

**BOARD OF SELECTMEN'S MEETING  
October 28, 2010 6:30PM**

**Quorum noted**

**6:30 PM:** Meeting called to order by Chairman Fernald.

**Roll Call:** All present.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:31 PM** Motion by Mr. Moynahan, seconded by Ms. O'Donoghue, to approve the minutes of September 30, 2010, as amended.

**VOTE**

**4-0**

**Chair concurs**

**Public Comment:**

**6:32 PM** Mr. Glassman said that he had a question about the Firearm's Safety Ordinance. He said that, in Section 4B, the law currently says licensed hunters may use three types of firearms during the hunting season within the area of regulation. He said that his question was, if this is amended, whether it means anyone could use these firearms at any time in the area of regulation or is it superceded by Maine law.

Mr. Fernald clarified that the only thing being amended is the definition of firearms and the and the addition of, in the restricted area, rim fire. He added that the rest of the ordinance was intact.

Mr. Glassman said that, where it says "any person properly licensed during legal hunting/trapping season", that doesn't mean that anyone is able to now...

Mr. Fernald said no, that wasn't changed.

Mr. Glassman said that it was changed.

Mr. Fernald clarified that he did not have the proposed ordinance in front of him but the firearms portion of it is where it says definitions.

Mr. Glassman clarified that he was referring to the last half of 4B. He said that, where it used to apply to those people, now he was wondering if it applied to everyone.

Mr. Fernald said that it hasn't changed and that whatever it says there is intact. He added that the only thing that had changed was the actual definition of the firearms, itself. He clarified that the reason the definition was changed was because, for things like muskets, etc., the caliber changes as the years have gone along but the ordinance, itself, was never changed.

Mr. Glassman clarified that it is still true that only hunters and trappers will be able to use these firearms in the area of regulation.

Mr. Fernald said yes.

**6:35 PM**

**Department Head/Committee Reports**

Mr. Murphy said that he had three items to address. He said that, according to Mr. Blanchette, there was a message from JoAnne Fryer that she had still not received, as of today's date, SEA's version of the Kittery report so CLD is still twiddling their thumbs waiting for that information before they could finalize their report. Mr. Murphy said that the second item is a letter from the Sewer Committee, supporting keeping CLD as Eliot's Sewer Consulting Committee and contracting with CLD for the engineering design and construction plans for the TIF District Sewer Project.

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Mr. McPherson asked how much money.

Mr. Murphy said that he suspected the Board could ask CLD and negotiate the terms with them when the contract is written. He asked that the Sewer Committee (SC) has not done that and have not been asked to do that.

Ms. O'Donoghue clarified that what the SC is asking is for the Board to waive their policy of going out for three bids.

Mr. Murphy said yes but that policy has already been waived in regard to CLD.

Ms. O'Donoghue said that she was going to bring that up and that is why she asked.

Mr. Blanchette said that it was very typical that, when one begins a project like this with a particular firm, unless the Town is unsatisfied with them, that they keep the firm through the whole project.

Ms. O'Donoghue moved, second by Mr. Moynahan, to continue to contract with CLD to prepare the engineering design and construction plans for the TIF District Sewer Project.

**DISCUSSION:**

Mr. Moynahan said that, with this, they would still need direction from the Town – what are they going to design; what are the Town's expectations – with all of this, the Town still needs to retain control. He commented that they come and tell us it's \$12,000 and for what. He added that they can't just say they need a design – they need to talk about having request for a proposal with all these long-standing items that none of the Board members have done anything on and, so, here they are now faced with time constraints and, yet, the engineers are right in front of them with no direction. Mr. Moynahan said he didn't know if that was something they could lean on the SC to formulate some criteria for CLD to actually give the Board an accurate cost estimate for a design. He added that it's more than just asking about a design at this point – there has to be better language that they contract with the Town. He also added that they were getting into a bigger phase with this project and they need some safeguards. Mr. Moynahan said that he didn't know if that was something the SC could be asked to do for the Board – to create some criteria.

Mr. Murphy asked if Mr. Moynahan was thinking in terms of CLD providing a set of things from which the final design could be chosen.

Mr. Moynahan clarified that it would be just like if they went out for requests for proposal and six different engineering firms would be asked to price the same product. He said that, now, they have taken those other five people out of the way but they still need to give the criteria for the request for proposal to whoever does the work, as the Town has expectations – they can't just say design a sewer. He said that there needed to be more put in there – timelines, performance standards, etc. that goes with that – and they couldn't just give them a checkbook no matter what the loyalties are with CLD. He said that the Board needed something defined.

Mr. Murphy suggested the BOS form a subcommittee perhaps including Mr. Moulton.

Mr. Moynahan said that he would be more than happy to meet with Mr. Moulton to come up with some basic things at any time and that would be at the pleasure of the Board.

Mr. Murphy discussed his concern with tying this to the Board's schedule and the SC's schedule.

Mr. Moynahan said that he couldn't agree more with Mr. Murphy. He added that they have talked about this for over two years and now it's ready and they are not.

It was the consensus of the Board that Mr. Moynahan meet with Mr. Moulton to develop some criteria.

