

BOARD OF SELECTMEN'S MEETING
February 10, 2010 6:30PM

Quorum noted

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

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

Mr. McPherson was absent.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Moynahan, seconded by Ms. O'Donoghue, to approve the minutes of January 13, 2011, as written.

VOTE

3-0

Chair concurs

Motion by Ms. O'Donoghue, seconded by Ms. Place, to approve the minutes of January 27, 2011, as written.

VOTE

2-0

Chair concurs

Ms. O'Donoghue commented that she was pleased to see that, whenever there was a conflicting vote, it was being noted.

Motion by Mr. Moynahan, seconded by Ms. O'Donoghue, to approve the minutes of February 3, 2011, as amended.

VOTE

3-0

Chair concurs

Public Comment:

6:35 PM There was no public comment tonight.

At this time, Mr. Fernald requested to take the agenda out-of-order and have the Single Stream (SSR) Trash Presentation heard.

The Board agreed.

Mr. Moulton said that Ms. Bedard was present to give a presentation from the Concord Co-Operative Group. He added that he has seen the presentation before and that it was very good, very informative. He commented that he thought this was a good presentation for the Board to see to gain a better understanding of what SSR is. Mr. Moulton said that he and the Solid Waste Committee were reviewing operational measures to reduce costs and maintain revenue at the Transfer Station, with the intent to make the Transfer Station level-funded, and felt that this was one avenue the Town should research and consider.

Ms. Bedard, representing the Concord Regional Solid Waste Co-Op, said that she had a short power point presentation on the Concord Co-op SSR Facility, as well as a 4-5 minute video of an actual operating SSR facility in action to give a clearer understanding. She said that the co-op was formed in 1995 and is much like a municipality, formed through New Hampshire State legislation. She added that it has all the powers of a municipality and is a group of 25 communities, it has a joint board (much like board of selectmen), every fall they have a public

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hearing on their budget and everyone votes on that budget. She said that they were formed to provide waste disposal for these 25 communities and they have been doing that through Waste to Energy, with a contract through Wheelabrator for the last 21 years. She added that they have provided viable, cost-effective solid waste disposal for the past 20 years, of over 2.5 million tons, and they have recently extended their contract five years, with another 5-year option. She also added that they own and operate an ash landfill that takes all the ash from the incinerator. Ms. Bedard said that a little over 10 years ago, SSR was created in California, which allows all recyclable material to go into a single container and the process has become very successful. She clarified that the recyclables were household recyclables like bottles, cans and papers, not scrap metal, computers, or fluorescent bulbs, for instance. She added that, with this, people at home and at their businesses and schools no longer have to separate containers and paper and results in recycling being easier, more efficient and less costly to collect. She said that this results in more recycling, as well. Ms. Bedard said that it is less costly to collect at the curb because one can use the same type of equipment used for rubbish collection – a simple packer truck will work for this or a roll-off container with a compactor that pushes the recyclables in. She added that SSR also allows communities to include all their plastics, not just #'s 1 and 2. She explained that this facility would not only handle #'s 1-7 but also bulky plastic, such as lawn furniture and kiddie pools. She said that what has been seen across the country is SSR results in significant disposal cost savings, greater quantities of recyclables and savings on operation and collection costs. Ms. Bedard discussed why the Co-op was considering SSR. She said that they started investigating it in 2005 for three main reasons. She explained that their contract with Wheelabrator ended in 2009 and the tipping fees went from \$45.90/ton in 2009 to \$62.10/ton in 2010 to \$66.80/ton in 2011 so the Co-op looked for a way to reduce their waste to reduce their overall disposal costs. Another reason was that most Cooperative and associate communities would recycle more at less cost with single stream. She said that the third reason was that siting of new landfills is very difficult. She discussed that the Co-op started putting money away into a capital reserve fund several years ago to buy land to have their own landfill, they found and purchased land that the engineers said would work well and provide them with waste disposal for up to fifty years. She said that the residents of the town had a law passed that a landfill could never be built on that land they had purchased. Ms. Bedard said that, historically, recycling markets have been very stable, acknowledging that recycling took the same hit in the fall of 2008 as the rest of the economy, but that has now turned around.

6:45 PM At this time, Ms. Bedard showed the video.

