

## **SELECT BOARD MEETING**

**March 9, 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, second by Mr. Murphy, to approve the minutes of December 22, 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:**

**5:34 PM 1) Items Not on the Agenda**

Ms. (Kimberly) Richards, Charles Lane, and Ms. (Connie) Weeks, Odiorne Lane, were here on behalf of the Conservation Commission. Ms. Richards gave a packet (of maps) to the SB, saying that the first map was of the proposed Goodwin Farm project; that the Great Works Regional Land Trust (GWRLT) has recently purchased 114 acres of this farm, with 22 acres having an agricultural easement to keep that portion as a working farm; that the other 92 acres would be for public recreation, like Douglass Woods, but much larger. She added that it would have a parking lot off of Goodwin Road with an access trail going up to the trail portion. She added that GWRLT has asked Eliot to spend \$40,000 from our land bank towards this project; that their budget is over \$300,000; that they would maintain the trails and the Town would be able to use them. She said that one of the things that makes this property so important is that it abuts the Johnson Lane Town Forest and would make for an even larger, contiguous portion of undeveloped land there; that the maps she gave to the SB of the Goodwin Farm rests in an area

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that is considered a priority area, showing that these areas are important on a local, regional, and State level.

**5:37 PM** Ms. Weeks added that the soils are soils good for farming.

Ms. Richards said that she researched our Open Space Plan; that she made a copy and would like to give that to the SB, encouraging everyone to read through that, again, to understand the importance of open space; that this property really hits all the key points that this research brought up.

**5:38 PM** Ms. Weeks said that that was put together by citizens of this Town.

Ms. Richards said that we are here to officially ask for release of the \$40,000 from the Land Bank for this project.

Mr. Murphy pointed out that this plot of land tends to protect Shorey Brook, which has just begun to have some status and allows that to be protected from overuse or misuse.

Ms. Richards said that she believes Shorey Brook is being used to separate the farm portion from the public access portion.

**5:39 PM** Ms. Davis said that we have a letter from the Eliot Historical Society supporting this project with two warrant requests, one to expend \$40,000 from the Land Bank for this project and two, to replenish the Land Bank with \$40,000. She asked if they would concur that that was also their request this evening; not just to spend it but have it replenished.

Ms. Richards and Ms. Weeks agreed.

Ms. Weeks pointed out that, as this Town gets increasingly built up and people's yards become smaller, that available open space is going to be of even more importance as the years go by.

Mr. Fernald thanked them for the good presentation.

Mr. Murphy said that he was in favor of the proposal.

**5:41 PM** Mr. Pomerleau said that there has never been a question on the \$40,000 transfer; that it's been agreed, although we've finalized nothing, but there's been no opposition that this would be on a separate warrant, so there's never been a question of that. He added that, on the request part and going back to look at the January 5<sup>th</sup> workshop with the SB and Budget Committee, that the Town Manager, at that time, said that he understood that they desired to have an

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increase and he explained that he would not put it on the budget but that Selectmen could override that. He added that we are not through our budget deliberations but he thinks the public needs a bit of education, here, just to address that particular expenditure in raising taxes, in context with everything we are doing with this budget; that the Town Manager started off the budget year with a request that would have increased the overall budget by another \$400,000 +/-; that he then went through the process of reducing those requests and cut \$172,000. He added that, since then, we have been deliberating on the goal of trying to get to the point where we present a budget that presents citizens with a reasonable degree of good service without raising taxes; that we are still struggling to do that. He discussed some of the ideas that were left off the budget, such as expanded space for staff, here, for storage; that there would be some additional staffing positions; that there is a \$40,000 codification issue required by the Charter sometime within the next three years; that we are looking at stormwater charges that are escalating. He said that we have very big financial decisions to make in order to meet the goal of avoiding a burden of those taxes; that everything in there was legitimate and all of the criteria he would describe as essential Town services; that we could easily raise taxes \$200 to \$300 and do it all, and that's without the school budget. He added that it came down to priorities and what taxpayers want to see us do; that these are not easy decisions and, so, the Land Bank would not be one of his priorities; that he doesn't see any foreseeable way that, in the next year, that they would need another \$40,000, even with some background issues going on.

**5:45 PM** Ms. Richards said that things pop up and, unfortunately, that is the nature of conservation and land banks is that you want to keep putting money into that bank because, all of a sudden, you could have a period where tons of projects come up, like we are having, whether or not projects are at finalization. She added that GWRLT has officially asked for those funds to be released; that they are at that point where they are essentially waiting; that, with Libbey Farm, more details need to be worked out, but we are also working with a property owner who owns property up in the Johnson Lane Town Forest, trying to acquire, not only ours, but there are other properties up there that we would like to acquire; that all of it is happening all at once. She said that, yes, you can go a lot of years without having a lot of transactions, or any need to spend that money and, then, it seems people want to get rid of property.

**5:46 PM** Ms. Weeks commented that you can plan additions, and that sort of thing, but you don't get offers of land every day and this happens to be that there are two large parcels of land, which will be very important to this Town; that she thinks that just to say that just because there are many other priorities, she doesn't think that that addresses the issue of the Land Bank.

