

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

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

5:30 PM Meeting called to order by Chairman Fernald.

Mr. Fernald explained that Mr. White has asked that the two executive sessions be delayed. Mr. Fernald said that he has scheduled the issues for next Thursday, July 15, at 5:30 PM.

5:32 PM The Chair called a recess until 6:30 PM.

5:45 PM Ms. Place is now present.

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)

6:32 PM Motion by Ms. O'Donoghue, seconded by Mr. McPherson, to approve the minutes of June 2, 2010, as written.

VOTE
4-0
Chair concurs

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

VOTE
4-0
Chair concurs

Motion by Mr. Moynahan, seconded by Ms. O'Donoghue, to approve the minutes of June 28, 2010, as written.

VOTE
4-0
Chair concurs

Public Comment:

There was no one who wished to speak.

Department Head/Committee Reports

6:34 PM The Chair invited Jay Muzeroll to speak.

Mr. Muzeroll said that he had received a memo from Mr. Blanchette regarding the driver's license issue that was talked about a few meetings ago. He asked if the Board would explain to him what the turnaround was all about where everyone didn't feel as though it was time to have them and then, all of a sudden and with no further discussion, it was decided to have them.

Mr. Fernald said that the Board discussed that at the last meeting and decided it was in the best interest of the Town to go ahead and have Mr. Blanchette look at employees driving for the Town.

Mr. Muzeroll asked by what authority. He said that his questions are still there – who is going to control the Privacy Act Records, who will have access to those

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records, who are they going to get them from because they can't get them from the police. He asked who legally authorizes Mr. Blanchette to do the motor vehicle checks, if that is who the BOS has tasked, and is still his concern.

Mr. Blanchette said that he believes the driver's licenses are now public and the Town gets driving license information through InfoMaine, not the police, and clarified that they do not get criminal records but strictly the driver records.

Mr. Muzeroll asked what that would do for him, as a department head, or the Board.

Mr. Fernald said that it indicates to the Board, etc., at the time, if there are any infractions that they need to look at to make a decision if a particular person should be driving Town vehicles.

6:37 PM

Mr. Muzeroll commented that he knew he was being argumentative, but asked what was the controlling document that would determine whether the Chairman of the Board of Selectmen determines whether a person is going to drive a vehicle or not. He also asked what his guidance would be, as a department head, when he finds out this information or for any other department head. He reiterated that this was the argument he had before that, this idea was well and fine and is insurance-driven, or whatever is driving it, but he has yet to see any criteria or who would control these records. He said that he finds it hard to believe that everyone in the room can get online and get everybody's driving history.

Mr. Fernald clarified with Mr. Blanchette that that was the case, that anyone could get online and see that information.

Mr. Blanchette clarified that he didn't know where the general public could go to get that information. He added that one needs certain information in order to get it but, once one has that information, he believes one would find that the driving record is public information.

Mr. Fernald clarified with Mr. Hirst that the BOS had some guidelines from the insurance people.

Mr. Hirst clarified that MMA publishes a set of suggested guidelines but also points out that the governmental authority can use it any way that they want. He added that, if the Town doesn't like the way the sample is set up then the Town has the right to change that – the body of the town could do that. He said that, as far as who would see the information, it was his understanding that it would only be the BOS and Mr. Blanchette.

Mr. Muzeroll clarified that he would not be able to see the information.

Mr. Hirst said that that was up to the BOS.

Ms. O'Donoghue commented that she recalled that they had discussed a couple of BOS members getting together to work on criteria but she didn't remember if they named anyone.

Mr. Moynahan said that he thought they were going to poll the department heads, how it would affect them and what their criteria would be, as each department's criteria might be different. He added that the other piece of that was who would administer it and having one person being the point person, with Mr. Blanchette being that person. He added that, at the end of the day, the department heads would have input as to how that driving record would affect their ability to do their jobs.

Mr. Fernald said that they needed to assign some people to take a look at that process.

Mr. Moynahan said that he thought involvement with the department heads was key to anything like this so that it doesn't come across as micro-managing. He

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commented that, by doing this, it puts the Town in compliance with MMA and how the Board handles it from there is up to them. Mr. Moynahan said that he doesn't think it is as overblown as it first meets the eye in that, as long as the Town is checking once a year, the criteria could be limited.

Mr. Fernald asked if that answered Mr. Muzeroll's question.

6:40 PM

Mr. Muzeroll said no. He added that he didn't expect it to be resolved but he would like it to be resolved. He also said that, if there is a law, rule or regulation that requires them to do this, fine, just give him the criteria and, if it is just a suggested guideline, then why. He asked if their insurance provider going to say they would no longer carry them if the Town doesn't provide them with the information. Mr. Muzeroll said that these were all things he brought up a couple of months ago and that is why he was kind of surprised when he received an email, as he wasn't sure something drastic had changed or attitude had changed or MMA said they would drop them or some knew legislative body controlling it. He added that he had heard nothing and thinks it is a fair question, as he has 50 people over there that may or may not have driver's licenses. He said that he assumed they did unless they told him differently and he usually finds out if they do not.

Ms. O'Donoghue said that she does not believe this is a law that they have to do this but it does affect their insurance in that, if there were an accident with someone driving a Town vehicle and a person sued the Town, and the Town had shown good faith in checking into their driving history, even if only once a year, then it legally gets the Town off the hook to a great degree. She asked Mr. Hirst if that was correct.

Mr. Hirst said that he thought that was pretty close but he does not believe anything completely gets one off the hook. He added that MMA has been asking the Town to do this for years as they ask all their clients to do it. He added that most insurance companies ask their clients to do it. He said that it is a normal underwriting thing.

Ms. O'Donoghue said this was certainly standard business practice.

Mr. Muzeroll disagreed.

Ms. Place commented that she had worked at a public works department in another town several years ago and that one of the first things that they did for employment was to take check the driver's license record.

Mr. Muzeroll commented that that was fine if it was a condition of employment but that is not a condition of his employment.

Ms. Place agreed but said that she believes it is pretty standard practice now, especially for municipalities because they have so many different....

Jay Muzeroll clarified it was that they have a driver's license or they have a history. His argument was that a guy has a history and so what – this Town is full of people full of histories. He said that what is involved is that the Town wants a history for the previous year not whether they have a valid driver's license.

Ms. Place said that a valid driver's license would certainly be number one but, ongoing, she would think they would check every year to make sure that they do have a driver's license.