Mr. Fernald said that there was a motion on the floor and called for a vote.

**VOTE**

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**4-0**  
**Chair concurs**

**6:41 PM**

Mr. Murphy said that he had a statement that he wanted to read and is a statement that has to be uttered by someone with experience, intelligence, knowledge, conscience and concern for the Town. He added that he thinks it is necessary in order to clarify the position of the Town with regard to the subject matter. With permission from the Board, Mr. Murphy read his letter for the public record:

*“Now that the minutes of the B.O.S. meeting of Sept. 30 have been approved, I feel that comment by a citizen of the Town can be appropriately be made. It was a very important meeting, the latest milestone in the many that will happen in the life of Eliot’s Tax Increment Financing Project, our municipal “TIF”. Though the purpose of the meeting was to hear, consider, comment upon and to approve the draft report for the CLD’s portion of the engineering study for the proposed sewer expansion in Eliot and Kittery, was satisfied by a majority vote in favor of accepting and approving the report, and of approving and accepting the route (down Rte. 236 to Kittery) recommended by CLD, still the minority vote in the negative by one BOS member came as a disturbing surprise. I was not surprised that the other BOS member made no comment at the time – there is an unspoken understanding that members do not argue the point after a vote is taken. But, citizens may always openly question the action of their elected officials, and for two reasons, I feel compelled to comment and question at this time. These reasons are:*

- 1. First and foremost, such an action by a municipal officer can be viewed by unwary, unknowing and trusting citizens who hear it, as being a legitimate action, and as representing solid understanding by someone having the community’s honest and well-thought interest at heart.*
- 2. Second, the stated reasons for the negative vote, namely 5 or so problem areas in Eliot, all involving sewage collection, transporting, or disposal, are all problems which CANNOT specifically be cited as justifying or included in our TIF, whose legal, regulatory justification may only be to assist, encourage, or support economic development within a specified district. None of the 5 are within the district, none of them represents “economic development”, 4 of them (the Elementary School, Marshwood Middle School, Marshwood Imperial Estates housing development and Riverview Estates development) are ALL PRIVATE systems, which the Town has had no direct responsibility for, except to exercise its permitting and inspection authority. 4 of the 5 are NOT new problems, they’ve been dealt with by the Town and by the State in the past and at present. Only serious violations would allow the Town, in the past or at present, to intervene, take over, correct the engineering and bill or lien the owners. They have nothing to do with the TIF, even though we as a Town, have recognized that the TIF installation, when further phases are done, will allow some of those “problems” to be solved. One of the 4, i.e. the Elementary School, is a new “problem” to me. If it is a real problem, why hasn’t it been brought to the attention of MSAD 35? In the letter I gave to your Board a week ago, I pointed out that the School officials have no record of any complaint; in talking with Mr. Joe Stone, facilities manager for MSAD 35, he stated he has no record of complaints and there had been no malfunction at the school, and the septic tank is emptied at the beginning of each year. He stated that the gas vent for the leach field could be made taller, but the wind could still blow in Mr. McPherson’s direction, like all the vent pipes in Town. There is no problem with the Elementary School disposal system: it is a septic tank feeding into a leach field. That’s how it works. Presumably Mr. McPherson’s leach field works the same way, and a vent stack over Mr. McPherson’s roof vents sewer gases to everybody downwind from him. The reasonable collection basis for the Elementary School would flow from the Library and from Mt. Pleasant Cemetery to Beech Road and then to about Ray Grover’s or Baran Place, with a short force main from there to Rte. 236. So, the best solution for the Elementary School is to approve the TIF with its sewer along Rte. 236 to Beech Road. Riverview Estates could then pump back up Old Road to join the gravity line at the Library. The I and I problem in the present Eliot system is being carefully determined, house by house, and is capable of correction, so that the present system will have capacity for quite some time into the future. So, you see, these supposed problems in Eliot don’t really exist as actual problems that somehow weaken the legality or desirability of the TIF and they certainly don’t provide justifications for voting against the study or the recommended route.*

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3. *The most bothersome aspect of the vote is that it implies to an unknowing or gullible public that the existence or validity of the TIF is still somehow an open question for the Town, and that they (the citizens) can easily and arbitrarily change their minds and cancel it. That is not so. The TIF represents a contract between the citizens of the Town of Eliot, and the government of the State of Maine. A significant majority, 3 to 1, 75% of those voting have made it clear: we have a TIF, and we will work together to make it as productive for the Town as possible. Just as there is "settled law", this TIF is settled business for this Town, and NO municipal officer, elected to represent the interests of all the citizens, should be working to thwart the TIF. For the record, NO town or city in Maine, out of the hundreds who have done TIF's, has ever yet cancelled or annulled a TIF. I say any attempt to mislead the public or to upset or sabotage the progress of the TIF betrays a woeful and reprehensible ignorance of responsibility and the facts."*

Mr. Fernald thanked Mr. Murphy and asked if there were any comments from the Board.

There were none.

