

**BOARD OF SELECTMEN'S MEETING**  
**February 24, 2011 6:30PM**

**Quorum noted**

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

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

**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 Ms. Place to approve the minutes of February 10, 2011, as written.

**VOTE**  
**4-0**  
**Chair concurs**

Motion by Ms. Place seconded by Ms. O'Donoghue, to approve the minutes of February 17, 2011, as written.

**VOTE**  
**4-0**  
**Chair concurs**

**Public Comment:**

**6:34 PM** There was no public comment tonight.

**Department Head/Committee Reports**

**6:35PM** Mr. Blanchette said that Mr. Atwood would be on the next regular meeting agenda.

Mr. Blanchette said that Mr. Muzeroll could not attend tonight's meeting because of his full-time job.

**Old Business (Action List):**

A. Solid Waste Alternatives – Solid Waste Committee

B. Wild Brook Lane

See Correspondence #2 discussion.

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

D. PACE Program – for Town Meeting vote

See Correspondence #7 discussion.

E. Review Proposals, Engineering – Ms. Place, Mr. Marchese, Mr. Blanchette and Sewer Committee member

**7:17 PM** Ms. O'Donoghue moved, second by Ms. Place, to approve the Selection Committee's recommendation to hire Underwood Engineering and proceed with the selection.

**VOTE**  
**4-0**  
**Chair concurs**

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F. Job Reviews

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

G. Comp Plan Action Items

Ms. O'Donoghue passed out a list of 24 items to the Board.

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

See Correspondence # 8 discussion.

**New Business (Correspondence List):**

**7:20 PM**

**#1**

TO : Board of Selectmen  
FROM : Public Works Department  
REF : Truck Purchase

Mr. Moulton discussed the opportunity for the purchase of a truck to be utilized as a roll-off truck that would cost less than his previous suggestion. He added that he believes he could fund purchase of this truck with funds appropriated within his current budget. He explained that the funding sources would include the Highway Capital Reserve Fund, the balance of the encumbered money from 2010/2011 transfer station budget and the transfer station dump/haul budget line.

Ms. O'Donoghue asked, regarding discussion around modifying the 1980 truck – saying that would be \$30,000 to \$40,000, if this was just not a practical alternative, as it turns out to be less than the new one.

Mr. Moulton agreed that it did but that truck was 31 years old and the new one was a truck that was 5 years old with 39,000 miles on it. He said that they would probably have this truck for 15-20 years with the current mileage on it, clarifying that was an estimate given unforeseen circumstances. The daily trips currently being paid for would be cut out of the budget, investing into something newer versus something 31 years old that is almost ready to have an antique plate put on it.

Ms. O'Donoghue said that Mr. Moulton accounted very well for the \$49,000. She added that the extra \$8,395 brings the total to \$57,395 and asked where that extra would come from.

Mr. Moulton said that, in talking with Ms. Spinney, she said that there was a reserve fund, with the Board's permission, that could be used to cover the \$8,395 for this year.

Ms. Place commented that his proposal sounded like a big money-saver.

Mr. McPherson said he supported the proposal 100 percent, adding he thought it was a good move.

Mr. Moynahan commented that Mr. Moulton said that his budget this year would support the \$8,395, as well.

Mr. Moulton said that, given that it might not, Ms. Spinney said that there was a reserve account that could be tapped, if needed. He added that he thinks he can cover it under the dump/haul budget, as soon as he got that up and running, saying

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that the Town was paying approximately \$2,000 a month for MSW now and, with 5 months left, that equates to \$10,000.

Mr. Fernald asked if that was the Vehicle Reserve Account.

Mr. Blanchette said no, that what he thinks Ms. Spinney was referring to was the contingency account so that, if there was an overdraft in his regular account, then the Selectmen did have the authority to use the Contingency Account.

Mr. Moynahan said that, in the long-term and even short-term, this seems to be a pretty logical approach to save the amount of money they were looking at saving. He added that this was a short-term cost for a long-term savings and what they were supposed to do.

The Board agreed.

**7:35 PM** Mr. Moynahan moved, second by Ms. O'Donoghue, to allow Mr. Moulton to use the funds in the Vehicle Reserve Account to move forward with this purchase.

**VOTE**

**4-0**

**Chair concurs**

**#2** TO : Board of Selectmen  
FROM : Clark & Howell  
REF : Releasing Escrowed Funds for Wildbrook Lane Residents

Ms. Davis said that she was present tonight on behalf of the Wildwood Lane residents to request approval to access the \$1,300 in funds that are held in escrow so that they could proceed to work toward completion of their road for Town approval.

