

SELECT BOARD MEETING

March 8, 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.

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

5:32 PM Mr. (Charles) Rankie said that he had two items. He said that H5 on the agenda is not clear to him what that's about; that if it is about launch fees, he can wait until that comes up.

Ms. Davis clarified that that item is about mooring fees and, if this is not specifically about that, then this would be the time to speak.

Mr. Rankie said that he wanted to speak specifically about the agreement with Dead Duck (Boat Basin) and what is and is not happening there. He asked if the SB members had ever read the lease agreement made in 1972 for the Dead Duck property and are they familiar with it.

SB members said that they were not in any great detail.

Mr. Rankie said that that agreement requires the Town to have a dedicated, non-lapsing revenue account and asked if we had such a thing.

Mr. Lee said that we do.

5:33 PM Mr. Rankie asked what the balance was in that account, saying that as of 2016 the Town netted \$19,298 and he wondered where that money went to.

Mr. Lee said that some of the funds accrued have gone right back into the Boat Basin, such as electrical repairs, the attendant's building; that also some of the Boat Basin rental fees has been used as a revenue, generally, in support of the Boat Basin Attendant salaries for monitoring the Boat Basin; that each year we've done that. He added that there is a balance in that fund but he isn't sure what it is because he wasn't prepared to speak to that. He said that the rest of the money has been left in the fund and not used for any non-Boat Basin or non- attendant purposes. He added that he is familiar with the agreement.

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5:35 PM Mr. Rankie said that, according to the agreement, funds not used throughout the year are supposed to be given back to the State; that all funds are to be used, particularly and specifically, for the Boat Basin and nothing else.

Ms. Davis said that they have been.

Mr. Lee said that, as he told the Conservation Commission, you can have money in that reserve account as long as you have other projects in a capital improvement plan (CIP) for Dead Duck; that the roadway going down into there is going to need to be repaired or reclaimed and paved at some point; that there also is the Pavilion area and, also, the dock now needing repairs; that our intent is to use every dollar generated at Dead Duck in Dead Duck or by having staffing at Dead Duck.

5:36 PM Mr. Rankie said that the agreement says in, Section 4 on page 2, that the Town will maintain sanitation and sanitary facilities and, to his knowledge, somewhere around four years the bathrooms haven't worked.

Mr. Lee said that they are going out to bid this spring and will be completely renovated; that that was budgeted last year.

Mr. Rankie said that there are abutting residents that would submit that that would include that we don't pick up garbage along the road, as they do, when we say "carry in/carry out"; that he brought this particular item up for the SB's information, asking for the SB to read this agreement. He added that there is supposed to be an annual report submitted to the State (Page 4, Section 10) and asked if that has been done.

5:37 PM Mr. Lee said that he was made aware of this agreement and the need to do that two years after he started; that he sent one then and he sent one when we changed the fees the first time. He added that he was not prepared to give a full report on this. He said that he could send a revenue report to him and the annual reports.

Mr. Rankie said that the Town, from his read of the agreement, is in violation of the agreements significantly where the Town decides it's going to charge non-residents more than it charges residents; that Page 1, Section 2 says, 'members of the general public shall be permitted to make proper use of the property without regard to race, color, creed, national origin, or place of residence.'; that to charge someone out-of-state more is place of residence. He added that he would submit that we cannot charge non-residents more than we charge residents.

5:39 PM Mr. Lee said that, perhaps, it would be valuable for us to get this agreement, look it over, and make sure we are being consistent with it as Mr. Rankie seems to be intimating that, perhaps, we are not in some ways. He added that the Harbor

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Master has told him that, when he is down there, that he is picking up bags of dog leavings and trash almost every week; that people are not very good about getting rid of their garbage. He said that, in speaking with the Harbor Master, he found out we probably don't have enough garbage cans down there and he had the Harbor Master speak with the Public Works Director about getting another big 55-gallon drum that we could set closer to the island where you go down in. He added that there is one at the Pavilion.

5:40 PM Ms. Davis said that she believes that every time we set fees for the launching that there is a State statute that we followed on that claiming that you do not charge non-residents any more than twice the cost to local residents. She added that we looked that up every time we set the launching fees.

Mr. Pomerleau said that that language is a little bit ambiguous without seeing it; that that could strictly be referring to the use of the Boat Basin, itself, and distinct from mooring fees out in the water; that if someone wanted to use the Pavilion, they would be charged the same in-State or out-of-state. He added that he doesn't remember that Mr. Rankie was on the Harbor Commission when all the ordinances and any of this was raised but your group as being irregular so he is kind of having to refer back to the whole ordinance and the whole fee structure.

5:41 PM Mr. Rankie said that this was not anything that the Harbor Commission looked at but something that a member, or two, referred to the Town Manager years ago to look at because we didn't feel that the Town was complying with it; that the Harbor Commission was not charged with looking at this; that it was not our purview. On another topic, he said that he is affiliated with Baran Place; that they recently installed a stand-by generator with sufficient capacity to run our two main buildings – Building C and Building D – and what it does is that the community room we have and the hall space of Building D is up and down stairs and it's a really big space; that the Board has authorized that we invite our emergency preparedness manager, Chief Muzeroll, to work with our on-site person and, if that could facilitate the Town in instances like today (power outage). He added that the only thing we don't have up there, now, are the cottage buildings; that he is pleased to announce that the generator space is available to the Town.

5:43 PM Ms. (Nancy) Shapleigh said that it is rolling around to a year since my young sister-in-law died out in the cold; that we seem to be doing all kinds of things of importance but she thinks we're cheating the elderly. She added that she would like to see a committee formed that could get something done, some kind of legislation for temporary authority, or whatever it takes; that she tried to find someone to help when her sister-in-law was suffering from dementia and she got nowhere fast; that she would like to find people who are qualified to, perhaps, go in and evaluate a system and decide if there needed to be some emergency

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management there regarding the kind of peril her sister-in-law was in. She said that she thought a Selectman should be involved in a committee like this and she would like to be on that committee, as well, so that she could have some input and follow-through on that. She also asked what we have spent in the last year on legal fees and what it was for, what is paid for, what is owed; that she thinks that, under the Freedom of Information Act (FOIA), she is entitled to that information, and the whole community, so she would like to see some action taken. She added that, if she has to put it in writing, she will, but this is her second time asking in person.

5:46 PM Mr. Lee said that he would consider Ms. Shapleigh's request as a FOAA request, clarifying that she wanted a report for the past year of what's been spent for all legal funds and on what purposes.

Ms. Shapleigh said yes.

Mr. Murphy said that, with regard to Ms. Shapleigh's concern about someone keeping charge or being aware of the needs of elderly people that may be neglected, that was one of the purposes he had in mind when we went back to getting a Town nurse; that that was going to be one of the duties; that maybe it's better communication, too, to make sure they can call for help. He asked about the status of getting a public nurse.

Mr. Lee said that we advertised at least twice in the paper and he put out feelers to all the staff of anybody they could think of who was an RN, maybe retired, who would be willing to do that; that we had nobody come forward to do it on an on-call basis so we've not been able to hire anyone. He added that there is a State agency that didn't do anything; that that is part of the frustration that we will face as local officials because the unit that has the authority is Adult Protective at DHS, which is under-staffed, as is Child Protective; that it has to rise to a very high level to put staff resources into it; that he doesn't know if there's any answer to who would have jurisdiction to take someone out of their home against their will; that even Adult Protective at the State level, which clearly has that authority, rarely uses it.

5:49 PM Ms. Shapleigh said that she thinks you need to go to the legislature with the problem; that she thinks that when you see something repeatedly going wrong, when you're in a position to see it, you need to get together with someone else and get somebody to the legislature or whatever it takes for temporary authority; that that's the problem with DHS, they mail out paperwork to a relative who doesn't know how to fill it out or not going to fill it out; that they don't fill it out and, two days later, her sister-in-law is dead in the cold; and she's sorry but we all have a responsibility to do something. She said that when you see a problem over

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and over again, whether it's our regulations or whatever, somebody should be taking it forward, they shouldn't be saying "It's not my job."

5:50 PM Ms. (Donna) Murphy said that she would hesitate to point fingers, necessarily, at Adult and Elderly Services; that they don't have the authority that a Child Protective Agency would because adults have the right to say no, that they don't want their service, they don't want to leave their home; that she thought the only way they could remove that person was to threaten to harm somebody or themselves.

