

SELECT BOARD MEETING
January 25, 2018 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.

Absent: Ms. Davis (excused). Vice Chair Murphy is Chair for tonight's meeting.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Committee Interview/Appointments

5:32 PM 1) Planning Board Appointment – Christine Bennett, George Gefrich

Ms. Bennett said that she has been an alternate on the PB for the last three years, has enjoyed her experience on the PB, and would like to be considered for this regular open voting member position. She added that she believes her education, experience, training, and demonstrated capacity on the PB makes her a perfect candidate for this position. She said that she has a Masters in Resource Economics and in Resource Administration and Management; that in that training, a lot of her classmates went on to be Planners in towns and regional planning organizations; that she went into land conservation as a career; that she has gained a deep knowledge of real estate transactions over the last 13 years and land use regulation; that she has to study land use regulation to understand how they are going to affect land markets. She said that it has been enjoyable to volunteer on the PB to get to know our land use regulations in more depth from the side of the municipality; that she has been trying to develop herself as a PB member by going to additional training every year.

5:36 PM Mr. Murphy asked if Ms. Bennett has had the occasion to be appointed a voting member during her three years on the PB.

Ms. Bennett said yes; that alternates have opportunities to vote when a member is absent and, this past year with the turn-over, she and the other alternate have had a number of those opportunities.

5:37 PM Mr. Gefrich said that he recently retired; that he started his career as an aide to Senator Claiborne Pell, then became Chief of Planning for the Rhode Island Department of Economic Development, Division of Job Development and Training; that he went on to be Supervisor in Charge of Preliminary Engineering & Environment for the Rhode Island DOT, with 13 years as a state employee. He added that he then went on to be a senior vice president to very large engineering

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firms, one international with over 1,000 employees and the second, one of the largest in the US; that he then developed his own company for logistics with a partner who used to be a secretary of transportation in a different state. He said that, in the last couple of years, he was involved in the development of a master plan for a port in Blackman's Parish in Louisiana, where last December, we signed contracts for development of a \$12.5 billion export port where there never was a port, 50 miles south of New Orleans. He added that he has a Masters in Community Planning, with an emphasis in environment and transportation; that he has been manager on over 400 projects for federal and state agencies, every state in New England and 30 states across the country for federal and state contracts; that they involved highways, bridges, ports, railroads, logistics. He said that, as far as participating at the local level, he and his wife have lived in Town for 7½ years and have decided to volunteer for some activities; that he thought, maybe, his service could be of some use to the Town.

5:40 PM Mr. Pomerleau asked Mr. Gefrich if he had any occasion to monitor PB meetings or, in any way, engage in Eliot's ordinances.

Mr. Gefrich said that he had not, as the effort they were working on for eight years in Blackman's Parish just finished last December; that he retired on January 1st and he's been a little busy up until that time.

5:41 PM Mr. Pomerleau commented on his delight in the level of competition that has arisen for this PB; that we have two extremely qualified people tonight from an educational background. He added that he thinks the most critical need for the PB in the future is the planning component; that he thinks that, in this particular occasion, the experience of Ms. Bennett over the past few years, and her background, rise to a level to be the better candidate tonight.

Mr. Pomerleau moved, second by Mr. Donhauser, that Ms. Christine Bennett be appointed to the permanent Planning Board vacancy, expiring in June 2019.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

The alternate PB position will be posted for two weeks.

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5:43 PM Mr. Lee asked Mr. Gefrich if he would be interested in the alternate position in two weeks.

Mr. Gefrich said certainly; if he can be of any service to the Town, he would more than happy to.

5:45 PM **2) Aging-in-Place Applicants – Jean Paulantonio, George Gefrich, Brigitte Gefrich**

Ms. Gefrich said that she did a lot of volunteering when we lived in Sherborn, Massachusetts with the seniors in their community group; that she also worked with CASA as a special advocate for abused and neglected children. She added that those two things taught her how to deal with different types of people and how to help them benefit from various knowledge - organizations, meetings, etc.; that she spent a lot of time in court; that she thought she might be able to help in working with the senior population and she has a lot of ideas she could share with them; that she would like to learn what they would like.