Mr. Moynahan said they have been trying to get these funds released for a long time. He added that they could release the funds but there is still a lot of work that needs to be done and there is no guarantee that the road would be approved by the voters.

Ms. Davis said that she and the other residents understood.

**7:37 PM** Mr. Moynahan moved, second by Ms. O'Donoghue, to release the funds in the escrow account for Wildwood Lane.

**VOTE**

**4-0**

**Chair concurs**

**#3** TO : Board of Selectmen  
FROM : Gary Konigsberg  
REF : Interest to be appointed to a Committee

There was discussion with Mr. Konisberg about the many different committees in Town and the suggestion was made that he might want to attend some of their meetings to find one that best suited him and his assets.

Mr. Konisberg agreed that seemed a commonsense approach.

The Board thanked him for his interest and said that they looked forward to working with him.

**#4** TO : Board of Selectmen  
FROM : Glen Crilley, Conservation Commission  
REF : Johnson Lane Town Forest

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Mr. Crilley said that they would like to take \$11,000 out of the Town Land Bank Trust to pay to have the Johnson Lane Town Forest surveyed. He explained that about 2 years ago the Conservation Commission (CC) applied for a grant with the Piscataqua Regional Estuary Program (PREP/federal money). He said that they were approved, received about \$8,000 and used that money to have both the Punkintown and Johnson Lane Town Forests surveyed and, out of the generated report, one recommendation was to have ownerships and boundaries of the land be delineated in the Johnson Lane Town Forest. He explained that the tax maps are very incorrect up there – very far off from where the actual boundaries are and there are some significant disputes from some property owners. He said that, before they can do anything up there, they need to figure out what is up there. He added that, eventually they would like to combine the approximately 6 Town-owned pieces of property into one contiguous piece, either through acquisition or donations of land. Mr. Crilley said they got back three bids to do the survey work and all are between \$20,000 and \$22,000, with one cutting his fee just about in half to about \$11,000 because he liked seeing this kind of project being done. He invited the Board to review all three bids. He said there was about \$56,000 in the trust and they were asking for \$11,000. He said that the basic intent of the trust fund was to purchase land and this proposal was in the process of that, not a direct purchase, but a first step toward that end. Mr. Crilley said that they were looking for approval tonight from the Board to use \$11,000 from that fund.

Mr. Moynahan said that he thought this was a good approach but asked if the Land Bank, as it is defined, could be utilized for survey work.

Mr. Blanchette said that he would have to look at it.

Mr. Moynahan said that that would be the first thing the Board would have to determine before they could make a decision. He added that, if not, they might have to do a separate warrant article for that project.

Ms. O'Donoghue said that, while she agreed the Land Trust Fund was to purchase land, she said that they couldn't purchase land unless they knew what it was – knew the boundaries. She added that, as she understood it, it was to fill in the gaps and it would make sense to her to take money out of that account for this project.

Ms. Place agreed it would be a good idea to do this but she thought they needed to look at the Trust to make sure that is okay.

Mr. Fernald said he thought they needed to first find out if the money could be used for that purpose.

Mr. Moynahan said that he did not have any problem taking the money out of that trust but felt they also needed to put in front of the voters to refund the Land Bank Trust.

Mr. Fernald asked for a motion.

Mr. Moynahan moved, second by Ms. O'Donoghue, to allow \$11,000 to be taken out of the Land Bank Trust as long as surveying can be part of the end.

**VOTE**

**3-1 (Mr. McPherson)**

**Chair concurs in the affirmative**

Mr. Moynahan said that, if the Land Bank was not a resource, he did not know if Mr. Crilley could spend some time with Ms. Spinney and Mr. Blanchette to see if there were other avenues that they could pursue as a Town to facilitate this project.

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Mr. Crilley said that they figured that, if they were to acquire some land, then there would probably be a warrant article involved.

There was discussion around it being implicit that the monies would be replenished by a warrant article, if able to be expended.

Mr. Moynahan moved to amend his motion, second by Ms. O'Donoghue, to include creating a separate warrant article to replenish the Land Bank Trust by the amount taken out.

