

## **SELECT BOARD MEETING**

**May 25, 2017 5:30PM**

### **Quorum noted**

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

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

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

### **E. Approval of Minutes of Previous Meeting(s)**

**5:31 PM** Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the joint workshop minutes of May 9, 2017, as written.

#### **Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Abstain**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Vote to approve motion 4 – 1 (abstained).**

Motion by Mr. Fernald, seconded by Mr. Murphy, to approve the minutes of March 23, 2017, 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** Mr. (Russ) McMullen said that he had very deep concerns about the wording of one of the referendum questions coming up, such as the matter of the Route 236 sewer. He added that he would encourage every person, who can, to drive down every side road on Route 236 and evaluate what we have for businesses there; that

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

there are multiple junk yards, contaminated soils being reconditioned, and he watched some stuff going down Route 236 to be dumped right down in back and he couldn't believe how many trucks they have now. He asked what would happen if that area became polluted and DEP tells us that we have to fix it. He added that he doesn't understand the mentality, when the Townspeople want the majority of businesses on Route 236, of sewerage a little village versus a commercial/industrial area; that that doesn't make sense to a lot of us. He said that he knows he and Mr. Pomerleau have a dispute over the actual percentages of the survey; that he sees the majority of the Townspeople wanting to see economic development on Route 236, as well as sewer and water. He added that no one knew this but Mr. Pomerleau wrote him a letter and threatened to sue him, so, he was going to read something in the SB minutes; that this is an article of basic behavior and how people are treated – "Interference in any person's right to political activity and expression". He asked the SB if a member of this SB does, in fact, under these circumstances, have the right to threaten somebody with a lawsuit. He said that he has been very upset with this ever since; that the figures he quoted the night that he made that are exact and he has had numerous people back them up. He reiterated his question regarding whether anyone on this Board has the right to sue somebody trying to voice their opinion.

**5:36 PM**      Mr. Pomerleau declined to respond.

Ms. Davis asked if this was the appropriate forum for this or should he write a letter specifically stating his case because she doesn't know any of the background of this.

Mr. Lee that, off the top of his head, he didn't know what the proper procedure would be, either; that he has never run across this. He added that it sounds as though Mr. McMullen is making an assertion of wrong-doing on the part of one of the SB members; that, if that is the case, is Mr. McMullen asking the SB to look into it and getting a response back to him about sanctioning that Board member for violating rules or procedures; that he was asking what Mr. McMullen was seeking.

**5:37 PM**      Mr. McMullen said that he is not a vindictive person but he has taken this very badly; that the letter bothers him because not only did it state that he (Mr. Pomerleau) would sue him but he also stated that, if any of his (Mr. McMullen's) cronies embarrass him, in the future...to him it was just a gross effort on behalf of a Selectman. He added that he has never tried to do any ill to this Town and has always been very concerned about it; that he has been on boards in this Town for 30 years and lived in this Town most all of his life. He said that he doesn't understand someone treating someone who is so involved and cares so much about the Town that way. He added that he thought that Mr. Pomerleau needed to

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

‘fess up’ to the fact that he did it; that he has the letter, here, if anyone would like to see it; that this is not a joking matter.

**5:38 PM** Mr. Fernald said that, first of all, any letters coming from the members of the Select Board are not from the Select Board, itself, they are from the citizen; that the letter Mr. McMullen has from one of the Select Board members is not Select Board business; that it is between Mr. McMullen and the citizen.

Mr. McMullen said that this wasn’t something that was done on the outside, this was done at a meeting and the man specifically said that “If you embarrass me, again, I will sue you.” He added that this was done at your (SB) meeting; that a man was sitting at the Board, asking how else he can be identified other than being a Selectman responding to an issue at a Selectmen’s Meeting, disagreeing with Mr. Fernald.

