint Wendy Rawski as the Registrar of Voters from January 21, 2017 through December 31, 2018.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

At this time, the SB signed the pertinent document.

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

6:49 PM 4) ISO Review of Eliot

Mr. Lee said that ISO (Insurance Service Office, Inc.) exists for the benefit of insurance companies and is responsible for evaluating all jurisdictions with a building code enforcement department (residential & commercial) – how well-enforced and up-to-date codes are; that the more up-to-date and better enforced, the better the possible rating and insurance savings to residents and the Town.

K. Old Business:

6:54 PM 1) Personnel Issue – Disciplinary Counseling

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board approve the Letter of Disciplinary Counseling dated December 22, 2016, as written.

DISCUSSION

Mr. Fernald said that we have a letter here from the Public Works Department indicating how the money was used and is dated November 8, 2016, plus, we have a memorandum from the Town Manager, which explains, exactly, the reasons at the time the decision was made to use the paving budget to continue the work over at the Police Station. He added that he doesn't see any reason, whatsoever, to do this action to the Town Manager.

6:55 PM Mr. Murphy concurred full-heartedly with Mr. Fernald's comments. He added that the appearance of this before this Board came as a surprise; that he was not part of "shall we do this or not" and, suddenly, it is being done by someone and it bothers him very much and it should be withdrawn, not approved; that nothing needs to go in his personnel file except, perhaps, a rave memo for being able to deal with a very complicated situation involving, over recent years, the Energy Committee, the Fire Station, the Police Chief, and Public Works, of course, which you have been monitoring constantly. He said that he didn't know if people were aware of it, but our Chairman copied every invoice that dealt with the Public Works Department, monitoring- is something going wrong – was the feeling he had; that it is not amusing to him. He added that he tried to talk about this when we had our executive session but it shifted off into personal attacks and he didn't like that, at all; that he wasn't allowed to respond to personal attacks; but, we didn't go deeply in to these very memos, which Mr. Fernald just mentioned. He asked the Board if they realized that a big problem has been essentially solved; that they found out how to handle both the propane and electricity, multiple generators or not, which buildings are going to be worked on for improving the energy use, which ones need repair; that that's very complicated and, yet, we have these departments working together and they were able to use the paving, in one fell swoop, solving two different areas and saving \$5,000 to \$10,000 dollars.

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

6:57 PM Ms. Davis said that the issue before the Board is that there was a violation of our purchasing policy and this side of the Board are not usually the first ones to condone that; that Mr. Murphy is very quick to point out any violations of policies or past behavior; so, it seems unusual to her that he would wish to condone such a large expenditure of funds without Board approval.

Mr. Murphy said that he doesn't accept that he is the first one to pick out; that he is almost the last one because he has a lot of experience in the way that people work, and the world works, and a budget is not the world; that the budget is the best guess and the real world is very different. He added that he thinks we are extraordinarily lucky in having Mr. Lee here, a man with a quarter of a century with managing Eliot and other Maine towns; that we are extremely lucky to have Mr. Moulton here, who has a quarter of a century dealing with all elements of construction and, more densely, the Town construction, municipal construction, handling personnel – we couldn't find better; and to try to focus in on the expression of money and whether it came out of the wrong pocket – that's a bean-counting thing and we can adjust that; that to go this far is wrong.

6:59 PM Ms. Davis said that the amounts in question were \$102,134.

Mr. Pomerleau said that there was nothing new here; that we had all this before us, we had all that information that is being referenced, it is not new; that we discussed it in executive session and we are here to vote on it.

Mr. Pomerleau moved, second by Mr. Hughes, that we move the question.

DISCUSSION

Mr. Murphy said that if we do vote on it and you do win out – by the way, he is going to tell a story, now, about the meeting when Mr. Hughes first joined us after the election...

Ms. Davis said that if this is not germane to this we do have a motion and a second before us.

Mr. Murphy said that it is germane to the point of showing concerted action in a way that is wrong.

Ms. Davis asked if it is particularly germane to the issue before us.

Mr. Murphy said yes, because it is three against two.

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

Ms. Davis said that she has experienced four to one, Mr. Murphy, for many months; so, that is not germane to the issue before us. She said that, if there is no further discussion before us on this topic...

7:00 PM Mr. Murphy said that it is germane and he is trying to say this.

The discussion became heated and the discussion was closed.

