

SELECT BOARD MEETING

June 22, 2017 5:30PM

Quorum noted

A. 5:30 PM: Ms. Rawski, Town Clerk, called the meeting to order and held the election of new officers for the Select Board.

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

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Welcome New Select Board

1) Election of Chair, Vice-Chair, and Secretary

5:31 PM Ms. Rawski handed out written ballots to the Select Board members for each of the positions. The votes were taken one at a time.

Vote for the Chairperson:

Rebecca Davis – 3 – elected

John Murphy – 2

Vote for the Vice Chair:

Robert Pomerleau – 2

John “Jack” Murphy – 2

Richard Donhauser – 1

A re-vote was taken

John “Jack” Murphy – 3 - elected

Robert Pomerleau - 2

Vote for the Secretary:

Richard Donhauser – 3 - elected

Brad Hughes – 1

Robert Pomerleau - 1

Ms. Rawski thanked Mr. Fisher and Ms. Adams for their work on the announcement board out front for her; that she didn’t know if everyone was aware of the work that they did to get that in the condition it is for us to be able to reach it; that she thinks it looks beautiful and she thinks that everyone can now see what and when meetings are.

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5:36 PM Mr. Lee said that he didn't know if the SB would like to take this up this evening, or a future agenda, but we might also want to speak about the appointment of people to the collaboration committee that we do with MSAD #35 and South Berwick; additionally, if there are any liaison positions to be appointed, the negotiation committee, etc., of SB member appointments. He added that we have time to think about it and take it up on a future agenda.

The SB agreed to do the negotiation committee on the next agenda.

Mr. Murphy and Mr. Donhauser expressed an interest in the MSAD #35 collaboration committee.

Ms. Davis asked for a motion.

Mr. Murphy moved, second by Mr. Donhauser, that the Select Board appoint Mr. John Murphy and Mr. Richard Donhauser to the collaboration committee with South Berwick and MSAD #35.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

5:39 PM Mr. Lee said that, at the present moment, he doesn't think any of the committees have requested a liaison.

Ms. Davis asked Mr. Lee to put the word out to committees if they want something by the next meeting.

Mr. Pomerleau said that the Charter calls for committees to make regular reports to the SB and, if committees could be encouraged to do that, then that would circumvent the need for liaisons.

Ms. Davis suggested they discuss some form of a formal calendar for that at some point.

Mr. Tessier asked if there was any kind of periodicity the SB would like to see from the various groups.

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5:41 PM Mr. Pomerleau said that it just says regularly; that he thought it could be based on the SB may “need-to-know” what the committee is doing, with some discretionary judgement of the committees; maybe once a month or every other month, but at least once every three months.

Mr. Lentz suggested the SB might create some kind of standard format committees could use to report to the SB.

F. Public Comment:

No one from the public spoke.

G. Interview Prospective Committee Members

5:43 PM Mr. Lee said that several of our prospective committee members contacted the Town Clerk and apologized that they could not attend tonight. He added that they did have some others here this evening. He said that, on the applications, the Town Clerk noted who is a new applicant, who is an incumbent, what positions are open on each board, and what the terms are.

5:49 PM Ms. Rawski, after clarifying some procedural issues, said that, because your official appointments are not taking place on these positions until the July 13th meeting, this meeting is for the SB to receive and review the applications; that she or Mr. Lee could get any SB questions of the applicants out to the applicants.

Ms. Davis said that another discussion needed was regarding the Harbor Commission; that we had delayed a decision about the existence of the Harbor Commission until after the election. She asked if any SB members had questions for Ms. Kari Moore.

5:50 PM Mr. Murphy said that he was very interested in Ms. Moore’s present employment with the US Navy and natural resources specialist, asking if that involved land plants or seaweed.

Ms. Moore said both. She added that she has worked for the Navy for about 20 years; that she started as a natural resource specialist land and wildlife manager up in Brunswick at the Naval Air Station; that her prime experience has been working with land conservation and developing and integrating a natural resource management plan for multiple facilities across Maine. She added that, when Brunswick closed, she eventually made her way down here; that her title is still natural resource specialist but she is more involved with environmental planning; that she does a lot of National Environmental Policy Act compliance doing environmental impact statements and assessments; so, she is pretty much involved

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with everything in the environmental arena. She added that her background is in conservation.

5:52 PM Ms. Davis asked if she had had a chance to attend any Conservation Commission meetings yet.

Ms. Moore said that she had not.

Ms. Davis asked if she had a preference regarding an appointment.

Ms. Moore said that she was interested in the three-year regular member appointment.

Ms. Davis asked Mr. Lee if they would be asking the other applicants what term they desired.

Mr. Lee said that he and Ms. Rawski could do that.

5:53 PM Ms. Davis asked if there was any discussion regarding the Harbor Commission and where we want to go with that.

Mr. Pomerleau said that there is essentially no role within the ordinance for the Commission; that the sentiment from both the Town Manager and Harbor Master was that they didn't need the Commission.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board dissolve the Harbor Commission.

