

SELECT BOARD MEETING

November 30, 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

Ms. Davis asked for the SB's indulgence as she has to return to work tonight; that there are several items on the agenda she would like to take out of order tonight before she goes. She added that Mr. Murphy will take over as Chair after she leaves.

The SB agreed by consensus.

G. Public Works

5:32 PM 1) Compost Opportunity

Mr. Lee said that Mr. Fox did not get back to Mr. Moulton in time so we will have to table this.

I.1.c. LD1 Concern/Cable Fees Reconsideration – No Correspondence

Mr. Lee said that he had started working on the budget and is coming to see that working on or at LD1 is going to be very complicated; that he is going to need a lot of help and guidance from the two committees that review the budget. He added that we discussed last year a new revenue, which a lot of towns utilize, and is to charge a percentage fee on cable subscriptions; that \$75,000 to \$80,000/year can be generated from this and he wanted people thinking about that as a revenue possibility in whether that is something they think they could support.

5:34 PM Mr. Pomerleau said that he was supportive of this from the beginning because of the educational benefits of having a public channel for the wider community; however, it is a sensitive issue, raising cable fees, suggesting we put it on the warrant as a line item for the public to decide; that he doesn't think it's a widely popular issue with cable subscribers.

Mr. Murphy said that he thought it was too early for us to be making assumptions about what the result is going to be or the process we take forward; that there will be more information.

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Ms. Davis said that these types of fees circumvent the entire purpose of LD1 and she is decidedly not in favor of increasing these fees for the public; that right now we have Town Hall streams and everyone has access to it and, even though the Comcast thing would broaden the time access that people would have, it also shuts out people who don't have Comcast.

5:36 PM I.3) Adoption of Revised Personnel Policy

Mr. Lee said one final change came in to change the location of where we discuss layoffs in the policy from the disciplinary section to the section covering things like true retirement, resignation, etc.; that that has been the only change since the Board saw the last one and recommended approval of the policy with that change.

Mr. Donhauser had no changes.

Mr. Murphy said that he was willing to go forward with this version in order to have something settled and can be used.

5:38 PM Mr. Pomerleau had a few minor changes that shouldn't delay moving forward: on Page 11, Compensation, #11 'matrix changed every three years' should be stricken, as we have already said no less than five years and the SB reserves the right to do it, if necessary; that we didn't want to lock ourselves into a fixed period; on Page 43, it added 'layoff' to a list of issues for termination; that the next paragraph dealing with exit interviews is out of place and needs to be moved, with no language changes, to the end of that section; that he thought it would fit better there. He added that, other than that, he is good with it.

Mr. Hughes had no changes.

5:39 PM Ms. Davis said, using the older version, on Page 22 she couldn't remember if under Dental/Health insurance we had decided to use the \$250/month.

Mr. Lee said that we did.

Ms. Davis commented that, under 'disciplinary action', while in some specifications wiggle room has been included, she felt that if we have an employee under the influence driving a Town vehicle, then she doesn't think there is any doubt they should be terminated. She also said that on Page 40, 'Return to work' she wasn't clear on (driver returns to work after testing positive for a controlled substance, wondering if there was a different situation where that was acceptable.

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5:41 PM Mr. Lee said that he understood but he thinks that's the language we agreed on – may be terminated. He added that a motion to approve the personnel policies with these various amendments is in order, and he will make those amendments.

Ms. Davis said that she knows we did leave the 'could be, may be' language in a lot of articles, but this particular one where, if they are under the influence and they are working for us...

Mr. Lee said that they probably would be terminated immediately. He asked what about if they were sent to an employee assistance program (EAP) and entered into a rehab program and did not lose their job as a condition.

5:43 PM Ms. Davis asked how the rest of the SB felt.

Mr. Pomerleau said that that is exactly what he thinks is appropriate; that in his job he saw a couple of times that there was not an immediate dismissal but a referral to the employee assistance program and rehab. He added that there could be circumstances where somebody driving causes serious injury or damage and liability to the Town that it would almost be a no-brainer dismissal but he doesn't think it's so clear-cut that it should be black-and-white when it comes to alcohol abuse; that it is widespread and affects many people in many different levels of occupation; that he thinks at least an opportunity for rehabilitation is the way to go with this.

5:44 PM Ms. Davis asked if Mr. Pomerleau thought that, if someone is out driving a fire truck or dump truck or loader or police car and they are found to be under the influence, then it's acceptable not to fire them on the spot.

