

**SELECT BOARD MEETING**  
**October 12, 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.

**Note:** Mr. Hughes absent (excused).

**C. Pledge of Allegiance recited**

**D. Moment of Silence observed**

**E. Public Comment:**

**5:31 PM** Mr. (Larry) Hosack, member of the Eliot Baha'i community, discussed the origins of the Baha'i faith. He added that they had the great fortune of having what used to be called a summer school, now called the Baha'i Center for Learning, which had an unusual start with one woman and several businessmen founding an inn that is still there on behalf of the people of Boston. He said that Sarah Farmer, founder of Green Acre, several years after that broke away from the business aspect and, after a trip to the holy land, came back to Green Acre and dedicated to the principle of the oneness of humanity and it's been the Green Acre Baha'i school, ever since 1900 or so. He added that he was here tonight, along with several Baha'i friends, to announce to the community that this year is the 200<sup>th</sup> anniversary of the founder of the Baha'i faith. He said that the proclamation (copies available at Town Hall) that the Town has considered for us, and he'll be reading, announces some of the aspects of the Baha'i faith and its contribution to the Eliot community. He added that they have some events coming up on the 21<sup>st</sup> and 22<sup>nd</sup> at Green Acre that you are all welcome to come to. He also said that he appreciates the Board's time tonight.

**5:37 PM** Mr. Lee said that what Mr. Hosack was hoping was that, tonight, what we could is, if the Board is willing, to be a party to the proclamation and vote to make such a proclamation on behalf of the Baha'i community; that we will do something with a formal frame, and so forth, that they can note that the Town recognizes their efforts to the community and the greater good.

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board recognize this occasion and try to devise an appropriate public response.

Ms. Davis said that she would be abstaining from this vote so, if there is no further discussion, can we have roll call.

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**Roll Call Vote:**

**Mr. Donhauser – Yes**  
**Mr. Murphy – Yes**  
**Ms. Davis – Abstained**  
**Mr. Pomerleau – Yes**

**3 – 0 - 1 vote to approve motion.**

**F. Interview Applicants for Planning Board (6 applicants)**

**5:41 PM** Ms. Davis invited each applicant to speak.

Mr. Pomerleau said to all the applicants that he thinks that they are applying for one of the most difficult and challenging committees that the Town has and he thinks there are certain skills that you need to have to be able to take this role; that certainly one of them is a really strong analytical skill – be able to read ordinances that are sometimes conflicting and unclear, and subject to wide interpretation; then, analyze it, put it to the facts of the case, create a motion, and make a decision. He added that he has seen, in some cases, where a decision swung on the definition or lack of definition for one word, and that was one of the simple cases. He added that the second thing he thought the applicants needed to have is some strong communication skills, certainly of which listening is one of them and, third, they need the temperament or what he calls a very thick skin. He said that for all of you, when you are called up, he would like you to tell him what in your background do you think prepares you for those challenges.

**5:43 PM** Ms. (Christine) Bennett said that she has a long professional background in reviewing and digesting language of ordinances, legal documents; that with her profession as executive director of a land trust she is constantly working with legal documents; that she is also having to deal with a wide variety of individuals and sometimes very testy situations amongst family members; so, she does believe she has had to employ a wide variety of communication skills, written and verbal. She added that one of the most important things she has to do in her professional work is listen very closely to what people's desires are and communicate that into sometimes permanent legal documents for conservation. She said that she has been on the Planning Board as an alternate for 2 ½ years and, as you may know, there have been a few challenging circumstances for applications that we have had to review; that she feels like she has been a meaningful contributor to those discussions and she would relish the opportunity to rise up to being a regular Planning Board member at this time.

**5:45 PM** Ms. (Ellen) Cepetelli said to think of what she might bring to this position from a perspective of analysis she would tap immediately into her experience of being a

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reviewer of medical records and working with lawyers in Vermont. She added that she is new to Eliot, moving here about a year and a half ago; that she retired last summer, she is a registered nurse, and an educator and director so she has dealt with a lot of conflict. She said that this sounds like a position where there would be a lot of conflict, but the analysis would be that she would review medical records and make conclusions about what this all meant and whether there were situations that might be malpractice and make recommendations when there weren't; so, that is one of the parts she thinks would be helpful here. She said that, when she was in Vermont, she represented nursing on the health policy council, which was involved with planning and, at that time, we were involved in certificate of need evaluation; that we evaluated all the new services to health and very expensive medical purchases for hospitals and nursing homes; that at that time, she had to analyze a lot of data about the State of Vermont because we participated in developing a health plan for Vermont and, then, kind of moving that along and seeing that that would happen. She said that she has been on a number of other boards, worked on many interdisciplinary teams, and she thinks one of the strengths that she brings is that she started studying psychoanalysis about 5 years ago and she has become a very good listener; that the way she listens is called 'receptive listening' and, if you are a receptive listener, you listen without valuing, judging, helping, or changing; that it's not easy, it's difficult, and she uses this working with new nurse residents at Dartmouth Hitchcock Medical Center. She added that we were hiring new residents for a year and we found, across the country, that people were leaving nursing in their first year; that there was a lot of conflict and people were put in situations where they weren't supported; that she met with them once a month and listened to what they had to say; that what she took away from that is that she developed a comfortable feeling about listening to negativity and listening to people with different viewpoints leads us to understand problems better. She said that that's what she would offer.

**5:49 PM** Mr. (Ed) Cieleuszko said that he was here to help out on the Planning Board. He added, to answer Mr. Pomerleau's concerns, he guessed the SB knew him from the Board of Appeals (BOA); that he chaired that for a number of years and was a member for a number of years before that. He said that, pressure-wise, there was nothing but civility on the part of every board member through all its proceedings. He added that he thinks the PB needs somebody who is going to look at our existing ordinances and use it to supply the best outcome for landowners, the landowner who is trying to get something done on his property and the landowners surrounding them, who also have rights. He said that the other part of the PB is to introduce land use regulation changes and additions to our ordinances; that, in regard to that, that's the only time that you can use things like the Comprehensive Plan or the future of the Town as trying to find a direction in those ordinances; that that's probably the only place where there's wiggle room and, so, we actually become a sense of place and direction for the Town. He

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added that, in regard to all the land use cases, it's going to be by the book – always done that, always will.

**5:51 PM** Mr. Pomerleau asked how many years he was on the Appeals Board.

Mr. Cieleuszko said that he was on the BOA for about 15 years and he thinks he was Chairman for at least four years. He added that he wasn't going to get back into Town government until next summer, so, he is already telling the SB he is going to take a month off in the early spring, as he has a pre-arranged trip that he is going to do; that other than that, he thinks the loss of Steve Beckert is why he jumped in early.

Ms. Davis said that the next one up was Ron Cogswell.

Mr. Lee said that he was the one who didn't know if he would make it to this meeting because his plane was coming in late. He added that he thought we were planning to decide in two weeks, on the next agenda, to give people time to contemplate over these several applicants and what you've heard.

**5:53 PM** Ms. (Jessica) O'Donoghue said that she basically has one thing in mind for wanting to be on the PB and that's the future of the Town; that she has been on the Comprehensive Plan Review Committee and the board of the Eliot Dems; that her mother, as you know, was very involved with the Comprehensive Plan Committee so the future of the Town kind of runs in the blood. She added that it's something she'd kind of like to keep in the family; that the idea of a village plan is something that she loves. She said that the Town is very important to her; that she has run a small business for many years and reading plans and talking to lawyers, and things like that, were part of it; that it was a very technical swimming pool building and service company, so she is used to looking at plans and going over things, knowing it's not the same; that she's used to dealing with a lot of different people.

**5:55 PM** Ms. Davis asked how long she was on the Comprehensive Plan Review Committee, how long did that last.

Ms. O'Donoghue said about three years.

**5:56 PM** Mr. (Alex) Orestis said that, unlike most people here, he doesn't think he knows anyone; that he's talked with Mr. Lee a couple of times on the phone. He added that his family, his three small children, his wife and mother-in-law moved to Eliot last June. He said that, to answer your question, as far as analytics, he is currently finishing up school with a major in accounting/finance, so, analytics in reviewing data and that information is pretty much what he loves doing. He added that he researches stocks, and all sorts of stuff, in his free time; that he reads

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ordinances and laws, and all sorts of things, for friends when they have questions; that once he finishes school, shortly here, he plans on going to law school. He said that that is something he is passionate about and something he wants to do. He added that, as far as thick skin goes, he's been in sales as long as he can remember, and he's been in insurance sales, so he can talk with people; that as far as communications, he is still in sales and is part of an account management team in Portsmouth for a software company, and that's what he does all day, he listens to what people have to say, he makes recommendations for their businesses, as far as their software goes, he works with our technology team and kind of translate what that end user wants and what we need to do on our end. He added that he is working with CEO's, CFO's, VP's, all sorts of individuals that do not hold back what they have to say, and it seems like a continuing trend. He said that he just wanted to say thanks to everyone for coming out and it seems like it's great that we have such qualified individuals for this position because he thinks it's really important. He added that he's loved the Town of Eliot since we moved here last year and he thinks the future of the Town is what's important; that there's a lot of really excellent things that could happen, especially with what's going on in Portsmouth and Dover, with everything getting priced out and conversations he's had with young families; that there are a lot of people who are looking to move here and he thinks there's a lot of great things and we can really protect the future of the Town by working together. He thanked everyone for letting him come here tonight; that he appreciated it.

