

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM There were no minutes approved tonight.

Public Comment:

There were no public comments.

Department Head/Committee Reports

6:33PM Mr. Beckert and Dutch Dunkleberger were present from the Eliot Building Committee (EBC). Mr. Beckert said that the committee has been looking at all the Town buildings to assess their needs and, specifically, to look at trying to solve the building situation with the Eliot Community Services Department (ECSD). He added that they folded in to that the current needs of the Town Hall. He added that the first paper he handed out to the Board members is a Statement of Work that the EBC would like to have go out to architectural firms and they have several that have been recommended to them. He said that they had an architect come and sit with their committee to go over the process when looking into building designs and space and energy needs. He said that their committee is at that point where they need to seek some professional guidance. Mr. Beckert said that this would not cost anything but simply putting out a scope of work and asking for proposals. He added that they would need that to plan, budget-wise, for down the road, if they were to present to the Town the need for a new structure or addition to the Town Hall, as an example, in order to solve ECSD needs as well as the needs of the Town Hall. He said that this proposed Statement of Work was pretty standard.

Mr. Dunkleberger said they could figure out an approximate cost for, say, a separate building for the ECSD to replace what is missing but, in taking an inventory of departmental needs in Town, two things became apparent: the Town Hall is too small to do for what is intended today, as well as tomorrow, and the Town needs a capital improvement plan. He explained that, in meeting those needs, there were two directions the EBC could go – one would be to build separate facilities or enlarge the current Town Hall to include the ECSD. He said that, in order to do that, they needed professional help to not only determine the costs of doing this but the potential savings of doing one proposal over the other, long-term. He added that, if they were to do an expansion to the Town Hall, then how could they do it in a smart way, as well as in a potentially green way to enhance the Town's impact on the environment.

6:37 PM Mr. Beckert said that what the committee was looking for tonight, if the Board was so inclined to do so, was approval to get with Mr. Blanchette to have this proposed Statement of Work put on Town letterhead and forward to the architectural engineering firms they have and others that may be recommended. He named the firms they had: Lassel Architect, Bargmann Hendrie + Archetype, ARQ Architects, DeStefano Architect, Kleinfelder/S E A Consultants and Sumner Davis Architects. He reiterated that they were open to other firms if the Board has

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

other suggestions. He added that they wanted to go with a smaller list because they thought it would be more effective and these firms come recommended by municipalities in the area that have worked with them.

Mr. Moynahan said that they are defining the space needs the Town has and it sounds as though they were down to two to choose from. He added that they have the costs and could always use a set of costs for comparison to plan for the next twenty years. He said that it was certainly worth exploring. He commented that it may not make sense to do something larger versus smaller but this Board isn't the one to decide that.

Ms. O'Donoghue commented that the University of Maine Architectural School was looking for communities or municipalities to use their facilities and their people. She said that she wasn't sure that would be of any help to the EBC but wanted them to know.

Mr. Beckert said that maybe they could send the proposed Statement of Work to them and see what kind of response the committee got back.

It was the consensus of the Board that the EBC put the Statement of Work on Town letterhead and move forward with cost estimate requests.

Mr. Fernald said that he wanted to point out that he thought the committee was doing a very good job.

Mr. Beckert discussed the three-page document he handed out to the Board members. He said that, throughout this process, the committee has talked about the need to have a capital improvement plan for the Town. He explained that, currently, the Town basically has a 5-year plan that includes just equipment, such as highway, fire and police vehicles, for example. He added that in discussion around the building and space needs of the Town, they also discussed that there were other structures than the ones they were currently looking at, as well as components within those structures, that would need to be maintained or replaced down the road. Mr. Beckert said that, for budget purposes, they thought it a good idea to put together a 10-year capital improvement plan layer. He said that Mr. Dunkleberger organized the document and did a great job, explaining that the first sheet listed all the Town departments and the next two sheets are just examples – the second sheet being the Highway Department and the third sheet being the Fire Department to give the Board some examples of what is already in the queue for those two departments. He said that the EBC has taken an inventory of all Town buildings regarding the structures, going further than they probably needed to, with Mr. Hirst doing a great deal of work – that they even looked at things like the flag poles, the smokehouse at the Fire Station, etc. Mr. Beckert said that what the committee would like from this is permission to go forward with this plan and go to each department head to request information from them as to what they foresee as their maintenance needs out the next ten years.

Mr. Dunkleberger said that it would also force the department heads to take a look at a long-range plan, as far as turnover. He added that the Highway Department had a lot of critical needs but it is probably not something that would happen this year or next so the question would be if they could prioritize them and shift them out over a 3-4 year cycle.

Mr. Beckert added that, if they put the needs on a spreadsheet like this where all department needs were visible out over ten years, then the document could be shifted, changed and adjusted as well as give the Board, department heads and budget committee current and future needs over the next ten years.