Mr. Murphy wondered if our Aging-in-Place Committee might be at least a source of rumors or direct knowledge of possible cases to bring things up to an active level.

Mr. Pomerleau agreed that that might be a good subject matter for the new committee; that he doesn't know if they are going to come up with the answers Ms. Shapleigh is looking for legislatively. He added that they are going to try to do a needs assessment in the community and that would be one of the things, when the surveys are put out, that someone might try to distinguish what the issue or what the problem was; that they are looking to match available resources with the needs that people tell them. He added that he put the committee in touch with Jud Knox at York Hospital and he's going to be talking to them about health issues and services provided by York Hospital. He said that this might be some subject matter that, in the course of the committee's work, they might look at forming some community network or some neighborhood group, or some resource like that, that focuses on this kind of a problem when it's identified and at least tries to find some immediate action; that he agreed with Mr. Murphy. He said that he could, as liaison, bring Ms. Shapleigh's concern to the committee.

5:53 PM Ms. Shapleigh asked about the committee.

Mr. Pomerleau said that there were seven people on the Aging-in-Place Committee and they meet every month.

Mr. Lee said that they meet during the day and that, as of tonight, there will be an opening on that committee as of tonight because one member is resigning.

Ms. Shapleigh said that she would like to be considered for that opening. She added that she would have someone help her fill out the form.

Mr. Rankie discussed getting feedback from a licensed nurse he sent the Town's ad to regarding liability and insurance; that we had a paid public health officer a few years ago that seemed to work well and suggested we might do that again.

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5:56 PM A member of the public spoke about a similar, personal situation he found himself in with his dad and the problems trying to get him the help he needed because of the legal limitations.

Mr. Lee said that he is the health officer for the Town; that he replaced Ms. Darr when the \$1,000 was trimmed from the budget. He added that, if there is anybody who may know of anyone who is in trouble, either he or the General Assistance Administrator could reach out to them; that they know all the agencies and would be more than willing to help, saying that we can make a number of referrals and make wellness checks, for instance.

5:57 PM Ms. Shapleigh said that she did all that; that the point is that something needs to be done through the legislature that would give authority so that we didn't have to worry about the liability so that the person's life could be saved. She added that by the time you go through all that, all the agencies, it's too late; that there has to be something that gives authority because they didn't have it 'here', the police didn't have it, the DHS didn't have it, nobody had it, suggesting insurance be gotten to deal with the liability issue. She stressed that nobody should be dying out in the cold; they should be dying in a warm bed.

5:59 PM Mr. Lee said that the only other thing he can do is the MMA has an advocacy branch – a 70-person municipal body that forms the legislative policy committee – he could suggest to the policy committee that they advance legislation through the MMA if there is a will among a number of towns that are seeing the same kind of problem in that none of us can help these people unless they allow it and protect us under the Maine Torts Claim Act.

Ms. Shapleigh said to Mr. Lee to give them her name and number.

Mr. Murphy said that the issue of competency has to be considered and who can overcome that or rise above that.

Mr. Lee agreed it was a very complex issue.

6:00 PM Mr. Pomerleau said that he thinks there are some very strong constitutional base issues, here; that the first line of defense in his mind is the family and, if they can't get anything done, then you have no more power than we do; that we all run into road blocks because there are constitutional issues there; that he doesn't know what the answer is but he thinks the best we can do is to try to find whatever resources the committee find – can we get somebody out of the woods for the moment for something like this.

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G. Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Murphy, second by Mr. Pomerleau, to approve the minutes of December 28, 2017, as amended.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

The minutes of the January 17, 2018 joint budget meeting were tabled until the next meeting.

F. Committee Resignations and Appointments

6:05 PM This was taken out-of-order.

Mr. Lee said that, after the SB meeting packets went out, he received a resignation letter from Ms. Gefrich (Aging-in-Place Committee), reading the letter.

Ms. Davis moved, second by Mr. Murphy, that the Select Board accept the resignation of Bridgette Gefrich from the Aging-in-Place Committee.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:06 PM Ms. Davis said that she received a letter from Linda Anderson to resign from the Conservation Commission.

DISCUSSION

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Ms. Davis moved, second by Mr. Hughes, that the Select Board accept the resignation of Linda Anderson, Alternate, from the Conservation Commission.

DISCUSSION

Mr. Hughes asked if there was a reason stipulated.

Ms. Davis said that Ms. Anderson said that she would not be able to fulfill her duty to the Conservation Commission because her college coursework was requiring more time this year than she expected and it would be unfair to the Commission to stay.

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.

H. Department Head/Committee Reports

6:10 PM 1) Fire Dept. – Updated ISO Rating for Eliot

Chief Muzeroll said that ISO is the company that sets the rates for insurance companies that insure your homes or businesses and part of their service is to evaluate the Town's ability to supply water, fire apparatus, and communication to get us out the door effectively to put the fire out. He added that this is done about every 10 years; that the last time this was done was 2002 because the agency is running a bit behind, like everybody else; that they've made it more complicated and can't keep up. He explained that the Fire Department is judged, for insurance purposes, as to how many miles a residence is within an identified fire station and within a water district or within 1,000 feet of a water supply; that for residences that live on the outskirts, they recognize there is a fire department but that you live greater than five miles from a fire station; that there is a new classification – greater than 5 miles and less than 7 miles but may have a credible water source within 1,000 feet of their property; that those furthest away pay the highest amount in fire protection insurance premiums. He discussed the fire insurance rating of 5/9 (split classification since 1991) and its impact to insurance premiums; that they have revised and consolidated the classifications over the

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past couple of years; that they now deal with strict numbers and an 'X' that show, where we used to be a 5/9, we are now a 4/4X; that that means we've been able to improve our insurance classification. He added that they have added another classification (used to be Class 10), which incurred higher rates, but has changed to reflect outlying structures within 1,000 feet of a credible water source (10W); that there is no dollar amount available, as it is based on individual situations. He said that we prepared for this review as much as we could with generic questionnaires; that when they came, the questions became very specific and we may not have had enough information for them; that what that allows us to do is, in a year period, they will review, through email or data exchange, whether we have the ability to change things based on new information; that where that is important is the difference between the Class 3 and Class 4 is only 4¼ points out of 100, adding that there are some things that we can do that may help us get a better rating. He added that we can upgrade some things and not others, mostly with manpower and training, as a call department; that we are compliant with the State standards but ISO has stricter constraints; that one thing we did get credit for is the importance of the number of people we have available to respond to structure fires at certain times of the day (6AM to 4PM). He said that we try to work on recruitment and we are starting a new recruiting process this spring, focusing on some daytime personnel.

6:21 PM Mr. Lee said that he thought some of this ISO rating had to do with the way we do home inspections and building standards and the building codes we are using, training that the CEO has and the being up-to-speed on several things.

Chief Muzeroll said that he works with the CEO for commercial inspections and is something we can certainly improve on; that they think we should be inspecting every commercial structure in this community twice a year and he and the guys don't have enough time to do that. He added that he thinks we can do better with data collection and forwarding it to the ISO.

6:23 PM Mr. Lee said that some of it was a review on how we issue building permits and he thinks we did very well there. He congratulated the Chief and the CEO on a great job; that that is a big drop in our ISO rating and we may be able to get down to a 3, which would be the lowest number of any community he has ever served in.

Chief Muzeroll said that he thinks it's obtainable with a team focus.

Mr. Donhauser said that, in the ISO letter dated 2/26/2018, where it talks about building code effectiveness grading schedule results, it talked about Class 5 for 1 & 2 family residential property and Class 5 for commercial and he didn't think Chief Muzeroll had addressed that.

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6:24PM Chief Muzeroll said that that letter was sent to the CEO and he did not have that; that it would be difficult for him to comment on it; that he could review it and send his comments. He added that, in the CEO's defense, while the ISO was here she was out for surgery and some of the things they were addressing, here, they may not have been able to accomplish.

Mr. Donhauser said that his ultimate question was if this Class 5 was the high end of the Class 4X, are they somehow related to each other.

Mr. Lee said that he would find out through the CEO.

Mr. Donhauser asked if 5 was good or bad.

Mr. Lee said that it was right in the middle, on a scale of 1-10.

Mr. Donhauser said that our score was around 65¼ out of 105.5 and asked how we compared to somebody like Kittery or South Berwick, would they have a similar report.

