

**BOARD OF SELECTMEN'S MEETING**  
**March 10, 2011 6:30PM**

**Quorum noted**

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

**Roll Call:** Mr. Fernald, Mr. Moynahan, Mr. McPherson and Ms. Place.

Ms. O'Donoghue was absent.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:32 PM** Motion by Mr. McPherson, seconded by Ms. Place, to approve the minutes of February 24, 2011, as amended.

**VOTE**

**3-0**

**Chair concurs**

Motion by Mr. Moynahan, seconded by Mr. McPherson, to approve the minutes of March 3, 2011, as written.

**VOTE**

**3-0**

**Chair concurs**

Motion by Mr. Moynahan, seconded by Mr. McPherson, to approve the minutes of March 3, 2011, as written.

**VOTE**

**3-0**

**Chair concurs**

**Public Comment:**

**6:35 PM** Ms. Shapleigh commented that it was brought up at the last meeting, she thought, and no reflection on Mr. Lemire, but they just celebrated the bicentennial of this Town and now there is a committee that is working and checking out items related to the Comprehensive Plan and somewhere down the line, she was sure, the Town would be spending money to see if the Town has the correct form of government. She added that she would think that the 200 years of history should probably stand alone. She also said she thinks it's a little foolish and certainly hopes the Town doesn't spend any money on surveys or changing it. She said that, if people want to change it, then let them bring a petition to the Board.

Mr. Lemire said that something he has been thinking about over the course of the last couple of years is that they have their joint Budget-Selectmen's Meetings for the presentation of the budget and the discussions that they have and he wondered if it would be something to think about to have those minutes be recorded similar to regular Board of Selectmen's Meetings.

Mr. Fernald agreed that they should be and that his comments were well-noted.

**Department Head/Committee Reports**

**6:37 PM** Mr. Henningsen, Energy Commission (EC), said that he had two items to discuss tonight: one was to introduce Brittany Sinclair, who is a UNH graduate student helping the EC on the Carbon Challenge and working with high schools, specifically working to get Marshwood High School involved, to let her talk a bit about what she was doing; the second was to get approval to issue a purchase order to have some energy audits done.

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Ms. Sinclair explained that her job was to get the Carbon Challenge into high schools and, so far, she has five teachers and a total of 10 classes that are going to take the challenge against each other. She said that they would have to go home to their families and look at their energy bills, working as a family to not only get the students involved but the residents, as well. She added that she was working with Clean Air and Cool Planet, as well. She said this was a three-month challenge and the first time it has ever been done in the high schools.

The Board thanked Ms. Sinclair for coming and being involved.

Mr. Henningsen said that, as the Board knew, the EC got a grant a few months back and they have received a good portion of those funds. He added that they recently went out for pricing to have energy audits done on the Police Department, Fire Department and Town Hall. He added that they went out to six bidders, two people showed up for the pre-bid meeting and one person quoted the job. At this time, he gave handouts to the Board that included the quote and RFP. Mr. Henningsen said that their overall strategy is to have the energy audits done and part of the audit requirements is to come up with budget pricing for the improvements that the audit would recommend as line-item budget pricing so that they could review, as they don't have to accept them all but accept the ones that make sense. He added that they would then go for a warrant article to have the Town's people vote to on the monies to pay for the improvements. Mr. Henningsen said that the total cost of the audits would be just under \$5,500.

Mr. Moynahan said that, as Mr. Henningsen said, there was some grant money and asked if their budget supported the balance of any grants.

Mr. Henningsen said that the grant money was \$10,000, they have committed to \$2,300 for some work they had done on the Police Department and the EC has received \$8,000 to-date, with \$2,000 to come later. He added that they were within the \$8,000 they had received if they issue this purchase order.

Mr. Moynahan said that a year or so ago Mr. White had had some testing done at the Town Hall and asked if that would be offset by any of this pricing or was that inclusive to what the bidder was proposing here.

Mr. Henningsen said that, in a manner of speaking, it would be somewhat of a duplication. He explained that they did do some work on the building, that the EC did compile the heating costs for 2009/2010 and they were able to compare it with the heating costs for 2008/2009. He said that the Town Hall's oil usage has been reduced by 20%, per heating degree day. He added that he believes there is more potential for more improvement in the Town Hall building – lighting and computer issues that might help to reduce electrical usage – and that is why he included it in this audit.

Mr. Moynahan asked if the bidder is aware of some of the work that has already been done.

Mr. Henningsen said that it was mentioned to them in the pre-bid meeting that this had been done and he would get out the documents of that work to provide that information to the contractor.

Ms. Place clarified that this was all taken care of under the grant.

Mr. Henningsen agreed.

Mr. Moynahan said that the EC has asked for guidance on this.

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Mr. Moynahan moved, second by Ms. Place, to allow the Eliot Energy Commission to move forward with the audits, as this is all in-line with funds that are existing, as presented.

**VOTE**

**3-0**

**Chair concurs**

**6:48 PM**

Mr. Moulton discussed his draft of a RFP for waste disposal, with the intent to reduce the Transfer Station Budget with cost saving measures, and asked for approval to move forward on this.

At this time, the Board reviewed the proposal.

Mr. Moynahan said that he especially liked the options for the three timelines and suggested the Board move forward with this.

Mr. Moynahan moved, second by Mr. McPherson, to move forward with the RFP for waste disposal.