Mr. Dunkleberger said that it would help the budget committee sit down with department heads to determine overall Town priorities.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Mr. Fernald agreed and added it would also be useful for planning with the reserve account into the future.

6:43 PM Mr. Beckert said the committee has discussed coming up with some direction they could give the department heads as to what type of information the EBC was looking for so the department heads won't be going in to this process blind.

Mr. Moynahan commented that this was exactly what he had envisioned so that planning into the future will be more cost-effective and with fewer crisis needs.

Ms. O'Donoghue commented that this went hand-in-hand with the Comprehensive Plan.

6:45 PM It was the consensus of the Board that the EBC move forward with this process.

6:46 PM Mr. Moulton introduced Mr. Horton, from MRRA (Maine Resource Recovery Association), who gave a presentation on Single Stream Recycling.

Mr. Horton said that their company works with approximately 200 towns in Maine with a variety of needs. He explained that they were started in 1984 as an information-clearing house when towns were starting to close their dumps and, in 1992, they got into marketing Single Stream Recycling (SSR). He said that SSR was mixing all of the Town's recyclables together at the home – no separating – with curb-side pickup and brought to a large facility (MRF – municipal recovery facility) where it is sorted, but that was found costly. He said that there are not too many of those facilities – Maine has one and probably won't have another one for some time. He explained that the tonnage needed to run one of these facilities is substantial – 20,000-30,000 tons – and Maine does about 90,000 tons per year but many of the towns are smaller and far from potential central sites. Mr. Horton discussed the pros and cons of SSR regarding efficiency and revenue, as well as how to determine whether it would be to Eliot's advantage to participate in this program.

6:55 PM Mr. McPherson asked who would keep the revenue per ton.

Mr. Horton said that they would take \$4 off, per ton, to run the office and find the mills so, if cardboard is \$165/ton, then Eliot would get \$161 and the same kind of thing would apply to plastics, etc. He explained that, from the money they keep, they also do workshops, compost bin sales, etc.

Mr. Fernald asked Mr. Moulton if he has been involved with SSR.

Mr. Moulton said he has had some experience with it, explaining that there were a lot of different avenues to look at, such as the tonnage and cost per ton, as well as labor costs. He reiterated that there were many variables to look at and this is part of the first piece. He added that he was pursuing other avenues, as well, and said that the whole thought process behind this was to increase the Town's income, lower labor costs and streamline the whole process. He said that he was talking with the Solid Waste Committee, as well, through this process.

Ms. O'Donoghue asked if it was true that recycling went up dramatically with SSR.

6:58 PM Mr. Horton said that that was not always the case. He added that Eliot has a good program with a lot of participation and they recycle almost every item (cardboard, glass, etc.) now. He said that the only thing Eliot would really be adding would be the 3 through 7 plastics and Eliot could add those, if they chose, without going

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Single Stream. He explained that they are virtually worthless and that MRRA could probably move those for the Town baled for about zero most of the time.

Mr. McPherson suggested that Mr. Moulton and Mr. Lytle organize the information and present it to the Board. He said that Eliot has a pretty good system working out there now and money coming in so the Town should take a good look at this.

7:00 PM

Mr. Tessier (Solid Waste Committee – SWC) discussed that the committee had waited to discuss any changes or improvements until the Town hired a replacement for Mr. Shapleigh, as it didn't make a lot of sense to try to put a lot of plans in place until they knew who would be running the Transfer Station, give that person time to get his feet on the ground and see if that person would like to join this committee. Mr. Tessier said that he met with Mr. Moulton a week or so back and he said he would be happy to join their group and they have started meeting again on a monthly basis – the third Thursday of each month. Mr. Tessier said that they hoped that, before Mr. Moulton made any decision, he would give the committee a chance to work on this and come back to make some presentations. He added that the revenue from recycling materials has been \$80,000 to \$120,000 a year and that was a big number to start giving up and, then, start saying they would be paying to get rid of recyclables. He explained that most communities are paying to get rid of their recyclables that go on to a SSR facility. He agreed that the markets are pretty good right now and, if the markets are pretty good and the town is still paying to get rid of recyclables instead of getting an income from them, then he thought it was important to get the facts and make decisions based on the best interests of the Town.

Mr. Lytle said that he thought they needed to keep in mind that SSR was only paying \$2/ton. He said that, currently, it costs him \$150 to ship a load of newspaper to Portland. He added that Eliot does not have their own truck and that, wherever it went, it would cost Eliot a minimum of that just to ship a load of SS to wherever it was going. Mr. Lytle said that paying \$2/ton and paying \$150 to deliver it would not make Eliot any money on that part of the recycling.