Mr. Pomerleau added that he would like for the Select Board to consider, as a follow-up to that, establishing a Harbor Committee, as an advisory group.

DISCUSSION

5:55 PM Mr. Murphy said that he thought it was premature to actually dissolve it; that once again, and he has spoken to this a number of times, he thinks there are things that the Commission could do on its own to help us understand uses of the river that may not exist right now and for us to just kind of kill it, now, he thinks is wrong. He added that they haven't, yet, had a chance to speak to this issue with our Board; that for us to take this action without hearing from them he believes is wrong.

Ms. Davis said that she thinks the intent is to abolish the actual Harbor Commission who was appointed to work on the ordinance, with the idea that the

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SB would certainly reconstitute a Harbor Committee that could accomplish the same things that Mr. Murphy is talking about tonight.

5:56 PM Mr. (Robert) Fisher said that he is in opposition with doing away with the Harbor Commission; that it's very seldom that we get a lot of people that want to get onto a committee; that we have an existing one that has been working and he thinks we ought to maintain it to give them an opportunity to answer our questions, in person, at a meeting; that we don't get that if we do away with them.

Ms. (Rosanne) Adams said that she agreed with Mr. Murphy that we haven't heard from the Commission, itself; that she doesn't think there's much difference between a commission and a committee – it's the job the SB gives them to do. She added that the SB has a lot of expertise, right now, on that Harbor Commission and they can convey a lot of knowledge about the river. She added that she thinks to get rid of it, without consulting them, and with the thought of creating a new entity...she thinks the SB just needs to give new direction to the Commission and continue their work; that someday we may have a Harbor Master who doesn't know anything about the harbor and he could really destroy a lot of things; that she doesn't know if the Town Manager has expertise on harbors but the members on that Commission do; that she thinks their knowledge is valuable and she thinks, at this point, it is wrong to disband that Commission.

5:58 PM Mr. Pomerleau said that there was a difference between a commission and a committee; that commissions have some degree of authority or empowerment; that the Commission, as it stood in our old ordinance, would have been a regulatory-type, hearing appeals, making recommendations on ordinances, etc. He added that he agreed with the sentiment, here, of having a knowledgeable resource of citizens here to advise, and he has some information prepared for a harbor committee to act in an advisory capacity, for that very reason – a committee that is advisory as opposed to a commission, which has an authoritative aspect to it.

5:59 PM Mr. Murphy disagreed with the rigidity with which such definitions are applied; that we have a Conservation Commission, an Energy Commission, but they really behave like a committee in terms of what they do and how they do it; that he thinks the Harbor Commission is the same way in terms of practice; that the terms have almost become interchangeable here in Eliot and he thinks Mr. Pomerleau was recognizing a difference which doesn't exist.

Mr. Pomerleau said that he would bring the explanation of the differences between the two units next time.

6:00 PM Ms. (Michele) Meyer asked why we are making such a change, asking if there is an issue with the Commission, as it stands; are we removing some authority from

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them that is no longer required or pertinent or valued, based on the Charter. She asked where this is coming from.

Mr. Pomerleau said that the original ordinance and the proposed ordinance the Harbor Commission began to write actually empowered the Commission to hold hearings and thought they had some enforcement role, as well. He added that the new Harbor Ordinance has removed them in that language so that, within the ordinance, they don't have that formal capacity anymore. He said that there was a contentious relationship between that Harbor Commission and the Harbor Master and Town Manager; that it was not working well, at all, and that was another factor. He said that, going back to wanting the knowledge and resources we may have available to us, to advise and guide and assist the Harbor Master is a committee in an advisory capacity.

6:02 PM Ms. Adams said that she would actually like the Commission to have authority, to be able to resolve disputes; that she thinks that's much better than one person being allowed to resolve disputes. She added that, perhaps, if the Townspeople had understood that you took some power away from that Commission, when you created the Harbor Ordinance, maybe they wouldn't have voted for that ordinance. She said that she doesn't think it's the time, now; that if authority is the issue, she thinks we need a Commission that has that authority, within certain guidelines, to take care of these problems.

Mr. Pomerleau said that that is a moot point, at this point, because the ordinance has been passed and they do not have authority.

Ms. Adams disagreed because ordinances can be rewritten and amended and, therefore, you can keep the Commission, you can give them a power, and you can change the ordinance.

6:03 PM Mr. Murphy said that there has been dissension between the Harbor Master and the Harbor Commission; but, in his view, the role of the Harbor Master is very clear statutorily whereas the Harbor Commission is something that can do things that may be concerned with pond growth, eel grass growth, and things like that, or swimming, or other things than merely assigning moorings. He asked if the Town Manager could fill us in on how he views the duties of the Harbor Master.