6:26 PM Chief Muzeroll said that Kittery just went through this, as well, and they had some data loss, so he doesn't know what their new numbers are; that, historically, in 2002 they were a Class 4/6, he thinks. He added that we did get credit for mutual aid.

Ms. Davis said that the Chief did a nice job and thanked him for coming in.

Chief Muzeroll had an additional topic to discuss. He said that, over the years, he has been a huge proponent of extending the water mains in this community, whether for residential or commercial property; that we have the opportunity, and have had the opportunity, to extend some water mains in this community and, in this particular case, the Route 236 corridor to the Junior High for that 3-mile stretch; that money invested in that not only helps in the fire protection class for the properties that are there but also in the re-sale value of the property. He said that he just wants to go on record – water, water, water; that they can bat sewer around all they want to but sewer doesn't put fires out; that the more money we put into the water system, the better protection of the properties and, in the long run, it will help the people owning the property in a little cost-savings if water is available to them. He added \$2.5 million right now if Kittery Water District laid it from Beech Road to the junior high; a lot of property available there and a lot of property within a 1,000 feet of that Route 236/Depot Road intersection that would benefit from it. He said that when you're talking about spending TIF money, alternative money, again, he just wants to stand up and say spend it, spend it, spend it.

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6:30 PM 2) Administration – Award of Fabyan Drake Award at Citizen’s Option Meeting

This was a letter from Mr. Thomas “Doc” Clayton, Chairman of Fabyan Drake Award Committee, asking to present the Fabyan Drake Good Citizen Award at the beginning of the Citizen’s Option Meeting.

There was some concern discussed regarding the minimum number of attendees to maintain a voting membership.

Mr. Murphy moved, second by Mr. Pomerleau, that the Select Board approve the Fabyan Drake Award to be made at the Citizen’s Option Meeting.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

6:36 PM 3) Energy Commission – Solar Array Bids

Mr. (Ed) Henningsen, Chair Energy Commission, said that this is a follow-up to the last meeting; that we went out for RFP’s, contacting six contractors, with five saying they were interested; that one backed out and we sent out four with one response back from ReVision Energy. He added that Mr. (Nick) Sampson, ReVision, is here for any questions; that he thinks the numbers are good and the Energy Commission’s recommendation is to go with the PPA and buy it out in the sixth year.

6:38 PM Mr. Lee said that the solar array is designed to provide 95% of all of the Town’s kilowatt hour needs, that includes the Highway Department solar array.

Mr. Henningsen said that the Town would save about \$275,000 over the 25-year lifespan of the installation, which includes purchasing and full ownership of the asset.

Mr. Lee said that we still think this is a very good idea to own our own streetlights, fixtures, and be able to enhance lighting while dropping the energy cost dramatically for all the residents.

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6:42 PM Ms. Davis said that she thinks what she is seeing is that we will go out and bond this in June so that we have a guaranteed purchase, as that's really the only way to guarantee that we make our money back on this; that the citizens will be approving the bond this year, we won't take out the bond and use the money until the end of Year 5 and, at that point in time, money that we are saving by owning it will make our bond payments, or close to.

Mr. Henningsen added with the savings we have.

Ms. Davis asked, when we begin to take over the care and maintenance and ownership of the panels, how much labor is involved and will we have a plan set up, with someone in charge of it and someone monitoring it, to keep it up to its highest effectiveness.

6:44 PM Mr. Sampson said that you have a couple of options once you acquire ownership; that you can do that internally by checking on the web-based monitoring system, which picks up any issues and gives production numbers. He added that you could also enter into an operations and maintenance service agreement with ReVision Energy or another solar contractor. He added that, included in our spreadsheet, the \$980 annually represents one level of our O&M service agreement (platinum), which involves us checking production monthly, performing an annual mechanical inspection, and providing an annual report on the system. He said that, generally, we find that the labor for maintaining the systems is very small, if any, just because they are so simple, with no moving parts and a very long life-expectancy. He added that you could pick up a service agreement whenever you want to; that you would start to have that option once you acquire ownership; that during the Power Purchase Agreement (PPA), that responsibility would be on the investor. He pointed out that, with our savings projection that also includes a 1.5% escalator with the utility rate and basically with the .03 discount that we're offered with the PPA, we expect in each year the system to stay revenue neutral to savings, about \$5,000 of savings in years 1 through 5, per year, and then revenue neutral for the lifetime of the 10-year bond; that there's one calculation that he wants to work out with the Energy Commission but our expectation would be that consumption is actually revenue neutral to savings while you're in the PPA and in the bond and in savings once that note is paid off.

6:47 PM Mr. Hughes asked if these spreadsheets assume that we consume 100% of the generation.

Mr. Henningsen said that, basically the way the spreadsheets are set up, the array will produce 171,000+/- kilowatts and that costs us X amount of dollars; that we get a credit back from CMP, which is somewhere around 5% less than that and, then, that is basically the revenue back to the Town. He added that ReVision bills us for the five years at 10.5% with a 2% escalator on what goes to the grid.

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6:48 PM Mr. Henningsen said that the reason we picked 95% is that there is a liability, if we have a real sunny year and we generate 105% of what the Town is using in electricity, that we may end up paying ReVision more than what we're using.

Mr. Sampson said that the solar credits are good for twelve months and will roll over into the next calendar year; that, as Mr. Henningsen mentioned, because solar production can fluctuate year-to-year based on weather, we will not try to offset 100% of your usage on the nine accounts that could be offsetting but rather 95% so you minimize the risk of losing credits and paying more to ReVision.

Mr. Henningsen said that the streetlight electrical usage has not been calculated into this; that the potential conversion of the Town Hall HVAC system has been, at this point, but if that fails by the citizen's vote, then we will reduce the size of the landfill array.

6:50 PM Ms. Davis asked if the new pumps at the pump stations were anticipated to use a lot less energy than is being used now.

Mr. Henningsen said that he couldn't speak to that right now.

Mr. Lee said that we do anticipate those pumps being more energy-efficient. He added that ReVision will work with us if there is any need to shrink this (array panels) down a little bit under the same terms and conditions.

Mr. Sampson agreed, saying that he didn't expect it would change the deal at all; that we just review system size slightly.

Mr. Lee said that sewer pumping is decreasing; that Mr. Moulton told him that we have taken some 100,000 gallons out of daily processing by all the I&I work we've been doing; that we continue that work and expect electrical costs associated with pumping sewerage, between new pumps and I&I work, to come down. He added that that also gives us greater capacity with our total sewer allocation to use it for true sewer purposes.

6:52 PM Ms. Davis asked if the generation size can be adjusted and during what term.

Mr. Henningsen clarified that that has to do with the number of panels we put up; that it would be right at the beginning and we'd have to size it and have that number of panels calculated.

Mr. Henningsen asked for an energy use comparison of the old and new pumps for those calculations.

Mr. Lee said that he would do that.

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6:53 PM Mr. Henningsen said that, regarding labor, there would be a little additional work to mow around the solar panels. He added that the other thing not included is, once we purchase facility from ReVision, we can start selling renewable energy credits, which brings us in another \$2,000/year, and ReVision would be set up to broker that for us and other towns around.

Mr. (Charles) Rankie discussed the solar system they have at Baran Place maintained by ReVision and their satisfaction with ReVision's work for them; that they are a good company and we would recommend them.

6:56 PM Mr. Pomerleau asked if they made any attempt to clean the panels off during the winter season and how high off the ground are they.

Mr. Sampson said that they are about 3 feet off the ground and that height is set per snow load of the area. He added that they will be pitched at 35 degrees, which is chosen for peak production for this latitude as well as to shed snow. He said that we do not recommend clearing them but letting the snow slide naturally; that we recommend being very careful. He added that they are made of tempered glass and will shed snow like a metal roof.

Mr. Pomerleau asked if, when snow gets really deep, do they recommend cleaning the snow out around the panels to make room for additional snow shedding.

Mr. Sampson said that they would not recommend that because, when snow is building up, solar production is fairly low throughout the State and it would not be cost-effective.

Mr. (Paul) Sycamore, Meadow Lane, asked if they had already locked in their panel costs, concerned with the 30% tariff impact.

6:58 PM Mr. Sampson clarified that the federal administration just put a 30% tariff on imported solar panels and our pricing includes the effects of that tariff.

Mr. Sycamore asked if we are getting any efficiency rebates back on this.