**VOTE**

**3-0**

**Chair concurs**

Mr. Moulton discussed truck driver training and utilizing his father to train personnel regarding the roll-off truck apparatus.

Mr. Moynahan asked how long Mr. Moulton thought it would take to train.

Mr. Moulton said it would take two days.

Mr. Moynahan confirmed that Mr. Moulton's father had done this training before.

Mr. Moulton said yes.

Mr. Moynahan clarified that the training would be for the whole group versus individuals.

Mr. Moulton agreed it would be for the whole group. He added that his crew would be back-up.

Mr. Fernald asked how the Board would do this – obviously the Board does have a policy...

Mr. Blanchette said that he thought the policy was more for regular employees than something temporary, like this – that that is the key difference.

There was discussion around 1099's, how to compensate, naming the position, etc.

Mr. Blanchette said that he would assume, in this instance, that they would not treat him as a contractor – that they would treat him as a part-time temporary employee so that it was insured under the Town. He added that, unless the person was doing this for other towns or entities, it would be pretty hard to show him as a contractor.

Mr. Fernald clarified that he was not doing this for any other town.

Mr. Moulton said that he worked part-time for the Town of Berwick, on an on-call basis.

Mr. Blanchette clarified that that was not for training.

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Mr. Moulton said no.

Mr. Moynahan said that he did not have any problems as long as those particulars were taken care of and Mr. Blanchette thought that a temporary part-time status was the way to go.

Mr. Blanchette agreed with the status of temporary part-time.

Ms. Place asked Mr. Moulton if there was anyone specific he had already decided to drive the truck.

Mr. Moulton said that he had a specific person in mind that works part-time at the Transfer Station who is interested in the position – David Raitt. He added that this would be a 15-20 hour-a-week position and he would use highway personnel as back-up for vacations, illnesses, etc.

Ms. Place moved, second by Mr. Moynahan, to hire Mr. Stanley Moulton as a temporary part-time employee to do training for the Town.

**VOTE**

**3-0**

**Chair concurs**

**6:50 PM** Mr. Blanchette clarified that they needed to deal with a couple of things before Mr. Moulton left.

Mr. Blanchette said that the Selectmen received a note from Mr. Moulton that George Russo has resigned from the position as part-time employee (attendee) with the Town of Eliot at the Transfer Station and he believed the Board just needed to accept that and recognize that.

The Board dealt with the matter of Mr. Russo's resignation.

Mr. Blanchette said that the other thing he thought the Board should recognize is that Mr. Moulton has successfully completed his introductory period.

Ms. Place moved, second by Mr. McPherson, to accept Mr. Russo's resignation.

**VOTE**

**3-0**

**Chair concurs**

Mr. Moynahan moved, second by Ms. Place, to move Mr. Moulton to a full-time employee and off his probationary period.

**VOTE**

**3-0**

**Chair concurs**

**6:55 PM** Mr. Murphy said that he had a couple of items to discuss. In regard to the TIF, he said that he had become aware that there is legislation pending in Augusta – three bills, one which is still in committee and he does not know the details, yet. He added that the other two were out of committee and assigned LD numbers. He explained that one of those is of possible importance to the Town – namely, it is a bill to amend the laws of TIF regulation to wipe out the need to have a termination date. He said that, in other words, that paragraph in the law that requires the TIF program to be done in five years would be stricken. Mr. Murphy said that he thought that Eliot would be wise to think carefully of the benefits that that would give Eliot if the pressure to get everything done by April 1, 2014 were wiped away. He added that that might restructure the costs in the way jobs are done so that it might avoid 2<sup>nd</sup> shifts and 3<sup>rd</sup> shifts in an attempt to get everything done at maybe a bad time of the year. He suggested they watch this legislation carefully and, maybe, they should have a delegation go to Augusta to testify

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before the committee when it comes up for a hearing. Mr. Murphy said that the other bill has to do with adding recreational facilities as something that was permitted because Maine has a lot of recreation and tourism and, so, that is an economic development. Mr. Murphy, going back to the first bill he discussed, added that that bill would change the bond payback from 20 years to thirty years.

Mr. Murphy said that, as a member of the Energy Committee, he agreed to look into the possibility of extending the gas line. He said that, as they all know, Eliot has a takeoff from the high compression transmission line that goes through Town and down to the Navy yard along Route 236. He added that there was a possibility for that to be extended north along the C/I Zone. Mr. Murphy said that he had been in touch with Ms. Handley and she referred him to Richard Terazzas (vice-president of business development). He said that Mr. Terazzas would let him know if he thought that was a viable option and, if so, he would be willing to come out to explain how to get permission to do that.

**Old Business (Action List):**

**6:58 PM**

A. Solid Waste Alternatives – Solid Waste Committee

This is ongoing.

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

Mr. Moynahan said they were waiting on another meeting for the final study from CLD, which he had some information on.

C. PACE Program – for Town Meeting vote

Mr. Murphy said that he had copies of the ordinance and gave them to Board members and members of the audience. He added that they should probably begin thinking of including this as a warrant article for an appropriate Town Meeting.

D. Job Reviews

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

Mr. Fernald said that this would be done after the budget process.

E. Comp Plan Action Items

Mr. Murphy clarified that the list they had was a bit more inclusive than just the Selectmen and involved association with the Planning Board, as well.