Mr. Tessier? said that that was a good point. He added that the facility is paying maybe zero or maybe charging him or maybe they are paying him \$5 or \$10/ton but the Town would add the trucking fee so, even if one was getting \$250/ton, with 10 ton, then one would get the \$25 but paid \$150 for trucking and is a net loss. He said that there was a lot of information to look at with the trucking, especially if gas prices continue to go up, and, with SSR in many cases, one doesn't get as much volume in that contained unless one is compacting and that could increase the truckloads.

Mr. Fernald commented that it looked like they still had a lot of work to go and this was the first step. He thanked Mr. Horton for coming and telling the Board about SSR.

Ms. Dougherty said that, right now, she thought Eliot was doing pretty well with recycling. She added that they have trained the community to recycle and the kids are doing it, as well. She said that she thought it was really important for the kids to know to do this because people can't keep throwing things away. She added that, if they put it all in one big pile, she didn't think the kids would get the message that these things should be recycled.

7:04 PM

Mr. Lytle said that they give tootsie pops to the kids out at the Transfer Station when they come in. He added that some of those kids are the best recyclers in Town. He added that they come in and look for it now and the guys buy them out-of-pocket for the kids.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Mr. Moynahan asked if it would make sense to take Public Service (#3) out-of-order.

The Board agreed.

7:05 PM

Ms. McClain? introduced herself as from Public Service Company of New Hampshire (PSNH) and said she had a team of folks with her to do a joint presentation to introduce a part of a project that is part of Central Maine Power's (CMP) Maine Power Reliability Program (MPRP). She said that, as part of that project, some new facilities need to be constructed to interconnect with PSNH's portion of the transmission system, which is located in Eliot. She said that they were here tonight to introduce this project, take any questions and get feedback as they move through the permitting process and the processes here in Town and she introduced the team: Laura Games (PSNH), Jim Clark (PSNH), Drew McMullen (representing MPRP project with Burns & McDonnell Consultants), Bud Newell (TRC with MPRP) and Dave Domini (also with TRC). Ms. McClain turned the powerpoint presentation over to Bud.

Mr. Newell, consultant with TRC to CMP on the MPRP), said that the MPRP is an upgrade to the CMP Bulk Transmission Line System, which carries bulk electricity from generating plants and includes 115kV(olt) lines and 345kV lines. He said that Eliot's existing transmission corridor has 215kV lines. He explained that the existing 345kV line system was put in place in the early '70's and the existing 115kV line system was put in place, for the most part, in the late '50's. He said that the bulk transmission line system could be compared to the highway system, in that the bulk transmission line system would be comparable to I-95, which passes a lot of traffic and then distributed through a secondary system and, like a highway system, there is electricity moving both ways. He added that, in 2007, Maine imported 30% of the electricity consumed. He explained that there were a couple of reasons CMP was looking at this upgrade. He said that there has been an approximate 32% population increase in Maine since 1971 and the population is migrating to the southern part of the State. He said the other thing that has happened is that the electrical consumption in Maine has doubled since 1971. Mr. Newell said that, back in 2003 there was a major blackout that originated in the mid-western part of the United States, cascading throughout the Midwest and into the northeastern part of the United States and up into Ontario, Canada. He added that the blackout took power out to approximately 50 million customers for four days. He explained that, as a result of that, the US Congress did a review of what happened and reported that the US and Canada needed to take action to make sure the electrical system was made more reliable and "first and foremost, compliance with reliability rules must be made mandatory with substantial penalties for non-compliance. He said that the Energy Policy Act was enacted in 2005, which mandates enforceable reliability standards, which is enforced by the North American Electric Reliability Corporation (NAERC), so CMP is federally mandated to make sure their bulk transmission lines comply with the reliability standards.

7:13 PM

Mr. Newell said that, in 2007, CMP did a needs assessment of the system, forecasting that out to 2017, and identified significant weaknesses in the system and that something needed to be done to meet the peak loads that CMP currently sees. He listed the findings:

- Insufficient 345kV transmission
- Insufficient 345k/115kV transformation capacity
- Insufficient 345kV transmission support for Portland and Southern Region
- Insufficient transmission structure in Western, Central, Mid-Coast, Downeast and Southern Maine Regions
- Insufficient thermal capacity ratings of transmission lines

He explained that the thermal capacity ratings have some bearing on the amount of voltage the transmission lines could transmit. He discussed that CMP looked at