**5:59 PM** Ms. Davis said that we have one opening, right now, and several well-qualified people so do not become discouraged if you don't make it; that we have a lot of vacancies on some very important, forward-looking committees. She added to please stay in the race and look at something else if you don't get this.

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

**6:00 PM** Motion by Mr. Murphy, second by Mr. Pomerleau, to approve the special meeting minutes of September 5, 2017, as written.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

Motion by Mr. Murphy, second by Mr. Donhauser, to approve the workshop minutes of September 21, 2017, as amended.

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**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**H. Public Works**

**6:03 PM 1) Pump Station Project Update – Materials may be delayed**

**2) Sewer Rates – Materials may be delayed**

**#1 and #2 taken together.**

Mr. (Keith) Pratt, President of Underwood Engineers, and Mr. (Steve) Smith, Underwood Engineers, were present.

Mr. Pratt said that we were here last time to talk about the bids from the pumping station and recognizing that the pricing from the bids caused us to be over budget; that we had talked about a couple of ideas about how to proceed. He added that we are back, today, with an approach on how we can make this happen and deal with the higher bids than we anticipated. He summarized the prior discussion regarding making scope adjustments to reduce the costs; that they were able to work with the contractor to achieve some cost reductions; that the other approach was to use reserves for any additional shortfalls. He discussed ways they came up with to reduce the contract price; that we gave them a bunch of ideas on what we could do to reduce the price and they were very cooperative, coming back identifying costs associated with those ideas. He added that we are suggesting we can reduce the contract price by about \$102,000 in two ways; that one is to modify the scope, or actually delete some things out of the contract, a few items that aren't necessary for the station but were nice conveniences and would not impact the project – the storage shed, changing some siding, changing some doors, and not providing lifting hoists for the stations, that that is something we could deal with later and could save \$18,000 of the \$102,000. He said that the other way we were reducing with the contractor was to find some work that the Town forces could do with their own crews and their equipment; that that way we could reduce the contractor's price and still get the work done; that some of those items were more associated with the paving and drainage, site work, some landscaping, traffic control, signs, and some of the demolition work. He said that, if those items came out of the contractor's price, they would save about \$83,000 but, then, that work would be shifted to the responsibility of the Highway

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Department. He added that, if we take that approach, we would be able to save \$102,000 and really not impact the project scope in any way and felt that we've done as much reduction as we can; that it would require, though, that the Town crew would do certain work and have to use certain monies out of their budget to pay for some paving, gravel, drainage structures, and utility re-locates; that we estimate that up to about \$40,000. He said that the second part of what we would do, because it wouldn't cover the full shortfall, is go to the reserves to make it work and we are suggesting that that would require about \$136,000 out of the reserves.

**6:08 PM** He added that, currently, there is \$113,000; that the Town has already used about \$86,000 in reserves to cover the engineering, to date, so that would really mean we don't replenish that \$86,000 and, then, we would have to go back to the reserves for another \$50,000. He said that that \$50,000 is essentially what we are calling the contingency so that \$50,000 in reserves would only be used if-and-when the contingency is tapped; that probably some of it would be but would be later on near the end of the project. He said that, in summary, the APEX low bid is \$1.583 million; that if we do the scope reductions of \$102,000, they would have a revised contract of \$1.48 million and, then, the Town would complete certain work noted above, and we would then utilize an additional \$50,000 from reserves to cover the additional \$136,000 shortfall. He added that that is how we would do that, if that is acceptable; that he's sure there will be some questions and discussion; that the way it would work is that we would issue an award to APEX on the condition that they would execute a change order for those cost reductions we just talked about.

**6:09 PM** He said that the last thing regards **rate adjustments**; that there has always been a discussion about rate adjustments to cover the additional debt; that when this project was started, we knew there was a \$1.7 million debt service, with the first debt service payment due about a year from now; and to cover that debt service we've been recommending a 5% rate increase, something we've been recommending for a while, but the time would be to do it now to make sure that money's in place for the first payment; that the question would then be if the SB wanted to deal with adjusting the rates in any way to replenish the reserves we'd be tapping to finish the project. He added that, for that discussion and this is approximate, a 10% rate adjustment would raise about \$50,000/year.

**6:11 PM** Mr. Lee said that he and Mr. Moulton have spoken about the \$40,000 that would need to come out of his budget; that there is no wiggle room to just create \$40,000 out of nowhere and add it to his plate; that what we would have to do is identify projects that were planned and nix those projects in lieu of this more priority project. He added that he thinks the goal was to try to make them such that they were, really, roadway-type issues – they took place out in the road and were not part of the sewer system, in a sense, it was really more roadway, gravel, pavement, that kind of stuff, as he doesn't want to cross the budgets too much. He said that it benefits the sewer to have them out there helping, certainly; that the

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labor would be donated, if you will, but right now the labor is donated to the sewer, anyway, with what Mr. Moulton does. He added that, to be clear, we will have to make some decisions about what is not going to get done in order to scrape together \$40,000 that was otherwise planned for another use; which is okay, we can do it, and we've discussed being able to do it; that he just wanted to be clear that it's not something we have fat enough in the budget to even come close to doing this additionally.

**6:13 PM** Ms. Davis asked, if some of this won't be done until next summer, can we think about it for the budget next summer, or do we need to take money out of this year's budget.

Mr. Lee said good question; that he would have to think about the timing of that, asking Mr. Pratt if he had any ideas on that.

Mr. Pratt said that we only want to make sure you have the appropriate appropriations to enter into a contract that shows the money has been placed; that it will go longer; that of the work you are talking about with the Highway Department, about 50% will occur this year and 50% next year.

Mr. Lee said that that makes it a little easier from a budget perspective.

**6:14 PM** Mr. Moulton said that that all depends on the schedule that we have to abide by with APEX; that depending on what will be needed for the operational part of the project – what we have to do and when – if they want to start this fall then we would have to do stuff sooner rather than later to get to that point because we don't want to be crossing paths; that we want to be in and out and out of their way. He added that, if we can schedule and coordinate with APEX, then we'd look to do it simultaneously or after; that, ultimately, he thinks most of it would be done in this budget; that that's just a guess because we've had no discussions about schedule but definitely some of it may be pushed off.

Mr. Pratt said that paving would be next year, no matter what.

Mr. Moulton agreed. He said that he would work with the contractor on scheduling and sequencing of the project and, then, give you a better answer after that.

**6:15 PM** Ms. Davis said that another concern is that we are constrained by LD1 this year; that the thought of taking this out of your budget, especially early on, depends on how things work out but it sounds like it needs to be early on.

Mr. Moulton said potentially; and like Mr. Lee alluded to, some things would get pushed off.



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Ms. Davis asked if Mr. Moulton was coming here with a few preliminary ideas of what you would have to take out.

**6:16 PM** Mr. Moulton said not tonight; that that was the next step after getting this approved.

Ms. (Donna) Murphy said that she would just question whether this Board has the authority to override the vote that was taken in this Town; that there were several votes taken regarding the sewer and the final vote was that the Town voted for the sewer users to fund 100% of the project; that taking this money out and using it out of the paving budget, or any budget, is using general funds that were raised for taxes.

**6:17 PM** Ms. (Janet) Saurman made two comments. She said that, as Ms. Murphy said, we've been fighting this for a long time; that she's a sewer user and, when she sits here tonight and hear another 5% increase over what we've already taken on, it's just quite dismaying. She added that to hear Mr. Pratt come in tonight and say, "Well, we can cut \$18,000 right away because these were things that weren't really needed."; that's shocking to her; that if they weren't needed, they shouldn't have been in in the beginning. She said that, believe it or not, she wonders the same question Ms. Murphy has; that it will be an interesting decision for the Board to make when, in the past, not one bit of taxpayer money was going to go to help the sewer owners and, now, tonight you are contemplating whether or not you will use \$40,000 of the taxpayers' money; that it will be an interesting decision you folks will have to make because you will be on both sides of the fence, then. She added that her hope, as it always has been, is that you will find a way to help sewer owners out.

Ms. Davis asked Mr. Pratt to respond to the \$18,000.