Roll Call Vote:

Mr. Fernald – No

Mr. Murphy – No

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Vote to approve moving the motion passed 3 to 2.

7:02 PM **Roll Call Vote:**

Mr. Fernald – No

Mr. Murphy – No

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Vote to approve motion passed 3 to 2.

Mr. Murphy said that there will be a dissenting entry to go in this file, also; that those of us who object to this can say why and that is filed to explain the 3-2 vote.

7:04 PM **2) Revised Workshop Minutes of Nov. 8 TIF Meeting**

This revision clarification was accepted.

3) Action/Vote of Executive Session from 12-8-2016 Regular Select Board Meeting

a. Inability to Pay Abatement, Case # 2016-4

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board approve the abatement for Case # 2016-4 in the amount of \$3,456.20, plus any accrued interest.

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

Roll Call Vote:

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

Unanimous vote to approve motion.

7:07 4) New Business

Mr. Lee said the memo before the Board requests to have accrued interest and lien charges of \$153.62 waived from a sewer account that was in pending foreclosure. He added that the person seeking help was helped through General Assistance with the bill, proper, so we got paid for the bill and what was owed for actual usage. He said that it doesn't really make sense to charge interest on an account that has been paid for through General Assistance because, in essence, we would be paying ourselves. He added that, if you could abate that, the house would not go into foreclosure.

7:09 PM Mr. Murphy moved, second by Mr. Fernald, that the Select Board waive \$153.62 on a sewer account that was pending foreclosure, per Mr. Lee's Memo, from Ms. Wendy Rawski, dated December 20, 2016

Roll Call Vote:

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

Unanimous vote to approve motion.

7:10 PM Mr. Lee said that Representative Mark Lawrence called him today and said that cloture (last date to submit legislation) for the State Legislator is December 30; that Representative Lawrence wanted Eliot residents to know he was open to a phone call if anyone thought there was legislation that needed to be submitted. He added that Representative Lawrence would like to come to our next regular SB meeting to have the opportunity to discuss issues local to Eliot.

Ms. Davis read Representative Lawrence's number – 475-4975.

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

7:11 PM Mr. Pomerleau wanted to comment on the constant attacks we keep hearing on the Charter. He said that he thinks we have a very good Charter; that the Charter Committee did a good, thorough job; that there was an underlying principle of a system of checks and balances to ensure that they were not going to allow a concentration of power in any one individual or committee or chairman; therefore, they came up with a number of ways to make sure that would be done. He added that the ink is barely dry and it needs to be given the test of time. Mr. Pomerleau said that he recently sent to the SB and PB some language he had found regarding legalization of marijuana and a guide to communities. He added that he is comfortable with not having a moratorium in place right now because there is a process in place, right now, that someone is not going to be able to apply for a retail marijuana license from the State (until August or September). He said that he thought we should be prepared to put forward a moratorium in June and that would cover that period where that law is likely to be in place. He added that the other question that will come up is whether the Town will allow retail establishments and social clubs; that he would recommend an advisory referendum vote, possibly in June along with the moratorium, asking the citizens if they would favor approving retail establishments in Eliot, if restricted in number and location, to get a feel for what the Town wants to do. He added that there is going to have to be an ordinance written, one way or the other.

L. Selectmen's Report:

There were no Selectmen's reports tonight.

M. Committee Vacancy Report

Mr. Lee said that it is being posted, now; that many committees are looking for members.

N. Executive Session

There was no executive session.

O. Adjourn

There was a motion and second to adjourn the meeting at 7:17 PM.

VOTE

5-0

Chair votes in the affirmative

Approved 03/09/2017

S/ Mr. John Murphy, Secretary

12/20/16 submission
Michelle Meyer

Local government is perhaps the most important form of government for Americans. The policy development and those implementing policy here in Eliot impacts the many issues important to our lives here: Our homes and property, the schools we send our kids to, the roads we drive to shop and to work, the safety of our air and water, and protection of our natural resources. The very quality of our lives is shaped right here at Town Hall by those elected to sit on this board, by those paid with our tax dollars to work as public servants, and by the people of Eliot whose participation, input and understanding of the process is key to shaping our community now and moving forward.

Although local government is the most accessible form of government, there is rather poor civic engagement here in our town. Until my husband Jay and I moved from the Village to our farm on Odiorne Lane we had little to no involvement. Once owners of a sizable piece of land here and with kids grown and gone, our participation increased and we began attending Planning Board meetings.

