

**BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM**

Quorum noted

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

Roll Call: Roland Fernald, Mike Moynahan, Orland McPherson and Elizabeth O'Donoghue. Roberta Place was absent.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Ms. O'Donoghue, seconded by Mr. Moynahan, to approve the minutes of October 14, 2010, as amended.

VOTE

3-0

Chair concurs

Motion by Mr. Moynahan, seconded by Mr. McPherson, to approve the minutes of October 28, 2010, as written.

VOTE

3-0

Chair concurs

Motion by Mr. Moynahan, seconded by Ms. O'Donoghue, to approve the minutes of November 11, 2010, as amended.

VOTE

3-0

Chair concurs

Motion by Ms. O'Donoghue, seconded by Mr. Moynahan, to approve the minutes of November 18, 2010, as written.

VOTE

3-0

Chair concurs

6:37 PM

Public Comment:

There was no public comment.

6:38 PM

Department Head/Committee Reports

Mr. Muzeroll discussed the number of projects going on in the community that require the use of ground ladders or some sort of height equipment that they could borrow, either through their local utility company or...whatever...if someone is tasked to help, they sometimes put someone in a bucket or front-end loader to hang flags, etc., so, one of the things that he and Mr. Moulton have talked about is the safety of employees, liability to the Town and how they would like to address that. He said that, through a number of coincidences, they were able to find a used cable T.V. truck (small bucket truck), which is for sale by D&F Auto (Rt. 236), that they borrowed for a very long week to do some projects in Town and see if it would work between the three departments that would benefit from it. He commented that the Highway Department would benefit the most from this, rather than the Fire or Community Services Departments. He said that the vehicle is a Ford 350 Utility truck and is mechanically fine but has some issues that would need to be addressed, as it is not an inspectable vehicle. Mr. Muzeroll discussed that they had received an unofficial quote of about \$6,500 from D&F Auto Classics to purchase the vehicle and both he and Mr. Moulton felt that amount

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

was overpriced, so Mr. Moulton was negotiating on that price. Mr. Muzeroll said that one of the things they wanted to do, collectively, was to approach the Board to let them know this purchase was what they thought would be in the best interests of the Town, recognizing that they were unsure where the money would come from (what might be from the Fire budget and the Highway budget, if any, and suspecting there was no money in the Community Services budget), and was what they were moving towards. He said that he and Mr. Moulton are in agreement that they are one inspection away from an OSHA violation if they continue to do business as they have, so \$5,000 or \$6,000 for that vehicle may be well-spent for the future. He added that it would probably come up again at the next Selectmen's meeting. Mr. Muzeroll said that they tasked a couple of guys who actually use this type of truck on a daily basis – one from Verizon and one from Comcast – to put it through its' paces to make sure it could do the job. Mr. Muzeroll commented that it is a pleasure working with Mr. Moulton.

Mr. Muzeroll said that the Hazard Mitigation Grant has been submitted to the State of Maine through York County. He explained that this are for projects that both he and Mr. Moulton feel are important and if they had not put in for a grant, then they would have been restricted from doing so for the next five years. He said that three projects were selected – rebuilding the old Shorey Brook Road Bridge, culvert work on Brixham Road and culvert work on Frost Hill Road – and the total grant request for all three projects was about \$250,000, which York County has sent along to the State. He added that it would be a while before they would hear and commented that only four towns in York County submitted for this grant.

6:45 PM

Mr. Muzeroll said the last item he had was that the ownership of their previous forestry vehicle is in the process of being transferred to the Highway Department for the ultimate recycling. He added that what he would be able to get out of it, cash-wise, was less of a value than Mr. Moulton could get out of it as a small dump truck, utilizing the tanks and compartments to flush his culverts in another vehicle so, there would be a red dump truck out there for a little while.

Mr. Marchese thanked the Board for their unanimous decision in choosing him as CEO - it was really appreciated. He said that the office is fully engaged, lots of things to do, lots of people coming and going and lots of questions to be answered. He said that he wanted the Board to know that he was working closely with Joe (CEO from South Berwick) to learn what is required in doing inspections and that the people at the State are also very responsive. He added that one of the things he would like from the Board is some clear direction. He explained that, before he was appointed the CEO, he was the Sewer Inspector and wanted to know if he would stay in that roll. He said that he knew the TIF Administrator position was shared with the prior CEO and Mr. Blanchette and he has a strong interest in that and would like to help in that area, as well. Mr. Marchese said that he has talked with Mr. Moulton about one of the things he brought up in his interview which was that, as a Town employee, during major storm events he would like to be utilized to help and Mr. Moulton thought that was a good idea. He added that he wanted confirmation from the Board that he could be used in that manner, as well.

Mr. Moynahan said that he thought it would work quite well with the code officer doing the sewer inspection and the same with the TIF Administration, as it would seem to be the common sense approach.