**6:18 PM** Mr. Pratt said that we tried to put things into the project that were going to support the pumping stations; that one of them was a storage shed and that is something that Mr. Moulton can find other places to store; so, we did have a couple of things in the project that, if the bids came in okay, they would benefit the Sewer Department, benefit the pumping station project, and benefit the operations. He added that he thinks Mr. Moulton is willing to say that we don't absolutely have to have those; that the other one was the hoist – that if these pumps need to come out, there is a hoist system that we can pull them out of the low parts of the station to get them out; that, if the pumps need to come out in the future, Mr. Moulton has said that he can find another way to make it happen. He said that we're still going to put the beam across the ceiling, so you can physically lift them, but instead of having the mechanical hoist we were originally including, we were trying to find a way to make this thing work. He added that that \$18,000

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that we identified were things that really were for the pumping station, but we can live without them.

**6:19 PM** Mr. Lee said that he thought the other response, though, was that if they can only find \$18,000 - that we're looking for \$200,000 - and if we can only locate \$18,000 out of a \$1.7 million project, he thinks it means the project was designed very lean and mean in the first place. He added that if Mr. Pratt had come back and said he found \$200,000 worth of cuts where we overdesigned stuff, then he would be upset.

Mr. Pomerleau said that he thinks it was, maybe, a poor choice of words; that when you design a project like this you can go with absolutely, essentially needed, only, or you can try to design a project that would anticipate the future needs, spend an extra dollar today to save tomorrow, and he agrees with Mr. Lee on a \$1.7 million project that, if it came down to just that one item, he thinks it was pretty lean and mean; so, rather than saying it wasn't really necessary, just say it wasn't a top priority but it was legitimate. He added that he doesn't see that we have a lot of options, and taking Ms. Murphy's point, it really raised a question in his mind regarding whether the road work was really sewer-related to start with and is it a legitimate Town issue; and he agrees – sitting there in an awful position, right in the middle, depending on which stand you want to take on whether the road work was really sewer, to begin with; that the only alternative he sees to that is that you have to use more reserve money and raise rates higher, if we're going to go down that road. He said that he doesn't see a lot of options, here, and regardless of how we got into this, this is where we are; that he thinks you've done a fairly decent job reducing down the plausible options to go with, and he wishes he could come up with some really brainy idea of how to make it all end up better, but he doesn't have a lot different from what Mr. Pratt is suggesting.

**6:22 PM** Mr. Donhauser asked how many sewer users there were that were going to pay for this.

Mr. Moulton said that we are close to 700 now.

Mr. Donhauser said that they are going to incur the cost, asking, per user, if Mr. Moulton knew how much that was after you pay the bond and the interest, and the replacement of the reserves, over the term of the contract.

Mr. Pratt said that it would depend on how you approached it, if you did it one time in one year or over three years; that he can tell Mr. Donhauser that, for every \$50,000 that you wanted to raise correlates to about \$73 per residential user per year; that commercial users would be higher.

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**6:23 PM** Mr. Lee asked Mr. Pratt, if we wanted to have the Sewer Department contract with the Town and pay them the \$40,000 estimated cost for his department to do the sewer's work, in addition to the 5% that we need for the basic rate adjustment, what would be the full rate adjustment need in order for the taxpayers truly not to contribute anything toward the system but rather to pay Mr. Moulton to do it at half the price of the contractor.

**6:24 PM** Mr. Pratt said that, in the simplest calculation, \$40,000 is about an 8½% increase on top of the 5%, explaining that 5% is to cover the debt service, and is needed; that the additional 8½% would be \$55 to \$60/year and would raise about \$40,000 per year.

Mr. Pomerleau said that he had a question for Mr. Pratt on what that really boils down to. He added that he is looking back at an old March 2016...when you were doing projections on a 25% increase and a 30% increase; that back then it was looking like the impact on the average user, based on 8,000 cubic feet a year, was \$866 and 30% took it to \$901. He asked if those numbers were still at that, so you are talking adding \$50 to \$901.

**6:26 PM** Mr. Pratt said that he thinks so. He added that a 10% increase will be about \$73/year per residential user; that an 8% increase, without doing the math, would be about \$60. He added that a 10% rate increase will raise \$50,000/year, in our estimation, and cost each average user \$73 more; that that's in addition to the 5%; that the 5% we are suggesting that would be for the debt service would be about \$35 or \$40/year per residential user, on average.

Mr. Lee said that, if we ended up at about 13½%, or 14% even, we are looking at another \$115, \$120/year for a residential user or about another \$10/month.

**6:27 PM** Mr. Pomerleau said that he thinks it's helpful to put it into dollars per month what people are going to have to pay so they can get their head around it. He added that he has kept his eye on what is going on with sewer rates in this area and escalating sewer rates are a fact of life; that he doesn't see them softening. He said that we were hoping we would get this project by with a minimal increase to sewer users and he still thinks, down the road, we should try to look at some tiered structure with some low-income households; that that is done in a lot of communities.

**6:28 PM** Ms. Davis said that, if she understands correctly, we have to have a payment plan in place in order to award this contract.

Mr. Pratt said that that would be his recommendation, to have the revenue source in place; that you can change it later.

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Ms. Davis asked, if the decision was to pay back all the reserves, award a separate contract to the Highway Department for \$40,000, plus cover the 5% shortfall that we need to make up for, then that would be around \$125/year per user.

**6:29 PM** Mr. Lee said no; that he didn't think that what he was saying at \$120, or so, had anything to do with restoring the \$86,000 in reserves that has already been utilized.

Mr. Pratt said that it did. He added that his thought, when he was looking at this – and let's set the 5% aside for a minute because we have to do that for debt service – if we take \$150,000 out of the reserves to cover this and we choose to pay it back at \$50,000/year, then we need a 10% rate increase for three years and then it would go away, you could drop it back down, and would have replenished that \$150,000. He said that his thought was that, if you are going to work toward replenishing the reserve, you implement the 5%, and then you do an additional 10% and get \$50,000/year, then decide when you've got enough and you could make it go away.

**6:30 PM** Ms. Davis said that, if we want to minimize the impact on the users, however, could we spread the re-payment over a longer period of time, or would that be inadvisable.

Mr. Pratt said that he thought you could; that you have \$113,000 in reserves right now and you've already pulled out \$86,000; that we're really only talking about you needing \$50,000 more, plus maybe the \$40,000, if you pay back the Highway Department. He added that, if you were to pay half that, it would take you four or five years, instead of three; that he still believes it would leave you enough in the reserves to be okay.

**6:31 PM** Ms. Davis said that the reserves are primarily for repairs thirty years down the road, so, if we took longer to pay them back, it wouldn't hurt anything.

Mr. Lee said that one of the other discussion points we had as we were developing this project and looking at budgets and rates is, as of late, we have been spending money like mad on repairs; that when the two new pumps come online, he would anticipate the amount we're spending on repairs, etc. to drop off remarkably quickly; that we might be able to look at our reserves after a couple of years and seeing that we are spending a whole lot less because the system is dependable and the reserves have rebounded much faster than anticipated. He added that we could then talk about when we can time some sort of a roll-back of the rate to something that does not support this \$200,000 temporary problem.

**6:32 PM** Ms. Davis said that the \$40,000 from the Highway Department, however, is for materials, not for labor.

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Mr. Lee commented that it said labor and materials.

Ms. Davis said that, to Ms. Murphy's point, it has not been approved by the legislative body; that if they were to do it at other times, it would require overtime, she's assuming. She added that that kind of puts us in a quandary regarding even the legality of doing this; that technically she doesn't think we can even approve that tonight; that it would require that the SB express if they want to do that and, if they do, we should certainly get a legal opinion. She said that barring the Highway Department coming in then that puts us down to needing to pay back the reserves, having to put \$83,000 back into the contract with APEX, and adding the 5% on. She asked if Mr. Pratt could run us a calculation on that.

**6:33 PM** Mr. Lee suggested we give them a few minutes to work out at the table and, then, return, because that's a fairly complex thing that we're asking and he doesn't want Mr. Pratt doing it on-the-fly.

Ms. Davis asked the SB if that's a direction they want to pursue.

**6:34 PM** Mr. Pomerleau said that he wants to make sure he knows what Ms. Davis' dilemma is with the \$40,000 that the last way they stated it; that we couldn't go with just substituting Public Works; that the last he heard was signing a contract with Public Works so that that money would eventually be coming from sewer user rates and he doesn't see an issue there.

Mr. Lee said that that was what he was suggesting might get us around it.

Ms. (Donna) Murphy said that she thought the issue was that, if you are looking at this year, this legislative body voted for that money to be spent on certain paving projects and labor for the Town. She added that the question becomes, if that money is diverted over 'here', then something's not getting done over 'here' that this legislative body approved.

