

**BOARD OF SELECTMEN'S MEETING  
December 10, 2009 6:30PM**

**Quorum noted**

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

**Roll Call:** All present.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:35 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of November 24, as amended.

**VOTE**

**2-0**

**Chair concurs**

**Public Comment:**

**6:40 PM** The Chair recognized Jay Muzeroll.

Jay Muzeroll discussed an event regarding the timeliness of an ambulance response to Cole Brown Estates, in which the response time was said to be 38 minutes. He said that he had talked with AMR, Kittery Dispatch and the people working on the ambulance and that the only time reference that did not match was the ambulance arrival. He explained that AMR uses a GPS system and that the road/address was not in that database, making it harder to find the location, but that they did arrive within 16 minutes of the call. He added that he suspects there may have been a clerical issue and may ask for radio transcripts for clarification. He said that there are a number of questions that need to be answered and would like to follow up on those and bring a report back to the Board.

The Board agreed this was an important issue to sort out and gave Jay Muzeroll the go-ahead to follow up and report his findings.

**6:42 PM** The Chair recognized Gary Sinden.

Gary Sinden briefly discussed that the York County Commissioners are exploring the possibility of a York County Charter to clearly delineate duties and responsibilities across county government. He said that the Commission is asking all 29 York County cities and towns to let them know if they would or would not support the establishment of a county charter.

**6:45 PM** The Chair recognized Jay Muzeroll.

Jay Muzeroll updated the Board regarding the MDOL issue that had been ongoing for the last year, clarifying that much of the problem had been around communication. He said that, after repeated attempts to connect, they finally did connect and both sides take some of the blame. He added that it is all mostly squared away and he will send out a package to the MDOL within several days. He said that he believes most of the fines will not be imposed as the Town has made a strong attempt to rectify the items. He commented that prior inspections had not been done to the standard the new inspector is applying and that has taken some adjustment from everyone involved.

**Old Business (Action List):**

NOTE: Board reviewed action list prior to Public Hearing in no particular order.

**6:50 PM** Carried over from October 8<sup>th</sup> BOS meeting

A. Town meeting format – survey – Dec. 10 meeting

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

Ms. O'Donoghue commented that they had received only 25 responses from this survey that is trying to find out how to improve attendance by Eliot residents at Town Meeting and that it did not help to resolve the issues residents have had in the past regarding why they have not attended. She commented that only 94 registered voting residents of 5,395 attended last year's Town Meeting and her concern was that that is where the budget to operate the Town and what taxes will be raised to pay for that operation, approval of proposed ordinances, etc., is decided. She said that the timing of the meeting in June could be looked at to try to avoid graduations, weddings, etc., that babysitting was offered last year that no one took advantage of and that the Town could do more to improve advertising. She clarified that it would not work to go to a March/April Town Meeting as the fiscal figures are not available until June. She suggested that a Tuesday referendum vote with a Wednesday Town Meeting as a possibility. The Chair asked for concrete suggestions from the public for increasing the attendance at this most important Town meeting.

**6:53 PM** E. New ordinance on Business Registration – Business Dev. See comments (tabled)

The Chair commented that the Business Development Committee (BDC) offered some interesting comments. She suggested the Board review these comments for discussion at a future meeting.

K. Safety Committee – appointees

Grant Hirst listed the appointees:

- Phil Lytle – Highway Department
- Paul White – Town Hall
- Jason Cullen - Fire Department
- Heather Muzeroll-Roy – Eliot Community Services Department
- Candice Noble – Police Department
- Grant Hirst – BOS Liaison

Grant Hirst said that the committee needs to appoint a Chair. He discussed the positive impact on the Town insurance prices with the forming of this committee and strongly supported meaningful training across departments on an ongoing and consistent schedule.

**6:55 PM** Carried over from November 12<sup>th</sup> and 24<sup>th</sup> BOS meetings

N. Job Review Forms

Mr. Moynahan commented that these forms are well on their way to being done.