Ms. Bedard discussed the Co-op's plan. She said that, currently, they were finalizing details to construct a single stream facility using the 15 million dollars they had put away in their capital reserve fund. She explained that the co-op generates approximately 15,000 tons and need an additional 10,000 to run the facility, at a minimum, so they have invited other municipal communities to become Associate Members. She added that it would be publicly owned and privately operated for at least the first 3-5 years as they have never run this type of facility before and wanted someone in the country with a lot of experience to help them get up and running. She said that the Co-op has signed a contract with Casella for three years, with a 2-year option. Ms. Bedard said that the Co-op has secured all their permits and estimated costs and have 25,000 tons committed. She said that the joint board voted to proceed on June 24, 2010, they are finalizing the contracts with the municipalities that have signed up and it is anticipated that they would be breaking ground in the spring. She added that the Town of Hampton has become an Associate Member, which is why Mr. Moulton had us come, as Hampton got permission at the last town meeting to accept recyclables from other towns. She said that Hampton has offered surrounding communities the opportunity, if those communities join this project, to take their recyclables to Hampton and then Hampton will truck it to the facility. She said that there are a number of communities in the area that are talking about doing that.

Mr. Murphy asked for clarification of the dark and light green areas on the power point map.

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Ms. Bedard said that the dark green represented Co-op members and the light green Associate Members. She described the site – that it was near Route 93 (exit 17), surrounded by commercial sites and has rail access. She discussed the facility and where and how recyclables would be brought to, and processed through, the facility. She also discussed that loose recyclables, such as cardboard from a local grocery store, would have a separate area where it would be brought directly to a baler. She added that this facility would have a full education center for members who wished to send groups to the facility, with picture windows showing some of the operations and cameras showing the rest that would give a virtual tour. She said that the facility was approximately 2 acres in size and would take approximately one year for construction so, hopefully, it would be ready by the spring of 2012.

Mr. Moynahan, clarifying her discussion about associate memberships and contracts, he asked, if Eliot were to sign up with this and, say, sign a 5-year contract, what would happen after that if the project took off and more New Hampshire municipalities participated. He asked if Maine municipalities would get pushed aside or would there be guarantees for a 3-5 year period.

Ms. Bedard clarified that the Co-op was offering municipalities only one option. She explained that, in becoming a RFAM (Recycling Facility Associate Member), Eliot would be part of the organization, have a seat on the governance and all the contracts are the same and they are all for 15 years. She added that there are now 32 communities that have signed on and all of them have signed the same contract and that would be no different for Eliot. She said that Eliot would come in as a partner and all the RFAMs are guaranteed the best pricing.

Mr. Lytle asked what would happen if the facility came to be in the red...would the partners also be in the red.

Ms. Bedard explained that it would not be the facility but the recycling markets that would be in the red. She said that, with the crash of 2008, by early 2009 communities were paying to get rid of their recyclables. She clarified that it would be actual costs...actual revenue...divided among the partners, so there would be a shared expense. She said that, if the facility were currently running, it is estimated that it would give revenue of approximately \$25/ton, adding that revenue for this facility that is municipally owned, that has no profit sharing. She added that it was her understanding that the for-profit facilities are giving revenue of anywhere between \$5/ton to \$10/ton. She commented that the non-profit facility consistently runs \$10 to \$15 per ton better than the for-profits.

Mr. Lytle asked why she felt this facility could generate \$35/ton when all the facilities in the region are currently generating only \$3/ton to \$5/ton.

Ms. Bedard discussed the Portland facility, owned by a co-op, and that that facility is connected to the Waste-to-Energy Facility, which is carrying a lot of bonds, so the Portland facility is using some of its' revenue to subsidize the Waste-to-Energy Facility. She said that it is the profit margin that is the difference.

A member of the audience clarified that, if any of the big equipment in the facility broke down, Eliot would have to help pay for it to be fixed.

Ms. Bedard agreed. She said that there were no capital expenses – the Concord Co-op is using their \$15 million and asking none of their partners to come forward with any capital outlay. She reiterated that the only thing the Co-op is asking for is a 15-year commitment. She added that the Concord Co-op has committed to taking on all the responsibility of the capital monies invested should something catastrophic happen to the facility.

A member of the audience asked what would constitute a breaking of the contract with the Town.

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Ms. Bedard said that this was a partnership among municipalities – Eliot would be at the table working with others just like Eliot so it has been assumed that, if there were a bad actor in the group and that is to nobody's benefit, then a call to ask if there was a problem they could help that municipality with, or a need for help with education, or was it a mistake – how can they help. She said that there were two ways a RFAM could opt out of the contract: if the markets were to go bad and revenue dropped below zero, then the Town would have the option to get out of the contract with a 60-day notice, or, if the cost of recyclables went to 90% of the cost of the Co-op's trash trip fee, then the Town could opt out.

A member of the audience clarified that Eliot would still have to take care of their brush, electronics, etc. and have the cost of that, as well.

Ms. Bedard agreed.

That same member asked how the cost of this - going to single stream – compared to what Eliot is getting now in their recyclables.

Ms. Bedard said that each town needed to do their own economic analysis.

That same member asked if that had been done for Eliot, yet.

Mr. Moulton said that he had not done that, yet.