Mr. Muzeroll asked what if they didn't – what if he had a firefighter at the Eliot Fire Department that did not have a driver's license, then what, he couldn't let him work there.

Ms. Place said that that person could work there as long as that person didn't drive.

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Mr. Muzeroll then commented that his argument would then be that the person has a valid driver's license but he has a history of minor infractions – is the BOS going to tell him that this guy can't work there.

Ms. O'Donoghue said that it wasn't a question of working there but driving a vehicle.

Mr. Muzeroll commented that working and driving there are the same thing and no one has told him what the cut-off criteria is.

6:44 PM Ms. O'Donoghue said that they have to work on getting that criteria and she volunteered to work on that and Ms. Place agreed to work with her.

The BOS agreed by consensus for Ms. O'Donoghue and Ms. Place to develop criteria for the Motor Vehicle Records Check.

Mr. Muzeroll thanked the BOS.

6:45 PM Ms. Shapleigh (Sewer Committee) said that they had read the description for the Public Works Director and it appears that about 1/3rd of that person's time would be attributed to work with the sewer and they would like to know if that is true. She said that they would also like to know if the BOS has hired someone. Ms. Shapleigh said that, for whoever is doing the negotiating with Kittery, it seems the figure is a pretty good-sized figure and, for the amount of money that Eliot is going to pay and what Eliot will have to do in Kittery, the Sewer Committee thinks it would be worthwhile to negotiate some kind of representation, whether it be with the council or manager, etc., so that Eliot has some input and some say and knowledge of what the department is doing.

Mr. Fernald said that they have not hired a public works director, yet, but the BOS has made an offer and that person will be in tomorrow and the BOS will find out if he will accept that offer.

Ms. Shapleigh reiterated her question as to the amount of time the director would be involved in the sewer and would that also include the TIF.

Mr. Fernald said that he didn't know what the percentage would be but he did know that the director would have as much time as he is allowed that he needs for that.

Ms. O'Donoghue said that there has been an ongoing committee working on different aspects of the contract with the Kittery Water District and future plans.

Mr. Murphy clarified that what Ms. Shapleigh was saying is that the sewer committee has become more aware that they somewhat fall after the fact with regard to Kittery and the committee feels that Eliot should take a more active stance in wanting to be part of a common approach in dealing with sewer problems, whether it is Eliot or Kittery, as that affects both towns. He added that they were wondering if, whatever negotiations take place for the future, they begin to include that as one of the things they want talked about and considered – to have an Eliot representative when the sewer system, as a whole, and future plans in Kittery which affect Eliot are discussed in Kittery rather than the Town just waiting to hear from them what their decision is and having to live with that.

6:47 PM Mr. Hirst said, just as an example, if Kittery had a board of directors, it would be nice if Eliot, having quite an interest in this, had a member of the board on board. He added that he doesn't think they have a board of directors so the committee is trying to figure a way where they can be more than an interested party so that they would be notified automatically when Kittery has meetings or whenever they do things.

Mr. Fernald said that that was not unreasonable.

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Mr. Hirst suggested that that could be done, perhaps, in conjunction with the finalizing of the Kittery inter-municipal agreement.

Mr. Fernald said yes.

Old Business (Action List):

6:48 PM D. Wildbrook Lane – Condition, etc., Donnie Sylvester expects to be in on this

Mr. Fernald discussed the Memo from Donnie Sylvester that states Mr. Sylvester reviewed the road and found some problem areas with the pavement. He read the list and invited Mr. Sylvester to comment.

Mr. Sylvester said that, with the problems fixed, the Town would be looking at repaving in four to five years and there is a precedent for doing that. He explained that Creek Crossing was accepted as a Town road in 2000 and the Town repaved it in 2005, which can come from a number of factors, such as all the houses on the road have not yet been built, which would cause them to deal with skidders, excavators, cement trucks moving over the road. He said that it seems to be that after that first initial paving then they would be looking at a 15-year life cycle. He added that that was usually how they considered a subdivision.

Ms. O'Donoghue said that she knew there was some money in the escrow account and asked if the amount in there would cover the cost of the work that needs to be done.

Mr. Sylvester said that he would think so.

Mr. Fernald asked Mr. Blanchette to speak about the escrow account.

6:51 PM Mr. Blanchette said that the first problem is that the money is in escrow and that means they have to get Mr. MacKenzie to sign off for the money to be used and they are not sure of his current location.

Ms. O'Donoghue said that she has read that, even if he isn't available, there are procedures that can be done to access that account.

Mr. McPherson said that he was down to Wildbrook Lane with Mr. Sylvester and noticed that there is one lot on the cul-de-sac that is for sale and asked if anyone present tonight knew who owned that lot.

Ms. Davis said that Jeff MacKenzie/JMACK Builders owns that lot.

Mr. Sylvester discussed a similar road they had paved and that their (Town) cost was \$18,000 and said that the homeowners on Wildbrook would be looking at \$28,000 to \$30,000 to do the same work. He added that the escrow money would not cover the cost of resurfacing.

Mr. Moynahan read from the June 24 BOS minutes, "Mr. Howell said that if JMACK or any corporate officer could not be located, then they could legally absolve the account and liquidate, if he couldn't be served." He clarified that that came from the attorney that was here speaking to Wildbrook Lane, so there is a way to access that account.

Mr. Fernald commented that that money would not be enough to bring the road up to Town standards.

Mr. Sylvester clarified that he had said that, if the homeowners had to resurface that whole road then they would be looking at \$20,000 but with the fixes done that were mentioned in the Memo that \$1,500 would pretty closely cover those costs.

Mr. Fernald said that they needed to look into getting access to the escrow funds.

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6:54 PM Mr. Blanchette suggested he try to contact Mr. MacKenzie first and see if he would be willing to release the monies.

Ms. Shapleigh commented that, if he's not lived up to his word to the Town and he's gotten back ten grand he shouldn't have gotten back, is it possible for the Town to fix it and lien his property.

Mr. Fernald said that he doesn't believe the Town can fix it because it is a private road. He asked Mr. Blanchette to look into the escrow issue so they could get this resolved.

Mr. Blanchette said that he would try to have an answer for the next regular meeting.

Mr. Moynahan suggested they have Mr. Sylvester get a cost estimate for the repairs, as indicated.

Mr. Sylvester said that Cheri Davis was handling that.