As Selectman Pomerleau can attest to, community involvement at the Planning Board meetings the first and 3rd Tuesdays monthly is very poor. There are times it is only he and I present as members of the public. At best and unless there is an application of some significance or controversy before the board, there are only 5-6 of us that attend regularly.

As our knowledge of how ordinances pertaining to Land use and Zoning has increased and our understanding of how the Planning Board works was shaped by attendance, we began to participate in the process. We have experienced, as have many other residents who tested the waters of civic engagement at the Eliot Planning Board, a less than hospitable environment for the public. In fact, the public is treated with a kind of intolerance and disdain. There is a shocking disregard for the value of an engaged public and we are often viewed with open hostility. None the less, we have persisted in attending.

In August, Jay opened an email dialogue with Ms Pelletier, who is the Assistant to the Planning Board. His questions were in regard to the policies around Planning Board public hearings. Not for the first time were her responses less than satisfactory and warranted reaching out to our town manager for an assist in clarification and a better understanding of some rather complicated issues regarding timeframes for informing the public of hearings pertaining to the growth mgt ordinance, land use applications etc. Several emails were exchanged and while never truly receiving adequate clarification, the matter essentially dropped.

In September, another series of emails took place around a different but similar issue regarding the 10 day application timeframe. Again, the Planning Assistant's answers were vague and her annoyance with the inquiries clear.

In December, the matter of the computation of time was discussed among the board and there was clearly some disagreement among the members. For our own purposes, Jay and I engaged an independent individual to review the policy and provide an opinion on how time was being computed however we hit a brick wall with the Planning Assistant who simply "disagreed" with any other interpretation than her own and Mr. Lee was then asked to assist us in understanding some very complicated issues.

The emails composed and sent by my husband were always professional, never threatening or inappropriate, just a persistent although not overtly so attempt to understand how and why things are done as they are. No accusations of "wrong doing" or personal attacks. Simply, civic engagement.

On 12/20, Planning Board Chair Beckert made it a point to during a meeting to point out that he had seen the emails to Mr. Lee, scolding Jay as Mr. Beckert so often does from the bully pulpit and always with his open hostility present and palpable. We have since come to find out that Mr. Beckert and Ms Pelletier are alleging harassment and a restraining order and the matter has gone to the town's attorney for review.

Mr. Lee: Your handling of this matter is deplorable. Mr. Beckert and Ms Pelletier's strategy here is retaliatory and you are complicit in this abuse of power. You are participating in our vilification and the mere suggestion that a restraining order is necessary here is preposterous.

I'll remind you of the First Amendment right to free speech guaranteed by the Constitution of the United States. This protects our right to ask the questions we are asking, to speak out when given the opportunity, and even to criticize the public officials and institutions in this town. Exercising this first amendment freedom is not harassment and your participation in an attempt to silence us with baseless threats is indeed a violation of our first amendment right to free speech.

We will open a dialogue with the Maine AG office on the matter. We've nothing to hide. The emails in question will be supplied to the AG's office and to the Select Board chair so as to dispel any notion that we have harassed paid or volunteer staff, accused anyone of "wrong doing", or are requiring a restraining order from further participation with the planning dept or board.

Several years ago I told you that the Planning Dept and Board's practice and conduct was likely to invite litigation against our town and that you would be serving the people of Eliot well if a thorough review of the paid and appointed staff was made. I might have expected to see you at a Planning Board meeting but have not. I see no evidence of your ability to effectively manage Ms Pelletier and your handling of the public in this and other matters is unprofessional at best. You are well paid with the tax dollars of the people of Eliot Maine. We deserve better.

Several months ago I came to your office and told you of a number of disturbing instances, directed at me, my husband, and others, in which Mr. Beckert has acted well outside the town's code of conduct. I am not alone in having been verbally assaulted by this man. Several good people here in town have experienced his wrath and I will work with them to find the courage to come forward to this board to report their experiences. Together we will make the Select Board aware of what we have endured and ask for change.

Civic engagement. The willingness to join with our community members to ensure this town and the people in place to run it have our best interest foremost in mind and that public service is viewed as the privilege it is: welcoming differing viewpoints and constructive feedback, encouraging participation in the process of town governance, honestly striving for transparency and openness, and always mindful and respectful of the rights guaranteed under the constitution of this great nation. Michele Meyer