

## **SELECT BOARD MEETING**

**July 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, Mr. Hughes, and Mr. Donhauser.

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Comment**

#### **1) Bill Barrett Complaint – No Correspondence**

**5:31 PM** Mr. Barrett, 19 Spinney Creek Road, said that where he lives is part of the Woodlawn Acres Subdivision established in 1942, with approximately 70 homes. He explained that, at that time, the sewer system put in consisted of manholes and sewer mains going into two large septic systems. He said that that system ended in 1987 when we went into the new sewer system; that it is his understanding that, now, they are using the sewer system as a storm drainage system. He added that the problem is that the line that was plumbed out, when they used it as a sewer system, is right next to his home and the pine trees that have grown into that thing have not only pulled the line but he's sure it's broken. He said that he had a foundation drain put in, in 2001, around the front, side, and back of his home that drains out to the back of his yard. He added that he noticed some excessive water, probably in 2012 or 2013, coming out of that line and he thinks that's when they started using that system as a storm drainage system; that he checked the manhole out next to his house and it had standing water in the channel, meaning that the line wasn't draining. He added that, at that time, he contacted Mr. Moulton for the second time; that we actually took care of it in 2014 but, in 2015, he contacted him again to tell him the line was plugged up; that he met with Mr. Moulton a couple of times, talked with him quite a few times, and the last time he met with Mr. Moulton was last year in March, with the Town Manager, and we discussed what could be done. He said that Mr. Moulton didn't believe that water was coming into his drain from the busted line; that he told him he could put some dye in the manhole, put some water in it, and he could see it come out the end of his pipe; that Mr. Moulton said that that was a good idea but he's never done it. He explained that, right now, there's nothing being done; that he has been waiting two years, now, since July 2015 and, right now, he's got storm drainage water coming in around his foundation, going through his foundation drain line, and emptying into his back yard and he wants it stopped. He said that he doesn't think he has to put up with storm drainage water emptying around his home and going into his land; that it needs to be replaced or repaired; that he doesn't care which

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but he's not getting anything done working with Mr. Moulton and that's why he is in front of the SB tonight.

**5:34 PM** Mr. Murphy asked Mr. Barrett if he had a cellar and if the water was going into the cellar.

Mr. Barrett said that his cellar doesn't have a drain but many of the homes now do; that he put in a pump sump in the 1970's that pumps out any water that comes in around the foundation; that prior to him putting a foundation drain in, he got a lot of water in there, especially if the line was plugged but, after putting in that drain, it worked pretty well and was pretty well dried up; that normally it doesn't get that much water through it. He added that he can see, in the rain, there is a lot of water coming down through that old sewer system and it's coming right down into his back yard. He said that, in fact, one corner of the house is all brown, and stuff like that, when there's a lot of water going, so there's a lot of water coming up. He added that the foundations are nothing but cinder blocks down there and a lot of them have leaks in their foundations. He said that he's done all he can; that he even had a contractor dig up one of the lines, cap it, cut it, plug it, just to make sure nothing was coming from his old line into it; that the old is still hooked up; that there are five houses down in that area that didn't get hooked up to the new sewer system because, when they put the new sewer system in, they put it in too high.

**5:35 PM** Mr. Murphy asked if they were not connected to it, now, at all.

Mr. Barrett said that they are hooked up to it, yes, but what we had to do was run the line into the house about 1½ feet off the floor and, then, re-do the plumbing coming down and hook up to that; that he is one of the five houses that had to have it re-plumbed. He added that the five houses still have their old lines going into that sewer system; that he's the first one, whenever it plugs up, to know the line is plugged up.

With discussion, it was clarified that the old system has become storm drainage.

**5:37 PM** Mr. Hughes asked him what the source of the water was going into his basement – is it stormwater when there's a lot of rain, is it the faulty pipes.

Mr. Barrett said no; that any time it rains, you're going to get stormwater.

Mr. Hughes said that he didn't understand how it was getting in the basement.

Mr. Pomerleau said that he didn't say it was getting into his basement; it's flooding his property.

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Mr. Barrett agreed, saying there was very little getting into the cellar because it's going into foundation drain piping that he put in and running out into the back yard. He added that he has the experience of it coming into his cellar; that he wasn't in his house 6 months when the laundry drains downstairs were overflowing with sewerage; that he had to put a check valve in the laundry tub line so it didn't come up into his tubs and overflow. He said that he thought that, once they went to the new sewer system, he would be done with problems; that he took the sinks out; that he didn't want anything to do with this whole system; that he cemented over that whole area and he never knew where the cellar drain was; that the people before him had that problem. He reiterated that, now, he has storm drainage water coming in around the outside foundation drain and it's running into the back yard and he shouldn't have to put up with that.