Ms. Davis said that she has asked four contractors to come out to bid on the job within the past 24 hours. She added that two people have been out and begun taking measurements and, although she has not received anything, they have moved forward with getting that information.

Ms. Muzeroll-Roy said that, unless anyone has received a bid for the police department's door, they have not come to her. She said that she was waiting for four different bids, explaining that one had told her that he had too many contracts to do and backed out at the last minute, another gentleman went on vacation and forgot to turn his bid in and another gentleman was having a hard time finding a door. She added that she believes Mr. Moynahan was the only one who might have that bid at this point. She said that she was literally talking about two doors and asked if they could move forward on those two doors. She added that she honestly doesn't have a bid and has talked to four or five people who had to turn it down because they had too many other things to do.

Mr. Moynahan said that he had specked out to replace the heavy front door about a year ago that people have a hard time getting into so he has something available but most likely won't match what Ms. Muzeroll-Joy was trying to do. He said that the cost estimate was \$2,500 to do the new entranceway on the left hand side and is an accurate price estimate. He said that he believes the door unit was in the \$800 range to purchase and would be a simple install, then they would have a separation wall to the left hand side, etc., so all the work would be, he believes, well under \$5,000.

7:00 PM Ms. Muzeroll-Roy commented that she didn't advertise but went, verbally, to six different contractors and, luckily for them, they are busy doing other work and she can't wait two more weeks, as that would put her into August before a door could be put in.

Mr. Fernald asked what was the pleasure of the Board.

Ms. O'Donoghue moved, second by Mr. McPherson, that the Town, through Ms. Muzeroll-Roy, hire a contractor to make the needed adaptations to the Police Department and, if needed, take funds up to \$5,000 from the Community Services Building Fund.

VOTE

4-0

Chair concurs

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New Business (Correspondence List):

7:03 PM

#1

TO : Board of Selectmen
FROM : Donald Webber, Jr.
REF : Interested to be on Solid Waste/Recycling Committee

The Chair said that Mr. Webber certainly had the experience and asked for the Board's pleasure.

Mr. McPherson moved, second by Ms. O'Donoghue, to appoint Donald Webber, Jr. as a member to the Solid Waste/Recycling Committee.

VOTE

4-0

Chair concurs

7:04 PM

#2

TO : Board of Selectmen
FROM : Frank Hyer
REF : Eliot Shores

The Chair invited Mr. Hyer to speak.

Mr. Hyer said that he would ask the BOS how much history they wanted and that they had read his submission for tonight's meeting, adding that he could provide an overview of what has taken place until now or would it make sense to tell them where he is right now.

Mr. Fernald said that he believed it would make sense to tell them where Mr. Hyer is right now because the majority of the current Board has had a history with this property.

Mr. Hyer said that they have two parties, he and his wife, and Luis Valdez and Mona Robinson (who own Lot A), who are currently innocently caught in the middle of a web, here, and trying to figure a way to get through this. He clarified that he didn't know how to go through this without giving some history so he would explain some of how they got here. Mr. Hyer said that he and his wife purchased their lot back in 2006 at the recommendation of formal letters that had been written by the then-current CEO and some implicit approvals by the former Chair of the PB, reviewed by his attorney, reviewing the developer's attorney and believed they had a pretty good reason to believe that this was a viable land split. He said that they had a CEO-issued building permit in-hand and property that Mr. Valdez and his wife purchased was inspected by the CEO, with a Certificate of Occupancy issued. He added that they all had it on pretty good advice that this was a rock-solid, Town-approved development. He clarified that he has not entered into a lawsuit with the Town and has not been served with a Notice of Violation (NOV) but, right now, they are held hostage. Mr. Hyer said that he and his wife have their entire life savings tied up in this property with the intention of building their first home and this has been going on for four years now. He explained that one of the reasons they decided to settle in Eliot was that they liked the school system and intended to send their little girl to the Eliot schools, explaining that they have had to rent a house and send their daughter to a private school system at ten grand a year. He added that, up until recently (and there are questions about this, as well), they have been paying Eliot property taxes for a waterfront lot. Mr. Hyer said that he doesn't have the right to sell it or build on it, he has his life savings tied up in it and what he is trying to find out right now is how they can reliably take (apologizing because he thinks the CEO is a nice guy) the advice of the current CEO who is in a little bit of hot water right now, as it is. He added that he ended up liking him and seemed like a pretty decent guy but he has had a number of professionals – realtors, lawyers, CEO's, Chairman of the PB – tell him this is a viable project. He discussed that he has had one CEO, who is a bit angry about the way the zoning ordinance is written and has had to unravel this on a number of occasions, asking forgiveness for maybe talking a bit out of turn but he believes the current CEO may be pushing a bit harder on this because

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some of the parties who have actually created the pertinent zoning ordinance are involved.

7:10 PM

Mr. Hyer said that they think it is appropriate to ask for some remedy to this, whether it is in the form of a Consent Agreement (CA) that would, through the device originally intended to divide these lots – the backlot ordinance, doing enough homework on this to know that the developer was actually advised that this was the way to divide the property by the PB Chairman and CEO at the time, dividing it up in five-year increments (one back lot every five years). He added that they have been very close to resolving it but, for some reason, there are a couple of parties that are committed to the idea of controlling what happens there right now and, again, they have two parties who are trapped. Mr. Hyer said that he doesn't know if it is in the Town's favor to enter into a C.A., to quiet their deeds, give them title to this as a backlot or if the BOS would permit them to go before the PB and see if they can't have this actually and legally approved as a subdivision. He added that he has met with Ken Markley, Easterly Surveyors, who has talked with him about a very similar project on River Road that had some problems and they were able to ask for a pair of waivers, in that instance, and they were able to get it done. Mr. Hyer said that, right now, there are two families that are really experiencing significant hardship – the Town is not getting their taxes anymore, as they have been given at least a partial abatement and they are thankful for that – but they would like to get on with their lives. He said that he would like to get his daughter out of the private school and into the Eliot school system or sell the lot at what would be a significant loss, but would allow them to get out from where they are now. He reiterated that, as it stands, they are frozen in limbo. His hope is that the BOS would look in favor of where they stand and that the BOS would provide them at least some remedy to get past this. Mr. Hyer said that he was open to suggestions and that, if it is a matter of filing a formal C.A., he would do that; if the BOS wanted him to take this before the PB to try for a subdivision approval, they would do that, but they need to do something because it has been four years.