**6:49 PM**

Mr. Muzeroll said that about a week ago he gave the Board a letter stating the price for a performance bond for the purchase of a fire truck. He commented that he thought that, if the Town wanted to protect itself then that was fine, but he didn't think it was necessary. He added that \$1,600 would come from somewhere, it was just that it would drive his other end of the costs \$1,600. He said that, if they go with a performance bond, then the \$1,600 would be extracted from the pre-pay – the \$200,000 they were going to pre-pay. Mr. Muzeroll said that he needed to know tonight as the contractor is ready to order the chassis and, when they do that there is a check mark asking if there would be a performance bond.

Mr. Fernald asked Board members to comment on the need to do a performance bond.

Ms. O'Donoghue said that she was torn on this one. She added that the company is very well-known and the Town has had very good dealings with it in the past so that she doesn't see the need, but, on the other hand, what happens if the Town's \$200,000 vanishes into the swamps of Florida.

Mr. Muzeroll said that the truck fund has \$258,000 in it and he was looking to spend about \$248,000 - \$1,600 is not going to make a difference in whether he buys the truck or not, as it would not put them over their limit for their budget for the truck, it just cuts back on little bit of wiggle room. He added that he set the price at \$250,000, which was a good faith price for the committee and the Town and, if he has to come back to the BOS and ask for more money, then he would do that. He added that they could spend the \$1,600 and he wasn't saying it was a bad purpose but he was saying that one of the reasons the performance bond was so cheap, per thousand dollars, is because of the track record of the company.

Mr. Fernald asked for comments from the Board and if they wanted to do a performance bond.

Mr. Moynahan said that he was fairly comfortable with the company and he didn't believe the Town necessarily needed to in this instance but he would agree with whatever the Board wanted to do.

Mr. McPherson agreed with Mr. Moynahan, saying the company was well respected.

Mr. Muzeroll commented that he was proposing that they don't and they read in the newspaper, every day, where multi-million dollar companies fold – the company has every indication of being around forever.

Ms. Place said that she thought it was a small price to pay for a little bit of comfort, especially considering this would be a \$200,000 purchase.

Mr. Moynahan moved, second by Ms. Place, that the Board purchase the performance bond for \$1,600.

**VOTE**

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**4-0**  
**Chair concurs**

Mr. Muzeroll requested a commitment from Mr. Fernald that they could meet with the contractor next Wednesday morning at 10 AM to sign the contract.

Mr. Fernald agreed.

**6:53 PM**

Mr. Hirst updated the Board on the alarm systems process. He said that he had provided each of the Board members with a set of proposals for the alarm system work for all of the Town buildings. He said that they initially sought out three bids – the first guy croaked and didn't want any part of it and the second one has come in but it is higher than the first one and, so the one he has provided to the Board is the one recommended by their volunteer Eliot resident alarm system guru, who was sitting beside him. He added that it is within the budget, allows them to do everything they want with all of the Town buildings, subject to the Board's decision and department head's discretion. He requested that the responsibility for this be transferred to the Building Committee (BC), which he serves on, only because it really belongs there. Mr. Hirst said that he would like the Board to look over what he had submitted and reiterated that it allows them to do everything they want and, for the Town Hall, it allows them to expand the panels to accommodate a large addition to this building, if that is what is decided.

Ms. O'Donoghue asked if this included some form of panic button.

Mr. Hirst said yes and that there would be two of them to be carried by people who are designated by whomever. He added that, in that connection, since security is so well-tied to alarm systems that, when he and Mr. Sort go through the buildings to do the security assessment, he would suggest that that also go to the BC, the responsibility for that so that they could issue a report.

Ms. O'Donoghue said that that seemed logical.

Mr. Moynahan said that the Board needed to authorize approval for the funds. He asked if the one quote they had in front of them was going to be passed on to the BC.

Mr. Hirst said that he thought it would be because the second quote they got was more expensive and included quite a bit less equipment, and the monthly monitoring, which could not be ignored, is similar but does not include openings and closings, which is something that is considered to be quite important. He explained that, when someone enters the building and puts in their code, it is recorded at the central station and, when they exit and put in the code, the same thing happens. He said that what he has provided to the Board is the recommended proposal.

Ms. Place said that this was just given to them and she hadn't had a chance to look it over and she would like the opportunity to go through it a little more thoroughly. She clarified that, by transferring this responsibility to the BC, Mr. Hirst meant the responsibility of monitoring the – what did he mean.

Mr. Hirst clarified that he thought it would be well for nine people to oversee this proposal thing rather than just one. He added that, if the Board would prefer to give it just to him, then that would be fine. He said that he would like to get all this work done.

Mr. Fernald said that he wasn't sure this fell under the realm of the BC, as they are looking at the Town's buildings to see what does and does not need to be replaced. He added that he would not want them to be taken away from that purpose.

Mr. Moynahan said that they are a facilities and maintenance group and they could look at this as some type of safety maintenance. He added that maybe they could review this and report back to the Board and, certainly, the more eyes the better.

Mr. Fernald asked if that was the consensus of the Board.