5:47 PM Ms. Paulantonio said that her mother grew up here and was away for some time; that she returned back to her childhood home 51 years ago. She added that she was in college in Maryland, where she grew up, and wasn't going to get stuck down there; that she transferred back up and graduated from UMaine. She added that she has a Masters in Social Work; that her professional work has been in mental health and social services; that she is retired, professional, but for about 3 ½ years, she has been working as a Meals-on-Wheels driver out of Portsmouth, NH, so she sees a lot of different kinds of circumstances people are in. She said that her 93-year-old mother is determined to stay where she is and her 91-year-old-sister has recently returned back to Eliot; that she has a vested interest, herself, because aging-in-place will become an issue at some point.

5:49 PM Mr. Pomerleau asked Ms. Paulantonio what kind of overlap her background had with the mission statement of this committee.

Ms. Paulantonio said that she did not work with the elderly at that time; that most of the people she worked with were not elderly; that there was a wide range of people. She added that she returned here 5 years ago; that she has been with her mother that 5 years and getting a lot of experience with what's needed for people to be able to stay in their homes; that, with her work for Meals-on-Wheels, she has seen what kinds of services work for people and what services don't necessarily work too well, and that there are a lot of differences in area in what is needed and what is possible; that there are things that can be done in Portsmouth that can't necessarily be done in Eliot; that it's a whole different set of circumstances.

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5:55 PM Mr. Gefrich said that his wife was interested in the regular position and, since we had heard there were two vacancies, he checked for the alternate position with the idea that his education and background was sufficient that he's dealt with all age populations in his position both as a state official and in some of the projects he's done over the years; that he's had to provide services for a variety of people. He added that he's written comprehensive plans for towns that involved an assessment of the population and their needs.

Mr. Pomerleau asked, regarding the AARP program for Aging-in-Place that includes planning, if in the course of his background and experience, he has had to engage in that elderly component planning piece.

5:56 PM Mr. Gefrich said that he has been the manager of master plans for different townships; that one, in particular, in Rhode Island was an assessment of all the age populations, a needs assessment, and provision of services to those populations; that that became part of their master plan. He added that he is familiar with that needs assessment and how to take the capital funds of a township and apply them in a priority sensing as to what you can accomplish, based on your funds, and your needs in the assessment of the population. He said that that's where he thought he could be of some help.

Mr. Pomerleau asked, if given a choice, is the PB his first choice.

5:57 PM Mr. Gefrich said that probably the place where his talents would be most highly used would be the PB and not necessarily the Aging-in-Place Committee, although, he thought he would be of value to both.

Mr. Pomerleau said it was a delicate situation, here; that he would certainly like to find a way for all the volunteers that we have doing something, and there's a road to that, which would have a bit of pre-anticipation that Mr. Gefrich will apply for the alternate and be selected. He added that that could not be a commitment of the SB but is definitely out there as a distinct probability; that that would leave us with the other two applicants we have for the Aging-in-Place Committee so we could take all three people that want to step forward.

5:58 PM Mr. Pomerleau moved, second by Mr. Hughes, that Ms. Jean Paulantonio be selected for the permanent vacancy to expire June 2018 and that Ms. Brigitte Gefrich be the alternate for the position to expire June 2020.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

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Mr. Hughes - Yes

Unanimous vote to approve motion.

Mr. Hughes said that he thought the SB should express their gratitude for all that applied.

5:59 PM 3) Aging-in-Place Committee – Request for Liaison

Ms. Cepetelli, Chair Aging-in-Place Committee, said that the SB provided us a lot of direction, particularly Mr. Pomerleau; that he came to one of our meetings and, after, asked her if the committee would be interested in a SB liaison. She added that, at their next meeting, they voted unanimously that they would love to have a SB liaison join us; that the SB has a picture of the whole Town, all the boards and committees, and we would find that very valuable.