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

10 different alternative routes and evaluated those routes by reliability and electrical performance, costs, environmental impacts and real estate/landowners potentially impacted. Mr. Newell said that they looked at non-transmission alternatives, which included such things as construction of new generation closer to where power was being consumed and conservation and what that showed, with the exception of the Portland area, is that it would cost approximately \$2.15 billion and include 30 new generator plants. He said that the MPRP, as proposed, includes approximately 440 miles of 345kV and 115kV lines crossing 75 communities from Eliot to Orrington, which route enhancements are shown on the map. He said that some of them are construction of new lines and some is reconstruction of existing lines to increase the capacity of those lines, 5 new "Greenfield" substations and 6 expanded and upgraded substations, for an estimated cost of \$1.4 billion. Mr. Newell explained that this is looked as a regional project – CMP is part of ISO New England – because it brings advantages to the rest of New England and, therefore, costs are borne based on consumption in States that the project benefits, which means that Maine ratepayers would bear 8% of the costs and the other 92% would be borne by the other New England ratepayers. He discussed the environmental impact for a project of this size and that a complete environmental assessment has been done and the data was used in putting together the permit applications needed for the project. He discussed that permit applications would be required from the DEP, Army Corps, as well as local town approvals. He said that they had received a Certificate of Public Convenience and Necessity on May 14, 2010 from the Maine Public Utilities Commission, DEP permits on April 5, 2010, Army Corps permits on July 21, 2010 and obtained approvals from 60 of 75 municipalities they need and continue to work with the other 15 towns in obtaining those approvals. In Eliot, he said the work would include construction of a new 345kV line within the existing transmission line corridor that extends through the northwestern portion of South Berwick and runs southwesterly to the proposed PSNH switchyard site near the Three Rivers Substation south of Houde Road, which corridor length would be approximately a mile and a half. Mr. Newell explained what was there now. He said that CMP owns or has an easement on the transmission corridor that varies in width from 225 feet to 240 feet and what is there now are two 115kV lines. He added that those would stay, with one being rebuilt and relocated within the corridor and the third line would go into that same corridor, so there is no existing land acquisition required. He also discussed what the structures holding the lines would look like and their height in relation to the topography and carrying needs. He added that the two 115kV lines would still continue into Three Rivers Substation, as they do now, and the new 345kV line would come down and tap into an interface with PSNH switchyard facility.

7:25 PM

Mr. Newell discussed the schedule. He said that the project would do whatever was needed in vegetation management beginning in early 2012, with construction of the transmission lines expected to begin in late 2012 and continue through late 2013. He added that, based on discussions with the Eliot CEO and Planning Assistant, CMP would have to file for a shoreland zoning permit application and they hope to have something submitted to the Town later this month. At this point he turned the presentation over to Laura Games (PSNH).

7:28 PM

Ms. Games introduced herself and said she was the Citing and Permitting Specialist for PSNH. She said that their part in the MPRP was small but pretty significant, too, in that it will provide for Maine/New Hampshire interface. She explained that their proposal was to build a switchyard station at a 17-acre parcel off Worster Road. She said that this particular parcel provided an ideal location for a number of reasons: sufficient size and shape to accommodate the facilities required, the location provides safe and easy access off of Worster Road, provides for ease in interconnection in that it is contiguous with PSNH's existing right-of-way (ROW) and the owner of the pertinent parcel also owns the adjacent parcel and provided to PSNH a very short, cost-effective easement to CMP's ROW. She added that this location also permits PSNH to meet safety and reliability standards in that the interconnection won't travel over any other power lines or substation

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

facilities. Regarding access from Worster Road, she also added that they have not reached final design but they have looked at a number of parameters on this piece and there is quite a distance along Worster Road that provides for safe and easy access with speed on the road and line of visibility. Ms. Games said that the parcel would enable them to have minimal permitting requirements as there would be minimal environmental impact and the surveys they did show they would not impact any archeological or historic resources. Ms. Games, pointing to the slide showing the PSNH Timber Swamp Substation, said that she has been told by their engineers that this most closely resembles what the proposed Eliot switchyard would look like as far as what exists to the left of the building in the center of the picture. She added that the switchyard will incorporate a similar type of control building that houses the brains of the switchyard. She reiterated that they have not reached a final design, yet, but hope to shortly.

Mr. Moynahan commented that the project has been defined, permitting will be done the same as anything else permitted in the Town.

Mr. McPherson asked what the total value of the work being done in Eliot would be.

Mr. Newell said that he wanted to say about \$15 million but he wasn't sure. He added that they would have that information in the application. He added that, for the 345kV construction, it would be about \$2 million a mile and for the 115kV, it was substantially less but still money.

Mr. Fernald said that there were residents attending tonight that have some concern with the area in which CMP would be putting the substation in. He said that they would be allowed to ask questions, and they would be questions, and not be more than two minutes. He asked if that was alright with the CMP/PSNH group.

Mary Fournier said that she knew CMP still needed approval for the Certificate of Public Convenience and Necessity and asked if the parcel was in Tree Growth status.

Ms. Games said the property is in Tree Growth and will come out of Tree Growth and they will pay the tax penalty when that happens.

Mr. Clark, PSNH project manager, said that, per the procedural order from the Maine PUC, the CPCN has been granted for the whole project and what is under review is the cost and the details of the substation, which is the only thing outstanding.

