

SELECT BOARD MEETING
January 12, 2017 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)

5:31 PM Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of October 13, 2016, as amended.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the workshop minutes of December 1, 2016, as written.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the workshop minutes of December 9, 2016, as written.

Roll Call Vote:

Mr. Fernald – Yes

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

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

Unanimous vote to approve motion.

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the workshop minutes of December 29, 2016, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

5:50 PM Special Presentation: Representative Mark Lawrence: Legislative Update/Q&A

Mr. Lawrence said that this was to open a line of communication to know what is happening in Augusta; that he is willing to come to meetings to discuss issues or take individual calls. He added that the legislative session has started and we have about 1,800 bills to consider, some that will affect municipalities; that he is looking for feedback from Eliot regarding Eliot issues.

Mr. Fernald asked what would be done about unfunded mandates from the State, such as stormwater.

Mr. Lawrence said that we have a requirement that mandates, unless we are funded, a certain vote from the legislature. He added that he opposes unfunded mandates; that we have to take them up one at a time as they come through the legislature; that municipal revenue sharing will be hotly discussed and that plays into a lot of these unfunded mandates that are coming back to municipalities. He discussed how to find bill information on the legislative web site and to let him know if someone sees something that could potentially impact Eliot regarding unfunded mandates.

5:52 PM Mr. Murphy asked if anyone is discussing the topic of voting by mail.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Lawrence said that he hasn't seen any legislation in on that, yet, but he would keep his eyes open regarding that. He added that Maine has pretty open and liberal election laws and is one of the reasons we are second in the nation on voter participation; that he is supportive of increasing participation. He said that he would like to hear from the town clerks regarding how well absentee voting is going, recognizing there are issues, as it has increased the ability and ease of people voting in the elections.

5:53 PM Mr. Pomerleau raised the long-time concern regarding the inequitable sharing of school funding between Eliot and South Berwick and what might be done at the legislative level.

Mr. Lawrence said what he thinks has to happen first is for the municipalities to discuss it together. He added that, in his view, a house in Eliot that costs \$300,000 should pay the same for the school system as a \$300,000 house in South Berwick; that if that's not happening, then he is more than willing to look at what has to be done under the State funding formula.

There was also discussion regarding the impact of TIF funds protection and its impact on school funding, as well as underfunded school-sharing funding at the State level, and creating a clearer definition of 'essential services'.

F. Public Comment:

6:02 PM 1) Items not on the agenda

Mr. (Jim) Tessier, Johnson Lane, said that over the past few years there has often been discussion about increasing resident participation in Town government and encouraging involvement on various committees but it seems that, recently, the opposite has happened. He discussed committees that have recently been disbanded, low turn-out at others, and members stepping down. He added that he was wondering if the SB was going to take a look at this to see if there are some underlying causes and if there are some things that can be done.

6:04 PM Mr. Fernald said that, when some of these committees were set up, they were set up for a particular purpose, and the Board is looking at whether they have outgrown their purposes as we go through the years; that we might be able to use those members for different committees or rename a committee to meet a current purpose. He added that getting participation is an ongoing problem we've had, agreeing that it seems to have increased, and he isn't sure what to do about that.

Mr. Pomerleau agreed that that has been on our agenda to look at; that having committees for many years, any organization would want to re-examine and re-evaluate the purpose, function, etc.; that they don't want to lose any of the people

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

resources we have but there may well need to be some re-purposing. He added that there are many current and future needs for the Town but we need to assess what we currently have and whether committees are functioning well and meeting current needs. He agreed about the concern of a lack of volunteers; that there are existing committees that serve a valuable function and struggle to achieve quorums.

6:06 PM Ms. Davis said that we are looking at reducing the number on some of the committees so that they can more easily achieve a quorum.

Ms. (Rosanne) Adams asked for an update regarding the fence issue on Fore Road and the administration issue regarding the Mary Lizzey Spinney Trust Fund.

6:07 PM Mr. Lee said that, regarding the fence code violation, they were still going back and forth as of yesterday between the two attorneys; that he had had quite enough, as this has gone on for three months, and told the attorney that he didn't want to wait any longer, that he wanted this to go to court for resolution of the fence and to recoup legal fees. He said, regarding the trust fund, that Ms. Lytle agreed to be the trustee of that trust fund.

Ms. Davis said that it is on our calendar to renew the appointment of Ms. Lytle annually.

6:11 PM Mr. (Charles) Rankie spoke as a Harbor Commission member and citizen. He said that he believed the SB acted beyond their authority, explaining that the Harbor Commission requested a meeting with the SB because inflammatory remarks and statements have been made by the Town Manager and printed in the paper; that the Town Manager proposed eliminating the Harbor Commission, which would directly affect how we propose the ordinance change. He continued to discuss statements made by Mr. Lee...

At this point, Mr. Lee tried to stop the conversation.

Mr. Rankie said that he was speaking and that he was not allowed to speak that night.

6:13 PM Mr. Lee said that he understood but that, if this goes into a personnel issue...

Mr. Rankie said that, again, he tried to dispute...

Ms. Davis asked Mr. Rankie to hold on for just a moment.