Mr. Lemire said that the spreadsheet they had talked with the Board about he believes is nearing completion and that Mr. Murphy was going to get together with her to get the final corrections made before it was turned over to their committee. He added that, once that was done, they would provide a copy to the Board.

Mr. Murphy confirmed that he would be meeting with her next week to finalize the first version of the excel spreadsheet.

**New Business (Correspondence List):**

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**7:02 PM**  
**#1**

TO : Board of Selectmen  
FROM : Michelle Hayes  
REF : Presentation to the Board

Ms. Hayes, consultant with Drake, Inglisi & Milardo, said that Mr. Hirst contacted her and gave her extensive experience background in Human Resource (HR) audits. She gave a description of HR audits:

- Comprehensive method to review HR policies, procedures, documentation and systems that are in place to identify needs for improvement and enhancement of the HR function and organization, as a whole.

She compared it to the financial auditing process that companies or organizations were required to do every year from an outside source to make sure there are very consistent practices and checks and balances in the system. She added that an HR audit does a similar thing with the people and policies and practices of the business:

- Consistent checklist used to be procedural or methodical at what is being looked at within the business,
- Identifying gaps that are seen.

She said that her experience has been that no one ever gets 100 – that every time they would find something that could probably use improvement or be updated.

- Compliance with state and federal laws and regulations on an ongoing basis,
- Measure compliance with the practices and policies in the organization that the organization has agreed to.

Mr. Moynahan asked what an example might be that she might find here that might benefit the Town.

Ms. Hayes said that it would be important to have a consistent hiring selection process so that, if they were interviewing five candidates, they would be asking them all the same questions and using the same reference/background checks, as well as consistently documenting that so that someone couldn't say why the same questions weren't asked of all the candidates. She added that it was just really having a consistent documentation in process. She said that policy is the same way so that, if an employee came to them, they would have things in writing and implementing them in the same way with everyone. She said that it could be how they handle discipline – if one person comes in late and someone else comes in late, is there a process in place that says, once, you do this, twice, you do that – that it could be whatever they decide them to be, it is more how they implement them and how people are being held accountable.

Mr. McPherson asked about the cost for a this kind of program.

Ms. Hayes explained that there really wasn't a program – that there would be an estimate of hours it would take to put together a process to do an audit the first time and, ongoing, she thought it was something they could do internally. She added that, if she put together a process and came in, she would want to interview people who actually work in the facility so that she could get information from them. She added that she would want to look at things like performance reviews and documentation and then she would put together a checklist that she would give to them – she would not come back and do it again unless they wanted her to. She said that they could have a committee head do that or someone in the system do that but, going forward, they would have a process they would be committed to using within the organization.

Mr. McPherson asked if she had done other towns this size.

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Ms. Hayes said she has not done towns – she has done companies. She added that she has done companies with 20 people and she has done companies with 27,000 people. She said that the size doesn't really matter because a lot of what is required is the same no matter whether one has 30 people or 20,000 people. Ms. Hayes clarified that, as far as cost, if they decided after this that they wanted to create something new, then that would be separate or if they just wanted an audit form or process to make sure they were in compliance, then that would be part of this.

Mr. Fernald commented that businesses, themselves, were considerably different than municipalities – different rules and regulations and things they could do and things they could not do. He said that a lot of the things she has spoken about they have in place, however, it was always good to have someone from the outside look at an organization to make sure they have not dropped the ball in some areas.

Mr. Lemire asked, if she was brought in to do an audit, what that process would entail in Eliot, what would that involve doing.

**7:12 PM**

Ms. Hayes said that it would involve taking a look at whether they had a policy manual or policies and procedures manual and she would want to look at that and then really interviewing people to see if they were actually doing what they were saying they were doing and whether there are any gaps there. As an example, a question would be, if they had a performance management system, is it something that is done on an annual basis. She added that, if so, then there should be documentation that everyone who works within the system would have a performance review every year and everyone would have that document on the same form.

Mr. Murphy asked if she were more concerned with people and their health, safety and performance or does she also look into the forms of the administration and forms of government to see if it could be improved or too old-fashioned, etc.

Ms. Hayes asked him to give her more detail about what he meant by forms of government.

Mr. Murphy used the example of town council versus selectmen.

Ms. Hayes said she did not do that and explained this was really more about the health of the people and the policy and compliance side of the business. She added that, on the compliance side, are they legal – are terminations done in a consistent manner – some things can bring fines if they are not in compliance. She also added that there are also practices, which are determined by the organization and could be whatever they decided, but how they executed them with people needed to be consistent.

Mr. Murphy asked if she looked at regionalism at all.

Ms. Hayes said that that was not part of the scope of the HR audit.

Mr. Lemire asked if the audit would include a review of the effectiveness or non-effectiveness of management – how policies are implemented and managed.

Ms. Hayes said only if someone asked her specifically to do that, as she believes that is a little bit out of scope and not really an audit. Using the financial audit as an example again, she said that a financial auditor would come in to an organization and find there was so much money taken in and the books say they only took in this much money, leaving a gap of \$18,000 missing so they need to figure out why – this HR audit is much the same thing with policies, practices and procedures. She said that she would not be there to evaluate people's performance at all, as he believes that is the job of the Selectmen. She added that she doesn't

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know the people or see them in action or see their behavior – this is really more about the systems and are they good systems, are people following them consistently, are they not at legal risk, are they handling hirings and firings and those types of things consistently. Ms. Hayes said that, if it seemed they were being erratic in the way they were doing their hiring, then that was something she would flag and, then, someone would need to look into that and ask why or hold the person accountable for the inconsistency because she believes an organization can get into trouble being inconsistent. She reiterated that, if they said they were doing something, are they doing this something and, if not, what's the gap and put an action plan together to fix that gap.

