

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM**

**Quorum noted**

**5:30 PM:** Meeting called to order by Chairwoman O'Donoghue.

**Roll Call:** All present.

**Executive Session**

Public Works Director:

**6:05 PM** The Board, after some discussion, agreed not to go into Executive Session. John Schempf, South Berwick Town Manager, was present for the discussion. The Board discussed the sharing of the position for Public Works Director with the Town of South Berwick. It was the consensus of the Board not to share the position.

The Board held a discussion on advertising for the position. It was decided that Letters of Interest and resumes would need to be in by Monday, May 3<sup>rd</sup>.

**6:20 PM** The Board agreed, by consensus, to advertise the position.

**6:22 PM** The Board recessed at this time.

**6:30 PM** The Board reconvened at this time.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:32 PM** Motion by Mr. Fernald, seconded by Mr. McPherson, to approve the minutes of March 11, 2010, as written.

**VOTE**

**4-0**

**Chair concurs**

Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of March 24, 2010, as written.

**VOTE**

**4-0**

**Chair concurs**

Motion by Mr. Fernald, seconded by Mr. McPherson, to approve the minutes of April 1, 2010, as written.

**VOTE**

**4-0**

**Chair concurs**

**6:35 PM** At this time, the Chair discussed that the Board needed to discuss and vote on appointments from the Energy Commission to the Seacoast Energy Initiative, as this was time-sensitive and this was supposed to have been done by April 1<sup>st</sup>. The Chair apologized for being late on this. The Chair said that the Energy Commission suggested appointing Ed Henningsen as a full member and Mike Eardley as an Alternate. The Chair asked for questions or a motion from the Board.

Mr. Fernald moved, second by Mr. Moynahan, to appoint Ed Henningsen as a full member and Mike Eardley as an Alternate to the Regional Energy Efficiency Steering Committee.

**VOTE**

**4-0**

**Chair concurs**

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**Public Comment:**

The Chair recognized Jack Murphy.

Mr. Murphy discussed the status of the Sewer Committee. He said that it would appear on the record that, when the Board voted for the Sewer Committee to be a standing committee last fall, the Sewer Committee ceased to be a BOS Ad-Hoc Committee. He added that the Sewer Committee recognized that and that Eliot citizens would be voting to make the Sewer Committee a standing committee but they are currently in limbo between the two and he would like the Board to do two things, if they would. He asked that the Board vote to reinstate the Sewer Committee as an Ad-Hoc Committee to the BOS and to validate the legitimize of actions their committee has taken from last fall until the present time.

The Chair acknowledged that Mr. Murphy made a good point and asked for Board input.

Mr. Moynahan commented that that sounded like something the Board needed to do.

**6:37 PM** Mr. Moynahan moved, second by Ms. Place, to reappoint members of the Sewer Committee, as now constituted, as an ad-hoc committee to the Board of Selectmen until the Town Meeting vote.

**VOTE**

**4-0**

**Chair concurs**

**6:40 PM** The Chair recognized Gary Sinden.

Mr. Sinden discussed LD1745, which is Senator Nash's bill to get relief for the county caused by the jail consolidation. He said that most of the benefit of that bill was stripped away and they expected that, particularly on the debt service for the jail, itself, which is a couple million dollars. He discussed that there were a couple of other significant things: one was that another piece of debt, a quarter of a million dollars, was included under the jail cap by the State. He said that the York County Commissioners wanted that removed and the cap lowered. He added that the debt still has to be paid and it is, monetarily, a wash for right now but, in 2013 when that debt is paid off, then that, in a sense, is a quarter of a million dollars back in the county's pockets. He said that, if that debt stays under the cap, then they would be paying that quarter of a million dollars forever. Mr. Sinden said that it went through several committees and was passed by both houses and then, Friday for some reason, it went to appropriations, which surprised him as there was no money attached to it. He said that the Chair, Senator Diamond, said that they had to kill all the bills with money but there is no money in this. He clarified that they were still paying the debt, just moving the number from here to there. Mr. Sinden commented that, clearly, they are just reaching into our pocketbooks, again, and it is very frustrating. He said that the second meeting in May there will be a full review of the entire jail situation and added that they could not be concerned about the state corrections anymore – they would deal with York County. He added that he was very disappointed to see them do that as they knew they were taking our money.

The Chair asked if there was anything they could do.

Mr. Sinden said that it's hanging by a thread and still has to go to the Senate but, from what he has heard, it is a done deal. Mr. Sinden said that the second thing was discussing/emphasizing the importance of the county charter in all of District 5. He added that they were able to get the election commission to send them the papers and they are in the county office for those who would like to volunteer, so people don't have to go to Augusta or have papers mailed to them to get involved. Mr. Sinden stressed that, if anyone wants to run for a seat on the York County Charter Commission, please go get the papers. He commented that the small towns are already lining up and want a strong presence on the Charter Commission. He said that that, in his view, is an opportunity to do something

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about the sheriff patrol expenses, which towns have to pay on top of their own police. He stressed that they need a strong presence from District 5. He explained that every district would have an elected member, one member-at-large, a commissioner, a legislator and a town official on that committee. He added that they need someone who would be good with committee work and has had a lot of experience. He reminded everyone that they may be five towns out of twenty-nine but they pay a third of the taxes, so their voice needs to be heard.