Mr. Fernald said that, if this is a personnel matter, it can't be discussed in public.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Rankie said that this was not a personnel matter but is a statement of facts that are leading up to where he is going; that this was not anything that didn't go on in public; that he is reporting facts, here. He added that he didn't know what you struck from your minutes, tonight, but this is his minutes and his recollection of what occurred. He further said that his next sentence was going to be that he tried to dispute the remarks that were made and he was told that he could not. He discussed the professionalism of people who have been researching and working on revising the harbor ordinance for two years. He read the purpose of the Harbor Commission: "Article II – Purpose Section 1. The purpose of the Commission shall be to implement the Eliot Harbor Ordinance, hereinafter referred to as "The Ordinance", and to recommend amendments as may be needed." He said that they have two more meetings to make recommended changes and are to be presented on February 25th to the Town Manager. He also discussed the tight timeline for final revisions and that, during the executive and administrative review, the Harbor Commission is available for any questions and/or discussions to clarify their proposed changes. He added that, in the process of us working on this, the Town Manager has declined attending meetings, when invited; that the Harbor Commission is not allowed to talk with the Harbor Master unless we went through the Town Manager. He said that the SB does have the authority to change by-laws and there is a process for that, but our by-laws say that we present changes to the ordinance; that the SB has the authority to remove any member of the Harbor Commission for cause, if that is what they choose to do, and there is a process for that. He added, however, that the SB, at this point in time, does not have the authority to stop the Harbor Commission from working on recommended changes and it is our intent to complete our work and present it to the Town Manager (and SB) on February 25th.

6:18 PM Ms. Davis asked if there was any particular action that Mr. Rankie is looking for, here, or is he making a statement on the mission.

Mr. Rankie said that his intent with being here tonight is to point out, first of all, that the SB said they are not going to take any action; then, to inform the SB, respectfully, that the SB does not have the authority to tell us to stop working on revising the ordinance that our by-laws tell us that that is what our job is.

6:19 PM Mr. Pomerleau said that he was at a total loss as to what he is talking about; that at the workshop we very clearly concluded that we wanted the Harbor Commission to continue their recommendations on the ordinance, as they were proceeding, and that we were, on a parallel level, going to be looking at what they have produced as a draft and do our own input into it so that, eventually, we could bring the two together.

Mr. Rankie said that, if that is your position...

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Pomerleau asked Mr. Rankie to let him finish. He said that Mr. Rankie's implication that, somehow, we have no authority...we never attempted to stop you from doing that; that we actually told you to continue with your efforts; so, he doesn't even know where Mr. Rankie is coming from. He added that, as far as when Mr. Rankie was stopped from speaking, he was beginning to make personal attacks on the Town Manager that were totally irrelevant to the subject at hand for that workshop and we stopped you consistent with State law with regard to any personnel complaints; that if you ventured into that tonight, we would again stop you. He said that, as far as he was concerned, he said to continue with your efforts to do your ordinance amendments; that nobody has insinuated in any way, shape, or form that you shouldn't.

6:21 PM Mr. Murphy wanted to remind everyone that these ordinances are not the property of the commission or the committee that has an ordinance; that they belong to the citizens of the Town; so, the Harbor Commission cannot direct the Town as to what it's going to be doing; that the Town must agree that what has been proposed is what the Town wants and needs and that can come only after you have completed your draft. He added that the SB is still overseers of the Harbor Commission; that we appointed you and we want to see that you do things correctly; that you are not suddenly empowered to change all that but just expressing your opinion about what should be in such an ordinance. He said that he wished the Harbor Commission well, and proceed, but it has to come back here, and the Town has to agree to it.

6:22 PM Ms. Davis clarified that we will be working in parallel and the Harbor Commission's work will continue; that she thinks we are planning on having some discussion about this at our January 19th workshop. She added that, perhaps, if you have additional concerns, let us know and we will try to clarify things as we go along.

Mr. Rankie said that, with the large amount of time you will have to look at what we present to you he, truly, as a citizen, thinks your time would be much better served looking at the budget, and those kind of things, and then taking what we present you with and working from there; that he tried to touch on the expertise you have on the Harbor Commission; so, we will give you what we see as that end and you will have your end; that you really would be better served, he thinks, to spend your time and wait to get that, then go for it.

6:23 PM Mr. Pomerleau said that Mr. Rankie would be better served focusing on your responsibilities on the Harbor Commission and let this Board decide where it should put its focus.

6:24 PM Ms. (Sharon) Magnuson, Pickering Drive, said that, at the last meeting, one of the items on the agenda had to do with a disciplinary action and she didn't ask the

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

question because she assumed, at the time, that that would be something confidential. She added that, after she saw the report in the newspaper, she realized that it had to do with the repairs that took place over here. She added that she remembers the night that Mr. Lee made reference to it and she knows that some Board members were not happy with it; that there was a repair being done, she believes, that was allocated in the budget and, while the workmen were in there, they discovered that there was another problem that needed to be fixed; that he felt that, because he could not contact all five members of the Board to get permission or consensus on it, he made this decision to have this other repair done at the same time. She said that, as a taxpayer, she believes he made the right decision; that she appreciates him thinking of our tax dollars; that, if that had not been corrected at that time, then people would have to be hired, again, to come back and dig it up, costing us even more money. She added that she feels, as a citizen taxpayer, that the disciplinary action that was taken with a 3-2 vote was out of order and she is sorry to see that that happened that way. Additionally, she asked if the SB had any authority over the school board.