Ms. Davis asked, if we were even able to delay the projects and get reimbursed the following year, it still circumvents the voters' will.

**6:35 PM** Ms. (Donna) Murphy said yes; that if that project was delayed but still completed within this fiscal year, is that an issue; as opposed to pushing it off another year, then it does by-pass what this legislative body agreed to.

Ms. Saurman asked, what if the sewer users from our fund paid the Town workers, is that what Mr. Lee was saying.

Mr. Lee said yes, that was what he was suggesting.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

Ms. Saurman asked how much would that save us in the long run; that that's a good first question to know whether that's how we want our money to go. She added that the other thing that's also mind-boggling to her because she is a sewer user is that she owns this sewer and she has you folks making all the decisions about it. She added that this is always what's been confusing about it; that it just seems, as a sewer user, she's so distant from how this money is being allocated. She said it's the same problem, and she's not trying to re-litigate it; that she gets what happened, and Mr. Pomerleau is absolutely right in that we are where we are. She added that she would also like to say that, when you talk about the increase - \$75/year or whatever it came out to – that's a number that you folks who aren't on the sewer are hearing and saying that that's not so bad; but you have to remember, in the past several years, we've already had very significant increases; so, she thinks that, while that number alone sounds like not much, when she looks at how her bill has increased the past few years, trust her, it sounds a lot more. She reiterated that that would be a good number for us to have; how does she, as a user, benefit from having her money go directly to her Town to do the job versus through this company, and maybe that was what Mr. Lee was thinking, anyway.

**6:37 PM** Mr. Lee clarified that he thinks the legislative body authorized appropriations, not a work plan; so, as long as Public Works gets \$40,000 back, it's the money issue, it wasn't a specific work plan that was approved; that he does think, for the sewer users, we should entertain the idea of raising \$40,000 of sewer user money to achieve \$83,000 worth of their expense in that building; that he thinks that they could do and not be in violation of an appropriation issue, which was how we approached it originally.

Ms. Davis said that Mr. Lee started off the meeting by saying there were projects that couldn't be done, if we do this, so you did have a work plan.

Mr. Lee said yes, we did.

**6:38 PM** Mr. Pomerleau thought that this was getting convoluted; that the source of money will eventually come, not from Town appropriations, but from the reserve and user fees; that that is not an issue. He asked, if the source of money is coming from somewhere else, does that mean you don't have time to do the original scheduled work, as opposed to the money; that if you have the money, can you do the planned Town work on top of this.

Mr. Moulton said yes.

Mr. Pomerleau said alright, problem solved.

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**October 12, 2017 5:30PM (continued)**

**6:39 PM** Ms. Davis said we are going from \$83,000 to \$40,000, but, \$40,000 is for materials, so you aren't taking into account the dollar value of the guys' time; that it's \$40,000 in material and an unknown amount in labor, so that has to be taken into account in these calculations; that if, technically, it's going to be paid back, the whole thing has to be paid back.

**6:40 PM** Mr. Lee asked if Mr. Moulton knew about how many weeks of work we're adding on with these items.

Mr. Moulton said that he would have to think about it; that if he had to guess, he would say three weeks, which would be about \$21,000.

Mr. Lee said that, with the \$61,000, we would be saving only \$22,000 from the contractor, which makes a little more sense in terms of the percentage.

Mr. Pratt added that part of Mr. Moulton's salary is already paid for.

**6:41 PM** Mr. Lee agreed, saying that there were some mitigating factors there that we could hammer out.

Ms. (Donna) Murphy said that, as a citizen, that brings up another question is that the Highway Department has continually come to us for additional employees, stating that they have way too much work to do but now she is hearing that they can sacrifice their entire department for three weeks.

Mr. Moulton disagreed, saying that what's being said is that work could be shifted in order to do it; that the bottom line is that it comes down to, as Mr. Pomerleau stated, if you have the money could you complete the projects, and everything else. He added that you are paying for a crew of men to work in this community every week; that you are paying them to do a project that is scheduled, so, you have that cost per week, anyway; that it may not be a 100% correct way to look at it but you are paying a salary for guys to work every week; that you are kind of held to that amount of money regardless of what we do. He said that when we looked at materials, materials was the biggest savings and we'll call labor incidental – you can look at it that way, you can look at it the other way – there is always something to do, there's always that 40-hour payroll every week, and none of this would take overtime.

**6:43 PM** Ms. (Donna) Murphy said, again as a citizen speaking, that is three weeks of an entire department that is not doing something that was planned; that she thinks the citizens have a right to know what projects aren't going to get done because now you've taken this entire department for three weeks and put them on a project that was not planned.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

Mr. Pomerleau said that he thinks that's taking it to an extreme; that you are laying out a multi-million-dollar plan for the Town, and it's a plan, at best; that there could always be extenuating circumstances along the course of a year that would interfere with that plan; that as long as the money got spent where it was supposed to be spent, if it didn't get done, you aren't violating anything. He added that you made your best, reasonable effort on a proposed plan for an entire year and something comes up with a higher priority and you say, sorry, it isn't going to get done until next year; that he doesn't see a problem with that.

**6:44 PM** Mr. Moulton said that that was the way it was approached.

Mr. Lee said to Mr. Pratt that if we are to render a decision tonight, and that's what he is guessing you are hoping, he thinks you and Mr. Smith and Mr. Moulton might want to take a few minutes, after what you've heard, and put together a couple scenarios and convert them into annual dollar increases for your average sewer user and, then, come back later in the meeting, perhaps, with some numbers to consider – rates would have to go up 'this' much, temporarily borrow 'this' from reserves, pay the Town 'this' much to contract, etc., that's how the parts would move, here's the \$200,000.

Mr. Pratt said okay; that it would be 10 – 15 minutes.

**6:45 PM** Mr. Pomerleau discussed a concern; that we are starting to get into mid-November and we're playing with fire and none of that has gone away just because we passed a bond; that he thinks we initially targeted this to start in June and he thinks it's imperative that we kick this off before we find ourselves facing some very undesirable problem with the pumps. He added that whatever we do, he thinks we need to move forward with this initial phase of it.

Mr. Donhauser asked about the article amount of \$1.7 million and what we were actually spending.

Mr. Lee said that the article, itself, was a \$1.7 million bond and the engineers were hoping to see the project bid come in at \$1.3 million, which still allows the money to pay for the engineering and to have about a \$200,000 contingency in there; that not all \$1.7 million is available for the project but only \$1.3 million; that the actual construction bid came in at \$1.5 million. He added that, from what he's hearing, a lot of bids are coming in very high; that contractors are not wanting for work, these days, and they are bidding higher than usual and some of them aren't bidding at all because they don't want the work.

**6:47 PM** Mr. Donhauser said that, when all the feathers fall to the ground, the total cost is going to be about \$1.7 million.



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**October 12, 2017 5:30PM (continued)**

Mr. Lee said that we have to bring it in at \$1.7 million, one way or the other.

Mr. Pratt said that it will be above \$1.7 million if we do this (with rate increases).

**6:48 PM**

Mr. Donhauser said that that's what Ms. (Donna) Murphy was talking about; that we were authorized by the legislative body to spend \$1.7 million on a bond issue and we are looking for some place to spend more money than \$1.7 million, somehow.

Mr. Lee said that we always knew we were looking at somewhere between a 3% and 6% rate increase from the opening hearings on this thing at the \$1.7 million mark; that it was always planned that we were going to have to come up with at least another \$25,000/year for the operating expenses to pay the debt service that we're anticipating. He agreed that the project, itself overall, is going to cost more than \$1.7 million; that that's what we have for bonding ability so that's why we're going to have to do more with rates, in order to pay it, and/or draw down reserves, which he is hearing no love for but for paying it back over a 3-year or 5-year period and still make sure we are building up our reserve.

Mr. Donhauser said that the rate increase, then, will be 15% - 5% initially planned and 10% for three years.

Mr. Lee said that that's what they're going to calculate but he thinks Mr. Donhauser is in the ballpark.

Mr. Donhauser added that, after three years, we presumably reduce it; that he's never seen a tax go down.

Mr. Lee said that we could because all it is is temporarily restoring reserves you borrowed from yourself.

**6:50 PM**

Mr. Pomerleau said that he'd like to make one last point; that he has been struggling to find an answer to a solution that, maybe, we could have anticipated and what are we learning from this going down the road; that the first thing in his mind was to never rely on those numbers and, second, if you anticipated that this could have happened when we did the bond, how would you structure the language of that to allow ourselves the ability to borrow more from the bond bank. He added that that's not possible, so you'd then have to set your loan amount to a higher level, explaining to the voters this is not the amount intended to be spent but we need that cushion.

Mr. Lee agreed, saying that with the bond bank, or SRF, there is no pre-payment penalty; that, for example, we got the whole project done for \$1.77 million out of

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

the 1.9 million they allowed us, you quickly pay off the first part and just have debt of \$1.77 million but you're not trapped with being off like we are now.