Mr. Pomerleau disagreed; that it may well be acceptable to fire them; however, the language is so cut-and-dry that trying to provide for unknown, extenuating circumstances kind of leaves you in the position where you have no flexibility; that if it's that cut-and-dry, if it's that egregious, and that harmful to the Town, then the Town Manager will fire them; that it doesn't preclude that from happening.

5:45 PM Mr. Lee agreed it doesn't preclude that; that we do have an EAP for people who are struggling with any number of things, and that might be one; that there may be a condition under which it is not so egregious that we do want to rehab the person who is otherwise a good worker. He added that he hates making it so black-and-white; that there's no leniency there to 'pardon the turkey on Thanksgiving Day'.

Ms. Davis asked, if there's nothing else, do we have a motion.

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Mr. Pomerleau moved, second by Mr. Murphy, that the Select Board accept the updated manual of personnel policies, with amendments noted tonight.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

5:46 PM I. 5) Select Board Support of the Planning Board – No Correspondence

Mr. Lee said that he saw some emails going back and forth between members of the PB...a member of the PB, he guessed... and he was looped in on it; that some of the feedback that was part of that discussion that the Select Board, he believes, does fully support the PB; that he suggested the SB express that support and a couple of the SB thought that might be a good idea so he put it on the agenda.

Mr. Pomerleau said that, right from the beginning when we started down this road of a complaint, the investigation, etc., his concern was that it would very unfairly and negatively reflect on the remaining members of the PB; that the actions of one person would cast a shadow over a group of people that have a very difficult, challenging job to do and, in his view, have done it well. He added that his concern was that, somehow, we were going to be put in some situation of guilt by association mentality, which he totally disagrees with; that he has spent many, many days going to PB meetings and seen the difficulty and complexity of the work they do and how terribly difficult and challenging it is and how, in his view over the last few years that he's been to them, they have done just an excellent job. He said that he thinks it's important for this Board to make it clear to the public that they have nothing to concern themselves about; that we have a totally competent, intelligent, ethical, honest group of people on our Planning Board and he has nothing but admiration for the work they have done and the work they continue to do.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board issue a proclamation of full, 100% support in the confidence and integrity and the quality of the work done by our Planning Board.

DISCUSSION

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5:48 PM Mr. Hughes said that, since the termination of Mr. Beckert, he has watched the PB do their work and he has been pleased with how they have dealt with the turmoil, gotten through the issues and, in fact, at their meeting on the 21st he thought that meeting went exceptionally well; that he totally supports what Mr. Pomerleau just said.

Mr. Murphy agreed, saying that he has 15 years of experience on the PB and it's not easy, even before things got complicated, as they are nowadays. He added that he has great sympathy for anyone who takes on that board and tries to make it work; that he thinks they do the best they can and it's sufficient, and more, for the Town of Eliot now that things have straightened out a bit.

Mr. Donhauser said that he would agree with everything that you've said.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

J. New Business:

5:50 PM 2) Sewer Pump Station Questions

Mr. Lee asked, because of a lack of consensus regarding a small number of SB members giving questions to Underwood, if the SB would like to invite Underwood Engineering here as part of a next agenda to ask questions from the whole Board, as several members wanted to hear the answers first-hand.

Mr. Murphy said that if there are questions by anyone on this Board, then they should become questions of the entire Board; that we know what those questions are and why they are there; that, of course, if we can have the consultant come in and answer those, that would be great and the way to do it.

5:51 PM Mr. Hughes said, to speak briefly to what Mr. Murphy just said, he's been asked several times if he had any questions and he's yet to see any; that he (Mr. Hughes) and Ms. Davis have put together a list of questions we felt were important for us, as a Board, to understand where the changes to the sewer pump station

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maintenance and repairs occurred to bring us up to the level we are at right now from the \$1.7 million that we funded out of the bond issue; that it's important that we know this, as a Board, because we need to address it down the road with rate payers and other citizens. He added, however, that he did not want Mr. Pratt to come to this meeting unprepared; that this list of questions should go to him first so that he can be prepared to answer these when he comes to a meeting.

5:52 PM Mr. Murphy said that he didn't know why they wanted to go back to January 2014; that is knowledge of this goes back to February 2009 when the TIF...there were repairs for these pumps planned back then and they got put off for one thing or another. He added that, granted, things are not going to be the same as they were back there; that we've got eight years of change and, so, there are going to be changes from every year as various aspects of technology and financing takes place.