6:26 PM Mr. Murphy said no.

Ms. Magnuson said that she didn't think so, having served on a school board in another community, where it was not allowed there, either. Addressing Mr. Hughes, she said that he has mentioned a couple of times the school budget and how it has risen by certain percentages; that she understands his concern, as a taxpayer, but she does not believe that is an issue for the SB, as a whole; that she believes that that, perhaps, fringes on micro-managing. She added that we nominate and vote for our board members; that we have the opportunity, as taxpayers, to vote for or against the budget and the school committee. She said that she thinks that if you, as a taxpayer, have any questions then, perhaps, you should go to one of their meetings and address it with them, but not as a Board. Ms. Magnuson said that she wanted to commend Mr. Moulton and his crew for the work they do on the roads; that our roads are immaculate compared to some of the surrounding towns; that whenever she leaves South Eliot and she crosses over the border she sometimes asks herself if they have even plowed, it's that bad. She added that her hat was off to Mr. Moulton and his crew.

6:27 PM Ms. Davis said that Ms. Magnuson's understanding of the situation was not accurate. She explained that the problem we encountered was more than \$100,000 worth of paving and retaining wall that was done at Town facilities without informing the SB. She said that the money came from the road fund and from operating expenses from departments; that it was money that taxpayers had approved for other purposes and at least three members of this Board felt it was an inappropriate use of those funds, particularly without Board approval.

Ms. Magnuson said that it had nothing to do with 'this' over here.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

6:28 PM Ms. Davis said that ‘this’ was just one more case of paving a Town facility using the road paving fund that we felt was inappropriate. She added that at least some of us feel that the Board does not have approval of the Town, or authority, to re-purpose money that the people approved on a budget vote; that that money was approved to pave the roads not Town facilities.

Mr. Pomerleau said that in our Charter it specifically states that school representatives from Eliot are elected to represent the Town of Eliot and should be responsive to questions and answers and communication with the Town.

6:29 PM Ms. Magnuson asked if, by the Town, he meant the citizens or the SB.

Mr. Pomerleau said that he would have to read the specific language but the implication is there that they should be willing to communicate with the SB as the elected representatives of the taxpayers when questions arise. He added that, by Maine statute, both the SB and the Budget Committee have the right to submit recommendations on the school budget, which we have never done; that if there was some inclination to do so, then what we’ve asked is that the school board present explanations about their budget so that we would, at least, have some level of understanding why they are spending money to the degree that they are. He said that the area that Mr. Hughes brought up, in particular, was that level over and above what the State allows for funding that becomes 100% payable by the taxpayers and they don’t often make that distinction when their tax bill goes up – that the cause is the school budget.

6:31 PM Ms. Magnuson asked if he was saying that there are times when the SB may actually meet with the school board to go over the budget.

Mr. Pomerleau said that the proposal, as he remembers we put forth, was to ask South Berwick to join us in an effort to ask the school board to do some sort of presentation on their budget.

6:32 PM Ms. Magnuson asked if they legally have to get your opinion or advice as to how their monies are spent.

Mr. Pomerleau said no; that he didn’t believe so.

Ms. Magnuson said that, if she had a question as a taxpayer, then she was thinking it would be her responsibility, personally, to attend a school board meeting and ask questions; that that was her point with Mr. Hughes in that she didn’t understand why it was coming before the SB if, as a taxpayer, he had a concern with what was going on with the school budget, then he would go there.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Hughes said that, as a taxpayer, he has gone to their meetings and has spoken with their business manager. He explained that his problem was that they keep escalating costs, 5 times what the Town has added to the tax bill the school has added to the tax bill in the last 7 years. He added that he wondered why the citizens are the only ones asking questions of why it keeps going up so much. He said that nearly 70% of the tax bill is the school budget; that he doesn't begrudge the school the money but he does have a problem that it keeps going up and up and the programs keep getting padded and he fails to see any justification. He clarified that he is asking why so that the SB can recommend to the Town citizens whether or not we think that budget is a good budget.

6:34 PM Ms. Magnuson said that she understood what he was saying; that she still felt that if taxpayers are upset with the way the school department is going and feel their budget is getting out of sight, then the place for taxpayers would be at the polls to vote for or against their budget.

Mr. Hughes agreed and said that he wished that this Board would have more input on their budget so we can recommend to the citizens what we think they should vote on that budget.

6:35 PM Mr. Lee said that he and Mr. Murphy attended a collaboration meeting Wednesday with South Berwick and with school administrators; that at that meeting he had asked Perry (Ellsworth) if he had taken the letter to his Council and he said that he wouldn't take it to his Council because he didn't think it was appropriate for them to get involved in it. He added that he didn't think the SB was going to see South Berwick join you on this; that he doesn't think it got past Mr. Ellsworth's desk.

Ms. Davis said that that was interesting because about two years ago they expressed very grave concerns about the increases that were happening.