Mr. Sampson said that residential and commercial customers are eligible for a 30% federal tax credit in 2019, rather than a rebate.; that the Town, not having a tax liability, can't take advantage of that; that this PPA agreement involves the investor taking advantage of the tax incentives and that's one way they recover their investment and indirectly pass that on to the taxpayers.

Mr. Sycamore said that he has a ReVision system and Mr. Pomerleau raised a good point about snow shedding off; that all the snow that fell on our house,

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today, is all off the panels right now. He added that he can monitor the production level of each individual panel and asked if that would be on the Town system or is it per line of panels.

7:00 PM Mr. Sampson said that it is string-level monitoring, which isn't necessary in this situation, and helps to keep the costs down.

Mr. Sycamore said that ReVision was a great company, he bought at a reasonable price, and service was excellent and the workers were outstanding; that he would recommend them.

7:04 PM Mr. (Denny) Lentz gave kudos to the Energy Commission; that he thinks they've done a fantastic job and feels very comfortable with them. He asked, regarding liability, how you keep dogs, wild animals, kids from running among the panels. He asked if there is any liability insurance increase.

Mr. Lee said that there is a fairly dense line of trees that go all the way around the landfill; that the only place we've asked for a fence to be put up is right along that Transfer Station side so that nobody can get into that solar array from the pavement or any of the buildings.

Mr. Sampson said, regarding insurance, that while it's under PPA, the investor will have liability insurance; that we recommend that the Town takes out a rider on its liability insurance.

7:05 PM Mr. Lee said that the MMA Insurance Company also suggested what Mr. Sampson said; that they (MMA) will provide that same protection to municipalities on solar arrays as long as they don't exceed a certain size, and we don't.

Mr. Sampson said that, when the Town acquires ownership, we recommend the Town have property liability insurance. He added that, usually, we find that that expense is much higher for ReVision or an investor that doesn't already have insurance on the property so, if you find out what that will be and if it's going to bump up price, as we go, we can throw that into the cashflow, or the Energy Commission could do that.

7:06 PM Ms. Davis asked if the purchase price was fixed at \$195,000.

Mr. Sampson said yes; that unfortunately we can't fix that in the power purchase agreement; that that is the estimated buy-out amount so, if you fix a buy-out in a PPA, it is deemed a lease by the federal government and then is no longer eligible for the federal tax incentives. He added that he knew that in our original PPA with the Town of Eliot we offered to basically fix that and we since understand, and

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have received advice, that we should no longer be doing that. He said that what we do is come up with a buy-out schedule for each PPA agreement before the customer enters into the PPA; that the way that we calculate, or estimate, the buy-out is using present value of future revenue streams. He added that, in the PPA, it says buy-out is going to be either that buy-out schedule we have calculated or, at the time of the buy-out, you can calculate the fair market value of the system using the same calculation we have used to put that schedule together. He said that that's what's included in the agreement in order to try to make sure that that is as accurate as possible for the buy-out amount.

7:08 PM Mr. Lee said that originally when we did this the first time, everybody was saying you buy it out after the end of the 6th year and that's why the proposed bond amount was \$175,000, because we were planning to buy it after the 6th year. He added that, since then, you've been able to go company-owned and restructured so that you can actually sell it off after 5 years or we buy it in the 6th year instead of the 7th year; that that drove the buy-out value from a little under \$175,000 to about \$195,000. He said that that's why the bond amount being requested is \$175,000, not \$195,000; that he's not sure what we do about that, at this point; we haven't settled on any of those bond amounts, yet, but the other thing is we could just simply agree to buy it out after the 6th year from you, too, like we originally planned, could we not.

Mr. Sampson said yes, and then it would go down.

Mr. Lee said that we would then have another year of depreciation and be back down around that \$172,000 number, or whatever it was, that we first discussed; that he thinks there was enough depreciation between Year 5 and Year 6 that that number he put in, at least at the time, was more than adequate. He added that he could run a quick amortization schedule and see what the initial interest payment is going to be on a buy-out in the 6th year; but, the Budget Committee has already acted. He said that, rather than doing that this late in the budget process, we have a couple of options; that we could wait a year or we could take some of the accumulated savings and put together another \$20,000 over the 5 years the investors will own it to have 5 years raised locally. He added that he thought it would probably be beneficial to own it as quickly as possible, given that our ownership is where the money is really made, and not the first 5 years.

7:10 PM Mr. Hughes said that there was no budget impact next year because all we're doing is approving that we will buy it out but there is no financial impact to our budget next year.

Mr. Henningsen said that he submitted the revised ballot question to the SB and raised the value of the purchase to \$200,000; that if, when we get to Year 5 and do a fair market value assessment on the array and it comes out higher than what

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we want to take the bond out for, we can extend the PPA for a year or two; that that will allow the fair market value of the array to decline hopefully to the point where we feel comfortable in taking the bond out.

7:12 PM Mr. Murphy clarified that we are using depreciation to come down to our price range.

Mr. Henningsen said that it is an option.

Mr. Sampson said that the investor is continuing to recover their investment through the energy payments through the Town of Eliot, and that's bringing the buy-out amount down; that they expect as years go on that present value of future revenue streams to go down. Regarding saving \$20,000 to help with the buy-out, he said that through the Energy Commission's projections and ReVision's projections, the range of savings over the first 5 years is \$22,000 to a little more than \$27,000.

7:13 PM Ms. Davis said that we have seen the RFP, etc., asking if we have a final contract for the Board to review.

Mr. Henningsen said that the SB has the PPA in the packet he gave to the SB last month; that that was part of the RFP that went out.

Mr. Donhauser asked, if someone was to step up and want to buy this system today, is that price \$195,000.

Mr. Henningsen said that it would be \$325,000.

Mr. Donhauser said that his question was why we don't borrow from ourselves; could we borrow from the TIF fund and, with the savings from the energy, which is dramatically larger, put that money back into the TIF fund.

7:14 PM Mr. Lee said that he doesn't know if the TIF fund would be the right place to borrow from ourselves; that he has a feeling they would frown on that; however, our undesignated fund balance is up to where we want it to be; that with voter authorization we could go into fund balance and pay ourselves back in the form of fund balance, have this money we are saving drop through to the fund balance; that we could avoid any interest payments on the bond. He reiterated that you could do it that way but the downside to that is that Ms. Davis, foremost, wanted to know that the voters are going to make sure that it does get bought out at some point and that we don't just have it for 25 years, making \$2,000 to \$3,000/year.

Mr. Donhauser asked for clarification regarding \$2,000 to \$3,000/year.

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- 7:15 PM** Mr. Henningsen explained that if you lease it – the PPA goes for 25 years - and the contractor owns the facility for 25 years, we would net about \$2,000/year for just the discounted electrical pricing.
- Mr. Lee said that that increment between what CMP charges and what our PPA calls for would be the only thing you are saving; that, otherwise, it would be the price that CMP has all the way down to zero, and that's the savings. He added that that's why your point is well-made; that if we could buy it from Day 1, then that would be our greatest amount of return on investment, or greatest savings; that we didn't think it practical to ask for a \$325,000 bond.
- 7:16 PM** Mr. Donhauser commented that that wasn't a lot of money, in some respects, when you're buying that type of property and what the potential could be for the income stream.
- Mr. Henningsen said that he ran a scenario where we would purchase the facility from Day 1, run bond payments over 15 years at a 2.4% interest rate, and found we would have bigger savings going with the PPA and buying it out in the 6th year than in buying it Day 1. He suggested he could modify that by taking the loan cost out but the first year would be a negative loss of \$325,000, with the full value then coming in, just to take a look at the numbers.
- 7:18 PM** Ms. (Donna) Murphy asked, regarding the 25-year lifespan, if they could speak to, when this is no longer useful, what the costs would be for dismantling or become obsolete with newer technology.
- Mr. Sampson said that the 25 years included in the cashflows is the production warranty for the panels; that the lifespan of the panels is actually expected to be 30 to 40 years. He added that it would be hard to say what the cost would be to take these systems down because most of the systems installed in the '70's and '80's are still in place and effectively producing power. He said that the expectation is that the salvage cost of that equipment will cover the cost to dismantle the equipment. He added that if the Town stays in the PPA, then the cost, at 25 years, to remove the equipment is the responsibility of the investor.
- 7:20 PM** Ms. Davis said that she has not looked real closely at the warrant for this, asking if we are allowing ourselves the flexibility to move beyond a 5-year purchase plan or do we need to consider that; that it would be smarter to buy it put at 5 years. She added that her original concern is if the amount of credit goes down then, under PPA, we could end up upside-down.
- 7:21 PM** Mr. Lee said that it wouldn't do any harm to put that bond out at \$200,000 so that we could buy it as soon as possible. He added that we've done everything very conservatively; for example, we used 25 years and know we're probably going to

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get 30-35 and went 1.5% last time and 2% this time; that the Energy Commission said to keep it conservative and, if we keep it conservative, we have nothing to fear. He added that, if we have to make a bunch of hopeful assumptions to make it work, then he doesn't feel comfortable going in; that he thinks the Energy Commission did a great job getting there and ReVision did a great job structuring it so that it is palatable.

