

**SELECT BOARD MEETING**  
**February 23, 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)**

**5:32 PM** Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of December 8, 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.**

**F. Public Comment:**

There was no one who wished to speak.

**G. Public Works**

There were no items under this section.

**H. Department Head/Committee Reports**

**5:33 PM 1) Committee Application: Albert Libbey, Energy Commission**

Mr. Lee said that Mr. Libbey is running a little bit late due to a scheduled appointment. He suggested waiting a bit to see if Mr. Libbey is able to come.

**5:37 PM** At this time, Mr. Libbey was present.

Mr. Fernald asked Mr. Libbey why he selected the Energy Commission.

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

Mr. Libbey said that he is an electrical engineer and he likes to solve problems; that he can see that the Energy Commission does that.

Mr. Fernald moved, second by Mr. Murphy, that Albert Libbey be appointed to the Energy Commission, term to expire June 30, 2018.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

Mr. Lee congratulated both appointees and asked them to stop in to see the Town Clerk to get sworn in.

**5:34 PM      2) Committee Application: Andrew LaForge**

Mr. Lee said that Mr. LaForge is present and has expressed an interest in the Conservation Commission.

Ms. Davis asked if he had had a chance to attend any meetings yet.

Mr. LaForge said no; that he wasn't able to attend last month but he has worked his work schedule out so that, hopefully, he shouldn't have any more issues.

Mr. Fernald asked if Mr. LaForge could tell the Board why he picked that commission.

Mr. LaForge said that he actually just bought a place down on Patriot's Lane; that he moved to Eliot in November from Massachusetts, saying that his mom had always been involved in our town meetings. He added that he loved the Town and just wants to get involved wherever people saw fit.

Mr. Fernald welcomed him to Eliot.

Mr. Fernald moved, second by Mr. Murphy, to appoint Andrew LaForge to the Conservation Commission, term to expire June 30, 2019.

**DISCUSSION**

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

Mr. Pomerleau thanked Mr. LaForge for stepping forward.

Mr. Lee asked Mr. LaForge to stop by to see the Town Clerk for swearing in.

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.**

**5:39 PM      3) Energy Commission: Solar Net Metering Update/June Ballot?**

Mr. Lee said that the Energy Commission has become aware of recent decisions by the PUC (Public Utility Commission); that he placed a document on the dais for the Board members regarding a set of emails between Ed Henningsen (Energy Commission) and Jack Bingham (Barrington Power), in which Mr. Henningsen said that he was told that the Maine PUC will continue the existing net metering agreements for all solar installations in operation by the end of 2017; that for those installations installed after 2017, there will be a scaled reduction in the amount paid back. Mr. Henningsen asked Mr. Bingham, if approved by voters, could it be installed by the end of the year, would there need to be a re-quote – what amount, or percent, of price change could we expect to see, are the “complete activities” still usable from the 2016 go-round if the project moves forward in 2017, and do you have any thoughts or warnings about the article or the PUC’s intentions. Mr. Bingham replied that it was his understanding that anything installed in 2017 would be retail net metering grandfathered for 15 years. Mr. Lee that this may be our last opportunity to put before the voters this solar generation plan on our closed landfill and he thinks that, last time, both the Budget Committee and SB were favorable about the idea but there was still a big unknown about what the Governor had done and what the PUC was going to do. He added that the tough thing is that it is very late in the year to get this before the voters in June; that we would have to get our purchase power agreement legally reviewed; that, in checking with Mr. Bingham, the list of “complete activities” is still viable and this project is still ready to be pulled off the shelf and set down, maybe with a minor cost change. He added that we are also aware of a grant that comes out of New Hampshire and is for energy commissions that are doing solar landfill installations; that this grant is only about \$3,000 but may be enough to do the legal review of the purchase power agreement and, perhaps, some other minor

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

things; that Christine Bennett is willing to take the lead on applying for this grant. He said that he wanted to get a sense from the SB if they would be willing to at least think about a place-holder spot on the June ballot, depending upon our ability to get the SB suitable, adequate, thorough information on time so that the SB could review it and have a full understanding of what the solar landfill does.

**5:44 PM** Mr. Murphy said that, as an advisor to the Energy Commission, he is very much in favor of this and thinks we should snap up this opportunity and do whatever we can to finalize and get all the ducks in order.

Mr. Lee said that it would take care of all of our power needs in all of our municipal buildings and all of our municipal facilities for many, many years to come.

**5:45 PM** Mr. Hughes asked if we had to get the legislative body to approve the project before we can actually go ahead with it.

