

SELECT BOARD MEETING

April 27, 2017 5:30PM

Quorum noted

A. 5:30 PM: Meeting called to order by Chairperson Davis.

B. Roll Call: Ms. Davis, Mr. Murphy, Mr. Pomerleau, and Mr. Hughes.

Excused Absence: Mr. Fernald.

C. Pledge of Allegiance recited

D. Moment of Silence observed

PUBLIC HEARING – Shipyard Brewpub, LLC/Regatta – Special Amusement License/Liquor License – Renewals

5:32 PM Public Hearing opened.

Mr. Lee said that Mr. (Peter) Martin, representing the Shipyard Brewpub, was present. He added that we did not receive any negative feedback from any of our public safety officials.

Ms. Davis asked if there was anyone from the public who wished to speak on this.

There was no one.

5:33 PM Public Hearing closed.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board renew the Shipyard Brewpub, LLC/Regatta Special Amusement/Liquor License through May 31, 2018.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

At this time, the SB signed the pertinent document.

E. Approval of Minutes of Previous Meeting(s)

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5:34 PM Motion by Mr. Murphy, second by Mr. Hughes, to approve the minutes of January 26, 2017, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

Motion by Mr. Murphy, second by Mr. Pomerleau, to approve the minutes of February 16, 2017, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

Motion by Mr. Murphy, second by Mr. Pomerleau, to approve the minutes of February 23, 2017, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

F. Public Comment:

No one from the public spoke.

5:53 PM 1) Eagle Scout Presentation – Chandler Scully/Mr. Mel Bates

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Mr. Bates, VFW Senior Vice Commander, introduced Chandler Scully, who is out to achieve his Eagle Scout Award/Ranking; that his project was to design boxes for obtaining flags for recycling, to return them back to the Scouts and VFW for a proper retirement ceremony and burning. He added that Mr. Chandler was able to place three boxes in Kittery and one at the Eliot Transfer Station. He said that, besides achieving the highest rank in Boy Scouts, he has also qualified to become an applicant for scholarship money through the Veterans of Foreign Wars (VFW). He added that they would like to get permission from the SB to place boxes at other locations in Eliot; that there is interest at the library and other places could be at the Town Hall, Fire Station, or Police Station. He discussed the 'Star Program' they have to clip stars from these retired flags and send them to military members overseas.

5:58 PM Mr. Scully said that they started going to Home Depot, actually borrowing some money prior to fund-raising because it was a pretty close deadline with his birthday (May 28th). He added that he started the project around July of last year; that the hardest part of the project wasn't the project, itself, as that was the easiest part, but just doing the paperwork kind of what you guys are doing, it was kind of hard. He added that, after going to Home Depot, they held a pancake breakfast, then went over to his grandfather's workshop to build the boxes, had another meeting to paint them, then had another meeting to deliver them. He said that it was a good project and had a lot of people donate a lot of time; that it was 206 hours of combined donated time; that he probably had over 60 hours, which was pretty substantial. He added that we had some great sponsorships from Home Depot, the Lion's Club, and the VFW, and had a lot of support from family and friends; that we had a lot of scouts participate. He said that it was definitely a good learning experience for public speaking, hands-on skills, demonstrating; that the purpose of the project was to show the scouts what to do, how to complete it and do a good job and technique. He said that it was more a project for them, than him; that he was just kind of like the director telling them, pointing, and telling them what to do.

6:01 PM Mr. Bates asked Mr. Scully to explain what prompted him to do this.

Mr. Scully said that it was to have a really good place for people to bring their flags; that you see in the news that people are not treating the flag so nice, also seeing that locally, and he wanted to make sure that they weren't just thrown away in the household trash or put in the closet to rot. He added that he wanted to have a place people could bring them and retired, such as a flag-burning ceremony done by the VFW, the Boy Scouts, or even have some military personnel doing it, as well.

Ms. Davis asked if there was a troop in Eliot that would maintain the boxes.

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Mr. Scully said that he believed so, yes.