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Ms. Richards addressed a map survey done of the Town Forest areas, saying that they are talking to a property owner about potentially acquiring the particular property, which would connect to the Town Forest; that they are looking to do some substantial connections of these properties; that it connects it for not just our Town but for regional efforts, like Mt. A to the Sea, and all the way up to the State level, like the Maine Natural Areas Program, that have all listed this spot as priority areas

**5:48 PM** Mr. Pomerleau reiterated that, with all the essential things we've had to cut and keep off the ballot, he would not support putting this on the ballot.

Mr. Hughes said that we would love to fund everything we are asked to but we have to legally stick to the LD1 guidelines, unless the Town tells us we can go over that, and we are not even close to meeting that target; that we have to make some judgements and that is all we are saying. He clarified that the request for \$40,000 from the land bank was going on the ballot, just not the request to replenish it.

Ms. Weeks said that she didn't see why the \$40,000 couldn't be asked from the public and leave it up to the public to decide.

**5:49 PM** Ms. Davis said that we have to look at the total LD1 balance so that, if that passes and our budget exceeds that, we will have to make cuts somewhere; that we are trying to plan ahead. She added that she thought many of the Townspeople are committed to conservation and she thinks we need to address that as seriously as possible; that we have another budget meeting coming up and believes we could at least agree to discuss this and consider replenishing it at a smaller level than requested to at least keep it viable.

Mr. Fernald said that he thought that that was a good idea; however, it may come down to a point where we want the people to make the decision to fund that (replenishing); that, maybe, it could be separated out to let the Townspeople make the decision.

**5:51 PM** Ms. Richards said you won't get anything unless you ask but, since she's been on the Conservation Commission, there has been nothing going into the Land Bank; that we are looking for a regular amount to build over time.

Ms. Davis clarified that, if we put this replenishment request on the ballot, that means that, constrained by LD1, something will have to come out of some other portion of the budget.

Mr. Murphy said that it was his understanding that the Town can vote to exceed the LD1.

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**5:52 PM** Ms. Davis said that we have to be prepared if they decide not to.

Mr. Pomerleau urged the Conservation Commission to look at other ways to raise the money, as well; that there are a lot of ways to get there and he doesn't see that they will need another \$40,000 before next June.

Ms. Weeks said that she knew there were other avenues; that she has discussed some of those issues with people who are decision-makers in this Town and they've been thought that they were not being serious.

Ms. Davis said that we will take this under serious discussion at our next budget meeting and we will do everything we can.

**5:54 PM** Ms. Richards said that that's the bottom line that we appreciate that coming up in discussion; that she understands and appreciates that there are so many different perspectives.

Ms. Adams said that she wanted to support what the Conservation Commission does, or is trying to do, in its limited ways; that she understands that the Selectmen have a responsibility for the budget and to look ahead at what might happen. She added that the Conservation Commission is trying to do that, too, with the Land Bank; that she would urge the SB to find a way to place some importance on the conservation issues in the Town, as well as paving the roads and snowplowing; that this is an important part of our Town; that they are absolutely right in that, when that land is lost, it is lost forever, and the Town will not have open space to enjoy; that the amounts that GWRLT actually asks for are very small compared to the benefits for the citizens of this Town. She said that she thinks we have to make a commitment to help that process and thinks we do it through the Land Bank and our taxes. She also discussed a concern regarding the minutes just approved. She said that the SB spent a lot of time regarding a statement from Ms. Meyers, yet, it is not in there; that it's not even attached to the minutes.

Ms. Lemire said that it would be attached on the website.

**5:56 PM** Ms. Adams said that the problem she sees with that is that it doesn't say that it's attached in the minutes; that if that statement gets lost, there is no way to go back to those minutes to know what she was talking about, but we have a lot of commentary from members of the Board. She added that she thought you need to find a balance between the two; that she thinks it needs to be in the minutes because she doesn't think it's adequate to attach it on the website; that the minutes are supposed to reflect enough information so that you understand what people are talking about.

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**5:57 PM** Ms. Lemire said that she has Ms. Meyer's letter in a pdf file; that it will be attached to the minutes on the website; that Ms. Albert keeps a physical hard copy and those two will be connected; that it won't get lost as it is archived in several different ways.

Ms. Adams asked if it could be stated in the minutes.

Ms. Lemire said yes; that she usually does that and she didn't do that this time; that she will add 'available at Town Hall' to the minutes, which is what she usually does.

**5:58 PM** Mr. (Ed) Henningsen, Energy Committee, said that the PUC (Public Utilities Commission) finally made a ruling on net metering and we are scrambling to get a net-metering presentation in front of you to put the landfill solar project on the ballot in June. He added that he is prepared to talk to you tonight about it or Mr. Lee thought on the 16<sup>th</sup>; that if you could slot a half hour, we could discuss it then; that it depends on how heavy the Board's calendar is.

Mr. Hughes said that he is not prepared to discuss this tonight; that he just got this tonight and he needs time to digest it.

Mr. Lee suggested that we might take about 30 minutes on the 16<sup>th</sup>, prior to meeting with Mr. Jacobs, and let a couple of the Energy Commission members have a few minutes with us to go over what kind of savings and return on investment we can expect. He added that we have been scrambling trying to get information in front of you and we now have a final package that is in your box. He said that, if the SB would allow us 30 minutes, we could at least make that presentation in advance of you having to finalize the Citizen's Option agenda on the 23<sup>rd</sup>; that that is the only time we have to do this and the Board did say that they would entertain that.