Mr. Lee said yes, that we would have to put this on the June ballot; that Mr. Bingham said that it would be entirely feasible, if approved in June, that they could have that completely built, up-and-running, by November 2017.

Mr. Hughes asked Mr. Lee if he really thought we could get this project complete by December of this year.

Mr. Lee said that it really is straightforward; that when you look at what they do in terms of the installation of these panels, it couldn't be more straightforward. He added that he thinks putting the fence around it is going to be more time-consuming than the panels.

**5:46 PM** Mr. Hughes said that his other concern was the statement that it will be retail net metering grandfathered for 15 years, asking if that meant that net metering goes away at the end of 15 years.

Mr. Lee said that that was correct in that it would go away but the idea is that what we would try to do is buy it. He added that we would say to Barrington Power that it is our intention to buy this from them at its remaining value (\$240,000 +/-), doing that six years out and, that way, for the balance of the time these panels are good, which is presumed to be 25 years, or so, we would own all of our electrical generation; so, the net metering piece of it doesn't really play into it too much. He said that we would own it outright – a solar-generating array that would do all of our power needs for many years and, theoretically, just change out the solar panels as they get older and less productive.

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

**5:47 PM** Mr. Hughes asked what we would have to pay to the utility at the end of those 15 years, when the net metering goes away.

Ms. (Christine) Bennett, Energy Commission, said that she thinks that that's uncertain at this time; that in 15 years there will be another PUC and this will probably be picked up at a later date. She added that we are the only state in New England that has any sort of uncertainty like this about net metering at this time; that Massachusetts, Vermont, Connecticut, probably Rhode Island, have all made net metering a permanent feature of the utility metering structure. She said that we do have a 15-year window, if we do exercise this opportunity, where we will get 100% back from basically the same price you would buy the electricity, they will buy it back from you if you don't use the electricity right then and there. She added that they then have a step-down program of 10% each year; that they are not doing away with net metering; that there is no structure, right now, for that.

**5:48 PM** Mr. Lee said that that is after the 15 years; that year 16 it goes down 10% and, over 10 more years, it goes down to zero.

Ms. Bennett said that, regarding the rate of return, we would get our investment money back after 7-8 years, and everything after that would be gravy.

Mr. Lee said that the other thing we just learned was that both Portland and South Portland had shelved their solar projects because of the same uncertainty and they are both back up and doing a joint project on a big closed landfill; that now that this ruling has come out, they are moving full speed ahead on that, as well; that a number of other towns that shut down are back going again. He said that we are in the same boat as all of those communities and thought he would at least bring this to the SB's attention.

**5:49 PM** Mr. Pomerleau said that he could say, with absolute certainty, that he doesn't know; that he has been following this closely and he has seen as much doubt as there was certainty about what happens after the 15 years. He added that he has no reservations about allowing the group to go forward and put something in front of us. He said that, right now, he feels totally blind because he has no idea as everything he's read tells him that nobody is agreeing to whether this is a plus or a minus anymore.

**5:50 PM** Mr. Lee suggested we might find some material that would make him feel more comfortable.

Mr. Pomerleau said that that is what he would like to see.

It was the consensus of the Select Board to allow the Energy Commission to move forward.

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

**5:51 PM** Mr. Lee clarified that the SB would be willing to let us put together a good, solid package of information, getting the SB back up to speed on this, and try to bring certainty and, if so, then when we discuss ballots for June...potentially.

The SB agreed.

Ms. Davis asked if we had to make any kind of commitment regarding the grant and what if we decide to not move ahead.

Ms. Bennett said that, if we're lucky enough to receive the grant, we can decline it; that there's no commitment in just applying for the grant.

Ms. Davis said that she remembers there were a lot of outstanding questions regarding the Memorandum of Understanding (MOU), asking them to pull together anything they have, earlier on, question-wise; that we'll use that as a good starting point, as well.

**I. Administrative Department**

**5:52 PM 1) Town Manager report**

Mr. Murphy thanked Mr. Lee for all the information.

**a. Financial Reports**

Mr. Hughes said that he has a dozen, or so, questions on the revenue/expense reports that were submitted from the year end of January and asked if he could send them to Mr. Lee.

Mr. Lee said that he certainly could and he would be happy to answer them. He added that one we have frozen is Roads & Bridges, as it is at 99% and said no more spending on that; that he noticed that it looks like some of our revenues are down from where they ought to be and he concurs with him (Mr. Hughes?). He explained to Mr. Hughes, as sort of a new member of the Board, that a lot of these revenues are very cyclical; that some are fall revenue, some are winter, some are from the State, some you don't see until springtime; that he doesn't get too panicked until he gets to around May and, then, if we aren't pulling our weight in revenues, then he gets a little bit panicked.