6:04 PM Mr. Lee said that one of the main conflicts, he believes, between the Harbor Commission and the Harbor Master is that the Harbor Commission is always very ready to interject their views and would really like to have the Harbor Master work for them; that that is not how the Town is structured, the Harbor Master is an employee and works for the Town Manager; and, so, we have conflict over who has what authority there. He added that the second thing that really concerns him about this particular Commission is that they received two bits of legal

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advice, as they were developing that ordinance, and did not take that legal advice and, instead, put in their own preference, which would have been in violation of statutes; that their answer to that was that they figured you'd catch it at legal review. He explained that he didn't really want to look over their shoulder to catch little things you are putting into an ordinance that, in some cases, were personal kind of things that would benefit that particular Commission; that he thinks there was some conflict of interest; that we have these people who are very knowledgeable about the water but, then again, they are very vested in their own concerns and that became a conflict. He said that he was trying to keep it very much a lawful-type of thing and he felt they were pushing back against him and, simultaneously during meetings, disparaging the Harbor Master and himself because we were not allowing ourselves to be dictated to.

6:05 PM Mr. Murphy said that he recognizes that but he also felt that the Harbor Master and the Town Manager have enough experience to be able to sort of deal with that sticky personality, clarifying their duties to them versus the Harbor Master's duties.

Mr. Lee said that he has met with the past Chair of the Harbor Commission, who resigned for conflict of interest reasons, and the acting Chair, and had those conversations a number of times trying to clarify their role and our role; that he never got through and, in the end, he and the Harbor Master decided, rather than attending and then trying to order us to do things, etc., that we were going to stop attending, stop being disparaged, and they could do as they wished; that, as you know, when it came to legal review of that ordinance, we had to fix a couple of very important things that they left in there on purpose.

6:07 PM Mr. Hughes said that they were even dysfunctional in and amongst themselves; that they couldn't really conduct meetings and get anything accomplished; that we had to step in and take over writing this ordinance because they just weren't getting it done; that there are many reasons why we take this position.

Mr. Fisher said that 95% of the ordinance came from the SB; that you are the ones that created it, taking out things the Harbor Commission put in, so we voted on what the SB decided was best for the harbor and he doesn't think anyone on the SB has any experience with the Piscataqua River. He added that that goes for the Town Manager and Harbor Master; that he's limited, he's appointed, and that's the way he feels.

6:08 PM Ms. Davis said that we did work with the basics provided by the Harbor Commission; that it went to legal review and we had a very lengthy meeting to coordinate everybody's input into one document; that we did use, largely, what they had worked on. She added that we didn't take it over and rewrite it from scratch.

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Mr. Lee said not at all; perhaps 5% of it.

Ms. Davis said that it was ironing out things that were advised against by legal.

6:09 PM Ms. Meyer said that she was concerned that there were no members of the Harbor Commission here to speak their piece with regard to some pretty strong language from the Town Manager and several SB members about those individuals who volunteer their time, members of the public, and she would just like to say she hopes we are not seeing a kind of retaliatory response to personality conflicts.

Mr. (Jim) Tessier said that he doesn't see disbanding the Commission on the agenda so he thinks it would be terribly wrong to take that vote to disband the Commission without inviting them to be present at the meeting so that they can question and answer.

6:10 PM Ms. (Cindi) Lentz said that she agreed with Mr. Tessier; that she thought they should be here. She added that she was very upset that you would have a Commission that went against the legal advice they were given to have a group of people representing their Town that would go against that, she thinks, is horrendous; that they are supposed to be upholding Town rules and everything else; that she doesn't think that's right, personalities or not; legal business is different.

6:11 PM Ms. Davis said that this is an issue that did come up two months ago and, to her knowledge, there has been no input from the Harbor Commission, positively or negatively, with regard to this. She added that she feels there is some statutory difference between a commission and a committee; that our efforts to design a committee and to offer those positions to anyone, that anyone can come in to apply for them, means that we will be landing on an equal basis, even if we disband the Commission. She asked SB members if any of them felt strongly that this was not on tonight's agenda.

6:12 PM Mr. Donhauser said that he did; that he thought that Mr. Tessier was spot-on. He asked if they (HC) were aware that this motion was going to be made tonight.

Ms. Davis and Mr. Lee said no.

Mr. Donhauser suggested, then, that it should at least be tabled to another meeting so that they can have time to respond. He asked how many people were on the harbor Commission.

Mr. Lee said seven and an alternate. (Currently, there are five members.)

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Mr. Murphy said that, in retrospect, he agrees with Mr. Tessier and Mr. Donhauser that this is a very significant action and there's no warning to the public that it was going to take place, so, it is wrong.

6:13 PM Mr. Pomerleau said that we discussed this prior to the vote we decided to withhold a decision until we saw if the ordinance passed; that the reason being that, if the new ordinance passed, it eliminates the Commission within the context of the ordinance; had it not passed, then we would be re-examining what their role would be, since the old ordinance would still be in effect. He added that he didn't think anyone is taken by surprise that this is before us because it was before us a month ago. He added that he would welcome other people to go back and watch their meetings and hear, meeting after meeting, of contentious, derogatory, belittling descriptions of the Town Manager and the Harbor Master; that it was just a constant theme; that this didn't just suddenly crop up and, if you don't know the background, then you don't know the background but there's plenty of it there, which is why the Town Manager and the Harbor Master were in favor of dissolving the Commission.