**6:00 PM** Mr. Hughes said that it looks like a good package but would take some time to digest it.

Ms. Davis asked Mr. Lee if he had set a time with Mr. Jacobs, yet, or will that be contingent on this.

Mr. Lee said that that will be contingent upon this; that he could move Mr. Jacobs to start at 6:00PM and have Energy from 5:30 PM to 6:00 PM.

Mr. Murphy said that the preparation that Mr. Henningsen did was very informative and he wondered if it could be made public at this time so that the citizens could also be as informed and be allowed to speak at a later meeting. He added that the package is very positive-looking and looks like a good, solid, long-

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range deal for the Town to save money in its electric expenses for all the municipal buildings provided, with a little bit of profit.

**6:01 PM** Ms. Davis said that a matter of concern is that this is an additional \$40,000 that will not fall under our LD1 calculations.

Mr. Henningsen said that there are different scenarios.

Mr. Lee said that we presented you with another option that doesn't require that. He suggested they read it through and they would see that we tried to be sensitive to that issue.

**6:02 PM** Mr. Pomerleau said that he did read through it and it was an excellent job in the detail and clarity of it.

After further discussion, it was agreed that Mr. Lee would adjust the March 16<sup>th</sup> agenda to include a presentation by the Energy Commission regarding the solar array on the landfill.

**6:05PM** Ms. (Helen) Goransson, Depot Road, said that she thought that we have all noticed that the major part of the budget is coming off of the school budget and imagined that they would go through and look at it again; that if it does turn out that you can economize on the school budget so that you can pay attention to some of these other important programs and projects that we would like to do, then, she would hope that, when you do, you would look into worthwhile projects like this (solar array) but also back to the Land Bank, again. She added that when you have money in the Land Bank and, then, are able to have a conservation opportunity – and you mentioned sources of grant funding, etc. – you have to demonstrate, to get the money, the ability to parlay what you have to get matches for those grants; that if you don't have the money in the first place, you don't get that other money in the second place. She said that it is worth your while to have the money available so that, when you have an opportunity to use a grant to conserve land, then you double the effectiveness of the money.

**6:06 PM** Mr. Pomerleau clarified that the SB has absolutely nothing to do with the school budget.

Ms. Davis said that the Superintendent puts forth a budget, which is discussed by the school board; that there is one citizen hearing where each individual article is voted on; that in the past that has been voted unanimously during that meeting. She added that the only way we can reduce that spending is for people to vote no on the school budget that would potentially lead to a re-work of the budget and another vote.

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Ms. Goransson said that we may be at that point, at this point in time, because there is more and more pushback on the school budget, she thinks.

**G. Public Works**

**6:07 PM 1) Stormwater Project Bids**

Mr. Lee said that we have had much discussion about stormwater and levelling out spending, etc. and, at the same time, when we had our recent budget workshop and tonight, it became more evident to him that we are shooting for a LD1-type of number or at least preparing for that. He added that, although the level funding plan calls for approximately \$200,000/year, every year, to go into Stormwater, we have the Phase I bid that has been negotiated down about \$20,000; that that would allow us to go in with a total budget of about \$226,000 and do Phase I, awarding the bid, in this coming year, and Phase II after. He said that he has discussed with his staff that Hobb's Circle and Spinney Creek (non-illicit discharges, medium priority) should probably move down the priority projects list, moving the Riverview four-phase project up. He added that the idea would be to complete these two phases in Year One and Year Two, then, start to bank money for three years and do the entire project in the fourth year on Riverview. He said that, in order for him to get as close as he can to LD1, he suggested they go with the bid that allows them to stay as low as we can; that, otherwise, we would have to go for the recommended number that Ms. Rabasca had and we will be well over the \$226,000+ and moving away from the goal the SB gave him when we left the workshop. He said that we are here to see if you will award the Phase I bid or give us instruction on what you would like put in the Stormwater budget.

**6:10 PM** Mr. Hughes asked to be reminded of what was currently in the budget.

Mr. Lee said that he would have to get the budget book to answer that.

Mr. Moulton said that there are three lines under the Stormwater budget for MS4 permitting - \$20,750 for the MS4 Permit for Year Five, \$48,000 for the Riverview engineering (whole project), \$8,500 for GIS Mapping, Consulting for \$148,000+, and that came out to \$226,284, which is the current, revised number based on the workshop and Budget Committee meeting.

**6:12 PM** Ms. Davis said that there was quite a bit of discussion regarding the cost of going in there twice. She added that there is talk about checking for illicit discharges and digging up the street, asking why they can't go in the manholes and look to see where that discharge is coming from and potentially plugging, as recommended by the engineering drawings.



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Mr. Moulton said that the conveyance system, as it exists now, is not 100% complete and that is why we can't find the total illicit discharge. He added that, as we put the new system in and crossed it, we demolish it, remove it, or plug it; that we are eliminating it as we cross it, eliminating potential cross-contamination, and putting in a new, clean, closed system.

Mr. Lee said that Steve Bradstreet used the term "a purposeful system" – that it's not good to let water just run and make its way and pick up street stuff; that we want it to go into a 'purposeful system, not a haphazard system, or a half-crushed, unknown system, or make its way across the ground; that it needs a 'purposeful system', with a purposeful outfall, that gets the sediment out before it gets into the waters.

