

**BOARD OF SELECTMEN'S MEETING**  
**August 13, 2009 6:30 PM**

**Quorum noted**

**6:30 PM:** Meeting called to order by Chairman O'Donoghue

**Roll Call:** All present

**Pledge of Allegiance Recited**

**Moment of Silence Observed**

Chairman O'Donoghue mentioned establishing an account for the benefit of Jack Murphy, whose home burned yesterday. Basically everything was lost and he had no insurance.

**6:31 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to authorize the establishment of such an account.

**VOTE**

**3-1**

**Chair in the affirmative**

Ms. O'Donoghue stated that she was asked by the Fire Chief to have a contractor come in to make the structure safe for the Fire Marshall to enter. She had this done, after notifying the Selectmen of such.

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

**6:37 PM** Motion by Mr. Moynahan, seconded by Mr. Sinden, to accept the minutes of the July 9<sup>th</sup> meeting as written.

**VOTE**

**3-1**

**Chair in the affirmative**

**6:38 PM** Motion by Mr. Moynahan, seconded by Mr. Sinden, to accept the minutes of July 23<sup>rd</sup> with the following correction: Page 3, after 7:40 PM Note should state "Code Enforcement" not "Code Informant".

**VOTE**

**4-0**

**Chair Concur**

**6:40 PM** Motion by Mr. Moynahan, seconded by Ms. Place that we accept the minutes of July 30<sup>th</sup> with the following correction: Add to end of 6:55 PM motion "without prejudice to our position for negotiations".

**VOTE**

**4-0**

**Chair Concur**

**Public Comment:**

No member of the public wished to speak

**Department Head/Committees Reports:**

Mr. Blanchette discussed the following:

A. Truck bids: Portsmouth Ford - \$30,998 and Starkey Ford - \$31,260

**6:42 PM** Motion by Mr. Moynahan, seconded by Mr. Sinden, to authorize the Road Commissioner to proceed with the purchase.

**VOTE**

**4-0**

**Chair Concur**

B. Riverside Drive – Memo from attorney, Correspondence #15.

**BOARD OF SELECTMEN'S MEETING**  
**August 13, 2009 6:30 PM (continued)**

**CORRESPONDENCE:**

**#15** TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Copy of e-mail from Ted Small of Bernstein, Shur, re: Carson matter

Consensus to proceed with suing contractor only, if we can reserve the right to sue the landowners later.

**New Business:**

a) Paul White – Town Hall insulation change focus from blown-in to rigid but still with the \$20,000 price. Carpet in meeting room – proposal for carpet.

b) Executive Session

**6:56 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 1 MRSA Section 405.6.A “Discussion or consideration of the ...compensation, evaluation, ... of individuals...appointees or employees...”.

**VOTE**

**4-0**

**Chair Concurs**

**7:07 PM** Out of Executive Session

c) Memo from Pat Levesque, Correspondence #16

**#16** TO : Board of Selectmen  
FROM: Pat Levesque, Tax Collector  
REF : Personal Property

Follow up with telephone call and certified mail

**7:15 PM** d) CLD – Joanne Fryer and Paul Konieczka

**7:48 PM** Motion by Ms. Place, seconded by Mr. Moynahan, to proceed with the study as outlined by CLD.

**VOTE**

**3-2**

d) Cell Phones – Mr. Moynahan

Recommend no change. Each Department has specific needs and one plan may not fit all. Two Departments are already revising their plans to reduce costs.

Mr. Blanchette mentioned that the Treasurer, Norma Jean Spinney, was at a workshop recently – the IRS is requiring changes in how we deal with Town issued cell phones.

**CORRESPONDENCE:**

**#1** TO : Board of Selectmen  
FROM: Ben Brickett  
REF : Interest in becoming a member of Energy Commission

Ben Brickett present

**7:58 PM** Motion by Mr. Sinden, seconded by Mr. Moynahan, to appoint Ben Brickett as a regular member of the Energy Commission with a term to expire in 2012.

**VOTE**

**4-0**

**Chair Concurs**

**BOARD OF SELECTMEN'S MEETING**  
**August 13, 2009 6:30 PM (continued)**

**#2** TO : Board of Selectmen  
FROM : Dept. of Transportation  
REF : Urban/Rural Initiative Program

Consensus to sign

Mr. Moynahan brought up that the Board needed to clarify its motion of 7:48 PM.