L. Police Contract negotiations (tabled)

Mr. Moynahan commented that they are continuing their work on this.

**6:57 PM** December BOS meeting conflict with holidays.

After some discussion, the Board agreed by consensus to skip the second regular monthly meeting in December and only call a meeting if a special need arose. The next regularly scheduled meeting is for January 14, 2010.

**7:00 PM** H. Public Hearing – Article 3, Sewer (TIF) Feasibility Study  
To be voted on at the Special Election/Referendum on January 9, 2010

Before opening the Public Hearing, the Chair clarified that everyone who wanted to speak would be allowed 5 minutes to speak and, after all had had a chance to speak at least once, the Board would let people speak again. The Chair opened the Public Hearing at 7 PM.

Ms. Fryer, from CLD Consultants of York, Maine (working with Eliot), introduced herself and Mark Thomson (SEA Consultants of Boston – working

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

with Kittery) and gave an overview of where they have been and where they are going in terms of the feasibility study and the Eliot TIF District. She explained that she had been working to support the TIF voted on by the Town to provide real answers for location and costs, which is what the feasibility studies would do. She also explained that the Town had options for how to pay for design and construction once they had real numbers to work with, such as bonding to do the whole project at one time or do the project in phases, as money comes into the TIF. She added that, either way, the Town would have a conceptual design and real numbers for future construction. She also discussed potential future cost-sharing by Kittery residents as sewer is expanded and more Kittery residents get onto the system.

**7:08 PM** Mark Thompson commented that sharing resources makes sense for this project. He explained that Kittery and Eliot are currently renegotiating an intermunicipal agreement that has been in place for years. He said that currently Eliot's gallons per day (GPD) is 200,000 and that would double under the new agreement. He went on to say that Kittery has spent 4.5 million dollars to upgrade and fix the current system and that fixing all the leaky pipes made a big difference in capacity. He listed the goals this study would clarify for Eliot and Kittery:

- Where the sewer would go/how costly
- Number of sewer pumping stations required
- Potential alternate route down Dennett Road
- What kind of phasing, if any
- Land acquisition/cost
- Real flow numbers
- Capital costs to build/maintain
- Cost allocation between towns
- Option developments regarding the different potential routes

Mr. Thompson said that Kittery has five potential routes and they are looking at several things in determining which option would be the best choice, such as how much ledge might be in the ground, using the old railroad bed, what the infrastructure impact would be and upgrading pump station #7. He said that there are a variety of financing options, such as 5% loans from the MDEP and USDA loans and grants. He clarified the schedule by saying the study would take 6-8 months, the design process would take approximately 9 months and the construction up to 2 years, so the overall project would take 3 ½ to 4 years to become fully operational.

**7:15 PM** Ms. Fryer emphasized that public participation was very important and that they would keep everyone up-to-date through 2 public hearings and three public meetings during the study.

The Chair said that Eliot would be voting to spend money it already had to discover what the actual cost would be, which is not known at this time.

It was asked if the two systems were tied in together would there be a cost differential depending on the location.

Ms. Fryer said that that was part of the purpose of the study. She added that Eliot would own what is in Eliot and Kittery would own what is in Kittery, reiterating there could be some cost-sharing, depending on the option chosen.

The point was made that the Eliot TIF had a 5-year deadline to adhere to.

It was clarified that the study includes water infrastructure.

Mr. Thompson clarified that adjacent residential use in the future would be looked at for future phasing. He said that this study includes a 20-year plan and that the basic system would be sized to accommodate future expansion.

In discussing the current contract under negotiation, Mr. Thompson said that the total cost allocation for the additional capacity was slightly over one million

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

dollars and that \$379,000 of that (Eliot's portion) was used for what they were talking about tonight.

It was commented that Eliot still owes the differential not paid yet of the \$379,000.