Ms. Davis said to Mr. Sampson that ReVision is going to want to keep ownership for a certain length of time to get your profit out of this deal, asking for a minimum timeline.

7:21 PM Mr. Sampson said that it is 5 years; that that is the recovery period for the tax incentives; that if you were to buy it out early, the federal government claws back some of those tax incentives and the entire deal becomes a higher cost.

There was more discussion regarding the use of undesignated funds; that one would rarely want to touch it, especially if it's not at the target; that using this fund is not for supplementing salaries, and the like, but would be on a big project, especially one where there were revenues coming back.

7:27 PM **4) Harbor Master – Damaged Piling at Town Dock**

Mr. Lee said that we believe ice crushed the piling over the winter; that he thinks this can wait this month; that he thinks he will submit it for insurance to see what they would say about it. He added that we do need to be aware that, before the season starts on Memorial Day, this 'leg' is quite dangerous. Per a suggestion from Mr. Pomerleau, he will submit this to the State, as well.

7:31 PM **5) Harbor Master – Amended Fees**

Mr. Lee said that it was suggested that he make the cost for the boat, boat maintenance, Harbor Masters, etc. be offset fully by what we collect in mooring fees; that he started to do an analysis of what we might have to charge in order to be self-funding. He added that he started with the premise that we would remove \$2,500 from the overall cost; that he told the two Harbor Masters that we will either go down to one Harbor Master or they could adjust their stipends that \$2,500 comes out. He said that mooring fees look like they are in decline, generally; that the Town Clerk could not remember a time when mooring fees had been adjusted in any way. He discussed current (\$5,428) and proposed (\$13,500) mooring fees to get to that targeted amount to be collected; that the average cost to all people would be about \$90.00, up from \$36.19. He said that, in looking at several towns around us, we are by far the lowest mooring fee, and thinks it's time for an adjustment but is looking for feedback from the SB.

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- 7:37 PM** Mr. Pomerleau said that he liked the idea and he doesn't know if the numbers are the right numbers but believes Mr. Lee is on the right track; that Mr. Lee should keep going forward.
- Mr. Hughes asked how many moorings we have.
- Mr. Lee said that he thinks we have about 181.
- Mr. Hughes asked if we issued a permit for every mooring we had available.
- Mr. Lee said no, only about 150; that, if you go out, a lot of them (balls) have not been maintained for a very long time – barely seen, weeds all over them, and not marked properly. He added that the Harbor Master has cleaned up the waiting list, from what he understands; that we'll see if we have more of those this year and the others he thinks, at some point, we've got to get them cut free because they are a navigable problem, as you just can't see them.
- 7:39 PM** Mr. Hughes said that he thinks we need to push for 100% utilization of these moorings.
- Mr. Lee agreed, saying that some of them are in really odd places.
- Mr. Rankie said that, before the Harbor Commission was disbanded, they sent a request to the SB that they be allowed to work on the mooring field and continue the harbor plan, which he understands is not up-to-date; that the Harbor Master, about 3 years ago, told them that there are 100 available moorings beyond what we use now. He added that he believed that if we were to analyze what we have for available moorings and advertise, we'd more than realize 100% rental.
- 7:43 PM** Mr. Lee said that the proposed mooring fees would be for the next boating season. He added that he does believe we've counted every ball out there.
- Mr. Rankie suggested the Harbor Master, and Assistant Harbor Master, be tasked to go out there and tell us what we have and finish the map of what's available.
- Mr. Lee said that the map is now complete and we have all those 181; that we can't identify some of them because they are so shoddily maintained and don't know who they belong to.
- Mr. Rankie disagreed that the map was complete as it should not only show what we have but available areas.
- 7:44 PM** Ms. Davis asked if Mr. Lee knew the Harbor Master's plans for discovering new areas.

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Mr. Lee said that we have not discussed that too much; that he's been working to get everything back up and running; that we've been trying to get ahold of owners to get them to maintain their balls so they aren't navigable hazards, with limited luck. He did agree with Mr. Rankie that they do pay their fee but they leave them out there in a condition that's going to get someone tangled up.

Ms. Davis said that somebody's not paying their fees because we've got 150 and there are 181.

Mr. Lee said that it just may be that there's only 150 people, right now, that are interested in having a mooring in this little body of water.

Ms. Davis asked Mr. Lee if he could find out what the future plans are.

Mr. Lee said yes. He asked how the SB would like to proceed with the proposed, amended fees.

Ms. Davis said that it would be a good idea to let the public digest the information, and have it on the agenda in two weeks, to give the public an opportunity to comment.

I. Public Works

7:51 PM 1) Additional Expense – Roll-off Truck

Ms. Davis said that she has handed out some questions she believes are serious enough that we need to have Mr. Moulton investigate them and, if Mr. Lee thinks we have time, we can wait two weeks.

Mr. Lee agreed; that we need to proceed with the repairs but he's glanced through the questions and at least one of them seems to indicate that, if it's not going to be a warranted repair that won't make the truck structurally unsafe.....then he guesses you don't want to do it; but, we kind of have to; that we are spending a lot of money.

Ms. Davis said that this is a leased vehicle.

Mr. Hughes clarified that it is a lease-purchase, which means we've already purchased it and are paying for it over time.

7:52 PM Mr. Lee said that we do know that they don't care if we adjust it; that we have confirmed that and are still processing the lease now; that they are okay with all this.

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Ms. Davis said that the frame didn't come with pre-drilled holes in order to make this adjustment.

Mr. Lee said that he didn't ask that question; that he doesn't think it's pre-drilled holes but he knows we don't have the equipment, in-house, to move a very big axle 18" forward.

Mr. Hughes said that he thinks the sum total is that this is very disappointing to purchase this vehicle and then have this come upon us.

Mr. Lee said that he hung his head; that Mr. Moulton said that it was an oversight; that when we bought it we did not think that through that the center of weight, the way we're going to use it, is not like a regular truck; that he said mea culpa, he didn't think of it. He added that we all make mistakes. He explained that, regarding the 1st question on why the axle needed to be moved, the way we carry the big waste can on there, the wheels have to be more directly under the load being carried.

7:54 PM Mr. Lentz said that it's also a State and federal law.

Mr. Murphy said that he can't help feeling that a lot of these questions are down inside the way the DPW must work; that the Manager needs to know that because he is in charge of Public Works.

Mr. Lee said that he has seen emails back-and-forth and knows everything is proceeding fine.

Mr. Murphy said that all we have to do is ask the Manager if this is being handled and if it's appropriate; that we let the Manager make this decision and we don't have to get down there and decide if the moving of an axle is something we agree needs to be done.

Mr. Lentz said that, as a citizen, he would like to know that the money you spent was on a truck we should have bought.

Mr. Murphy said to ask the Manager.

7:56 PM Mr. Lentz said that he doesn't have to; that he's reading, right now, what's happening.

Ms. (Donna) Murphy said that she agreed with Mr. Lentz; that she remembers very clearly, when this came forth, Mr. Lentz questioned, having been in this business for years, the purchase of this vehicle; that she would think that this is something that would have been looked at, and not merely an oversight. She

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added that things happen and she stands behind Ms. Davis asking these questions, as she is doing it appropriately by asking the manager. She said that she doesn't understand Mr. Murphy's objection to somebody inquiring and getting some information; that that is part of your job so that the citizens also know what's going on.

7:57 PM Mr. Pomerleau said that, when we went through this, he relied almost completely on the Public Works Director, his Mechanic, and the Town Manager to put forth a recommendation that was clearly technically over his head; that he doesn't have the knowledge to make these kinds of decisions. He added that we then find out that it wasn't necessarily done well and there are expenses coming up, here, that probably could have been avoided, or predicted; that it isn't trying to micromanage the PW Director. He said that we know it's the Town Manager's job to supervise the PW Director and make sure he's given us quality service in spending taxpayer's money and our job is to evaluate how well the Town Manager is doing his job; that that's what these questions tell us...that something fell through the cracks, here, and wasn't done well enough. He added that, moving forward, he doesn't see anything in here that is going to change the direction we have to go in; that he doesn't see the need to delay, especially if it's going to result in any added cost; that no matter what the outcome/conclusions to the questions are, it isn't going to change what we have to do now that we're committed to this truck.