The Chair recognized Vicki Mills.

Ms. Mills commented that she would like to clarify some things that were stated at the last meeting. She said that the BOA denied her appeal based on the timeliness factor, an issue they struggled with. She added that there was discussion around types of subdivisions and how the law states how one can deed land to a family member, unless it is to circumvent subdivision laws. She reiterated the BOA made their decision based on the timeliness issue and the Superior Court struggled with that same issue. She said that the Maine Supreme Court ruled that the appeal was timely and remanded back to Superior Court to BOA to the CEO. Ms. Mills said that, when the decision came back before the BOA, Mr. Trott told Mr. Cullen that, if he had had that information the first time around, then he would not have denied her appeal. Ms. Mills commented that, during oral arguments before the Maine Supreme Court, it was her opinion that the justices were not happy with the concept of this being a family subdivision – the justices asked Mr. Cullen's attorney about the for sale sign posted next to the building permit, they asked if he was aware that he was building at his own risk – they asked about the renters in this family subdivision. She added that they had an extensive record – there was extensive information provided by the Town, herself and the Cullen/Bullis family. She discussed that the judges reviewed the affidavits that were given to the Board at the last meeting and that the Maine Supreme Court handed down the decision that there was substantial evidence in the records supporting the CEO's finding that the subdividers acted with the intent to avoid the regulatory consequences of creating a subdivision. Ms. Mills said that that was not the Boards' decision – that was what the Maine Supreme Court decided. She added that the building permits the Board sanctioned were obtained while they were in the court process, as was one of the occupancy permits. Ms. Mills said that she doesn't see that she is any better off as a result of this court decision...she won, but what did she win. She commented that Mr. Cullen's idea of settling with her is her helping him to further develop that back land out there. She commented that the Town residents are told that the Town's check and balance system is through the court system, which is very costly and time-consuming, and she believes the Board is sending the wrong decision by ignoring the court's decision in giving these offenders a C. A. Ms. Mills respectfully asked that the Board reconsider their decision of the 25<sup>th</sup>.

The Chair thanked Ms. Mills and commented that there has been a big conversation about the fact that she did not support the Board's decision and she did not, at the time, explain where she was coming from and she wanted to do that to clear the air. She explained that she was on the Planning Board 10 years ago when this development was first presented. She said that the Planning Board did turn it down because it was violating Town ordinances and, as far as she could determine, it was still violating the Town ordinances and that bothered her a great deal. She added that, in her opinion only, this was an attempt to avoid following the ordinances. She said that, once the third permit was issued that, then, became a subdivision and now, according to the agreement, there will be five more houses allowed, for a total of eight, but not the thirteen, as requested. Ms. O'Donoghue said that she did agree with the Supreme Court decision that there was deliberate avoidance. She added that there is no appeal from approval of a C. A., according to a Town attorney. She added that she hoped everyone on the Board had read the terms of the C. A. She said that she was not happy with it. Ms. O'Donoghue said that the Board could reconsider that decision. She explained that the reconsideration requires someone who voted in the majority to make the motion, would have had to vote and not abstain and the decision would have to be reconsidered at the next scheduled meeting, which is tonight. She commented that

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she was just letting everyone know where she stood and, if someone on the Board would like to reconsider, then she would welcome the motion.

No Board member moved to reconsider.

Mr. Sinden asked when the Board was going to sign the C. A.

The Chair clarified that the Board does have a draft and would make any changes or corrections to that draft at the next meeting.

Mr. Sinden asked if any attorneys had reviewed the C.A.

The Chair clarified that the attorney has reviewed the C. A. and has pointed out that, if this is overturned, then the Town could be liable for more lawsuits but the Town could also win more lawsuits. She said that, if the Board agrees to the C.A., then the Town would receive \$17,000 in legal fees and, if they violate the C.A., then they would be liable for a one-time penalty of \$2,500.

Mr. Sinden asked for clarification of the term "violate".

The Chair clarified that there are terms that address the extra five lots the Town has not agreed to approve and will be folded in to existing building lots and, if those were built on, then that would be a violation of the C.A.

**6:52 PM**

Mr. Sinden commented that, when he was on this Board, they never saw the text of the 2008 Supreme Court decision on that and he wondered if the Board had read that document. He said that the decision explains that the Town never did bear any burden and that any, quote, approval by the original CEO had no legal standing whatsoever because the family subdivision did not begin until 2006, when the third building permit was issued. He added that there were no legal steps that the Town took to approve this, as it simply wasn't required. He commented that he heard that the Board's reasoning last week was that they approved it in the beginning but the Town never did approve it, was never required to approve it. He added that, once the subdivision was approved as a family subdivision, it was contested all the way to the Supreme Court and up to today. He said that, in his opinion, the Board's main reason of objection to this was to prevent further legal action but there is no further legal action...the Board won a full judgment, so there is no reason to agree. He said that, in his view, the only thing left to decide on is the penalty so that this doesn't happen again and creates a deterrent. Mr. Sinden urged the Board to read that decision by the Supreme Court because it gives great instruction.