Mr. Muzeroll said that he looked over the fire alarm stuff and this was exactly the same thing he proposed to the Board five years ago that the Board sat on – same system, same company, same hardware, same everything. He added that he didn't pretend to know

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anything about the security end and the BC could get as involved as they want but, if this is going to move along, then let's get the fire alarm system moving and stop messing around with fifteen people making decisions on something that is really simple to do.

Ms. O'Donoghue asked if the Police Chief had looked at this.

Mr. Hirst said that he had not, yet, but it was provided to him tonight, as Mr. Hirst only today got the most recent updated quotes.

Ms. O'Donoghue said that her personal feeling is that she would like to see this get done as quickly as possible. She added that she would leave this in Mr. Hirst' capable hands.

Mr. Muzeroll said that, if the Board was going to award the contract portion of the fire alarm system, then he would like to be the key individual dealing with that and Mr. Hirst would be welcome to be a part of that. He clarified that it would be a system that he would have to deal with.

Mr. Fernald said that he would certainly like to have the Police Chief's input on this before moving forward.

Mr. Muzeroll said that he didn't know what the tie-in was between the police and fire system as far as alarm or panic buttons – that all he cared about was if there was a fire that someone was going to get notified.

Mr. Fernald suggested they make sure all departments review this and then the Board could make a decision at the next meeting.

The Board agreed.

**7:03 PM**

**Old Business (Action List):**

A. Solid Waste Alternatives – Solid Waste Committee

No new information.

B. Wild Brook Lane

No new information.

C. Representation on Kittery Sewer

No new information.

D. Sewer Contract Committee \_ Mr. Moynahan, Ms. O'Donoghue, Mr. Murphy and Mr. Blanchette

No new information.

E. Skate Board Park noise – Mr. McPherson and Mr. Fernald

No new information.

F. PACE Program – for Town Meeting Vote

No new information.

Ms. O'Donoghue said she had a list of 15 or 16 items that had fallen through the cracks that might need to be followed up on. She added that her procedural question was whether it would be appropriate to add to the Action Item List or should she continue to bring up 2 or 3 at each meeting.

Mr. Fernald said that, once something is put on the list, then everyone would be aware of them, so he felt it was a good place to put them on.

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**New Business (Correspondence List):**

**7:04 PM**

**#1**

TO : Board of Selectmen  
FROM : Joel Moulton, Public Works Director  
REF : Items for discussion

Mr. Moulton said that he had given the Board a series of things with recent updates for tonight – some of it is informational and some of it is for the Board to consider.

Truck Plow Sale – He said this was an old plow, has been sitting at the garage and hasn't been used in over 15 years. He added that they have a potential buyer with a solid interest in the plow. He said that it was his understanding that it had not been used since the early 1970's but has been refurbished and is in really good condition. He asked if the Board would consider the sale of this plow or to put it out to public notification.

Mr. Fernald asked for the pleasure of the Board.

Mr. Moynahan said that he thought they should use the department head's judgment on this.

The Board agreed.

Mr. Moulton said he would keep the Board up-to-date.

Pickup Truck Plow trade/sale – In relation to the above, Mr. Moulton said that, looking to save additional costs to the Town, he was presenting an option to sell or trade a Diamond Plow for the purchase of a new Boss Truck Plow. He explained that the Diamond plows break down continually and require big expenditures to maintain and repair because of poorly designed components. He said that, between the sale of the plows and savings in repair and maintenance could substantially save the Town money and he was asking the Board for their approval to move forward with this.

Mr. Fernald asked for comments from the Board.

Mr. Moynahan reiterated that he thought they should use the department head's judgment.

The Board agreed by consensus.

**7:10 PM**

Transfer Station Compactors – Mr. Moulton said he had a concern with the Town's municipal solid waste (MSW). He said that the Town is under-utilizing the capacity of the compacting containers and paying twice as much as necessary for trucking. His proposal was to upgrade the Town's compactor to a 4 cubic yard, 10 HP compactor, which would increase compacting utilization and decrease trucking expenses, over time. He discussed the funds available from the 2009/2010 budget that he could apply to this - \$8,158 – and the cost for a new compactor would be \$8775 for a reconditioned 4 cubic yard compacting unit, delivered and installed. He added that he believed the upgrade would pay for itself within 10 months.

Mr. Fernald asked for the pleasure of the Board.

Mr. Moynahan asked what the cost difference was between new and reconditioned.

Mr. Moulton said that the costs for both was on the quote he submitted and the reconditioned compactor would come with a 1-year warranty.

Mr. Moynahan asked about the shelf life of a new one versus a reconditioned one.

Mr. Moulton discussed that, with good maintenance, he did not anticipate any problems but with a reconditioned product there was always that potential. He added that his experience has been good with refurbished compactors, as long as they stay up on maintenance.

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Mr. Moynahan moved, second by Mr. McPherson, to allow the \$8158 be rolled over for the purchase of a reconditioned compactor for the Transfer Station, as described.

**VOTE**

**4-0**

**Chair concurs**

**7:13 PM**

Removal of Dispose Materials from Transfer Station (Dump Picking) – Mr. Moulton discussed that this issue was raised at the last Board meeting and said that it was his belief that dump-picking was a safety hazard and liability to the Town. He discussed case law regarding this that cost the particular town a monetary award to the citizen injured. Mr. Moulton submitted a proposal to deal with this issue and asked the Board for their comments/approval on his proposal.

