

SELECT BOARD MEETING

August 10, 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:

5:31 PM No one from the public spoke.

F. Approval of Minutes of Previous Meeting(s)

5:33 PM Motion by Mr. Murphy, second by Mr. Hughes, to approve the workshop minutes of July 20, 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.

5:36 PM Motion by Mr. Murphy, second by Mr. Hughes, to approve the minutes of June 8, 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.

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G. Public Works

5:37 PM 1) Mr. Barrett's Concern - Update

Mr. Lee said that included was an email from Mr. Barrett to Mr. Moulton, dated October 25, 2016, as a starting point for the discussion; that Mr. Moulton wrote a memo (8/3/17) regarding the history and approach being taken now. He said that he wanted to get back to you that we have addressed that with Mr. Barrett and to include some information that might not have been mentioned.

H. Department Head/Committee Reports

5:40 PM 1) Disposition of Solar Array Project

Mr. Lee said that we had gone a long ways in discussions with Barrington Power on the solar array and it didn't work out; that we weren't able to come to terms with them that were acceptable to us. He added that we have gone back to ReVision, who was the other bidder early in the process, and discussing with them the same concerns the Chair had expressed regarding a decrease in electric prices, etc.; that we (Energy Commission) met with a representative from ReVision and they will be getting back to us in a few days with some firm answers and a proposal. He said that they may not be able to do it by the end of this calendar year (a lot of work in queue), which would give us the 100% energy credits but, if we go into 2018, it gives us 95%; that we are running it at the 95% to see if the numbers still work. He added that part of their reason that it may take more time than we have was because they were unaware that DEP had already given permission to work at the landfill, what the conditions were for putting in a solar array, we'd already done legal review with a firm that has done several of ReVision's PPA arrangements and, so, that should go quickly; that we also have the approval from CMP. He said that that makes them think we will save seven or eight weeks in time; that he thinks it's a matter of resubmitting them and changing the name of the vendor to ReVision, if we can strike a deal with them. He added that there has been a little bit of pushback from that vendor, as well, about the same concerns; that there is a certain amount of inherent risk, including the future of net metering after 15 years, which is not in the hands of the vendor but the PUC and, potentially, the legislature. He said that we did ask about some sort of sliding scale that, if the prices went up could we pay 80% of that and the same if they went down, and leave 20% on there, whether it goes up or down for the Town; that the vendor will get back to us on that, as well.

5:44 PM 2) Approve Eliot Harbor Committee – Draft By-laws

Mr. Lee said that there are a couple sets of by-laws for these new committees that are being considered to be formed – Eliot Harbor Committee and Aging-in-Place

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Committee; that he is looking at any last changes the SB would like to make before approving these drafts, which would allow the committees to gently modify them.

Ms. Davis asked if anyone had any recommendations for the Harbor Committee draft by-laws.

Mr. Murphy said that, in Article 3: Organization, §3.1 A the use of “Alternative” members was incorrect and should be “Alternate” members.

Mr. Lee said that he would change that in both documents.

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve the draft version of the Eliot Harbor Committee by-laws, proposed, with the one amendment.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

5:47 PM 3) Aging-in-Place By-laws

Ms. Davis asked if there were any changes or suggestions.

Mr. Lee said that, regarding Article 2: Duties D, he didn’t finish that thinking that might be an area that Selectman Pomerleau, in particular, may want to fill in. He added that this one is less ready to be adopted and he is looking for more feedback on what exactly the duties of the committee are.

Mr. Murphy said that he has several grammatical corrections and will give them to the Town Manager.

Mr. Pomerleau said that, regarding D, rather than get real specific, he thinks that’s kind of incorporated in Paragraph C, which would cover the topics in the suggested Paragraph D.

Mr. Lee said that he could strike D and consider those same items to be a part of C.

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The SB agreed that they will consider that suggestion.

Mr. Pomerleau said that he has a lot of resource information for when this committee gets started; that, in his view, the by-laws give them a target as far as what their goals would be. He added that this has a huge potential for involvement and we should let the committee find their way.

Mr. Murphy said that, under 3.3 Staff Support, he thought the most useful, single individual would be the General Assistance Officer.

Mr. Lee said that she expressed interest in being the staffer on this; that he thought the Administrative Assistant/General Assistance Administrator, who has a great deal of contact with some of our seniors, would be the best choice and he would like to assign that position to this.

There was SB consensus regarding this suggestion.

Ms. Davis said that it looks like we will work on this until the next meeting.