The Chair recognized Nancy Shapleigh.

Ms. Shapleigh said that the State allows family subdivisions so the Town did not need to approve it. She added that she thinks the Town is ripe for a big lawsuit because people rely on those employed by the Town and the information that is given to them. She said that she believes it is wrong to be rescinding permits all the time and she believes this has cost the Town enough and it is time to move on with this particular situation. Ms. Shapleigh said that she was sorry that Ms. Mills was unhappy but a lot of residents are unhappy with the zoning decisions. She added that she believes it is in the best interest of the Town to put this to bed.

The Chair asked if there were any further public comments.

There were none.

**Department Head/Committee Reports**

**6:55 PM**

The Chair invited Jenny Isler to speak.

Ms. Isler thanked the Board for approving their recommendations to the Energy Initiative Committee. She updated the Board on what the Energy Commission had been working on. She said that they received an energy grant of \$10,000, just for

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Eliot, for energy efficiency education and they might be able to funnel some of that to actual energy efficiency measures. She added that they had done some energy education through flyers and handouts and a table at the elections and the grant program will allow the committee to coordinate the program to reach all residents and have some serious effect and also puts them "on the map" for future grant applications. Ms. Isler said that they had applied, with other regional towns, a larger grant for revolving bonds and educational programs and they got that, as well, which was \$500,000. She discussed that they were progressing with the Greenhouse Gas and Energy Use Municipal Inventory. She clarified that the largest challenge with this kind of thing was getting the data because people are busy but are working with her committee and, once they have that data, they would be able to compare 2006 to 2008 and present that information to the Board. She added that that information would help the Town to target where they put future energy investment. Ms. Isler commented that, at her last update, she had discussed that they were looking to do a tidal project and, unfortunately, that didn't happen as they needed a student to do that grant and the student decided not to do the project. She said that they would be going ahead with some UNH students who are doing a similar project the UNH students have designed and built, but without some of the more extensive equipment they had discussed previously, on the Piscataqua River. She added that she hopes they would get a similar model because Eliot does have potential tidal power. Ms. Isler discussed another project they were involved with, to include the KEYS Region, to take on a Carbon Challenge, which is a free program that challenges residents and municipalities to lower their carbon footprint. She added that Eliot would be the first community in Maine to take the challenge and that this program is national. She said that it would be nice to challenge the neighboring towns and the committee would most likely roll that out in the fall in conjunction with their other educational programs.

Mr. Fernald commented on his appreciation for her work. He asked if the \$10,000 grant was received by the Town.

Mr. Blanchette clarified that he does not believe the Town has physically received the money, yet.

Ms. Isler clarified that the latest communication they have received is a letter from the Maine Energy Trust asking if anyone has already spent the money. She said that they have not spent the money as they don't want to rush into anything before they know it is the right thing to do.

Mr. Fernald asked if the monies would be put into a special account for the energy committee to draw out of or does it go into an undesignated fund.

Mr. Blanchette said that he was unsure but would generally go into a special account.

Mr. Murphy commented that Mr. Brickert was working on the addendum to the Green Power Ordinance with the CEO to develop plans and specifications for homemade wind turbines that the CEO could verify and approve to issue a permit.

Ms. Isler commented that that is particularly exciting because, to the best of their knowledge, Eliot pioneered the wind ordinance and were one of the first in the country to have a wind power ordinance. She said there aren't any for the temporary experimental turbine, either, so he is going to get the schematics, have them approved, have an engineer's stamp on them, etc, so, again, they would be breaking new ground. She let everyone know that the Energy Committee meets the second Wednesday of every month and invited people to come.

The Chair commented that there was an exciting event coming this Saturday and invited the Business Development Committee to discuss it.

Ms. Orr said that it was the first ever Eliot Business Showcase and would be held from 9AM to 2PM at the Regatta Conference Center. She added that they had a variety of Eliot businesses that would be there to explain their wares and services.

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She said that this would be a great way for Eliot residents to come and see the great services and businesses available right in the Town. She added that there would be raffles throughout the day with some great prizes.

**Old Business (Action List):**

**7:10 PM**

A. Business Registration Ordinance

The Chair commented that they had the Business Registration Ordinance that the Business Development Committee (BDC) has presented to the BOS. She suggested the Board review this closely, ask any questions and, at the next meeting, move ahead with this one way or the other.

Mr. Moynahan said that he thinks it looks great and that the committee did a great job of giving the BOS what they had asked from them.

Mr. Fernald said the ordinance talked about fee schedules and asked for clarification.

Ms. Orr clarified that that the BDC recommended a \$10 application fee the first year a business registers and a mill fee in subsequent years when businesses do annual Status Report Form that updates contact information.

The Chair asked for clarification of what the fee was for.

Mr. McMullen said that the fee was to just cover administrative work and is not designed to be a money-maker for the Town but was more of a safety issue for police, fire, emergency services, ambulance, etc.

Mr. McPherson asked who would enforce this ordinance and collect the money.

Mr. McMullen said that it would be the BOS and they could delegate whoever they believed should be in charge of this.

The Chair suggested it could be the Town Clerk or CEO.