Mr. Moynahan asked Ms. Hayes if, in some of the companies she had worked for, the employees were performance-based for increase in pay or STEP and COLA increase.

**7:15 PM**

Ms. Hayes said that, at Hannaford's, if they hired someone, part-time, at one of their stores, that person would be on a STEP process (review at 3 & 6 months) and, if doing well, that person would get a certain increase – once that person reached a year, then that person would forward as performance-based. She added that Hannaford's was really a performance-based company but there are other companies that do COLA and some do COLA and merit.

Mr. Moynahan asked if that ever played a role in job reviews or a history of a town doing those for something.????

Ms. Hayes said that she thought it was really what the Town espouses as their philosophy and that they would need to have a discussion around whether they were a performance-base employer or a merit-based employer.

Mr. Moynahan said that, aside from that, were reviews being conducted.

Ms. Hayes said that reviews needed to be conducted no matter what because they need something and she explained why. She said that she thinks the review is separate from increases for a couple of reasons. She said that they could have a top performer but the budget might not allow an increase because of the economy. Ms. Hayes said that she believes the performance review is really their documentation of where someone's performance stands, saying that, if they did not have anything documented with examples and specifics and they wanted to terminate someone, then that could be dangerous, in her opinion. She added that they should have ongoing documentation and not a one-year thing, but they should have a file on each person and writing great things they were doing and challenges that they have, and be working on that regardless.

Mr. Fernald thanked Ms. Hayes for coming and that the Board would take this under consideration.

**#2**

TO : Board of Selectmen  
FROM : Great Works Regional Land Trust  
REF : Dam removal and stream restoration project the GWRLT is undertaking

Darrell DeTour introduced himself as the Stewardship Coordinator for the Great Works Regional Land trust (GWRLT) and introduced David Huntress, an engineer from Stantec Consulting Services out of Topsham. He said that they were here tonight to introduce them to a project they were working on, give an update and a head's up that they would be coming to the Town for permitting on this project in the near future. Mr. LeTour said the project was basically a dam removal and is on their Savage Wildlife Preserve property off Route 101. He explained that the dam on Shorey's Brook, a small tributary to the Salmon Falls River, was breached several years ago and they would like to take it out and have been working on it for several months. He added that they have hired Stantec to

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do the engineering and take GWRLT through the process, especially the permitting process and Mr. Huntress was here to talk a little more about the project.

Mr. Huntress said that he had put together a basic project description of where they were at and that they have been working on some natural resource characterization, topography and would follow up on spring wetland delineation and verification and reporting to appropriate authorities to obtain permitting applications. He added that they would probably be filing permit applications sometime in May. He said that, as part of the project, they noticed that the Route 101 culvert was largely failing at this point. He added that they have been in contact with the DOT because their project, from a restoration perspective of natural areas – primarily the wetland resources with the current impoundment is negatively affecting and then the stream resource that runs through there, there are fishery resources associated with that, so there is interest from NOAA, Fish & Wildlife and several other organizations. He added that the GWRLT has several grant applications pending to pay for future work on this project. Mr. Huntress said that the DOT has indicated to them that they have mapped it, it is on their radar and is a high-priority project for them at this point, unfortunately, because of the size of the culvert, it does not qualify for federal funding for them, so they are putting it in their State budget. He said that they were thinking 2012 at the earliest and maybe as far away as 2014, but at some point, that would be replaced.

Mr. Moulton said that he was aware of that and he had been talking with Mr. Hodgeman (State) to see if there was anything that related to the bridge that the Town shares with South Berwick over Shorey's Brook to help him find funding to do a bridge replacement in conjunction with this work so that everything was consistent.

Mr. Huntress said that, if anybody had any questions, to feel free to pass them along, otherwise, they would be back before the PB in a couple of months.

**7:20 PM** Mr. McPherson asked why they didn't repair the dam that was already there.

Mr. Huntress explained that, from a dam-owner perspective, it's a lot like owning a bad bridge – it's a liability. He added that, from a land trust perspective – particularly one that is interested in natural areas, this dam sits on top of the Rainbow Smelt spawning habitat that would be available in Shorey's Brook but also blocks upstream access. He explained that Rainbow Smelt were not a traditional pass fish and they could not pass them around the dam even with the best fish-pass facilities. He added that, from that perspective, the removal of the dam was the preferred alternative.

Mr. Murphy confirmed that, as he understood, the dam was not entire right now, that it was already failing and broken up somewhat so that it was not functioning as a dam, except for the residual base of it.

Mr. Huntress said that he was correct. He said that if they looked at the picture on the front of the package he handed out tonight, it shows an approximate 7-foot breach through the dam, depth-wise, right now; about 25-30 feet wide, which he understands was a result of the Mother's Day flood and then more degradation with the Patriot's Day flood. He explained that in the existing condition, with the way the breach is right now, it is an ongoing erosion problem. He said that the way that the water comes through the breach is that it is going into the adjacent river right bank, hanging a very hard left-hand turn and there is a very big stand of pine trees about 100 feet tall that are all starting to topple over into this breach. Mr. Huntress said that this was something the land trust would really like to take care of.