The issues around the Bolt Hill sewer line were discussed. It was said that this line is privately owned and might have to be acquired and that it has functional problems that would have to be corrected, either way. It was also discussed that "phasing language" was not written into the TIF document and concern around paying for such a massive project.

**7:30 PM** It was suggested that everyone was jumping the gun over phasing, as just the study would take six months and there was time to clarify what was possible.

The issue of cost to maintain the system was raised.

Ms. Fryer said that the costs would depend on what was built and would be included in the study. She added that, right now, they are only dealing with possibilities.

It was asked what the design life would be for the system.

Mr. Thompson said that the system was designed to last approximately 20 years and discussed the idea of the Town creating a replacement fund at the beginning so that they would be prepared. He added that some towns do this and some towns do not.

**7:35 PM** It was clarified that every step of the study process would be decided by the Town.

Mr. Thompson agreed.

It was asked if the allocation formula depended on the amount of usage that Kittery residents would have for that line or usage for that line.

Mr. Thompson said yes. Using an example, he explained that, if the pipeline is built along Rte. 236 and each town has 50% of the capacity and both communities have paid 50% of the design and construction costs, then the allocation formula is simple. He added that it gets a little more complicated than that. He clarified that Kittery could have 50% of the lower reaches and only 20% of the upper reaches and Eliot has the same amount of flow through all the pipelines, but it is the same concept, if Eliot chooses 20% of the pipeline then they pay 20% of the cost. He clarified that, if projecting and Eliot, in 20 years, would need 100,000 gallons per day of capacity in the line, and the same for Kittery, then they would each pay half...then on day one Kittery puts a lot of flow in and Eliot very little, then it is the capacity each town owns and not the actual flow going through the pipe. The cost is based on capacity, not actual flow, and Kittery would own the pipe.

Mr. Moynahan commented that Bolt Hill has never been the ideal route for this whole system and when Eliot started looking at this and the amount of construction that would occur in Kittery it made no sense not to give voters more of a choice to fix the long-standing problems on Bolt Hill Road and talked about the various options available, with one possibly cheaper than the other and his concern about one of those options including so much construction in Kittery, not Eliot. He added that was part of why he believes they decided to go with this second phase, as well. He clarified that they are trying to avoid more infrastructure in Kittery than in Eliot. He added that, going forward with the study gives Eliot more choices even while continuing to work with Kittery.

Mr. Thompson agreed that one of the routes would be completely paid by Eliot and going down Route 236 there may well be significant cost-sharing.

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

It was asked what would happen if Kittery could not come up with the money if Eliot chooses the upper route because they don't have a TIF District for that area.

Mr. Thompson said that that was part of the challenge when two communities work together and added that either community could fail to take the next step, whatever that next step might be, and then the whole thing would fall apart. He said that both communities will have to do their part in moving this project along.

Mr. Moynahan commented that both communities will be voting every step of the way and that is why the public hearings are so important for both towns to hold to the common goal.

It was asked, if the Bolt Hill section is tied in, would the flow still stay the same.

Ms. Fryer said that they were looking at two options, one would be that the existing system would stay the same so that the parts privately owned would stay privately owned and the parts that are publicly owned would stay publicly owned and whatever was done for the TIF would have additional capacity going in the same way it currently goes. She added that the other option would look at taking what they need for additional capacity, look at what they have for an existing system and all the issues associated with that system, including ownership, capacity, etc., and upgrade to address the current issues, to purchase and own it and to collect the sewer on Route 236 and what would be the costs associated with that option and would it be feasible, as that is the whole point of this. She added that they would then compare those two options. She reiterated that there would be cost-sharing along the Route 236 option and that would be a factor in the decision for Eliot, 100% of the cost with one option versus whatever % of the cost with the second option. She clarified that they would not only be looking at the overall cost but the benefit to the two communities.

It was clarified that, if the Route 236 option were chosen, there would be no change or upgrades to the Bolt Hill line.