Ms. Orr commented that she assumed this would be similar to dog licensing or snowmobile licensing, etc.

Mr. McPherson commented that building permits started out as just a small fee to keep track of things and it is substantially more now.

Ms. Orr said that one line they do have in the ordinance is that the fee is not to exceed what the administrative cost is to administer the ordinance.

Mr. McPherson commented that he doesn't believe this ordinance is business-friendly and no one else around charges it.

Ms. Orr disagreed and said every town has this. She added that, additionally, Kittery requires a Fire Marshall inspection before a business can occupy their space.

Mr. McPherson said that it was his understanding from a couple of the town council members that that was not approved.

Ms. Orr said that they called the town office this past fall and when they had their budget meeting Kittery Police Chief Strong spoke very favorably. She added that she would be happy to call Kittery to reconfirm that something hasn't changed since the committee spoke with them in the fall.

Mr. McMullen commented that the committee called all the surrounding towns and they all have this in some form. He added that it would be the Board that decided the fees with this year after year and that it would not be the BDC. He

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reiterated that they were presenting this because of a serious safety issue. He said that he thinks it's a slap in the face to Town emergency people, not knowing what they are going into for buildings and potential chemicals, in the event of an emergency, as well as not knowing who to call when an emergency arises. He added that no one knows the actual businesses that are out there and this is a way of harnessing this and creating a safety for emergency services.

Mr. McPherson commented that it would have to be kept up-to-date or it would be useless.

**7:15 PM**

Ms. Orr said that, the way the ordinance is drafted, is that a business originally registers and, then once a year, the business sends in an update. She added that the police department started doing this on their own a number of years ago because they were having so many problems with break-ins along Rt. 236. She clarified that there was a lash-back because the police department asked for three to four layers of contact people; home phone numbers, cell phone numbers, etc. She said that it was very cumbersome, that the police did not keep it up because they did it specifically for Rt. 236 because they, as a department, were having a need.

The Chair commented that they do assess some of the businesses and there are many more that are not and added that it was fair that what they did for some, they do for all.

Mr. McMullen clarified that this was not for the personal property tax on businesses and he doesn't think a lot of people realize that all personal property tax for businesses in Eliot are mandated by the State. He said that this ordinance is only for the purposes of identifying the businesses that exist in Town and filling out that final page so that the Town knows who to contact in case there is an emergency – a fire, an accident – whatever the case may be, so that emergency people know of any chemicals in particular buildings and the number of chemicals is immense. He commented that, in all due conscience, people need to let their fire department know what they are going into when they respond. He added that the information would be made available to all emergency people and so has nothing to do with any personal property tax. He reiterated that this was only for the purpose of registering businesses in Town, with a \$10 initial fee, and a zero fee, forever thereafter.

The Chair asked if the Board was ready to move forward on this at the next meeting or does the Board want to move forward on it now.

Mr. Fernald recommended that Board wait until the next meeting to give members time to review and consider this.

Mr. Blanchette reminded the Board that they were running a bit late on their 7PM Public Hearing.

**7:18 PM**

**The Chair opened the Hearing.**

**#1**

TO : Board of Selectmen  
FROM : Jacqueline Kilty dba The Roadhouse at 987 Dow Highway, Eliot  
REF : Application for Liquor License

The Chair agreed and explained that the Public Hearing was for a liquor license application for The Roadhouse, which used to be Muddy River Marketplace, and noted that Jacqueline Kilty was present.

Ms. Kilty said that the building has been a restaraunt for more than 15 years, they were going in with the same type of liquor license, made some nice renovations inside, spruced up the building, would have family dining and take-out ice cream, run about the same hours that Muddy River did and they have spoken to surrounding neighbors and they are in favor of this. She added that she has a few letter of recommendations from other Eliot businesses, if the Board would like to see them.

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The Chair asked if the Board had any questions.

Mr. Moynahan commented that restaraunts have been the applicant's whole world, that the police chief had signed off on this, and he would grant them the liquor license.

Ms. Place commented that the application looks like it is in order.

The Chair asked if anyone in the audience had any comments or questions.

There were none.

**7:19 PM**

The Chair said that, hearing none, the Public Hearing was closed and asked for a motion.

Mr. Moynahan moved, second by Ms. Place, to grant a liquor license to Jacqueline Kilty d.b.a. The Roadhouse.

**VOTE**

**4-0**

**Chair concurs**

At this time, the Board signed documentation approving the liquor license for The Roadhouse.

Mr. Murphy raised the question of whether the Board would hold a Public Hearing on the Business Registration Ordinance.

The Chair said that they had not and asked if that was necessary.

Mr. Blanchette clarified that the ordinance would have to be approved at Town Meeting.

Mr. Murphy confirmed that there would be a Public Hearing on this ordinance.

The Chair confirmed that they would have to have a Public Hearing on all the warrants.

Mr. Blanchette clarified that, if something is voted on by secret ballot, then the BOS has to have a Public Hearing and, if it is voted on the open floor during Town Meeting, then the BOS does not have to have hearing as the open floor is considered the public hearing. He added that the BOS could still have a public hearing, regardless.