Mr. Fernald said that he understood and that this needed to be resolved so that they could get on with their lives and he would certainly push to have that done. He asked for comments from the Board.

Mr. Moynahan asked if this was currently in litigation.

7:13 PM

Mr. Hyer said that the litigation involved Eliot Shores, LLC and, he believes, the title insurance company for Luis and Ramona. He added that the title insurance company has a special policy for their title insurance and the title company feels that their investment is at risk right now and are simply trying to protect their investment.

To be legally clear, Sarah Wilkinson introduced herself as a local attorney and representative of Luis Valdez and Ramona Robinson, and she doesn't represent the title insurance company, that they obviously have their own council. She said that it is their specific lot versus Eliot Shores, that a request has been brought to the Maine Supreme Court, although not certified to be heard by the Supreme Court, and Mr. Hyer is not a litigant in that case or his lot, per say. She added that the whole subdivision, in some respect, is at issue because none of the lots are currently recognized by the Town.

Mr. Hyer said that, to answer the BOS's questions, this is the first time he has had the chance to discuss this with the BOS, the first time he has been able to be heard, and they have deliberately tried to stay out of the suit because they have tried to figure to resolve it without increasing the liability expenses. He added that he is guessing the Town is in for \$20,000 in legal fees and, if they have to go forward with a suit (and he would have to do something to get themselves out of the situation), then the Town would incur another \$20,000 to \$25,000 in legal fees and no one would make out in this, if that's the case.

Mr. Moynahan clarified that the PB did approve a plan but the original was for shared land or a condo, correct. He added that, then, someone altered the deeds after, or during, the sale of the lots.

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Mr. Hyer disagreed and explained that the plan showed a Planned Unit Development (PUD), which does have some common elements, and was explicitly laid out by the Chair of the PB that that was a temporal component to the land division and that the back lot provision was the final remedy for splitting these lots in 5-year increments. He added that he has talked with Mr. White about this and is amenable to the idea of doing this – if there are three lots, not the four, they have talked about the fact that maybe they could annex one of the lots to one of the other two, but they have some predatory issues right now regarding control of the Eliot Homeowner's Association and, so, that has sort of fallen by the wayside. Mr. Hyer said that now they are sort of negotiating individually because, when he realized it wouldn't work to negotiate as a block, then he felt they better find where their interests lie and get through this individually. He clarified that the Board was right that this was originally set up, not as a Condominium, but as a PUD, with some common limited elements.

7:18 PM Ms. O'Donoghue clarified that, before this was presented as a PUD, it was presented to the PB as a Condominium project.

Mr. Hyer agreed, as a seven-unit condominium and, he believes, the original developer was Piscataqua Landing. He said that that was why, when he was talking about the history of this, he said it was more involved.

Ms. O'Donoghue said that, as she recalled, one of the problems was that of non-conforming lots.

Mr. Hyer said that, actually, they're not and this was one of the things he felt was really on their side. He said that the seven-unit condominium development had a conditional use permit and had a one-year expiration and Walter Woods didn't realize that. He added that Mr. Woods had a plan that involved Patten's Yacht Yard and that component fell apart, so he went forward with the seven-unit condominium development, which was on 4.6 acres. He explained that Mr. Manero approached Mr. Woods with a way to solve the situation that would take care of Mr. Woods' interests and his. Mr. Hyer said that Mr. Manero is a very bright guy and he has written most of the zoning ordinance and knows how to get things done and Mr. Hyer believes he was really trying to help Mr. Woods a little bit. He added that the idea was to carve this parcel into four 1-acre lots with .6 acres remaining for travelways. Mr. Hyer said there is a 1,000-foot maximum road length from Main Street and he believes the road is plus or minus a very narrow element but his assumption is that they could either redefine the way these lots are laid out – by two panhandle lots or by angling one of the side lots – to actually resolve that issue. He added that there is a cross-street issue, which is one of the reasons he believes the original development was squashed. Mr. Hyer said that the assumption would be that they would have to deal with that as a waiver, if they were to do this as a subdivision. He added that he did not believe that was unreasonable given the hardship that has been experienced and given the level of culpability that the Town shares in the creation of this and he reiterated that he does not believe it is unreasonable to ask for such a waiver in this instance. Mr. Hyer said that the properties actually do meet zoning ordinance and he believes the issue that the CEO has held onto is the fact that, extemporaneously, they are splitting out the lots faster than he would have liked to see that happen – that's the big issue - if they were going to use the backlot provision as the mechanism to do that. He added that, if it is used as a subdivision, then it is a different situation and, if the Town was worried about setting precedent with this, there are precedents on River Road that he believed the Board could turn to that are very close. He said that he talked with Ken Markley about this and he has offered to provide some steerage through that, if necessary.

7:20 PM Ms. O'Donoghue commented that she was feeling very comfortable with the idea of a subdivision but asked Mr. Hyer if they had control over all the lots.

Mr. Hyer said that he does not. He added that he has one of the property owners with him today and would need to talk with him, but he suspects that they would probably move forward with that.

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Mr. Valdez agreed, saying absolutely.

Mr. Hyer said that the one person he is not sure of is Mr. Manero.

Mr. Moynahan said that there is PB approval for a 4-lot PUD subdivision and Mr. Hyer has a building permit in-hand and asked why he was not able to build.

Mr. Hyer said that he was told by the CEO that he should return his deed and title to Eliot Shores, LLC and then he should sue him (company). He clarified that this is an empty shell of an LLC and he would not be able to pierce the corporate veil and the LLC has no assets. He said that there is not a strong likelihood that he would get his \$305,000, plus \$46,000 in financial caring costs, plus \$10,000 in land improvements and \$50,000 in architectural fees.

7:23 PM

Mr. Moynahan asked what involvement the developer still had – there were three lot owners plus the house that is already there.

Mr. Valdez clarified that Mr. Manero controls two of the lots in there.

Mr. Hyer clarified that it was important to distinguish that Mr. Manero owns one of the PUD lots – he owns the first lot of record, which was separated out as a full standing 1-acre lot.

Mr. Valdez said that that has been fully recognized by the Town, is absolutely fine and they took the first piece of the pie out of the subdivision and (Mr. Manero) has every right to build or do what he wants with his lot. He added that the one Mr. Manero bought at the last minute, which was in 2009, he owns one (in the PUD). Mr. Valdez said that they had met with Mr. Manero and Walter Woods and that Mr. Manero was absolutely adamant that he believes he owns 50% of the PUD. Mr. Valdez said that they are stuck, they are really, really stuck.