Ms. O'Donoghue said that her only question would be if the committee work would take too much time but she otherwise doesn't see any problem. She added that she thought it a good idea for Mr. Marchese to continue, as CEO, to work with Mr. Blanchette in administering the TIF. She did comment about the amount of requirements that would be placed on him.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Marchese commented that he enjoyed a challenge and that he would make the Board aware if he found he needed to step back from some of the side things. He added that his focus would be the code enforcement office.

Mr. McPherson said to let Mr. Marchese do as much as he could, work with Mr. Blanchette and, if he went too far, the Board would let him know.

6:50 PM

Mr. Blanchette commented that Mr. Marchese's continued efforts with the sewer contract and sewer committee would be greatly appreciated.

Mr. Fernald asked if Mr. Marchese felt comfortable with all that.

Mr. Marchese said yes.

Ms. O'Donoghue clarified that Mr. Marchese should feel comfortable coming to the Board if things should get overwhelming.

Mr. Marchese thanked the Board.

Mr. Blanchette said that he had a couple of things. He said that CLD would like to have their contract extended and, as the Board might recall, their contract was extended some time ago to either December 1st or November 31st, which date has gone by. He added that they feel that, in order to fulfill all of their contract, which covers to the special Town Meeting they would have at some point, they would need to extend the contract, but not the dollar figure, to February 15th, 2011, which should cover any special Town Meeting that they have.

Mr. Fernald voiced his concern for how many times they might want to extend – time is going by.

Mr. Blanchette said that it was his understanding that CLD was working with CDM in order to get what they wanted out of it and the Board should be getting a final report from CLD within a week to a week and a half.

Ms. O'Donoghue shared Mr. Fernald's concerns for the timing, as they needed to move forward.

Mr. Fernald clarified that they would not be having a special Town Meeting in December and that the next possibility would be some time in January depending on whether the Board got results and they had something to go to Town Meeting with.

Mr. Blanchette agreed.

Mr. Moynahan asked for exactly what information they were waiting on – information from Kittery still.

Mr. Blanchette said that they were not waiting on information from Kittery but that they were waiting for CDM, as they were reviewing it.

Mr. Moynahan said that they came to this Board in good faith with terms of their own contract and they provide all this information and this Board has extended that once, now they would be extending it for a considerable period of time. He added that he didn't think that was a realistic approach and they were showing the Board, right now, that they were not capable of handling the Town's work if they could not meet deadlines on the first and most basic part of this contract – he has concerns. He said that they have language in front of them tonight for the next phase and CLD was given that without any requests for proposals or any other engineering firms and they are adding months onto the first phase. Mr. Moynahan said that the Town would not meet their deadlines if this is how this company was

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

going to do business. He added that he believes the Board should stand a little firm and require them to be done with their work before that February date and work harder to produce what the Town has asked.

Mr. Fernald said that they at least need to know why CLD needs that extension.

Mr. Blanchette said that he could get that for the next meeting.

Mr. Fernald directed Mr. Blanchette to let CLD know that the Board is concerned with the amount of time taken to get the information to this Board, as the Board has extended the contract with them once already.

Mr. Moynahan said that, for the increased length of time, he feels they should be present to answer these questions for this Board and that they are not is quite frustrating.

It was the consensus of the Board not to make a decision on extending the contract until the Board hears from CLD.

6:55 PM

Mr. Blanchette said that he had a couple of things from Mr. Vaniotis. He discussed the law court's decision on Eliot Shores LLC, saying that, basically, it was a non-decision. He said that, at this point, Mr. Vaniotis was advising the Board that they do have an option to have Mr. Vaniotis file a motion to have the law court reconsider the case or Attorney Dale (for the other party) may be filing a motion to reconsider. He said that Mr. Vaniotis wants to know if the Board wants him to file a motion to reconsider and, if the Board does not and if Mr. Dale files a motion to reconsider, does the Town want to agree to the reconsideration.

Mr. Fernald asked if it was known that Mr. Dale was going to file a motion to reconsider.

Mr. Blanchette said no.

Mr. Fernald said that this is costing the Town money.

Mr. Blanchette agreed and, if filed, it would have to be filed by December 16th.

Mr. Fernald clarified that, if Mr. Dale files a motion, then the Town could ride along without incurring much costs.

Mr. Blanchette agreed.

Mr. Moynahan said what approach would be in the best interests of the Town with this – to let it just go away. He added that the decision didn't clear up anything, so it is still going to be there and that the Town is just not incurring legal costs yet. He also added that his assumption was that something else would occur.

Mr. Blanchette reminded the Board that they would begin mediation with the parties in January, either the 6th or 14th, so, even though the law court did not decide, they are still pursuing mediation to come to some sort of conclusion.

Mr. Moynahan said that, once again, staying as is seems to be the most sensible approach.

Mr. Fernald agreed and said that, if Mr. Dale does go to court, then the Town could still ride along and, hopefully, not incur the large costs and they still plan to go to mediation in January.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

It was the consensus of the Board not to take any action.

Mr. Blanchette said that, along with that, Mr. Vaniotis would like an attorney privilege executive session regarding the upcoming mediation by phone at the next meeting with the Board.