**5:39 PM** Mr. Pomerleau asked to make one comment; that there is so much said about First Amendment rights to say what they were, and that’s unquestionable; that everyone has the right to say what they want. He added that the First Amendment does not protect you from the consequences of that free speech and, if you slander someone, you are subject to being sued, no matter what capacity you do it in. He said that what he said between you (Mr. McMullen) and him (Mr. Pomerleau) that night is between him and Mr. McMullen and is not an issue for this Board; that if you want to pursue this, keep slandering him (Mr. Pomerleau), and we’ll find out who’s right.

**5:40 PM** Mr. McMullen said that he doesn’t feel this behavior is at all warranted; that when you put in there “and/or my cronies ever bother me, I will sue”...

Ms. Davis interrupted, saying that she thought this statement had been made that this Selectman was acting as a private citizen and not Board business; that, right now, what we’re hearing is one side of this issue; so, if there’s nothing else, she thought they would move on to anyone else who has any comments this evening.

Mr. (Jim) Tessier, Solid Waste Recycling Committee, said that he and the DPW Director met with Mr. Caverly from the school district (that he believes his position is the CFO) and he was very receptive to the idea of continuing conversations in how the Town might be able to help the school with things that might reduce costs. He added that South Berwick is not able to work with us because they don’t have a truck; that it looks like we will be able to potentially help them with the clean-out effort over the summer by providing a spare can and allowing that to be used at the school, renting out containers from a private firm.

**5:41 PM** Ms. (Michele) Meyer, Odiorne Lane, said that she was wondering if there was a status on the issue she brought forward.

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

Ms. Davis said that, on Tuesday evening, we received a report from the fact-finder; that we will be conducting an executive session this evening to review that amongst ourselves and decide how to move forward.

**G. Public Works**

There was no discussion.

**H. Department Head/Committee Reports**

**5:42 PM 1) Harbor Master: Boat Basin Fees/Veteran Discount**

Mr. Lee said that, for seniors and active and retired military with proof of service, we wanted to suggest something in the way of discounting the (boat launch) fees that it cost to use the Boat Basin; that we would like the Board to consider that as a token of thanks to our military personnel and to folks that may be on fixed incomes and still want to enjoy boating.

Mr. Murphy asked if they had estimated the expected revenue impact for the article in our budget.

**5:44 PM** Mr. Lee said that he didn't know what percentage of our people might take advantage of that; that some may not but we've had some requests from seniors and veterans if there is any discount. He added that he thought that both he and the Harbor Master are of the mindset that it would be kind of nice to be able to offer some kind of recognition that we value seniors and/or military personnel.

Mr. Murphy said that we would need to go through a year to figure out how people responded.

Mr. Lee agreed, saying that we would also need a year's history to determine how much revenue was lost.

Mr. Murphy said that he was in favor of it.

**5:45 PM** Ms. Davis said that, back a few months ago, Mr. Lee requested that we consider reducing the fees back to the original amounts; that that seems to her to be a more fair approach than just giving certain people a discount, especially if that's still a concern. She added that, at the time, we had discussed having some kind of an assessment done of whether we have had fewer people utilizing it because of the price and whether we might want to roll it back and allow more people to enjoy it.

Mr. Lee said that, anecdotally, we feel what has happened is that we do have fewer people using the Boat Basin but our revenues didn't change; that, if

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

anything, they went up because the fee went up; that we did lose some people and they were quite upset that the fee had doubled.

**5:46 PM** Mr. Murphy asked if they were our residents or non-residents.

Mr. Lee said both, particularly non-residents. He added that he thought there was a discussion where we asked to roll it back before the ECSD brochure went out but that went out and it already has in it, advertised, the rates for the season and we've already accepted money from people; so, we can't really entertain that at this point; that that would have to have been done back when we asked so it could be advertised in advance; that what we could do is implement some sort of a discount, at this point, and he actually has a couple of people coming in tomorrow to see what the Board would like to do with that.

Ms. Davis asked if they have been tracking the data so that, ultimately, they would be able to provide us with some assessment of how this is going.