Ms. Davis said that she is not convinced that this is the most economical way to approach this project; that she was seeing another year of discussion on this and getting up to speed, educationally, on why it needs to be done this way. She added that she would be opposed to awarding this bid tonight.

**6:14 PM** Mr. Pomerleau said that he is a bit confused about what we had last talked about and what you are talking about now; that he thought they had very distinctly talked about avoiding two years of start-up costs; that we were seriously looking at reserving the amount this year and, then, doing it all next year.

Mr. Lee said that we did discuss that.

Mr. Pomerleau, in that context with the Chairman's concern that time would be there, asked what the downside would be to doing it the other way.

**6:16 PM** Mr. Lee said that, if we adopt that level-funding scenario, he is moving away from that LD1 goal because it calls for more money under that funding plan than going this way. He added that there might be \$5,000 to \$10,000 of mobilization fees if you do it twice and upset the neighborhood, and those are quite real, but, at the same time, you are saying to find ways to get to \$108,000 total increase; that as long as you are okay with moving away from LD1, then that's okay, but we can't move in both directions at the same time.

Ms. Davis said that we are not committed to \$200,000/year; that we are going to do the best we can but, under financial constraints, and an LD1 vote, the money has to come from somewhere. She added that, if we commit to the bid, we have no flexibility; that if we commit to a plan to potentially save it but we can't save as much as we want, then we have the flexibility should a vote go against a budget increase.

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**6:17 PM** Mr. Lee said that we're going to need to know what number you want to put in there because he cannot guess at it anymore.

Ms. Davis said that we will come up with a number on the final budget night when we see where we're at in the final analysis.

Mr. Moulton said that, if you commit to the bid, you are not committed to the project because the project is not committed until the voters approve the allotted amount of money; that even if you went to the LD1 number and you needed to cut it, or you don't have the funds to do the project, then the project fails; that all you're looking to do tonight is approve the bids as they are and, then, the rest of it is based on voter approval. He added that that is how the RFP is written and that is what the understanding is by all the contractors that bid on the project.

**6:18 PM** Ms. Davis said that they are holding this bid for two years; that we have a final budget meeting on the 20<sup>th</sup> to make these discussions, asking what is the hurry.

Mr. Moulton said that, if they don't do Phase I this year, they won't guarantee the bid for next year.

Ms. Davis said that she knew that but again asked why they needed an answer right now; that they can't even start until June.

Mr. Moulton said that all we are looking to do is, as part of what we've discussed, to just approve this, and we aren't going anywhere with it until the vote. He added that, if you don't want to do that, then that's your choice; that he is just trying to explain how it was laid out and the intent of the RFP, and that nothing happens until the people say we have this money to do the project.

Ms. Davis reiterated that she didn't understand why they needed to know now; that it doesn't put them any further ahead.

**6:19 PM** Mr. Pomerleau said that he was good with that.

Mr. Hughes said that he was on the fence.

Mr. Fernald said that he doesn't understand why we don't want to save \$20,000 in this project. He asked what it would take for the Chair to be educated enough about how this project is being put forth so that we can go ahead with this project.

Ms. Davis said that she would actually like to go out in the field with him (Mr. Moulton) and have her questions answered; that she would feel better if she could talk with him out there.

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**6:20 PM** Mr. Moulton said that that would be fine.

Mr. Murphy said that he thought such a meeting like that would want more than the Chair to be there if the Selectmen are going to make their decision on her observations of Mr. Moulton on the ground; that he would want to be there, too. He said that the bid award was to be based on the low bid for Phase I, asking if that was a legal requirement.

Mr. Lee clarified that it isn't based on the low bid; that the SB has the right to accept or reject any of the bids, and they say that in the RFQ.

Mr. Murphy discussed the different bid amounts for both phases.

Mr. Lee said that he thought we would be better off with Brex Corp. and save \$34,000, more or less, over the 2-year period.

Mr. Hughes said that he was trying to understand the Chair's reticence to take this up tonight, asking if she wanted to get to the point where we have all the cards on the table and we see what we have to cut and what we can cut at our next budget workshop.

**6:22 PM** Ms. Davis said yes.

Mr. Hughes said that he was fine with that.

Mr. Lee said okay, we will take it up there.

Ms. Davis said that it is because the bid award is contingent upon a vote, not upon this SB deciding to make changes at a budget meeting. She again reiterated her not understanding the rush to award this bid.

Mr. Lee said that there was no rush; that it has been in development for many, many months and the staff has been working on this for many, many months; that we've done a lot of work to get to this point and we had no idea we were doing all that and, potentially, everything would change and we'd be moving in a whole new direction with a different plan, etc.; so, for us, we've been involved with this for a long time, it's been on the agenda a couple of times, now, and we've held a couple of workshops and, for us, we're just tired of bringing it back up, he guessed, or, at least, we need some clarity on how to deal with Stormwater financing. He added that he was just going to leave it as, yes, on March 20<sup>th</sup> we can discuss it and the SB can render a determination afterwards; that there is no rush.

The SB asked for a revised project list with a 3% inflation amount included.