**VOTE**

**4-0**

**Chair concurs**

Mr. Jim Tessier commented that, when he was on the CC, Mr. Rogers had spent a tremendous amount of time out there surveying boundaries and, if he understood correctly, he was a registered surveyor at the time and Mr. Levitz spent a lot of time helping to identify the boundaries laid out, the drawing was done by Bruce Trott and the drawing was registered. He said that he did not want to downplay the efforts made by previous people that tried to reasonable and as accurately as possible to identify the boundaries.

Ms. Weeks said that it is a very difficult area because all the parcels go back a long way and there are no accurate boundary markers. She added that it needs more clarification.

#5

TO : Board of Selectmen

FROM : Jason M. Cullen

REF : Resignation from Safety Committee

Mr. Fernald discussed the letter submitted by Mr. Cullen, understanding that it was unfortunate for the Town when people needed to resign but everyone certainly understood.

8:02 PM

Ms. O'Donoghue moved, second by Ms. Place, to accept Mr. Cullen's resignation with great regret.

**VOTE**

**4-0**

**Chair concurs**

#6

TO : Board of Selectmen

FROM : Central Maine Power

REF : Smart Meters

Mr. Fernald said this was a notification that CMP will begin installing Smart Meters for all customers and that they have contracted with VSI Meter Services to complete this work for CMP.

Mr. Moynahan suggested posting this for public awareness and notifying Chief Short, as well.

Mr. Blanchette agreed to do this.

Mr. Fernald said that, if anyone had any questions about this project, they could call 453-3365 or send an email to [Stephen.daniels@cmpco.com](mailto:Stephen.daniels@cmpco.com).

#7

TO : Board of Selectmen

FROM : Dan Blanchette

REF : PACE Contract

Mr. Blanchette clarified that it was not the contract, but the ordinance, that the Board brought before the voters. He added that the ordinance would then allow the BOS to enter into a contract.

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It was agreed by the Board that they had decided to move forward with this ordinance.

**#8** TO : Board of Selectmen  
FROM : Ms. O'Donoghue, Mr. Murphy  
REF : Progressive Discipline

There was some concern with the wording under Types of Disciplinary Action – suspension with or without pay, in particular the word suspension. Mr. Fernald recommended one of the members get together with Chief Short to make sure they have the right wording before the Board moves forward with first reading.

The Board agreed.

**#9** TO : Board of Selectmen  
FROM : Wendy Rawski  
REF : Motor Vehicle Excise Tax Credit

It was the consensus of the Board to okay Ms. Rawski's recommendation.

**#10** TO : Board of Selectmen  
FROM : Attn: Ted Small  
REF : Norton Case

There was no action taken on the Norton Case.

**#11** TO : Board of Selectmen  
FROM : McKinneys  
REF : Norton Case

The concerns of the McKinneys was received.

**#12** TO : Board of Selectmen  
FROM : Jay Muzeroll  
REF :

Discussed earlier in the meeting.

**Selectmen's Report:**

Ms. O'Donoghue said that she has been concerned with some of the public reaction she has been hearing regarding the TIF. She added that it seemed to her that the public resistance to the project is increasing. She said that they were now trying to resolve the IMA problems and she was wondering if they should request an extension on the TIF – maybe to give them time to explore alternative projects that the people would like better. She added that there were a number of different technologies that they might want to look into. She said that, if they had a little more time, she thought they could do a better marketing job, for one thing.

Mr. Moynahan said that a good approach, possibly, would be to have workshops and invite the public to get current and up-to-date with factual information on this project. He added that the Board might want to consider a formal response to some of the online comments in regards to the TIF. He added that he has indicated where they are and what's involved in all of this. He said that he thinks the TIF is moving, from a timeline standpoint, okay now, but it is more than misinformation out there that could hamper the efforts to get the information out.

Mr. Fernald agreed that he thought they might have workshops where the public could come in and review what the Board was doing and to get answers to questions, etc., and believed that should be a formal event.

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Mr. Moynahan agreed and said that, as long as the Board was giving out factual information, which was what they were tasked to do, so that the public could make a good decision.

Ms. O'Donoghue commented that there were alternative solutions that could be done with some of this new technology, too – they could have their own treatment plant, for instance.

Ms. Place said that she liked the fact that they just agreed to a contract with an engineering company to undertake this project – they could help the Town in this regard – and they will help the Town. She added that they did stipulate in the interviews that they needed a person who could answer, in layman's terms, what the TIF was, how it worked, how it was funded. She added that they had one gentleman who had worked out a spreadsheet that showed the amount of money coming in to the TIF, which was projected out, the income from the TIF and the out-flow from the TIF, for like 10 years. She added that things like that could be done but they did ask that they be able to help them in that regard.