6:02 PM Mr. Bates confirmed that either he or the scouts would maintain the boxes. He added that it was remarkable to work with a young man like Mr. Scully because he's focused on what he's doing. He added that, as a veteran, his pet peeve is the American Flag; that when he was overseas, the only thing he had to remind him of home was the Flag, and that means a lot to him; that to watch it being mishandled just sits very wrong; so, it's nice to have places where people can bring them. He said that he didn't want to see Mr. Scully get a swelled head but he's got a great future; that he's a very dedicated young man, an equestrian, a swimmer, a licensed maritime diver, and his grades are phenomenal; that the number of letters of recommendations from teachers is amazing.

Mr. Lee said that having a box at the Transfer Station was wonderful and that we would welcome one, here, at the Town Hall, as well.

Mr. Scully discussed his concern for protecting the boxes because, even though they put three coats of paint on them, they are not weather-tight. He added that people might put in State flags.

6:06 PM Mr. Bates said that they would give any State flags they find the proper respect. He discussed how they separate flags, mostly by fabrics, and process them for burning; that Kittery has burning spaces and Eliot Recycling is looking for a reclaiming box to use as a burning center; that we'll put on programs for retiring flags with the Scouts and try to do those around Veteran's Day and Memorial Day.

G. Public Works

There were no agenda items.

H. Department Head/Committee Reports

6:07 PM 1) Recognition of Municipal Clerks' Week

Mr. Lee said that May 7 through May 13 is Municipal Clerks Week (first full week in May) in recognition of their work in their communities. He read the Memo and Proclamation recognizing the important and vital role municipal clerks have in their respective communities. He suggested to the SB Chair that this would be great opportunity to recognize our Municipal Clerk. He said that he wanted to personally say thank you to Ms. Rawski, recognizing that we all appreciate all the work that Ms. Rawski does and all have a very high regard for her; that he thinks we're very fortunate to have a really splendid municipal clerk.

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It was the consensus of the Select Board to give special recognition to Ms. Rawski, Town Clerk; the Chair signed the proclamation.

6:11 PM 2) Energy Commission Application – Richard Matlack

Mr. (Rich) Matlack was present.

Mr. Matlack clarified that his B.S. is in Nuclear Engineering and his Masters is in Mechanical Engineering. He said that most of his recommendations to the Commission will be based on facts and technical data versus politics and whims and ways.

Mr. Pomerleau said that you will be joining a great group of people and we think you are certainly going to be an asset to it, thanking Mr. Matlack for volunteering.

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approved the application for membership of Rich Matlack to the Energy Commission, term to expire June 2019.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

I. Administrative Department

6:16 PM 1) Town Manager Report

Mr. Murphy asked about **Line 53 and 54**, regarding the Town Manger talking with several members of the SB.

Mr. Lee said that it was a Friday morning and everyone cycles through there every Friday morning; that it was one at a time.

Ms. Davis asked about **Line 26**, regarding investments, asking if Mr. Lee had looked at that and are we feeling good about rolling that latest one over that will mature on the 30th.

Mr. Lee said that he thought we had plenty of time; that he did speak to Richard Elvidge about it and he is going to keep it fairly short-term for ease of liquidity.

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Mr. Hughes confirmed that he received the answer he was seeking.

It was also confirmed that we can pre-pay on the sewer bond.

6:20 PM Ms. Davis asked about **Line 97**, regarding an accident with the roll-off truck.

Mr. Lee explained that it happened in our yard; that the roll-off truck weighs about 6 tons and it has to be perfectly aligned with the truck that pulls it up onto its' back; that from what we can determine it must have been a little off-center and, because of its weight, it began to teeter and eventually fell off. He added that it took out the tarping system, fender, and crushed the tarping piece, which will cost about \$11,000. He said that it has been submitted for insurance. He added that he has expressed some concerns about that situation and looking to do some remedial stuff.

6:21 PM **a) Financial Report**

Ms. (Donna) Murphy said that the Budget Committee has continually requested this in electronic form and we continue not to receive it.