6:36 PM Mr. Pomerleau said that he doesn't know where Mr. Ellsworth gets his authority to stop communications between boards and councils or whether he thinks something is appropriate for them to hear, or not; that he found that very odd. He added, however, if this Board wants to pursue to hear from South Berwick, then he thought we could communicate directly with the South Berwick Council.

6:37 PM Ms. (Donna) Murphy, Hanscom Road, asked if, in light of the information the Town Manager was just provided, does this Board need to take any action to authorize the Chair of this Board to communicate with the Chair of the South Berwick Council.

Mr. Pomerleau said that he was not deterred by Mr. Ellsworth's reluctance; that if we wanted to ask them to join us in some effort to ask the school board, with or

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

without them, we could still approach the school board ourselves but, if we want to communicate with the South Berwick Town Council, then he would urge chairman-to-chairman communication.

6:38 PM It was the **consensus of the SB** to communicate chairman-to-chairman with the South Berwick Council.

2) Ed Henningsen re: Facilities Manager Proposal

Mr. Lee said that Mr. Henningsen was not here tonight; that he would not take a great deal of time to go over this in his absence. He clarified that Mr. Henningsen did not mean this as a request for some sort of budget consideration; that he sent this to you that you may want to consider that there may be cost-savings in having some sort of a part-time facilities manager who could better look after all the contracts, purchasing of fuels, minor repairs; that we don't have someone for that type of thing and the custodian is really just for cleaning and managing recyclables. He said that this is for your consideration, down the road, if it might be better to have a handyman rather than outsourcing these small jobs, etc.

6:40 PM **3) HVAC Update/Options for RFP**

Mr. Lee commented that, even though the Energy Commission is down to two members, they are still doing a dynamite job. He said that this memo is an update on heating, ventilation, air-conditioning at the Town Hall and emergency generators we have been looking at; that Mr. Henningsen has come up with all the various options and broke those options out into a chart and included pros and cons. He added that the memo stated, "...to start this process an RFP should be written. The mechanical engineer has quoted us \$1,600 for this service.", and Mr. Henningsen wanted to make sure he was okay to go forward with that; that the idea is to really know what our best option is for heating this building, the best value, and the right size generators for the various buildings. He said that the Energy Commission has given the SB quite a bit to think about and is looking for feedback; that they are looking for authorization to continue the work so that we have the hard numbers in the CIP, not to spend money now but planning for future costs.

6:45 PM Mr. Murphy said that he believes that maintenance of all Town properties is precisely the center of the Selectmen's responsibility. He added that the Energy Commission has done a good job; that he was in favor of moving forward with finding out what the real costs are.

6:46 PM Mr. Pomerleau said that, without some perspective about the long-term impact on this building and where we are going with it, especially with some of the TIF amendments and potentials for expansion; he is really loathe to want to lay out

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

money in any large sum on a building we aren't sure what we are going to be doing with in the next few years; that he wants to take a very conservative approach, for the time being, without some five-year perspective or ten-year perspective. He added that he had no problem with them pursuing hard numbers for us to look at, as that information is always valuable.

6:47 PM Mr. Lee said that he thought the Energy Commission was in agreement with that; that they just want you to be ready when something pops up to avoid reactive decisions in an emergency and be prepared to make the best decisions possible, long-term. He further said that all of the options included in the memo have expandability in the event we grow the building.

Mr. Fernald said that he thought we should move ahead on this; that we are talking about other buildings and not just this building (Town Hall); that we need to know where the problems are and know what the hard numbers are; that we know they are going to change down the road, so we can at least make some decisions now. He added that we know that any changes to this building, here, are not going to be next year, or the year after, but certain problems need to be addressed.

6:50 PM Ms. Davis asked if this was just for this building or is it the Police building, as well.

Mr. Lee said that this was for the HVAC system in this building. He added that this concerns him because, after roads and stormwater, the next biggest capital expenses we have are probably fire trucks and buildings needing attention down the road.

6:51 PM Ms. Davis said that she would look at our existing system and think that she would have it looked at and checked and, if it failed, she would replace it in-kind; that that is what people with their own homes do; that it depends on how much commitment we want to put towards this and whether we feel like...\$1,600 to make this comparison, you're saying the money would be spent to give us the pros and cons of what you're listing here and to narrow it down or refine the numbers of each option.

6:52 PM Mr. Lee said no, clarifying that it's to go out with a RFP to contractors and have them actually price the various options for us; that then we would know what we are looking at and be able to select which one seemed to be the best value and compare its energy usage; to find out which of these things is the best cost, initially, and then, also, think which ones have the least in operating costs, long-term. He added that, with a RFP, at least you would have numbers for your CIP and this system, here, may not have a lot of time left on it, quite frankly. He agreed with Mr. Hughes; that our view is that it is a mistake to just have to react

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

in an emergency-type basis and not have an option to think if you are doing the right thing, the wise thing, the long-term thing.

6:54 PM Ms. Davis said that it has lasted and survived for 30 years; that she isn't saying reacting in an emergency way but replacing it in-kind.