Ms. Bedard clarified that Eliot would not lose the revenue from their scrap metal, which is often one of the biggest revenue makers with a facility, so that is important to keep in mind.

That same member discussed the size of Eliot to the size of Concord, that they have a small community, with very few businesses and a very successful recycling program.

Ms. Bedard said that she was only here tonight to talk with them about the project and reiterated that each town needed to do an analysis to see if it would be a good choice for them. She added that the Co-op has a variety of town sizes among the 32 who have joined, from Concord down to a town of 200.

Mr. Murphy asked if the production capacity for this site was based on a one-shift operation, or two or three. He also asked if they had calculated out by population of the town how much trash would be generated in order to help decide how many towns they could have as associate members.

Ms. Bedard said that the Co-op would only take on RFAMs until the facility starts construction and, then, the door would be closed to new partners. She added that the facility's capacity is 70,000 tons on two shifts. She explained that they could not run the facility on three shifts because they needed one full shift for maintenance. She said that she was at one of these facilities when some good soul, when they were down with their dog chain – thinking it could be recycled – and it wrapped around one of the conveyors and brought it to a screaming stop. She added that it is a highly mechanized manufacturing facility, run on two shifts, with the third shift used to make sure everything is greased and running properly. She also added that the facility could be expanded if there ever came the need.

A member of the audience asked if she understood they would have to have a certain number of tons and, in order to do that, they would have to get other communities to join with them.

Ms. Bedard said no, that each town was joining on their own.

A member of the audience asked if demand ever dried up for their product.

Ms. Bedard said that when the markets in 2008 went south, the market for recyclables went south, temporarily, but now they are back again. She commented that, as many of them knew, there was huge energy savings when products are

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manufactured out of recycled materials versus virgin materials and there has been an upsurge of people having an interest in recyclables.

A member of the audience asked what the impact would be if another facility came on line relatively close to their location – would that impede their ability to sell their recyclables.

Ms. Bedard said no, not to sell it. She added that the Concord Co-op is a conservative group and they wouldn't move forward without that minimum 25,000 tons so, unlike private facilities, this facility has that base minimum and it would never go below that minimum. She said that they would do short-term contracts, such as three-year contracts, to supplement and that tonnage would come at a higher rate than the partners.

Ms. Jacques commented that she did not see any Maine communities on the chart.

Ms. Bedard said that no Maine communities had joined the Co-op yet.

A member of the audience asked if the Co-op has signed contracts with the people who buy their products.

Ms. Bedard said that, yes, that is sometimes done.

The same member clarified that they are then somewhat locked in with those sales.

Ms. Bedard said that the typical philosophy for the marketing of recyclables is that there are some contracts, some spot market and some just good relationships.

Ms. Bedard continued her presentation by reiterating the Town's potential benefits and where the project is right now. She said that the land has been purchased, the Co-op has appropriated \$3 million for this project to-date, they continue to meet with Co-op and potential municipal members, 32 communities are project partners and committed over 25,000 tons over 15 years, building and site design is completed and they received Concord Planning Board approval on May 20, 2009. She added that the Solid Waste Permit from NH DES has been received, they have started the building permit application, their LEED certification is underway (Silver), completed Phase I/Phase II Archeological study with no issues, CP Manufacturing has been selected as the equipment vendor, Casella Waste Systems has been selected as the facility operator, road and site work will be re-bid in Spring 2011 and they are anticipating breaking ground this Spring. At this point, she said that she had some handouts and would be happy to answer any questions.

Ms. O'Donoghue asked if there was a fee for joining this Co-op.

Ms. Bedard said no and no buy-in.

Ms. O'Donoghue clarified that the additional cost would be with the trucking.

Ms. Bedard agreed. She said that she had brought an overview of the RFAM agreement and gave that to the Board members.

Mr. Moynahan asked, if Eliot signed on for this and, on their own, worked out with surrounding towns to take in and transport their waste stream, as well, would those towns have to sign up directly with the Co-op or could Eliot be a middle man to take their waste.

Ms. Bedard apologized, saying that was a little more detailed than she knew. She said that what the contract said was that Eliot would be obligated to send all of the recyclables under Eliot's control.

Mr. Moynahan commented that he asked the question as he was thinking of ways to reduce the trucking costs.

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She added that her initial reaction is that it would be better for them to be RFAMs but that was not a definitive answer and she would get that answer.

A member of the audience, referencing the dog chain example, asked if they would still have to separate some of their recyclables to prevent that kind of problem.

Ms. Bedard reiterated that this facility was for bottles, cans and paper and not for scrap metal. She explained that there are pickers who go through the materials when they first enter the facility to make sure those materials don't get through.

7:24 PM Mr. Fernald thanked Ms. Bedard for coming and said that they had received a lot of information that would help Mr. Moulton and this Board to make a decision about SSR.