Mr. Lee will put this on the agenda.

I. Administrative Department

5:51 PM 1) Town Manager Report

Mr. Donhauser asked for clarification regarding **Line 30**.

Mr. Lee said that a long time ago the PB approved a cell tower and one of the conditions of approval was that, if our public safety people needed to hook some sort of radio equipment, such as a repeater, they would be allowed to do that at no charge. He added that it is his understanding that, perhaps, the cell tower changed hands in the ensuing years; that the Fire and Police Chiefs have determined that they do need a repeater on the tower and the Town reached out to the company with this request and the company gave pushback, a price it would cost to do it, etc.; the Fire Chief reminded them of PB approvals, Ms. Pelletier pulled minutes, and ultimately he submitted it all to the attorney to see if we are on good standing to force the issue.

Mr. Murphy said the cell tower was on Third Hill. He asked if we installed it ourselves or would we have to have the owner's representative do the actual installation.

Mr. Lee said that the owners do the installation, he believes; that we may have to pay for that but we are not looking for them to incur a lot of cost.

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5:54 PM Mr. Donhauser asked what the results of **Line 38** were regarding the CEO going to court for the Staples contempt hearing.

Mr. Lee said that we did not go to court on Friday; that their attorney reached out to us and asked for two more weeks and we will have it removed, pay the Town's legal bills, and the Town can start issuing \$250/day fines for any day after two weeks that that fence remains; that we entered into that agreement to extend one last time and the neighbors know what we are doing. He added that he told the attorney we are all out of patience with this issue.

Mr. Donhauser asked if, regarding **Line 61**, if the received final county tax bill was what Mr. Lee expected.

Mr. Lee said that it was a little higher than expected.

5:56 PM **a. Geographic Information System Update**

Mr. Lee said that there would be some changes on how we handle our GIS system. He read the memo regarding CAI Technologies, their pricing, and benefits compared to the current vendor, as well as the near-future need to upgrade the Vision Appraisal Software and the benefit to adding more licenses within the Town Hall. He added that, in total, it would be \$5,400 to convert and we would go down to \$2,400/year; that he doesn't know if they will offer us a multi-year contract but he will pursue that. He added that there is nothing that needs to be done at this time except a warning that, in the upcoming budget, GIS and some expenses may have to be a consideration.

Mr. Hughes asked what the cost would be for the additional licenses.

Mr. Lee said that he would have to look into that – the cost of each of those license seats and a multi-year contract; that he will bring back updates as we progress. He explained that Microsoft and Oracle will no longer support the current platforms after 2020.

Ms. Davis said that the numbers are fairly high, asking if we were going to give other vendors an opportunity to compete with this.

Mr. Lee said that he would check for who else is out there for vendors; that this may be that there aren't that many vendor options.

6:01 PM **b. Police Overtime Analysis**

Mr. Lee said that this was informational; that this was a breakdown analysis of where the overtime happened and why.

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Mr. Pomerleau commented that the big area in this is shift coverage and assumes that a huge part of that is vacation time, which brings him back full circle to contract language; that going to 10-hour shifts was to reduce overtime costs but he isn't sure anyone considered that that would create an additional 20% vacation time cost. He added that he questioned whether the 10-hour shift was a smart thing for the Town to be doing given that particular contract language; that that provision is not more than off-setting, and this is just coverage time and doesn't include the actual cost in additional vacation time. He suggested that Mr. Lee might forewarn the Chief that, down the road, this is one of the areas that he will try to get the SB to more thoroughly examine – the value of the 10-hour shift.

6:04 PM Mr. Lee asked if there was an alternative strategy in our next negotiations to define all time off as earned at 8 hours, not 10 hours, regardless of what the shifts look like.

Mr. Pomerleau said that he didn't know the answer; that he thinks the whole question comes under fundamental management rights to control shifts.

Mr. Lee suggested doing an analysis to see if it might be less costly to go back to 8 and, maybe, 10's were a bad idea as they were more costly.

6:06 PM 2) Purchase Cards

Mr. Lee said that he was hopeful that this was not a big deal, given our purchasing policy and the need to sign warrants, etc., but he wanted to brief the SB on this. He read the memo. He added that this is a much safer way to go, in terms of controlling our money, but the SB is going to have to trust that we are checking that what they are taking from our account is consistent with the warrant we will generate that you will see.

Ms. Davis asked if we are going to see receipts in the statement prior to this debit of our account.

Mr. Lee said that he assumed that they would be done the same way; that you will see the receipts for all transactions but not a paper check.