Mr. Murphy asked if there was a SB member that was interested in being the liaison for this committee.

Mr. Pomerleau said that he would be more than delighted to volunteer at the SB's approval.

Mr. Hughes moved, second by Mr. Donhauser, that the Select Board appoint Mr. Pomerleau as liaison to the Aging-in-Place Committee as a representative of this Select Board.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

F. Public Comment:

6:01 PM Ms. Cepetelli said that our next meeting is February 8 from 1PM to 2:30PM in this meeting room.

Mr. (Bob) Fisher said that he had not heard anything back regarding his question on Ms. Pelletier.

Mr. Murphy said that it was very clear that she resigned.

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Mr. Fisher said that he had asked about her final paygrade and payout and had not gotten a return reply.

Mr. Lee said that it is unlawful to give the details behind that; that he would if he could but it would be opening us up to legal liability. He added that Mr. Fisher did ask about what the payout was and he can reveal what the payout was upon separation in good standing and asked if he would like that information; that that he could share. He added that, regarding the resignation, he cannot share, even with the SB, that information, as it is under Personnel rules that you cannot violate; that she has rights and they supersede the right to know.

6:04 PM Mr. (Jim) Tessier, Johnson Lane, discussed an article he saw in the Portsmouth Herald regarding the Waste Management landfill in Rochester; that they are applying to expand that by 58 acres. He added that, also in that article, last year 1.4 million tons of waste went into that landfill; so, if by some chance, that permit does not get approved, there is 1.4 million tons of waste that will be looking for a new home and will be putting tremendous pressure on the rest of the landfills remaining in operation in the region. He said that, a few weeks back, the SB approved a long-term contract with Eco-Maine, which provides long-term stability for the Town providing a place for our waste to go at a reasonable rate. He added that, based on the what's going on in the industry and the pressure and changes taking place, he wanted to thank the SB for approving that contract.

Mr. Murphy thanked Mr. Tessier for that information.

6:06 PM Mr. Pomerleau said that he recently saw that China is going to stop accepting certain types of recycled products; that it looked to create a a real big issue for all recycling processes in the whole country; that he had the same thought that he was really glad we locked into a contract. He thanked the recycling committee for their research and hard work that put us in this good position.

G. Approval of Minutes of Previous Meeting(s)

Mr. Murphy said that two sets have been submitted, asking if the SB members had received the ones for February 2nd, 2017, a special joint meeting with the SB and Budget Committee.

The SB members said yes.

6:10 PM Motion by Mr. Pomerleau, second by Mr. Hughes, to approve the special joint minutes of February 2, 2017, as written.

Roll Call Vote:

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

Unanimous vote to approve motion.

Motion by Mr. Pomerleau, second by Mr. Hughes, to approve the regular minutes of November 9, 2017, as amended.

Roll Call Vote:

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

Unanimous vote to approve motion.

Motion by Mr. Pomerleau, second by Mr. Hughes, to approve the regular minutes of November 30, 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. Public Works

6:15 PM 1) Roll-off Truck Update

Mr. Moulton said that, at the last meeting, we discussed whether the roll-off truck was to be totaled or repaired; that the consensus at that time was that we were looking at about \$30,000 in repairs, less any issues with the motor. He added that the insurance company has decided to total the Town's truck for \$37,475, less a \$250 deductible; that the Town would receive \$37,225 for the roll-off truck. He said that the Town purchased the truck in 2011 for \$49,000, so, over the course of about 8 years, we operated that truck for \$11,775; that having to utilize an outside source to haul the Town's waste has hit his budget for \$6,730 for approximately 7 ½ weeks. He clarified that what he handed out to the SB is the research he said he