The Board agreed to schedule the next Board meeting for 6 PM to include the requested executive session with Mr. Vaniotis.

7:03 PM Mr. Blanchette said that there would be a mediation with Mr. Norton, as well, but they don't have a time, yet. He added that the Board may be having a discussion on this when they have the discussion with Mr. Vaniotis regarding Eliot Shores. He added that Mr. Vaniotis is going to want to know if any member of the Board would like to be a part of the mediation team – Mr. Vaniotis thinks that he (Mr. Blanchette) and Mr. Marchese should be there and wondered if the Board wanted anyone from the Board, itself.

Mr. Fernald said that, if it was okay with the Board, he would like to volunteer to be part of the mediation team.

The Board agreed.

It was discussed that they might need more than 30 minutes with Mr. Vaniotis and Mr. Blanchette said that he would talk with him to find out and get back to the Board.

Mr. Marchese clarified that the Board wanted him to be at the executive session.

The Board said yes.

Old Business (Action List):

7:05 PM

Mr. Fernald commented that the list did not look like the one the Board discussed – that it looks like some things were taken off the list.

Ms. O'Donoghue said that some of the things were in their agenda.

A. Solid Waste Alternatives – Solid Waste Committee

No new information tonight.

B. Wild Brook Lane

Mr. Blanchette said that he received some correspondence from Sherie Davis saying that she had been hoping to have something from her attorney here tonight and she did not receive what she was waiting for. She told him that when it comes in she would let him know and they could put it on for the next meeting.

C. Department Head meetings

Mr. Fernald said that these start to be scheduled the first of the year.

Ms. O'Donoghue clarified that these are not reviews but getting the department heads together once a quarter, maybe, to see what's going on.

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

Ms. O'Donoghue asked if they had a schedule for their next meeting.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Blanchette said no.

Ms. O'Donoghue clarified that they needed a meeting in January to go over the contract one more time.

Mr. Blanchette said yes, as soon as they get the report back from DMC as to what they find the Town should be looking for to change in the contract or not change. He added that then they would schedule a meeting.

E. Skate Board Park noise

Mr. Blanchette said this was supposed to be removed from the list.

F. PACE Program – for Town Meeting vote

Ms. O'Donoghue asked if they ever cleared up the contract versus the ordinance. She added that she thought that they all agreed that the ordinance was fine.

Mr. Blanchette said that he did not know what South Berwick finally did. He said that he would contact South Berwick to find out.

G. Review CLD Contract (Design stage) – Mr. Moulton and Mr. Moynahan

Mr. Moynahan said that Mr. Moulton had something in his packet but he was not here. He added that they have several bullet points of material that should be included and they were looking to get some input.

Mr. Fernald said that it cleared up a lot of mystery of where the Town should be, when.

Mr. Moynahan clarified that this should be put into contract language for them.

The Board agreed.

H. Employment Contracts

Ms. O'Donoghue commented that this was added for the Board to consider if they wanted to use contracts but they could remove it if they did not want to do that.

Mr. Fernald suggested leaving it on the list, think about what that really means and review it at the next meeting.

Ms. O'Donoghue asked if Mr. Blanchette knew if other towns in the surrounding area used employment contracts.

7:10 PM

Mr. Blanchette said that it varies – that some use it only for the town manager, others use it for department heads – so it varies a lot from town to town.

I. Job Reviews

- a. Schedule
- b. Where Job Reviews are kept
- c. Comp Time-Salaried vs. hourly: merit vs. step

Mr. Fernald said that a schedule would be set up to get this done.

J. Code Red alert system

The Board agreed this should be removed.

K. Mission Statement

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Fernald clarified that this was a Town mission statement.

Ms. O'Donoghue clarified that this was nothing to do with their Selectmen policies or procedures but would be in lieu of a charter statement. She passed out examples of mission statements other towns use for the Board to review and consider as suggestions. She said that they could think about and talk about it at another meeting. Ms. O'Donoghue said that, if it was something they wanted to do, it would be something they could put on their web site and any outreach materials they had to just let people know what Eliot is all about.

L. Review CLD Contract - Mr. Moulton and Mr. Moynahan

The Board agreed to remove this action item.

M. Committee Recognition Party – Ms. O'Donoghue, January 14

Ms. O'Donoghue said that the only thing that had not been decided were the hours for it to be held.

Mr. Blanchette said that, in years past, they had held it from 4 PM to 7 PM to give people enough time that were coming home from work would have enough time to stop in on the way.

Ms. O'Donoghue said that she would give the Board more on this after the first of the year.

The Board agreed to hold it from 4 PM to 7 PM.

N. Comp Plan Action Items

This is ongoing.

O. Update Personnel Policy to include Progressive Discipline

Mr. Blanchette suggested that he could bring some information on that to the next meeting.

The Board agreed.

Mr. Fernald said that Mr. Moulton was not able to be present for this tonight. He discussed the correspondence Mr. Moulton submitted.

The first memo had to do with road salt contamination and Mr. Fernald read the letter, then asked for comments.