5:53 PM Ms. Davis said, to answer Mr. Murphy's question, we were given an estimate to bond the project in January 2014 in the amount of \$1.5 million and two years later the amount was upgraded by \$200,000 to \$1.7 million; that her concern, in particular on this is that, when you go back and look at the numbers on the bid and start comparing the line items, between March of 2016 and the bid date, which is around September 2017, the price went up, again, by \$449,000. She added that over a 3½-year period we're looking at a \$649,000 increase on the repairs. She said that, in particular, these questions we are asking, there is an item in here asking for Item 1B: "Provide more detailed final cost breakdowns for both pump stations similar to the sheets entitled Opinion of Probable Construction Cost. Indicate where and why increases have occurred." She added that we have traded out generators, a cost-saver, and we have a lot of other cost-savers that have been incorporated into these prices that would actually augment this price even further. She said that we realize that an estimate is an estimate and construction prices cannot be guaranteed but that was a 13% increase from 2014 to 2016 and another close to 28% increase from 2016 to 2017; that her actual preference on these questions would be to have Underwood Engineering submit their answers in writing and, then, to schedule them to come in for a meeting and review this in person.

5:55 PM Mr. Pomerleau said that he thinks the whole purpose was for Ms. Davis and Mr. Hughes to strive to have a clear understanding of what happened to the costs, over a period of time, for the express purpose of being able to answer taxpayers' questions about what happened and how did we get there. He added that he thinks the easiest thing in the world, when you get into big issues like this \$1.7 million and the technical issues, pumps and sewerage fees, etc. is to kind of rubber stamp what they give us without trying to comprehend and understand what's happening; that it's very challenging and we have a lot of those types of things to do up here. He said that he can't express how impressed he is with the level of

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thought that Ms. Davis and Mr. Hughes put in to the questions, here, and the amount of work that took independently of you to make that effort for the sake of ensuring integrity in the process of spending this \$1.7 million. He added that he thinks they are correct...let them answer them in writing and they may satisfy everything you both have and there may be no need beyond that, which was the objective from the beginning, and if they can't, then we can have them in here to expand on the items that you think need further clarification.

5:58 PM Ms. Davis said that Mr. Hughes had expressed, earlier in the month, a desire to have some statements with regard to all sewer accounts, maybe over a three-year period, asking if that was still his wish.

Mr. Hughes said only to the point where we understand how the sewer rates are calculated; that he doesn't have a full understanding of that and he would like to have that so he can be more educated as to how they are determined, what goes into it, and what we might be able to do to try to help the rate payers, down the road, with either minimizing or stopping some further increases. He added that the short answer is yes, he is still interested in that.

5:59 PM Mr. Donhauser said that one of his concerns was that he is the newest member on the Board and it appeared to him that he was being omitted from going to a meeting; that he suggested he go to the meeting and it was quickly determined that he didn't seem that welcome; that it was already pre-determined that Ms. Davis and Mr. Hughes...

Mr. Murphy said that it was set up without our input.

Mr. Donhauser said as far as he was concerned; that his consensus wasn't given to have them represent him; so, being the newest member, he thinks it's incumbent upon himself to learn about this project, which started way before he came on the Board so he thinks it's important that he gets up to speed and he can't get up to speed by listening to what other people have understood from conversations. He added that, for example, the original email he received saying that Ms. Davis and Mr. Hughes were going to the meeting had three questions and he thought he would like to listen to the answers to those questions; that his comment at the last meeting was that every question sort of develops another question and, so, he wanted to be there for those additional questions. He said that, in fact, the three questions being put forth are now four questions, with ten sub-questions, so, unless all those four questions and all those ten sub-questions he was informed about, without bias, and everyone has bias, he thinks he wants to be there to form his own opinion on whether it's good or bad, and he just wants to be informed, and so he just wants to be part of the process. He said that he is 100% in favor of submitting questions; that he has been asked a number of times if he has questions about the project but he doesn't know what to ask; so, let him become

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involved and let him understand what the project's all about, and don't tell him he can't go to a meeting and you will inform him as to what you want him to know; that he wants to know right from the horse's mouth and that's all he's asking, reiterating his 100% support submitting new questions; that he has no problem with the questions and they have expanded; that that's great and, perhaps, he might even come up with a question based on some answer to a question. He added that all he is saying is that we need to act as a Board and, in his view, the meeting with the engineers was really not consistent with our Charter; that it was based on a consensus, not a vote, and the Charter says vote. He said that he wants to get up to speed and, unless he can be part of the conversation, up front, he doesn't want the second and back into this thing; that it is a lot of money and was a project that could have been funded by the TIF, originally, but it isn't and now, all of a sudden we're pushing \$1.7 of \$1.9 million onto some rate payers; that certainly they're going to ask questions and, as Mr. Hughes indicated, we need to know why those rates are changing and he wants to know, himself; that he doesn't want to say that we have to go talk to Ms. Davis or Mr. Hughes because he doesn't know the answer. He reiterated that it is incumbent upon himself, and other members if they feel that way, to find out for themselves, and not secondhand. He said that that's his position; that he's not opposed to asking questions and he thinks the questions being asked are fine; that, originally, the email he received looked more like an inquisition rather than questions, asking for three years of data, beginning balances and ending balances, and he asked that question at the last meeting – what's wrong with our accounting system; that we know the beginning balances, we know the ending balances, asking why we have to go to our engineer, a professional, and make an inquisition out of this.