Mr. Fernald said that he didn't agree with Ms. Davis' analysis that when it fails we ought to do something like we do at home; that the result of a heater, for instance, that isn't working causes other problems throughout the building; that if you have a home, and it's mid-winter, all your pipes are going to freeze and bust, and that's going to create other problems, etc., down the road, and he thinks it needs to be addressed.

6:55 PM Ms. Davis said that she wasn't saying to wait until it breaks down but saying that we have a system that's functional, right now...

Mr. Murphy said that it is inefficient, and it's not really functioning; that it's being supplemented by office heaters, coolers, etc.; that it's a made-up thing.

Ms. Davis said that she has not really seen any numbers on the savings, so...we already authorized this several weeks ago, so...

Mr. Lee said that, however, in light of recent events mentioned here, tonight, he wants to make sure he is still on the right page when it comes to spending money.

Ms. Davis said that it is below the threshold and it's already been authorized, asking how the rest of the Board felt.

Mr. Pomerleau said that he knew his limitations when it comes to these disputes on what's the best system; that the Energy Committee does a fine job and they have some expertise; that he defers to their expertise. He added that his whole perspective is still that he can see the day when 'this' is no longer a meeting room, and neither is that, because we have some other facility.

6:57 PM There was further discussion of the pros and cons of the current system versus potential changes, with Mr. Hughes adding that everyone knew that this building needed expansion and we might as well plan for that now; that if we want to come up with a Plan B for this heating system, now would be the time to design it with expansion in mind; that if we replaced what we have right now it will not be big enough to cover what the expansion is going to need. He also discussed the advances in technology and reduced costs because of those advances, adding that he thought we should be planning, now, for the future.

6:58 PM It was the **consensus of the SB** to move forward with the RFP.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

G. Public Works

6:59 PM 1) Pump Station Design and Funding Update/Follow Up

Mr. Moulton said that there were some follow-up questions from the last meeting and he and Mr. Pratt gave comments back in this memo. He added that Mr. Pratt would be present in two weeks to discuss more options. He said that he would be happy to answer any questions. He also said that he would get a solid list of pre-qualified vendors.

H. Department Head/Committee Reports

7:02 PM 1) Eliot Budget Committee – By-laws

This is informational.

7:05 PM 2) Eliot Energy Commission – Habitat for Humanity Project

Mr. Lee said that the Energy Commission was going to try to engage high school students to earn their community service credits by helping people with home weatherization; that they ran into some problems with that but that they did work out that the kids, if they want to, can help with Habitat for Humanity projects while still learning about energy efficiency. He added that they wanted to thank the school for working with us. He said that for every five kids going to Kennebunk to do this work, we need one responsible adult to go with them, which would most likely involve parents of the kids going but that there were opportunities for people in the community to engage in this, as well.

This will be put out on Eliot Alerts.

7:07 PM 3) Eliot Energy Commission – Resignation, Laurel McEwen

Mr. Lee said that, speaking to Mr. Tessier's point of people getting off committees, one of the things he has found as an issue is the change-over to the Charter; that the change required by-laws and some committees said that they didn't want by-laws and the structure those required; that people have said that they weren't on the committees for that purpose (being told what to do); that this person was one of those people that liked the way the Energy Commission was set up.

7:09 PM Mr. Pomerleau said that it was unfortunate because the issue before that particular night was that he thought they had to have a chairman and he didn't think that would have prevented them from functioning just exactly the way they have been

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

functioning; that you have a lot of discretion within the committees as to how you want to conduct business.

Mr. Lee agreed that it could be nominal, only.

Mr. Pomerleau clarified that the Charter did not limit the chairmanship to two years.

7:10 PM Mr. Rankie wanted to make it clear that it wasn't the Charter; that it's more a question of the Ordinance for Boards, Committees, and Commissions that is not enforced. He added that he thought that, if you looked at that ordinance, you would find almost exactly what the Charter has as far as the requirement for chairman; that it states that the chairman, he believes, will be elected right after the Town Meeting; that that all existed, and had existed, from two re-writes going back on the Ordinance for Boards, Committees, and Commissions. He said that the Charter, more or less, brings some of these things to the forefront and does trump the Ordinance in a couple places that they aren't as strong as the Town felt that they wanted it, and it's in the Charter.

7:11 PM Mr. Tessier said that he thought another point was that the Charter says that they have to have by-laws but the committee has the opportunity to build their own by-laws; that he thinks they could have had some input that they could build their by-laws the way they wanted them, as long as they didn't violate the Charter and don't violate the Ordinance for Boards, Committees, and Commissions, and could pretty much function as they wanted to. He added that that is the piece that is frustrating from his standpoint; that we had good people over there and they got, kind of...he thought that they could have done what they wanted to do and kept functioning.

7:12 PM Mr. Pomerleau agreed with Mr. Tessier. He said that he thought that it was a member of the Harbor Commission, at the last workshop, that strongly complained and recommended that having a formal Robert's Rules of Order they thought was very cumbersome and bogged things down. He added that, from his viewpoint, they don't have to; that in current literature they highly recommend, for small committees, that Robert's Rule of Order is cumbersome and is more designed for larger organizations; that for four or five people you should have more flexibility in running your meeting.