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would do to look at options; that we were looking to switch brands from International to Kenworth, given all the issues we've had with International over the years with that emissions and such. He said that he came across one option he wanted to share with the SB tonight and possibly discuss at a later time. He added that he found a brand-new 2017 Kenworth truck that the Town could purchase for \$127,500, which he considers an exceptional price for a truck, as they are now manufacturing 2019 trucks at \$145,000. He said that you also have a lease-purchase option to consider; that the Town could utilize the insurance money for the current roll-off truck (\$37,225), with a lease-purchase of 4 years for \$19,000 and change; that the Town currently has \$20,000 in a reserve account; that if the SB wished to consider having a discussion, we could take the insurance money and the reserves money to take care of the first year payment for the roll-off truck, then lease-purchase over the next three years, and you would have a fully-operational, paid-for roll-off truck, given this circumstance. He said that that was his update and welcomed any comments, adding that he got all this information last minute and apologized for not being able to give more information sooner.

6:21 PM Mr. Hughes said that we would take the \$37,000 as a down-payment, for a lease-purchase of \$20,000/year; that that would be a total of \$117,000 - \$118,000.

Mr. Moulton said yes; that he was looking at how the lease played out; that it was a 4.99%; that they would take the down-payment plus what we have in reserves this year (\$57,000 total) that would pay for the first year, then have three years left on the four-year lease. He added that we would re-purpose the hoist mechanisms, etc. on the existing truck by Town employees; that the truck is coming back to our yard tomorrow and we will be dismantling the equipment off that truck to re-purpose on another truck; that we would need some outside assistance to finalize the operation of that truck.

6:23 PM Mr. Murphy asked if this equipment would actually go onto the Kenworth, sort of one size fits all.

Mr. Moulton said yes.

Mr. Pomerleau asked if the insurance covered any of the \$6,000+ expense.

Mr. Moulton said that insurance will give us \$250/day so we will be getting roughly half that money back.

It was agreed that this would be put on the February 8 agenda.

6:26 PM Mr. Tessier asked about the typical life expectancy for this type of truck.

Mr. Moulton said that, with a typical work load, an average of 15+ years, easy.

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Mr. Lentz asked if we had considered other brands, asking why Kenworth; that that's a gold standard in the trucking industry.

Mr. Moulton said that we brought this to the SB a couple years ago when we bought the dump truck; that we reviewed Peterbuilt, International, Western Star, and Kenworth; that out of all Kenworth met the specifications that the Town wanted and needed and, at that time, and still are, very competitive; that we paid a little more for the Kenworth, being approximately \$2,000 more than the next bidder. He added that they met the specifications and the other trucks did not and that was the direction we were given by the SB.

6:27 PM Mr. Lentz strongly suggested he compare other brands; that that was his opinion after 40 years of experience.

Ms. (Donna) Murphy, Budget Committee Chair, asked if we could get a copy of that documentation; that we have a joint meeting coming up on Tuesday and DPW is going to be there, asking if it would be appropriate for a discussion on that agenda.

Mr. Moulton said yes.

6:28 PM Mr. Hughes said that, regarding Mr. Lentz's comment, he understands that at least a half dozen people make these kinds of vehicles; however, he said that, at his most recent employment, he was working for the company that had the fifth largest fleet in the country, they were looking at trucks constantly, and Kenworth consistently came out on top in terms of its sustainability as a utilitarian vehicle; that they are Cadillac because they are very reliable.

I. Department Head/Committee Reports

6:29 PM 1) Eliot Energy Commission: Information Packet/Request for Approval of Bond Articles

Mr. Henningsen discussed the packet information, pointing out that included draft ballot question language; that the Maine Bond Bank staff edited the language.

Mr. Lee said that the bond questions have to be in a certain format; that we were putting in all our projections into the statement of fact and the Bond counsel said that we could not do that because they were only projections; that you need a straight-up question that has no influence. He added that the Town can put out any reliable, neutral information that is factual, in advance, to explain to voters what they would be voting on. He said that these are pretty generic questions; that the only thing we were able to adjust was the recommendation by Selectman Murphy to at least name them – solar bond, LED streetlight bond, HVAC Town

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Hall bond – and they did allow us to do that. He said that these are the actual questions in the form that they would go out on the ballot.