**5:39 PM** Mr. Murphy said that he thought we should definitely notify Mr. Moulton that there is a problem, there, and he'll have to look into it.

Mr. Barrett said that nobody's come down; that that's the problem, nobody comes down to lift the manhole cover up; that he's 82 years old and he's not going out to lift any more manhole covers; that he got a couple of his sons to help him out and a couple of neighbors that would go down and lift the manhole covers up to see what's going on but nobody's showed up from the Town for the past two years; that December 2014 was the last time they were down there for a complaint and they went through about a 3/4-inch high pressure line, and punched a hole through that tangle, there, and got the water running.

**5:40 PM** Ms. Davis asked if the SB was in agreement that she would send an email to the Town Manager and ask Mr. Moulton to investigate this and report back to us.

Ms. Davis asked if there was anyone from the audience that wished to speak to anything that is not on tonight's agenda.

There was no one.

**F. FY 2015-2016 Audit Presentation – Chris Bachman**

**5:41 PM** Mr. Bachman discussed Schedule 1, which talks about the general fund and the general operation of the Town, what you are budgeted to take in for inflows, resources, and what you plan on spending for outflows. He added that your budgetary fund balance was \$1.906 at the start of the year (July 2015); that the first column is the original budget, any adjustments you made throughout the year, and the third column was what was actually collected throughout the year. He added that the last column is the variance, either positive or negative.

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**5:43 PM** Ms. Davis said that, normally, we plan for an overlay amount and this naturally exceeds what we calculated for overlay, asking him to explain where some of the additional funding came from; that it looks like it's up by a little over \$500,000.

Mr. Bachman said that, technically, overlay is a budgetary expense and would be on the expenses side; that excise tax was, by far, your biggest - \$223,000 – and some of your expense lines came in under budget, as well. He added that the next couple of pages give more detail for expenses, broken down by department.

**5:44 PM** Mr. Hughes asked why it took so long to get the audit done this year.

Mr. Bachman said that there was much discussion last year concerning a stormwater project; that there couldn't be any finalized numbers before whether the stormwater project had been properly accounted for and there was a lot of back and forth on making that decision of a final determination.

Mr. Hughes asked if it was an accounting issue.

Mr. Bachman said that it was more of a budgetary issue that the votes were approved for four or five different articles to do four or five different projects within Public Works; one being the storm drain or stormwater project but it was a very large project and, when it got budgeted by the estimate, the quotations from the general contractors came in much higher; so, there was a lot of discussion going back and forth throughout the year about who was going to do the project; that they revised the project scope and they re-bid the project; that the Public Works Department did some of the project and there was a lot of discussion on should that have been on the Public Works budget or on the stormwater project; that it got approved for 'this' much and completed for 'this' much, Public Works did some of that, so was that stormwater project overspent; that we finally came to the conclusion that it was not. He said, again, that there was a lot of discussion throughout the year that Public Works would take care of some of that.

**5:46 PM** Mr. Hughes said that we go through this most every time we do a budget – one can reduce the overall budget cost by having his (PW Department) people do it – and what Mr. Bachman is saying is that assigning that cost to that project is the accounting issue that held this up.

Mr. Bachman said that we didn't think so; that we thought it fell under the Public Works scope of their work; that he's not a Public Works person and doesn't understand drainage, and all of that, but he understands that, when you have that big equipment down there and you're fixing stormwater lines or runoff, that you can also take 'this' tree down that you need to; that, in that whole Public Works scope of work, some of that was for the drain projects, some was in the scope of the Public Works operation.

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**5:47 PM** Ms. Davis said that we had a problem in Park Street two years back but last year was Phase I of Pleasant Street and she doesn't believe we've had very many problems with that. She asked if there were any other hold-ups on finishing the audit.

Mr. Bachman said that it was the final determinant where you would like these expenses. He added that there was his opinion, he thinks there was legal opinion; that the project was two years ago but that was this audit.

Mr. Hughes asked if we had any glaring internal control issues.

Mr. Bachman said not at all.

Mr. Hughes asked if fund balances were in good shape.

Mr. Bachman said that your fund balance at end-of-year was \$2.425 (million); that your budget is roughly \$15.6 million; that about 15% - about 55 days operation – he thinks you are shooting for 60 days.

**5:48 PM** Ms. Davis said that something we haven't actually finalized, she thought, but have talked about when we were doing LD1 subtractions, was that we never took into account the inventory situation. She asked if Mr. Hughes knew where we stood with that.

Mr. Hughes said that that was an issue that won't be resolved until the end of next year when we see whether we are over our expense and what amount of salt we have in inventory. He added that if we have less in inventory at the end of June 2018, then we will have a hit to the expenses; that if we have more, it will be positive in terms of LD1.