7:13 PM Ms. Davis asked if there was any chance of changing her mind if we were to table this tonight.

Mr. Lee said that he didn't know, adding that she is gone for several months, now, anyway.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Murphy moved, second by Mr. Fernald, that the Select Board accept, with regret and gratitude for her work, the resignation of Laurel McEwen from the Eliot Energy Commission.

DISCUSSION

Ms. Davis asked if Mr. Lee would be sending a letter.

Mr. Lee said that he would.

Ms. Adams said that she also talked about her willingness, in her letter, to continue with some of what she was working on if that didn't violate the Charter and Ms. Adams thought it would be nice to include that she would be welcome to continue.

Ms. Davis said that that was why she held out some hope that she might change her mind.

7:15 PM Mr. Fernald said that that is what concerned him; that any projects that need to be done, as far as the Energy Commission, needs to be controlled by the Energy Commission, itself. He added that she says in her letter that she is "willing to volunteer on the Energy Committee, continuing with my projects."

Mr. Lee clarified that she doesn't want to be a member of the committee, she wants to be a citizen who attends the meetings and offers to help the committee.

Mr. Murphy said that that has always been a possibility.

7:16 PM Mr. Rankie suggested that the Select Board could appoint her as an associate member, which would keep her involved but not a voting member.

Mr. Lee said that he would mention that in the thank-you letter, as an option.

DISCUSSION ENDED

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
January 12, 2017 5:30PM (continued)

7:18 PM 4) Harbor Commission – Draft Harbor Ordinance – Comments thru 1/16 – No Correspondence

Mr. Lee said that he received a letter from the Harbor Commission asking that we put up on the Town website that they are taking comments on their draft Harbor Ordinance through January 16th.

I. Administrative Department/Department Head Reports

7:19 PM 1) Town Manager's Report

Ms. Davis asked about **Line 128** – Union grievances.

Mr. Lee that these grievances have been denied by the Public Works Director and himself; that Tuesday we are having a meeting with the Teamster's representative regarding these grievances.

7:21 PM Ms. Davis asked about **Line 103/104 – roll-off truck collaboration with South Berwick.**

Mr. Lee said that they are going to pursue a contract with an outside vendor for a one-year trial period and would like to keep the collaboration option open for the future.

7:23 PM a. Meyer's Email Follow-up – No Correspondence

Mr. Lee said that this was basically to confirm that the Board has what he has for email communications and to know what the Board's intent is going forward.

Ms. Davis said that she didn't know what the pleasure of the Board was but she would like to take a moment, because Mr. and Mrs. Meyer are here, to see if they have any comments and could express exactly what they're looking for and what we can do to resolve the situation.

7:24 PM Ms. Meyer said that she was not prepared with a response...

Mr. Pomerleau asked to interject; that he didn't really recommend that and thought that, later on in the agenda, we should go into executive session to deal with a personnel complaint, and on this particular issue, and discuss how we are going to move forward; that maybe later on we will want to have specific questions and interviews with the Meyer's for precisely that point. He added that he thinks this puts them in a very difficult position, publicly; that he doesn't think it's a good idea to do this, now, at this point.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

7:26 PM Ms. Davis said that her concerns, at this point, is that we have a lot of information; that we can assume that we know what the real problem is by going through all of that information but how do we narrow this down so that we are hitting the mark and solving the real problem.

Mr. Pomerleau said by discussing the material we have; that we do not want to be discussing items that involve personnel complaints in public, period. He added that, when we get in there and see that that is an avenue this may go down, then it may behoove us to contact the Meyers and bring them in to an executive session and resolve in terms of where they want to go with it; that if there is some element of that that is not appropriate for executive session, then it will come out publicly before the Board for something about timing for notices, for Planning Board actions, etc. He said that we don't know how to proceed until we sit in executive session and discuss this.

7:27 PM Mr. Hughes agreed with Mr. Pomerleau wholeheartedly; that we haven't, as a group, had time to sit down together and discuss this issue and what our thoughts are; that he thinks it's premature to discuss this at this point. He added that we need to go into executive session and discuss it amongst ourselves and, then, reach out to the parties involved as we need to.

Ms. Meyer asked if the Board had received the emails that Mr. Lee sent; that if Ms. Pelletier has failed to present whatever other emails she feels were not included in what Mr. Lee sent, if there are, those emails came from either her husband or herself and they would be happy to give those to the Board. She added that it is important to them that the Board see exactly what it is that Mr. Lee and the other individuals have alleged is harrassful because, as she said two weeks ago, we have nothing to hide. She said that, since we were here last, we did an FOAA request for all of the interoffice email communications between the Town and the Town's attorney and that sheds some extremely helpful and troubling light on exactly the genesis of all of this and how this situation snowballed into something really repugnant. She asked that they review those emails, as well; that there is some rather inflammatory...

7:29 PM Mr. Pomerleau asked if we could stop here because Ms. Meyer is really going to start to crossing a line, here...

Ms. Meyer said that she was not crossing any line.