Mr. McPherson said that a lot of the 60-65 miles of road was in what they called the southern area and is served by Town water, so no wells would be contaminated for that many road miles. He asked, for the roads Eliot maintains in the winter for the State, if it was Eliot's responsibility or the State's if something went wrong – does Eliot maintain the roads the way the Maine DOT would maintain them.

Mr. Moynahan commented that he thought the signs (notice reduce salt use area) were a good approach.

Mr. Fernald said that he thought the questions Mr. McPherson had are questions that need to be asked of Mr. Moulton and suggested he be at the next meeting so they could ask him these questions.

Ms. O'Donoghue commented that this is an issue that has been brought up in prior years and she is glad to see it being addressed.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

7:20 PM Mr. Fernald said that another memo addressed the pick-up truck plow trade/sale.

Mr. Moynahan moved, second by Mr. McPherson, to allow the department head to move forward with the sale of the snow plows, as indicated.

VOTE

3-0

Chair concurs

7:22 PM

New Business (Correspondence List):

#1 TO : Board of Selectmen
FROM : Joel Moulton, Public Works
REF : Shorey Brook Bridge
Mr. Fernald said that this memo addressed a miscalculation for the estimate to repair Shorey Brook Bridge. He added that the estimated repair cost to each town would be \$6,600, not \$2,500 and the cost could still be covered within the Highway budget.

Mr. McPherson said that the job was complete and is a big improvement. He added that it would last for a long time.

Mr. Fernald clarified that the amount was within his budget so the Board did not have to take any further action.

7:26 PM Mr. Moynahan reminded the Board of Mr. Moulton's memo that the Highway Department has taken possession of the Forestry Truck

#2 TO : Board of Selectmen
FROM : Vaughn C. Smith
REF : Interest in several committees

Mr. Fernald asked if Mr. Vaughn had a preference for a particular committee.

Mr. Vaughn said that he was interested in the Business Development Committee and the Energy Commission. He added that he would like to be on two to start with to get orientated.

Mr. McPherson moved, second by Ms. O'Donoghue, to appoint Mr. Vaughn to the Business Development Committee and the Energy Commission.

VOTE

3-0

Chair concurs

Mr. Fernald gave Mr. Vaughn a copy of the ordinance governing boards, commissions and committees.

7:30 PM

#3 TO : Board of Selectmen
FROM : Attar Engineering, Inc.
REF : Route 236 Municipal Development & TIF Development Project – Sewer Route

Mr. Fernald invited Mr. Wood to speak.

Mr. Wood thanked the Board and said that he had Brandon Mazer from the shipyard, was with him. He explained that his comments and the exhibit he put up are in reference to the CLD engineering study dated August 2010. He said that basically what the CLD study suggests as far as the new TIF sewer system was Phase I, which is Beech Road to Bolt Hill and is worth about 3.6 million dollars, Phase II is from Beech Road, northerly, about another mile of gravity and twin

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

force mains that is worth about 3.1 million dollars, and then there is a section that extends to Martin Road – has a force main to Martin Road, a forced gravity to Pump Station #7, then goes to the Kittery Treatment Plant. He said that Kittery's cost-share on that is 2.7 million dollars. Mr. Wood said that he was just asking the question he has been asking all along. He said that Eliot Commons has a force main that extends, roughly, from Beech Road to Bolt Hill Road, which he is sure the Board is familiar with, adding that there were odor issues, which have been resolved. He added that, when the TIF was being investigated by the Town, he believes one of the aspects was to evaluate the Eliot Commons sewer system to see if it could be of any benefit to the Town with the new TIF system and he doesn't believe that has been done. He said that he believes that the engineering study has evaluated the Eliot Commons sewer system with respect to capacity as it flowed over Bolt Hill Road because, from all the information he has gathered, they say that the system is at or near capacity and that has to do with the two pump stations that are on Main Street that service Eliot sewerage. Mr. Wood said that he does not believe the force main, itself, has ever been analyzed for capacity independent of being analyzed with the 8-inch gravity system from the top of Bolt Hill Road, down. He added that he thinks it is to the benefit of the Town to just ask that question – is the Town really going to put in a new 1-mile of sewer at a cost of 3.6 million dollars right next to an existing system – and that's the only answer he wants. He added that he had a bunch of information that he would be glad to supply the Board but recognized that they had a full agenda and reiterated that he just thinks the Town needs that answer. Mr. Wood said that he thought it was best to incorporate the Eliot Commons force main system in conjunction with the new system instead of spending the Town's 3.6 million here, which would service 24 properties, 17 of those TIF properties, spend the 3.1 million dollars up here and service the 44 properties, 22 of which are TIF properties. He reminded the Board that most of the big users are already connected to the Eliot Commons force main system – Eliot Commons, Dunkin' Donuts, the new 150-unit Villages at Great Brook project (has an agreement to be connected to it and paid to do that) and Mr. Donhauser's proposed medical office building was going to be connected to that system. He commented that they already had a system in the ground and asked if anyone really wanted to spend 3.6 million dollars, spend \$750,000 in engineering just to oversee the installation and final design of that – to put it next to an existing system and he would just like the answer. He added that, more than him getting an answer, he believed it was to the benefit of the Town to get an answer to the question. He explained that he's heard a bunch of answers – it's too old – it's 20 years in the ground and Class 100 PVC, which usually lasts 50 to 100 years and they could pressure-test that system for \$1,000 from Ted Berry & Co. Inc., the same company the Town has used and the same company he has used to resolve those issues to prove it's not too old. Mr. Wood commented that everyone says it's over capacity – SEA did a capacity for the Town on that system and they determined that it would handle 185,000 gallons per day. He added that the Town had Civil Consultants do a capacity in 2003 and they determined it would handle 95,000 gallons per day. He said that he believes it is somewhere between 85,000 gallons per day and 150,000 gallons per day and it depends on what peaking factor one applies. He again reiterated that he thinks it is a question that needs to be answered before the Town starts digging up both sides of Route 236 for a gravity line on one side and twin force mains on the other. Mr. Wood said another big concern he has is that, if they were really going to put twin 6-inch force mains on Route 236 and they don't really have a lot of big uses in those 22 properties, they would outfall it here – everyone is familiar with the problems that the Commons 4-inch force main, with 9,500 gallons per day in it had, as far as odor issues on the top of Bolt Hill Road. He added that he thinks they have resolved all those in working with the Town over the past two years but are they going to send all the odor issues with twin 6-inch – are they going to send them to that outfall manhole on Martin Road and end up with another odor issue. Mr. Wood told the Board he appreciated their time and asked if they would ask CLD to address those comments and maybe provide the Town a reason that makes sense as to why the Town couldn't use that system or, as an alternative and as was discussed during