Ms. Davis asked how, at that point in time, will we be able to resolve that so that we aren't exceeding LD1; also asking what kind of adjustments need to be made.

Mr. Hughes said that it depends on how bad a winter we have, really.

**5:49 PM** Ms. Davis asked, if we use a lot of salt, how do we take up the difference. She asked if the department has to be under-budget, under-spending, to make up that difference.

Mr. Bachman said that he heard two different questions - specifically, a departmental winter-sand-salt budget, and how does that single budget affect an LD1 calculation; that he doesn't think there's a cause-and-effect between the salt inventory and an LD1 calculation.

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**5:50 PM** Ms. Davis said that it was mentioned, when we were doing the LD1 discussions, that that might somehow push us over, asking if Ms. Bergeron could explain that.

Ms. Bergeron said that snow is one of the two budgets that can be over-expended, so, we have up to 15% over the original budgeted amount, which does not factor into LD1; that that is separate from the LD1 overage because, if you were held to LD1 on every single article, then there wouldn't be any articles that you could have over-expended. She added that she believed that, even with the inventory for salt, as long as we watch our expenses and mindful of that number, we're not into an LD1 issue with being over.

**5:51 PM** Mr. Hughes said that it only affects it if you go over 15%.

Mr. Bachman said that that is not an LD1 restriction, it's a budget restriction.

Ms. Bergeron said that, while we have to be mindful of the 15% and the inventory item, which is now going to be an expense in this budget, it is not going to impact the LD1, so we aren't going to be "in violation" of LD1.

**5:52 PM** Mr. Pomerleau said that an audit is a post-mortem on Town spending and what Mr. Bachman is saying is that the Town didn't have the final numbers ready for him to finalize.

Mr. Bachman said that he thinks that's a harsh, broad stroke; that the final numbers were there but it was more the chemistry of where they were going to be; that there was a lot of discussion that, at the end of the year, of here is what we had in stormwater but there was discussion about Public Works doing ditching 'here', etc., and why isn't that in this project; that it wasn't that we were missing the numbers, it was where did they want to put them and which article of the budget would they have gotten voted on.

**5:53 PM** Mr. Pomerleau said that that was not the auditor's role but the Town's administration; that the Town has to have that decision done for Mr. Bachman to come in and finalize the number; that Mr. Bachman is not part of that decision.

Mr. Bachman said that we gave our opinion; that it was an opinion that we do, we read the minutes, we went through the discussion, gave our opinion, nothing was done wrong; that there were other opinions gathered and it was where would you like it; that nothing changed on the bottom line.

**5:54 PM** Ms. (Donna) Murphy asked, from the time that the Town gives the final numbers, how long does it take to complete the final audit.

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Mr. Bachman said that he's on-site, here, for approximately a week; that there's probably another week back in the office; that there are technical and quality reviews that happen, confirmations that come back, and that's usually legal, insurance, bank, the standard stuff; that it's a 60 – 90 day process from start to finish.

Ms. (Donna) Murphy said that using that time period would have been equal before the Town would have given you the final numbers for last year.

Mr. Bachman said no; that he was here in the fall, had done the audit, had given preliminary schedules – a short report, a draft copy – and there were more discussions; that they had questions regarding the stormwater project and should this money be moved up because it was obviously Public Works that had done part of the scope of this project.

**5:55 PM** Ms. (Donna) Murphy said that, looking at Schedule B, the last line is fuel assistance and asked Mr. Bachman to clarify what that was.

Mr. Bachman said that there's a Town fuel assistance that residents of the Town donate money to the Town for the Town to give assistance to local residents that possibly don't qualify under the State.

Ms. (Donna) Murphy asked if that was appropriate to put in here; that it was actually not a Town account, it was not created by the Town but created by some staff and the Administrative Office so it doesn't show up anywhere in the budget.

Mr. Bachman said that the Town maintains it and does all the accounting for it, and that's why it's included. He asked if there was a better place to put it.

**5:57 PM** Ms. (Donna) Murphy said that, in that sense, anyone could create an account and call it a Town account, and it would need to be included here; that it shows up nowhere in the budget because it is not a Town account.

Mr. Bachman said that it doesn't show up anywhere on the system, either; that it's off the books, to use that.

Ms. (Donna) Murphy asked if, in that case, it would be appropriate to be including any audit for the Town when, in fact, it's not a Town account.

Mr. Bachman said that he thinks the Town has the care and custody of it; that we can move it to a different part of the audit but he thinks it's fair to include it in the Town's audit. He added that there is separate accounting during the year and there are separate controls for that process.