Mr. Murphy commented that, so far, he has only heard about this ordinance and has not had an opportunity to publicly speak to it.

The Chair said that the Board would be speaking about it again at the next meeting and, at that time, they would have the opportunity to decide whether they wanted to hold a public hearing or open it to the floor of the Town Meeting.

**B. Job Review Form**

**C. Community Service Pick-up Use: Update status of vehicle repairs to Town Highway Truck/Red Town Pick-up/when available for use**

The Chair asked if the Town knew how much it would cost to repair these vehicles.

Mr. Blanchette said that the vehicle the CSD will be using is being repaired, as the Town received a settlement with the insurance company and the repairs are covered by that insurance. He added that he has not received an estimate from Ms. Roy, yet, to repair the small, red pick-up. He added that the damage is to the back body of the vehicle from a branch that fell on it.

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**7:23 PM** Mr. Fernald asked if the Board was going to discuss using pickups or using mileage.

The Chair commented that she believed they needed to discuss that. She said that she did agree with Mr. Fernald that they need to have the vehicles identified, somehow, whether they use their own vehicle with Town signage on it or use a Town vehicle.

Mr. Moynahan asked if they couldn't take the red pickup to the Town Garage for repairs, as they have a full-time mechanic there so that they could have Mr. White drive a Town-sealed vehicle now.

Mr. Blanchette clarified that he believes the vehicle is useful now and not the issue. He said that the issue is the other vehicle the Community Service Department (ECSD) would be using he doesn't believe is ready at this moment.

Mr. Moynahan commented that as soon as that happens then they could move forward with Town employees using Town vehicles, as he thought they had talked about that.

The Chair said that they had talked about the fact that it was understood that it was part of the employment agreement, she believed, that the CEO would use his vehicle and get mileage.

Mr. Fernald said that, in his opinion, the issue is the practice of Town employees using their own vehicles for Town business. He said that, originally in the past, the red pickup truck was used for the CEO for Town business. He added that it was changed along the way that the CEO was paid mileage to use his own vehicle and, because the red pickup was available, it was transferred to the ECSD. He said that, now that the red pickup is available because the ECSD has another vehicle, the question is should this Board assign the red pickup to the CEO so that the Town does not have to pay him mileage to use his own vehicle. Mr. Fernald said that, at the last meeting, the CEO indicated that the amount of money the Town was giving him for mileage he was actually using, in part, as income. He said that the CEO was concerned about losing that income.

The Chair said that it was .43/mile, as she recalled. She agreed with Mr. Fernald that that was the issue.

**7:27 PM** Mr. McPherson commented that he thinks it's wrong to consider that as part of the pay and, if a person wants higher pay, then the Board could discuss that but using mileage he doesn't believe is right. He added that he believes that Town employees should show up in marked Town vehicles.

Mr. Moynahan questioned what would be most cost-effective and was there a reason before for the change, such as paying mileage instead of paying maintenance and repairs on Town vehicles.

Mr. Blanchette said that he couldn't specifically remember why the change took place. He clarified that it was his understanding that it is cheaper to pay mileage than to consider the full cost of vehicle maintenance and, additionally, the replacement cost of that vehicle and the reserve account that would be required.

Mr. McPherson commented that the other issue to be addressed was insurance and the Board has no control, right now, over whether people have insurance coverage.

Mr. Moynahan suggested the Town get signs that clearly state Town of Eliot Code Enforcement Officer.

The Chair agreed and said that they had had those before and did not know what happened to them. She added that she did not believe they were that expensive to purchase.

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**7:30 PM**

Mr. Fernald said that the other issue he wanted to bring up is that, when they do talk to people when they hire them, there are things that are said and applied at hiring, although he doesn't remember if the CEO has a written contract. He added that, if it was applied that he use his own vehicle and a certain mileage, then the Board ought to honor that.

The Chair said that she did believe that it was so.

Mr. Moynahan agreed and said that the CEO asked, at the time, if there was a vehicle available and the Town said no and the CEO asked if they paid mileage and the Board said yes.

The Chair asked for a decision from the Board.

Mr. Moynahan supported using signs and staying with paying mileage, as he believed it made the most cost-effective sense.

The Chair agreed that having magnetic signs to identify Town vehicles would be a good idea.

Mr. McPherson said that he was not satisfied that paying mileage was the cheaper way to go.

Mr. Fernald commented that he wasn't sure they would be setting precedent for the rest of the Town employees. He asked if they should require that all Town employees use a Town vehicle if they are doing Town business...that's the question.

Ms. Place said that, if it was implied or stated that, during the interview process, he would get mileage, is that all they are responsible for, if he uses his car...that the Town is only responsible for paying the mileage for his car and nothing else.

The Chair agreed that was so and nothing else, that he pays his own insurance, etc.

Ms. Place asked if the Board should have Mr. Blanchette look into which, in fact, would be less expensive for the Town. She said that, if that is the fact, then the Town needs to honor what it has told him.

It was clarified that the current CEO is only paid mileage for the travel he does within the Town on Town business.

The Chair asked for the pleasure of the Board.

**7:35 PM**

Mr. Moynahan said that he felt they should continue with the present situation and include identifying signs.

The Chair said that they could say that this is a unique situation.