Mr. Lee said that it was just the financial data; that we don't track who comes and goes.

Ms. Davis asked regarding how many.

Mr. Lee said that we might be able to do that, in terms of the number of slips turned in; that we've not yet done any kind of analysis on it. He added that it can be fairly busy down there, with that a whole bunch of people suddenly show up, so we haven't tracked a lot of data, other than the financial data and, anecdotally, some people have said that they will never come back and others have said that you ought to appreciate your military more.

**5:47 PM** Mr. Hughes asked where they launched if they don't go here.

Mr. Lee said that there is Kittery and Dover and Portsmouth; that there are lots of other choices and several people have opted to go to other places, from what we understand. He added that we have a lot of people who really like using the Boat Basin because it is really easy to use and it's a nice facility; that a lot of people prefer to use the Eliot Boat Basin rather than these other places because it's easier to park, get in and out.

Mr. Hughes said better than any just mentioned.

Mr. Lee agreed; that that's what he has heard.

Mr. Lentz added that it was no more expensive.

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

**5:48 PM** Mr. Lee said that that was his understanding; that he is not looking to change the 10/20 but asking to recognize, with some level of discount, seniors and, especially, military personnel considering that our Country has been in a constant state of war for he doesn't know how many years, now.

Mr. Fernald said that, a lot of times, it shouldn't be about the money; that, for the veterans, we can't do enough for them, or for the senior citizens.

Ms. Davis asked if that was a motion she was hearing.

Mr. Fernald moved, second by Mr. Hughes, that the Select Board give a 50% discount for our active and retired military personnel for their service and for the people over 65.

**DISCUSSION**

**5:50 PM** Mr. Murphy clarified that those over 65 would be for Town residents.

Mr. Pomerleau agreed, saying that, if he remembered correctly, you cannot discriminate between Town residents and anybody else.

Mr. Lee clarified that non-residents can only be charged up to twice as much as residents so it would have to apply to both residents and non-residents using the facility.

Mr. Pomerleau asked if Mr. Lee knew if this was common practice from other boat launches or any idea what the revenue impact would be; that we want this to be self-sufficient.

Mr. Lee said that the Boat Basin is well past self-sufficient, at this point; that we spend about \$11,000 and we take in around \$16,000 to \$17,000; that he certainly doesn't think you will dip below the \$11,000. He added that he didn't think this would amount to more than \$1,500, maybe, in discounts.

**5:51 PM** Ms. Davis said that that didn't take into account that, so far, we may be responsible for fixing the bathrooms or providing an alternative, and we haven't talked about paving.

Mr. Lee agreed; that he was bringing this here for the SB's consideration. He added that this just felt right to us.

**5:52 PM** Mr. Tessier, Johnson Lane, clarified that there is a big difference between being active duty/retired or being a veteran; that a veteran wouldn't necessarily have an

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

identification; that he was concerned about the intent of the motion because he didn't think it included veterans.

**5:53 PM** Mr. Lee asked Mr. Fernald if he would amend it to include veterans.

Mr. Fernald agreed and amended his motion to include veterans. Mr. Hughes seconded Mr. Fernald's amendment.

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.**

**I. Administrative Department**

**5:54 PM 1) Town Manager Report**

Mr. Murphy asked, regarding **Lines 40 – 42**, how that would help us.

Mr. Lee said that, currently, he believes there are only four commercial electrical inspectors in the State and one of them just retired; that it's the one down in this area. He added that they have now hired a very young person who now has to take another electrical inspector with him while they cross-train, which is going to slow things down to a crawl in terms of getting commercial electrical inspections statewide, he believes, explaining the impact and what that looked like, as the Town did not do commercial inspections, only residential. He added that the issue was liability insurance; so, the retiring inspector would be a contract employee for \$1, and other considerations (under Town insurance), and we would refer people to him and he would be able to do inspections at very reasonable rates.