7:59 PM Ms. Davis said that except we need some kind of professional assurance that this doesn't have a negative impact on the structure of the frame and it doesn't invalidate our warranty.

Mr. Lee said that he didn't know, live, the answers to her questions and he does feel that we need to move ahead or we're going to add a couple thousand more to the cost we are already incurring.

Ms. Davis said that Mr. Moulton's memo states that the insurance company is paying.

Mr. Lee said that it was only a small portion of the cost.

There was further discussion regarding the concerns raised.

Mr. Murphy moved, second by Mr. Donhauser, that the Select Board approve Mr. Moulton's request to authorize a payment of \$4,985.00 to Dover Motor Mart to make repairs, as described in Mr. Moulton's Memo of February 18, 2018.

DISCUSSION

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8:02 PM Mr. Pomerleau said that he hadn't thought about whether we are voiding the warranty, asking if it would take very long to answer that question.

Mr. Lee said that it should not; that it could be contingent upon him getting that answer to the SB. He added that he would try to get them all these answers as quickly as humanly possible but asked if they could do the approval contingent upon a satisfactory answer to the integrity, legality, and warranty portion of this. He said that he would not proceed if the answers are not acceptable.

Ms. (Donna) Murphy asked if this, in fact, did weaken the frame and there is an accident, can the insurance company refuse to pay.

Mr. Lee said that he doesn't know the answers; that he will need to look into all these things.

8:04 PM Ms. (Nancy) Shapleigh said that she would think the manufacturer's engineers could answer the questions on the warranty and whether it would weaken the frame; that it seems to her that we are whipping a dead horse.

Mr. Lee said that there are 10's of thousands of these trucks that have been adjusted for this very reason; that every one of these trash trucks have had this adjustment; that we will find out and he will not move until we find out.

Mr. Lentz said that, for him, the money isn't the question but the integrity of the deal, and the vehicle. He added that his basic question was, if you bought it from a dealer and he understood that this was the application, how did you get out of the dealer's yard without him at least saying that we have to modify this; that if you are going to modify something like this, you do it at the dealer who represents the product, you don't go out to just anyone. He clarified that he isn't criticizing the place you are choosing to fix this but that is the bottom line for him. He said that he agreed with Ms. Shapleigh regarding calling the manufacturer's engineers regarding the integrity of the structure and the warranty.

8:05 PM Ms. Davis said that we need to re-phrase our motion to include satisfactory response to the questions raised at this meeting; in particular, warranty, structural integrity, and anything related to the safety of the vehicle.

Mr. Murphy agreed that those terms could be included in the motion that he made.

Mr. Donhauser agreed that those terms could be included in the motion he seconded.

DISCUSSION ENDED

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Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

J. Administrative Department

8:09 PM 1) Town Manager Report

Mr. Donhauser asked about **Line 31**.

Mr. Lee said that when the Key Bank people came in to discuss our investment, they showed us we had earned interest. He added that he told them he budgets \$25,000 in interest earnings every year to come into the Town's coffers and they said Key Bank could still do that; that Mr. Lee could send a request every December for up to \$25,000 to be sent over as a general revenue. He clarified that he has asked and they should be sending it by June 30th.

8:11 PM Ms. Davis said that there is frequent mention of **dispatch** and asked what the ongoing status is.

Mr. Lee explained that Kittery had done some research, which raised concern that they might be thinking of folding up their dispatching center; that Kittery shared that they have no intention of doing that; that they are looking for new partners to join their regional dispatch.

Ms. Davis said that we talked about the animal ordinance a couple weeks ago, asking if that was still in the works.

Mr. Lee said yes; that he has asked the ACO to do a couple different things and she is working on that.

8:13 PM Ms. Davis asked about **Line 55** regarding clarifying application of the purchasing policy.

Mr. Lee said that it's just eternal, we are always confused; that at some point we're supposed to get together to talk about seeing if we can do something better with it.

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Ms. Davis asked about **Line 58** regarding the Kenworth lease.

Mr. Lee said that any time you have a lease you need a legal opinion; that they would prefer some very specific language, so, the motion we made last time, although satisfactory to Kenworth and us, was not for legal; that they want very specific language to re-bid the authorization in order for them to give their blessing that this lease is as the SB expected.

8:14 PM Ms. Davis asked about **Line 63** regarding odd billing issue with streetlights.

Mr. Lee said EEC went out and counted all the streetlights; that we are being billed for 107 and they found 114; that they also found that we are paying for 8 that are in the Junior High parking lot and that one, or more, of the lights seem to have an odd amount attached to it. He added that they are inventorying lights in anticipation of us putting in lights as to which ones are ours and which ones are private.

8:17 PM Ms. Davis asked about **Line 72** regarding resident concerns over the closure of Great Hill Gravel Pit.

Mr. Lee said that a letter came in that said the DEP said it was 70% closed properly and the residents had pictures that showed broad sections of it that were just large boulders and a bunch of rebar in it, concrete broken up and a lot of inert fill, no soils on top or grass, and that's what it takes to really actually fill it. He added that a couple of residents living in that area had called and not gotten much satisfaction from DEP so they came to see him; that he reached out to DEP, asking them if, by 70% complete, they were talking about rough cover or finished cover because there's not much that is finished cover and what there is isn't done very well; that given what they've thrown in the hole, with all these large pieces of inert fill, he has to think that no matter what you cover it with, unless you put a bunch of filling sand between, that that cap is going to collapse; that every time that stuff shifts, it is going to have sinkholes forming, and it's supposed to shed water, He said that the take he got was that DEP just wanted it to go away so they were saying it was getting close to being closed and the resident's argument is that it's not closed.

8:18 PM Mr. Rankie said that that is a working pit; that back for years the Conservation Commission tried to deal with this, they don't know where Eliot is. He added that there is a lot of material going in and coming out; that that is a working pit and the DEP isn't going to do anything; that it's tragic what has happened up there; that the brook is filled with silt.

Mr. Murphy asked if it would be possible for Eliot to look into the possibility of buying it, taking over, and finishing it properly.

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Mr. Lee said that anything's possible.

8:22 PM 2) Recommendations of Ad Hoc Ethics Committee

Mr. Lee discussed the recommendations and whether the SB will accept the recommendations.

Mr. Murphy moved, second by Mr. Hughes, that the Select Board accept the Ethics Committee's waiver recommendations.

DISCUSSION

Mr. Pomerleau said that he doesn't think that's a good idea and should deliberate on what we should do; that we gave criteria for waiver and he would like to hear from the Ethics Committee on how they waived them, what answers they came up with for them so we could decide. He added that it is not their decision, they recommend, we decide, and we should have some idea what's behind it, not just a summary. He added that he thinks we need some discussion in executive session because the attorney was quite clear about discussion of personnel matters.

8:26 PM Mr. Lee asked if he was hearing that the SB wants an executive session with the Ethics panelist.

Mr. Pomerleau said that that would be good, the Chair or the whole panel; that he wants to be able to ask how they came to these recommendations.

Mr. Lee asked if the SB wanted him to set that up for the end of the next meeting and have the Chair or panel to sit in.

Mr. Pomerleau was in favor of that.

Ms. Davis asked Mr. Lee to give the SB information he has, first, and then set up an executive session if Mr. Murphy is willing to withdraw his motion.

Mr. Murphy said that it was reasonable to know what's going on.
Mr. Murphy withdrew his motion.

Mr. Hughes agreed to withdraw his second.

Mr. Lee asked if the SB wanted the whole panel there.

Mr. Pomerleau said that he didn't think we need the whole panel.

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Mr. (Doug) Warrender, Ethics Committee Chair, said that he would be happy to summarize; that there was no disagreement among us regarding the recommendations.

8:30 PM 3) Request for Childhood Cancer Proclamation

This was a request for proclamation from Team Hailey Hugs to make September Childhood Cancer Awareness Month.

Mr. Lee asked if the SB would like him to put this on in August to be considered.

Ms. Davis said that she was wondering where proclamations will go, ultimately, so is there something we can do...