Ms. Fryer said that, as part of the TIF study, any money generated from the TIF District would have to be used to support sewer in the TIF District.

It was clarified that, if any changes were then made to that area, it would have to come from another fund.

Ms. Fryer said that was correct. She added that there are other options for getting other types of funding to do that kind of work.

It was asked if one of the options considered would be having a dual flow on Bolt Hill.

Ms. Fryer said that they have not looked at that as an option. She added that part of the issue is that they believe that would most likely be more expensive because investing in new infrastructure and the major cost of putting a pipe in, whether it's an 8" pipe, 10" pipe or 16" pipe, is the excavation and mobilization to get it, so, if you are doing upgrades to both, it's likely that that is going to be a lot more expensive rather than just upgrading the one or constructing the other. She commented that that was certainly something they could take a quick look at while they are doing the study work.

There was discussion around using the 10% set-aside of the TIF funds to fix issues if it is within the TIF area, peripherally.

Ms. Fryer clarified that that would most likely have to be a decision by the attorney.

**7:45 PM**

The concern was reiterated that the TIF has a deadline and that he would like to see, ultimately, the issues on Bolt Hill taken care of. His big concern was that, in the event that Kittery would come up with some financial problems, then that would dead end Eliot's project. He commented that Eliot's project has to be in-

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

ground and workable within five years or Eliot loses the TIF and that would be a huge expense to the Town of Eliot. He said that, at some point soon, Kittery's financial stability needs to be confirmed.

Mr. Thompson said that, in either case, Eliot still needs to move ahead with the study. He added that he has worked with Kittery for a long time and could explain their process but that Steve Tapley, Kittery Sewer Superintendent, was here tonight and may want to comment on that. He added that Kittery has a long history of constructing sewer extensions and that they have a program in place, they know how to do it, they have the ordinances in place and the only big thing they would need would be a vote of the affected areas in town to get the go-ahead to do the project.

Steve Tapley clarified that, if one comes down Route 236 all the way and not up Bolt Hill Road, wouldn't there be the ability to connect the end of the lines that come down through there now (Eliot Commons, etc.) to alleviate the problems on Bolt Hill. He said that, at that point, there would not be a force main going up Bolt Hill, then, as a force main or gravity feed would go down Route 236. He added that, whichever way Eliot goes on this, the extra 200,000 gallons with the additional changes in the contract would have to be taken care of before all of this would come to fruition because Eliot could only go so far before voting on the contract to change it.

Ms. Fryer commented that, hopefully while the study is going on, there could be additional negotiations on the contract so that happens in the same timeframe. Then, there would be all the information about the options, investigations about how the infrastructure would be financed both in Eliot and Kittery, which would give Eliot better information about whether Kittery could proceed, how they would fund their portion, and that would help make the best decision for Eliot, as well as for Kittery.

Paul White commented that there must be a revenue source in this for businesses along Route 236 in Eliot and also along Bolt Hill Road and asked if they could talk about their experience with setting up the assessment that would happen for the properties in Kittery.

Mr. Thompson said that traditional revenue is derived when the sewer is built by abutting properties to the sewer line connecting into that line and paying for all or a portion of it and the town pays all or a portion of it. He added that properties tying into the system are assessed a charge called a betterment fee. He explained that Kittery has a history of paying a certain portion for sewer extension projects. He added that that is totally up to the community as to what they want the cost-sharing to be between the property owner and the town. He said that, currently, many towns are unwilling to fund any part of an infrastructure project and the cost is assessed 100% to the abutters and property owners.

Paul White said that, currently, there has been talk about revenue only from the TIF and asked if the Town was funding this totally.

Ms. Fryer said that that is one of the options that needs to be discussed.

Paul White clarified that the terms of the TIF doesn't lock Eliot into paying for the project out of the TIF funds, alone, so that Eliot could come up with a plan to derive more revenue out of this.