Mr. Fernald said that he would not rely only on the fact that it might be cost-effective but that the Town has said in his interview process that that was what the Town would do. He added that he would agree to that.

The Chair agreed and said that, if they put in that it is a unique situation, then that would not set a precedent.

Ms. Place said that she would agree with that but, also, they should consider future hirings and what the Town offers and says as part of their salary very carefully.

The Chair agreed.

Mr. Fernald asked what that had to do with the insurance, itself...does his insurance cover the Town.

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Mr. Hirst said that his insurance does cover the Town and it does cover him. He added that the only thing that should be done is that, any time an employee uses their personal vehicle for company business, they should be required to provide a copy of the personal auto policy every year. He added that this would not just be for the current CEO but for any time that situation exists.

The Chair confirmed that Mr. Blanchette heard that. She asked if the Board was in consensus or if they wanted to do something else.

The Board agreed by consensus.

**D. Police Contract**

The Chair said that this is ongoing, she presumed.

Mr. Moynahan clarified that he and Mr. Sinden were tasked to do that and Mr. Sinden is no longer on board and, if anyone else wants to get going on reviewing current contracts or make changes, he would be up for that.

The Chair agreed that they needed to appoint someone else.

Mr. Fernald said that he has done this type of work in the past and would like to volunteer.

The Chair asked if the Board agreed to appoint Mr. Fernald as the second person on this contract. She added that this was an important contract.

The Board agreed by consensus to appoint Mr. Fernald to the police contract.  
**E. TIF/Feasibility Study presented to BOS**

The Chair commented that this would most likely be ready for Board review in August, July if they were lucky.

Mr. Moynahan said that they would be doing sessions with the Board and informing them of their progress between now and then.

The Chair agreed and said that they would be holding some public meetings, as well.

**F. Department of Public Works position – outsourced or advertised, schedule meeting with South Berwick Supervisor**

The Chair said that the Board meet this afternoon on this and let the audience know that the Board did decide to advertise for that position...for a full-time Public Works Director.

**7:39 PM**

**G. Sewer Contract with Kittery**

The Chair said that they do need to schedule a meeting with the Eliot members of that committee, ASAP, as they had let it slip for a bit. She added that she would be in touch with them.

**H. Combining Town positions/outsourcing with surrounding towns – Mr. Fernald & Ms. O'Donoghue**

The Chair said that she and Mr. Fernald had discussed where the Town might combine resources and potentially save money in the future. She added that she did not bring the papers and apologized to Mr. Fernald, promising to get them to him.

Mr. Fernald commented that, as they have had discussions with South Berwick, they should continue those discussions and looking at positions to combine to save money for the Town.

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM (continued)**

The Chair agreed and said that she would like to ask permission of the Board to contact SMRPC to see what might be accomplished with them. She commented that there are many possibilities, regionally, that might be a more efficient way of doing business for Eliot.

There was consensus by the Board for the Chair to pursue this.

**I. Firearms Ordinance – Mr. Fernald lead**

Mr. Fernald commented that he is currently reviewing the ordinance for future input.

**J. Harbor Master – Mr. Moynahan lead**

Mr. Moynahan said that he thinks the Board may want to look at this, as Mr. Hirst brought up some concerns regarding insurance, previously, and the Police Chief is uncomfortable with changing the way the Town does this. He added that, talking with the local contractor, there is a bit of interest there but he does not believe the costs would be the same, so he is almost thinking they should probably contact the insurance company and see what it would take to keep it as it is. He added that that may be opening up a can of worms but it doesn't seem to be shaking out the way the Board thought it might.

The Chair asked if Mr. Hirst would work with Mr. Moynahan on that.

Mr. Hirst agreed.

Mr. Moynahan said that, regarding the Action List, there were two items that he had asked to be added, one was Central Maine Power (CMP) and the other was Consent Agreements (C.A.). He added that this Board should really heed some of the advice from the Board of Appeals (BOA) on the C.A.'s in that they want to make sure they are not setting any precedents and applying them in a consistent manner to meet certain criteria. Discussing CMP, he said that he thought the information was supposed to be put on the Town website and material placed out in the foyer of the Town Hall, neither of which he believes has been done.

In regard to C.A.'s, the Chair said that she and Mr. Fernald did meet with the Chair of the BOA and they are currently fairly content with what the BOS is doing. She added that she would like to see four to five key points from this Board that are clear and able to be applicable. She added that she does believe those points are there but have not been put together in a cohesive format and would like that to happen. She added that the BOA has given the BOS input and does not see a need to meet with the BOS but she doesn't know how comfortable the Board is with this.

Mr. Moynahan commented about what the criteria is if one goes through certain steps and one doesn't achieve what one is after, then maybe that is the time to come before the BOS, but one does not come before the Board before one achieves those steps and there should be more of an outline that clarifies.

The Chair agreed and added that, all of a sudden, the Board is getting a bunch of requests. She asked if there were any members that would like to help Mr. Moynahan with this.

Ms. Place volunteered to work with Mr. Moynahan on C.A. criteria.

Mr. Murphy commented on the difficult challenge this presented and asked to volunteer to help move this forward.