**6:51 PM** Ms. Davis asked Mr. Pratt to give then a couple of scenarios for the payback.

Mr. Pratt said yes; that he would do that based on 3 years and 6 years.

**Note:** At this time, Ms. Davis said that we will skip over all Public Works agenda items until they return.

**7:19 PM** At this time Mr. Pratt returned and spoke to the revisions. He said that what we heard when we left was, really, the difference was taking the \$40,000 we needed to come up with the shortfall, not from the Highway Department, but from reserves; that we were originally looking at \$136,000 from the reserves and, adding \$40,000, you are looking at \$176,000; that from what we talked about earlier, it's a difference of \$40,000. He added that \$86,000 had already been taken out of the reserves so that is \$90,000 more that would come out of the reserves to make up that shortfall.; that that's against what is currently in your reserves of \$113,000 so it shows that you have the money in place to do it. He said that their thought was to not worry about the labor from your department and any equipment that they provide; that one of the things he is thinking is that they do work on your sewers now, anyway, and he thinks if your labor was added to that and started to get closer to the \$80,000 that you're saving from the contractor, anyway, there's a point where it's really not worth it anymore. He added that, if you were to consider this, he would say that the labor wouldn't be part of it, so we didn't calculate that into it. He said that, to pay back those reserves, we calculated two options; that if you did it in four years, it would be a 10% increase and that's \$73/year per user; that if you did it in 7½ +/- years, that would be a 5% increase and \$37/year per user. He added that we would need another 5% for the debt service, which is another \$37/year per user; so, in summary, if you do Option #1 and pay back the reserves in four years, the impact to the users would be \$73/year, plus \$37/year, which is \$110/year or \$9.20/month; that if you did Option #2 and pay back the reserves in 7 ½ years, that would be \$37/year for the reserves and \$37/year for the debt service, which is \$74/year per user or \$6.20/month.

**7:23 PM** Ms. (Donna) Murphy said that what she initially heard was that Mr. Moulton estimated the cost of labor coming out at about \$21,000; that it was her understanding that sewer users already pay a portion of his salary but not the salary of the workers, asking if this cost would, again, be coming out of the money that was raised for taxes.

Mr. Pratt said that wherever the salaries are paid from now, that's where it would come from.

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**October 12, 2017 5:30PM (continued)**

Ms. (Donna) Murphy said that she would again question if that violated the vote of the legislative body.

Mr. Lee said that he thought that was a decision for the SB to render, whether they do it that way, as well.

**7:24 PM** Ms. Davis said that she thinks, as a pure technicality, it does; that she doesn't know if we would want to get a legal opinion to clarify that.

Ms. (Donna) Murphy said that she sees it as a violation of that and the only way to correct it is to go back and ask the voters.

Ms. Saurman said that this was very helpful and she would agree with Mr. Pomerleau; that with either one of these you need to make a decision and get moving because, if we wait for another vote, the price is going to go up and, then, we are going to be doing this all over again. She added that we, as sewer users, have asked for help solving the problem; that you just went back and gave us a really clear sheet – can you make a decision, can we get this thing moving; that if there's some violation of the original vote and the sewer users had to then, again, reimburse from our reserve for the Town, maybe that's the way you can sort of foresee that, if that happens, how we can solve it; but, darn it all, we need the sewer fixed, asking them to please get it going.

**7:25 PM** Mr. Pomerleau agreed that not only is it risky because the price would go up but that doesn't mean we're not going to have the added expense of having to do repairs before we replace them.

Mr. Lee said that what we could do to mitigate Ms. Murphy's concern, and where you (Ms. Davis) say it's a legal, technical question, we could go ahead with this as the default plan, seek out a legal answer regarding the \$21,000 being 'contributed', if you will, and we'll see if we can get a legal opinion in on it, ex post facto, and, if we do, then we will make efforts with the savings, he thinks, from not repairing the system over the next four years to pay back the \$21,000, also. He added that that's about the best we can do, if we're going to keep this project moving.

**7:26 PM** Ms. Davis said that we've got to keep this moving.

Mr. Murphy said that he finds it unnecessarily kind of disturbing to think that everything has to go back to the voters; that the voters voted for this government to help run the Town and to solve the problems, do it the best ways possible; that we don't have to stop everything and go back to the voters every time there's a question about it. He added that he says go ahead with what we have, here, in the best way; that he liked the last one – Option #2.

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**October 12, 2017 5:30PM (continued)**

Ms. Davis asked Mr. Pratt if we bring the reserves down to \$13,000, do we have money in another reserve to cover any contingencies.

**7:27 PM** Mr. Pratt said that the number show that you would get it down to \$23,000 but what you aren't seeing here is the time of when this would actually take place; that this shows that, in the books, you have the cash but the way this is going to work for the next eight months we are going to draw from the SRF loan, first, so we aren't even going to touch the reserves; that the last money we touch, which is going to be next summer or fall, you'll already have generated another \$20,000/quarter in reserves. He added that you won't see a depleted reserve until summer or fall and, by then, you'll have already brought some back up and your rates adjustments will help.

Mr. Lee agreed, saying that we will add another \$50,000 or \$60,000 in reserves between now and the time we start spending from them.

Mr. Pratt said that he's showing this just so you know you have the cash in the bank but what he hasn't shown is the cash flow of when it will actually take place.

**7:28 PM** Ms. Davis clarified that we are going to award APEX \$1,480,900.

Mr. Pratt said that he modified the motion that was in your paper; that the SB would vote on awarding the contract and then have a second motion on how the SB will replenish the reserves.

**7:32 PM** Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board authorize the Town Manager to execute a contract with APEX Construction for the amount of \$1,480,900, which represents a bid award of \$1,583,000, less the Change Order #1 in the amount of \$102,100. And to further have the Town's Department of Public Works provide labor and equipment to complete associated demolition, sitework, road, drainage, landscaping, and utility relocates to support the pumping station project. And to further use up to \$176,500 from sewer reserve.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**7:44 PM** Mr. Pomerleau said that, for discussion purposes, we are looking at a choice between 4 years and 7 years, \$6 and \$9; in figuring out some way to re-pay the

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

Town piece of it and that it was said that it had to be a 3-year thing and maybe we have enough reserve that we can cut it, he doesn't believe that for a minute. He added that, maybe, on the merits of just the reserve by then – outside costs – he thinks we'll be revisiting sewers long before 6 years, or probably 3 years; so, for the time being, to minimize the impact on sewer users for the immediate future, he would opt to go with the longer term, knowing we'll be revisiting.

Mr. Donhauser agreed.

The SB agreed by consensus.

**7:47 PM** Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board that we increase sewer rates by 10%, 5% of which is for reserves and 5% is for debt service, effective immediately.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**Note:** At this point, the SB went back to the regular agenda.

**7:48 PM 3) Stormwater Follow-up 2017-18 – Materials may be delayed**

Mr. Lee said that we don't have much in the way of stormwater update; that he put this in as a placeholder, primarily because of some of the questions the Chair had but he thinks they were answered prior to this agenda.

Ms. Davis said that she received information.

Mr. Lee said that we got the best answers we could find.

Ms. Davis said okay and that maybe she needed to talk to Mr. Moulton; that she'll talk to Mr. Moulton some day.

**7:49 PM 4) Tree Maintenance Bids**

Mr. Moulton discussed his memo regarding the Public Works annual tree maintenance, the three vendors who bid on this project, and the funding source.

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**October 12, 2017 5:30PM (continued)**

He recommended Tom Chase & Sons, Inc. of York, Maine to be approved, as he was the lowest bidder and met the intent of the Tree Maintenance RFP.

**7:51 PM** Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board a contract to Tom Chase & Sons, Inc. for \$1,400 a day for tree removal and \$600 a day for grinding.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**I. Department Head/Committee Reports**

**6:52 PM 1) Shoreland Fees – Follow-up**

Mr. Lee said that this was regarding Ms. Shapleigh's dead tree on the Shoreland portion of her property, the fee required to cut it down, and her request that the fee be waived.

Mr. Pomerleau said that he looked at this as thoroughly as he could and, not surprisingly, he finds no option for us to waive any fee.

**6:54 PM** Mr. Murphy read from the Shoreland Ordinance, Chapter 44, §44-35 (p) (1), *"Clearing or removal of vegetation for activities other than timber harvesting. (1) In a resource protection district abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards."* He said that Ms. Shapleigh mentioned that this tree near her barn is a safety hazard and it seemed to him that that might be the basis, from a practical sense despite the law, to allow action to be taken.

Mr. Lee said that the action of cutting the tree isn't the question, she certainly can; that it's the fee that she is adamantly opposed to.