7:33 PM A member of the public asked how close the substation would be to Worster Road and confirmed they did not know where the access would be, yet.

Ms. Games agreed they haven't determined exactly where the access road would be located. She added that they are looking to put the substation as close to the ROW as possible and certainly able to meet setback requirements of the Town.

The same member of the public asked if the access road off Houde Road was a possibility.

Ms. McClain said that that is actually the access for the existing Three Rivers Substation and that they would not be looking at that one because there are wetland restrictions beyond the parcel.

Mr. Marchese said that he had the opportunity to speak with them earlier and wanted to add that all the information that has been supplied to the Town is

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

available to anyone in the common area of the Town Hall anytime they want to look at it.

A member of the public asked the Board, if they do build in that area, do they indeed need a permit from the Town.

Mr. Fernald said that they would have to meet all the setbacks and other requirements just like anyone else that would build in that area and they would go through the CEO to get required permits.

Mr. Fournier asked who got the penalty money.

7:38 PM

Mr. Blanchette said that the Town gets the penalty money. He said that, currently, the parcel is in Tree Growth and what happens when land is put into this status, or Farmland status, is that the value of the property is reduced so the burden is on the rest of the Town to make up for the monies and, so therefore, the penalty involved when it comes out of Tree Growth or Farmland comes directly to the Town. He clarified that the owner of the property, at the time, pays the penalty to the Town.

Ms. Fournier said that, as she understood it, the structures for the transmission lines could be as high as 120-140 feet and also asked how deep the concrete foundations would be and what their dimensions would be.

Mr. Newell discussed typical height of the steel structures (345kV), saying that typical means the same thing whether it means 345kV steel or 115kV wood. He added that typical, again, is perfect conditions and, once they hit terrains with gullies, hills, road crossings, trail crossings, those pole heights will go up so that CMP can maintain the required clearance that they need with the conductors on the ground. He added that the foundations would vary in size depending a great deal on soil conditions, the pull spans, the conductors the structure will be supporting and those are all factored into the final design of the individual poles.

Ms. Fournier asked if the foundations could be as deep as 40 feet and 10x10 and could the heights be as high as 120-125 feet or taller.

Mr. Newell said that some of the structures could approach 120-125 feet in height depending on terrain and what they need to span for the conductors and maintain clearance. He said that foundations are really an engineering design question and they don't have their transmission line engineer with them tonight. He added that they would for any public meetings and the permit application, as well as a planned public information meeting he believes will be held within the next month or so.

Mr. Murphy asked, having brought the new 345kV line down to this new station, where does it go from there.

Mr. Clark said that the CMP ROW comes down from South Berwick and there is also a PSNH ROW that travels basically parallel to the river and, in that existing ROW among the lines, there is what PSNH calls the 307 line, which is a 345kV line and that line currently goes from Newington Substation up to Deerfield Substation – through Eliot – and that line would be split with the two new ends going into the new substation. He clarified that, in essence, it would be connected to two lines – a section to the north towards Deerfield and a section to the south towards Newington.

Mr. Murphy asked if there would be new structure across Eliot from this new station to Newington.

Mr. Clark said no, that the plan is to revise the existing structures immediate to the new substation but that would be it.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

7:45 PM Ms. Fournier clarified that this new substation would not provide any distribution to the Eliot area nearby.

Mr. Clark agreed. He added that the existing conductor will be adequate

Ms. Fournier asked if he could explain to the Town why, if CMP owns an already up and running 345kV substation in Buxton, Maine that comes from south Gorham, Maine, which also has a 345kV substation, then why does CMP need to come through Eliot, Maine to put in a brand new 345kV substation.

Mr. Clark said that he was not qualified to answer that question.

At this time, Mr. Fernald closed the question session, thanking the CMP/PSNH group for their presentation.

Ms. McClain thanked the Board for their time and said that she would leave some hard copies of the powerpoint presentation and business cards if anyone had questions about the switchyard or other questions and concerns.

Old Business (Action List):

7:48 PM

A. Solid Waste Alternatives – Solid Waste Committee

This was discussed previously in tonight's meeting.

B. Wild Brook Lane

Mr. Blanchette said that they weren't ready, yet.

C. Department Head Meetings – Mr. Fernald to set up the first of the year.

Mr. Fernald said that, yes, he would be setting these up the first of the year.

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

Mr. Moynahan said they were scheduled to meet the 19th of January and apologized for the time delay.

E. PACE Program – for Town Meeting vote

Ms. O'Donoghue said that she had copies of the contract for all the Board members. She added that, as the Board knows, she was very much in favor of the PACE Program, itself, but was concerned that there might be some differences between the ordinance wording and the contract wording, i.e. "acceptance and disbursement of funds", adding that they would want to look closely at that because that is not what the Board wants to be involved with, as she understood it. She said that she thought it would be a good idea for the Board to go over this with a fine-tooth comb.