A member of the audience asked if there would be a public hearing for the town about SSR.

Mr. Fernald said that the Board would get reviewed information from Mr. Moulton and the Town would certainly be involved.

Another member of the audience asked if it would be brought up for a Town vote.

Mr. Blanchette said that it would have to be for a 15-year contract.

7:25 PM At this time, the Board took a 5-minute recess.

7:30 PM At this time, the Board reconvened.

Department Head/Committee Reports

7:30 PM Mr. Moulton discussed preliminary investigation into MSW disposal/trucking costs. He said that preliminary estimates could yield a cost savings of between \$10,000 and \$12,000 per year in savings to the Town and he would like to put out an RFP with appropriate vendors to see if they could, in fact, gain that kind of savings. He added that, once the upgrade to a MSW compactor is complete, the estimated costs for trucking shall be approximately cut in half of the current expenditure for an estimated total cost savings to the Town of between \$30,000 and \$40,000 per year. He asked if the Board would like him to investigate this further and bring it back to them with RFPs.

The Board agreed that Mr. Moulton should move forward.

Mr. Moulton said that the budget, as they discussed last week, would not reflect anything that he is doing but was sure that, in the next round, they could make adjustments if they move forward with the change.

Mr. Fernald said absolutely but added that, at budget time...

Mr. Moulton said that he would just carry over this year's expense, level-funded for this year.

Mr. Fernald agreed.

7:32 PM Mr. Murphy, Sewer Committee (SC), said that on January 10 Mr. Blanchette wrote the Board a Memo covering the proposed Warranty Deed from the Newsons. He said that the SC was finally able to have a meeting yesterday and,

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after discussion, the consensus, and motion, seconded and voted unanimously, was to reject the offer. He read the reasons for that vote:

1. The citizens voted only to accept the road, which is known as "Saw grass Lane" or "Remick Farm Lane".
2. The sewer system, including gravity line with manholes, pumping station, and force main from the pump station along and under State Road and Bolt Hill Road, was designed and constructed before Eliot adopted its 2-part Sewer Ordinance on November 7, 2006 and June 16, 2007.

The proposed Warranty Deed conveys only the pump station.

3. We have not seen the as-built specifications for all the elements of the system and so cannot know whether all its parts meet the requirements of our ordinance.
4. Eliot would be taking on the costs of inspecting, maintaining and repairing, when necessary, a system whose operating and spare parts requirements may not be compatible with Eliot's similar units.
5. Our committee feels the Subdivision Homeowner's Association and/or the Newsoms should engage the Sturgeon Creek Company to maintain their system. They could thus gain knowledge of its reliability over time, and compatibility with Eliot's present system.
6. Any possible future consideration of such conveyance should probably consider conveying all of the elements of the system, not just the pumping station.

7:35 PM Mr. Moynahan clarified that the lines are already in the road on town-owned property and asked if the Town, by default, already owned that.

Mr. Blanchette said no and clarified that the major part of it is on State Road, with permission of the Town, but is privately owned as of now.

Mr. Moynahan said that he would agree. He said that they had problems with the grading of the road down there with it being super elevated and he would want some more information before accepting that portion and this is just another question. He clarified that the Town has nothing filed as far as as-built.

Mr. Murphy said that he hadn't seen anything and they didn't have time to go into all that or the qualifications. He added that they would have to get someone else to look at whether it is compatible or verify that it had been constructed even in agreement with Kittery's system.

Mr. Moynahan said that this must have been engineered, as it was part of a subdivision. He added that it might be as simple as them providing that information.

7:37 PM Mr. Fernald said that he thought one of the important things on the list was #1.

The Board agreed.

Ms. Shapleigh, as a private citizen, asked if the Board would be setting a precedent for any other private pump stations – if the Board took this one over, wouldn't others who own private pump stations what the Town to take them over.

The Board agreed that that was a good point.

Mr. Fernald asked for comments from Mr. Blanchette around the issue of the vote.

Mr. Blanchette said that that (the road) was the only thing the Town had voted to accept. He added that he didn't know if the Town would need to vote to accept the pump station and the pipes. He said that that is something he has questioned MMA on as to whether they would need a Town vote or just a Selectmen's vote. He did say they needed a Town vote on real estate but he did not know about so-called personal property.

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7:39 PM Mr. Moulton said that he had had a similar experience at his former place of employment. He said that there was a development that was accepted, explaining that there was a request to accept the road and anything that was included with the road, such as the drainage, and the town did not vote to accept the water or the sewer, that stayed under the association. Mr. Moulton said it went to legal and legal basically said that the town was only liable for maintenance of the road and its drainage and did not include the sewer or the water.

Mr. Fernald said that he would like to see what MMA says about this, if it was all right with the Board, to at least give the Board some background information on this issue.