Mr. McPherson said that he thought this was probably a good idea. He did add that he was not sold on the project and expressed his concern that Route 236 might be turned into something like Route 1 in Kittery.

Mr. Fernald said that he thinks the Selectmen have pros and cons about how they feel about the TIF and the sewer project, itself, however, it was up to them to make sure that they inform the public and that the Selectmen become educated as much as possible regarding all the alternatives.

Mr. Murphy said that he thought it was a mistake to open up the whole question too widely to a possible change because they are limited as to what the State would absolutely allow – the TIF could only be used for economic development. He added that the only central part that they have clearly assigned over a long period of time for economic development is their C/I Zone. He said that, in his mind, it is of tremendous value to have the spine of a major sewer going along Route 236 so that connections going out along the roads can satisfy and reach other elements of the community besides just those involved in economic development. He said that, for him, this is a necessary first step for making things available for other parts of the Town. Mr. Murphy said that he wanted to get approval tonight for the TIF group and IMA group to have the attorney who did the cost calculations concerning the TIF – both the value and cost to the Town with the TIF and the cost to the Town if they did not have the TIF – and if the TIF were somehow stopped and the tax value were to revert back onto the tax roll, at this point, then what would that mean in an updated way as a result of the current financial crush and possible changes in tax values, locally, to have updated recalculations of both sides of that equation by the same one who did it before. Discussing other technologies, he agreed there were other technologies but, currently, those are much more expensive than the kind of traditional engineering that was expected to be done on the Route 236 project.

Ms. O'Donoghue said that she had seen the brochure and asked Mr. Marchese to look into the cost of this alternative technology in case the negotiations with Kittery break down.

Ms. Place said they started down this road on the TIF and it was approved by the voters and, from her understanding, it was very difficult to end the TIF, even more difficult than going forward. She said that what she thinks they need to do, now, is to dispel fears that people have that there will not be enough money in the TIF – that the money would come from the Town's tax base and that their taxes would go up. She commented that, in this current economy, who wouldn't be scared. She said that they don't understand how this works and that is what the Board needs to get out to the public – how this thing works.

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Mr. Moynahan clarified with Mr. Murphy that the Town assessor worked with the financial issue and asked if she could produce something.

Mr. Murphy said that she could not do the TIF work but she could provide the updated assessment values for all the TIF properties. He added that they were ready now and would become fixed as of April 1<sup>st</sup>.

Mr. Moynahan said that he thought that CLD had indicated that they had revised revenue numbers on the TIF – that it went from 8.3 million dollars to close to 10 million dollars of revenue expected.

Mr. Murphy said that he would rather see the attorney do the same thing, lot by lot. He added that he didn't know for sure but he did not think CLD had done that. He added that he was asking for approval to get the updated figure because they would need it for the Town meeting, anyway.

**8:20 PM** It was the consensus of the Board to get the updated figures, as requested by Mr. Murphy.

Mr. Fernald asked the Board if they wanted to schedule in workshops.

Mr. Moynahan suggested contacting CLD to see when they would have available dates.

The Board agreed to have Mr. Moynahan contact CLD.

**Other Business as Needed**

There was no other business tonight.

**8:21 PM**  
**Executive Session**

Mr. Moynahan moved, second by Ms. O'Donoghue to go into executive session as allowed by 1 MRSA § 405 (6)(D) "Discussion of labor contracts and proposals..."

**VOTE**

**4-0**

**Chair concurs**

**8:47 PM** Out of executive session.

Mr. Fernald discussed that they has talked about, during the budget process, of having the department salaries in the article and he wanted to bring that up so that they could have an idea of what was going on before...

Mr. Blanchette clarified that Mr. Fernald was addressing the fringe benefits and that they were already doing salaries.

Mr. Fernald said that it becomes a problem in that, within the article itself, the Town actually votes on that article, so it locks them into those fringe benefits. He asked Mr. Blanchette if he was correct in his understand ding.

Mr. Blanchette said that there were a couple of things that happened. He said that, exactly as Mr. Fernald was saying, if one starts robbing the article to cover the fringe benefits, which was one issue. He added that the other issue, the bigger issue really (Ms. Spinney was planning to come in to explain it to both Boards next Thursday), then they would be creating a separate account for administration fringe benefits, one for highway, one for police, etc. and, right now – it's one thing if they were setting up a brand new chart of accounts to do that...