Mr. Murphy said that, essentially, this would be an assisting to our businesses in Town.

Mr. Lee said yes.

Mr. Fisher discussed his concern with this.

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

**6:01 PM** Mr. Pomerleau asked about **Lines 124 – 126**, regarding over-expenditure of winter roads.

Mr. Lee said that the auditor advised him that we over-spent winter roads and exceeded the allowable 15%, which we were aware of. He added that the auditor is saying that we will have to go back to the legislative body to get authorization for the overage and explaining what that would look like.

**6:02 PM** Mr. Pomerleau said that his problem with that was, recognizing that it was totally legitimate and inevitable, it was what it was; but, it's the timing of it. He asked if we didn't track what we are spending; shouldn't we have known this before we got to the budget season, where we could have done this for the June ballot; that we don't know that we've over-expended the snow-plowing budget by 15% until the auditor comes in.

Mr. Hughes said that, if you go back to our minutes in January, he brought that up; that he had said that he didn't know what the February storm is going to do to this but we are already in trouble; so, we knew about it in January.

**6:03 PM** Mr. Lee agreed, saying that we didn't know the extent of it.

Mr. Hughes agreed that we didn't know what February was going to cost but it was a bad, bad month.

Mr. Lee agreed, saying that the auditor had to come in and certify the amount that we were over, first, so he didn't know what amount to ask for. He added that the auditor advises on those things. He clarified that he didn't know what the total overage would be and didn't know if it would exceed 15%; that we didn't think about this going into June.

**6:04 PM** Mr. Murphy suggested that the appropriated amount in that budget item, it is 15% of that; so that, every year, we could appropriate more and, if we have a bad year, we wouldn't fall into this; that if it was unspent, it would just fall through.

Mr. Lee said yes; that if we budgeted a more-than-adequate amount, and we didn't need it, then it would go through to fund balance; that the reverse is that, if we budget optimistically and we have a bad year, we end up 'here'.

Mr. Murphy said that we should be practical and put more money there to have it available.

Mr. Lee said that that has been an auditor's recommendation for quite some number of years.



**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

Ms. Davis said that it fell into the LD1 calculations and, so, when we are calculating our budgets and the amount of taxation, it creates a problem on that end.

**6:05 PM** Mr. Murphy said that we have the experience, this year, which should change the LD1 level, somehow or other; that if this actually happens in the world, why should LD1 kill it.

Mr. Hughes asked if the **Line 122** money was coming out of the bond proceeds.

Mr. Lee said that they are probably going to come right out of sewer reserves.

Mr. Hughes asked, regarding **Lines 37 and 38**, if he could get some background on that meeting.

Mr. Lee said that he isn't ready to go with a full report on it but he could tell him that we discussed several things. He explained that, when the budget for the Sewer Department was first put together, it was done at the time that the funding of the sewer pumps was going to be done 78% by sewer users and 22% by general fund; that when we drew up our budget, we drew up what the rate would be to cover 78% of the total debt service; that we end up \$21,000 shy, which is the 22%. He said that each percent of rate increase on sewer only begets a little under \$5,000; that, to just deal with the debt service, we are probably looking at 4% to 5%; that we also discussed two other factors – we are charged as percentage of total flows that go through Kittery and, so, when Kittery's usage goes down, our percentage has been sneaking up; that they are doing infiltration (I&I) work faster than we are, so, their flows are going down more rapidly than ours and, as a matter of percent, we are sneaking up from 8% - 9% to 10% - 11%, which made our budgeted amount this past year off by about \$45,000. He added that that is not the average and, in fact, contacted the Kittery Sewer Group and asked why this had happened and the answer back is that Kittery has been aggressively doing I&I work, more so than Eliot, and Eliot percentages have been creeping up. He said that we haven't determined what kind of rate we might be looking at but it is fairly inevitable that we will be looking at something. He said that we are going to track the next quarter's billing and see what that comes in at; that within a year, or so, we're probably going to have to tackle the rate increase because that's about when our first debt payment is going to be coming in. He added that we want to put together a new sewer budget, altogether, as part of the fiscal sustainability plan that we need for this bond.