6:04 PM Mr. Hughes noted that he's been on the Board for 1½ years, not from the beginning of this project.

Ms. Davis said, to address some of Mr. Donhauser's concerns, before Mr. Pratt came in at the last meeting, she sent out the paperwork that she actually used to compile these questions, and she sent it via email to every Board member; so, if you are interested in obtaining questions and having questions and learning, there was an opportunity, there, for you to read the paperwork that she sent out to everyone. She added that the reason questions on the statements were asked of Mr. Pratt in the email was because he uses that information to calculate the fees for the sewer users and the assumption was that the information would be readily available, rather than disturbing the Finance Director. She said that this information...when two members take an interest and have the questions go out and learn these complicated issues, a report would generally be written on everything that was discussed, similar to minutes, so that all Board members not in attendance would be fully informed; that to imply that you would not be informed because you did not attend is not an accurate statement.

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6:05 PM Mr. Murphy said that there was a feeling in his mind that the system, itself, that's designed down there and is being worked on, asking if it has truly been settled technically or are there still question which our consultant/contractor is working on to decide...what kind of building, how big it is, how deep the changes may be, the road re-sections, kinds of pumps; that we get bits and pieces from time-to-time as their design gets modified or approved or decreased in complexity; that he would like to know about that...what the system is that is in place right now that is intended to be built.

6:06 PM Ms. Davis asked if we might entertain a motion.

Mr. Pomerleau said that, to satisfy any Charter concern, he would make a motion.

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board send this letter, as drafted on November 20th, to Underwood Engineering and request they provide the Select Board with written responses.

DISCUSSION

Mr. Murphy asked for input from the Town Manager, asking if we are interfering too far in the Manager's running of this business.

6:08 PM Mr. Lee said that he didn't have any concerns about the Board looking at why the pricing changed or how the rates are structured; that he thinks we've been over it before but he guessed it wasn't satisfactory so he doesn't have any problem with that. He added that that doesn't feel like micromanagement but that they are watching the purse; that he was concerned with the way it was going forward and he thinks it's appropriate that the whole Board be present for all questions and answers; that he supports what the Board is doing.

Mr. Murphy asked if we have enough money in our contract with Mr. Pratt right now to allow them to spend the time to do this for these questions.

Mr. Lee said that he assumed they would do it at no cost as part of the overall contract; that if they haven't explained it well enough, they'll feel compelled to explain it at no additional cost.

DISCUSSION ENDED

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

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Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:09 PM Ms. Davis said that she would like a formal motion to request three years of sewer account statements from whoever feels qualified to provide them for the Board.

Mr. Donhauser asked from whom.

Ms. Davis said from the Treasurer or Underwood Engineers, whoever feels qualified to answer the question to provide us with the accounting statements for every sewer account; that we would like to see the transfers and gain an understanding of current balances and how they have shifted over the years; that if we look at those and have questions about why, we'll ask them at that time.

Ms. Davis moved, second by Mr. Hughes, the above paragraph.

DISCUSSION

Mr. Donhauser asked what she hoped to gain from this information.

6:10 PM Ms. Davis asked if he had a good understanding of how much is in those reserve accounts.

Mr. Donhauser said that she was answering his question with a question and asked if she could answer his question first.

Ms. Davis said that she would think that if your answer is no that, perhaps, you would like to know because the reason we are in this situation, right now, is because we did not have enough funding in the betterment account to pay for the repairs. She added that, in order to stop that from happening, it is this Board's responsibility to stay on top of the balances and the various shifting funds that go in and out of these accounts so that we know where we're at every year and we don't have a problem when it comes time to repair it again.

6:11 PM Mr. Donhauser said that that was all well and good but we have an annual financial audit and every fiscal year you have a balance in those accounts; that he could demonstrate that to her tomorrow or, perhaps, the next day; that he could tell her the balance in every one of those reserve accounts at a specific date...

Ms. Davis said that she wants to see a more detailed accounting of what has gone in and what has come out, and why. She asked if there was any further discussion.