6:09 PM 3) Worster Road Accounting Question

Mr. Lee read Mr. Moulton's memo explaining the roadway reimbursement and how it will be utilized.

6:11 PM Mr. Donhauser said that his question was how the check comes into the Town and is deposited, is it recorded as a revenue or as a credit against a debit account

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(credited against the budget). He added that it was his understanding that any money coming to the Town, even a reimbursement, should go into the revenue as miscellaneous revenue and then the expenditure of the budget line, when expended, should show so that you see both the revenue and expense not netted together because, what can ultimately happen is that you put the income in against the budget line, you can actually over-expend the budget.

Mr. Lee said that he was correct; that it comes in as a revenue and, then, when the expenditure happens is that there is a double entry that goes in so that they both show up as having been received and gone back out. He added that we don't net them; that we only do gross budgeting.

After further discussion, Mr. Lee said that he would have to defer to the Finance Director and invited Mr. Donhauser to come in to get clarification.

6:15 PM Mr. Murphy said that he would like a comparison between the amount of money the insurance company is going to give the Town for this damage and the amount of money it's going cost to actually repair it; that he doesn't see that it will be equal. He added that it seemed to him that this road repair should be analyzed and costed out.

Mr. Lee said that he believes the reason the number is \$15,515 is because we went out, got an estimate from the vendor selected to do the paving, and that is the number that came back; that we submitted it to the bonding company and they cut us a check for \$15,515; that he doesn't think we make a dollar or lose a dollar.

Mr. Pomerleau said that that whole language of off-budget is disturbing to him because, with his understanding of gross budgeting, this kind of scenario is what used to happen before gross budgeting; that the whole point of gross budgeting is all revenues and all expenses are shown in the budget. He added that he doesn't have a problem with the impact on LD1; that LD1 limits the cap on the appropriations we make; that as long as the revenue that comes in offsets the expense, it wouldn't change the appropriations for taxes so we would be fine with LD1 with what's happening here.

Mr. Lee said that he believes that offset language came from a Public Works Director who probably didn't select the words very carefully; that, again, he would be more than happy with anyone who comes in to ask the Finance Director how this is being handled and, maybe, consult with the auditor, if necessary.

6:18 PM Ms. Davis said that she does almost think that this is sort of off-book and this memo needed to be written by the Finance Director instead of the Public Works Director; that she thought it would be great if an explanation and a sample

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expense report page could be generated to the SB so that we will understand exactly how the revenue is applied and then the expense is applied.

Mr. Hughes said that he drives Worster Road almost every day and he can't tell where this damage is; that he doesn't think there is 610 feet of road that's damaged; that he drove it again this morning just to verify it.

Mr. Lee said that he would do more work on this item and get back to the SB.

Mr. Hughes said that he would like to see where that damage is.

Ms. Davis said that she wouldn't think the bonding company would want to cough up 15K for no damage but it would be interesting to know exactly where this situation has occurred.

6:20 PM 4) Timing of TIF Payments

After reading the memo, Mr. Lee said that the auditor says that you can transfer it any time after the Certified Budget is approved; that we don't do it because of cash flow and we usually make all the reserve payments, not just TIF, at the very end of the year when we are most flush with cash.

Mr. Donhauser said that he doesn't have any problem with what the Finance Director is saying; that his point was that this TIF money is not receiving investment interest, and it is not computed retroactively, so we are losing a year of interest almost every year on \$500,000; that over 30 years, that's a lot of money.

Mr. Lee said that he made a note to ask if we can start calculating the interest that should have been earned while sitting in our account and transfer the interest that should have accrued, as well as the principal, over into that account.

Discussion clarified that, until there is an actual project (specific, separate project account), any interest accumulated from any TIF monies in any TIF account can be transferred into the general fund legally.

6:30 PM Mr. Lee said that he is going to need clear direction; that right now, from a management standpoint, we just don't have the cash flow to move it until late spring after the May 15th payments come in.

Mr. Donhauser said that he has no problem with that; that we are talking about the interest computation retroactively; that whether or not it goes in there is up to the SB.

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Mr. Lee said that he could talk with the auditor and ask how simple it would be to do a calculation and, then, we can bring it to the SB to see if you want to move it or let it stay with the general fund; that he doesn't know how to deal with this, otherwise, because there is a very big difference of opinion.

Ms. Davis said that, looking at the Certified Budget for revenue, we offset the taxes for the 17/18 budget by \$45,000 worth of TIF interest; that we are ultimately going to have a budget conundrum when that \$45,000 is no longer available and we've been depending on it all these years.