Ms. O'Donoghue said that they get a lot of questions about having some kind of a swap shop area and this is a first step in that direction, which she is whole-heartedly in favor of.

Mr. Fernald, discussing swap shops, discussed that Kittery has one and it is essentially run by volunteers and asked how the one at the transfer station would be administrated.

Mr. Moulton said that it would be overseen by the attendants and maintained by the attendants. He added that they would manage what would go in and what would go out to assure that any item would have value/use to others, such as for parts or an item is in good condition.

There was discussion regarding recycling of items by individuals and/or groups and parameters that would be applied.

There was consensus of the Board to approve Mr. Moulton's proposal.

Loose Trash Disposal – Mr. Moulton discussed the requirement that all trash be disposed of in approved trash bags and that there has been an increase of loose disposal at the transfer station.

Ms. O'Donoghue said that she thought that was a policy, anyway.

Mr. Lytle clarified that, when people come in with rubbish containers, they dump them down into the hopper and there has not been strict enforcement against that but they should.

Mr. Fernald said that he thought there was a mandatory policy in place that residents needed to use clear trash bags.

Mr. Lytle agreed and said they would enforce that policy.

After some discussion, it was decided that the policy would be posted at the transfer station to make citizens aware and prevent large containers of loose trash from being dumped down the hopper. It was stated that this was just reinforcing the Town's current Solid Waste Ordinance.

**7:42 PM**

Part-time Winter Employees – Mr. Moulton said that he was submitting three names to handle the winter storm maintenance operations (plowing).

Mr. Moynahan moved, second by Ms. O'Donoghue, to appoint Brian Holt, Charles Poirer and Phil Lytle, Jr. as part-time winter help for Mr. Moulton, pending background checks on their licenses.

**VOTE**

**4-0**

**Chair concurs**

Budget Submittal Extension – Mr. Moulton requested a two-week extension to submit his first draft to finish clarifying any adjustments to be made and to make budget lines more specific and requests for fund allocations clearer.

Mr. Moynahan said that he supported this.

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The Board agreed to the extension by consensus.

**7:28 PM**  
**#2**

TO : Board of Selectmen  
FROM : York County Community Action  
REF : Request mid-year meeting with Board

Mr. Bohon, Communications Director, thanked the Board for giving him the opportunity to meet with them tonight. He said that he had sent letters out to all the towns to be able to talk about what they are doing in the individual communities, as well as throughout the County and to ask the Board for help in addressing needs in the Eliot community that YCCAC might not be aware of. He added that he had Heather Roberge with him, who is the Community Outreach worker and liaison for their agency to the Town of Eliot. Mr. Bohon explained that YCCAC has seven programs: WIC, Headstart, Housing, Transportation, Energy Services, Community Outreach and Health Care. He said that each of these programs are designed to help people who are in need, people who are living in poverty or are very low income. He added that they serve about 25,000 households throughout the County each year. He clarified that each program is designed to do a very specific thing and used Transportation as an example – moving a person from one place to another, whether it is a person from their home to a doctor's appointment or to a school or to a job site, but they do much more. He said that, Community Outreach for example, has the goal of connecting person who has a need with a resource so, if they have a client who comes to them who is homeless, then they may connect that person to a York County shelter or with a church or with the Red Cross or the Salvation Army – with some place to keep him or her safe or keep that family safe. Mr. Bohon, when he thinks and talks about YCCAC, to give the Board an idea of how large and how broad their reach is, invited the Board to think with their eyes closed of the County and then the individual towns, like York and Kittery and Wells and Sanford and Acton, etc.; all of those towns where they serve people who are in need and then connect the dots to weave them all together to visualize a net, which is YCCAC that catches people in distress. Mr. Bohon said that, like everyone else, they are doing more now than they were a year ago and they are doing it with fewer resources. He clarified that he wasn't asking them for anything but simply trying to tell the Board about the kinds of cases they were addressing right now, such as homelessness, foreclosures, and noted that Maine is currently #4 in foreclosures in the country per capita. He said that there are 11,000 households in York County right now that are at risk of foreclosure and they have recently hired two foreclosure prevention specialists who are working with those people who are at risk or who are in foreclosure and their lenders or the banks and courts. He added that they have had a very good success rate with people who have an income, explaining that it really doesn't matter the size of that income, as they can very often work with the lenders and the courts to save that house and get a modification of that loan. He said that, if there is no income, then there is nothing they could do. He added that foreclosures were high last year, that they are higher this year and they will be higher still next year but it is a problem they are addressing. Briefly, he said that is what they are and what they do. Mr. Bohon said that he had given each of the members a package that had a 4-year matrix to give them an idea of what they were doing in the Eliot community. He said that what he thought would happen when he put this matrix together is that it would show him a trend and, in some cases, it does and, in other cases the trends are difficult to reconcile with other pieces of this puzzle. He clarified that a couple of things that raised the red flag for him was in the Health Center – they are serving a greater number of Eliot residents now in their Health Care Facility. He explained that the Health Care Facility can only serve homeless people or people living in subsidized housing and clarified that homeless could mean a student who has graduated college and has had to move back home or three friends who have had to move in together because they can't afford rent on their own. He said that the numbers are expanding and they are finding a greater number of first-time persons and families coming to them than ever before. He said that they are seeing people who, a year ago, never thought they would need their services – that is just to be expected in this economy. Mr. Bohon said that, in Eliot, they saw their bus miles drop dramatically and he couldn't explain it and doesn't understand why but their volunteer driver miles went up significantly to around 20,000 miles last year. He explained that volunteer drivers can only drive a client for four reasons – a medical appointment, a dental appointment, a mental health appointment, or foster care appointment – so that tells them something about what the need is and how they are addressing and serving it. Mr. Bohon said that the Board could look at that information in the matrix and make whatever judgment they would but it is fairly detailed and he believes tells them something about