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

the TIF meetings, let's look at using it and spending the money wisely and expanding the TIF district northerly.

Mr. Fernald said that Mr. Wood had made some good points.

Ms. O'Donoghue commented that it made much sense.

Mr. Moynahan said that that could be incorporated into the contract for the design phase to explore that piece so that they have that as an option. He added that he doesn't believe this was done in a feasibility study or they would have seen some answers these questions.

Mr. Wood said that, if one looks at the engineering study, it says the system is at capacity, but they don't mean that the force mains are at capacity, what they mean is that the route over Bolt Hill Road is at capacity and they estimated that, instead of spending 7 million dollars on Phase I, it would have cost the Town greater than 10 million dollars to upgrade mostly the gravity system and the two up stations on Main Street because those are at capacity. He added that he doesn't think they looked at using this portion of the system in conjunction with the route through Kittery. He also added that he agreed that was the smartest route because the Town gets more bang for the buck here because Kittery cost-shares that portion of the system with Eliot because Eliot is servicing part of Kittery.

Mr. Fernald said that the Board would ask the question.

Ms. O'Donoghue suggested that the Sewer Committee be involved.

Mr. McPherson agreed.

Ms. O'Donoghue commented that she thought it was a very exciting idea, if it works.

Mr. Wood thanked her and said that he thought the whole TIF system was a good idea – what pieces do they want to do now, what pieces do they want to do later and do they really want to spend 3.6 million dollars to put a system right next to an existing system that may be of use to the Town.

Ms. O'Donoghue commented that this would make the taxpayers a lot happier, too, if they could extend the TIF sewer further up.

Mr. Wood said that the other thing they would be doing by extending northerly is someday they need to get to Marshwood Estates and Marshwood Middle School. He explained that Marshwood Middle School has an overboard discharge system and DHS and DEP are not going to keep granting extensions for the relicensing of that forever – it is a sand filter system that discharges to Storage Creek and someday they are going to have to tie those guys in. He added that he thinks that, even if they tied them in, tied that whole district in, there's enough capacity in the Eliot Commons system to handle that.

Mr. Fernald asked the Board if they thought this needed to be presented to the Sewer Committee, also.

7:40 PM

Mr. Moynahan said that he thought they should be aware and that the Board should ask CLD and get an ironclad answer. He added that this first letter was quite a while ago.

Mr. Wood agreed and said he wrote a letter last November 3rd, he went to the status meeting in June and he asked the question again and he thinks the Town needs the answer.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Fernald said that the Board agreed.

Mr. Hirst said that he wondered if it would be worthwhile to have Mr. Wood pose the question in writing to the Board so that the Board could use that as the basis for their inquiry to CLD.

The Board said that they have it already.

#4 TO : Board of Selectmen
FROM : Eliot Sewer Committee
REF : Engagement of Consultants for Sewer Contract Committee

This was approved at the last meeting.

#5 TO : Board of Selectmen
FROM : Eliot Fire Department
REF : RiskMAP

Mr. Fernald asked Mr. Muzeroll to speak.