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**5:58 PM** Mr. Donhauser said that he believed that, once the Town receives the money in any form, it has a fiduciary responsibility to account for it; that it has to be put somewhere, and can't be left off, so Mr. Bachman chose to put it in Schedule B; that it shows a budget adjustment because there was no original budget.

Mr. Bachman said that there was no original budget because there was no vote on it.

Mr. Donhauser agreed, reiterating that the Town had a fiduciary responsibility, once we receive any money, to report upon that money and how it's expended.

Mr. Murphy said that these are donations from the civilians to support this use and they are entrusted to the Town to administer it; that it is a Town administrative fund and the Town watches those funds. He added that he thinks it is a Town fund contributed to by donations from the citizens, the taxpayers.

**5:59 PM** Ms. Davis said that she thinks the confusion may come in in that it's not part of the actual budget.

Mr. Donhauser said that he had a couple of questions regarding Note 3 Inter-fund Receivables and Payables. He asked if those inter-fund receivables and payables actually recorded on the accounting system.

Mr. Bachman said yes.

Mr. Donhauser said that one receivable...the TIF, apparently, advanced money somehow because it has a receivable of \$536,000 and the offsetting payable appears to be the general fund so it looks like the general fund owes the TIF fund; that it's probably the movement of the cash after the taxes are received. He asked why there would be such a large balance, as it would seem to him that you could move at least half of that during mid-year because taxes are received twice a year. He added that the money is not getting out of the general fund checking account into the investment account for the TIF account, which would raise the question regarding the interest lost to the TIF fund as a result of the cash not being in the TIF fund; that it would seem to him that we'd want to move the money into the TIF account, as it is a rather large sum of money, rather than leaving it sit until the end of the year; that he thinks some computation should be made on interest that should have been accrued on the \$500,000.

**6:01 PM** Mr. Bachman agreed, saying we don't calculate any lost interest on that money; that it's a timing issue that the money wasn't there in June, but it was there in July.



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Mr. Donhauser said that, during the year, taxes are collected twice so at least half of that should have been transferred before the end of the year.

Mr. Bachman didn't disagree.

Mr. Donhauser said that he was more directing this to our accounting staff that we need to transfer the money more timely; that it's easy to forget once it is in the general fund.

**6:03 PM** Mr. Murphy said he thinks there were monies from previous years that had not been transferred and why it seemed to be so much, this time, being transferred; that he thinks they've finally caught up.

Mr. Bachman said that we have kind of walked away from doing all this trading of the cash and letting the system handle a lot of these automatic entries.

Mr. Donhauser said that there was Footnote #4 regarding cash being insured by FDIC and how quickly one can get over the amount insured and, then, you can be uninsured if the bank fails; that what you need to do is have them moved into these investment accounts, which are collateralized in a different way and also leads you to believe you need to transfer the money more quickly.

Mr. Bachman agreed, saying that we've worked the past three or four years to change everything around; that it's been an education and a joy to work with the staff in how the interaction of that goes and let the system compute the balance, not the bank. He added that he would love to get down to one bank account and not have to deal with this trading back and forth.

**6:06 PM** Ms. Davis asked if Mr. Bachman had any recommendations on things we need to improve on.

Mr. Bachman said that you've gone to a Charter so there is more formal documentation, a more formal process, certified budgets have to be posted, so, you are going in the right direction; that there's a formal fund balance policy. He added that it's trying to simplify the day-to-day and let the system do a lot more work and not transfer money manually; that we need to get away from that.

Ms. Davis said that it sounds like we are in pretty good shape.

**6:07 PM** Mr. Bachman agreed that you are definitely going in the right direction; that progress has certainly been made.

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Ms. Davis said that she can make a note here, too, to speak with the Town Manager regrading TIF transfers and whether we might want to go to a biannual transfer of those funds, asking if there was anything to impede that.

Mr. Bachman said that there's nothing to impede it; that once the commitment is made, you can make that transfer any time you want for the full amount, if you'd like. He added that you would then get into a cash flow discussion regarding timing against, for example, the school payments.

**G. Approval of Minutes of Previous Meeting(s)**

**6:13 PM** Motion by Mr. Murphy, seconded by Mr. Hughes, to approve the Appeal of the Harbor Master minutes of July 10, 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.**

**H. Public Works**

**6:14 PM Road Damage Reimbursement – Worcester Road**

Ms. Davis said that some damage was done on Worster Road; that normally the companies are bonded and they pay for any damage; that, apparently, the Public Works Director has received a check for \$15,515, which will be added to this year's paving and money used to repair that section of Worster Road. She added that she would confirm that with the Town Manager but she believes that's where we are at. She asked if there were any comments.