Mr. Moynahan asked, in terms of the other involvements, would they be amenable to and PB approvals the property owners might go for to alter this.

Mr. Hyer said that he could not speak for Mr. Manero.

Mr. Moynahan clarified that that was his concern for the parties present.

Mr. Hyer commented that he could not tell the Board how many times he thought they had this resolved and, in the ninth hour there was another stipulation that came on or the discussion had morphs into something completely different and leaving them confused.

Ms. O'Donoghue asked what was involved in quieting a deed.

7:25 PM

Ms. Wilkinson said that, essentially, that was why Mr. Hyer was here as there is not a clear answer to that right now. She explained that a man named Bill Garland originally bought the property and built the house that her clients bought. She added that, when all this was really brought to the forefront, the Town of Eliot would actually not put their home in the 911 system, even though they were paying taxes. She added that they fought with the Town and finally got that in to the 911 system and finally got them a mailbox because the Town wouldn't recognize and wouldn't allowed mail to be delivered. She added that she understands the legalities of why but obviously, for the basic living and safety, ultimately, the Town understood and agreed. Ms. Wilkinson said that what these homeowners, and she thinks that from the meetings they have had, even with Mr. Manero, they do just want these things to be recognized as valid title lots. She said that there are four lots, with the first lot coming out as a 1-acre subdivision lot, with 3 PUD-related lots left. She added that one of the Board members made a comment that earlier that the deeds were sort-of altered – their deed and Mr. Hyer's deed do not state that they are 1-acre lots, only the one other one that was drafted by the other party states that it is a 1-acre lot and it is not, by the plan. She added that she would state that it is not by the plan and would add that the only deed that is on public record is the third PUD lot, which was the last one to come

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out to go to that other individual. She reiterated that the deeds have not been altered and they do recognize common land from the PUD. Ms. Wilkinson explained that, essentially, the CEO said that, when this whole thing first started, that there was no such thing as a PUD and they can't make these 1-acre lots, the backlot doesn't work, so their only option is to make a condominium, and the homeowners felt very uncomfortable with that and felt that would diminish the value of their homes and that is not what they thought they were buying.

Mr. Hyer commented that the backlot provision was not an acceptable solution to the CEO purely because of the number of lots over a specific period of time. He said that this was unequivocally crafted with the backlot provision in mind.

Ms. O'Donoghue clarified that she still doesn't know what quieting a deed means.

Mr. Hyer said that he isn't sure, either, and that he just wants this to end in any way, shape or form they can. He said that he believes there is enough culpability to go around right now for the Town to make some allowances for where the homeowners are, even if they are within plus or minus 2% of the zoning ordinance, and should be able to move beyond that and say, "Let's get this done." "Let's give these guys title to their one acre and let them go on their way." He said that they could enroll their kids in the school and figure out how to be good neighbors and the rest of it is up to them.

Ms. O'Donoghue clarified that it would basically be dissolving whatever organization is on paper.

Ms. Wilkinson said that, legally, right now nothing exists because the Town has said that this doesn't exist so. She added that the reason the title company

Mr. Hyer submitted a hand-written note from Mr. Manero to the Board asking for a C.A. that is basically the same as what they are doing right now.

Ms. Wilkinson explained that what quiet title means is that these homeowners have to come to some agreement with the Town that the Town recognizes these as valid, zoned lots, whether that is a PUD or a subdivision or something else.

Ms. O'Donoghue asked if they had considered individual lots.

7:30 PM

Mr. Hyer said that that was what he thinks they were all hoping to buy into tonight. He added that they were under the impression, not through implication or implicitly, but explicitly, that this was the ordinance that was laid out for this to be divided and laid out with apparent blessings from the former CEO but under the hand and penmanship of the former Chair of the PB, who wrote the backlot provision as it exists within the Town of Eliot Zoning Ordinance and who very clearly understood how to do this, understood the length of road required, understood the setback – in fact, on the plan in Mr. Manero's handwriting is a right-of-way (ROW) easement of 33 feet that gave the necessary 150-foot frontage to enable that to be done as a backlot.

Ms. Place clarified that the only thing that is legal in this whole thing is that there is an ordinance saying that backlots exist. She said that, as far as the Town is concerned, this PUD is null and void, the condominium is null and void.

Mr. Hyer agreed and added that there is a backlot ordinance.

Ms. Place said that she didn't see any reason why they couldn't work with that backlot and clarified that the only reason Mr. Hyer could not build was because of the time issue.

7:33 PM

Mr. Hyer said that he believes that the way the ordinance is written the properties would be separated out in 5-year increments. He said that one of the things he thinks the CEO is irritated about is this idea of a PUD. Mr. Hyer said that backlot provision is set up to create one or two backlots in a 5-year period and then there are all kinds of little parameters here regarding frontage, length of street, lot size

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and, if one looks at the plat, then one could see that each of these is, in fact, set up as a 1-acre entity. He pointed to the plat map as he discussed the lot set-up with the BOS and pointing out different aspects of the plan, including the dotted lines.

7:35 PM

Ms. O'Donoghue suggested the Board go to their attorney to ask if they could treat this as individual lots.

Mr. Hyer has asked the CEO to let him sit down with Mr. Vaniotis and he told me the Town would not pay for the attorney's time. He added that he would write a check for his hourly rate ahead of time to be able to speak with him.

Mr. Fernald said that he understood and that the BOS want to get this resolved, too.

Ms. O'Donoghue moved, second by Mr. McPherson, to address a question to a Town attorney, Chris Vaniotis, to determine the fact that these two lot owners can be treated as separate lots.

DISCUSSION:

Ms. O'Donoghue clarified that there is no joint organization, anyway, and then the lot owners would have individual lots like any other person buying a lot in Eliot and building a house.

Mr. Hyer said that they are on a private street so they would have to communicate, would have to work out some sort of association guidelines, as it is.

Ms. O'Donoghue commented that that would be done through a homeowner's association and would not involve the Town.

Mr. Moynahan asked Mr. Blanchette if Mr. Vaniotis had been involved throughout this process.

Mr. Blanchette said that he has been involved but can't say that he has been aware of every single thing – he is not aware of this letter. He said that he thought the best thing, as Ms. O'Donoghue suggested, was to send the letter to Mr. Vaniotis and ask him to come up with some recommendations and maybe even meet with the BOS.