Mr. Pomerleau said that he was just trying to advise her; that we have those emails that she is talking about and we will make sure, before we proceed, that she has the opportunity to let us know there if is something missing.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

7:30 PM Ms. Meyer said that that was fair; that she wanted to ensure that the Board had all the information they needed to make a decision as to whether, or not, this is the kind of behavior, this is the kind of treatment of your citizens, that you are willing to tolerate; that all we ask is that you review all of the information.

Mr. Fernald said that he agreed with Mr. Pomerleau that the next step for us is to move to executive session to talk about this and look at the information provided to us; that we could make a decision, then, based on that of what our next step would be.

7:31 PM Mr. Lee said that, at the last meeting, he thought that the Meyer's had agreed that they would send the Board along their emails so that the Board would have them; that he wanted to let the Board know that he has submitted his and he kept waiting to see if they would submit theirs; that it was his understanding that both parties were to submit to the Board all emails and he thinks the Board needs the benefit of seeing whatever they may have that he doesn't have.

Ms. Meyer said that they come from them...

Mr. Lee, saying excuse me, he wanted to just finish his thought...

Ms. Meyer said that they are in his email system because we sent them.

Mr. Lee said that they are not in his email system, necessarily. He clarified that it was his understanding at the end of the last meeting that the Board wanted all his emails and anything in this building that is email-related to this and, also, could Mr. and Mrs. Meyer send along theirs, as well. He added that he got dragged in later on, after this had escalated to quite some extent, so he thinks the Board may want to see whatever they may have that Ms. Pelletier has not yet been able to find time to provide to him. He suggested the Board may want to schedule the executive session at the next meeting because he thinks they would want to see everything everyone can provide; that he sent the Meyers all the emails he had so that they could see what he had and they could supplement it.

7:33 PM Mr. Pomerleau said that, with the folder he has and the emails we've been provided, we have more than enough to start the process to decide how we are going to approach this, which may include bringing in the Meyers to show them the emails they have and asking them if there is anything that is missing and to provide the Board with what they have that we don't.

Ms. Davis said that we need to start somewhere. She added that the point she was trying to get to was that we could make some assumptions about what the problem is; that she would rather hear it from the Meyers but the rest of the Board feels like there is enough to sit down and get a start on this tonight, and we do

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

have to start somewhere; so, she guessed we will call an executive session at the end of tonight's agenda and, at least, develop a strategy and a plan of where we're going from here and gauge each other's thoughts on what we've read, so far.

Mr. Rankie said that, as a citizen's observation, he finds it difficult to sit here and listen to our Town Manager who says he's asked his subordinate to produce something, which apparently is important, and was hoping he might get it.

Ms. Davis clarified that he was hoping to get it within a timely fashion due to her workload; that that's all he meant and he is expecting to receive it.

7:36 PM Mr. Fisher asked if, when they go into executive session, the Meyers were going to be in the executive session at the same time.

Mr. Pomerleau said not tonight.

Mr. Fisher said that, if they are going to talk about the parties, he thought the parties should be included so that they can discuss it and ask questions.

7:37 PM Ms. (Donna) Murphy, Hanscom Road, said that this is the second meeting in a row she has attended where one Selectman has challenged the integrity of another Selectman; that she would like to know what the protocol is for that.

Ms. Davis asked if the Board felt that the Meyers should be included this evening.

Mr. Pomerleau reiterated that, in this executive session, we will lay out a plan of action, which will probably include deciding at some meeting to have the Meyers attend so that we can get their feedback, perspective, review what we have for documents, and so forth. He said that we need to have an executive session to lay out a plan for how to move forward; that he has no doubt that, eventually, the Meyers and all other people will be brought in to an executive session so we can resolve this issue but we don't start that way at the first meeting.

7:38 PM The **Board agreed by consensus** to hold a brief executive session at the end of tonight's agenda.

2) Boating Facilities Fund – Project Agreement

Mr. Lee said that the State sent us an agreement where they will reimburse up to \$650 to repair the float; that he proceeded to get the float fixed, it came in at less than \$650, and all he needs tonight are the signatures on behalf of the Board so we can receive the reimbursement.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Pomerleau asked if there was any potential, there, of upgrading of the bathrooms, and so forth.

Mr. Lee said that he didn't know; that he was pretty surprised with the quick reaction and turn-around. He added that he would send this in, thank him up and down, and let him know he has one more little problem he would like to talk with him about and see what he says.

Mr. Fernald moved, second by Mr. Pomerleau, that the Select Board enter into the agreement (Project #047) with the State and accept up to \$650 for expenditures for the floats.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:41 PM 3) Workforce Housing Coalition - Offer

Mr. Lee said that this organization goes into communities and conduct charrettes (stakeholder collaboration) to try to change the views of workforce housing and to show its benefits. He added that he met with this person; that Eliot had been mentioned as a community where some folks thought we might welcome that; that we discussed the TIF survey and that he told her he was concerned that this doesn't feel like something that Eliot might be all that interested in; that, in part, he quoted the survey that came back with apartment buildings, workforce housing, etc. as pretty low on anybody's desire; that she said that that is exactly why we want to come. He said that this would be a series of community meetings and if this would involve him or Ms. Pelletier, he doesn't have any more room on his plate; that he told her he didn't think it would receive warm support but she really wanted him to bring this to the Board.