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**6:24 PM      2) Glass Crusher Bids**

Mr. Lee said that no bids came in per the advertisement placed; that we have one bid from a vendor we had a couple of weeks ago and we recommend awarding that bid to Atlantic Recycling Equipment in the amount of \$1,500, 'as is' in the yard.

Mr. Murphy moved, second by Mr. Fernald, that upon the recommendation of the Department of Public Works Director and Town Manager, the Select Board accept the bidding offer from Todd Hagar, Atlantic Recycling LLC, of the sum of \$1,500 to purchase the used CS Bell Glass Breaker Unit.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

**H.      Department Head/Committee Reports**

**6:26 PM      1) Disband the Eliot Sewer Committee – No Correspondence**

Mr. Lee said that they haven't met in a few months and their committee recognized that their committee had run out of purpose; that they were more interested in working on Stormwater and clean water issues, instead, not limiting it to sewer. He added that he doesn't think there is an objection, at this point, to be disbanded.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board disband the Eliot Sewer Committee.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

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Mr. Murphy said that he was going to expand it in expectation of a Clean Water Committee to make it seem less of a throwing away of someone but, that part of the discussion, if it comes back to it, so it's always sitting out there is what the expectation is.

Mr. Lee said that, later in the agenda, we have by-laws revised but he is going to ask the SB to table those because he just got comments from two staff people, today, on it and they would like some input on that committee; that they think they could help refine it. He added that we are still busy trying to form this committee and have the proper by-laws, etc.

**6:28 PM** Ms. Davis said that it is customary that we issue a letter of thanks.

Mr. Lee said absolutely; that a lot of them have served for a long time.

It was the **consensus of the SB** to issue a letter of thanks to the Sewer Committee members.

**I. Administrative Department**

**6:29 PM 1) Town Manager Report**

Mr. Pomerleau asked about Line 101 regarding a mudded private road and emergency services access.

Mr. Lee said that we acted as a resource to help them fix their issue but they paid for the stone and bent on the 'posted road' issue to let Pike get in and out; that he talked with the person regarding the road association there

**a. Comcast Notice – Loss of Channels**

Informational regarding loss of channels.

**6:34 PM 2) Annual Town Manager Performance Review – No Correspondence**

Mr. Lee said that he gave a memo of a draft concept of how we want to integrate this '360' review process with proposed steps and schedule of steps and discussed.

The SB agreed that the timeline was good.

**6:36 PM 3) Approval of the 2017 Town Meeting & Election Schedule**

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Mr. Lee said that we have some dates, now, that we would like you to vote on and formalize.

Ms. Davis wondered, if there is no State referendum, what we have coming up in November, do we have something certain.

Mr. Lee said yes and that it's further on in the agenda; that he could address it now **(I. (8) Marijuana Moratorium Update)**. He said that the State has revised its deadline for the State to issue regulations – February 2018; that if we do something regarding a moratorium in June we would lose all of the six months because we have nothing to react to; that he proposed thinking about doing a moratorium, if we do, in November, only losing about 3 months with the ability to extend, thereafter.

**6:40 PM** Ms. Davis asked if the Townspeople could extend a moratorium, ad infinitum, or only once.

Mr. Lee said that the Townspeople have to vote the initial moratorium and, then, the SB can extend it.

Ms. Pelletier said that there was no limit on the extensions.

Mr. Lee said that there might be something regarding the TIF to go on that, as well.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board accept the election schedule, as presented by the Town Clerk.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

**6:41 PM 4) Hiring a Fact-Finder: Proposal**

Mr. Lee said that the SB has a proposal from Mr. Mike Wing, discussing his background qualifications, what might be expected of him, and the cost to do this. He asked for input from the SB regarding an interview list and cost-saving measures discussed in the memo.

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**6:42 PM** Mr. Pomerleau was fine with the Town Manager's suggestions; that the list may expand because anyone talked to may identify a witness; that he could proceed with the initial list and keep the SB abreast of where he's at with our budget.

Mr. Fernald said that we need to know when he gets to the budget point and come back to the SB to see if we want to go any further.

Ms. Davis said that she thought we need to ask the complainant if there is anyone they want to add to the witness interview list.

Mr. Pomerleau said that, once he gets going, he needs to be dealing with the SB, and not the Town Manager; that this needs to be coordinated through the Chair.

Mr. Lee agreed.

**6:43 PM** Ms. Davis said that we have an amount we want to start with; that we do have some funds left in the legal line item but, after arbitration last week, she's not sure.

Mr. Pomerleau said that, if need be, he thought this would come under a definition of emergency and thought, if needed, the SB could go to the contingency fund.

After some discussion, a motion was made.

**6:47 PM** Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board authorize the Town Manager to engage Mr. Mike Wing for the purposes of a fact-finding with regards to the Meyer's complaints and authorize up to a maximum of \$3,000, about which, if there was any effort to exceed that, he return to the Select Board for further authorization, and that we allocate this money from the Contingency Fund.

**DISCUSSION**

Mr. (Robert) Fisher asked if the SB couldn't make up their own minds regarding this and do something about it, why do we have to hire somebody.

Mr. Pomerleau said that that's the decision we've made after discussing it in executive session; that the people involved in this are all Town employees or long-term serving officials who have been predominant in the Town affairs; that it would not be hard to imagine some accusation of bias of this Board conducting such an investigation and we prefer to err on the side of complete neutrality with the fact-finding.

