

BOARD OF SELECTMEN'S MEETING
January 27, 2011 6:30PM

Quorum noted

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

Roll Call: Mr. Fernald, Mr. McPherson, Ms. O'Donoghue and Ms. Place.

Mr. Moynahan was absent.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Ms. Place, seconded by Mr. McPherson, to approve the minutes of December 23, 2010, as written.

VOTE

2 for -1 abstention (Ms. O'Donoghue)

Chair concurs with majority

Public Comment:

6:33 PM Ms. Norton discussed her deep concern that her son was denied oil assistance by the Town and also denied rent assistance because of particular guidelines that made no sense to her. She was distraught over the denial by the Town of assistance for her son and daughter regarding oil and rent needs. She said that she could not help them because of the \$3 million lawsuit she has been caught up in by the Town against her husband's business. She clarified that she had paid \$5,000 in legal fees and they were not even at the table, yet, because the McKinneys were unwilling to resolve anything.

Mr. Fernald asked for comments from Mr. Blanchette.

Mr. Blanchette said that he was prohibited from speaking on this matter.

Mr. Fernald said to Ms. Norton that the Board would review the letter she submitted and return an answer to her.

Department Head/Committee Reports

6:36 PM Mr. Lemire, Comprehensive Plan Review Committee (CPRC), discussed a secondary task they had regarding Town governmental effectiveness. He said that the committee felt they needed outside help in meeting this obligation. He added that they had an outside firm who would be willing to do a town audit to review and make recommendations with no obligation by the Town. He said that this firm would do a presentation to the Board to outline their findings, the process, costs, and potential benefits.

Ms. O'Donoghue said that it made sense to know more about this and what might be needed to make Town government more effective.

Ms. Place agreed it was a good idea to get an overview.

The Board agreed that the CPRC could go forward with this audit and that a time for a presentation should be set up of the findings.

6:40 PM Mr. Moulton updated the Board on the bucket truck purchase. He said that after informing the seller of the necessary repairs, the seller gave a reduced purchase price. He also directed the Board to the vehicle inspection report submitted with this package.

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There was some discussion of how this would be paid for, with the Chair asking Mr. Marchese if he would be needing the red pick-up truck for his work.

Mr. Marchese said that he could not comment on that, yet, as he had not been working as CEO long enough to establish whether he would have a need for this vehicle. He did say that he saw no need for it at this time.

Mr. Fernald suggested they find out how much the red pick-up could be used to apply towards the purchase of the bucket truck.

There was more discussion.

Mr. McPherson moved, second by Ms. Place, to authorize Mr. Moulton to move forward with the purchase of the bucket truck and allowing the trade-in of the Chevy S-10 to apply to this purchase.

VOTE
3-0
Chair concurs

Mr. Moulton discussed the MSW Compactor that would make the Transfer Station much more efficient – 20 tons versus 8 tons per load - and the savings that would generate for the Town, especially in terms of trucking costs. He also let the Board know that he was pricing a replacement paper shute configuration to seal it up for more efficient heating costs.

6:48 PM Ms. O'Donoghue moved, second by Ms. Place, to allow Mr. Moulton to purchase the MSW Compactor from Atlantic Recycling for \$7,775 and to roll over \$12,000 from the last fiscal year to this fiscal year.

VOTE
3-0
Chair concurs

Mr. Moulton asked about SSR dates.

Mr. Fernald said that these would be done soonest and that they could adjust as needed.

Mr. Blanchette discussed that the Community Heating Assistance Program was out of funds this year. He said that they had about \$6,000 - \$7,000 available in the Mary Spinney Fund. He added that he was requesting \$2,000 to, hopefully, carry them through February.

There was some discussion by the Board.

Mr. McPherson moved, second by Ms. O'Donoghue, to use \$2,000 from the Mary Spinney Fund and apply those funds to the Community Heating Assistance Fund.

VOTE
3-0
Chair concurs

6:55 PM Mr. Blanchette gave an update on the FEMA Floodplain Risk Map Project. He said that he and Ms. Pelletier had attended the first meeting and both feel no need to participate further in this FEMA Project. He discussed that the Town has no data and it would cost money to obtain data that FEMA would accept. He did say the earliest the Town would get the floodplain maps was December of 2011 and the Town would have to formally adopt those floodplain maps at a Town Meeting. He said that, if the Town did not adopt the maps, then residents could not get flood insurance and there was a very short time to get data to them to correct errors.