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how YCCAC is working within the Town of Eliot. Mr. Bohon said that he was asking the Board to tell their friends, the people they go to church with and work with, that YCCAC does have services and programs that can help. He added that they often work with churches because he has found that parishioners speak to a lot of people within their group and to the check-out person and the librarian and they spread the word so what he was asking the Board was just to spread the word – if they know of someone in Eliot that needs the help, then YCCAC is there to do that and, again, Heather Roberge is the point person.

Ms. O'Donoghue said that she has followed YCCA's services for a number of years and become increasingly impressed with what they can accomplish with what is really a minimal amount of donations and that one of the things they were sad about this year is that they could not donate more.

Mr. Blanchette suggested to Mr. Bohon that the reason for the drop in bus miles might be the separate Eliot/Kittery bus they are paying for here in Eliot.

Mr. Bohon said that what he was looking at was the significant drop in bus miles and the significant increase in volunteer drivers and that may have no connection at all.

Mr. Fernald, speaking from his involvement at Footprints Food Pantry, said that there is a need for transportation to that facility. He added that there are a number of people who just can't get there and Footprints has opened up a kind of delivery service for those people, but that has been a problem in the past. He said that he could understand what YCCAC was going through, as Footprints has had people who come to them have had trouble finding shelters. (He added that they have people living in their automobiles out on the power lines because they have no place to go.) He said that they keep trying to go to the York County shelter and it has been full and that is sad. He added that last week they had 60 Eliot residents come to the food pantry and this week they had 78 and that is how it's climbing. He said that that equates to about 200 people, including all family members, that are getting food in this area so their (YCCAC) agency is well needed.

**7:38 PM**

Mr. Bohon said that one of the fears that literally keeps them awake is that there is someone out there who doesn't know a better way and is putting on an extra coat and another pair of gloves and thinking that they will survive and they may not. He said that was why he was asking them to get the word out. He added that he puts this information out to the newspapers, including the free papers, all the time but the most effective way to reach people is word of mouth.

**#3**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Norton Situation

Mr. Fernald said that Ms. Norton has called to indicate she has the information she was going to ask the Board, so she would not be attending.

**7:40 PM**

**#4**

TO : Board of Selectmen  
FROM : Shelia Hatch  
REF : Comp Time Request

Mr. Blanchette recommended that the Board approve this request. He explained that any time someone reaches up to 25 hours of accumulated time it needs Board approval to accumulate any more and she is saving it for a particular reason and would be using it up soon.

The Board agreed by consensus to approve this request by Ms. Hatch.

**7:42 PM**

**#5**

TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Consent Agreement 1<sup>st</sup> Reading

Mr. Fernald clarified that it was changed from last time.

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Mr., Blanchette agreed and that the Board had asked for Mr. Vaniotis' comment to the proposed change and the Board will see his comment to that change.

Ms. O'Donoghue commented that she understands it is a comment but she doesn't think it changes it too much and likes it the way it stands now and would like to see it move forward.

Mr. Fernald asked for other Board member comments.

Mr. Moynahan said that he was fine with the policy.

Ms. Place said that it still comes down to the fact that the Board has the last word anyway.

Mr. Fernald said that they would move this forward to the next reading.

**7:43 PM**  
**#6**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Phone Service

Mr. Blanchette said that they presently have the internet with Comcast and the phone service through One Communication, he believes, which is basically through Fairpoint. He said that they can get the services cheaper but they would have to sign a three-year contract and they do not have a contract, at present, with either the internet or the phone.

Ms. Place commented that she has this service at home and it is a big savings over what she had before.

Mr. Moynahan suggested the contract be reviewed carefully to make sure there are no hidden surprises. He added that he has their service at his house and he was very pleased.

Mr. Fernald said that he would entertain a motion.

Ms. O'Donoghue moved, second by Ms. Place, to enter into a three-year contract with the \$220 a month fee for phone and internet with Comcast.

**VOTE**  
**4-0**  
**Chair concurs**

**7:45 PM**  
**#7**

TO : Board of Selectmen  
FROM : Comcast  
REF : Scheduled programming changes

This was informational.