Mr. Fernald agreed that would be a very good idea.

Mr. Moynahan commented that it certainly seemed like a PB issue and they are talking about things that the PB has gone over.

Mr. Hyer clarified that the BOS do have the right to create a C.A.

Mr. Moynahan agreed that they did, taking into account the circumstances. He added that if there were other avenues and Mr. Hyer had mentioned earlier and had suggested it, if that resolved it all for everyone, with simply the PB...

Mr. Hyer commented that that would stipulate that he get Mr. Manero on board and he wasn't convinced that would happen.

Ms. O'Donoghue clarified that they would be treated as individual lots and would be taken out of the subdivision entirely.

Ms. Place asked if the subdivision actually existed.

Mr. Hyer said that his understanding was that the Town has basically said that the deeds and titles are null and void and he should seek brevity by suing the developer. He added that the Town has not formally said anything to him and that the only Notice of Violation (NOV) is to Mr. Woods. He said that he is in limbo right now and has not been served but, for four years, has been waiting to go ahead with his property.

**BOARD OF SELECTMEN'S MEETING
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Mr. Fernald said that he had a motion and second and asked if there was anymore discussion from the Board.

Mr. Moynahan said that it would be good to get more guidance on this.

Mr. Hyer asked what Mr. Moynahan's concerns were regarding this.

Mr. Moynahan said that he was concerned about the BOS making a decision on land use and that they need guidance from the PB or a land use attorney. He added that it isn't because they don't sympathize and he thinks, all along, they have been trying to get this resolved for everyone. He said that he thinks they need guidance to make sure it all happens properly.

Mr. Fernald recognized Nancy Shapleigh.

Nancy Shapleigh commented that it seems there were too many chiefs and not enough Indians in this whole fiasco. She added that it seemed to her that it was not right for a current CEO to come in and pull apart a previous CEO's approval and Don LaGrange was involved in this. She said that she thought that, at this point, the Town should have some responsibility because they hired those men and they pay those men. Ms. Shapleigh said that, at this point, she thought it would be perfectly allowable and legal for the BOS to go into a C.A. with those involved in the so-called subdivision, commenting that a PUD was certainly a form of development of land that had been around for a long time even though some may not have heard of it, and would be the cleanest, simplest, least costly way to the Town and these people who are already paying too much.

Mr. Fernald recognized Jack Murphy.

7:40 PM

Mr. Murphy said that it seemed to him that the question lay in the legality of the deeds. He said that if, in fact, the deeds of these two lots are legal and there are two others that still belong to Mr. Manero, then a subdivision has taken place, in fact, by the construction and sale of this property, whether it was done legally or not. He clarified that he would say that there is a subdivision and he would think the Town, to clarify this whole thing and clear it up, could recognize that and not let it set a precedent.

Mr. Fernald said that they had a motion and a second and called for a vote.

VOTE

4-0

Chair concurs

7:41 PM

#3

TO : Board of Selectmen
FROM : Dana Hoyt
REF : Skate Park

Mr. Fernald said that this situation occurred about a year ago and asked the Board members if they remembered any results to this or avenue that they were going to pursue.

Ms. O'Donoghue said that she was instructed by the Board, as Chair, to write a letter to the Hoyts explaining that they understood and sympathized with their concerns, that the skate park needed some renovation and they were looking into that but had no money, that they would try to do some kind of soundproofing if they found the money to do that.

Mr. Fernald asked if they had any cost estimates done.

Mr. Moynahan said that they did, that it was expensive and there was no guarantee that what was proposed would work. He did say that they tabled it until budget season, a letter went out. He added that it would be nice to see if noise readings were taken and at what level they were at and that would help them really understand what shading or sheltering would be required and where those

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target points are located. He said that, if they put a fence up and the noise echoed above it, then that would just be throwing money away.

Ms. O'Donoghue said that, meanwhile, the center of the park had been closed.

Ms. Muzeroll-Roy agreed, that it had not been fixed and the bowl had not been used for two years. She said that the use of the skate park, in general, has been cut down to a minimum. She said that, in the last two weeks, they have had one kiddo down there as it is just too hot and the interest may have gone.

7:45 PM

Mr. McPherson said that, since he's seen this letter, he has been watching down there every day and has seen very little activity – maybe two or three a day, at most. He suggested that the neighbors around the skate park, including himself, might get together and talk it over to come up with some kind of resolution.

Ms. Muzeroll-Roy said that she just wanted to remind everyone that there is not one dime of tax-payer money into that skate park and that the land, materials and anything needed to fix the ramps has all been donated. She discussed that, whatever the Board decided to do, she didn't know who would be paying for that and, when this park was decided on it wasn't a big Town-supported endeavour but as long as the park and material was donated it would be fine.

7:46 PM

Ms. Hoyt said that she doesn't think it's a tax issue. She said that they are situated up on a slight hill behind the skate park and she thinks the sound travels in a unique way at their location. She added that she had taped about twenty minutes of taped audio over about three hours about two weeks ago and picked up quite a few startling sounds – just things that are annoying that they have to deal with when they are down there. She did agree that for the past two weeks it has been very hot and it has been very quiet and that has been wonderful. She added that, previous to that, they had quite a few nights where it was constant, constant, constant. Ms. Hoyt said that she was a school teacher and her ears are perked for danger and kids being in trouble. She said that she likes to come home and relax and it makes her very anxious hearing people shout and, sometimes, they are not very nice words and, at other times, she hears people getting hurt and it worries her. She said that they can't relax in their own yard and all they are asking is, if it can't be resolved with a sound barrier, then close it. She added that, as citizens, she doesn't feel they are as respected as they probably should be and they know they are only one family but it would be nice to be able to enjoy their own home.

Mr. Fernald asked if there were specific times that were worse than other times.

Ms. Hoyt said that the time she is trying to enjoy her outdoors is in the afternoon/early evening and is when she notices it. She added that her husband works nights so he notices it during the day when he is out before he leaves. She said that they don't have anything against kids and them having fun but that it is a startling noise – it's scrapes and bangs and shouting, not having kids playing baseball and horseshoes and all of that, which they love to listen to and isn't a big deal – it's just those startling noises that make them jump. She said that she didn't think they should have to be that anxious in their own yard.

Mr. Fernald asked what was the pleasure of the Board – any questions.

Mr. Moynahan asked if she had spoken with any of her neighbors that have the same concerns and complaints about the noise.