Mr. Moynahan asked if there was an association with the residents down there, currently, or would they have to form an association.

Mr. Murphy said that he did not know.

Mr. Blanchette said that he had talked with the Mr. Newson this afternoon after he had a sketch of Mr. Murphy's letter just to let him know because he had called and Mr. Blanchette reminded him that the first scheduled SC meeting had been snowed out. He said that Mr. Newson's words to him were that either he would have to form the association or get it moving, so he wasn't sure if the association was formed and they just hadn't needed it or they had the paperwork to form it and just hadn't done it, yet.

Mr. Moynahan said that his only concern was for the residents being told at the 11th hour – he just felt bad for them, another subdivision where not everything was spelled out them.

7:41 PM It was the consensus of the Board to wait to hear from MMA on this before making any decision.

Old Business (Action List):

A. Solid Waste Alternatives – Solid Waste Committee

This is ongoing.

B. Wild Brook Lane

Mr. Blanchette said that something came in yesterday but too late for this meeting. He added that he has notified Ms. Davis that it would be on the next meeting agenda.

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

Mr. Fernald said that they had sent out a notice to all department heads of when they could attend a joint meeting.

Mr. Blanchette agreed and said that he was getting the responses back. He added that he believes they could make the next couple of meetings.

Mr. Fernald said that he thought they should draft an agenda for that meeting.

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

Ms. O'Donoghue said that the next meeting was the 15th at 4PM and that they were moving ahead as best they could.

Mr. Moynahan said they met last week with Kittery – that he talked with Mr. Murphy last week and there was some question about what Eliot is currently

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paying Kittery that he thinks will be addressed and actually emailed Ms. Frye and has not heard back, yet.

Mr. Murphy said that he had run all the calculations for all the payments from copies he was able to get back to 1994 for the amounts of debt service and depreciation, which Eliot has been paying all these years in varying amounts, adding up to over \$600,000.

7:44 PM E. PACE Program – for Town Meeting vote

Ms. O'Donoghue said that she had to apologize to everybody – she had been making a big fuss over the last six weeks about the seeming disparity between the contract and the ordinance. She explained that, last night at the Energy Commission (EC), she found out that she was looking at the wrong contract. She added that she had been looking at a contract she had downloaded from the net but it was the one that went with the original ordinance. She said that they were off the hook with the new contract, as it is absolutely in line with the ordinance that they were interested in going forward with. She clarified that it does not make the Town liable for handling any of the money.

There was discussion around getting copies of the new contract and Mr. Blanchette said that he was sure they could get one if he didn't already have a copy.

F. Review Proposals – Engineering, Ms. Place, Mr. Marchese, Mr. Blanchette and Sewer Committee Member

Mr. Murphy said that they had a meeting last night and he was happy to announce that they got Mr. Richard Dion as their committee representative to the RFP Committee.

G. Job Reviews

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

Mr. Fernald asked if they should do this during or after the budget process.

Ms. O'Donoghue said that she had a question but that they would be talking about the personnel manual and could go into it at that time. She discussed that she discovered that, in the Personnel manual, salaried employees are not allowed Comp Time but she has found that the Police Chief was being allowed Comp Time for outside details and clarified that he is salaried. She asked if they were going to have to change the Police Chief to hourly or were they going to have to change the Personnel manual. She said that they just weren't being consistent and something they needed to discuss.

Ms. Place asked if that would have anything to do with his contract.

Mr. Fernald said no, as he is not a community employee.

H. Comp Plan Action Items

Ms. O'Donoghue said the Board had completed 8 action items assigned to them so they were moving right along. She added that there are a couple that only the Board could do and she would review that with the Board at a later time.

Mr. Fernald suggested Ms. O'Donoghue put together any others they needed to be aware of.

Ms. O'Donoghue said that she would be happy to do that.

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

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This is ongoing.

New Business (Correspondence List):

7:50 PM

#1

TO : Board of Selectmen & Town Clerk
FROM : John Murphy, Sewer Committee Chairman
REF : Removal of two members from Membership List

Mr. Fernald clarified that Mr. Murphy's concern was for Russell Sylvester, who has not attended SC meetings lately, that Mr. Murphy has tried calling him numerous times without success. He said that they have wording in the ordinance in the Manual for Boards, Commissions and Committees that talk to this and read: "Absences will be reviewed by the board in determining ____ or not. Excessive absence is the sum of inexcusable absences amounting to more than 25% of all meetings held over any 12-month period. The chairperson on each board shall report any excessive absences to the Board in a timely manner." He asked Mr. Murphy if it had been over a 12-month period.

Mr. Murphy said that he believes it has been just about a year since he appeared at any of the meetings.

Mr. Fernald commented that he knew Mr. Sylvester was around Town. He asked for comments from the Board.