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Mr. DeTour said that the property is open to the public so, if anyone was interested in seeing what is actually out there, they are welcome to walk out behind the house and take a look. He added that they would see, pretty clearly, what they were up against and why they don't think repairing was an option.

The Board thanked them for bringing this to their attention.

**7:25 PM**  
**#3**

TO : Board of Selectmen  
FROM : PowerPay  
REF : Credit Card Processing Services

Mr. Fernald said that this was a proposal from Ms. Rawski regarding credit card processing services for the Town Hall.

Mr. Blanchette said that, at this point, this is just informational. He added that she was trying to get further information from one of the other companies that is also doing this. He also added that she told him that, once she had that information, she would come before the Board to explain each one.

Mr. Fernald said that this is something that they have looked into over the years and that it would, when it first came out, cost the Town some money, so they decided not to do it.

Mr. Blanchette agreed and said that the reason why it would not now cost the Town money is that the State changed the law so that it would cost the client – the customer – the 2½ %, rather than the Town.

Mr. Moynahan said that Ms. Rawski was conducting some surveys...

Mr. Blanchette said yes, that she was conducting a survey as to the use of it, with some feedback received. He added that he did not know the tally for that but it will be part of what she would have available when she came before the Board.

Mr. Fernald discussed his concern that people recognized what they were doing by using a credit card that would add 2½ % to their tax bill, as an example.

**7:28 PM**  
**#4**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : First reading of proposed Disciplinary Action Policy

It was the consensus of the Board to forward this to the second reading. It will be added to the next BOS agenda.

**#5**

TO : Board of Selectmen  
FROM : Kittery Water District  
REF : District's Financial Report

This was informational.

**#6**

TO : Board of Selectmen  
FROM : Comcast  
REF : Price adjustments

This was informational.

**7:30 PM**  
**#7**

TO : Board of Selectmen  
FROM :

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REF : Discussion on printing and mailing of Town Books – no correspondence

Mr. Fernald said that he had asked Ms. Place to put together a Selectmen's report that would be passed to the Board members for additions or corrections to go into the Town book, if that was alright with the members. As far as the printing and mailings, he asked Mr. Blanchette what were the deadlines.

Mr. Blanchette said that they didn't have a specific deadline, yet, but generally it was the beginning of April. He added that, at the last joint budget meeting, there was a discussion about whether or not they should be mailing the Town report book and he thought that is what this item was there for – to come up with some idea of what the Board wants to do - because that would affect the number of books that they purchased.

Mr. Fernald said that, in the meeting with the Budget Committee, they indicated to this Board that there should be a Town book for everyone mailed to all households.

Mr. Moynahan asked Mr. Blanchette how much not mailing saved the Town last year.

Mr. Blanchette said approximately \$1,000 to \$1,500 was saved. He clarified that the printing, itself, didn't save the Town a whole lot because the bulk of the printing cost is the set-up. He said that he didn't remember the number they ordered last year but they would order substantially less this year if they were not mailing. He said that there might be another \$500 to \$700 to squeeze out of it for savings.

Mr. Moynahan said that he understood their position of it being a small cost for some of the residents that expected the books.

Mr. Fernald said that they looked at all the alternatives last year on how to save money in all areas and this was one of them. He commented that maybe this was one they should not include.

Ms. Place said that she has heard a lot of talk from a lot of people who want that Town book mailed, and they look for that mailing, otherwise they lose track. She added that she thought they should mail the book.

Mr. McPherson said that he thought it should be mailed and, if they want to throw it away, then that is their business – at least they got one.

Mr. Fernald said that last year they looked at all alternatives as far as trying to save money and they looked at the fact that, every year at the Transfer Station, there were hundreds of books put out at the Transfer Station before the Town Meeting, so the Board decided to not send it out to everyone yet have it available to all at the Town Hall and the Town Meeting.

Ms. Shapleigh said she thought that, in light of transparency, they knew that many people don't come to Town Meeting that are Eliot taxpayers and they should have the information. She said that she thought they should mail them.

A member of the audience asked what the differential was between mailing them and just printing them and having them available.

Mr. Fernald said that it wasn't a saving regarding printing costs.

Mr. Moynahan said that it was the \$1,000-\$1,500 in mailing costs.

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Mr. Murphy said he was reluctantly in favor of mailing. He explained that one of the main reasons was that the warrant articles for the Town Meeting are in there and it gives people time to look at them carefully and consider the budget items before they get to the meeting. He felt that it might make the difference for some people whether they went to the meeting or not because they might see an issue of tremendous importance and that would encourage them to attend.

Mr. Moynahan commented that maybe they should find some efficiencies outside the Town book.

Mr. Fernald said that it sounded like it was the consensus to have the Town book mailed to all residents.

The Board agreed.

**7:38 PM**

**Selectmen's Report:**

Mr. Moynahan said that he had correspondence from CLD engineers. He said that the first discussed dates to discuss the feasibility study and given five dates that work for them: March 21, March 22, March 29, March 30 and March 31. He added that they wanted the Board to pick a date and get out the notice to the public and prepare the publication for this.

Mr. Fernald asked if they would have additional information.