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Mr. Moynahan interjected by asking if they could do something simple like pay so much for fringe benefits, divide by employees and put in parenthesis – “estimated fringe benefits for the department is X”.

Mr. Blanchette said that they could do it as he has it under the last page where there are the fringe benefits for each department, except they take it out of the article and put it underneath the article, as a note, that the fringe benefits for a particular department is estimated at \$X, as was just said.

There was continued discussion around clarifying what each department truly spends to have a clear picture of costs to vote on without voting down basic services necessary to run the Town.

Mr. Blanchette said that another thing Ms. Spinney pointed out was that, in order for her to do that, she had four days to do it and test it – and that's it. He explained that the last payroll in June, she had to use the present system – the last payroll in July she would have to use the new system...

Mr. Moynahan said that he did not think it was worth revisiting the accounting software and protocol they have...

Mr. Fernald agreed and said that this was a one-time thing – it would go to the voters and is what they would see. He suggested they not interrupt their whole accounting system just for that purpose.

Ms. O'Donoghue added that she thought part of it was also that the department heads had a hard time figuring out their budget proposal for the following year if they didn't know how much they would have to pay in salaries.

Mr. Moynahan said that Chief Short has asked every year what he pays in fringe benefits and he didn't know and that might be something that, in department head meetings, that might be something to be discussed further. He suggested that would be a simple fix so that they would be prepared in the budget meeting. He said that maybe it would be a simple sheet that the BOS that Ms. Spinney leads for them that would tell them where they were at.

Mr. Fernald also discussed that people have read in the paper about Eliot being part of the regional ambulance service and that is something that he, Mr. Blanchette, Mr. Muzeroll, Mr. Short and representatives have discussed and what they said was to go forward and bring back a proposal to the BOS – that it was not something that would happen right away.

Ms. O'Donoghue asked if they were not stuck with a contract now.

Mr. Blanchette clarified that they had a contract, now, but the ambulance service York Hospital was looking into was AMR so they would obviously let Eliot out of the contract.

Ms. O'Donoghue commented that, if there was a new contract that came up for the regional that was different in any way from what Eliot currently has, then where does Eliot stand.

Mr. Moynahan discussed the regional dispatch and, if Eliot were invited into that, then they would probably be forced to do that, as Kittery would give up their dispatch in a heartbeat and he believes it was up for renewal soon, anyway.

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Mr. McPherson said that he would like to explain his vote. He said that it seems that different committees and groups come in and throw a figure down, that this is what they want – they have decided on this. He added that it happened on the

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alarm system – Mr. Hirst came in with three proposals, but where are they and what are the figures – and the last he knew they did not have an alarm system that was in operation yet. He added that that outfit was probably fine but Civil Consultants has done a lot of work in Town, for the Town, where are the figures. Mr. McPherson said that it really bothered him – it seems someone else was making the final decisions and here it is – either take it or leave it. He added that one other thing that kind of bothered him was what the status was of the insurance advisory committee or whatever it was. He said that there was one person from that group that showed up at accident scenes on a regular basis (Mr. McPherson explained that he was the Risk Management person for Eliot) and it was rubbing some of the department heads and employees the wrong way. He added that he did not know what authority was given to this committee.

Mr. Blanchette clarified that the Board created a committee of three – Ms. O'Donoghue, Mr. Grant and himself – as the Insurance Committee and it was basically to review the...

Mr. Moynahan commented that he thought they appointed him as something else, too.

Mr. Blanchette said that he did not recall.

Mr. Moynahan said that it was certainly worth having a conversation to define some roles.

Ms. Place agreed.

Mr. McPherson said that, if it was going to grow, then the Board ought to nip it.

Mr. Fernald asked how the Board wanted to approach this.

Mr. Blanchette suggested himself and Mr. Fernald sitting down with him.

Mr. McPherson agreed that that would be fine.

Mr. Moynahan asked if they should get some comments directly from department heads before having any discussion.

The Board agreed.

The Board discussed finding out what other committees he might be involved with, risk management, etc.

Mr. Blanchette clarified that the Insurance Committee was to review insurances, very broadly, in the Town or lack of insurances, but primarily defining what insurances they should have, what they had that maybe they shouldn't have and talking with the insurance company on how to save more money.

Mr. Fernald said that he thought Mr. Grant was on the Safety Committee and wondered if that was where that was coming from.

**Adjourn**

There was a motion and second to adjourn the meeting at 9:03 PM.

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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**Roberta Place, Secretary**