6:31 PM Ms. (Donna) Murphy, Hansom Road, said that she would like to remind that, if this TIF did not exist, there is a large amount of money that would go into our general fund; that it was said several years ago, if the TIF didn't exist, that we would have an additional \$140,000 going into the general account; that she, as a citizen, have no problem with leaving that interest money going into the general account rather than being diverted back to the TIF fund.

Ms. Davis said that maybe the next question might be for the Board to decide whether they want to raise this issue or continue as we have been.

After describing the specific TIF language related to this discussion, Mr. Lee said that he didn't know what the argument would be for not allowing the Town to benefit from the revenue; that it would seem to be a whole lot more beneficial to the Town, as a whole, than letting it sit there in this account.

6:33 PM Ms. Davis said that we should make note of that during budget season, though, because if we ever do see a project on the horizon, that's going to hurt the budget.

5) Bid Auditing Service? – No Correspondence

6:34 PM Mr. Lee said that we have had discussions regarding whether we should test the waters on a new engineering firm or legal firm or auditing firm. He added that, right now, we are very satisfied with the auditors we have but he knows that, on the other hand, people don't want to see too close a relationship between the auditor and the Town for too long; that things can get too comfortable but he doesn't know if that's true. He brought it up because we've been with this audit firm since he has been here and, as much as he would like to stay with them, he didn't know if the SB wanted to occasionally re-bid some of the service providers that we use, such as audit, legal, and engineers. He added that we just completed an audit and he is going to be asked to sign a paper about starting a new audit to commence with them; that he wants to know if he should do that or if he should advise them that they are going to be asked to submit a bid along with a couple other auditing firms. He said that he's just throwing it out there, if you want; that if you think we've got enough on our plate, don't worry about it, we can do it next

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year; that we don't want to see them go anywhere but, on the other hand, he needs to remind the SB that every few years you should probably check to see, just like you do with the bidding policy, if we are getting our best value. He added that they are not very expensive; that he thinks it's only \$11,000 we pay them, which is pretty reasonable, he believes.

6:36 PM Mr. Donhauser said that, from an auditor's perspective, the first year you audit an entity is the most expensive; that it's common practice to rotate auditors but it's also to the client's benefit not to rotate because of familiarity with the records. He added that he would guarantee our auditor fee would go up because they are going to look at their first year's cost and the learning process. He suggested what may be more appropriate is to try to negotiate a longer term (such as 3 years) with the current auditor; that he agreed with Mr. Lee that the current auditor fee is not a great amount of money. He said that there is a real learning curve for a new auditing firm to come in and learn about the existing systems, documents, etc.

Mr. Lee said that he appreciated the comments and concurred with him.

6:38 PM Mr. Pomerleau said that, generally speaking, he thinks it's a healthy thing, from time-to-time, to take a look at your auditing, your legal representation, and your engineering; that there is a problem if it runs too long with a certain sense of complacency or familiarity; that he thinks from a system of checks and balances it's healthy from time-to-time to get another perspective, another look, at how things are being done. He added that it certainly does no harm, from a cost perspective, to take another look at competitive pricing. He said that he thought that, we as Selectmen, have to make sure that we are protecting the integrity of the public's money over a long period of time; that it may not be most cost-effective to change the auditing firm but it could lead you to better results.

6:41 PM Mr. Lee said that the reason this is on the agenda is because there are two very valid, different schools of thought about these types of things; that there is a learning curve, whether it's an engineer, an attorney, or an auditor, and that sometimes costs you more but, at the same time, familiarity can also breed other issues. He added that he will need some clarity in terms of a vote, at some point, on whether you want him to do this, either tonight or soon.

Mr. Murphy asked if there was a professional organization that assesses the quality and value of different auditing firms.

6:43 PM Mr. Donhauser said that there definitely is; that there is the New England Peer Review, agreeing that that was a good point. He added that, for any auditor doing municipal audits, you have to go under peer review every three years, which entails another auditing firm coming into your accounting firm and reviewing all your audit documents, and you have to get an unqualified review to continue to be

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able to audit; that the AICPA (American Institute of Certified Accountants) form these peer review organizations in New England. He added that the other point was to make sure you know what you are buying when you're buying an auditor; that you aren't really buying the auditor saying you need to do 'this' and you need to do 'this' (management letter) but buying an audit opinion, which is on the financial statements, themselves, and essentially says that the statements fairly represent the financial position of this entity. He added that he wasn't saying not that we shouldn't have that but it adds to the audit fee and he wanted the SB to be aware of what they are buying.