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6:12 PM Mr. Pomerleau said that, as the saying goes, those who ignore history are doomed to repeat it – look back 30 years and look at the mess we walked into with sewer funds grossly inadequate to do the upgrades. He added that we have dealt sharply with what's needed now and are in a better position, today, but that still looms ahead of us; that there's going to be 20 more years for that new equipment and are we collecting adequate reserves to make sure this doesn't happen again.

Mr. Hughes said that he doesn't know why this is being considered an aggressive stance; that it's simply asking Underwood what they think about where we're going from where we are, are the fees now enough to carry forward, should we be thinking about other increases or changes in how we collect fees; that we need to understand that, as a Board, and we don't have that understanding right now, and he believes we should.

6:13 PM Mr. Donhauser asked why we weren't asking our Manager to deal with our vendor.

Mr. Hughes said that the vendor is the one calculating the sewer rates.

Mr. Donhauser said that what he is suggesting is that, every time you ask a professional to do something, they are going to charge you for it; that we are going to ask them to go back three years and do all this analysis and you expect...

Mr. Hughes said that that analysis should be readily available, they do it every year, and that's all we're asking – show us the historical calculations, how did you get there, what was the rationale, what do we do from here, and go forward; simple, it shouldn't take more than a half hour.

6:14 PM Ms. Davis asked Mr. Lee to tell them that we are looking for some granularity and, normally, all we see are bottom lines; that what we are interested in seeing are some detail over the past three years so that we can see where we started, how much we took in, what we paid out and why, and where we are right now.

Mr. Donhauser said that he would support the motion if it was from our own in-house accounting staff; that he will not support the motion if you want to go to our professional engineer and incur fees to have them provide you with information.

Ms. Davis said that she believes the motion included the option to let whoever feels capable of answering the question, do so.

Mr. Donhauser said that it was too open-ended.

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Ms. Davis disagreed, saying that if Underwood feels they can do it more efficiently and the Treasurer says she's very busy and doesn't have time to do it, then Underwood has the option of providing us with this information.

6:15 PM Mr. Murphy said that, once again, we are avoiding using our Manager; that he overlooks our Treasurer, and so forth, suggesting we go through him if we have questions of the way things are done in the Town; that that's the way it's supposed to work.

Ms. Davis said that she believes this motion is addressed that the Town Manager may seek this information from Underwood...

Mr. Murphy said to say so, be specific.

Ms. Davis said that, unless she was going to do it herself, he's the only other option.

DISCUSSION ENDED

Roll Call Vote:

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

Vote to approve motion passes.

6:17 PM NOTE: At this time, Ms. Davis turned the Chair over to Mr. Murphy.

E. Public Comment:

6:19 PM Ms. (Carol) Selsberg, Pickering Drive, said that it was her understanding that the SB had already discussed the employment cap, compensation cap.

This was not discussed and it is not on tonight's agenda.

Ms. Selsberg said that it is her understanding that a 10-year cap is being considered for the employees for the COLA and she wanted to speak on behalf of the staff on that issue. She added that she knew it was a fine line for you who are taking care of the taxpayers and, at the same time, respecting the employees that make everything work here. She said that 10 years out is a very long time; that it's the difference between an employee who has a 6- or 7-year-old in school and

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when that kid goes to college and she doubts if anyone here would accept a cap on the increase in their compensation in whatever employment you have. She added that we have a great staff, here, and they make everything work for all of us; that she has to ask that you not go that far out for them to increase their wages; that it's five years too much; that three years would be wonderful but 10 years is a half a generation. She said that, when considering this issue, she would like to urge that you think about what it means to the employees; that the people we're talking about are all women; that they don't have the voice of a union and have to speak for themselves. She added that they are so valuable to all of us, they work so hard, they are so loyal, and we should be at least as loyal to them; that she knows they are very happy in their work and we are very happy with them; that she understands that caps are important but 10 years, again, is just too long.

6:22PM Mr. Lee pointed out that one of the things that softens this a bit is that every three years this chart is supposed to be upgraded by going out and re-interviewing 6 or 7 operationally and tax-based sized towns that are comparable to us; that if we're not still at market, then the agreement is to update the entire scale so that we remain at market. He added that every three years there is a stop-and-check on this thing and they can do it more frequently than that.

Ms. Selsberg said that she would ask to include in that research advice from your employees as to what communities you should be polling; that they are very familiar with like-minded...they know each other. She added that she thinks that, in setting up your criteria or setting the bar, it's really important to talk to the people who know it best.