Mr. Muzeroll clarified that he was not looking to take over the whole new risk assessment for floodplain operations and insurance for the Town of Eliot. He said that what he wanted to do was to make the Board aware that there is a move – nationally, county-wide, state-wide – to reassess flood plain boundaries and, ultimately, what they are going to do could change insurance rates, planning codes, all kinds of things. He said that, as far as the Emergency Management Department goes, floodplain issues always become a problem for planning as well as mitigation for the future. He explained that the Town either needs to appoint people or get on board to make sure the Town follows through with all this risk management assessment through the regional planning office, through the State of Maine, get with the right people. He added that he could help coordinate it but he wouldn't appoint people and he didn't have anyone in mind, either. Mr. Muzeroll said that he could get some more information as to what was really involved and this would move forward whether Eliot was involved or not.

Ms. O'Donoghue agreed that this would happen, regardless, and she believed it would be helpful if somebody from Eliot had a finger in the pie.

Mr. Muzeroll said he would put the word out about this.

Mr. Muzeroll said that, before the Board moved on, he had a couple of EMA things that needed to be discussed.

Mr. Marchese, referencing the FEMA Maps, asked if Mr. Muzeroll had had a chance to review the preliminary maps that the Town has. He said that he has found them folded up and in several different places and he has been able to consolidate them in one location. He added that he has thrown out the draft maps and included all the updated preliminary maps in one location so that everyone can see what FEMA wants to do.

Mr. Muzeroll said that most everything that had all the data that Eliot has supplied in the past, whether through the code office, his office or the Highway Department, was submitted to Southern Maine Regional Planning (SMRPC) for the redevelopment and get rid of all the draft stuff and summarizing all the information that all the area communities gave them. He added that he thought the last update was as of August of this year when they did their Tier II Mitigation planning. He said he wasn't quite sure what Mr. Marchese had but was more than willing to look it over.

Mr. Marchese said that he was looking at the proposed FEMA floodplain map.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Muzeroll said that this would go in phases and it very well could be the proposed one and he just didn't know.

Mr. Marchese said that the information was available to the Town and he would be glad to go over it with anyone. He clarified that they basically changed the base mapping to add aerial photography so it looks like it is a much more intensive plan but it really isn't. He said that it is pretty much an overlay of the floodplain map in itself – it depends on who has the most data, as some communities have a lot more data, ground contours, spot elevations so that they can see that some of the areas that FEMA thinks are in the flood zone are, in fact, not. He explained that Eliot is not at the point, yet, with their GIS to say yes or no but that is kind of the next step in their GIS and that information might help people that are in a supposed floodplain when they may not actually be in one.

Mr. Muzeroll said that he thought that, at the last meeting he was at, he gave the Board a copy a proposed Selectmen's policy for NIMS compliancy. He explained that the National Incident Management System (NIMS) is a system that has been established by big FEMA, filters down to all local agencies, and it is a standard-language operational plan for all emergencies. He said that he was under the assumption, and he has not been able to find and why they were starting from scratch, that this was already a Selectmen's policy. He added that he couldn't find a copy of it and York County could not and this is a new one that he put together with the right names and verbage in it that meets the current template, as suggested by York County and the State of Maine. He clarified that he needed the Board to review it and told them that if they decide they don't want this as part of their policy it would pull the Town out of any grant applications because it is a precursor for all grants, whether it is his, the Board's, the Highway Department or the PD, they all had to be NIMS compliant. Mr. Muzeroll said that they were not out of compliance but that they needed this policy set in place and a copy registered with York County. He added that, if the Board had no objections and have had time to review this, by a vote of the Board, if the Board could sign it, then he could get it off to York County and that would be great.

Mr. Fernald asked for the pleasure of the Board.

Mr. Moynahan asked if this required readings like for other things.

Mr. Muzeroll said no, that this is handed down through Homeland Security, which they require, and it has a trickle-down effect that includes all federal, state and local agencies if they want to participate and get funding that creates a common language and common action. He added that there are a lot of whereas and whatfor's that basically means that the Town promises to play by their rules.

Ms. O'Donoghue moved, second by Mr. Moynahan, to adopt, as the Selectmen's policy, the National Incidence Management System with the Town's standard of management.

VOTE

3-0

Chair concurs

7:50 PM

At this time, the Board signed the policy.

Mr. Muzeroll said that the second part of this was the EMA ordinance. He said that what the Town had was not appropriate and suggested the Town would be smart and follow this through and get a Town of Eliot EMA ordinance in place. He explained that this would go hand-in-hand with the Town's emergency plan and are the three components that work together – the NIMS process, the ordinance and the emergency plan. He added that the emergency plan is something they will all agree on and the county agrees on that the Town could live with but this legally establishes the department. Mr. Muzeroll said that it

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

clarifies the delineation of duties within that department and who would be responsible for what in case there is an emergency, which will clarify the law as to what they could do and, therefore, that ties into the implementation of the Town plan, which should be just about done.

Mr. Moynahan said that it was a logical approach and the Board should get it started.

Ms. O'Donoghue said that she had read it carefully and it looks very good, as it covers all the bases and works for the Town. She added that she would recommend that they move forward on getting the ordinance ready for a Town vote at the next possible meeting.

It was the consensus of the Board to move this ordinance forward to ready it for the next available Town Meeting.