Mr. Lee apologized and said that he will send this to the Budget Committee digitally.

6:23 PM **2) Business Meeting on May 11 at 5:30 PM and Public Hearing on Ballot Items/Ordinances – MMS 7:00 PM – No Correspondence**

This was informational.

3) Absentee Ballot Voting Information

Mr. Lee read the informational memo regarding absentee voting. He added that we have a draft ballot and built in a little time (over the weekend) to review it for formatting issues; that Monday, after any feedback from the SB, it will be sent in and we will get a 'proof' ballot, and that will also be available to the SB for review.

6:30 PM Mr. Pomerleau expressed his concern with the length of the TIF language on the ballot and the potential for the vote portion being on a separate page.

6:32 PM **4) Use of Legal Reserve**

Mr. Lee said that he wrote to the SB on April 18th and the Finance Director just pointed out that we are about to exceed our allocated (operating budget) amount for Legal; that we may have to seek authorization from the SB before he pays the

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next legal bill, depending on its size. He added that we have a Legal Reserve Fund with about \$70,000 in it, currently, explaining potential future expenses and that we have three months left in the budget cycle. He asked if he would have support if he came to them to use Legal Reserve.

The SB agreed by **consensus** to support this.

6:36 PM 5) Compensation Study Workshop – May 18 – No Correspondence

Mr. Lee said that he was going to have Don Jacobs come down and wrap up his work with us, possibly explaining some of the final questions, comments, and implementation; that he is supposed to be getting him (Mr. Lee) a draft step range that was requested to look at as a way of implementing it.

There was discussion of possible other topics to be added to that workshop.

Mr. Hughes said that he would not be here but could Skype in.

6:39 PM Ms. Davis asked where we were with the TIF amendment.

Mr. Lee discussed the map/parcel spreadsheet updates; that he is hoping, by Monday, to have the final development agreement, list of properties coming off and going in, and the map of the old TIF and the proposed amended TIF map. He added that he will be sending that information, as well as a few other requirements, to Attorney Fortin for review, who will process that and forward it to DECD for review; that he believes we're doing well in moving this along. He said that we are doing a direct mail for the newsletter. He added that the letter explaining the TIF will be put on the Town website and he will notify residents in the e-alert that a significant TIF question will be on the ballot and to look on the web to get a FAQ sheet, as well as putting some at the Transfer Station, Clerk's Office, Library, etc. After some discussion, it was agreed to put it in the Sentinel and with absentee ballots. He said that he would leave what he has written in the SB boxes for their review and comment.

6:49 PM Ms. (Donna) Murphy said that she had read some of the reports in the Town Report and in the DPW report there is certainly advocacy for a position on funding of the roads.

Mr. Pomerleau said that he read that, too, and he shared the same concern; that his (DPW Director) words were "I urge you to reject any reduction in the \$500,000 that previous Selectman have agreed to do." He stated his concern that those words violated both the State and federal Hatch Acts, as they prohibit public employees from making any effort to impact a vote, in addition to the Town's neutrality position.

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Mr. Lee said that he would review the letter.

J. Old Business:

6:53 PM 1) Harbor Ordinance – Finalization of Draft 4/20/17

Mr. Lee said that this is all the changes that were presented and agreed to at a workshop with the Harbor Commission and SB; that he believes we have, at this point, one that you could sign to go to the ballot. He added that this would be the municipal officer's certification of official text of a proposed ordinance. He explained that we would need a motion to approve the certification of the text of the proposed Harbor Ordinance, a signature, then to the Clerk. He also said that the de-chlorinated water question will also need the SB's signature, even though it was forwarded by the PB, as the SB must still say that this is the proper amendment; that both of them are now available for signature and all we are doing is certifying that this is the official text.

Mr. Hughes asked if this version of the Harbor Ordinance reflected Ms. Davis' and Mr. Murphy's comments.

Mr. Lee said yes, clarifying that this is the Bernstein Shur copy.