There was discussion regarding whether proper accounting procedures were being followed and whether this was being added to an already-approved budget.

Ms. Davis will clarify with the Town Manager.

**I. Department Head/Committee Reports**

**6:20 PM 1) Barrington Power Purchase Agreement for Solar Array**

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Ms. Davis said that there was one item in this agreement that will not serve the Town well and, therefore, she can't approve this agreement; that the future of net metering is in some jeopardy at the end of a 15-year grandfathering plan. She added that Mr. Hughes had run some calculations on, if we own the system, it looks as though a change in the net metering will not have an entirely negative affect on the Town and would be able to make a profit, even though less of a profit, by owning the system. She added that, if the Town opts not to purchase the system and we have to go into 10 years at the end of the 25 years without knowing where net metering is going, potentially we could be upside down with this agreement. She said that a letter was sent by Mr. Ed Henningsen to Barrington Power to ask them if they would negotiate this item and their response was, "I'm sorry but our last offer was our last offer." She explained that she ran some numbers; that, if net metering was to be reduced by 25% at the end of 15 years, the Town would break even, and that's assuming 100% efficiency and no unforeseen associated costs; that if net metering is reduced by 50% and the rate goes up to 15 cents per kilowatt hour, as an example, the Town could actually end up paying \$30,000 when, if we had just stayed with CMP, the amount would be \$24,750. She added that that is just one situation where we could end up in a very unfavorable position for a span of 10 years. She said that she was curious to see what would happen if the price of a kilowatt hour went up and ran some numbers; that she thinks Mr. Henningsen thinks that, if that price goes up, we would be in a better position with the lease; however, if that price goes up to 50 cents/kwh (example), the calculations meant that the Town would pay CMP \$82,500 for 165,000 kwh; that we would receive a 12.5% discount from Barrington Power, which would result in a credit of \$10,312. She added that, however, under the Town's agreement with Barrington Power, the Town would have to pay them for a full generation at the reduced price and the amount would be \$72,187; that if our net metering were to be reduced by 50%, we would only receive a credit of \$41,250. She said that the bottom line is that if we purchased our power from CMP, the bill would be \$82,500; that if we have the solar panels and net metering is reduced by 50%, we'd be paying \$103,000. She added that unless Barrington Power was willing to negotiate the potential for a net metering problem, she doesn't believe we should enter into this agreement at this time.

**6:24 PM** Mr. Murphy suggested the SB have another meeting with the Town Manager and Mr. Henningsen.

Mr. Hughes said that the issue is that Barrington Power does not want to move that 10.5 cents, period; that our breakeven is 12 cents and, if CMP goes below 12 cents, then we are losing money. He added that, right now, we are at 12.51 cents and, since 2013, it hasn't been over 12 cents more than six or seven months. He added that the pro forma that was given to us by the Conservation Committee projecting CMP's annual rate increases of 1½ % is probably a bit aggressive; that he just can't see that happening, especially when they don't have control over

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what the delivery rate is going to be, which is governed by the PUC. He said that it boils down to whether we think the Town will vote to purchase the system at the end of six years. He added that the Town voted 3-1 to put in the system at no cost and look at purchasing it after year six; that he didn't know how we should feel about what probability of the Town voting this for us to set a bond issue of approximately \$150,000 in principle, payable out over seven years; whether, or not, our budget can afford it, whether the voters are going to want to do it, and the reluctance of Barrington Power to move off the dime on that 10.5 cents. He said that, if we choose to do this and the Town says they don't want to buy it and we stay with the full lease program, we stand to pay a lot more money out than we would if we stayed right where we are.

**6:26 PM** Ms. Davis agreed.

Mr. Tessier said that, at one of the presentations, the Energy Commission suggested/proposed the taking the savings we would get and putting that into an account, asking if the SB had any idea how long that would take to buy the system.

Mr. Hughes said that, at the end of fifteen years, we would have about \$30,000 or \$40,000 saved; that it isn't until we buy it that we have any significant savings where we get credited more from CMP than we have to pay Barrington Power; that the savings would be about a third of the total financing cost of purchasing the array at fair market value.

Ms. Davis asked, regardless of what this email says, if the SB would like for her and Mr. Hughes to continue speaking with the Energy Commission and talking with Barrington Power to see what we can do to move this in the right direction.

Mr. Murphy said that he didn't think we should kill it right here.

Mr. Hughes agreed; that there has to be some more discussion because, if they don't want to have some concession on that 10.5 cents, then we really shouldn't do this deal.