6:24 PM Mr. Pomerleau said that there is so much, here, that you don't understand; that you don't have the inside information and he couldn't explain it to her in the next hour, probably; that there's a lot more that has gone into this than she is presenting. He added that, for some context, MSAD #35's wage scale goes out 16 years and, across the river, he believes school wages in New Hampshire go out 20; that he thinks all 10,000 State employees have something very similar to what we are adopting. He said that it isn't cast in stone, it's where you think you're going to go based on the information that's available today; that while employee information is good, it is much better to go out and get market data; that comparing small towns and trying to compare operations is a real nightmare and almost impossible to do a precise match regarding job tasks across towns. He also said that, when we compare ourselves to all the data, whether it's everything in York County or every town in the State our size, we are right at the top of the pile.

6:26 PM Ms. (Jess) O'Donoghue, Wildbrook Lane, said that she hopes, as far as this goes, we can compare apples-to-apples as much as possible and that we do consider the morale of our staff because they are very important to all of us.

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F. Approval of Minutes of Previous Meeting(s)

6:28 PM Motion by Mr. Pomerleau, second by Mr. Hughes, to approve the minutes of November 3, 2017, as written.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes – Yes

Unanimous vote to approve motion.

6:34 PM Motion by Mr. Pomerleau, second by Mr. Hughes, to approve the minutes of September 28, 2017, as amended.

Roll Call Vote:

Mr. Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

H. Department Head/Committee Reports

6:35 PM 1) Eliot Energy Commission Presentation

Mr. (Ed) Henningsen Energy Commission, said that we sent you out an update of what we're doing -projects we have on-hand, with 3 that we think will require ballot questions for funding; that we are looking to convert the street lights to LED's, which the Commission analyzed and looks like a cost savings for the Town; Town Hall upgrades that include air distribution issues and heating options. He added that they are looking for some guidance from the SB. He said that they haven't given up on the PV Solar Array and would like to continue; that they have drafted an RFP that the Board has a copy of; that, presently, we have been approved by the voters that we can put PV Solar in if we can show that it would be self-funding by the energy savings. He added that we want to do a RFP and get new proposals based on the RFP's that the SB got; that the other issue with the solar array is that, if we go with a ballot question to do this, then we have to go to another ballot in the sixth year when we have to come up with the funds to pay for the PPA, unless we set aside funds every year to do that. He said that

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we are just trying to advise the SB of what we're doing, why we're doing it and, unless there is some objections or concerns, we will continue to move forward.

6:43 PM Mr. Hughes said that they are all valid projects; that he was wondering that, when you are doing the analysis of the solar array, to somehow factor in the potential impact of heat pumps in this building, asking if we wouldn't be generating electricity for that from the array.

Mr. Henningsen said that they discuss that in the update; that we would be talking about heating, only, and it may add another couple panels to the project.

Mr. Hughes said that, regarding bonding for the solar array, depending on what we are able to approve for the CIP Program out 5 to 10 years, we may want to think about bundling that whole thing into one warrant article in this year.

Mr. Henningsen said that the other option is to put \$40,000 or \$50,000/year away in an escrow account to fund the purchase in the seventh year.

6:46 PM Mr. Lee said that there was some discussion of bundling it all into a single warrant, a single bond question – HVAC compressor, heating station, etc., the landfill solar project, and the LED streetlights. He added that we believe that the solar landfill, once bought out by the taxpayers at the end of the sixth year, generates something like \$280,000 worth of savings for the rest of the life of that thing; that our analysis on the LED streetlights shows about \$230,000 of savings, so, both of these projects do have ample savings attached to them. He added that we have included the sliding scale regarding power price changes in the PPA; that, regarding the furnace, the bigger concern is the condensing unit and they have to be compatible, so, if you lose your condensing unit, you also have to change your furnace; that they go hand-in-hand and he thinks that's important to note, as it is at an age where you wouldn't find a compatible condensing unit.

6:48 PM Mr. Pomerleau commended the Energy Commission on their thorough job that they usually do explaining the details so that everyone can understand it. He added that he thought they were all worthwhile projects; that they have a long-term payback for the Town and it makes perfect sense to pursue these options. He added that he thought the ideal thing would be to bond it; that he doesn't think we want it lumped into one question because then it would be all or nothing, suggesting that it could be three questions and we would tell the voters that whatever passes is going to be bonded. He said for the Commission to move forward and come together with their best recommendation; that he relies very heavily on this group.

6:51 PM Mr. Murphy agreed, also, because he has been working with the Energy Commission for a number of years.

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Mr. Henningsen asked if we are allowed to provide a draft of the ballot question.

Mr. Murphy said, certainly, for anything that we talked about.