**8:03 PM** Motion by Ms. Place, seconded by Mr. Moynahan, to award the contract to CLD for the study and authorize the Chair to sign.

**VOTE**  
**4-0**  
**Chair Concurs**

**#3** TO : Board of Selectmen  
FROM : Kate Dufour  
REF : Potential Reorganization of the State and Local Road System

Ask Road Commissioner if he wishes to be on Study Group.

**#4** TO : Board of Selectmen  
FROM : Maine State Planning Office  
REF : Comprehensive Plan Acceptance Review

Informational

**#5** TO : Board of Selectmen  
FROM : Maine Dept. of Economic & Community Development  
REF : Community Development Block Grant Program

Proposed Program Statement - Informational

**#6** TO : Board of Selectmen  
FROM : Heather Douglass  
REF : Credit Enhancement Agreement between the Town and Sea Dog Realty, LLC

Our attorney has had to decline reviewing the Agreement as their office does represent Seadog Realty in other matters.

Joan Fortin, our attorney, has recommended James Saffian of Pierce Atwood.

**8:10 PM** Motion by Mr. Sinden, seconded by Mr. Moynahan, to have the attorney, James Saffian, of Pierce Atwood as recommended by our attorney Joan Fortin.

**VOTE**  
**3-1**  
**Chair in the affirmative**

**8:13 PM** Motion by Mr. Sinden, seconded by Ms. Place, to move forward to place the agreement on a warrant for Town Meeting.

**VOTE**  
**3-1**  
**Chair in the affirmative**

**#7** TO : Dan Blanchette  
FROM: Kittery Water District  
REF : Eliot Boat Basin Water Bills

Informational

**#8** TO : Board of Selectmen  
FROM : Chris Vaniotis  
REF : Cullen and Bullis v. Town and Vickie Mills

Consensus for our attorney to proceed

**BOARD OF SELECTMEN'S MEETING**  
**August 13, 2009 6:30 PM (continued)**

**#9** TO : Board of Selectmen  
FROM: Dept. of Economic and Community Development  
REF : Request for Amendment

Informational

**#10** TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Policy for Consent Agreement

Send to our attorney Chris Vaniotis

**#11** TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Business and Organization Registration and Licensing Ordinance

Ask attorney if we could consider not issuing building permits if personal taxes not paid.

**#12** TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Draft Selectmen's Policies

Note changes – Should be only Road Commissioner and Police Chief, not designees, and add so long as they live within the Town or a neighboring Town.

**#13** TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Selectmen's Action List

Discussion of Contract with Union

**8:36 PM** Motion by Mr. Sinden, seconded by Mr. Moynahan, to have our Labor Attorney draft a request to open up the question of wages only with the Union.

**VOTE**

**4-0**

**Chair Concurs**

**#14** TO : Board of Selectmen  
FROM: Dan Blanchette  
REF : Draft Letter to York County Commissioners

Consensus of the Board that letter is ok and to have the Chair sign

**#15** TO : Board of Selectmen  
FROM: Ted Small  
REF : Riverside Drive matter

Consensus is that his recommendation is ok as long as we retain the right to go after the property owners if we fail with the contractor.

**Selectmen's Reports:**

No Selectmen had a report

**8:45 PM** Motion by Mr. Moynahan, seconded by Mr. Sinden, to enter into Executive Session as allowed by 1 MRSA Section 405.6.F for poverty abatement.

**VOTE**

**4-0**

**Chair Concurs**

**8:49 PM** Out of Executive Session

**BOARD OF SELECTMEN'S MEETING**  
**August 13, 2009 6:30 PM (continued)**

**8:50 PM** Motion by Mr. Sinden, seconded by Ms. Place, to abate for reasons of poverty the 2008/2009 real estate taxes, interest, and fees on Map 76, Lot 13 and Map 79, Lot 13.

**VOTE**

**4-0**

**Chair Concurs**

**8:51 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to adjourn.

**VOTE**

**4-0**

**Chair Concurs**

---

**DATE**

---

**Roberta Place, Secretary**