6:15 PM Mr. Pomerleau moved, second by Mr. Hughes, to move the question

Roll Call Vote:

Mr. Donhauser – No
Mr. Murphy – No
Ms. Davis – Yes
Mr. Pomerleau – Yes
Mr. Hughes - Yes

Motion passed 3-2.

Ms. Davis called the roll call on the motion, which is to dissolve the Harbor Commission.

Ms. Adams called a point of order and was recognized by the Chair. She said that this is not on the SB's agenda; that the Town has no idea that the SB is dealing with this subject and she believes it is illegal; that she would like a legal opinion as to whether, or not, a decision that is nowhere on this agenda can be made.

Ms. Davis asked if the Town Manager could speak to that.

6:16 PM Mr. Lee said that, in his experience, he doesn't think there's anything illegal about it; that it may be politically difficult or unseemly, according to the comments the SB has heard, but he doesn't think there's anything illegal about it; that it doesn't help with the case of transparency, which he knows everyone is trying to improve.

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He added that he agreed this has been a long, long time in the making with lots of meetings trying to reconcile the issue.

Mr. Pomerleau clarified that a point of order can't be made by the public but can only be made by this Board. He added that the SB has complete authority and flexibility to amend an agenda anytime.

6:17 PM Ms. Adams said that we have an agenda and the public knows what's going to be discussed; that you have brought up a discussion that is not on the agenda; that if the PB had this, no way would they be able to talk about it because they can only talk about what's on the agenda. She added that you start talking about committee appointments and then you go into possibly dissolving a commission. She agreed it was all about transparency; that she didn't care if they'd talked about it 3,000 times but the public doesn't know you are discussing this tonight and going to make a decision on it and she thinks it is wrong of the SB to do it.

Mr. Donhauser asked if it would be appropriate to offer a motion to table the motion.

6:18 PM Ms. Davis said that our last successful motion was to move the question, which she believes means that we need to take a vote.

Ms. Lemire clarified that this vote was to dissolve the Harbor Commission.

Ms. Davis agreed.

Roll Call Vote:

Mr. Donhauser – No
Mr. Murphy – No
Ms. Davis – No
Mr. Pomerleau – Yes
Mr. Hughes - No

Vote was 1 for – 4 against and the motion fails.

This will be on the next regular agenda and the Harbor Commission members will be invited to attend.

H. Approval of Minutes of Previous Meeting(s)

6:22 PM Motion by Mr. Murphy, second by Mr. Hughes, to approve the minutes of April 13, 2017, as amended.

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Roll Call Vote:

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

Unanimous vote to approve motion.

6:33 PM Motion by Mr. Murphy, second by Mr. Hughes, to approve the minutes of May 11, 2017, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

6:35 PM Motion by Mr. Murphy, second by Mr. Hughes, to approve the workshop minutes of June 1, 2017, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

I. Public Works

6:36 PM 1) Road Striping Bids

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the request of the Public Works Department to award the road striping contract to vendor Poirier Guide Lines, Athol, MA per linear foot at \$0.072 for a lump sum cost of \$6,462.72.

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Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:39 PM 2) Crushing Bids

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the Public Works Department request for approval for crushing of recycled asphalt materials, awarding the contract to vendor N.E. Mobile Crushing, Chichester, NH at the rate of \$5.00 per yard.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:45 PM 3) Report/Option on DPW Vacation Buy-out

Mr. Lee said that the memo showed the difference in a buy-out now versus a future year; that it is minimal. He added that he met with the DPW Director and they have hammered out for him to take at least one of those remaining weeks that he can't otherwise seem to take. He said that we are probably still facing a 1-week buy-out and advised that, currently with the Public Works budget, there are sufficient funds to do that 1-week buy-out, now, and if he doesn't manage to get the rest of his time taken by the end of the calendar year, then that will be his issue. He added that, alternatively, we can go to the end of the calendar year and see if we can squeeze more than one week out but he had to twist Mr. Moulton's arm to get him a few more days out of here because he has a lot of projects lined up.

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the suggested one-week vacation buy-out before June 30, 2017 in the amount of \$2,072.16 for Mr. Moulton, Director of Public Works.

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DISCUSSION

Mr. Hughes said that we need to come up with a plan to avoid this in the future; that he can't believe there isn't somebody within the department that can't be delegated some of this responsibility so this man can take some time off.

Mr. Lentz said that this is a health and safety issue; that in the private industry where he was, if you had a situation like this where an individual was severely injured, there were severe consequences from the feds, etc.; that this is not a good thing.

6:49 PM Ms. Davis said that we have been through this before and, at the time, we suggested it not happen again. She added that, given the fact that there are still six months in the year for him to take his vacation, she highly recommends he take his vacation. She said that she thinks there needs to be a different operating procedure; that it's happened once and it shouldn't happen this time.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – No

Mr. Pomerleau – No

Mr. Hughes - Yes

Vote 3 for – 2 against and the motion passes.