Mr. Moynahan discussed the second piece of correspondence from CLD letting the Board know that Ms. Fryer couldn't attend tonight as she had a prior commitment and that they had received additional feedback from SEA regarding peaking factors that impacts the cost allocation between Eliot and Kittery. He said the letter said that was the only information they received and, though they would have liked to have SEA's report and cost-allocation table before finalizing their report, they felt they could not wait any longer to finalize and that it should be available to the Town within the next week or so.

Mr. Fernald suggested March 31 to ensure they would have the information from CLD for the meeting. He asked if they wanted to have more than one meeting.

Mr. Moynahan said that this meeting was to discuss the feasibility report they were hired to do and that any public awareness would include the new engineering firm. He added that he thought this meeting was more about where they are and where they were going with all their (CLD) cost assessments.

Mr. Marchese agreed that CLD just wanted to present their study, formally, to the Town.

There was discussion around where to hold the meeting and at what time.

It was the consensus of the Board to have it at the Eliot Elementary School, if available, or the Grange and to start the meeting at 6 PM on March 31.

Mr. Blanchette said that he would inform CLD.

**Other Business as Needed**

There was no other business tonight.

**7:41 PM**

**Executive Session**

**BOARD OF SELECTMEN'S MEETING**  
**March 10, 2011 6:30PM (continued)**

Mr. Moynahan moved, second by Ms. Place, to enter into executive session as allowed by 1 MRSA § 405(6)(A)(c)...cable contract.

**VOTE**

**3-0**

**Chair concurs**

**7:59 PM** Out of executive session

**8:00 PM** At this time, Mr. Fernald recognized Underwood Engineers

Keith Pratt introduced himself and thanked the Board for having them tonight and for giving them the opportunity to help the Town with this project. He said that they have meet with the Sewer Committee (SC) for a kick-off meeting to get more information as to where things had been left off and what direction they would take. He added that they also met with staff to lay out some things to develop an approach. Mr. Pratt said that the original approach was to do a value engineering piece as they were going through the selection process, then move into design. He said that they agreed with that approach and was part of their recommendation, as well. He commented that the Town has already done a lot of work and their approach was going to be to build on that work, which was the feasibility phase and Underwood would be moving into what they called the preliminary design phase. Mr. Pratt said that they understood the next step was to deal with a Town Meeting to raise funds for the next steps. He said that what they are proposing to do is that value engineering, scope optimization and preliminary design phase as part of the next step but what they wanted to discuss with the Board tonight was to suggest they raise the funds for that step, only, and not raise the funds, immediately, for the final design. He said that their reasoning was that some of the things they might develop as part of this phase could change routes or costs, hopefully to find some things that would save Eliot a little bit of money. He added that, if they could do that, then they (Underwood) were comfortable enough finalizing these routes, coming up with final thoughts and then bringing those final thoughts one more time to the voters that would not only include the next phase (final design) but also the costs of construction. He said that that was how they were looking at this project – the first phase, the VE, was kind of a double check, do a double check on the cost effect evaluation – and they understood that there was some interest in looking at the routes that have been picked and selected already but give fresh eyes on an alternative or second route. He said that they were kind of excited about looking at some of those things. Mr. Pratt said one of the reasons they wanted to approach the project like that is that, if they were to raise design fees now, one of the challenges they found was that Kittery was responsible for a portion of the design as it goes through the Martin Road area. He clarified that the question came up of what amount they would raise – for the Kittery portion, too, or just the Route 236 portion and that was why they were suggesting this step that would precede the final design.

At this time, they gave the Board a handout and discussed it with them.

Mr. Pratt said that, with him tonight were Phil MacDonald (Project Manager) and Colleen Moreau (Treasurer), who is also an Eliot resident. Mr. Pratt said that the letter with the handout summarizes where they stand right now and tries to capture what Underwood understands to be the goals. He said that they were proposing to enter into the preliminary design phase and one of the things they wanted to look at closely was the possibility of revisiting connecting to the existing sewer in the Bolt Hill area and into the sewer services area the Town already has. He added that they understood that that may propose some challenges, in terms of I/I and existing flows, that they have added pieces as part of the preliminary design that would take another close look at the I/I components. Mr. Pratt commented that they have done a lot of work on the I/I and that Mr. Marchese had shared the stacks of documentation Eliot has done. He said that they were proposing to do a flow isolation and that they would come out in the middle of the night (12 AM – 5 AM) to do this study. He explained that they

**BOARD OF SELECTMEN'S MEETING**  
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did this in the middle of the night because, when they picked up flow through the pipes, they knew it would come from infiltration and inflow because, presumably, no one would be up using water. He said that they were also going to do some smoke testing, working with the department and the Town to do that, explaining that they would be putting smoke into the sewers, which would come out at connections that were illicit and would show a roof leader or catch basin and would be picked up immediately. Mr. Pratt said that those are the last two pieces of an I/I program that they felt were necessary to build on what has already been done. He explained that the reason they wanted to do that because, if they could offset some I/I flows through the Village and Bolt Hill areas, they might be able to look at that route in a more cost-effective way.

Mr. Fernald asked about the effect on homes.

Mr. Pratt said it would do the same thing. He added that they would need to notify all the property owners and work with the police and fire departments so that people know that this was going to happen. He added that smoke infiltration does happen in a house where there is a floor drain or connection or roof leader. Mr. Pratt said that it is safe, not a toxic smoke, but it could be an alarming smoke and they need to work closely with everyone to make sure it works.