Mr. Fernald agreed and said that all the Selectmen should review this and that it would be brought up again at the next meeting.

Mr. Murphy asked if that would be with enough time to get it on the agenda for the upcoming special Town meeting.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Mr. Fernald said that they weren't sure when that Special Town Meeting was going to be, yet.

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

Mr. Moynahan said that QFP's had been sent out to 12 companies.

G. Employment Contracts

The Board agreed this could come off the list.

H. Job Reviews

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

Ms. O'Donoghue said that job descriptions need to be updated. She added that MMA requires that every few years, anyway. She said that when they get input from the employee, often that could add or subtract from some of the job descriptions so they really needed to look closely at that.

I. Mission Statement

Mr. Fernald asked if they needed a mission statement.

Ms. O'Donoghue said that she had given the Board some samples to look at. She said that they did not have a town charter, that this would be for the Town itself and would provide Town identity – what Eliot was all about – and that could be put on the Town website. She asked the Board to review the samples and think about the idea.

J. Committee recognition – Ms. O'Donoghue, January 14th

Ms. O'Donoghue said that she has drafted a letter and welcomed Board input to send a personal letter to all those who work so hard for the Town as volunteers from the whole Board acknowledging that they do help run the Town.

Mr. Fernald said that there would be an event for all employees and volunteers but that they needed to decide when and with what funding. He added that he feels this is something they ought to do for the employees and committee members to say thank you.

Mr. Moynahan agreed with Mr. Fernald.

Mr. Fernald suggested having something in the spring, with better weather, and not necessarily having it at the Town Hall but maybe at the Boat Basin or Frost Tufts Park, perhaps.

K. Comp Plan Action Items

Ms. O'Donoghue said that the Board had done several of those items.

Mr. Fernald said that they had a Comp Plan Committee that is looking into those, anyway.

Ms. O'Donoghue agreed and added that there were some things on that that the Board of Selectmen needed to address. She asked if Mr. Blanchette knew what ordinances the Board could select to submit to the people for a Town vote – does the Board have any power to submit any suggestions for ordinances.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Mr. Blanchette said that the Board has the ultimate power as far as presenting ordinances to the Town, as it is the Board's warrant.

Ms. O'Donoghue commented that any land use ordinance would obviously have to go through the Planning Board (PB), first.

Mr. Blanchette agreed it would through the PB but that does not negate the possibility that the Selectmen could present one and the PB could have a recommendation that it not ought to pass. He said that he would have to check on it, but he doesn't believe it would preclude the Board from taking such action – the ordinance states that any land use amendments, etc., must be given to the PB for review so, if the Board wanted to initiate any such ordinances, he believed the Selectmen have the authority to do that.

Mr. Murphy said that this subject was covered in some detail in the very first chapter of the municipal code, in which there are 16 or 17 entries that describe peculiar ordinances that don't fall under the land use ordinances of the PB but that could be adopted by the municipal officers. He added that it was under one of those that the marijuana ordinance was adopted earlier this year.

Ms. O'Donoghue said that she was only bringing this up because she had been reviewing, once again, the 72 items in the Comp Plan that are the responsibility of the Board of Selectmen and there are some, perhaps, that they could move forward on.

8:00 PM L. Update Personnel Policy to include progressive discipline – Mr. Blanchette, next meeting

Mr. Blanchette said that, at the last meeting, he had prepared a sampling of the progressive discipline that was available.

Mr. Fernald asked if the Board had reviewed this information and asked if they saw anything that they liked or did not like.

Mr. Murphy said that, of all of them, he saw about half that would be acceptable, that were clear enough and without a lot of variation and had many examples of the kind of behavior that could be talked about and the kind of actions the Board could take. He added that he thought they had a wide choice of possibilities and maybe melding several together to suit the Town.

Ms. O'Donoghue said that she found the same thing, that there were many points that were similar, some that were a little bit different and she was wondering if it would be smart for a small group to get together and take a really close look at this information. She added that she did feel strongly that their personnel policy did need updating, recognizing they had spent quite a bit of time fine-tuning it in the past, but it wouldn't hurt to do it again.

Mr. Fernald asked her if she was volunteering to be part of this small group.

Ms. O'Donoghue said yes.

Mr. Fernald asked if anyone else wanted to volunteer.

Mr. Murphy said he would be willing to help with this.

Mr. Fernald agreed and asked them to look at it and come up with a suggestion for the next meeting.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Mr. McPherson asked if the Board would be willing to take the C.A. (#5) out-of-order.

The Board agreed.

8:03 PM
#5

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Consent Agreement

Mr. Fernald said that they had a C.A. for Eliot Shores. He said that they had a marathon nine-hour session to resolve this. He asked if Mr. Marchese would like to speak on this.