There was some discussion around getting volunteer help to get the proper data to FEMA.

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Mr. Marchese discussed the complexity of these maps, that they required professional service and that they could not use volunteer assistance in this matter.

Ms. Place said that towns have to accept the maps FEMA sends them. She discussed that she and her husband spent \$12,000 on this issue before they were able to sell their house due to FEMA placing them in a floodplain when they had not been in one for years prior.

Ms. Shapleigh asked if private residents could submit data information.

Mr. Marchese said that they could submit a letter of map revision or amendment.

Ms. Shapleigh asked if there were any maps from past flyovers that FEMA could get data from.

Mr. Blanchette said that those were not specific enough.

Ms. Norton asked if regular land surveys included the appropriate information.

The Board said that they did not.

Mr. Moulton said that he was currently going through this with his own property, that the insurance company would drop his insurance if he did not comply with FEMA's request. He discussed that FEMA maps are based on relative data input not elevation input.

7:03 PM Mr. Blanchette said that this was a letter from the Teamsters to negotiate the police contract. He added that Mr. Moynahan had already done a lot of work with this.

Mr. Fernald suggested waiting until Mr. Moynahan was back and that the Board would address this at the next meeting.

The Board agreed.

Old Business (Action List):

7:04 PM

A. Solid Waste Alternatives – Solid Waste Committee

This is ongoing.

B. Wild Brook Lane

No new action.

7:05 PM C. Department Head Meetings – Mr. Fernald to set up the first of the year.

Mr. Fernald asked which department the Board would like to start with.

Ms. O'Donoghue clarified that this was not to meet department heads individually but as a group to discuss topics such as grants, safety issues, etc.

Mr. Fernald suggested setting up a time to meet prior to a regular Board meeting to meet with the department heads, say 5 PM or 5:30 PM.

The Board agreed by consensus.

Mr. Blanchette agreed to set up this meeting and notify the Board of the time and date.

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

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This group has met once and tentatively scheduled a second meeting for February 3rd.

E. PACE Program – for Town Meeting vote

Ms. O'Donoghue reiterated her concern with the language differences between the ordinance and the PACE contract. She added that the ordinance was fine but her concern was with the language in the contract under Municipal Responsibilities, in that it seemed to call for the Town collecting and disbursing funds, among other things and she did not believe the Town would want to get involved in that.

Mr. Murphy agreed with Ms. O'Donoghue that the ordinance was fine. He discussed that he had reviewed what Ms. O'Donoghue was addressing and found nothing detrimental to the Town. He said that, as the ordinance is written and if adopted, it would have the State overseeing funds disbursement and collection.

F. Review CLD Contract (Design Stage) – Mr. Moulton and Mr. Moynahan

This was discussed under #3, Correspondence.

G. Job Reviews

- Schedule – Mr. Fernald to schedule
- Where job reviews are kept
- Comp Time – salaried vs. hourly: merit vs. steps

This is to be scheduled.

H. Mission Statement

Mr. Fernald commented that he did not understand what help this would be for the Town.

Ms. O'Donoghue commented that this could be published on the Town web site to let people know what Eliot was all about, especially for those looking to move here or do business here.

I. Comp Plan Action Items

This is ongoing.

J. Update Personnel Policy to include progressive discipline – Mr. Blanchette, next meeting

Ms. O'Donoghue and Mr. Murphy will be meeting Monday, January 31 to work on this action item.

New Business (Correspondence List):

7:15 PM

#1

TO : Board of Selectmen
FROM : Ernest Bruneau
REF : Interest to become member of Conservation Commission

Mr. Fernald asked if the Board had any questions for Mr. Bruneau and, if not, he awaited a motion.

Ms. O'Donoghue moved, second by Ms. Place, to appoint Mr. Ernest Bruneau as an alternate member to the Conservation Commission, term to expire in 2013.

VOTE

3-0

Chair concurs

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#2 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Bucket Truck

This was already discussed.