6:32 PM Mr. Henningsen said that the second part was our financial analysis, which are the assumptions from the pricing we have received from different vendors and the research we've done. He added that solar pricing should be available by the end of February. He said that we have included a proposed bidder's list for the SB to review; that we've written our RFP's and included those, as well; that the timing for the RFP's is February for the PV solar and the streetlights and HVAC Town Hall upgrades will be after the June vote; that those will go out once we know that we have the approval of the residents and the money committed to do the work.

6:34 PM Mr. Lee said that we have tried to address both of Ms. Davis' concerns regarding the PPA.

Mr. Henningsen said that, when we go out with the RFP, the PPA will be included; that it has been vetted by the Town's attorney. He added that we are looking for a confirmation, or commitment, from the SB that they will support the ballot question and allow them to be put on the ballot. He said that, then, we will start our community outreach to give information to voters regarding these bonds.

6:35 PM Mr. Pomerleau said that he understood what was being looked for but we can't commit to putting this on the ballot because that is part of a Charter budget process, going through a step-by-step process, before the SB has a final vote on the actual warrants to go to the ballot.

There was discussion regarding the best way to inform the voters of these bonds with the timing of the budget process.

6:42 PM Mr. Pomerleau said that he has been following their meetings and he thinks they've done an excellent job; that he, himself, is supportive of their efforts, as they make sense for the Town, there's a long-term benefit and payback for it. He added that, with that said, he doesn't know how the SB makes a final decision until we have a complete budget picture as to what's going to go forward and what's not. He did add that he's optimistic that it will end up on the ballot.

Mr. Murphy said that he thought the committee had done a lot of work to bring these projects forward; that he thinks the Town deserves to have them, time to think about them and be informed about them, and with a plan to see that they are on the ballot. He added that he thought the SB should give some level of approval or expectation that they will get on the ballot.

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Mr. Hughes said that it has been said before that we would support these three projects but, technically, that's the best we can do at this point; that we fully support this effort.

6:48 PM 2) Confirmation of Fire Chief Appointment

Mr. Murphy moved, second by Mr. Hughes, that the Select Board confirm the election by the members of the Eliot Fire Department of Jay Muzeroll as Chief for the calendar year 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:50 PM 3) Confirmation of Town Manager Appointment of the Assistant Code Enforcement Officer & Local Plumbing Inspector

Mr. Lee explained that our CEO came under the weather and was required to be out for a little bit; that we don't have a back-up plan; that we've never appointed an alternate building inspector or plumbing inspector. He added that the building/plumbing inspector from the Town of York has agreed to be our back-up in Ms. Ross' absence. He added that, in order for her decisions to be binding, she would need to be appointed as an alternate so she could function in Ms. Ross' capacity while Ms. Ross is out.

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board confirm the Town Manager's appointment of Amber Harrison as an assistant Building and assistant local Plumbing Inspector for the remaining fiscal year.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

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J. Administrative Department

6:53 PM 1) Town Manager Report

Mr. Pomerleau asked about **Line 39** regarding sewer appendix approval.

Mr. Lee explained that one appendix (Administrative Standards) that came before the SB was tabled, in effect; that we have people finalizing it right now and should have it for the SB soon.

6:55 PM Mr. Donhauser asked about Line 30 regarding PB fee reimbursement letters and how many letters went out.

Mr. Lee said that about 11 letters went out that covered two years and we have received three back. He added that we have done all the research, all the letters are out, and we will wait until the January 30th deadline, process them all at once, and then cut checks to anyone we feel didn't get their money's worth.

Mr. Donhauser asked about **Line 61** regarding two insurance claims.

Mr. Lee said that one was the roll-off truck and the other was minor – a fender-bender during a storm.

6:57 PM Mr. Donhauser asked about Line 78 regarding setting up a meeting with Key Bank.

Mr. Lee said that we are planning to have them here for the February 8 meeting; that we are having a pre-meeting to set the stage for discussion with the SB.