**6:09 PM**      **a) Financial Reports**

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

Mr. Lee said that we are at about 88% of the way through the fiscal year and all of our budgets look to be in reasonably good shape, except for the ones that have been previously pointed out.

**6:10 PM** Ms. Davis asked, regarding the current account status report on the snow removal itemized bills, if there is anything in there that can be shifted, and rightfully, to the Public Works Department.

Mr. Lee said that he hasn't looked at that, adding that that was an excellent suggestion; that he heard our auditor and Finance Director talking about it and, from what he overheard, it didn't sound as though there was anything that could be legitimately moved; that there was discussion about truck repairs during the winter but his thought was that that should be billed towards winter roads.

Ms. Davis said not necessarily; that we actually shifted it out in the next budget so why wouldn't that be incumbent upon us.

**6:11 PM** Mr. Lee said that he would make a note of that; that it may be, if we work with the auditor a bit, we might find something. He added that he only overheard the conversation and didn't look into it deeply to see if there was anything that could be shifted out to bring us back to the 15% but it would have to be legitimate.

**6:12 PM**      **2) Use of Streetlight Reserve**

Mr. Lee explained that back during paving season there was pavement that got ground up and there were embedded electrical wires in that pavement, knowing it was there but still having to reclaim it; that that was about a \$2,400 repair hit, which falls under Street Lights, that we had not planned for. He added that the amount we budgeted for Street Lights was inadequate, as it appears, altogether, that we will be approximately \$4,000 over. He said that we have \$21,906 in the Street Light Reserve and we would be requesting \$4,000 to cover the remaining the bills and that repair. He said that this is, again, another lesson that we don't give ourselves enough room, that we budget right down to the penny, that we look at last month's bills and we use that exact number in our forecast. He added that it's hard; that you all want a tight, very responsible budget but please understand that the flip side of the coin is that these types of things are not going to be uncommon if you budget very, very tightly and hope you have a very good year with not a lot of weird things happening; that as you all are beginning to understand there are a lot of weird things that go on and some of them are not really that much in your control.

**6:14 PM** Ms. Davis asked, if we did it, our insurance doesn't cover that.

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

Mr. Lee said no; that it was intentional and we had to; that it wasn't an accident, we knew we were going to do it..

Ms. Davis asked if there were any discretionary lighting cuts.

Mr. Lee said no but the good news is that, for many years, you had a street lighting reserve in the event you didn't budget enough for change in electrical bills, for example, and that's exactly what it's for – protection so you don't have to go into contingency if something unexpected comes up. He reiterated that they would be looking for permission to utilize that reserve and, in the next budget, we may want to think about restoring a similar amount. He added that he will come back with a hard number once he knows more.

**6:15 PM** Ms. Davis said asked, thinking about hydrants, if that particular article doesn't pass where are we at with hydrants.

Mr. Lee said that we would be in a position that we would have to think about contingency.

Ms. Davis said that, as we are looking at these overages and even spending out of contingency, if the citizens vote in LD1, we may have a real problem, here.

Mr. Lee said yes.

**6:16 PM** Mr. Murphy asked if we needed a motion.

Ms. Davis asked Mr. Lee if he wanted something tonight, an authorization up to \$4,000.

Mr. Lee said that it would be preferable to have authorization right now; that he knows the Finance Director likes to know, in advance, that we have authorization to take care of the bills.

Mr. Murphy moved, second by Mr. Fernald, that the Select Board approve the Finance Director's request to pay CMP the invoices for the next two months, which are approximately estimated at \$4,000 by disbursing funds from the Streetlight Reserve Fund, which has, at the current time, a balance of \$21,906.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

**6:18 PM      3) Sale of Foreclosed Property Bid**

Mr. Lee said that this had to be postponed; that we have put it out for two more weeks. He added that this is a mobile home in Marshwood Estates and the advertisement didn't run for the appropriate amount of time, so, we have to give it another two weeks for people to respond.