J. Department Head/Committee Reports

6:50 PM 1) Appoint Officer William Kelloway

Mr. Lee said that Officer Kelloway is joining our police force in a part-time capacity; that he is also a part-time officer in Berwick. He added that he did previously work here, then went to Berwick and is now part-time there and wants to be part-time here; that we are short-handed because of a tragedy that took place.

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the appointment of William Kelloway as a part-time Police Officer, effective immediately.

Roll Call Vote:

Mr. Donhauser – Yes

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

Unanimous vote to approve motion.

6:53 PM 2) Appeal of Harbor Master Decision – Lee Emery (Hearing Date)

Mr. Lee said that Mr. Emery was notified that two of his moorings have been confirmed as unused under the old ordinance and Mr. Emery would like to appeal that decision to the SB. He added that we would have to set a hearing date when he could appear before you and make his argument that the Harbor Master's decision is in error.

After discussion, the Select Board agreed that this appeal hearing should be held on a separate date and was scheduled for July 10, 2017 at 7 PM.

NOTE: Mr. Donhauser will not be available on that date.

K. Administrative Department

7:05 PM 1) Town Manager Report

Mr. Lee said that what we have been working on administratively, and ready to post, are the Town of Eliot legal public notice requirements for the Planning Board and, then, the same sort of structure for the Town Select Board and what our various legal public notice requirements are. He thanked Ms. Pelletier for putting this together.

Mr. Murphy asked if we could simplify that by amending certain of those ordinances.

Mr. Lee agreed that, at some point, we really need to; that this is a discussion we have had every time a question comes up with regard to posting something; that we have to check two ordinances, a by-law, a policy, the Charter, State statute to find out what is governing because many of them do not talk to one another. He added that we will be posting it to the Town website.

Mr. Lentz said that we agreed that we certainly need to simplify and standardize some of those times; that public notice is public notice regardless of different situations.

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Mr. (Jay) Meyer said that he thought that was a great spreadsheet put together; that he does believe there are some things missing from it; that the submission for bringing application to the PB is not included and there has been discussion during PB meetings regarding computation of time, and that is a very vague presence.

7:09 PM Mr. Lee said that we did discuss the computation of time; that Attorney Saucier has been asked for his legal opinion regarding this and will be forthcoming.

Ms. Davis asked, regarding **Line 13**, if we had a solution to the ballot not matching the articles (newsletter).

Mr. Lee said that he re-formatted the newsletter template to reflect the proper order of warrant (questions) articles.

Ms. Davis said that something that bothers her is that, besides the Citizen's Option Meeting, we don't give residents the opportunity to vote 'no' on budget articles.

Ms. Rawski said that 'none of the above' is on every article.

Ms. Davis said that 'none of the above' flips it back to last year's budget, which is not the same thing as 'no'.

Ms. Rawski said that the Town Meeting Ordinance requires that it be written the way that it is written; that there is no provision in that ordinance to say 'no', to deny a budget entirely; that you either vote the selections given, whether it be SB, Budget Committee, or Citizen Option, or a combination of any of those three, or 'none of the above', which makes you revert back to the prior fiscal period budget.

7:13 PM Ms. Davis said that, if enough citizens don't come to the Citizen's Option Meeting, the Town is only giving you the option to take 'this' amount of money from you or 'that' amount of money from you but they will not give you the right to say 'zero'.

Ms. Rawski said that that was correct, per the ordinance; that the Town passed that ordinance that was presented by those that proposed it.

Mr. Pomerleau said that it would be very dramatic to defund a department and, in some instances, he doesn't think it would be legal because some services are mandated by State law. He added that, if there was a group of citizens that wanted to defund a department, then they have the option of a petition to bring that warrant article to the ballot. He said that it's just such an extraordinary question

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that the Town might actually defund one of its departments; that it may not be a department, it could be something else.

7:15 PM Ms. Davis said that it could be Stormwater, as an example, of something that could be potentially discretionary and what we're telling people is that they have no choice to say 'no'.

Mr. Pomerleau said that he thinks that's part of the composition of the form of government that you elect certain people to bring to them their judgements on what should be funded and what shouldn't be; and that's part of that legislative process that's delegated to the SB. He added that he just can't imagine that question being asked on every budget item.

Ms. (Donna) Murphy, Hansom Road, said that, using the Stormwater example, the Town citizens would, in fact, have the opportunity at the Citizen's Option Meeting to come forward and propose 'zero', so that option does exist for the Town.

Ms. Davis agreed to a degree but, as an individual citizen when you go in there, all you are given is the opportunity to say is that one wants you to take 'this' much or 'that' much; that you aren't given the opportunity, like with the bond issue, of saying 'no'.

7:17 PM Ms. Davis, addressing **Line 13**, discussed winter overages and liability of the inventory as it relates to LD1; that we could discuss this under Agenda Item K4.

Ms. Davis said, regarding **Line 31**, that Mr. Lee is receiving PPA's from solar vendors and asked if he was passing those along to the SB.

Mr. Lee clarified that we are still working on that internally with the committee; that we are not prepared to present anything but we are very, very close. He added that, today, he sent out a redacted comparative chart, (two columns, one had one vendor's last, best offer and the other column had the other vendor's last, best offer) to each of the two vendors asking them to confirm our understanding; that we are meeting next Wednesday and, then, to be in front of you on July 13th with a presentation.