Mr. Lee said that he offered to help the Energy Commission draft 1, 2, or 3 bond questions or whatever it is we would want included in your ballot; that, without objection, he will help draft 1, 2, or 3 questions.

Mr. Murphy said that that would be good, suggesting a workshop if things get a little more complicated. He added that it is this Chair's opinion that any issue is answered by the SB, first, so that the public will understand how the Board members all feel before they start commenting.

6:52 PM Mr. (Denny) Lentz, Creek Crossing, said that, if the Energy Commission will make their proposals available, we have a Budget Committee meeting on Tuesday and we can start to look at those. He added that he thought this was an excellent topic for one of our joint SB/Budget meetings.

Mr. Lee agreed, saying that he sent out that package to the Budget Chair. He asked if she forwarded that to anybody on the Committee.

Mr. Lentz said that she's been sick.

Mr. Lee said that he would put copies in the Budget Committee mailboxes.

6:53 PM 2) Aging-in-Place Revised By-laws

Amendments and grammatical changes were discussed:

- Article 3 1. Membership and Terms A. "to the expiration of the term *except that* terms shall be staggered..."
- Article 5.3 Quorum & Voting A. "consist of a majority (*3 of 5 voting members*) of the membership."
- Article 5.3 B. "to vote being present *including any alternates appointed by the Chair to fill a vacant position at that meeting.*"
- Check "video" language for compliance with Charter
- Article 7. Effective Date "These by-laws *and any amendments* shall become..."
- Capitalize proper names.

Ms. (Gail) Licciardello, Secretary for Aging-in-Place Committee, said that the only change we made was requesting a treasurer because, at some point, either through the Town or through grant proposals, we are anticipating that we may have some money to do the work that we want to do and we felt we needed a treasurer to do that.

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Mr. Murphy said that you may find yourselves, as a committee, operating as the go-between with people who have things (chair, coats, etc.) or effort (volunteer time), so you may be handling more than money.

It was agreed to show revision dates at bottom of by-laws, as they are approved.

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board approve the proposed Aging-in-Place By-laws, as amended.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:10 PM 3) Appeals Board Revised By-laws

Amendments and grammatical changes were discussed:

II. Appointments: C. Scratch the second sentence, as the SB fills the position as soon as possible after posting it for 12 days.

VI. Voting: Nothing in the ordinance or State statute addresses a quorum changing from 3 to 4 for administrative appeals; reference to 4 should be stricken.

III. Officers and Duties B. Chairperson “shall see that the *Town’s* Administrative Secretary...”

III. D. Board Secretary: “ensure that *any pending* Notice...”

III. E. Recording Secretary: “also prepare *any pending* Notice...”

IV. Powers and Limitations: “with an application may *announce that conflict to the Board and* voluntarily step down.”

IV. Powers and Limitations: “vote by all members, except.” Remove comma.

Mr. Murphy said that he had not finished reviewing these by-laws for corrections.

Mr. Lee suggested putting these by-laws on a next agenda for further review.

I. Administrative Department

7:20 PM 1) Town Manager Report

Mr. Pomerleau asked about **Line 22**.

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Mr. Lee said that the Harbormaster(s) is supposed to get certified every two years; that we had to go three because he didn't ask for the money and we don't have the money. He added that it was an oversight and we put in for money this year.

Mr. Murphy asked about **Lines 101 and 103**.

7:22 PM Mr. Lee said that he was invited, and attended, a meeting of the residents of Sawgrass Lane (private sewer line issue) and he talked to them about the process by which to get the Town to accept a private sewer line and gave them the manual on what they have to demonstrate to our Sewer Superintendent; that he also told them that they have to get the Townspeople to accept that. He added that regarding their home owner association covenants, there was no initial disclosure that there was a private sewer system; that they were changed some years later and the sewer system was handed over to them without their knowledge and he suggested to them that they might want to see an attorney to resolve that. He said that they were very thankful and it was a nice meeting.

a. Financial Report

There was no discussion.

b. MMA Marijuana Legalization Update

This was informational.

7:28 PM 2) Public Approval of Warrants

Mr. Murphy moved, second by Mr. Hughes, that the Select Board approve, as required by law, in public, the warrants as follows: Warrant #45, dated 11/07/2017, in the amount of \$92,140.38; Warrant #46, dated 11/08/2017, in the amount of \$42,465.25; Warrant #48, dated 11/14/2017, in the amount of \$928,929.93; Warrant #50, dated 11/16/2017, in the amount of \$40,630.09; Warrant #53, dated 11/22/2017, in the amount of \$298,084.33.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

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7:31 PM 4) Approval of Planner and Treasurer Job Descriptions

Mr. Lee said that, of the two, he is most concerned about the Planner position because he does feel the need to go out and begin the process of hiring to replace the Assistant to the Planning Board; that until we have an approved job description, he can't go forward with that and that means we have to continue on a consulting basis with money that we don't necessarily have. He recognized that the Treasurer job description still needs work.