Mr. Marchese said that it was his first arbitration hearing and he thinks the Town, as well as all the people involved, should be happy that the outcome was positive and that an agreement was reached. He added that there was a lot of debate and a lot of give-and-take by all the parties concerned and he believes they reached a reasonable conclusion.

Mr. Fernald asked if all the Board members had reviewed the agreement.

The Board said that they had.

Mr. Fernald said that what they needed to do was to take a vote to accept the agreement and then it would go to the court to have their blessing.

Mr. Moynahan moved, second by Ms. O'Donoghue, that the Board of Selectmen allow the settlement agreement to go forward, as designed and agreed upon.

VOTE

3-0

Chair concurs

At this time, the Board signed the C.A. with Eliot Shores.

Mr. Manero asked if the Board would accept any input at this point.

Mr. Fernald said that it had been voted on by the Board and was a final thing but said that Mr. Manero could speak on it if he wished.

8:03 PM

Mr. Manero said that, on January 6th, they all spent nine hours on an intensive effort to resolve Eliot Shores' problems and they came up with 12 point that they agreed to. He added that the point was merely to say that Durwood Parkinson? did an outstanding job for everyone and he commended him for that.

Mr. Fernald agreed.

New Business (Correspondence List):

8:06 PM
#1

TO : Board of Selectmen
FROM : Thomas Phillips, III
REF : Interest on Shellfish Management Committee

Ms. O'Donoghue moved, second by Mr. McPherson, to appoint Thomas Phillips as an alternate to the Shellfish Management Committee, term to expire in 2012.

VOTE

3-0

Chair concurs

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

#2 TO : Board of Selectmen
FROM : Friends of South Berwick Library
REF : Application for Game of Chance

The Chair invited Cari Quater to speak to this.

Ms. Quarter said that they were proposing a poker tournament over at the Regatta in Eliot and part of Maine State Law is that they get permission from the Town in which the event is being held so they were here tonight to answer any questions or concerns the Board might have.

Mr. Fernald asked if there was money involved.

Ms. Quarter said yes and explained that, because they were non-profit, they were able to do that and whatever is paid into the evening, they have to pay out no less than 75% of the earnings. She added that, as they don't own their own property, they could only have 100 participants at the Regatta and the maximum buy-in is a one-time buy-in of \$100 so, at the maximum, they would make \$10,000 to benefit the library-building fund.

Mr. Moynahan moved, second by Ms. O'Donoghue, to approve the gaming license for the Friends of South Berwick Library.

VOTE

3-0

Chair concurs

#3 TO : Board of Selectmen
FROM : Public Service of New Hampshire
REF : PSNH's proposed switching station to be built on Stacy Lane

This was discussed earlier in the meeting.

#4 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Sawgrass Lane

Mr. Fernald said that the Town did approve the roadway at Sawgrass Lane, however, they have a sewer pump that they also want the Town to accept.

Mr. Moynahan suggested that Mr. Moulton and/or Mr. Marchese inspect this to make sure it is all properly dealt with and the Town will not find itself accountable for something looking forward

Mr. Fernald said that he thought that was a good idea and that he would like Mr. Marchese, Mr. Blanchette and Mr. Moulton to take a look at this sewer pump prior to the Board approving this.

Mr. Marchese suggested having Sewer Committee involvement, as well.

The Board agreed.

Mr. Marchese said that they would want the pump station and force main included in this request.

Mr. Murphy commented that that would require some discussion.

#6 TO : Board of Selectmen

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

FROM : Maine Municipal Association Risk Management Services
REF : 2011 MMA Workers Compensation Fund Renewal

This was informational.

#7 TO : Board of Selectmen
FROM : University of Maine at Augusta
REF : Partnership for a Well-Designed Maine

This was informational.

8:12 PM

#8 TO : Board of Selectmen
FROM : Maine Municipal Association Risk Management Services
REF : MMA Property and Casualty Pool

Mr. Blanchette said that the 70-page audit report is in the Selectmen's reading file.

#9 TO : Board of Selectmen
FROM : Dept. of Environmental Protection
REF : Informational on several items

Mr. Blanchette said that this had already been passed on to Mr. Moulton and Mr. Lytle.

#10 TO : Board of Selectmen
FROM : American Medical Response
REF : 2011 Usual and Customary Rates for American Medical Response

This was informational.

#11 TO : Board of Selectmen
FROM : York County Budget Committee
REF : Notice of Public Hearing on January 19, 2011

This was informational.

8:17 PM

#12 TO : Board of Selectmen
FROM : Mr. McPherson
REF : Driver License Check – Policy, no correspondence

Mr. McPherson discussed section 7 in this policy. Regarding the “three moving violations during a 36-month period” and “driving under the influence in the last three years” he said that motor vehicles has certain requirements for one to get their license back and asked how long the license was suspended.