**6:29 PM** Mr. Pomerleau said that our first obligation, as a Board, is to look out for the general benefits of the Town's taxpayers' money and to move forward with some degree of probability that we are doing something that's in their best interest; that, if there is any sense of uncertainty or reluctance to that, we should not do so. He added that this is very complicated and the difficulty is that a lot of it is pure speculation as to what will happen in the future. He added that, if it was his personal money, he would not rely on his limited understanding and knowledge to spend that money; that he would ask a professional consultant on whether this was a good deal; that there are enough questions and doubts, here, and he doesn't

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know if we are capable to make the right decision. He said that, if there any doubt about that, he didn't think we should move forward.

**6:30 PM** Mr. Murphy said that he thought we need to get people back together again, Mr. Henningsen and others who are used to thinking in these terms; that he may say we are neglecting 'this' or we've turned 'that' upside down and he isn't in a position to say that; and we need to involve Mr. Lee.

Ms. Davis said that she could speak with Mr. Lee, asking if, as a SB, you want her and Mr. Hughes to keep going with this and pull something together.

Mr. Murphy said yes, the SB should...yes.

Ms. Davis said that she would talk with Mr. Lee about that, as well.

Mr. Hughes said that he calculated the early buy-out down to as low as a ¼ % increase in CMP's rate, which is next to nothing, actually, versus the 1½ that was in our package; so, a .0025 rate increase for 25 years was still a good deal but the system has to be bought to make it worth it or there is some change in the lease program.

**6:32 PM      2) Eliot Harbor Committee – Draft By-laws**

Mr. Murphy said that, under Article 3 Organizations 3.3 Memberships and Terms, we have subparagraphs A and B and he suggested that there should be an additional subparagraph 'C Resignations – shall be submitted or forwarded to the Select Board and shall become effective upon receipt, consideration, and acceptance at a regular Select Board meeting.' He added that we've neglected to talk about resignations and how they are handled and what the affect is in many places.

Ms. Davis asked if everyone was in agreement to add paragraph C.

Mr. Pomerleau said that he doesn't see that as necessary in by-laws; that it's an issue within the policy of the Ordinance Governing Boards, Commissions, and Committees to be corrected and that's where it needs to be corrected. He added that he thinks what Mr. Murphy is driving at is that a resignation isn't final until the SB accepts it and asked how we could tell a volunteer we are not letting him or her resign; that if they resign, they resign; that they're not going to show up, it's over; that he thinks that's a piece of language that's absurd in its practical application.

**6:34 PM** Ms. Davis suggested that, perhaps it might be that the SB just needs to be informed of resignations rather than a denial of a resignation.

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Mr. Murphy disagreed, saying that it's part of the legal ending of a membership; that it is not legally ended until that member's resignation is accepted by the appointing board, which was the Select Board; that we haven't been dealing with that properly in a number of places and he thought this was the time to get that started.

Mr. Hughes said that he thought we should get Town Manager input on this.

**6:35 PM** Ms. Davis said that, hearing that Mr. Hughes would like Town Manager input on this, and what we need to do is discuss this, especially as it relates to the other proposed by-laws that we've been looking at, and see if we would like to make a decision about putting this, generally and uniformly, in the ~~policy~~ Ordinance Governing Boards, Commissions, and Committees, and also include it in here.

**6:36 PM** Mr. Pomerleau said that his concern was with the size of the committee; that it gets very difficult for us, across the board, to recruit citizens; that the larger they are the more likely we have problems with quorums. He added that he initially submitted this to be five – actually said three with two alternates – and still recommends five people.

Ms. Davis said that, on paragraph A, he is listing it as seven members and, then further down, specifying five regular members and two alternates, asking if they wanted to simply change that line to say five members on line 1.

After several comments, the SB was fine with what was written.

Ms. Davis asked Mr. Murphy to submit his 'resignation' language to the Town Manager for discussion.

Mr. Murphy suggesting adding '...and the Ordinance Governing Boards, Commissions, and Committees' to the end of Article 3.2.B.

It was agreed that Mr. Murphy would submit both to Mr. Lee.

**6:38 PM      3) Eliot Aging in Place – Draft By-laws**

Ms. Davis said that these look preliminary and suggested we could be adding more to the duties of the committees. She asked if anybody had any comments this evening.

Mr. Hughes said that it was a start.

Mr. Pomerleau said that he had copies of the eight domains of what they call 'aging in place', which is an AARP program nationwide, and there are many

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communities in Maine that have engaged in this. He added that, if we get to the point of actually recruiting and starting to fill this and establishing a Chair, etc., he has a lot of resource information available to them as a Maine guide to establishing committees (30-40 pages) of immense valuable information – contacts, resources, survey information, a very broad overview of how encompassing in a community this effort can be. He said that it's not limited to a Town committee, by any means, and can incorporate many aspects of variations of community resources to include other standing committees or the Library or York Hospital, etc.; a broad spectrum of resources that are available to contribute to this kind of community effort, identifying the overall areas that are targeted to allow citizens in any community to be able to grow old in their community and stay there.