Ms. Hoyt said that she has had two different neighbors say that it does bother them but they don't want to say anything.

Mr. McPherson said that he would offer for a period of time that when the noise is bothering the Hoyts that they give him a call as he would like to see what's going on, himself.

7:49 PM

Mr. Fernald said that he doesn't question that the issue exists. He added that he thinks they need to look into it further to see if there is something can be done to

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rectify the situation. He added that he would like to get some of the other neighbors involved. He recommended that he and Mr. McPherson get information from other people around the skate park, then look into what could be done and how much it would cost and, if it would be effective, put up a barrier around the fenced area and go from there. He said that it isn't an option, until they look into that, to close the park. Mr. Fernald said that they would work to remedy the situation and, after that, they might need to make some decisions. By consensus, the Board agreed to Mr. Fernald's recommendation.

Mr. Fernald asked if that was acceptable to the Hoyts.

Ms. Hoyt said she wasn't sure as they have been living with this for a long time and she wasn't sure that that was going to be okay with them.

Mr. Fernald acknowledged that they have been living with this for a long time but that they were trying to rectify the situation and they will look into it right away and would not be hung up for another year.

Ms. Hoyt said she would take the Chair at his word but stressed that it needed to be quick.

Ms. Muzeroll-Roy asked if she could get a copy of the complaints, clarifying that today was the first day she had actually heard about this.

Mr. Fernald said that she could. He told Ms. Hoyt that the Board would keep her informed of what they were doing and the results.

Ms. Hoyt thanked the Board.

7:52 PM
#4

TO : Board of Selectmen
FROM : Randy Hatch
REF : Petition to place Rte 101 on a "Limited Access" status

There was discussion over the impact of redirecting that traffic and what jurisdiction the Town had over a State road.

Mr. Blanchette clarified that he thinks Mr. Hatch is asking the Town to pass on the request to the State, that the request come from the Town to the State. He discussed the concern for where that traffic would go if it was stopped on this road.

Ms. O'Donoghue said that she travels that road a lot and she thinks a weight limit would be smart because that road is falling apart and is narrow and winding and heavily travelled.

Mr. Moynahan suggested contacting South Berwick to let them know of this petition and/or request their input, as they own a portion of that road, as well, and it would be a courtesy to a neighboring town.

The Board agreed.

7:55 PM

Mr. Blanchette said that he would send a copy of the request to South Berwick and ask for their input.

Ms. O'Donoghue said that if they could do something together then that would be fine.

#5

TO : Board of Selectmen
FROM : Attar Engineering, Inc.
REF : Proposal

Mr. Blanchette clarified that he just put this in to make sure it got into the formal correspondence.

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Mr. Moynahan said that this proposal would map out and inform any contractor as to what methods and materials would be used to fix the structural issues with the Community Services building.

Mr. Fernald asked if this was something the Board wanted to discuss.

Mr. McPherson asked if they wanted to put any more money into that building or would they be better off appointing a 5-member building committee and put something in there that would serve the purpose.

Ms. O'Donoghue agreed.

Mr. McPherson moved, second by Ms. O'Donoghue, to appoint a five-member building committee to review the viability of the ECSD building and make recommendations to the Board of Selectmen for a replacement structure.

Mr. Moynahan said that, with a building committee, they should also be getting a facilities maintenance committee or combine the two because year-after-year, problems with more than just this building come with no plan and no cost estimates and needed repairs aren't being kept up with, so get worse year after year. He added that, at the 11th hour, they end up with all these expensive things in front of them that could have been maintained if they had a group looking at the Town buildings to develop priorities. He said that he would like to alter Mr. McPherson's motion to make the building and maintenance committees a joint committee so that it would be in charge of facilities maintenance as well as any building needs that the Town might have.

Mr. McPherson commented that his only concern was for the committee getting bogged down and that something had to be done to get the ECSD out of the police station, as he doesn't think it will work any better there than it did in the fire station.

Mr. Moynahan said that they have already had several weeks of discussions with the community services building and still don't know what direction they will go. He added that he thought a building committee was mentioned at the last meeting and that is a good step and the ECSD building would be the first priority they would have. He clarified that he believes their role should be greater than just resolving the ECSD building situation.

Ms. O'Donoghue asked for clarification of Mr. Moynahan's addendum to Mr. McPherson's motion.

Mr. Moynahan clarified that the first and immediate need was to identify community services main need but, in the long scheme of things, they don't want to put a committee together for just one quick fix. He suggested keeping this committee as a long-standing committee for any building the Town does, any maintenance that the Town needs, any facilities repairs needed – identify what is needed, get a cost estimate and prioritize a maintenance list.

Mr. Fernald called for a vote:

VOTE
4-0
Chair concurs

8:05 PM
#6

TO : Board of Selectmen
FROM : Eliot Energy Commission
REF : Baseline Energy Inventory

Ms. Isler presented their findings through a video presentation, which covered nine months of data collection and analysis to come up with a baseline energy and greenhouse gas emissions inventory for the municipal operations of Eliot. The presentation discussed what the inventory was, why they did it, detailed the

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July 8, 2010 6:30PM (continued)

methodology they used, how they collected and summarized the data, gave key findings within the results and evaluated those results so that everyone would have a clear idea of where Eliot stood and what this meant for Eliot going forward into the future. The full inventory baseline study can be found at www.eliotmaine.org under Energy Commission and a copy is available at the Eliot Town Hall. Ms. Isler said that, now that they have all the sources identified, they would be getting annual inventories for each fiscal year so that the Town can see where they are, as the Town cannot manage what they do not measure. She added that the next big thing is to create a climate action plan and the commission would be working to coordinate with other committees and departments to do that that compliments Eliot's Comprehensive Plan. So that they would have a 5 or 10 or 20-year road ahead with some recommendations. She added that the big users and also where there is potential for change are the police station and library. Ms. Isler said that they did get a \$10,000 grant to study municipal buildings and they would be spending some of that on those specific buildings because that seems to be where they could make the biggest increase. She said that the request for help is to us, and please pass it on to all the department heads, etc., the BOS work with. She commented that they have an amazing commission of people with skills and talents, knowledge, abilities, connections and if anyone wants help, direction, advice, has questions, they meet the third Wednesday of every month, come, join them, ask, get in touch, let them know what they can do to help because they are here to serve Eliot.

8:25 PM Ms. O'Donoghue asked if the commission could help individuals worried about the weatherization of their residences, etc.