6:58 PM a. Financial Reports

Mr. Hughes asked about an \$18,000 revenue (police outside activity) under Public Safety.

Mr. Lee said that he couldn't answer tonight but would get the answer.

Mr. Hughes said that, under Public Works – Roads & Bridges, we have \$15,515, asking what that was; that he thought that may be the Worster Road payment.

Mr. Lee said that he wasn't sure.

Mr. Hughes said that the Transfer Station pay-per-bag revenue is way down. He added that, under General Assistance, the expense side is woefully under budget, which surprised him.

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Mr. Lee will look into the questions Mr. Hughes has and get back to the SB.

7:03 PM 2) Budget Committee Correspondence to MSAD #35

Mr. Lee said that the draft letter is in the SB's packets.

Ms. (Donna) Murphy, Budget Committee Chair, said that they incorporated some suggested changes and are looking for feedback from the SB; that we are hoping that, once feedback is received, the SB will sign on with the Budget Committee in sending the letter to MSAD #35. She added that the Budget Committee was not looking for action on this revised letter tonight; that we do have a joint meeting next week that we could get that on the agenda for some feedback, giving the SB time to review it.

7:12 PM Mr. Pomerleau supported endorsing the letter.

Mr. Donhauser asked how much we could increase the budget without increasing the mil rate.

Mr. Lee said that the Assessor told him that, based on not only what we currently know about new value coming into Town but also needing to look ahead to April at some other stuff that we expect, but still being fairly conservative, jointly with the county and school, as no tax increase to the Town only allows those three \$150,000 in budget increases.

Mr. Hughes added that, traditionally, the school system has asked for 3% increases, which is very difficult to absorb. He said that there are too many parts of our budget that we tend to leave alone, such as looking at the future; that this bothers him more than anything about our infrastructure needs and capital needs out 5, 10, 15 years and we tend to pull back on those because we can't absorb the school increases. He reiterated that it's a very difficult situation; that he totally supports this and that there has to be some medium where we can work together so that both of us get a fair increase in our budget so we can do what we need to do.

7:15 PM Mr. Lee commented that one year we went down \$129,000 on the municipal side to try to make it possible to keep the taxes down. He added that the State is not doing their part and we have to keep that in mind; that if they were doing what they should be, none of us would be in this bind.

Mr. Tessier said that the intent of that memo, from the Budget Committee standpoint, was to make an initial reach-out to the school board to establish some communication; that, historically, there hasn't been much communication between the Town and the school board.

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7:17 PM Mr. Lee said that he didn't know if this was proper procedure but it almost seems to him that the Board would want to a motion and second to take an official position that concurs with the Budget Committee's position and allows the Chair to sign this letter on behalf of the SB.

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board join the Budget Committee in this message to the School Board, as drafted.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:19 PM 3) Personal Property Tax Accounts - Abatements

Mr. Lee said that this is 7 personal property tax accounts that have really a very nominal amount of money; that most of them are closed or they are well below the locally-adopted amount that we don't bother with anymore; that we have to clean these up or our accounts won't balance; that these are uncollectable.

Mr. Murphy read the list:

➤ Cooper Construction	2012-15	53.84
➤ Greenwood Const.	2017	586.17
➤ Ray Grover	2015	179.17
➤ Link Marketing	2015	381.66
➤ F.J. Perry	2016	54.14
➤ Salmon Falls Winery	2017	121.45
➤ Through the Grapevine	2015	<u>80.07</u>
Total		1,456.50

Mr. Pomerleau moved, second by Mr. Hughes, that the Select Board waive, or abate, the personal property accounts, as provided to us and read by the Chairman, in the total amount of \$1,456.50.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

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Unanimous vote to approve motion.