**6:41 PM** Ms. Davis said that, in the proposed by-laws, it looks like many of the items that are listed on 'this' sheet could be incorporated into the duties of the committee, asking if he was looking for it (by-laws) to more resemble these tasks or to stay more general.

Mr. Pomerleau said more remaining general because he thinks this committee would almost more likely function as a steering committee that would kind of pull together and coordinate all the available resources in the town; that it might be the Chamber of Commerce, York Hospital, just a whole lot of people that have some role in this community effort, and this committee could be more specifically a resource to pull together all those efforts and kind of coordinate a direction forward.

**6:43 PM** Mr. Murphy said that he sees many possible changes in this and things which this leads into; things that could be as complicated as delayed property tax payments after a certain age depending on a variety of complications and he isn't sure we'd even want to put that in there because we haven't said how Eliot would handle that.

Mr. Pomerleau agreed that one critical element of this to communities is what they can do to come up with reducing the impact of property taxes once in their retirement years, etc. and that's why he said it was more a steering group than an implementation group; that that's a target area – what should we do, here, let's see if we can attack that with some cooperation or communication with the Planning Board; that this may be some part of an upcoming Comprehensive Plan review; that this would integrate extremely well with a Comprehensive Plan Committee coming down the road; that aging in place could be a crucial part of that review effort. He discussed his disappointment in the TIF vote that could have directly correlated to this particular effort, if it had been passed, and the variety of impacts it could have had to the wider community.

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**6:47 PM** Mr. Tessier asked if these proposed by-laws were available some place to look at.

Mr. Pomerleau said that it could be online, and it can be, but it hasn't been formally established yet; and that he would make available the resource information he had; that this is the first step. He added that he thought the key was having a good group of people with enthusiasm behind this and, obviously, a Chair to a community like this would be critical because this is a big, big community-wide effort.

Ms. Davis said that she would ask the Town Manager about getting the draft by-laws online.

**6:48 PM** Mr. Lentz said that he wanted to support Mr. Pomerleau's position as far as the committee being a steering committee. He added that he has done a considerable amount of reading, also, and this thing can be as big a box as you would like it to be, and someone has to define how big that box is going to be; that he thinks that's a steering committee role to start to pull that together.

**J. Administrative Department**

**6:49 PM 1) Town Manager Report**

This will be revisited at the next regular meeting when the Town Manager is in attendance.

**a. Geographic Information System Update**

This will be revisited at the next regular meeting when the Town Manager is in attendance.

**b. Financial Reports**

Members commented that it appears to be in good shape.

**K. Old Business: Appointment of Town Negotiating Committee – Select Board Members**

**6:50 PM** Ms. Davis said that we need to, at this point, vote on who will be on the negotiation team for the union contracts; that we have two in process right now, the Police and Public Works; that she and Mr. Pomerleau have been on that team in the past and still in the middle of negotiations for both of those contracts. She suggested that, because of our familiarity with both, that we continue on the negotiating team. She asked if there was any objection to that.



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**July 27, 2017 5:30PM (continued)**

- 6:51 PM** Mr. Murphy said that he didn't think this was being fair to Mr. Donhauser, who has not been aware of what has taken place this past year; that he thinks we should go into executive session and recount, in detail, the history of what has taken place.
- Ms. Davis said that we had an executive session at the last meeting two weeks ago to discuss this issue.
- Mr. Murphy said that he thought the Town Manager should be present, also.
- Ms. Davis said that he is not ready to vote on the negotiating team.
- Mr. Murphy asked Mr. Donhauser if he wanted to know more about what was going on in our labor negotiations before he should decide who is representing us in negotiations.
- Mr. Donhauser said that he had a question before he answered Mr. Murphy's question. He asked when the next meeting was of the negotiating team with the unions; was it ongoing, like weekly.
- Ms. Davis said no, that we don't have any set dates, we set our dates as necessary; that there were no dates set in the next few weeks.
- 6:52 PM** Mr. Pomerleau said that, with the Police contract, we are at the final stages of that; that it's just a question of getting final language and this Board approving it.
- Mr. Donhauser asked, if he became involved in some manner, how would that transition; that it doesn't make any sense for him to jump in at the end.
- Mr. Pomerleau said that it doesn't make much sense to jump in at the middle, either; that we are near the end of the Police contract and we are well in-progress with the Public Works contract; that he doesn't think we're far away from that one and thinks we're getting into the final steps of that. He clarified that we are at the end of the Public Works contract and the Police contract ended last year.
- Ms. Davis said that we are on time with Public Works; that we are negotiating their next three-year contract; that, with the Police, we are finalizing a contract that should have technically been negotiated two years ago, and that will be finalized now, and they will come up for a new contract in a year.
- 6:54 PM** Mr. Donhauser asked if there was a possibility of attending some of those meetings, just out of interest, or was that problematic.