7:18 PM Ms. Davis said that a consultant was desired by the Energy Commission, asking if it was decided that it wasn't worthy or we didn't have the money.

Mr. Lee said more like not worthy; that we have reached out to a bunch of other folks who are well versed in these things and we are kind of more trusting of their opinions on this than came with the other person.

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Ms. Davis said, regarding **Line 36**, Mr. Lee mentioned demolishing CPU's and asked for clarification.

Mr. Lee said that before we get rid of old computers, we want to destroy the hard drives.

7:19 PM Ms. Davis said, regarding **Line 38**, that we are spending quite a bit on 2-Way Communications for our computer work; that it greatly exceeds our bid requirement amounts per year and asked if we've considered bidding that work out.

Mr. Lee said that we have had a discussion regarding keeping 2-Way as our IT provider; that it hasn't been bid out since he was here; that we've stayed with them as it hasn't been an issue. He added that we had a collaboration meeting with Noble and MSAD #35 regarding sharing the tech team that supports the schools and, possibly, outsourcing to them as a collaborative effort to share in the costs the schools are already bearing; that we could see a reduced amount of what we pay per hour. He said that we could bid it out, if that was the Board's wish; that right now we are looking at a new way of doing this, collaboratively, and think would be much less expensive and, perhaps, faster.

Ms. Davis asked if we are waiting for you to come forward with a plan.

7:21 PM Mr. Lee said yes; that they said that, in about two weeks, we would have a proposal.

Ms. Davis asked for the status on Mr. Staples' fence.

Mr. Lee said that the next step is contempt of court; that he still hasn't moved the fence.

7:22 PM Ms. Davis asked, regarding **Line 117**, if that 2015 15% MEMA reimbursement was something Mr. Lee was going to put before us.

Mr. Lee said no; that we followed the existing policy; that all the labor portion drops through to fund balance and all the trucks and equipment portion stays in capital reserve.

7:23 PM **a. Financial Report**

Mr. Lee said that the auditor, last year, said that appropriated amounts for capital improvement projects should not drop through to fund balance because they were appropriated and need to be expended for that purpose, similar to many discussions in the past about raising money for one pretext and, then, it gets

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treated as overlay and goes through to fund balance. He added that the hand-written memo the SB has is a list of 2016/2017 appropriations that either need to be dropped through to reserve or we are requesting they be carried forward for use in the coming fiscal year. He explained that, when it goes into the reserve, it still has to be re-appropriated by the voters for a different purpose and we are trying to build the full comprehensive improvement plan, which is going to be fairly startling how far behind he thinks we are on all these capital assets. He used the tennis courts as an example for this request, explaining that they tried to bid this out last fall, it got carried forward and, by the time it was approved by the SB, the schedule for the vendor doing the work is such that he isn't starting here until July 6th; so, the invoice is going to come after June 30th but we will still need the revenue to be carried forward to allow us to spend it in a future fiscal year. He said that, in managing towns over 25 years, this is a very common practice; that he thinks it is consistent with our policies and doesn't think it is inconsistent with the idea of transparency; that it is fiscally responsible to put that money back in reserves so we don't have to raise it from them again.

7:32 PM Ms. Davis asked if we had an audit for fiscal year end 2016.

Mr. Lee said yes; that the hard copies are en route. He added that it was a slow process; that they are trying to get everything into Fund 1 and there was one number issue that had to be resolved. Regarding the motion to approve, the list could be added to the minutes and the motion could talk of reserves and carry-forwards in general.

7:33 PM Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the handling of year-end appropriations for the 2016/2017 year on this list of eleven items, which go back into reserve, and four items, which have the amounts rolled forward for continued use.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:35 PM **b. Sewer Financial Report**

Mr. Lee said that, with the end of the year coming up, we did not get to this.

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Ms. Davis said that when we get to this we need to make a comparison with the rate study and the projections made by Underwood Engineering; that she would like to see a comparison of where we are at versus where they projected we should be.

7:36 PM Mr. Lee said that we are in the process of working on all those things and that the next time we talk about sewer it will be in-depth.

Ms. Davis said that she would like to see a real clear breakdown between operational costs, payment of the bond, and reserve account for future repairs.

Mr. Hughes asked how Mr. Lee was coming up with these amounts, what document dictates where this money is coming from and what it can be spent on; that he is coming up with numbers that are wildly different than these.

Mr. Lee said that we could clarify that in the morning with the Finance Director.

7:42 PM **c. 2018-19 Budget Calendar**

This is informational.

There was discussion regarding the possible need to rearrange January dates with the Budget Committee. Ms. (Donna) Murphy, Budget Chair, will mark it up and give to Mr. Lee.