Ms. Place agreed he was home, as he is her next-door neighbor and she sees him.

Mr. Murphy said that he keeps calling the number listed for him in the Town Personnel List and he keeps getting a "not in service" message.

Ms. O'Donoghue said that this was not the first time something like this has happened on one of the boards, committees or commissions and she thought that, if they had a rule, whether they liked it or not, they should probably stick to it.

Ms. Place asked if the Board had written a letter to Mr. Sylvester.

Mr. Fernald said no, not that he knew of. He added that he felt they owed it to him, at least, to send him a letter with the Board's concerns so that he could respond.

The Board was in agreement with sending a letter.

Mr. Fernald asked Mr. Blanchette to write the letter and reference the ordinance for the Board.

Mr. Blanchette agreed.

Mr. Murphy drew the Board's attention to Mr. Marchese's appointment as CEO, removing him as a voting member of the SC, so there would possibly be two open positions.

7:57 PM

#2

TO : Board of Selectmen
FROM : John Murphy, Sewer Committee Chairman
REF : Sewage Allotment of Bolt Hill Assisted Living Facility

Mr. Murphy discussed that the sewage allotment for the Bolt Hill Assisted Living Facility had expired and that he was shown a current ad for the sale of this property in the Town Assessor's Office, which office keeps track of land sales, etc. for Eliot, offering for sale this property and included the words "fully permitted." He said that it seems clear that Mr. Long is under the impression that his allotment still exists but it would appear, by ordinance, that they do not. Mr. Murphy thought it would be a good idea to let him know. He added that he wasn't sure whether their previous contract with Kittery allowed for just a general allotment with no recall or expiration so would he have been grandfathered. He

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also said that Mr. Long was given his allotment before Eliot adopted the new ordinance but the new ordinance has language that says it supersedes all preceding ordinances and there was no specific grandfathering for unused allotments that pre-existed so his conclusion was that he thought it had expired.

Ms. Shapleigh agreed that it is possible that Eliot passed the ordinance after that and it may or may not be grandfathered. She said that a concern she had was, if his permits have expired, then he shouldn't be advertising that. She said that Mr. Long worked for a long time, Eliot had no ordinance when they started with this, they had to wait for the ordinance written, there were some problems getting this project approved and he is ill. She added that he turned this over to Sandi Roberts and Bill Cullen, who she believes invested a fair amount of money in the project. Ms. Shapleigh said that she thought it was very important to be tactful in telling him – encourage him or whoever follows him to come back in to get the permits that are needed. She emphasized that something permitted is far more saleable than without and this was an estimated \$35 million project. She asked what that would do for the tax base to the Town. She said that it would not only provide jobs but they have all seen people leave Town because there is no facility like this for them. Ms. Shapleigh said that she did not think they needed to hold his hand but did feel they needed to be extremely diplomatic in bringing this to his attention and the Town should know whether they are right or wrong on whether it is expired before sending him that letter. She did add that she was sure his Planning Board approvals have expired but again look what \$35 million on the gas pressure station was doing for the TIF. She commented that they all knew he was pretty thin-skinned and has issues with Eliot boards and that she thought it would be worth their time and more to benefit to the Town to be diplomatic than rubbing his nose in it.

Mr. Moynahan agreed with Ms. Shapleigh wholeheartedly. He said that his concern was what information was to this person – does it say in the Letter of Allotment Eliot gave him that, if nothing happens, then he only has two years. He asked if there was an expiration date on the actual Letter of Allotment that Eliot issued to these people. He said that, if they just issued a Letter of Allotment and they have to go dig through sewer ordinances to find that they are expired – that is not their job, it is the Town's job to inform them properly. Mr. Moynahan said that he couldn't agree with Ms. Shapleigh more that they tiptoe on this because this could be a great project for the Town. He suggested inviting them to a meeting to discuss how they all move forward on this.

Ms. Shapleigh suggested that, perhaps, the Board could put that out to Sandi Roberts, who represented him here before the Board many, many times, and Bill Cullen.

Mr. Fernald agreed with Mr. Moynahan that maybe it is something they should bring in here to discuss in a positive manner.

Mr. Moynahan suggested saying that they had been reviewing their sewer and they noticed these allotments last three years require some updating and the Board wants to move forward with them.

There was some discussion of who was the owner of record and how long the Board should hold on for this project.

Ms. Shapleigh commented that, if one thought about the real estate market, one would see it has been in the tank for a long time and certainly is part of the reason it hasn't sold.

Ms. Place said that she thought it would behoove the Town to tread lightly here and try to find out what they intend to do with this and contact this lawyer.

8:05 PM

Mr. Fernald asked if it was the consensus of the Board to contact this lawyer and have him come in to talk with the Board.