**4) Town Meeting Information**

Mr. Lee said that our Town Clerk has done a tremendous job with Election HQ out in the Town Hall lobby; that there are flyers on everything you will be voting on, a nice display board, and our website is loaded with information. He added that we are doing absentee ballots now; that it's a lengthy ballot and, because of that, it might be preferable to use an absentee ballot rather than stand in a voting booth. Additionally, he reviewed the election schedule.

**6:21 PM      5) Town Manager Compensation for 2017-2018.**

Ms. Davis said that we had an executive session a couple of weeks ago where we discussed the Town Manager's performance evaluation; that she believed we pretty much agreed on where we were going for that so we just need a motion this evening to reflect that decision.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board approve, effective July 1<sup>st</sup>, the increase of the Town Manager's pay by 1% in his base pay and issue a one-time merit bonus of \$1,500.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

**6:22 PM      6) SB Workshop: Review/Complete Pay Study (June 15?) No Correspondence**

Mr. Lee said that that has been scheduled for Thursday, June 1<sup>st</sup>.

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

Ms. Davis asked if Mr. Jacobs would be in attendance.

Mr. Lee said yes.

Ms. Davis asked if Mr. Jacobs would bring a step increase matrix, as requested.

Mr. Lee said yes.

Ms. Davis asked if we will see that prior to the meeting.

Mr. Lee said yes; that he anticipates having that tomorrow.

**6:23 PM** Mr. Pomerleau said that he sent a couple of emails regarding errors he found in Mr. Jacobs' classifications, asking if he has corrected those or explained them.

Mr. Lee said that this was hard to discuss publicly; that he (Mr. Jacobs) doesn't even know about it. He added that he focused on Part B, which is what we need to move forward – the merit-based system; that, frankly, it took all his doings to get that through; that he figured, since we knew of the errors, we could fix them ourselves, if necessary.

Mr. Pomerleau agreed.

**6:24 PM** Mr. Tessier asked if, in this process, there had been any discussion about how we align job descriptions in the Town with the MMA results, so that we can use those results. He added that this process has taken two years and seems a long time to wait to have to wait to figure out whether we are providing fair compensation.

Mr. Pomerleau said that he has gone into the MMA 2016 salary data and the big flaw with MMA data is that, when they put this information out to towns, they don't ask for beginning, medium, and ending scale, like a real salary survey will do; that they ask what the person currently in the job is making and, then, if there is more than one person in that classification, what is the average. He added that that is all it tells you – current status; that it isn't valuable for comparative purposes

**6:26 PM** Mr. Lee said that the consultant will be leaving us with the survey instrument he used for the towns that we elected to get our market data from; that the consultant's recommendation in the final report is to go back out about annually, get updated data from those towns, plug that in, and adjust the charts; that, in that way, we could try to keep it current.

Mr. Pomerleau said that, at a minimum, you should at least add any cost of living increases into the wage scale as they are given.

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

**6:31 PM      7) Tax Increment Financing Hearing – June 6 at 7:00 PM**

This is informational.

**J.      Old Business:**

**6:33 PM      1) Appeals Board By-laws (2<sup>nd</sup> Reading)**

Mr. Murphy said that he had gone through this very thoroughly and found many places where the meaning is a little bit vague; that he wouldn't approve these, himself, without going back to the Board of Appeals, using the example of wording in V. Meetings B. regarding posting an agenda, which said "...within 14 days prior..." instead of '14 days prior', as an example.

Mr. Lee agreed that that was not clear; that he thinks the BOA is looking for either approval or feedback on things the SB would like to see cleaned up, clarified, etc. He suggested that, if Mr. Murphy had a marked-up copy, he could return it to the BOA and say we have some suggestions they might want to consider before we take it up for approval again.