7:43 PM **2) Town Office Hours**

Mr. Lee discussed having consistent hours throughout the Town Office; that we hear from people all the time their frustration coming in and having part of the office open and, then, they can't see the Clerk; also some concern from staff who really object to being left here alone, rightly so. He added that his thought was to follow the traffic and the traffic is what goes in the Clerk's Office; that it still requires the 40 hours and the only change, really, is Monday with 8AM to 10AM being optional to get part of the 40 hours. He said that this is a minor change but it does make everybody consistent; that when you come down to the Town Office everybody needs to be here; that we are all over the place and it isn't fair to customers. He added that he wanted to have us all here, available to the public for one set of hours that they can all rely on. He also added that the Charter says that the Town Manager will set hours for the staff; that he thinks it's also up to the SB but he thinks it makes sense.

7:48 PM Mr. Hughes said that it seemed to him that these hours don't include the lunch break.

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Mr. Lee said that the staff has 2½ hours a week for unpaid lunch breaks and would have to go 42½ hours; that all staff is aware of this.

7:49 PM Ms. (Donna) Murphy asked if there was any State law that requires staff to take that half hour break.

Mr. Lee said yes; that he wants to change the payroll sheets so that people do have to put down that they did take their half hour for lunch.

Ms. Davis asked how we are rectifying the 8-hour holiday pay versus the 6.5-hour workday (Friday).

7:51 PM Ms. Albertson clarified that we don't have that many Friday holidays but, if that was the case, then one would just have to adjust throughout the week or one would have to use their own personal time if it wasn't adjusted.

Ms. Rawski agreed, saying that that is how they currently do it; that everyone has 40 hours regardless of if it is 6.5 on Friday or 10 on Wednesday.

Mr. Lee said that he was going to make sure that everyone works 40 hours and has a half-hour unpaid lunch break, reiterating that he felt it was important we have consistent hours that people can rely on.

Mr. Pomerleau said that it is a fine line you have to deal with in providing citizen customer service and efficiency; that he thinks Mr. Lee has a good scheme giving staff some flexibility to accomplish that without a major detrimental effect on the public.

7:57 PM **3) Change in 2 Job Descriptions**

Mr. Lee said that he wanted to advise the SB that it is his intent to change the title of two positions – one that is currently known as the Administrative Secretary, changing that title to Executive Assistant, as she is the assistant to the executive office, if you will; that the other is changing Ms. Pelletier's title to Planner. He added that, per Charter, he thinks those are decisions of the Personnel Director, and he knows that some people object to that but he thinks it falls within his purview to make that call.

Ms. Davis said that Planner is a pretty substantive change; that she looked up quite a few job descriptions for Planner and she would consider it a policy change for the Town to go from Assistant to the Planning Board to a full-blown Planner, and looking for the qualifications that would be required for that job; that she isn't sure we can go from here to there.

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7:58 PM Mr. Lee said that it says that the Town Manager shall maintain job descriptions for all Town of Eliot employees, as well as qualifications required by State law. All departments and offices shall be administered by a department head appointed by the Town Manager and subject to the direction and supervision of the Town Manager. The Town Manager shall serve as Personnel Director. He added that it seems to him that job descriptions go with the Personnel Director; that he would be happy to get a legal opinion, if it pleased the SB.

Mr. Pomerleau said that Mr. Lee may have to because he doesn't agree with him; that he didn't know that, in the end, it should really matter who has the authority; that he thinks that is something both the Town Manager and SB should be working together and agreeing on. He added that he agreed with the Chairman that you are making significant changes; that this is not maintenance of the personnel system.

Mr. Lee said that he didn't believe it was significant.

8:00 PM Mr. Pomerleau said that, if you look at the powers and duties of the SB, it specifies create change, abolish offices, departments, committees, etc.; that there is no such authority under the general management job description and the only thing that refers to there that the Town Manager may make recommendations to the SB for the more efficient legal and appropriate operation of the municipality. He added that he thinks there's a big difference between the role of a personnel manager maintaining the personnel system and staying abreast of labor law changes, etc. and that this comes in under changing positions, as far as he was concerned, changing a department, changing structure; that it affects the budget, what the voters are going to have before them; that he doesn't agree that that is Mr. Lee's authority. He said that, on the two positions when we get to them, he thinks the question is whether we need a full-time Planner; that he isn't adverse to that or the executive secretary position but he definitely thinks that, if we're going to pay a professional planner, we should have a professional planner. He added that, in most instances, the majority of the time they come with a master's degree; that a bachelor's degree in planning and a minimum of so many years of actual doing planning. He said that, if we are going to have a full-time planner and pay for a planner-level position, then we should get a totally qualified planner.

8:02 PM Mr. Lee said that he disagreed; that he has worked in municipal government for 25 years; that he has seen planners and knows what they do; that our pay consultant came in and said this job description is that of a planner. He added that the SB didn't want to listen, there, but he does think this falls within his purview and he would like to seek approval to get clarification from an attorney as to where we stand about changing titles.

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Mr. Pomerleau said that he wouldn't disagree that the Assistant to the Planning Board, today, does many functions that would fall into the job description of a planner but there are certain aspects of a professional planner that she does not do; that that is where the educational requirements come in, as far as projections, impact studies, etc.; that there are all kinds of sophisticated software and financial projections that planning people do that's not being done here today; that that's why it comes with educational requirements and that's why the majority of them that you find come with master's degrees, because they elevate themselves to that level of sophistication with an education.