6:45 PM Mr. Murphy asked if a municipality had the option of questioning this oversight organization about a particular auditor.

Mr. Donhauser said no; that the peer review firm issues an opinion on their peer and is available to the municipality and should be requested if the auditor doesn't submit it.

Mr. Lee said that he has made a note to request the peer review of the current auditor just because it's come up in discussion.

Ms. Davis said that our purchasing policy does have a limitation of \$5,000 for formal, sealed bids and, since this is an \$11,000 annual cost, we would have to have a reason to waive the purchasing policy. She added that the experience of R_HR does give them an advantage in competition so there would be no real harm done to putting this to the test.

6:47 PM Mr. Pomerleau moved, second by Ms. Davis, that the Select Board put the auditing out to a bid.

DISCUSSION

Mr. Pomerleau said, regarding the purchasing policy, that he didn't know that we have any option; that the contract's up, it's over \$5,000, we have a three-bid policy, unless there is some area in there he is not clear on.

Mr. Murphy said that we just had a long discussion on the peculiar nature of auditing and he isn't sure that this makes any sense; that we aren't just buying gravel or trucks, we are buying a mental approach and a mental history; that he doesn't think we should bother going out every year, saying we might look around less frequently but he doesn't think we've gotten there yet.

Mr. Lee said that he thinks R_HR have been here for three years, maybe four.

6:49 PM Mr. Donhauser said that they have been here three years.

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Mr. Pomerleau asked if we had a contract with them or is it year-to-year.

Mr. Lee said that there was no existing contract; that for the past couple of years he has just signed the letter and we have renewed with them.

Mr. Pomerleau said that he thinks it has become clear at this meeting that we haven't been following our own purchasing policy; that it well may be that we should be looking at a 3-year contract or 2-year contract to take advantage of the benefits that Mr. Donhauser pointed out.

Mr. Lee said that, if you set three years, he thinks you should set a minimum of three years, or four or five years, but after that it would be known that we would go back out again. He added that he could structure the bid so that there was a contracted number of years and request the peer review scores so we know the quality of the bidders. He said that if we go out and find the pricing is way above where we're at, we've at least followed policy, we go back to the familiar firm who gave us the best price, and no one can scream foul that we don't keep pencils sharp.

6:51 PM

Mr. Murphy said that it was suggested that there might be dangers after two or three years with the same company but asked what was wrong with having someone learn more and more about you and yet keeping the general professional level high.

Mr. Donhauser said that three years for an auditor is not a long time; that he audited this Town for 15 years. He added that to answer Mr. Murphy's question the issue is complacency; that the auditor becomes too familiar...they are supposed to do a certain amount of testing and explained that is done by statistical sampling (determining acceptable error rates); that it is easy to set your sample size too low or acceptance rate too high. He said that he knows the current auditor has a good-sized staff; that they bring in junior staff that are always very energetic in looking at things.

Mr. Murphy said that it seemed these businesses are aware of this problem and have these counter-measures to keep it from happening.

Mr. Donhauser added that he doesn't support the motion, primarily, because he thinks it's going to end up costing the Town substantially more money for the audit for the next two or three years; that he can understand why the motion was made and that there is a purchasing policy, however, he thinks we are going to save money for the Town by keeping the same auditor at least for another two years.

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6:53 PM Mr. Murphy said that it may be that our purchasing policy should have several sections; that this auditing is a very particular kind of purchase and not just gravel and tar and paper, for instance.

Ms. (Donna) Murphy, Hanscom Road, said that she doesn't see any harm in putting this out to bid to see what's out there. She added that she sat at a meeting two weeks ago, when the auditor was here, and was questioned on why it took him so long (a year) to provide some information; that his answer was that the Town failed to provide him some information and he cited what that information was and, in fact, the documents that the Town has prove that not to be a correct response. She said that she would certainly like to see what firms are out there; that it may be that you go with the same one but reiterated that she doesn't think there will be any harm to anyone to go out to bid.

6:54 PM Mr. Pomerleau said that, to the point that it might cost us more, we don't have to speculate and guess on that; that the bidding process will wash that out and, based on the current firm's familiarity with our system, they should easily be able to come in with a lower projected cost than a brand new firm. He suggested trying to separate the potential for a higher cost with the questions of comfortable questions of integrity where the root issue is why you would want fresh eyes looking at your books from time-to-time. He added that he thinks we can make a distinction with whether or not it's going to cost us more and the upside of whether or not it's a good idea to have fresh eyes looking at the Town's expenditures when we have the bids in front of us.