Nancy Shapleigh commented that she believes there was a limit that could be charged users, particularly properties that are already built, and that it is smaller than one might think.

Jim Marchese said he wasn't sure there is a limit to what the town could assess the betterment fees at but he did know that, when the sewer system was constructed in 1986, 90% of the sewer system was paid for with federal funds and the Town only had to finance 10% and, at that time, the betterment fees paid that 10% and, at that time, that amount was excessive regarding the betterment fee. He

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

added that his point was that utilizing betterment fees was not a large amount of money.

Jack Murphy said that it was his understanding that, by state law, no such project could charge more than 50% of the cost to abutting property owners.

Mr. Thompson said that all that would be flushed out through the study.

Gary Sinden commented that, if the Kittery route is chosen and, let's say, Eliot would pay 2/3<sup>rd</sup> of that route, would Eliot share in any of those betterment fees along that route in Kittery.

Mr. Thompson said no.

Ms. Fryer clarified that, if Eliot were not putting in sewer along there, then Kittery would be putting in something much smaller. She said that, once the cost allocation is set up, then Eliot is responsible for paying their share and how they develop those fees is a discussion they will have and Kittery is responsible for paying their share and whether they do it through town funds or betterment funds is up to Kittery to decide.

John Reed asked if there was any language in the TIF document around assessing betterment fees.

Jack Murphy said that that was mentioned at a couple of meetings, as a theoretical possibility, but was not part of the document.

John Reed asked if there was a reason it wasn't discussed.

Jim Marchese said that the TIF District was created as a funding mechanism for infrastructure improvements and the municipality has the leverage to design whatever type of infrastructure improvements they want as long as it improves the TIF District, so nothing like that was discussed.

Ms. Fryer commented that it was her understanding that establishment of the TIF District does not preclude the use of betterment fees. She said that, if the Town finds other ways to generate revenue then that revenue might be used to fund upgrades that wouldn't necessarily be in the TIF and then they could keep the TIF funds for the work contributed to the TIF.

**7:55 PM**

The Chair clarified that the question before everyone tonight was how they wanted to vote on January 9<sup>th</sup> on the warrant article.

Paul White discussed getting advice from the town attorney regarding spending TIF money in Kittery. He said that the development program, itself, has specific things covered in Table 1 – projected project costs to be paid with the TIF revenue - and there are four things: 1) professional services cost (\$60,000), 2) water and sewer improvements (\$13,000,000), 3) water and sewerage treatment (\$300,000) and 4) administrative and professional services (\$150,000). Getting back to the question of spending TIF money in Kittery, the professional services cost of \$60,000, which is what everyone is talking about tonight and what will go to town meeting, has swelled to \$220,000. He said that the development program says whatever it takes to make the TIF work, we can spend money in Kittery as long as it is related to the sewerage of the Eliot system. He clarified that the development program is already set in place and voted on as being just that, so these four items are justified to be used in the Town of Kittery. He said that that answers the question as the development program says it can be spent in Kittery for Eliot development. He added that Brian Hodges (Department of Economic Development – DECD) said that it doesn't matter how much the money swells to as long as it is related to the project, itself. He said that, in the table, the money figures are clearly listed as cost estimates and those estimates are now changed. He added that the only thing Brian Hodges mentioned in his email was that the money had to be approved by the legislative body in the Town.

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

Paul White discussed another issue. He said that there is an application for a tax abatement that has been put in by the gas compressor plant. He explained that they applied because, in the construction of the plant, they put on some pollution control devices and the cost of those devices was \$841,000. He added that they have asked the DEP for an abatement in the year 2010 for that equipment. He said that, if the DEP approves that, and that's an if, then the TIF revenues would be less by that amount. Paul White said the Town received this application two days ago and he was bringing it forward at this meeting for full disclosure. He said it could be 6 months before the DEP rules on the request.

Mr. Thompson clarified that the cost of the study in Kittery was \$120,000, not \$220,000.