Ms. Isler suggested that they look at the Energy Commission's website where they have links listed to various agencies in Maine that can help and, in addition, the library provides a lot of detail on weatherization on who to contact, resources and DIY (do it yourself), audit professionals, etc.

Mr. Fernald commented that they should be proud of themselves because they have done an awful lot of work and brought out a lot of useful information – good job.

Ms. Isler thanked the Board and said that their hope is that this information would provide Eliot with a better, more secure and cost-effective road to the future.

Mr. Moynahan commented that it is one of the most impressive things he has seen from a Town committee – thorough, brief, informative – impressive.

Ms. Isler said that it is eye-opening to look at where they are and it will be eye-opening to see where they can go.

Mr. Blanchette suggested the Board might want to discuss Correspondence #7 before the Energy Commission left.

Ms. Isler said that one of the Energy Commission members is willing to do the full audit at the library, which is what he does for a living, and they didn't know if that would be a conflict of interest.

The Chair said that that would not be a conflict.

8:30 PM
#7

TO : Board of Selectmen
FROM : Burstein, Shur Client Services
REF : Property Assessed Clean Energy Program for Municipalities (PACE)

Ms. O'Donoghue said that the correspondence said that "In order to participate, municipalities will first need to enact a PACE ordinance." And asked for Mr. Blanchette's input.

Mr. Blanchette said that he didn't have any more information than this correspondence. He added that he thinks it would be something for the Energy

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Commission to look into. He added that he doesn't even know if they would qualify, adding that the five towns (KEYS) got a \$500,000 grant to do just this and that may be a factor in them qualifying. He reiterated that this was something that someone could look into.

Ms. Isler said that the Energy Commission would look into this.

8:32 PM

#8

TO : Board of Selectmen
FROM : Grant Hirst
REF : Future space requirements for the Town

Mr. Hirst commented that the BOS took all the wind out of his sails. He thanked the Board and said that he believes they made a wise choice. He asked what guidelines they would set for the Building Committee as to appointments, mission statement, when to meet, etc.

Mr. Fernald said that he thought they should put this up on the website, advertising for positions, get those people together and have them elect officers and create a mission statement, etc.

Ms. O'Donoghue asked if she could be the BOS liaison for this committee.

The Board agreed, by consensus, to have Ms. O'Donoghue as liaison for the Building & Facilities Maintenance Committee.

8:35 PM

#9

TO : Board of Selectmen
FROM : Kent Davis
REF : Heating Oil Bid and Diesel Tank

Mr. Blanchette said that the present owner of the diesel tank out there at the garage is not interested in selling them the tank or leasing it so the Board will have to decide whether they want to go through with a bid on the diesel fuel and how to structure it, whether the BOS want to go out for a bid whereby the bidders would have to provide their own tank or purchase a tank or whatever. He added that he did not believe they needed to reach a decision immediately but they did need to think about what to do.

Mr. Fernald clarified the condition of the tank.

Mr. Blanchette said that he thought the tank was up-to-par. He added that it is easier to get out of the building than he thought it would be because Mr. Moynahan went over and reviewed it.

Mr. Moynahan said that it wasn't attached to the highway barn and there are six bolts holding it down and would be easy to move.

Ms. O'Donoghue asked if they really wanted to buy a tank and would that result in some savings. She said that, according to the note, it doesn't.

Mr. McPherson clarified that the heating oil bid went to Jenkins and that is a local firm. He added that Gagnon is basically a local firm, combined with Davis, and service over the years has been good. He added that he feels they should leave it where it is and they should both be happy.

Mr. McPherson moved, second by Ms. O'Donoghue, to leave the business with Gagnon & Son, Inc., for now.

VOTE

4-0

Chair Concurs

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8:38 PM

#10

TO : Board of Selectmen
FROM : Central Maine Power
REF : Decorative License Agreement

Mr. Blanchette said that this was something the Ms. Muzeroll-Roy started and extends to other decorations. He added that the contract has been sent up to MMA for their review and already reviewed several different variations of this contract, as well as already having sent the certificate of insurance to CMP, so he is presuming it is alright to go ahead with this contract. He said that the BOS needed to approve it and then sign it.

Mr. McPherson moved, second by Ms. Place, to approve the Decorative License Agreement between the Town of Eliot, Central Maine Power and Northern New England Telephone Operations LLC d/b/a FairPoint Communications NNE.

VOTE

4-0

Chair Concurs

Old Business (Action List):

8:40 PM

A. Job Review Form for Department Heads – Mr. Moynahan

Mr. Moynahan said that he would leave the job review form in the member's boxes.

B. Fire Arms Ordinance – Mr. Fernald - ongoing

C. Consent Agreement Policy – Mr. Moynahan, Mr. Murphy and Ms. Place - ongoing

D. Solid Waste Alternatives - ongoing

Mr. Moynahan suggested adding some things to the list: Community Services Building; Skate Park noise; Eliot Shores legal advice; Road Commissioner; criteria for MV license reports; Building Committee; representation on Kittery Sewer; negotiation team for sewer contract with Kittery.

The Board agreed.

8:43 PM

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

The Chair called a recess to prepare for executive session at 8:45 PM.

Executive Session

8:47 PM Motion by Mr. Moynahan, seconded by Ms. O'Donoghue to enter into Executive Session in accordance with 1 M.R.S.A. Section 405.(6)(A) "Discussion or consideration of the employment..."

VOTE

4-0

Chair Concurs

9:04 PM

Out of Executive Session

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9:05 PM Motion by Mr. McPherson, seconded by Ms. O'Donoghue to authorize Chief Short to hire, as a police officer, Ryan M. Sanford of 95 Duke Lane, Lyman, Maine at \$15.91 per hour.

VOTE
4-0
Chair Concurs

9:06 PM Motion by Mr. Moynahan, seconded by Ms. O'Donoghue, to enter into Executive Session as allowed by 1 M.R.S.A. Section (405(6)(A) "Discussion...disciplining, resignation or dismissal of an individual..."

VOTE
4-0
Chair Concurs

9:35 PM Motion by Mr. Moynahan, seconded by Ms. O'Donoghue to respond to the individual not to hire an independent review or investigation at this time.

VOTE
4-0
Chair Concurs

Adjourn

9:36 PM Motion by Mr. Moynahan, seconded by Ms. Place to adjourn.

VOTE
4-0
Chair Concurs

DATE

Roberta Place, Secretary