Mr. Muzeroll clarified that, if this does not get on the January Town Meeting, that would not prevent them from applying for grants or receiving grant money but is part of the process. He said that he has already spoken with York County to let them know he was proposing it, so they know that the Town is working on this.

Mr. Fernald commented that he thought it was a good idea to get this done as soon as possible. He told Mr. Muzeroll that they would like him to attend the public hearing for this.

7:57 PM

#6

TO : Board of Selectmen
FROM : FEMA
REF : Risk MAP Program

This was discussed previously in tonight's meeting.

#7

TO : Board of Selectmen
FROM : Grant Hirst
REF : Intrusion alarm quote at the PD & Salt Pollution

Mr. Fernald invited Mr. Hirst to speak.

Mr. Hirst said that, as the Board knows, the Town Meeting appropriated \$16,000 to do alarm work and they got the bids for \$14,323 but, because he was careless and did not plan properly last year, he did not get a security system quote for the police station. He added that he did get it and it is \$2,509 and that puts the amount appropriated over by \$832. He added that, in addition because the Transfer Station needs a second phone line – it's a requirement in the fire alarm system to have redundancy in the calling out and because they have proposed a couple of minor changes to Town Hall and the fire station – the alarm project, if everything they proposed was done, then it would cost about \$17,600, which means they are about \$1,600 over the appropriated amount. He clarified that his purpose in bringing this to the Board's attention was to ask them if they could find roughly \$1,600 so that this project could be completed.

Mr. Fernald asked Mr. Blanchette what the Town had in Facilities.

Mr. Blanchette said that the Town had about \$20,000 left in the Facilities Reserve Account and they also have the Contingency Reserve Account, which is what it is there for.

Mr. McPherson asked who the other two bidders were for this.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Hirst said that one was Protection One, which currently monitors the sewer system "bumps"?? and the other one came to him, said he wanted to quote, then he declined, so Mr. Hirst did not get a third quote.

Mr. McPherson said that he wondered if the other two would have included this in their bid, as there were not written bids, that he knew.

Mr. Hirst said that they did receive written bids.

Mr. McPherson asked if they had gotten those here.

Mr. Hirst said that he provided them to the Town Hall.

Mr. McPherson asked who would be monitoring these.

Mr. Hirst said that it would be Seacoast Security.

Mr. McPherson commented that American Security wanted the library and Town Garage.

Mr. Hirst agreed that was correct.

Mr. McPherson said that it seemed to him that, with one company monitoring everything, then the Town would have better control of it all.

Mr. Hirst said that he thought Mr. McPherson was right and that is why he has already secured quotes by Seacoast Security to monitor the pumping stations that are now covered by Protection One. He added that he also has a quote from Seacoast Security to monitor the Town Garage and to upgrade the very old fire alarm system that is there. He added that it has been determined that that is Mr. Moulton's call as to what is to be done with that. Mr. Hirst said that the library is up to Steve but Mr. Hirst has mentioned to him that the Town has Seacoast Security.

Mr. McPherson said that, from what he has experienced from American Security, that company has never been a problem.

Mr. Fernald asked if American was one of the quotes.

Mr. Hirst said that, to be very honest with the Board, he did not ask them to quote because he had three people all lined up and American was not on their radar at the time.

Mr. McPherson said that, as far as monitoring goes, competition would save money.

Mr. Hirst said that the indication is that, at \$22 a month per location, that is as good as they were going to be. He added that American is also charging \$22 a month for the Town Garage and they may go up when the new contract comes in.

Mr. Fernald said that he believed the money could come from one of two places. He added that he believed there was more money in the contingency fund.

Mr. Blanchette said that was correct, that they had about \$70,000.

Mr. Fernald asked for the pleasure of the Board.

Ms. O'Donoghue moved, second by _____, to approve the intrusion system for the police department at a cost of \$2,509. There was no second.

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

Mr. Hirst said that, if the Board was going to do that, then they might also want to expend the money to upgrade the system for the Town Hall and Fire Station and put in the additional direct dial cell phone for the Transfer Station, which would put them to roughly \$17,600 or roughly \$1,600 over what was appropriated.

Mr. Blanchette clarified that the \$2,509 helps bring the total over but it is the \$1,600 that the Board would have to appropriate additionally.

Mr. Muzeroll asked for clarification on who pays the monitoring fee.

Mr. Blanchette said that it should come out of each department's budget.

Mr. Hirst said that American Security is paid for out of the Town budget, as is Protection One – Ms. Spinney takes care of those bills when they come in each year.

Mr. Blanchette said that they are budgeted under each department – no overall alarm system budget.

Mr. Muzeroll said that he has an alarm system but it doesn't go anywhere other than it sets off the fire alarm right now and that doesn't cost him anything. He added that he wasn't saying that it couldn't use an upgrade somewhere along the line but he wasn't budgeting XYZ a month for any kind of an alarm monitoring. He said that he would have to make it a line item in his budget, as every department would.

Mr. Moynahan clarified that Mr. Muzeroll was comfortable with the security he currently has in his building.