Paul White agreed and added that Eliot is being asked to vote on \$220,000 in total.

**8:02 PM** Russ McMullen commented that, if Eliot chooses to go with the Route 236 route, then they could not include the Bolt Hill modification within the TIF as that would not benefit the TIF.

Ms. Fryer agreed.

Gary Sinden commented that the TIF money would not do the two full miles on Route 236, so he does not believe any money would be spent on Bolt Hill. He added that, according to Attorney Mueller, the TIF money would probably do a little more than a mile along Route 236 in phase 1.

**8:05 PM** The Chair, hearing no more questions, closed the Public Hearing. She thanked everyone for coming and participating. She then called for a five-minute recess.

**8:10 PM** The Chair reopened the meeting.

**New Business (Correspondence List):**

**8:11 PM**

**#1** TO : Board of Selectmen  
FROM : Maine Energy Program  
REF : Public Wood to Energy Program

The Chair commented that the Board received some grant information from Maine Energy Systems. She said that this was basically an opportunity to convert from the current oil heating system to wood pellets and she wasn't sure this was a direction the Town should go in.

Paul White said that he was looking for direction from the Board regarding whether the Board is willing to look into it and make the application. He commented that, if the Board does do the application and gets the funds, the Board still doesn't have to do it if they feel it isn't the way to go. He added that the conversion could be a combination of oil and wood pellet heat, not necessarily a complete conversion to wood pellets, alone. He added that this would require providing an area to hold a feeder to hold 2-3 days worth of pellets, which would be fed in automatically. He said that this group has contacted the Town Hall several times and they are pushing municipalities to convert. He added that the packet he gave the Board has information about the forestry and how the law has been written, etc. He explained that this is as easy as looking into it to see if it's worth doing and going from there.

The Chair asked if there was a time limit for applying for this grant.

Paul White said yes, that it is January 5<sup>th</sup> that the application has to be sent in.

The Chair commented that she didn't think the Board could do that.

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

Mr. Moynahan suggested that Paul White could put the application in on time. He added that it would be good for the Board to at least look at this, that it may not make sense but it is a grant application and he didn't believe they should shy away from that.

Paul White said part of the issue is where to fit it in, as the furnace room is pretty small, so they would need to look at that. In looking at the grant application, he commented that it seems there is plenty of money and they are eager to give it out.

Grant Hirst suggested the idea of having it outside.

Roland Fernald suggested looking at other municipal buildings, as well.

**8:15 PM** Paul White will apply for all buildings.

**#2** TO : Board of Selectmen  
FROM : York County Commission  
REF : Support for Charter Commission

The Chair asked Gary Sinden if he had anything more to add to the previous discussion earlier in the meeting.

Gary Sinden said that what the Commission was looking for was true feedback from the towns, what the towns actually think.

The Chair clarified that the Commission was looking for wording from this Board that let them know the Board is in favor of a charter commission or is not in favor of a charter commission.

Gary Sinden agreed, to start the process of looking into a county charter.

The Chair said that she would draft a letter and the Board agreed.

Nancy Shapleigh said that it was her understanding that the state government sets out the duties and responsibilities of the county commissioners and is this setting up another layer of unneeded government. She added that the county commission is part of our government and they don't know their responsibilities so now they need a charter.

Gary Sinden clarified that the charter provides the citizens the means for making any changes in the way the government is structured, either in a town or a county. He added that, over time, towns have wanted changes, such as a police commissioner, that could only be done by individual ordinances, which is cumbersome, and a charter would help that process. He discussed the issue around the budget year decision, which led to a lot of confusion over the jail. He clarified that the county is still on a calendar year, as opposed to a fiscal year, and every other entity is on fiscal year. He added that the county budget, last year, was already set before the rules on the jail were issued but they were issued in time for all the other counties that were on fiscal year to be prepared and adopt their rules for the budget. He said that York County's budget was already set at the beginning of the year, which resulted in confusion and problems.