7:24 PM 4) Ethics Panel Waiver Guidance Criteria

Mr. Lee said that we will hold hearings for three situations of nepotism that we believe we have; that the Ethics Panel has been gathered and he has gone over what will be expected, etc.; that we have gotten the best legal advice we can on how to go through this. He added that one of the things discussed is whether the Ethics Panel recommends a waiver, or not, the decision ultimately on how to fix the issue or grant a waiver falls to the SB; that, as he noted in the paperwork that will go out to these employees, the worst-case scenario is that one of them may have to step down or give up their position because there is no way around the appearance of bias and no way around the nepotism situation. He said that, when it comes to the SB, they need some criteria as to what they're doing and why they're doing it; that we talked about this a couple of weeks ago and in front of the SB is what we have that he believes might work for the SB in making their decisions – 'the best interests of the Town'.

Mr. Murphy said that he found these criteria reasonable for where we are.

7:26 PM Mr. Hughes said that some of this wasn't clear, asking what "any known impact on other employees" mean.

Mr. Pomerleau said that that might cover issues created in the workplace regarding favorite treatment or less-favored treatment, or someone's getting more hours, etc. He added that the most crucial element of this criterion is what's happening right now with these situations; are there issues out there. He added that nepotism creates a very undesirable work environment; that there is concern about co-workers or co-workers complaining about the supervisor; that, universally, everyone recognizes that it's not wise to have relatives working together, especially if one relative is in a supervisory capacity. He clarified that this is about 'due process' and avoiding repercussions from the actions we take; that that means that, when you do something, you need to have a very clear, defined definition of what you were doing when you did it; that it can't just be arbitrary.

7:29 PM Mr. Lee said that it also goes back to what Mr. Fisher previously spoke to – that, according to our attorney, these folks have employment rights so these things must be held in executive session when talking about the facts of the case; that any decision rendered by the SB will be publicly made – just the result of what happened, the decision; that the results of these inquiries into employment are made available but the process through which the hearing is conducted is not.

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7:31 PM Mr. Tessier asked if they released the positions that are being considered by the committee.

Mr. Lee said that that is public; that the whole package that he is sending out to each of the people involved is a public document.

Ms. (Donna) Murphy said that the policy is addressing the direct employees of the Town, asking how the Town is going to address nepotism through people who are contracted and paid through the Town and from vendors.

7:32 PM Mr. Lee said that he thought a citizen would have to raise an objection under the Charter that there is a conflict of interest and that, too, would go before an ethics panel to see if that was a situation; that what we are talking about is inside the immediate family and a bit of extended family; that right now we are starting with familial issues.

This item will be on the next regular meeting agenda.

7:34 PM **5) 2018 Town Meeting & Election Schedule**

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board approve the recommended 2018 Town Meeting & Election Schedule, as submitted by the Town Clerk on this document dated January 25, 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

7:35 PM **6) Public Approval of Warrants**

Mr. Pomerleau moved, second by Mr. Donhauser, that the Select Board approve A/P Warrant #72 for \$118,504.94; A/P Warrant #74 for \$931,899.43; A/P Warrant #76 for \$39,313.55.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Mr. Pomerleau – Yes

SELECT BOARD MEETING
January 25, 2018 5:30PM (continued)

Mr. Hughes - Yes

Unanimous vote to approve motion.

K. New Business:

Stormwater Questions/Concerns

This was not discussed.

7:37 PM Mr. Pomerleau said that he wanted to put something on the next agenda dealing with the use of contingency fund regarding our efforts to utilize and put money in that fund for labor contracts and insurance; that he thinks we have a problem with the language.

L. Old Business:

7:38 PM Investment Meeting

Mr. Lee said that we will have people from Key Bank at our February 8 meeting to discuss our investments

M. Selectmen's Report:

There were no Selectmen's reports tonight.

N. Committee Vacancy Report

This was not discussed.

O. Executive Session

Mr. Murphy said that the planned executive session has been cancelled because it has been withdrawn.

P. Adjourn

There was a motion and second to adjourn the meeting at 7:39 PM.

VOTE

5-0

Chair votes in the affirmative

Date Approved: April 12, 2018
S/ Mr. Richard Donhauser, Secretary