Ms. Davis said that any member who had suggestions should submit those to Mr. Lee.

**K.      New Business:**

**6:36 PM**      Mr. Pomerleau said that a couple of weeks ago there was a head-on collision down by the Transfer Station; that he was informed that a couple of Public Works employees that were getting off their shift and sprang into action, assisting with medical care, etc.; that he thinks that is highly worthy of our recognizing them if Mr. Lee can identify them for us, as a Board. He added that it is so simple for people these days to look the other way and, to go out and provide assistance in what was a very serious accident, he thinks should be recognized, commended.

Mr. Lee agreed, saying that he did send his commendations along to the Fire Chief to those folks that also worked at Public Works; that they were the first ones there and that they did a dynamite job with the extraction equipment. He added that they did a heck of a job, from what he understands, and he agreed that they should be noted for doing a heck of a job. He said that there were three that are on the Fire Department and that all of them stopped what they were doing, got right into fire mode, and were right there, johnny-on-the-spot. He added that he will find out who they are and pass the Board's thanks on to them.

**6:38 PM**      Mr. Lee said that we need a signed notice on the Tax Increment Public Hearing; that as a matter of calling that meeting on June 6<sup>th</sup> what he'd like to do is get a

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

vote from the SB that that meeting be held and, according to 'this' document that has been prepared – Notice of Public Hearing – it's a requirement of the TIF statute.

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the Public Hearing for the Town of Eliot Municipal Tax Increment Financing District, formerly known as the Route 236 Municipal Development Tax Increment Financing District; that we will hold a public hearing on Tuesday, June 6 2017 at the Marshwood Middle School Gymnasium, 626 Harold L Dow Highway, Eliot, Maine. Public Hearing will be at 7 PM.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

At this time, the SB signed the pertinent document.

**6:40 PM** Ms. Davis said that we had agreed, at some point, to transfer \$99,000 from the bond to the reserve account, asking if that will be happening.

Mr. Lee said yes; that that has been figured into our budget, too; that we are already allocating for that money to go back.

Ms. Davis said that she was reading that we will be sending invoices up to the DEP, asking if that was something we would have to generate and send up to them, and we will be doing that at some point in the near future.

Mr. Lee said that he would make a note that the \$99,000 engineering would probably be the first invoice.

**L. Selectmen's Report:**

There were no Selectmen's reports tonight.

**M. Committee Vacancy Report**

**6:41 PM** Mr. Lee said that, right now, we are in the process of taking applications from people who want to be re-appointed or newly appointed to any of our committees

**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

and commissions; that we will ask the SB to do the appointments first meeting in July after interviewing people the last meeting in June.

**N. Executive Session**

Mr. Fernald moved, second by Mr. Murphy, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405 A. Personnel Matter and 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.**

**8:08 PM Out of executive session.**

No action taken regarding 1 M.R.S.A. §405. D Labor Negotiations.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board waive the notice requirements as an emergency that we proceed with action from our executive session on 1 M.R.S.A. §405. A Personnel Matter.

**Roll Call Vote:**

**Mr. Fernald – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

Mr. Hughes moved, second by Mr. Murphy, that the Select Board, based on the report of the fact-finder, believes there are grounds to authorize the Town Manager to 1) schedule a hearing with the Chairman of the Planning Board with regard to the Meyer's complaints and 2) to confirm with the Town's attorney regarding the required process, timing, and notices of such.

**Roll Call Vote:**



**SELECT BOARD MEETING**  
**May 25, 2017 5:30PM (continued)**

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

**Unanimous vote to approve motion.**

**O. Adjourn**

There was a motion and second to adjourn the meeting at 8:10 PM.

**VOTE**

**5-0**

**Chair votes in the affirmative**

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**DATE**

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**Mr. John Murphy, Secretary**