**8:20 PM**

**#3** TO : Board of Selectmen  
FROM : Janet Saurman  
REF : Letter "Fine Job" to Highway

The Chair said that the Board has a letter from Janet Saurman thanking the Highway Department for efforts on her behalf. The Chair read the letter to the public:

*I am writing to express my thanks for a fine job done recently by our Highway Department. Over the past several months a significant depression developed in*

**BOARD OF SELECTMEN'S MEETING  
December 10, 2009 6:30PM (continued)**

*the road just in front of my house. Approximately two weeks ago, I called the Highway Department to make them aware of the worsening problem. Within an hour of my call, members of the department were on the street examining the problem and by the next day had it fully repaired. I so appreciate their prompt response, and thought it important that the Board of Selectmen heard first hand from a satisfied tax-paying citizen. I ask your Board extend this message of thanks to members of the Highway Department.*

*Sincerely, Janet Saurman*

**#4** TO : Board of Selectmen  
FROM : Letters (1) Vickie Mills (2) Noah Lemire  
REF : Comp Plan committee appointment

The Chair said that the Board has a request from Vickie Mills to join the Implementation Committee and asked her to introduce herself.

Vickie Mills said that her family has been in Eliot since the mid-70's. She added that this seems like a good opportunity to change some of the ordinances.

Mr. Moynahan moved, seconded by Ms. Place, that Vickie Mills be appointed as a member of the Comprehensive Plan Implementation Committee.

**VOTE  
2-0  
Chair concurs**

The Chair said that a letter would be sent to Vickie Mills, informing her of the Board's decision.

The Chair said that the Board also has a letter from Noah Lemire. She commented that Noah is on the Town Budget Committee and they are familiar with him and his work.

Mr. Moynahan moved, seconded by Ms. Place, that Noah Lemire be appointed as a member of the Comprehensive Plan Implementation Committee.

**VOTE  
2-0  
Chair concurs**

The Chair said that a letter would be sent to Noah Lemire, informing him of the Board's decision.

**#5** TO : Board of Selectmen  
FROM : Martine Painchaud - Assessor  
REF : Abatements

The Chair explained that this was in response to her request for more information about the granting of abatements on Old Farm Lane. She clarified that she did see a list of property valuations for the properties and, to her, they looked way out of line and didn't seem to make too much sense. She added that she was not, however, an assessor and so she asked for further information. She asked Paul White to talk to the information Ms. Painchaud submitted.

Paul White explained that the assessor in the town is appointed by the town and, once that appointment is made, it is the assessor's responsibility under state statute to assign value to those lots. He added that it is not within the purview of the Selectmen or anyone else in the town to interfere with that assessment of those lots. He said that the only option the Board has is to unappoint, under state statutes, the assessor. Paul White said that, in this case, Ms. Painchaud was approached by the owners of 10 lots on Old Farm Lane and she took the

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

abatement (he thinks verbally) values into consideration based on the fact that the lots were under the cover, in his opinion, of a legal suit. He added that she determined they had some "external obsolescence" and explained that talks to the influence of the legal matters impacting the value of the property. He said that, in her opinion, she was able to lower the value of the property based on this external obsolescence and the information she gave the Board on this is from the Assessor's Manual. He commented that what she is saying is that there is a foundation in law that says that external obsolescence is a legal basis for justification of abatements. Paul White explained that there were two properties in there, the first two homes that were built in there he explained to her were not part of the legal suit and, if in fact the town were to find them in violation the town would not ask them to tear them down because they were legally permitted. He clarified that it was the third house being built in there that was being challenged and subject of a law suit. He said that Ms. Painchaud has agreed to put those two homes back on the assessment roles at full value coming in the next year. He added that she has not agreed to put the other 8 properties back on until the law case is settled or some conclusion is provided that those properties are saleable. He added that it's very possible that the results of the law case will be that the property has to be combined again into one lot so the assessment will be even further adjusted to reflect the one lot. Paul White said that Ms. Painchaud has made a good attempt at supporting her decision and rooted in some foundation.