**5:54 PM** Mr. Hughes said that he understood and that he would get those questions in to him. He asked if we could have the answers for the joint meeting with the Budget Committee.

Mr. Lee said yes.

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

**b. Legal Opinion: Petition by Voters**

Mr. Lee said that this is something that has been around for a while; that if the petitioners had wanted to get a notary to call their own Special Town Meeting, he asked how this would go and what happens, etc. He added that we have this opinion from MMA – an article titled Refusal to Honor Petition. He added that he wanted the SB to know in case that came about and you have some basis for what to do and how to do it, what we can and cannot do, what rights they have and what rights they don't have.

**J. Old Business: Upcoming Workshops**

**5:55 PM** Ms. Davis said that she thinks we've covered that; that we have a new calendar.

Mr. Lee agreed; that the meeting schedule in the back of their book is the new, revised, additional meeting schedule.

Ms. Davis said that you were going to keep an eye on the TIF progress and let us know if we need to move that forward, at all.

Mr. Lee agreed; that he and Mr. Pomerleau met with the Assessor and have started the process of amending the map; that we are going to try to get together again next week and submit that to our attorney, with proposed amendments to the map; that we have to keep in mind what we have for remaining acreage, with only about 67 acres that could be added into the TIF. He added that part of their meeting with the Assessor was that some of the original parcels in the TIF are not performing; that some of those haven't increased in value, at all, and we are thinking of taking some of those out in order to replace them with more productive parcels, here, in the Village center-type of area. He said that, when we get to the TIF amendment workshop, he thinks we'll be able to discuss more detail about the thoughts about which parcels to include in this neck of the woods, giving some examples, and, in the meantime, the attorney is doing the non-map related work regarding the development program. He added that we are very close to submitting the financial part of our SRF application for the sewer pump bond; that the technical stuff has all gone in and have already received a Certificate of Categorical Exclusion from the DEP, which means that this project is categorically excluded from a number of things if it were in a sensitive environmental area, near an archaeological site, etc.; that all those things have been ruled out and is just a straight engineer – do your project – but there are a lot of submittals that go into getting that categorical exclusion. He added that it cuts down on a lot of expense to get that. He thanked the engineers and the Finance Director for their efforts in putting this together, as it is quite a process to do this.

**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

**K. New Business:**

There was no new business.

**L. Selectmen's Report:**

**5:59 PM** Ms. Adams asked to go back to the Petition by Voters. She asked if that meant that, if they (petitioners) wanted to do it, they needed to go back and get another 10% of signatures or can they use the one they submitted to the SB; that it sounded like they needed to go out and get another 600, or so, signatures.

Mr. Lee said that it would be 314, or something like that; agreeing that it did entail that; that this would be a petition to call a Special Town Meeting but, then, your question would be the topic at that meeting.

**6:00 PM** Mr. Murphy said that he had a lot of fun looking through the proposed emergency mitigation report. He added that it is very dense and the copy we have is really the final report for 2010, marked up everywhere, showing the things that have been changed out and new things that have been put in; that you have to read it carefully but it also has a wonderful feeling of how things have changed. He added that he finished looking at that and it is obvious that it was very well done; that he would be willing to sign it as a Selectman, if we are asked to sign it; that he has returned the copy to the Town Manager, if someone else wants to look through it.

Mr. Lee said that he did obtain those for the SB, digitally, and sent them out so that they could look at them.

**M. Committee Vacancy Report**

There was no report.

**N. Executive Session: 1 M.R.S.A. §405.D Labor Negotiations**

**6:02 PM** Ms. Davis asked if anyone felt there was a need for an executive session.

Mr. Lee said that he put this in as a placeholder in case there was some need for a discussion about labor negotiations; that he thinks we are ready for tomorrow. He added that he made copies of the marked-up union contract for tomorrow and he thinks they might go over what he has marked up of things we'd like to discuss; that, unless the SB has something he isn't aware of, he thinks we are prepared to go tomorrow.



**SELECT BOARD MEETING**  
**February 23, 2017 5:30PM (continued)**

**O. Adjourn**

There was a motion and second to adjourn the meeting at 6:03 PM.

**VOTE**

**5-0**

**Chair votes in the affirmative**

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**DATE**

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**Mr. John Murphy, Secretary**