8:05 PM

Mr. Muzeroll said yes but he added that the panel could use some work.

Mr. Blanchette clarified that the present approval included an upgrade at the Fire Station.

Mr. Hirst agreed and added along with low building temperature. He said that there is nothing there now that would trip that alarm, as far as he knows.

There was some discussion to clarify the overage and state concerns about being more careful with these types of things.

Mr. Moynahan moved, second by Ms. O'Donoghue, to appropriate \$1,600 from the Contingency Fund to fund the balance of the security work, as described.

VOTE

3-0

Chair concurs

Mr. Muzeroll said that department heads need to be reminded that they need to put into their budgets maintenance agreements, as there are other costs involved with the upgrades.

Mr. Hirst agreed and said that anytime there is a fire alarm system it is supposed to be inspected annually and that costs roughly \$200 a year per installation.

Mr. Moynahan suggested having Mr. Blanchette send out memos to department heads not present to let them know that, as part of their budget, they may want to increase line items so that they are prepared for this and not caught unaware.

The Board agreed.

8:12 PM

Mr. Hirst, discussing road salt, said that he recommended last year that the Board consider getting the insurance and it was decided to hold off. He added that he is

BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)

just doing it again this year and it was up to the Board as to what they wanted to do. He explained that, based on 60-65 miles of plowable roads, which is the rating based used, it would be between \$900 and \$970 per year for the coverage. He said that, according to MMA, the remedies to settle such claims, including replacing the water supply, repairing damage to the water supply, paying a designated sum of money for purchasing the entire realty served by the water supply, can be pretty sizable claims. He said that the insurance gives a limit per claim of \$25,000 with a limit per year for all of \$100,000 and probably has a \$1,000 deductible. Mr. Hirst said that he asked Mr. Moulton what his experience was with road salt contamination and whether he had seen that before. He added that he didn't know if the Board wanted to purchase the insurance but it was his job to bring it to the Board's attention.

Mr. Fernald said that Mr. Moulton is quite conscience about what they would be using, as far as road salt, so there will be some changes made.

Mr. McPherson, addressing the 60-65 miles, said that they were not in danger of damaging the water supply for all those miles.

Mr. Hirst clarified that the rating basis is simply miles plowed but that doesn't mean one should expect contamination where there are no wells.

Ms. O'Donoghue said that the Town does have quite a number of wells in the rural areas, that a count done found 2/3rd s of the water supply comes from wells. She added that she knew there were a couple of wells that were very close to the road, however, she does think that Mr. Moulton is taking steps to correct any issues. She added that she is not much of a gambler, normally, but added that she was inclined to wait one more year and see what happens, since they don't have any claims at the moment.

Mr. Moynahan said that he thought the proposal for that could be prepared and presented during the budget season and, at that point, the Board could choose to purchase it or not.

It was the consensus of the Board to have this proposal presented, in writing, at budget time.

8:15 PM
#8

TO : Board of Selectmen
FROM : Betsy O'Donoghue
REF : Job Application Form

Ms. O'Donoghue said that she sent this to Mr. Blanchette because it came to her attention and she knew he was working on getting the drivers licenses checked. She added that this wording is included right on here and is much more comprehensive, although she did believe it needed a bit of tweaking, as she doesn't think they need to ask for citizenship in Eliot.

Mr. Blanchette said that they do, by law.

Ms. O'Donoghue said that it goes in to certain things like computer knowledge, military history, certain skills, etc. and believes it is something the Board should consider and possibly adopt.

Mr. Fernald asked the Board if they wanted to review and discuss this at the next meeting or did they want to address it now.

Mr. Moynahan said that those two things are things they have been looking to address and that would take that right off the discussions they had back and forth

**BOARD OF SELECTMEN'S MEETING
December 9, 2010 6:30PM (continued)**

around the drivers licenses. He added that he would be inclined to work this as a model.

The Board agreed that they would not make any changes to the MMA wording and did not need to wait on it.

Ms. O'Donoghue moved, second by Mr. Moynahan, to adopt the MMA wording for the job application form.

**VOTE
3-0
Chair concurs**

Selectmen's Report:

Ms. O'Donoghue informed the Board that she would not be attending the next meeting, as she would be in Mississippi with her daughters.

**8:20 PM
Executive Session**

Mr. Moynahan moved, second by Ms. O'Donoghue, to enter into executive session as allowed by 1 M.R.S.A. section 405 (1) (6)...discussion of employment...

8:45 PM Out of executive session.

8:46 PM Moved by Moynahan, seconded by O'Donoghue, that we set a weekly stipend of \$528, effective Jan 1 2011, to Jay Muzeroll for his work as Fire Chief.

**VOTE
3-0
Chair concurs**

Other Business as Needed

Selectmen Moynahan disclosed that he had recently received a letter of violation from DEP. He further explained the letter.

Adjourn

There was a motion and second to adjourn the meeting at 8:48 PM.

**VOTE
3-0
Chair concurs**

DATE

Roberta Place, Secretary