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

**6:49 PM** Ms. (Donna) Murphy, private citizen, said that this seemed to be a legal issue to, in the first place, go to the legal reserve fund and, if more money was needed, that you would then go to the Contingency Fund, asking why the SB is going directly to Contingency.

Ms. Davis said that we have a lot of expenses not yet put against the budget and we are getting fairly low; that we have some fairly large outstanding expenses right now and this is somewhat of an unusual circumstance.

**6:51 PM** Ms. (Donna) Murphy reiterated that it seemed they would go to the legal reserve account and, if that account was depleted, then they would go to the Contingency.

Mr. Pomerleau said that it doesn't necessarily cross that threshold for being a legal issue requiring an attorney, at this point; that he is very comfortable with the Contingency Fund.

The SB agreed.

**6:53 PM** Ms. Meyer said that she wondered, in your quest for complete neutrality, how you reached a decision to ask one of those involved in our complaint to locate this individual and if that somehow skews the quest for neutrality – who is this individual, how was this individual located, what's the history between this individual and Mr. Lee, and how was this individual engaged with regard to relaying of initial information that would have prejudiced this individual in an effort to see this with some objectivity.

Ms. Davis said that we had discussion about how to do that, asking Mr. Lee to answer that question.

**6:54 PM** Mr. Lee said that he was asked by the SB if he had any ideas of who might be able to do this; that he said he did know of a few people around – some retired managers who have probably had to deal with these types of situations so he initially reached out to a retired city administrator of Saco and he had no interest in getting involved and gave him Mr. Wing's name. He clarified that he only knew Mr. Wing because he was, at one time, a part of Maine Municipal Association many years ago; that he wouldn't recognize him to look at him and has not spoken to him in many years and it was on some MMA thing, at the time; that when he spoke to Mr. Wing, he said very much the same thing, that we have a complaint from some residents against some staff people and a Planning Board Chair and the SB wants a completely neutral third party to look into it; that there are 2-3 tapes he would need to watch, quite a set of emails back and forth, interview 4 or 5 people; that he tried not to bias it in the slightest but he understands her point and it is well-made.



**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

**6:55 PM** Ms. Meyer asked if Mr. Wing was aware that, among those emails, there are those from his (Mr. Lee) desk.

Mr. Lee said yes; that he told Mr. Wing who he would be interviewing – himself, Ms. Pelletier, Steve Beckert, the Meyers, at minimum, he thought.

Mr. Pomerleau said that he doesn't know where Ms. Meyer wants to go with this but Mr. Wing is a fact-finder, we'll be the decision-makers; that all he's going to do is the fact-finding and we are quite capable of looking at his report and comparing it with documentation, videos, etc. ourselves, if there's any question. He added that he is totally comfortable; that we went through MMA, we asked attorneys, and we searched and searched and this is the person who would do it.

Mr. Lee said that MMA wouldn't do it but would not have worked, in his estimation, because he served as President of MMA; that he was looking for somebody he didn't know. He added that he took a reference from Rick Michaud (Saco retired administrator), who said he had used him, did investigation for him and was great; that Mr. Wing is almost fully retired and was willing to do this because it isn't long. He said that if the Meyers would feel better about you going out, as a Board, and keeping him out of it, that would be fine; but, you asked him to go find someone and he did.

Mr. Pomerleau said that he thought that what we have is fine; that we have a motion on the floor.

**6:57 PM** Ms. Davis said that she believed the fact-finder will be confined to documenting the situation and, then, that should be able to be conveyed in an unbiased manner; that it will then come to the SB and the SB will take that compiled, orderly information and be able to make a better decision.

Mr. Lee said that his next step would simply be to tell him up to \$3,000, without authorization, here's a list of the people, inquire with you folks if there's other things you want him to look at; send that and give him Ms. Davis' number and he would deal with Ms. Davis from this point forward; that he will set him on his mission, back away from it, and speak no more to him.

Ms. Meyer asked if the SB was aware that we are attorney-represented.

The SB said yes.

**DISCUSSION ENDED**

**Roll Call Vote:**

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

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

**Unanimous vote to approve motion.**

**6:58 PM      5) Generator Bids (Fire Station and Town Hall)**

Mr. Lee said that we don't have money in the reserve for the Town Hall generator so there would be no consideration for the Town Hall tonight. He added that we have about \$20,000 for the Fire Station generator; that the Energy Commission helped review the bids, making sure we were comparing apples-to-apples. He said that, in the 17/18 CIP request, there is \$5,000 requested by the Fire Chief thinking he may not have enough with \$20,000. He added that we are recommending the bid by Pow'r Point for \$23,429, with an additional few hundred dollars for propane hook-up; that we will be around \$3,400 short; that he thinks the \$5,000 will stand in order to complete this project and would like to continue with that \$5,000 request to both groups that deal with budget issues. He discussed how the SB might want to go about this, whether to wait until July 1 pending the award of the \$5,000 of the voters or ask the SB to authorize the necessary funds to complete it from Contingency, to be restored after July 1 if the \$5,000 CIP request is voted through.