Mr. Lee said that he can hang it up in the lobby and encourage people to be aware of childhood cancer and make donations.

Mr. Murphy asked if Mr. Lee knew this organization.

Mr. Lee said that it came to him out of the blue.

Mr. Murphy asked if he could check with MMA or the Better Business Bureau to see if this organization is legitimate.

Mr. Lee said that he could. He added that it might be best to just not get involved.

8:32 PM Ms. Davis said that she thought we need to think about how we're going to handle this kind of thing; so, let's table this and give it some thought and we will discuss it.

8:33 PM 4) Transferring of Reserve Funds

Mr. Lee said that the purpose of the memo is to obtain guidance from the SB as to the frequency and timing of various deposits and transfer of funds. He explained that we would like to know that we are not under any obligation on a time certain to make any of these transfers and that the SB is aware that certain transfers to and from various things will be done when we are cash-rich. He clarified that he would make sure there were funds transferred into an account if they are specifically called on to be spent at a certain time. He said that he didn't think there was a need for a vote as long as everyone is in agreement to do it when cashflow makes sense; that we know we have to get it done by June 30 every year and there may be circumstances that require us to be flexible, too.

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8:37 PM Mr. Donhauser said that his comment was with respect to interest earned by those reserve funds; that if you put the money out at the end of the year, have they lost a year's worth of interest or are you allocating that interest wherever that money is back to those in some fashion; that it was brought up that you don't put interest into the TIF fund.

Mr. Lee said that, if we have an approved project by the voters, then the interest must stay with the project but, while it's just a development agreement in place, we have the option to collect the interest on the TIF money that sits in there and use it as a general revenue; that that is what he has been budgeting but never asked for from Key Bank. He also clarified that while it sits in our account, the interest is going to the general account and we are not losing any interest; that it's just landing in the general fund instead of in that reserve account.

There was **consensus of the SB** for Mr. Lee to continue as he discussed.

8:39 PM Ms. Davis said that, at this point in time, she would like to keep the Sewer Betterment Fund and Capital Reserve Fund separate.

Mr. Murphy said that the betterment fund was set up so that those funds were used to pay off the bond issue; that that was the source of all payments of the bond. He added that that bond has been paid off but there may be different bonds we may want to use those betterment fees, such as they are, for that purpose.

Mr. Lee said that there is a bond, now, so maybe there is a purpose for that now. He added that he is assuming that the other account was for future capital needs.

Mr. Murphy said yes.

Mr. Lee said that we will keep them separate.

Ms. Davis said that we are good for now unless something comes up.

8:41 PM **5) Draft TIF Development Agreement/Project Theme**

Mr. Lee said that the development agreement is not a project; that it is a menu of choices on which you can spend your TIF money; that it can be very broad and just because something shows up as one of the menu items it doesn't mean it's one of the items you necessarily plan on spending money but you don't want to restrict yourself.

8:42 PM Mr. Murphy asked if these were all supplied by TIF Attorney Fortin.

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Mr. Lee said yes; that this development program in front of the SB is simply doctored up from the last time we floated it. He added that this is just for the SB to go through and let him know if the SB has any comments, grammar corrections, any other uses for the money, etc. He explained that the project that is being developed that we're thinking of, he believes at this point, would be a rural development center and it would be a fairly good-sized building. He added that we don't have a piece of land, necessarily, directly in mind but we have one very good prospect, we think; that he doesn't want to disclose that because of future negotiations on that. He said that the center would be focused on supporting the types of businesses that exist in Eliot – microbusinesses, home occupations, very small businesses with four employees that someday may want to be six or eight employees, a home person who would love to have their own commercial kitchen one day; that it may be an incubator-type thing where any of our agricultural people could meet with the Department of Agriculture, our financing-type things, or get some technical help on running their farm, avoiding taxation, put on business seminars. He added that the big thing about it is we would like to provide elder care and before, during, and after work care for children so that workers in Eliot could have a subsidized way of taking care of their loved ones (elder care) or some have a fairly low- or moderate-income job and daycare can run \$250/week so you can't afford to work. He said that the other big item, here, that we still stand by is, if we can locate it in the right location where trails exist, is an ecotourism center, with maps of our trail system or to rent a bicycle to tour the Town, maybe have recreation partly based out of there so you pay your fees there or something like that; that it would also be a place that would have some room for storage, which we are desperately in need of at Town Hall; that with the before- and after-program CSD, which is currently operating out of a broom closet at the elementary school, might be able to occupy one of the floors, or one wing, to provide those elder and child care services, which is a lot of what we do; that maybe we could house them over there and be, largely, the caretakers of this center and arrange for the meeting rooms; that when it's not being used otherwise, it could be a senior center, or a meeting place like the Grange or Historical Society or some place you might want to have a meeting. He said that everyone would get some use out of it as opposed to some project that would only have a limited number of users. Mr. Lee said that this is the new idea; that it would be another village-type idea and not a Route 236 idea, though, we have left in elements such as 3-phase power and water. He added that that is an overview of what we are looking at right now; that the things that would be required to build that type of place are included in the menu; that if he has to do stormwater work on the site, it allows for stormwater; if he wants to put pedestrian walkways for this community center with lights and shrubbery, he can do that; that it allows for all those types of things; engineering, planning, administration of the programs so that we could subsidize it with TIF money so you aren't paying \$250/week for child care but maybe just enough for us to break even. He said that that's the general idea we have been working on; that Mr. Donhauser, Mr. Pomerleau, and

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he met again recently; that we had a pretty good debate on a couple of items but, at the end of it, he thinks we came to a meeting of the minds. He said that he thinks we've got something we can all get behind, here, as a Board; that one of the things that was not entirely resolved, however, was the timing of when to do it. He added that Mr. Pomerleau made the case that there's plenty of time between now and when we need to get stuff in to the Town Clerk, and up until voting day in June, to still have mailers go out to people with maybe a sketch of what I would look like, a bullet list of what it would, or might, house. He said that Mr. Donhauser was more of the opinion that, in order to do a very thorough vetting of the project, doing good community outreach and education on what we're proposing, that we would be better off to go in November. He asked the SB if they wanted to put this on the June ballot or November ballot.

8:49 PM Mr. Donhauser said that we had a really good meeting and we did resolve some issues; that the reason he thinks June is too early is that he thinks the Townspeople, whatever the project is and he actually sort of supports what this project looks like, the Town is going to ask what this project is going to cost - how much is the property, if we buy a property; how much is the building, if we put a road to this place; if you put sewer in, water, all the utilities as opposed to just saying we want to change this, do this project, trust us; that he thinks we need to give an estimate of the building costs, an estimate of all these infrastructure costs, and he doesn't think we can really do that; that we are already half way through March, you only have April and May, and the June vote is the first part of June. He added that the plan recently voted down is very similar to this plan - the menu items - so it's sort of like a different shade of gray and hasn't changed dramatically; that he thinks we all need to get behind this, as a Board, all pointing in the same direction and say here's what we want to specifically do because if we go and say to the Town, he believes, that we are going to have the same fate - you're going to have the people who want sewer on Route 236 and the people who don't, which was always the big contention. He said that there's got to be compromise some place; that we need to come up with a project that the Town can get behind and he doesn't think we can do that in two months.

8:52 PM Mr. Pomerleau said that he thought Mr. Donhauser raised some good points; that people are going to ask questions about how much this is going to cost; that that's the problem at this stage of the TIF because you're not authorized having a Planner develop specifics unless it's a specific project. He added that what we have before the Town, coming up, is a plan with projects on it; that what they do when you submit your plan is to take your best guess at what you think this TIF plan is going to cost and, opposite to that, there are supposed to be revenue projections. He said that, for example, it would probably take a professional architectural and engineering firm to come up with specs on any building and cost things out; that while he agrees with Mr. Donhauser that they want to know these things, ultimately, we can't provide it until the actual plan is approved and that is

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a project we put resources into because that's what goes to the public for spending approval; that you have to have a plan approved before you can spend money on those things. He added that we did have a good meeting and Mr. Donhauser and he both agreed that this is something we think the whole Town can get behind; that Mr. Donhauser made one comment he agreed with that he would hate to see another defeat; that if taking more time was going to guarantee that, he'd be leaning there. He said that what he'd like to know is, these ambiguities that we can't get it done...well, what is 'it', suggesting we sit down and actually come up with an execution plan; that the details of amending this plan are not going to take long; we've changed some menu items, some narrative, altered the map and, then, that's pretty much done; that what we need to know is what we need to get it to the public, what information we need to provide, public hearings we have to hold, what to mail, and actually develop that plan and look at the timeline between now and June; that that may show we don't have time to do it but he would like us to at least look at what we know we need to do to get this before a vote before we decide we can't get it done.