Mr. Short said that, for a first offense, it was 90 days.

Mr. McPherson added that there was a reinstatement fee and an educational requirement and he just could not see what the Town was gaining by refusing employment. He said that that has already hit them once with part-time drivers with the Highway Department – plow truck drivers – and, in that case, someone else had to be brought in at an overtime rate and cost the Town more money. He asked where this section come from.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Ms. O'Donoghue said that it came from MMA.

Mr. McPherson asked why three years.

Ms. O'Donoghue said that this was wording that she and Ms. Place looked at and was referred to this Board from MMA and thoroughly discussed at the time, as she recalled. She added that she did have a question about how it was proceeding but, as far as those particulars in section 7, that did not come from this Board.

Mr. McPherson commented that, if someone has a license, then they could drive and, if so, then why couldn't they drive for the Town.

Ms. O'Donoghue said that if they have a license in good standing they can. She added that these checks would help them in liability issues should there be an accident with a Town employee while driving for the Town.

Mr. Fernald said that he thought the question was whether these requirements are the same the State requires and, if not, then why shouldn't they be.

Mr. Short asked for clarification as to the specific issue.

Mr. McPherson read the pertinent wording in section 7. He read: "Criteria that may be used to disqualify a person as an authorized driver includes: three or more moving violations in a 36-month period; driving under the influence of alcohol or drugs in the last three years; hit-and-run; failure to report an accident; operating a vehicle under a suspended or revoked license; homicide, assault or a felony arising from the operation of motor vehicle; reckless driving or criminal speeding violation. Title 29-A § 2074

Ms. O'Donoghue commented that that was a State statute.

Mr. McPherson agreed but said that, if the State Bureau of Motor Vehicles has given them their license back, then the Bureau is saying they are safe to be on the road.

8:22 PM

Mr. Short commented that he thought that the difference was what the State assesses for penalties, based on violations of Title 29-A and is the Motor Vehicle Statute of the State of Maine, compared to how insurance companies, which is where he thinks MMA is pointing and deals with issues that they view as high-risk drivers – he thought that's where it starts to separate. He clarified that, when one is looking at this MMA wording, it's more from an insurance standpoint of trying to reduce the risk than it is from a penalty standpoint for what the courts may decide for someone who is violating a motor vehicle statute. He added that the State will give a driver's license back as soon as that person jumps through all the hoops but that didn't mean that the insurance companies, aside from MMA, would reduce the insurance rates because the person got their license back – they will penalize that person for their poor driving.

8:25 PM

Ms. O'Donoghue suggested that, as long as they would be looking at the personnel policy, they might put in a sentence that if a driver's license is reinstated then the case would be reconsidered, or some words to that effect.

Mr. Murphy said that he doesn't think the question is whether they were depriving someone of his license or his right to drive but protecting the Town from unwanted exposure to excessive liability. He asked if the Town really wanted to subject its citizens to the danger involved – it's a very practical thing and there is money involved.

Mr. Fernald suggested that, since they would be looking into the personnel policy, they take a look at this, as well.

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)

Mr. McPherson agreed that that was what he wanted to do.

Mr. Fernald suggested that all Selectmen look at it, make some suggestions, make changes if it is warranted, then have a vote by the Board.

Mr. Moynahan clarified that, with CDL licenses, it is zero tolerance to begin with.

It was agreed that was correct.

Mr. Moynahan said that took a good portion of Town drivers right off.

Mr. Short said that, when dealing with emergencies and the area that he thinks Mr. McPherson is coming from and is a concern for Mr. Short, when the Town has volunteers driving emergency vehicles under emergency circumstances, then they don't need to have a CDL.

#13 TO : Board of Selectmen
 FROM :
 REF : Dates for Budget Committee – no correspondence

The Board agreed to meet on the next two off Thursdays at 7 PM.

Selectmen's Report:

Mr. Moynahan said that he would gone January 24 to January 29.

Other Business as Needed

Mr. Moynahan informed the Board that he has found out that the garage he built on his property was built within Shoreland. He said that he obtained a permit in 2008 but the town had not updated the ordinance passed in 2007. He added that he had hired an engineer and was working with the DEP regarding this issue and would keep the Board posted.

8:37 PM

Executive Session

Mr. Moynahan moved, second by Mr. McPherson to enter into executive session as allowed by 1 MRSA § 405 (6) (A) "Discussion.....duties....."

9:12 PM

Out of executive session.

Consensus to have Mike and Ted investigate the cost for some improvements at Town Hall – security and function.

Adjourn

There was a motion and second to adjourn the meeting at 9:13 PM.

VOTE

3-0

Chair concurs

DATE

Roberta Place, Secretary

BOARD OF SELECTMEN'S MEETING
January 13, 2011 6:30PM (continued)