7:44 PM Ms. Davis said that there is a huge need in this area but our school funding is going up astronomically with the reduction in enrollment; that she could just imagine what it would do with an increase.

Mr. Lee said that he mentioned that and the idea is that workforce housing very often does not have a great impact on schools; that it is workers, really. He added that it is up to the Board but he is concerned that we are stretching ourselves far

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

too thin to even meet demands that are currently upon us never mind do another project like this.

7:45 PM Mr. Pomerleau said that he absolutely agreed about this Board and Mr. Lee, in particular, taking on any more on his plate; that he is concerned that quality is going to suffer all around. He added that it's even starting to get overwhelming on his part with research and paperwork; that there is too much before us. He said that this has some merit to be considered from a regional perspective; that it's not timely for us, at this point, and we have other related issues to housing – growth ordinances, TIF's – that could impact decisions on this kind of thing; that we are not in a position to be able to engage in this in an intelligent manner until we have a host of other problems resolved first.

It was the **consensus of the Select Board** not to take this up at this time.

7:46 PM **4) Amending the Charter – Legal Opinion**

Mr. Lee said that he and the Town Clerk had a conference call with Attorney Saucier about the Town Meeting Referendum Ordinance and the Town Charter; that regarding timing changes in the ordinance, “the Select Board can propose amendments, which must then be approved by the voters. Each such minor timing change would require its own question; you cannot batch them.”, but it doesn't require a full Charter Commission (revision) if we want to try to accommodate the timing the Town Clerk is finding is causing a problem between the printing of the ballots, the absentee ballots, etc.

Mr. Pomerleau said that what the Town Clerk wanted to do was allow the Town to forgo the State law of 45 days and increase it to 60 for the purposes of something to do with the ballots.

Mr. Lee said that we have one vendor for the whole State to print the ballots; that they are jammed up and can't get them out; that we can't meet the Charter requirement they are so jammed up.

7:49 PM Mr. Pomerleau said that this was another issue that was based on what's on our plate in the upcoming months – if it is a simple change as opposed to our Charter suggesting we establish a Charter Committee; that this is not going to be done to impact the upcoming election, we can't possibly do and neither can the next item; that, as far as he is concerned, this is backburner stuff we don't want to look at until after June; that we can do this stuff in November; that, with everything on everybody's plate, he is not looking to add this to it in the next few months.

7:50 PM Mr. Fisher asked if this could be changed at the legislative level; that other towns must have exactly the same problem.

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Mr. Lee agreed that maybe the simplest thing to do is to go to Mark Lawrence with the suggestion to change that to give more time; that they (State) have handcuffed themselves by going with a sole vendor for all ballots, so, when it comes time for this presidential election, if you weren't the first few people in there to get ballots printed, you went on a waiting list and it was moments before we had to have absentee ballots, waiting for the postman. He added that he knew a lot of clerks were frustrated with how long the ballots are taking; that the absentee process was alive and well, as we handled 1,600 to 1,700 ballots and each one is a multi-step thing. He said that he agreed with Mr. Pomerleau, from a timing perspective, and with everything on our plate; that we just need to keep this in mind to work on after June, if we get some things settled and develop new topics for our workshops.

There was a **consensus by the Board** to hold off.

7:53 PM 5) Certified 2016-2017 Budget (Resubmission)

The only change on this was that the overtime was broken out in Administration.

Ms. Davis moved, second by Mr. Hughes, that the Select Board adopt the resubmission of the certified 2016/2017 budget.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:54 PM 6) Remaining TIF Amendment Actions/Plan

Mr. Lee suggested that the next two items (6 and 7) might go together; that we had talked about, regarding the January 19th workshop, starting a review of the Harbor Ordinance and, then, coming up with all the next steps and plans necessary to amend the development program and maps associated with the TIF.

Ms. Davis said that tonight was our soft deadline for submitting; that she has seen three new proposals come in and would like those submitted to Attorney Fortin, as well. She added that she handed out some paperwork on various proposals for purchasing portions of the Libbey property, explaining the two separate things included – one a map describing the boundaries and the other, text, describing

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

what the Town may be interested in doing, so, she would like to also submit this to Attorney Fortin.

Mr. Lee agreed to sending all of them in.

After discussion, the Board agreed to ask if Attorney Fortin could be available via phone conference on January 19th between 6:30 and 7:30. There was also discussion regarding near-future topic agendas and how to deal with them effectively.

7) January 19 Workshop – Topic? Harbor Ordinance? TIF? – No Correspondence

Discussed in conjunction with Agenda Item #6.

J. Old Business:

No discussion.

K. New Business:

No discussion.

L. Selectmen's Report:

There were no Selectmen's reports tonight.

M. Committee Vacancy Report

No discussion.

N. Executive Session

8:06 PM Mr. Fernald moved, second by Mr. Murphy, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405.A. Personnel Issues.

Roll Call Vote:

Mr. Fernald – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

SELECT BOARD MEETING
January 12, 2017 5:30PM (continued)

Unanimous vote to approve motion.

8:44 PM Out of executive session. No action taken.

O. Adjourn

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

VOTE

5-0

Chair votes in the affirmative

DATE

Mr. John Murphy, Secretary