7:17 PM

#3 TO : Board of Selectmen
FROM : Dan Blanchette
REF : RFQs

Mr. Marchese updated the Board on the RFQ responses and the next steps in the process. He said that, as of January 21, 2011, the Design Stage Committee (DSC) had received six responses and they were from CMA, CLD, Underwood, Civil Consultants, Weston & Sampson and Attar. He added that, based on input obtained at the meeting, CMA, Underwood, Weston & Sampson and CLD were considered the top four candidates. He also added that the committee felt that consideration should be given to all six candidates by the BOS because of Mr. Moynahan's absence. Mr. Marchese said that his committee was looking for guidance from the Board tonight so that they could submit RFP's tomorrow.

Mr. Murphy said that the Sewer Committee had a special meeting to evaluate the submissions. He said that the committee was concerned with the perception that there might be a conflict of interest by Attar Engineering because of their recent promotion to utilize a private sewer system in this project. He added that the SC recommended the top five on the list and that they were encouraged at the fresh looks seen in the RFQ's to help solve Eliot's issues.

Mr. Fernald agreed, commenting that a variety of ways came out of this part of the process, that there was some creative thinking in the submitted proposals.

Ms. O'Donoghue commented that she thought there were three outstanding proposals in scope from Westin & Sampson, Underwood Engineering and CMA Engineers and explained her reasoning.

7:20 PM

Ms. Place said that she had not had a chance to finish review of all the submissions and would like to finish her review before commenting.

Mr. Fernald said that all the firms have their qualifications and whoever was selected that he would like to see a contractor come from Eliot or the State of Maine, if possible. He recommended that the Board support the recommendation submitted.

Ms. Place moved, second by Mr. McPherson, to support the five recommended submit a RFP.

VOTE

2-1 (Ms. O'Donoghue)

Chair concurs with majority

7:35 PM

Mr. Marchese recommended that the Board develop a Review Committee to include five people that would be responsible to select the best candidate based on their written response and an interview to last not longer than one hour. He suggested that one member from the Board, one member of the Sewer Committee, the Administrative Assistant, the Public Works Director and Code Enforcement Officer be on the subcommittee.

The Board agreed by consensus.

Ms. Place volunteered to be on the subcommittee.

The Board recommended the Sewer Committee choose a member at their next meeting.

#4

TO : Board of Selectmen

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FROM : Joel Moulton, Public Works Director
REF : Single Stream Recycling

This was deferred.

7:28 PM
#5

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : 2011 Town Meeting & Election Schedule

Ms. Place moved, second by Mr. McPherson, to accept the dates for Town Meeting, as submitted.

VOTE
3-0
Chair concurs

#6

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Appointment of Registrar of Voters

Ms. Place moved, second by Ms. O'Donoghue, to appoint Ms. Rawski as Registrar of Voters for Eliot, as submitted.

VOTE
3-0
Chair concurs

7:30 PM
#7

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Appointment of Fire Dept. Officers & Deputy Forest Fire Wardnes

Ms. O'Donoghue moved, second by Ms. Place, to appoint Jay Muzeroll as Eliot Fire Chief, Gerald Moynahan as Assistant Fire Chief and Gerald Moynahan, Donald Webster, Jr., Denis Whyte, Kevin Spinney and Jason Cullen as Deputy Forest Fire Wardens for 2011.

VOTE
3-0
Chair concurs

#8

TO : Board of Selectmen
FROM : Dan Blanchette
REF : 2011 rate of interest on delinquent taxes

After some discussion, the Board agreed by consensus to recommend the percentage charged to delinquent taxes for the year 2011 of 7%, per 36 MRSA §505(4), unless changed at the Annual Town meeting.

#9

TO : Board of Selectmen
FROM : Maine Municipal Association
REF : 2011 MMA Municipal Member Dues and Service Program

Ms. O'Donoghue moved, second by Ms. Place, to continue Eliot's association with Maine Municipal Association and to pay the annual dues for the year 2011.

VOTE
3-0
Chair concurs

7:35 PM
#10

TO : Board of Selectmen
FROM : Littlebrook Custom Builders, Inc.
REF : Invoice

Ms. Place moved, second by Ms. O'Donoghue, to pay the invoice submitted by Littlebrook Custom Builders, Inc. for \$3,3000.