BOARD OF SELECTMEN'S MEETING
February 10, 2010 6:30PM (continued)

Ms. Shapleigh said that she knew both Mr. Roberts and Mr. Cullen and she would be happy to talk with them but added that she wasn't going to talk out-of-school because she didn't feel with her position on the SC that she should speak to them so she has not. She reiterated that she certainly knows them both well enough to talk with them but would not want to do that without the Board's blessing.

Mr. Fernald said that he thought that this was something that should go through the Town and ask them to come in to talk with the Selectmen.

Mr. Blanchette agreed to follow up on this.

#3
TO : Board of Selectmen
FROM : Teamsters Union Local #340
REF : 120-day notice for Eliot Police

Mr. Moynahan volunteered to be on the negotiation team.

Ms. O'Donoghue volunteered, as well.

8:08 PM
#4

TO : Board of Selectmen
FROM : GIS Mapping & Analysis
REF : Letter Agreement and Contract Proposal

Ms. O'Donoghue said that this was one of the Board's tasks per the Comp Plan.

Mr. Fernald confirmed that it would cost \$6,000.

Ms. O'Donoghue asked if they hadn't agreed to do this already.

Mr. Blanchette said no, that there was another item that came up and it was close to the same cost. He clarified that he thought the other one was with the IT Committee and had something to do with the maps, but he could not remember exactly what. Mr. Blanchette said that they do have funds in the Assessing Reserve Account that they could use to do this.

Ms. O'Donoghue said that, as she understood, this would be helpful to the Town Assessor, as well.

Mr. Blanchette agreed and said that this would update the assessing maps and they have not been updated for a few years.

Mr. Moynahan commented that the Assessing Reserve Account was set up for assessing and asked if they were tiptoeing on using those funds for software.

Mr. Blanchette said that he did not feel they were because this was for assessing, also. He added that a big part of this was to update the assessing maps.

Ms. Place clarified that they had been using these maps for how long, they already have them and they just need to update them, correct.

Mr. Blanchette agreed.

Mr. Fernald said that he would entertain a motion.

Mr. Moynahan asked if this was something that needed to be done right away or do they have other IT items that could be lumped together as a warrant article in the budget.

Mr. Fernald said he didn't know of any at the moment.

BOARD OF SELECTMEN'S MEETING
February 10, 2010 6:30PM (continued)

Mr. Blanchette said that there was the item the IT Committee was looking into that dates back to, he thinks, September and he thought the cost was about the same.

Ms. O'Donoghue said that that would not apply to the assessor.

Mr. Blanchette agreed it would not primarily be for the assessor and he would not recommend it come from the assessing funds. He added that they would probably have to fund that through other existing funds or put it as a warrant article.

Mr. Moynahan clarified that these two items were completely separate.

Mr. Blanchette said they were both from the same company but they are completely separate items.

Mr. Moynahan said that they could put a warrant article proposing both of these to be done for \$12,000 and see if folks want to increase the capabilities in that area. He commented that he would just hate to steal from a reserve account for something that's not...

Mr. Fernald said that this had a timeline of March 30th and wasn't sure that would make a difference.

Ms. O'Donoghue said that, yes, it does make a difference.

8:12 PM

Ms. O'Donoghue moved, second by Ms. Place, to hire GIS Mapping & Analysis for the purpose of maintaining the geographical system information (GIS) datasets that support the GIS program for \$6,000 to be paid out of the Assessor's Reserve Account.

VOTE

2-1 (Mr. Moynahan)

Chair concurs in the affirmative

8:15 PM

#5

TO : Board of Selectmen
FROM : Ms. O'Donoghue and Mr. Murphy
REF : Update Personnel Policy

Ms. O'Donoghue said that she and Mr. Murphy carefully reviewed all the documents that Mr. Blanchette had so graciously provided and MMA wording, as well. She said that it seemed to them to be logical to insert this in the Personnel Manual and that this would be a useful policy to utilize in taking gradual disciplinary action. She felt the wording was good.

Mr. Moynahan said that it says employees could be suspended with or without pay. He asked if an employee were suspended for one of the items listed would the Town want to pay them while they are suspended.

Ms. O'Donoghue said that sometimes employees are paid when suspended.

Mr. Fernald suggested that the Board give this to the department heads for them to review and make comments.

The Board agreed by consensus.

8:21 PM

Ms. O'Donoghue commented that there were things that needed to be tweaked in the Personnel Manual, such as updating the Town Hall hours and updating the Family and Medical Leave Act, as well.

Mr. Fernald asked Mr. Blanchette to get this to all department heads for their review and to bring back comments by the next meeting.

Mr. Blanchette agreed.