**7:01 PM**      Chief Muzeroll said that he would like to get it rolling; that the change to a higher capacity generator is the final leg that he needs for the Fire Station building to become a Red Cross shelter; that there will be some things we need to do, probably not budget-wise, but more administrative, after the generator is in place and Red Cross can come down and inspect our building again. He added that he doesn't really want to start mid-summer unless he has to with all the stuff going on; that he would just as soon get it out of the way; that if something happens and he doesn't need the shelter, at least he'll have a generator that will power the whole station, which the one we have now does not. He said that, personally, he would like to fund it from the Contingency, if we can, now and then pay it back once the budget, hopefully, gets approved in July. He added that one concern was that, if we push it off, the contractor may be very reluctant to hold that price for another five months or so; that his costs go up daily.

**7:03 PM**      Mr. Fernald said that he noticed that one of the companies that is right here in Town did not bid on this.

Chief Muzeroll said that we sent bids out to two companies in Town and one bid.

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

Ms. Davis said that she was confused about the budget numbers regarding the generator line item; that for 14/15, it shows \$18,000; in 15/16, it says \$20,000; in 16/17 there's another \$5,000; that last year was \$0 and this year is another \$5,000. She asked if these numbers were incorrect.

Chief Muzeroll explained that the \$18,000 is mislabeled; that he thinks that was for the expensive washing machine we had to have for gear and may have been structural fire-fighting gear; that he can't answer the other half of that. He added that he thought he started asking for generator money until you see the \$20,000 request from a couple of years ago; that last year we had \$25,000 and, of that \$25,000, he spent in prep work just changing stuff that needs to be changed, we spent about \$3,800, which includes the tank, excavation, and labor.

**7:05 PM** Mr. Lee agreed that some of that was spent on preparation of the site, getting the shared tank (police/fire) installed. He also agreed that that \$18,000 was mislabeled and didn't hear about a generator until two years ago.

Mr. Fernald said that he was looking at the differences in prices on the bids, some differences almost \$40,000, and asked if there was something we were missing out of this.

Both Mr. Lee and Chief Muzeroll said that everyone looked at the same bid criteria, line for line; that they knew they were going up against four or five other vendors but the numbers were all over the place.

Mr. Lee said that we spoke with Pow'r Point; that they have a very good reputation; that we called the references they gave and they are a big firm doing big projects. He asked what the SB's preference was with how to do this project.

Mr. Fernald said that Contingency is for emergency purposes.

Mr. Pomerleau agreed and said that he didn't see this coming under that umbrella.

**7:07 PM** Chief Muzeroll said that one solution to get this going might be two-fold – ask the low bidder if they will hold the price or, in the interest of getting it going, he do something with holding off purchasing structural fire-fighting gear until July and move that money back into that account, hoping that that line item gets passed. He added that the first step would be to ask the contractor if he would hold it.

Ms. Davis said that she was kind of reluctant because the voters voted in the structural fire-fighting gear.

**7:08 PM** Mr. Lee suggested we see if the vendor will hold the price until our Town Meeting and, if it's authorized, we can go forward after that and pay them July 1.

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

Mr. Pomerleau asked, on the same subject and apologizing for bringing it up at this stage, why we need a new generator at the Town Hall; that he understands the Fire Station but under what circumstance would the Town Hall operate under generator power.

Mr. Lee said that he would like to take that up with the SB under a separate time because it has a lot to it.

Mr. Pomerleau agreed, saying that he just needed to be satisfied that we need a generator for the Town Hall.

**7:11 PM      6) Town of Alfred Request – Reimbursement of Unpaid Emergency Service Calls**

Mr. Lee said that this might have been asked for prematurely and he recommends that we take no action at this time and table it until we have some clarity on it; that both the County Administrator and the York County Sheriff's Office wrote letters regarding this, which said that they are working on this issue.

Mr. Fisher reminded the SB that the high school is a designated emergency structure and wanted them to take that into consideration.

**7:14 PM      7) Senior Luncheon Logistics – No Correspondence**

Ms. Davis said that the system we have utilized in the past is no longer working; that we attempted to put it in the budget and it has not met with a great deal of approval; that she felt we should discuss where we would go from here to see if people have ideas or just discontinue it or a different plan that would be acceptable.

Mr. Fernald said that, as he stated before, this is something the Selectmen started many years ago for the seniors in Town, just to recognize the work seniors have done for the Town; that it was something that was very-well received by the seniors. He added, however, that recently there have been a lot of reasons not to have this dinner put on by Selectmen and that he would like to go out to the Townspeople and some of the organizations and organize a senior dinner for the seniors, and not involve the SB; that that is what he would like to do.

**7:16 PM**      Mr. Pomerleau said that the issue that came up was the timing in the year and the rather significant burden on the staff, who were largely involved, along with some Selectmen. He added that the timing of the year is horrible for staff, as they have to get election and budget work done; that it's gone far beyond what it was intended to do and, when it comes to a point where it creates a disruption for the

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

staff...and he likes Mr. Fernald's idea to find another way for the community to do something like that. He said that he is strictly looking at this as a staff problem.

Mr. Lee said that there have been a number of issues; that, first off, he wanted to thank the Fire Association because they make a large contribution every year to help buy things that go with the turkeys. He explained that, in recent years, we spend our time getting much stuff done in preparation and cooking for this; that basically it is all staff that is doing it at this point, except Mr. Fernald; that it's just changed and, what the Fire Association doesn't fund, the staff pays for; that the staff puts a lot into it of their own time and resources and get their work done; that he likes Mr. Fernald's suggestion.