Mr. Pomerleau agreed, saying that the fee was to pay for the determination to be made, that the tree needs to be cut down, and there is no waiver provision for that.

**6:57 PM** Mr. Lee agreed, explaining that you are allowed to cut a dead tree, for safety, in the Shoreland Zone if you apply for a permit, get a permit, show it to your tree-

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

cutter, and he'll take your tree down because he knows he can do that in the Shoreland Zone with a permit; that he doesn't think he can issue her that permit without her paying the Town permit fee.

Mr. Donhauser said that he truly sympathized with Ms. Shapleigh and he thinks it's almost punitive to have her have to pay \$100; however, he agrees with Mr. Pomerleau that we don't have the right to do that. He added that, if it were up to him, he would waive the fee, but it's not up to him; that the ordinance is pretty clear.

**6:59 PM**      Mr. Lee said that he was very sympathetic, as well, but he doesn't think we have the right to waive the fee.

Ms. O'Donoghue said that she thought there should be a fee, given that people have to go out but she thinks there are probably quite a few people who are elderly, or becoming elderly, and maybe this is where the Aging-in-Place Committee could lend a hand, have a fund, and help people like Ms. Shapleigh out.

Mr. Lee said that that's a great idea.

**7:01 PM**      **2) Festival Day Committee Recognition (C. Waters, J. Lippincott)**

Mr. Lee said that he was asked to be a judge in the Eliot Festival Day Parade that the Committee put on and he was standing there with both the incoming and outgoing Chairperson of the Committee, watching them work together and hand off knowledge; that you could tell that both of them had worked tirelessly to pull this off. He added that he thought that we should thank John Lippincott for all the years he has put in with that Festival Committee and all the work he's done to coordinate vendors and events and so forth; that more recently, Cindy Waters has taken that on. He said that he just wanted to mention that he was very pleased and proud of those two for what they do for the Town and pulling together a fun day, even though it was a little dreary and cold; that people turned out and had fun and he's glad that there's that kind of civic service where people want to celebrate something and work hard all year to put it together for one day.

Ms. Davis suggested writing a thank-you note.

Mr. Lee said that he has them drafted.

Ms. Davis said to extend our good wishes.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

**7:03 PM      3) Energy Commission Appointment (Avail Terms 2018x2; 2020x1)**

Mr. Lee said that Mr. Orestis, who spoke for the PB position, would also consider serving on the Eliot Energy Commission (EEC); that we've been short-handed for quite some time. He added that he didn't know if the SB wanted to consider his appointment to the EEC or if you want to do it in two weeks, as he doesn't know if Mr. Orestis wants to start out with two committees.

Mr. Orestis said that he wouldn't be opposed to it.

Ms. Davis asked if Mr. Orestis wished to be appointed tonight or would he wish to wait.

Mr. Orestis said that he was willing to be appointed tonight.

Ms. Davis asked if the SB would like to appoint Mr. Orestis.

Mr. Pomerleau didn't see a problem with it; that he can serve on two and doesn't preclude him being taken for the PB.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board appoint Mr. Alex Orestis to the Eliot Energy Commission, for the term to 2020.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

Mr. Lee asked Mr. Orestis to stop by the Town Hall to get sworn in.

The SB signed the pertinent document.

**J.      Administrative Department**

**7:07 PM      1) Town Manager Report**

Mr. Donhauser asked for an update regarding the **Staples' fence** (9/28).

Mr. Lee said that we just briefed the court that his fines were for 43 days at \$250, or about \$10,750, plus another group of legal fees; that it's still counting



**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

\$250/day. He added that we advise Mr. Staples' attorney, routinely, of where he is and hear precious little back.

Ms. (Donna) Murphy asked, when this kind of situation occurs, and a fine is levied, how does the Town go about collecting that.

Mr. Lee said that the judge would allow you to place a lien and, when it changes hands, you get the first \$10,750.

**7:09 PM** Ms. Davis asked for an update on the **ECSD bus** (9/26).

Mr. Lee said that he believes it went to Gorham today; that there is a shop there that is tall enough that we can get the bus in there and have it put up to see how the frame is and, at least, get an estimate. He added that we need this fixed such that they can certify and warranty the frame, after-the-fact; that we were having trouble even finding a place that could do the work; that at least this place can look at it and give us a quote on whether they can fix the frame and warranty it. He said that if it's too much, given the bus's age, we are probably going to continue to rent, short term, and look at doing something through the CIP. He added that we did identify another mini-bus, much newer, for a reasonable price, and that's where we stand with this.

**7:10 PM** Ms. Davis said that we initially took a look at **the ballot** before it went out to print, asking if the Town Clerk was able to put the 'why' (10/3).

Mr. Lee said no; that we took what comments came back, she figured they were done, she ran with it, and not half a day later Ms. Davis sent in her comments.

Ms. Davis asked if we could bear that in mind for the next one.

Mr. Lee said that he was sure she would, now; that the timing didn't work on that.

**7:12 PM** **a. Workshop Schedule/Calendar Dates of Note**

Mr. Lee discussed options for a November workshop and the second regular SB November meeting, suggesting November 30<sup>th</sup> for the regular meeting, if it was necessary, and asked for direction.

The SB agreed to hold a workshop October 19<sup>th</sup>.

**NOTE:** At this time (7:19 PM), Mr. Pratt returned and the SB continued with items H1/H2.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

**7:53 PM      2) Public Hearing Notice**

Mr. Lee asked the SB to vote to hold the required public hearing for the Special Town Election & Referendum Warrant on October 26 at 7:00PM.

Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board hold a Public Hearing on October 26<sup>th</sup> at 7:00 PM at the regular business meeting at the Town Office on the issues of the Special Town Election & Referendum Warrant Article Three and Four.

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. Murphy – Yes**

**Ms. Davis – Yes**

**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

At this time, the SB signed the pertinent document.

**7:54 PM      3) Engineering Report – Town Hall Floor**

Mr. Lee said that he was asked to get a structural engineer to look at how the Town Hall floors were put in and discussed the report from Tirey & Associates, P.C. that the SB has. He added that that report indicates what the problems are, how they were created, and some of the steps we could take, some that could be done relatively inexpensively and some that are long-term solutions. He added that, at this point, he would like to get the SB's feedback on how to proceed.

Ms. Davis asked who would be in charge of creating a plan for instituting at least some of the simpler solutions so that we might solve the problem without spending a huge sum.

**7:56 PM      Mr. Lee said that he could create a plan to do some of the low-hanging fruit and asked if that was what we were talking about.**

Ms. Davis said yes.

Mr. Lee said that he just wanted to know if the approach from the Board is for him to come forward with some sort of a fall/early winter plan and, maybe, a spring/summer plan to do some of the stuff Tirey suggested around the exterior of the building, drainage issues, and that type of thing.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

Mr. Donhauser asked where the money would be coming from.

**7:57 PM** Mr. Lee said that he wasn't certain; that we don't have much in the way for building maintenance; that we do have a reserve fund for Town Facilities and, if he had to spend some money, he would look for the Board to allow that because we have very little in the way of repair funds for this building. He added that he was looking at possibly using the Public Works crew and a backhoe in certain areas around the building, possibly some inexpensive fixes from this report that can almost be done with local labor and/or, if there are a few that require \$500 or \$1,000, to see if the Board would support using that Town Facilities reserve.

Mr. Pomerleau said that he definitely thought we should maybe go with the drainage around the building; that it's worth a simple try, first.

**7:59 PM** Mr. Lee asked, without exception, the SB would like him to proceed with putting together a plan of some of the easiest things, here, and see if it does make a difference next spring.

The SB agreed.

Ms. (Donna) Murphy asked if there was any concern or noticing of any mold in this building.

Mr. Lee said that there hasn't been any sign of mold; that we aren't getting that much, just enough to be a safety issue, especially the front entrance.

**8:00 PM**      **4) Town Charter/Nepotism Memo/Waiver/Personnel Board**

Mr. Lee clarified that the way the Charter is written it is an ethics committee that would need to be formed – “an ad hoc ethics committee composed of three impartial registered voters who will be empowered to make a recommendation for a waiver if it finds that the waiver will benefit the interests of the Town.” He added that we do have three situations, in his estimation, that were existing when the Charter came into play that do have familial relationships that probably should be looked at. He said that he wouldn't get into who right now, except to say, in order for us to proceed to getting waivers, as the Charter requires, we are going to need to advertise and get an ethics committee created so that these conflicts, that he sees, can request waivers and continue to be employed under their current condition or some modification of who the supervisor is.

Mr. Pomerleau said that the Town Charter says that the Town Manager will set it up so you don't really need a SB okay, here; that the Charter is clear that you set up an ad hoc ethics committee, they do a recommendation to the Board, and then the Board decides on their recommendation.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

**8:01 PM** Mr. Lee asked that, without exception, the full SB will all agree to whoever his ad hoc ethics panel is.

The SB agreed.