Mr. Marchese explained that one of the things that was important around this was that, if there was an illicit connection, say, in someone's basement, then sewer gases were going into that person's house on a daily basis and that was a major health concern for anyone living in the home that they may not be aware of.

Mr. Pratt said that the other thing they understood was that this project needed to be funded with Eliot's TIF revenues and they understood what those limitations were. He added that they were working on that and, hopefully, what they were laying out tonight fits that. He said that what was most important to them when they were interviewed and picked for this was that the Town was interested in taking one more look at kind of the broad picture to make sure that, when they do this, they have made decisions in the most cost-effective way.

**8:08 PM**

Mr. Pratt discussed the flow chart that they often do when they got started on a project to lay out the road map, which was laid out in four phases and showed two options – one to do preliminary and final design, with a second Town Meeting to raise construction funding (Option B); and one that dealt with what he had discussed tonight (including the Kittery issue) for preliminary design and to establish a final budget, with the second Town Meeting to deal with design and construction phase costs (Option A). He said that they were proposing to still go in two steps but to do the preliminary phase, first, get all the answers then, when they go to design for the actual construction and final design funding, all the questions would be answered. He discussed their preference for Option A (handout available at Town Hall), explaining that they were very comfortable establishing a final budget once they had answers to the unresolved questions because of their experience and the series of projects they have done that are much like this project. Mr. Pratt said that they could tell them, pretty darn close, what the costs would be and, then, they could take that number to Town Meeting, knowing what the routes were, the costs, where they were going, what the Kittery costs/scope of work would be and that would be the vote. He added that, with that vote passed, they would then move into final design, bidding and construction. He explained that both options showed the same investment and that the same goals were being met – just two different ways to do it and they recommended Option A as the preferred option. He discussed the pros and cons listed to the right and said that he believed the primary advantage to Option A was that they would be taking it a little bit more in smaller steps and, he believed, getting more answers when bringing the bigger votes to the Town.

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**8:12 PM** Mr. Fernald, regarding Option A, asked Mr. Blanchette how they would go out to bonding with two separate bonds.

Mr. Blanchette said that the bond would be at the second Town Meeting (second yellow block on flow chart).

Mr. Fernald said that he was talking about the 50k to 100k.

Mr. Blanchette said that would be at the Special Town Meeting to appropriate TIF revenues.

Mr. Fernald asked if there was a timeline between the two meetings. He said the Special Town Meeting would be in April and the second Town Meeting would be..how long.

Mr. Pratt said that that was a good question and something that should be resolved. He added that they have not laid out an exact date and they didn't know if the Board was trying to wind this up for the regular Town Meeting or the Special Town Meeting but there were some schedule challenges to meet this in 2014. He clarified that they had discussed this a bit but, if the Town was able to fund this as was laid out (Option A), then this Town Meeting would be best served in the Fall. He acknowledged that that didn't meet their regular Town schedule but what that meant that they would then have money to continue final design, which would go through the winter and be ready for construction in this next year. He said that, if that didn't work because of what the Board needed to do with Town Meeting, any further out with that Town Meeting would just push construction out further.

Mr. Fernald said yes, that he understood.

**8:15 PM** Mr. Pratt said that the value engineering study and report were laid out next in the handout and listed the actual tasks and services Underwood would provide, showing proposal detail and lays out their goals, objectives and considerations. He said that they would be looking at phasing and something he thought they would want to spend some time with the Town on – if they could phase this right, then he believed there were a lot of creative things they could do to keep the costs down. He discussed the possibility of phasing in flows instead of purchasing an additional 200,000 gallons all at once and the reasons that might be of value or importance is that, in their opinion, that gives the Town more opportunity to go through Bolt Hill. He added that they have run the calculation and, if everyone out there in the TIF District connected, their projections were that Eliot would only get 10,000 gallons per day on day one, although they were buying 200,000 gallons so, he thought the question was whether this was something Eliot wanted to do or should they look at that a bit differently. Discussing inflow/infiltration, he said their goal was to take a look at the high I/I that exists in the collection system now and try to get rid of it, maybe using that to Eliot's advantage to be able to use some of their existing allocation in some of these initial phases they were talking about for the Route 236 area. Mr. Pratt said that they would then do a preliminary design report and make some final recommendations as to final routing, then move into the next item for Town Meeting because that final report would have final costs, final routes and, hopefully, final terms for the IMA. He added that they included a task (Task 2) to pick up and continue with the IMA review and meetings, as they expected there would be more discussion with Kittery as Underwood and Eliot look at more options. He said that Task 3 was Field Investigation, the I/I part, and they use a sub-consultant who specializes in I/I who has given them a quote to go through and do that work. Mr. Pratt said that they would like to do flow isolation right away. He said that there is a little bit of a challenge with this, as April/very early May was the time to be doing this testing and they were now into March, acknowledging the challenge with the Town Meeting cycle to get funds to move this along. He added that they wanted the

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groundwater to be up when they were in there looking at the pipes so they could see any leaks, otherwise, the Town would just be wasting money. Mr. Pratt said that smoke-testing, on the other hand, was just the opposite – doing it when it was dry was much more effective, as water would dampen the smoke's ability to show leakage in the system. He added that they were looking at a July timeframe for that piece. He said that they would do groundwater monitoring because it was important to know what the groundwater was doing as they were doing these tests, putting monitoring wells in the ground right next to the manholes. He explained that, if the groundwater were not up and they were picking something up, then they would know it was not groundwater. Mr. Pratt said that the schedule was laid out on the top of page 5 and the engineering fees were laid out on the bottom of page 5, with the Value Engineering Study and I/I Report at \$30,000, the IMA negotiations and Meetings at \$15,000, and the Field Investigations at \$15,000, for a total of \$60,000, and if there were other things that the Town would want to carry to continue this, whether it was legal or administrative, then that could be added, as well, but their piece was suggested at \$60,000. He said that page 6 showed work done by the Town to defray costs, such as the house-to-house surveys, which were almost done, and manhole inspections done by the Town.