The Chair agreed that Mr. Murphy's input would be greatly appreciated.

**New Business (Correspondence List):**

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM (continued)**

**7:45 PM** The Chair commented that this was not on the agenda but was somewhat of an emergency. She said that Tin Smith was here tonight and that this issue was something the Town needed to resolve by close of business tomorrow. She added that she just found out about it this evening. She clarified that this was something they had already agreed to do but had to make it official. She invited Mr. Smith to speak.

Mr. Smith said that he works at the Wells Reserve over at Laudholm Farm and a volunteer with the Great Works Regional Land Trust (GWRLT). He said that, for the past year, they have been working to put a proposal together that Jennifer Fox came and spoke to you about several times to get federal funding to purchase a piece of property in Eliot - the Maglaras parcel, which is next to the Indian River Campground. Mr. Smith said that they submitted that grant last week and he got a call yesterday afternoon at 4PM from Washington that said the wrong signature was on the application. He clarified that he did not realize that GWRLT could not sign the checklist. He gave copies of the grant proposal to the Board members and briefly explained the checklist. He assumed that GWRLT could be the applicant and that is why he filled out the checklist and signed it and it actually passed the state review, as they didn't catch it. He clarified that he had to have this signed and in Washington by 6PM tomorrow and they will not allow it to be faxed. He apologized for this and, if he had known, this certainly would have been taken care of earlier. He added that these are signed off to the best of the knowledge of the signers and, if the signers find out later that information is different, then they just change the information.

The Chair asked what would be the bottom-line responsibility be for the Town.

Mr. Smith said that, in the end, the Town would accept the grant, that the money would come directly to the Town and GWRLT would take the responsibility for taking care of purchase & sales and doing the due diligence. He added that the Town would have title to the property.

Ms. Place clarified that the fact that a member of this Board would have to sign it doesn't change any responsibility on the Board's behalf.

**7:50 PM** Mr. Smith clarified that the Board signature would simply be attesting that the statements made and the information provided in the checklist are, to the best the signer's knowledge, true and accurate. He said that this is a very well-supported proposal.

The Chair asked for the pleasure of the Board.

Mr. Moynahan said that he saw no problem signing off on this to get this proposal back on track.

Mr. Fernald agreed.

Ms. Shapleigh asked how much money came off the tax roll with this.

The Chair said that that information was part of the original package and presented at a prior meeting but she doesn't remember off the top of her head.

The Board agreed by consensus that the Chair would sign the checklist.

Mr. Smith thanked the Board for their understanding.

Mr. Blanchette asked if Mr. Smith had any idea of the timeframe for this.

Mr. Smith said that they issue the ranking for all the proposals nationwide at the end of the summer. He added that then Congress has to appropriate money to the program. He added that, if this proposal makes it above the money cut-off, then they would find out in late fall.

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM (continued)**

Mr. Blanchette clarified that he wanted to make sure that it is understood that, since the Town would hold title to the property, it would need a vote at Town Meeting.

Mr. Smith agreed.

**#2** TO : Board of Selectmen  
FROM : Chuck Bradbury  
REF : Application for membership to Business Development Committee

The Chair said that Mr. Bradbury was not present and asked the Board if he was known or if they needed to have him come in.

Mr. Moynahan said that he has known Mr. Bradbury for quite some time, is a pretty good businessman, and he believes he would be a good addition to the committee.

The Chair commented that Mr. Bradbury has already attended some of the committee meetings and has shown interest and willingness and done a lot for the committee already.

Mr. McMullen highly recommended him.

Mr. Fernald moved, second by Mr. Moynahan, to appoint Chuck Bradbury to the Business Development Committee.

**VOTE**

**4-0**

**Chair concurs**

**#3** TO : Board of Selectmen  
FROM : Kristin McMullen Orr  
REF : Updated Business License Ordinance recommended by Business Development Committee

This was discussed earlier in the meeting.

**7:55 PM**

**#4** TO : Board of Selectmen  
FROM : John R. Chagnon, Business Development Chairman  
REF : Eliot Address on Navigation Systems

The Chair said that this letter talks about the fact that Mapquest, Google, etc. have inaccurate Eliot addresses and requests the Town designate a Town employee to research and begin the process to correct this.

Ms. Orr said that, in talking with the Kittery Police Chief at the last budget meeting, he said the starting point would be with Fairpoint.

The Chair asked what the Board wanted to do with this.

Mr. Fernald asked what the map companies did to correct this. He asked if it was up to the Town to provide them with information.

The Chair said that she knew that it was their responsibility to change the phone directory with the E911 system as individuals, not as a Town.

Mr. Fernald disagreed and said that the Town submitted the information to the necessary people and it was the telephone company that did not want to make the changes.

Mr. Blanchette clarified that they already had an addressing committee and includes the Fire Chief, the Police Chief and the CEO.

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM (continued)**

Mr. Moynahan said that the Chief said they were already working to fix this problem within the Town. He added that the E911 system already had that information.

Mr. Blanchette said that there had been some miscommunication between Kittery and the Eliot Addressing Committee and that has been resolved.

Mr. Fernald clarified that that has to do with the new 911 system and nothing to do with this letter.