Mr. Pomerleau suggested changes:

Accountability: ~~Duties include department level~~ *Is the sole provider for a specialized...*

Judgement: "...only provide ~~limited~~ *substantial* guidance for..."

Work Environment: Strike all but the first sentence.

Occupational Risks: Strike last sentence.

Physical Skills: Strike last sentence.

Mr. Lee said that he was good with the suggested changes. He said that he wants to re-write the Treasurer job description to streamline the language.

Mr. Murphy suggested changes: (planner)

Statement of Duties/Examples (5th bullet): "Attends and ~~staffs~~ *provides staff support to* Planning Board..."

Under same (8th bullet): Strike "including the Port...Revitalization Committee."

7:39 PM Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board accept the Town Planner job description, as amended this evening.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

J. New Business:

7:40 PM 1) Planning Board Applicant Fee Reimbursement Report

Mr. Lee said that we took a sampling for PB year 2016 from the spreadsheet that the Meyers provided and researched the Assistant to the PB's computer for invoice documentation; that they found a mixed bag and gave several examples of

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what they found. He added that if the SB wants to pursue reimbursing these folks, we are going to have to do this on a case-by-case basis, check our expense and revenue line items for each of these case (we are finding that), and determine what they are, indeed, entitled to for reimbursement.

7:46 PM Mr. Pomerleau said that he thinks the good news is that there are probably a lot less of reimbursements needed than we thought. He added that we should pursue those that show a fee was paid and no notice was given.

Mr. Lee agreed, saying that the only additional thing he would like to do is that, in a couple of cases, he would like to contact and ask if they have a receipt from the Town, just to see if any of the missing ones have any meat behind them.

Mr. Murphy said that Mr. Lee must have started altering the PB procedures.

7:50 PM Mr. Lee said yes; that, in fact, with both the PB and BOA, we are going to bill the \$175 at the time of application; that he wants the whole thing done, no billing; that we are going to be saving every tear sheet, evidence that it went in the newspaper, and all that will go in the file. He added that the BOA wants theirs in their file when they do theirs; that if there is any kind of notice, they want to see it.

Mr. Murphy asked if there was any advice from the newspaper, itself, as to how better to keep control.

7:52 PM Mr. Lee said no; that the newspaper doesn't allow 'received' and 'read' electronic notices when emails are sent to them; that that was frustrating.

Mr. Donhauser asked how many notices weren't paid.

Mr. Lee said that he didn't have that number off the top of his head.

Ms. Lemire said that 16 to 20 cases per year is what they hear.

Mr. Donhauser said that the 'universe' isn't that great.

Mr. Lee said that there are 6 or 7 out of the ones in 2016.

There was further discussion regarding the process of finding people in years 2012 through 2015 that might have paid for notices they had not received.

It was the **consensus of the SB** that Mr. Lee proceed with the reimbursement program.

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K. Old Business:

7:59 PM Mr. Lee said that we were going to scrap our mini-bus (ECSD); that the technician said that the frame is completely rotted out and it can't be fixed. He added that he got a call the other day from the technician saying that he had someone interested in buying it and he wanted to know if Mr. Lee has the authority to take an offer. He added that he has a price in mind for scrap and, if he can get more than he would have for scrap, would the SB entrust him to go make a deal with this guy.

It was the consensus of the SB to have Mr. Lee look into whether he could get more than what it is worth as scrap.

Mr. Lee will see what this person is offering and he will use his discretion on it.

L. Selectmen's Report:

8:05 PM Mr. Murphy said that he is one of Eliot's members on the York River Wild & Scenic and he has some brochures for the public. He discussed the historic and archeological value of the river.

Mr. Lee said that they are going to be doing a presentation on this; that there is a notice out in the hall on the presentation of the artifacts, the study, everything.

M. Committee Vacancy Report

Mr. Murphy said that there is one term on the Conservation Commission through June 2018 and two terms on the Energy Committee through June 2018.

Mr. Lee said that we are still looking to populate the Clean Water Committee and, sadly, we will have to accept the resignation of Dave Emery from the Aging-in-Place Committee due to health concerns.

N. Executive Session

There was no executive session tonight.

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O. Adjourn

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

VOTE

4-0

Chair votes in the affirmative

DATE APPROVED: 01/25/2018

S/ Mr. Richard Donhauser, Secretary