**#8**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : State Valuation

Ms. O'Donoghue asked for clarification between the 2010 valuation amount of \$888,050,000 and the 2011 valuation amount of \$867,750,000, which shows the dollar amount going down but the percentage going up.

Mr. Blanchette agreed that the valuation was going down but their percentage in relation to others is still going up. He said that that is one of the things they use in the school funding.

**7:49 PM**  
**#9**

TO : Board of Selectmen  
FROM : Trio Division of Harris Computer Systems  
REF : Credit Card

Mr. Blanchette commented that the Town has looked into this a number of times in the past and they haven't gone forward with it because the Town would have to absorb the fee and they would have to raise it through general taxation. He said that, last year, the State amended that law and are now allowing certain entities (towns being one) could charge the

**BOARD OF SELECTMEN'S MEETING**  
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fee at the point of sale (POS) to the credit card user. He added that 2.95% is the current fee that would be charged for using credit cards. He clarified that a person paying a \$2,000 tax bill with a credit card at the Town Hall would pay just under \$60 extra as a credit card fee. He added that, when someone comes to the counter to pay by credit card, they have to tell that person, by law, what that credit card fee would be in dollars. Mr. Blanchette said that Harris, who owns TRIO (the Town software), has come out with a software package to handle credit and debit cards. He explained that the total cost to set it up would be about \$1,300, which would include the software package, a one-time processing fee and three scanners – one for each work station. He added that there would be an annual fee for the use of the software of \$150. He clarified that he has been told that the use of a debit card requires a per charge fee of \$2 to \$3. Mr. Blanchette said that he was asking the Board to authorize this and explained that it would take two to three months to become operational.

Ms. Place asked if they had a lot of people paying by credit card now.

Mr. Blanchette said no because the Town doesn't accept them.

Ms. Place clarified that this would give them the choice and asked if they really needed three scanners.

Mr. Blanchette said that, if they were going to have people scanning their own cards, then there has to be one at each work station.

Mr. McPherson asked what the annual fee would be to the Town.

Mr. Blanchette said that it would be \$150 for the software. He commented that people may see the fee and decide they don't want to use it and, a year from now they've only had 10 people who used it and not keep it.

Ms. Place clarified that there is no contract.

Mr. Blanchette said no.

Ms. O'Donoghue asked what the staff at the Town Hall thought of this.

Mr. Blanchette said that they wanted it because they have had a lot of inquires but, again, most people are not used to the idea of paying a fee for using their credit card. He added that he did not think a couple of dollars for using a debit card would be an issue but the credit card fee might well be.

Mr. Moynahan said that this was a \$1,300 gamble to see if anyone uses it.

Mr. Fernald added that, right now, everyone is paying their taxes without a credit card.

Mr. Moynahan commented that he didn't know if they would get into the practice with that many people and it would just strap people – if they had to pay a \$4,000 tax bill and they put it on a credit card and one did the simple math and started getting into those interest rates, then they wouldn't be able to pay it next year. Mr. Moynahan suggested the staff in the Town Hall do a poll on this, letting people know that there would be a fee associated with this and find out what the interest level would be.

Ms. Place wondered if people who want to pay by credit card know they can come in and pay as much as they want on their tax bill...

Mr. Blanchette said that they keep telling people that but, more and more, it's a paperless or credit card society.

Mr. Fernald said that he would agree if this were something that was an advantage to the people of the Town.

Ms. O'Donoghue asked what the percentage was of people who did not pay their taxes.

Mr. Blanchette said that the final was practically zero percent. He added that the liens this year went a little higher than the previous year.

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Ms. O'Donoghue asked if this would help that situation or not.

Mr. Blanchette said that they didn't know. He added that, if people cannot afford to pay their taxes by lien-time, then putting it on a credit card would only compound the problem if the reason they are using the credit card is that they can't afford it. He said that if it is strictly cash flow and keeping track of what they pay – some people pay their credit cards in full at the end of every month – that wasn't an issue. He also said that it wasn't just taxes but car registrations, licenses, etc., so not every fee would be so high.

Mr. Hirst asked if there was a minimum.

Mr. Blanchette said that he didn't know if there was a minimum required to use the system.

Ms. Jacques asked if anyone knew if South Portland had had any success – has there been much use.

Mr. Blanchette reiterated that they only started it 3-4 weeks ago. He said that Portland has been accepting credit cards for some time but they also had to raise taxes \$60,000, as the city paid the fee prior to this, and now they are switching over where the people were going to pay the fee.

Mr. Fernald suggested that they take a poll to see how many people, when they know a fee would be added, would actually use the service.

The Board agreed by consensus to do the poll first.

Mr. Blanchette suggested the Board take care of the last three items on the agenda before going into executive session, as they would not take much time.

The Board agreed.

**8:00 PM**

**#11**

TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : winter Fuel Assistance Program

Mr. Blanchette said that they have had the program now for two full winters and he believes it is working out very well. He said that, in particular for people who would qualify for the HEAP Program, which is run by YCCAC, and the way the program works, some people would have appointments in January for HEAP, so this would help in November and December. He said that this has met a need and recommended that the Board take another \$5,000 from the Marilla, Herbert, Wilbur, Everett and Mary Lizzie Spinney Fund.