7:03 PM Mr. Hughes moved, second by Mr. Pomerleau, that the Select Board issue the municipal officer's certification of the official text of the proposed ordinance amendments to Chapter 31, non-stormwater discharges.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:04 PM Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board approve the municipal officer's certification of the official text of the proposed ordinance, known as the Harbor Ordinance, under 30A M.R.S.A. §3002.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

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Mr. Hughes - Yes

Unanimous vote to approve motion.

The SB signed both documents.

7:06 PM 2) Clean Water Committee By-laws – Revised 4/14/2017

Mr. Lee said that the final change has been made and asked if there were any other changes and, if not, he believes this is a set of proposed by-laws ready for adoption.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board accept the proposed by-laws for the Eliot Clean Water Committee, as written and dated on this copy of April 14, 2017.

Roll Call Vote:

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

K. New Business:

There was no new business.

L. Selectmen's Report:

7:07 PM Ms. Davis asked if the email we received today was the final approval for the bond for the sewer repairs.

Mr. Lee said yes; that the SRF has been approved. He added that it still needs to go to the Bond Bank as the last step to secure the loan; that he will check to see when we will have a closing date.

7:08 PM Ms. Davis gave an update on the fact-finding, saying that a lot of the interviews occurred last Tuesday; that the PB Chair and the Assistant to the PB have both elected to not participate. She added that she received a call from the fact-finder wanting to solicit an interview from other members of the PB that might be willing to come in; that she will be giving the fact-finder the contact information and she can pursue that. She added that the second question that arose was that

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there was contention made apparently during interviews that she wanted to confirm – that public hearings had been posted in the newspaper for the PB; that she said that she would bring it up with the SB because she feels as though the fact-finder's job is just to write down the problems, as presented to her, and that it would be our job to look at what's being presented in the report and, then, to follow up on anything we feel needs following up on.

7:10 PM Mr. Pomerleau asked for clarification.

Ms. Davis said that, apparently, the issue came up during interviews that there's a feeling that PB public hearings have not regularly been advertised in the newspaper; that the requests was for receipts – proof of advertising. She added that the fact-finder didn't say who requested it but it seemed an issue of importance.

Mr. Pomerleau said that it was not his view of why we want the fact-finder; that we want the fact-finder to focus on the complaint, substantive issues of administration and procedure, adding that we are quite capable of dealing with, by ourselves, addressing them to the PB. He said that that did come up twice in the last couple of weeks; that they were for the legal postings in the paper and that public hearings were postponed but that's not totally relevant to the issue; that that is not what we want her spending her time on.

7:11 PM Ms. Davis said that her advice to the fact-finder was to present any issues that come up in her report so that the SB can review them and decide whether or not to take action.

After some discussion, it was agreed to have the fact-finder present issues in her report.

7:13 PM Mr. Murphy discussed his strong desire to have a workshop on the Ordinance Governing Boards, Commissions, and Committees and, also, the Charter and how it gets updated.

Mr. Lee said that that was on his workshop list. He agreed with Mr. Murphy that it needs to be revised as it is a very core ordinance that needs to work with the Charter, and it doesn't right now.

7:16 PM Ms. (Donna) Murphy, Budget Committee Chair, said that in a previous meeting there was some discussion about the SB joining the Budget Committee at our May 9th meeting regarding the budget process, what worked and didn't work, and she was curious as to whether the SB was going to attend.

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7:17 PM Mr. Lee said that the staff has put together a draft calendar for next year, taking into account some of the things we saw, and the comment you (BC) made about the first two meetings being - just give us the book, give us a couple of meetings, then bring your department heads through and we'll be ready to ask some questions. He added that he would get that to the SB and Budget Committee for their review. He encouraged the SB to participate in the BC May 9th meeting.

The SB agreed to attend.

M. Committee Vacancy Report

There was no report.

N. Executive Session

There were no executive sessions.

P. Adjourn

There was a motion and second to adjourn the meeting at 7:20 PM.

VOTE

5-0

Chair votes in the affirmative

DATE

Mr. John Murphy, Secretary