**8:02 PM** **5) Old Business: Geographic Information System – Change of Vendors – Follow-up**

Mr. Lee said that the SB had some follow-up questions from a prior meeting and he went back to the vendor and got some more information; that he was wondering if there were more questions on this. He added that his intent was to put it in the budget; that we can discuss it then and not go forward or try to stay with the old GIS server/service we are using. He said that, over time, it does appear we will be forced into changing over; that he thinks the first set of questions that came out have been answered but he just doesn't know if the SB has other questions or if you will be supportive of his recommendation to change over as so many other towns are doing.

**8:03 PM** Ms. Davis said that there's a price, here, for changing over to CAI; that there's no indication of what it costs to stay the same and, as she mentioned, it's a \$6,000 change-over fee, which means that the \$1,000 upcharge that we'll be paying to Woodard & Curran will take six years to re-coop, assuming that CAI doesn't raise their prices in the meantime. She added that, for her, the swing vote is how much it would cost for us to stay with Woodard & Curran, asking if he was anticipating some kind of an upgrade that's going to cost us money; that she needs to see the comparison between the two; that she was going to try to take to Ms. Painchaud but our paths haven't crossed.

**8:04 PM** Mr. Lee asked if we should just let this ride, for now, until we can have a better discussion with Ms. Painchaud on Ms. Davis' specific questions.

Ms. Davis said that she would like to have a discussion with Ms. Painchaud and then, with the Board's approval, report back to them what she's learned.

Mr. Lee said that that sounded like a good idea; that he wanted all the Board members to be clear and understand why we feel we have to make this changeover. He added that it is some money; that progress costs money sometimes.

Ms. Davis said that at the very least, if you are going to spend \$6,000, are there advantages worth that money and she (assessor) might be the best one to explain the details.

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

**8:05 PM            6) RFP – Auditing Services**

Mr. Lee said that we've been with the same auditor for quite a few years and the familiarity can be both good and bad; that like other services, you should probably put out an RFP every few years to see if there are other auditors out there who would charge us less and do a comparable job. He added that this RFP would be a 5-year contract with 'this' auditor and, then, we would bid it again. He said that this was the Board's opportunity to comment and/or make suggested changes, as this is a draft.

**8:06 PM**        Mr. Donhauser said that it is certainly inclusive of everything; that he would hate to answer this RFP, as it is quite intensive, reiterating that it is well done but he thinks we're way overboard. He added that he doesn't have any specific comments but he can talk with Mr. Lee about it; that, as an example, in Section VIII, having the contractor indemnify the Town harmless and all its officers – as long as they can provide their insurance certificate, they are insured, and he doesn't think you need to have them indemnify anybody; that it's nice to have that indemnification but it's like painting the fence twice. He again said that he wasn't criticizing the RFP but it would just take a long time for a small firm bidding to a small town to answer these questions.

**8:08 PM**        Mr. Lee said that, if you believe we could make this less cumbersome and still get reasonable information about the qualifications of the firm, he would certainly welcome some feedback.

Mr. Donhauser said that he could look at it a bit more in depth and give Mr. Lee some suggestions on what he would eliminate, which he thinks is unnecessary.

**K.        New Business:**

**8:09 PM            Ratify the Maine Association of Police Union (MAPU) Contract**

Mr. Lee said that we went to binding arbitration where the Maine Labor Relations Board overturned our previous victory and restored some of the language that the MAPU was seeking; that the one thing they cannot do is bind us to any particular wage; so, we have been around and around with their attorney and finally got him to acknowledge that we are just going to implement it and there are no more negotiations. He added that it's our best take-away from this big fight we've had over this and, so, Attorney Freeman has recommended that this is prepared to be signed and implemented, asap.

**8:10 PM**        Mr. Murphy moved, second by Mr. Donhauser, that the select Board agree to ratify and implement this proposed agreement between the Town of Eliot and the

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

Maine Association of Police for the Eliot Police Department, dated July 1, 2015 to June 30, 2018.

**Roll Call Vote:**

**Mr. Donhauser – Yes**  
**Mr. Murphy – Yes**  
**Ms. Davis – Yes**  
**Mr. Pomerleau – Yes**

**Unanimous vote to approve motion.**

**L. Selectmen's Report:**

**8:13 PM** Ms. Davis said that she noticed in the Town Manager Report that you are still looking at the **IT agreement with MSAD #35**; that that's still in process and we're looking at costs.

Mr. Lee said that we've not made any progress; that we have no time right now to do any of those costs.

Ms. Davis said that, previously, Mr. Lee had brought up the issue of a memorandum regarding **current purchasing policy**, asking if that was something we were putting off for another day.

Mr. Lee said that that is something he does believe we're going to have to workshop, at some point, because it's pretty tricky discussion, quite frankly, when you talk about sole-sourcing and having a pre-approved list of vendors that you go to; that he can see that ending up being a long conversation.

**8:14 PM** Ms. Davis said that it's looking like we have limited time for workshops between closings and budget.

Mr. Lee said that budget season is going to be very intense in terms of the meeting schedule, etc.; that he thinks we're going to have to acknowledge that, from November through March or April, it's going to be mostly budgets all the time and very little room to squeeze in a lot of other things.

Regarding **failing PC's**, Ms. Davis said that she knew that Mr. Lee purchased one, asking if he was still wanting to bring up that topic.

Mr. Lee said no; that he was going to wait until the end of the fiscal year to see if they'll wait that long and, if there's any money left in Admin or some other

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

account that is reasonably attributable to that computer, then he will probably update a couple of them; otherwise, he will put it in the CIP for next year.

**8:15 PM** Regarding **Seacoast Lock & Safe**, Ms. Davis said that we had discussed changing the codes for the front door.

Mr. Lee said that he didn't follow up on that; that it didn't even make it onto his list and apologized.

**8:16 PM** Ms. Davis said that, previously, we had talked about the **solar project**; that she noticed in his Town Manager Report that they are still moving forward and you have been talking with them; that she has her concerns and asked what Mr. Lee's expectation, or their expectation, is from the Select Board. She asked if she had to put her thing in writing

Mr. Lee said that he thought she wanted to be just sitting tight on that one; that we're going to be meeting very soon to put together an entire package, just like this auditing RFP, and it will include a draft PPA from Revision; that at that point Ms. Davis could look through the draft PPA to see if it is structured along the same lines as the last one, which she had trouble with, and she could make her comments at that time that this is a PPA she cannot support or it doesn't have enough safeguards in it for her. He added that, then, our committee will have to make a decision on whether we move forward with the other four SB members who may be more comfortable with that level of risk.

**8:17 PM** Ms. Davis said to let her know when they get to that point because, at any point in time, she can interject.

Mr. Lee said that if she would like to do that, he would welcome that information from her, her concerns, up front, so that when we do sit down to meet, we could look at that PPA for her concerns to see if they are in that PPA and then discuss those concerns.

Ms. Davis said okay.

**8:18 PM** Ms. Davis said that she has had a long-standing concern regarding when the **auditor** was in here a few weeks ago; that the reason that was given for the audit being so late was the stormwater issue. She added that she's done some research in the minutes and looking at the timing and that's just not the reason the audit was late; that she was wondering if an explanation could be supplied.

Mr. Lee asked if the Board, as a whole, wanted him to do that.

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**October 12, 2017 5:30PM (continued)**

**8:19 PM** Mr. Donhauser said that he thought it was water over the dam; that if it was late, it was late, and we are going out for bids. He asked what the purpose was; that it would be nice to know, he guessed, but we're not going to change anything.

Ms. Davis said that he was a professional that was hired to do a job and the answer that this Board was given was highly inaccurate.

Mr. Donhauser said that that's in Ms. Davis' opinion.

Ms. Davis disagreed, saying that she did the timeline.

Mr. Donhauser said that it was still her opinion.

Ms. Davis said that it was inaccurate; that there is no opinion about a statement of fact; that she has concerns.

Mr. Donhauser said that she could have concerns but, to use up Mr. Lee's time to go chasing down answers so she feels comfortable whether an auditor was late or not – it was two months ago that the audit was released; that you're going to spin the auditor's wheels and he is going to come up with some explanation; that he's not sure it's warranted and he doesn't think we need to do that. He added that, if it's continuing a contract with the same auditor, it is definitely something he would ask but, if he's on the door going out or has to re-bid to stay in, he's not sure what we are accomplishing by doing that; that Mr. Lee has a lot more important things to do other than to run down an auditor and say, "By the way, why were you late two or three months ago?" He added that that was his opinion.

**8:20 PM** Ms. Davis said that he was late by a year and he gave this Board an inaccurate statement; so, you (Mr. Lee) can tell him from her that he'll answer it now or he'll answer it later, but he will answer it; so, he can get it over with now or later.