Mr. Blanchette agreed.

Mr. Moynahan asked if 911 did not go through Fairpoint, were they not the first line.

**8:03 PM**

Mr. Blanchette agreed and explained that the Town provided the information to the State and then contacted Verizon to change the addressing. He said that Verizon told them that the Town could not make those changes but that individuals would have to do that and any new addresses would be treated in the same way.

Mr. Fernald agreed with Mr. Moynahan that E911 already had that information and, so, why isn't it their responsibility to update these data systems.

Ms. Orr said that it was but what they have heard is that the Town sent the information to the next level and that information did not get passed on. She clarified that everyone basically gets this information from the same source. She clarified that what their committee is asking is for someone from the Town to follow up to the 911 and push to get the information passed on to the proper place. She discussed that, when people put in addresses to locate people or businesses, they can be sent to all kinds of places.

Mr. Fernald commented that the Town has a 911 update committee and asked where the information is stalling.

Mr. Blanchette clarified that this was with the initial transfer back a few years ago that went to the State and the Town got word back from Verizon that they could not change the whole Town but that individual phone holders would have to do that.

Ms. Orr reiterated that they were just asking for someone from the Town to call the next level up to sort this out.

Mr. Fernald asked who they would contact.

Mr. Blanchette said that there was an addressing department at the state level.

Ms. Shapleigh commented that she has a number of people call her to ask her where she is and that they are across from the ballpark because there is a Hill Drive across from the ballpark. She said that her road is named Sandy Hill Lane but that it is not on all maps and people get directed up to the ballpark area. Ms. Shapleigh said that they had a brush fire on the farm and the Eliot fire department did a terrific job of stopping the fire that could have caused a lot of damage.

**#5**

TO :Board of Selectmen  
FROM :Dept. of Conservation  
REF :Maine Natural Areas Program

The Chair said that this was informational. She clarified that this information had been passed on to the Conservation Commission.

Mr. Blanchette said that it had.

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM (continued)**

**#6** TO : Board of Selectmen  
FROM : Maine's Sustainable Forestry Initiative Program  
REF : Forestry and timber harvesting practices in Maine

The Chair said this was informational. She added that it needed to be posted for the public to view.

**#7** TO : Board of Selectmen  
FROM : Comcast  
REF : Price Adjustment

The Chair said that this was informational.

**8:10PM**

**#8** TO : Board of Selectmen  
FROM : Connie Weeks  
REF : Protection of Open Space

The Chair asked if plans accepted by the Planning Board aren't registered already.

Mr. Blanchette said that he thought that they did.

Mr. Murphy clarified that he thinks what is recorded are subdivision plans and that Ms. Weeks is asking for all plans to be recorded, such as residences and buildings.

The Chair said that she would check with the CEO to find out what was recorded and what might not be included. She added that she tended to agree that the Town would benefit from having a Town Planner to oversee the overall development and its impact to the Town, as a whole. She said that she would be talking to SMRPC to see what the options might be.

It was discussed that this was included in the Comprehensive Plan, as well.

Mr. Moynahan asked if the planning assistant could do this.

The Chair said that a planning assistant is not a planner. She explained that it is a separate field and there is quite an extensive learning curve. She said that she would acknowledge receipt of Ms. Week's letter.

**#9** TO : Board of Selectmen  
FROM : Shipyard Brewpub I LLC  
REF : Liquor License Renewal Application for Shipyard Brewpub I LLC

The Chair said that they were not present and asked if they needed to be here.

Mr. Blanchette said no, that this was just a renewal. He added that the Police Chief said that they had not had any complaints and their license should be renewed.

Mr. Moynahan moved, second by Mr. Fernald, to renew the Shipyard Brewpub I LLC liquor license.

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

**Selectmen's Report:**

There were no Selectmen's reports tonight.

**Other Business as Needed**

**BOARD OF SELECTMEN'S MEETING**  
**April 8, 2010 6:30PM (continued)**

**8:15 PM** Mr. Blanchette discussed a grant that they did not get. He explained that it was a bicycle-per grant to study various things such as how kids get to school. He said that there were four applications from York County and Sanford was awarded the grant. He added that SMRPC has come up with the money to do the other three, so Eliot didn't get the grant but they are getting the benefit, as this study, among other things, would find safety issues if there are any.

The Chair asked about the Ergonomics Study.

Mr. Blanchette said that that was due on Tuesday and had to be cancelled as the person could not get down here.

Mr. McPherson asked if Russell Sylvester had been contacted regarding the ambulance problem.

The Chair said that he had been contacted, that it was explained to him and that she does not believe he is too happy about it.

Mr. Moynahan discussed what the fire and police chief had found out about the time gap and that it was different from the report. He said that they were supposed to be following up on that.

The Chair said that they had done a lot of that and that this is still a bone of contention and the chiefs are still working on it.

Mr. McPherson commented on the large sum of money the Town pays for these services and his interest is in getting an answer.

Mr. Moynahan commented on this as being an example of the problem with the addressing because of the E911 and that is being rectified by the chief.

**Adjourn**

There was a motion and second to adjourn the meeting at 8:20 PM.

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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**Roberta Place, Secretary**