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**July 27, 2017 5:30PM (continued)**

Mr. Pomerleau said that you then ran into SB quorum issues. He added that it didn't make sense to him to change horses when you are nearing the end of negotiations. He added that the next one that will come up, probably in six months, will be the next Police contract, which will be all new, starting from scratch.

**6:55 PM** Mr. Donhauser said that he didn't think there's any benefit for him; that he understands Mr. Murphy's concern but he doesn't feel so compelled that you guys shouldn't continue.

Mr. Murphy said that we can't really talk about it here.

Mr. Hughes moved, second by Mr. Pomerleau, that the Select Board appoint Rebecca Davis and Bob Pomerleau as the negotiating team.

**DISCUSSION**

Mr. Murphy asked what the time limit was when you must be appointed.

Ms. Davis said that we are in process of deciding and we can talk about this; that we are having an executive session tonight and she will fill him in on that tonight; that we are in the process of making our next appointment right now.

Mr. Murphy said that we can discuss, tonight, the principles and goals that this Board, as a whole, would like to see going forward rather than just the two of you.

**6:56 PM** Mr. Pomerleau said that, at every step of the way, this Board has been kept up-to-date with progress; that nothing has moved forward without the Board's involvement.

**DISCUSSION ENDED**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

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**July 27, 2017 5:30PM (continued)**

**L. New Business:**

**6:59 PM** Ms. Davis wanted to discuss one topic because Mr. Tessier was present. She said that, at the last meeting, we had discussed the waste disposal contract, which is going up, and Mr. Tessier brought in information that was from a co-op.

Mr. Tessier said yes, from the Lamprey Regional District Cooperative, which is a group of communities in New Hampshire.

Ms. Davis said that she was concerned because, in that paperwork for that Lamprey River Coop, the price starts at \$64 in 2017 and it doesn't hit \$70 until 2022. She added that what that says is that, perhaps, we need to be looking at our options; that we were thinking about the solar project that night and asked Mr. Tessier for his thoughts on this.

**7:00 PM** Mr. Tessier said that he was bringing that to the SB as additional information in the process of negotiating an agreement with whoever we decide to work with. He added that the impression he got from talking to the Public Works Director is that they were looking to jump it right out to \$70 and, then, a COLA increase to that figure going on for, say, a 10-year period of time. He explained that he was showing the SB a representative contract that was negotiated recently, which started at a lower figure and it ramped up at a fixed dollar amount (\$1 to \$1.50/year) and, at the end of 10 years, was only up to \$74, he thinks it was. He added that his suggestion was, if we're negotiating with a new contract, that we'd start at, maybe, \$58 and start ramping up a little bit at a time so at the end of 10 years we're up at a little over \$70 rather than jumping immediately up to \$70. He reiterated that he was just trying to provide additional data to the SB to help them make a decision.

**7:01 PM** Ms. Davis said that it sounds like we need to at least be looking around rather than negotiating with just a single contractor; that we need to look at our options and see how other people are doing it and maybe take a different view than what we thought about last week.

Mr. Tessier said that he thinks EcoMaine has been treating us quite fairly in the past and his feeling would be that, if we could get an agreement similar to what he provided to the SB last week, he wouldn't have a problem continuing on with EcoMaine. He reiterated that he thinks they've been fair to us but, if they're not willing to negotiate with us, then it would make sense to go out and look around.

**7:02 PM** Mr. Hughes said that he thinks that's what Mr. Moulton said he was going to do – negotiate with EcoMaine.

**M. Selectmen's Report:**

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**July 27, 2017 5:30PM (continued)**

There were no Selectmen's reports tonight.

**N. Committee Vacancy Report**

This was not reviewed.

**O. Executive Session**

**7:06 PM** Mr. Murphy moved, second by Mr. Hughes, that the Select Board entered into executive session as allowed by 1 M.R.S.A. §405.A Personnel Matters.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Mr. Hughes - Yes**

**Unanimous vote to approve motion.**

**8:22 PM** Out of executive session.

No action was taken.

**P. Adjourn**

There was a motion and second to adjourn the meeting at 8:23 PM.

**VOTE**

**5-0**

**Chair votes in the affirmative**

**Approved Date: September 28, 2017**

**S: /**

**Mr. Richard Donhauser, Secretary**