8:56 PM Mr. Lee asked if we should set up another meeting with Mr. Donhauser, Mr. Pomerleau, and himself talk about a specific timeline that gets us to June to see if it's reasonable.

Mr. Donhauser said that he thought the more people involved the better we are; that it should be everybody involved; that he knows it gets very cumbersome when you have more than three people involved but, in any event, we need to make sure it's very transparent what we're doing and that everybody understands the direction; that he believes it will be a difficult sell if you don't tell them what the price is. He added that we have \$3.5 million, asking if we're planning to spend the whole \$3.5 million on this project; at least give them some numbers that, based on this list of menu items, this is what we intend to do and we're looking to spend no more than X on this. He added that anything short of that he thinks is going to be a very hard sell. He said that the point is that the time is too short to try to sell a project of this dimension without giving somebody a number.

8:58 PM Mr. Lee said that that is certainly one line of thought and he tends to agree with both of them a bit; that he thinks what he could do to help resolve this a bit is at least try to put together the steps and timing of what would have to happen when in order for this to have its best bet of making it on the ballot and being successful, to answer Mr. Pomerleau's point of, is there actually time enough to even get it done; that he could do that but we would have to act quickly on it.

8:59 PM Ms. Davis said that we could add it to Monday's agenda; that the thing we didn't make clear the last time was that all citizens are approving is the laundry list of approximate spending; that Attorney Fortin made it very clear that the numbers we are applying to these projects are approximate and they can be shifted around

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substantially; that what the State is looking for is to know that we understand the scope of the money we have and that we have a plan in place to utilize the money that we're taking in. She added that the real question is to show everybody the general projects that would be available if this plan is approved and that no money will be expended on these things until a planner comes in and the Town works together to define a specific spending project. She said that all we're looking at this time is to get the laundry list approved and she thinks we have time to do that if we get busy.

9:00 PM Ms. (Christine) Bennett said that she appreciates that the SB has been doing a lot of work on this but has heard a lot about selling this to the voters, asking if the SB had consider getting their input on this.

Ms. Davis said that we have for the past two years, with the survey, with the committee, with people coming in, we solicited suggestions, so we have taken in a lot.

Ms. Bennett said that, as a voter and someone who is really interested in this who would love to see the Village incorporated into the TIF, if she had an opportunity to be in some sort of charette where people were discussing ideas and what they might look like and what impact it might have on the community, she would be able to get behind it; that it's kind of a black box.

9:02 PM Ms. Davis said that that is the biggest, most unfortunate misunderstanding of this whole thing; that what we're doing now is approving some very broad categories and that, until we approve this plan, then we can't move forward with anything. She added that these broad categories allow us to drill down after the plan is approved and the charettes are not required until June.

Ms. Bennet said that it sounds like there's a project already in the works.

Mr. Lee said that it's just conceptual; that it may not be anything like the final one; that he was just asked to conceptualize a type of project that met a lot of the survey result feedback and, so, this was the type of thing but it may be that we end up running water down Route 236 at the end of all things, when we do a charette.

9:03 PM Ms. Davis said that we should rename this and start calling it program, rather than project, because what we're identifying here is a program that will later become a specific project.

Ms. (Nancy) Shapleigh discussed the reasoning for extending sewer up to the Middle School; that we originally voted to do sewer and water but didn't have enough money to do both, so we were going to start with sewer. She added that it

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was voted down because of bad information that went out and commented on her deep frustration with the process that has taken place; that we have to have a little bit of common sense, here, that when you build a house, you put in a foundation; that the sewer is the foundation out there (Route 236) and it will keep the earth clean

9:06 PM Mr. Murphy agreed with Ms. Shapleigh; that he doesn't think we need little things that developers could do after the infrastructure; that all these buildings are going to need sewer and, along the river, we need to review the study that was done years ago.

A member of the public asked if this was an either/or project or is this something that could include both.

9:07 PM Mr. Lee said that yes is the answer; that, in total, we are estimating that probably \$18.something million will go through that TIF account over its life; that even with the potential idea of a rural development center at \$3.5 million, we've still got a lot of money that will go through that fund, including even coming back to sewer at some point or coming back to water at some point.

The same member of the public said that a lot of people are visual and need some kind of conceptual drawing that 'this' is kind of what we're thinking and may not be exactly what we're thinking, but 'this' kind of flow and a bunch of centers around that to get a ballpark idea.

9:09 PM Another member of the public asked what the chance was of the federal government forcing the issue of sewer between Beech Road and the school.

Mr. Lee said that he couldn't answer that question; that he did think we already have an area of Town that is of greater concern to other officials than Route 236 and that is the area down on River Road along the bank of the river. He added that we have not been threatened by that but, if he had to guess that we get a letter from the EPA in the next 20 years, it would be about that portion of Town, not Route 236.

There was further discussion back and forth between the public and the Board regarding the survey, the votes, and what people would support.

9:17 PM Mr. (Doug) Warrender asked if there was a reason why you decided to explicitly exclude sewer from this menu because the whole point is that it was supposed to be a menu of ideas.

Ms. Davis said that we excluded sewer on Route 236, explicitly, because we have had four failed votes.

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Mr. Warrender disagreed and encourage the SB to not have that exclusion in there; that he thinks that that would alleviate a lot of the people that are against it; that he thinks picking one item to exclude from the menu makes it an us-against-them argument.

9:20 PM Mr. Donhauser clarified that the language to exclude sewer on Route 236 from the previous plan has been removed in this plan.

9:22 PM 6) Maine PERS SSI 218 Legal Advice

Mr. Lee read the memo from Attorney Gerlach regarding whether the Town can withdraw from paying Social Security and the answer is no, in Eliot's case, because Eliot's structure withholds both MPERS and Social Security.

9:26 PM 7) Public Approval of Warrants

Ms. Davis moved, second by Mr. Murphy, that the Select Board approve A/P Warrant #89 for \$135,187.72; A/P Warrant #91 for \$94,040.11; A/P Warrant #92 for \$107,058.70.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

K. New Business:

9:27 PM Ms. Davis asked to approve the lease agreement for the Kenworth; that she would read the motion verbatim.

Ms. Davis moved, second by Mr. Hughes, that it was voted by the Town of Eliot as follows:

1. That a Capital Acquisition Project (the "Project") consisting of the lease of a 2017 T880 Cab & Chassis public works truck, is hereby approved; and
2. That the financing for the Project in the principal amount of \$90,275.00 is awarded to PACCAR Financial Corp. at an interest rate of 4.99% and annual payments shall be subject to annual appropriation; and
3. That the Treasurer and Town Manager of the Town are hereby authorized, acting jointly or individually, to execute the Lease Purchase Agreement

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and all other documents reasonable necessary to accomplish the purpose of this vote, as the documents may require; and

4. That said Lease is hereby designated a tax-exempt obligation under the provision of the Internal Revenue Code of 1986, as amended.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

L. Old Business:

1) Timing of TIF Vote/Workshops

This was already discussed.

9:30 PM 2) Update of Financial Policies (Tabled)

Ms. Davis moved, second by Mr. Hughes, that the Select Board approve amendments made to the financial policy solely to change the titles of Finance Director to Treasurer and remove the Treasurer designation from the Town Manager, dated March 8, 2018.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Murphy – Yes

Ms. Davis – Yes

Mr. Pomerleau – Yes

Mr. Hughes - Yes

Unanimous vote to approve motion.

9:35 PM 3) Inclement Weather Closure Policy (Revised)

The SB agreed to table this until any union forming was complete, one way or the other.

M. Selectmen's Report:

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9:36 PM A letter was just received from the Auditor that will be on the next agenda.

Ms. Davis requested that Mr. Lee send out the most current budget master excel spreadsheet in preparation for our meeting on Monday.

N. Committee Vacancy Report

This was not discussed.

O. Executive Session

There was no executive session.

P. Adjourn

There was a motion and second to adjourn the meeting at 9:37 PM.

VOTE

5-0

Chair votes in the affirmative

Date Approved: May 24, 2018
S/ Mr. Richard Donhauser, Secretary