BOARD OF SELECTMEN'S MEETING
February 10, 2010 6:30PM (continued)

8:25 PM

#6 TO : Board of Selectmen
FROM : Central Maine Power
REF : Tree Care Program

This was a notification that CMP would be doing some tree & brush work along transmission lines and included information on options on herbicide use. This will be posted on the website.

#7 TO : Board of Selectmen
FROM : Comcast
REF : Annual Customer Notice

This was informational.

8:27 PM

#8 TO : Board of Selectmen
FROM : Planning Board
REF : Maine Uniform Building and Energy Code

This was an ordinance from the Planning Board to adopt the Maine Energy and Building Code (MUBEC), as mandated by the State of Maine, which would most likely be voted on June 4th. He asked if they needed a public hearing for this.

Mr. Blanchette said no, clarifying that he wasn't saying they shouldn't have a public hearing. He said that the only requirement for a public hearing was if it would be voted on by referendum at Town Meeting.

Mr. Fernald clarified that this would go on the agenda as an article.

Mr. Blanchette said that there is already a bill in the legislature to do away with the MUBEC, so it might be a moot point by June.

#9 TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : MMA Photo Contest

Mr. Fernald read Ms. Rawski's attached note: "I received the attached email today and thought it would be nice for Eliot to consider entering the photo contest. I am sure that the Eliot Historical Society (EHS) or Bicentennial Committee (BC) would take on the challenge if approved by the Board. I have not made contact with anyone regarding this as I felt the approval and request should be from the Board."

Ms. O'Donoghue thought it was a wonderful idea. She said it was called "Then & Now" Photo Contest and it was to celebrate the MMA's 75th year and Eliot certainly has plenty of photographs that could be used.

Ms. O'Donoghue moved, second by Mr. Moynahan, to have Eliot participate in the "Then & Now" Photo Contest run by the Maine Municipal Association.

VOTE
3-0
Chair concurs

Mr. Fernald suggested that be put on the Town website, as well, and send the information on to the EHS and BC.

#10 TO : Board of Selectmen
FROM : Southern Maine Regional Planning Committee
REF : York County Advocacy Project

BOARD OF SELECTMEN'S MEETING
February 10, 2010 6:30PM (continued)

Mr. Blanchette said that this was something the Board chose not to participate in last year. He said that it would be \$435 this year for Eliot to participate in the York County Advocacy Project.

Mr. Fernald asked if Mr. Blanchette attended this.

Mr. Blanchette said that he did attend some of these meetings because they are usually part of the York County Managers Meetings, as well.

Ms. O'Donoghue said she attended several meetings last year and said it was a group that represents York County's interests to the legislature.

Mr. Moynahan commented that, if utilized, it was a short amount of money for what they would gain from it.

Mr. Moynahan moved, second by Ms. O'Donoghue, to pay \$435 to join the York County Advocacy Project.

VOTE

3-0

Chair concurs

8:35 PM Review of Budget

Mr. Fernald said that they would have a meeting with the Budget Committee next Thursday at 7 PM.

Mr. Blanchette said that Ms. Roy (ECSD) and Mr. Moulton (HD) would be in attendance. Mr. Blanchette confirmed that the Board members got an email from Mr. Reed, who is asking for fringe benefits to be put in by department head. He added that he can do that and doesn't have any problem doing that but he needs the Board to say that that is what they want to do. He explained that this will involve changes in the accounting and that takes time. He said that when it was brought up last year, it was too late for Ms. Spinney to do it but this year she would have enough time to prepare for its deadline of July 1st.

Mr. Moynahan said that, as they have enough time, he thought they could move it toward showing real numbers for each department.

The Board members agreed by consensus.

Mr. Blanchette, discussing contract negotiation, asked the Board if they wanted to go into executive session to discuss with the contract negotiation team some of the parameters or do they want to wait until they have a full Board.

It was the Consensus of the Board to wait until all their members were present.

8:37 PM
Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

Ms. Shapleigh asked for clarification about the changes being made to the tax maps, using the 2-acre parcel she gave to her grandson as an example and, with the market being the way it was, would they have any idea how many actual changes would have to be made to the existing maps for that \$6,000.

Mr. Blanchette said that those were some of the changes, as well as updating "line quality" to make it more accurate.

Ms. Shapleigh asked if the line quality updates are being done by licensed surveyors on the ground or would it be flown.

**BOARD OF SELECTMEN'S MEETING
February 10, 2010 6:30PM (continued)**

Mr. Blanchette said that he believes it would be flown, but wherever they have surveyor parcel information they incorporate that into the data.

Mr. Hirst commented that if Eliot wants to go in as a full-time RFAM associate, then Eliot has roughly three months before the on-set of construction.

Executive Session

There were no executive sessions tonight.

Adjourn

There was a motion and second to adjourn the meeting at 8:41 PM.

VOTE

3-0

Chair concurs

DATE

Roberta Place, Secretary