Mr. Fernald asked if Board members had questions.

**8:20 PM**

Mr. Moynahan, regarding the IMA report, said that spending \$50 – \$100,000 now to produce more information then they were not potentially wasting a half million dollars to be told no after that was done. He added that this was all-inclusive for final design, discussing his concern to spend the least for the best information and process. He added his concern for the need to get the study done by April/early May and the timing of the Town meeting.

Mr. Fernald said that the regular Town Meeting was in June.

Mr. Pratt commented that that was probably the one thing that needed to be done in April, a couple of things could be done subsequently, so if it was possible to find other funds for that small piece, as long as the actual flow isolation was done, they could actually give them that dollar number (\$5,000 - \$7,000) and reiterated that that piece that really needed to be done in April. He clarified that, if there was a way to just manage that or deal with that, then the rest could be dealt with at a schedule that would be a little bit better for the Town because then they wouldn't be missing an opportunity.

Mr. Moynahan asked if that could come from the sewer account.

Mr. Blanchette commented that he would say that it would almost need to be from the sewer account to begin with because, unless they could show that the I/I study needed to be done for the TIF, then they should not be using TIF funds anyway. He said that what he thought the Board could do, initially, was to authorize the use of the Capital Reserve Fund, which he believed was over \$100,000, and would be a key report Mr. Moulton would need to go forward with his repair/maintenance schedule, even if it turned out they couldn't go down Bolt Hill Road. He added that, if it turned out that they could use it, he suggested the Board could vote to reimburse the Reserve Account from the TIF funds.

Mr. Murphy suggested that they could refer this to the Sewer Committee and get further opinion on the validity in the use of those funds.

Mr. Moynahan commented that they had the two TIF Administrators here and the Public Works Director and he would like to hear their thoughts on the approaches, as defined, and the information that was presented, as they know a lot more than the rest present, all three.

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**8:27 PM**

Mr. Marchese said that he thought it was important that the Town meet the seasonal testing phase and, in the overall scheme of this project, it wasn't a lot of money and the right direction the Town should take. Discussing Underwood's preferred option, he believed theirs was the preferred route to take, saying that some people might look at it as though they were engineering this to death but, unfortunately, the studies seemed to raise more questions and they needed to get those questions answered before they brought this as a final design to the Town. He added that the value engineering aspect would hopefully get them some more answers that they definitely needed.

Mr. Blanchette said that he believed they were probably remiss in not doing some I/I work in the past, recognizing that there had been some work done, however, to have a consolidated report would be beneficial to the system and to Mr. Moulton in order to be able to look at it in a rational way. He added that both options had their pluses and minuses and added that what he thought Option A did was land them at Town Meeting with more information and then, they would be going for, as one might say, the whole ball of wax at that point so that they wouldn't be dividing that, again, into a couple of more steps. He added that, at that point, they would have the information needed for the people to decide whether or not to put sewer out on Route 236.

Mr. Moulton said that the I/I, for him, would be a big plus, as he has scheduled a lot of I/I work for this year based on the information they have now, then they would move forward with other repairs, as needed, based on the I/I. He added that the ISO would be key, they would know where the flows were coming from and they knew there was an issue. Regarding Option A, Mr. Moulton said that it was his opinion that it laid out well as they had a lot more information to bring to the voters, the majority of the questions would be answered before moving forward, adding that the timing for bidding would be late-fall/winter and that was typically when they would get the best bids. He reiterated that the way that Option A laid out was truly beneficial for the Town, in his opinion.

**8:30 PM**

Mr. Moynahan moved, second by Ms. Place, to appropriate funds from the Sewer Reserve Account to accommodate the I/I work, as described, and to place Option A in front of the voters at Town Meeting, with the language to be cleaned up and made appropriate.

Ms. Place clarified, regarding the I/I work under Option A, that the work needed to be done post-haste.

Mr. Pratt confirmed that the field work needed to be done by April.

**VOTE**

**3-0**

**Chair concurs**

Mr. Marchese asked if it would be appropriate to have the first Public Hearing after CLD's presentation on the study on March 31<sup>st</sup>.

Mr. Fernald said that he would think so and asked if that was the consensus of the Board.

The Board agreed.

Mr. Marchese asked if Underwood would be available to have a presentation ready by then because they would have to have a couple of public hearings prior to the Special Town Meeting vote.

Mr. Pratt said that they would be able to attend any of those public hearings and, wherever they were at, they could present their findings for certain things they

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were doing. Mr. Pratt said that he would break out the flow isolation piece for the Board.

**Adjourn**

There was a motion and second to adjourn the meeting at 8:40 PM.

**VOTE**

**3-0**

**Chair concurs**

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**DATE**

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**Roberta Place, Secretary**