8:03 PM Mr. Lee asked in a one-person department.

Ms. Davis said yes; that if you are saying that the job is being done, then you need to justify that. She added that what you've come with here, tonight, is a job description that doesn't compare to other towns that have planners and what their job descriptions say. She said that, rather than a legal opinion, she thinks it would behoove Mr. Lee to work with us if we have a feeling...and we discussed this several weeks ago, that we would be looking at the compensation study and looking at job descriptions at that time; that this sort of pre-empts that final discussion about where we're going here. She added that it also has a monetary impact about minimum requirements for the job, what the Town wants, what the Town is willing to pay for; that these are all things we need to work out and do an impact study on.

8:04 PM Mr. Lee said that, if there is a valid reason for not changing it, it must be financial, in his opinion.

Ms. Davis said that it was partly financial but there is no justification here; particularly no comparison with other towns and what's being done. She added that, at the very minimum, Mr. Lee needs to come in here with a comparison and a checklist that says this is what we are doing and this is why we feel that it needs to go there; that he needs to have more than this.

8:05 PM Mr. Murphy said that he hasn't studied these sufficiently to make a final opinion on this. He added that he thinks that some of the expressions by our Chairperson and Mr. Pomerleau are valid; that he would like our Town Planner position be equivalent to a planner position in other towns and, if it isn't, then maybe we should rethink the name of this position. He said that he wants to study this and think about it more before coming to a final position.

Mr. Pomerleau said that, if the SB would like, he has current postings of planner positions – an associate planner in the City of Lebanon, NH, a town planner in New Gloucester, a current position for planner in Portsmouth; that there's a recent article about an assistant planner that was hired three years ago that just got laid

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off; that what was impressive about him is that he had two master's degrees; and then this American Institute of Certified Planners description of a city planner and he made copies for everybody to look at so that when we consider what a planner does and what the requirements ought to be, educationally and so forth, we have some substance to it.

8:06 PM Mr. Lee said that he thought the towns we were comparable to were South Berwick, North Berwick, and Berwick.

Mr. Pomerleau said that these were just general descriptions of what planners do.

Mr. Lee said that we are not a city, not the City of Portsmouth; that he has worked with planners a long time and she does a lot of what planners do; that he doesn't know why Mr. Pomerleau thinks she does not do what planners do.

Mr. Pomerleau said the planning part.

Mr. Lee said that part of it is a matter of how many staff we have for the planning department; that we have a staff and she hasn't got time to do forecasting and modelling. He asked if 16 years equivalent experience counted towards a degree.

Mr. Pomerleau said that Mr. Lee wants to pay a planner-level competitive wages.

Mr. Lee said that he wasn't talking about changing wages.

Mr. Pomerleau said that we already know from the study that wages that were compared to were compared to full-time planners.

Mr. Lee said that that was because the consultant felt she was a full-time planner.

8:07 PM **4) LD1 Post-election Budget Reductions - \$26,762**

Mr. Lee discussed the list of potential cuts in Capital Improvements, General Assistance, and Social Services categories, which gets us to \$26,800.

Ms. Davis said that we had discussed some potential left-over money from the Stormwater account in the neighborhood of \$12,670; that she thought that could be used to put against revenue to reduce.

Mr. Lee said that we can check on what that Stormwater balance looks like; that that would be an additional carry-forward as a revenue into the following year to reduce the tax burden per the LD1.

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Ms. Davis suggested Mr. Lee discuss with Mr. Hughes or Mr. Donhauser the accrued liability and inventory, as we are having issues with that snow overage, and we need to make sure we've got that fixed. She asked SB members to look in the budget to see if they can find any other items that they could suggest could come out.

8:13 PM 5) Next Steps – Fact Finder Report/Planning Board – No Correspondence

Ms. Davis said that she has been dealing with that and it is in process; that potentially we could hear something by the next meeting.

L. Old Business:

8:14 PM Mr. Lee reminded the SB that, a week from tonight at 5:30PM, we are having a workshop to start discussing the Compensation Study; that he will forward any new documents to the SB.

M. New Business:

8:15 PM Mr. Lee said that most have asked for July 3rd off; that we would like to request that we close the Town Office on July 3rd.

The Select Board **agreed by consensus** to close the Town Office on July 3, 2017.

8:17 PM Mr. Lee said that he had a quit claim deed for Mark Phillips and he needs the SB to sign this in the presence of the Town Clerk.

Ms. Rawski witnessed the SB members' signature on the quit claim deed to Mark Phillips.

N. Selectmen's Report:

There were no Selectmen's reports tonight.

O. Committee Vacancy Report

This was not discussed.

P. Executive Session

There was no executive session.

Q. Adjourn

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There was a motion and second to adjourn the meeting at 8:20 PM.

VOTE

5-0

Chair votes in the affirmative

DATE: August, 24, 2017

S/ Mr. Richard Donhauser, Secretary