VOTE

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3-0
Chair concurs

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

There was no other business.

7:42 PM
Executive Session

Ms. O'Donoghue moved, second by Ms. Place, to enter into executive session as allowed by 12 MRSA § 405 (6) (A) "Discussion...compensation..." – Personnel

VOTE
3-0
Chair concurs

7:50 PM Out of executive session.

7:51 PM Mr. McPherson moved, seconded by Ms. O'Donoghue, that the Board make the position of Public Works Director an hourly position subject to overtime, retroactive to January 1, 2011.

7:53 PM Ms. O'Donoghue moved, second by Mr. McPherson, that the Board enter into executive session as allowed by 1MRSA §405(F)"Discussion of information contained in records made or received..." - poverty abatement

VOTE
3-0
Chair concurs

7:56 PM Out of executive session.

7:57 PM Ms. Place moved, second by Ms. O'Donoghue, to abate the balance (\$807.25+-) of the 2009 taxes on Map 001 Lot 81.

VOTE
3-0
Chair concurs

7:58 PM Ms. O'Donoghue moved, second by Ms. Place, that the Board enter into executive session as allowed by 1MRSA § 405(F)"Discussion of information..." poverty abatement.

VOTE
3-0
Chair concurs

8:00 PM Out of executive session.

8:01 PM Ms. Place moved, second by Mr. McPherson, that the Board abate the balance of the 2009 taxes (\$4365.22+-) on Map 100 Lot 4.

VOTE
3-0
Chair concurs

8:02 PM Ms. O'Donoghue moved, second by Ms. Place, that the Board enter into executive session as allowed by 1MRSA § 405(F) "Discussion of information..." poverty abatement.

VOTE
3-0
Chair concurs

8:05 PM Out of executive session.

8:06 PM Ms. Place moved, second by Ms. O'Donoghue, that the Board abate the balance (\$1034.47+-) of the 2009 taxes on Map 82 Lot 4.

VOTE

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3-0
Chair concurs

8:07 PM Ms. O'Donoghue moved, second by Ms. Place, that the Board enter into executive session as allowed by 1MRSA § 405 ((6)(A))"Discussion ...compensation..." personnel.

VOTE
3-0
Chair concurs

8:15 PM Out of executive session.

8:16 PM Ms. O'Donoghue moved, second by Ms. Place, that the Board enter into executive session as allowed by 1MRSA § 405(F) "Discussion of ..." poverty abatements.

VOTE
3-0
Chair concurs

8:17 PM Out of executive session.

8:18 PM Ms. Place moved, second by Ms. O'Donoghue, that the Board abate the balance of the 2009 taxes (\$530.73+-) on Map 78 Lot 71.

VOTE
3-0
Chair concurs

8:19 PM Ms. O'Donoghue moved, second by Ms. Place, that the Board enter into executive session as allowed by 1MRSA § 405 (F)"Discussion ..." poverty abatement.

VOTE
3-0
Chair concurs

8:20 PM Out of executive session.

8:21 PM Ms. Place moved, second by Mr. McPherson, that the Board abate the balance of the 2009 taxes (\$1747.31+-) on Map 19 Lot 3.

VOTE
3-0
Chair concurs

8:22 PM Ms. O'Donoghue moved, second by ?, that the Board enter into executive session as allowed by 1MRSA § 405(F) " Discussion..." poverty abatement.

VOTE
3-0
Chair concurs

8:25 PM Out of executive session.

8:26 PM Ms. Place moved, second by Ms. O'Donoghue, that the Board abate the balance of the 2009 taxes (\$434.30+-) on Map 79 Lot 26-55.

VOTE
3-0
Chair concurs

8:27 PM Ms. O'Donoghue moved, second by Ms. Place, that the Board enter into executive session as allowed by 1MRSA § 405(7)"Discussion ..." General assistance application.

VOTE
3-0
Chair concurs

8:32 PM Out of executive session.

Adjourn

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There was a motion and second to adjourn the meeting at 8:33 PM.

VOTE

3-0

Chair concurs

DATE

Roberta Place, Secretary