Ms. Place moved, second by Ms. O'Donoghue, to transfer \$5,000 from the Marilla, Herbert, Wilbur, Everett and Mary Lizzie Spinney Fund into the Eliot Fuel Assistance Program.

**VOTE**

**4-0**

**Chair concurs**

**#12**

TO : Board of Selectmen  
FROM: CLD  
REF : Possible update on next step

Mr. Blanchette commented that Mr. Murphy had already given the update and emphasized that CLD had not been able to do their final report because they had not received the report from SEA, yet.

Mr. Moynahan suggested the Board might call Kittery and pressure them a little bit – they were waiting to get their financial items in line.

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Mr. Blanchette agreed that he thought that it would be good to give Kittery a little nudge, showing the concern comes from this Board.

The Board agreed by consensus.

**8:02 PM**  
**#13**

TO : Board of Selectmen  
FROM: AAA Energy Service Co.  
REF : Energy Inspection and Survey, Police Station

Mr. Blanchette said that this was the survey done through the Energy Commission with \$8,000 of the \$10,000 grant they received and this was one of the top things they wanted to do. He added that the EC is recommending the Board hire AAA Energy Service Co. to do the energy inspection and survey.

Ms. Place asked if this was the only pricing quote they have.

Mr. Murphy said that there are a number of companies that do that work in the region but this is the company of one of the EC members (Mr. Henningsen) and he was one of the committee members who had been nudging the police to have an energy study done but had not been allowed to do the study.

Ms. O'Donoghue clarified that Mr. Henningsen does this work as a business and was concerned that this might be a conflict of interest.

Mr. Fernald asked for the pleasure of the Board.

Ms. O'Donoghue said that she knew the Police Chief was eager to have this done and something she thinks they need to move forward on as quickly as possible.

Mr. Muzeroll clarified that it was just the police station.

Mr. Murphy said yes, at the present time. He added that there were other buildings in Town, which need it – the library.

Mr. Muzeroll asked if they had considered the biggest consumers of energy being the highway department and fire station.

Ms. O'Donoghue said that they are actually not the biggest consumers.

Mr. Murphy clarified that the EC has been to those places but the police have equipment that uses much higher amount of electricity. He said that, next to the pump station, it is the biggest electrical user in Town and the EC feels that there is something wrong over there. He added that there have been only partial studies and partial investigations, to date, with no satisfactory solution over several years, and they are trying to get that settled, once-and-for-all.

Mr. Muzeroll said that, if they were just talking strictly electricity, then one goes where the biggest need is but, if they were talking energy loss or energy consumption, then he believes the EC has done some studies on all the Town buildings and a number of them coughed up some money through budget or facilities money to do some upgrades.

Mr. Moynahan agreed that main source is the electric but the heating system and the air conditioning condenser units were poorly installed and were not sized properly. He added that he had an HVAC company down there three years ago, proposals were given and nothing was done. He said that, again, they were going to go back in time, spend another \$2,400 and the quote he had done was free, with similar recommendations. He said that he was all for getting that big elephant out of the way over there – it was a poorly-constructed building with a heating system that is flawed – anything that gets them closer to better is good.

Mr. Murphy talked about the need for the emergency generator to be kept in an environment that would allow it to be used immediately throughout the whole year as a drain, as well.

**BOARD OF SELECTMEN'S MEETING**  
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Mr. Moynahan said that they had pad an HVAC company seven or eight times to balance that system and work on the condensing units and every month there is another problem and they keep throwing money at that thing.

It was the consensus of the Board to move forward with this energy inspection and survey of the police station.

**8:08 PM**

**#10**

TO : Board of Selectmen

FROM: Dan Blanchette

REF : Jim Atwood – Community Television Committee (negotiations with Comcast)

This was discussed in executive session.

**Executive Session**

**8:09 PM**

Move by \_\_\_\_\_, second by \_\_\_\_\_ that we enter into executive session as allowed by 1 MRSA section \_\_\_\_\_.

**8:30 PM**

Out of executive session

**8:32 PM**

Moved by Moynahan, seconded by Place, that we extend the present contract with Comcast to Jan. 31, 2011.

**VOTE**

**4-0**

**Chair concurs**

**Selectmen's Reports:**

O'Donoghue: pay for the webpage maintenance - \$500 was budgeted for such.

Authority vs. responsibility for the Administrative Assistant – maybe time to consider Town Manager form of government.

**8:35 PM**

Moved by Moynahan, seconded by O'Donoghue, that we enter into executive session as allowed by 1 MRSA section 405.6(A) "Discussion or consideration ...an individual or group of public officials ..." Personnel matter.

**VOTE**

**4-0**

**Chair concurs**

**8:48 PM**

Out of executive session.

Consensus of the Board to authorize the Chair to handle the situation with the employee after review with the attorney.

**Other Business as Needed**

There was no other business.

**Adjourn**

There was a motion and second to adjourn the meeting at 8:50 PM.

**VOTE**

**4-0**

**Chair concurs**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**Roberta Place, Secretary**