6:56 PM Ms. Davis said that she thinks the competitive advantage the current auditor has would keep him in his place and that we should follow our policy; that we have not given adequate reasons for not doing that.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – No

Mr. Murphy – No

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Vote: 3-2. Motion passes.

Mr. Lee will try to get a draft 3- to 5- year contract to the SB for their review before the bid goes out.

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6:57 PM 6) Certified 2017/2018 Municipal Budget

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board accept the Certified Budget, as presented, in this document dated 8/17/2017.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:29 PM 7) Award of Tax Anticipation Note Bid – Correspondence to Follow

Mr. Lee explained that we solicited bids from seven banks and only received responses from Bangor Savings Bank and Key Bank National; that the Finance Director, in her memo, was requesting a waiver of the purchasing policy and accept the two bids received; that she was also requesting that the SB consider awarding the bid to Key Bank National.

Mr. Donhauser moved, second by Mr. Murphy, that the Select Board accept the Town Manager's recommendation and award the Tax Anticipation Note and award the bid to Key Bank National.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:35 PM 8) November Election (New)

Mr. Lee discussed Ms. Rawski's memo regarding appointment versus election in November of a Budget Committee member to the vacancy on that committee. He added that he didn't know of anything that will be ready for a November 7 election.

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Mr. Pomerleau said that, at an absolute minimum, we are going to have a marijuana moratorium on the November ballot and the PB may move forward with an ordinance on marijuana.

6:38 PM Mr. Lee said that he has been advised by Ms. Pelletier that, based on the non-binding referendum on social clubs and retail sales of marijuana in our community, which was overwhelmingly against it and regardless of what the State intends to do or not do, the PB does not intend to allow for the sale nor social clubs of marijuana in Eliot.

Mr. Pomerleau said that that puts a huge assumption on that passing the voters; that they can decide to move forward with an ordinance to prohibit all marijuana retail sales, etc.; that if that fails, we would be sitting there without any provision, whatsoever, without a marijuana moratorium.

Mr. Lee said that he doesn't think that's accurate because our zoning ordinance does not now provide, in the affirmative, anything to do with the sale of marijuana; that he thinks that the ordinance stays as it is and, when someone asks to do retail sales or open a social club, the land use table says no.

Mr. Pomerleau said that absent any local provision, State law would govern and State law is making it legal.

6:40 PM Mr. Lee said that the advice to the Clerk is to get out those papers now and we're going to hold something local in November.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board plan for a November ballot election, placing the marijuana moratorium on the ballot, at a minimum.

DISCUSSION

Mr. Lee clarified that there is a legal option for a shortened process that includes a declaration of the need due to mitigating circumstances.

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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7:12 PM 9) Executive Session: 1 M.R.S.A. §405.D Labor Negotiations

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board enter into executive session as allowed by 1 M.R.S.A §405.D Labor Negotiations for the MAP Police contract.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:27 PM Out of executive session

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board accept the agreement between the Town of Eliot and the Maine Association of Police for the Eliot Police Department to fund a contract from July 1, 2015 to June 30, 2018, as described in this document and annotated, dated August 10, 2017.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

J. Old Business:

There was no old business.

K. New Business:

7:28 PM Mr. Lee said that the ECSD mini bus has been deemed unserviceable and will need replacement; that they are currently looking at options

SELECT BOARD MEETING
August 10, 2017 5:30PM (continued)

L. Selectmen's Report:

Mr. Hughes discussed his concern of reports with carbon monoxide issues with Ford SUV's and he's sure that our Chief has looked into that.

Mr. Lee said that he and the Chief have seen that report, as well, and the Chief is looking into that.

M. Committee Vacancy Report: Note: Two New Committees

7:29 PM Mr. Lee was letting people know about the committees – Harbor Committee and Aging-in-Place Committee - and that they would be starting to look for members.

N. Executive Session

7:30 PM Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board enter into executive session as allowed by 1 M.R.S.A §§405.D Public Works Labor Negotiations and 405.A Personnel Matter Meyer's complaint.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

8:20 PM Out of executive session

No action was taken.

O. Adjourn

There was a motion and second to adjourn the meeting at 8:21 PM.

VOTE

5-0

Chair votes in the affirmative

Approved: September 28, 2017

S:/

Mr. Richard Donhauser, Secretary