Mr. Donhauser said to Ms. Davis that what she is doing, here, is unilaterally, by herself, telling Mr. Lee to do something, not as a Board member.

Ms. Davis said that this falls within Mr. Lee's purview, as Town Manager, to answer questions.

Mr. Murphy said if it comes from the Board.

Ms. Davis said, so, you don't want to know why we were given an inaccurate statement.



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**October 12, 2017 5:30PM (continued)**

**8:21 PM** Mr. Donhauser said that he didn't think it was important that we do know, to be honest with you. He asked what it was going to do, will they give us money back or are we going to give them money back.

Ms. Davis said no; that she guessed it came down to more of a problem of the inaccurate statement than the actual reason.

Mr. Donhauser said that he thought it was irrelevant.

Ms. (Donna) Murphy, Budget Committee Chair, said that the Budget Committee had a conversation regarding those same concerns and all members agreed that we were also seeking an answer; that she also did the timeline on that and the statement he made or the reason he gave of why it was a year late was highly inaccurate because the situation he cited happened in the prior year, not in the year that caused it to be late.

**8:22 PM** Ms. Davis said that she guessed, then, if this Board is unconcerned, we'll have to rely on the Budget Committee to submit a question.

Ms. Saurman said that, since you are putting this out for bid, if this person who did our last audit puts a bid in, you can ask him then or you can just decide, since you know he wasn't honest, apparently, about why it was late, not to give him the bid. She added that she understood how frustrating it is; that it sounds like you weren't given a legitimate answer but you have recourse – don't give this company the new audit until you get a sufficient answer for that.

Ms. Davis said that, apparently, we don't want to know the answer.

Mr. Donhauser said that that's not necessarily the case.

Mr. Murphy said that he might suggest that this company may not have wanted to embarrass the Town in some way or other; was the Town at fault for their not having the information they needed to make dates by a certain time, asking if she knew that much about the whole thing.

**8:23 PM** Ms. Davis said that he could reply in executive session.

Ms. (Donna) Murphy said that she would just like to state that the reason that he gave for it being late he laid on the Town and us not having information for him; so, if the reason for giving that explanation was not to embarrass the Town, she thinks it was kind of unproductive for the reason he gave.

Mr. Donhauser said that his point is not that he isn't concerned that it was late; that his concern was that she was using up Mr. Lee's time frivolously, asking

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what was he going to accomplish; that he's going to have to write a memo, he's going to have to contact the auditor, have a number of emails or telephone calls, and, basically, you're laying a task on Mr. Lee that is totally useless; that he agreed with Ms. Saurman, don't hire the auditor again; that if you don't believe what he tells you, don't hire the auditor. He reiterated that his point is, whether or not he's interested in the answer – whether it's true or not – we shouldn't be consuming Mr. Lee's time doing frivolous things; that it may be an inaccurate statement, so be it; reiterating that he thinks Mr. Lee has a lot more important things to do than run down an auditor for a report that's been issued months ago.

**8:24 PM** Ms. Davis said that he's assuming that Mr. Lee doesn't have time to write an email; that that's okay, he didn't say that.

Mr. Donhauser said that he was just saying that he has better things to do; that there are emails that are probably a lot more important than asking an auditor, "By the way, three months ago you issued a report and it was late and you gave us an excuse. You want to give us a different excuse:"; that he is going to give you some excuse and, then, what have we accomplished, other than waste Mr. Lee's time.

**8:25 PM** Mr. Pomerleau said that we might find out that there was something structurally wrong, here, in the Town books; that we might find out something very critically important that he was keeping from us; that he doesn't know either. He added that that night the auditor was here he did his best to probe his answer and, clearly, he was not going to say anything other than what he said; that that was very clear to him, that he was going to stick with that, and if we go back to him, we're going to get the same thing. He added that he agrees 100% with Ms. Saurman; that when someone wants to evade something, and he's sitting up here in a position of responsibility, when that comes around again it's going to be right up 'here' in the memory bank. He said that the auditor can choose to go that way and, then, we have options later on; that he would definitely like to know what the real answer was; he's not going to give it to us.

**8:26 PM** Mr. Lee suggested he might reach out to the auditor and say to him that there's a feeling among some in Town that his answer was less than truthful and, when the new bid comes out, they're going to look at him with a jaundiced eye; so, if he'd like to try again on what the timing issue was and/or he can explain it at the time of interviews when we pick auditors; that he will probably end up answering to somebody, sometime.

Ms. Davis said that she was being told, now, that it's two months gone and it's irrelevant, so, a year from now, when he comes back, everybody's going to say it's a year old, now, so it's irrelevant.

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**October 12, 2017 5:30PM (continued)**

**8:27 PM** Mr. Lee said that his issue with the whole thing isn't really a matter of whether it's relevant or irrelevant; that he thinks the more important statement that was made is that the Board needs to speak with one voice when giving the Town Manager instructions as to things to go do. He added that he's always tried to make that point; that we've had Attorney McGill come down and make that point, and he thinks that's the bigger point; that he would ask all of you to please remember that, as you go forward, to speak with one voice the things you tell him to do.

Ms. Davis said that she didn't give him an order; that she said he can, if you're talking with him, the auditor can answer it now or answer it later.

Mr. Donhauser said that, in the Town Charter, it says, for example, the SB is not supposed to talk directly to the employees that are under the purview of Mr. Lee; that twice tonight Ms. Davis has said that 'she'll talk to Ms. Painchaud, she'll just go talk to her', alone without anyone being present, apparently, and the other one was that 'she is going to go talk to Mr. Moulton'. He added that that is not actually in adherence with our Charter; that what he sees, as Ms. Davis as Chair, is that she is unilaterally going around the Board and just picking up things she wants to know about; that if she wants to know about something, bring it to the Board and let us discuss it and say is this important, as a Board, not as an individual, and let's go look for it, but Ms. Davis is doing this unilaterally and that is part of his problem. He said that Ms. Davis is mischaracterizing what he said about the auditor; that it's not that he isn't concerned about why it was late, he is concerned that she is consuming Mr. Lee's time unnecessarily.

**8:28 PM** Ms. Davis said that he should let Mr. Lee speak for himself and he should have answered whether he was concerned, or not, and whether he wanted done about it, now, or a year from now. She added that she is a citizen of this Town, as well, and she can speak with employees and ask them relevant questions; that she is not disciplining them, she's not forcing them into a corner, she's gathering information and she has a perfect right to do that.

Mr. Murphy said no; that she does not.

Mr. Donhauser said that, according to our Charter, she does not.

**8:29 PM** Mr. Murphy said that any approach discussing with them about what they do and you say you are just getting information but you've set that employee to asking why she is asking about that and what business is it of hers. He asked if employees came to Mr. Lee and ask why someone is asking about their work.

Mr. Lee said that some of them get nervous when a Select Board member asks them a question and others don't care.

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**October 12, 2017 5:30PM (continued)**

Mr. Pomerleau said that he thinks, if he can interject here, that this is taking the Charter to an absurd interpretation; that, clearly, it's intended that the Select Board member not make any attempt to direct staff and the language says exactly "*shall not privately or publicly instruct, order, direct, or make any demands of any Town official or employee*". He added that he thinks it takes that to the point of absurdity when an elected official can't have a discussion with a member of the Town staff.

**8:30 PM** Ms. (Donna) Murphy said that she's kind of offended by the attitude towards this Chair; that she has been present in this Town Hall on many occasions over the years that you, Mr. Murphy, have been sitting here as a Select Board member and she has overheard, discussion after discussion, questions he has asked of many Town employees; no different than what you are now saying to the Chair is not okay. She added that she thinks that before people start pointing fingers at the Chair, they ought to take a long, hard look at themselves and question themselves how many times they've been in here questioning and talking to employees.

Mr. Cieleuszko said, to get back to the original subject, you are going to ask a question of a person who lied to you; that you can't expect anything but another lie and he thinks that's the worst waste of time.

**8:31 PM** Ms. Davis said let's not bring it to the level of lie; that she thinks it's an inaccurate statement and he would have a chance to recover from that; that he might have been under duress during public meeting so she is giving him an opportunity, except, apparently, she isn't.

Mr. Cieleuszko said that, if you have any reservations about his accuracy, there's no recovery from that; that once a person's lost that, it's gone.

**M. Committee Vacancy Report**

There was no report.

**N. Executive Session**

There was no executive session.

**O. Adjourn**

There was a motion and second to adjourn the meeting at 8:31 PM.

**VOTE**

**5-0**

**Chair votes in the affirmative**

**SELECT BOARD MEETING**  
**October 12, 2017 5:30PM (continued)**

**Approved: December 14, 2017**

**S: / Mr. Richard Donhauser, Secretary**