**8:29 PM**

The Chair thanked Mr. White for his clarifications and said she was pleased that the two would be put back on full assessment.

Mr. Moynahan asked Paul White if it was possible to get a list of abatements given for the past 12 months.

Paul White said yes, if the Board requests it.

Mr. Moynahan said that he would like to see a list, as he has questions about other properties, as well.

Paul White will get a list of property abatements, with Ms. Painchaud, for the tax year 2008-2009 for the Board.

Nancy Shapleigh commented that Ms. Painchaud is right if there are legal problems, as that definitely affects the property value. She added that, if there are as many as 8 other properties, those properties will drag the value of the other two down because, when an appraiser looks at that, they will look at the surrounding properties.

**#6**

TO : Board of Selectmen  
FROM : Stephen Friedrichsen  
REF : Request for Consent Agreement

**8:30 PM**

The Chair informed Mr. Friedrichsen, who was present, that the Board would be in a workshop with the Board of Appeals and town attorney to get clarification on Consent Agreements. She said that this Board was not in any position to make any decisions at this time. She added that it would be very unusual circumstances that this Board would override the Board of Appeals. She thanked Mr. Friedrichsen for coming in and apologized for not being able to hear him tonight.

**Selectmen's Report:**

There were no reports tonight.

**Executive Session**

**8:34 PM**

Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 1 MRSA Section 405.A. "Discussion or consideration of the...compensation..."

**BOARD OF SELECTMEN'S MEETING**  
**December 10, 2009 6:30PM (continued)**

**VOTE**  
**2-0**  
**Chair concurs**

**9:04 PM** Out of Executive Session

Mr. Moynahan moved, seconded by Ms. Place, to compensate the current Web Master a stipend of \$500 to be taken from the administrative budget line item # 0535.

**VOTE**  
**2-0**  
**Chair concurs**

The Board asked Paul White, Wendy Rawski, Roland Fernald and Gary Sinden to create a job description for Web Master.

**9:05 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 1 MRSA Section 405.A.(1) "Discussion or consideration of ...general assistance..."

**VOTE**  
**2-0**  
**Chair concurs**

**9:14 PM** Out of Executive Session

Mr. Moynahan moved, seconded by Ms. Place, to instruct Dan Blanchette to not administer any general assistance until further notice.

**VOTE**  
**2-0**  
**Chair concurs**

Mr. Moynahan moved, seconded by Ms. Place, to schedule an executive session with the Administrative Assistant in regards to 1 MRSA 405.A at the next earliest convenience that he and this Board can attend.

**VOTE**  
**2-0**  
**Chair concurs**

**9:16 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 36 MRSA Section 841.2 "Discussion or consideration of ...abatment..."

**VOTE**  
**2-0**  
**Chair concurs**

**9:30 PM** Out of Executive Session

**9:35 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 36 MRSA Section 841.2 "Discussion or consideration of ...abatment..."

**VOTE**  
**2-0**  
**Chair concurs**

**9:45 PM** Out of Executive Session

Mr. Moynahan moved, seconded by Ms. Place, not to grant the tax abatement for the first request.

**VOTE**  
**2-0**  
**Chair concurs**

**BOARD OF SELECTMEN'S MEETING  
December 10, 2009 6:30PM (continued)**

Mr. Moynahan moved, seconded by Ms. Place, to grant the second request for tax abatement, to start after the circuit breaker system is in place and that the abatement amount will be the difference.

**VOTE  
2-0  
Chair concurs**

**Other Business as Needed**

There was no other business.

**Adjourn**

Motion by Ms. Place, seconded by Mr. Moynahan, to adjourn the meeting at 9:56PM.

**VOTE  
2-0  
Chair concurs**

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**DATE**

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**Roberta Place, Secretary**