**7:19 PM** Mr. Fernald said right, but that there are also a lot of excuses going on and one of the excuses is that it is hard to find a turkey that time of year; that we've never had a problem in the past finding a turkey in March so he got the idea that not too many people want to do this.

Mr. Lee said that what he thinks Mr. Fernald is saying is to go to the other committees to see who is out there that wants to help out; that that's a great way to do it.

Chief Muzeroll said that the Fire Association wants to make sure this continues because we have supported this over the years; that a number of us are eligible to eat; that he would like us to concentrate on finding ways to make it happen rather than come up with excuses not to make it happen. He added that he agreed with Mr. Fernald that maybe it's time to move on to other people to support it; that the word probably just needs to get out that we're looking for people to do things. He said that there are businesses in Town that would probably help with cooking, if asked.

**7:20 PM** Ms. (Donna) Murphy said that her offer to help with the luncheon still stands, if you are willing to accept it.

Mr. Lee suggested we go ahead with the same date that we normally have it and Mr. Fernald will work behind the scenes to see if he can gather people. He added that we have a full plan, the whole tactical plan.

Mr. Fernald said that he would sit with Ms. Albert and go from there.

Ms. Davis thanked Mr. Fernald and Chief Muzeroll.

**8) Marijuana Moratorium Update**

This was previously discussed.

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

**7:21 PM            9) Harbor Ordinance – 2<sup>nd</sup> Reading – Revised by Attorney**

Mr. Lee said that he asked the Harbor Commission to send him their latest, best version of the ordinance, as they would like to see it, so that the SB has time to review it prior to any getting together; that they have requested a get-together with the SB during their business meeting.

Ms. Davis said that we have put something together, submitted it to an attorney and received the document back, suggesting the Harbor Commission take our copy, make notes on it that clearly show what differences there are between the two and return to us something by the beginning of April; that then we could have a workshop.

After some clarification, Mr. Lee said that the SB had the copy back from the attorney and, with any typos, give them to him and he will try to incorporate any grammatical corrections. He added that Ms. Davis' idea made sense and would be the easiest way to reconcile the document.

Mr. Pomerleau said that he listened to the Harbor Commission's last meeting and they have done that.

**7:27 PM            Mr. Lee said 'okay'; that it's just a matter of getting that from them and letting the SB read it; that he would ask Cabot Trott to get it to us and suggest that you will take their comments under consideration.**

The SB agreed that they would invite the Harbor Commission to a workshop on March 27<sup>th</sup>.

**7:30 PM            10) Consent Agreement – Bruce Staples**

Mr. Lee said that Mr. Staples has agreed to pay all of our legal bills and a \$500 fine for non-compliance. He added that he would need authorization from the Board to sign, on behalf of the Town, our portion of this Consent Agreement.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board authorize the Town Manager to enter into the Consent Agreement between the Town of Eliot and Mr. Bruce Staples, as written in our docket # 3-9-2017 correspondence.

**DISCUSSION**

Mr. Lee said that Mr. Staples has to have the fence moved no later than April 30, 2017 or he will be in contempt.

**DISCUSSION ENDED**

**SELECT BOARD MEETING**  
**March 9, 2017 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.**

**J. Old Business:**

**7:32 PM 1) York County Hazard Mitigation Plan**

Chief Muzeroll said that Eliot, of the 29 counties, is the only one that has not signed this, and they call him weekly; that the only difference is some clarification on some language; that the gist of how it relates to the Town of Eliot has not changed.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board adopt the York County Hazard Mitigation Plan, as provided in our memo of March 9, 2017.

**Roll Call Vote:**

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

**Unanimous vote to approve motion.**

**7:35 PM 2) Clean Waters Committee By-laws - Revised**

This agenda item has been tabled for further review by staff.

**K. New Business:**

There was no new business.

**L. Selectmen's Report:**

**7:36 PM** Mr. Pomerleau said that he attended a presentation regarding the impact of marijuana on our youth, discussing his concern over 'edibles' that look like candy

**SELECT BOARD MEETING**  
**March 9, 2017 5:30PM (continued)**

and cookies; that we saw all kinds of pictures of retail products and that they extract the THC and can incorporate it into all kinds of ‘edibles’, and that is where the danger with youth is because you can’t distinguish them from real candy or cookies. He added that, as we prepare an ordinance, this issue of ‘edibles’ is something that needs to be focused on; that they said that the first line of prevention, and he has to agree, is still the family; that they will follow your example.

**M. Committee Vacancy Report**

**7:38 PM** Mr. Lee said that it is posted out here on the wall.

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

**7:39 PM** Mr. Fernald moved, second by Mr. Murphy, that the Select Board move into executive session as allowed by 1 M.R.S.A. §405(D) Labor Negotiations.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

**7:48 PM** Out of executive session. No action was taken.

The Chair read a short announcement of a community dinner/spiritual gathering being offered by the Green Acre Baha’i organization.

**O. Adjourn**

There was a motion and second to adjourn the meeting at 7:54 PM.

**VOTE**

**5-0**

**Chair votes in the affirmative**

**DATE: May 11,2017**

**S:/ Mr. John Murphy, Secretary**